

**CHARTER
OF THE CITY OF
SAND SPRINGS, OKLAHOMA**

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CHARTER

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Article CH.P CHARTER OF CITY OF SAND SPRINGS, OKLAHOMA PREAMBLE

Preamble

We, the people of the City of Sand Springs, exercising the powers of home rule granted to us by the constitution and laws of the State of Oklahoma, in order to provide for more efficient, adequate, and economical government, do hereby ordain, ratify, and establish this Charter of the City of Sand Springs, Oklahoma. (Recodification 1326, 08/27/2018)

Article CH.1 INCORPORATION, FORM OF GOVERNMENT, POWERS

Section 1-1 Incorporation

The City of Sand Springs, Oklahoma, within the corporate limits as now established or as hereafter may be established, shall continue to be a municipal body politic and corporate in perpetuity and under the name of "City of Sand Springs". It shall succeed to and possess all the property, rights, privileges, franchises, powers, and immunities now belonging to the corporation known as the City of Sand Springs; and shall be liable for all debts and other obligations for which the corporation is legally bound at the time this charter goes into effect.

Section 1-2 Form of government.

The municipal government provided by this charter shall be known as a "council-manager government". All powers of the city shall be exercised in the manner prescribed by this charter, or, if the manner is not thus prescribed, then in such manner as the council may prescribe by ordinance.

Section 1-3 Powers of the city.

(1) The city shall have all powers, functions, rights, privileges, franchises, and immunities granted to cities by the state constitution and law, and all the implied powers necessary to carry into execution all powers granted. Except as prohibited by the state constitution or law, the city shall have all municipal powers, functions, rights, privileges, franchises, and immunities of every name and nature whatsoever.

(2) The city shall have power to adopt a corporate seal and to alter it at pleasure, to sue and to be sued, and to make contracts. It shall have power to acquire property within or without its corporate limits for any city purpose, including public utilities, works, and ways, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, condemnation, or other legal means; and to hold, maintain, improve, enlarge, manage, control, operate, lease, sell, convey, or otherwise dispose of, such property as its interests may require, including public utilities, works, and ways. It shall have power to incur indebtedness and to issue bonds within the limitations prescribed by the state constitution. It shall have power to ordain and to enforce local legislation for the proper organization and functioning of the city government, for the preservation and enforcement of good government and order, for the protection of health, life, morals, and property, for the prevention, summary abatement, and removal of nuisances, and otherwise for the promotion of the common welfare. It shall have power to grant, extend, and renew franchises in accordance with the state constitution.

(3) The enumeration or mention of particular powers by this charter shall not be deemed to be exclusive or limiting; and in addition to the powers enumerated or mentioned herein or implied hereby, the city shall have all powers which, under the state constitution and law, it would be competent for this charter specifically to enumerate or mention.

(4) Provisions of state law relating to matters which may be regulated by cities operating under charters, shall be in effect only insofar as they are applicable and are not superseded by this charter or by ordinance.

Article 2 THE COUNCIL

Section 2-1 Councilmen: Number, qualifications.

There shall be a council of seven members, which shall consist of a councilman at large and one councilman from each of the six wards of the city as the wards are now constituted or as they may hereafter be constituted by ordinance. Only persons who are qualified electors of the city at least twenty-five years of age shall be qualified for the office of councilman at large. Only persons who are qualified electors of their respective wards at least twenty-five years of age shall be qualified for the offices of councilmen from the wards. No councilman may hold any office in the city government by appointment by the city manager or by any subordinate of the city manager. If any councilman is convicted of a crime involving moral turpitude, his office shall become vacant immediately when the case is finally determined.

Section 2-2 Mayor and Vice Mayor.

(1) At the first meeting after the time prescribed for the beginning of the terms of newly elected councilmen, or as soon thereafter as practicable, the council shall elect from its membership a mayor and a vice mayor, who shall serve until the time prescribed for the beginning of the terms of the next newly elected councilmen and until their respective successors have been elected.

(2) The mayor shall preside at meetings of the council. He shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law. He shall have no regular administrative duties except that he shall sign such written obligations of the city as the council may require. As a councilman, he shall have all powers, rights, privileges, duties, and responsibilities of a councilman, including the right to vote on questions.

(3) The vice mayor shall act as mayor during the absence, disability or suspension of the mayor, or, if a vacancy occurs in the office of mayor, until another mayor is elected by the council for completion of the unexpired term and qualifies. If the office of vice mayor becomes vacant, the council shall elect from its membership another vice mayor for completion of the unexpired term.

Section 2-3 Councilmen: Compensation.

No councilman may receive any compensation as councilman nor for any other service rendered the city, but may be reimbursed for expenses incurred in the discharge of their official duties.

Section 2-4 Council: Powers.

Except as otherwise provided in this charter, all powers of the city, including the determination of all matters of policy, shall be vested in the council. Without limitation of the foregoing, the council shall have power, subject to the state constitution, law, and this charter:

- (1) To appoint and remove the city manager.
- (2) By ordinance to enact municipal legislation.
- (3) To raise revenue and make appropriations; and to regulate bond elections, the issuance of bonds, sinking funds, the refunding of indebtedness, salaries and wages, and all other fiscal affairs of the city.
- (4) To inquire into the conduct of any office, department, or agency of the city government, and investigate municipal affairs.
- (5) To appoint or elect and remove the members of the board of personnel, the members of the planning commission, the members of the board of adjustment, and other quasi-legislative, quasi-judicial, or advisory officers and authorities, now or when and if established, or to prescribe the method of appointing or electing and removing them.
- (6) To grant pardons for violations of the charter and ordinances, including the remission of fines and costs.
- (7) To regulate elections, the initiative and referendum, and recall.

(8) To create, change, and abolish all offices, departments, and agencies of the city government other than the offices, departments, and agencies created by this charter; and to assign additional powers, duties, and functions consistent with this charter to offices, departments, and agencies created by this charter.

Section 2-5 Council not to interfere in appointments and removals.

Neither the council, nor any of its other members may direct or request the appointment of any person to, or his removal from, office or employment by the city manager or by any other authority, or, except as provided in this charter, participate in any manner in the appointment or removal of officers and employees of the city. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager; and neither the council nor any member thereof may give orders on administrative matters to any subordinate of the city manager either publicly or privately.

Section 2-6 City Clerk to be clerical officer of council.

The city clerk, hereinafter provided for, shall also serve as clerical officer of the council. He shall keep the journal of its proceedings, and shall enroll in a book or books kept for the purpose all ordinances and resolutions passed by it; shall be custodian of such documents, records and archives as may be provided by applicable law or ordinance; shall be custodian of the seal of the city; and shall attest, and affix the seal to documents when required in accordance with applicable law or ordinance.

Section 2-7 Council: Meetings.

The council shall hold at least one regular meeting every month, at such times as it may prescribe by ordinance or otherwise. The mayor or any four councilmen may call special meetings. All meetings of the council shall be open to the public, and the journal of its proceedings shall be open to public inspection.

Section 2-8 Councilmen: Absences to terminate membership.

If any councilman is absent from more than one-half of all the regular meetings of the council, held within any period of four consecutive calendar months, he shall thereupon cease to hold office.

Section 2-9 Councilmen: Removal.

Any councilman may be removed from office for any cause specified by applicable state law for the removal of officers, and by the method or methods prescribed thereby, and by recall as provided in this charter.

Section 2-10 Council: Vacancies.

The council, by majority vote of its remaining members, shall fill vacancies in its own membership for the unexpired terms or until successors are elected as provided in this section. If a vacancy occurs before the beginning of a regular filing period for candidates for councilmen, elected that year begin, then a councilman for that place, as the case may be, shall be elected at the elections of that year to serve the rest of the unexpired term beginning at the time the terms of councilmen elected that year begin.

Section 2-11 Council: Quorum, rules, yeas and nays.

A majority of all of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. The council may determine its own rules. On the demand of any member, the vote on any question shall be by yeas and nays, and shall be entered in the journal.

Section 2-12 Ordinances: Enacting clause.

The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the Council of the City of Sand Springs, Oklahoma", and of all ordinances proposed by the voters under their power of initiative, "Be it ordained by the People of the City of Sand Springs, Oklahoma".

Section 2-13 Ordinances: Passage, when in effect.

Every proposed ordinance shall be read, and a vote of a majority of all the councilmen shall be required for its passage. The vote on final passage of every ordinance shall be by yeas and nays, and shall be entered in the journal. The mayor shall have no power of veto. Within ten days after its passage, every ordinance shall be published in full or by number and title in a newspaper of general circulation within the city. Every ordinance except an emergency ordinance, so published, shall become effective thirty days after its final passage unless it specifies a later time; provided that a franchise for a public utility shall not go into effect until the ordinance granting it has been published in full in a newspaper of general circulation within the city and has been approved at an election by a vote of a majority of the qualified electors voting on the question.

Section 2-14 Ordinances: Emergency.

An emergency ordinance is an ordinance which in the judgment of the council is necessary for the immediate preservation of peace, health, or safety, and which should become effective prior to the time when an ordinary ordinance would become effective. Every such ordinance shall contain, as a part of its title, the words, "and declaring an emergency"; and in a separate section, herein called the emergency section, shall declare the emergency. An affirmative vote of at least five councilmen shall be required for the passage of an emergency ordinance. An emergency ordinance shall take effect upon passage unless it specifies a later time.

Section 2-15 Ordinances: Adoption by reference.

The council by ordinance may adopt by reference codes, ordinances, standards, and regulations relating to building, plumbing, electrical installations, milk and milk products, and other matters which it has power to regulate otherwise. Such code, ordinance, standard, or regulation so adopted need not be enrolled in the book of ordinances; but a copy shall be filed and kept in the office of the city clerk.

Section 2-16 Ordinances: Codification.

The permanent, general ordinances of the city shall be codified and published in book or pamphlet form at least every ten years unless the council, by use of a loose-leaf system provides for keeping the code up-to-date. The ordinances and parts of

ordinances included in the code may be revised, rearranged, and reorganized; and the code may contain new matter, provisions of the state constitution and law applicable to the city, and this charter. A copy of the published code shall be filed in the office of the city clerk after the council adopts the code by ordinance, but the code need not be enrolled in the book of ordinances.

Section 2-17 Park and Recreation Board.

Within three (3) months of the effective date of this Charter Amendment the city Council shall by ordinance create a citizens' advisory board and appoint thereto citizens possessing the qualifications as prescribed in such ordinance. The citizens' advisory board should gather and receive information regarding the park and recreational needs of the city and make recommendations considering such to the city council.
(1030, amended, 08/12/2002; Recodification 1326, 08/27/2018)

Article 3 CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS

Section 3-1 City Manager: Appointment, term, qualification, removal.

(1) There shall be a city manager. The council shall appoint him for an indefinite term by a vote of a majority of all its members. It shall choose him solely on the basis of his executive and administrative qualifications. At the time of his appointment, he need not be a resident of the city or state; but during his tenure of office he shall reside within the city. No councilman may be appointed city manager or acting city manager during his term or within two years after the expiration of his term.

(2) The council may suspend or remove the city manager at any time by a vote of a majority of all its members; provided that the council shall give him a written statement of the reason for removal at least twenty days before removal, and on request shall give him an opportunity for a public hearing thereon after the expiration of such time before removing him.

Section 3-2 City Manager: Powers and duties.

The city manager shall be chief administrative officer and head of the administrative branch of the city government. He shall execute the laws and ordinances and administer the government of the city, and shall be responsible to the council. He shall:

(1) Appoint, and when deemed necessary for the good of the service, lay off, suspend, demote, or remove all directors, or heads of administrative departments and all other administrative officers and employees of the city except as he may authorize the head of a department, an officer, or an agency to appoint, lay off, suspend, demote, and remove subordinates in such department, office, or agency.

(2) Supervise and control, directly or indirectly, all administrative departments, agencies, officers, and employees.

(3) Prepare a budget annually and submit it to the council, be responsible for the administration of the budget after it goes into effect, and recommend to the council any changes in the budget which he deems desirable.

(4) Submit to the council a report as of the end of the fiscal year on the finances and administrative activities of the city for the preceding year.

(5) Keep the council advised of the financial condition and future needs of the city, and make such recommendations to the council on matters of policy and other matters as may seem to him desirable.

(6) Have such other powers, duties, and functions consistent with this charter as the council may prescribe.

Section 3-3 Administrative departments, offices, and agencies.

There shall be a department of finance, a department of law headed by a city attorney, and such other administrative departments, offices, and agencies as this charter establishes and as the council may establish.

Article 4 DEPARTMENT OF FINANCE; FISCAL AFFAIRS

Section 4-1 City Clerk: Office created, duties.

There shall be a city clerk, who shall be an officer of the city appointed by the city manager with approval of the council for an indefinite term. He shall have such other powers, duties and functions as maybe prescribed by the charter, by applicable law or by ordinance. (Reso 12-17, amended March, 2012)

Section 4-2 City Treasurer: Office created, duties.

Within the department of finance, there shall be a city treasurer, who shall be an officer of the city appointed by the council for an indefinite term; provided also that the same person maybe appointed both city clerk and city treasurer, and that the council by ordinance may provide that the city clerk shall be ex officio city treasurer and that an acting city clerk shall be ex officio acting city treasurer. Subject to such regulations as the council may prescribe, the city treasurer shall deposit funds received for the city in such depositories as the council may designate. He shall have such other powers, duties and functions as may be prescribed by the charter, by applicable law or by ordinance. (Recodification 1326, 08/27/2018)

Section 4-3 Purchases and sales.

(1) The city manager, subject to any regulations which the council may prescribe, shall contract for and purchase, or issue purchase authorizations for, all supplies, materials, and equipment for the offices, departments and agencies of the city government. Every such contract or purchase exceeding an amount to be established by ordinance shall require the prior approval of the council. The city manager also may transfer to or between offices, departments, and agencies, or sell surplus or obsolete supplies, materials and equipment subject to such regulations as the council may prescribe.

(2) Before the purchase of, or contract for, any supplies, materials and equipment, ample opportunity for competitive bidding, under such regulations, and with such exceptions, as the council may prescribe, shall be given; but the council shall not accept an individual contract, purchase, or sale from the requirement of competitive bidding.

(3) The council by ordinance may transfer some or all of the power granted to the city manager by this section to an administrative officer appointed by the city manager.

Section 4-4 Sale of property valued at more than \$25,000.00.

The sale of any city property, real or personal, including public utilities, or of any interest therein, the value of which is more than \$25,000.00 may be made only (1) by authority of an affirmative vote of a majority of the qualified electors of the city who vote on the question of approving or authorizing the sale at an election, or (2) by authority of a special nonemergency ordinance. Such ordinance shall be published in full in a newspaper of general circulation within the city within ten days after its passage, and shall include a section reading substantially as follows: "Section --. This ordinance shall be referred to a vote of the electors of the city if a legal and sufficient referendum petition is properly filed within thirty days after its passage." The sale of an entire public utility may be authorized only as provided in (1) hereinabove.

Section 4-5 Public improvements.

Public improvements may be made by the city government itself or by contract. The council shall award all contracts for such improvements; provided that the council may authorize the city manager to award such contracts not exceeding an amount to be determined by the council and subject to such regulations as the council may prescribe. A contract for public improvements, of no more than an amount set by ordinance, may be awarded only to the lowest and best responsible bidder after such notice and opportunity for competitive bidding as the council may prescribe. All bids may be rejected, and further notice and opportunity for competitive bidding may be given. (Reso 12-17, amended March, 2012)

Section 4-6 Fiscal year.

The fiscal year of the city government shall begin on the first day of July and shall end on the last day of June of every calendar year.

Section 4-7 Independent annual audit.

The council shall designate a qualified public accountant or accountants who shall make an independent audit of the accounts and evidences of financial transactions of the department of finance and of all other departments, offices, and agencies keeping separate or subordinate accounts or making financial transactions, as of the end of every fiscal year at least, and who shall report to the council and to the city manager. In lieu of the above, the council may arrange with an appropriate state authority for such an audit when and if permitted by law.

Article 5 MUNICIPAL COURT

Section 5-1 Municipal Court.

Cases arising out of violations of the charter and ordinances of the city shall continue to be tried by the municipal court created by state law or a lawful successor of

such court created by state law; provided, that the council by ordinance shall have power to create a municipal court to hear and determine such cases if and when it deems it necessary or desirable to do so.

Article 6 ELECTIONS

Section 6-1 Nomination and election; terms; nonpartisan elections.

(1) At the elections in 1971 and in every third year thereafter, the councilman from ward one and the councilman from ward two shall be elected. At the elections in 1972 and in every third year thereafter, the council man from ward three and the councilman from ward four shall be elected. At the elections in 1970 and in every third year thereafter, the councilman at large, the councilman from ward five, and the councilman from ward six shall be elected.

(2) The councilmen shall serve terms of three years, and shall serve until their respective successors are elected and qualify. Their terms shall begin on the first Monday in May in the year in which they are elected. If a councilman-elect fails to qualify within one month after the beginning of his term, his office shall become vacant, and the vacancy shall be filled as other vacancies in the council are filled.

(3) All candidates for council from specific wards shall be nominated and elected only by qualified electors residing in their ward. All candidates for council at large shall be nominated and elected at large, by the qualified electors of the entire city. (Reso 05-08, amended 03/01/2005)

(4) Both the primary and the general election shall be nonpartisan; and no party designation or emblem shall be placed on the ballots.

(5) Nothing in this charter shall prohibit the use of voting machines.

Section 6-2 Primary election; Filing.

Any person qualified for the office for which he is filing may have his name placed on the ballot for the primary election as a candidate for councilmen from his ward by filing, on the first Monday, Tuesday, or Wednesday of February, unless any such day or days be a legal holiday or a day wherein the office of the City Clerk is lawfully closed. Whereupon such time shall be extended commensurate with the legal holiday or lawful closing, with the City Clerk, a sworn statement of his candidacy. (Reso 95-08, amended 02/14/1995)

Section 6-3 Primary election: Time, etc.

A primary election shall be held on the first State Election approved Tuesday in March of every year to nominate candidates for councilmen to succeed those whose terms are expiring in the respective year. If only one person is a candidate for an office to be filled, he shall be not only nominated, but also elected *ipso facto*; and his name shall not appear on the primary or general ballot. (Amended March, 2012, Resolution 12-17)

Section 6-4 Primary election: Who nominated or elected.

In a primary election, the two candidates for each office to be filled receiving the greatest number of votes for that office, shall be nominated. If one of the candidates for

an office receives a majority of all votes cast for all candidates for that office, he alone shall be not only nominated, but also elected ipso facto; and his name shall not appear on the ballot for the general election. In case of a tie, the nominee or nominees (as the case may be) shall be determined from among those tying, fairly by lot, by the canvassing authority in a public meeting. If one of the two candidates for an office nominated in a primary election dies or withdraws before the general election, the remaining candidate shall be elected ipso facto; and his name need not appear on the ballot for the general election.

Section 6-5 General election: Time, who elected.

A general election shall be held in the city on the first Tuesday in April of every year to elect councilmen to succeed those whose terms are expiring in the respective year. Every qualified elector of the city shall be entitled to vote for one of the two candidates for each office to be filled, but may not vote for any other person. The candidate for each office receiving the greater number of votes shall be determined from among those tying, fairly by lot, by the canvassing authority in a public meeting.

Section 6-6 Elections: When not held.

If there are no candidates and no questions to be voted upon at a primary or general election, the election shall not be held.

Section 6-7 Registered qualified electors.

Only electors residing in this city who have the qualifications prescribed for electors by the state constitution and law, and who are registered as may be required by law, may vote in city elections.

Section 6-8 Political activity of officers and employees.

(1) No officer or employee of the city except the councilmen and personnel who receive no compensation for their services, may work for or against or attempt to influence, the nomination, election, or defeat of any candidate for councilman, or the recall of a councilman; but this shall not prohibit the ordinary exercise of one's right to express his opinions and to vote.

(2) Any person who violates this section shall be punished, upon conviction thereof, by a fine not exceeding twenty dollars including costs. Such violation shall constitute cause for removal from office or employment; and if the regular removal authority has not already removed a person who violates this section, he shall be automatically removed by conviction of violation this section effective at the time the conviction becomes final.

Section 6-9 State constitution and law to govern.

(1) The provisions of the state constitution and law applicable to city elections, shall govern such elections in this city insofar as they are applicable and not superseded by this charter or by ordinance.

(2) A proclamation of the mayor calling a special-election need not (but may) set forth the names of the precinct officers who are to conduct the election, but shall give the locations of polling places.

(3) Unless the council provided otherwise by ordinances, the county election board shall be the canvassing authority, and shall canvass the city election returns and declare the results. (Reso 95-08, amended 02/14/1995; Reso 05-08, amended, 03/01/2005, amended; Reso 05-08, amended, 03/01/2005; Reso 05-08, amended, 03/01/2005, Add reference; Reso 95-08, amended 02/14/1995; 0000, amended, 02/14/1995; Reso 95-08, amended, 02/14/1995)

Article 7 RECALL

Section 7-1 Recall authorized.

The incumbent of any elective city office, including a person appointed to fill a vacancy in any such office, may be recalled from office by the electors qualified to vote for the election of a successor to the incumbent, in the manner provided in this article.

Section 7-2 Recall petition.

(1) To initiate recall proceeding, a written statement in duplicate proposing the recall of the incumbent of an elective office, shall be signed by fifty or more registered qualified electors of the city, and shall be filed with the city clerk after the incumbent has held the office at least four months. The statement shall also contain the reason or reasons for which the recall is sought, in not more than two hundred words. Within five days, the city clerk shall mail a copy of such statement by registered, certified, or similar special mail to the officer at his residential address. Within ten days after the statement is mailed to the officer, the officer may make and file with the city clerk a written statement in duplicate justifying his conduct in office, in not more than two hundred words; and the city clerk on request shall deliver one copy to one of the persons filing the statement proposing the recall.

(2) The petition for recall shall include a demand that a successor to the incumbent sought to be recalled be elected, and shall also include before the space where the signatures are to be written the statement giving the reason or reasons for recall under the heading "STATEMENT OPPOSING RECALL", and if the officer has filed a statement as authorized, the statement justifying his conduct in office under the heading "STATEMENT OPPOSING RECALL". The two statements shall be in letters of the same size. A copy of the petition shall be filed with the city clerk within one month after recall proceedings are initiated by the filing of the first statement, and before the petition is circulated. (Amended March, 2012, Resolution 12-17)

(3) For officials serving a ward, a number of registered qualified electors of the ward equal at least to twenty percent (20%) of the total registered qualified electors in the ward must sign the petition, and for the at-large official, 20 percent (20%) of the total registered qualified electors of the city. Each signer shall write after his name his address within the city, giving street or avenue and number, if any. Not more than one hundred signatures may appear on a single copy of the petition. Petitions may be circulated only by registered qualified electors of the city; and the person who circulates each copy of the petition shall sign an affidavit on the copy stating that each signer signed the petition in his presence, that each signature on the petition is genuine, and that he believes each signer to be a registered qualified elector of the city. (Amended March, 2012, Resolution 12-17)

(4) The circulated petition shall be filed with the city clerk not later than thirty days after the filing of a copy as provided above; within thirty days after date of filing of the circulated petition, the city clerk shall examine it and ascertain whether it has been prepared and circulated as required, and whether the required number of registered qualified electors of the city have signed it. He shall then attach his certificate to the petition. If his certificate states that the petition has not been prepared and circulated as required and/or lacks a sufficient number of signatures, the petition shall have no effect. But, if the city clerk's certificate states that the petition has been prepared and circulated as required and has a sufficient number of signatures, he shall submit the petition and certificate to the council at its next meeting. (Reso 12-17, amended March, 2012)

Section 7-3 Recall election: Council to order.

(1) The council, by resolution or ordinance passed within ten days after receiving the petition and certificate of the city clerk, shall order and fix the date for a recall election, which shall be held on the first state election board approved election date that occurs more than forty days after passage of the resolution or ordinance by council establishing a recall election. The city clerk shall cause the resolution or ordinance ordering the election to be published in full in a newspaper of general circulation within the city within ten days after its passage; and such publication shall be sufficient notice of the election. (Reso 12-17, amended March, 2012)

(2) The qualified electors of the city may vote in a recall election on the election of successors to more than one office on the same day.

Section 7-4 Same: How held.

(1) The recall election shall be an election to fill the office held by the incumbent sought to be recalled. There shall be no primary. Any qualified person, including the incumbent, may file as a candidate for the office. The candidate receiving the greatest number of votes in the recall election shall be elected. If a candidate other than the incumbent is elected, the incumbent shall be recalled from office effective as of the time when the result of the election is certified. The successful candidate must qualify within one month thereafter; and if he fails to do so, the office shall be vacant, and the vacancy shall be filled as other vacancies in the council are filled. A candidate thus elected and qualifying shall serve for the unexpired term. If the incumbent is a candidate and receives the greatest number of votes, he shall continue in office without interruption; and recall proceedings may not be initiated against him during the remainder of their three year term. (Reso 12-17, amended March, 2012)

(2) The provisions of this charter relating to city elections shall also govern recall elections insofar as they are applicable and are not superseded by the provisions of this article.

Section 7-5 Person recalled or resigning.

A person who has been recalled from an office, or who has resigned from such office while recall proceedings were pending against him, may not hold any office or position of employment in the city government within three years after his recall or resignation.

Article 8 OFFICERS AND EMPLOYEES GENERALLY

Section 8-1 Merit system created; appointments, removals, etc.; personnel regulations.

A merit system is hereby established for personnel in the city service. Appointments and promotions in the service of the city shall be made solely on the basis of merit and fitness; and removals, demotions suspensions, and layoffs shall be made solely for the good of the service. The council, consistently with this charter, by ordinance or personnel rules, may regulate personnel matters and provide for proper personnel administration.

Section 8-2 Personnel Board created.

(1) There shall be a personnel board consisting of five members appointed by the council for overlapping five year terms. The term of one member shall begin July 1 in every year. The council shall appoint the original members so that the term of one will expire at that time in each of the first five succeeding years. A member may not hold any other office or position in the city government. The council, by a vote of at least five members, after adequate opportunity for a public hearing, may remove a member for the good of the service; and the vote shall be by yeas and nays and shall be entered in the journal. The council shall fill vacancies for the unexpired terms. Members shall serve without compensation unless the council provided otherwise.

(2) At the time prescribed for the beginning of the term of a newly appointed member or as soon thereafter as practicable, the board shall elect a chairman, a vice-chairman, and a secretary; and the secretary need not be a member of the board. The board shall determine the time and place of its regular meetings, and the chairman or three members may call special meetings. The chairman shall have power to administer oaths and affirmations.

(3) The personnel board shall have power to subpoena officers and employees of the city and other persons to testify and to produce documents and other effects as evidence.

Section 8-3 Classified and unclassified services.

(1) All officers and employees of the city shall be divided into the classified and/or the unclassified service.

(2) The following shall constitute the unclassified service:

(a) All councilmen, the municipal judge or judges, the city treasurer and the city clerk when elected by the council.

(b) The city manager, one assistant city manager if any, one secretary to the city manager, and the city attorney.

(c) Members and secretary of each board, commission, or other plural authority.

(d) All personnel who serve without compensation.

(e) All temporary and all part-time officers and employees, except those whom the council may place in the classified service by ordinance or personnel rules.

(3) All other officers and employees shall be in the classified service; provided that when the city has over 50,000 people as shown by any last preceding federal census.

Any of the following may be placed in the unclassified service by ordinance or personnel rules; the heads, or directors, of administrative departments; and one secretary for each such head, or director, who has a secretary.

(4) Nothing herein shall prohibit including personnel in the unclassified service in the classification plan.

Section 8-4 Removal, etc.; Hearing before the personnel board.

(1) The city manager or any other authority who lays off, suspends, without pay for more than ten days, demotes, or removes any officer or employee in the classified service after a probationary period of six months, shall, at that time or within two days thereafter, deliver, or have delivered, or mail by registered, certified, or similar special mail, to the officer or employee a written statement of the reason or reasons for the layoff, suspension, demotion, or removal.

(2) Such officer or employee may appeal in writing to the personnel board. The appeal must be filed with the secretary of the board, or with the city clerk for transmittal to the board, within ten (10) days after receipt of notice of the layoff, suspension, demotion, or removal.

(3) As soon as practicable thereafter, the board shall hold a public hearing on the appeal, or give an adequate opportunity therefore, and shall report in writing its findings and recommendations, in cases of subordinates of the city manager, to the city manager, and in other cases to the respective authorities having power of removal; and the city manager or other authority having power of removal shall then make a final decision in writing regarding the appellant's layoff, suspension, demotion, or removal, as the case may be; provided that, if the board finds that the layoff, suspension, demotion, or removal was made for political reason or reasons or for any other reason or reasons than the good of the service, it shall veto the layoff, suspension, demotion, or removal, and the action by the city manager or other authority shall be nullified thereby.

Section 8-5 Qualifications of officers and employees.

Officers and employees of the city shall have the qualifications prescribed by this charter and such additional qualifications as the council may prescribe; but the council shall not prescribe additional qualifications for the mayor and other councilmen.

Section 8-6 Nepotism.

Neither the city manager, the council, nor any other authority of the city government, may appoint or elect any person related to the mayor or any other councilman, to the city manager, or to himself, or, in the case of a plural authority, to one of its members, by affinity or consanguinity within the third degree, to any office or position of profit in the city government; but this shall not prohibit an officer or employee already in the service of the city from continuing and being promoted therein.

Section 8-7 Holding more than one office.

Except as may be otherwise provided by this charter or by ordinance, the same person may hold more than one office in the city government. The city manager may hold more than one such office, through appointment by himself, by the council, or by

other city authority having power to fill the particular office, subject to any regulations which the council may make by ordinance; but he may not receive compensation for service in such other offices. Also the council by ordinance may provide that the city manager shall hold ex officio designated offices subordinate to the city manager as well as other designated compatible city offices, notwithstanding any other provision of this charter.

Section 8-8 Bonds of officers and employees.

The city manager, the city treasurer, and such other officers and employees as the council may designate, before entering upon their duties, shall provide bonds for the faithful performance of their respective duties, payable to the city, in such form and in such amounts as the council may prescribe, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds.

Section 8-9 Oath or affirmation of office.

Every officer of the city, before entering upon the duties of his office, shall take and subscribe to the oath or affirmation of office prescribed by the state constitution. The oath or affirmation shall be filed in the city clerk's office.

Section 8-10 Who may administer oaths and affirmations.

All officers authorized by federal or state law, the mayor, the city manager, the city clerk, the municipal judge or judges, and such other officers as the council may authorize, may administer oaths and affirmations in any matter pertaining to the affairs and government of the city.

Section 8-11 Removal, etc., of officers and employees.

The power to lay off, suspend, demote, and remove accompanies the power to appoint or elect; and the city manager, the council, or other appointing or electing authority at any time may lay off, suspend, demote, or remove any officer or employee to whom he, the council, or the other appointing or electing authority respectively may appoint or elect a successor.

Section 8-12 Acting officers and employees.

The appointment or electing authority who may appoint or elect the successor of an officer or employee, may appoint or elect a person to act during the temporary absence, leave, disability, or suspension of such officer or employee, or, in case of a vacancy, until a successor is appointed or elected and qualifies, unless the council provides by general ordinance that a particular superior or subordinate of such officer or employee shall act. The council by general ordinance may provide for a deputy to act in such cases.

Section 8-13 Officers to continue until successors are elected or appointed and qualify.

(1) Every officer who is elected or appointed for a term ending at a definite time, shall continue to serve thereafter until his successor is elected or appointed and

qualifies unless his services are sooner terminated by resignation, removal, disqualification, death, abolition of the office, or other legal manner.

Section 8-14 Conflict of interest

(1) No councilman, or other officer or employee of the city, or person performing contractual services for the city, shall appear in behalf of others before the council or any other agency or officer of the city government, or represent others in any action or proceeding against the interests of the city, or accept employment from or render services for others when such employment or service creates a conflict of interests or is otherwise incompatible with the proper discharge of his official duties.

(2) The council by ordinance or personnel rules may further regulate conflict of interests and ethics of officers and employees of the city.

Article 9 GENERAL AND MISCELLANEOUS PROVISIONS

Section 9-1 Feminine gender.

When the masculine gender is used in this charter, it shall also include the feminine unless the masculine alone is clearly indicated.

Section 9-2 Initiative and referendum.

The powers of the initiative and referendum are reserved to the people of the city. In the exercise of these powers, the requirements of the state constitution and law shall be observed.

Article 10 AMENDMENT AND SEPARABILITY OF CHARTER

Section 10-1 Amendment: Proposal, ratification, approval.

This charter may be amended by proposals therefore submitted by the council, or by the mayor upon initiative petition of the electors as provided by the state constitution, at a general or special election, ratified by a majority of the qualified electors voting thereon, and approved by the governor as provided by the state constitution. If more than one amendment are proposed, all of them except those which are so interrelated that they should be ratified or rejected together, shall be submitted in such manner that the electors may vote on them separately. A proposition to amend this charter may be either in the form of a proposed amendment to a part or parts of the charter or of a proposed new charter.

Section 10-2 Amendment: Board of Freeholders.

The council by ordinance may provide for the election of a board of freeholders to prepare and propose amendments to this charter. When an amendment proposed by a board of freeholders shall have been submitted by the council at a general or special election, ratified by a majority of the qualified electors voting thereon, and approved by the governor as provided by the state constitution, it shall go into effect.

Section 10-3 Separability.

(1) If a court of competent jurisdiction holds any section or part of this charter invalid, such holding shall not affect the remainder of this charter nor the context in which such section or part so held invalid may appear, except to the extent that an entire section or part may be inseparably connected in meaning and effect with that section or part.

(2) If a court of competent jurisdiction holds a part of this charter invalid, or if a change in the state constitution or law renders a part of this charter invalid or inapplicable, the council by ordinance may take such appropriate action as will enable the city government to function properly.

Article 11 SUCCESSION IN GOVERNMENT

Section 11-1 When charter goes into effect.

This charter shall go into effect immediately upon its ratification by a vote of a majority of the qualified electors of the city voting upon the question at an election and its approval by the Governor as provided by the State Constitution; the government created by this charter shall supersede the government theretofore existing under state law as of that time; and this charter shall become the organic law of the City of Sand Springs.

Section 11-2 Wards.

The council by ordinance shall revise the boundaries of all wards so that all wards shall be substantially equal in population, as soon as practicable following each federal census, or more frequently if directed by council. (Reso 12-17, amended March, 2012)

Section 11-3 Officers and employees to continue.

(1) When this charter goes into effect, the mayor and other councilmen shall continue in their offices under this charter until their respective terms expire.

(2) The city manager and remaining officers and employees (including members of boards and commissions), shall continue in their respective offices and positions under this charter; and they shall also continue until their services are terminated in accordance with the provisions of this charter.

Section 11-4 Ordinances continued.

All ordinances, insofar as they are not inconsistent with this charter, shall continue in effect until they are repealed or until they expire by their own limitations.

Section 11-5 Pending actions and proceedings.

The adoption of this charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it takes effect, brought by or against the municipality or any office, department, agency, or officer thereof.

Section 11-6 Council to set up departments; regulate purchases.

Within three months after this charter goes into effect, the council shall:

(1) by ordinance create or provide for the principal administrative departments of the city, and shall provide therein for adequate engineering services for the city; provided that this shall not prohibit the city from securing the services of other engineering firms for particular projects or purposes.

(2) pass an ordinance regulating purchases pursuant to section 4-3, and shall provide, among other things, that contractual professional services shall be excluded from competitive bidding.

**HOME RULE CHARTER
for
CITY OF SAND SPRINGS, OKLAHOMA**

Submitted by Sand Springs Freeholders

APPROVED THIS 5th DAY OF September, 1969.

ATTEST:

/s/ John Rogers
Secretary of State
By L. L. Callaway

/s/ Dewey F. Bartlett
Governor of the State of Oklahoma

CERTIFICATE

We, the undersigned, duly elected freeholders of the City of Sand Springs, Oklahoma, having elected William D. Bigby, Chairman, C. Dwight Huneryager, Vice-Chairman, and Carolyn Cheney, Secretary of the Board of Freeholders, do hereby approve and propose this Charter of the City of Sand Springs, Oklahoma, as it appears hereinbefore, and return it to the Mayor of the City of Sand Springs, Oklahoma, for submission to the electors of the City at an election to be called in accordance with the state constitution and law.

In testimony whereof, we hereunto set our hands at Sand Springs, Oklahoma, this the 1st day of August, 1969.

From Ward One:	/s/ Joe W. Fisher	/s/ William D. Bigby
From Ward Two:	/s/ W.B (Bill) Breisch	/s/
From Ward Three:	/s/ C.Dwight Huneryager	/s/
From Ward Four:	/s/	/s/
From Ward Five:	/s/ Arthur Lyle Crowder	/s/ Montie Rolen Box
From Ward Six:	/s/ James Bolton	/s/ Carolyn Cheney

Subscribed and sworn to before me this the 1st day of August, 1969

/s/ Doloris A. Hooper
Notary Public City Clerk

My commission expires: July 9, 1971

CERTIFICATE

Returned to the Mayor of the City of Sand Springs, Oklahoma this the 1st day of August, 1969.

Attest: /s/ Doloris A. Hooper
City Clerk

/s/ Dale C. Morrow
Mayor, City of Sand Springs, Okla

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TITLE 1

GENERAL PROVISIONS

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- 1.01 (Reserved)**
- 1.04 General provisions**
- 1.08 City seal**
- 1.12 City boundaries and ward boundaries**
- 1.16 Elections**
- 1.120 General penalty**

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Chapter 1.01

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CHAPTER 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 How code is designated and cited.**
- 1.04.020 Rules of construction.**
- 1.04.030 Special provisions.**
- 1.04.040 Effect of repeal of ordinances.**
- 1.04.050 Amendment to code - Effect of new ordinances – Amendatory language.**
- 1.04.060 Altering code.**
- 1.04.070 Severability of parts of this code.**
- 1.04.080 Ordinances in effect in outlying territory of city.**

1.04.010 How code is designated and cited.

The provisions embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Sand Springs, Oklahoma," and may be so cited. (Prior code § 1-101)

1.04.020 Rules of construction.

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

- A. "City" or "this City" shall be construed as if the words "of Sand Springs, Oklahoma," followed them;
- B. "Council" or "City Council" means the City Council of Sand Springs;
- C. "Computation of time." Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which the notice is given or the act is done shall be counted in computing the time but the day on which the proceeding is to be had shall not be counted;
- D. "County" or "this County" means the County of Tulsa, Oklahoma;
- E. "Gender." A word importing one gender only shall extend and be applied to other genders and to firms, partnerships, and corporations as well;
- F. "Joint authority." All words giving "joint authority" to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers;
- G. "Law" includes applicable federal law, provisions of the Constitution and statutes of the State of Oklahoma, the ordinances of the city, and, when appropriate, any and all rules and regulations promulgated thereunder;
- H. "Manager" or "City Manager" means the City Manager of the city;
- I. "Mayor" means the mayor of the city;
- J. "Month" means a calendar month;

K. "Nontechnical and technical words." Words and phrases which are not specifically defined shall be construed according to the common and accepted usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning;

L. "Number." A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. Words used in the plural number may also include the singular unless a contrary intention plainly appears;

M. "Oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed";

N. "Or, and." "Or" may be read "and," and "and" may be read "or," if the sense requires it;

O. "Other officials or officers, etc." Whenever reference is made to officers, agencies or departments by title only, i.e. "clerk," "City Clerk," "City Attorney," "fire chief," "chief of police," etc., they shall mean the officers, agencies or departments of the city;

P. "Person" shall extend and be applied to an actual person, any persons and to associations, clubs, societies, firms, partnerships, and bodies politic and corporate, or the manager, lessees, agent, servant, officer or employee of any of them, unless a contrary intention plainly appears;

Q. "Preceding, following" means next before and next after, respectively;

R. "Property" shall include real and personal property;

S. "Signature or subscription" includes a mark when a person cannot write;

T. "State" or "this state" shall be construed to mean the State of Oklahoma;

U. "Statutory references" means references to statutes of the State of Oklahoma as they now are or as they may be amended to be;

V. "Street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts, highways, courts, places, squares, curbs and all other public ways in the city which are dedicated and open to public use;

W. "Tense." Words used in the past or present tense include the future as well as the past and present;

X. "Week" means seven days; and

Y. "Year" means a calendar year.

(Prior code § 1-102)

1.04.030 Special provisions.

Any general provision of this code which is of general application to the entire code shall, in case of conflict with any provision of a special or limited application and which fully, adequately and effectively operates, be subordinate to such special provision insofar as is necessary to give full effect to the special provision. (Prior code § 1-103)

1.04.040 Effect of repeal of ordinances.

A. The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

B. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution and proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed. (Prior code § 1-105)

1.04.050 Amendment to code – Effect of new ordinances – Amendatory language.

A. All ordinances passed subsequent to this code of ordinances which amend, repeal or in any way affect this code of ordinances may be numbered in accordance with the numbering system of this code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, the repealed portions may be excluded from this code by omission from reprinted pages.

B. Amendments to any of the provisions of this code may be made by amending the provisions by specific reference to the section of this code in substantially the following language:

"Be it ordained by the City Council of the City of Sand Springs, Oklahoma, that Section _____ of the code of ordinances of the City of Sand Springs, Oklahoma, is hereby amended to read as follows:" (Set out new provisions in full.)

C. When the Council desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the code, which the Council desires to incorporate into the code, a section in substantially the following language may be made part of the ordinance:

"Section _____. Be it ordained by the City Council of the City of Sand Springs, Oklahoma, that the provisions of this ordinance shall become and be made a part of the code of ordinances of the City of Sand Springs, Oklahoma, and the sections of this ordinance may be re-numbered to accomplish this intention."

D. All sections, articles, chapters or provisions of this code desired to be repealed may be specifically repealed by section or chapter number, as the case may be.

E. Each section as set forth and clearly indicated herein, and each numbered or lettered clause or paragraph or each such section, is hereby declared to be an entire unit and shall constitute a section for the purpose of amendment or repeal, as required by law. (Prior code § 1-106)

1.04.060 Altering code.

It is unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or temper with this code in any manner whatsoever which will cause the law of the City to be misrepresented thereby. Any person violating this section shall be punished as provided in Chapter 1.20 of this code. (Prior code § 1-107)

1.04.070 Severability of parts of this code.

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph, or section of this code or of any ordinance in the code shall be declared unconstitutional, illegal or otherwise invalid by the valid judgment or decree of court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code of ordinances. (Prior code § 1-110)

1.04.080 Ordinances in effect in outlying territory of city.

All ordinances of the City now in effect within the City are hereby extended to all real property belonging to, or under the control of, the City outside the corporate limits of the City, and shall be in full effect therein, insofar as they are applicable. All ordinances of the City which shall go into effect in the future, shall also apply to, and be in full effect within the boundaries of all outlying real property, insofar as they may be applicable. Any words in any ordinance indicating that the effect of an ordinance provision is limited to the corporate limits of the City shall be deemed to mean and include also the outlying real property belonging to, or under the control of, the City, unless the context clearly indicates otherwise. (Prior code § 1-111)

Chapter 1.08

CITY SEAL

Sections:

- 1.08.010 City seal design.**
- 1.08.020 Use of City seal.**
- 1.08.030 City symbol design.**
- 1.08.040 Use of the City symbol.**

1.08.010 City seal design.

The City shall have a seal which shall be made of metal and have engraved thereon the words, as follows: "The City of Sand Springs--State of Oklahoma." The word "Seal" shall be engraved in the center of the seal. (Prior code § 1-301)

1.08.020 Use of City seal.

The seal herein prescribed shall be the corporate seal of the City and shall be used for the authentication of all documents required by law, and for all documents which require the seal of the City. It shall be used for no other purpose. The seal shall remain in the custody of the City Clerk at all times. No person, save the City Clerk, shall have the authority to attach or affix the City Seal to any instrument. (Prior code § 1-302)

1.08.030 City symbol design.

The City shall have a symbol which shall be of a design approved by the City Council by resolution. (Prior code § 1-303; 1232, amended 08/27/2012)

1.08.040 Use of the City symbol.

The symbol herein described shall be the official symbol of the City and shall be used to identify City vehicles, City properties and to mark and identify events and objects with which the City takes part. The City symbol may be used only for the above purposes and as directed by the Council of the City. No person, firm or corporation shall have the authority to use the City symbol without the approval and consent of the Council of the City. (Prior code § 1-304)

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Chapter 1.12

CITY BOUNDARIES AND WARD BOUNDARIES

Sections:

1.12.010 Map of city designated as official map.

1.12.020 Ward number and boundaries.

1.12.010 Map of city designated as official map.

The City Clerk shall maintain a map of the City showing its territorial limits, and said map is hereby designated as the official map of the City, and the corporate limits as shown thereon are declared to be the true and correct corporate limits of the City, including all annexations made to the City. (Prior code § 1-201; 1221, Amended by recodification 11/19/2012)

1.12.020 Ward number and boundaries.

A. The City Clerk should maintain a map showing the ward boundaries of the City, and said map is designated as the official ward boundary map of the City. (1107, Amended 09/12/2005; 1221, Amended by recodification 11/19/2012)

B. The City Clerk for the City is hereby directed to cause notification to the public, of the change in the boundaries of the wards within the City, by publication of this ordinance in a newspaper of general circulation within the municipality in the manner provided by law for publication of ordinances. (Prior code § 1-202, 1107, Amended, 09/12/2005, Revised ward boundaries; 1221, Amended by recodification 11/19/2012)

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Chapter 1.16

ELECTION

Sections:

- 1.16.010** **Absentee ballots in municipal elections.**
- 1.16.020** **Eligibility to be a candidate for municipal office.**
- 1.16.030** **Candidacy protest procedure.**
- 1.16.040** **Eligibility to hold municipal office.**

1.16.010 **Absentee ballots in municipal elections.**

Absentee ballots shall be furnished in all primary, general, special and recall elections in the City. The absentee ballots shall be furnished pursuant to provisions of the state constitution and laws applicable to City elections unless otherwise changed by ordinance or charter amendment.

1.16.020 **Eligibility to be a candidate for municipal office.**

In order to be a candidate for City Council, an individual must: (a) be at least 25 years of age; (b) be a qualified elector of the City, meaning a registered voter at an address within the City or at an address within a ward if filing for a specific ward; (c) have never been convicted of a crime involving moral turpitude. In order to be included on an election ballot, a candidate shall provide a sworn Declaration of Candidacy with the City Clerk, specifically stating the above requirements are met by the candidate and shall provide to the City Clerk the following documentation at the time of filing:

1. A photo identification;
2. Proof of age;
3. Authorization allowing criminal records to be searched.

Further, the City Clerk shall confirm with the County Election Board that the candidate is a registered voter at an address within the City or at an address within the ward if filing for a specific ward. Upon confirmation the above requirements have been met, the City Clerk shall accept the candidate's Declaration of Candidacy. Upon the failure of the candidate to meet any of the above requirements, the City Clerk shall refuse to accept the Declaration of Candidacy. The same information set forth above shall be obtained prior to the appointment of any individual to fill an unexpired term.

1.16.030 **Candidacy protest procedure.**

Any candidate for municipal election may contest the candidacy of any other candidate for the same office by filing with the City Clerk a written objection to the candidacy. In the event only one person files for an office, a registered voter eligible to vote for the candidate may file an objection.

Any objection shall be filed no later than 5:00 p.m. on the second day following the close of the filing period, and shall require a filing fee equal to the fee charged for contest by the State Election Board.

Upon the filing of an objection, the City Clerk shall:

1. Schedule a hearing within one week of the filing of the objection, providing notice to the candidate and the party filing the objection;
2. Conduct a hearing at which time both parties shall have the opportunity to present evidence related to the eligibility requirements set forth above;
3. Issue a determination concerning the protest.

1.16.040 Eligibility to hold municipal office.

State law regulates both the eligibility for candidacy and the eligibility to hold office. Although the City Clerk must determine eligibility for candidacy, the City is responsible for ensuring compliance with state law as it concerns eligibility to hold office. The Sand Springs Charter, at Section 2-1, provides as follows concerning eligibility to hold office:

Only persons who are qualified electors of the City at least twenty-five years of age shall be qualified for the office of councilman at large. Only persons who are qualified electors of their respective wards at least twenty-five years of age shall be qualified for the offices of councilmen from the wards.

In order to ensure compliance with the above provision, the following procedures are adopted by the City of Sand Springs to apply to ALL elected officials of the City of Sand Springs:

In those instances in which the qualification to hold office is questioned by an elected official, or a resident of Sand Springs, the City Clerk shall be authorized to investigate the lack of qualifications, and shall be authorized to request from the elected official any information necessary for a full and complete investigation. Upon conclusion of the investigation, if the information provided by the elected officials does not satisfy the City Clerk and City Attorney that the requirements of the City's Charter and of state law are met, the City Attorney is authorized and directed to proceed as follows:

1. Immediately request such additional information as necessary to resolve the eligibility issue;
2. Bring an action in Tulsa County District Court requesting the Court to resolve the eligibility to hold office issue;

The City Council by approval of this ordinance directs that the City Clerk, and all other officials of the City, are precluded from administering the oath of office to any individual in which the eligibility to hold office issue has not been fully resolved, as set forth above.

Chapter 1.20

GENERAL PENALTY

Sections:

1.20.010 General penalty.

1.20.020 Fines recoverable by civil action.

1.20.010 General penalty.

A. CLASS "A" VIOLATIONS. Any person, upon conviction of a "Class A Violation" offense shall be punishable by a fine set by the Municipal Court not to exceed the amount established by resolution of the City Council for such individual offense or class of offenses, excluding costs, or sixty (60) days imprisonment. Such offenses shall include:

1. Actual Physical Control
2. Assault and Battery on a Police Officer
3. Driving Under the Influence
4. Driving While Impaired
5. Eluding or Attempting to Elude a Police Officer
6. Resisting a Police Officer/Public Official/Arrest
7. Violation of the provisions of Title 8, Health and Safety, Chapters 8.04, Emergency Medical Services; 8.08, Explosives; and 8.40, Oil and Gas Drilling; of the Code of Ordinances.
8. Violation of the provisions of Title 9, Public Peace Morals and Welfare, Chapter 9.24, Housing Discrimination, and 9.44 – Offense to Permit or Allow Gatherings Where Minors Are Consuming Alcohol, of the Code of Ordinances.
9. Violation of the provisions of Title 13, Public Services, Chapters 13.08 – Water Service System, 13.12 – Sewer Service System, and 13.20 – Stormwater Discharge Regulations (subsequent offenses), of the Code of Ordinances.
10. Tampering with a Public Utility
(985, Amended 05/15/2004; 1073, Amended 03/22/2004; 1181, Amended 05/18/2009)

B. CLASS "B" VIOLATIONS. Any person, upon conviction of a "Class B Violation" offense shall be punishable by a fine set by the Municipal Court not to exceed the amount established by resolution of the City Council for such individual offense or class of offenses, excluding costs; and upon a subsequent conviction of a Class B Violation listed below, shall be punishable by a fine set by the Municipal Court not to exceed the amount established by resolution of the City Council or sixty (60) days imprisonment. Such offenses shall include:

1. Possession of Marijuana
2. Possession of Paraphernalia
3. Assault and Battery
4. Damaging Property
5. Prohibited/Obscene Conduct
6. Reckless Conduct

7. Tampering With an Automobile
8. Failure to Yield to an Emergency Vehicle
9. Leaving a Scene of an Accident
10. Reckless Driving
11. Driving Under Suspension, Revocation or Cancellation
12. Speeding more than 25 m.p.h. over the Speed Limit
13. Sale of Alcohol or Beer to a Minor
14. Disorderly House
15. Harmful Deception

(1181, Amended 05/18/2009)

C. CLASS "C" VIOLATIONS. Whenever in the Code of Ordinances an act is prohibited or made or declared to be unlawful or an offense or misdemeanor, or whenever in the Code of Ordinances the doing of any act as required or the failure to do any act is declared to be unlawful, except for the offenses referred to in Sections A and B hereof, any person, upon conviction thereof, shall be punishable by a fine set by the Municipal Court not to exceed the amount established by resolution of the City Council for such individual offense or class of offenses, excluding costs. (1181, Amended 05/18/2009)

D. Each day or any portion of a day during which any violation of the Code of Ordinances occurs shall constitute a separate offense. (1181, Amended 05/18/2009)

E. Any person who shall aid, abet, or assist in the violation of any provisions of the Code of Ordinances shall be deemed guilty of an offense and upon conviction therefore, shall be punished in accordance with the punishment provided for violation of the provision such person aided, abetted, or assisted in violating. (985, Amended, 12/14/2005, Showed Ordinance reference; 1073, Amended, 03/22/2004, Amended 1.20.010; 985, Amended 05/14/2001; 1181, Amended 05/18/2009)

F. Any fines and costs properly assessed against any child and which remain unpaid after three (3) months may be assessed by the Municipal Judge against the child's parent, parents, legal guardian, or legal custodian, and collected and paid as provided for in Oklahoma Statutes. Provided, however, prior to such latter assessment, the Court Clerk shall give such child's parent, parents, legal guardian, or legal custodian notice by certified mail at their place of residence or by personal service of such action proposed to be taken. (1181, Amended 05/18/2009)

1.20.020 Fines recoverably by civil action.

All fines shall be recoverable by civil action before any court of competent jurisdiction in addition to any other method provided by law. (Prior code § 1-109)

TITLE 2

ADMINISTRATION AND PERSONNEL

Chapters:

2.04	City Council and Mayor
2.08	City Manager
2.12	City Departments
2.16	City Clerk/Finance Director
2.20	City Treasurer
2.24	City Attorney and Assistant City Attorney
2.28	Building Official
2.32	Municipal Court
2.36	Police Department
2.40	Fire Department
2.42	Emergency Medical Services Program
2.44	City Planning Commission
2.48	Regional Planning Commission
2.52	Board of Health
2.56	Board of Adjustment
2.60	Joint Airport Zoning Board
2.64	Park and Recreation Board
2.68	Emergency Management Administration
2.72	Auxiliary Police Force
2.76	Purchasing System
2.80	Personnel System
2.84	Employee Retirement System
2.88	Optional Retirement System
2.92	Police Pension and Retirement System
2.96	Firefighters Pension and Retirement System
2.100	Social Security

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CHAPTER 2.04

CITY COUNCIL AND MAYOR

Sections:

- 2.04.010 Form of government.**
- 2.04.020 Council created – Qualifications of members.**
- 2.04.030 Powers vested in council.**
- 2.04.040 Vacancies.**
- 2.04.050 Term of office.**
- 2.04.060 Meetings.**
- 2.04.070 Quorum, rules and voting.**
- 2.04.080 Limitation of authority.**
- 2.04.090 Minute book or journal.**
- 2.04.100 Order of business.**
- 2.04.110 Agenda items.**
- 2.04.120 Attendance of city officers at meetings of City Council.**
- 2.04.130 Council – Termination of membership and removal.**
- 2.04.140 Election of mayor and vice-mayor.**
- 2.04.150 Compensation.**
- 2.04.160 Duties of mayor and vice-mayor.**

2.04.010 Form of government.

The municipal government of the city shall be known as a "council-manager government." All powers of the city are exercised in the manner prescribed in the charter, or, if the manner is not thus prescribed, then in such manner as the council may prescribe. (Prior code § 2-101)

2.04.020 Council created - Qualifications of members.

There shall be a council composed of one councilmember from each ward of the city and one councilmember-at-large. The councilmembers from the wards shall be at least twenty-five (25) years of age and qualified electors of their respective wards at the time of their election; but removal of a councilmember from one ward or precinct to another within the city after his or her election, or a change in ward boundaries, shall not disqualify him or her from completing the term for which he or she was elected. The councilmember-at-large shall be at least twenty-five (25) years of age and a qualified elector of the city. If a councilmember ceases to be a resident of the city, he or she shall thereupon cease to be a councilmember. No councilmember may hold any position in the city government by appointment by the City Manager or any subordinate of the City Manager, nor shall he or she be appointed as City Manager for a period of two years after he or she ceases to hold office as a councilmember. (Prior code § 2-102)

2.04.030 Powers vested in Council.

Except as otherwise provided in this code or the City Charter, all powers of the city, including the determination of all matters of policy, shall be vested in the council. Without limitation of the foregoing, the council may:

A. Appoint and remove the City Manager as provided by this code; (1221, amended 11/19/2012)

B. Enact legislation subject to such limitations as may now or hereafter be imposed by the State Constitution, City Charter, law and ordinance;

C. Raise revenue, make appropriations, regulate salaries and wages, and all other fiscal affairs of the city, subject to such limitations as may now or hereafter be imposed by the State Constitution, City Charter, law or ordinance;

D. Inquire into the conduct of any office, department or agency of the city, and investigate municipal affairs;

E. Appoint or elect and remove its own subordinates, the members of the personnel board, the members of the planning commission, the members of the board of adjustment, members of the park board, members of the airport advisory board, and other quasi-legislative or quasi-judicial officers and authorities, when and if established, or prescribe the method of appointing or electing and removing them. If any member of any of the foregoing boards or commissions or any other quasi-legislative or quasi-judicial board or commission hereafter established by the City Council of the City of Sand Springs, Oklahoma, is absent from more than one-half of all regular meetings of such board or commission, held within any period of four consecutive calendar months within which regular meetings were held each month, such member shall thereupon cease to hold office;

F. To regulate elections, initiative and referendum, and recall;

G. Regulate the organization and functioning of the municipal court, and of the minor violations bureau, when and if established, within the limits prescribed by the State Constitution, City Charter, law and ordinance;

H. Create, change and abolish offices, departments and agencies other than the offices, departments and agencies established by state law; and assign additional functions and duties to offices, departments and agencies established by the City Charter or this code; and

I. Grant pardons, including the remission of fines and costs, upon the recommendation of the municipal judge. (Prior code § 2-103; Ord. 945, § 1, eff. April 26, 1999)

2.04.040 Vacancies.

The council, by majority vote of its remaining members, shall fill vacancies in its own membership for the unexpired terms or until successors are elected as provided in the City Charter. If a vacancy occurs before the beginning of a regular filing period for candidates for councilmembers to be elected that year, then a councilmember to fill the vacancy shall be elected at the elections of that year to serve the rest of the unexpired term of the vacated position. (Prior code § 2-104)

2.04.050 Term of office.

The terms of office of councilmembers shall begin at noon on the first Monday in May after their election. The council shall hold regular meetings at the time establish by annual meeting notice. If a councilmember-elect does not qualify within one month thereafter, his or her place shall become vacant; and the council shall fill the vacancy. (Prior code § 2-105)

2.04.060 Meetings.

The council shall meet at least once each month at such times as it may prescribe by ordinance or otherwise. The mayor or any four councilmembers may call special meetings. All meetings of the council shall be open to the public and the journal of its proceedings shall be open to public inspection. (Prior code § 2-106)

2.04.070 Quorum, rules and voting.

A majority of all the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day. The council shall determine its own rules and except as otherwise specifically provided by ordinance, or by special rule adopted by the City Council, Robert's Rules of order shall govern the proceedings of the City Council where applicable. On the demand of any member, the vote on any question shall be yeas and nays and shall be entered into the journal. (Prior code § 2-107)

2.04.080 Limitation of authority.

Neither the council nor any of its members may direct or request the appointment of any person to, or his or her removal from, office or employment by the City Manager or by any other authority, or except as provided by law, participate in any manner in the appointment or removal of officers and employees of the city. Except for the purposes of inquiry, the council and its members shall deal with the administrative service solely through the City Manager. Neither the council nor any member thereof may give orders on ordinary administrative matters to any subordinate of the City Manager either publicly or privately. (Prior code § 2-108)

2.04.090 Minute book or journal.

The final action of the City Council in each and every matter brought to its attention shall appear in the minute book or journal. All motions, together with second, postponements, and other action taken, which affect the progress, status or final action taken on any matter presented to the City Council for its consideration, shall be recorded in the minute book or journal. The date, time, and place of the meeting shall also be recorded in the minute book or journal. (Prior code § 2-109)

2.04.100 Order of business.

The items on the agenda of business for the meetings of the City Council shall consist of the following:

- A. Calling of roll and noting absent and present members;
- B. Reading, amending and approving minutes of previous meeting;

- C. Hearing of petitions and communications;
- D. Unfinished business;
- E. Report of officers and committees;
- F. Consideration and disposition of ordinances and resolutions; and
- G. Presentation of accounts and claims; and any other business which may require action or consideration by the City Council. (Prior code § 2-110)

2.04.110 Agenda items.

The Mayor, vice-mayor, any councilmember or the City Manager shall be permitted to include any item on the agenda of business for consideration by the council. Any other person can request an item or items be included in the council agenda by contacting any member of the council or the City Manager and submitting their request to the City Manager for consideration no later than twelve p.m. (noon) on the Wednesday preceding the council meeting at which the person wishes to appear. In the event an item is requested to be included on the agenda, and neither councilmember nor the City Manager approve the inclusion of the item on the agenda, such item shall be placed on the next printed agenda on the timely written request of twenty-five (25) or more qualified electors of the city. Such written request shall show the names and addresses of each citizen signing same, requests may be individual or joint and need not be notarized, subscribed or sworn to or in legal form. (Prior code § 2-111; Ord. 947, § 1, eff. April 26, 1999; 1221, amended by recodification 11/19/2012)

2.04.120 Attendance of city officers at meetings of City Council.

The City Manager, the directors of each department, the City Attorney, and such other officers as the council or City Manager may require from time to time shall be present at meetings of the City Council, unless unavoidably absent or excused by the City Manager. (Prior code § 2-112; 1221, Amended by recodification 11/19/2012)

2.04.130 Council – Termination of membership and removal.

Any councilmember may be removed from or terminated in office for any cause specified by applicable state law for the removal of officers, and by the method or methods prescribed hereby, and by recall as provided hereinafter.

A. If any councilmember is convicted of a crime involving moral turpitude, his or her office shall become vacant immediately when the case is finally determined.

B. If any councilmember is absent for more than one-half of all the regular meetings of the council, held within any period of four consecutive calendar months, he or she shall thereupon cease to hold office; and

C. The incumbent of any elective city office, including a person appointed to fill a vacancy in any such office, may be recalled from office by the electors qualified to vote for the election of a successor to the incumbent, in the manner provided in the City Charter. Any person who has been recalled from any office, or who has resigned from such office while recall proceedings were pending against him or her, may not hold any office or position of employment in the city government within three years after his or her recall or resignation. (Prior code § 2-113)

2.04.140 Election of mayor and vice-mayor.

At the first meeting after the time prescribed for the beginning of the terms of newly elected councilmembers, or as soon thereafter as practicable, the council shall elect from its membership a mayor and a vice-mayor, who shall serve until the time prescribed for the beginning of the terms of the next newly-elected councilmembers and until their respective successors have been elected. The mayor shall preside at meetings of the council. He or she shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law. He or she shall have no regular administrative duties except that he or she shall sign such written obligations of the city as the council may require. As a councilmember, he or she shall have all powers, rights, privileges, duties and responsibilities of a councilmember, including the right to vote on questions. The vice-mayor shall act as mayor during the absence, disability, or suspension of the mayor, or, if a vacancy occurs in the office of mayor, until another mayor is elected by the council for completion of the unexpired term and qualifies for such office. If the office of vice-mayor becomes vacant, the council shall elect from its membership another vice-mayor for completion of the unexpired term. (Prior code § 2-114)

2.04.150 Compensation.

Neither the mayor nor any other councilmember of the city shall receive any compensation as such or for any other services rendered the city, other than expenses incurred in the discharge of their official duties. (Prior code § 2-115)

2.04.160 Duties of mayor and vice-mayor.

The mayor shall perform all duties expressly enjoined upon him or her by the charter and ordinances of the city and by the laws of the state. He or she shall perform such duties with integrity and dispatch, giving due regard to his or her oath of office and the responsibilities of his or her position. He or she shall sign all warrants and vouchers for the withdrawal and payment of public funds, and shall execute all conveyances, written obligations and instruments in writing in his or her official capacity on behalf of the city, where the same is the result of the official action of the City Council and as the City Council may require, even though contrary to his or her vote on the subject. He or she shall attend the meetings of the City Council, and if compelled to be absent from the meetings he or she shall notify the vice-mayor, unless prevented from doing so by unavoidable casualty or misfortune. (Prior code § 2-116)

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CHAPTER 2.08

CITY MANAGER

Sections:

- 2.08.010 Appointment by council and qualifications.**
- 2.08.020 Duties.**
- 2.08.030 Council may suspend or remove.**
- 2.08.040 Designation of Acting City Manager.**
- 2.08.050 Bond required.**

2.08.010 Appointment by council and qualifications.

There shall be a City Manager. The council shall appoint him or her for an indefinite term by a vote of a majority of all its members. The council shall choose him or her solely on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in, or his or her knowledge of, accepted practice in respect to the duties of his or her office as hereinafter set forth. At the time of his or her appointment, he or she need not be a resident of the city or state; but, during his or her tenure of office, he or she shall reside within the city. No councilmember may be appointed City Manager during the term for which he or she shall have been elected nor within two years after the expiration of his or her term. (Prior code § 2.201)

2.08.020 Duties.

The City Manager shall be the chief executive officer and head of the administrative branch of the city government. He or she shall execute the laws and administer the government of the city, and shall be responsible therefore to the council. He or she shall:

- A. Appoint, and when necessary for the good of the service, remove all heads of administrative departments and other administrative officers and employees of the city, except as otherwise provided by this code and except as he, she or the council by ordinance may authorize the head of a department, an officer or an agency to appoint and remove subordinates in such department, office or agency, subject to such merit system regulations as the council may obtain;
- B. Supervise and control all administrative departments, officers and agencies;
- C. Prepare a budget annually and submit it to the council, and be responsible for the administration of the budget after it goes into effect;
- D. Submit to the council a report as of the end of the fiscal year on the finances and administrative activities of the city for the preceding year;
- E. Keep the council advised of the financial condition and future needs of the city, and make such recommendations as may seem desirable to him or her; and
- F. Perform such other duties as may be prescribed by law or ordinance or by the council consistent with law or ordinance. (Prior code § 2-202)

2.08.030 Council may suspend or remove.

The council may suspend or remove the City Manager at any time by a vote of a majority of all its members. (Prior code § 2-203)

2.08.040 Designation of Acting City Manager.

To perform the duties of the City Manager during his or her temporary absence or disability or to perform other duties, the council or City Manager may appoint a qualified administrative officer of the city to the office of the Acting City Manager. The Acting City Manager shall have all of the powers and duties of the City Manager as shall be transferred or delegated to him or her by the City Manager or the council. The Acting City Manager may be suspended or removed by the City Manager at any time without approval of the council. (Prior code § 2.204; 1221, amended by recodification 11/19/2012)

2.08.050 Bond required.

The City Manager, before entering upon the duties of his or her office, shall provide bond for the faithful performance of his or her duties, payable to the city, in such form and amounts as the council may prescribe, with a surety company authorized to business in the state. (Prior code § 2-210)

CHAPTER 2.12

CITY DEPARTMENTS

Sections:

2.12.010 Departments included.

2.12.020 City Manager may suspend or remove.

2.12.030 Limitation of authority.

2.12.040 Department responsibility.

2.12.010 Departments included.

There shall be the following administrative departments: A department of finance; a department of law; a park and recreation department; a personnel department; and such other administrative departments, offices and agencies as the City Council may establish. (Prior code § 2-301)

2.12.020 City Manager may suspend or remove.

The City Manager may at any time suspend or remove a member of his or her staff. The City Manager may designate some administrative officer other than the director of the administrative departments to serve as the City Manager staff member. The same person may be designated by the City Manager with staff responsibility for more than one administrative department. (Prior code § 2-302)

2.12.030 Limitation of authority.

Except when direct inquiry is made in writing by any councilmember, or upon oral inquiry by a councilmember at a regular or special council meeting, no employee of the city shall communicate or discuss city business, or disclose general or specific details of his or her work or the administration of his or her department or any other department of the city to any person, publicly or privately, other than authorized by the City Manager or his or her designee or other than as may be required in the employee's normal scope of duties. (Prior code § 2-303)

2.12.040 Department responsibility

The director of each department, office or agency of the city shall be solely responsible to the City Manager for the efficient administration of his or her department, office or agency, the conduct of his or her employees, and the condition of city property used or operated by his or her department, office or agency. (Prior code § 2.304)

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CHAPTER 2.16

CITY CLERK/FINANCE DIRECTOR

Sections:

- 2.16.010 Director of Finance.**
- 2.16.020 City Clerk office created--Duties.**
- 2.16.025 Deputy City Clerk office created--Duties**
- 2.16.030 Bond of Clerk, Deputy Clerk.**
- 2.16.040 City Clerk to keep minutes of meeting.**
- 2.16.050 Depository.**
- 2.16.060 Powers and authority of the City Clerk.**
- 2.16.070 Demands to be made.**
- 2.16.080 License fees, receipts of funds collected.**
- 2.16.090 Issue license.**
- 2.16.100 Notices to be issued.**
- 2.16.110 License record.**
- 2.16.120 Records of special improvement districts.**
- 2.16.130 Utility accounting.**
- 2.16.140 Purchasing office.**
- 2.16.150 City Auditor.**
- 2.16.160 Reports.**
- 2.16.170 Advise City Council.**

2.16.010 Director of Finance, office created—Duties.

There shall be a finance director and who shall be an officer of the city appointed by the city Manager with approval of the council for an indefinite term. The finance director shall be director, or head of the department of finance. He or she shall collect or receive revenue and other money for the city, and shall deposit the same with the City Treasurer or for the City Treasurer in an account or accounts maintained by the City Treasurer in a depository or depositories. The finance director shall maintain or have maintained a general accounting system for the city government. The finance director shall obtain a good and sufficient bond, at the cost of the City, to be approved by the City Manager, conditioned upon the faithful performance of his or her duties. He or she shall have such other powers, duties and functions as may be prescribed by the City Charter, by applicable law or by ordinance. (Prior code § 2-401; 1221, Amended by recodification 11/19/2012)

2.16.020 City Clerk: Office created, duties.

There shall be a city clerk, who shall be an officer of the city appointed by the city manager with approval of the council for an indefinite term. He shall have such other powers, duties and functions as may be prescribed by the charter, by applicable law or by ordinance. (1221, Amended by recodification 11/19/2012)

2.16.025 Deputy City Clerk: Office created, duties.

The City Clerk is hereby authorized to appoint one or more Deputy City Clerks to assist the City Clerk in the performance of the City Clerk's duties as directed and required of the City Clerk by provisions of the Charter of the City of Sand Springs, Oklahoma, as well as the Code of Ordinances of the City of Sand Springs, Oklahoma. The appointment of a Deputy City Clerk shall be subject to the approval of the City Manager. The duties to be performed by the Deputy City Clerk shall be those as are assigned and directed to such Deputy City Clerk by the City Clerk. (Ord. 99, § 1, eff. March 22, 1999; 1221, Amended by recodification 11/19/2012)

2.16.030 Bond of clerk, deputy clerk.

The City Clerk and deputy clerk shall obtain a good and sufficient bond, at the cost of the City, to be approved by the City Manager, conditioned upon the faithful performance of his or her duties. (Prior code § 2-403; 1221, Amended by recodification, 11/19/2012)

2.16.040 City Clerk to keep minutes of meeting.

The City Clerk or his or her deputy shall keep the minutes of every meeting of the City Council, regular and special. He or she shall keep in his or her custody the minute book, files, letters, bonds, contracts, ordinances and resolutions and other matter or materials, which are presented to the City Council for consideration, or upon which the City Council has taken any action. In the absence of the City Clerk, the Deputy City Clerk shall act in his or her place and stead, and if neither are available, the City Manager shall designate some other capable person to take the minutes of the meeting. The City Clerk or other person acting in his or her place and stead shall provide the minutes of the previous meeting, and unless exception is taken, the minutes shall be adopted and approved by vote of the City Council. (Prior code § 2-404; 1221, Amended by recodification, 11/19/2012)

Section 2.16.050 Depository.

The City Clerk shall be the depository for surety bonds, insurance policies, deeds, contracts, franchises, and other instruments, which are the property of the city and for which no other specific provision is made by statute or ordinance. (Prior code § 2-405)

Section 2.16.060 Powers and authority of the City Clerk.

The City Clerk shall have those powers and duties as assigned by the City Manager and as required by City Charter, ordinance and state law. (Prior code § 2-406; 1221, Amended by recodification, 11/19/2012)

Section 2.16.070 Demands to be made.

The director of finance shall make demands and receive from the County Treasurer, or other source, all money due the city. Whenever any person is indebted to the city in any manner, and the means of collection of such debt is not otherwise provided for by law or ordinance, the director of finance shall be authorized, and it is his or her duty

to demand and receive the same. When any claims shall not be collectable, he or she shall report the same to the City Attorney. He or she shall maintain a continuous inspection of all taxes, licenses, fees and other revenues due the city in order to effectuate their collection. (Prior code § 2-407)

Section 2.16.080 License fees, receipts of funds collected.

All license fees, taxes or other revenue collected by the finance department shall be deposited in the official depository of the city as designated by the City Council and shall be credited to the general fund except where the same is required by ordinance or state law to be deposited to the credit of a designated special fund. The finance director shall enforce the collection and payment of all taxes and license fees and where the same has not been paid he or she shall report all persons who fail or refuse to pay the same to the City Attorney for appropriate action. He or she shall give receipts for all moneys collected by him or her in behalf of the city, a copy of which shall be retained in his or her office. The receipts shall show the date of issue, to whom issued, the amount collected, the nature of same, and the fact of payment. He or she shall keep such books of account as shall set forth all moneys received by him or her, the date of collection, the source of same, the funds to which the same are applied, and the disposition of same. (Prior code § 2-408)

Section 2.16.090 Issue license.

The director of finance shall issue all licenses authorized by the City Ordinances, and the laws of the state. No license shall be issued until all of the conditions of the City Ordinances relating thereto have first been complied with and a certificate of examination or inspection shall first have been filed with the director of finance in cases where the same are required by ordinance. (Prior code § 2-409)

Section 2.16.100 Notices to be issued.

Wherever, by ordinance or otherwise, a notice is required for any obligation due the city, it is the duty of the City Clerk to issue the same, unless otherwise provided. (Prior code § 2-410)

Section 2.16.110 License record.

The City Clerk shall keep a record of all licenses issued by him or her under the ordinances of the city, showing the date of the issuing of same, to whom issued, the time for which same are issued, the amount paid to him or her for the same, the receipt number, and the nature of the license. The entries therein contained shall be competent evidence of the facts so set forth and shall be sufficient proof thereof. He or she shall issue all licenses authorized by ordinance upon compliance with the provisions of all ordinances relating thereto. (Prior code § 2-411)

Section 2.16.120 Records of special improvement districts.

The City Clerk shall keep an accurate record of all special improvement districts, including the ordinances creating same, amount of assessments made against property in the district, date assessments are due and collections are to be made, payments of

assessments, and date of making same, interest and penalties due thereon, and such other items as may be necessary to reflect a full, true and correct record of matters pertaining thereto. He or she shall certify all special assessments to the County Treasurer where required by law to do so, and shall make such collections in connection therewith as required of the office of City Clerk by law. (Prior code § 2-412)

Section 2.16.130 Utility accounting.

The department of finance shall have the responsibility for all utility accounting and collections. The director may provide for a subordinate employee to have immediate responsibility for operation and maintenance of this office. (Prior code § 2-413)

Section 2.16.140 Purchasing office.

The department of finance shall include a purchasing office and shall operate under the guidelines of all applicable state and federal law in addition to City Ordinances pertaining to competitive bidding and purchasing authorization and requirements. The director may delegate the duties of this office to a subordinate employee. All purchases for the city shall be made through the purchasing office. (Prior code § 2-415)

Section 2.16.150 City Auditor.

The council of the city shall designate a qualified public accountant or accountants who shall make an independent annual audit of the accounts and evidences of financial transactions of the department of finance and of all other departments, offices and agencies keeping separate or subordinate accounts or making financial transactions, as of the end of every fiscal year, and who shall report to the council and to the City Manager. (Prior code § 2-416)

Section 2.16.160 Reports.

It is the duty of the finance director, at the end of each month to report to the City Council, a statement of the financial transactions of his or her office for the month ending, which statement shall be in writing and under his or her oath, 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 bonds and interest coupons redeemed during the month;
- E. The amount that has been credited to the respective funds which are or may be approved by the City Council; and
- F. The amount of interest, profit, compensation or money received by him or her, or to be received by him or her from any person, bank or corporation for the use, control or deposit of the city funds in his or her charge, together with the amount of interest earned on warrants purchased with the sinking funds. (Prior code § 2-417)

Section 2.16.170 Advise City Council.

It is the duty of the finance director to keep the City Council fully advised at all times as to the true condition of any depository in which city funds have been deposited, and whether or not such deposits should be removed. (Prior code § 2-418)

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CHAPTER 2.20

CITY TREASURER

Sections:

- 2.20.010 City Treasurer office created.**
- 2.20.020 Treasurer duties.**
- 2.20.030 Pay out money on check/warrants.**
- 2.20.040 Turn over books.**
- 2.20.050 Accounts.**
- 2.20.060 Check/warrant register.**
- 2.20.070 Bond register.**
- 2.20.080 Cancellations.**
- 2.20.090 Depository.**
- 2.20.100 Bond of treasurer.**

2.20.010 City Treasurer office created.

Within the department of finance there shall be a City Treasurer, who shall be an officer of the city appointed by the City Council for an indefinite term. The same person may be appointed both City Clerk and City Treasurer, and the council by ordinance may provide that the City Clerk shall be ex officio City Treasurer and that an Acting City Clerk shall be ex officio Acting City Treasurer. (Prior code § 2-420)

2.20.020 Treasurer duties.

Subject to such regulations as the City Council may prescribe, the City Treasurer shall deposit funds received for the city in such depositories as the council may designate. He or she shall have such other powers, duties, and functions as may be prescribed by the City Charter, by applicable law or by ordinance. (Prior code § 2-421)

2.20.030 Pay out money on check/warrants.

A. The City Treasurer shall cause to be issued money out of the treasury by a check authorized by the City Council. Such check shall be signed by the City Treasurer, Finance Director or City Manager.

B. Checks in the amount of fifty thousand dollars (\$50,000.00) or more shall require two signatures; the City Treasurer and Finance Director or City Manager. (Prior code § 2-422; Ord. 911, § 1, eff. May 5, 2997)

2.20.040 Turn over books.

At the expiration of his or her term of office, the City Treasurer shall deliver to his or her successor in office, all money, books, papers, records, and other property connected with his or her office. (Prior code § 2-423)

2.20.050 Accounts.

The City Treasurer shall keep full, complete and accurate accounts of all money collected and disbursed by his or her office, and the accounts to be kept in books clearly showing the date of receipt, from who received, the date of disbursement, to whom disbursed, and the amount of such disbursement. The account shall show also for what purpose such money was disbursed, and to what account the same was received or charged. The City Treasurer shall issue a receipt to every person from whom he or she receives money, which shall show the fund to which it is to be applied, and the purpose of the collection. One copy of the receipt shall be retained by the treasurer, and a copy thereof shall be furnished to the City Clerk. (Prior code § 2-424)

2.20.060 Check/warrant register.

The City Treasurer shall keep a register of registered check/warrants in numerical order, and note thereon the number of the check/warrant, the date of its issuance, to whom issued, the date of registration, the amount of the check/warrant, and the date of payment when paid. (Prior code § 2-425)

2.20.070 Bond register.

The City Treasurer shall keep in a book, to be kept for that purpose, a complete list of every bond and coupon showing the date of maturity, to whom sold, the amount of the payment falling due, whether principal or interest, and showing also the date of payment of any outstanding bond or interest coupon, the amount thereof actually paid, and the number of the bond or interest coupon retired. (Prior code § 2-426)

2.20.080 Cancellations.

The City Treasurer shall cancel all bonds, coupons, and other evidences of debt against the city whenever paid by him or her, by writing or stamping across the face there, "Paid by the City Treasurer" with the date of payment written or stamped thereon. (Prior code § 2-427)

2.20.090 Depository.

The City Treasurer shall examine the condition of the accounts in any depository, the standing of such depository, the collateral deposit against all deposits on hand, and shall report whether or not the same conform in all respects with City Ordinance or state statutes. (Prior code § 2-428)

2.20.100 Bond of treasurer.

The City Treasurer shall be required to execute and file with the city a good and sufficient surety bond in such sum as the City Council may require, and the City Council may from time to time, when deemed necessary, require him or her to give a new bond or additional bond. (Prior code §2-429)

CHAPTER 2.24

CITY ATTORNEY AND ASSISTANT CITY ATTORNEY

Sections:

- 2.24.010 City Attorney created.**
- 2.24.020 Qualifications of City Attorney.**
- 2.24.030 Duties of City Attorney.**
- 2.24.040 Assistant City Attorney created.**
- 2.24.050 Qualifications of Assistant City Attorney.**
- 2.24.060 Duties of Assistant City Attorney.**
- 2.24.070 City Attorney as prosecuting officer.**
- 2.24.080 Opinions.**

2.24.010 City Attorney created.

There is hereby created and established the office of City Attorney who shall be a director of the department of law. (Prior code § 2-501)

2.24.020 Qualifications of City Attorney.

The City Attorney shall be a regularly licensed and practicing attorney in the state with more than three years experience in the active practice of law. He or she shall reside in Tulsa County or reside in the City or maintain an office in the City.

2.24.030 Duties of City Attorney.

It is the duty of the City Attorney to attend the meetings of the City Council and to counsel and advise with the City Council. He or she shall give legal aid and render legal assistance to all city officers and employees engaged in the performance of their official duties when requested. He or she shall appear, prosecute and defend all actions wherein the city is a party, and perform such other professional duties as may be required of him or her, by the City Council or City Manager. He or she shall draw such ordinances, resolutions, notices, forms, letters, deeds or other papers or documents as may be required of him or her, by the City Council or City Manager. He or she shall, on request of the City Council or City Manager, examine the records of the different city officers, to give legal advice in connection with the same, and to make reports to the City Council or City Manager as the condition may warrant and justify. (Prior code § 2-503)

2.24.040 Assistant City Attorney created.

There is hereby created and established the office of Assistant City Attorney who shall be responsible to the City Manager and work under the direction of the City Attorney. (Prior Code § 2-504)

2.24.050 Qualification of Assistant City Attorney.

The Assistant City Attorney shall be a regularly licensed and practicing attorney in the state with more than three years experience in the active practice of law. He or she shall reside in Tulsa County or reside in the City or maintain an office in the City.

2.24.060 Duties of Assistant City Attorney.

It is the duty of the Assistant City Attorney to assist the City Attorney and to fulfill the duties of City Attorney during his or her absence or disability. (Prior code § 2-506)

2.24.070 City Attorney as prosecuting officer.

The City Attorney or the Assistant City Attorney of the city shall be the prosecuting officer of the municipal court, and the relation which he or she shall bear to the court shall be the same as that borne to the district courts by the district attorney. He or she shall have full power to prosecute for the violations of any ordinances of the city in the municipal court, and shall have the power to prosecute and resist appeals and proceedings in error and review from the municipal court. The Assistant City Attorney shall act when the City Attorney requests him or her to be present for any reason. (Prior code § 2-507)

2.24.080 Opinions.

Whenever any city officer desires an opinion of the City Attorney, such officer shall submit in writing to the City Manager the legal question to be answered, and if he or she concurs that an opinion should be requested, they shall present to the City Attorney the question for consideration by him or her and the passing of opinion thereon. When desired, a City Councilmember may request the City Attorney to give his or her legal opinion by making a written request to the City Manager of the legal question to be answered. The opinions of the City Attorney to city officers or City Councilmembers may be oral but shall be in writing if requested by the City Manager or City Council. (Prior code § 2-508)

CHAPTER 2.28
BUILDING OFFICIAL

Sections:

2.28.010 Building official.

2.28.020 Duties of the building official.

2.28.010 Building official.

The office of building official is hereby created and his or her office shall be maintained as a part of the inspections department of the city. The building official is head of the inspections department and shall appoint all inspectors required in this part, including but not limited to the plumbing and electrical inspectors. (Prior code § 5-101)

2.28.020 Duties of the building official.

It is the duty of the building official to inspect all construction, reconstruction and demolition carried on in the city, and, upon request or by assignment, inspect any existing structure located within the limits of the city. The building official may, as necessary in the performance of his or her duty, enter in the daytime any building, structure or premises located inside the corporate limits of the city. The building official shall review and approve or disapprove all plans, drawings and specifications for any construction proposed in the city and he or she shall issue building permits and collect fees and enforce compliance of codes as provided for in the ordinances of the city. It is the building official's responsibility to issue permits and perform inspections on the construction and related activities as specified by other sections and other codes and ordinances of the city. (Prior code § 5-102)

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CHAPTER 2.32
MUNICIPAL COURT

Sections:

- 2.32.010** **Creation of municipal court.**
- 2.32.020** **Jurisdiction of court.**
- 2.32.030** **Judge of the municipal court—Appointment and removal.**
- 2.32.040** **Acting judge of the municipal court.**
- 2.32.050** **Vacancies in office of judge of the municipal court.**
- 2.32.060** **Compensation.**
- 2.32.070** **Private practice of judge.**
- 2.32.080** **Bond, oath of judge.**
- 2.32.090** **Direction of writs and process to chief of police.**
- 2.32.100** **Marshal, duties.**
- 2.32.110** **Municipal court clerk, bond.**
- 2.32.120** **Docket, records.**
- 2.32.130** **Style of prosecutions.**
- 2.32.140** **Powers of judge.**
- 2.32.150** **Pleas.**
- 2.32.160** **Appearance bond.**
- 2.32.170** **Release of persons in custody, other authorized means.**
- 2.32.180** **Forfeiture of bond.**
- 2.32.190** **Commitment.**
- 2.32.200** **Discharge from commitment.**
- 2.32.210** **License, bond required of municipal court bondsman.**
- 2.32.220** **Trial by jury and waiver.**
- 2.32.230** **Jurors and jury trial procedures.**
- 2.32.240** **Suspension of sentence.**
- 2.32.250** **Imprisonment—Work by prisoners.**
- 2.32.260** **Fines and costs.**
- 2.32.270** **Conduct of sessions of court—Notice.**
- 2.32.280** **Trials and judgments.**
- 2.32.290** **Creation of traffic violations bureau.**

2.32.010 **Creation of municipal court.**

There is hereby created in the city of municipal court as authorized and set out by state statutes. (Prior code § 6-101)

2.32.020 Jurisdiction of court.

The jurisdiction conferred upon municipal courts of cities and towns of the state for offenses against City Ordinances is hereby accepted and adopted by the city. The municipal court shall have and possess original jurisdiction to hear and determine all offenses against the traffic ordinances of the city without previous proceedings being had in district court in cases where the person complained against has attained the minimum age required by state law for holding a special or restricted operator's license issued by the state or an operator's licenses issued by the state. (Prior code § 6-102)

Section 2.32.030 Judge of the municipal court--Appointment and removal.

A judge of the municipal court shall be appointed by the mayor with the advice and consent of the City Council. The judge shall be an attorney at law duly admitted to practice law in the state with more than three years experience in the active practice of law. He or she shall reside in Tulsa County or reside in the city or maintain an office in the city. The term of appointment of such judge shall be for a period of two years and until his or her successor is appointed and qualified, unless the judge is sooner removed by the City Council for cause as is provided by the laws of the state or by City Charter or Ordinance for the removal of public officers. Judges shall be subject to removal from office by the governing body for the causes prescribed by the constitution and laws of this state for the removal of public officers. (Prior code § 6-103)

Section 2.32.040 Acting judge of the municipal court.

In the event of the disqualification, absence or inability of the judge as set out in this chapter to act, the mayor of the city, with the advice and consent of the City Council, may appoint some attorney at law, having the same qualifications for appointment as herein provided, to serve as acting judge of the municipal court of the city, to serve in place of the regularly appointed judge during the period of disqualification, absence or inability of the regularly appointed judge to act. (Prior code § 6-104)

Section 2.32.050 Vacancies in office of judge of the municipal court.

Vacancies in the office of the judge of the municipal court shall be filled in the same manner as provided for the appointment of the judge in the first instance. (Prior code § 6-105)

Section 2.32.060 Compensation.

If the disqualification, absence or inability of the regularly appointed judge to perform the duties of his or her office necessitates the appointment of an acting judge of the court, such regularly appointed judge shall not draw any salary from such office during the period the acting judge, appointed as herein provided, acts, and such salary shall be paid to the acting judge of the court during the period the judge shall act. (Prior code § 6-106)

Section 2.32.070 Private practice of judge.

Nothing in this chapter shall prevent any attorney appointed as judge or acting judge of the court from practicing law in any other court of the state, but the municipal or acting municipal judge shall not practice in the municipal court of the city during any period of time he or she shall hold an appointment as judge or acting judge. (Prior code § 6-107)

Section 2.32.080 Bond, oath of judge.

Before the judge of the municipal court shall begin the performance of his or her duties, he or she shall sign and file with the City Clerk an oath of office in the form prescribed by the constitution of the state. He or she may be required by the City Council to execute and submit to the mayor of the city for approval, and upon approval thereof shall file with the City Clerk, bond for the faithful performance of the duties of his or her office in such sum as the City Council may require. (Prior code § 6-108)

Section 2.32.090 Direction of writs and process to chief of police.

All writs and process of the municipal court wherein a violation is charged shall be directed to the chief of police who shall be the principal officer of such court. (Prior code § 6-109)

Section 2.32.100 Marshal, duties.

The chief of police or corresponding officer of the city shall be ex officio marshal of the municipal court. It is the marshal's duty to execute any writs and other process directed to him or her, except as herein otherwise provided and such duty may be performed by any member of the police department of the city. (Prior code § 6-110)

Section 2.32.110 Municipal court clerk, bond.

The City Clerk or his or her deputy shall be municipal court clerk. (Prior code § 6-111)

Section 2.32.120 Docket, records.

The court clerk shall keep a docket, in which he or she shall state the name of the complainant, the amount of bond, the nature or character of the offense, the date of the trial, the name of all witnesses, sworn and examined, the finding of the court, the judgment or fine and costs, the date of payment, the date of issuing commitment, if any, and every other fact necessary to show the full proceedings in such case. (Prior code § 6-112)

Section 2.32.130 Style of prosecutions.

All prosecutions for violating any City Ordinance shall be entitled: "The City of Sand Springs against _____ (naming the person or persons charged)." The complaint or arrest report against any person must be in writing; but when the accused is not in custody, the complaint shall be in writing and sworn to before a warrant be issued for the person's arrest. The written complaint shall contain a clear and

concise statement of the acts constituting the offense with which any such person may be charged. A complaint may be amended in matter of form or substance at any time either before or at the trial by permission of the court. No amendment shall work a delay of the trial, unless for a good cause shown. (Prior code § 6-113)

Section 2.32.140 Powers of judge.

The municipal judge, in the exercise of powers conferred upon him or her, shall have the power to issue warrants of arrest upon the filing of written verified complaint. He or she shall have power to issue alias warrants at his or her discretion. He or she shall have power to issue subpoenas for all persons whose testimony may be deemed material as witnesses upon the trial, and to enforce their attendance by attachment, if necessary. He or she shall also have power to administer oaths, and enforce the obedience to all orders, rules and judgments made by him or her, and may fine and imprison for contempt offered to such judge while holding court. (Prior code § 6-114)

Section 2.32.150 Pleas.

When any person shall be arraigned before the court for trial, the municipal judge shall acquaint him or her with the nature of the complaint, and where written complaint has been filed, the complaint shall be read to him or her unless waived, he or she shall be advised of his or her right of appeal and the name of the person making complaint shall be stated to the defendant. The defendant shall be required to plead, and may plead "Guilty" or "Not Guilty" or "No Defense" to the charge, according to the circumstances of resistance or opposition to the charge and in keeping with his or her desires, and if he or she stands mute or fails to plead, the plea of "Not Guilty" shall be entered. If the plea of "Not Guilty" is entered, the trial shall proceed immediately, unless for good cause shown, a continuance be granted. If such person, when arraigned, shall plead "Guilty" or "No Defense", or if tried and found "Guilty", the court shall immediately pass sentence upon such person, but testimony may be introduced to show the aggravation or mitigation of the offense in all cases where the plea of "Guilty" is entered. When a trial shall be continued, it shall not be necessary to subpoena witnesses who are present at the time of continuance, but the judge shall verbally notify such witnesses as either party may require to appear before him or her to testify in the cause on the day set for trial, which verbal notice shall be valid as a subpoena. (Prior code § 6-115)

Section 2.32.160 Appearance bond.

A. Any person in custody shall have the right to enter into a recognizance with sufficient surety, who shall qualify by affidavit in double the amount of the bond, conditioned that the defendant will personally appear before the municipal judge at the time and place appointed for arraignment and trial, then and there to answer the complaint alleged against him or her, or in lieu of such written recognizance a cash bond may be posted and accepted. If the defendant shall fail to enter into such a proper recognizance, the defendant shall be committed to jail and be held to answer the complaint as aforesaid.

B. In the absence of the municipal judge, the chief of police may set the amount of bond or in his or her absence, the arresting officer is hereby authorized and directed to accept a cash bond of not less than ten dollars (\$10.00) nor more than the maximum amount of fine chargeable for the offense.

C. In lieu of such written recognizance or in lieu of cash bond, as set out in this section, and in the place thereof, the arresting officer is hereby further authorized and directed to accept a valid driver's license of the person charged with offense and shall give receipt to the alleged offender therefor. (Prior code § 6-116)

Section 2.32.170 Release of persons in custody, other authorized means.

A. Persons in custody may also be released as follows:

1. Any person may be released to his or her attorney upon the attorney executing his or her agreement to produce such person in custody at the time and place appointed for arraignment, trial or other time designated by the municipal court of the city, provided however all such attorneys shall be duly licensed by the Oklahoma Bar Association and same must be approved by the municipal court prior to the release of any person;

2. Any person younger than eighteen (18) years may be released to his or her parent or parents upon their executing an agreement to produce such person at the time and place designated by the police officer in charge of juveniles or designated by the municipal court;

3. Any person may be released for medical reasons by the police officer in charge of the city jail when in his or her opinion the health, safety or welfare of the person in custody would be endangered or jeopardized by continued custody in the city jail. The officer authorizing such release must file a written statement of the facts which caused the release to be made and the statement of facts must be attached to the complaint or arrest report;

4. Any person may be released to another jurisdiction which has a pending charge against the person. A hold order on the person released must be placed with the jurisdiction to which the person is released for the return to the custody of the court for the prosecution of charges before the municipal court; and

5. Any person may be released on the written request of the judge of the municipal court or City Attorney; such request must be attached to the complaint or arrest report.

B. No person shall be released from custody or discharged from any offense except as set out in this chapter and no person shall be released to a city officer, employee, or member of the council nor to any other officer or employee of any other authority except as set out herein. (Prior code § 6-117)

Section 2.32.180 Forfeiture of bond.

In case of the breach of any written recognizance entered into the same shall be deemed and declared forfeited, and the City Council shall cause the same to be prosecuted against the principal and surety, or the surety alone. Such action shall be in the name of the city as plaintiff, and may be prosecuted in a court of proper jurisdiction and venue, on the transcript of the proceedings before the municipal judge. A copy of such recognizance must be certified by the municipal judge. On the breach of forfeiture of

a cash undertaking for the appearance of the accused, such recognizance shall be summarily declared forfeited, and the forfeiture noted on the appearance docket. All money recovered by forfeiture of any recognizance, either written or in money, shall be paid over to the City Clerk, to be deposited in the general fund of the city. (Prior code § 6-118)

Section 2.32.190 Commitment.

Whenever any person shall have been arraigned before the municipal court for the violation of any City Ordinance and shall have pleaded "Guilty" to the charge, or when a plea of "Not Guilty" has been entered and on the trial thereof the defendant shall have been found "Guilty" by the court, the municipal judge shall declare and assess the punishment prescribed by ordinance, and render judgment accordingly, and for costs of suit. The defendant shall stand committed until the judgment is complied with. (Prior code § 6-119)

Section 2.32.200 Discharge from commitment.

Any defendant committed must be discharged on payment of fine and costs, or on perfecting an appeal as provided in this chapter. (Prior code § 6-120)

Section 2.32.210 License, bond required of municipal court bondsman.

All bonds provided to municipal court shall be provided by a bondsman licensed by the State of Oklahoma and in compliance with state law. (Prior code § 6-121; 1221, Amended by Recodification 11/19/2012)

Section 2.32.220 Trial by jury and waiver.

A. In all prosecutions for violations of ordinances punishable by fine of more than that amount set by state law which requires a jury trial, or by imprisonment, or by both such fine and imprisonment, trial shall be by jury, unless waived by the defendant. If trial by jury is waived, trial shall be to the court.

B. At arraignment, the defendant shall be asked whether he or she demands or waives trial by jury. His or her election shall be recorded in the minutes of the arraignment and entered on the docket of the court respecting proceedings in the case.

C. An election waiving jury trial, made at arraignment, may be changed by the defendant at any time prior to the day for which trial by the court is set; an election demanding jury trial may be changed at any time prior to the commencement of proceedings to impanel the jury for the trial, but if that change occurs after the case has been set for jury trial, it may not thereafter be rechanged so as again to demand trial by jury. (Prior code § 6-122)

Section 2.32.230 Jurors and jury trial procedures.

A. Whenever a calendar has been made up for the trial of cases by jury, the judge shall request, in writing, the presiding judge of the district court for this judicial district to cause the names of a stated number of jurors, deemed sufficient to dispose of the cases on the calendar, to be drawn from the jury wheel in accordance with the

B. Upon receipt of the jury list, the clerk of the court shall cause a summons substantially in the following form to be issued and served upon each person on the list:

Clerk of the Municipal Court of the City of
Sand Springs, Oklahoma

E. After the jurors are sworn, they must sit together and hear the proofs and oral arguments of the parties, which must be delivered in public and in the presence of the defendant.

F. A verdict of the jury may be rendered by the vote of five jurors.

G. In all actions tried before a jury, the judge shall determine all questions of law, including questions as to the introduction of evidence, arising during the trial. He or she also shall instruct the jury as to the law.

H. The verdict of the jury, in all cases, must be general. When the jury has arrived at its verdict, it must deliver the verdict publicly to the court. The judge must enter the verdict in the docket or cause it to be so entered.

I. The jury must not be discharged after the cause is submitted to it until a verdict is rendered, unless the judge, for good cause, discharges it sooner, in which event the court may proceed again to trial, and soon, until a verdict is rendered. (Prior code § 6-123)

Section 2.32.240 Suspension of sentence.

After conviction and sentence, the judge may suspend sentence, in accordance with the provisions of, and subject to the conditions and procedures imposed by Sections 27-123 and 27-124 of Title 11 of the Oklahoma Statutes. (Prior code § 6-124)

Section 2.32.250 Imprisonment--Work by prisoners.

A. If, after conviction, judgment of imprisonment is entered, a copy thereof, certified by the clerk, shall be delivered to the chief of police, the sheriff of the county or other appropriate police officer. Such copy shall be sufficient warrant for execution of the sentence.

B. All prisoners confined to jail, on conviction or on plea of guilty may be compelled, if their health permits, to work on the public streets, avenues, alleys, parks, buildings, or other public premises or property. For each day of such work, the prisoner shall be credited for serving two days of imprisonment under his or her sentence.

C. The chief of police, subject to the direction of the City Manager, shall direct where the work shall be performed. The head of the department in charge of the place where the work is to be performed, himself, herself, or by some person designated by him or her, shall oversee the work. If a guard is necessary, the chief of police shall make provision therefor. (Prior code § 6-125)

Section 2.32.260 Fines and costs.

A. If judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant, in addition to the total amount of fine. The fine may not exceed the amount set forth in Section 1.20.010 of this code.

B. The judge shall have the authority to assess costs at the maximum amount allowed by state law, and if not established by state law, in an amount established by municipal court rule or City Council resolution, said costs to include fees and mileage of jurors and witnesses if appropriate. In addition to the foregoing, the judge shall have the authority to assess all costs as may presently, or hereinafter, be mandated by state law to

be recovered upon conviction in municipal courts not of record. Such costs, mileage and juror or witness fees may be assessed in the following instances:

1. Against any person convicted of an offense against the City; and,
2. Against any person who files a complaint against another and without good cause fails to appear on the date and at the time set for hearing, or who otherwise fails to diligently prosecute such complaint.

C Jurors and witnesses shall be compensated jury and witness fees in an amount equal to that amount provided by state law for jury service and witness fees in proceedings brought in the District Courts of the State of Oklahoma.
(1088, Amended, 01/24/2005, Amended 2.32.260 B and added 2.32.260 C.; Ord. 986, Amended, 05/14/2001)

Section 2.32.270 Conduct of sessions of court--Notice.

The judge of the court shall conduct regular sessions of the municipal court. Notice of the sessions shall be given as prescribed in the Oklahoma Open Meetings Law, Section 301 et seq., of Title 25 of the Oklahoma Statutes. (Prior code § 6-127)

Section 2.32.280 Trials and judgments.

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

B. The defendant must be present in person at the trial.

C. In all trials, as to matters not covered in this chapter, or by the statutes relating to municipal criminal courts, or by rules duly promulgated by the Supreme Court of Oklahoma, the procedure applicable in trials of misdemeanors in the district courts shall apply to the extent that they can be made effective.

D. If the defendant pleads guilty or is convicted after the trial, the court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable ordinance and imposing sentence accordingly.

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

F. If judgment is of acquittal, and the defendant is not to be detained for any other legal cause, he or she must be discharged at once.

G. If a defendant who is financially able refuses or neglects to pay a fine or costs or both, payment may be enforced by imprisonment until the same shall be satisfied at the rate of five dollars (\$5.00) per day. If the defendant is without means to pay the fines or costs, the municipal judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court in the county where the situs of the municipal government is located where it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. Thereupon, the same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor. (Prior code § 6-128)

Section 2.32.290 Creation of traffic violations bureau.

A. 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 or her for that purpose. Persons who are cited for violation of one of the traffic regulatory ordinances of this city, other than:

1. A second traffic offense within a twelve (12) month period; and
 2. A driver' s license offense punishable by a fine of more than the amount set forth in subsection B of Section 1.20.010 of this code;
- may elect to pay a fine in the traffic violations bureau according to the schedule of fines to be determined by the City Council.

B. The court may adopt rules to carry into effect this section. Payment of a fine under this section shall constitute a final determination of cause against the defendant. If a defendant who has elected to pay a fine under this section fails to do so, prosecution shall proceed under the provisions of this chapter. (Prior code § 6-129)

Chapter 2.36

POLICE DEPARTMENT

Sections:

- 2.36.010 Department established.**
- 2.36.020 Appointment or removal.**
- 2.36.030 Duties of chief of police.**
- 2.36.040 Other police personnel.**
- 2.36.050 Making record and disposition of unlawful controlled drugs.**
- 2.36.060 Duty to assist officers.**
- 2.36.070 Disposal of stolen property.**
- 2.36.080 Police dog interference.**
- 2.36.090 City Jail.**
- 2.36.100 City prisoners, care and custody.**

Section 2.36.010 Department established.

There is created and established a police department of the city. The chief of police shall be the executive head of the police department subject to the superior authority of the City Manager. The membership of the police department shall be of such numbers and rank, as in the discretion of the City Manager may be necessary to preserve and maintain order within the corporate limits. (Prior code § 13-301)

Section 2.36.020 Appointment or removal.

The chief of police and all or any members of the police department may be appointed or removed by the City Manager. (Prior code § 13-302)

Section 2.36.030 Duties of chief of police.

A. The chief of police shall have the power to:

1. Preserve the public peace;
2. Prevent commission of crimes;
3. Arrest offenders;
4. Protect the rights and property of all persons;
5. Suppress riots and insurrections;
6. Disburse unlawful and dangerous assemblages; and
7. Arrest any persons violating the ordinances of the city and state and federal laws and to do any and all other acts enjoined on him or her by City Charter, ordinances and state and federal law.

B. He or she shall supervise and control the operations of the police department, and jail, and perform such other duties as may be assigned to him or her by the City Manager, all of which shall be in conformance with applicable city, state and federal decisions, laws and regulations. (Prior code § 13-303)

Section 2.36.040 Other police personnel.

The chief of police, under the supervision of the City Manager, shall cause to be made such rules and regulations governing and defining the duties and authority of the other officers and members and operations of the police department. Such rules and regulations shall govern the conduct, authority and duties of the officers and members of the police department except that no rule and regulation shall be promulgated or enforced which is in conflict with the provisions of this chapter, the ordinances of the city, the City Charter, or the laws of the state. (Prior code § 13-304)

Section 2.36.050 Making record and disposition of unlawful controlled drugs.

Upon seizure by the police department of all controlled dangerous substances which have been manufactured, distributed, dispensed, acquired, concealed or possessed in violation of the Uniform Controlled Dangerous Substances Act of the state of Oklahoma as well as all raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing or exporting any controlled dangerous substance in violation of the provisions of the Uniform Controlled Dangerous Substances Act of the state of Oklahoma. The officers shall cause a written inventory to be made and maintain custody of the foregoing until all legal actions have been exhausted unless such property has been placed in lawful custody of a court or state or federal law enforcement agency. After all legal actions have been exhausted with respect to such property, the property shall be surrendered by the police department to the Oklahoma State Bureau of Investigation to be destroyed as provided in Section 2-508 of Title 63 of the Oklahoma Statutes or any successor thereto. The property shall be accompanied with the written inventory on forms to be furnished by the Oklahoma State Bureau of Investigation. (Prior code § 13-305)

Section 2.36.060 Duty to assist officers.

It is unlawful, and a public offense for any person or persons, who being present, to refuse to assist any police officer in making an arrest when so requested by such officer to help preserve the peace or prevent the escape of a person charged with an offense. (Prior code § 13-306)

Section 2.36.070 Disposal of stolen property.

A. The chief of police is hereby authorized to dispose of personal property or money or legal tender or weapons which have come into his or her possession in any manner if:

1. The owner of the personal property or money or legal tender or weapon is unknown or has not claimed the property;
2. The property or money or legal tender or weapon has been in the custody of the chief of police for at least six months; and
3. The property or money or legal tender or any part thereof is no longer needed to be held as evidence or for any other purpose in connection with any litigation.

B. The disposition of personal property or money or legal tender or weapons shall be in accordance with the provisions of Section 34-104 of Title 11 of the Oklahoma Statutes, or any successor thereto. (Prior code § 13-307)

Section 2.36.080 Police dog interference.

It is unlawful and an offense for any person to torture, torment, beat, kick, strike, mutilate, injure, disable, or kill any dog used by the police department of the city in the performance of the functions or duties of such department or to interfere with or meddle with any such dog at any time, whether or not such dog is being used by the department or any officer or member. (Prior code § 13-308)

Section 2.36.090 City Jail.

As a part of the police department, and under its immediate jurisdiction and control, shall be the City Jail. The chief of police, or such member of the police department as may be designated by him or her shall receive all persons committed to the City Jail by the municipal court and detain the persons in the jail in execution of the judgment of the court. He or she shall detain all persons charged with the violation of any law or ordinance, pending orders of the municipal court in relation to such prisoners. (Prior code § 13-309)

Section 2.36.100 City prisoners, care and custody.

The chief of police shall have the care and custody of all city prisoners and, when requested to do so by the City Manager, shall deliver them over to other departments for the purpose of working as by law provided, if the city prisoners consent to such work. (Prior code § 13-310)

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Chapter 2.40

FIRE DEPARTMENT

Sections:

- 2.40.010 Fire department created.**
- 2.40.020 Appointment and removal.**
- 2.40.030 Equipment needs.**
- 2.40.040 Control at fires.**
- 2.40.050 Fire marshal--Qualifications and duties.**
- 2.40.060 Fire department rules and regulations.**
- 2.40.070 Right of ingress and egress.**
- 2.40.080 Procedure for elimination of fire hazard.**
- 2.40.090 Removal and injury to property of fire department.**
- 2.40.100 Fire hydrants.**
- 2.40.110 Fire hydrants, obstruction or molesting of.**
- 2.40.120 Fire run contracts outside corporate limits.**
- 2.40.130 Distance of outside fire run.**
- 2.40.140 Persons at fire.**
- 2.40.150 Acting as state agency.**
- 2.40.160 Fire library, information and investigation.**
- 2.40.170 Duties incumbent upon all members of the department.**
- 2.40.180 Securing fire scene.**

Section 2.40.010 Fire department created.

There is hereby created a fire department in and for the city, consisting of both paid and volunteer members. The fire chief shall be executive head of the fire department, subject to the superior authority of the City Manager. The membership of the fire department shall be of such number and rank as in the discretion of the City Manager may be necessary to preserve and protect property within the fire protection service area authorized by the City Council pursuant to ordinance and statutes of the state. (Prior code § 13-201)

Section 2.40.020 Appointment and removal.

The fire chief and all or any member of the fire department may be appointed or removed by the City Manager. (Prior code § 13-202)

Section 2.40.030 Equipment needs.

Whenever any apparatus, hose or other appliances or supplies are required for the use of the fire department, it is the duty of the chief of the fire department to make a written request of the City Manager to supply and furnish the same. (Prior code § 13-203)

Section 2.40.040 Control at fires.

The chief of the fire department shall have full control and command over all persons and property at fires, shall station the fire apparatus and see that all members of the fire department perform the duties prescribed by ordinance, City Charter and rules of the department. He or she shall direct such measures as he or she shall deem most advisable for the extinguishing of fires, and shall establish such lines or zones at the scene of any fire as may be required to properly manage the equipment, control the spread of fire, and shall take such measures as are necessary and expedient to require observance of the fire lines and fire zones, and may arrest any transgressor or trespasser thereon or therein. He or she shall, in the exercise of his or her sound discretion and to prevent spread of fire and to keep the same under control, raze or destroy any building or property in the path of the fire, when necessary to do so to prevent the spread of the conflagration and to keep same under control. (Prior code § 13-204)

Section 2.40.050 Fire marshal--Qualifications and duties.

A. The fire marshal in and for the city shall be responsible to the chief of the fire department for the performance of his or her duties and shall possess the following qualifications. He or she shall:

1. Have had, before appointment, at least three years actual experience with a paid fire department;
2. Have a high school education or equivalent;
3. Be certified in accordance with the laws of the state; and
4. Have such other qualifications as the City Manager may require, which shall be in writing.

B. The fire marshal in and for the city shall perform the following duties. He or she shall:

1. Inspect or cause to be inspected such buildings, premises and other structures in the city where he or she has reason to believe and does believe there exists any condition liable to cause fire or is in violation of the fire code of the city;
2. Have the authority to require and shall order corrections to be made of any condition that is in violation of the fire code of the city, provided that the chief of the fire department shall have co-extensive and concurrent jurisdiction and authority with the fire marshal in matters of fire prevention;
3. Maintain a file of copies of all inspection reports in his or her office, made by him or her or by his or her authority; and
4. Perform all other duties as may be assigned to him or her by the chief of the fire department. (Prior code § 13-205)

Section 2.40.060 Fire department rules and regulations.

The chief of the fire department, under the supervision of the City Manager, shall cause to be made such rules and regulations governing and defining the duties and authority of the other officers and members of the fire department. Such rules and regulations shall govern the conduct, authority and duties of the officers and members of

the fire department, except that no rule and regulation shall be promulgated or enforced which is in conflict with the provisions of this chapter, the ordinances of the city, the City Charter, or laws of the state. (Prior code § 13-206)

Section 2.40.070 Right of ingress and egress.

The chief of the fire department, or his or her designee, or the fire marshal, shall have the authority at all times, either by day or night, when necessary in the performance of the duties imposed by this chapter, to enter upon the premises or within any building, and inspect the same as herein provided. It is an offense for any person to fail or refuse admission hereunder, or in any way to hinder or prevent the chief of the fire department, the fire marshal, or their designees from entering on any premises for the purpose of inspecting the same as herein provided. (Prior code § 13-207)

Section 2.40.080 Procedure for elimination of fire hazard.

Whenever a finding has been made that where any building or any premises or other place is in violation of the fire code as adopted by the city, the same shall be ordered remedied by the fire marshal or chief of the fire department. Such order shall be complied with forthwith by the owner or occupant of the premises or building, or within such period of time as provided by the fire marshal or chief of the fire department, unless an appeal in writing be taken within twenty-four (24) hours to the City Manager who shall, within three days review such and make and file a written decision sustaining, revoking or modifying the order, as may be the case. Where the order is sustained or modified on appeal by the City Manager, such owner or occupant of the premises must then comply with the order as sustained or modified without further delay. Failure to do so shall be and constitute an offense, provided further that each day of violation after the period of time provided for the correction shall be a separate violation. (Prior code § 13-208)

Section 2.40.090 Removal and injury to property of fire department.

No person shall willfully and without authority of the City Manager remove, take away or conceal any tools, appliances or other articles belonging to any fire apparatus or the fire department, or anything used in any way by the fire department, nor use any such appliances, articles or apparatus for personal use. No person shall willfully injure in any manner any appliances or other articles, fire apparatus, or any building containing the same, and any violations hereof shall be and constitute a public offense, punishable as all other public offenses as herein provided. Such punishment shall not relieve the person from any civil liability to the city for such acts. (Prior code § 13-209)

Section 2.40.100 Fire hydrants.

The chief of the fire department, or his or her designee shall once in each six months determine whether or not the fire hydrants of the city are in proper order and condition, and where it is found that any such fire hydrant is not ready for immediate service, the person making the inspection shall immediately report such fact to the chief of the fire department or his or her designee who shall arrange to make immediate repairs to the hydrant. (Prior code § 13-210)

Section 2.40.110 Fire hydrants, obstruction or molesting of.

A. No person shall place or cause to be placed upon or about any fire hydrant any rubbish, building material, fence or other obstruction, of any character whatsoever, nor shall any person fasten to the same any guy rope or brace, nor back or stand a vehicle against any hydrant. Any fence or other obstruction now standing in violation of this section shall be removed by the owner of the adjoining premises or the occupant of the premises to a distance which shall provide a clearance of the fire hydrant so as to provide free access to the fire hydrant within one day after notice served by the fire department to remove the same.

B. No person shall use or cause to be used, or connect any hose or apparatus to or molest any fire hydrant without having secured written permission from the chief of the fire department, which written permission shall specify the hydrant to be used, the length of time and the purpose and conditions under which fire hydrant shall be used. Violating the provisions of this section shall be a public offense. (Prior code § 13-211)

Section 2.40.120 Fire run contracts outside corporate limits.

The city is hereby authorized to provide fire and emergency services to persons and property without the corporate limits and charge fees for such services. All contracts and agreements entered into by the city with an individual, owner, firm, private corporation or association for fire and emergency services outside the corporate limits of the city shall provide for the payment therefore by the individual, owner, firm, private corporation or association to the city as follows:

A. For the attendance of apparatus and personnel to the emergency scene, such individual, owner, firm, private corporation or association shall pay to the city a sum as set by the City Council for the first hour in the event that additional apparatus and personnel report to the emergency scene, such individual, owner, firm, or private corporation or association shall pay to the city a sum as set by the city for the first hour of attendance. If any apparatus and personnel attend the emergency scene for a period longer than one hour, then for the attendance of such apparatus and personnel in excess of such hour, such individual, owner, firm, private corporation or association shall pay to the city for such excess period, a sum as set by the City Council.

B. The total amount earned by the attendance of any and all such apparatus and personnel shall be paid to the City Clerk of the city, and the total amount shall be credited to and deposited into the general fund of the city. (Prior Code 13-212).

The rates and fees established by this ordinance may be amended by resolution of the City Council of the City of Sand Springs.
(1103, Amended, 08/22/2005, Amended 2.40.120)

Section 2.40.130 Distance of outside fire run.

The fire department of the city is authorized and directed to make any outside calls, unless, in the opinion of the fire chief, or the assistant chief on duty, it is inexpedient to do so on account of another fire in the city or any other physical condition that may

exist. Nothing herein shall prohibit the chief of the fire department or his or her assistant on duty from dispatching fire or other emergency equipment outside the corporate limits of the city. (Prior code § 13-213)

Section 2.40.140 Persons at fire.

Every person at or near a fire who shall conduct himself or herself in a disorderly manner, or neglect or refuse to obey promptly any order of the chief of the fire department or member of such department, shall be guilty of an offense, and shall be forthwith arrested by the chief of the fire department, fire marshal, member of the fire department, or police officer. A member of the police department, if available, shall be on hand at the scene of any and all fires to keep idle and suspicious persons from the immediate vicinity of the fire, and to prevent any and all persons from interfering with or impeding the work of the fire department. The police officer shall aid insofar as possible in protecting all property placed at risk from theft or needless injury, and cooperate with the fire department in every possible way while at the fire. (Prior code § 13-214)

Section 2.40.150 Acting as state agency.

The fire department of the city answering any fire alarm or performing any fire prevention services outside of the corporate limits of the city shall be considered an agent of the state, and acting solely and alone in a governmental capacity. The city or any member of the department shall not be liable in damages for any act of commission, omission or negligence while answering or returning from any fire, or reported fire, or doing or performing any fire prevention work under and by virtue of this chapter. (Prior code § 13-215)

Section 2.40.160 Fire library, information and investigation.

The chief of the fire department 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. He or she shall see that the citizens of the city are kept informed on fire hazards in the community and on the activities of the fire department. He or she shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of arson shall notify proper authorities and secure and preserve all possible evidence for future use in the case. (Prior code § 13-216)

Section 2.40.170 Duties incumbent upon all members of the department.

The duties and obligations set out in this chapter shall be equally incumbent upon all members of the City Fire Department, both paid members and volunteer members unless otherwise specifically set out in this title. (Prior code § 13-217)

Section 2.40.180 Securing fire scene.

The chief of the fire department or police officer of the city may empower and authorize some person to guard and protect any goods or property left in an exposed condition by reason of fire and the costs of such guard shall be at the expense of the owner of the goods or property being protected, unless the property owner, in writing, states no guard is required. (Prior code § 13-218)

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Chapter 2.42

EMERGENCY MEDICAL SERVICES PROGRAM

Sections:

- 2.42.010 Definitions.**
- 2.42.020 Emergency Medical Service Program.**
- 2.42.030 Fire Subscription Service.**
- 2.42.040 Nonparticipation Election.**
- 2.42.050 Collection of Service Charges.**
- 2.42.060 Adjustment of Charges, Appeal.**

Section 2.42.010 Definitions.

For the purpose of this chapter, the following words and phrases shall have meanings respectively ascribed to them by this section.

Director shall mean the Chief Executive Officer of EMSA.

Landlord shall mean any person, company, corporation, or other entity which owns or manages residential living units and leases the residential living units to Tenants and is responsible for payment of the utility bills for the living units.

Emergency Medical Service Program shall mean the products, expertise, equipment, and costs associated with EMSA providing medical treatment to a patient, including but not limited to the EMSAcare Program," billed monthly on the water customer's utility bill and shall additionally refer to the First Responder Services provided by the City of Sand Springs. (New section by Ord 1145, adopted 05/14/07; Amended by Ord 1255, adopted 07/14/14)

EMSA Subsidy represents an amount assessed by EMSA to the City of Sand Springs, annually, to cover the cost of uninsured and Medicare patient costs that are not fully reimbursed by the federal government.

Fire Subscription Service shall refer to a voluntary fire protection plan offered by the Sand Springs Fire Department within the service area of the Fire Department but outside the city limits.

Multifamily residential shall mean two (2) or more residential living units and served by one (1) water service connection.

Program Year shall be from July 1 through June 30 of the next calendar year. Each Program Year shall be designated by the calendar year in which the program year expires (e.g., July 1, 2007, through June 30, 2008, shall be designated Program Year 2008).

Single-family residential shall mean one (1) residential living unit served by one (1) or more water service connections.

Tenant shall mean everyone not included as a water customer or a landlord.

Water customer shall include all individuals permanently residing together in a residential living unit at a specific location, which living unit has water service billed directly to one (1) of the individuals residing in the living unit. (New section by Ord 1145, adopted 05/14/07)

Section 2.42.020 Emergency Medical Service Program.

A. Every single-family residential and multifamily residential water customer of the City shall be included in the Emergency Medical Service Program, unless they affirmatively decline participation in the program in the manner set forth herein, or are excluded from the program by the Fire Chief.

B. Single-family residential water customers participating in the program shall have included within their water utility bill a fee established by resolution or established as a part of the City's annual budget.

C. Multifamily residential water customers and landlords shall provide to the Director, on or before May 31 of the year immediately prior to the beginning of a Program Year, the total number of residential living units owned or operated by the person or entity providing the report, which shall be used to determine the occupancy figure set out in Subsection B, above. There is a rebuttable presumption that eighty-five percent of the total number residential living units served solely by a single water connection are occupied.

D. The Fire chief is authorized to exclude those customers or areas in which the City does not provide first responder services, and is authorized to negotiate and present to the City Manager proposed contracts for mutual aid, mutual billing or cooperative agreements for other rural fire and or rural water service areas. (New section by Ord 1145, adopted 05/14/07)

Section 2.42.030 Fire Subscription Service.

A. Every single-family residential and multifamily residential water customer outside the corporate limits of the City shall be included in the Fire Subscription Service, unless they affirmatively decline participation in the program.

B. Any water customer who desires not to participate in the Fire Subscription Service for the next Program Year shall sign and file a declaration of nonparticipation, on forms prescribed and approved by the Fire Chief, prior to June 30 immediately preceding the beginning of the next Program Year, or upon opening a water service account at a residential address.

C. In addition to the above fees, the Fire Chief and City Manager are authorized to establish reasonable voluntary subscription fees for non-residential uses outside the City. (New section by Ord 1145, adopted 05/14/07)

Section 2.42.040 Nonparticipation Election.

A. Any water customer or landlord who desires not to participate in EMSAcare for the next Program Year shall sign and file a declaration of nonparticipation, on forms prescribed and approved by the Director, prior to June 30 immediately preceding the beginning of the next Program Year, or upon opening a water service account at a residential address. A water customer who does not participate in the program shall remain out of the program until the customer affirmatively elects to join the program for the next Program Year prior to June 30 immediately preceding the beginning of the next Program Year. (New section by Ord 1145, adopted 05/14/07; Amended by Ord 1255, adopted 07/14/14)

B. If a landlord or multifamily residential water customer elects for a property not to participate in the EMSAcare Program, the landlord or multifamily residential water customer shall obtain from each tenant a written and signed acknowledgment stating that the tenant (1) understands that the property being leased by the tenant is not included in the EMSAcare Program; (2) understands that he/she may affirmatively elect to personally participate in the EMSAcare Program by contacting the Director and enrolling in the Program; (3) understands failure to participate in the EMSAcare Program will subject the tenant or water customer to the full fee for the costs associated with their treatment; (4) states the basic cost for an emergency ambulance transport run for the Program Year; and (5) acknowledges that he or she has received the telephone number and mailing address of the Director for the purposes of participating in the EMSAcare Program, if desired. The written and signed acknowledgment described herein shall be maintained in the landlord's records and available for inspection. (New section by Ord 1145, adopted 05/14/07; Amended by Ord 1255, adopted 07/14/14)

C. Failure to obtain and maintain on file the written acknowledgment from each tenant shall be a separate violation of this section. In addition, every thirty (30) day period from the beginning of a lease until written acknowledgment is received or the landlord elects for a property to participate in the program shall constitute a separate offense for each tenant affected. (New section by Ord 1145, adopted 05/14/07)

Section 2.42.050 Collection of Service Charges.

A. The service charges herein established for the use of Emergency Medical Service Program shall be billed to each water customer monthly, along with the bill for water and other City utility services and such penalties as are now or may hereafter be established for water service bills, and shall carry the same due date as now or may hereafter be established for water service bills.

B. In the event any person, firm, or corporation shall tender as payment of water service, Emergency Medical Service Program, sanitary sewer, nuisance abatement fees, sanitary sewer service, collection of solid waste, and/or service charges for the use of the City's stormwater drainage system an amount insufficient to pay in full all of the charges so billed, credit shall be given first to the charges for fees, penalties or any unpaid amounts of any kind owed the City, second for deposit, third to the service charge for the use of the City's stormwater drainage system, fourth to the charges for collection of solid waste, fifth to the charge for the Emergency Medical Service Program, sixth to any sanitary sewer fees, seventh to the charge for Fire Subscription Services, and lastly to the charges for water services.

C. In the event any utility account shall become delinquent, services may be terminated by the City until all delinquent charges shall be paid in full. The provisions for collection of charges provided herein shall be in addition to any rights or remedies which the City may have under the laws of the State of Oklahoma.

D. In addition to the established fees, the City shall bill and collect any amounts covered by insurance for fire and ambulance costs for both inside and outside city services, in addition to any fees set forth herein.

E. Disbursement of funds by the City to EMSA shall be upon the basis agreed to and approved through the annual budget process, or by subsequent budget amendments approved by the City Council. (New section by Ord 1145, adopted 05/14/07)

Section 2.42.060 Adjustment of Charges, Appeal.

Any person who considers the EMSAcare charges created herein to be inaccurate or erroneous may request review thereof by the Director. In addition, any landlord who encounters special circumstances that would justify modifying the number of occupied units determined in accordance with the provisions of Section 2.42.020, such as fire, Act of God, or renovations, may request review thereof by the Director. The determination by the Director may be appealed to the EMSA Medical Board by written notice of appeal filed with the Director within ten days of the Director's determination. The decision of the Board may be appealed to the City Council by such person or by the Director by written notice of appeal filed with the City Clerk within ten days of decision by the Board. (New section by Ord 1145, adopted 05/14/07; Amended by Ord 1255, adopted 07/14/14)

Chapter 2.44

CITY PLANNING COMMISSION

Sections:

- 2.44.010 Membership.**
- 2.44.020 Election.**
- 2.44.030 Qualifications.**
- 2.44.040 Terms.**
- 2.44.050 Compensation.**
- 2.44.060 Rules and procedure.**
- 2.44.070 Duties.**
- 2.44.080 Removal from commission membership--Absence from meetings.**

Section 2.44.010 Membership.

The membership of the City Planning Commission of the city is set at seven members. One member of the council of the city shall be appointed to serve as one of the members of the commission. (Prior code § 12-101)

Section 2.44.020 Election.

Each member of the commission shall be nominated by a councilmember of the city council. The nomination shall be seconded by a councilmember of the city council and the nominee' s name shall then be put to a vote of the council of the city. The nominee must be appointed to membership in the commission by a majority vote of the council of the city. (Prior code § 12-102)

Section 2.44.030 Qualifications.

At no time shall more than two residents of any ward serve upon the commission as a member thereof, except the ward of any council member serving shall not count toward this limitation. (Prior code § 12-103; 1266, eff. 07/13/2015)

Section 2.44.040 Terms.

A. On the first appointment of full membership hereunder, the members of the commission shall be appointed to serve terms as follows:

1. Members appointed to posts five and six shall be appointed for a term of one year;
2. Members appointed to posts three and four shall be appointed for a term of two years;
3. Members appointed to posts one and two shall be appointed for a term of three years; and
4. Members appointed to all posts thereafter, shall be appointed for terms of three years.

B. Each member appointed shall serve until his or her qualified successor is appointed. In the event of a member vacating or being removed from his or her appointment, the council shall appoint his or her replacement in the same manner as other members are appointed and the replacement member shall serve only the unexpired term of the member whom he or she replaced. (Prior code § 12-104)

Section 2.44.050 Compensation.

No member of the commission shall receive any item, money or thing of value for his or her services as a member of the commission and all members shall serve without pay. (Prior code § 12-105)

Section 2.44.060 Rules and procedure.

The members of the commission shall create the rules and regulations under and by which the commission shall function and shall determine and elect its officers and prescribe such officer's duties. Commission shall determine all orders of business before the commission and shall set and determine dates and places of such meetings, both regular and special, as they may deem necessary. A majority of a quorum must vote aye or nay and a minimum number of four votes must be cast on each motion properly before the commission for action or such motion shall not carry or be denied. (Prior code § 12-106)

Section 2.44.070 Duties.

The City Planning Commission shall be responsible for the administration of the planning and zoning ordinances of the city and shall have all powers and functions as provided in state statutes relating to City Planning Commissions. (Prior code § 12-107)

Section 2.44.080 Removal from commission membership--Absence from meetings.

A. Any commission member, upon written charges and after public hearing, may be removed by the appointing council for any one of the following causes:

1. Actions and conduct unbecoming to a public official of the city; or
2. Repeated acts and conduct detrimental to the peace, health, safety and welfare of the citizens of the city.

B. If any member of the City Planning Commission is absent from more than four consecutive regular meetings or two-thirds of all the regular and special meetings of the City Planning Commission, held within any period of six consecutive calendar months, or moves from the ward from which he or she was appointed by the ward councilmember, he or she shall thereupon automatically cease to hold office without hearing or action by the council and his or her replacement shall be appointed by the council.

C. Members of the City Planning Commission shall not hold any other office including membership on their governing boards, except the councilmember thereon. (Prior code § 12-108, 1185 amended 06/22/2009)

Chapter 2.48

REGIONAL PLANNING COMMISSION

Sections:

2.48.010	Purpose and necessity.
2.48.020	Nature of regional plan.
2.48.030	Future tracts coming within three mile regional limit.
2.48.040	Membership.
2.48.050	Compensation.
2.48.060	Procedures.
2.48.070	Powers.
2.48.080	Review of plans, plats, private roadway requirements.
2.48.090	Public hearings required.
2.48.100	Fees.
2.48.110	Applications.
2.48.120	Enforcement.

Section 2.48.010 Purpose and necessity.

The purpose of this chapter shall be to assure the orderly and beneficial development of the regional area surrounding the city; to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, schools, parks and other public requirements; and with a view to conserving the value of buildings and to encourage the most appropriate use of land throughout the regional area. (Prior code § 12-201)

Section 2.48.020 Nature of regional plan.

A. The provisions of this chapter shall apply to all land outside of the incorporated limits of the city and within the area between the core or urbanized incorporated limits and the perimeter or fence line annexed strip and which all are within three miles of an area incorporated within the corporate limits of the city which include the following areas:

1. All those parts of the following described lands not presently within the corporate limits of the City of Sand Springs, Oklahoma:

OSAGE COUNTY: Section 1; Section 2; Section 3; Section 4; Section 5; Section 6; Section 7; Section 8; Section 9; Section 10; Section 11; Section 12; Section 13; Section 14; Section 15; Section 16; Section 17; Section 18; Section 19; Section 20; Section 21; Section 22; Section 23; Section 24; Section 25; Section 26; Section 27; Section 28; Section 29; Section 30; Section 31; Section 32; Section 33; Section 34; Section 35; Section 36; all in Township Twenty (20) North, Range Eleven (11) east, and Section 1; Section 2 less the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) thereof; Section 3 less the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) thereof;

Section 4 less the Northwest Quarter (NW $\frac{1}{4}$) thereof; Section 9; Section 10; Section 11; Section 12; Section 13; Section 14; Section 15; Section 16 East of the centerline of the Arkansas River; Section 21 East of the centerline of the Arkansas River; Section 22; Section 23; Section 24; Section 25; Section 26; Section 27; Section 28; Section 29 East of the centerline of the Arkansas River; Section 32 East of the centerline of the Arkansas River; Section 33; Section 34; Section 35; and Section 36, all in Township Twenty (20) North, Range Ten (10) East, and Section 15; Section 16; Section 17; Section 18; Section 19; Section 20; Section 21; Section 22; the West Half (W $\frac{1}{2}$) of Section 23; Section 25; Section 26; Section 27; Section 28; Section 29; Section 30; Section 31; Section 32; Section 33; Section 34; Section 35; Section 36, all in Township Twenty-one (21) North, Range Eleven (11) East, and Section 13; Section 24; Section 25; and Section 36, all in Township Twenty-one (21) North, Range Ten (10) East, and

TULSA COUNTY: The East Half (E $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 9; the North Half (N $\frac{1}{2}$) of Section 10; the North Half (N $\frac{1}{2}$) of Section 11; Section 12 North of the centerline of the Arkansas River, all in Township Nineteen (19) North, Range Ten (10) East, and Section 1; Section 2; Section 3; Section 4; Section 5; Section 6; Section 7; Section 8; Section 9; Section 10; Section 11; Section 12; Section 13 less the East Half (E $\frac{1}{2}$) of the East Half (E $\frac{1}{2}$) thereof; Section 14; Section 15; Section 16; Section 17; Section 18; Section 19; Section 20; Section 21; Section 22; Section 23; Section 24; the North Half (N $\frac{1}{2}$) and the North Half (N $\frac{1}{2}$) of the South Half (S $\frac{1}{2}$) of Section 25; the North Half (N $\frac{1}{2}$) and the North Half (N $\frac{1}{2}$) of the South Half (S $\frac{1}{2}$) of Section 26; Section 27; Section 28; Section 29; the North Half (N $\frac{1}{2}$) of the North Half (N $\frac{1}{2}$) and the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) and the East Half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 30; the East Half (E $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 31; the North Half (N $\frac{1}{2}$) and the East Half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 32; Section 33; and the West Half (W $\frac{1}{2}$) of Section 34, all in Township Nineteen (19) North, Range Eleven (11) East, and the West Half (W $\frac{1}{2}$) and the West Half (W $\frac{1}{2}$) of the West Half (W $\frac{1}{2}$) of the East Half (E $\frac{1}{2}$) of Section 6; that part of the West Half (W $\frac{1}{2}$) of Section 7 North of the centerline of the Arkansas River; the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) and the West Half (W $\frac{1}{2}$) of the West Half (W $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) and the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) and the South Half (S $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) and the South Half (S $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) and the South Half (S $\frac{1}{2}$) of the North Half (N $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) and the North Half (N $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 7, all in Township Nineteen (19) North, Range Twelve (12) East.

B. These provisions shall govern the location, use, size and design of public buildings, statues, memorials, parks, parkways, boulevards, playgrounds, public grounds or bridges and other public structures and improvements, and the area and open spaces about buildings or structures; and the approval or rejection of all plans, plats, or replats of land laid out in lots or plats and the streets, alleys or other portions of lands intended to be dedicated to public or private use within said regional district. (Prior code § 12-202)

Section 2.48.030 Future tracts coming within three mile regional limit.

Whenever any lot, parcel or tract of land, without three miles of the corporate limits of the city, which by annexation or otherwise comes within three miles of the corporate limits of the city, the area or tract of land upon coming within the area shall become subject to all provisions of this chapter. (Prior code § 12-203)

Section 2.48.040 Membership.

Membership of the regional planning commission of the city is hereby set as follows:

A. The mayor of the city, the City Engineer, the chairperson of the board of Tulsa and Osage County Commissioners and the Tulsa and Osage County Engineers shall all serve as ex officio members of the board; and

B. The City Planning Commission shall all serve as regular members. (Prior code § 12-204)

Section 2.48.050 Compensation.

No member of the regional planning commission shall receive any item, money or thing of value for his or her services as a member of the board and all members shall serve without pay. (Prior code § 12-205)

Section 2.48.060 Procedures.

The members of the regional planning commission shall create the rules and regulations under and by which the commission shall function and shall determine and elect its officers, prescribe such officers' duties, and hire employees as authorized by state statutes. The commission shall determine all orders of business before the commission and shall set and determine dates and places of such meetings, both regular and special, as they may deem necessary. (Prior code § 12-206)

Section 2.48.070 Powers.

A. The regional planning commission of the city shall be responsible for the development and betterment of such regional district and to that end make or cause to be made surveys, maps and plans.

B. Before final action shall be taken by any individual, corporation, business entity, municipal or county government or department thereof on the location and design of any public building, statue, memorial, park, parkway, boulevard, playground, public grounds or bridge, within such regional district, the location and design of the aforesaid shall be investigated and reported upon by the regional planning commission.

C. Before the filing of any plans, plat or replat of land laid out in lots or plats, all the plans, plats or replats shall first be submitted to the regional planning commission for consideration and approval. To this end the regional planning commission may make or cause to be made regulations governing the location, construction standards and size of streets, alley, utility right-of-ways or other portions of such lands intended to be dedicated to public or private use.

D. In addition to the powers herein granted, the regional planning commission shall have all powers, authority and functions as provided by state statutes relating thereto. (Prior code § 12-207)

Section 2.48.080 Review of plans, plats, private roadway requirements.

A. All plans, plats or replats of land laid out in lots or blocks, and the streets, alleys, or other portions of the same intended to be dedicated to public or private use, within such regional district, shall first be submitted to the regional planning commission and approved by it before it shall be entitled to record in the office of the County Clerk. It is unlawful to receive or record any such plat, plan or replat in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the regional planning commission. The disapproval of any such plan, plat or replat by the regional planning commission shall be deemed a refusal of the proposed dedication shown thereon.

B. In the areas of rural land in the regional district not served by water and sewer facilities by the city or other governmental entity, the use of private roadways in either platted or unplatted areas shall be recognized and authorized and building permits to property owners abutting upon the private roadways shall be issued without complying with standards as provided for dedicated streets under the following conditions:

1. The private roadway easement shall be at least fifty (50) feet in width;
2. The property abutting the private roadway shall contain not less than two acres;
3. The property shall be more than one-fourth mile from sewer and water facilities furnished by the governmental entity;
4. The private roadway shall not be dedicated to the public but reserved for future dedication and, until such future dedication, be the private roadway of the abutting property owners;
5. The private roadway shall be maintained by the owners of the property within the subdivision;
6. No municipality or county shall have responsibility for the maintenance and repair of the private roadway;
7. If the property is platted, there shall be shown on the face of the plat, clearly conspicuous, a notice that the streets and drives have not been dedicated to the public, and that the streets shall be maintained by the private property owners within the subdivision, but that the streets shall always be open to police, fire, and other official vehicles of all state, federal, county and municipal agencies;
8. Every deed shall clearly acknowledge that the roadway is private and not maintained by any municipality or county;

9. Prior to the sale of any parcel in the subdivision, a conspicuous sign shall be posted at the entrance to the subdivision: "Private roadway not maintained by _____ (the municipality or county)." At any time after use of such private roadway is recognized and authorized pursuant to law, a petition of at least sixty (60) percent of the owners, in area, to improve and dedicate the street shall bind all of the owners thereby to permanently improve the street or roadway in compliance with the applicable requirements of the municipality or county. All other ordinances and planning commission regulations pursuant to the provisions of this chapter relating to subdivisions not in conflict herewith shall be applicable in such cases. The provisions of any ordinance, planning commission regulation or statute relating to subdivisions which are in conflict with this section are hereby superseded; and

10. The planning commission may require the developer of such property to reserve appropriate utility easements for water, sewer and any other utility installations as may be required for present and future development. (Prior code § 12-208)

Section 2.48.090 Public hearings required.

A. The council of the city may by ordinance amend, change or repeal this chapter or any part thereof. Before the council shall amend, change or repeal this chapter or any part thereof, it shall request the regional planning commission to submit its recommendation on such proposed amendment, change or repeal. Such recommendation shall be made after not less than one public hearing thereon, which hearing may be adjourned from time to time. After considering the commission's recommendation at public hearing, for which public notice shall be given, the council may approve the recommendation in whole or in part, or return the recommendation to the commission for further consideration.

B. The commission may, upon its own initiative, hold at least one public hearing on any proposed amendment, change or repeal of this chapter or any part thereof and any recommendations therefrom shall be by resolution transmitted to the council. The council shall consider and act upon such recommendation in the same manner as herein set forth for recommendations requested by the council.

C. Notices of public hearing as herein required shall consist of one publication of notice in a newspaper of general circulation in the city, not less than fifteen (15) days, but not more than thirty (30) days prior to such public hearing. The notice as herein referred shall state in terms certain, the nature of the proposed amendment, change or repeal of this chapter or any part thereof and the time and place of the public hearing. (Prior code § 12-209)

Section 2.48.100 Fees.

Upon the filing of an application for action by the regional planning commission, the property owner or his or her duly authorized representative shall pay a filing fee equal to the fee charged for similar applications inside the city limits. The fee shall be paid to the commission by payment of the fee to the City Clerk, all of the fees to be credited to the general fund of the city. (Prior code § 12-210)

Section 2.48.110 Applications.

Every application for action by the regional planning commission shall be accompanied by a plat showing the shape and dimensions of the lot to be built upon, the exact size and location on the lot of existing buildings and structures, and the lines within which the proposed building or structure shall be erected or altered, the shape, size and location of all streets, alleys or other public or private dedications, the proposed location and type of water supply and sewage disposal facilities, and such other information with regard to the lot and neighboring lots and their use as may be necessary to determine if such plat indicates a betterment and beneficial development of the area platted, including the location and design of public buildings and structures. (Prior code § 12-211)

Section 2.48.120 Enforcement.

The provisions and requirements of this chapter shall be enforced by the director of the department of community development of the city. The director shall be empowered to cause any building, structure, or lot, parcel or tract of land to be inspected and examined and to order in writing the remedying of any condition found to exist therein, or thereon, in violation of any provision of this chapter, or requirement or regulation of the regional planning commission. After such order has been delivered to the violator or posted on the premises where such violation exists, no work or use shall proceed on or in any building, other structure, or on any lot, parcel or tract of land covered by such order, except to correct such violation or to comply with an order of the city. No tract, lot or parcel of land or building or structure in violation hereof shall be served with any utility service or other county or municipal service provided by the city or the Sand Springs Municipal Authority or any other county or municipality. (Prior code § 12-212)

Chapter 2.52

BOARD OF HEALTH

Sections:

2.52.010 Board of health created.

2.52.020 Inspections.

2.52.030 Notices and orders of board of health and services thereof.

Section 2.52.010 Board of health created.

A. The City Council shall be ex officio and shall constitute, compose and be the City Board of Health.

B. It is 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, and to see that all laws, ordinances and regulations in relation thereto are properly observed.

C. The board of health shall, after advice from the health officer, have power to prescribe reasonable rules and regulations, and to examine into and consider all measures necessary to the preservation of the public health of the city and pursuant to the authority of state statutes; the city hereby delegates to the Tulsa City-County Health Department the authority to enforce ordinances, rules and regulations of the city and all state laws, rules and regulations of the State Health Department relating to public health. (Prior code § 8-101)

Section 2.52.020 Inspections.

It is the duty of the board of health to make or cause to be made an inspection of the city as often as it may deem necessary for the purpose of examining the sanitary conditions of the city. The board of health or health officer and all its members severally, or any person acting under its direction, shall have authority to enter into and examine at any time, any 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 for the performance of any duty involving the board of health or any of its members. (Prior code § 8-102)

Section 2.52.030 Notices and orders of board of health and services thereof.

All notices and orders of the board of health shall be on forms provided for that purpose, and may be served by a member of the inspections department of the city or other person authorized for that purpose by the City Council. Any such officer of the city hereby authorized to serve orders shall have the powers of a peace officer in the performance of his or her duties. (Prior code § 8-103)

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Chapter 2.56

BOARD OF ADJUSTMENT

Sections:

2.56.010	Establishment of board of adjustment.
2.56.020	Powers of the board.
2.56.030	Proceedings of the board.
2.56.040	Notice of public hearing.
2.56.050	Fees.
2.56.060	Appeals from the building inspector.
2.56.070	Interpretation.
2.56.080	Variances.
2.56.090	Special exceptions.
2.56.100	Appeals to the district court.

Section 2.56.010 Establishment of board of adjustment.

A. There is hereby established a board of adjustment of the city with the powers and duties hereinafter set forth. The board of adjustment shall consist of five members who shall be residents of the city. Appointments of the members shall be made by the City Council. Each member shall serve without pay for a term of three years. Vacancies shall be filled for an unexpired term of any member in the manner set forth for appointments to a full term.

B. A board member, upon written charges and after public hearing, may be removed by the council for any one of the following causes:

1. Actions and conduct unbecoming to a public official of the city; and
2. Repeated acts and conduct detrimental to the peace, health, safety and welfare of the citizens of the city.

C. If any member of the board of adjustment is absent from more than two consecutive regular meetings or two-thirds of all the regular and special meetings of the board of adjustment, held within any period of six consecutive calendar months, he or she shall thereupon automatically cease to hold office without hearing or action by the council and his or her replacement shall be appointed by the council.

D. Members of the board of adjustment shall not hold any other office in the city government including membership on their governing boards. (Ord 1183 06/08/2009)

E. The board shall organize, elect its chairperson, vice-chairperson, and secretary and adopt rules necessary to the conduct of its affairs. (Prior code § 12-301)

Section 2.56.020 Powers of the board.

The board shall have the power to hear appeals from the determinations of the building inspector in enforcing this code, to grant special exceptions, to grant variances, and to make interpretations of the zoning map and text, in accordance with the substantive and procedural standards hereinafter set forth. (Prior code § 12-302)

Section 2.56.030 Proceedings of the board.

Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings, deliberations, and voting of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. In all matters, the board shall decide within ninety (90) days after the filing of an application for relief. The quorum, notice, filing and substantive requirements of the board shall be as set forth in the following sections concerning the board's exercise of a particular power. (Prior code § 12-303)

Section 2.56.040 Notice of public hearing.

A. The board of adjustment shall give fifteen (15) full days public notice, except for written notice which shall require ten (10) full days, and conduct a public hearing before acting on any appeal from a determination of the building inspector or before granting any special exception or variance, except for a minor variance or minor special exception, as the board has set forth in an adopted statement of policy constituting a minor variance or minor special exception, and which statement of policy has been approved by the City Council, after receiving prior review and recommendation of the planning commission.

B. The board shall give notice of public hearing on any minor variance or minor special exception as provided in this section.

C. Whenever notice of public hearing is required, the notice shall be given as follows:

1. By publication in a newspaper of general circulation; and
2. By mailing written notice to all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property ten (10) full days prior to the date of the public hearing. All written notice shall be given by certified mail.

D. The notice shall contain:

1. The legal description of the property and the street address or approximate location of the property;
2. The present zoning classification of the property and the nature of the relief sought; and
3. The date, time and place of the hearing.

E. The applicant shall be responsible for mailing the written notice to all owners of the property within a three hundred (300) foot radius of the exterior boundary of the subject property, and shall be responsible for the accuracy thereof. Any action taken by the board of adjustment on an application at a public hearing shall become null and void if the applicant fails to comply with requirements set forth in this section on notice of public hearing. (Prior code § 12-304)

Section 2.56.050 Fees.

An application for an appeal from the building inspector, variance, or special exception shall be accompanied by the payment of a fee as set by the City Council by motion or resolution. (Prior code § 12-305)

Section 2.56.060 Appeals from the building inspector.

A. An appeal to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureaus of the city affected, where it is alleged there is error in any order, requirement, decision or determination of the building inspector in the enforcement of the zoning regulations of the city.

B. An appeal shall be taken within ten (10) days from the determination complained of by filing with the building inspector and with the secretary of the board a notice of appeal, specifying the grounds thereof. The building inspector, upon receipt of notice, shall transmit to the secretary of the board and the City Clerk certified copies of all the papers constituting the record of the matter. Upon receipt of the record, the secretary shall cause an investigation to be made upon the appeal and shall set the matter for public hearing.

C. The board shall hold the public hearing. The board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The board shall make its decision within thirty (30) days after the final hearing, and the decision shall be in writing and filed of record in the office of the City Clerk. The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision, or determination of the building inspector. A decision of the board shall not become final until the expiration of fifteen (15) days from the date such decision is made, unless the board shall find the immediate taking of the decision is necessary for the preservation of property or personal rights and shall so certify on the record.

D. An appeal stays all proceedings in furtherance of the action appealed from, unless the building inspector from whom the appeal is taken certifies to the board of adjustment, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would in his or her opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the board or by the court of proper jurisdiction on due and sufficient cause shown. (Prior code § 12-306)

Section 2.56.070 Interpretation.

A. The board shall interpret the text of the zoning regulations or the official zoning map upon an appeal from a determination of the building inspector after compliance with the procedural standards of Section 2.56.060 of this chapter.

B. Where a question arises as to the zoning district classification of a particular use, the board of adjustment, upon written request of the building inspector, may find and determine the classification of the use in question and may, prior to such determination, order the giving of notice and hold a public hearing. (Prior code § 12-307)

Section 2.56.080 Variances.

A. The board of adjustment, upon application, and after notice and public hearing, and subject to the procedural and substantive standards hereinafter set forth, may grant such variance from the terms of this code as will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the city's zoning regulations, or the comprehensive plan, where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition, or circumstance peculiar to a particular property, the literal enforcement of the zoning regulations will result in unnecessary hardship. The board shall not vary any jurisdictional requirement, such as notice, when it is required. The board shall not permit by variance a principal use not otherwise permitted in the applicable district, it being the expressed spirit and intent of the zoning regulations that a change of the permitted principal uses shall be made by ordinance amendment of the zoning code or official zoning map.

B. A request for a variance shall be initiated by the filing of an application with the city and shall be set for public hearing by the secretary in accordance with the rules established by the board.

C. The board shall hold the public hearing and, upon the concurring vote of three members, may grant a variance after finding:

1. That by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure, or building involved, the literal enforcement of the terms of the zoning code would result in unnecessary hardship;

2. That such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and

3. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code, or the comprehensive plan.

D. The board in granting a variance shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

E. A variance which has not been utilized within two years from the date of the order granting the variance shall thereafter be void. For the purpose of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion. (Prior code § 12-308)

Section 2.56.090 Special exceptions.

A. The board of adjustment, upon application, and after notice and public hearing, and subject to the procedural and substantive standards hereinafter set forth, may grant the following special exceptions:

1. Special exception uses as designated and regulated within the permitted use provisions of the zoning districts;

2. The change of a nonconforming use as provided in Section 13.03(6), Chapter 13, Nonconformities, in the zoning code;

3. The restoration of a partially destroyed structure containing a nonconforming use as provided in Section 13.03(7), Chapter 13, Nonconformities, in the zoning code;

4. The restoration of a partially destroyed nonconforming structure as provided in Section 13.06, Chapter 13, Nonconformities;

5. The modification of a screening requirement, as provided in Section 2.14, Chapter 2, District Provisions, General; and

6. Off-street parking use of property located within a residential district, when the property is abutting an office, commercial, or industrial district.

B. A request for a special exception shall be initiated by the filing of an application with the city and shall be set for public hearing by the secretary in accordance with the rules established by the board.

C. The board of adjustment shall hold the public hearing and, upon the concurring vote of three members, may grant the special exception after finding that the special exception will be in harmony with the spirit and intent of the zoning code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The board in granting a special exception shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bonds as it may deem necessary to enforce compliance with the conditions attached.

D. A special exception which has not been utilized within two years from the date of the order granting same shall thereafter be void. For the purpose of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion. (Prior code § 12-309)

Section 2.56.100 Appeals to the district court.

A. An appeal from any action, ruling, decision, judgment, or order of the board of adjustment may be taken by any person or persons aggrieved, or any taxpayer or officer, department, board, or bureau of the city to the district court, by filing with the City Clerk and with the secretary of the board within ten (10) days from the date of such action, a copy of the petition of appeal as filed in the district court of the county wherein the land is located, which shall specify the grounds of such appeal. No bond shall be required for such appeal unless ordered by the district court. Upon filing of the copy of the petition with the City Clerk, the City Clerk shall transmit to the court clerk of the county the original or certified copies of all the papers constituting the record in the case, together with the order, decision or ruling of the board. The case shall be heard and tried de nova in the district court of the county wherein the land is located. An appeal shall lie from the action of the district court as in all other civil actions. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings. Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence or in bad faith, or with malice in making the decision being appealed.

B. An appeal to the district court stays all proceedings in furtherance of the action appealed unless the chairperson of the board certifies to the court clerk, after a copy of the petition of appeal is filed with the City Clerk, that by reasons of fact stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the district court. (Prior code § 12-310)

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Chapter 2.60

JOINT AIRPORT ZONING BOARD

Sections:

2.60.010 Joint airport zoning board policy.

2.60.020 Joint airport zoning board city members.

Section 2.60.010 Joint airport zoning board policy.

The mayor and council of the city, acting in their official capacity for the city, under the terms and provisions of state statutes relating to aircraft and airports, deem it necessary in the interest of public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented and that the airport hazard area appertaining to the Sand Springs Municipal Airport located in Osage and Tulsa Counties, should be zoned. (Prior code § 12-401)

Section 2.60.020 Joint airport zoning board city members.

In accordance with the terms and conditions of the statutes of the state, the mayor and council are empowered and directed to appoint two persons to act jointly with other persons as provided by the statutes, as a board to be known as the joint airport zoning board of the Sand Springs Municipal Airport in Osage and Tulsa Counties. These persons shall, before entering upon the duties of their office, take and subscribe to the constitutional and statutory oaths of office provided for in the constitution and statutes of the state, after which they shall have all of the powers and duties provided by the "Airport Zoning Act" of the state. (Prior code § 12-402)

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Chapter 2.64

PARK AND RECREATION BOARD

Sections:

- 2.64.010 Control and Management of City Park Property and Facilities**
- 2.64.020 Parks and Recreation Advisory Board Appointed**
- 2.64.030 Election of Officers, Meetings, Quorum**
- 2.64.040 Duties**
- 2.64.050 Members Not to Hold Other Office**
- 2.64.060 Removal of Members**

Section 2.64.010 Control and Management of City Park Property and Facilities

All public park properties and recreation facilities within the jurisdiction of the City of Sand Springs, Oklahoma, including the municipal golf course, together with all property or facilities which may be hereafter acquired or used for park and recreation purposes, shall be under the management, care and control of the City Council. (1030, amended 08/12/2002; 1128, amended 04/10/2006)

Section 2.64.020 Parks and Recreation Advisory Board Appointed

The City Council shall appoint a Parks and Recreation Advisory Board consisting of seven (7) members, all of whom shall be residents of the City. The council shall select one council member to serve and the remaining six council members shall make one advisory board appointment each from within the city limits. Each appointive Board member shall serve for a term to run concurrently with the term of the Council member making their appointment, however, upon the council selection of a council member for the board, any member previously selected by that member shall cease service, unless reappointed. The City Council may remove an appointive Board member and may fill vacancies for unexpired terms. (1030, amended, 08/12/2002; 1128, amended, 04/10/2006)

Section 2.64.030 Election of Officers, Meetings, Quorum

Every year, at the time prescribed for the beginning of the term for new members, or as soon as is practicable thereafter, the Parks and Recreation Advisory Board shall elect a Chairman, Vice Chairman and Secretary.

The Board shall determine the time and place of its regular monthly meetings, and the Chairman or any four (4) members may call special meetings of the Board.

A majority of a quorum must vote aye or nay on each motion properly before the Board for action or such motion shall not carry or be denied. (1030, amended, 08/12/2002)

Section 2.64.040 Duties

The duties of the Parks and Recreation Advisory Board shall be as follows, to wit:

(A) Consider and recommend for City Council approval, acceptance, acquisition or disposal of park property, both real and personal;

(B) Consider and recommend for City Council approval, future improvements to park property, both real and personal, and provide an estimate of the capital needs;

(C) Consider and recommend for City Council approval, adoption or repeal of park rules and regulations; and,

(D) Consider and recommend for City staff implementation of park and recreation events and programs.

(E) Consider and recommend for City Council and/or Municipal Authority approval, the following concerning the municipal golf course:

(a) Recommendations concerning accomplishing the various elements of the Golf Course Master Plan.

(b) Recommendations regarding overall objectives for management of the golf course.

(c) Recommendations regarding Green Fees and Cart Rental Fees.

(d) Recommendations regarding the long term use, and general improvement or rehabilitation of the Golf Course facility including the Pro Shop, adjoining buildings, grounds, parking areas, sheds, etc.

(e) Recommendations regarding requirements and qualifications for the Head Golf Professional and Golf Professional Employment contract.

In the performance of the Board duties as outlined above the Board shall be authorized to request of the City Manager provision of staff personnel as well as engineering, financial, legal and/or recreation assistance and guidance from the respective departments within the City.

Except for purposes of inquiry, the Board or individual members thereof shall not give orders to any employee of the Parks and Recreation Department either publicly or privately, or to any other employee of the City of Sand Springs, Oklahoma. (1030, amended, 08/12/2002; 1128, amended, 06/12/2006)

Section 2.64.050 Members Not to Hold Other Office

Members of the Parks and Recreation Advisory Board shall not hold any other office or position in City government or hold office or position with the Sand Springs Municipal Authority, with the exception of the council member serving on the Board. (1030, amended 08/12/2002; 1128, amended 06/12/2006)

Section 2.64.060 Removal of Members

Any Parks and Recreation Advisory Board member who is absent from more than one half (1/2) of all regular meetings of the Board held within any period of four (4) consecutive calendar months within which regular meetings are held each month, shall

thereupon automatically cease to hold office without hearing or action by the Council and his/her replacement shall be appointed by the Council. (1030, amended, 08/12/2002; 1128, amended, 06/12/2006)

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Chapter 2.68

EMERGENCY MANAGEMENT ADMINISTRATION

Sections:

- 2.68.010 Emergency management administration creation.**
- 2.68.020 Definitions.**
- 2.68.030 Office space and supplies.**
- 2.68.040 Emergency management director--Duties.**
- 2.68.050 Emergency management director--Powers.**
- 2.68.060 Emergency management director--Emergency powers.**
- 2.68.070 Emergency management director advisory capacity.**
- 2.68.080 Immunity.**
- 2.68.090 Gifts of property.**
- 2.68.100 Additional duties.**

Section 2.68.010 Emergency management administration creation.

There is hereby established an emergency management organization which shall consist of:

A. A director of emergency management shall be appointed by the mayor with the advice and consent of the City Council and serve at the mayor' s pleasure. The director shall be the executive head of the office of emergency management, and shall be responsible to the City Manager for carrying out the emergency management program of the city. He or she shall coordinate the activities of all organizations for emergency management within the city, and shall maintain liaison with and cooperate with civil defense agencies and organizations of other governmental units both within and without the state, and of the federal government, and shall have such additional authority, duties, and responsibilities as may be authorized under this chapter, or amendments thereof; and

B. Such other volunteer emergency management advisory committees as may be created by the director, for the evaluation of technical, professional or other phases of the work of the office of emergency management; and which may provide advisory assistance on any matters pertaining to the city' s emergency management, including but not limited to the following:

1. An assistant director may be appointed by the City Manager. He or she shall carry out and be responsible for any and all activities as assigned by the director or City Manager,

2. A communication coordinator may be appointed by the City Manager who shall be responsible for all of the communications activities of emergency management, or

3. A shelter coordinator may be appointed by the City Manager who shall be responsible for all shelter activities of civil defense. (Prior code § 13-401; Ord. 872, § 1 (part), eff. June 12, 1995)

Section 2.68.020 Definitions.

As used in this chapter, the following terms shall be construed as follows, unless a contrary intent appears clear from the context:

"Emergency management" means the preparation for and the carrying out of all emergency functions other than functions for which primary responsibility is assigned elsewhere by federal, state or local law or ordinance, to protect the public peace, health and safety, and to preserve lives and property in the city during any emergency resulting from enemy attack, sabotage or other hostile action, or from any flood, drought, fire, hurricane, earthquake, storm, and involving imminent or actual peril to life and property in the city. These functions include administration, organization, planning, recruiting, training, education, information, welfare service, relief service, police service, warden service, fire service, rescue service, medical service, health service, transportation service, communications service, streets and sewers service, utilities service, general engineering service, plant protection service, supply service, mutual aid, mobile support, evacuation, and all other functions necessary or incidental to the preparation for and carrying out of the foregoing functions.

"Enemy-caused emergency" means any state of emergency caused by actual or impending attack, sabotage or other hostile action, anywhere within the United States, and involving imminent peril to lives and property in the city. Such emergency shall be deemed to exist only when the mayor of the city shall so declare by public proclamation. Such emergency shall be deemed to continue to exist until the aforesaid mayor shall declare its termination by resolution.

"Natural emergency" means any state of emergency caused by any actual or impending flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in or near the city, and involving imminent peril to lives and property in the city. Such emergency shall be deemed to exist and to be terminated under the same conditions as prescribed for an "enemy-caused emergency." (Prior code § 13-402; Ord. 872, § 1 (part), eff. June 12, 1995)

Section 2.68.030 Office space and supplies.

Appropriate office space, furniture, equipment, and supplies as required may be provided by the city for the office of emergency management. Expenditures for these purposes, within the appropriations therefor, shall be made only as in other departments of the city. The director shall also, within the appropriations therefor, establish control centers, as are necessary to serve during an enemy-caused or a natural emergency. (Prior code § 13-403; Ord. 872, § 1 (part), eff. June 12, 1995)

Section 2.68.040 Emergency management director--Duties.

The director shall have general direction and control of the office of emergency management, and shall be responsible for carrying out the provisions of this chapter. In so carrying out the provisions of this chapter, the director is expressly authorized to cooperate, insofar as permitted by other appropriate legislation, with the federal government, the government of the state and its subdivisions, with other states and their subdivisions, and with private agencies, in all matters pertaining to emergency management in the city. (Prior code § 13-404; Ord. 872, § 1 (part), eff. June 12, 1995)

Section 2.68.050 Emergency management director--Powers.

Prior to an emergency as defined in this chapter, the emergency management director shall have the following powers to:

A. Make, amend, and rescind the necessary orders, rules and regulations to carry out the provisions of this chapter within the limits of authority conferred upon him or her herein, with due consideration to be given to the plans and powers of the federal government, the government of Oklahoma, and other public and private agencies and organizations empowered to act in either enemy-caused emergencies or natural emergencies, or both;

B. Prepare comprehensive plans for the civil defense of the city in both enemy-caused and natural emergencies, such plans and programs to be integrated and coordinated with the plans and programs of the federal government, of the government of Oklahoma, and of other public and private agencies and organizations empowered to act in either enemy-caused emergencies or natural emergencies, or both;

C. Establish, within the limits of funds available, a public warning system, composed of sirens, horns, or other acceptable warning devices;

D. Establish and carry out recruitment and training programs as may be necessary to develop an adequate, qualified emergency management volunteer corps;

E. Conduct drills, exercises, and similar programs as may be necessary to develop a well-trained, alert, fully prepared emergency management organization;

F. Make such studies and surveys of the industries, resources, and facilities of this city as he or she deems necessary to ascertain its capabilities for emergency management, and plan for the most efficient emergency use therefor;

G. On behalf of the city, to enter into mutual-aid arrangements with surrounding communities, subject to the approval of the City Manager and City Council;

H. Delegate any administrative authority vested in him or her under this chapter and to provide for the subdelegation of any such authority if necessary; and

I. Take any other action proper and lawful under his or her authority to prepare for either an enemy-caused or a natural emergency. (Prior code § 13-405; Ord. 872, § 1 (part), eff. 06/12/1995)

Section 2.68.060 Emergency management director--Emergency powers.

In the event of any actual enemy-caused emergency, as proclaimed by the mayor, the director of emergency management, with the approval of the City Manager and mayor, may exercise during such emergency, the power to enforce all rules and regulations relating to civil defense, and acting under the authority of statutes, as enacted, or under the authority of the mayor or as an agent of the Governor, may take control of all means of transportation and communication, all stocks of fuel, food, clothing, medicine and supplies, and all facilities including buildings and plants, and exercise all powers necessary to secure the safety and protection of the civilian population. In exercising such powers, he or she shall be guided by regulations and orders issued by the federal government, the mayor and the City Manager and the Governor relating to civil defense and shall take no action contrary to orders which may be issued by the Governor, City Manager or mayor under similar emergency powers. (Prior code § 13-406; Ord. 872, § 1 (part), eff. June 12, 1995)

Section 2.68.070 Emergency management director advisory capacity.

In the event of any natural emergency as proclaimed by the mayor, the director of emergency management, with the approval of the mayor and City Manager, shall coordinate in every way proper the activities of the emergency management organization. He or she is specifically charged in such emergency with the collection, evaluation and dissemination of information to all agencies, both public and private, participating in the city's emergency management organization or cooperating in any such emergency. He or she shall, as director, have the power to recommend appropriate action but he or she shall not otherwise have any control over the participating agencies. He or she shall also recommend to the mayor and City Council, the allocation of any funds received from the federal or state governments or from any other source to alleviate distress and aid in restoring normal conditions. (Prior code § 13-407; Ord. 872, § 1 (part), eff. 06/12/1995)

Section 2.68.080 Immunity.

Neither the city nor any of its officers, nor any officer or member of the emergency management organization provided for in this chapter shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer emergency management worker or member of any agency engaged in emergency management activity prior to or during either an enemy-caused or a natural emergency. Nor shall the city or any of its officers or any such officer or member be liable for the death or injury of any persons, or damage to property, resulting from any lawful emergency management activity prior to or during either an enemy-caused or a natural emergency. Nor shall any of its officers nor any officer or member of the emergency management organization be guilty of trespass or any other breach of the peace resulting from going upon any premises or entering any structure as a part of any emergency management activity prior to or during either an enemy-caused or a natural emergency or activity hereunder. (Prior code § 13-408; Ord. 872, § 1 (part), eff. 06/12/1995)

Section 2.68.090 Gifts of property.

Whenever the federal government or the state, or any person, firm or corporation shall offer to the city any service, equipment, supplies, materials, or funds by way of gift, grant or loan, for purposes of emergency management, the mayor may accept such offer and may authorize the director of emergency management to receive same, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. (Prior code § 13-409; Ord. 872, § 1 (part), eff. 06/12/1995)

Section 2.68.100 Additional duties.

The emergency management director shall further discharge all other duties as may be required of him or her by the City Charter or the City Manager. (Prior code § 13-410; Ord. 872, § 1 (part), eff. 06/12/1995)

Chapter 2.72

AUXILIARY POLICE FORCE

Sections:

2.72.010 Auxiliary police force.

Section 2.72.010 Auxiliary police force.

A reserve or auxiliary police force for the City is authorized, pursuant to rules and regulations established by the Police Chief, in accordance with all requirements of state law. (Prior code § 13-501; 1199, amended 01/25/2010)

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Chapter 2.76

PURCHASING SYSTEM

Sections:

- 2.76.010 Definitions.**
- 2.76.020 City Purchasing Agent.**
- 2.76.030 Encumbrance of Funds.**
- 2.76.040 Prohibition of Interest.**
- 2.76.050 Competitive Bidding Required.**
- 2.76.060 Bidding Requirements.**
- 2.76.070 Bidding Procedures.**
- 2.76.080 City Manager Authority.**
- 2.76.090 Emergency Purchases.**

Section 2.76.010 Definitions.

Unless otherwise provided herein, for the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number included the singular number, and words in the singular number included the plural number. The word "shall" is always mandatory.

A. City refers to the City of Sand Springs, Oklahoma, and means the City government in all its forms, including not only all City departments but also any agency, public trust, commission, board or other person or entity acting for or on behalf of the City of Sand Springs, provided, however, that any improvement district created pursuant to 11 O.S. 1991, § 39-101, et. seq., shall not be included in this definition thereby exempting such improvement districts from the provisions of this chapter.

B. City Manager shall mean the chief executive officer of the City or his or her designee.

C. City Purchasing Agent or Agent is the Purchasing Agent of the City, which shall be the City Manager or the designee of the City Manager of the City. The purchasing agent shall have the authority to delegate purchasing authority within the guidelines established for the city.

D. Contractual Services means and includes, but is not limited to, all telephones, gas, water, electric light and power service; towel and cleaning service; leases for all grounds, buildings, office or other space required by the using agencies except leases from the state, a state agency, or a political subdivision (as defined herein); leases for all personal property required by the using agencies; and the rental, repair or maintenance of equipment, machinery and other city-owned personal property. The term shall not include professional services, which are services that are predominantly mental or intellectual in character rather than physical or manual and which do not involve the supplying of products. Professional services include services to support or improve municipal policy development, decision making, management, administration, or the operation of management systems. Professional services include those as defined in

Section 803 of Title 18 of the Oklahoma Statutes, those which are in their nature unique and not subject to competition, nor shall in include services or maintenance authorized and provided for an improvement district pursuant to 11 O.S. 1991, § 39-103.1. The City reserves the right to implement selection processes for professional services, including but not limited to request for proposals, requests for qualifications or bidding processes if in the best interest of the City. (Amended by Ord. 1295, 01/23/2017)

E. Competitive Bidding is a transparent procurement method in which bids from competing contractors, suppliers, or vendors are invited by openly advertising the scope, specifications, and terms and conditions of the proposed contract as well as the criteria by which the bids will be evaluated. Competitive bidding aims at obtaining goods and services at the lowest prices by stimulating competition, and by preventing favoritism. The competitive process can be achieved by sealed bids if required by state law or if determined beneficial for the project and can be achieved by soliciting quotes from qualified vendors through an open market procedure, so long as the purchasing agent is assured that a competitive process was used and the best product and price were achieved. (Amended by Ord. 1295, 01/23/2017)

F. Cooperative Purchasing Plan shall mean an agreement entered into between two or more entities of government for acquisitions pursuant to a single or joint contract obtained through a competitive bidding process or issued in accordance with the authority granted to governmental entity. (Prior code § 2-205; 1141 amended 02/12/2007; 1295 amended 01/23/2017)

G. Council is the legislative body of the City of Sand Springs, Oklahoma. (Prior code § 2-205; 1141 amended 02/12/2007; 1295 amended 01/23/2017)

H. "Lowest and best" bidder and "best value" bidder shall have those meanings attributed to them by the laws of the State of Oklahoma. (Prior code § 2-205; 1141 amended 02/12/2007; 1295 amended 01/23/2017)

I. Political Subdivision shall mean a municipality, school district, county, or public trust with a city, town, school district or county as its sole beneficiary or beneficiaries, and all their institutions, instrumentalities or agencies. (Prior code § 2-205; 1141 amended 02/12/2007; 1295 amended 01/23/2017)

J. Supplies mean and include all supplies, materials and equipment. (Prior code § 2-205; 1141 amended 02/12/2007; 1295 amended 01/23/2017)

K. Using Agency is any department, board, commission, agency division, section, bureau or other unit in the City government using supplies or procuring contractual services as herein provided, except as otherwise exempted by this chapter. (Prior code § 2-205; 1141 amended 02/12/2007; 1295 amended 01/23/2017)

L. Purchasing and/or Procurement Card means and includes the commercial credit card issued to authorized City employees for the purchase of supplies and services. (Prior code § 2-205; 1141 amended 02/12/2007; 1295 amended 01/23/2017)

M. A sole source product is one where there is only one vendor capable of providing an item or service, and therefore it is not possible to obtain competitive bids. There may be instances in which a specific product or service is necessary, and such purchases, if documented as a sole source, are authorized. (1295 added 01/23/2017)

Section 2.76.020 City Purchasing Agent.

The Purchasing Agent shall have the powers and duties prescribed herein.

A. Scope of Purchasing Authority.

1. The Agent shall have the power and it shall be the Agent's duty to purchase or contract for all supplies and contractual services needed by any using agency which derives its support wholly or in part from the City.

2. The Agent shall purchase or contract for those supplies and contractual services set forth herein in accordance with:

a. Purchasing procedures as prescribed by this title;

b. Such written rules and regulations as the Agent shall adopt for the internal management and operation of the Division of Purchasing;

c. Such other written rules and regulations as shall be prescribed by the Charter and Ordinances of the City of Sand Springs.

3. All rules and regulations adopted by the Agent for the internal management and operation of the Division of Purchasing shall be approved by the Council and filed in the office of the City Clerk.

4. Except as herein provided, it shall be unlawful for any city officer or employee to order the purchase of any supplies or make any contract within the purview of this chapter, other than through the Purchasing Agent and any such purchase ordered or any contract made contrary to the provisions herein shall not be approved by City officers, and the City shall not be bound thereby.

B. Additional Powers and Duties.

In Addition to the purchasing authority conferred in Subsection A. above and in addition to any other powers and duties conferred by this chapter, the Agent shall perform the duties given herein.

1. Minimum Expenditure. The Agent shall act to procure for the City the highest quality in supplies and contractual services at least expense to the City.

2. Encourage Competition. The Agent shall discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.

3. Rules and Regulations. In conjunction with the Director of Finance, the Agent shall establish and amend, when necessary, rules and regulation authorized by this chapter and any others necessary to the operation of the Purchasing Division.

4. Purchasing Analysis. The Agent shall keep informed of current developments in purchasing, prices, market conditions, and new products, and shall secure for the City the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition, and by private businesses and organizations.

5. Supplier Catalog File. The Agent shall prepare, adopt, and maintain a supplier catalog file, indexed according to materials and containing descriptions of vendors' commodities, prices, and discounts.

6. Bulk Purchases. The Agent shall exploit the possibilities of buying in bulk so as to take full advantage of discounts.

7. Federal and State Tax Exemptions. The Agent shall act so as to procure for the City all federal and state tax exemptions to which it is entitled.

8. Disqualification of Bidders. The Agent shall have the authority to declare that vendors who default on their quotations are unsecured bidders and to disqualify them from receiving any business from the municipality for a stated period of time.

9. Written Specifications. The Agent shall adopt and enforce written specifications as required to procure all supplies, equipment, and services.

10. Standardization. The Agent shall adopt and enforce written specifications as required to procure all supplies, equipment, and services.

11. Effects of Adoption. After its adoption, each standard specification shall, until revised or rescinded, apply alike in terms and effect to every future purchase and contract for the supply described in such specification.

12. Pre-Bid conference. The Agent shall have the authority to conduct pre-bid conferences and make attendance mandatory for contractors wishing to submit a bid.

13. Purchase Documentation. The Agent shall have the authority, by written policy, to establish purchase limits for those purchases that require purchase orders or written contracts, and to establish purchasing guidelines for employee usage of city issued purchase or procurement cards.

14. Advanced Purchasing Methods. The Agent shall have the authority to implement advanced purchasing methods, in lieu of traditional means of advertising and bidding. Said methods may take advantage of modern modes of electronic communication, through the use of email, internet, and other electronic devices or systems that may be available. Advertising methods that provide bidding opportunities to a broad base of bidders, so long as the goals and objections of this ordinance are accomplished, may be utilized. These methods include but are not limited to reverse auctions, online bidding, and other similar electronic procurement methods.

15. Payment Procedure. The Finance Director or his/her designee shall accumulate all properly submitted and due claims and invoices to be processed for payment and present them to the City Manager or his/her designee for consideration and approval for payment. Upon such approval for payment, the City Treasurer or his/her designee shall issue properly signed checks, or other authorized forms of payment, in payment of said claims and invoices. A list of claims and invoices paid will be prepared and presented by the Finance Director or his/her designee and submitted, for informational purposes, to the City Council at the next regular meeting following the payment date.

16. The authority to represent the City at any Court ordered mediation or settlement conference, with full settlement authority without additional approval of the council.

17. The authority to contract, for the purpose of filling what have traditionally been employee positions, with either employees or independent contractors, if the expenditure will be within the limits of the budgeted funds.

18. The authority to establish utility account deposit amounts taking into account requirements necessary in those instances in which there is a greater risk of default based on past credit history, including obtaining sufficient guaranty for payment by deposit or otherwise.

19. The authority to negotiate with one or more bidders for more favorable terms prior to award of contract.

20. The authority to accept gifts, donations or grants to the City wherein the amount involved is within the purchasing authority limits set by council.

21. The authority to execute change orders for contracts, when necessary to save money for the City or to expedite a project, within the purchasing limits for the City Manager established by council.

(Prior code § 2-206; 1141 02/12/2007; Amended 1141 06/09/2008)

22. The authority to enter into lease agreements for the lease of real or personal property, so long as the total lease payments owed pursuant to the agreement are within the purchasing limits established by Council. (Added 1295 01/23/17)

Section 2.76.030 Encumbrance of Funds

Except in cases of emergency, the Agent shall not issue any order for delivery on a contract or open market purchase until the Director of Finance or his/her designee shall have certified, that there is to the credit of the using department a sufficient unencumbered appropriation balance, in excess of all unpaid obligations, to defray the amount of such order for such purposes. (Prior code § 2-207; Amended 1141 02/12/2007)

Section 2.76.040 Prohibition of Interest.

A. Any purchase order or contract within the purview of this chapter in which the Agent or any officer or employee, or spouse thereof, of the City is financially interested, directly or indirectly, shall be void.

B. For purposes of this section “financially interested” shall mean ownership of more than twenty-five percent (25%) of the business or of the common stock therein or any percentage which constitutes a controlling interest, but shall not include any such interest held by a blind trust. (Prior code § 2-208; Amended 1141 02/12/2007)

Section 2.76.050 Competitive Bidding.

All purchases of and contracts for supplies and contractual services as defined herein and all sales of personal property which has become obsolete and unusable shall be based on competitive bids whenever possible, except as specifically provided herein or otherwise required by law. Purchases and contracts related to construction projects, labor, equipment, material and repairs by public trusts shall comply with 60 O.S. § 101 et. seq. (Prior code § 2-209; Amended 1141 02/12/2007)

2.76.060 Bidding Requirements.

Except as otherwise required by law, the bidding requirements of the City shall be as follows:

A. Contractual Service Purchases.

Contractual services shall be purchased by formal written contract as follows:

1. Contractual services, when the estimated cost thereof exceeds Fifty Thousand Dollars (\$50,000.00), shall be purchased from the lowest and best bidder or from the best value bidder, after due notice inviting bids.

2. Contractual services, when the estimated cost thereof is Fifty Thousand Dollars (\$50,000.00) or less, may be purchased using the open market procedure as provided herein.

B. Supplies, Material and Equipment Purchases.

Supplies, material or equipment shall be purchases as follows:

1. All contractual purchases of supplies, materials, and equipment, when the estimated cost thereof exceeds Twenty-five Thousand Dollars (\$25,000.00), shall be purchased by formal written contract or by purchase order from the lowest and best bidder or from the best value bidder, after due notice inviting bids.

2. All contractual purchases of supplies, material, and equipment, when the estimated cost thereof is Twenty-five Thousand Dollars (\$25,000.00) or less, may be purchased using the open market procedure provided for herein.

C. Construction Projects.

Construction projects shall be purchased as follows:

1. All construction projects where by the estimated cost thereof is over the amount set by the Oklahoma Public Competitive Bidding Act shall be bid in accordance with the requirements of that statute.

2. All construction projects whereby the estimated cost thereof is less than the amount set by the Oklahoma Public Competitive Bidding Act may be procured by written contract or by purchase order from the lowest and best bidder or from the best value bidder, using the open market procedure provided for herein.

D. Exception for Cooperative Purchases.

Notwithstanding the foregoing limitations, competitive bidding shall not be required and the Purchasing Agent shall have the authority, instead, to make purchases from a Cooperative Purchasing Plan or under contracts let by the state of Oklahoma, when the best interests of the City would be served. Purchases from out of state purchasing cooperatives are authorized if the product is not available by Oklahoma state bid or is assured to be a price that is better than regularly available to the City (out of state cooperatives cannot be used for any contract governed by the Oklahoma Public Competitive Bidding Act) (Added 1295 01/23/17)

E. Bidding by Other Governmental Entities

The purchasing agent shall have the authority to rely upon and accept as a sufficient bid any bid submitted to another public body, upon a determination that the bid submitted is for supplies, materials, equipment or services that are substantially similar to that requested by the City, and that the bidding process was in compliance with state law or would meet the bidding requirements of the City. (Added 1295 01/23/17)

F. Surplus Property.

The City Manager may sell or contract for sale of surplus or obsolete supplies, materials, or equipment by at auction, including on-line auction, or by any other commercially reasonable manner authorized by the City Council. (Ord 1193 10/26/2009) No surplus or obsolete supplies, materials, or equipment of a value of more than five thousand dollars (\$5,000.00) may be sold until the Council shall have declared them obsolete or surplus. Surplus or obsolete supplies, materials, or equipment that do not sell or whose values are not likely to exceed the cost of sale in the judgment of the City Manager and City Clerk, may be disposed of by the City Manager in any commercially reasonable manner. (Ord 1193 10/26/2009) Before the City Manager sells any surplus or obsolete supplies, materials, or equipment with an individual value exceeding \$5,000.00 (Ord 1193 10/26/2009), except as otherwise provided herein, he or she shall

advertise them for sale in a newspaper of general circulation in the city or give notice in such other manner as he or she deems necessary adequately to reach prospective buyers to give them an opportunity to make bids. All bids shall be sealed and shall be opened in public at a designed time and place, except when the sale is by public or on-line (Ord 1193 10/26/2009) auction. The City Manager may repeatedly reject all bids and advertise or give notice again. He or she may sell such supplies, materials, or equipment only to the highest responsible bidder for cash or other reasonable form of payment, including cashier's check or credit card (Ord 1193 10/26/2009). In case of a tie, he or she may sell to either of the bidders tying, or may divide the sale amount the two or more tying, always selling to the highest responsible bidder or bidders. The sale of property valued at more than \$25,000.00 is governed by Charter Section 4-4. (Amended 1141 02/12/2007; Amended 1295 01/23/17)

Officers and employees of the City, and any spouse, or any business in which the officer or employee or their spouse has a proprietary interest may not buy or otherwise become interested in the transfer of any surplus property unless the surplus property is offered for sale to the public after notice of the sale is published. (Ord 1193 10/26/2009)

2.76.070 Bidding Procedures.

The following bidding procedures shall apply. (Amended 1295 01/23/17)

- A. For those purchases in which the open market purchase process is not allowed. (Amended 1295 01/23/17)
 - 1. Newspaper. The Agent shall cause to be published notice inviting bids in at least one (1) daily newspaper at least five (5) days preceding the last day set for the receipt of bids or conducting an auction. The newspaper notice required herein shall include a general description of the services required or the articles to be purchased or sold and shall state where bid forms and specifications may be obtained and the time and place for opening bids or the public auction.
 - 2. Bidders' List. The City does not retain a "bidder's list." (1328, amended 2018-11-19)
 - 3. Bid Deposits. The City does not charge a bid deposit, but will charge a non-refundable fee for plans and specifications. (Amended 1295 01/23/17; 1328, amended 2018-11-19)
 - 4. Bid Opening Procedures. (Amended 1295 01/23/17)
 - a. Sealed. Except in the case of public auctions, bids shall be submitted sealed to the office of the City Clerk and shall be identified on the envelopes as bids. (Amended 1295 01/23/17)
 - b. Opening. Bids for supplies, materials, equipment or contractual services shall be opened in public at the time and place stated in the public notices. (Amended 1295 01/23/17)
 - c. Tabulation. A tabulation of all bids received shall be made by the Agent and the tabulation shall be available for public inspection in the office of the City Clerk at all reasonable times. (Amended 1295 01/23/17)
- B. Rejections of Bids. (Amended 1295 01/23/17)
 - 1. Public Interest. The City shall have the authority to reject all bids, parts of any or all bids, or all bids for any one or more supplies or contractual services included in the proposed contract when the public interest will be served thereby.

2. Undue Influence. Bids shall be rejected if any bidder has attempted to exert undue influence over the results of the bid including:

a. The bidder or anyone subject to the bidder's direction or control attempts to pay, give or donate to any officer or employee of the City any money or other thing of value, either directly or indirectly, in procuring the bid; or

b. The bidder or anyone subject to the bidder's direction or control attempts to influence the award of the bid by threat, force or intimidation.

c. Any other contact by bidder to any officer or employee of the City other than the designated agent, which in the opinion of the Agent was an attempt to unduly influence the award of the bid.

3. Bidders in Default to City. The City shall not accept the bids of a contractor who is in default on the payment of taxes, licenses or other monies due the City.

4. Pre-Bid Conference. The City shall not accept the bids of a contractor who did not attend a mandatory pre-bid conference. (1328, amended 2018-11-19)

C. Award of Contract (Amended 1295 01/23/17)

Lowest and Best Bidder and Best Value Bidder. Contracts shall be awarded to the lowest and best bidder or the best value bidder meeting specifications. Bid Specifications may include appoint system for evaluating the bid. In addition to those factors established by state law, the following factors shall be considered: (1328, amended 2018-11-19)

a. The price,

b. The ability, capacity, and skill of the bidder to perform the contract or provide the service required,

c. Whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference,

d. The character, integrity, reputation, judgment, experience and efficiency of the bidder,

e. The quality of performance of previous contracts or services,

f. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service,

g. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service,

h. The quality, availability and adaptability of the supplies or contractual services to the particular use required,

i. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract,

j. Where an earlier delivery date would be of great benefit to the requisitioning agency, the date and terms of delivery may be considered in the bid award,

k. The number and scope of conditions attached to the bid, and

l. If a point system has been utilized in the bid specifications, the number of points earned by the bidder,

m. In those instances in which alternate bids are solicited in addition to a base bid, the City retains the authority to determine the lowest bid based on the alternates chosen, including the right to include the alternates selected to determine the low bidder and also the ability to reject all alternates that are bid. (Amended 1295 01/23/17)

- n. The City retains the right to waive non-substantive defects in bidding if waiver is in the best interest of the City and ensures a fair bidding process. (1328, added 11/19/18)
- D. Award to Other than Lowest Secure Bidder
When the award is not given to the lowest secure bidder meeting specifications, such award must be approved by the Council and a full and complete statement of reasons for placing the order with one other than the lowest secure bidder shall be entered in the minutes of the Council. (Amended 1295 01/23/17)
- E. Tie Bids
 - a. Local Bidders. If two or more bids received are for the same total amount of unit price, quality and service being equal, the contract shall be awarded to the local bidder. (Amended 1295 01/23/17)
 - b. Bidders of Equal Status. Where paragraph E.a. of this section is not determinative, the Agent shall award the contract to one of the tie bidders by drawing lots in public.
- F. Change Orders
If a bid has been based on a unit price bid, change orders shall be allowed based on the bid unit price without additional advertisement or bidding. (Amended 1295 01/23/17)
- G. Performance Bonds
Before entering a contract, the Agent shall have the authority to require a performance bond in such amount as he shall find reasonably necessary to protect the best interests of the City. (Amended 1295 01/23/17)
- H. Prohibition Against Subdivision
No contract or purchase shall be subdivided to avoid the requirements of this section. (Amended 1295 01/23/17)
- I. Open Market Procedure
All purchases of supplies, materials, or equipment having an estimated cost less than Twenty-five Thousand Dollars (\$25,000.00), and all sales of personal property which has become obsolete and unusable, of less than the estimated value of the Five Thousand Dollars (\$5,000.00), may be made on the open market, without newspaper advertisement and without observing the procedure prescribed in this section for the award of formal contracts. (Amended 1295 01/23/17)
 - 1. Minimum Number of Bids. All open market purchases in excess of Five Thousand (\$5,000.00) shall, whenever possible, be based on competitive market quotation bids as set forth below, and shall be awarded to the lowest secure bidder in accordance with the standards set forth herein. For purchases from \$5,000.00 to \$49,999.00, Buyer shall make at least three (3) solicitations (written/telephone) for competitive market quotation bids. The requirement for quotes and bids for purchases below \$50,000.00 may be waived, if a valid, documented reason for waiver exists and is approved by the Department Head and City Manager or designee. (1328, amended 11/19/18)
 - 2. Recording. The Agent shall keep a record of all open market orders and the bids submitted in competition thereon, and such records shall be open to public inspection at all reasonable times.
- J. Waiver of Competitive Bidding

The City Council may waive the requirement for competitive bidding for the purchase of supplies, materials, equipment or contractual services when some material feature or characteristic of the item or service sought to be purchased is unique and the Purchasing Agent has certified that to the best of his knowledge, after diligent inquiry, the item or service is available from only one source. The Purchasing Agent may require the department head or official requesting the bid waiver to submit an affidavit identifying the unique and material features or characteristics of the item or service. (Amended 1141 02/12/2007; Amended 1295 01/23/17; 1328, amended 11/19/18)

2.76.80 City Manager Authority

The City Manager shall also have the authority to make the following purchases regardless of the purchasing limits set forth herein:

1. Emergency purchases as outlined in Section 2.76.090 below;
2. The authority to award contracts for all purchase of \$25,000.00 or less, and shall have the authority to bind the city and its' agencies in that regard;
3. The purchase of regular city utilities and the approval of contracts for those utilities, including landfill costs and contracts related thereto;
4. Payroll and contract labor expenses agreed to in accordance with existing contracts, or otherwise within the authority of the City Manager;
5. Bulk chemical purchases that are routine and necessary for the operations of utility systems;
6. Payment of debt obligations wherein the underlying debt has been approved by the City Council and the amounts owed have been approved in the budget.
7. All monthly transfers authorized by the budget;
8. All payments authorized by project resolutions that have been approved by council;
9. All amounts paid pursuant to blanket purchase orders to vendors in which multiple, routine purchases are made throughout the year.
10. Change orders for council approved contracts, in an amount not to exceed \$25,000.00 for all change orders on a specific project, with all change orders reported to council. (1328, added 11/19/2018)

2.76.090 Emergency Purchases.

A. By Agent. In case of an apparent emergency which requires immediate purchase of supplies or contractual services, the City Manager shall be empowered to grant written authorization to the Agent to secure by open market procedure, or such procedure as may be warranted by the nature of the emergency, as herein set forth, at the lowest obtainable price, any supplies or contractual services, regardless of the amount of the expenditure. A full report of the circumstances of the emergency purchase shall be filed by the Agent with the City Clerk and shall be open to public inspection. (1328, added 11/19/18)

B. By Department Head. In case of actual emergency occurring during normal office hours the head of any using agency may, with the consent of the Agent and the approval of the City Manager, purchase directly any supplies or contractual services who immediate procurement is essential to prevent delays in the work of the using agency which may vitally affect the life, health or convenience of the citizens. (1333, added 02/25/19)

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Chapter 2.80

PERSONNEL SYSTEM

Sections:

- 2.80.010 Merit system.**
- 2.80.020 Nepotism prohibited.**
- 2.80.030 Suspension or removal of officers, employees.**
- 2.80.040 Election or appointment of successor.**
- 2.80.050 Oath or affirmation of office.**
- 2.80.060 Administration of oaths, officers authorized.**
- 2.80.070 Bonds required.**
- 2.80.080 Conflicts of interest.**
- 2.80.090 Salary or compensation.**
- 2.80.100 Qualifications of officers and employees.**
- 2.80.110 Payment of compensation.**
- 2.80.120 Appropriation of funds.**
- 2.80.130 Political activity of officers and employees.**
- 2.80.140 Employee or official defined.**
- 2.80.150 Personnel board.**
- 2.80.160 Election of personnel board officers.**
- 2.80.170 Classified and unclassified service.**
- 2.80.180 Any interest in pending actions, purchases, to be disclosed.**

Section 2.80.010 Merit system.

A merit system is hereby established for personnel in the city service. Appointments and promotions in the service of the city shall be made solely on the basis of merit and fitness; and removals, demotions, suspensions, and layoffs shall be made solely for the good of the service. The council, consistent with the City Charter, by ordinance or personnel rules, may regulate personnel matters and provide for proper personnel administration. (Prior code § 2-601)

Section 2.80.020 Nepotism prohibited.

Neither the City Manager, the council nor any other authority of the city government may appoint or elect any person related to any councilmember, the City Manager, or to himself, herself, or, in the case of a plural authority, to one of its members, by blood or marriage within the third degree, to any office or position of profit in the city government; provided, however, the City Manager may appoint himself, herself, or the council may appoint or elect him or her, to other offices and positions in the city government, subject to regulations adopted by ordinance; but he or she may not receive compensation for service in such other office or positions. Except as may be otherwise provided by the City Charter or by ordinance, the same person may hold more than one office or position of employment in the city. (Prior code § 2-602)

Section 2.80.030 Suspension or removal of officers, employees.

The power to lay off, suspend, demote, and remove accompanies the power to appoint or elect; and the City Manager, the council or other appointing or electing authority at any time may lay off, suspend, demote, or remove any officer or employee to whom he or she, the council, or the other appointing or electing authority respectively may appoint or elect a successor, all consistent with the City Charter and ordinances. (Prior code § 2-603)

Section 2.80.040 Election or appointment of successor.

The appointing or electing authority who may appoint or elect the successor of an officer or employee in the city may appoint or elect a person to act during a temporary absence, disability or suspension of such officer or employee, or, in the case of a vacancy, until a successor is appointed or elected and qualified, unless the council provides by ordinance that a particular superior or subordinate of such officer or employee shall act. The council by ordinance may provide for a deputy to act in such cases. Every officer who is elected or appointed for a term ending at a definite time, shall continue to serve thereafter until his or her successor is elected or appointed and qualifies unless his or her services are sooner terminated by resignation, removal, disqualification, death, abolition of the office or other legal manner. (Prior code § 2-604)

Section 2.80.050 Oath or affirmation of office.

Every officer of the city, before entering upon the duties of his or her office, shall take and subscribe to the oath or affirmation of office prescribed by the State Constitution, and such oath or affirmation shall be filed in the office of the City Clerk. (Prior code § 2-605)

Section 2.80.060 Administration of oaths, officers authorized.

All officers authorized by federal or state law, the mayor, the City Manager, the City Clerk and the municipal judge or judges, and such other officers as the council may authorize, may administer oaths in the city. (Prior code § 2-606)

Section 2.80.070 Bonds required.

In addition to officers required by charter or ordinance, such other officers and employees of the city as the council may designate, before entering upon their duties, shall provide bonds for the faithful performance of their respective duties, payable to the city, in such form and in such amounts as the council may prescribe, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds. (Prior code § 2-607)

Section 2.80.080 Conflicts of interest.

No councilmember or officer or employee of the city, or any person performing contractual services for the city, shall appear in behalf of others before the council or any agency or officer of the city, or represent others in any action or proceeding against the interests of the city, or accept employment from or render services for others when such employment or service creates a conflict of interest or is otherwise incompatible with the proper discharge of official city duties. (Prior code § 2-608)

Section 2.80.090 Salary or compensation.

The amount of salary or compensation paid city employees and officers shall be determined by the City Manager subject to the funds budgeted by the City Council. (Prior code § 2-609; 1331 amended, 2019-01-28)

Section 2.80.100 Qualifications of officers and employees.

Officers and employees of the city shall have the qualifications prescribed by the City Charter and additional qualifications as the council may prescribe; but the council shall not prescribe additional qualifications for the mayor and other councilmembers. (Prior code § 2-610)

Section 2.80.110 Payment of compensation.

No officer or employee, except in cases of emergency, shall begin their work or be entitled to compensation, until authorized by the City Manager and until they have qualified as provided by the City Charter and ordinances of the city. No compensation shall be paid to any such officer or employee except for services actually performed and after appropriation of funds therefor shall have been made. (Prior code § 2-611)

Section 2.80.120 Appropriation of funds.

The City Council is empowered and required hereby to provide funds by proper estimates and appropriations to pay the salaries of all officers and employees. Payment of the salaries shall be restricted to the amount made available by appropriations duly made. Where the appropriation made is insufficient to pay salaries, the amount payable shall be limited to the sum appropriated, and payment of such sum shall constitute and be payment in full for each and every fiscal year. (Prior code § 2-612)

Section 2.80.130 Political activity of officers and employees.

A. No officer or employee of the city except the councilmembers and personnel who receive no compensation for their services, may work for or against or attempt to influence the nomination, election, or defeat of any candidate for councilmember, or the recall of a councilmember; but this shall not prohibit the ordinary exercise of one's right to express his or her opinions and to vote.

B. Any person who violates this section shall be punished upon conviction thereof by a fine as provided in Section 1.20.010 of this chapter. Such violation shall constitute cause for removal from office or employment and if the regular removal authority has not already removed a person who violates this section, he or she shall be automatically removed by conviction of violating this section effective at the time the conviction becomes final. (Prior code § 2-613)

Section 2.80.140 Employee or official defined.

The term official or employee in this code shall include all officials or employees of the city, the Sand Springs Municipal Authority, the city's park and recreation board, and officials or employees of any agency of the city established by City Charter, City Ordinance or state and federal law. (Prior code § 2-614)

Section 2.80.150 Personnel board.

There shall be a personnel board consisting of five members appointed by the council for overlapping five year terms. Each member shall be a resident of the city. The term of one member shall begin July 1st in every year. The council shall appoint the original members so that the term of one will expire at that time in each of the first five succeeding years. Members of the personnel board shall not hold any other office or position in the city government or hold any office or position with the park and recreation system or the Sand Springs Municipal Authority, including membership on their governing boards. The council, by a vote of at least five members, after adequate opportunity for a public hearing, may remove a member for the good of the service; and the vote shall be yeas and nays and shall be entered in the journal. If any member of the personnel board is absent from more than two consecutive regular meetings or two-thirds of all the regular and special meetings of the personnel board, held within any period of six consecutive calendar months, he or she shall thereupon automatically cease to hold office without hearing or action by the council. The council shall fill vacancies for the unexpired terms. Members shall serve without compensation unless the council provides otherwise. (Prior code § 2-615)

Section 2.80.160 Election of personnel board officers.

At the time prescribed for the beginning of the term of a newly-appointed member or as soon thereafter as practicable, the board shall elect a chairperson, a vice-chairperson, and a secretary; and the secretary need not be a member of the board. The board shall determine the time and place of its regular meetings, and the chairperson or three members may call special meetings. The chairperson shall have power to administer oaths and affirmations. The personnel board shall have power to subpoena officers and employees of the city and other persons to testify and to produce documents and other effects as evidence. (Prior code § 2-616)

Section 2.80.170 Classified and unclassified service.

A. All officers and employees of the city shall be divided into the classified and the unclassified service.

B. The following shall constitute the unclassified service:

1. All councilmembers, the municipal judge or judges, the City Treasurer and the City Clerk when elected by the council;
2. The City Manager, one Assistant City Manager if any, one secretary to the City Manager, and the City Attorney;
3. Members and secretary of each board, commission or other plural authority;
4. All personnel who serve without compensation; and
5. All temporary and all part-time officers and employees except those whom the council may place in the classified service by ordinance or personnel rules.

- C. All other officers and employees shall be in the classified service.
- D. Nothing herein shall prohibit including personnel in the unclassified service in the classification plan. (Prior code § 2-617)

Section 2.80.180 Any interest in pending actions, purchases, to be disclosed.

Prior to any action by the City Council, or any commission, board, committee or administrative officer operating on behalf of the city, all members of the City Council, employees of the city, and any appointed member of any board, committee, council or commission, shall have made a written disclosure through the City Manager of the city to the appropriate body, of any financial interest, direct or indirect, in the item to be acted upon. (Prior code § 2-618; Ord. 921, § 1, eff. November 24, 1997)

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Chapter 2.84

EMPLOYEE RETIREMENT SYSTEM

Sections:

- 2.84.010 System created.**
- 2.84.020 Administration.**
- 2.84.030 Fund.**
- 2.84.040 Appropriations.**
- 2.84.050 Execution.**

Section 2.84.010 System created.

Pursuant to the authority conferred by the laws of the state and for the purpose of encouraging continuity and meritorious service on the part of city employees and thereby promote public efficiency, there is hereby authorized, created, established, and approved and adopted, effective as of January 1, 1986, the funded pension plan designated "Employee Retirement System of The City of Sand Springs, Oklahoma, Defined Contribution Plan," hereinafter called "system," and all amendments thereto, an executed counterpart of which is marked Exhibit A and Exhibit B in the ordinance codified in this chapter. (Prior code § 2-801)

Section 2.84.020 Administration.

For the purpose of administration of the system there is hereby established a retirement committee, which shall be the members of the City Council of the city as now existing or as from time to time duly elected or appointed and constituted. The powers and duties of the retirement committee shall be set forth in the system instrument. (Prior code § 2-802)

Section 2.84.030 Fund.

A fund is hereby provided for the exclusive use and benefit of the persons entitled to benefits under the system. All contributions to such fund shall be paid over to and received in trust for such purpose by the City Treasurer, who shall be the treasurer of the system. Such fund shall be pooled for purposes of management and investment with similar funds of other incorporated cities, towns, and municipal trusts in the state as a part of the Oklahoma Municipal Retirement Fund, in accordance with the trust agreement of the Oklahoma Municipal Retirement Fund, a public trust. The City Treasurer shall hold such contributions in the form received, and from time to time pay over and transfer the same to the Oklahoma Municipal Retirement Fund, as duly authorized and directed by the retirement committee. The fund shall be nonfiscal and shall not be considered in computing any levy when the annual estimate is made to the county excise board. (Prior code § 2-803)

Section 2.84.040 Appropriations.

The city is hereby authorized to incur the necessary expenses for the establishment, operation and administration of the system and to appropriate and pay the same. In addition, the city is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions to maintain the system and the fund in accordance with the provisions of the defined contribution plan. Any appropriation so made to maintain the system and fund shall be for deferred wages or salaries and for the payment of necessary expenses of operation and administration to be transferred to the trustees of the Oklahoma Municipal Retirement Fund for such purposes, and shall be paid into the Fund when available, through the City Treasurer, to be by him or her duly transferred to the Oklahoma Municipal Retirement Fund. (Prior code § 2-804)

Section 2.84.050 Execution.

A. The mayor and City Clerk are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the system instrument, and to do all other acts and things necessary, advisable and proper to put the system and related trust into full force and effect, and to make such changes therein as may be necessary to qualify the same under Section 401(a) and 501(a) of the Internal Revenue Code of the United States. The counterpart marked as Exhibit A of the ordinance codified in this chapter, which has been duly executed as aforesaid simultaneously with the passage of this chapter is hereby ratified and confirmed in all respects.

B. The City Council is hereby authorized and directed to proceed immediately on behalf of the city to pool and combine the Fund into the Oklahoma Municipal Retirement Fund as a part thereof, with similar funds of such other cities and towns, for purposes of pooled management and investment. (Prior code § 2-805)

Chapter 2.88

OPTIONAL RETIREMENT SYSTEM

Sections:

- 2.88.010 Optional retirement plan established.**
- 2.88.020 Contributions.**
- 2.88.030 Definition of employee.**
- 2.88.040 Participation.**
- 2.88.050 Execution.**

Section 2.88.010 Optional retirement plan established.

A. There is hereby created a retirement system for certain qualified employees of the city which retirement system shall be in accordance with the provisions and conditions of this chapter and the statutes of the state of Oklahoma.

B. There is hereby authorized and established an optional retirement system for the employees of the city. The optional retirement system shall be the International City Management Association Retirement Corporation Deferred Compensation Plan, copies of which are on file in the office of the City Clerk of the city, and which is incorporated herein by reference. (Prior code § 2-840)

Section 2.88.020 Contributions.

A. Qualified employees of the city may make contributions into the optional retirement system herein established in accordance with the provisions and conditions of the International City Management Association Retirement Corporation. The City Treasurer is authorized to withhold from qualified employees of the city's compensation such amounts as expressly directed by the qualified employee of the city and to collectively remit same to the International City Management Association Retirement Corporation in accordance with the provisions and conditions of the International City Management Association Retirement Corporation Deferred Compensation Plan.

B. Each person who shall claim the right to any payment under the system shall be entitled to look only to the retirement fund for such payment. No liability for the payment of benefits under the system shall be imposed upon the city or any official, officer or employee thereof. (Prior code § 2-841)

Section 2.88.030 Definition of employee.

For the purpose of this plan, "employee" is defined as follows:

"Employee" means a permanent full-time employee of the city. An employee shall be considered permanent full-time if he or she works eighty (80) hours or more per month for the city. (Prior code § 2-842)

Section 2.88.040 Participation.

Any permanent full-time employee of the city, having attained the age of twenty-one (21), except those employees who are sixty-five (65) years of age or older on January 1, 1973, may become participants in the system. (Prior code § 2-843)

Section 2.88.050 Execution.

The mayor is hereby authorized to execute the retirement plan with the International City Management Association Retirement Corporation, incorporated by reference herein, and that the City Manager of the city may on behalf of the city execute all joinder agreements with the employees and other eligible officials and officers, which may be necessary for the persons participating in the plan, except that the joinder agreement for the City Manager shall be executed by the mayor of the city. (Prior code § 2-844)

Chapter 2.92

POLICE PENSION AND RETIREMENT SYSTEM

Sections:

2.92.010 Police pension board of trustees.

2.92.020 Fund to be operated in accordance with law.

Section 2.92.010 Police pension board of trustees.

There is hereby created a board of trustees which shall have the operation and management of the police pension and retirement system of the city, which board of trustees shall consist of the City Clerk, City Treasurer, and three members of the police department of the city, which is designated and known as the board of trustees of the pension and retirement system of the city. (Prior code § 2-820)

Section 2.92.020 Fund to be operated in accordance with law.

The city's police pension and retirement system shall be operated in accordance with state law relating to the fund and system. (Prior code § 2-821)

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Chapter 2.96

FIREFIGHTERS PENSION AND RETIREMENT SYSTEM

Sections:

2.96.010 Firefighters pension and retirement board.

2.96.020 Fund to be operated in accordance with law.

Section 2.96.010 Firefighters pension and retirement board.

The State of Oklahoma Pension Board is adopted as the ultimate authority over pension and retirement issues for the firefighters of the City of Sand Springs, and the local firefighter pension and retirement board is abolished, effective January 1, 2017. (Prior code § 2-830; Amended by Ord. 1294 01/23/17)

Section 2.96.020 Fund to be operated in accordance with law.

The city's firefighters pension and retirement system and fund shall be operated in accordance with state law relating to the fund and system. (Prior code § 2-831)

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Chapter 2.100

SOCIAL SECURITY

Sections:

- 2.100.010 Social Security for employees.**
- 2.100.020 Authority to enter agreements.**
- 2.100.030 Employee contributions.**
- 2.100.040 Employer contributions.**
- 2.100.050 Records.**
- 2.100.060 Exclusion--Fee compensation.**

Section 2.100.010 Social Security for employees.

It is hereby declared to be the policy and purpose of the city to extend, at the earliest date, to the employees and officials of the city, not excluded by City Charter, state or federal law or ordinance, and whether employed in connection with a governmental or proprietary function, the benefits of the system of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto. In pursuance of this policy, and for that purpose, the city shall take such action as may be required by applicable state or federal laws or regulations. (Prior code § 2-701)

Section 2.100.020 Authority to enter agreements.

The mayor is hereby authorized and directed to execute all necessary agreements and amendments thereto with the State Department of Human Services to secure coverage of employees and officials as provided in Section 2.100.010 of this chapter. (Prior code § 2-702)

Section 2.100.030 Employee contributions.

Withholding from salaries or wages of employees and officials for the purpose provided in Section 2.100.010 of this chapter is hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by the laws or regulations. (Prior code § 2-703)

Section 2.100.040 Employer contributions.

There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations, for employer' s contributions; which shall be paid over to the state or federal agency designated by the laws or regulations. (Prior code § 2-704)

Section 2.100.050 Records.

The city shall keep such records and make such reports as may be required by applicable state or federal laws or regulations. (Prior code § 2-705)

Section 2.100.060 Exclusion--Fee compensation.

There is hereby excluded from this chapter any authority to make any agreement, for retirement or Social Security benefits, with respect to any position, or any employee or official, compensation for which is on a fee basis, or any position, or any employee or official not authorized to be covered by applicable state or federal laws or regulations. (Prior code § 2-706)

TITLE 3

REVENUE AND FINANCE

Chapters:

- 3.04 Sales Tax**
- 3.08 Use Tax**
- 3.12 Hotel Tax**
- 3.16 Natural Gas and Use Tax**
- 3.18 Utilities Tax**
- 3.24 Reserve Fund Policy**

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CHAPTER 3.04

SALES TAX

Sections:

3.04.010	Citation and codification.
3.04.020	Definitions.
3.04.030	Tax collector defined.
3.04.040	Classification of taxpayers.
3.04.050	Subsisting state permits.
3.04.060	Effective date.
3.04.070	Purpose of revenues.
3.04.080	Tax rate--Sales subject to tax.
3.04.090	Exemptions.
3.04.100	Other exempt transfers.
3.04.110	Tax due when--Returns--Records.
3.04.120	Payment of tax.
3.04.130	Tax constitutes debt.
3.04.140	Vendor's duty to collect tax--Penalties.
3.04.150	Returns and remittances--Discounts.
3.04.160	Interest and penalties--Delinquency.
3.04.170	Waiver of interest and penalties.
3.04.180	Erroneous payments--Claim for refund.
3.04.190	Fraudulent returns.
3.04.200	Records confidential.
3.04.210	Amendments.
3.04.220	Provisions cumulative.

Section 3.04.010 Citation and codification.

This chapter shall be known and may be cited as "City of Sand Springs Special Sales Tax Ordinance" of 1993. (Prior code § 7-101)

Section 3.04.020 Definitions.

The definitions of words, terms and phrases contained in Section 1352 of the Oklahoma Sales Tax Code, are hereby adopted by reference and made a part of this chapter. (Prior code § 7-102)

Section 3.04.030 Tax Collector defined.

"Tax Collector," as used in this chapter, means the department of the city government or the official agency of the state duly designated according to law or contract authorized by law to administer the collection of the tax levied in this chapter. (Prior code § 7-103)

Section 3.04.040 Classification of taxpayers.

For the purpose of this chapter the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Sales Tax Code. (Prior code § 7-104)

Section 3.04.050 Subsisting state permits.

All valid and subsisting permits to do business by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purpose of this chapter, hereby ratified, confirmed, and adopted in lieu of any requirement for an additional City permit for the same purpose. (Prior code § 7-105)

Section 3.04.060 Effective date.

A. This chapter became effective after approval of a majority of the registered voters of the City voting on the ordinance in the manner prescribed by Section 16-112 of Title 11 of the Oklahoma Statutes.

B. Ordinance 827 shall become and be effective on June 1, 1993, subject to approval of a majority of the registered voters of the City of Sand Springs, State of Oklahoma, voting on the same in the manner provided by law; provided that this ordinance shall be automatically repealed in its entirety on the date upon which the final payment of principal of the General Obligation Street Improvement Bonds of the City approved at an election held on May 11, 1993, is made to bondholders, and shall be of no further force and effect from and after that date. However, such automatic repeal shall not be construed so as to prevent any future ordinance of a similar nature from being submitted to a vote of the qualified electors of the City of Sand Springs either before or after such date of repeal. (Prior code § 7-106)

Section 3.04.070 Purpose of revenues.

A. It is the purpose of the first one-cent (\$0.01) sales tax to provide revenues for the support of the functions of the municipal government of the City.

B. It is hereby declared to be the purpose of the second one-cent tax (\$0.01) to provide revenues for the payment of sinking fund requirements of the City of Sand Springs Sewer Bonds of 1971 and payment of twenty-five thousand dollars (\$25,000.00) annually to the park and recreation program of the City. To that end from the first revenues derived herefrom, there shall be paid into the Sinking Fund for the City of Sand Springs Sewer Bonds of 1971 each month, a sum equal to one-twelfth (1/12th) of the annual Sinking Fund requirements for the bonds, sufficient to prevent the Sinking Fund from beginning a levy upon the taxable property within the City. Further, from the revenues derived herefrom, if sufficient funds remain after payment to the Sinking Fund of the City of Sand Springs Sewer Bonds of 1971 as first required hereunder, there shall be annually set over for park and recreation purposes the sum of twenty-five thousand dollars (\$25,000.00). Further, any and all revenues derived hereunder remaining may be expended by the governing body of the City for any purpose for which funds may be lawfully expended as authorized by the statutes of the state.

C. It hereby is determined to be in the best interest of the City and its citizens that all of the proceeds derived from the levy of the third one percent (1%) sales tax (pursuant to Ordinance 456) approved by the electors as aforesaid be appropriated to the trustees of the authority to enable the trustees to proceed with the construction and equipping of the utility system improvements aforesaid. There hereby is appropriated the proceeds to be derived from the one percent (1%) sales tax levied and collected by the City pursuant to Ordinance 456 to the trustees of the authority. Such proceeds so appropriated shall be utilized solely and only in the payment of the costs of operation and maintenance of and making capital improvements to the utility systems owned by the City and leased to the authority and for debt service on indebtedness incurred by the authority for such purposes. The Mayor, City Clerk, and City Treasurer are hereby authorized and directed, after having deposited the proceeds of the aforesaid one percent (1%) sales tax monthly, as received, in the general fund of the City to forthwith pay the necessary sum calculated at the rate aforesaid, to the trustees of the authority. A certified copy of this ordinance shall be delivered to each of the officials and shall constitute their continuing authority to make such monthly deposits and payments hereinabove directed.

D. It is hereby declared to be the purpose of Ordinance 827, levying a one-half percent (1/2%) tax, to provide revenues to be placed in a separate, special fund to be used to make capital improvements to the roads, streets and bridges of the City of Sand Springs, Oklahoma, including, but not limited to, the payment of principal of and interest on the General Obligation Street Improvement Bonds of the City approved at an election held on May 11, 1993, in accordance with the terms thereof. (Prior code § 7-107)

Section 3.04.080 Tax rate--Sales subject to tax.

There is hereby levied an excise tax of three and one-half percent (3-1/2%) upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code including but not exclusive of the following:

1. Tangible personal property;
2. Natural or artificial gas, electricity, ice, steam, or any other utility or public service, except water and those specifically exempt under Section 1357 of the Oklahoma Sales Tax Code;
3. Transportation for hire of persons by common carriers, including railroads, both steam and electric, motor transportation companies, taxicab companies, pullman car companies, airlines and all other means of transportation for hire;
4. Service by telephone and telegraph companies to subscribers or users, including transmission of messages, whether local or long distance. This shall include all services and rental charges having any connection with transmission of any message;
5. Printing or printed matter of all types, kinds, and characters and the service of printing or over printing;
6. Service of furnishing rooms by hotels, apartment hotels, public rooming houses, and public lodging houses or tourist camps;
7. Service of furnishing storage or parking privileges by auto hotels and parking lots;

8. Food, confections and all drinks sold or dispensed by hotels, restaurants, or other dispensers, and sold for immediate consumption upon the premises or delivered or carried away from the premises for consumption elsewhere;

9. Advertising of all kinds, types and character, including any and all devices used for advertising purposes and the servicing of any advertising devices, except those specifically exempt by this chapter;

10. 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 tickets, passes, admissions, fees or dues of like kind or character, except as provided in this chapter;

11. For the purpose of this chapter, sales of service 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 peddlers, solicitors and other salesmen who do not have established places of business shall be deemed to be sales to consumers or users and therefore, taxable;

12. Computer hardware, software, coding sheets, cards or magnetic tapes on which prewritten programs have been coded, punched or otherwise recorded; and

13. Flowers, plants, shrubs, trees and other floral items, whether or not produced by a vendor, sold by persons engaged in florist or nursery business in this state, including all orders taken by an Oklahoma business for delivery in another state. (Prior code § 7-108)

Section 3.04.090 Exemptions.

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

1. Sales of medicines or drugs prescribed for the treatment of human beings by a person licensed to prescribe the medicines or drugs. This exemption shall not apply to proprietary or patent medicines as defined by Section 353.1 of Title 59 of the Oklahoma Statutes;

2. Sales 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 subsection shall not apply when such articles are sold, even though by the producer thereof, at or from an "established business place" not on a farm; neither shall this exemption apply unless the articles are produced or grown within the state of Oklahoma. The provisions of this subsection are intended to exempt the sale by livestock producers of livestock sold at special livestock sales.

The provisions of this subsection are intended to exempt the sale of dairy products when sold by a dairyman or farmer who owns all of the cows from which the dairy products he or she sells are produced. The provisions of this subsection shall not be construed to exempt sales by florists, nurserymen and chicken hatcheries;

3. 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 profit which inures to the benefit of any individual member or members thereof to the exclusion of other members;

4. 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;

5. Gross receipts and gross proceeds derived from the transportation of school children to and from schools and high schools in motor and other vehicles;

6. Transportation of persons where the fare of each person does not exceed one dollar (\$1.00), or local transportation of persons within the corporate limits of cities and towns except by taxicabs;

7. Sale of food in public, common, high school or college cafeterias and lunchrooms operated primarily for teachers and pupils, not operated primarily for the public and not operated for profit;

8. Carrier sales made directly to consumers or users of newspapers or any other periodicals where any individual transaction does not exceed seventy-five cents (\$0.75). A carrier is a person who regularly delivers newspapers or periodicals to subscribers on an assigned route;

9. Sales to the United States Government, State of Oklahoma, or any of its political subdivisions;

10. 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;

11. 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 production of oil or gas;

12. Sale of motor vehicles, attached optional equipment and accessories, on which the Oklahoma Motor Vehicle Excise Tax has been paid;

13. Sales by county, district and state fairs;

14. Sale of advertising space in newspapers and periodicals and billboard advertising service;

15. 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 when they are not regularly engaged in the business of reselling; neither shall this exemption apply to sales of tangible personal property to peddlers, solicitors and other salesmen who do not have sales tax permits or established places of business;

16. Goods, wares, merchandise, and property sold for use in manufacturing, compounding, processing, assembling or preparing for sale shall be classified as having been sold for the purpose of resale or the subject matter of resale only in the event:

a. Such goods, wares, merchandise, or property are purchased for the purpose of being manufactured into a finished article and if it becomes a recognizable, integral part of the manufactured, compounded, processed, assembled or prepared products; or

b. If it is consumed in the process of manufacturing, compounding, processing, assembling or preparing products for resale;

17. 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 is directly used in, the process of manufacturing property subject to taxation hereunder. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

18. 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;

19. Sale of an interest in tangible personal property to a partner or other person who after such sale owns joint interest in such tangible personal property where the Oklahoma State or Use Tax has previously been paid on such tangible personal property;

20. Sales of containers shall be exempt when sold to a person regularly engaged in the business of reselling empty or filled containers, or when he or she 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 chapter is collected and paid to the tax collector with respect to each and every transfer by such person of title or possession of such returnable container if made to any consumer or user within this state; nor shall it apply to the sale of labels or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise;

21. Sales of baby chicks, turkey poults and starter pullets, used in commercial production of chickens, turkeys and eggs, provided the purchaser certifies in writing on the copy of the invoice or sales ticket to be retained by the seller that the pullets will be used primarily for egg production;

22. Sales of tangible personal property or services to council organizations or similar state supervisory organizations of the Boy Scouts of America, Girl Scouts of USA, and the Camp Fire Girls shall be exempt from sales tax;

23. The proceeds from any amount separately stated on the ticket of admission for the repayment of money borrowed by an accredited state supported college or university for the purpose of constructing or enlarging any entertainment facility as prescribed by the Oklahoma Sales Tax Code;

24. In addition to all other exemptions allowed by this chapter, the sales of agricultural fertilizer to persons regularly engaged for profit in the business of farming or ranching which are exempt from state sales taxes under provisions of Section 1358 of the Oklahoma Sales Tax Code shall likewise be exempt from the sales tax herein levied;

25. In addition to other exemptions allowed by this chapter, the sales of farm machinery to be used directly on a farm or ranch in the production, cultivating, planting, sowing, harvesting, processing, spraying, preservation or irrigation of any livestock, poultry, agricultural or dairy products produced from such lands which are exempt from state sales tax under provisions of Sections 1358(E) of the Oklahoma Sales Tax Code shall be likewise exempt from the sales tax herein levied. Each purchaser of farm machinery must certify, in writing, on the copy of the invoice or sales ticket retained by the seller that he or she is engaged in farming or ranching and that the farm machinery will be used in farming or ranching; and

26. In addition to the other exemptions allowed by this chapter, the sales and purchases of feed, subject to the conditions and limitations set forth in Section 1358(4) of the Oklahoma Sales Tax code which are exempt from the state sales tax under such statute, shall also be exempt from the sales tax levied herein. (Prior code § 7-109)

Section 3.04.100 Other exempt transfers.

Also there is specifically exempted from the tax levied the transfer of tangible personal property exempted from the Oklahoma Sales Tax Code inclusive, but not exclusive, of the following:

A. From one corporation to another corporation pursuant to reorganization. As used in this subsection the term "reorganization" means:

1. A statutory merger or consolidation, or
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 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 his or her interest in the property prior to the transfer;

D. To a partnership in the organization or 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 his interest in the property prior to the transfer; or

E. From a partnership to the members thereof when made in kind in the dissolution of such partnership. (Prior code § 7-110)

Section 3.04.110 Tax due when--Returns--Records.

The tax levied hereunder shall be due and payable at the time and in the manner and form prescribed for payment of the state sales tax under the Oklahoma Sales Tax Code. (Prior code § 7-111)

Section 3.04.120 Payment of tax.

The tax herein levied shall be paid to the tax collector at the time and in the form and manner provided for payment of state sales tax under the Oklahoma Sales Tax Code. (Prior code § 7-112)

Section 3.04.130 Tax constitutes debt.

The taxes, penalty, and interest due under this chapter shall at all times constitute a prior, superior, and paramount claim as against the claims of unsecured creditors, and may be collected by suit as any other debt. (Prior code § 7-113)

Section 3.04.140 Vendor's duty to collect tax--Penalties.

A. The tax levied hereunder shall be paid by the consumer or user to the vendor. 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 chapter, or an amount equal as nearly as possible or practicable to the average equivalent thereof.

B. Vendors shall add the tax imposed hereunder, or the average equivalent thereof, to the sales price or charge, and when added such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to vendor until paid, and shall be recoverable at law in the same manner as other debts.

C. A vendor, as defined hereunder, who willfully or intentionally fails, neglects, or refuses to collect the full amount of the tax levied by this chapter, or willfully or intentionally fails, neglects, or refuses to comply with the provisions or remits or rebates to a consumer or user, either directly or indirectly, and by whatsoever means, all or any part of the tax herein levied, or makes in any form of advertising, verbally or otherwise, any statement which infers that he or she is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any manner whatsoever, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined as provided in Section 1.20.010 of this code. Sales by vending machines may be made at a stated price which includes state and any municipal sales tax. (Prior code § 7-114)

Section 3.04.150 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 and shall be subject to the same discount as may be allowed by the code for collection of state sales taxes. (Prior code § 7-115)

Section 3.04.160 Interest and penalties--Delinquency.

Section 217 of Title 68 of the Oklahoma Statutes is hereby adopted and made a part of this chapter, and interest and penalties at the rates and in amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this chapter. The failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in the time and manner required by this chapter shall cause such tax to be delinquent. In addition, if the delinquency continues for a period of five days, the taxpayer shall forfeit his or her claim to any discount allowed under this chapter. (Prior code § 7-116)

Section 3.04.170 Waiver of interest and penalties.

The interest or penalty or any portion thereof accruing by reason of a taxpayer's failure to pay the tax herein levied may be waived or remitted in the same manner as provided for the waiver or remittance as applied in administration of the state sales tax provided in Section 220 of the Oklahoma Sales Tax Code and to accomplish the purposes of this section, the applicable provisions of Section 220 are hereby adopted by reference and made a part of this chapter. (Prior code § 7-117)

Section 3.04.180 Erroneous payments--Claim for refund.

Refund of erroneous payment of the sales tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedures, and under the same limitations of time, as provided for administration of the state sales tax as set forth in Section 227 of the Oklahoma Sales Tax Code and to accomplish the purpose of this section, the applicable provisions of Section 227 are hereby adopted by reference and made a part of this chapter. (Prior code § 7-118)

Section 3.04.190 Fraudulent returns.

In addition to all civil penalties provided by this chapter, the willful failure or refusal of any taxpayer to make reports and remittances as herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine as provided in Section 1.20.010 of this code. (Prior code § 7-119)

Section 3.04.200 Records confidential.

The confidential and privileged nature of the records and files concerning the administration of the sales tax is legislatively recognized and declared, and to protect the same the provisions of the Section 205 of the Oklahoma Sales Tax Code and each subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the sales tax as if herein set forth in full. (Prior code § 7-120)

Section 3.04.210 Amendments.

The people of the City, by their approval of the sales tax ordinance hereby authorize the Mayor and City Clerk of the City of Sand Springs, by ordinances duly enacted, to make such administrative and technical changes or additions in the method and manner of administration and enforcing this chapter as may be necessary or proper for efficiency and fairness. Neither the rate of the tax herein provided nor the use to which the revenue is put shall be changed without approval of the qualified electors of the City voting at an election held for such purposes as provided by law. (Prior code § 7-121)

Section 3.04.220 Provisions cumulative.

The provisions of this chapter shall be cumulative and in addition to any or all other taxing provisions of City's ordinances. (Prior code § 7-122)

CHAPTER 3.08

USE TAX

Sections:

- 3.08.010 Citation and codification.**
- 3.08.020 Definitions.**
- 3.08.030 Excise tax on storage, use or other consumption of intangible, personal property levied.**
- 3.08.040 Purpose of revenues.**
- 3.08.050 Exemptions.**
- 3.08.060 Time when due--Returns--Payment.**
- 3.08.070 Tax constitutes debt.**
- 3.08.080 Collection of tax by retailer or vendor.**
- 3.08.090 Collection of tax by retailer or vendor not maintaining a place of business within state or both within and without state--Permits.**
- 3.08.100 Revoking permits.**
- 3.08.110 Remunerative deductions allowed vendors or retailers of other states.**
- 3.08.120 Interest and penalties--Delinquency.**
- 3.08.130 Waiver of interest and penalties.**
- 3.08.140 Erroneous payments--Claim for refund.**
- 3.08.150 Fraudulent returns.**
- 3.08.160 Records confidential.**
- 3.08.170 Classification of taxpayers.**
- 3.08.180 Subsisting state permits.**
- 3.08.190 Provisions cumulative.**

Section 3.08.010 Citation and codification.

This chapter shall be known and may be cited as "City of Sand Springs Use Tax".
(Prior code § 7-201)

Section 3.08.020 Definitions.

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

"Tax Collector" means the department of the city government or the official agency of the state, duly designated according to law or contract authorized by law, to administer the collection of the tax herein levied.

"Transaction" means sale. (Prior code § 7-202)

Section 3.08.030 Excise tax on storage, use or other consumption of intangible, personal property levied.

There is hereby levied and there shall be paid by every person storing, using or otherwise consuming within the City tangible, personal property purchased or brought into this City, an excise tax on the storage, use or other consuming within the City of such property at the same rate as being levied pursuant to the City's sales tax as provided in Section 3.04.010 et seq., or any amendment thereto on the purchase price of such property. Such tax shall be paid by every person storing, using or otherwise consuming, within the City, tangible, personal property purchased or brought into the City. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the City and shall be assessed to only property purchased outside Oklahoma; provided, that the tax levied herein shall not be levied against tangible, personal property intended solely for use outside the City, but which is stored in the City pending shipment outside the City or which is temporarily retained in the City for the purpose of fabrication, repair, testing, alteration, maintenance, or other service. Any person liable for payment of the tax authorized herein, may deduct from such tax any local or municipal sales tax previously paid on such goods or services; provided, that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the City had been levied on the sale of such goods or services. (Prior code § 7-203)

Section 3.08.040 Purpose of revenues.

It is hereby declared to be the purpose of this chapter to provide revenues for the support of the functions of the municipal government of the City, and any and all revenues derived hereunder may be expended by the governing body of the City for any purpose for which funds may be lawfully expended as authorized. (Prior code § 7-204)

Section 3.08.050 Exemptions.

The provisions of this chapter shall not apply:

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

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

C. In respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma Use Tax Code and the City of Sand Springs Use Tax, has been paid by the person using such tangible, personal property in the City, whether such tax was levied under the laws of Oklahoma or some other state or municipality of the United States. If any article of tangible, personal property has already been subjected to a tax by Oklahoma or any other state or municipality in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma Use Tax Code and City of Sand Springs Use Tax, the provision of this chapter shall also apply to it by a rate measured by the difference only between the rate provided by both the Oklahoma Use Tax Code and the City of Sand Springs Use Tax, and the rate by which the previous tax upon

the sale or use was computed. Provided, that no credit shall be given for taxes paid in another state or municipality, if that state or municipality does not grant like credit for taxes paid in Oklahoma and the City;

D. In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the City, and machinery and equipment purchased and used by persons to the operation of manufacturing plants already established in the City. This exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under the sales tax code of the City. The term "manufacturing plants" means those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

E. In respect to the use of tangible, personal property now specifically exempted from taxation under the sales tax code of the City;

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

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

H. In respect to livestock purchased outside Oklahoma and brought into this City for feeding or breeding purposes, and which is later resold. (Prior code § 7-205)

Section 3.08.060 Time when due--Returns--Payment.

The tax levied by this chapter is due and payable at the time and in the manner and form prescribed for payment of the State Use Tax under the Use Tax Code of the State of Oklahoma. (Prior code § 7-206)

Section 3.08.070 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. (Prior code § 7-207)

Section 3.08.080 Collection of tax by retailer or vendor.

Every retailer or vendor maintaining places of business both within and without the state, and making sales of tangible, personal property from a place of business outside this state for use in this City shall at the time of making such sales collect the use tax levied by this chapter from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the Tax Commission, if the Tax Commission shall, by regulation, require such receipt. Each retailer or vendor shall list with the Tax Commission the name and address of all his or her agents operating in this City and location of any and all distribution or sales houses or offices or other places of business in the City. (Prior code § 7-208)

Section 3.08.090 Collection of tax by retailer or vendor not maintaining a place of business within state or both within and without state--Permits.

The Tax Commission may, in its discretion, upon application, authorize the collection of the tax herein levied by any retailer or vendor not maintaining a place of business within this state but who makes sales of tangible, personal property for use in this City and by the out-of-state place of business of any retailer or vendor maintaining places of business both within and without this state and making sales of tangible, personal property such out-of-state place of business for use in this City. Such retailer or vendor may be issued, without charge, a permit to collect such taxes by the Tax Commission in such manner and subject to such regulations and agreements as it shall prescribe. When so authorized, it shall be the duty of such retailer or vendor to collect the tax upon all tangible, personal property sold to his or her knowledge for use within this City. Such authority and permit may be cancelled when at any time the Tax Commission considers that such tax can more effectively be collected from the person using such property in this City. Provided, however, that in all instances where such sales are made or completed by delivery to the purchaser within this City by the retailer or vendor in such retailer's or vendor's vehicle, whether owned or leased (not by common carrier), such sales or transactions shall continue to be subject to applicable City sales tax at the point of delivery and the tax shall be collected and reported under taxpayer's sales tax permit number accordingly. (Prior code § 7-209)

Section 3.08.100 Revoking permits.

Whenever any retailer or vendor not maintaining a place of business in this state, or both within and without this state, and authorized to collect the tax herein levied, fails to comply with any of the provisions of this chapter of the Oklahoma Use Tax Code or any orders, rules or regulations of the Tax Commission, the Tax Commission may, upon notice and hearing as provided for in Section 1408 of Title 68 of the Oklahoma Statutes, by order revoke the use tax permit, if any, issued to such retailer or vendor, and if any such retailer or vendor is a corporation authorized to do business in this state may, after notice and hearing above provided, cancel the corporation's license to do business in this state and shall issue a new license only when such corporation has complied with the obligations under this chapter, the Oklahoma Use Tax Code, or any orders, rules or regulations of the Tax Commission. (Prior code § 7-210)

Section 3.08.110 Remunerative deductions allowed vendors or retailers of other states.

Returns and remittances of the tax herein levied and collected shall be made to the Tax Commission at the time and in the manner, form and amount as prescribed for returns and remittances required by the Oklahoma Use Tax Code; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by the code for the collection of state use taxes. (Prior code § 7-211)

Section 3.08.120 Interest and penalties--Delinquency.

Section 217 of Title 68 of the Oklahoma Statutes is hereby adopted and made a part of this chapter, and interest and penalties at the rates and in the amounts as herein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this chapter. Provided, that the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of tax in the time and manner required by this chapter shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five days, the retailer or vendor shall forfeit his or her claim to any discount allowed under this chapter. (Prior code § 7-212)

Section 3.08.130 Waiver of interest and penalties.

The interest or penalty or any portion thereof accruing by reason of a retailer's or vendor's failure to pay the City tax herein levied may be waived or remitted in the same manner as provided for the waiver or remittance as applied in administration of the State Use Tax provided in Section 220 of Title 68 of the Oklahoma Statutes, and to accomplish the purposes of this section the applicable provisions of Section 220 are hereby adopted by reference and made a part of this chapter. (Prior code § 7-213)

Section 3.08.140 Erroneous payments--Claim for refund.

Refund of erroneous payment of the City use tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the State Use Tax as set forth in Section 227 of Title 68 of the Oklahoma Statutes, and to accomplish the purpose of this section, the applicable provisions of Section 227 are hereby adopted by reference and made a part of this chapter. (Prior code § 7-214)

Section 3.08.150 Fraudulent returns.

In addition to all civil penalties provided by this chapter, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this chapter shall be an offense, and upon conviction thereof the offending taxpayer shall be punished as provided in Section 1.20.010 of this code. Each day of noncompliance with this chapter shall constitute a separate offense. (Prior code § 7-215)

Section 3.08.160 Records confidential.

The confidential and privileged nature of the records and files concerning the administration of the City use tax is legislatively recognized and declared, and to protect the same the provisions of Section 205 of Title 68 of the Oklahoma Statutes, of the State Use Tax Code, and each subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the City use tax as is herein set forth in full. (Prior code § 7-216)

Section 3.08.170 Classification of taxpayers.

For the purpose of this chapter, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Use Tax Code. (Prior code § 7-217)

Section 3.08.180 Subsisting state permits.

All valid and subsisting permits to do business issued by the Tax Commission pursuant to the Oklahoma Use Tax Code are for the purpose of this chapter hereby ratified, confirmed; and adopted in lieu of any requirement for an additional City permit for the same purpose. (Prior code § 7-218)

Section 3.08.190 Provisions cumulative.

The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the City ordinances. (Prior code § 7-219)

CHAPTER 3.12

HOTEL TAX

Sections:

3.12.010	Definitions.
3.12.020	Tax rate.
3.12.030	Exemptions.
3.12.040	Tax to be separately designated on bills.
3.12.050	Operator duties.
3.12.060	Bond required.
3.12.070	Assessment and determination of tax.
3.12.080	Refunds.
3.12.090	Notices.
3.12.100	Remedies exclusive.
3.12.110	General powers of the City Manager.
3.12.120	Certificates of registration.
3.12.130	Use of funds.
3.12.140	Records confidential.
3.12.150	Criminal penalties.
3.12.160	Civil remedies.

Section 3.12.010 Definitions.

As used in this ordinance:

"Hotel" means any building or buildings, structures, trailer, or other facility in which the public may, for consideration, obtain sleeping accommodation, and in which five or more rooms are used for the accommodation of such occupant whether such rooms are in one or several structure. The term shall include hotels, apartmental hotels, motels, tourist courts, lodging houses, inns, rooming houses, dormitory space where bed space is rented to individuals or groups, apartments not occupied by "permanent residents," and all other facilities where rooms or sleeping facilities or space are furnished for a consideration. The term shall not include hospitals, sanitariums, or nursing homes.

"Occupancy" means the use of possession, or the right to the use or possession of any room or rooms in a hotel, or the right to the use or possession of the furnishings or the services and accommodations accompanying the use and possession of the room or rooms.

"Occupant" means the person, who for a consideration, uses, possesses, or has the right to the use or possession of any room or rooms in a hotel under any lease, concession, permit, right of access, license to use, or other agreement.

"Operator" means any person operating a hotel within the City, included, but not limited to, the owner, proprietor, manager, lessee, sublessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel.

"Permanent Resident" means any occupant who has or shall have the right of occupancy of any room or rooms in a hotel for at least ninety (90) consecutive days during the current calendar year or preceding year.

"Place of Assembly" means a room or space which is capable of being occupied by seventy-five (75) or more persons and which is used for educational or amusement purposes and shall include: dance halls; cabarets; night clubs; restaurants; any room or space for public or private banquets, feasts, socials, card parties, or weddings; lodge and meeting halls or rooms; skating rinks; gymnasiums; swimming pools; billiard, bowling, and table tennis rooms; halls; rooms used for public or private catering purposes; funeral parlors; markets; recreational rooms; concert halls; broadcasting studios; and all other places of similar use and occupancy.

"Rent" means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash credits, and property or services of any kind or nature, and also any amount for which credit is allowed by the operator to the occupant, without any deduction therefrom whatsoever.

"Return" means any report filed or required to be filed as herein provided.

"Room" means any room or suite of rooms of any kind in any part or portion of a hotel which is available for or let out for use or possessed for any purpose other than as a "place of assembly."

"Tax" means the tax levied pursuant to the ordinance codified in this chapter. (Prior code § 7-301; Ord. 859, § 1 (part), eff. 12/05/1994)

Section 3.12.020 Tax rate.

There is hereby levied an excise tax of seven percent upon the gross receipts or gross receipts derived from all rent for every occupancy of a room or rooms in a hotel in this City, except that the tax shall not be imposed where the rent is less than the rate of five dollars (\$5.00) per day. (Prior code § 7-302; 859, § 1 (part), eff. 12/05/1994; 1221, amended by Recodification, 12/03/2012; 1226, amended 01/01/2013.)

Section 3.12.030 Exemptions.

A. Occupancy. The following shall be exempt from the tax levied in the ordinance codified in this chapter:

1. Permanent residents;
2. The United State Government or any agency or division thereof;
3. The State of Oklahoma or any political subdivision thereof.

B. Certificate of Exemption Required. Anyone claiming to be exempt from the tax must obtain a certification from the City Manager that the person, organization, association, or corporation with which the occupant affiliated is exempt from the tax. Prior to issuing such a certificate, the City Manager shall require a certification from the said organization, association, or corporation that the occupant is its agent, representative, or employee and that his or her occupancy of the room is required in connection with the affairs of said exempt organization, association, or corporation. (Prior code § 7-303; Ord. 859, § 1 (part), eff. 12/05/1994)

Section 3.12.040 Tax to be separately designated on bills.

The operator shall separately designate, charge and show the tax on all bills, statements, receipts, or any other evidence of charge or payment of rent for occupancy issued or delivered by the operator. In the absence of a certificate of exemption as specified above, it shall be presumed that the rent on all occupancies is taxable, and the burden of proof shall be on the operator. (Prior code § 7-304; 859, § 1 (part), eff. 12/05/1994)

Section 3.12.050 Operator duties.

A. Operator Responsible for Collections. The operator shall be responsible for the collection of the tax from the occupant and shall be liable to the City for the tax which shall be held in trust by the operator until paid to the City. The operator shall join the City as a party to any action brought by the operator to enforce collection of the tax.

B. Records to be kept. Every operator shall keep records of every occupancy and of all rent paid, charged, or due thereon and of the tax payable thereon in such form as the City Manager may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the City Manager, or a duly authorized agent or employee of the City, and shall be preserved for a period of three (3) years.

C. Returns.

1. Every operator shall file with the City Manager a report of occupancy and of rents, and of the taxes payable thereon for the period ending on the last day of each month following the effective date of the ordinance codified in this chapter. Such return shall be filed within the first fifteen (15) days after the end of each such month.

2. Each operator shall further file with the City Manager a copy of their completed Oklahoma state sales tax form within ten (10) days after June 30, September 30, December 31, and March 31, of each year following the effective date of the ordinance codified in this chapter.

3. The form of return shall be prescribed by the City Manager and shall contain such information as may be deemed necessary for the proper administration of the ordinance codified in this chapter. The City Manager may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

D. Payment of Tax. At the time of filing a return of occupancy and of rents, each operator shall pay to the City Treasurer the taxes imposed by the ordinance upon the rents included in such return. All taxes not paid with a timely return shall be delinquent. All the taxes for the period for which a return is required to be filed shall be due from the operator and payable to the City Treasurer on or before the date fixed for the filing of the return for such period without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and the taxes due thereon.

E. Interest. If any tax levied by the ordinance codified in this chapter becomes delinquent, the person responsible and liable for such tax shall pay interest on such unpaid tax at the rate of one and one-half percent (1.5%) per month on the unpaid balance from the date of delinquency. (Prior code § 7-305; 859, § 1 (part), eff. 12/05/1994)

Section 3.12.060 Bond required.

Where the City Manager believes that any operator is about to cease business, leave the state, or remove or dissipate assets, or for any other similar reason the City Manager deems it necessary in order to protect revenues under the ordinance codified in this chapter may require such operator to file with the City a bond issued by a surety company authorized to transact business in the state in such amount as the City Manager may fix to secure the payment of any tax or penalties and interest due, or which may become due from such operator. In the event that the City Manager determines that an operator is to file such bond, the City Manager shall give notice to such operator specifying the amount of security required. The operator shall file such security as a performance bond or irrevocable letter of credit within five (5) days after the filing of such notice unless within such five (5) days the operator shall request in writing a hearing before the City Council, at which time the necessary propriety and amount of the bond shall be determined by the City Council. Such determination shall be final and shall be complied with within fifteen (15) days thereafter. In lieu of such bond, a cash or securities escrow, in an amount and under terms approved by the City Manager, may be deposited with the City Manager, who may at any time after five (5) days notice to the depositor, apply them to any tax and/or any penalties due and for that purpose the securities may be sold at private or public sale. (Prior code § 7-306; 859, § 1 (part), amended 12/05/1994)

Section 3.12.070 Assessment and determination of tax.

If a return required by the ordinance codified in this chapter is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be assessed by the City Manager from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, types of accommodations and services, number of employees, or other factors. Written notice of such assessments shall be given to the person liable for the collection and payment of the tax. Such assessment shall finally and irrevocably fix and determine the tax, (A) unless the person against whom it is assessed, shall apply in writing to the City Council within ninety (90) days after the City gives notice of such assessment, for a hearing; or (b) unless the City Manager decides to reassess the same. After such hearing, the City Council shall give written notice of its determination to the person against whom the tax is assessed and such determination shall be final. (Prior code § 7-307; 859, § 1 (part), amended 12/05/1994)

Section 3.12.080 Refunds.

A. Procedure. The City Manager shall direct the refund or credit of any tax erroneously, illegally, or unconstitutionally collected if written application to the City Manager for such refund is made within two (2) years from the date of payment thereof. For like causes, and in the same period, a refund may be so made upon the initiative of the City Manager, subject to existing limits on the authority of the City Manager as to amount. The City Manager, in lieu of any refund required to be made, may allow credit thereof on payments due from the applicant. Whenever a refund is made, the reasons therefor shall be stated in

writing. Such application may be made by the person who has collected and paid such tax to the City Treasurer; however, no refund of money shall be made to the operator until the operator has repaid to the occupant the amount for which the application for refund is made.

B. Determination and Hearing. Upon application for a refund the City Manager may receive evidence with respect thereto, and make such investigation as is deemed necessary. After making a determination as to the refund, the City Manager shall give written notice thereof to the applicant. Such determination shall be final unless the applicant, within ninety (90) days after such notice shall apply in writing to the City Council for a hearing. After such hearing the City Council shall give written notice of its decision to the applicant. (Prior code § 7-308; 859, § 1 (part), amended 12/05/1994)

Section 3.12.090 Notices.

Notices provided for under this chapter shall be deemed to have been given when such notice has been delivered personally to the operator or deposited in the United States mail, postage prepaid, to the last known address of the operator. In the absence of written evidence received by the City to the contrary, the last known address shall be presumed to be the address shown on the certificate of registration as required by 3.12.120. (Prior code § 7-309; 859, § 1 (part), amended 12/05/1994)

Section 3.12.100 Remedies exclusive.

The remedies provided in this chapter shall be the exclusive remedies available to any person for the review of tax liability imposed by this chapter. (Prior code § 7-310; 859, § 1 (part), amended 12/05/1994)

Section 3.12.110 General powers of the City Manager.

In addition to all other powers granted to the City Manager, the manager is hereby authorized:

A. To make, adopt, and amend rules and regulations appropriate to the execution of this chapter and for the purposes hereof;

B. To extend for cause shown the time for filing any return for a period not exceeding sixty (60) days; and for cause shown to waive, remit, or reduce penalties or interest;

C. To delegate functions hereunder to authorized designees for the City;

D. To assess, reassess, determine, revise, and readjust the amount of taxes, but not the tax rate, imposed by this chapter;

E. To prescribe methods for determining the taxable and nontaxable rents;

F. To administer oaths and take affidavits concerning any matter or proceeding under this chapter;

G. To subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance and the enforcement of this chapter and to examine them in relation thereto. (Prior code § 7-311; 859, § 1 (part), amended 12/05/1994)

Section 3.12.120 Certificates of registration.

Every operator shall file with the City Manager a certificate of registration in a form prescribed by the City Manager within ten (10) days after the effective date of the ordinance, or in the case of operators commencing business or opening new hotels after such effective date, within three (3) days after such commencement or opening. The City Manager shall, within five days (5) after such registration, issue, without charge, to each operator a certificate of authority empowering such operator to collect the tax from the occupant and duplicates thereof for each additional hotel. Each certificate or duplicate shall state the hotel to which it is applicable. Such certificate of authority shall be permanently displayed by the operator in such manner that it may be seen and will come to the notice of all occupants and persons seeking occupancy. Such certificates shall be nonassignable, nontransferable, and shall be surrendered immediately to the City Manager upon the cessation of business at the hotel named, or upon its sale or transfer. (Prior code § 7-312; 859, § 1 (part), amended 12/05/1994)

Section 3.12.130 Use of funds.

A. All taxes collected pursuant to this chapter shall be set aside and used exclusively to encourage, promote, and foster economic development, cultural enhancement, and tourism in Sand Springs, Oklahoma, and the cost of enforcing this chapter.

B. The City of Sand Springs, Oklahoma, is authorized to retain from the initial proceeds of the hotel tax an amount equal to the costs of the election concerning the ordinance codified in this chapter and borne by the City.

C. In order to remunerate an operator for keeping tax records, filing reports, and remitting the tax when due, a discount not to exceed one percent (1%) of the current taxes due may be allowed to the operator by agreement. No discount shall be allowed for the payment of delinquent taxes. (Prior code § 7-313; 859, § 1 (part), amended 12/05/1994)

Section 3.12.140 Records confidential.

The confidential and privileged nature of the records file concerning the administration of the hotel tax is legislatively recognized and declared and, in order to protect the same, the provisions of 68 O.S. (1991), Section 205 of the State Sales Tax Code, and each subsection thereof and all amendments thereto, are hereby adopted by reference and made fully effective and applicable to the administration of the Sand Springs, Oklahoma, hotel tax as if here set forth. (Prior code § 7-314; 859, § 1 (part), amended 12/05/1994)

Section 3.12.150 Criminal penalties.

A. The willful intent 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 this chapter shall be deemed an offense and punishable as provided under the provisions of Section 1.20.010 of the Code of Ordinances of the City of Sand Springs, Oklahoma.

B. The failure by an operator, (1) to file a security bond as required; or (2) to register or to display the certificate of registration, or (3) to separately state the tax on the bill or to collect such tax from the occupant shall be deemed an offense and punishable as provided under the provisions of Section 1.20.010 of the Code of Ordinances of the City of Sand Springs, Oklahoma. (Prior code § 7-315; 859, § 1 (part), amended 12/05/1994)

Section 3.12.160 Civil remedies.

A. Whenever any operator, occupant, or other person shall fail to collect and/or pay over any tax, or to owe any tax, penalty, or interest imposed by this chapter as herein provided, the Mayor may authorize the director of finance to file notice of liens on behalf of the City against the real estate upon which the hotel is located and/or against all franchises, property, and rights to property, whether real or personal, then belonging to or thereafter acquired by the person owing the tax pursuant to Title 68 O.S. 1981, Section 2701 and Section 2704.

B. The liens shall, upon proper filing, attach to the real estate and/or personal property then owned or thereafter acquired by the debtor, whether such property is used by the debtor in the operation of business or is under the authority of an assignee, trustee, or receiver for the benefit of creditors, from the date such taxes are due and payable as allowed by Title 68 O.S. 1981, Section 2704.

C. The City Manager shall notify the person owing the tax by personal service or by certified mail that the City of Sand Springs, Oklahoma, will file such liens if any delinquent lodging taxes, interest and/or penalties are not paid within fifteen (15) days of receiving such notice.

D. The City Manager may also authorize the City Attorney to institute an action in personam and in rem to enforce payment and collect any delinquent lodging taxes, penalties, and/or interest. (Prior code § 7-316; 859, § 1 (part), amended 12/05/1994)

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CHAPTER 3.16

NATURAL GAS AND USE TAX

Sections:

- 3.16.010 Definitions.**
- 3.16.020 Permit required.**
- 3.16.030 Fee.**
- 3.16.040 Permit requirements.**
- 3.16.050 Revocations and penalties.**

Section 3.16.010 Definitions.

"City" means the City of Sand Springs, Oklahoma, a municipal corporation.

"Consumer" means any individual person, corporation, company, partnership, firm, unincorporated association, trust, or public corporation, who uses or consumes natural gas in the city.

"Permit" means the rights, license, and privileges granted by the City of Sand Springs to a consumer to use the public ways for transportation and receiving natural gas through a pipeline system not owned by permittee.

"Permittee" means a consumer granted a permit under the ordinance codified in this chapter.

"Pipeline System" means a system of works, pipes, pipelines, apparatus, machinery, structures, appliances, and appurtenances reasonably necessary for the transportation, distribution, or sale of natural gas.

"Public Ways" means any street, alley, avenue, boulevard, lane, park, parkway, sidewalk, driveway, utility easement, right-of-way, and any other public ways, places, areas, or grounds within the corporate limits of the City of Sand Springs as now constituted or may be added hereafter. (935, amended 06/14/1999)

Section 3.16.020 Permit required.

No consumer shall transport and receive or deliver gas within the City pursuant to any arrangement of any pipeline system installed in the public ways, unless the consumer shall hold a valid permit from the City. Such permit shall be issued for the purpose of granting the permittee authority to use the public ways. (935, amended 06/14/1999)

Section 3.16.030 Fee.

In consideration of the issuance of a permit by the City, a permittee shall pay to the city a monthly fee as follows:

A. An amount equal to three percent (3%) of the purchase price of natural gas transported and delivered or received within the City pursuant to any arrangement with any pipeline system installed in the public ways;

B. for all permittees not otherwise exempt from the payment of municipal sales taxes, a use tax in an amount equal to three and one half percent (3.5%) of the purchase price of the gas transported and delivered or received within the City pursuant to any arrangement with any pipeline system installed in the public ways. (935, amended 06/14/1999)

Section 3.16.040 Permit requirements.

Any permit issued shall contain the following material terms:

A. The permittee shall report to the City on a monthly basis the information set forth on the public ways use permit return, a copy thereof being attached to the ordinance codified in this chapter, made a part of such ordinance, marked as Exhibit A, and pay the fee set forth in Section 3.16.030 to the city on a monthly basis as directed by the City;

B. The permittee shall subordinate its arrangement to the right of the City to construct, operate, and maintain facilities in the public ways;

C. The permittee shall grant to the City the right to audit at reasonable times the books and records of the permittee to verify the correct payment of the fee set forth in Section 3.16.030;

D. The permittee shall assume conjointly with the franchise holder the indemnification terms of the franchise insofar as the terms apply to any arrangement with any franchise holders with any pipeline system installed in the public ways. (935, amended 06/14/1999)

Section 3.16.050 Revocations and penalties.

A. A permit shall be revocable by the City Council at any time upon a ten (10) day prior written notice to permittees.

B. Any violation of this chapter shall be an offense. Any consumer or permittee adjudged guilty of violation of this chapter shall be punished by a fine of two hundred dollars (\$200.00), plus costs, for each offense; and each day of a continuing violation shall be deemed a separate offense. (935, amended 06/14/1999)

CHAPTER 3.18

UTILITIES TAX

Sections:

- 3.18.010 Fee levied; application**
- 3.18.020 Tax is in lieu of other taxes**
- 3.18.030 Tax to be paid quarterly and placed in general revenue fund**
- 3.18.040 Failure to pay; action for collection**
- 3.18.050 Tax lien**
- 3.18.060 Permit granted to gas companies in lieu of franchise**

Section 3.18.010 Fee Levied; application

There is hereby levied and assessed an annual tax of two percent (2%) upon the gross receipts from residential and commercial sales of gas in the City. Such tax shall apply to all persons, firms, associations or corporations engaged in the business of furnishing power, light, heat, gas, electricity or water within the City limits, except that it shall not apply to any person, firm, association, or corporation operating under a valid franchise from the City nor apply to utilities furnished by the City. (1272, eff. 07/27/2015)

Section 3.18.020 Tax is in lieu of other taxes

The tax levied by this chapter shall be in lieu of any other franchise, license, occupation, or excise tax levied by the City. (1272, eff. 07/27/2015)

Section 3.18.030 Tax to be paid quarterly and placed in general revenue fund

The tax levied under this chapter shall be payable quarterly and placed in the general revenue fund of the City. (1272, eff. 07/27/2015)

Section 3.18.040 Failure to pay; action for collection

Any person failing or refusing to pay the tax levied by this chapter shall be regarded as a trespasser and may be ousted from the City. In addition thereto, an action may be maintained against such person for the amount of the tax and all expenses of collecting same, including reasonable attorney(s) fees. (1272, eff. 07/27/2015)

Section 3.18.050 Tax Lien

The tax imposed by this chapter shall constitute a first and prior lien on all the assets located within the City of any person engaged in the business of selling power, light, heat, gas, electricity, or water within the City and subject to such tax. (1272, eff. 07/27/2015)

Section 3.18.060 Permit granted to gas companies in lieu of franchise

Any persons, firms, associations, or corporations engaged in the business of furnishing gas within the City limits, not operating under a valid franchise from the City, and upon whom the tax provided under Title 3.18.010 of this code is imposed, is hereby granted a revocable permit by the City for so long as this chapter remains in effect and the taxes

are paid in accordance with the terms of this chapter to acquire, construct, erect, install, extend, repair, remove, relocate, replace, operate, and maintain a system of works, pipes, pipelines, apparatus, structures, and appurtenances in, across, upon, and under the streets, alleys, avenues, boulevards, lanes, parks, parkways, sidewalks, parkings, driveways, right-of-way, utility easements, and other public ways, places, areas, and grounds, all being sometimes referred to herein as "streets, alleys, avenues, and other public ways, places, and grounds," in the City as now constituted, and as may be added to hereafter, for the purpose of transporting, distributing, and selling gas for domestic, commercial, and industrial uses, and for any and all other purposes for which gas, during the period of this revocable permit may be used, together with the right to enter upon the streets, alleys, avenues, and other public ways, places, and grounds of the City for the purpose of constructing, erecting, installing, extending, relocating, operating, maintaining, removing, and repairing the works, pipes, pipelines, and all necessary apparatus, machinery, structures, and appurtenances. (1272, eff. 07/27/2015)

CHAPTER 3.24

RESERVE FUND POLICY

Sections:

3.24.010 General Policy.

3.24.020 Contents of Reserve Fund.

3.24.030 Budget Requirements.

(Added by 1233, adopted 08/27/2012)

Section 3.24.010 General Policy.

The City shall maintain a fund reserve, as set forth herein, with a goal of no less than 15% of annual budgeted normal reoccurring revenues, and does establish a goal of obtaining a 30% reserve as funds become available. (Added by 1233, adopted 08/27/2012; 1234, amended 01/14/2013.)

Section 3.24.020 Contents of Reserve Fund.

The reserve amount shall consist of:

a. An emergency reserve within the general fund in which the use of the funds shall be restricted for emergency and unexpected needs of the City, such as uses for natural disasters and one-time non-occurring emergencies that disrupt the cash receipts of the City. Expenditures for emergency situations that threaten the life, health, or public safety for which no existing appropriation exist, shall be eligible. The budget shall reflect a provision for an emergency reserve for this purpose and shall have a goal of 15% of the operating revenues. (Added 1233, adopted 08/27/2012; 1234, amended 01/14/2013.)

b. A stabilization reserve within the budget, in which there is a goal of an appropriation of 15% of the annual budgeted normal reoccurring revenues, said reserve to only be used (1) in those instances in which there has been a significant economic downturn causing actual normal reoccurring revenues to decline more than 5% within the applicable fund over a one (1) year time period; or (2) short term emergency capital purchases that cannot be funded through the operating budget, as determined by Council. (Added by 1233, adopted 08/27/2012; 1234, amended 01/14/2013.)

c. All undesignated fund balance in excess of \$500,000.00 shall be directed to either the stabilization reserve or emergency reserve. (Added by 1233, adopted 08/27/2012)

d. Once the emergency reserve and stabilization reserve are fully funded, all undesignated fund balances in excess of \$500,000 shall be first applied to reduce all utility transfers to the general fund. (Added by 1233, adopted 08/27/2012)

e. Council recognizes that the City is not capable of immediately fully funding the above accounts, and directs the City Manager, as a part of the budget process, to advise the Council of the status of the funding level of each of the reserves established herein. (Added by 1233, adopted 08/27/2012)

Section 3.24.030 Budget Requirements.

The City Manager is directed to prepare and submit budgets and budget amendments consistent with the policy established by the Council, unless good cause is shown. (Added by 1233, adopted 08/27/2012)

TITLE 4
(RESERVED)

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TITLE 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

- 5.04 Alcoholic beverages**
- 5.08 Cable television rate regulations**
- 5.12 Pawnbrokers and auto salvage yards**
- 5.16 General business licenses and regulations**
- 5.20 Taxicabs**
- 5.24 Yard or garage sales**

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Chapter 5.04

ALCOHOLIC BEVERAGES

Sections:

5.04.010	Purposes of chapter.
5.04.020	Terms and phrases.
5.04.030	License required.
5.04.040	Amount of license fee.
5.04.050	City clerk to collect fee and issue license.
5.04.060	Civil penalty.
5.04.070	Revocation.
5.04.080	Location to conform to state law.
5.04.090	Consumption prohibited, exceptions.
5.04.100	Compliance required.
5.04.110	Compliance with zoning regulations required.
5.04.120	Prohibited sales, possession by minors.
5.04.130	Furnishing alcohol to intoxicated persons prohibited.
5.04.140	Transporting alcoholic beverages.
5.04.150	Prohibited employment.
5.04.160	Dates, hours on which sale prohibited.
5.04.170	Sale promotions prohibited.
5.04.180	Duty of police department, other city departments.
5.04.190	Certificate of Compliance.
5.04.200	Penalty

Section 5.04.010 Purposes of chapter.

This chapter is enacted as an exercise of the police power of the City to preserve the public's health, safety, and welfare, and to aid the enforcement of the policies of the state as established by Title 37 – Intoxicating Liquors and Title 37A - Alcoholic Beverages, of the Oklahoma Statutes, and to establish annual occupational license fees upon all persons engaged in the sale, manufacture, dispensation, or distribution of alcoholic beverages.

Section 5.04.020 Terms and phrases.

For the purpose of this chapter, all of the terms and phrases used shall be given the same use and meaning as defined by Titles 37 and 37A of the Oklahoma Statutes. "Minor" shall mean a person who, in accordance with state law, has not yet attained the age at which consumption of alcoholic beverages is permitted. The term "city clerk," when used in this chapter, shall include the City Clerk of the City of Sand Springs and his or her authorized employee or agent designees. The reference of "his or her" as licensees shall include corporate licensees or other such entities.

Section 5.04.030 – License required.

A. Any person who engages in any of the alcoholic beverage occupations requiring a city occupational license by this chapter without first paying the license fee in advance of such is guilty of an offense. Each day of such violation shall constitute a separate offense.

B. For alcoholic beverage occupational licensing purposes of the city, there shall be a succession in occupational classification in which a license issued for an occupational classification with a higher fee shall include city occupational licensing for lesser classifications – provided proper state licenses to conduct such occupations are submitted as a part of any application for a city license. The city clerk shall make notation upon the face of such license the lesser occupation classifications that can legally be conducted by the licensee.

C. Separate city occupational licenses for retail beer sales and retail wine sales shall be issued for such upon a single premises. A valid state license or licenses for such shall be submitted upon application for the respective city license or licenses. (

Section 5.04.040 – Amount of license fee.

A. There is hereby assessed an annual license fee upon occupations engaged in the sale, manufacture, dispensation or distribution of intoxicating liquors and/or alcoholic beverages as defined and regulated by Titles 37 and 37A of the Oklahoma Statutes. License fees shall be set by motion of the City Council and shall include, but not be limited to, the following occupations: brewer, small brewer, distiller, wine maker, small farm winery, rectifier, wholesaler (all wine and spirits), class B wholesaler, beer distributor, retail spirits (liquor) store, mixed beverage establishment, on-premises wine and/or beer sales, caterer, retail wine and/or beer sales, and special event.

B. The license fee for service organizations that are exempt under Section 501(c)(19) of the Internal Revenue Code for mixed beverage licenses shall be one-half the established regular license fee.

C. Should a retail spirits (liquor) store, a mixed beverage establishment or a caterer commence that occupation after July 1 of any given year, a prorated amount for the city occupational license fee shall be paid under the following schedule:

Date application for license received by the City Clerk:

Prorated license amount:

July 1 through September 30

Full amount

October 1 through December 31

75% of full amount

January 1 through March 31

50% of full amount

April 1 through June 30

25% of full amount

Section 5.04.050 – City clerk to collect fee and issue license.

A. Any state licensee initially entering upon any alcoholic beverage occupation shall pay a city occupational license fee to the City Clerk on or before the date he or she enters into such occupation. The licensee shall provide a copy of his or her current state license and applicable state sales tax permit before payment of the license fee will be accepted. Thereafter, the licensee shall pay the city occupational license fee annually on or before July 1 of each successive year.

B. Any state licensee carrying on his or her occupation in more than one location within the city limits shall pay a city occupational license fee for each location. No additional city license fee shall be levied upon a licensee for moving the location of his or her occupation from one place to another within the city limits.

C. Upon payment of the license fee, the city clerk shall issue a city alcoholic beverage occupational license to the state licensee. The license shall be posted in a conspicuous place on the premises wherein the occupation is taking place. The city clerk shall retain a copy of the license and application documents for such periods as determined by the record-keeping policies of the city. (Prior code § 3-123; 1325, amended 08/27/2018; Amended 1325 amended 09/24/2018)

D. Should a retail spirits (liquor) store, a mixed beverage establishment, or a caterer cease that occupation after July 1 of any given year, a prorated refund of the city occupational license fee shall be granted under the following conditions:

1. The state licensee must have completely ceased the occupation;
2. All taxes or other monies due the city from the state licensee or the business must have been paid; and
3. The original sealed copy of the city alcoholic beverage occupational license issued for the current year shall be surrendered.

E. Upon written request, and satisfaction of these conditions for a refund, the following schedule will determine the amount of the refund:

Date request received by City Clerk	Prorated refund amount
July 1 through September 30	75% of fee paid
October 1 through December 31	50% of fee paid
January 1 through March 31	25% of fee paid
April 1 through June 30	No refund

F. Any recipient of a prorated refund shall be a new applicant upon returning to business.

Section 5.04.060 – Civil penalty.

All sums due from any person, corporation or entity by reason of city occupational license fees imposed by this chapter, and all penalties accruing for failure to pay such fees, and interest thereon and attorney's fees as allowed by law, shall be recoverable by suit of the city brought in any court of competent jurisdiction. Prosecution

for an offense arising out of the failure to pay such fees, regardless of the outcome thereof or its continued pendency, shall not constitute a defense or bar in any manner the city's collection of fees and penalties as herein provided.

Section 5.04.070 – Revocation.

Any state licensee who violates any provision of Title 37 – Intoxicating Liquors, and Title 37A – Alcoholic Beverages, of the Oklahoma Statutes, any of the provisions of this chapter, or any of the ordinances of the city, shall be subject to revocation of his or her city alcoholic beverage occupational license privilege without refund.

Section 5.04.080 – Location to conform to state law.

No person shall own, operate, maintain, or hold an interest in any alcoholic beverage occupation that is located at a place within the city limits which is in violation of or forbidden as a location by the laws of the state, or the zoning code or other ordinances of the city.

Section 5.04.090 – Consumption prohibited, exceptions.

A. No person shall open, break the package seal of, or consume in any manner any alcoholic beverage on the premises of any city alcoholic beverage occupational licensee, or within designated areas thereof, where such is prohibited by the laws of the state; or upon any public property.

B. Alcoholic beverages may be consumed upon specific city properties, buildings or facilities as authorized by ordinance or approved by motion of the city council; or in specific public spaces designated by restaurants with annual license renewal review and approval by the city – provided such consumption is not otherwise prohibited by state law and has been approved by all applicable state regulatory authorities.

Section 5.04.100 – Compliance required.

No person shall sell at retail or otherwise, and no person shall deliver, in consequence of or in completion of such a sale, any alcoholic beverages to any place in the city except at premises compliant with the laws of the state and for which a proper classification of city alcoholic beverage occupational license has been issued.

Section 5.04.110 – Compliance with zoning regulations required.

No premises for which a state license and city alcoholic beverage occupational license are required shall be located, maintained, or operated by any person at any place within the city limits except at a location permitted by the zoning code of the city. No person shall own, operate, maintain or have an interest in any premises where alcoholic beverages are sold, manufactured, dispensed, distributed or otherwise handled, which is in violation of or forbidden as a location by the laws of the state.

Section 5.04.120 – Prohibited sales, possession by minors.

A. No person shall sell, deliver or furnish alcoholic beverages, at any place within the city limits to any person who is a minor.

B. No minor shall misrepresent his or her age verbally or in writing, or present false documentation of age or otherwise for the purpose of inducing any other person to sell him or her alcoholic beverages.

C. No minor may be in possession of any alcoholic beverage in any public place.

Section 5.04.130 – Furnishing alcohol to intoxicated persons prohibited.

No person shall sell, dispense, deliver or knowingly furnish any alcoholic beverages to an intoxicated person in any occupation regulated by this chapter.

Section 5.04.140 – Transporting alcoholic beverages.

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

A. In an unopened original container with seal unbroken, and the original cap or cork not removed from the container; or

B. In the trunk or other closed compartment or container out of public view and out of reach of the driver or any occupant of a vehicle.

Section 5.04.150 – Prohibited employment.

No person, corporation or other entity shall employ a minor or other person in the sale, manufacture, dispensation or distribution of alcoholic beverages within the city limits where such is contrary to the laws of the state.

Section 5.04.160 – Dates, hours on which sale prohibited.

No person shall open for business or keep open for business, sell, manufacture, dispense or deliver any alcoholic beverages as licensed and regulated by the state and for which a city occupational license is issued on any day, date or time that is contrary to the laws of the state.

Section 5.04.170 – Sale promotions prohibited.

No city alcoholic beverage occupational licensee, or employee or agent thereof, shall offer or furnish any prize, premium, gift or similar inducement in connection with or to promote the sale of alcoholic beverages in any manner which is contrary to the laws of the state.

Section 5.04.180 – Duty of police department, other city departments.

A. The police department may make frequent inspections of all places of business where alcoholic beverages are sold, manufactured, dispensed or distributed, for the purposes of enforcing the ordinances of the city and ascertaining whether the owners or operators thereof are complying with the requirements of those ordinances relating to the handling of alcoholic beverages.

B. The city clerk shall maintain records of all current alcoholic beverage occupational licenses and the classification or classifications of licensees. The police department, code enforcement officer, or authorized designees thereof, shall assure licensees are compliant with the licensing provisions and requirements of this chapter.

Section 5.04.190 – Certificate of Compliance.

A. Where the laws of the state require such, any applicant for an initial city occupational license related to the sale, manufacture, dispensation or delivery of alcoholic beverages shall first make application to the city clerk for a Certificate of Compliance. The occupations and premises contained within such application shall be reviewed and approved by the appropriate city departments for zoning, health and safety, and fire code compliance.

B. A non-refundable fee for such application shall be set by resolution of the city council and shall be paid by the applicant upon submittal. Each premises where an occupation or occupations are to be conducted shall require a separate application and fee. The city clerk shall be required to act on all applications for such certificates within twenty (20) business days of receipt of the written application in proper form.

C. Upon completion and approval of all required reviews, the city clerk shall issue a Certificate of Compliance for the premises and occupation or occupations being sought by the applicant. The issued Certificate of Compliance shall bear the signatures of the city clerk, zoning officer, building official, fire marshal, or their authorized designees.

D. Issuance of a Certificate of Compliance does not assure or constitute occupational licensure in any form by the city for the sale, manufacture, dispensation or distribution of alcoholic beverages within the city limits.

Section 5.04.200 – Penalty

Violation of any provision of this chapter shall be punishable as a Class C offense as provided for in Section 1.20.010 of this code. Each day that such violation exists shall constitute a separate offense.(Prior code § 3-123; 1325, amended 08/27/2018)

Chapter 5.08

CABLE TELEVISION RATE REGULATIONS

Sections:

- 5.08.010 Short title.**
- 5.08.020 Definitions.**
- 5.08.030 Initial review of basic cable service rates.**
- 5.08.040 Review of request for increase in basic cable service rates.**
- 5.08.050 Cable operator information.**
- 5.08.060 Automatic rate adjustments.**
- 5.08.070 Enforcement.**

Section 5.08.010 Short title.

This chapter shall be known and may be cited as the "Sand Springs Basic Cable Television Service Rate Regulation Ordinance." (Prior code § 17-501)

Section 5.08.020 Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not directory:

"Basic cable service rates" mean monthly charges for a subscription to the basic cable service tier, including charges for associated equipment.

"Basic cable service tier" means any category of separately available cable service provided by a cable operator to which subscription is required for access to any other tier of service and which includes the retransmission of local television broadcast signals; any public, educational, and governmental programming; and any additional video programming signals added by a cable operator.

"Benchmark" means the per channel rate of charge for cable television service and associated equipment which the FCC has determined to be reasonable.

"Cable Act" means the Communications Act of 1934, as amended by the Cable Television Consumer Protection and Competition Act (Public Law No. 102-385, 1992) and as the same may hereafter be amended.

"Cable operator" means any person or group of persons:

1. Who provides cable television service over a cable system and directly, or through one or more affiliates, owns a significant interest in such a cable system; or
2. Who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable television system.

"Channel" means a portion of the electromagnetic frequency spectrum which is used as a unit of cable television service identified and selected by a number of similar designation.

"City" means the City of Sand Springs, Oklahoma, a municipal corporation in its present incorporated form or in any other reorganized or changed form.

"Cost-of-service showing" means a filing in which a cable operator attempts to show that the benchmark rate or the price cap is not sufficient to allow the cable operator to fully recover the costs of providing the basic cable service tier and to continue to attract capital.

"Council" means the City Council of the city or anybody constituting in the future the legislative body of the city.

"FCC" means the Federal Communications Commission or its successor.

"Initial basic cable service rates" mean the rates that a cable operator is charging for the basic cable service tier, including charges for associated equipment, at the time the city notifies the cable operator of the city's qualification and intent to regulate basic cable service rates.

"Person" means an individual, corporation, partnership, association, joint stock company, trust corporation or governmental entity.

"Price cap" means the ceiling set by the FCC on future increases in basic cable service rates regulated by the city, based on a formula using the gross national product fixed weight price index, reflecting general increases in the cost of doing business and changes in overall inflation.

"Reasonable rate standard" means any per channel rate that is at, or below, the benchmark or price cap level. (Prior code § 17-502)

Section 5.08.030 Initial review of basic cable service rates.

A. Notice. Upon the effective date of the ordinance adopting this chapter and certification of the City by the FCC to regulate basic cable service rates, the City shall immediately notify any cable operator in the City, by certified mail, return receipt requested, that the City intends to regulate basic cable service rates as authorized by the Cable Act.

B. Cable Operator Response. Within thirty (30) days of receiving notice from the City a cable operator shall file with the City its current basic cable service rates and any supporting material concerning the reasonableness of those rates.

C. Expedited Determination and Public Hearing.

1. If the City Council is able to expeditiously determine that the cable operator's basic cable service rates are within the FCC's reasonable rate standard, as determined by the applicable benchmark, the City Council shall:

a. Hold a public hearing at which interested persons may express their views; and

b. Act to approve the basic cable service rates within thirty (30) days from the date the cable operator filed its basic cable service rates with the City;

2. If the City Council takes no action within thirty (30) days from the date the cable operator filed its basic cable service rates with the City, the proposed rates shall continue in effect;

D. Extended Review Period.

1. If the City Council is unable to determine whether the cable operator's basic cable service rates are within the FCC's reasonable rate standard based on the material before it, or if the cable operator submits a cost-of-service showing, the City

Council shall, within thirty (30) days from the date the cable operator filed its basic cable service rates with the city and by adoption of a formal resolution, invoke the following additional periods of time, as applicable, to make a final determination:

a. Ninety (90) days, if the City Council needs more time to ensure that a rate is within the FCC's reasonable rate standard; or

b. One hundred fifty (150) days, if the cable operator has submitted a cost-of-service showing seeking to justify a rate above the applicable benchmark.

2. If the City Council has not made a decision within the ninety (90) or one hundred fifty (150) day period, the City Council shall issue a brief written order at the end of the period requesting the cable operator to keep accurate account of all amounts received by reason of the proposed rate and on whose behalf the amounts are paid.

E. Public hearing. During the extended review period and before taking action on the proposed rate, the City Council shall hold at least one (1) public hearing at which interested persons may express their views and record objections.

F. Objections. An interested person who wishes to make an objection to the proposed initial basic cable service rate may request the Council secretary record the objection during the public hearing or may submit the objection in writing any time before the decision resolution is adopted. In order for an objection to be made part of the record, the objector shall provide the Council secretary with the objector's name and address.

G. Benchmark analysis. If a cable operator submits its current basic cable service rate schedule as being in compliance with the FCC's reasonable rate standard, the City Council shall review the rates using the benchmark analysis, in accordance with the standard form authorized by the FCC. Based on the City Council's findings, the initial basic cable service rates shall be established as follows:

1. If the current basic cable service rates are equal to or below the benchmark, those rates shall become the initial basic cable service rates, and the cable operator's rates shall be capped at that level;

2. If the current basic cable service rates exceed the benchmark, the rates shall be the greater of the cable operator's per channel rate on September 30, 1992, reduced by ten (10) percent, or the applicable benchmark, adjusted for inflation and any change in the number of channels occurring between September 30, 1992, and the initial date of regulation; or

3. If the current basic cable service rates exceed the benchmark, but the cable operator's per channel rate was below the benchmark on September 30, 1992, the initial basic cable service rate shall be the benchmark, adjusted for inflation.

H. Cost-of-Service Showings. If a cable operator does not wish to reduce the rates to the permitted level, the cable operator shall have the opportunity to submit a cost-of-service showing in an attempt to justify an initial basic cable service rates above the FCC's reasonable rate standard. The City Council shall review a cost-of-service submission pursuant to FCC standards for review. The City Council may approve initial basic cable service rates above the benchmark if the cable operator makes the necessary showing; however, a cost-of-service determination resulting in rates below the benchmark or below the cable operator's September 30, 1992, rates minus ten (10) percent, shall prescribe the cable operator's new rates.

I. Decision.

1. By Formal Resolution. After completion of its review of the cable operator's proposed rates, the City Council shall adopt its decision by formal resolution. The decision shall include one of the following:

a. If the proposal is within the FCC's reasonable rate standard or is justified by a cost-of-service analysis, the City Council shall approve the initial basic cable service rates proposed by the cable operator; or

b. If the proposal is not within the FCC's reasonable rate standard and the cost-of-service analysis, if any, does not justify the proposed rates, the City Council shall establish initial basic cable service rates that are within the FCC's reasonable rate standard or that are justified by a cost-of-service analysis.

2. Rollbacks and Refunds. If the City Council determines that the initial basic cable service rates, as submitted, exceed the reasonable rate standard or that the cable operator's cost-of-service showing justifies lower rates, the City Council may order the rates reduced in accordance with subsection G or H of this section, as applicable. In addition, the City Council may order the cable operator to pay to subscribers refunds of the excessive portion of the rates, with interest (computed at applicable rates published by the Internal Revenue Service for tax refunds and additional tax payments), retroactive to September 1, 1993. The method for paying any refund and the interest rate shall be in accordance with FCC regulations as directed in the City Council's decision resolution; and

3. Statement of Reasons for Decision and Public Notice. If rates proposed by a cable operator are disapproved in whole or in part, or if there were objections made by other parties to the proposed rates, the resolution shall state the reasons for the decision and the City Council shall give public notice of its decision by publication of the council's resolution, once, in a newspaper of general circulation within the corporate limits of the city.

J. Appeal. The City Council's decision concerning rates for the basic cable service tier or associated equipment, may be appealed to the FCC in accordance with applicable federal regulations. (Prior code § 17-503)

Section 5.08.040 Review of request for increase in basic cable service rates.

A. Notice. A cable operator in the City who wishes to increase the rates for the basic cable service tier or associated equipment shall file a request with the City and notify all subscribers at least thirty (30) days before the cable operator desires the increase to take effect. This notice may not be given more often than annually and not until at least one (1) year after the determination of the initial basic cable service rates.

B. Expedited Determination and Public Hearing.

1. If the City Council is able to expeditiously determine that the cable operator's rate increase request for basic cable service is within the FCC's reasonable rate standard, as determined by the applicable price cap, the City Council shall:

a. Hold a public hearing at which interested persons may express their views; and

b. Act to approve the rate increase within thirty (30) days from the date the cable operator filed its request with the City.

2. If the City Council takes no action within thirty (30) days from the date the cable operator filed its request with the City, the proposed rates shall go into effect.

C. Extended Review Period.

1. If the City Council is unable to determine whether the rate increase is within the FCC's reasonable rate standard based on the material before it, or if the cable operator submits a cost-of-service showing, the City Council shall, by adoption of a formal resolution, invoke the following additional periods of time, as applicable, to make a final determination:

a. Ninety (90) days, if the City Council needs more time to ensure that the requested increase is within the FCC's reasonable rate standard as determined by the applicable price cap; and

b. One hundred fifty (150) days, if the cable operator has submitted a cost-of-service showing seeking to justify a rate increase above the applicable price cap.

2. A proposed rate increase shall be tolled during any extended review period; or

3. If the City Council has not made a decision within the ninety (90) or one hundred fifty (150) day period, the City Council shall issue a brief written order at the end of the period requesting the cable operator to keep accurate account of all amounts received by reason of the proposed rate increase and on whose behalf the amounts are paid.

D. Public Hearing. During an extended review period and before taking action on the requested rate increase, the City Council shall hold at least one public hearing at which interested persons may express their views and record objections.

E. Objections. An interested person who wishes to make an objection to the proposed rate increase may request the Council secretary to record the objection during the public hearing or may submit the objection in writing any time before the decision resolution is adopted. In order for an objection to be made part of the record, the objector shall provide the Council secretary with the objector's name and address.

F. Delayed Determination. If the City Council is unable to make a final determination concerning a requested rate increase within the extended time period, the cable operator may put the increase into effect, subject to subsequent refund if the City Council later issues a decision disapproving any portion of the increase.

G. Price cap analysis: if a cable operator presents its request for a rate increase as being in compliance with the FCC's price cap, the City Council shall review the rate using the price cap analysis in accordance with the standard form authorized by the FCC. Based on the City Council's findings, basic cable service rates shall be established as follows:

1. If the proposed basic cable service rate increase is within the price cap established by the FCC, the proposed rates shall become the new basic cable service rates; or

2. If the proposed basic cable service rate increase exceeds the price cap established by the FCC, the City Council shall disapprove the proposed rate increase and order a basic cable service rate that is in compliance with the price cap.

H. Cost-of-Service Showings. If a cable operator submits a cost-of-service showing in an attempt to justify a rate increase above the price cap, the City Council shall review the submission pursuant the FCC standards for cost-of-service review. The

City Council may approve a rate increase above the price cap if the cable operator makes the necessary showing; however, a cost-of-service determination resulting in a rate below the price cap or below the cable operator's then current basic cable service rate shall prescribe the cable operator's new rate.

I. Decision. The City Council's decision concerning the requested rate increase shall be adopted by formal resolution. If a rate increase proposed by a cable operator is disapproved in whole or in part, or if objections were made by other parties to the proposed rate increase, the resolution shall state the reasons for the decision. Objections may be made at the public hearing by a person requesting the Council secretary record the objection or may be submitted in writing at any time before the decision resolution is adopted.

J. Refunds.

1. The City Council may order refunds of subscribers' basic cable service rate payments, with interest, if:

a. The City Council was unable to make a decision within the extended time period as described in subsection C, of this section;

b. The cable operator implemented the rate increase at the end of the extended review period; and

c. The City Council determines that the rate increase as submitted exceeds the applicable price cap or that the cable operator failed to justify the rate increase by a cost-of-service showing, and the City Council disapproves any portion of the rate increase.

2. The method for paying any refund and the interest rate shall be in accordance with FCC regulations as directed in the City Council's decision resolution.

K. Appeal. The City Council's decision concerning basic cable service rates may be appealed to the FCC in accordance with applicable federal regulations. (Prior code § 17-504)

Section 5.08.050 Cable operator information.

A. City may require:

1. In those cases when a cable operator has submitted initial rates or proposed an increase that exceeds the reasonable rate standard, the City Council may require the cable operator to produce information, in addition to that submitted, including proprietary information, if needed to make a rate determination. In these cases, a cable operator may request the information be kept confidential in accordance with this section; or

2. In cases where initial or proposed rates comply with the reasonable rate standard, the City Council may request additional information only in order to document that the cable operator's rates are in accord with the reasonable rate standard.

B. Request for Confidentiality.

1. A cable operator submitting information to the City Council may request in writing that the information not be made routinely available for public inspection. A copy of the request shall be attached to and cover all of the information and all copies of the information to which it applies;

2. If feasible, the information to which the request applies shall be physically separated from any information to which the request does not apply. If this is not feasible, the portion of the information to which the request applies shall be identified;

3. Each request shall contain a statement of the reasons for withholding inspection and a statement of the facts upon which those reasons are based; or

4. Informal requests, which do not comply with the requirements of this subsection, shall not be considered.

C. City Council Action. Requests which comply with the requirements of subsection B of this section shall be acted upon by the City Council. The City Council shall grant the request if the cable operator presents, by a preponderance of the evidence, a case for nondisclosure consistent with applicable federal regulations. If the request is granted, the ruling shall be placed in a public file in lieu of the information withheld from public inspection. If the cable operator does not establish a case for nondisclosure and the City Council denies the request, the City Council shall take one of the following actions:

1. If the information has been submitted voluntarily without any direction from the City, the cable operator may request that the City return the information without considering it. Ordinarily, the City will comply with such a request; however, when the public interest so requires, the information shall be made available for public inspection; or

2. If the information was required to be submitted by the City Council, the information shall be made available for public inspection.

D. Appeal. If the City Council denies the request for confidentiality, the cable operator may seek review of that decision from the FCC within five (5) working days of the City Council's decision, and the release of the information shall be stayed pending review. (Prior code § 17-505)

Section 5.08.060 Automatic rate adjustments.

A. Annual Inflation Adjustment. In accordance with FCC regulations, the cable operator may adjust its capped base per channel rate for the basic cable service tier annually by the final gross national product price index.

B. Other External Costs.

1. FCC regulations allow the cable operator to increase its basic cable service rates automatically to reflect certain external cost factors to the extent that the increase in cost of those factors exceeds the gross national product price index. These factors include retransmission consent fees, programming costs, state and local taxes applicable to the provision of cable television service, and costs of permit or franchise requirements. The total cost of an increase in a permit or franchise fee may be automatically added to the base per channel rate, without regard to its relation to the gross national product price index; and

2. For all categories of external costs other than retransmission consent and franchise fees, the starting date for measuring changes in external costs for which the basic service per channel rate may be adjusted shall be the date on which the basic cable service tier becomes subject to regulation or February 28, 1994, whichever occurs first. The permitted per channel charge may not be adjusted for costs of retransmission consent fees or changes in those fees incurred before October 6, 1994.

C. Notification and Review. The cable operator shall notify the City at least thirty (30) days in advance of a rate increase based on automatic adjustment items. The City shall review the increase to determine whether the item or items qualify as automatic adjustments. If the City makes no objection within thirty (30) days of receiving notice of the increase, the increase may go into effect. (Prior code § 17-506)

Section 5.08.070 Enforcement.

A. Refunds. The City may order the cable operator to refund to subscribers a portion of previously paid rates under the following circumstances:

1. A portion of the previously paid rates have been determined to be in excess of the permitted tier charge or above the actual cost of equipment; or
2. The cable operator has failed to comply with a valid rate order issued by the City.

B. Fines. If the cable operator fails to comply with a rate decision or refund order, the cable operator shall be subject to punishment as provided in Section 1.20.010 of this code. (Prior code § 17-507)

Chapter 5.12

PAWNBROKERS AND AUTO SALVAGE YARDS

Sections:

- 5.12.010 Pawnbrokers and money lenders defined.**
- 5.12.020 Auto salvage yard or dealer in auto parts defined.**
- 5.12.030 Records required.**
- 5.12.040 Obtaining name.**
- 5.12.050 Restrictions on disposition.**
- 5.12.060 Holding goods unmixed.**

Section 5.12.010 Pawnbrokers and money lenders defined.

A pawnbroker or money lender is defined as any person or corporation who loans money on deposit or pledge of personal property or other valuable thing, or who engages in loaning money upon personal property for security and requires the possession of the property so mortgaged or pledged, or who deals in the purchases of personal property on condition of selling the same back again at a stipulated price, or who makes a public display at his or her place of business of the sign generally used by pawnbrokers to denote their business--three gilt or yellow balls--or who publicly exhibits any sign of money to loan on pledged personal property, or whose firm name publicly exhibited denotes their business as that of loaning money on pledged personal property, or who offers for sale personal property exhibited and advertised as unredeemed pledges. (Prior code § 9-201)

Section 5.12.020 Auto salvage yard or dealer in auto parts defined.

An auto salvage yard or dealer in auto parts is defined as any person or corporation who acquires new or used automobile, truck, tractor or other motor vehicle parts or related tools, equipment and accessories, by purchase or exchange to be reused or sold to others or who offers for sale automobile, truck, tractor or other motor vehicle parts, or related tools, equipment and accessories. (Prior code § 9-202)

Section 5.12.030 Records required.

A. Any person, firm, or corporation engaging in the business of pawnbroker, money lender, auto salvage yard, precious metal buyer/seller, or dealer in auto parts in the City shall keep a book in which is legibly written in ink, at the time any loan, purchase, or exchange is made, by such person or corporation, the following:

1. An accurate account or description, in the English language of the goods, articles, or things so pawned, pledged, mortgaged, or purchased;
2. The amount of money loaned, paid, or exchanged therefor;
3. The time same were received; and
4. The name, residence, and description of the person pawning, pledging, mortgaging, exchanging, or selling the same.

The book, as well as any and all articles pawned, pledged, or purchased, shall be at all reasonable times, open to the inspection of the chief of police or any member of the police department of the City.

5. Verified identification number (state issued ID).

B. It is the duty of every pawnbroker, money lender, auto salvage yard, precious metal buyer/seller, or dealer in auto parts engaging in the business in the City to make and deliver to the chief of police of the City, or a police officer, or to some person authorized by the chief of police, a list of all personal property or other valuable things so pawned, pledged, mortgaged, exchanged for, or purchased during the previous three (3) days, from the book required to be kept in this section, together with the description of the person or persons by whom pawned, or left on pledge, or from whom the same were purchased or exchanged. The provisions of this section shall not apply to any property purchased from manufacturers or wholesale dealers having an established place of business or of goods purchased at open sale from any bankrupt stock or from any other person having an established place of business, but such goods shall be accompanied by a bill of sale or other evidence of a legitimate purchase and must be shown to the chief of police or any member of the police department of the City upon demand. (Prior code § 9-203; 1221, Amended by Recodification, 11/19/2012)

Section 5.12.040 Obtaining name.

Any person, firm, or corporation engaged in the business of pawnbroker, money lender, auto salvage yard, precious metal buyer/seller, or dealer in auto parts in the City shall require and obtain from all persons pawning, selling, exchanging, mortgaging, hypothecating, or leaving with any such person, firm, or corporation any goods or chattels of any description, to write his or her name, if such person is able to write. If such person is not able to write his or her name, then the name and mark of such person must be written or obtained upon a sheet of paper which shall be filed with the chief of police along with and at the time specified for the report to be made to the chief of police under the terms of this section as set out above. (Prior code § 9-204; 1221, Amended by Recodification, 11/19/2012)

Section 5.12.050 Restrictions on disposition.

Unless released by the police department, it is unlawful for any personal property of which a record is required to be kept by the provisions of the foregoing sections to be sold, or permitted to be taken from the place of business of such pawnbroker, money lender, auto salvage yard, precious metal buyer/seller, or dealer in auto parts within the space of five (5) days after the delivery to the chief of police of the City, or other person authorized to receive the same, of the list of such property as required by Section 5.12.030 of this code. (Prior code § 9-205; 1221, Amended by Recodification, 11/19/2012)

Section 5.12.060 Holding goods unmixed.

It is unlawful for any person, firm, or corporation engaged in the business of pawnbroker, money lender, auto salvage yard, precious metal buyer/seller, or dealer in auto parts not to hold separate and apart for a period of ten (10) days, before mixing

with other goods already in stock in such establishment, all goods or chattels, pawned, hypothecated, left, exchanged, sold, or mortgaged to such establishment. (Prior code § 9-206; 1221, Amended by Recodification, 11/19/2012)

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Chapter 5.16

General Business Licenses and Regulations

Sections:

- 5.16.010 Licenses required**
- 5.16.020 License fees, permits required**
- 5.16.030 Amusement devices**
- 5.16.040 Circuses, carnivals, and related shows**
- 5.16.050 Itinerant peddlers and solicitors**
- 5.16.060 Penalty**

Section 5.16.010 Licenses required

A. It is unlawful for any person, firm, or corporation, or any employee or agent thereof, to engage in a trade, business, or occupation included in this chapter within the corporate limits of the City without having first secured a valid license for such trade, business, or occupation as issued by the City Clerk.

B. It is unlawful for any person, firm, or corporation to permit any unlicensed trade, business, or occupation included in this chapter to operate or otherwise be maintained upon any premises owned, leased, or otherwise controlled by same within the corporate limits of the City. (1079, Amended, 05/24/2004; 1114, Amended, 09/12/2005)

Section 5.16.020 License fees, permits required

A. The fee for trade, business, or occupation licenses included in this chapter shall be set by motion or resolution of the City Council. The fee shall be paid in full prior to issuance of any license.

B. No licenses shall be issued under this chapter unless the applicant possesses a valid State of Oklahoma sale tax permit, if one is required pursuant to the state sales tax code; or other applicable municipal, county, state, or federal licenses or permits. (1114, Amended, 09/12/2005)

Section 5.16.030 Amusement devices

A. All amusement devices shall be issued a license on an annual basis commencing July 1, of each year and expiring June 30, of the following year. An amusement device licenses issued during a fractional part of the year shall be subject to the same fee and conditions as a license issued for a full year. A license shall be required for each amusement device regulated by this chapter. The City Clerk shall issue documentation to be affixed in a conspicuous location upon each amusement device indicating issuance of a valid license. Such license shall not be assignable or transferable from the original purchaser and shall not be transferable to another amusement device. Such license shall not be construed as a permit to operate any amusement device in a manner contrary to any municipal, county, state, or federal law or regulations.

B. For purposes of this chapter, "amusement device" means a device, machine, or appliance for which there are no actual goods, wares, or items of merchandise dispensed of a value reasonably equal to the value of the fee charged, collected, or required.

C. Exempted from the provisions of this chapter are juke or music boxes, the primary function of which is the listening of music for a fee.

D. Any peace officer, code enforcement officer, or other authorized employee of the City shall be permitted to enter upon any premises where an amusement device is being operated or otherwise kept for the purpose of compliance inspections regarding provisions of this chapter and other City ordinances. (1114, Amended, 09/12/2005)

Section 5.16.040 Circuses, Carnivals and Related Shows

A. Any circus, carnival, or show that primary provides amusement or entertainment for an established fee in a venue other than a fixed permanent location shall first obtain a license for such from the City Clerk. The license shall state the date or dates of its validity. Such license shall not be assignable or transferable.

B. In addition to the general requirements of this chapter, an applicant for a carnival, circus, or show license shall present documentation from the property owner or persons in control of the property where the circus, carnival, or show is to be located, authorizing its use for such purposes.

C. Circuses, carnivals, or shows regulated by provisions of this chapter shall operate only between the hours of 8:00 a.m. and 11:00 p.m.

D. A peace officer, code enforcement officer, fire marshal, or other authorized employee of the City shall be permitted to enter upon any premises where a circus, carnival, or show is situated for the purpose of compliance inspections regarding provisions of this chapter and other City ordinances.

E. License fees shall be waived for circuses, carnivals, or shows sponsored by a governmental entity or an organization given non-profit or not-for-profit status by the Internal Revenue Service. (1114, Amended, 09/12/2005)

Section 5.16.050 Itinerant Peddlers and Solicitors

A. All persons, firms, or corporations providing goods, services, or merchandise for sale on a temporary basis within the corporate limits of the City shall first obtain an itinerant peddler's and solicitor's license from the City Clerk. Said license shall be valid for one (1) year from the issuance date. For purposes of this section, "temporary" shall be defined as a business or service operation provided from a non-fixed or non-permanent location. (1229, Amended 08/27/2012; 1240, Amended 08/12/2013; 1279, Amended 01/25/2016)

B. The City Clerk, upon issuance of an itinerant peddler's and solicitor's license, shall provide documentation of such. A copy of such documentation shall be in possession of each itinerant peddler or solicitor while engaged in such business activities. Such documentation shall be presented upon request for inspection by any peace officer, code enforcement officer, or other authorized employee of the City. (1240, Amended 08/12/2013; 1279, Amended 01/25/2016)

C. In addition to the general requirements of this chapter, an applicant for an itinerant peddler's and solicitor's license located upon private property shall present documentation from the property owner or persons legally in control of the property authorizing its use for such purposes. Additionally, the City Clerk shall prepare and maintain a list of all residents within the City who desire to prevent soliciting and peddling at their residence which shall be known as the No Knock List. Residents of the City who desire to have their addresses placed on the No Knock List may do so by contacting the City Clerk's office.

1. Solicitors must obtain a copy of the No Knock List from the City Clerk's office at the time they obtain a license, and are expressly prohibited from soliciting or peddling at any residence listed on the No Knock List. Contacting residents in disregard of the No Knock List may result in revocation of a Solicitor's license and/or assessment of a fine.

2. This provision shall not apply to non-profit organizations, groups, and associations.

3. It shall be unlawful for a Solicitor to ring the bell, or knock on the door, or otherwise attempt to gain admittance for the purpose of soliciting at a residence or dwelling which is listed on the No Knock List or upon which a sign stating "No Solicitors," "No Trespassers," or words of similar import indicating such persons are not wanted on the premises, is painted, affixed, or otherwise plainly displayed to public view either on or near the primary entrance of the residence. This paragraph shall not apply to any Solicitor who gains admittance to a residence either by invitation or consent of the residence's occupant.

4. The registration with the City of Sand Springs shall be effective for three (3) years. (1240, Amended 08/12/2013; 1279, Amended 01/25/2016)

D. Business locations and functions for itinerant peddlers and solicitors much are in compliance with the Zoning Code of the City, as well as all other municipal, county, state, and federal laws and regulations.

E. No itinerant peddler or solicitor shall use any public property within the corporate limits of the City - including streets, parks, and public rights-of-way - to establish a fixed business or service operation. Exempt from this provision are itinerant peddlers and solicitors engaged in a special event or other activity authorized by the City Council, City Manager, chief of police or other persons or entities permitted to make such authorizations.

F. An itinerant peddler's and solicitor's license is required for all persons, firms, or corporations providing goods for sale dispensed from a moving vehicle or other form of mobile conveyance upon the public streets of the City. (1240, Amended 08/12/2013; 1279, Amended 01/25/2016)

G. An itinerant peddler's and solicitor's license is required for all person, firms, or corporations conducting residential door-to-door sales of goods, services, or merchandise. (1240, Amended 08/12/2013; 1279, Amended 01/25/2016)

H. Exempt from the provisions of this section are persons, firms, or corporations engaged in sale of goods, services, or merchandise to businesses for use or resale; and sales of goods, services, or merchandise by a governmental entity or an organization given non-profit or not-for-profit status by the Internal Revenue Service. Also exempt are temporary endeavors that are related to an approved special event by

the special events committee of the City of Sand Springs. (1114, Amended 09/12/2005; 1240, Amended 08/12/2013; 1279, Amended 01/25/2016)

I. The City Council may waive fees for itinerant peddlers and solicitors selling goods, services, or merchandise at a special event or other activity authorized by the City Council, City Manager, chief of police or others persons or entities permitted to make such authorizations. (1240, Amended 08/12/2013; 1279, Amended 01/25/2016)

J. It shall be unlawful for any peddler or solicitor to engage in the business of peddling or soliciting within the City during sleeping hours of nine o'clock (9:00) P.M. and eight o'clock (8:00) A.M. the following morning except by specific appointment with an invitation from the prospective customer. Further, it shall be unlawful to disregard a no soliciting or no trespassing sign in place at business or residence. (1240, Amended/added 08/12/2013.)

K. An applicant for a peddler's and solicitor's license shall file with the City Clerk or authorized designee, a completed application in writing on a form to be furnished by the City Clerk. (1240, Amended/added 08/12/2013.)

L. The application shall include, but not be limited to, the following information:

1. The full name, description, and birth date of the applicant, which may be obtained from a copy of the applicant's driver's license or other acceptable form of government-issued identification.

2. The permanent home address, full local address, and telephone number(s) of the applicant.

3. A description of the nature of the itinerant peddling and soliciting business and types of goods to be sold.

4. If employed by another, the name, corporate address, contact person, and telephone number(s) of applicant's employer.

5. A description and license number of other identification of any vehicle to be used.

6. Whether the applicant, upon any sales or order, shall demand, accept, or receive payment or deposit of money in advance of final delivery.

7. A letter, where applicable, providing authorization from the property owner or persons legally in control of the property for the applicant to engage and peddle or solicit upon the private property. The letter shall also include a diagram showing the exact location of where the activity is to occur.

8. A copy of a sales tax permit issued by the Oklahoma Tax Commission to the applicant or employer thereof, unless the applicant can prove to the City Clerk's satisfaction that he or she is not a vendor within the definition of the state sales tax code.

9. Copies of all permits, certificates or other documents required by the rules and regulations of the Tulsa Health Department to engage in regulated food-related activities.

10. Other relevant information as may be required by the City Clerk, or other City employees responsible for reviewing, investigating or otherwise processing the applications. (1240, Amended/added 08/12/2013)

M. At the time of filing the application, the applicant shall pay a nonrefundable fee as established by motion of the City Council. (1240, Amended/added 08/12/2013.)

N. Licenses issued under the provisions of this section may be revoked for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the application for license;

2. Fraud, misrepresentation or false statement made in the course of carrying on the business as a peddler or solicitor;

3. Any violation of this section;

4. Conviction of any crime or misdemeanor involving moral turpitude;

5. Conducting the business of peddling or soliciting 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; or

6. Violation of any local, state, or federal law.

(1240, Amended/added 08/12/2013.)

O. Any person aggrieved by the denial or revocation of an itinerant peddler's or solicitor's license shall have the right of appeal to the City Manager. Such appeal shall be writing and shall be taken by filing with the City Clerk, within ten (10) days after notice of the action complained of has been given to the applicant by certificate of mailing to his or her local address as it appears upon the application. The appeal shall state specific objections to the denial or revocation. The City Manager shall set a time and place for a hearing on such appeal and notice of such hearing shall given to the applicant by certificate of mailing at least five (5) days prior to the date set for hearing. The decision and order of the City Manager on such an appeal shall be final and conclusive. Any appeal taken in such matters shall not stay any denial or revocation of an itinerant peddler's or solicitor's license. (1240, Amended/added 08/12/2013.)

P. Any person, firm, or corporation violating any provision of this section, including but not limited to willful submittal of invalid or fraudulent information upon any application or documentation as required by this section, shall be deemed guilty of a Class "C" offense as contained in the general penalty section of the City's Code of Ordinances. Where applicable, each day a violation occurs shall constitutes a separate offense. (1240, Amended/added 08/12/2013.)

5.16.060 Penalty

A. Any person, firm or corporation found to be in violation of this chapter shall be deemed guilty of a Class C offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this Code. Each day that any violation of this chapter is committed shall constitute a separate offense.

B. Provisions of this chapter shall be enforceable by any peace officer, code enforcement, or other authorized employee of the City. (1279, Amended 01/25/2016)

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Chapter 5.20

TAXICABS

Sections:

- 5.20.010 Definition.**
- 5.20.020 License required.**
- 5.20.030 License application.**
- 5.20.040 Rates to be posted.**
- 5.20.050 Taxicab seating capacity.**
- 5.20.060 Drivers to be employees and agents of owners.**
- 5.20.070 Revocation of vehicle license.**
- 5.20.080 Cruising.**
- 5.20.090 Soliciting passengers.**
- 5.20.100 Stopping, loading, and unloading.**

Section 5.20.010 Definition.

A "taxicab," for the purpose of this chapter, is any motor vehicle or other vehicle used for the transportation of passengers for hire, not on regular or designated routes. (Prior code § 9-401)

Section 5.20.020 License required.

It is unlawful for any person, company, or corporation, to operate or cause to be operated, any automobile, taxicab, auto bus, hack, baggage wagon, or other motor or horsedrawn vehicle for the purpose of hauling or transferring passengers for hire, in the City without first having obtained from the City a license as herein provided for each and every automobile, taxicab, motor or horsedrawn vehicle, used for the purpose of hauling or transferring passengers for hire in the City. A taxicab business currently licensed for business in the City of Tulsa shall be exempt from obtaining a license in the City of Sand Springs, but will be accountable for all other sections of this title. (Prior code § 9-402; 1221, Amended by Recodification, 11/19/2012)

Section 5.20.030 License application.

Any person, persons, or business entity desiring to operate any business, whereby motor or other vehicles are operated, which carry passengers for hire in the City commonly known as taxicab businesses, shall first obtain a license therefor by making application to the City Clerk of the City giving the name and business address of the applicant, together with the approximate number of vehicles proposed to be operated and such other information as the Council may require, unless exempt as described in 5.20.020. (Prior code § 9-403; 1221, Amended by Recodification, 11/19/2012)

Section 5.20.040 Rates to be posted.

A. Every vehicle operating under the provisions of this title in the City shall have at all times posted in some conspicuous place in the vehicle, the maximum rates to be charged for services and transportation of passengers and a copy of the rates shall also be filed with the City Clerk.

B. It is unlawful for any person to refuse to pay the legal fare of any taxicab after having hired the same. It is unlawful for a person to hire a vehicle with intent to defraud the person from whom it is hired of the value of such service. (Prior code § 9-404)

Section 5.20.050 Taxicab seating capacity.

No more than three (3) persons, including the driver, shall be permitted to be seated in the front seat of any taxicab, and not more than four (4) persons shall be seated in the rear seat of the taxicab. All passengers riding in the vehicle must be seated at all times. (Prior code § 9-405)

Section 5.20.060 Drivers to be employees and agents of owners.

The owner of any vehicle licensed under the provisions of this chapter may employ a driver for the same, but such driver shall in all things be the agent of the owner of the vehicle in operating the same. (Prior code § 9-406)

Section 5.20.070 Revocation of vehicle license.

A. The license for any vehicle to operate as a vehicle for hire in the City may be revoked by the Council for the following reasons:

1. For failure of the driver to be properly licensed, as provided by the provisions of this chapter;

2. If any vehicle fails to pass the inspection provided for under Section 5.20.060 of this chapter, and is used for hauling passengers thereafter; and

3. Whenever it shall appear upon investigation and hearing by the Council that the license issued hereunder has been obtained by misrepresentations or that the owner has permitted such vehicle to be used for immoral purposes, or that the same has become unsafe for transportation of persons.

B. When the license has been cancelled, no license thereafter shall be issued to such owners for a period of twelve (12) months. (Prior code § 9-407)

Section 5.20.080 Cruising.

No driver of a vehicle shall seek employment by repeatedly and persistently driving his or her vehicle to and from in a short space or passing and repassing in front of any theatre, hall, hotel, bus station, store, or other place of public gatherings, or in any manner obstruct or impede traffic, or cruise over the City in general for the purpose of picking up passengers. (Prior code § 9-408)

Section 5.20.090 Soliciting passengers.

No person at any City passenger station or place used by any vehicle for hire for soliciting or delivering or transferring of passengers shall solicit any transportation business, either passenger or property, by any loud noises of voice, instrument, or other

means. Such sound shall be deemed loud and unlawful within the meaning of this chapter when it may be heard for a greater distance than the voice of one speaking in an ordinary conversational tone and manner may be heard. Neither shall such person intervene with, molest, or intimidate any person by any act or unusual persuasion in soliciting such transportation of either person or property. (Prior code § 9-409)

Section 5.20.100 Stopping, loading, and unloading.

Vehicles shall make stops to discharge and take on passengers on the near side of the street intersections, leaving the crosswalks open, and shall pull up as close as possible to the curb to make all such stops. Vehicles may not receive or discharge passengers while in motion. Vehicles shall not stand a longer time than necessary to take on and discharge passengers, and except in an emergency, not more than two (2) minutes at any one place on the streets and roads in the City. (Prior code § 9-410)

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Chapter 5.24

YARD OR GARAGE SALES

Sections:

5.24.010 Yard or garage sale restrictions.

Section 5.24.010 Yard or garage sale restrictions.

It is unlawful for any person or persons to conduct more than two (2) yard or garage sales within the City or to conduct or have conducted more than two (2) yard or garage sales at any location not zoned for business during any one (1) year. No garage or yard sale shall last longer than two (2) consecutive days. No garage or yard sale shall be conducted without first securing a permit therefor from the inspections section of the City and they shall each month forward to the director of finance a list of all persons and locations of garage or yard sales for the preceding month. (Prior § 9-207)

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TITLE 6

ANIMALS

Chapters:

6.04 ANIMALS GENERALLY

6.08 DOGS AND CATS

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Chapter 6.04

ANIMALS GENERALLY

Sections:

6.04.010	Definitions.
6.04.020	Application.
6.04.030	Pound established.
6.04.040	Animals to be impounded.
6.04.050	Caring for animals or domestic fowl.
6.04.060	Notice.
6.04.070	Notice of sale.
6.04.080	Sale.
6.04.090	Sale proceeds.
6.04.100	Return.
6.04.110	Obstructing.
6.04.120	Fees.
6.04.130	Domestic poultry and rabbits.
6.04.140	Cows.
6.04.150	Horses.
6.04.160	Hogs and goats.
6.04.170	Animals at large.
6.04.180	Animal wild by nature.
6.04.190	Injury, Cruelty, Neglect or Abandonment.
6.04.200	Animals on sidewalks.
6.04.210	Breeding places unlawful.
6.04.220	Animals and fowls – Prohibited acts.
6.04.230	Feeding of migratory waterfowl prohibited.

Section 6.04.010 Definitions.

For purposes of this title, the following words shall have the meanings respectively ascribed to them in this section:

"Animal" means any living creature, except human beings, and includes (without limiting the generality thereof) mammals, birds, reptiles, and fish.

"Animal wild by nature" means any animal which is not generally considered to be domesticated or a pet, or which usually is considered by ordinary persons to be dangerous, or an animal which does not live ordinarily with human beings.

"Cat" means and includes felis catus, and any of a family (felidae) including the domestic cat, lion, tiger, leopard, jaguar, cougar, wildcat, lynx and cheetah, and shall include all such animals as aforementioned over the age of two months;

"Dog" means and is construed to mean any dog, bitch, whelp or any and all other animals of the canine species over the age of six months, unless otherwise specifically set out and stated and where used without other specific designation shall include both male and female;

"Domestic animal" means dogs and cats as well as horses, donkeys, mules, burros, cattle, sheep, goats, swine, rabbits and fowl.

"Mammal" means any of the class mammalia or any subclass thereunder of higher vertebrates, excluding human beings, consisting of all animals that nourish their young with milk secreted by mammary glands and have the skin more or less covered with hair. (Prior code § 4-101)

Section 6.04.020 Application.

The provisions of this chapter relating to animals or domestic fowls are enumerative of and additional to all other rights, authorities, duties and powers imposed upon or vested in any city official, board or council by ordinance or law, and in addition to all other regulatory measures pertaining to animals or domestic fowls, the keeping, licensing and use thereof. (Prior code § 4-102)

Section 6.04.030 Pound established.

There is hereby established an Animal Control Facility, the same to be located at such place as the City Council from time to time may direct. It shall be under the immediate control of an Animal Control Supervisor, his designee or of such other person as may be officially designated. The person in charge of the Animal Control Facility shall provide proper sustenance for all animals impounded and shall treat them in a humane manner. The city may contract with another agency for the use of a Animal Control Facility maintained by that agency. (Prior code § 4-103; 1221, Amended by Recodification, 11/19/2012)

Section 6.04.040 Animals to be impounded.

A. The Animal Control Supervisory, his designee, police officer, or such other officer or employee of the city as may be authorized by the City Manager:

1. Shall take into custody and impound any animal running-at-large in violation of any provision of the ordinances of the city;
2. May enter upon the premises of the owner or other private premises to take such animal into custody; and
3. If with reasonable effort a dog illegally at large cannot be caught, such may kill it, whether on or off private premises.

B. Any other person may take such animal into custody and present it to the authority in charge of the pound for impounding. (Prior code § 4-104; 1221, Amended by Recodification, 11/19/2012)

Section 6.04.050 Caring for animals or domestic fowl.

The animal control officer shall provide suitable and proper care for animals or domestic fowls in his or her custody, including necessary sustenance for all animals or domestic fowls impounded. (Prior code § 4-105)

Section 6.04.060 Notice.

The Animal Control Supervisor, his designee or the person empowered by the City Manager shall give all notice required by this chapter and other ordinances relating

to regulation of animals or domestic fowls, and where provision is made for their sale or other disposition, shall be charged with making provision therefor. (Prior code § 4-106; 1221, Amended by Recodification, 11/19/2012)

Section 6.04.070 Notice of sale.

Where no other provision is made by ordinance for giving notice of sale of impounded animals or domestic fowls, at least five days notice of the time and place of such sale shall be given by publication one time in the newspaper. (Prior code § 4-107; 1221, Amended by Recodification, 11/19/2012)

Section 6.04.080 Sale.

A. Any animals or domestic fowls taken up may be sold at public sale by the keeper of the pound at any time after the expiration of three days from the time of impounding same and after notice as provided in this chapter; the notice shall be in substance as follows:

"Taken up and impounded in the City Pound of the City of Sand Springs, Oklahoma, on the _____ day of _____ (giving day and month impounded, and describing the animal or domestic fowl running at large or impounded for other reasons). The animal or domestic fowl, unless redeemed within five (5) days, will be sold at public auction for cash to the highest bidder at the pound or at city hall, at the hour of _____ o' clock on the _____ day of _____, 20____, (giving hour, day and date of sale)."

B. It is the duty of the animal control officer to enter in a book to be kept for that purpose, the description and date of the seizure of all animals or domestic fowls taken under the provisions of the ordinances of the city and the place where impounded, the name of the owner if known, and if unknown, the date of the warning notice given, and all subsequent proceedings relating to the sale thereof, the amount realized and disposition of funds.

C. Any dogs or cats obtained by the animal control officer may be adopted out at any time after the expiration of three days from the time of impounding the animal. Such adoption shall be in accordance with procedures implemented administratively by the Animal Control Supervisor or his designee, provided, however, such procedures shall at all times be in accordance with the provisions of the Dog and Cat Sterilization Act of the Oklahoma Statutes. Animal Control Supervisor or his designee, is hereby authorized to collect an adoption fee, in such amounts as to be determined by the council pursuant to motion or resolution. The adoption fee herein provided for may be waived by the city manager upon a finding that the person, persons or entity desirous of adopting the dog or cat is a duly authorized representative of an established society or organization devoted to the humane treatment of dogs or cats and the prevention of cruelty of same. The adoption fee hereby provided for shall be in addition to any sums authorized to be collected pursuant to state law as well as any other fees established by the City. (1221, Amended by Recodification, 11/19/2012)

D. It is the duty of the Animal Control Supervisor or his designee to enter in a book to be kept for that purpose, the description and date of the seizure of all dogs or cats taken under the provisions of the ordinances of this city and the place where

impounded, the name of the owner if known, and the date of warning notice give to such owner if known, and if the owner is unknown such shall be so specified and all subsequent proceedings relating to the adoption of the dogs or domestic fowl together with the statement of all realized funds. (1221, Amended by Recodification, 11/19/2012)

Section 6.04.090 Sale proceeds.

The proceeds arising from such sales, after deducting the costs, charges and expenses allowed by ordinance, shall be paid to the City Clerk. If the owner of any such animal or domestic fowl shall apply to the Animal Control Supervisor or his designee after such animal or domestic fowl has been sold and prove the ownership thereof to the satisfaction of the animal control officer, after payment to the City Clerk, the City Clerk shall pay the balance due from the sale of such animal or domestic fowl to the applicant, taking his or her receipt, one copy of which shall be retained by the City Clerk. Thereupon a warrant shall be drawn upon the treasury in favor of such claimant for the amount certified. The City Clerk shall file and keep the certificate of the Animal control supervisor or his designee with the claimant's receipt endorsed thereon. (Prior code § 4-109; 1221, Amended by Recodification, 11/19/2012)

Section 6.04.100 Return.

A. If the owner of such animals or domestic fowls shall pay the City Clerk for costs, charges and expenses incurred under the ordinances of the city, at any time before the sale of such animals or domestic fowls, the pound officer shall release same to the owner.

B. At the expiration of the time within which the owner may reclaim any animal seized under the provisions of this chapter, the pound officer or any other officer or person designated may destroy any animal not then reclaimed and cause the body thereof to be disposed of as now hereafter provided. (Prior code § 4-110)

Section 6.04.110 Obstructing.

If any person shall break open, or in any manner directly or indirectly aid or assist in, or counsel or advise the breaking open of the Animal Control Facility, or shall hinder, delay or obstruct any person duly authorized to impound animals or domestic fowls, he or she shall be deemed guilty of an offense and upon conviction shall be punished accordingly. (Prior code § 4-111; 1221, Amended by Recodification, 11/19/2012)

Section 6.04.120 Fees.

The charges and fees for impounding animals and domestic fowls shall be fixed by the City Council by resolution or motion. (Prior code § 4-112)

Section 6.04.130 Domestic poultry and rabbits. (Amended by Ord 1245, adopted 01/13/14)

A. It is unlawful and an offense for any person to keep or maintain or to permit or suffer to be kept or maintained, any chicken, duck, turkey, goose or other

domestic bird or fowl not otherwise prohibited by this code, or rabbits, except in buildings or pens located at least fifty (50) feet distance from any adjoining residence. Only domestic fowl or rabbits or any combination thereof, not to exceed six adults and fourteen (14) young under the age of eight weeks, may be kept in any area under the following conditions: (Amended by Ord 1245, adopted 01/13/14)

1. The floors of such building shall be of easily cleanable construction and shall be maintained in a sanitary condition not offensive or dangerous to the public health, by routinely cleaning and properly disposing of the droppings; and

2. The outside openings of the building shall be screened to prevent the spread of disease by flies and vermin.

B. It is unlawful for any person to maintain such animals or fowl in such a manner as to trespass upon the premises of any other person, or to cause serious annoyance to persons or to the neighborhood by crowing, cackling, squawking, the emanation of offensive odors, or otherwise create a nuisance. (Prior code § 4-113)

C. It is unlawful and an offense for any person to keep or maintain or to permit or suffer to be kept or maintained any rooster or bantam rooster within the city limits except in areas that are zoned and used for agricultural purposes. (Amended by Ord 1245, adopted 01/13/14)

Section 6.04.140 Cows.

It is unlawful for any person to keep or maintain, or to permit or suffer to be kept or maintained a cow, or any animal of the bovine species, upon any property or premises within the corporate limits of the city. However, one cow or any other animal of the bovine species may be kept in each pen, lot or enclosure of at least one acre (forty-three thousand five hundred sixty (43,560) square feet) in area, for each such animal maintained, if the pen, lot or enclosure where such animal is kept is maintained in a sanitary condition not offensive or dangerous to the public health. The keeping of a cow or any animal of the bovine species in violation of the terms of the ordinance codified in this chapter except within areas of the city zoned agricultural (AG) is hereby declared to be a nuisance against the public health of the city. The nuisance shall be subject to abatement as provided by law for the abatement of health nuisances. (Prior code § 4-114)

Section 6.04.150 Horses.

It is unlawful for any person to keep or maintain, or permit or suffer to be kept or maintained, a horse or any animal of the equine species, upon any property or premises within the corporate limits of the city unless the following conditions and requirements are maintained:

1. The enclosure in which each such animal is kept is maintained in a sanitary condition and not offensive or dangerous to the public health;

2. That the enclosure in which each such animal is kept shall not be less than one acre (forty-three thousand five hundred sixty (43,560) square feet) in area for each such animal maintained, including the space covered by the barn, but not the home or house area; and

3. The keeping of a horse or any animal of the equine species in violation of the terms of this section except within areas of the city zoned agricultural (AG) is hereby declared to be a nuisance against the public health of the city and such nuisance shall be subject to abatement as provided by law for the abatement of health nuisances. (Prior code § 4-115)

Section 6.04.160 Hogs and goats.

It is unlawful for any person to keep or maintain, or permit or suffer to be kept or maintained, any hog, pig, shoat, boar, or other swine, or any goat, upon any property or premises within the corporate limits of the city except property maintaining a zoning classification of agricultural (AG), except in buildings or pens located at least one hundred (100) feet distance from any adjoining residence or property line, and under the following conditions:

1. The pens shall be maintained in a sanitary condition not offensive or dangerous to the public health, by routinely cleaning and properly disposing of the droppings;

2. Such hogs or goats shall not be maintained in such a manner as to trespass upon the premises of any other person, or to cause serious annoyance to persons or to the neighborhood by the emanation of offensive odors, or otherwise creating a nuisance; and

3. Such pen, lot or enclosure shall be of a least one-half acre (twenty-one thousand seven hundred eighty (21,780) square feet) in area for each such animal maintained. (Prior code § 4-116)

Section 6.04.170 Animals at large.

It is unlawful for any person having control of any horse, mule, burro, ass, ox, cow, sheep, goat, shoat, pig or any animal of any such animal family, to allow the same to run at large, or to be picketed or tied to a stake or kept within the city except as set out herein. (Prior code § 4-117)

Section 6.04.180 Animals wild by nature.

It is unlawful for any person to keep or maintain, or to permit or suffer to be kept or maintained an animal wild by nature upon any property or premises within the corporate limits of the city. (Prior code § 4-118)

Section 6.04.190 Injury, Cruelty, Neglect or Abandonment. (Amended by Ord 1245, adopted 01/13/14)

A. It is unlawful and an offense for any person to willfully or maliciously torture, destroy or kill, cruelly beat or injure, maim or mutilate any animal, whether wild or tame, and whether belonging to the person or to another, or deprive any such animal of necessary food, drink, shelter, or veterinary care to prevent suffering; or who shall cause, procure or permit any such animal to be so tortured, destroyed or killed, or

cruelly beaten or injured, maimed or mutilated, or deprived of necessary food, drink, shelter, or veterinary care to prevent suffering. (Prior code § 4-119; Amended by Ord 1245, adopted 01/13/14)

B. Any animal deemed by the animal control officer to have suffered injury, cruelty or neglect resulting from the actions or inactions of person as specified in paragraph A of this Section shall be impounded and shall not returned to the owner or person otherwise in control of the animal until the matter is adjudicated in the Municipal Court of the City. All costs for the impoundment, veterinary care or other actions by the City to provide for the animal's health, safety and welfare shall be borne by the owner or person otherwise in control of the animal as determined by the Municipal Judge of the City upon adjudication of the matter. (Added by Ord 1245, adopted 01/13/14)

C. It shall be unlawful and an offense for any person to deposit any live dog, cat or other domestic animal along any private or public roadway, or in any other private or public place, with the intention of abandoning the domestic animal. (Added by Ord 1245, adopted 01/13/14)

D. Persons found guilty of offenses contained within Paragraphs A and B of this Section shall be deemed guilty of a Class "A" violation punishable by the provisions set forth in Section 1.20.010 of this Code. Persons found guilty of offenses contained in Paragraph C of this Section shall be deemed guilty of a Class "C" violation punishable by the provisions set forth in Section 1.20.010 of this Code. (Added by Ord 1245, adopted 01/13/14)

Section 6.04.200 Animals on sidewalks.

It is unlawful for any person to ride or lead any horse or other animal, or drive any wagon, carriage or other vehicle, on or across any sidewalk in the city except it be at the regular street, avenue or alley crossing, or a driveway across the same. (Prior code § 4-120)

Section 6.04.210 Breeding places unlawful.

The keeping, maintaining or establishing of a breeding place, house, yard or pen for domestic animals, including horses, cattle, hogs, dogs, cats and goats, within the city is unlawful. The keeping, maintaining or operation of any such establishment within the city is prohibited. Any person who shall maintain or operate a nuisance, as defined in this section, shall be guilty of a public offense. (Prior code § 4-121)

Section 6.04.220 Animals and fowls--Prohibited acts.

It unlawful for the owner and keeper of an animal or fowl to allow or permit such animal or fowl to:

1. Scratch or dig into, or tramp on or over, any flower bed, lawn, garden, tilled soil, vine, shrubbery or small plants, and in the doing of same commit an injury to the same;
2. Habitually prowl around on any private property belonging to another, to the annoyance of the owner or occupant of the property;

3. Go into any garbage can or other waste vessel, or turn the same over, or scatter the contents of the same on the ground. (Prior code § 4-122)

Section 6.04.230 Feeding of Migratory Waterfowl Prohibited

A. It is unlawful for any person to feed, or leave food out for the purpose of feeding, migratory waterfowl within the City limits of the City of Sand Springs. (Amended by Ord 1248, adopted 02/24/14)

B. For purposes of this section, migratory waterfowl means any species of birds commonly known as swans, geese, brants, river and sea ducks, and any other waterfowl falling under the jurisdiction of the Oklahoma Wildlife Department or otherwise defined by the Commission as migratory waterfowl.

C. Any violation of this ordinance shall be punishable pursuant to Chapter 1.20 of the Code of Ordinances of the City of Sand Springs.

Section 6.04.240 Itinerant Peddling of Animals Prohibited.

A. It shall be unlawful and an offense for any person, firm or corporation to peddle, by offering for sale or gift, any type of animal from an itinerant location within the city limits. For purposes of this section, "itinerant location" shall be defined as a non-fixed or non-permanent business, residential or public property location. (1177, amended 04/13/2009.)

Chapter 6.08

DOGS AND CATS

Sections:

	Article I General Regulations
6.08.010	License and vaccination.
6.08.020	License fee.
6.08.030	Impounding cats and dogs without tags.
6.08.040	Rabies procedure.
6.08.050	Rabies Immunization Vaccination.
6.08.060	Diseased cats or dogs not at large.
6.08.070	Dogs to be kept confined in yard, pen or on leash.
6.08.080	Nuisance.
6.08.090	Enforcement.
6.08.100	Interference prohibited.
6.08.110	Noncompliance.
	Article II Animal Limitation--Kennel Operations
6.08.120	Numerical limitations.
6.08.130	Kennel proprietor.
6.08.140	Kennel tags.
6.08.150	Spaying and Neutering Required. (1318, added 04/23/18)
6.08.160	Hobbyist Exemption Permit (1318, added 04/23/18)

Article I General Regulations

Section 6.08.010 License and vaccination.

It is unlawful for any person to own, keep or harbor any cat or dog within the limits of the city unless such person shall first procure a license therefor as provided in this chapter and have the cat or dog immunized by vaccination against rabies as herein provided. (Prior code § 4-201)

Section 6.08.020 License fee.

A. No license shall be issued to any person to own, keep or harbor any cat or dog within the limits of the city until such person shall pay the city the sum as set by the City Council for each cat or dog so kept. Upon payment being made there shall be issued to such person, an official receipt which shall give the name of such person and a general description of the cat or dog for which such license is issued. The city shall furnish to such person at the time of making such payment, a license tag bearing a number which license tag shall at all times be worn in a conspicuous place upon a collar about the neck of such cat or dog and the number of such license tag shall be entered upon the license. All licenses issued under the provisions of this section shall expire one year from the date the same are issued, and no license shall be issued for a smaller sum than as is in this section stated.

B. The license fee, but not the requirement for a license, shall be waived for any person who owns, keeps, or harbors any cat or dog within the city, if such person provides certification from a licensed veterinarian that such cat or dog has been neutered or spayed. (Prior code § 4-202)

Section 6.08.030 Impounding cats and dogs without tags.

Any cat or dog owned, kept or harbored within the city which is found in violation of this part or whose owner or keeper or person harboring the same shall not have obtained a license as herein provided or which shall not have conspicuously displayed upon a collar, around the neck of the cat or dog, a license tag as required by this chapter, shall be immediately taken up and impounded and shall be kept in the Animal Control Facility for a period of three days after such taking. A description of all cats or dogs impounded and the date of impoundment shall be maintained by the Animal Control Supervisor or his designee. If the cat or dog has a license, the Animal Control Supervisor or his designee shall notify the owner orally or in writing at the address as shown in the license records that the cat or dog is impounded and may be sold or destroyed if not redeemed. Unless the person owning, keeping or harboring such cat or dog shall within such period of three days pay such license fee and a fee for such taking, and in addition thereto a sum as set by the City Council for each day such cat or dog shall be so kept up, the cat or dog shall be disposed of by adoption or death. (Prior code § 4-203; 1221, Amended by Recodification 11/19/2012)

Section 6.08.040 Rabies procedure.

A. Any cat or dog within the city of any age, licensed or unlicensed, which inflicts injury to a person or persons by biting and such bite or biting results in the breaking of the skin of the person bitten and exposure thereof to the saliva of the cat or dog shall be immediately taken up and impounded and shall be securely kept and confined; such confinement shall be for a period of ten (10) days. If within the period the cat or dog becomes rabid or shows symptoms or indications of rabies it is the duty of the doctor of veterinary medicine to report in writing to the Animal Control Supervisor or his designee, setting out:

1. The cat or dog has in his or her opinion, rabies or shows symptoms or indications of rabies;
2. A description of the cat or dog and sex thereof;
3. The license tag number if there be a license tag; and
4. The date of confinement and any and all other particulars relating to the cat or dog deemed necessary by the Animal Control Supervisor or his designee. (1221, Amended by Recodification 11/19/2012)

B. If the cat or dog is not rabid, nor has any symptoms or indications of rabies, duly vaccinated and licensed, it shall be surrendered to the owner, keeper or person harboring the cat or dog within three days after the ten (10) day confinement. It is the duty of the owner, keeper or person harboring the cat or dog confined to pay all costs of confinement, whether the cat or dog is destroyed or returned. No cat or dog shall be returned to the owner, keeper or person harboring the cat or dog until all such costs of confinement are paid. In the event the cat or dog is not claimed or surrendered

to the owner, keeper or person harboring the cat or dog within three days after the period of confinement, the cat or dog shall be disposed of by adoption or death. (Prior code § 4-204)

Section 6.08.050 Rabies Immunization Vaccination.

a) Any dog or cat owned, kept or harbored within the city limits having reached the age of four (4) months shall have had administered within a thirty (30) period after reaching such age a rabies immunization vaccination with a vaccine approved for the animal by the United States Department of Agriculture. Such vaccination shall be administered by a veterinary professional licensed by the State of Oklahoma (or another state) in intervals up to three years from the date of initial vaccination and shall have a corresponding immunization period of up to three (3) years from the date of vaccination.

b) It shall be unlawful and an offense for any person to own, keep or harbor, or permit to be owned, kept or harbored, within the city limits, any dog or cat having reached or exceeded the age of four (4) months without maintaining a current and valid certificate of rabies immunization vaccination as issued by a veterinary professional licensed to issue such by the State of Oklahoma (or another state). The certificate shall be presented to any Animal Control Officer, Police Officer or other employees or agents of the City so authorized upon request.

c) Violation of the provisions of this section shall constitute a Class "C" offense and shall be punishable as prescribed in the general penalty section of the City's Code of Ordinances. (Prior code § 4-205; 1292, eff. 11/14/16)

Section 6.08.060 Diseased cats or dogs not at large.

It is unlawful for any person to permit any cat or dog owned, kept or harbored by him or her which shall be infected with or suffering from any mange, distemper or other disease to be or run at large in the city. Any cat or dog so found at large which shall be infected with or suffering from any mange, distemper or other disease shall be deemed a public nuisance and shall be forthwith taken up and summarily destroyed at the expense and cost of the owner, keeper or person harboring the cat or dog. (Prior code § 4-206)

Section 6.08.070 Dogs to be kept confined in yard, pen or on leash.

It is unlawful and an offense for any person to keep, own, harbor or possess any dog that is within the incorporated limits of the city without providing a yard or substantial and secure pen in which the dog shall be confined, or such dog shall be kept on a leash not to exceed eight feet in length to permit the dog to have free play and sufficient exercise. Yards or pens where dogs are kept shall be of sufficient size so that no sanitation or health problems shall be created nor shall any nuisance be created. Dogs at all times shall be kept upon and wholly upon the premises of the owner of the dog. Dogs shall at all times be placed upon a leash or kept in a yard or pen where such dog cannot reach or bite any person who may be using the regular thoroughfares of the city, including streets, alleys and sidewalks thereof, and where the dog cannot reach beyond the limits of the lot or premises upon which the dog is kept and confined. Each

day or time such dog shall not be confined and shall be running-at-large, shall constitute a separate offense. The animal control officer of the city shall promptly impound each and every dog that is running-at-large in the city and which is not confined with a secure leash as provided by provisions of this chapter. (Prior code § 4-207)

Section 6.08.080 Nuisance.

It shall be unlawful for any person to own, keep or harbor within the city any dog, licensed or unlicensed, which shall constitute a "nuisance" or "potentially dangerous" or "dangerous" dog.

A "Nuisance dog" means any dog that:

- a. engages in any behavior that required a defensive action by any person to prevent bodily injury; or
- b. when unprovoked, chases or approaches a person, including a person on a bicycle, in an apparent attitude of attack; or
- c. is maintained in an enclosure that does not sufficiently protect the public from the threat caused by the dog, considering the safety of the enclosure and the degree of aggressive and threatening behavior evidenced by the dog; or
- d. is at large and found to attack, menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal or person.
- e. engages in loud or continuous barking, howling or other obnoxious behavior that disturbs the peace of another between the hours of 10:00 p.m. and 6:00 a.m. (1221, Amended by Recodification, 11/19/2012)

A "Potentially dangerous dog" means any dog that:

- a. when unprovoked inflicts bites on a human either on public or private property, or
- b. when unprovoked kills or severely injures a domestic animal either on public or private property;

A "Dangerous dog" means any dog that:

- a. has inflicted severe injury on a human being without provocation on public or private property;
- b. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter aggressively bites, attacks, or endangers the safety of humans, or
- c. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter kills or severely injures a domestic animal;

An officer of the city, or any citizen, may initiate a municipal court proceeding to determine whether a dog is a "nuisance," "potentially dangerous" or a "dangerous" dog by filing a complaint with municipal court clerk. Upon the issuance of summons and notice to the owner, and upon the conclusion of a hearing, the Judge of the Municipal Court is authorized to enter a finding on the complaint and, if finding that the dog is a "nuisance," "potentially dangerous," or "dangerous", may order:

- a. The payment of court costs and fines in the maximum amount allowed by law;
 - b. The installation of fencing, restraints, or enclosures in such a manner to provide the degree of protection warranted by the danger presented;
 - c. The owner to obtain a policy of liability insurance in the amount deemed necessary to protect the public from any injuries inflicted on the public by the dangerous dog;
 - d. The removal of the dog from the city limits;
 - e. The confiscation and/or destruction of the dog.
 - f. Other measures as deemed appropriate by the court.
- (1221, Amended by Recodification, 11/19/2012)

Any alleged violation of this ordinance that alleges that the dog is a "nuisance" shall be a Class C offense. Any alleged violation that alleges that the dog is "potentially dangerous" shall be a Class B Offense. Any alleged violation that alleges the dog is a "dangerous" dogs shall be a Class A offense. Each separate day of violation shall constitute a separate offense.

(1108, Amended, 10/10/2005, Amend Section 6.08.080)

Section 6.08.090 Enforcement.

It is the duty of the Animal Control Supervisor or his designee, police officer, or such other officer or employee of the city as may be authorized by the City Manager, to enforce the provisions of this chapter. (Prior code § 4-209; 1221, Amended by Recodification, 11/19/2012)

Section 6.08.100 Interference prohibited.

It is unlawful for any person to interfere with the Animal Control Supervisor, his designee or any police officer or any other person duly appointed in the discharge of any duty under the provisions of this chapter or to open, break down, or destroy any enclosure in which any such cat or dog is confined pursuant to the terms of this chapter or to cause any such cat or dog so taken up to be released or to escape, until such cat or dog be released by the proper officer or custodian upon payment of the license fee and all fees due thereon. (Prior code § 4-210; 1221, Amended by Recodification, 11/19/2012)

Section 6.08.110 Noncompliance.

Any person, persons, firm or corporation who shall own, keep or harbor any such cat or dog within the city and who shall not comply with the terms of this chapter shall be deemed guilty of a public offense. (Prior code § 4-211)

Article II Animal Limitation--Kennel Operations

Section 6.08.120 Numerical limitations.

No person shall keep or harbor more than three cats or three dogs over the age

of six months plus one cat or dog for each acre of the residence in excess of five (5) acres, not to exceed ten cats or dogs, unless such person is a duly licensed kennel proprietor as herein after provided. (Prior code § 4-221; 1191, amended, 08/24/2009)

Section 6.08.130 Kennel proprietor.

It is unlawful for any person to be a kennel proprietor, as herein defined, within the city unless such proprietor shall first pay to the City Clerk of the city an annual license fee as set by Council resolution. Upon proof of proper zoning and payment of such fee the City Clerk shall furnish to such kennel proprietor a license to engage in such business. The kennel proprietor's license levied in this section shall be in lieu of all other license fees described in this chapter and ordinances of the city for cats or dogs in such kennel. All cats or dogs in such kennel shall be at all times confined on the premises of such kennel proprietor. Should any cat or dog belonging to, or kept by, such kennel proprietor be allowed off the premises of such kennel proprietor, the owner or keeper, thereof shall pay the same license fee thereon as is required by the ordinances of the city for all cats or dogs not kept by a kennel proprietor. Any such cat or dog shall be subject to all of the provisions of such ordinances, including seizure and impounding to the same extent and in the same manner as any cat or dog at large. Such kennel shall be maintained at all times in a clean and sanitary condition and shall be subject to inspection by the cooperative health department or other proper official of the city. (Prior code § 4-222; 1221, Amended by Recodification, 11/19/2012)

Section 6.08.140 Kennel tags.

It is the duty of the City Clerk to furnish to each kennel proprietor a sufficient number of tags upon each of which shall be engraved, carved or stamped, the year of the registration of such kennel and the number under which same was registered. The kennel proprietor or other such person in charge of such kennel, shall tag each cat or dog in such kennel with one of the kennel tags in the same manner that other cats or dogs are tagged. (Prior code § 4-223)

Section 6.08.150 Spaying and Neutering Required.

a. Any person within the city limits who shall harbor, keep or possess a dog or cat over the age of six (6) months, other than a dog owned and used by the Police Department of the City as a police dog, shall have the dog or cat spayed or neutered, unless the owner has secured a Hobbyist Exemption Permit as required in Section 6.08.160 of this chapter. Documentation shall be maintained of spaying or neutering by an individual or entity licensed or otherwise qualified to perform such procedures by the laws, rules, and regulations of the State of Oklahoma, and shall be presented to any animal welfare officer, police officer, or other authorized employee or agent of the City upon request.

b. Failure to spay or neuter any dog or cat, or to maintain documentation of such, in compliance with this section shall constitute a Class "C" offense punishable under Chapter 1.120 of this Code.

Section 6.08.160 Hobbyist Exemption Permit

a. Any person who shall qualify for a Hobbyist Exemption Permit shall obtain such prior to July 1 of each year, or portion thereof, by making application to the City Clerk or his/her designee. The City Clerk shall approve or deny the permit within thirty (30) days of the application date. At the time of application, the applicant shall pay a non-refundable fee for such as determined by resolution of the City Council.

b. A Hobbyist Exemption Permit shall entitle its holder to own and keep, at the holder's place of single-family dwelling residence, up to six (6) dogs and/or cats over the age of four (4) months that would otherwise constitute an offense under Section 6.08.120 of this Code; provided, however, that the permit holder shall not allow outside the residence at any one time no more than the number of cats and/or dogs permitted by the foregoing section.

c. Hobbyist Exemption Permit holder shall not be required to comply with Section 6.08.150 of this chapter; provided, however, that an individual rescuer must comply with the forgoing section as to those dogs and cats owned by the rescuer on a permanent basis.

d. Any individual or organization, not a commercial breeder, may qualify for a Hobbyist Exemption Permit under the following criteria:

1. Active involvement in any nationally recognized, organized animal sport or hobby for a period of at least one (1) year prior to making application for a Hobbyist Exemption Permit.

2. Participation in field trials or hunting activities with nationally recognized breeds used specifically as hunting dogs, and has held and continues to hold a current valid state of Oklahoma hunting license for a period of at least one (1) year prior to making application for a Hobbyist Exemption Permit.

3. Qualified as a rescuer according to Paragraph H of this section.

4. Has not been convicted in the past ten (10) years of any offense related to illegal commercial breeding, brokering, dog fighting, a nuisance offense under this chapter, a cruelty offense or a neglect offense under applicable law, a violation of the Oklahoma Wildlife Conservation Code or regulations, or two (2) or more violations of Section 6.04.170 or 6.08.070 of this chapter prohibiting at-large, or improperly confined or tethered dogs and cats.

e. An applicant for a Hobbyist Exemption Permit shall submit one of the following documents with his/her application:

1. Certificates of completion of at least two (2) training classes specific to the animal(s), dated within the twelve (12) months immediately preceding the date of application.

2. A show catalog including the applicant's name as an exhibitor, and not less than two (2) superintendents' conformation receipts, dated within the twelve (12) months immediately preceding the date of application.

3. Certificate of title(s) from a national registry for a dog or cat owned by the applicant.

4. For a rescuer organization, proof that the organization is approved by a nationally-recognized animal rescue or animal welfare entity, and that the applicant's residential address shall appear on a list of individual households that are authorized by the organization to serve as rescuers.

5. For an owner of hunting dogs, proof that the owner holds or is exempt from holding a current and valid state of Oklahoma hunting license.

f. A permit holder must reapply for his/her Hobbyist Exemption Permit every year and shall provide one or more of the documents listed in Paragraph e of this section that is dated within the previous year.

g. As applicable, the permit holder shall keep accurate records in accordance with the requirements of his/her associated national registry on each dog or cat owned and on each dog or cat where ownership has been transferred. These records shall be open to the registry with which the hobbyist is affiliated and shall be made available for inspection upon request by any animal welfare officer, police officer or other authorized employee or agent of the City.

h. A rescuer may harbor dogs and cats in accordance with this section, provided, however, that such dogs and cats are harbored for no longer than ninety (90) days each while the rescuer attempts to locate the animal's home or a new home. If a rescuer must harbor an animal for longer than ninety (90) days due to its medical condition, the rescuer shall notify the Animal Welfare Division of the City of such in writing.

i. A permit holder shall have his/her Hobbyist Exemption Permit revoked if he/she has been convicted of an offense of: illegal commercial breeding; brokering; dog fighting; a nuisance under this chapter; cruelty or neglect under applicable law; violation of the Oklahoma Wildlife Conservation Code or regulations; or two (2) or more violations of Section 6.04.170 or 6.08.070 of this chapter prohibiting at-large, or improperly confined or tethered dogs and cats. (Added 1318, 04/23/18)

TITLE 7
(RESERVED)

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TITLE 8

HEALTH AND SAFETY

Chapters:

8.04	EMERGENCY MEDICAL SERVICES
8.08	EXPLOSIVES
8.12	FIRE PREVENTION CODE
8.16	GARBAGE COLLECTION AND DISPOSAL
8.18	HEALTH DEPARTMENT
8.20	JUNKED AND ABANDONED VEHICLES
8.24	LIQUEFIED PETROLEUM GAS
8.28	LITTERING
8.32	911 EMERGENCY SYSTEM
8.36	NUISANCES
8.40	OIL AND GAS DRILLING
8.44	OPEN BURNING AND EMISSION CONTROL
8.48	TRASH AND WEEDS
8.52	SILTATION OF STREETS, SIDEWALKS, ALLEYS AND DRAINAGEWAYS
8.60	ALARMS

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Chapter 8.04

EMERGENCY MEDICAL SERVICES

Sections:

- 8.04.010 Definitions.
- 8.04.020 Medical director.
- 8.04.030 Medical control board.
- 8.04.040 Emergency physicians foundation (EPF).
- 8.04.050 Emergency medical services authority (EMSA).
- 8.04.060 Mandatory centralized call processing.
- 8.04.070 Mandatory EMS data system and reporting standards.
- 8.04.080 Insurance requirements.
- 8.04.090 Ambulance service license required.
- 8.04.100 Specialized mobile intensive care permits.
- 8.04.110 Clinical quality of ambulance services.
- 8.04.120 Ambulance response time performance required.
- 8.04.130 Prohibition against refusal to transport.
- 8.04.140 First responder agency certification.
- 8.04.150 Procedures for denial, revocation or suspension of a permit.
- 8.04.160 Violations.
- 8.04.170 Penalties.

Section 8.04.010 Definitions.

For the purpose of this chapter, the following words and phrases shall have meanings respectively ascribed to them by this section:

"Ambulance" means any vehicle which is designed and equipped to transport ill or injured persons in a reclining position to or from health care facilities.

"Ambulance response time standards" means:

1.	Priority 1	8 minutes 0 seconds;
2.	Priority 2	12 minutes 0 seconds;
3.	Priority 3	60 minutes 0 seconds; and
4.	Priority 4	15 minutes 0 seconds*.

(*after agreed-upon pickup appointment)

"Ambulance service" means a person or organization, governmental or private, which operates one or more ambulances as defined herein for purposes of transporting ill or injured patients in a reclining position to or from health care facilities.

"Amended and Restated Trust Indenture" means the amendment to the EMSA trust indenture adopted by the City of Tulsa. Beneficiary member jurisdiction means the City of Tulsa and, if it elects to join the Amended and Restated Trust Indenture, the City of Oklahoma City.

"Base station physician" means a physician licensed to practice medicine in the state, from whom ambulance and first responder personnel may take medical direction by radio or other remote communications device; and who has been certified by the regional medical director as being knowledgeable of the EMS system's medical protocols, radio procedures, and the general operating policies of the EMS system.

"Beneficiary member jurisdiction" means the City of Tulsa, and if it elects to join the Amended and Restated Trust Indenture, the City of Oklahoma City.

"Eastern division" means that portion of the regulated service area which is located east of Stroud.

"Emergency medical services authority (EMSA)" means the trust established by the City of Tulsa, pursuant to Sections 176 et seq. of Title 60 of the Oklahoma Statutes and whose beneficiaries are, jointly, the City of Tulsa and the City of Oklahoma City, and which is established to provide ambulance services to the Cities of Tulsa, Oklahoma City, and other jurisdictions within the regulated service area.

"Emergency call" means a request for ambulance service by or for a patient whose apparent condition, at the time the call is received, presumptively meets the criteria for classification as Priority 1 or Priority 2, when classified in accordance with telephone algorithms and priority dispatch protocols approved by the medical control board.

"Emergency medical personnel" means those persons who participate directly in the performance of one or more emergency medical services, as defined herein.

"Emergency medical services (EMS)" means the following prehospital and interhospital services:

1. Access and Coordination. The answering and processing of telephone requests from the public for ambulance or first responder services, and including EMS dispatching, emergency and routine; the giving of medical prearrival instructions to callers by telephone; but excluding the process of 911 complaint-taking when the caller is immediately transferred to an EMS control center;

2. First Responder Services. Those emergency services, excluding transportation, which are performed by a first responder agency certified by the medical director;

3. Medical Transportation. Ambulance services, both emergency and routine, including patient assessment, transportation, and medical procedures performed on-scene, enroute, during interfacility transport, or at an emergency receiving facility when performed at the request of the receiving physician; and

4. On-line Medical Direction. Instructions given by base station physicians to first responders or ambulance personnel at the scene of an emergency, while enroute to a hospital, or during an interfacility patient transfer.

"Emergency physicians foundation (EPF)" means that administrative agency established jointly by this and other jurisdictions which have approved the EMS Interlocal Cooperation Agreement, pursuant to Sections 1001 et seq. of Title 74 of the Oklahoma Statutes and have adopted this chapter.

"EMS control center" or "control center" means either of two facilities operated by EMSA, one of which serves as central EMS communications center for the Eastern Division, and the other of which serves as central EMS communications center for the

Western Division. EMSA may, at its option, consolidate the operations of the two EMS control centers to create a single EMS control center to serve the entire regulated service area;

"EMS Interlocal Cooperation Agreement" means that certain agreement of same title approved by the governing body of this jurisdiction concurrently with the adoption of this chapter.

"First responder" means any person, fire department unit, law enforcement unit, or nontransporting rescue unit capable of providing appropriate first responder service, excluding transportation, under the auspices of a certified first responder agency.

"Helicopter rescue unit" means any rotary wing aircraft which provides basic or advanced life support and transportation of ill or injured patients by responding directly to scenes of medical emergencies. A helicopter used solely for the purpose of interfacility patient transports shall not be classified as a helicopter rescue unit.

"Licensing officer" means the public official designated by each beneficiary jurisdiction, as defined in the Amended and Restated Trust Indenture, empowered to issue permits, as defined in this chapter in accordance with policies and procedures governing such issuance set forth herein.

"Medical control board" means that body of nine physicians established jointly by this and other jurisdictions pursuant to the EMS interlocal cooperation agreement and this chapter for purposes of providing medical supervision, monitoring, and regulation of the regional EMS system.

"Medical director" or "regional medical director" means the licensed physician appointed by the medical control board to perform the duties and responsibilities granted and ascribed to the medical director herein and in the EMS interlocal cooperation agreement.

"Medical protocol" means any diagnosis-specific or problem-oriented written statement of standard procedure, or algorithm, promulgated by the medical director and approved by the medical control board as the medically appropriate standard of pre-hospital care for a given clinical condition.

"Member jurisdiction" means any municipality or EMS district which adopts and enforces this chapter and which approves the EMS interlocal cooperation agreement.

"Mutual aid agreement" means a written agreement between the holder of an emergency ambulance service license issued pursuant to this chapter, and a neighboring primary provider of emergency medical service approved by the medical director as to its quality of care and medical accountability, whereby the signing parties agree to lend emergency aid to one another subject to conditions and terms specified in the agreement.

"Operations contract" means that contract awarded by EMSA by competitive bid award for provision of ambulance services throughout the regulated service area.

"Operations contractor" means the person or firm contracted by EMSA pursuant to the operations contract.

"Patient" means an individual who is ill, sick, injured, wounded, or incapacitated, and who is in need of, or is at risk of needing, medical care or assessment during transportation to or from a health care facility, and who is or should be transported in a reclining position, as determined in accordance with applicable provisions of the system standard of care.

"Permit" means any of the documents required to be obtained from the licensing officer pursuant to this chapter and to the interlocal cooperation agreement, as recommended by the medical control board, as given herein:

1. Ambulance Service License--Emergency and Routine Transport. Ambulance services responding to emergency calls within the regulated service area shall be required to obtain an emergency ambulance service license. Ambulance services responding to requests for routine transport service shall be required to obtain a routine transport ambulance service license;

2. Rescue Helicopter License. A license shall be required for the operation of a rescue helicopter for purposes of emergency response to scenes of medical emergencies within the regulated service area;

3. Personnel Certification Required. All emergency medical personnel shall be required to obtain personnel certification, and such certification shall be valid for a period of two years. Personnel may be certified as first responder, EMT-Basic, EMT-D, EMT-Intermediate, EMT-Paramedic, or System Status Controller (SSC), in accordance with certification standards established by the medical control board;

4. First Responder Agency Certification Required. Not later than eighteen (18) months after the effective date of this chapter, every first responder agency shall be required to obtain a first responder agency certification, which shall be valid for a period of two years;

5. Ambulance Vehicle Permit Required. Every ambulance vehicle operated by an ambulance service shall, subject to inspection and recommendation by the medical director (or his or her staff) be issued an ambulance vehicle permit by the licensing officer;

6. Specialized Mobile Intensive Care Permit. This permit authorizes the operation of a specialized mobile intensive care unit, which unit shall be used solely for the purpose of interhospital transport of patients requiring enroute medical monitoring and advanced life support which exceed the capabilities of a paramedic ambulance;

7. First Responder Vehicle Permit Required. Within eighteen (18) months after the effective date of this chapter, every vehicle operated by a first responder agency shall, subject to inspection and approval by the medical director (or his or her staff) be issued a first response vehicle permit, and such permits may be issued at any of the following levels of clinical capability:

- a. Basic first response,
- b. EMT first response,
- c. EMT-D first response,
- d. EMT-intermediate first response, or
- e. EMT-paramedic first response.

"Person" means and includes any individual, firm, association, partnership, corporation, or other group or combination acting as a unit.

"Presumptive priority classification" means the designation by a system status controller (SSC) of a request for service as Priority 1, 2, 3, or 4, in accordance with telephone algorithms and priority dispatching protocols approved by the medical control board.

"Primary provider of emergency medical services" means a public or private ambulance service organization which has been designated by one or more governmental entities to provide emergency ambulance coverage throughout a defined geographic area.

"Priority" means the call priority number (i.e., Priority 1, 2, 3, or 4) assigned to every request for service received by an EMS control center. Such priorities shall be assigned only by a certified SSC, pursuant to telephone algorithms and priority dispatch protocols established by the medical director and approved by the medical control board. Classifications shall be consistent with the following definitions:

1. "Priority 1 call" means a presumptively classified life-threatening emergency call;

2. "Priority 2 call" means a presumptively classified nonlife-threatening emergency call;

3. "Priority 3 call" means a presumptively classified request for routine patient transport scheduled less than twenty-four (24) hours in advance of the requested time of pickup; and

4. "Priority 4 call" means a presumptively classified request for routine patient transport scheduled twenty-four (24) hours or more in advance of the requested time of pickup.

"Quality assurance fund" means the fund account which is established pursuant to the EMS interlocal cooperation agreement and, concurrently, by adoption of this chapter, and which is administered by EMSA on behalf of the medical control board, and which shall be used solely to fund the activities and related expenses of the medical control board in carrying out its duties and responsibilities as set forth herein and in the EMS interlocal cooperation agreement.

"Regional EMS system" means that network of organizations, individuals, facilities, and equipment which provides emergency medical services, as defined herein, to this jurisdiction and other jurisdictions within the regulated service area, subject to the system standard of care approved by the medical control board.

"Regulated service area" means the combined area which is contained within the boundaries of the municipalities and EMS districts which have adopted and agreed to enforce this chapter, and which have approved the EMS interlocal cooperation agreements.

"Response time--ambulance" means the actual elapsed time between receipt by the EMS control center of the "essential information" needed to initiate dispatch, and the arrival of a permitted ambulance or mutual aid ambulance (approved by the medical director) at the scene of the incident. For purposes of this provision, the "essential information" shall include location, callback number, chief complaint or nature of problem and, if the initial location information was obtained from a 911 data base, confirmation that the patient's location is the same as that of the caller, or the patient's actual location.

"Response time--first responder" means the actual elapsed time between notification of the first responder agency by the EMS control center that a first response unit is needed at a given location, and the arrival of a first response unit at the incident scene.

"Routine transport call" means a request for ambulance service by or for a patient whose apparent condition, at the time the call is received, presumptively meets the criteria for classification as Priority 3 or Priority 4, when classified in accordance with telephone algorithms and priority dispatch protocols approved by the medical control board.

"Special events ambulance standby service" means the positioning of an ambulance and crew at the location of a publicly or privately-sponsored event.

"System standard of care" means the written body of standards, policies, and protocols governing all clinical aspects of the EMS system, which is approved by the governing bodies of the beneficiary member jurisdictions, and which is developed and periodically updated in accordance with procedures set forth in the EMS interlocal cooperation agreement. As used in this context, system standard of care is a comprehensive term including:

1. Input standards includes but is not limited to personnel certification requirements, in-service training requirements, equipment specifications, on-board inventory requirements, and other requirements which the system must fulfill before receipt of a request for service;

2. Performance standards includes but is not limited to priority dispatching protocols and prearrival instructions, medical protocols, standing orders, response time standards, protocols governing authority for on-scene control of patient care, and other performance specifications describing how the system should behave upon receipt of a request for service; and

3. Outcome standards includes but is not limited to target survival rates for certain narrowly defined presenting problems or presumptive diagnoses, such as witnessed cardiac arrests involving patients whose medical histories meet defined criteria. Outcome standards are results the system intends to achieve by meeting its input and performance standards.

"System status controller (SSC)" means a person certified by the medical director as trained and competent to properly employ telephone algorithms, priority dispatching protocols, and prearrival instructions approved by the medical control board, and to operate the EMS control center's computer-aided dispatch system in accordance with the system status plan, so as to maintain the best possible ambulance coverage of the regulated service area, given the remaining resources available at any point in time.

"System status plan" means the plan and protocols for staffing, deployment, and redeployment of ambulances which is developed and utilized by an ambulance service, and which specifies how many ambulances will be staffed and available within the regulated service area each hour of the day, each day of the week, including the locations of available ambulances (not assigned to calls) within the regulated service area, specified separately for each hour of the day, for each day of the week, at every remaining number of ambulances then available in the system, and including protocols for event-driven redeployment of those remaining ambulances.

"Western division" means that portion of the regulated service area which is located west of Stroud, and which may include the city of Stroud subject to requirements set forth in the EMS interlocal cooperation agreement.

"Zone" means that geographic area extending twenty-five (25) miles outward from the legal boundary of each jurisdiction which is located within the regulated service area. (Prior code § 9-501)

Section 8.04.020 Medical director.

The medical director shall be appointed by the medical control board as provided for in the EMS interlocal cooperation agreement; and shall recommend a system standard of care designed to achieve a state-of-the-art quality of emergency medical care within the regulated service area; and shall have those powers and duties granted and ascribed to him or her in the EMS interlocal cooperation agreement, plus such additional powers and duties as are granted and ascribed to him or her herein. (Prior code § 9-502)

Section 8.04.030 Medical control board.

The medical control board is hereby designated as the elected representatives constituting the board of directors of the EPF. Its members shall be appointed by the emergency physicians foundation as provided for in the EMS interlocal cooperation agreement. The medical control board shall be the policy-making, rule-making, and fact-finding body of the EPF, and shall review and establish all aspects of the system standard of care; and shall have those powers and duties granted and ascribed to it in the EMS interlocal cooperation agreement. (Prior code § 9-503)

Section 8.04.040 Emergency physicians foundation (EPF).

The emergency physicians foundation, acting through its appointed medical control board, is established, concurrently herewith, by adoption of the EMS interlocal cooperation agreement as the administrative agency to oversee clinical aspects of the care rendered by the regional EMS system to the citizens of the regulated service area. The EPF shall have the powers and duties granted and ascribed to it in the EMS interlocal cooperation agreement. (Prior code § 9-504)

Section 8.04.050 Emergency medical services authority (EMSA).

Because experience has shown that regulation alone does not guarantee the reliable availability of quality ambulance services, EMSA is hereby authorized and directed to take such steps as are necessary to ensure the availability of both emergency and routine ambulance services within the regulated service area beginning upon the effective date of this chapter, subject to the following requirements:

A. EMSA shall at all times comply with the terms of: the EMS interlocal cooperation agreement, the amended and restated trust indenture, this chapter, and all other applicable laws, rules, and regulations;

B. Except during emergencies as provided by law, EMSA shall at all times employ a competitively-selected operations contractor who shall operate the EMS control centers (Eastern and Western Divisions) and directly provide all ambulance services rendered under EMSA's trade name;

C. In contracting for the provision of ambulance services, EMSA shall employ such bidding processes and contracting methods as are reasonable and effective in ensuring the uninterrupted and reliable delivery of quality ambulance service to the citizens of the regulated service area;

D. All services provided by EMSA through its operations contractor or, in the event of an emergency directly by EMSA, shall meet or exceed the standards set forth herein and in the system standard of care, as approved and periodically updated by the medical control board; and

E. Within one hundred twenty (120) days after the effective date of this chapter, EMSA shall require its operations contractor to apply for, obtain and maintain throughout the term of its contract an emergency ambulance service license and routine transport ambulance service license; provided, however, that such licenses issued to the operations contractor shall be restricted solely to the delivery of services rendered in its capacity as subcontractor to EMSA, and under EMSA's state EMS license. (Prior code § 9-505)

Section 8.04.060 Mandatory centralized call processing.

A. All telephone requests for ambulance services, both emergency and routine, originating within the regulated service area shall terminate at an EMS control center designated by the medical director, where a certified system status controller (SSC) shall establish the call's priority classification, determine the patient's location, and if appropriate, deliver prearrival instructions. The SSC shall also determine the need for first responder service; alert the first responder agency if appropriate; determine the ambulance service to which the call shall be allocated; and transfer the required information to that ambulance service, or directly dispatch the call, if that ambulance service has so directed.

B. It shall be unlawful for any ambulance service to publish or advertise a telephone number for the purposes of soliciting requests for emergency ambulance service, except the emergency number (911) of the EMS control centers. It shall also be unlawful for any ambulance service to publish or advertise a telephone number for the purposes of soliciting routine transport calls, except telephone numbers which terminate at an EMS control center.

C. If multiple ambulance services are simultaneously licensed hereunder, the allocation of emergency calls among the multiple ambulance services shall be in accordance with "nearest unit" dispatch protocols approved by the medical control board. Routine transport calls shall be allocated to ambulance service whose service is requested by the caller. If no preference is stated, routine transport calls shall be allocated to the operations contractor.

D. For any provider receiving centralized dispatch services from the EMS control centers, the control centers shall prepare a quarterly analysis of the EMS control centers' average cost per run dispatched, using generally accepted accounting principles (GAAP), and shall bill to each ambulance service the actual average cost of such dispatches to the ambulance service, and each ambulance service shall make payment to the control centers within thirty (30) days after receipt of the billing, as a

condition of maintenance of the ambulance service's license in good standing. Failure to pay within thirty (30) days shall result in the immediate suspension of such license, which suspension shall remain in effect until full payment is made.

E. During times of disaster or severe EMS system overload, declared by the medical director or his or her designee, the EMS control center shall at all times have full authority to direct the positioning, movements, and run responses of all ambulance units of all ambulance services until such time as the declaration has been lifted.

F. All calls processed by an EMS control center shall be recorded to facilitate subsequent auditing of the SSC's actions and decisions by the medical director, and all such recordings shall be safely stored and shall be erased after an appropriate interval or as provided by law. (Prior code § 9-506)

Section 8.04.070 Mandatory EMS data system and reporting standards.

A. As a condition of maintaining its license in good standing, each ambulance service, and every certified first responder agency, shall comply with EMS data system and reporting standards as prescribed by the medical director; provided, however, that changes in data collection or reporting requirements which may reasonably be expected to require costly modification of existing computer hardware or software shall be approved by EMSA prior to implementation.

B. Failure to comply with data system and reporting requirements or to keep the EMS control center completely informed concerning the location and status of all ambulance units at all times, or failure to carry out EMS control center directives shall constitute grounds for immediate suspension or revocation of the ambulance service license. (Prior code § 9-507)

Section 8.04.080 Insurance requirements.

A. Each ambulance service shall keep in full force and effect a policy or policies of public liability and property damage insurance, issued by a casualty insurance company authorized to do business in the state, with coverage provisions insuring the public from any loss or damage that may arise to any person or property by reason of the operation of the ambulance service's ambulance, and providing that amount of recovery shall be in limits of not less than the following sums:

1. For the damages arising out of bodily injury to or death of one person in any one accident, not less than five hundred thousand dollars (\$500,000.00);
2. For damages arising out of bodily injury to or death of two or more persons in any one accident, not less than one million dollars (\$1,000,000.00); and
3. For any injury to or destruction of property in any one accident, not less than five hundred thousand dollars (\$500,000.00).

B. Each ambulance service shall keep in full force and effect a general comprehensive liability and professional liability policy or policies issued by a casualty insurance company authorized to do business in the state, with coverage provisions insuring the public from any loss or damage that may arise to any person or property by reason of the actions of the ambulance service or any of his or her employees, and providing that the amount of recovery shall be in limits of not less than three million dollars (\$3,000,000.00).

C. Each ambulance service shall furnish, prior to issuance of its license, an original and duplicate certificates of insurance which shall indicate the types of insurance, the amount of insurance and the expiration dates of all policies carried by the ambulance service. Each certificate of insurance shall name this jurisdiction as an additional named insured, and shall contain a statement by the insurer issuing the certificate that the policies of insurance listed thereon will not be cancelled or materially altered by the insurer absent thirty (30) days written notice received by this jurisdiction.

D. Cancellation or material alteration of a required insurance policy or coverage shall automatically revoke the ambulance service's license, and the ambulance service shall thereupon cease and desist from further ambulance service operations. (Prior code § 9-508)

Section 8.04.090 Ambulance service license required.

A. No person may provide ambulance services in response to a request for emergency ambulance transport originating within the regulated service area without first obtaining an emergency ambulance service license issued pursuant to the provisions of this chapter, except for those uses exempted in subsection B of Section 8.04.160.

B. No person may provide routine transport ambulance services in response to a request for routine transport originating within the regulated service area without first obtaining a routine transport ambulance service license issued pursuant to the provisions of this chapter, except for those uses exempted in subsection B of Section 8.04.160.

C. No person may provide special events ambulance standby service within the regulated service area without first obtaining an emergency ambulance service license issued pursuant to the provisions of this chapter.

D. No license shall be issued, and no license application shall be processed, unless the applicant has paid a license application processing fee payable to the quality assurance fund in the amount of five hundred dollars (\$500.00), and no license shall be continued in good standing unless the holder is current in its obligations to pay the medical quality assurance fee for the right to engage in the ambulance business within the regulated service area, as provided for in subsection E of this section.

E. Every holder of an emergency ambulance service license, routine transport ambulance service license, or specialized mobile intensive care permit, probationary or other, shall, as a condition of maintaining its license or permit in good standing, pay a medical quality assurance fee of three dollars (\$3.00) per each patient transported by the holder from a location within the regulated service area. Such fee shall be paid to the quality assurance fund of the medical control board, and shall be paid for all transports made during each calendar month within thirty (30) days after the end of the month. Beginning the month of January 1993, such three dollars (\$3.00), amount shall be increased annually by the same percentage as the increase, if any, in the consumer price index over the most recent twelve (12) month period for which published statistics are then available.

F. No license or permit shall be assignable or transferable by the person to whom issued except as herein provided.

G. No transfer or assignment of existing licenses or permits shall be effective absent the recommendation of the licensing officer and approval of the medical control board.

H. Any transfer of shares of stock or interest of any person or ambulance service so as to cause a change in the directors, officers, shareholders, or managers of such person or ambulance service shall be deemed a transfer or assignment, subject to these provisions.

I. This jurisdiction has elected to become a member jurisdiction, as defined herein, in order to obtain for its citizens the following advantages over monojurisdictional EMS regulation: Improved economies of scale and cost containment; shared access to EMS resources superior in quality, quantity, and economic stability to those obtainable under monojurisdictional regulation; more aggressive periodic bid competition among better qualified bidders for the right to serve this jurisdiction as part of more economically desirable EMS market, pursuant to EMSA's competitively-awarded operations contract; and, access to disaster response capabilities superior to those which would otherwise be available to the citizens of this jurisdiction. To achieve and preserve these advantages of multijurisdictional EMS regulation, all licenses, certifications, and permits issued by the licensing officer pursuant to this chapter shall be valid throughout the entire regulated service area.

J. Except in regard to licenses and permits issued to the operations contractor, who shall operate solely as a subcontractor to EMSA and under EMSA's state EMS permit, the issuance of any ambulance service license by the license officer shall be made only to an ambulance service holding a valid state emergency permit, and such issuance by the licensing officer shall be conditioned upon recommendation by the medical control board, based upon the following items:

1. A proforma system status plan which shall describe the applicant's coverage plan for the entire regulated service area by time-of-day and day-of-week, and which shall include post locations and priorities, and which shall demonstrate a reasonable probability that the applicant, if licensed, will meet or exceed all required levels of response time reliability required hereunder throughout all parts of the regulated service area;

2. A proforma internal medical quality assurance plan, which shall describe applicant's medical quality assurance program, and demonstrate a reasonable probability that the applicant, if licensed, will deliver medical care meeting the system standard of care, as recommended by the medical control board;

3. A proforma staffing plan which shall result in all ambulances operating within the regulated service area being equipped and staffed to operate at the then-applicable level or levels of clinical capability;

4. Evidence of insurance, as required in Section 8.04.080 of this chapter; and

5. Valid permits for each EMS vehicle and EMS personnel as indicated in the proforma staffing and system status plans.

K. Upon approval by the medical control board of the applicant's submission, the licensing officer shall issue a probationary emergency ambulance license valid for a

period of six months. Such probationary license shall allow applicant to respond, from the effective date of the probationary license, to emergency calls originating within the regulated service area.

L. Each holder of a probationary license shall fully comply with its proforma system status plan, as approved by the medical control board, from the effective date of its probationary license, unless a change in the plan to correct response time deficiencies is proposed by the holder of the probationary license, and approved by the medical director.

M. During the six month probationary period, the applicant's response time performance and clinical quality of care shall be carefully evaluated by the medical director. If performance is consistently and substantially within the proforma plans, and in compliance with the requirements of this chapter, such probationary emergency ambulance service license shall become a valid emergency ambulance service license, renewable annually upon continual compliance with this chapter.

N. After the probationary period, chronic failure to comply with response time standards or clinical quality of care requirements or data and reporting requirements shall be grounds for revocation of the emergency ambulance service license.

O. If any ambulance service's emergency ambulance service license is suspended three times within any three-year period for failure to make required payments under subsection E of this section, such license shall be automatically revoked, upon the third event.

P. Any holder of a valid emergency ambulance service license issued pursuant to this chapter shall, upon application to the medical control board, be issued a routine transport ambulance service license to transport Priority 3 and 4 patients from locations within the regulated service area, and such license shall be valid so long as the emergency ambulance service license remains in effect, and shall automatically expire upon the expiration, suspension, or revocation of the emergency ambulance service license. (Prior code § 9-509)

Section 8.04.100 Specialized mobile intensive care permits.

Any hospital, or ambulance service licensed hereunder, shall be eligible to apply to the medical control board for a permit to operate a specialized mobile intensive care unit, which unit shall be used solely for interhospital transport of patients requiring specialized enroute medical monitoring and advanced life support which exceed the capabilities of the equipment and personnel on board a paramedic ambulance. Such special permits shall be issued for a period of two years. Failure by the holder of such permit to limit the vehicle to interhospital transports of the types of patients specified within the permit shall constitute grounds for revocation of the permit. (Prior code § 9-510)

Section 8.04.110 Clinical quality of ambulance services.

Upon the effective date of this chapter, every ambulance responding to a Code 1, 2, 3, or 4 call at any location within the Eastern Division of the regulated service area shall be equipped, staffed, and licensed to operate at the EMT-Paramedic level; and every ambulance responding to a Code 1, 2, 3, or 4 call at any location within the Western Division of the regulated service area shall be equipped, staffed, and licensed

to operate at the EMT-Paramedic level, or at the EMT-Intermediate level. Not later than eighteen (18) months after the effective date of this chapter, every ambulance responding to a Code 1, 2, 3, or 4 call at any location within the regulated service area shall be equipped, staffed, and licensed to operate at the EMT-Paramedic level. (Prior code § 9-511)

Section 8.04.120 Ambulance response time performance required.

A. Every ambulance service, as a condition of obtaining and maintaining its license, shall employ sufficient personnel, acquire sufficient equipment, and manage its resources as necessary to achieve the following response time standards on all emergency calls and routine transport calls originating within the regulated service area and received by the ambulance service, or referred to the ambulance service by an EMS control center:

1. Eastern Division Response Time Standards. On the effective date of this chapter, subject to the exemptions set forth in subsection D of this section, the following standards of response time reliability shall be applicable to all patient transports originating from within each member jurisdiction of the Eastern Division of the regulated service area:

a.	Priority standard	1	90% reliability or better;
b.	Priority standard	2	90% reliability or better;
c.	Priority standard	3	90% reliability or better; and
d.	Priority standard	4	90% reliability or better.

2. Western Division Response Time Standards. On the effective date of this chapter, subject only to the exemptions set forth in subsection D of this section, the same standards of response time reliability as are applicable to Priority 3 and 4 patient transports originating within the Eastern Division shall also be applicable to all Priority 3 and 4 patient transports originating within the Western Division of the regulated service area. However, to allow reasonable opportunity to upgrade emergency response time reliability in the Western Division to the level required in the Eastern Division prior to adoption of this chapter, the following schedule of response time improvement shall apply:

a. On the effective date of this chapter, each ambulance service shall meet Priority 1 and 2 response time standards on not less than fifty (50) percent of all such calls originating with each member jurisdiction of the Western Division;

b. Beginning the fourth month after the effective date of this chapter, each ambulance service shall meet Priority 1 and 2 response time standards on not less than sixty (60) percent of all such calls originating with each member jurisdiction of the Western Division;

c. Beginning the seventh month after the effective date of this chapter, each ambulance service shall meet Priority 1 and 2 response time standards on not less than seventy (70) percent of all such calls originating with each member jurisdiction of the Western Division;

d. Beginning the nineteenth month after the effective date of this chapter, each ambulance service shall meet Priority 1 and 2 response time standards not less than eighty (80) percent on all such calls originating with each member jurisdiction of the Western Division;

e. Beginning the twenty-fifth month after the effective date of this chapter, each ambulance service shall meet Priority 1 and 2 response time standards on not less than ninety (90) percent of all such calls originating with each member jurisdiction of the Western Division, i.e., the same standard as the Eastern Division standard for Priority 1 and 2 calls;

3. Special Response Time Standards. Those standards of response time reliability which are specified in subsections 1 and 2 immediately above shall be applicable throughout the respective divisions of the regulated service area unless specifically amended by separate ordinance by a given jurisdiction which, because of location or other barriers to efficient service delivery, is unable to obtain the standard levels of response time reliability for that jurisdiction at a user-fee schedule or subsidy level acceptable to that jurisdiction. Such amended response time standards, if adopted by separate ordinance, shall be applicable only within that jurisdiction, and shall not affect response time requirements in any other portion of the regulated service area.

B. Response time performance measurement for each ambulance service shall be calculated, maintained, and reported on a monthly basis for each member jurisdiction separately. Provided, however, that for jurisdictions experiencing low call volumes, monthly response time data shall be accumulated for reporting when the data from not less than seventy-five (75) emergency calls are available for inclusion in response time performance calculations.

C. Within the cities of Tulsa and Oklahoma City, response time performance shall also be measured separately for each ward or councilmanic district, on all Priority 1 and 2 calls. A chronic pattern of response time discrimination against any ward or district, as determined by the medical control board, shall be a violation of this section and may, subject to notification and reasonable opportunity to correct the deficiency, constitute grounds for suspension or revocation of the emergency ambulance service license.

D. In the event of an onset of such inclement weather that the medical director or his or her designee, in his or her sole discretion, believes that the threat to system-wide patient care in attempting to comply with response time standards outweighs the threat to individual patient care from a delayed response, the medical director or his or her designee may declare a weather emergency in either or both divisions of the regulated service area, thus suspending these response time requirements until the declaration is lifted. During such periods, all ambulance services shall use best efforts to provide maximum safe coverage throughout the entire regulated service area. Runs made to calls originating from within a division in which a weather emergency has been declared shall be excluded from response time calculations until

the declaration has been lifted. A weather emergency will be declared only in times of unusual and extremely hazardous driving condition, such as ice storms, freezing drizzle, extensive flooding, thick fog or similarly dangerous or impassible road conditions.

E. The medical control board may, at its option, establish recommended response time standards for certified first responder agencies. Response times of certified first responder agencies shall be measured and reported to each member jurisdiction. However, no mandatory requirements for response time performance shall be applicable to first responder agencies, except as may be adopted by each member jurisdiction separately. (Prior code § 9-512)

Section 8.04.130 Prohibition against refusal to transport.

It shall be a violation of this chapter for any ambulance service to fail to respond to a call or to transport or to render emergency medical patient assessment and treatment, as appropriate, or to otherwise refuse or fail to provide any ambulance services originating within the regulated service area because of the patient's perceived, demonstrated or stated inability to pay for such services, or because of the location of the patient within the regulated service area or because of the unavailable status or the location of any ambulance unit at the time of the request. Chronic violation of this provision, as determined by the medical control board, shall be grounds to revoke the emergency ambulance service license. (Prior code § 9-513)

Section 8.04.140 First responder agency certification.

Within eighteen (18) months after the effective date of this chapter, every first responder agency responding to calls within this jurisdiction shall qualify for issuance of a valid first responder agency certification issued by the licensing officer of the appropriate division. (Prior code § 9-514)

Section 8.04.150 Procedures for denial, revocation or suspension of a permit.

For any proposed denial, suspension or revocation of a permit of either a permitted provider or a certified EMS personnel operating within the regulated service area, the following standards, which shall not be less than those standards contained in the Health Care Quality Improvement Act of 1986, 42 U.S.C. 11112, or less than any standards contained in applicable Oklahoma Statutes or applicable Oklahoma case law, shall apply. Such procedures in any event, shall contain at least the following:

A. Written notice of the charges pending against the provider or EMS personnel whose license or certification may be suspended or revoked;

B. A right to an appeal, requested in writing within thirty (30) days of any adverse action by the medical director to the medical control board;

C. The right to a de novo hearing on any adverse action by the medical control board conducted by an impartial and independent hearing officer, including a right to cross-examine witnesses, and to present witnesses and evidence on the person's own benefit, provided such hearing is requested in writing within thirty (30) days; and

D. A right to an appeal, referred to in subsection C of this section, of any adverse action by the hearing officer to the governing body of the beneficiary jurisdiction designated to hear such appeal by the hearing officer who conducted the preceding hearing. (Prior code § 9-515)

Section 8.04.160 Violations.

A. It shall be unlawful and an offense for any person to commit any of the following acts:

1. To perform duties as an ambulance driver, attendant (EMT-Basic, Intermediate, or Paramedic), system status controller, or certified first responder without a current valid certification issued pursuant to this chapter, or for any EMT, EMT-D, EMT-Intermediate, or EMT-Paramedic to seek or accept medical direction by radio contact from anyone who is not a certified base station physician, as defined herein;

2. To allow any person to work as an ambulance driver, attendant or dispatcher without a current valid certification issued pursuant to this chapter;

3. To use, or cause to be used, an ambulance service other than an ambulance service holding a valid license issued pursuant to this chapter, except for those services described in subsection B of this section;

4. For any person, firm or organization to respond to emergency calls originating within the regulated service area, other than an ambulance service which is a holder of a valid emergency ambulance service license issued pursuant to this chapter;

5. For any person, firm or organization to provide rescue helicopter service to emergency incidents within the regulated service area, other than a rescue helicopter service which is a holder of a valid rescue helicopter service license issued pursuant to this chapter;

6. For any person, firm or organization to respond to routine transport calls originating within the regulated service area, other than an ambulance service which is a holder of a valid routine transport ambulance service license issued pursuant to this chapter; or

7. To knowingly give false information to induce the dispatch of an ambulance, first responder unit, or helicopter rescue unit.

B. It shall not be a violation of this chapter, and no emergency or routine transport license shall be required if the vehicle or ambulance is:

1. A privately owned vehicle not used in the business of transporting patients who are sick, injured, wounded, incapacitated or helpless;

2. A vehicle rendering services as an ambulance in the event of a major catastrophe or emergency when ambulances with permits based in the locality of the catastrophe or emergency are incapacitated or insufficient in number to render the services needed;

3. An ambulance owned or operated by, or under contract with, the federal or state government;

4. An ambulance transporting a patient to a location within the regulated service area, which transport originated from a point outside the regulated service area;

5. An ambulance responding to a call pursuant to a mutual aid agreement with the holder of a valid emergency ambulance service license issued pursuant to this chapter;

6. A vehicle engaged in a routine transport call to transport a patient from a hospital, nursing home or free-standing dialysis center (i.e., a dialysis center not located on hospital grounds) which is located within the regulated service area to any jurisdiction outside the regulated service area (the "receiving jurisdiction"), if the

receiving jurisdiction allows any ambulance service licensed hereunder to lawfully engage in routine transport calls to transport patients from hospitals, nursing homes, and free-standing dialysis centers located within that receiving jurisdiction to destinations within the regulated service area;

7. A vehicle engaged in a routine transport call to transport a patient from a hospital, nursing home, or free-standing dialysis center located within the regulated service area to any unincorporated area;

8. A vehicle engaged in a routine transport call to transport a patient from a hospital, nursing home, or free-standing dialysis center located within the regulated service area to any point outside the regulated service area and the zone;

9. A vehicle engaged in a routine transport call to transport a patient from a hospital, nursing home, or free-standing dialysis center located in either the Eastern or Western Division of the regulated service area, to a destination in the other division of the regulated service area; or

10. A vehicle engaged in the interstate transport of a patient. (Prior code § 9-516)

Section 8.04.170 Penalties.

A. Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of a Class “A” offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this code. (1221, Amended by Recodification, 11/19/2012)

B. Each day that any violation of the provisions of this chapter is committed or permitted to continue shall constitute a separate offense. (Prior code § 9-517)

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Chapter 8.08

EXPLOSIVES

Sections:

8.08.010	General.
8.08.020	Explosives defined.
8.08.030	Manufacture prohibited.
8.08.040	Explosives prohibited.
8.08.050	Storage of explosives.
8.08.060	Magazines, rules and regulations, explosives.
8.08.070	Capping.
8.08.080	Deteriorated explosives.
8.08.090	Transportation of explosives.
8.08.100	Driving requirements.
8.08.110	Discharge in city.
8.08.120	Regulating permitted blasts.
8.08.130	Fees.
8.08.140	Penalty.

Section 8.08.010 General.

Except as is hereinafter otherwise specifically provided, the equipment, processes and operations involving the manufacture, possession, storage, sale, transportation, maintenance and use of explosive materials shall comply with the requirements of International Fire Code as published by the International Codes Council, and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC). (Prior code § 5-1101; 1221, Amended by Recodification, 11/19/2012)

Section 8.08.020 Explosives defined.

A. The terms “explosives” or “explosive” whenever used in this chapter shall be held to mean and include any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. The term “explosive” includes, but is not limited to, dynamite, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters. The term “explosive” as used hereinafter shall not be interpreted or construed to include small arms ammunition in its manufactured state. (Prior code § 5-1102; 1221, Amended by Recodification, 11/19/2012)

Section 8.08.030 Manufacture prohibited.

It is unlawful for any person to manufacture any explosive within the corporate limits of the city except that any explosives may be manufactured in laboratories of the public school system, and similar institutions for the purpose of investigation and instruction and provided that hand loading of black powder weapons and small arms

ammunition for private use shall be allowed. The mixing of two or more explosives for immediate use for blasting shall not be considered a violation of this chapter. (Prior code § 5-1103)

Section 8.08.040 Explosives prohibited.

It is unlawful for any person to have, keep, store, sell, offer for sale, give away, use, transport or have in his or her possession in the city, any explosive. (Prior code § 5-1104)

Section 8.08.050 Storage of explosives.

Under no circumstances shall any person, firm, organization or other entity keep or store any explosives on any premises which are used and occupied as a school, theatre, church, or other place of public assembly; and further, no person shall keep or store any explosive at any location, except in a properly authorized magazine. (Prior code § 5-1105)

Section 8.08.060 Magazines, rules and regulations, explosives.

A. Explosive magazines shall be made of fireproof materials and shall be conspicuously marked "Magazine - Explosives."

B. Each magazine shall be kept locked during the night, and at all times when the room in which it is kept is not occupied by safe and trustworthy persons; and all magazines must be kept clean and free from grit, paper, rubbish, and empty packages.

C. It is unlawful to place, keep or store any blasting caps or detonators of any kind in the same magazine with other explosives.

D. Packages of explosives in a magazine must be neatly piled in such a way that all of them may be easily examined, and packages of high explosives must always be placed right side up.

E. An accurate inventory or log shall be kept showing quantity of explosive stored, date of acquisition, date of removal and purpose of removal, which shall at all times be subject to the inspection of the fire marshal of the city, and when any kind of explosive is removed from the magazine, the oldest of that particular kind must always be taken, and it is the duty of the magazine keeper to see that is done.

F. No smoking, matches, firearms or other things which might discharge or cause the discharge of explosives in the city shall be permitted within one hundred (100) feet of any magazine. (Prior code § 5-1106)

Section 8.08.070 Capping.

It is unlawful for any person to cap a cartridge within a radius of fifty (50) feet of magazine, or in any case to cap more cartridges than necessary for immediate use. (Prior code § 5-1107)

Section 8.08.080 Deteriorated explosives.

If any explosive is contained in a magazine so as to be in a dangerous condition, then the magazine keeper must immediately remedy the cause; or should the fire

marshal receive a report of deteriorated or leaking explosives, the fire marshal must cause it to be removed outside the corporate limits of the city, and disposed of as he or she may deem fit, at the expense of the magazine keeper. (Prior code § 5-1108)

Section 8.08.090 Transportation of explosives.

A. It is unlawful for any person to transport or carry any explosives within the corporate limits of the city, in or upon any public conveyance, except as set out herein.

B. It is unlawful for any person to place or carry or cause to be placed or carried, in any vehicle, or container containing explosives, any exploders, detonators, blasting caps or other similar explosive material.

C. It is unlawful for any person in the transportation of explosives to stop such conveyance in any populated area within the city limits, except pursuant to a permit secured as set out herein. Motor vehicles transporting any quantity of explosive materials shall display all placards, lettering or numbering in accordance with DOT regulations. A vehicle transporting explosive materials shall not be parked, attended or unattended, on any roadway within the jurisdiction or adjacent to or in proximity to any structure, including a bridge, tunnel, dwelling, building or place where people work, congregate or assemble, before reaching the vehicle's destination. Explosive materials shall not be transferred from one vehicle to another except under emergency conditions. Vehicles transporting explosive materials shall not be left unattended at any time within the jurisdiction. (Prior code § 5-1109)

Section 8.08.100 Driving requirements.

A person shall not smoke, carry matches or any other flame-producing device, or carry unauthorized firearms or cartridges while in or near a vehicle transporting explosive material. Such vehicle shall not be driven, loaded or unloaded in a careless or reckless manner. (Prior code § 5-1110)

Section 8.08.110 Discharge in city.

A. It is unlawful for any person to use or discharge any explosives within the corporate limits of the city, except in connection with blasting operations or demolitions by permit as set out herein or where authorized by ordinance. The use of black powder shall be prohibited.

B. No person shall blast or carry on any blasting operations without first having obtained permission from the inspections division of the city. The applicant for such permit must file a certificate of blasting liability insurance coverage in an amount of not less than three million dollars (\$3,000,00.00) per occurrence or a greater amount as deemed adequate in each case, as determined by the inspections division, to become available for the payment of any real and actual damages or injury to person blasting or his or her agents or employees, the amount of the insurance not being a limit to the liability of the person blasting. Any insurance certificate must be executed by a company licensed to do business in the state of Oklahoma, acceptable to the city. Insurance carrier shall provide a copy of the license upon request. (1221, Amended by Recodification, 11/19/2012)

C. In applying for a permit, the person blasting must present a current state of Oklahoma blasting license, a plan showing the location, expected time of blasting, size of charge, type of explosive and any other information requested or pertaining to the blasting operation, including but not limited to a preblasting survey of dwellings, structures, pipe lines, transmission lines, utility service lines and other information. The preblasting survey shall consist of a structural inspection performed by a qualified person to determine the condition of the structures in terms of resistance to vibrations of structural and nonstructural elements, and document any preblasting damage, weakness, and other physical factors that could reasonably be expected to be affected by the blasting.

D. The permit shall be valid for a period of thirty (30) days from the date of issuance. (Prior code § 5-1111)

Section 8.08.120 Regulating permitted blasts.

A. No blasting operations shall be conducted except in the presence of the City Engineer or his or her designated inspector.

B. Surface blasting operations shall be conducted during daylight hours, except on Saturdays, Sundays and legal holidays, unless otherwise approved by the City Engineer under the circumstances set forth hereinafter.

C. Blasting mats, back cover or other protective devices shall be utilized to prevent fragments from being propelled.

D. All explosives shall be transported, handled, stored and used by or under the direction and supervision of a person of proven experience and ability in blasting operations or experience and ability in blasting operations or experienced and able in the discharge of explosives, to whom the required permits have been issued. Loading and firing shall be performed or supervised by a person to whom the required permits have been issued. Explosive materials shall not be utilized by inexperienced persons who are unfamiliar with the hazards involved or who have not obtained all of the required permits.

E. All discharge of explosives or blasting operations shall be prohibited within a minimum of three hundred (300) feet of structures, overhead power lines, communication lines, or utilities services lines (or within a greater distance as may be deemed necessary by the City Engineer or his designated inspector) without the person to whom the required permit has been issued first notifying the owners, operators, or occupants thereof at least twenty-four (24) hours in advance of the blasting operation whenever blasting is conducted in the vicinity. The notification shall specify the location and intended time of such blasting and shall be first by verbal notice and then confirmed with a written notice. Such notice shall be no sooner than forty-eight (48) hours nor later than twenty-four (24) hours prior to each blasting operation. If and in the event the blast does not occur at the predesignated intended time, and as a consequence blasting with the City Engineer's approval is to occur on another date, including but not limited to Saturday, Sunday or a legal holiday, the person to whom the required permit is issued shall renotify, verbally and in writing, of the alternative blast date and time. (1221, Amended by Recodification, 11/19/2012)

F. Precautions shall be taken to prevent accidental discharge of electric detonators from currents induced by radar and radio transmitters by the posting of signs warning that mobile radio transmitters shall be prohibited on all roads located within three hundred fifty (350) feet of blasting operations. Signs shall also be placed at points of ingress to the blasting area warning that blasting operations are in progress.

G. Blasting shall not be conducted until the blaster in charge has confirmed that all surplus explosive materials are in a safe place, all persons and equipment, including vehicles, are at a safe distance or under sufficient cover and an adequate warning signal has been given, by use of a compressed air whistle, a horn, or equivalent means, and shall be clearly audible at the most distant point in the blast area. After blasting, the area shall be thoroughly inspected by the person blasting and an all clear signal or announcement sounded prior to permitting anyone to enter the blasting site area.

H. Operations involving the handling or use of explosive materials shall be discontinued and personnel moved to a safe area during the approach or progress of a thunderstorm or dust storm.

I. All tamping is to be accomplished by the use of a wooden stick or device having no metal parts, and there shall be a separation of at least fifty (50) feet between a loaded hole and any drilling operations in preparation of additional blasts. All loaded holes shall be fired on the same shift that they are loaded, and the person in charge of blasting shall clear all unexploded holes and charges and shall not leave the site until all unexploded charges shall have been removed or detonated pursuant to a permit. The insertion of a drill, pick or bar in an unexploded hole shall not be permitted. No unexploded explosive materials shall be abandoned.

J. A record of each blast shall be made by the City Engineer or his designated inspector and shall be retained by the inspections division and made available for inspection by the public upon request. The record shall contain the following data:

1. Name of permittee, operator, or other person conducting the blast;
2. Location, date, and time of blast;
3. Name of blaster in charge;
4. Weather conditions;
5. Type of material blasted;
6. Number of holes, burden, and spacing;
7. Diameter and depth of holes;
8. Types of explosives used;
9. Total weight of explosives used;
10. Maximum weight of explosives per delay period of eight milliseconds or less;
11. Maximum number of holes per delay period of eight milliseconds or less;
12. Method of firing and type of circuit;
13. Type and height of length of stemming;
14. If blasting mats, back cover or other protections were used; and
15. Type of delay electric blasting caps used, and delay periods used.

K. The storage of explosives at the job site shall be prohibited. (Prior code § 5-1112; 1221, Amended by Recodification, 11/19/2012)

Section 8.08.130 Fees.

Upon issuance of a permit to discharge explosives in the city, a fee shall be paid as established by a motion or resolution of the City Council. A separate fee, as established by motion or resolution of the City Council, shall be paid for each blast conducted in accordance with the permit issued. (1079, Amended, 05/24/2004, Section 8.08.130; 1221, Amended by Recodification, 11/19/2012)

Section 8.08.140 Penalty.

Each separate violation of any provision of this chapter shall be a Class "A" offense and any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in Section 1.20.010 of this code for each violation. (Prior code § 5-1114; 1221, Amended by Recodification, 11/19/2012)

Chapter 8.12

FIRE PREVENTION CODE

Sections:

- 8.12.010 International Fire Code Adopted**
- 8.12.020 Trash and refuse burners and use.**
- 8.12.030 Trash burned inside city limits.**
- 8.12.040 Fees for Permits and Inspections.**

Section 8.12.010 International Fire Code Adopted

The International Fire Code, as published by the International Codes Council and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC), is adopted by the city for the purpose of establishing rules and regulations governing conditions hazardous to life and property from fire or explosion. Each and all of the regulations, provisions, conditions and terms of the International Fire Code, as well as any appendices referenced, as adopted and amended by the OUBCC are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in this code. At least one copy of the code is to be kept on file in the office of the City Clerk or his designee. (1221, Amended by Recodification, 11/19/2012)

Section 8.12.030 Trash burned inside city limits.

It is unlawful for any person to start or maintain any fire, or cause any fire to be started or maintained, outside or inside of any building or structure, for the purpose of burning any trash or refuse, or other inflammable material of any description, as provided for in this chapter or in specific variance situations authorized by the fire chief, fire marshal or designees thereof. (Prior code § 13-107; 1221, Amended by recodification, 11/19/2012)

Section 8.12.040 Fees for Permits and Inspections.

Compliance permit and inspection fee charges related to the Fire Prevention Code as adopted by the city shall be made and collected in such amounts as established by motion or resolution of the City Council. (1079, amended, 05/24/2004)

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Chapter 8.16

GARBAGE COLLECTION AND DISPOSAL

Sections:

- 8.16.010 Definitions.**
- 8.16.020 Collection of Solid Waste Within City Limits.**
- 8.16.030 Solid Waste Containers.**
- 8.16.040 Placement of Solid Waste Containers.**
- 8.16.050 Permits for Private Firms or Corporations.**
- 8.16.060 Vehicles Operated for Collection and Disposal of Solid Waste.**
- 8.16.070 Disposal.**
- 8.16.080 Lease of solid waste systems and facilities.**
- 8.16.090 Penalties.**

Section 8.16.010 Definitions.

For the purpose of this chapter, the following terms shall have the meanings defined herein:

“Solid Waste” means all putrescible and nonputrescible matter – including garbage, trash, refuse, rubbish, offal, debris, or other matter as specifically defined herein or in other sections of this code – that is solid or semi-solid in form and is considered non-hazardous by specific local, county, state or federal laws or regulations.

“Residential Dwelling” means any structure or other facility on property having a residential zoning classification or having a principle use as a single- or multiple-family dwelling.

“Commercial Establishment” means any structure or other facility on property having a zoning classification other than residential, or having a principle use other than a single- or multiple-family residential dwelling.

“Solid Waste Collector” means any individual, firm or corporation engaged in the business of collecting and/or disposing of solid waste.

“Vehicle” means any truck, trailer, semi-trailer or other equipment used to collect, remove, transport or dispose of solid waste over any public street or way. (Prior code § 17-401; 1137, Amended 10/09/2006.)

Section 8.16.020 Collection of Solid Waste Within City Limits.

A. The city manager, or his designee, shall assure that suitable and proper arrangements are made for the collection and disposal of solid waste from every residential dwelling and commercial establishment within the city limits. Such collection shall occur at intervals of not less than once each week.

B. To assure protection of the public’s health, safety and welfare, collection and disposal of solid waste from residential dwellings within the city limits shall be performed by the City of Sand Springs, Sand Springs Municipal Authority, or agents or lessees thereof. The city manager, upon written request, shall consider exemptions to

this provision based upon individual circumstance or if collection and disposal of solid waste by the City of Sand Springs, Sand Springs Municipal Authority, or agents or lessees thereof, is unfeasible or impractical.

C. Collection and disposal of solid waste from commercial establishments shall be performed by the City of Sand Springs, Sand Springs Municipal Authority, or agents or lessees thereof; or by private firms or corporations issued permits by the city to perform such activities.

D. Solid waste shall not be collected within six-hundred (600) feet of an occupied residential dwelling between the hours of 10:00 p.m. and 6:00 a.m.

E. The city council shall, by ordinance or resolution, establish fees for the collection and disposal of solid waste where such collection and disposal is performed by the City of Sand Springs, Sand Springs Municipal Authority, or agents or lessees thereof. Such fees shall be assessed to utility accounts on a monthly basis and shall be paid in accordance with policies adopted by the city council, city manager or his designee.

F. The city council shall, by ordinance or resolution, establish permit fees for the collection and disposal of commercial solid waste by private firms or corporations. Such fees shall serve to recover costs associated with regulation of the activity as a protection of the public's health, safety and welfare. (Prior code § 17-402; 1137, Amended. 10/09/2006.)

Section 8.16.030 Solid Waste Containers.

A. All owners or occupants of residential dwellings or commercial establishments in the City Limits shall place or keep solid waste accumulated upon the premises in a suitable container approved by the city manager or his designee. There shall be no less than one container, or equivalent arrangement thereof, per residential dwelling or commercial establishment.

B. Containers shall be of an appropriate size, and collection and disposal of such shall be of appropriate frequency, to prevent a peril upon the public's health, safety and welfare.

C. Containers for placement of solid waste shall be designed and maintained in such a manner as to not create leakage, offensive odors or otherwise present a nuisance, or safety or health hazard. Such containers shall be equipped with a closing lid and other means of securement as necessary to prevent the blowing of solid waste, offensive odors, intrusion by animals, or other health and safety hazards.

D. Each container utilized for collection and disposal of solid waste shall have affixed the name of the individual, firm or corporation providing the collection and disposal service. Such individual, firm or corporation name shall be affixed and maintained in a permanent and legible manner. (Prior code § 17-403; 1137, Amended, 10/09/2006.)

Section 8.16.040 Placement of Solid Waste Containers.

A. Containers for collection of residential solid waste, and any allowable ancillary items thereto, shall be placed adjacent to the curb or pavement edge of the street or alleyway in such a manner as to not create a health hazard, traffic hazard, pedestrian hindrance, drainage way impediment or public nuisance.

B. The City of Sand Springs, Sand Springs Municipal Authority, or agents or lessees thereof, shall assign a specific day for regular weekly collection of residential solid waste for each residential dwelling within the city limits. The container, and any allowable ancillary items thereto, shall be placed at the curb or pavement edge of the street or alleyway no sooner than 24 hours before the start of the scheduled collection day. The emptied container and any uncollected items shall be removed from the street or alleyway no later than 24 hours after the end of the scheduled collection day.

C. Residential solid waste containers shall not be kept in the front or exterior side yard of a residential dwelling unless being placed there for collection.

D. All containers for commercial solid waste shall be kept upon private property. The container shall only be placed upon public property on collection day(s) and only if access to such from private property is deemed by the city to be impractical or unfeasible.

E. The city manager or his designee shall, upon written request, consider granting exceptions to this section upon determination that compliance with its provisions are impractical, unfeasible or cause an undue hardship.

F. Failure to comply with the provisions of this section shall result in insurance of a written warning upon first occurrence. Any subsequent violation shall be deemed an offense and shall be punishable by the penalty provision of this chapter. (Prior code § 17-404; 1137, Amended, 10/09/2006.)

Section 8.16.050 Permits for Private Firms or Corporations.

A. It shall be unlawful and an offense for any private individual, firm or corporation to collect solid waste within the city limits for hire without securing a Solid Waste Collection Permit for each container where collection and disposal is to occur. Such permit shall be issued from the city clerk in advance of any collection activity, and a fee as set by ordinance or resolution of the city council shall be paid prior to the permit's issuance as a regulation of the activity. Each permit shall be valid beginning July 1 of each year and shall expire June 30 the following year.

B. An application for a Solid Waste Collection Permit shall include the individual, firm or corporation name, the principle person with overall responsibility for collection and disposal of solid waste within the city limits, the address where operations shall originate, a mailing address, and other information as deemed necessary by the city manager or his designee. The permit application shall also list the street address where solid waste collection is to occur within the city limits, the location and size of each container to be collected, the frequency of collection, and the name and address of the disposal facility where collections will regularly be disposed of.

C. All individuals, firms and corporations collecting solid waste within the city limits shall maintain with the city clerk a current certificate of general liability insurance coverage in amounts of not less than \$1,000,000 per each occurrence for death to or bodily injury of a person, and per each occurrence for property destruction or damage.

D. The city manager or his designee shall have cause to deny or revoke any Solid Waste Collection Permit for violations of any of the provisions of this chapter, or for violations of other local, county, state or federal laws or regulations. Notice of such revocation shall be done in writing to the individual, firm or corporation, which shall then have ten (10) days from the date of the notice to appeal the denial or revocation in

writing to the city council. The determination of the city council to sustain, modify or reverse the denial or revocation shall be final. Any appeal from the denial or revocation of a Solid Waste Collection Permit shall serve to stay such denial or revocation unless the city manager or his designee shall determine that such stay would serve to imperil the public's health, safety or welfare. (Prior code § 17-405;1137, Amended, 10/09/2006)

Section 8.16.060 Vehicles Operated for Collection and Disposal of Solid Waste.

A. It is unlawful and an offense to operate any vehicle used for the transport, collection or disposal of solid waste within the city limits without proper licensing by the state and without other licenses or certifications as required by local, county, state or federal laws and regulations. Such vehicles shall be operated and maintained in a safe manner in compliance with all local, county, state and federal laws and regulations, and shall not be operated or maintained in a manner that creates a traffic hazard, nuisance or a peril to the public's health, safety or welfare.

B. Vehicles used for the collection and disposal of solid waste shall utilize suitable provisions to prevent blowing, spilling, leaking or otherwise non-containment of, such solid waste. (Prior code § 17-406; 1137, Amended, 10/09/2006.)

Section 8.16.070 Disposal

All collections of solid waste within the city limits shall be disposed of at a facility that is appropriately licensed by state regulatory agencies, and/or other agencies as required by local, county, state or federal laws and regulations, for the disposal of such. Disposal shall be conducted in a manner that is in compliance with all local, county, state or federal laws or regulations. (Prior code § 17-407; 1137, Amended, 10/09/2006.)

Section 8.16.080 Lease of solid waste systems and facilities.

The City of Sand Springs hereby consents and agrees to the leasing of all of the city's revenue-producing solid waste collection, transportation, processing and disposal system and facilities, together with any and all additions, enlargements, extensions and improvements thereto acquired by the city during the life of the lease for a primary term of fifty (50) years, renewable for successive like terms, to the trustees of the Sand Springs Municipal Authority (A public trust of which the city is the beneficiary), with such lease to become effective as of 12:01 a.m. on the day following May 16, 1983. (Prior code § 17-408; 1137, Amended, 10/09/2006.)

Section 8.16.090 Penalties.

Unless otherwise specified, any individual, firm or corporation found to be in violation of any of the provisions of this chapter shall be deemed guilty of a class "C" offense punishable as provided in Section 1.20.010 of this Code. (Prior code § 17-409; 1137, Amended, 10/09/2006.)

Chapter 8.18

HEALTH DEPARTMENT

Sections:

- 8.18.010 County Health Department Designated to Enforce Health Ordinances**
- 8.18.020 Food Code Adopted**
- 8.18.030 Penalties**
- 8.18.040 Summary Action**

Section 8.18.010 County Health Department Designated to Enforce Health Ordinances

The director of the Tulsa City-County Health Department, or his/her duly designated representative, shall serve as the health officer for the city and shall enforce all health ordinances, codes, rules and regulations within the city limits. The Tulsa City-County Health Department shall promulgate all ordinances, codes, rules and regulations as necessary to assure the health, safety and welfare of all citizens within the city. Decisions rendered by the health officer shall be subject to review or appeal under procedures established by the Tulsa City-County Health Department.

(Added by Ord 1082, 11/08/04; Amended by Ord 1231, adopted 09/10/12)

Section 8.18.020 Food Code Adopted

A document designated as Title 310, Oklahoma State Department of Health, Chapter 257, Food Services Establishments (OAC 310:257), as published in the Oklahoma Administrative Code (OAC) and as amended, revised and/or supplemented by the Tulsa City-County Health Department (TCCHD) shall be adopted by the City of Sand Springs, Oklahoma, to set standards for the management of food personnel, operations, equipment and facilities in the City of Sand Springs. Each and all of the terms, conditions, regulations and provisions of OAC 310:257 published by the Oklahoma State Department of Health; and as amended, revised or supplemented by TCCHD, shall hereby be referred to, adopted and made a part of the City of Sand Springs Code of Ordinances as if fully set out in this Chapter, and may be referred to as the "Food Code." A copy of the Food Code shall be maintained by the office of the City Clerk. (Added by Ord 1231, adopted 09/10/12)

Section 8.18.030 Penalties

Any individual, firm or corporation found by the health officer to be in violation of any health ordinance, code, rule or regulation shall be deemed guilty of a Class C offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this Code. Each day that any violation is committed shall constitute a separate offense. (Added by Ord 1082, adopted 11/08/04; Amended by Ord 1231, adopted 09/10/2012)

Section 8.18.040 Summary Actions

A. Should the health officer of the City; or a peace officer, a fire officer, code enforcement officer or building official of the City acting within the scope of his/her authority, determine that a condition or situation exists at a food service establishment, as defined in the Food Code, that is creating imminent period to the public's health, said officer shall initiate summary actions in writing that he/she deems necessary to protect the public's health – including an immediate directive to the food service establishment to cease all activities prescribed or otherwise regulated by the Food Code. (Added by Ord 1231, adopted 09/10/12)

B. An appeal of any summary action shall be set forth in writing by the food service establishment for expeditious hearing under procedures established by the Tulsa City-County Health Department. The appeal shall state reasons or causes why the summary action shall not remain in effect. (Added by Ord 1231, adopted 09/10/12)

Chapter 8.20

JUNKED AND ABANDONED VEHICLES

Sections:

- 8.20.010** **Definitions relating to abandoned or junked vehicles.**
- 8.20.020** **Keeping vehicles.**
- 8.20.030** **Accumulation a nuisance.**
- 8.20.040** **Notice.**
- 8.20.050** **Removal.**
- 8.20.060** **Regaining possession.**
- 8.20.070** **Compliance with notice.**
- 8.20.080** **Appeals.**

Section 8.20.010 Definitions relating to abandoned or junked vehicles.

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

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

"Private property" means any real property within the corporate limits of the city which is not public property as described herein.

"Public property" means any property owned or controlled by the city, the county, the state, or any public entity thereof, or the United States Government within the city limits, and shall include all streets and highways.

"Vehicle" means any machine propelled by other than human muscle and shall include without limitation any airplane, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, or self-propelled farm or construction equipment.

"Dismantled, junked, abandoned, unserviceable, or inoperable vehicle" shall be deemed to include the major parts thereof including bodies, engine transmissions, frames and rear ends, or any vehicle which does not have current and valid license tags. (Prior code § 8-601; 1221, Amended by Recodification 11/19/2012)

Section 8.20.020 Keeping vehicles.

It is unlawful and an offense for any person to deposit, store, keep or permit to be deposited, stored or kept upon public or private property, in the open, a dismantled, unserviceable, inoperable, junked or abandoned vehicle or any vehicle legally or physically incapable of being operated, for a period exceeding one hundred sixty-eight (168) hours, unless such vehicle is completely enclosed within a building, or stored in connection with a business lawfully established pursuant to the zoning ordinances of the city, or stored on property lawfully designated under the zoning ordinances of the city as a place where such vehicles may be stored. (Prior code § 8-602)

Section 8.20.030 Accumulation a nuisance.

The accumulation or storage of one or more vehicles as described in Section 8.20.020 of this chapter shall constitute a nuisance detrimental to the health, safety and welfare of the inhabitants of the city. It is the duty of the owner or person in control of such vehicle, or the owner of the private property, lessee or person in possession or control of the property upon which such vehicle is located to cause to be removed or remove the vehicle from such property, or have the vehicle housed in a building where it will not be visible from the street or other private property. Such removal or enclosure shall be made within one hundred sixty-eight (168) hours after notice, as set out in Section 8.20.040 of this chapter, has been given to the owner or person in control of the vehicle or the owner, lessee or person in control of the property upon which such vehicle is located. The one hundred sixty-eight (168) hour time limit may be extended by the code enforcement official in the case of obvious hardship. (Prior code § 8-603; 1221, Amended by Recodification 11/19/2012)

Section 8.20.040 Notice.

The code enforcement official upon complaint of any citizen or on his or her own determination, shall cause notice to be posted on such abandoned, junked, unserviceable, inoperable, or dismantled vehicle, that the vehicle is a nuisance and shall be removed within one hundred sixty-eight (168) hours. When such abandoned, junked, unserviceable, inoperable, or dismantled vehicle is located upon private property. Notice shall also be provided in writing to the property owner as shown by the most current tax roll of the county treasurer, as well as any lessee or occupant(s) as shown by the current utility records of the city. (Prior code § 8-604; 1221, Amended by Recodification 11/19/2012)

Section 8.20.050 Removal.

Upon any failure of the owner or person in control of the vehicle or the owner, lessee, or person in control of the property upon which the vehicle may be located, to remove the vehicle or place it in an enclosed building within one hundred sixty-eight (168) hours after notice has been placed on the vehicle, code enforcement official shall notify, in writing, the police department of the city which shall promptly cause the vehicle to be removed and impounded in accordance with the police department's impound procedures. The wrecker service where the vehicle is impounded shall cause notification of the vehicle owner and lien holder of its impoundment as provided by state law. (Prior code § 8-605; 1221, Amended by Recodification 11/19/2012)

Section 8.20.060 Regaining possession.

The owner or person in control of any vehicle or vehicles so removed may regain possession thereof by obtaining an impound release from the police department in accordance with the police department's impound procedures. All costs owing for impound towing and storage fees shall be paid to the wrecker service where the vehicle is impounded. Should the vehicle go unclaimed, the wrecker service shall dispose of such in accordance with state law (Prior code § 8-606; 1221, Amended by Recodification 11/19/2012)

Section 8.20.070 Penalties.

Any individual, firm or corporation found to be in violation of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this Code. Each day that any violation is committed shall constitute a separate offense (Prior code § 8-608; 1221, Amended by Recodification 11/19/2012)

Section 8.20.080 Appeals

An appeal of any dismantled, unserviceable, inoperable, junked or abandoned vehicle public nuisance determination may be made to the City Manager of the City of sand Springs, Oklahoma, or his designee, by filing a written notice with the City Clerk, City of Sand Springs, 100 East Broadway, Sand Springs, Oklahoma, 74063, within 168 hours (seven days) from the date notice was affixed to the vehicle. Said written appeal shall stay enforcement of any action. As soon as thereafter possible, and upon not less than ten (10) days' notice to the appealing party, the City Manager, or his designee, shall consider this matter in its entirety. (1221, Amended by Recodification, 11/19/2012)

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Chapter 8.28

LITTERING

Sections:

- 8.28.010 Definitions.**
- 8.28.020 Littering.**
- 8.28.030 Depositing litter on private property.**
- 8.28.040 Litter in public places.**
- 8.28.050 Litter placement in receptacles so as to prevent scattering.**
- 8.28.060 Sweeping litter into gutters prohibited.**
- 8.28.070 Vehicle loads causing litter.**
- 8.28.080 Throwing, depositing and distributing handbills.**
- 8.28.090 Throwing or depositing handbills in vehicles.**
- 8.28.100 Handbills thrown or deposited on uninhabited property prohibited.**
- 8.28.110 Throwing handbills on private property prohibited.**
- 8.28.120 Distributing handbills on inhabited property.**
- 8.28.130 Posting on public property prohibited.**
- 8.28.140 Litter on vacant property prohibited.**
- 8.28.150 Penalties**

Section 8.28.010 Definitions.

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

"Authorized private receptacle" means a litter storage and collection receptacle as required by the ordinances of the city pertaining to depositing of trash and garbage for the purpose of collection.

"Handbill" means any printed or written matter, sample, device, pamphlet, notice, paper, circular, or any other printed or otherwise reproduced original of any matter or literature, which advertises for sale any merchandise, product or thing, or which directs attention to any business, commercial establishment, political campaign, theatrical performance, exhibition, event or other activity, for the purpose of promoting the interest thereof by sales or for the purpose of acquiring private gain, profit or benefit.

"Newspaper" means any newspaper of general circulation, including any periodical or current magazine published with not less than four issues per year, and sold to the public.

"Private property" means any real property, which is not owned by or under the control of a person who may be accused of committing the act described in Sections 8.28.030 et seq., of this code.

"Public place" means any street, road, sidewalk, alley, easement, park, ditch, drain or area of land or property open to the general public use. (Prior code § 8-501)

Section 8.28.020 Littering.

It is an offense for any person to willfully throw or leave or deposit any garbage, grass or weed cuttings, refuse, litter or other items and matters, commonly referred to as trash, upon or into any public street, road, parking area, drainage ditch or other public place, not designated as a public dump ground established and under the control of the city. (Prior code § 8-502)

Section 8.28.030 Depositing litter on private property.

A. It is unlawful and an offense for any person to willfully throw, leave or deposit any garbage, grass cuttings, refuse, litter or any other items and matters, commonly referred to as trash, upon or into any private property, ditch, drain or driveway, which is not owned by or under the control of the person committing such act. A conviction for violation of the provisions or provision of this chapter shall not preclude the prosecution of the charge of trespass, should the facts involved include a violation of the crime of trespass as provided by the ordinances.

B. No person shall throw or deposit litter on any occupied private property except that the person in control of private property may keep private receptacles for collection of litter to be prevented from being deposited upon streets, sidewalks and other public places. (Prior code § 8-503)

Section 8.28.040 Litter in public places.

It is unlawful for any person to throw or deposit litter in or upon any street, sidewalk or other public place within the city, except in public receptacles, authorized private receptacles for collection, or in official city dumps. (Prior code § 8-504)

Section 8.28.050 Litter placement in receptacles so as to prevent scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. It is unlawful for any person to place litter in public receptacles or in authorized receptacles except in the way and manner as provided by this section. (Prior code § 8-505)

Section 8.28.060 Sweeping litter into gutters prohibited.

No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building, yard or lot, or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalks abutting their premises free of litter or obstructions. (Prior code § 8-506)

Section 8.28.070 Vehicle loads causing litter.

No person shall drive or move any truck, cart, or other vehicle, within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown, scattered or deposited upon any street, alley or other public place. (Prior code § 8-507)

Section 8.28.080 Throwing, depositing and distributing handbills.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the city. (Prior code § 8-508)

Section 8.28.090 Throwing or depositing handbills in vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. It is unlawful in any public place for a person to hand out or distribute without charge to the receiver any handbill to any occupant of any vehicle who is unwilling to accept it. (Prior code § 8-509)

Section 8.28.100 Handbills thrown or deposited on uninhabited property prohibited.

No person shall throw or deposit any handbill in or upon any private premises which are temporarily or continuously uninhabited. (Prior code § 8-510)

Section 8.28.110 Throwing handbills on private property prohibited.

It is unlawful to throw, deposit or distribute any handbill upon any private premises, if requested not to do so or where signs are displayed bearing the words "No Trespassing," "No Peddlers or Agents," "No Soliciting," "No Advertisement," or similar notice indicating that the occupants do not desire to have their privacy disturbed. (Prior code § 8-511; 1221, Amended by Recodification 11/19/2012)

Section 8.28.120 Distributing handbills on inhabited property.

A. No person shall throw, deposit or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited, except by transmitting directly to the owner, occupant, or persons present upon such private premises. In cases of inhabited private premises which are not posted, handbills must be placed securely to prevent same from blowing on sidewalks, streets, or other public places. Mailboxes may not be used when so prohibited by Federal postal laws or regulations.

B. The provisions of this section shall not apply to the distribution of mail by the United States Postal Service, nor to newspapers except that newspapers shall be placed on private property so as to prevent being carried or deposited upon any street, sidewalk, gutter, drain, or public place or on other private property. (Prior code § 8-512; 1221, Amended by Recodification 11/19/2012)

Section 8.28.130 Posting on public property prohibited.

No person in an aircraft shall throw out, drop or deposit within the city any litter, handbill or any other object. No person, except a duly elected or appointed officer or employee of the city while acting within the proper authority of such office or employment, shall post or affix any notice, commercial or noncommercial handbills, poster or other paper calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree in a public place, or on any public structure, except as may be authorized or required by law. (Prior code § 8-513)

Section 8.28.140 Litter on vacant property prohibited.

It is unlawful for any person to throw or deposit litter on any open or vacant property within the city, whether owned by such person or not. (Prior code § 8-514)

Section 8.28.150 Penalties

Any individual, firm or corporation found to be in violation of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this Code. Each occurrence shall constitute a separate offense. (1221, Amended by Recodification 11/19/2012)

Chapter 8.32

911 EMERGENCY SYSTEM

Sections:

- 8.32.010 Short title.**
- 8.32.020 Definitions.**
- 8.32.030 Emergency telephone fee.**
- 8.32.040 Collection of fee.**
- 8.32.050 Administration of emergency telephone service.**
- 8.32.060 Termination of fee.**
- 8.32.070 Failure to remit fee.**
- 8.32.080 False reporting.**

Section 8.32.010 Short title.

This chapter shall be known and may be cited as "The Sand Springs Nine-One-One (911) Emergency Number Ordinance." (Prior code § 13-601)

Section 8.32.020 Definitions.

As used in this chapter the following words and phrases shall have the following meanings:

"Emergency telephone service" means a telephone system utilizing a three digit number, nine-one-one (911), for reporting any emergency to the appropriate public agency providing law enforcement, fire, medical, or other emergency services within the corporate limits of the city.

"Emergency telephone fee" means a fee used to finance the operation of the emergency telephone service, so as to provide service users within the corporate limits of the city access to the emergency telephone service.

"Local exchange telephone company" means any company providing exchange telephone service to any service user within the corporate limits of the city.

"Person" means any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, private corporation, whether organized for profit or not, fraternal organization, nonprofit organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, the state, political subdivisions of the state, state agencies, departments, commissions, boards, bureaus or any other service user within the corporate limits of the city.

"Service user" means any person, not lawfully exempted from the fee defined herein, who is provided exchange telephone service within the corporate limits of the city.

"Tariff rate" means the rate or rates billed by the local exchange telephone company stated in tariffs applicable for such company as approved by the Oklahoma Corporation Commission, which represents the recurring charges of the local exchange telephone company for exchange telephone service or its equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever. (Prior code § 13-602)

Section 8.32.030 Emergency telephone fee.

A. There is hereby levied, upon all service users subject to the jurisdiction of the city for which emergency telephone service has been contracted, an emergency telephone fee, pursuant to Sections 2811 et seq., of Title 63 of the Oklahoma Statutes, Supp. 1986, of the Oklahoma Statutes et seq., in the amount of five percent of the tariff rate in the first year of the fee, and in the amount of three percent of the tariff rate for the following two years. Such fee, as herein provided, shall be imposed for a period of three years, after first collection of the fee; after which the governing body of the city may renew the levy of such fee for no longer than three years at a time. Upon renewal in 1991, the fee shall be three percent of the telephone tariff rate. Amounts collected in excess of that necessary for operation within a given year shall be carried forward to subsequent years. No such fee shall be imposed upon more than one hundred (100) exchange access lines or its equivalent per person per location.

B. At least once each calendar year after first collection of the fee, subsection A of this section notwithstanding, the governing body of the city shall establish a fee rate, by amendment hereof, if necessary, not to exceed an amount authorized by the Oklahoma Nine-One-One (911) Emergency Number Act. The rate so fixed, together with any surplus revenues, shall not exceed sufficient revenues to fund authorized expenditures for operation of the emergency telephone service. The governing body shall make its determination of the fee rate each year after the first collection of the fee no later than September 1st and shall fix the new rate, if any, to take effect commencing with the first billing period of each service user on or following the next January 1st.

C. The governing body of the city shall, at least ninety (90) days before any new rate shall become effective, notify each local exchange telephone company providing emergency telephone service to areas within the jurisdiction of the city of the new rates by certified mail. (Prior code § 13-603)

D. In addition to all other fees imposed by ordinance, or by a vote of the citizens of Tulsa County, the Sand Springs City Council hereby adopts and imposes a fee upon Voice Over Internet Protocol (VoIP) customers whose businesses or residences are located within the City of Sand Springs at the rate set by resolution, in accordance with state law for the support of emergency telephone service. (1262, eff. 03/09/2015)

E. All VoIP carriers, which are hereby defined as any person, business entity, corporation, partnership, association or group of whatsoever nature and without limitation, either for profit or not for profit, who or which offers a dial tone telephone service to a customer under the authority of the Federal Communication Commission, shall provide an annual census of customers to the City of Sand Springs no later than sixty (60) days after the first day of each calendar year and shall collect and remit such fee to the City of Sand Springs under the terms and provisions of the Code of Ordinances of the City which are hereby made fully applicable to VoIP carriers and customers. (1262, eff. 03/09/2015)

Section 8.32.040 Collection of fee.

There is hereby imposed upon the tariff charges for exchange telephone service or its equivalent of the local exchange telephone company providing service within the corporate limits of the City of Sand Springs, Oklahoma, a fee of five percent. Three percent of the proceeds of the fee shall be utilized to pay for the operation of emergency telephone service as specified in Section 2813 of Title 63 of the Oklahoma Statutes. Two percent of the proceeds of the fee shall be utilized of the purchase of ancillary communication systems necessary to pass the reported emergency to the appropriate emergency service and personnel. Such two percent fee shall remain in effect for such time as the City Council of the City of Sand Springs, Oklahoma, deems necessary for the purposes aforesated. (Prior code § 13-604; 916, eff. 07/28/1997)

Section 8.32.050 Administration of emergency telephone service.

Nine-one-one (911) emergency telephone services of the city shall be under the administration of the Sand Springs police department. The police department is hereby authorized, empowered and charged with the duty to maintain, operate and administer the emergency telephone service consistent with the distinctive duties, responsibilities and expertise of the fire department and the police department. (Prior code § 13-605)

Section 8.32.060 Termination of fee.

The emergency telephone fee imposed by this chapter shall terminate no later than three years after the first collection of the fee, unless renewed in accordance with the provisions of the Oklahoma Nine-One-One Emergency Number Act. (Prior code § 13-606)

Section 8.32.070 Failure to remit fee.

Any service user willfully failing or refusing to remit or pay any emergency telephone fee or portion thereof rightfully due under this chapter shall be guilty of an offense, and upon conviction shall be punished by a fine not to exceed two hundred dollars (\$200.00), excluding costs. Each separate failure or refusal to remit or pay the emergency telephone fee hereof shall be deemed a separate offense and shall be punished accordingly. (Prior code § 13-607)

Section 8.32.080 False reporting.

No person shall call the number nine-one-one (911) for the purpose of making a false alarm or complaint or reporting false information which could result in the dispatch of emergency services from any public agency. Any person violating the provisions of this section, upon conviction, shall be guilty of an offense punishable by a fine not to exceed two hundred dollars (\$200.00), excluding costs. (Prior code § 13-608)

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Chapter 8.36

NUISANCES

Sections:

8.36.010	Nuisance defined.
8.36.020	Public nuisance defined.
8.36.030	Private nuisance defined.
8.36.040	Effect of time.
8.36.050	Public nuisance affecting health.
8.36.060	Vegetation Maintenance on Public Street and Alleyway Right-of-Way.
8.36.070	Public nuisances affecting morals and decency.
8.36.080	Public nuisances affecting peace and safety.
8.36.090	Procedures for abatement of nuisances.
8.36.100	Damages and prosecution for public offense.
8.36.110	Certify costs.
8.36.120	Civil liability.
8.36.130	Right of entry.

Section 8.36.010 Nuisance defined.

A nuisance consists in unlawfully doing an act, or omitting to perform a duty within the city which act or omission either:

- A. Annoys, injures or endangers the comfort, repose, health or safety of others;
- B. Offends decency;
- C. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any lake or navigable river, stream, canal or basin, or any public park, square, alley, sidewalk, street or highway; or
- D. In any way renders other persons insecure in life, in their person or in the use of property. (Prior code § 8-303; 1221, Amended by Recodification, 11/19/2012)

Section 8.36.020 Public nuisance defined.

A public nuisance is one which affects at the same time, an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal. (Prior code § 8-304; 1221, Amended by Recodification, 11/19/2012)

Section 8.36.030 Private nuisance defined.

Every nuisance not included in the definition of Section 8.36.040 of this chapter is defined as a private nuisance. (Prior code § 8-305; 1221, Amended by Recodification, 11/19/2012)

Section 8.36.040 Effect of time.

No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right. (Prior code § 8-308; 1221, Amended by Recodification, 11/19/2012)

Section 8.36.050 Public nuisances affecting health.

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

- A. All ponds, pools of water, or vessels holding stagnant water in which mosquitoes or other insects can breed or proliferate;
- B. Dense smoke, noxious fumes, gas, soot or cinders in such quantities as to render the occupancy of property uncomfortable to a person of ordinary sensibilities;
- C. All public exposure of persons having contagious or infectious diseases;
- D. The use of a common public drinking cup or roller towel;
- E. The distribution of samples of medicine or drugs; unless such samples are handed and delivered to persons by a duly licensed physician. (Prior code § 8-308; 1221, Amended by Recodification, 11/19/2012)

Section 8.36.060 Vegetation Maintenance on Public Street and Alleyway Rights-of-Way.

A. All owners and/or persons in control of real property abutting the public street and alleyway rights-of-way of the city shall bear responsibility for maintaining vegetation upon any portion of such rights-of-way as an extension of their real properties granted to the public for lawful access and usage – including grass, planting, trees and all other forms of vegetation.

B. For purposes of this Section, the area of public street and alleyway rights-of-way for vegetation maintenance shall be defined as the area extending from the curb face or pavement edge to the adjacent private property boundary.

C. Grasses, plantings, trees, or other forms of vegetation upon or affecting the public street and alleyway rights-of-way shall be declared a public nuisance if they create a hindrance to vehicular or pedestrian traffic, cause damages or potential damages to public utility installations, or otherwise present a hazard to the public's health, safety and welfare. Such public nuisance conditions shall be removed or otherwise corrected by the owner and/or persons otherwise in control of the adjacent real property.

D. If the owner and/or persons otherwise in control of the adjacent real property fail to remove or otherwise correct the public nuisance conditions, the city may abate the public nuisance, in accordance with provisions of Chapter 8.48 of this Code.

The city manager, or his designee, may designate certain public street and alleyway rights-of-way, or portions thereof, as exempt from provisions of this section where the public's interests are better served by other means of maintenance. (Prior code § 8-313; 1180, amended 06/08/2009; 1221, Amended by Recodification 11/19/2012)

Section 8.36.070 Public nuisances affecting morals and decency.

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

- A. All gambling devices, slot machines, punch boards, and other such contrivances;
- B. All houses kept for the purpose of prostitution or promiscuous sexual activity or intercourse, gambling houses, houses of ill fame and bawdy houses;
- C. All domestic animals in the act of copulation exposed to public view;
- D. Betting, bookmaking, and all apparatus used in such occupation.
- E. The conviction of one or more occupants of a residence for three separate acts of disturbing the peace or disorderly conduct within a 24-month period in which the victim(s) resides within 500 feet. (Prior code § 8-314; 1221, Amended by Recodification, 11/19/2012)

Section 8.36.080 Public nuisances affecting peace and safety.

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

- A. All snow and ice not removed from public sidewalks twelve (12) hours after the snow or ice has ceased to fall or accumulate thereon;
- B. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles approaching an intersection of public highways from having clear view of traffic approaching such intersection from cross streets, for one hundred (100) feet along such cross streets measured from the property line;
- C. All limbs of trees which project over a public sidewalk or streets, and which are less than eight feet above the surface of such public sidewalk and 13.5 feet above the surface of such street;
- D. All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface of the ground;
- E. All buildings, walls and other structures which have been damaged by fire, decay, deterioration or otherwise, or which are so situated as to endanger the safety and health of the public, or buildings erected or maintained in violation of any ordinance;
- F. Obstructions, constructions, or excavations affecting the ordinary use by the public of streets, alleys and sidewalks or public grounds, except under such conditions as are allowed by ordinance;
- G. Any use of the public streets or sidewalks which causes large crowds of people to gather, obstructing traffic in the free use of the streets or sidewalks;
- H. All hanging signs, awnings and other similar structures over the streets or sidewalks, so situated or constructed as to endanger public safety, or in violation of ordinance;
- I. The allowing of rainwater, ice or snow to fall from any building or structure upon any sidewalk or street, or to run or flow across any sidewalk;
- J. All barbwire fences which are located within three feet of any public sidewalk. (Prior code § 8-315; 1221, Amended by Recodification, 11/19/2012)

Section 8.36.090 Procedure for general public nuisances.

The procedure for abatement by the city of general public nuisances contained herein applicable to acts or conditions occurring upon or emanating from private property shall be in accordance with abatement procedures for weed and trash public nuisances as provided in Section 8.48 of this title. (Prior code § 8-319; 1221, Amended by Recodification, 11/19/2012)

Section 8.36.100 Damages and prosecution for public offense.

The fact that the city has abated and removed a general public nuisance shall in no way excuse the party responsible therefor from any damages which may have resulted prior thereto. Neither shall the abatement action prevent the chief of police, the code enforcement official or other person from filing a complaint where the nuisance constitutes a public offense. Any individual, firm or corporation found to be in violation of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this Code. Each day that any violation is committed shall constitute a separate offense. (Prior code § 8-323; 1221, Amended by Recodification 11/19/2012)

Section 8.36.110 Certify costs.

It is the duty of the chief of police to make bill of costs to include all expenses to which the city was put in the removal and abatement of such nuisance and certify the same to the City Clerk, to which the City Clerk shall add any other costs which are not included in the abatement of the chief of police. (Prior code § 8-324; 1221, Amended by Recodification, 11/19/2012)

Section 8.36.120 Civil liability.

Any person who fails to remove and abate any nuisance after proper notice and opportunity to be heard and proper orders of the City Council shall be liable to the city for all expenses incurred in the removal and abatement of the nuisance, as certified by an itemized bill of costs signed by the City Clerk. The city shall have its right of action to recover all such costs. (Prior code § 8-325; 1221 Amended by Recodification, 11/19/2012)

Section 8.36.130 Right of entry.

The chief of police, chief of the fire department, fire marshal, building official, plumbing inspector, electrical inspector, health officer, City Manager or other authorized persons or their designees, or any person acting under orders from the named officers, shall have the authority to enter into and upon, and examine at any and all times, all buildings, lots and places of all description within the corporate limits of the city for the purpose of ascertaining the condition thereof. The chief of police, chief of the fire department, fire marshal, plumbing inspector, electrical inspector, building official, health officer or City Manager, or designee are vested with the power, jurisdiction and authority to give all such directions and adopt all such measures for rectifying or correcting any condition which may be a nuisance hereunder prior to the institution of

proceedings for the abatement, removal or prevention of same. Where the condition is voluntarily removed, abated or prevented, as directed by the city officials, no formal proceedings for abatement, prevention or removal of such nuisance shall be necessary. (Prior code § 8-326; 1221, Amended by Recodification, 11/19/2012)

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Chapter 8.40

OIL AND GAS DRILLING

Sections:

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- 8.40.440 Tubing, fittings may be inspected.
- 8.40.450 Transmission lines to comply with rules.
- 8.40.460 Performance bond required.

Section 8.40.010 Purpose and Prohibition of Drilling

In order to protect the public health, peace, safety and welfare of the city and its residents, this chapter is promulgated to establish a prohibition against oil and gas drilling and to further establish reasonable and uniform limitations, safeguards and controls in those instances in which drilling, operation and production of oil, gas and other hydrocarbon substances within the corporate limits of this city either currently exists or is allowed pursuant to existing federal law.

Oil and gas drilling within the corporate limits of the City of Sand Springs is hereinafter prohibited and it shall be an offense for any person or his agent, servant or employee to hereafter drill or produce or cause to be drilled or produced, any oil or gas or to perform any work or labor of any kind upon or in connection with the drilling or producing of oil or gas products; however, it shall not be an offense to do either of the above under the following conditions:

A. When the operation or maintenance of any oil or gas or mining operation was being lawfully carried on before the effective date of this ordinance; or

B. When the cleaning out or plugging of oil or gas wells has been determined necessary, by resolution or ordinance of the City of Sand Springs, to be in the best interest of the public health, safety and welfare.

2. Any violation of this ordinance shall be punishable pursuant to Chapter 1.20 of the Code of Ordinances of the City of Sand Springs.

3. All ordinances in conflict with this ordinance are hereby repealed.

4. An emergency exists for the preservation of the public health, peace and safety, and therefore, this Ordinance shall become effective from and after the time of its passage and approval.

Section 8.40.020 Minimum standards.

The provisions set forth in this chapter shall be considered as minimum requirements and shall not relieve any person, company or other business entity from any duty imposed by law or regulation to use reasonable care and take reasonable precautions for the safeguarding of people and the protection and noninterference with property rights. (Prior code § 5-1002)

Section 8.40.030 All future drilling to be regulated.

In order to protect areas of this city which have been developed or are planned to be developed in the future, in which drilling operations and production of oil, gas and other hydrocarbons are to be carried on, such operations are hereby regulated in order to protect the character of these areas from the inherent hazards of these operations and to provide protection from noise, congestion, heavy traffic and encourage a suitable environment for people, their homes, businesses, schools and parks. (Prior code § 5-1003)

Section 8.40.040 Well blowouts--Notice to city.

If any well blows out or becomes out of control, the operator shall immediately notify the City Manager of the city by telephone and the building official and the fire and police departments by telephone or personal contact. The operator shall immediately protect the area from pollution or other damages. The phone numbers of the City Manager, building official, and police and fire departments shall be posted at the well site in a conspicuous place. (Prior code § 5-1004)

Section 8.40.050 Insurance required.

A. Any person, firm, company or other entity drilling an oil or gas well shall post a certificate of insurance with and running to the city which has been executed by a company authorized to do business in the state showing that the company will pay and discharge any liability imposed by law for damages to public or private property and bodily injury, including death, in the following amounts and conditions:

1.	Bodily injury per person	\$1,000,000.00
2.	Property damage per occurrence, including but not limited to underground damage, explosion collapse, blowout, contamination, pollution and cratering	\$3,000,000.00

(1221, Amended by Recodification 11/19/2012)

B. Such person, firm, company or other entity drilling an oil or gas well shall maintain a current certificate during the term of any production. (Prior code § 5-1005)

Section 8.40.060 Deposits of oil or by-products in city limits prohibited unless permit granted.

It is a violation of this code for any person, firm or corporation to deposit, place, throw, divert, or in any manner dispose of or cause or permit to be deposited, placed, thrown, diverted or disposed of within the corporate limits of the city any crude petroleum oil or oily by-product thereof, or any tar or any product containing tar or any liquid with petroleum content or any oil substance thereof upon the waters of any lagoon, creek, or tributary thereof, or upon the banks thereof or upon any land adjacent

thereto which by reason of this location may cause such petroleum, oil or liquid with petroleum content to be deposited or diverted or may run or be transferred or carried into any lagoon or creek or the banks or tributaries thereof. However, the City Council may permit the depositing, placing or discharging of mud or slush in such places as they may approve or into pipelines properly approved by the City Council. (Prior code § 5-1006)

Section 8.40.070 Unlawful to deposit mud, oil, saltwater and other waste on land, streets, waters.

It is a violation for any person, firm or corporation to deposit, drain or divert into or upon any public highway, street or alley, drainage ditch, sewer, gutter, paving, creek, river, lake or lagoon, any oil or liquid with petroleum content or any oil substance or any mud, rotary mud, sand, water or salt water, or in any manner to permit by seepage, overflow or otherwise, any of such substances to escape from any property owned, leased or controlled by such person, firm or corporation and to flow or be carried into or upon such public highway, street or alley, drainage ditch, storm ditch, sewer, gutter, paving, creek, river, lake or lagoon within the corporate limits of the city, except in such cases where mud or slush is carried in pipeline as provided in the preceding section, or in such instances where oil by-products are used for maintenance of private lease roads. (Prior code § 5-1007)

Section 8.40.080 Roads to drilling sites.

A. All ingress and egress to oil and gas drilling sites shall be from section line roads, except upon approval of City Council. Special provision to prevent wind or water erosion of roadways by application of dust control agents will be required when in the opinion of the building official such treatment is necessary.

B. The city engineer or his designee shall inspect approved roadways for compliance with this section. (Prior code § 5-1008; 1221, Amended by Recodification 11/19/2012)

Section 8.40.090 Location of wells.

Oil and gas wells drilled in the city shall not be nearer than three hundred (300) feet from a surface property line or structure in existence at the time of commencement of drilling unless the location of the well is approved and written permission is granted by the City Council. (Prior code § 5-1009)

Section 8.40.100 Drilling wells in parks prohibited without permit.

No oil and gas wells shall be permitted to be drilled in any city park without permission of the City Council. (Prior code § 5-1010)

Section 8.40.110 Drilling, production requirements.

Any drilling of oil and gas wells or production in the city shall be subject to the following requirements:

A. During drilling operations, the engine shall be muffled the maximum amount recommended by the manufacturer of the engine;

B. During production, trucks may drain or otherwise service tank batteries only between eight a.m. and six p.m.;

C. The noise level of the pumping unit is not to exceed seventy (70) dba at a distance of thirty-three (33) feet therefrom;

D. An electrical centrifugal mud pump must be provided at each producing location for the purpose of pumping mud to the mud service trucks, thereby reducing ambient noise levels from vacuum pumps of mud trucks unless otherwise waived by the City Council; and

E. Metal tanks shall be used for the holding of all drilling wastes and fiberglass tanks may be used for holding saltwater. (Prior code § 5-1011)

Section 8.40.120 Electrical wiring requirements.

All electrical wiring and fixtures on or about any derrick, buildings, equipment, structures or tract of land upon which any well is drilled or put down, shall be run in accordance with the ordinances of the city governing electrical wiring installation. (Prior code § 5-1012)

Section 8.40.130 Structural inspection.

The building official shall check the well and equipment operated or maintained in connection with each well to determine if they are maintained or operated in a safe condition from a structural stand point. Discrepancies noted shall be detailed in writing and forwarded to the well operators. Discrepancies noted must be corrected within seventy-two (72) hours of the date of notification. (Prior code § 5-1013)

Section 8.40.140 Designation of inspectors by building official.

The building official shall have the right to designate an inspector or inspectors who shall have access to the well site for the purpose of observing the compliance with these rules. (Prior code § 5-1014)

Section 8.40.150 Fire protection, no smoking signs on crude oil tanks.

All crude oil tanks shall be painted within ninety (90) days after well completion and kept in proper painted condition after installation and have conspicuously upon their side in red letters at least six inches high the wording "Flammable Keep Fire Away" and "No Smoking." (Prior code § 5-1015)

Section 8.40.160 Tank construction standards--Wellheads fenced.

A. Metal or fiberglass tanks shall be so constructed as to have a factor of safety of at least 2.5.

B. All tanks shall have roofs or tops and the openings of tanks shall be fully protected. They shall be firmly and securely jointed to the tanks and all joints in both sides and top shall be gas tight and free from leakage as nearly as possible and lockable.

C. Any tank, the top of which is more than one foot above ground, shall have foundations and supports of noncombustible material and shall not be permitted under or within ten (10) feet of any aboveground outside storage tanks.

D. Tanks and wellheads shall be enclosed in woven wire fence of not less than nine gauge chain link wire mesh or not more than two inches, at least six feet high and with locked gates. Angular extension outwardly secured by three strands of barb wire shall be placed on top of the tank fence. Such fence shall be constructed not less than three feet distance from the outside of the base of embankment. The fence shall be installed prior to production. (Prior code § 5-1016)

Section 8.40.170 Location of combustible buildings from wellhole.

No building constructed of combustible materials shall be located or permitted to remain within fifty (50) feet of the wellhole. (Prior code § 5-1017)

Section 8.40.180 Inspection of site, waste, weeds, grass.

The building official shall check each well location within the corporate limits of the city to see that each is kept clean, and that all papers, trash and other flammable waste is picked up and removed. Sufficient quantities of shale or rock shall be in place to keep down weeds and provide a driving surface which will allow no dirt or mud to be left on public streets. The building official shall also check each well location to see that all grass or weeds, which in the judgment of the inspector constitute a fire hazard or a public nuisance, are removed. (Prior code § 5-1018)

Section 8.40.190 Permit fee.

The fee for permits, inspections or other activities provided for in this section shall be established by resolution of the city council. (Prior code § 5-1019; 1221, Amended by Recodification, 11/19/2012)

Section 8.40.200 Restoration of soil, site after completion of well--Lines buried.

Upon completion of the well, all contaminated soil shall be physically removed from the area and the area restored to its normal condition insofar as possible. All lines, including flow lines, gas lines, water lines, and electric lines, shall be buried to a minimum depth of twenty-four (24) inches. All lines, including flow lines, gas lines, water lines and electric lines, shall be buried to a minimum depth of twenty-four (24) inches.

All lines carrying corrosive materials shall be plastic internally and shall be plastic externally if required by soil conditions. The materials shall be of sufficient quality to serve the property for the life of the well. (Prior code § 5-1020)

Section 8.40.210 Enclosing tanks with earthen retaining walls.

Any tanks, batteries, separators, heater, and similar equipment shall be enclosed with earthen or other acceptable retaining walls with a storage capacity of at least one and one-half times the liquid capacity of the tanks within the storage. (Prior code § 5-1021)

Section 8.40.220 Cleanup of site if well abandoned.

In the event of abandoning operation because of failure of the well or wells to produce oil or gas in paying quantities, it is the duty of every person, firm, corporation,

or lessee owning any oil or gas well within the corporate limits of the city, and of the officers, agents and employees of such owners, to begin to remove all derricks, machinery, concrete foundations and any and all other objects that interfere with the leveling of the land, and to grade, level and restore the property to the same surface condition as nearly as possible as when the oil or gas well thereon was first commenced. The cleanup to begin within thirty (30) days from the day of such abandonment and to continue in a workmanlike manner which shall not exceed sixty (60) days. (Prior code § 5-1022)

Section 8.40.230 Inspection of fence and dikes.

The building official shall check the dikes and fences in and about each well to determine if they are properly maintained as required by this chapter or any other ordinances of the city. (Prior code § 5-1023)

Section 8.40.240 Enforcement by City Manager.

The City Manager and any employee designated by him or her is hereby directed and empowered to enforce the provisions of this chapter and persons, firms or companies drilling oil and gas wells shall promptly furnish any information requested by the City Manager or his or her designee, as to the status and conduct of their drilling or production operations. (Prior code § 5-1024)

Section 8.40.250 Authority to shut down well for noncompliance.

The City Manager or his or her designee may shut down the drilling or production of any oil and gas wells which are an immediate threat to the public safety and may also shut down the wells for violation of this chapter which are not corrected in a twenty-four (24) hour period after verbal notice to the operator of the particular violation involved. A written log of such communications will be on file. (Prior code § 5-1025)

Section 8.40.260 Penalty.

Any person, company or other business entity violating any of the provisions of this chapter or causing or permitting the same to be done, shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided in Section 1.20.010 of this code. Each day of violation shall be deemed a separate offense under this chapter. (Prior code § 5-1026)

Section 8.40.270 Fire hazards/gasoline prohibited near wells.

No gas or gasoline vapor in sufficient quantity to constitute a fire hazard shall be allowed to accumulate within a radius of one hundred (100) feet from any oil and gas well and the determination of the gas or vapor being in sufficient quantity to constitute a fire hazard shall be at the sole discretion of the city. (Prior code § 5-1027)

Section 8.40.280 Casing and pipe to be securely anchored.

Each string of casing or pipe within any well (except the outside surface casing) shall have the fitting thereon securely anchored to the casing immediately enclosing it. The provisions of this section in regard to requiring two master gates and the stems and

valves used in connection with the master gates shall not apply to wells which are on artificial lift or on pump. It is the duty of the building official to see that the provisions of this section are in compliance. (Prior code § 5-1028)

Section 8.40.290 Mud weighted for deep drilling.

Drilling below three thousand (3,000) feet shall be done with mud weighing at least 8.8 pounds per gallon. The hole should be kept full at designated weight at all times until the producing sand is reached. The mud shall be weighted at such intervals as may be determined by the inspector. When withdrawing the drill pipe, pipe shall be filled with mud after each eleven (11) stands have been withdrawn. Drilling the producing oil sand, however, may be done with oil in lieu of mud; provided, however, that if the oil is in circulation such oil shall not be over 30-B gravity with a flash point of not less than three hundred fifty (350) degrees Fahrenheit and after being so used shall be by the operation turned into a circulating tank instead of into the pits. If, at any time, the weight of such mud shall be less than specified herein, the building official of the city shall have the right to suspend drilling and all operations in or about such well until the weight of such mud shall comply herewith or the conditions of the oil shall be made to comply with the provisions of this chapter. (Prior code § 5-1029)

Section 8.40.300 Slush pits permitted, filled in.

Oil and gas wells drilled in the city may use slush pits constructed to prevent pollution of the surrounding land surfaces with the consent of the City Council. Within three months after any oil and gas well within the limits of the city shall have been completed for production of oil or gas, or within three months after the same shall have been completed in cases where the same is abandoned for the reason that a "dry hole" is found, the slush pit shall be filled with dirt and leveled off. (Prior code § 5-1030)

Section 8.40.310 Pits to be above floodplain--Drainage requirements.

A. All earthen pits shall be above the one hundred (100) year floodplain or properly diked above the one hundred (100) year floodplain with a dike which is sufficient to repel floodwater. Prior to the commencement of any drilling operation, an artificial barrier shall be constructed completely surrounding the well site no closer than fifty (50) feet from the well bore. The top of the artificial portion of the barrier to be constructed down drainage from the well shall be level at all points, at a height of no less than two feet above the ground level at the well bore, in order that any deleterious matter from the well or operations thereon would be trapped and stored before such matter can enter the natural drainage of the area. An adequate diversion ditch or dike shall be constructed across and around the uphill edge of the well site so that no surface drainage water can enter the area of the well location.

B. Any valve in the barrier shall be kept closed at all times. Any fluid trapped within the well site shall be pumped into steel tanks for storage and removal. The gate in the barrier may be temporarily opened under supervised conditions for rainwater drainage, and then only if it can be demonstrated that such rainwater has not been contaminated with oil, chemicals, salt or any other deleterious substances. (Prior code § 5-1031)

Section 8.40.320 Reserve pits.

Reserve pits shall be constructed within the barrier or as an alternative, drilling mud operations may be conducted in steel tanks inside the barrier which tanks shall be removed from the property immediately upon completion of the well. (Prior code § 5-1032)

Section 8.40.330 Conductor hole, casing.

Conductor casing shall be set a minimum of fifty (50) feet or to any greater depth required to penetrate the overlying alluvium, and thirty (30) feet into the red beds. The conductor hole shall be drilled with air or fresh water and native mud. No chemicals or foreign substances are to be added to the drilling fluid and cement shall be circulated to the surface. (Prior code § 5-1033)

Section 8.40.340 Surface casing holes, allowable substances.

The surface casing holes shall be drilled with air or fresh water using native mud or near location mud. Chemically inert substances such as bentonite, barrite, or lost-circulation material may be added to the fluid system as long as testing of the fresh water filtrate from a solution of the added material remains inert and of a nonpolluting nature. (Prior code § 5-1034)

Section 8.40.350 Centralizers, setting of cement.

Centralizers shall be placed near the base of the shoe joint, and at least every sixty (60) feet above that depth to the surface, in order to assure a good cement sheath. Cement shall be circulated to surface and allowed to set at least twenty-four (24) hours before reentering the well bore. (Prior code § 5-1035)

Section 8.40.360 Affidavit of well operator as to drilling, setting of well.

The operator shall certify by written affidavit that the well has been set according to good engineering practices. Such affidavit shall stipulate the number of sacks of cement, the class of cement, blended materials, weight of cement in pounds per gallon, cement displacement pressure, and final pumping pressure. Certification shall also stipulate whether check valves (float shoes, float collar) held the pressure. Beginning and ending times of the operation shall be stipulated. The form shall be completed by a cementing service company, signed by both the operator and the cementing service operator. (Prior code § 5-1036)

Section 8.40.370 Blowout preventer required.

A blowout preventer shall be installed on the surface casing prior to drilling below the casing shoe. The preventer shall be tested to assure it is in good working order and drilling or working over the well shall cease if the preventer is inoperative. (Prior code § 5-1037)

Section 8.40.380 Separators for oil and gas, requirements.

Separators shall be used at each well to adequately care for the output of the well, or both oil and gas without spraying oil through the separator vent lines. No gas

shall be produced, wasted or allowed to escape through a separator vent line at any time when the noise caused by such wasting, producing or escaping of gas shall be audible for a distance of three hundred (300) feet or more from the well. When it shall appear that an explosive mixture of gas may be accumulating near the ground, the inspector may require that the well be shut down until the gas is dissipated. All separators shall be vented either separately or through a manifold into a vent, the minimum shall be twenty-five (25) feet above the normal ground surface. The vent shall not be less than two inches in diameter. It shall not be closer than sixty-five (65) feet to the well hole, center line of street or the lease boundary. No separator shall be used which has less than one hundred twenty-five (125) pounds working pressure; provided, that all separators on which a pressure of greater than one hundred twenty-five (125) pounds per square inch shall be carried, shall be tested by the hydrostatic method to at least one and one-half times the working pressure to be carried on the separator. (Prior code § 5-1038)

Section 8.40.390 Vent lines.

All vent lines shall be fastened with at least three steel guy lines to each vent, the guy lines to be securely anchored to "deadmen" buried not less than two feet under ground and not less than twenty (20) feet from such vent. (Prior code § 5-1039)

Section 8.40.400 Permits for crude oil tank storage.

Permits shall be obtained from the City Council for the erection of tanks for the storage of crude oil within the city limits other than those specified in the original permit; each request or permit must be accompanied by a diagram showing exact location, arrangement, size and construction of each tank. (Prior code § 5-1040)

Section 8.40.410 Storage requirements of crude oil.

A. The storage of crude oil shall be outside buildings in aboveground tanks. Tanks must be set no nearer than fifty (50) feet from non-fireproof buildings or from outside block lines; provided however, that an application in writing may be made to the City Manager and, when approved by him or her and the City Council, setting the tanks at a nearer distance may be allowed. Such distance may be increased at the discretion of the City Council after consideration of special features such as topographical conditions, nature of occupancy and proximity to buildings or adjoining property, and height and character of construction of such buildings, capacity and construction of proposed tanks and degree of public fire protection in the vicinity.

B. A total capacity of an aboveground battery of crude oil storage tanks shall be limited to one thousand fifty (1,050) barrels utilizing low profile tanks and each tank shall have the capacity not to exceed two hundred ten (210) barrels.

C. All tanks shall be provided with pressure vacuum vent system sufficient to adequately dispense excess gas from the tanks. Vent openings may be made removable, but shall be kept firmly attached. The covers for manholes, handholes and gauge holes shall be made tight fitting and lockable. (Prior code § 5-1041)

Section 8.40.420 Portable pumping unit requirements.

Every person, firm or corporation operating a portable pumping unit used for the pumping of oil within the corporate limits of the city shall equip the same, before the operation or use thereof, on both the suction and discharge sides, with steel flexible tubing or pipe composed of some other material that is approved by the City Manager. All pumping units shall be operated by electric motors unless otherwise permitted by the City Council. (Prior code § 5-1042)

Section 8.40.430 Valves, gates, pipelines to be inspected.

The building official may check all the master gates, valves, pipes, pipelines, tank batteries, pipe connections and fitting upon each well to see if they are maintained in sufficient number and size as provided by the ordinances of the city and the state and shall also check to see if they are tight, safe and not leaking. A high-low safety valve pressure control shall be installed adjacent to the well head in the flow line to control high and low pressure. The high-low pressure valve may be checked once a month. (Prior code § 5-1043)

Section 8.40.440 Tubing, fittings may be inspected.

The building official may check any pressure line, tubing or fittings, equipment or connections maintained in connection with such lines or tubing to see if they are tight, safe and not leaking. (Prior code § 5-1044)

Section 8.40.450 Transmission lines to comply with rules.

All transmission lines for the gathering or transmission of gas or oil shall comply with ordinances of the city and all applicable state and federal laws regulating these lines. (Prior code § 5-1045)

Section 8.40.460 Performance bond required.

All persons, firms, partnerships, corporations or individuals, who drill or produce oil, gas or other hydrocarbons, shall furnish the city with a good and sufficient performance bond, unconditioned irrevocable letter of credit or cash equivalent in joint deposit in the principal amount of ten thousand dollars (\$10,000.00), as a guarantee that the drilling or production done shall be in accordance with the requirements of this chapter. (Prior code § 5-1046)

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Chapter 8.44

OPEN BURNING AND EMISSION CONTROL

Sections:

- 8.44.010 Definitions.**
- 8.44.020 Open-burning restrictions.**
- 8.44.030 Prohibition of salvage operations by open-burning.**
- 8.44.040 Exceptions.**
- 8.44.050 Restrictions on open-burning of agricultural wastes.**
- 8.44.060 Incinerators--Definitions applicable.**
- 8.44.070 Incinerators.**
- 8.44.080 Restrictions on emission color.**
- 8.44.090 Restrictions on particulate matter.**
- 8.44.100 Existing incinerators must comply.**
- 8.44.110 Control of air pollution from smoke and particulate matter--Definitions.**
- 8.44.120 Control of smoke emissions from new installations.**
- 8.44.130 Emissions from installations.**
- 8.44.140 Emissions from safety flares and other similar devices.**
- 8.44.150 Method of measurement.**
- 8.44.160 Limits on visible emissions other than gray or black.**
- 8.44.170 Ambient air quality standards for particulate matter.**
- 8.44.180 Emission limits for particulate matter from specific activities.**
- 8.44.190 Other exceptions to emission limits.**

Section 8.44.010 Definitions.

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

"Health officer" means the director of the Tulsa City-County Health Department or his or her authorized representative.

"Open-burning" means the burning of any matter in such manner that the products of combustion resulting from the burning are emitted directly into the open atmosphere.

"Refuse" means any combustible waste material other than liquids or gases.

"Salvage operation" means any business, trade, industry or other activity conducted in whole or in part for the purpose of salvaging or reclaiming any product or material such as metals or chemicals.

"Trade waste" means solid, liquid or gaseous material resulting from the construction or the prosecution of any business, trade or industry, or any demolition operation, including but not limited to, plastics, cartons, grease, oil, chemicals and cinders. (Prior code § 8-701)

Section 8.44.020 Open-burning restrictions.

No person shall dispose of refuse or trade waste by open-burning, or cause or permit such disposal except as provided below:

A. Any open burning of refuse permitted by this section shall be permitted only between three hours after sunrise and three hours before sunset, and no additional fuel may be intentionally added to the fire at times outside the limits above stated;

B. Open-burning of refuse on residential premises or refuse originating in dwelling units on the same premises shall not be a violation of this chapter in areas of low population density. The health officer, after consultation with the City Manager or refuse collection and disposal, shall select and publish the specific boundaries of areas in which such open-burning of refuse will not be in violation of this chapter. In selecting such areas, he or she shall use a density of one dwelling unit per ten (10) acres as an approximate definition of areas of low population density. The health officer shall select and publish revised boundaries, as described above, from time to time as population density changes;

C. Outdoor burning in connection with the preparation of food;

D. Campfires and fires used solely for recreation purposes or for ceremonial occasions, not burning refuse or trade wastes;

E. Fires purposely set for purposes of training public or private firefighting personnel, when authorized by the appropriate governmental entity; and

F. Fires set or required by a public officer for the abatement of nuisances and which are necessary and unavoidable in carrying out public health and safety functions. (Prior code § 8-702)

Section 8.44.030 Prohibition of salvage operations by open-burning.

No person shall conduct or cause or permit the conduct of a salvage operation by open-burning. (Prior code § 8-703)

Section 8.44.040 Exceptions.

The open-burning of trade wastes may be permitted when it can be shown that such open-burning is necessary and in the public interest. Any person intending to engage in open-burning of trade wastes shall file a request to do so with the health officer. The application shall state the following:

A. The name, address and telephone number of the person who submitted the application;

B. The type of business or activity involved;

C. A description of the proposed equipment and operating practices; the type, quantity and composition of trade wastes to be burned;

D. The schedule of burning operations;

E. The exact location where open-burning will be used to dispose of trade waste;

F. Reasons why no method other than open-burning can be used for disposal of trade waste;

G. Evidence that the proposed open-burning has been approved by the city fire department; and

H. Upon approval of the application by the health officer, the person may proceed with the operation without being in violation of this chapter. (Prior code § 8-704)

Section 8.44.050 Restrictions on open-burning of agricultural wastes.

The open-burning of plant life is prohibited. Provided that the open-burning of plant life grown on the premises in the course of any agricultural operation may be permitted when it can be shown that such open-burning is necessary and that no fire hazard will occur. Any person intending to dispose of plant life by open-burning shall file a request to do so with the health officer, on forms provided by him or her. Such form may require the provisions of such information as the health officer may reasonably need to determine the air pollution aspects of the situation and whether the request should be granted. The applicant shall furnish the health officer evidence that the proposed open-burning has been approved by the city fire department. Upon approval of the application by the health officer, the person may proceed with the operation without being in violation of this chapter. Any open-burning permitted under provisions of this section shall be permitted only between the hours of six a.m. and ten a.m. (Prior code § 8-705)

Section 8.44.060 Incinerators--Definitions applicable.

It is the purpose of this section to establish controls for the construction and operation of incinerators to prevent undesirable levels of air contaminants in the atmosphere, while maintaining compliance with the existing fire prevention code of the city. The definitions in Section 8.44.010 of this chapter apply to this section and the additional terms defined in this section have the meanings given them herein when used in this section:

"Incinerator" means any device, structure or contrivance intended or used to dispose of refuse or other wastes by burning and the processing of salvable material by burning.

"Multiple chamber incinerator" means any incinerator consisting of two or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and adequately designed for maximum combustion of the material to be burned.

"Refuse," notwithstanding definitions in other sections, as used in this section, the word refuse includes garbage, rubbish, trade wastes, leaves, salvable material, agricultural wastes and other wastes. (Prior code § 8-706)

Section 8.44.070 Incinerators.

All incinerators shall meet the following provisions:

A. No incinerator shall emit into the atmosphere any air contaminant in quantities detrimental to health or property, or adversely affecting the use or enjoyment of property;

B. Two copies of plans and specifications or manufacturers' descriptive literature, or both, if available, shall be filed with the health officer thirty (30) days prior to the installation, construction, reconstruction or alteration of any incinerator. The material

so filed shall show the general location, design, capacity, amount and type of waste to be incinerated, fire chamber details, stack or chimney details and location with reference to neighboring properties; and

C. All new incinerators shall be multiple-chamber incinerators, provided that the health officer may approve any other kind of incinerator if he or she finds in advance of construction or installation that such other kind of incinerator is equally effective for purposes of air pollution control as an approved multiple-chamber incinerator. (Prior code § 8-707)

Section 8.44.080 Restrictions on emission color.

A. Emissions from new incinerators shall not be:

1. Of a shade or density equal to or darker than that designated as No. 1 on the Ringelmann Chart; or

2. Of such opacity as to obscure an observer's view to a degree equal to or greater than No. 1 on the Ringelmann Chart except that air contaminants of a shade or opacity not greater than that designated as No. 2 on the Ringelmann Chart may be emitted for aggregate periods not to exceed six minutes, in any sixty (60) minutes; the shade or opacity of air contaminants shall be measured at its point of emission.

B. Emissions from existing incinerators shall not be:

1. Of a shade or density equal to or darker than that designated as No. 2 on the Ringelmann Chart; or

2. Of such opacity as to obscure an observer's view to a degree equal to or greater than No. 2 on the Ringelmann Chart, exclusive of water vapor. (Prior code § 8-708)

Section 8.44.090 Restrictions on particulate matter.

No person shall cause, suffer, allow or permit to be discharged into the outdoor atmosphere:

A. From any incinerator burning less than two hundred (200) pounds of refuse per hour, particulate matter to exceed 0.3 grains per standard cubic foot of dry flue gas, adjusted to twelve (12) percent carbon dioxide and calculated as if no auxiliary fuel had been used; or

B. From any incinerator burning two hundred (200) pounds or more of refuse per hour, particulate matter to exceed 0.2 grains per standard cubic foot of dry flue gas, adjusted to twelve (12) percent carbon dioxide and calculated as if no auxiliary fuel had been used. (Prior code § 8-709)

Section 8.44.100 Existing incinerators must comply.

All existing incinerators shall meet all of the provisions of the foregoing sections. (Prior code § 8-710)

Section 8.44.110 Control of air pollution from smoke and particulate matter--Definitions.

It is the purpose of this section to establish air standards for the city in order to define and prevent undesirable levels of smoke and particulate matter. The definitions

of Sections 8.44.010 and 8.44.060 apply to Sections 8.44.120 to 8.44.190. The additional terms defined in this section have the meanings given to them herein when used in these sections:

"Emergency" means any departure from normal operations resulting in the temporary emissions of smoke or particulate matter above the specified standards.

"Equivalent opacity" means the degree to which an emission, other than gray or black smoke, obscures the view of an observer, expressed as an equivalent of the obstruction caused by a gray or black smoke emission of a given density, as measured by a Ringelmann Smoke Chart.

"Particulate matter" means any material, except uncombined water, that exists in a finely divided form as a liquid or solid. The term "suspended particulate matter" is used to distinguish such liquid or solid matter from material which settles rapidly due to gravity.

"Smoke" means small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon and other combustible materials, and present in sufficient quantity to be observable. (Prior code § 8-711)

Section 8.44.120 Control of smoke emissions from new installations.

The emission of smoke from any new combustion unit or from any type of burning in a combustion unit, including the incineration of industrial, commercial and municipal wastes, shall not be of a shade or density equal to or darker than that designated as No. 1 on the Ringelmann Smoke Chart, except that smoke emitted during the cleaning of a fire box or the building of a new fire, soot-blowing, equipment changes, ash removal and rapping of precipitators may be as dark as or darker than No. 1 on the Ringelmann Smoke Chart for a period or periods aggregating not more than six minutes in any sixty (60) consecutive minutes. (Prior code § 8-712)

Section 8.44.130 Emissions from installations.

All existing installations shall meet the provisions of Section 8.44.120. The emission of smoke from any existing combustion unit or from any type of burning in a combustion unit, including the incineration of industrial, commercial and municipal wastes, shall be controlled so that the shade or appearance of the emission is not as dark as nor darker than No. 2 on the Ringelmann Smoke Chart, except that smoke emitted during the cleaning of a fire box or the building of a new fire, soot-blowing, equipment changes, ash removal and rapping of precipitators may be as dark as or darker than No. 2 on the Ringelmann Smoke Chart for a period or periods aggregating not more than six minutes in any sixty (60) consecutive minutes. (Prior code § 8-713)

Section 8.44.140 Emissions from safety flares and other similar devices.

All safety flares and other similar devices used for burning in connection with pressure valve releases and for control over process upsets shall be equipped with air pollution control equipment so as to reduce the smoke emissions so that the shade or appearance of the emission is not as dark as nor darker than No. 1 on the Ringelmann

Smoke Chart for more than aggregate time of six hours in any ten (10) day period, except for temporary emission during periods of start-up and shut-down of continuous process units. The temporary emission shall not occur for more than six hours out of any twenty-four (24) consecutive hours. (Prior code § 8-714)

Section 8.44.150 Method of measurement.

The Ringelmann Chart published and described in the U.S. Bureau of Mines Information Circular 7718 or the U.S. Public Health Service Smoke Inspection Guide as described in the Federal Register, Title 42, Chapter 1, Subchapter F, Part 75, shall be used in grading the shade or opacity of visible air contaminant emissions. The health officer may specify other means of measurement which give comparable results or results of greater accuracy. The two publications described in this section are hereby made a part of this chapter by reference. (Prior code § 8-715)

Section 8.44.160 Limits on visible emissions other than gray or black.

No person shall cause, suffer, allow or permit emissions from any existing or new installation a visible plume other than gray or black with an opacity equal to or greater than an equivalent opacity of No. 2 on the Ringelmann Smoke Chart, except uncombined water vapor and except that visible plumes emitted during rapping of precipitators, removal of collected dust and equipment changes may be equal to or greater than an equivalent opacity of No. 2 on the Ringelmann Smoke Chart for a period or periods aggregating not more than six minutes in any sixty (60) consecutive minutes, nor more than six (6) hours in any ten (10) day period. (Prior code § 8-716)

Section 8.44.170 Ambient air quality standards for particulate matter.

The concentrations of particulate matter in the atmosphere higher than the levels specified below for the various land use areas constitute undesirable levels, whether the sources are from natural causes or from the activities of man, and a state of air pollution exists when concentrations of particulates exceed these levels. The ambient air quality for an area shall be determined on the basis of not less than ten (10) twenty-four (24) hour samples taken within a thirty (30) day period of time. The ambient air quality for an area is considered as failing to meet the standards stated below if the ambient atmosphere of the area, based on the requisite twenty-four (24) hour samples, exceeds these levels more than ten (10) percent of the time on a log-normal cumulative frequency distribution.

- A. Concentration Levels:
 - 1. Rural is not to exceed sixty (60) micrograms of particulate matter per cubic meter of air;
 - 2. Residential and recreational are not to exceed eighty (80) micrograms of particulate matter per cubic meter of air;
 - 3. Commercial and business are not to exceed one hundred (100) micrograms of particulate matter per cubic meter of air; and
 - 4. Industrial is not to exceed one hundred twenty (120) micrograms of particular matter per cubic meter of air;

B. Area Classification. Rural, residential, commercial and industrial area classifications are defined on the basis of their predominant land use and are not to be considered as part of a local or statewide zoning system. The health officer shall decide the proper definition of an area; and

C. Sampling and analysis to determine the concentration of particulate matter shall be performed in accordance with engineering guides prepared by the health department. These procedures will be consistent with obtaining accurate results which are representative of the conditions being evaluated and will be subject to revision as experience or knowledge dictate. (Prior code § 8-717)

Section 8.44.180 Emission limits for particulate matter from specific activities.

A. Emission of Particulate Matter From Fuel-Burning Equipment. No person shall cause, suffer, allow or permit particulate matter caused by the combustion of fuel to be discharged from any stack or chimney into the atmosphere, in excess of the hourly rate set forth in the following table:

Heat Input in Million British Thermal Units Per Hour	Maximum Allowable Emissions of Particulate Matter in Pound per Million British Thermal Units
Up to and including 10	0.60
100	0.35
1,000	0.20
10,000	0.12

1. For a heat input between any two consecutive heat inputs stated in the preceding table, maximum allowable emissions of particulate matter are shown on Figure 1 set out hereinafter;

2. For the purposes hereof, heat input shall be calculated as the aggregate heat content of all fuels (using the upper limit of their range of heating value) whose products of combustion pass through the stack or chimney;

3. When two or more fuel-burning units are connected to a single stack, the combined heat input of all units connected to the stack shall be used to determine the allowable emission from the stack; and

4. When a single fuel-burning unit is connected to two or more stacks, the allowable emission from all the stacks combined shall not exceed that allowable for the same units connected to a single stack.

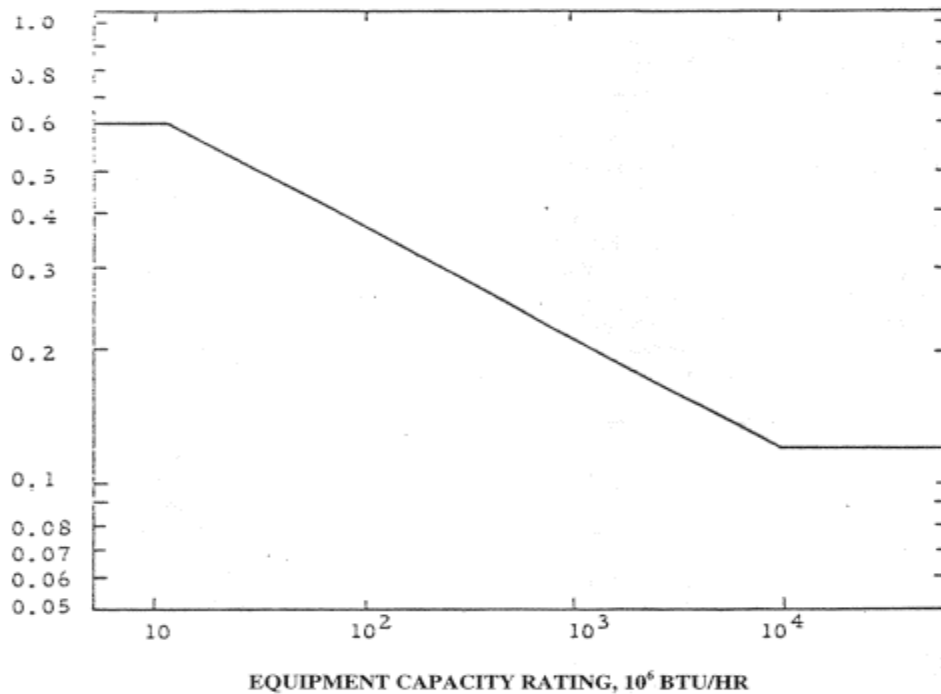


Figure 1. Particulate Matter Emission Limits for Fuel-Burning Equipment.

B. Emission of Particulate Matter From Industrial Processes. General provisions:

1. This section applies to any operation, process or activity except the burning of fuel for indirect heating in which the products of combustion do not come into direct contact with process materials and except the burning of refuse and except the processing of salvageable material by burning, and except existing foundry cupolas;

2. Process weight per hour is the total weight of all materials introduced into any specific process which process may cause any discharge of particulate matter. Solid fuels charged will be considered as a part of the process weight, but liquid and gaseous fuels and combustion air will not. For a cyclical or hatch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation the process weight per hour will be derived by dividing the process weight for a typical period of time by the time period;

3. The process weight per hour referred to in this section shall be based upon the normal operation, maximum capacity of the equipment and if such normal maximum capacity should be increased by process or equipment changes, the new normal maximum capacity shall be used as the process weight in determining the allowable;

4. Emission tests relating to this regulation shall be made following the current standards in ASME "Power Test Code PTC 27" entitled "Determining Dust Concentration in a Gas Stream"; and

5. Except as provided for hereinbefore, the emission of particulate matter in any one hour from any source shall be limited as follows:

a. To the amount shown in Table 1 hereinafter, for the process weight allocated to such source; or

b. No person shall cause, suffer, allow or permit the emission of particulate matter from any source in a concentration in excess of 0.3 grain per standard cubic foot of exhaust gases. If provisions of this subsection would permit a greater emission of particulate matter per hour than allowed by other subsections, the provision of this subsection shall not apply.

C. Emission of Particulate Matter From Existing Foundry Cupolas:

1. Every existing foundry cupola shall be equipped with air pollution control equipment which collects not less than eighty-five (85) percent of the particulate matter which would be emitted without the use of such control equipment; and

2. No person shall cause, suffer, allow or permit the emission of particulate matter from any existing foundry cupola in a concentration in excess of 0.4 grains per standard dry cubic foot of exhaust gas. If provisions of this subsection would permit an emission of a greater weight of particulate matter per hour than is allowed by subsection (C)(1) hereof, then the provisions of this subsection shall not apply.

TABLE 1

Process Weight Rate Lb/Hr		Rate of Emission Tons/of this subsection Hr	Process Weight Rate		Rate of Emission Lb/Hr
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.00	19.2
600	0.30	1.83	30,000	15.00	25.2
800	0.40	2.22	40,000	20.00	30.2
1,000	0.50	2.58	50,000	25.00	35.4
1,500	0.75	3.38	60,000	30.00	40.0
2,000	1.00	4.10	70,000	35.00	41.3
2,500	1.25	4.76	80,000	40.00	42.5
3,000	1.50	5.38	90,000	45.00	43.6
3,500	1.75	5.96	100,000	50.00	44.6
4,000	2.00	6.52	120,000	60.00	46.3
5,000	2.50	7.58	140,000	70.00	47.8
6,000	3.00	8.56	160,000	80.00	49.0
7,000	3.50	9.49	200,000	100.00	51.2
8,000	4.00	10.4	1,000,000	500.00	69.0
9,000	4.50	11.2	2,000,000	1,000.00	77.6
10,000	5.00	12.0	6,000,000	3,000.00	92.7
12,000	6.00	13.6			

Interpolation of the data in this table for process weight rates up to sixty thousand (60,000) lbs/hr shall be accomplished by use of the equation:

$$E = 4.10 p^{0.67}$$

and interpolation and extrapolation of the data for process weight rates in excess of sixty thousand (60,000) lbs/hr shall be accomplished by use of the equation:

$$E = 55.0 p^{0.11} - 40, \text{ where } E = \text{rate of emission in lb/hr and} \\ P = \text{process weight rate in tons/hr}$$

(Prior code § 8-718)

Section 8.44.190 Other exceptions to emission limits.

A. Temporary emissions of particulate matter during periods of cleaning or adjusting process equipment shall not exceed one hundred fifty (150) percent of the limits as set forth in the above sections for a period or periods aggregating not more than six minutes in any sixty (60) consecutive minutes.

B. Upon the occurrence of an emergency, as defined herein, the emitter shall notify the City Manager as to the nature and estimated duration of the emergency. The health officer may waive the requirements of this regulation for a period up to seventy-two (72) hours. If the estimated or actual duration is greater than seventy-two (72) hours, the emitter may apply to the health officer for a variance. (Prior code § 8-719)

Chapter 8.48

TRASH AND WEEDS

Sections:

- 8.48.010 Accumulation of trash or weeds unlawful.**
- 8.48.020 Definitions.**
- 8.48.030 Reports of accumulation of grass, weeds or trash on property.**
- 8.48.040 Notice, hearing and abatement.**
- 8.48.050 Determination and assessment of costs.**
- 8.48.060 Lien on the property--Civil remedy.**
- 8.48.070 Uses and properties exempted.**

Section 8.48.010 Accumulation of Weeds or Trash Unlawful.

It is unlawful for any owner or person otherwise in possession or control of any lot, tract or parcel of land situated wholly or in part within the corporate limits of the city to allow trash or weeds to grow, stand or accumulated upon such premises and it is the duty of such owner or person or control of any lot, tract or parcel of land to remove or destroy any such trash or weeds. (Prior code § 8-401; 1176, amended 04/13/2009.)

Section 8.48.020 Definitions.

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

"Cleaning" means the removal of trash from property.

"Owner" means the owner of record as shown by the most current tax rolls of the County Treasurer;

"Trash" means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which is uncared for, discarded or abandoned; and

"Weeds" means and includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:

1. 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, shrubbery, or produce 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;
2. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;
3. Harbors rodents or vermin;
4. Gives off unpleasant or noxious odors;
5. Constitutes a fire or traffic hazard; or
6. Is dead or diseased.

The term "weed" does not include tended crops on land zoned for agricultural use which are planted more than one hundred fifty (150) feet from a parcel zoned for other than agricultural use. (Prior code § 8-402; Ord. 961, § 1, eff. December 20, 1999)

Section 8.48.030 Reports of accumulation of grass, weeds or trash on property.

Reports of an accumulation of trash or the growth of grass and weeds, or both of these conditions, shall be received and investigated by the code enforcement officer, or any other person authorized by the city manager, upon citizen complaint or upon his or her own notice. The property where the resulting accumulation or growth is occurring shall be deemed a public nuisance if it appears to be:

- A. Detrimental to the health, safety or welfare of the public and the community;
- B. A hazard to traffic; or
- C. A fire hazard. (Prior code § 8-403; Ord. 961, § 2, eff. December 20, 1999)

Section 8.48.040 Notice, hearing and abatement.

A. Upon receiving a report and making a determination that a public nuisance exists as provided for in Section 8.48.030 of this chapter, the code enforcement officer, or any other person authorized by the City Manager, shall give at least ten (10) days notice to the owner of the property by mail at the address shown by the current year's tax rolls in the County Treasurer's office before a hearing may be held or action taken.

B. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and such notice shall further state that unless such work is performed within ten (10) days of the date of the notice, the work shall be done by the city and a notice of lien shall be filed with the County Clerk against the property for the costs due and owing the city. At the time of mailing of notice to the property owner, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer.

C. If the property owner cannot be located within ten (10) days from the date of mailing by the city, notice may be given by posting a copy of the notice on the property or by publication in a newspaper of general circulation, as provided for by state law, one time not less than ten (10) days prior to any hearing or action by the city.

D. The property owner, within ten (10) days from the date of the notice, may give his or her written consent to the city authorizing the removal of the trash or the mowing of the weeds or grass. By giving such written consent, the property owner waives his or her right to a hearing by the city.

E. A hearing may be held by the City Manager or his or her designee upon filing written notice with the City Clerk by the property owner within ten (10) days from the date of the notice. A date and time shall be set for said hearing, and the property owner shall be notified of such hearing in writing. The filing of a written notice of hearing with the City Clerk shall operate to stay any action by the city against the property. The City Manager or his or her designee shall then hear the matter and shall receive information thereon, including anything which may be presented by the owner of the property, personally or by agent or attorney. If the City Manager or his or her designee determines that any of the conditions specified in Section 8.48.030 of this chapter exist upon the property, he or she may order the property to be cleaned of trash and/or the weeds or grass to be cut, removed or destroyed unless within ten (10) days from the issuance of his or her order, the property owner either:

1. Cuts, removes or destroys the trash or weeds in accordance with the notice;

2. Gives written consent authorizing the city to abate the trash or weeds, thereby waiving his or her right to further hearing; or

3. Appeals to the City Council from the order of the City Manager or his or her designee.

F. An appeal to the City Council from the order of the City Manager or his or her designee shall be taken by filing written notice with the City Clerk within ten (10) days after the administrative order is rendered. The filing of written notice of appeal with the City Clerk shall operate to stay the enforcement of the order of the City Manager appealed from. As soon thereafter possible, and upon not less than ten (10) days notice to the property owner, the City Council shall consider the matter de novo.

G. If the public nuisance continues to exist upon expiration of the notice, hearing or appeal processes as provided for in subsections A through F of this section, employees of the city or agents contracted by the city are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, and performance of the necessary duties as a governmental function of the city.

H. Immediately following the cleaning and/or mowing of the property, the City Clerk shall file a notice of lien with the County Clerk describing the property and the work performed by the city, and stating that the city claims a lien on the property for the cleaning and/or mowing costs.

I. If a notice is given by the city to a property owner ordering the property within the city limits to be cleaned of trash and/or weeds or grass to be cut or mowed in accordance with the procedures provided for in the subsections A through H of this section, any subsequent accumulations of trash or excessive weed or grass growth on the property occurring within a six-month period may be summarily abated without further prior notice to the property owner provided the initial notice to the property owner shall state: "that any accumulations of trash or excessive weed or grass growth on the owner's property occurring within six months from and after the date of this notice may be summarily abated by the city, that the costs of such abatement shall be assessed against the owner, and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner." At the time of each summary abatement, the city shall notify the property owner of the abatement and the costs thereof. The property owner may request a hearing regarding the costs of each summary abatement as provided for in Section 8.48.050(A) of this chapter. This subsection shall not apply if the records of the County Clerk show the property was transferred after notice was given. (Prior code § 8-404; Ord. 899, § 1, eff. August 12, 1996; Ord. 961, § 3, eff. December 20, 1999)

Section 8.48.050 Determination and assessment of costs.

A. Upon completion of the work ordered to be performed under Section 8.48.040 of this chapter, the City Clerk shall determine the actual cost of such cleaning and mowing and any other expenses as necessary in connection therewith, including the cost of notice and mailing. The City Manager or his or her designee shall examine the report and, after receiving appropriate information, shall determine the total cost of

the work. Thereafter, the City Clerk shall forward by mail to the property owner at the address shown by the current tax rolls of the County Treasurer of the county in which the property is located a statement of the actual costs and demand for payment. If the cleaning and mowing are done by the city, the cost to the property owner for the cleaning and mowing shall not exceed the actual cost of the labor, maintenance and equipment required. If the cleaning and mowing are done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

B. The property owner shall have a right to appeal to the City Council from the assessment rendered by the City Manager or his or her designee. Such appeal shall be taken and held in accordance with the provisions of Section 8.48.040(F) of this chapter. (Prior code § 8-406; Ord. 961, § 5, eff. December 20, 1999)

Section 8.48.060 Lien on the property--Civil remedy.

A. If payment is not made within thirty (30) days from the date of the mailing of the statement, the City Clerk shall forward a certified statement of the amount of the cost to the County Treasurer of the county in which the property is located, and same shall be levied on the property and collected by the County Treasurer as other taxes authorized by law. Until fully paid, the cost and the interest thereon shall be the personal obligation of the property owner from and after the date the cost is certified to the County Treasurer. In addition, the cost and the interest thereon shall be a lien against the property from the date the cost is certified to the County Treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost shall be fully paid.

B. At any time prior to collection as provided for in this section, the city may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, if any, the City Clerk shall forward to the County Treasurer a notice of such payment and directing discharge of the lien. (Prior code § 8-407; Ord. 961, § 6, eff. December 20, 1999)

Section 8.48.070 Uses and properties exempted.

The provisions of this section shall not apply to any property zoned and used for agricultural purposes, or to railroad property under the jurisdiction of the Oklahoma Corporation Commission. However, the City may cause the removal of weeds or trash from property zoned and used for agricultural purposes pursuant to the provisions of this section but only if such weeds or trash pose a hazard to traffic and are located in, or within ten (10) yards of, the public right-of-way. (Ord. 961, § 8, eff. December 20, 1999)

Chapter 8.52

SILTATION OF STREETS, SIDEWALKS, ALLEYS AND DRAINAGEWAYS

Sections:

- 8.52.010 Siltation of Streets, Sidewalks, Alleys and Drainage Ways Prohibited**
- 8.52.020 Removal of Siltation Upon Streets, Sidewalks, Alleys and Drainage Ways**
- 8.52.030 Penalties**

Section 8.52.010 Siltation of Streets, Sidewalks, Alleys and Drainage Ways Prohibited

No individual, firm or corporation shall permit any lot, parcel, yard, parkway or spaces abutting thereon, owned, occupied or controlled by same, or agents thereof, to remain without adequate vegetative cover or sedimentation control measures when the absence of vegetative cover or sedimentation control measures results in the depositing of silt or sediment in such quantities so as to cause a hazard or impediment to pedestrian or vehicular traffic and/or causes or contributes to an obstruction or impediment to any public storm sewers or drainage ways.

Section 8.52.020 Removal of Siltation Upon Streets, Sidewalks, Alleys and Drainage Ways

A. Any silt or sedimentation deposited on streets, sidewalks or alleys in such quantities to as to cause a hazard or impediment to pedestrian or vehicular traffic and/or cause or contribute to an obstruction or impediment to any public storm sewers or drainage ways shall be removed immediately by the individual, firm or corporation, or agents thereof, having control for the lot, parcel, yard, parkway or spaces abutting thereon, where adequate vegetative cover or sedimentation control measures are absent.

B. Upon failure of the individual, firm or corporation, or agents thereof, to remove same, the City of Sand Springs, Oklahoma, shall effect removal in a manner adequate to restore the customary use of streets, sidewalks and alleys by vehicles and pedestrians and/or restore the customary function of public storm sewers or drainage ways.

C. All costs for such silt and sedimentation removal by the City of Sand Springs, Oklahoma, shall be tabulated and charged to the individual, firm or corporation, or agents thereof, having control of the lot, parcel, yard, parkway or spaces abutting thereon where adequate vegetative cover or sedimentation control measures are absent.

Section 8.52.030 Penalties

Any individual, firm or corporation found to be in violation of this chapter shall be deemed guilty of a Class C offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this Code. Each day that any violation of this chapter is committed shall constitute a separate offense.

(1081, Amended, 08/09/2004, Amended 8.52.030 to Class "C")

Chapter 8.53

REMEDATION OF CONTAMINATED PROPERTY AFTER THE DISCOVERY OF METHAMPHETAMINE OR OTHER NOXIOUS, HAZARDOUS OR TOXIC SUBSTANCES.

Sections:

- 8.53.010 Purpose and Intent.**
- 8.53.020 Reports of Methamphetamine or Other Noxious, Hazardous and Toxic Substance Activity.**
- 8.53.030 Prohibition of Occupancy.**
- 8.53.040 Public Notice of Contamination.**
- 8.53.050 Assessment and Remediation.**
- 8.53.060 Acceptable Levels of Contamination.**
- 8.53.070 Cleanup and Safety Standards.**
- 8.53.080 Final Report.**
- 8.53.090 Penalty.**

Section 8.53.010 Purpose and Intent.

A. The purpose of this ordinance is to protect occupants of real property, as well as occupants of adjoining properties and the public at large, from hazardous and contaminated living environments by requiring owners of real property to remediate contamination of property caused by methamphetamine activity, or activities involving other noxious, hazardous and toxic substances, prior to resumed occupancy pursuant to the standards and conditions described in this Chapter. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

B. 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. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 12/19/2012)

C. 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. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

D. Exempt from provisions of this Chapter are commercial or industrial firms properly zoned and/or 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. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

Section 8.53.020 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 Sand Springs Police Department. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

Section 8.53.030 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 8.52.060 of this Chapter, use of the property for human habitation is prohibited. Additionally, this prohibition shall apply to any contaminated mobile home relocated to the Sand Springs city limits, if not owner occupied, requiring the owner to provide a report as described herein prior to occupancy. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

Section 8.53.040 Public Notice of Contamination.

A. Upon informing of or discovery by the Sand Springs Policy 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 Sand Springs Code Enforcement Officer or Building Official 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 presented on the property."
- (4) A warning that: "Any person who enters the structure(s) without permission of the owner or the Sand Springs Police Department, or authorized agents or designees thereof, will have committed a trespass."

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 Building Official, or other authorized employees or agents of the City, upon completion of the remediation in compliance with provisions of this Chapter. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

Section 8.53.050 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 Sand Springs Policy 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. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

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 8.52.060 of this Chapter, the owner shall require the contractor to prepare a Final Report as prescribed in Section 8.52.080 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 or Building Official. The Code Enforcement Officer or building Official shall, upon affirming from the Final Report that the contamination has been remediated, remove the Notice to the Public and authorize in writing to the owner that occupancy may resume.

2. If the level of contamination exceeds the acceptable levels defined in Section 8.52.060 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:

a. Cleaned up any contamination and remediated the property according to the standards of Section 8.52.060 of this Chapter; and

b. Conducted another assessment which shows that contamination levels are acceptable pursuant to Section 8.52.060 of this Chapter.

Once the level of contamination meets the acceptable standards defined in Section 8.52.060 of this Chapter, then the owner shall require the contractor to prepare a Final Report as prescribed in Section 8.52.080 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 or Building Official. The City's Code Enforcement Officer or building Official shall, upon affirming from the Final Report that the contamination has been remediated, remove the Notice to the Public and authorize in writing to the owner that occupancy may resume. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

Section 8.53.060 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:

1. VOCs: 0.9 parts per million or below.
2. pH: Surface level of 7 or below.

3. Mercury: 0.3 microgram per cubic meter of mercury in air or below.
4. Lead: 20 micrograms per square foot or below.
5. Methamphetamine: 0.1 microgram per one hundred square centimeters or below. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

Section 8.53.070 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. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

Section 8.53.080 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 or Building Official 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. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

Section 8.53.090 Penalty.

A. Any person, firm, or corporation violating any of the provisions of this Chapter shall be guilty of a Class "C" offense and, upon conviction thereof, shall be punished as provided in Chapter 1.20 of this Code.

B. Each day a violation of this Chapter occurs shall constitute a separate offense.

C. The Provisions of this Chapter shall not preclude the City of Sand Springs or any other aggrieved party from pursuing any civil remedies to recover any and all costs associated with administration or enforcement of this Chapter.

D. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

Section 8.53.100 Testing.

Any person or firm employed for testing must be independent and not under the general employment of the property owner at the time of the notice that the property has become subject to provisions of this chapter. (1221, Amended by Recodification 11/19/2012)

Section 8.53.110 Time Limit for Remediation.

Any owner of real property that has been contaminated and placarded with a "Notice to the Public" by the city for activities described in this section shall complete remediation of said property of such contamination within six (6) months from the notice posting date. Failure to do so may result in the city declaring the real property, structures, and/or parts thereof to be a dilapidation public nuisance as defined in Section 15.36.020 of this code, and may be abated as necessary to remove the public nuisance condition. Should activities described in this section create circumstances that cause immediate or imminent peril to the health, safety and welfare of the general public, the city shall take summary actions as necessary to abate such conditions. (1221, Amended by Recodification, 11/19/2012)

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Chapter 8.60

ALARMS

Sections:

- 8.60.010 Audible Alarm Duration.**
- 8.60.020 Silencing of Fire Alarms in Establishments Opened to the Public.**
- 8.60.030 Excessive False Intrusion, Hold-Up, Panic or Fire Alarms Prohibited.**
(1289, eff. 08/22/2016)

Section 8.60.010 Audible Alarm Duration.

All alarm users within the City of Sand Springs having a local/audible intrusion, hold-up, or panic alarm, shall have the alarm adjusted in a manner that will allow it to sound for not longer than fifteen (15) minutes before resetting and silencing itself. Within ninety (90) days after the effective date of this provision, all alarm users shall comply with this section. (1289, eff. 08/22/2016)

Any violation of Section 08.60.010 shall be a Class C violation of the ordinances of the City and subject to the penalties set forth by ordinance for Class C violations. (1289, eff. 08/22/2016)

Section 8.60.020 Silencing of Fire Alarms in Establishments Opened to the Public.

All fire alarms activated within the City of Sand Springs, in all commercial businesses, or establishments open to the public, shall not be manually silenced by the property owner until in the presence of a member of the Sand Springs Fire Department or their designee. (1289, eff. 08/22/2016)

Any violation of Section 08.60.020 shall be a Class A violation of the ordinances of the City and subject to the penalties set forth by ordinance for Class A violations. (1289, eff. 08/22/2016)

Section 8.60.030 Excessive False Intrusion, Hold-Up, Panic or Fire Alarms Prohibited.

A. It shall be an offense for any property owner to allow for an intrusion, hold-up, panic or fire alarm system operating on their property to have an excessive amount of false alarms. An excessive amount of false alarms shall be defined as any alarm in which emergency responders did not find evidence of a true emergency. (1289, eff. 08/22/2016)

B. In the event of a property having an excessive number of false intrusion/hold-up alarms, notice will be sent giving the property owner 14 days to show proof from a licensed alarm company that their system has been repaired. Failure to show proof will result in the property being placed on a non-response list with the police department. The property owner will be obligated to show the system has been repaired in order to be removed from the list. (1289, eff. 08/22/2016)

C. In the event of a property having an excessive number of false fire alarms, notice will be sent giving the property owner 14 days to show proof from a licensed alarm company that their system has been repaired. Failure to show proof will result in the person having control over the property either physically or by ownership being issued a citation upon any subsequent false alarm response. (1289, eff. 08/22/2016)

Any violation of Section 08.60.030 Subsection A or Subsection C shall be a Class C violation of the ordinances of the City and subject to the penalties set forth by ordinance for Class C violations. (1289, eff. 08/22/2016)

TITLE 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

- 9.04 GENERAL PROVISIONS**
- 9.08 OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT**
- 9.12 OFFENSES AGAINST PUBLIC PEACE AND DECENCY**
- 9.16 OFFENSES AGAINST PROEPRTY**
- 9.20 THEFT AND RELATED OFFENSES**
- 9.24 EQUAL ACCESS TO HOUSING**
- 9.28 OFFENSES BY OR AGAINST MINORS**
- 9.32 WEAPONS AND EXPLOSIVES**
- 9.36 SMOKING REGULATED IN CERTAIN PUBLIC PLACES.**
- 9.40 PREVENTION OF YOUTH ACCESS TO TOBACCO**
- 9.44 OFFENSE TO PERMIT OR ALLOW GATHERING WHERE MINORS ARE
CONSUMING ALCOHOLIC BEVERAGES**

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Chapter 9.04

GENERAL PROVISIONS

Sections:

- 9.04.010 Attempts to commit an offense.**
- 9.04.020 Aiding in an offense.**
- 9.04.030 "Offense" defined.**
- 9.04.040 "Violation" defined.**
- 9.04.050 Penalty not to excuse offense.**
- 9.04.060 Capacity to commit offense.**
- 9.04.070 Intoxication no defense.**
- 9.04.080 Witness, self incrimination.**
- 9.04.090 Nuisances.**
- 9.04.100 Conspiracy.**
- 9.04.110 Limitations of actions.**
- 9.04.120 General penalties.**

Section 9.04.010 Attempts to commit an offense.

Every person who attempts to commit an offense against the ordinances of the city, and in such attempt does any act toward the commission of such offense, but fails or is prevented or intercepted in the perpetration thereof, is guilty of an offense, and shall be punished in the manner prescribed for the attempted offense itself. (Prior code § 10-101)

Section 9.04.020 Aiding in an offense.

When no punishment for counseling or aiding in the commission of a particular offense is expressly prescribed by ordinance, every person who counsels or aids another in the commission of such is guilty of an offense, or misdemeanor, and punishable in the same manner as the principal offender. (Prior code § 10-102)

Section 9.04.030 "Offense" defined.

The word "offense," whenever used in this code or in any title, chapter or ordinance of the city means the unlawful act of doing, or failing to do, some particular act or thing construed therein to be detrimental to the general welfare, morals, peace, health or safety of the inhabitants of the city. (Prior code § 10-103)

Section 9.04.040 "Violation" defined.

The doing of any of the acts or things prohibited, or failing to do any of the acts or things commanded to be done, as more fully specified and set forth by any provision of this code or any title, or chapter hereof, or future ordinances of the city, is hereby declared to be an offense against the good order, public peace, morals, health, proper government and welfare of the city and unlawful. (Prior code § 10-104)

Section 9.04.050 Penalty not to excuse offense.

The imposition of one penalty for any offense shall not excuse it or permit it to continue, nor prevent the imposition of further penalties, should the offenses be continued or permitted to continue. (Prior code § 10-105)

Section 9.04.060 Capacity to commit offense.

All persons are capable of committing an offense as herein provided, except those belonging to the classes following:

- A. Children under the age of seven years;
- B. Children over the age of seven years, but under the age of fourteen (14) years, in the absence of proof that at the time of committing the act or neglect charged against them, they knew its wrongfulness;
- C. Lunatics, insane persons, and all persons of unsound mind, including persons temporarily or partially deprived of reason, upon proof that at the time of committing the act charged against them they were involuntarily incapable of knowing its wrongfulness;
- D. Persons who committed the act, or made the omission charged, under an ignorance or mistake of fact which disproves any criminal intent. But ignorance of the law does not excuse from punishment for its violation;
- E. Persons who committed the act charged without being conscious thereof, involuntarily; and
- F. Persons who committed the act, or made the omission charged, while under involuntary subjection to the power of superiors. (Prior code § 10-106)

Section 9.04.070 Intoxication no defense.

No act committed by any person while in a state of intoxication, whether from liquor or drugs, shall be deemed less an offense by reason of his or her being in such condition. (Prior code § 10-107)

Section 9.04.080 Witness, self incrimination.

No person otherwise competent as a witness, shall be incapacitated, excused or disqualified from testifying concerning the offense mentioned in any section, chapter or title of this code, or any ordinances hereafter enacted on the grounds that his or her testimony might incriminate him or her, but the testimony which may be given by such witness shall in no case be used against him or her. (Prior code § 10-108)

Section 9.04.090 Nuisances.

It is unlawful and an offense for any person to permit, maintain, aid, abet, or sanction a nuisance on or about any premises owned by him or her or under his or her control at any place within the corporate limits of the city. (Prior code § 10-109)

Section 9.04.100 Conspiracy.

Any two or more persons assembled or who shall assemble with the intent to mutually agree to do any unlawful act with force or violence and shall make any movement therefor against the property of the city or the person or property of another person shall be guilty of an offense. (Prior code § 10-110)

Section 9.04.110 Limitations of actions.

The time within which a charge may be filed under the provisions of this chapter shall be one year from the date of the commission or omission or in cases involving fraud, deception or deceit, one year from the discovery of the fraud, deception or deceit unless otherwise provided by the statutes of the state. (Prior code § 10-111)

Section 9.04.120 General penalties.

Any violation of the provisions of this part is punishable by fine or imprisonment as provided in Section 1.20.010 of this code. (Prior code § 10-701)

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Chapter 9.08

OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

- 9.08.010 Resisting a police officer.**
- 9.08.020 Refusing or failing to assist an officer.**
- 9.08.030 Assault or battery upon police or other law officer.**
- 9.08.040 Escape of prisoners.**
- 9.08.050 Assisting escape of prisoners.**
- 9.08.060 Unlawful communication with prisoners.**
- 9.08.070 Impersonating an officer or employee.**
- 9.08.080 False alarms.**
- 9.08.090 False representation to an officer.**
- 9.08.100 Removal of barricades.**
- 9.08.110 Resisting public officials.**
- 9.08.120 Eluding police officer.**
- 9.08.130 False Reporting of Crime or Police Misconduct.**
- 9.08.140 Contempt – Direct and Indirect**
(1221, Amended by Recodification, 11/19/2012)

Section 9.08.010 Obstruction of a Police Officer.

A. It is unlawful to resist, oppose or assault, or in any way interfere with a police officer or any person duly authorized to act as such, while the officer or person is discharging or attempting to discharge his or her official duties within the limits of the city. (1221, Amended by Recodification, 11/19/2012)

B. It is unlawful for any person to warn or signal another so as to assist such other person to flee, escape or evade an officer seeking to make an arrest or for any person to bar or lock any door or barrier in the face of or in front of an approaching officer.

C. Resisting an officer is the intentional opposition or resistance to, or obstruction of, an individual acting in his or her official capacity, and authorized by law to make a lawful arrest or seizure of property, or to serve any lawful process or court order, when the offender knows or has reason to know that the person arresting, seizing property, or serving process is acting in his or her official capacity.

D. The words "obstruction of" shall, in addition to their common meaning, include:

1. Flight by one sought to be arrested before the arresting officer can restrain him or her and after notice is given that he or she is under arrest;
2. Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he or she is under arrest; or
3. Refusal by the arrested party to give his or her name and make his or her identity known to the arresting officer. (Prior code § 10-601)

Section 9.08.020 Refusing or failing to assist an officer.

A. An officer of the city making or about to make an arrest, or executing or about to execute a warrant or other process, in accordance with the ordinances of the city or with state or federal law, or suppressing or about to suppress a riot, affray or unlawful assembly, may call upon person or persons to assist him or her in making such arrest, executing such process or suppressing such riot, affray or unlawful assembly.

B. It is unlawful for any person lawfully called upon thus to assist an officer of the city to refuse or fail to do so. (Prior code § 10-602)

Section 9.08.030 Assault or battery upon police or other law officer.

It is unlawful for any person, without justifiable or excusable cause, to knowingly commit any assault, battery or assault and battery upon the person of a police officer or other officer of the law while in the performance of his or her duties. (Prior code § 10-603)

Section 9.08.040 Escape of prisoners.

It is unlawful for any person confined in the city jail or other place of confinement by the city, or working upon the streets or other public places of the city in pursuance of any judgment, or otherwise held in legal custody by authority of the city, to break or attempt to break from any such jail, prison or custody, or to escape or attempt to escape therefrom. (Prior code § 10-605; 1221, Amended by Recodification, 11/19/2012)

Section 9.08.050 Assisting escape of prisoners.

A. It is unlawful for any person, by use of force or in any other illegal manner, to set at liberty, rescue, or attempt to set at liberty or rescue, any prisoner from any officer or employee of the city having legal custody of such prisoner or from the city jail or other place of confinement by the city.

B. It is unlawful for any person to convey into the city jail or other city prison any instrument or other thing useful to facilitate the escape of any prisoner therein, or to give any such instrument or thing to a prisoner in custody or in prison, whether such escape is effected or attempted or not. (Prior code § 10-606; 1221, Amended by Recodification, 11/19/2012)

Section 9.08.060 Unlawful communication with prisoners.

It is unlawful for any person to loiter about the city jail or any other city prison with intent to communicate unlawfully with any prisoner confined therein, or to communicate or attempt to communicate unlawfully with any prisoner confined in such jail or prison or held in legal custody. (Prior code § 10-607; 1221, Amended by Recodification, 11/19/2012)

Section 9.08.070 Impersonating an officer or employee of a government entity.

It is unlawful for any person to impersonate any officer or employee of a government entity, falsely represent himself or herself to be an officer or employee of a government entity, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of a government entity without being duly authorized to do so. (Prior code § 10-608; 1221, Amended by Recodification, 11/19/2012)

Section 9.08.080 Reporting False alarms.

It is unlawful for any person to turn in a false alarm of any nature or in any manner to deceive or attempt to deceive the fire department, police department, emergency medical services, or any officer or employee thereof with reference to any fire alarm or reported fire, accident or other emergency or knowingly to cause the fire department, police department, emergency medical services, or its officers or employees to make a useless or unnecessary run to any part of the city or outside the city. (Prior code § 10-609; 1221, Amended by Recodification, 11/19/2012)

Section 9.08.090 False representation to an officer.

It is unlawful for any person, firm or corporation, or any agent or employee thereof, knowingly to make any material misrepresentation to any officer, employee or agency of the city government in any official application to, or official dealing or negotiation with, such officer or agency; or to commit perjury before any tribunal or officer of the city. (Prior code § 10-610; 1221, Amended by Recodification, 11/19/2012)

Section 9.08.100 Removal of barricades.

It is unlawful for any person except by proper authority to remove any barricade, caution or police line tape, or obstruction placed by authority of the city to keep traffic off any pavement, street, curb, sidewalk or other area. (Prior code § 10-611; 1122, Amended by Recodification, 11/19/2012)

Section 9.08.110 Resisting public officials.

It is unlawful for any person knowingly or willfully to:

A. Resist, oppose or obstruct the chief of police, any other police officer, the municipal judge, or any other officer or employee of the city in the discharge of his or her official duties;

B. Threaten or otherwise intimidate or attempt to intimidate any such officer or employee from the discharge of his or her official duties; or

C. Assault or beat, or revile abuse, be disrespectful to, use abusive or indecent language toward or about, any such officer or employee while such officer or employee is in the discharge of his or her official duties. (Prior code § 10-612; 1221, Amended by Recodification, 11/19/2012)

Section 9.08.120 Eluding police officer.

It is unlawful for any operator of a motor vehicle who has received a visual and audible signal, a red light and a siren from a police officer driving a motor vehicle showing the same to be an official police car, directing the operator to bring his or her vehicle to a stop, and who willfully increases his or her speed or extinguishes his or her lights in an attempt to elude such police officer, or who does elude such police officer. (Prior code § 10-613; 1122, Amended by Recodification, 11/19/2012)

Section 9.08.130 False Reporting of Crime or Police Misconduct.

A. It shall be unlawful for any person to willfully, knowingly, and without probable cause make a false report to any person of any crime which report causes or encourages the exercise of police action by any law enforcement officer.

B. It shall be unlawful for any person to willfully, knowingly, and without probable cause make a report to any municipal officer or employee alleging misconduct by any sworn police officer while in the performance of his or her official duties, if such report is made falsely and with either:

1. Actual malice toward the person who is the subject of the report; or

2. With reckless disregard for the truth of the incident contained in the report.

(Prior code § 10-613; 1122, Amended by Recodification, 11/19/2012)

Section 9.08.140 Contempt – Direct and Indirect.

A. Contempt of Court shall be divided into direct and indirect contempt.

1. Direct contempt shall consist of:

a. Disorderly or insolent behavior committed during the session of the Court and in its immediate view and presence;

b. The unlawful and willful refusal of any person to be sworn as a witness;

c. The refusal of any person to answer any legal or proper question; or

d. Any breach of the peace, noise or disturbance so near to the Court as to interrupt its proceedings.

2. Indirect contempt of Court shall consist of:

a. Willful disobedience of any process or order lawfully issued or made by Court;

or

b. Resistance willfully offered by any person to the execution of a lawful order or process of a Court.

In all cases of indirect contempt, the party charged with contempt shall be notified in writing of the accusation and shall have a reasonable time for defense. The party so charged, upon demand, shall have a trial by jury.

Chapter 9.12

OFFENSES AGAINST PUBLIC PEACE AND DECENCY

Sections:

- 9.12.010 Disturbing the peace.**
- 9.12.020 Disorderly Conduct.**
- 9.12.030 Fireworks--Sale, discharge, regulated.**
- 9.12.040 Loud noise, music, and amplified sound prohibited.**
- 9.12.050 Public intoxication and drinking prohibited.**
- 9.12.060 Possession of Marijuana and Controlled Dangerous Substances.**
- 9.12.061 Possession of Drugs and Drug Paraphernalia**
- 9.12.070 Drug paraphernalia.**
- 9.12.080 Prostitution.**
- 9.12.090 Disorderly house.**
- 9.12.100 Definitions, obscenity regulations.**
- 9.12.110 Outraging Public Decency (Amended 1344 2019-10-28)**
- 9.12.120 Sleeping in or on public places.**
- 9.12.130 Begging prohibited.**
- 9.12.140 Gambling prohibited.**
- 9.12.150 Being about place where gambling is going on.**
- 9.12.160 Assault and battery prohibited.**
- 9.12.170 Lawful use of force.**

Section 9.12.010 Disturbing the peace.

It shall be an offense for any person to willfully or maliciously disturb the public peace or quietude or the life, health, or safety of any individual in any manner, by creating any noise of such character or duration so as to be unreasonably loud or disturbing, including but not limited to the following:

- A. The sounding of a horn or signal device on any vehicle, except as a danger
- B. The playing of any radio, phonograph, or any musical instrument in any manner or in such volume, particularly during the hours between 10:00 p.m. and 6:00 a.m., so as to unreasonably disturb the quiet, comfort, or repose of any person in any dwelling, hotel, or other type of residence;
- C. The allowing of habitual howling, yelping, or barking of any dog or animal by its owner, keeper or possessor hours between 10:00 p.m. and 6:00 a.m., so as to unreasonably disturb the quiet, comfort, or repose of any person in any dwelling, hotel, or other type of residence;
- D. The discharge of the exhaust of any internal combustion or motor vehicle, except through a muffler or other device which will effectively prevent unreasonably loud or explosive noises therefrom;
- E. The use of any mechanical device operated by compressed air, unless same is effectively muffled and reduced;

F. The playing, working or other activity when conducted in a area zoned as residential between 10:00 p.m. and 6:00 a.m. so as to unreasonably disturb the quiet, comfort, or repose of any person in any dwelling, hotel, or other type of residence;

Section 9.12.020 Disorderly Conduct.

A. It is unlawful to disturb or alarm the peace of another or others by doing any of the acts set out in subsection B of this section.

B. Disorderly Conduct is the doing of any of the following in such a manner as would foreseeably alarm or disturb the peace of another or others:

1. Using obscene, offensive, abusive, profane, vulgar, threatening, violent or insulting language or conduct;

2. Appearing in an intoxicated condition;

3. Engaging in a fistic encounter;

4. Lewdly exposing one' s person, or private parts thereof, in any public place or in any place where there are present other persons to be offended or annoyed thereby;

5. Holding an unlawful assembly of two or more persons, including being assembled together and acting in concert, to do any unlawful act against the peace or to the terror of others or preparing for or moving toward such acts, or otherwise assembling unlawfully or riotously;

6. Disturbing any congregation or assembly of persons meeting for religious worship by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of worship or within hearing distance thereof; or

7. Committing any other act in such a manner as to unreasonably disturb or alarm the public. (Prior Code § 10-302; 1221, Amended by Recodification, 11/19/2012)

Section 9.12.030 Fireworks Sale, Discharge, and Other Uses Regulated.

(Prior code § 10-303; 1161, Amended 04/14/2008.)

A. It is unlawful for any person, firm, or corporation to sell fireworks within the corporate limits of the city. The discharge of fireworks shall be unlawful within the city unless the appropriate fireworks permit is obtained. The use of Class 1.3G (as defined by the National Fire Protection Association) and Class 1.4G fireworks before a proximate audience shall be allowed with a valid fireworks permit and compliance to city codes and fire department requirements. The use of Class 1.4G fireworks by private individuals at a residential address within the city limits shall be allowed only under permit as described in subsection (D) below. (Prior code § 10-303; 1161, amended 04/14/2008; 1182, amended 06/08/2009.)

B. It shall be unlawful for any person to allow a child who is under 18 years of age to possess or discharge fireworks without proper supervision, or in a manner contrary to any section of this ordinance. (Prior code § 10-303; 1161, amended 04/14/2008; 1182, amended 06/08/2009.)

C. Permissible fireworks shall mean: composition or device for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and which is defined as common or special fireworks by the United States

Department of Transportation (USDOT). Fireworks are further classified in this law as Class 1.3G or Class 1.4G. The term “fireworks” shall not include toy cap pistols and caps, blank cartridges, railroad flares, and model rockets.

1. Class 1.4G fireworks (USDOT common fireworks) shall mean any devices suitable for use by the public that conform to requirements of the United States Consumer Products Safety Commission (CPSC) and are designed primarily to produce visible effects by combustion and some small devices designed to produce an audible effect.

2. Class 1.3G display fireworks (USDOT special fireworks) shall mean all articles of larger fireworks designed primarily to produce visible or audible effects by combustion or explosion. Class 1.3G fireworks include, but are not limited to, firecrackers and salutes containing more than two grains (130 mg) of explosive composition and other exhibition display items that exceed the limits for classification of Class 1.4G fireworks according to the USDOT. (Prior code § 10-303; 1161, amended 04/14/2008.)

D. Private individuals in possession of City of Sand Springs fireworks permit may discharge permissible fireworks at dates and times specifically authorized in writing by the city manager or his designee, provided the following conditions are met:

1. Approved fireworks must be discharged on a noncombustible surface of sufficient size to contain the entire ground portion of the display and not closer than 25 feet to any permanent structure.

2. An adult person, 18 years or older, shall obtain a fireworks permit from the city upon presentation of a government-issued identification card and payment of a permit fee as established by resolution of the city council. Said permit shall identify the adult in charge of this use by name and address, and also identify the proposed location on or in close proximity to the permit holder's property. Permits are non-transferable. Applications for said permits shall be made available at dates and times established by the City Manager or his designee. Permits shall only be valid for the date(s), time(s) and year of issuance as shown upon the face of the permit.

3. The adult in charge of the use must be physically present for any discharge of fireworks and within 100 feet of the point of discharge.

4. The fireworks permit shall be posted in a place of prominence during the discharge of the fireworks and shall be made available for examination by any law enforcement officer, fire official or other authorized employee of the city.

5. The fireworks permit holder shall be responsible for cleaning up any debris caused by any person discharging fireworks under the permit.

6. Private persons shall not discharge fireworks within any parks or any other public property within the city limits owned or otherwise controlled by the city or other governmental entity. Fireworks shall also not be used or discharged on streets in excess of 26 feet in width, or on streets designated as collector or arterial roadways.

7. In the event that the Governor of the State of Oklahoma or any County Commissioner calls a red flag fire alert or burn ban for the area encompassing the City of Sand Springs and/or if the City of Sand Springs Fire Department determines that the City of Sand Springs is in fire danger due to the weather conditions, the city manager or his designee may declare an emergency and cause the use of fireworks to be terminated and declare them to be illegal during the emergency period.

8. The fire chief, fire marshal, or other employee authorized by the city manager shall have the right to restrict, deny, revoke or cancel a fireworks permit issued to private persons for discharges occurring on residential property if such issuance or allowance is deemed to be a hazard or otherwise detrimental to the public's health, safety or welfare. (Prior code § 10-303; 1161, Amended 04/14/2008; 1182, Amended 06/08/2009.)

E. Any violation resulting from the illegal sale, discharge or other use of Class 1.4G (USDOT common fireworks) as defined in this section – including the reckless discharge of fireworks that endangers persons or properties; or discharge of fireworks that is contrary to the manner in which such are packaged and distributed for use - shall be punishable as a class “C” municipal offense. Any violation resulting from the illegal sale, discharge or other use of Class 1.3G (USDOT display fireworks) as defined in this section shall be punishable as a class “A” municipal offense. Any discharge or other use of fireworks during a red flag fire alert or burn ban as declared in Section C.7 shall be punishable as a class “A” municipal offense. Each separate occurrence of a violation shall constitute a separate offense. Any violation of this section, other ordinances of the City of Sand Springs, or any county, state or federal law or regulation, shall be cause for immediate revocation of a fireworks permit. (Prior code § 10-303; 1161, Amended 04/14/2008; 1182, Amended 06/08/2009.)

F. Entities other than private individuals in possession of a City of Sand Springs fireworks permit may discharge permissible fireworks at dates and times specifically authorized in writing by the city manager or his/her designee, provided the conditions contained within Subsection D, Paragraphs 1 through 8, of this Section are met. The City Manager, Fire Chief or Fire Marshal may impose additional safeguards or restrictions specific to any individual permit issued which shall have full force and effect for the specific event or activity being hosted or sponsored by the entity other than a private individual so permitted. (1304, Added 06/26/2017)

Section 9.12.040 Loud noise, music, and amplified sound prohibited.

It is unlawful for any person to create any loud or unnecessary noises of such character, intensity or duration as to be detrimental, or disturbing to the peace, lives or health of any individual or to disturb the peace and quietude of any part of the city by operating, having operated, or permitting to be operated, any contrivance, whether electric or not, with or without a loud speaker, in such a manner as to emit loud music, noise or words. (Prior code § 10-310)

Section 9.12.050 Public intoxication and drinking prohibited.

A. It is unlawful for any person to appear or be upon or in any street, alley, or other public place in the city in a state of intoxication. It is unlawful for any person to drink intoxicating beverage or low point beer upon or in any street, alley, or other public place within the city, with the exception that intoxicating and/or non-intoxicating liquor or beverage by persons age twenty-one (21) or older will be permitted as follows:

1. At the Sand Springs Municipal Golf Course as may be designated by written policies adopted by the Golf Course Advisory Board with the approval of the City Council.

2. At the Sand Springs Museum as may be designated by the written policies adopted by the museum trustees and with the approval of the City Council.

3. At the Sand Springs Pogue Airport as may be designated by the written policies adopted by the Airport Advisory Board with the approval of the City Council.

4. At the Sand Springs Community Center and the parks of the City of Sand Springs as may be designated by the written policies adopted by the Parks Board with the approval of the City council.

5. At a restaurant that has been granted, as a part of its' annual beverage permit renewal, authorization to serve alcohol at approved public locations. (1078, 04/26/04; 1147, Amended 06/11/2007; amended by Ord 1247, adopted 02/24/14.)

6. Any special event approved by the City. (1078, 04/26/04; 1147, Amended 06/11/2007; amended by Ord 1247, adopted 02/24/14.)

Section 9.12.060 Possession of Marijuana and Controlled Dangerous Substances.

a. It shall be unlawful and a Class "A" offense for any person to knowingly or intentionally possess marijuana or any controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice.

b. For the purpose of this section, the following definitions shall apply:

1. Controlled dangerous substance means any drug, substance, or immediate precursor included in Schedules I, II, III, IV or V of the Uniform Controlled Dangerous Substances Act (Title 63 O.S. Section 2-101 et seq.); that do not constitute a felony offense and which have not been preempted by any action of the State of Oklahoma or the United States of America. (Amended 1319, 05/21/2018)

2. Marijuana means all parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufactured, salt, derivative, mixture or preparation of such plant, its seeds or resin. This definition shall not include the mature stalks of such plant; fiber product from such stalks; oil, cake or other compound made from the seeds or mature stalk of such plant. This provision will not apply when possession is in conformance under the statutory authority of the State of Oklahoma or the United States of America. (Amended 1319, 05/21/2018)

3. Practitioner means:

a. A physician, dentist, podiatrist, veterinarian, scientific investigator, or other person who is authorized by state or federal law to distribute, dispense, conduct research with respect to, use for scientific purposes or administer marijuana or a controlled dangerous substance in the course of professional practice or research in this state; or

b. A pharmacy, hospital, laboratory, or other institution authorized by state, or federal law to distribute, dispense, conduct research with respect to, use for scientific purposes or administer marijuana or a controlled dangerous substance in the course of professional practice or research in this state (Ord. No. 1149, SS1,5-8-87).

Any violation of this ordinance shall be a Class A violation of the ordinances of the City and subject to the penalties set forth by ordinance for Class A violations. (1110, Amended 10/31/2005; 1110, Amended 09/26/2005.)

Section 9.12.061 Possession of Drugs and Drug Paraphernalia

It shall be unlawful for any person to knowingly or intentionally have in his possession any controlled dangerous substance or any drug paraphernalia punishable as a misdemeanor under the Uniform Controlled Dangerous Substances Act, 63 O.S. section 2-101 et seq. (1064, Amended 01/12/2004.)

No person shall attempt to purchase, purchase, receive, or otherwise acquire more than three and six-tenths (3.6) grams of any product, mixture, or preparation per day or more than seven and two-tenths (7.2) grams of any product, mixture, or preparation within any thirty-day period, or sixty (60) grams of any product, mixture, or preparation within a twelve-month period. Once a person has purchased, received or otherwise acquired the daily limit of three and six-tenths (3.6) grams of any product, mixture or preparation, the person shall be prohibited from purchasing, receiving or otherwise acquiring any additional product, mixture or preparation containing any detectable quantity of base pseudoephedrine or ephedrine for a period of not less than seventy-two (72) hours following the last permitted purchase. The requirements of this paragraph shall not apply to any quantity of such product, mixture or preparation dispensed pursuant to a valid prescription. (1221, Amended by Recodification 11/19/2012)

Section 9.12.070 Drug paraphernalia.

A. For the purpose of this section, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the state Uniform Controlled Dangerous Substances Act, Sections 2-101 et seq., of Title 63 of the Oklahoma Statutes, hereinafter referred to as "the act", and adopted by reference herein. It includes, but is not limited to those equipment, products and materials specified in Section 2-101.1 of Title 63 of the Oklahoma Statutes on drug paraphernalia.

B. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the act.

C. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the act.

D. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. (Prior code § 10-403)

Section 9.12.080 Prostitution.

- A. It is unlawful for any person to:
1. Be a prostitute;
 2. Solicit, entice, or procure another to commit or engage in any act of prostitution;
 3. Engage in any act of prostitution;
 4. Knowingly let premises for purposes of prostitution;
 5. Conduct a business or premises for prostitution;
 6. Accept or receive the proceeds of any act of prostitution; or
 7. Be a party to an act of prostitution or solicitation of prostitution in the limits of city.
- B. For the purposes of this section:
1. Prostitution is the giving of the body for sexual intercourse or sodomy for hire or money;
 2. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting of a person to any place with the intention of promoting prostitution; and
 3. Letting premises for prostitution is the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of prostitution, or allowing the continued use of the premises with that knowledge. (Prior code § 10-404)

Section 9.12.090 Disorderly house.

- A. A disorderly house means any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:
1. The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by state statute;
 2. The violation of any of the ordinances of this city or statutes of this state regulating the sale, distribution, possession or use of alcoholic beverages including beer containing more than one-half of one percent alcohol by volume;
 3. The performance of any sexual act declared unlawful by state statute or city ordinance including, but not limited to, soliciting for purposes of prostitution; or
 4. The violation of any state statute or city ordinance prohibiting gambling.
 5. The conviction of one or more occupants of a residence for three separate acts of disturbing the peace or disorderly conduct within a 24 month period in which the victim(s) resides within 500 feet. (1221, Amended by Recodification, 11/19/2012)
- B. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.

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

D. No person shall knowingly reside in, enter into, or remain in a disorderly house. In any prosecution for violation of this section, the city shall have the burden to prove such knowledge by direct evidence only and not by circumstantial evidence. This section shall not apply to physicians or officers in the discharge of their professional or official duties. (Prior code § 10-405)

Section 9.12.100 Definitions, Obscenity Regulations.

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

"Available to the public" means that the matter or performance may be purchased or attended on a subscription basis, on a membership fee arrangement, or for a separate fee for each item or performance.

"Disseminate" means to transfer possession of, with or without consideration.

"Knowingly" means being aware of the character and the content of the material.

"Material" means any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical, or electrical reproduction or any other articles, equipment or machines.

"Nudity" means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the depiction of covered male genitals in a discernible turgid state.

"Obscene" means that to the average person applying contemporary community standards:

1. The predominant appeal of the matter taken as a whole, is to prurient interest; i.e., shameful or morbid interest in sexual conduct, nudity, or excretion;

2. The matter depicts or describes in a patently offensive manner sexual conduct regulated by Title 21 of the Oklahoma Statutes; and

3. The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

"Performance" means any preview, play, show, skit, film, dance or other exhibition performed before an audience.

"Person" means any individual, partnership, firm, association, corporation or other legal entity.

"Promote" means to cause, permit, procure, counsel or assist.

"Service to patrons" means the provision of services to paying guests in establishments providing food and beverages; including but not limited to hostessing, hat checking, cooking, bar tending, serving, table setting and clearing, waiter and waitressing, and entertaining. (Prior code § 10-407)

Section 9.12.110 Outraging Public Decency

Every person who willfully and wrongfully commits any act which grossly injures the person or property of another, or which grossly disturbs the public peace or health, or which openly outrages public decency, including but not limited to urination in a public place, and is injurious to public morals, is guilty of a misdemeanor. Injurious to public morals shall be defined as:

A. Knowingly engage or participate in any obscene performance made available to the public; or

B. Any person to publicly expose to public view:

1. Their genitals, pubic hair, buttocks, perineum, anal region or pubic hair region.

2. Any device, costume or covering, which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or public hair region.

3. Display in view of the public, for the purpose of causing alarm or disturbance, of any portion of a person's breast/chest at or below the areola thereof, except:

a. For persons 10 years of age and under.

b. For the act of breastfeeding a child.

c. For the purpose of a medical emergency. (Prior code § 10-408; 1344, amended 2019-10-09)

Section 9.12.120 Sleeping in or on public places.

It is unlawful for any person, between the hours of twelve a.m. midnight and sunrise, to sleep on any street, in any other public place, or on any property of another without the express or tacit consent of the owner or person in charge of such place. (Prior code § 10-411)

Section 9.12.130 Begging prohibited.

It is unlawful for any person to beg alms for any person, organization or agency except an organization or agency, public or private, whose purpose or one of whose purposes is to aid persons in need. (Prior code § 10-412)

Section 9.12.140 Gambling prohibited.

A. It is unlawful for any person, firm or corporation, or agent or employee thereof, to do any of the following:

1. To play, to open or cause to be opened, or to operate, carry on or conduct, whether for hire or not, any game of faro, monte, poker, roulette, craps, any banking, percentage or other game played with dice, cards, or any device, for money, checks, chips, credit or any other thing of value;

2. To set up, operate or permit to be operated, any slot machine or other device whatsoever where money, checks, chips, credit or any other things of value are played, when the act of playing the same might result in a gain or loss to the party playing;

3. To gamble knowingly in any other manner; or

4. To knowingly permit his or her or its premises, houses, lot or other property to be used in connection with, or for, any act declared unlawful in this section.

B. It is unlawful and an offense against the city for any person to play any roulette wheel or slot machine or any other device or machine wherein the element of chance is involved by losing or winning money, credits, checks or any other representatives of value.

C. Excepted from the provisions of this section is any bingo game established and conducted lawfully in accordance with applicable state law, including 3A O.S. § 401 et seq. (Prior code § 10-413)

Section 9.12.150 Being about place where gambling is going on.

It is unlawful for any person to loiter about in the immediate vicinity where a person or persons are gambling, whether by playing games, operating a slot machine or other device, or otherwise. (Prior code § 10-414)

Section 9.12.160 Assault and battery prohibited.

A. It is unlawful to commit an assault or an assault and battery within the city.

B. For the purposes of this section, an "assault" is any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another. A "battery" is any willful and unlawful use of force or violence upon the person of another. (Prior code § 10-501)

Section 9.12.170 Lawful use of force.

To use or to attempt to offer to use force upon or toward the person of another is not unlawful in the city in the following cases:

A. When necessarily committed by a public officer in the performance of any legal duty, or by any other person assisting him or her or acting by his or her direction;

B. When necessarily committed by any person in arresting one who has committed any felony, and delivering him or her to a public officer competent to receive him or her in custody;

C. When committed either by the party about to be injured, or by any other person in his or her aid or defense, in preventing or attempting to prevent an offense against his or her person, or any trespass or other unlawful interference with real or personal property in his or her lawful possession; provided, the force used is not more than sufficient to prevent such offense, and that the same shall be necessary for the self-defense of his or her person or property;

D. When committed by a parent or authorized agent of any parent, or by any guardian, master or teacher, in the exercise of a lawful authority to restrain or correct his or her child, ward, apprentice or scholar, provided restraint or correction has been rendered necessary by the misconduct of such child, ward, apprentice or scholar, or by

his or her refusal to obey the lawful command of such parent or authorized agent or guardian, master or teacher, and the force used is reasonable in manner and moderate in degree;

E. When committed by a carrier of passengers, or the authorized agents or servants of such carrier, or by any person assisting them at their request, in expelling from any carriage, interurban car, vessel or other vehicle, any passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force used is not more than is sufficient to expel the offending passenger, with a reasonable regard to his or her personal safety; and

F. When committed by any person in preventing an idiot, lunatic, insane person or other person of unsound mind, including persons temporarily or partially deprived of reason, from committing an act dangerous to himself, herself or to another, or enforcing such restraint as is necessary for the protection of his or her person or for his or her restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of such person. (Prior code § 10-502)

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Chapter 9.16

OFFENSES AGAINST PROPERTY

Sections:

- 9.16.010** **Tampering with automobiles and other vehicles.**
- 9.16.020** **Destruction of property.**
- 9.16.030** **Placing signs on property of another.**
- 9.16.040** **Tampering with or damaging public utilities, larceny**
- 9.16.050** **Unlawful intrusion upon land.**
- 9.16.060** **Illegal entrance.**
- 9.16.070** **Throwing injurious substances.**
- 9.16.080** **Altering, obstructing gutters, drains, streams and other water passages.**
- 9.16.090** **Trespass on private property prohibited. (1332, amended 2019-01-28)**
- 9.16.100** **Parking on property of another person or business.**
- 9.16.110** **Interference with fire hydrants.**
- 9.16.120** **Surrender of city property.**
- 9.16.130** **Malicious mischief.**
- 9.16.140** **Obstructions on streets, sidewalks, and rights of way.**
- 9.16.150** **Interference with or obstruct use of streets and sidewalks.**
- 9.16.160** **Political advertising signs.**
- 9.16.170** **Remaining on school property.**
- 9.16.180** **Shell Lake Use Regulations.**
- 9.16.190** **Violation of property restrictions. (1332, amended 2019-01-28)**

Section 9.16.010 Tampering with automobiles and other vehicles.

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

B. It is unlawful for any person to mutilate, deface or injure any automobile or other vehicle, or to remove therefrom any number, tag or mark indicating ownership or identity thereof. (Prior code § 10-202)

Section 9.16.020 Destruction of property.

A. It is unlawful for any person to purposely destroy, injure, deface, besmear, or molest any structure, building, outbuilding, fence, tree, plant, crop, grounds or any other property, real or personal, public or private, belonging to another or to use any such property wrongfully to the detriment of the owner or other person entitled to its use. It is unlawful to interfere wrongfully with the use of any such property by its owner or any other person entitled to its use. (Prior code § 10-203; 1221, Amended by Recodification 11/19/2012)

Section 9.16.030 Placing signs on property of another

It is unlawful for any person to place, stick, tack, paste, post, paint, mark, write or print any sign, poster, picture, announcement, advertisement, bill placard, device or inscription upon any public or private building, fence, sidewalk, bridge, viaduct, post, automobile, other vehicle or other property of another, without the consent of the owner or person in charge thereof. (Prior code § 10-204)

Section 9.16.040 Tampering with or damaging public utilities, larceny

A. It is unlawful for any person to adjust, connect, disconnect, molest, injure, destroy or in any way tamper with any water or gas pipe, any telephone or cable pole or apparatus, meter loop, riser or connection belonging thereto, or any water, gas, cable or electric meter or meter box or housing, or any pipe, wire, conduit or connection belonging thereto, or any other part of water, gas cable or electrical system, or to do any act or use any contrivance to prevent or affect correct and proper registration by any such meter. This shall not apply to officers and employees of the city or of any person, firm or corporation owning or operating such water, gas or electric system, acting in the line of duty.

B. No person shall, without lawful authority, make any splice, tap or other connection into or on any cable, wire, pipe or other connection into or on any cable, wire, pipe or other service furnished to the residents of the city by the city or by any person, firm or corporation operating in the city under a valid permit issued by the city.

C. Any person who knowingly, makes or causes to be made any pipe, wire, or other instrument or contrivance and connects the same or causes the same to be connected with any pipe provided for the purpose of conducting water or gas, or with any wire or other electrical conductor provided for the purpose of conducting electricity, or cable, so as to conduct such gas, water, cable, or electric current, to a point where the same may be consumed, without its passing through meters provided for registering the quantity consumed, or in any manner so as to evade payment therefore, whether the gas, water or electrical current is knowingly, injures or alters any gas, electric or water meter or obstructs its action, is guilty of an offense.

D. In any prosecution as set forth in this section, the existence on the property and in the actual possession of the accused, of (1) any connection, wire, pipe, conductor, or any device whatsoever, which is connected in such a manner as would appear to permit the use of utilities, cable, telephone, water, sewer, electricity, or telecommunications service of any type or kind including but not limited to cable television, telephone, internet, water, sewer, electricity and data transmission service without the same being reported for payment to and specifically authorized by the operator of the utility provider or (2) the existence on the property and in the actual possession of the accused, in quantities or volumes suggesting possession for resale, of any device designed in whole or in part to facilitate the performance of any of the illegal acts mentioned in this section shall be prima facie evidence of intent to violate and of the violation of the provisions of this section by the accused. (1221, Amended by Recodification, 11/19/2012)

Section 9.16.050 Unlawful intrusion upon land.

It is unlawful for any person to intrude or squat upon any lot or piece of land within the city without a license or authority from the owner whether public or private thereof, or to erect or occupy thereon any hut, hovel, shanty or other structure without such license or authority, or to place, erect or occupy within the bounds of any street, alley or avenue of the city, any hut, shanty, hovel, or other structure without authority of law or ordinance. (Prior code § 10-207; 1221, Amended by Recodification, 11/19/2012)

Section 9.16.060 Illegal entrance.

It is illegal for any person to enter upon the property of another or into an area or structure on such property (whether such property, area or structure is public or private), when such entrance is plainly forbidden by signs or otherwise or when the property, area or structure is enclosed, except when such entrance is in line of duty, or with the expressed, or tacit consent of the owner or person in charge, or otherwise by authority of law or ordinance. (Prior code § 10-208; 1221, Amended by Recodification, 11/19/2012)

Section 9.16.070 Throwing injurious substances.

It is unlawful for any person to purposely or premeditatedly put or throw upon the person or property of another, or upon any animal, any acid, corrosive or other irritating or harmful substance, or human or animal waste or urine, with intent to injure or harass the person, property or animal. (Prior code § 10-210; 1221, Amended by Recodification, 11/19/2012)

Section 9.16.080 Altering, obstructing gutters, drains, streams and other water passages.

A. It is unlawful for any person to change, alter, deflect, destroy or injure any gutter, waterway, water outlet, drain, ditch, stream or other water passage, either natural or artificial, in or upon the streets, avenues, alleys or other public ways or public property within the city or to change the course or flow of any water passage or stream running upon his or her property or upon the side of the street adjacent to his or her property in such a manner as to cast the stream or flow of water into the public street or other public way or upon the property of another.

B. It is unlawful for any person to fill up, deflect or obstruct any gutter, waterway, water outlet, drain, stream, ditch, sewer or other water passage, either natural or artificial, by throwing or causing to be thrown therein any trash, rubbish, garbage, brush or other thing.

C. If it becomes necessary to change, alter or in any way interfere with any gutter, drain, ditch, stream or other water passage, for the purpose of protecting the streets or other public ways or property, or for the protection or preservation of the property of any person, it shall be necessary first to obtain the consent of the City Manager. (Prior code § 10-214; 1221, Amended by Recodification, 11/19/2012)

Section 9.16.090 Trespass on private property prohibited. (1332, amended 2019-01-28)

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

"Private property" means any property other than public property.

"Trespass" means each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises or police officer when given authority by the owner or agent to act in their behalf. Trespass shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer; provided that the provisions of this sentence shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises; nor shall the provisions of this sentence apply unless hours of business operations are posted upon such premises. Trespass shall also be defined as the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this subsection. (1332, amended 2019-01-28)

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

C. This section shall not require that a property owner announce by signage that trespassing is prohibited. It shall be a defense if proven that a reasonable and prudent person would have assumed the property to be open for use. (Prior code § 10-215; 1221, Amended by Recodification, 11/19/2012)

Section 9.16.100 Parking on property of another person or business.

It is unlawful for any person to park an automobile or other vehicle, or to place any structure or object on the driveway, parking area, yard, or any portion of the premises or property of another person or business, including but not limited to any restaurant, gasoline/filling station or other business, unless actively engaged as a customer on the premises or with tacit consent of the owner or person in charge thereof, or when necessary in the performance of a duty, or otherwise by authority of law or ordinance. (Prior code § 10-216; 1221, Amended by Recodification, 11/19/2012)

Section 9.16.110 Interference with fire hydrants.

A. It is unlawful for any person except one duly authorized by the City Water Superintendent or a member of the fire department to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant belonging to the city.

B. It is unlawful for any person to obstruct free access to any fire hydrant in the city. The obstructions prohibited in this section include but are not limited to those caused by placement of boxes, cartons, or other containers, or brick, lumber or dirt, near or around such hydrants, or the growth of grass, weeds or plants near the fire hydrants. (Prior code § 10-217)

Section 9.16.120 Surrender of city property.

Each and every person who, having been an officer or employee of the city wrongfully refuses to surrender all books, papers, or other property coming into his or her possession as such officer or employee, when so requested to do so by his or her successor in office or his or her superior in authority or upon any written order of the city council or other duly authorized town official shall be guilty of an offense. (Prior code § 10-220)

Section 9.16.130 Malicious mischief.

Malicious mischief is hereby defined as any injury or destruction done to the property of another person and prompted by malice or hatred toward another or an injury or destruction done to the property of another in wanton and malicious manner. Malicious mischief is an offense. (Prior code § 10-221; 1221, Amended by Recodification, 11/19/2012)

Section 9.16.140 Obstructions on streets and sidewalks and rights of way.

It shall be an offense for any person to obstruct or block any street, alley, crosswalk, sidewalk, rights of way or other public grounds with any kind of fence, wall, buildings, boxes, stands, basketball goal, skateboard device, structures or otherwise, or in any manner to obstruct any of the public highways, streets, alleys, roads, or sidewalks within the city or permit to be opened or leave upon any cellar door, manhole or grating of any kind, in or upon the street, sidewalk or alley of the city or alley so as to interfere with the free passage over the same, except in the following cases:

A. When merchants and tradesmen use the sidewalks in front of their places of business for the purpose of receiving, opening or shipping goods and merchandise and free passage and use of such sidewalks is not unreasonably obstructed;

B. When merchants and tradesmen use the sidewalks in front of their places of business for the purpose of exhibiting goods and merchandise and such obstruction does not extend more than two (2) feet; and

C. Upon receipt of a permit from the Building Inspector and meeting the conditions as may be prescribed by him, a person may deposit material in the street adjacent to a building when he is engaged in erecting or repairing such building. (Prior code § 10-222; 1221, Amended by Recodification, 11/19/2012)

Section 9.16.150 Interference with or obstruct use of streets and sidewalks.

A. It is unlawful for any person to:

1. Obstruct any public street, public highway, public sidewalk or any other public place or building by the placement of anything which would preclude the free passage of vehicles, traffic or pedestrians; or

2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction to use of property, ingress, egress, and regress, therein, thereon and thereto.

B. When any person causes or commits any of the conditions enumerated in subsection A of this section, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this section. (Prior code § 10-223; 1221, Amended by Recodification, 11/19/2012)

Section 9.16.160 Political Advertising Signs.

A. A political advertising sign is defined as any sign, poster or placard printed, painted, made, or designed for the purpose of furthering or advertising the candidacy of any person who is or intends to become a candidate for the election to any public office, whether such public office be in the local, state or federal government, or any subdivision thereof; or for the purposes of furthering or advertising any position on initiatives, propositions or other matters set for local election. (Prior code § 10-311; 1122, Amended, 12/19/2005.)

B. A political advertising sign shall be permitted to be erected upon the public street rights-of-way of the city not more than 10 days before an election and shall be removed within 5 days following an election in which the determinative vote for a candidate, initiative, proposition or other matter has concluded. This restriction shall not apply to a political advertising sign erected upon private property. (Prior code § 10-311; 1122, Amended, 12/19/2005; 1173, Amended, 02/09/2009.)

C. A political advertising sign shall not exceed 4 square feet of display surface area per side with a maximum of two display sides. (Prior code § 10-311; 1122, Amended, 12/19/2005.)

D. A political advertising sign may be erected upon the public street rights-of-way of the city provided such sign shall not block, impede or otherwise obstruct the safe movement or parking of vehicles upon any public street, parking area or driveway, or the movement of pedestrians upon any public sidewalk. (Prior code § 10-311; 1122, Amended, 12/19/2005.)

E. It is unlawful to place a political advertising sign upon any state or federal highway right-of-way. (1122, Amended, 12/19/2005.)

F. It is unlawful to place a political advertising sign upon any city park property, any other property owned or otherwise controlled by the city or trusts thereof, or any public rights-of-way adjacent thereto. (1122, Amended, 12/19/2005.)

G. It is unlawful to erect any political advertising sign upon any utility pole or installation. (1122, Amended, 12/19/2005.)

H. Any political advertising sign erected or displayed in violation of this section or any other city ordinance shall be deemed to constitute a public nuisance and shall be removed and disposed of by the city without property right to the owner thereof. Any person, firm or corporation found to be in violation of this section shall be guilty of a Class "C" offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this code. (1122, Amended, 12/19/2005.)

Section 9.16.170 Remaining on school property.

It is unlawful for any person or persons to remain upon any properties owned by or in the possession of the public school system of the city, after any such person or persons have been requested to leave and vacate the school premises by any faculty

member, principal, designated school employee, or by any police officer of the city. It is not an offense hereunder to enter or remain upon the school properties by a person having received permission therefor from any school faculty member, principal, designated school employee, or police officer of the city. (Prior code § 10-312; 1221, Amended by Recodification, 11/19/2012)

Section 9.16.180 Shell Lake Use Regulations.

A. Purpose.

Shell Lake, which lies approximately six miles west of Sand Springs, Oklahoma, in Osage county, was impounded in 1922 upon completion of Shell Lake Dam. It is a primary water supply source for the city. The purpose of these regulations is to provide guidelines for the protection of the environmental resources of the lake and surrounding and abutting city-owned properties and the outdoor recreational opportunities they provide. All other Federal, State and local laws and regulations remain in full force and effect.

B. General.

Hours of access to Shell Lake shall be from daylight to dusk. Any person or persons going onto Shell Lake or the surrounding City-owned property, whether on foot or in a boat, shall do so at his/her own risk, and any person or persons accessing Shell Lake or the surrounding City-owned property from dusk to daylight shall be in violation of these regulations.

C. Use Permit.

A permit shall be required for use of the lake, whether for fishing from a boat, dock or the shore, or for boating. Either daily or annual permits may be purchased from the Lake Attendant at Shell Lake or at the Sand Springs City Hall Customer Service Window. A daily permit fee of \$2.00 per person, but not more than \$6.00 per boat, shall be charged for fishing and/or use of the boat launching area. An annual use permit shall be available for \$25.00. The permit year shall be from January 1 through December 31, and fees shall not be prorated for fractional parts of the year. All anglers between the ages of 16 and 65 must have a valid Oklahoma fishing license. Permit fees will not be charged for persons under the age of 16 or over the age of 65.

D. Lake Attendant.

The Sand Springs Municipal Authority employs a full time Lake Attendant. The Lake Attendant shall monitor lake, dam, surrounding lands, picnic area and visitor activities and shall ensure compliance with lake regulations through close coordination with Sand Springs Police. The Lake Attendant may request verification of use permits and Oklahoma fishing licenses. If the Lake Attendant determines that a visitor is in violation of lake regulations, the Attendant may request that the violator refrain from further violation. If the visitor refuses to comply, the Attendant may request police assistance and the visitor may be forced to leave the premises.

E. Fishing.

While fishing at Shell Lake, anglers shall adhere to the following regulations:

1. Fishing shall be limited to the period between daylight and dusk.
2. The size of game fish which may be taken and the number of such fish shall be set by (slot) as determined by the Oklahoma Department of Wildlife Conservation Game Biologist.

3. Fishing by net, seine, spear gun, bow and arrow, gun, trap, snag, or yo-yo shall be strictly prohibited.

4. Unused bait and fish remains should be disposed of properly. Do not dispose of these remains in the lake or adjacent lands.

5. Use of trotlines/throwlines, juglines, and limblines shall strictly conform to Oklahoma State law.

F. Boating.

This section pertains to all vessels or watercraft including, but not limited to, powerboats, sailboats, rowboats, canoes, kayaks, and any other such equipment capable of navigation in or on water. Boats shall be permitted on Shell Lake provided:

1. Any watercraft permitted on Shell Lake shall be licensed in accordance with applicable Federal, State and Local laws, and shall display appropriate registration while being operated on Shell Lake.

2. Any vessel, when in use on Shell Lake, shall be outfitted with all safety equipment and devices necessary for the compliance with U.S. Coast Guard and State of Oklahoma boating safety requirements, including personal flotation devices.

3. The use of any vessel not constructed or maintained in compliance with the standards and requirements established by the Federal Safe Boating Act of 1971 (Public Law 92-75.85 Stat. 213), or promulgated pursuant to such act shall be prohibited.

4. Boats shall be launched and retrieved only at the designated boat ramp located near the east abutment of the dam.

5. Watercraft may be operated on Shell Lake, except in prohibited or restricted areas marked by buoys, in accordance with posted regulations and applicable Federal, State, and local laws.

6. Boats shall not exceed 10 miles per hour within 300 feet of the dam or boat ramp. Additionally, speed shall be reduced so that no appreciable wake is produced within 100 feet of another occupied boat or the shoreline. In other areas of the lake the maximum speed shall be 20 miles per hour.

7. The operation of watercraft in a careless, negligent or reckless manner so as to endanger any property or person (including the operator and/or user(s) of the watercraft) shall be prohibited.

8. Jet Skis shall be prohibited on Shell Lake.

9. Motorboats shall stay at least 200 feet away from any shoreline or anchored fishing boat while cruising and as near the middle of any channel as practical.

10. All watercraft shall be removed from Shell lake and surrounding city-owned property when not in use.

11. The placement and/or operation of any watercraft upon Shell Lake or surrounding city-owned property for a fee or profit shall be prohibited.

12. All boat trailers parked in the Shell Lake parking area shall have proper identification matching the user permit on its boat affixed to the right side near the hitch.

13. All boat trailers and pulling vehicles shall be parked only in designated parking areas.

G. Swimming and Wading

1. Only wading or swimming necessary to launch a boat, right a capsized vessel or abandon a sinking craft shall be permitted.

2. Recreational wading, swimming, water skiing or skin diving or scuba diving shall not be permitted at any time.

H. Docks

Several privately owned boat docks currently exist on Shell Lake. However, permits for new docks shall not be issued.

1. All existing privately owned docks shall be removed from Shell, at owner expense, by June 30, 2007.

2. Current dock owners shall be required to register with the Sand Springs Municipal Authority and shall pay an annual permit fee. The fee shall be established by the Authority and shall be based on the residency or non-residency of the owner within the corporate limits of Sand Springs.

3. Dock owners shall keep their docks in good repair and maintain acceptable appearances.

4. A periodic inspection of each dock site shall be performed by the City Engineer or his designee. Any violations or deficiencies noted shall be documented and notice shall be mailed to the dock owner for corrective action. If any noted corrective action has not been completed after thirty (30) days, or such longer time as may be specifically authorized by the Trustees of the Authority, the dock owner shall forfeit his/her dock permit.

5. Abusive language, drunkenness, littering and/or general disregard for property and tranquility of neighboring sites will result in forfeiture of the dock permit.

I. Camping

Overnight camping shall be prohibited at Shell Lake.

J. Picnicking

Picnicking and related day-use activities shall be permitted provided all refuse is cleaned up and placed in refuse containers upon departure.

K. Vehicles

1. Vehicles shall not be parked in violation of posted restrictions, or in such a manner as to obstruct or impede traffic movement or parking of other vehicles; create a safety hazard; or endanger any person, Shell Lake property or environmental feature. Vehicles so parked shall be subject to removal and impoundment at the owner's expense.

2. The operation and/or parking of a vehicle on other than authorized roadways shall be prohibited except at locations and times designated by the City of Sand Springs. Driving any vehicle through, around or beyond a restrictive sign, recognizable barricade, fence or traffic control barrier shall be prohibited.

3. Vehicles shall be operated only in accordance with posted regulations and applicable Federal, State and local laws, which shall be enforced by City of Sand Springs Police.

4. No person shall operate any vehicle in a careless, negligent or reckless manner so as to endanger any person, Shell Lake property or environmental feature.

L. Sanitation

1. Garbage, trash, rubbish or any other waste material or waste liquid generated on the lake and incidental to authorized activities shall be either removed from Shell Lake property or disposed in receptacles provided for that purpose. The improper disposal of such wastes, including human and animal waste, in Shell Lake or surrounding City-owned property, shall be prohibited.

2. Bringing any household or commercial garbage, trash, rubbish, debris, dead animals or litter of any kind onto Shell Lake or surrounding City-owned property for disposal or dumping shall be prohibited.

3. The spilling, pumping or other discharge of contaminants, pollutants or other wastes, including, but not limited to, human or animal waste, petroleum, industrial and commercial products and by-products, on Shell Lake lands or into Shell Lake waters shall be prohibited.

4. The discharge or placing of sewage, galley waste, garbage, refuse, or pollutants into Shell Lake waters from any boat, watercraft or dock shall be prohibited.

M. Fires

Fires shall be confined to grills, or other facilities designated for that purpose. Fires shall not be left unattended and shall be completely extinguished prior to departure. The burning of materials that produce toxic fumes, including, but not limited to, tires, plastic or treated wood products shall be prohibited.

N. Control of Animals

No person shall bring or allow dogs, cats, or other pets into the boat ramp and recreation area unless penned, caged, on lease under six (6) feet in length, or otherwise physically restrained. No person shall allow animals to impede or restrict otherwise full and free use of Shell Lake lands and waters by the public. Unclaimed or unattended animals shall be subject to immediate impoundment and removal in accordance with State and local laws.

O. Restrictions

1. Any act or conduct by any person who interferes with, impedes or disrupts the use of Shell Lake or impairs the safety of another person shall be prohibited. Individuals who are boisterous, rowdy, disorderly or who otherwise disturb the peace on Shell Lake lands or waters may be requested to leave.

2. The operation or use of any audio device including, but not limited to, radios, televisions, or musical instruments and or other noise-producing motorized equipment, including vessels or vehicles, in such a manner as to unreasonably annoy or endanger persons at any time or exceed State or local laws governing noise levels shall be prohibited.

P. Public Property

1. Destruction, injury, defacement removal or any alteration of public property including, but not limited to, developed facilities, natural formation, mineral deposits, historical and archaeological features, and vegetative growth, shall be prohibited.

2. Cutting or gathering of trees or parts of trees and/or the removal of wood from Shell Lake shall be prohibited.

Q. Abandonment and Impoundment of Personal Property

1. Personal property of any kind shall not be abandoned, stored or left unattended upon Shell Lake lands or waters. After a period of twenty-four (24) hours, or at any time after the closure of the boat ramp and recreation area, unattended personal property shall be presumed to be abandoned and may be impounded and stored at a storage point designated by the City Manager.

2. Personal property placed on Shell Lake lands or waters adjacent to a private residence and/or development for more than twenty-four (24) hours shall be presumed to have been abandoned and, unless proven otherwise, such presumption shall be sufficient to issue a citation.

R. State and Local Laws

Except as otherwise provided herein, all Federal, State and local laws and ordinances shall apply on Shell Lake lands and waters. (Prior code § 10-312; 1131, Amended, 07/10/2006.)

Section 9.16.190 Violation of Public Property Restrictions

A. It shall be an offense for any person to do any of the following acts upon any public street, highway, alley, public place or upon or to any other public property, real, personal or mixed, belonging to the City of Sand Springs or located within the city limits of the City of Sand Springs, regardless of the purpose for which such property was dedicated, acquired or purchased, without the consent of the City Council of the City of Sand Springs:

1. To take or attempt to take possession of any of the property in any manner;

2. To take up one's abode upon the property;

3. To build any structure of any kind upon any of the property;

4. To fence in or cultivate any of the property;

5. To dump boxes, trash, litter, paper, refuse matter, tin cans, garbage or other forms of solid waste on any of the property; or

6. To drive any vehicle of any kind, regardless of the means of powering the same upon or across any of such property, except where the streets, highways, alleys or roadways have been properly laid out and open to the public.

B. It shall be an offense for any person to do any of the following acts upon any public park, mall, community center or other public property, including any and all realty and improvements thereon owned or leased by the City of Sand Springs or wherein the City is the beneficiary of the use and benefit of the realty and improvements for the use, benefit and enjoyment of its citizens:

1. To be drunk or intoxicated in or upon the property from drinking or consuming intoxicating liquor, intoxicating substance or intoxicating compound or from the inhalation of glue, paint or other intoxicating substances; or

2. To be drunk or intoxicated in or upon the property from any cause and to disturb the peace of any person.

C. It shall be an offense for any person to maliciously or willfully deface, injure, destroy, besmear or bedaub any building, sidewalk, street, pavement, curbing, water or sewer line or other real or personal property of the City of Sand Springs.

D. It shall be an offense for any person to lodge in, on or about any automobile, truck, trailer, camper or similar vehicle in any public street, highway, alley, public park area, public way, public right of way, public parking lot or any other public property owned or leased by the City of Sand Springs or where in the City is the beneficiary of the use and benefit of the realty and improvement for the use, benefit and enjoyment of its citizens without the express permission of the governmental authority controlling the property.

E. Any person violating any of the provisions of this section shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine of not more than One Hundred Dollars (\$100.00), excluding costs, and/or by imprisonment in the City jail for a period of not less than one (1) day nor more than ten (10) days. (1332, amended 2019-01-28)

Chapter 9.20

THEFT AND RELATED OFFENSES

Sections:

- 9.20.010 Petit larceny prohibited.**
- 9.20.020 Harmful deception.**
- 9.20.030 False or bogus checks.**
- 9.20.040 Defrauding hotels, restaurants.**
- 9.20.050 Offense Against Gasoline Pump Theft**

Section 9.20.010 Petit larceny prohibited.

A. Petit larceny is the taking of personal property of value not exceeding Five Hundred Dollars (\$500.00) accomplished by fraud or stealth and with intent to deprive another thereof, but it does not include the taking of such property from the "person" of another. (1221, Amended by Recodification, 11/19/2012)

B. Petit larceny is unlawful, and any person who commits, attempts or assists in the crime of larceny shall be guilty of a misdemeanor. (Prior code § 10-201; 1221, Amended by Recodification 11/19/2012)

Section 9.20.020 Harmful deception.

It is unlawful for any person knowingly to deceive another, whether by impersonation, misrepresentation, or otherwise, when such deception results in or contributes to the loss, damage, harm or injury of the person deceived or of a third party, or results in or contributes to the benefit of the deceiver. (Prior code § 10-415)

Section 9.20.030 False or bogus checks.

It is unlawful for any person, with intent to cheat and defraud, to obtain or attempt to obtain from any person, firm or corporation, any money, property or valuable thing of the value of Five Hundred Dollars (\$500.00) or less by means of any false or bogus check or by any other written or printed or engraved instrument or spurious coin. The term "false or bogus check" means and includes checks or orders given for money or property which are not honored on account of insufficient funds of the maker to pay same, as against the maker or drawer thereof. The making, drawing, issuing or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in or credit with, such bank or other depository. Such maker or drawer shall not have paid the drawee the amount due thereon, together with the protest fees, and the check or order shall be presented for payment within thirty (30) days after same is delivered and accepted. (Prior code § 10-416; 1221, Amended by Recodification, 11/19/2012)

Section 9.20.040 Defrauding hotels, restaurants.

It is unlawful for any person to obtain food, lodging or other accommodations at any restaurant, hotel, inn, boarding or rooming house, with intent not to pay for the same or with intent to defraud the owner or keeper thereof. (Prior code § 10-417)

Section 9.20.050 OFFENSE AGAINST GASOLINE PUMP THIEVERY

Any person who pumps gasoline into the gasoline tank of a vehicle and leaves the premises where the gasoline was pumped without making payment for the gasoline shall be guilty of an offense.

Any violation of this ordinance shall be a Class B violation of the ordinance of the City and subject to the penalties wet forth by ordinance for Class B violations. Each separate day of violation shall constitute a separate offense. (1109, Amended, 09/26/2005.)

Chapter 9.24

EQUAL ACCESS TO HOUSING

Sections:

9.24.010	Intent
9.24.020	Acts Prohibited
9.24.030	Acts Exempted.
9.24.040	Complaint Procedure
9.24.050	Severability Clause
9.24.060	Complaint procedure.
9.24.070	Hearing by council.
9.24.080	Penalty.

Section 9.24.010 Intent

The general intention of the City Council of the City of Sand Springs, Oklahoma, in providing for the passage of this chapter is as follows:

- A. To secure for all residents of the City of Sand Springs, Oklahoma, equal access to housing in all neighborhoods and areas of the City.
- B. To preserve the public welfare, to provide for the preservation of public peace, health and safety.

Section 9.24.020 Acts Prohibited

It shall be unlawful for any person, firm, corporation or association to commit any of the following acts:

- A. To refuse to sell, lease, rent, assign or otherwise transfer the title or other interest in any housing, or real property upon which residential housing is to be constructed, to any person, or to discriminate in the terms or conditions of the sale, rental or leasing of any residential housing unit, because of race, color, religion, or national origin, familial status or disability.
- B. To refuse to negotiate with any person for the sale, rental, or leasing of any residential property, or to represent that such property is not available for inspection, sale, rental or lease when, in fact, it is so available, because of such person's race, color, religion, or national origin, familial status or disability.
- C. To solicit or induce, or attempt to solicit or induce, any person owning any interest in residential housing to sell, rent or lease, or not to sell, rent or lease such housing to any person on the grounds of loss of value due to the present or prospective entry into the neighborhood of a person or persons of another race, color, religion, or national origin, familial status or disability either by direct solicitation or inducement or by the purchase of other property in the neighborhood for the purpose of such inducement, to distribute, or cause to be distributed, material or make statements designed to induce a residential property owner to sell or lease his property due to such change in neighborhood.

D. To file a complaint alleging violation of this ordinance, with knowledge that such complaint is false in any material respect, or to file such complaint for the sole purpose of harassment.

Section 9.24.030 Acts Exempted.

Nothing contained herein shall apply to the following:

A. To prohibit person from giving a preference to prospective buyers or tenants for reasons other than race, color, religion, national origin, familial status or disability.

B. To the sale of a dwelling which is, or was at the time when first offered for sale, the principal residence of its owner.

C. To the rental of rooms in an owner-occupied residence or in a dwelling used exclusively as a rooming house.

D. To the rental or leasing of a housing unit in a building containing less than four housing units.

E. To the rental or leasing of a dwelling or housing units owned by a religious or fraternal organization, or private club used and occupied for such organizational purposes.

Section 9.24.040 Complaint Procedure

A. Any person aggrieved by any discriminatory practice as prohibited by this chapter, may file with the Mayor, a complaint in writing, which shall be filed under oath. Said complaint shall be signed by the person claiming to be aggrieved, and shall state the name and address of the person alleged to have violated the provisions of this chapter, and shall further set forth the particulars of said violation, and may include such other information as may be required by the Mayor. Complaints filed under this section must be filed within 30 days after the alleged violation, and failure to file within said time period shall be considered a waiver of the application of this chapter. The City may issue a complaint on its own initiative at any time that it comes within the knowledge of the City that a person has violated any of the provisions of this section.

B. The Mayor shall forward the filed complaint to the State Human Rights Commission for investigation and resolution. The State Human Rights Commission has 100 days to complete its investigation. If the State Human Rights Commission cannot complete its investigation in that time period, it must notify the U.S. Department of Housing and Urban Development (HUD) in writing explaining the cause of the delay.

C. The State Human Rights Commission will attempt to conciliate the complaint. Under State law, the State Human Rights Commission must prosecute the alleged violator if the facts warrant it. If the State Human Rights Commission finds the complaint guidelines issued by the U.S. Department of Housing and Urban Development, the findings will be honored by HUD. The complainant may, however, pursue redress through District Court within two years of the alleged violation or from two years of the date notice is given by the State Human Rights Commission that the matter will not be pursued.

Section 9.24.050 Severability Clause

If any provisions of this ordinance or the application thereof, to any person or circumstance, is held invalid by a Court of competent jurisdiction, the invalidity shall not affect other provisions or application of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

Section 9.24.060 Complaint procedure.

A. Any person aggrieved by any discriminatory practice as prohibited by this section, may file with the fair housing council, a complaint in writing which shall be filed under oath. The complaint shall be signed by the person claiming to be aggrieved, and shall state the name and address of the person alleged to have violated the provisions of this section, and shall further set forth the particulars of the violation, and may include such other information as may be required by the council. Complaints filed under this section must be filed within thirty (30) days after the alleged violation, and failure to file within the time period shall be considered a waiver of the application of this section. The council may issue a complaint on its own initiative, at any time that it comes within the knowledge of the council that a person has violated any of the provisions of this section.

B. The council shall investigate each complaint filed with the council, and shall attempt an adjustment of the complaint by means of conference and conciliation. Sixty (60) days will be allowed for the purpose of investigation, conference, and conciliation. Upon determination that a complaint is not well founded, the council shall dismiss the complaint and notify the complainant and respondent in writing of the dismissal. If the council takes no action within ninety (90) days of the filing of the complaint, it shall be considered as dismissed. (Prior code § 5-525)

Section 9.24.070 Hearing by council.

A. If the council is unsuccessful by means of conference or conciliation in securing compliance with this section by any person, firm, corporation or association against which a complaint has been filed, then a notice in writing shall be served upon the person complained against, hereinafter referred to as the "respondent." Notifying the respondent of the alleged violation of the provisions of this chapter and requesting that the respondent answer charges of the complaint at a hearing before the council.

B. The council shall give notice of any such hearing at least ten (10) days before the date and time which such hearing has been set. Any and all notices required under the provisions of this chapter may be served personally on any person complained against, or by mailing a copy thereof by certified registered mail, with return receipt requested, to the most current business or residential address of the person.

C. The notice shall contain the request for the respondent to appear at a hearing for the purposes of determining whether or not a violation of this chapter has been committed, which hearing shall be held at a certain time and place which shall be specified in the notice. The notice shall advise the respondent that upon failure to comply with the notice, the respondent shall be considered to be in violation of the provisions of this chapter.

D. At any such hearing, as provided for above, the complaint shall be heard by the council. At the hearing, the respondent, person, firm, corporation, or association shall appear either in person or by counsel and shall be required to file a written answer to the complaint. The complainant or person aggrieved by the actions of the person, firm, corporation or association may also appear in person or by counsel at the hearing. The council will then proceed to hold a hearing to determine whether the respondent has committed an act in violation of the provisions of this chapter and which act is detrimental to the health, benefit and welfare of the public, the community, and the citizens of the city.

E. The council, when conducting any hearing, shall permit both the person aggrieved and the respondent to introduce any such witnesses, evidence, testimony, or exhibits as either party deems necessary and prudent. Further the council may at such time permit amendments to any written complaint or answer as filed with the council and all testimony taken at the hearing shall be under oath. Either party represented at the hearing shall have the right to request that the testimony be transcribed, or the testimony shall be transcribed at the direction of the council:

1. Findings of the Council. If the council finds at any such hearing, that the respondent has engaged in discriminatory practices as prohibited by this chapter, it shall state its findings of fact in written report form and forward the report to the City Attorney for appropriate action; or

2. If the council, upon hearing, finds that respondent has not engaged in any discriminatory practices as prohibited herein, it shall so state its findings in written form, and further shall issue and file an order dismissing the complaint.

F. The council shall have the authority and right to promulgate such rules and regulations and shall govern, expedite, and assist the foregoing procedures as it deems necessary. It shall further maintain all files as provided for herein. (Prior code § 5-526)

Section 9.24.080 Penalty.

Any person or other legal entity which shall violate any of the provisions of this chapter or fails to comply therewith or with any of the requirements thereof shall be deemed guilty of an offense punishable as provided in Section 1.20.010 of this code. (Prior code § 5-527)

Chapter 9.28

OFFENSES BY OR AGAINST MINORS

Sections:

9.28.010 Curfew for minors.

9.28.020 Truancy

Section 9.28.010 Curfew for minors.

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

"Custodian" is any person over the age of twenty-one (21) years who is in loco parentis to a minor.

"Guardian" is any person other than a parent who has legal guardianship of a minor.

"Minor" is any person under the age of eighteen (18).

"Parent" is the natural or adoptive parent of a minor.

"Public place" means any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A "public place" shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drugstore, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

B. It is unlawful for any minor to remain, wander, stroll or play in any public place on foot or to cruise about without a set destination in any vehicle in, about or upon any public place in the city between the hours of twelve midnight and five a.m. in the morning on any day unless:

1. The minor is accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor;

2. The minor is on an emergency errand or specific business or activity directed or permitted by his or her parent, guardian or other adult person having the care and custody of the minor; or

3. Where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation.

C. It is unlawful for any person, firm or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minors between the hours of curfew designated in subsection B of this section.

D. It is unlawful for any parent, guardian, custodian or other adult person having custody or control of any minor to suffer or permit or by inefficient control to allow such person to be on any public place within the city between the hours of curfew designated in subsection B of this section. The provisions of this section do not apply if:

1. The minor is accompanied by a parent, guardian, custodian or other adult person having the care, custody or control of the minor;

2. The minor is on an emergency errand or specific business or activity directed by his or her parent, guardian, custodian or other adult having the care and custody of the minor;

3. The parent guardian or other adult person herein has made a missing person notification to the city police department;

4. Within one hour following the ending, closing, adjournment or dismissal of a meeting, service or activity of, and sponsored by, a public school, church or religious organization, which has been participated in or attended by such minor who is returning directly to his or her home or place of abode; or

5. When a minor has in his or her possession a written exemption granted by the chief of police of the city.

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

F. A parent, guardian or custodian, of such minor, may file a written application directed to the chief of police of the city who may grant a special exemption of enforcement of the curfew provided by this section being required as to such minor, which exemption shall not exceed five consecutive days, or in the alternative, two days of any week for a period not to exceed thirty (30) days. All requests shall be filed with the City Clerk of the city.

G. The chief of police shall have the authority to grant or reject any request for an exemption to enforcement of the curfew provided by this section or may reduce the time limit of such exemption. However, any applicant for such exemption, feeling aggrieved by the action of the chief of police, may file a request for hearing before the judge of the municipal court of the city who shall summarily hear same, and his or her judgment shall be final.

H. Any law enforcement officer who shall witness a violation of this section may take such offender into his or her custody to be prosecuted for such violation, require the posting of a sufficient bond for such minor's appearance in court, or may place the minor in the custody of his or her parents or some responsible person. (Prior code § 10-410)

Section 9.28.020 Truancy

A. It shall be unlawful for a parent of a minor who is over the age of five (5) years and under the age of eighteen (18) years, to neglect or refuse to cause or compel such minor to attend and comply with the rules of a public, private or other school of the parent's choosing in which the minor is enrolled. (Added by Ord 1113, adopted 09/26/05; Amended by Ord 1236, adopted 04/08/13)

B. It shall be unlawful for any minor who is over the age of eight (8) and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of some public, private or other school, or receive an education by other means for the full term of the schools of the district in which the minor attends are in session. (Added by Ord 1113, adopted 09/26/05; Amended by Ord 1236, adopted 04/08/13)

Provided, that this section shall not apply:

(1) If any such minor is prevented from attending school by reason of mental or physical disability, as determined by the Board of Education of the district upon a certificate of the school physician or public health physician or, if no such physician is available, a duly licensed and practicing physician;

(2) If any such minor is excused from attendance at school, due to an emergency, by the principal of the school in which the minor is enrolled, at the request of the parent of the minor;

(3) If any such minor is excused from attending school by:

a) The administrator of the school or district where the minor attends school, and

b) The parent of the minor. Provided, further, that no minor shall be excused from attending school by such joint agreement between a school administrator and the parent of the minor unless and until it has been determined that such action is in the best interest of the minor and/or the community, and that said minor shall thereafter be under the supervision of the parent until the minor has reached the age of eighteen (18) years; and

(4) If any such minor is observing religious holy days prior to the absence and the parent of the minor submits written request for the absence, the school district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the holy days.

(5) If the child is a participant in an accredited home school program. (Added by Ord 1113, adopted 09/26/05)

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Chapter 9.32

WEAPONS AND EXPLOSIVES

Sections:

- 9.32.010 Storing or keeping explosives.**
- 9.32.020 Discharge of Certain Weapons Prohibited.**
- 9.32.030 Discharge of Firearms Prohibited.**
- 9.32.040 Transportation of Loaded Firearm Prohibited.**
- 9.32.050 Carrying of Weapons Prohibited.**

Section 9.32.010 Storing or keeping explosives.

It is unlawful for any person to store or keep within the city any nitroglycerin, dynamite, gunpowder, or any other highly explosive material or substance, except that gunpowder may be kept in quantities of not to exceed five pounds where the same is securely kept. (Prior code § 10-304)

Section 9.32.020 Discharge of Certain Weapons Prohibited. (1238, adopted 06/24/14)

A. It is unlawful and an offense for any person to discharge an air rifle, air pistol, bow, cross bow, sling shot, spear, blowgun or similar instrument in which the propelling force is a spring, air, or other method other than that of a firearm within the city, unless at a firearms range approved by the Chief of Police. (1238 adopted 06/24/14)

B. It shall not be a violation of this section if a weapon described in paragraph A of this section is discharged for any of the following reasons:

1. When done by any peace officer in the performance of any legal duty or by any person assisting such officer or acting as such officer's direction;
2. When resisting any attempt to murder or to commit any felony upon any person or upon any dwelling occupied by any person;
3. When discharge in the lawful defense of any person when there are reasonable grounds to apprehend a design to commit a felony or to do some great personal injury and there is imminent danger of such design or injury being accomplished;
4. When necessarily discharged in an attempt, by lawful means, to arrest any person for any felony committed, in the suppression of any riot, or lawfully keeping or preserving the peace;
5. When discharged by an unforeseeable accident or misfortune, while doing any lawful act, by lawful means, using ordinary care, without unlawful intent;
6. When done by military personnel in the performance of any lawful duty at a military function or federal or state armed forces, including but not limited to the Oklahoma Army or Air National Guard, Federal Military Reserve, or other active military forces; and

7. When discharged in the lawful defense of any person or property and there are reasonable grounds to apprehend a great injury from the presence of a vicious, dangerous, or deadly animal;

8. When done as a part of any funeral, play, educational demonstration or other event approved by the Chief of Police;

9. When done at a firearms range that has been approved by the Chief of Police;

10. The Chief of Police or his designee may grant exceptions to this section for the purposes of hunting on parcels of land within the corporate city limits over five acres, and may also grant an exception for special events when the Chief has determined the safety of the public is adequately protected during the event. This exemption may be predicated on conditions set forth to insure safe conduct of the activity. Any exemption must be given in writing from the Chief of Police. The Chief of Police will be the sole and final authority in granting any exception to this section. (Prior code § 10-307; Amended by Ord 1238, adopted 06/24/14; Amended by Ord 1259, adopted 10/13/14)

Section 9.32.030 Discharge of Firearms Prohibited.

A. Any person who shall willfully discharge any firearm within the corporate limits of the City shall be guilty of an offense. A firearm as used herein shall be as defined by Oklahoma State Statute Title 21 O.S. 1289 in its entirety. (Amended by Ord 1238, adopted 06/24/14)

B. It shall not be a violation of this section if a firearm is discharged for any of the following reasons:

1. When done by any peace officer in the performance of any legal duty or by any person assisting such officer or acting at such officer's direction;

2. When resisting any attempt to murder or to commit any felony upon any person or upon any dwelling occupied by any person;

3. When discharge in the lawful defense of any person when there are reasonable grounds to apprehend a design to commit a felony or to do some great personal injury and there is imminent danger of such design or injury being accomplished;

4. When necessarily discharged in an attempt, by lawful means, to arrest any person for any felony committed, in the suppression of any riot, or lawfully keeping or preserving the peace;

5. When discharged by an unforeseeable accident or misfortune, while doing any lawful act, by lawful means, using ordinary care, without unlawful intent.

6. When done by military personnel in the performance of any lawful duty at a military function or federal or state armed forces, including but not limited to the Oklahoma Army or Air National guard, Federal Military Reserve, or other active military forces; and

7. When discharged in the lawful defense of any person or property and there is reasonable grounds to apprehend a great injury from the presence of a vicious, dangerous, or deadly animal.

8. When done as a part of any funeral, play, educational demonstration or other event approved by the Chief of Police where the firearm being discharged uses a simulated round commonly referred to as a blank. (Amended by Ord 1127, adopted 03/13/06; Amended by Ord 1238, adopted 06/24/14)

9. When done at a firearms range that has been approved by the Chief of Police. (Added by Ord 1238, adopted 06/24/14.)

10. The Chief of Police or his designee may grant exceptions to this section for the purposes of hunting on parcels of land within the corporate city limits over five acres and may also grant an exception for special events when the Chief has determined the safety of the public is adequately protected during the event. This exemption may be predicated on conditions set forth to insure safe conduct of the activity. Any exemption must be given in writing form the Chief of Police. The Chief of Police will be the sole and final authority in granting any exception to this section. (1238, eff. 06/24/14; 1259, eff. 10/13/14)

Any violation of this ordinance shall be a violation of the ordinances of the City and subject to the maximum penalty set forth by ordinance for Class A violations. Each separate day of violation shall constitute a separate offense.

Section 32.040 Transportation of Loaded Firearm Prohibited.

Any person stopped pursuant to a moving traffic violation who is transporting a loaded pistol in the motor vehicle without a valid concealed handgun permit authorized by the Oklahoma Self-Defense Act or valid license from another state, whether the loaded firearm is concealed or open in the vehicle, shall be issued a traffic citation in the amount of Seventy Dollars (\$70.00), or such amount as state law from time to time may allow, plus court costs for transporting a firearm improperly. In addition to the traffic citation provided in this section, this person may also be arrested for any other violation of law.

When the arresting officer determines that a valid handgun license exists, pursuant to the Oklahoma Self-Defense Act or any provision of law from another state, for any person in the stopped vehicle, any firearms permitted to be carried pursuant to that license shall not be confiscated, unless:

1. The person is arrested for violating another provision of law other than a violation of subsection A of this section; provided, however, if the person is never charged with an offense pursuant to this paragraph or if the charges are dismissed or the person is acquitted, the weapon shall be returned to the person; or

2. The officer has probable cause to believe the weapon is:

a. contraband, or

b. a firearm used in the commission of a crime other than a violation of subsection A of this section.

Nothing in this section shall be construed to require confiscated of any firearm.

9.32.050 Carrying of Weapons Prohibited.

It shall be unlawful and an offense for any person to carry upon or about his or her person, or in a purse or other container, any dagger, bowie knife, dirk knife, switchblade knife, spring-type knife, sword cane, knife having a blade which opens

automatically by hand pressure applied to a button, spring, or other devices in the handle of the knife, blackjack, loaded cane, billy, hand chain, metal knuckles, or any other offensive weapon, whether such weapon is concealed or unconcealed; except this section shall not prohibit:

1. Regulate or touch in any way pistols, rifles, or other firearms, their components, ammunition, or supplies, in deference to state preemption of this subject matter, pursuant to the Oklahoma Self-Defense Act, 21 O.S. Supp.1996, § 1289.24;

2. The proper use of knives for hunting, fishing, educational, or recreational purposes;

3. The carrying or any use of any weapons in a manner otherwise permitted by statute or authorized by the Oklahoma Self-Defense Act, 21 O.S. Supp. 1996, §§ 1290.1, et. seq.; or

4. The carrying, possession, or use of any weapon by a peace officer in the performance of official duties and in compliance with the rules of the employing agency. (1127, Amended, 03/13/2006.)

Chapter 9.36

SMOKING REGULATED IN CERTAIN PUBLIC PLACES

Sections:

- 9.36.010 Definitions.**
- 9.36.020 Prohibition of Tobacco Products and Vapor Products.**
- 9.36.030 Smoking Prohibited in Indoor Workplaces.**
- 9.36.040 Smoking Regulated in Restaurants.**
- 9.36.050 Responsibility for Compliance.**
- 9.36.060 Violation and Penalty.**
- 9.36.070 Enforcement**

Section 9.36.010 Definitions.

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

- a) **Indoor Area:** means any indoor city-owned/operated property. An indoor area includes work areas, employee lounges, restrooms, conference rooms, classrooms, hallways, any other spaces used or visited by employees or the public, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor areas at any given time, whether or not work is being performed;
- b) **Outdoor Area:** means any covered area, partially covered area or area open to the sky that is on a property owned or operated by the city;
- c) **Recreational Area:** means any area that is owned, controlled or used by the City of Sand Springs and open to the general public for recreational purposes, regardless of any fee or age requirement. The term "Recreational Area" includes but is not limited to parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, and skateboard parks;
- d) **Tobacco Products:** means any product that contains or is derived from tobacco and is intended for human consumption excluding drugs or devices approved for cessation by the United States Food and Drug Administration. This includes e-cigarettes and vapor products, with or without nicotine.
- e) **Tobacco-Free:** means to prohibit the use of any tobacco product by anyone, anywhere, at any time;
- f) **Vapor Product:** shall mean noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. "Vapor Products": shall include any vapor cartridge or other

container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. (1290, eff. 10/24/2016; 1327, Amended 08/27/18)

Section 9.36.020 Prohibition of Tobacco Products and Vapor Products on City-Owned/Operated Property

a) The use of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor or outdoor areas owned or operated by this city.

b) All buildings and other properties, including indoor and outdoor areas, owned or operated by this city, shall be entirely tobacco free to include all forms of tobacco products including vapor products.

c) All indoor and outdoor recreational areas owned or operated by this city, shall be entirely tobacco free to include all forms of tobacco products including vapor products. (1290, eff. 10/24/2016)

Section 9.36.030 Smoking Prohibited in Indoor Workplaces

a) The use of lighted tobacco products in any form in any indoor workplace under private ownership that is used by or open to the public shall be prohibited unless otherwise allowed by applicable federal, state or county laws, rules, and regulations. An “indoor workplace” shall be construed to include all portions of building interiors occupied by or otherwise accessible to employees, agents, volunteers or other personnel engaging in corporate functions, or the provision of goods or services to the public.

b) The provisions of this section shall not apply to:

1. A bar, tavern, club or other establishment that derives more than 60 percent of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and/or low-point beer; and that is not located within or that does not share any common entryway or common indoor area with any other enclosed indoor workplace, including a restaurant.

2. The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games.

3. Up to 25 percent of the guest rooms at a hotel or other lodging establishment.

4. Retail tobacco stores predominantly engaged in the sales of tobacco products and accessories, and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises.

5. Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access. “Incidental Public Access” means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business.

6. Workplaces occupied exclusively by one or more smokers, if the workplace has only incidental public access.

7. Private offices occupied exclusively by one or more smokers.

8. Workplaces within private residences, except that smoking shall not be allowed inside any private residence that is used as a licensed child care facility during hours of operation.

9. Medical research or treatment centers, if smoking is integral to the research or treatment.

10. A facility operated by a post or organization of past or present members of the Armed Forces of the United States which is exempt from taxation pursuant to applicable sections of the Internal Revenue code, 26 U.S.C., when such facility is utilized exclusively by its members and their families and for the conduct of post or organization nonprofit operations except during an event or activity which is open to the public.

11. Any outdoor seating area of a restaurant; provided, smoking shall not be allowed within 25 feet of any exterior public doorway or any air intake facility of a restaurant.

c) An employer not otherwise restricted from doing so may elect to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed and exhausted directly to the outside in such a manner that no smoke can drift or circulate into a non-smoking area. No exhaust from a smoking room shall be located within 25 feet of any building entrance, exit, or air intake facility.

d) If smoking is to be permitted in any space exempted in the foregoing portions of this Section, such smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from a smoking room shall not be exhausted within 25 feet of any building entrance, exit, or air intake facility.

e) Any employer may choose a more restrictive smoking policy, including being totally nonsmoking. (1290, eff. 10/24/2016)

Section 9.36.040 Smoking Regulated in Restaurants

a) Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated smoking rooms. Food and beverage may be served in such designated smoking rooms which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within 25 feet of any building entrance, exit, or air intake facility. Such room shall be subject to verification for compliance with the provisions of this Section by the Oklahoma State Department of Health. (1290, eff. 10/24/2016)

Section 9.36.050 Responsibility for Compliance

a) A sign or decal, at least four (4) inches by two (2) inches in size, shall be posted at each entrance to a building where smoking is prohibited indoors under provisions of this Chapter indicating that the premises is nonsmoking or tobacco free.

b) If an outdoor area is designated nonsmoking or tobacco free under provisions of this Chapter, a sign or decal with lettering at least one (1) inch in height shall be posted in a prominent location indicating that the area is nonsmoking or tobacco free. Such signage shall designate in numeric or graphical specificity the area that is designated nonsmoking or tobacco.

c) For purposes of compliance responsibility upon private properties, the owner, lessee, or other person in control of the building or facility, shall be responsible for compliance with provisions of this Chapter. Upon public properties, the manager, supervisor, or other person in control of the building or facility, shall be responsible for compliance with provisions of this Chapter. (1290, eff. 10/24/2016)

Section 9.36.060 Violation and Penalty

a) Any person who knowingly violates this Chapter shall be deemed guilty of a Class "C" offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this Code. (1290, eff. 10/24/2016)

Section 9.36.070 Enforcement

The State or local governmental agency shall, at a minimum, do the following in order to prevent tobacco and vapor product use in city owned/operated places:

a) Post signs at entrances to city owned/operated places which state that tobacco use is prohibited; and

b) Ask tobacco users to refrain from using any form of tobacco products, including vapor products upon observation of anyone violating the provisions of this act. (1290, eff. 10/24/2016)

Chapter 9.40

PREVENTION OF YOUTH ACCESS TO TABACCO

Sections:

- 9.40.010 Definitions.**
- 9.40.020 Provision of Tobacco to Persons Less than Eighteen (18) Years of Age Prohibited.**
- 9.40.030 Proof of Age Required.**
- 9.40.040 Possession of Tobacco Products by Persons Less than Eighteen (18) Years of Age Prohibited.**
- 9.40.050 Sales of Tobacco Products in Sealed Packages.**
- 9.40.060 Proper Signage Required.**
- 9.40.070 Notice of Retail Employees.**
- 9.40.080 Limited Access to Vending Machines.**
- 9.40.090 No Public Access to Tobacco Products.**
- 9.40.100 Materials or Devices Used with Tobacco Products Prohibited.**
- 9.40.100 Penalties.**

Section 9.40.010 Definitions.

The City of Sand Springs hereby adopts all provisions and any subsequent amendments of Oklahoma state statute Title 37 Section 600.2. (Amended 1322, 06/25/2018)

Section 9.40.020 Provision of Tobacco or Vapor Products to Persons Less Than Eighteen (18) Years of Age Prohibited. (Amended 1322, 06/25/2018)

The City of Sand Springs hereby adopts all provisions and any subsequent amendments of Oklahoma state statute Title 37 Section 600.3. (Amended 1322, 06/25/18)

Section 9.40.030 Proof of Age Required.

The City of Sand Springs hereby repeals this section in accordance with Oklahoma state statute Title 37 Section 600.10. (Amended 1322, 06/25/2018)

Section 9.40.040 Possession of Tobacco or Vapor Products by Persons Less Than Eighteen (18) Years of Age Prohibited.

The City of Sand Springs hereby adopts all provisions and any subsequent amendments of Oklahoma state statute Title 10A Section 2-8-224. (Amended 1322, 06/25/2018)

Section 9.40.050 Sales of Tobacco Products in Sealed Packages.

The City of Sand Springs hereby repeals this section in accordance with Oklahoma state statute Title 37 Section 600.10. (Amended 1322, 06/25/2018)

Section 9.40.060 Proper Signage Required.

The City of Sand Springs hereby repeals this section in accordance with Oklahoma state statute Title 37 Section 600.10. (Amended 1322, 06/25/2018)

Section 9.40.070 Notice to Retail Employees.

The City of Sand Springs hereby repeals this section in accordance with Oklahoma state statute title 37 Section 600.10. (Amended 1322, 06/25/2018)

Section 9.40.080 Limited Access to Vending Machines.

The City of Sand Springs hereby repeals this section in accordance with Oklahoma state statute Title 37 Section 600.10. (Amended 1322, 06/25/2018)

Section 9.40.090 No Public Access to Tobacco Products.

The City of Sand Springs hereby repeals this section in accordance with Oklahoma state statute Title 37 Section 600.10. (Amended 1322, 06/25/2018)

Section 9.40.100 Materials or Devices Used with Tobacco Products Prohibited.

The City of Sand Springs hereby repeals this section in accordance with Oklahoma state statute Title 37 Section 600.10. (Amended 1322, 06/25/2018)

Section 9.40.110 Penalties.

A. Any person found to be in violation of any provision of this Chapter shall be deemed guilty of a Class "C" offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this Code. The City Council shall, by separate resolution, adopt specific criminal penalties through Municipal court that area consistent with State law for certain violations of this Chapter.

The City of Sand Springs hereby repeals all other previous parts of this section in accordance with Oklahoma state statute Title 37 Section 600.10. (1189, Added 08/24/2009; 1221, Amended by Recodification, 11/19/2012; Amended 1322, 06/25/2018)

Chapter 9.44

OFFENSE TO PERMIT OR ALLOW GATHERINGS WHERE MINORS ARE CONSUMING ALCOHOLIC BEVERAGES

Sections:

- 9.44.010 Definitions.**
- 9.44.020 Consumption of Alcoholic Beverages by Minors Unlawful.**
- 9.44.030 Hosting, Permitting or Allowing a Party, Gathering or Event With Minors Consuming Alcoholic Beverages Prohibited.**
- 9.44.040 Penalties.**

Section 9.44.010 Definitions.

“Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

“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.

“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.

“Intoxicating Beverage” includes beverages containing more than three and two-tenths percent (3.2%) alcohol by weight.

“Legal Guardian” means: (1) A person by 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.

“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.

“Minor” means any person less than twenty-one (21) years of age.

“Parent” means a person who is a natural parent, adoptive parent, foster parent, or step-parent of another person.

“Premises” means any residence or other private property, place, or premises, including any commercial or business premises.

“Response Costs” are the costs associated with responses by law enforcement, code enforcement, fire, and other emergency response providers to a gathering, including but not limited to: (1) Salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative costs attributable to such response(s); (2) The cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a

gathering; (3) The cost of repairing any City equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and (4) Any other allowable costs related to the enforcement of this Chapter.

Section 9.44.020 Consumption of Alcoholic Beverages by Minors Unlawful.

Except as permitted by state law, it is unlawful for any minor to consume an alcoholic beverage at any public place or any place open to the public, or to 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.

Section 9.44.030 Hosting, Permitting or Allowing a Party, Gathering or Event With Minors Consuming Alcoholic Beverages Prohibited.

A. It is the duty of any person having control of any premises, who knowingly hosts, permits or allows a gathering at said premises, to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the gathering; and supervising the activities of minors at the gathering.

B. 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 had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in Part "A" of this Section.

C. 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.

D. 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.

E. 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.

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

Section 9.44.040 Penalties.

A) Any person who shall violate the provisions of this Chapter shall be deemed guilty of a Class "A" offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this Code. Each separate incident of violation shall constitute a separate offense.

B) Violations of this Chapter shall also be subject to civil and/or administrative penalties as assessed or otherwise sought by the City of Sand Springs. The City may seek administrative fees and response costs as defined in this Chapter that are associated with enforcement of this Chapter through all remedies or procedures provided by state statute, or City ordinance or resolution. This Section shall not limit the authority of law enforcement officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this Chapter, nor shall it limit the City's ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of this Chapter.

C) This Chapter shall not apply where prohibited or preempted by state or federal law. (1178, Added, 04/27/2009)

TITLE 10

VEHICLES AND TRAFFIC

Chapters:

- 10.04 GENERAL PROVISIONS**
- 10.08 STATE TRAFFIC CODE ADOPTED**
- 10.12 TRAFFIC CONTROL DEVICES**
- 10.16 STOPPING, STANDING AND PARKING**
- 10.20 LOADING ZONES**
- 10.24 VEHICLE EQUIPMENT**
- 10.28 IMPOUNDMENT**
- 10.32 ENFORCEMENT**

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Chapter 10.04

GENERAL PROVISIONS

Sections:

- 10.04.010 Citation of chapter.**
- 10.04.020 Traffic code controlling.**
- 10.04.030 Obedience to traffic code.**
- 10.04.040 Penalties.**

Section 10.04.010 Citation of chapter.

This chapter and all amendments hereto may be cited or referred to as the "Traffic Code, City of Sand Springs" and may so appear upon all official documents, records or instruments. (Prior code § 15-101)

Section 10.04.020 Traffic code controlling.

Except as specifically provided by law as set forth in this chapter, the traffic code shall be controlling in the use of city streets, alleys, thoroughfares, parks, parkways or any other public right-of-way or municipally owned land, by pedestrians and by vehicles of every kind whether self-propelled or otherwise and whether moving or at rest. (Prior code § 15-102)

Section 10.04.030 Obedience to traffic code.

A. It is an offense against the city for any person to do any act forbidden or to fail to perform any act required by this chapter.

B. It is an offense against the city for the parent of any child or for the guardian of any ward to authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

C. It is an offense for any person to authorize or knowingly to permit any vehicle registered in his or her name to be driven or to stand or to be parked in violation of any of the provisions of this title. (Prior code § 15-1401)

Section 10.04.040 Penalties.

Every person violating any of the provisions of this title containing the traffic laws of the city shall be guilty of an offense and upon conviction thereof shall be fined or punished as provided in Section 1.20.010 of this code. (Prior code § 15-1402)

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Chapter 10.08

STATE TRAFFIC CODE ADOPTED

Sections:

10.08.010 Adoption of state traffic code.

10.08.012 Speed Limit for Unposted Streets and Roads. (Added by Ord 1244, 12/16/13.)

Section 10.08.010 Adoption of state traffic code.

The provisions of the State Motor Vehicle Code, Sections 1-101 et seq. of Title 47 of the Oklahoma Statutes, and particularly the Rules of the Road, Sections 10-101 et seq., of Title 47 of the Oklahoma Statutes, are hereby adopted and incorporated herein by reference, and are enforceable by the city within the city limits as fully as if set out at length herein. (Prior code § 15-104)

Section 10.08.012 Speed Limit for Unposted Streets and Roads

Except when a special hazard exists that requires a lower speed for compliance with the state traffic code, the speed limit for all city streets and roads, unless posted otherwise, shall be 25 miles per hour. (Added by Ord. 1244, adopted 12/16/13)

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Chapter 10.12

TRAFFIC CONTROL DEVICES

Sections:

- 10.12.010 Authority to install traffic control devices.
- 10.12.020 Uniform requirements for traffic control devices.
- 10.12.030 Obedience to official traffic control devices.
- 10.12.040 When official traffic control devices required for enforcement purposes.
- 10.12.050 Traffic control signal legend.
- 10.12.060 Pedestrians--Signal indicators--Regulations.
- 10.12.070 Flashing signals.
- 10.12.080 Pedestrian-activated school crossing signals.
- 10.12.090 Unauthorized traffic control devices prohibited.
- 10.12.100 Defacement of traffic control devices.
- 10.12.110 Authority to establish play streets.
- 10.12.120 Restriction on use of play streets.
- 10.12.130 Designation of crosswalks and safety zones.
- 10.12.140 Traffic lanes.

Section 10.12.010 Authority to install traffic control devices.

The City Manager, subject to any direction the council may give, shall have placed and maintained traffic control signs, signals, and devices when and as required under the traffic ordinances of this city to make effective the provisions of such ordinances, and may have placed and maintained such additional traffic control signs, signals, and devices as he may deem necessary to regulate traffic under the traffic ordinances of this city or under state law or to guide or warn traffic. (Prior code § 15-601)

Section 10.12.020 Uniform requirements for traffic control devices.

A. All traffic control signs, signals, and devices shall conform to the manual of uniform traffic control devices approved by the State Department of Public Safety.

B. All signs, signals, and devices required hereunder for a particular purpose shall so far as practicable be uniform as to type and relative location throughout the city. All traffic control devices erected and not inconsistent with the provisions of state law or this chapter shall be official traffic control devices. (Prior code § 15-602)

Section 10.12.030 Obedience to official traffic control devices.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto, placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exemptions granted the driver of an authorized emergency vehicle in this section. (Prior code § 15-603)

Section 10.12.040 When official traffic control devices required for enforcement purposes.

No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. If a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place. (Prior code § 15-604)

Section 10.12.050 Traffic control signal legend.

The display of signal lights, arrows and words shall be deemed to have the following meanings and requires the appropriate response on the part of vehicular traffic and pedestrians:

- A. Green Alone, "Go":
 - 1. Vehicular traffic facing the signal, except when prohibited, may proceed straight through or turn right or left unless an official sign at such place prohibits such turn, but any vehicle and any pedestrian lawfully within the intersection or adjacent crosswalk at the time the signal displays green shall have the right-of-way over such vehicular traffic; and
 - 2. Pedestrian traffic, facing a green signal may proceed across the roadway within any marked or unmarked crosswalk unless a "Walk" signal indicator is operating.
- B. Steady Yellow or Amber Alone, "Caution":
 - 1. The showing of such signal color following green shall constitute a warning that the "Red" or "Stop" signal will be exhibited immediately thereafter; and
 - 2. Vehicles facing the signal shall stop before entering the near side crosswalk or at the limit line, if it is marked, unless the vehicle is so near the limit line when the "Caution" signal first flashes that a stop cannot be made in safety, in which event vehicles may proceed cautiously through the intersection and clear the same before the "Red" signal flashes;
- C. Red Alone, "Stop":
 - 1. Vehicular traffic facing the signal shall stop before entering the crosswalk and shall remain standing until green or "Go" is shown alone. Except where official signs are erected prohibiting such turns, vehicles in the right traffic lane, after making a full stop as required, may enter the intersection cautiously and make a right turn, but such vehicles shall yield the right-of-way to any pedestrians or other traffic in the intersection and the turn shall be made so as not to interfere in any way with traffic proceeding on a green signal indication on the cross street; and
 - 2. Pedestrians facing the signal shall not enter or cross the roadway when such movement interferes with traffic proceeding on a green signal indication on the cross street, or when the movement cannot be made in safety. No pedestrian facing such signal shall enter the roadway until the green or "Go" is shown alone unless authorized to do so, by a pedestrian "walk" signal;
- D. Steady Red with Green Arrow:
 - 1. Vehicular traffic facing such signal when in the proper traffic lane may cautiously enter the intersection only to make the movement indicated by the arrow, but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic

lawfully using the intersection. If the movement indicated by the green arrow is a left turn, the left turn shall be made only on the red with green arrow signal; and

2. No pedestrian facing such signal shall enter the roadway until the green or "Go" is shown alone unless authorized so to do by a pedestrian "Walk" signal.

E. Green Arrows Alone. Whenever vehicular traffic movements are controlled by green arrows alone and not displayed with any other signal indication, vehicles facing such signals may make the movements indicated by the green arrows and the movements shall be made only when the green arrows are displayed. (Prior code § 15-605)

F. Flashing Arrows. Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic signal, it shall require obedience by drivers as follows:

1. Flashing red (stop signal): When a red lens is illuminated with rapid intermittent flashes, a driver shall stop at a clearly marked limit line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the driver may proceed subject to the rules applicable after making a stop at a stop sign.

2. Flashing yellow (caution signal): When a yellow lens is illuminated with rapid intermittent flashes, a driver may proceed through the intersection or past the signal only with caution.

G. Malfunctioning Traffic Control Signal. If a driver approaches or is stopped at an intersection while a malfunctioning traffic control signal is in place, if no uncovered signal lens facing the driver is illuminated, the signal shall be considered a flashing red signal as described in Section 10.12.070, "Flashing Signals," and no driver shall disobey the rules for flashing red signals. (Added by Ord 1254, adopted 06/23/14)

Section 10.12.060 Pedestrians--Signal indicators--Regulations.

Special pedestrian control signals exhibiting the words "Walk", "Wait" or "Don't Walk" shall regulate pedestrian movement as follows:

A. "Walk." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles; and

B. "Wait" or "Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his or her crossing on the "Walk" signal shall proceed to a sidewalk or safety zone while the "Wait" signal is showing. (Prior code § 15-606)

Section 10.12.070 Flashing signals.

A. Whenever an illuminated flashing red or yellow signal is showing, it shall require obedience by vehicular traffic as follows:

1. "Flashing Red." When a red light is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; and

2. "Flashing Yellow." When a yellow light is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection, or pass such signal only with caution.

B. This section shall not apply at railroad grade crossings. (Prior code § 15-607)

Section 10.12.080 Pedestrian-activated school crossing signals.

Whenever a pedestrian-activated school crossing signal is provided, it requires obedience by vehicular traffic and pedestrians as follows:

A. "Flashing Yellow":

1. When a yellow lens is illuminated with rapid intermittent flashes, drivers or operators of vehicles may proceed through the intersection or pass such signal only with caution; and

2. Pedestrians shall not proceed in conflict with traffic, but may activate the signal control switch, and shall wait until steady red alone is shown before entering the roadway or intersection controlled by the signal;

B. "Steady Yellow Alone":

1. Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection or pass the signal when the red or "Stop" signal is exhibited; and

2. No pedestrian shall enter the roadway or intersection on which the signal controls vehicular traffic until steady red alone is shown.

C. "Steady Red":

1. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, and shall remain standing until flashing yellow is shown alone;

2. Pedestrians may proceed across the road controlled by the signal, and shall be given the right-of-way by the drivers of all vehicles.

D. "Steady Red and Steady Yellow Combined":

1. Vehicular traffic facing the signal is thereby warned that the flashing yellow signal will be exhibited immediately thereafter, and that such vehicular traffic shall remain standing until the flashing yellow is shown alone; and

2. Pedestrians are thereby warned that the flashing yellow signal is about to be shown, and shall not enter the signal-controlled roadway or intersection, or in a direction which conflicts with the movement of vehicular traffic; but any pedestrian who has partially completed his or her crossing shall proceed to the nearest sidewalk or safety island, and shall be given the right-of-way by the drivers of all vehicles. (Prior code § 15-608)

Section 10.12.090 Unauthorized traffic control devices prohibited.

A. No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

B. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign, signal, or device bearing thereon any commercial advertising.

C. This section shall not prohibit the erection upon private property adjacent to highways of signs giving useful directional information which are of a type that cannot be mistaken for official signs.

D. Every prohibited sign, signal, marking or device may be removed without notice. (Prior code § 15-609)

Section 10.12.100 Defacement of traffic control devices.

A. No person shall without lawful authority attempt to or in fact alter, destroy, deface, molest, interfere, tamper, injure, knock down, remove or have in his or her possession any traffic control device or any railroad sign or signal or an inscription, shield or insignia thereon, or any part thereof.

B. This chapter shall not apply to any of the following persons when acting within the scope and duty of their employment:

1. Any officer, agent, independent contractor, employee, servant or trustee of any governmental agency; or

2. Any officer, agent independent contractor, employee, servant or trustee of any contractor, public utility or railroad company. (Prior code § 15-610)

Section 10.12.110 Authority to establish play streets.

The City Manager, subject to any direction the council may give, shall have authority to declare any street or part thereof a play street and to have placed appropriate signs or devices in the roadway indicating and helping to protect the same. (Prior code § 15-611)

Section 10.12.120 Restriction on use of play streets.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area; and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof. (Prior code § 15-612)

Section 10.12.130 Designation of crosswalks and safety zones.

The City Manager, subject to any direction the council may give, may:

A. Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in its opinion there is particular danger to pedestrians crossing the roadway, and at such other places as it may deem necessary; and

B. Establish safety zones or islands of such kind and character and at such places as he may deem necessary for the protection of pedestrians. (Prior code § 15-613)

Section 10.12.140 Traffic lanes.

A. The City Manager, subject to any direction the council may give, may be authorized to have traffic lanes marked upon the roadway of any street where a regular alignment of traffic is necessary.

B. Where such traffic lanes have been marked, it is unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement or otherwise authorized by ordinance. (Prior code § 15-614)

Chapter 10.16

STOPPING, STANDING AND PARKING

Sections:

- 10.16.010** **Illegal parking declared public nuisance.**
- 10.16.020** **Application of standing or parking regulations.**
- 10.16.030** **Parking time limits may be established--Signs.**
- 10.16.040** **Handicapped parking--Enforcement on public or private property.**
- 10.16.050** **Parking more than twenty-four hours.**
- 10.16.060** **Brakes--Motor not to be left running.**
- 10.16.070** **Signs or markings indicating angle parking.**
- 10.16.080** **Obedience to angle parking signs or markings.**
- 10.16.090** **Parking in spaces marked off.**
- 10.16.100** **Permits for loading or unloading at an angle to the curb.**
- 10.16.110** **Hazardous or congested places--Stopping, standing, parking.**
- 10.16.120** **Stopping, standing or parking prohibited in specified places.**
- 10.16.130** **Blocking of intersection or crosswalk prohibited.**
- 10.16.140** **Standing or parking on one-way roadway.**
- 10.16.150** **Standing or parking on left side of one-way streets.**
- 10.16.160** **Parking adjacent to schools.**
- 10.16.170** **Parking prohibited at intersections.**
- 10.16.180** **Parking in alleys, blocking driveways.**
- 10.16.190** **Entry on private property, trespass--Evidence, burden of proof.**
- 10.16.200** **Parking Vehicle or Trailer on Public Street in Residential District**
- 10.16.210** **Double parking.**
- 10.16.220** **Parking for certain purposes prohibited.**
- 10.16.230** **Method of parking, standing or parking close to curb.**
- 10.16.240** **Negligent parking.**
- 10.16.250** **Right-of-way to parallel parking space.**
- 10.16.260** **Metered parking zones.**
- 10.16.270** **Parking meters.**
- 10.16.280** **Snow and Ice Emergency Parking Regulations**

Section 10.16.010 Illegal parking declared public nuisance.

Any vehicle in violation of any regulation contained in this chapter governing, limiting or prohibiting the parking or standing of a vehicle on any street or public thoroughfare is hereby declared to constitute a public nuisance, and each separate traffic citation issued as authorized herein for such violation shall constitute a separate notice thereof to the owner or operator of such vehicle. (Prior code § 15-701)

Section 10.16.020 Application of standing or parking regulations.

The provisions of this chapter shall not be applicable when it is necessary for a vehicle to stop to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. (Prior code § 15-702)

Section 10.16.030 Parking time limits may be established--Signs.

A. The City Manager, subject to any direction the council may give, may establish parking time limits or prohibit parking on designated streets or parts of streets and have appropriate signs placed on the streets. When the signs are in place, it is unlawful for any person to park a vehicle in violation of the sign. No such time limits shall be effective unless a sign is erected and in place at the time of the alleged violation. All parking time limit regulations, unless specifically provided otherwise, shall be in force and effect between eight a.m. and six p.m. except on Sundays and legal holidays.

B. The City Council has sole authority to issue parking permits. (Prior code § 15-703)

Section 10.16.040 Handicapped parking--Enforcement on public or private property.

A. It is unlawful for any person to place or park a motor vehicle in any parking space on private property accessible to the public and where the public is invited or public property that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such person has a physical disability insignia as under the provisions of Section 15-112 of Title 47 of the Oklahoma Statutes, and such insignias are displayed as provided in Section 15-112 of Title 47 of the Oklahoma Statutes or regulations adopted pursuant thereto.

B. Any person who shall violate any of the provisions of this section shall be guilty of an offense and upon conviction thereof shall be punishable by a fine as provided in Section 1.20.010 of this code. (Prior code § 15-704)

Section 10.16.050 Parking more than twenty-four hours.

No person shall park a vehicle on any street for a period of time longer than twenty-four (24) hours. This section shall not affect parking limits established for shorter periods. (Prior code § 15-705)

Section 10.16.060 Brakes--Motor not to be left running.

Adequate brakes shall be set on all parked vehicles. No driver of a motor vehicle shall leave the vehicle with the motor running while parked. (Prior code § 15-706)

Section 10.16.070 Signs or markings indicating angle parking.

The City Council, by motion or resolution, shall determine upon what streets and parts of streets angle parking shall be permitted, and shall have such streets marked or signed. (Prior code § 15-707)

Section 10.16.080 Obedience to angle parking signs or markings.

On those streets which have been so signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. (Prior code § 15-708)

Section 10.16.090 Parking in spaces marked off.

In an area where parking spaces have been marked off on the surface of the street, a driver parking a vehicle shall park it within a parking space as thus marked off, and not on or over a line delimiting a space. (Prior code § 15-709)

Section 10.16.100 Permits for loading or unloading at an angle to the curb.

A. The City Manager is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein. The City Manager may revoke such permits at any time.

B. It is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit. (Prior code § 15-710)

Section 10.16.110 Hazardous or congested places--Stopping, standing, parking.

A. The City Manager, subject to any direction the council may give, is hereby authorized to determine and regulate by proper signs the stopping, standing, or parking of vehicles when such stopping, standing or parking would create an especially hazardous condition or would cause unusual delay to traffic.

B. When official signs are erected at hazardous or congested places, as authorized in subsection A of this section, no person shall violate such signs. Such signs may be posted adjacent to the hazardous or congested places, or at the entries to a neighborhood announcing any parking restriction that apply to the area. (Amended 1320, 05/21/2018)

C. There is no parking in the middle of a street in any residential area of the city. (Prior code § 15-711)

Section 10.16.120 Stopping, standing or parking prohibited in specified places.

A. No person shall stop, stand, or park a vehicle, except in emergencies or when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device in any of the following places:

1. On a sidewalk, sidewalk area, or between the sidewalk and the street;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within fifteen (15) feet of a fire hydrant except in a parking space officially marked;
5. On a crosswalk;
6. Within twenty (20) feet of a crosswalk at an intersection;
7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
8. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length has been indicated by signs or markings;
9. Within fifty (50) feet of the nearest rail of a railroad crossing;

10. Within twenty (20) feet of the driveway entrance to any fire station, and on the side of street opposite the entrance to any fire station within seventy-five (75) feet of the entrance when properly signposted;

11. Alongside or opposite any street excavation or construction when stopping, standing, or parking would obstruct traffic;

12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel; or

14. At any place where official signs prohibit stopping, standing or parking. (Amended 1320, 05/21/2018)

15. No person shall step or stand in roadway or median used to channel traffic for the purpose of soliciting a ride, employment, business, or contributions of any kind from the occupant of any vehicle; provided however, that sworn public safety officers may solicit contributions for a charitable project officially authorized by the City.

B. No person shall move a vehicle not lawfully under his or her control into any prohibited area or an unlawful distance away from a curb. (Prior code § 15-712; 1151, amended 08/13/2007)

Section 10.16.130 Blocking of intersection or crosswalk prohibited.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. (Prior code § 15-713)

Section 10.16.140 Standing or parking on one-way roadway.

A. If a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of the one-way roadway unless signs are erected to permit such standing or parking.

B. The City Manager may determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof. (Prior code § 15-714)

Section 10.16.150 Standing or parking on left side of one-way streets.

The City Manager may have signs erected upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles. When the signs are in place, no person shall stand or park a vehicle in violation of any such signs. (Prior code § 15-715)

Section 10.16.160 Parking adjacent to schools.

A. The City Manager may have signs erected indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his or her opinion, interfere with traffic or create a hazardous situation.

B. No person shall park a vehicle in violation of any such signs. (Prior code § 15-716)

Section 10.16.170 Parking prohibited at intersections.

The parking of vehicles at the curb where streets intersect shall be prohibited fifteen (15) feet in advance of the crosswalk on the near side of such intersection. (Prior code § 15-717)

Section 10.16.180 Parking in alleys, blocking driveways.

No person shall park a vehicle within a street or alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within a street or alley in such position as to block a driveway entrance to any abutting property. (Prior code § 15-718)

Section 10.16.190 Entry on private property, trespass--Evidence, burden of proof.

A. No person shall make an entry with any vehicle upon real property owned or legally occupied by another without the owner's or occupant's consent except where such private property is provided as public parking and the general use of the property is not restricted by signs or proper markings.

B. Where entry is made upon real property owned or legally occupied by another without the owner's or occupant's consent, except on unrestricted public parking, and is complained of by the owner or legal occupant of the premises, the burden is put upon the person making the entry to show that permission for such entry was given. (Prior code § 15-719)

Section 10.16.200 Parking Vehicle or Trailer on Public Street in Residential District

No person shall park a trailer of any kind or length, including but not limited to a travel, camping or hauling trailer, or a boat, motor home, on any public street in a residential district for more than twenty-four (24) hours in a forty-eight (48) hour period. (1276, eff. 11/23/2015; 1283, eff. 04/11/2016)

Nor shall any person park any vehicle which is in excess of twenty-four (24) feet in length, on any public street in a residential district for more than twenty-four (24) hours in a forty-eight (48) hour period. (1283, eff. 04/11/2016)

Any violation of this ordinance shall be a Class C violation of the ordinances of the City and subject to the penalties set forth by ordinance for Class C violations. Each separate day of violation shall constitute a separate offense. (1111, Amended, 09/26/2005, Amended Section 10.16.200; Ord 1111, Amended, 09/26/2005, Amended Name)

Section 10.16.210 Double parking.

A. No driver shall double park or double stop a vehicle under the following conditions:

1. Within fifty (50) feet of an intersection except alley intersections, or within ten (10) feet of an alley intersection;
2. Opposite a double parked or double stopped vehicle across the street;

3. When such double parking or double stopping would or does block or interfere materially with the normal movement of traffic;

4. When parking space adjacent to the curb is available;

5. When directed by a police officer to move on; or

6. In any position other than parallel to the curb and within two feet of the adjacent vehicle parked next to the curb.

B. A driver may double park or double stop a vehicle only as authorized in this section. There must be a licensed driver in any vehicle while it is double parked or double stopped.

C. A driver may double stop for the purpose of, but only while actually engaged in, the expeditious loading or unloading of passengers, subject, however, to all the general conditions hereinabove set out.

D. A driver may double park for the purpose of, but only while actually engaged in, the expeditious loading or unloading of merchandise, subject, however, to all the general conditions hereinabove set out. No such vehicle shall be double parked longer than ten (10) minutes. (Prior code § 15-721)

Section 10.16.220 Parking for certain purposes prohibited.

No person shall park a vehicle upon any roadway for the purpose of:

A. Displaying the vehicle for sale;

B. Displaying advertising or displaying merchandise or other things for sale or selling merchandise or other things; or

C. Washing, cleaning, or repairing the vehicle, except for repairs necessitated by an emergency. (Prior code § 15-722)

Section 10.16.230 Method of parking, standing or parking close to curb.

Except as otherwise provided in this chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs, shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen (18) inches of the right-hand curb. Any vehicle stopped or parked upon the left-hand side of a one-way street where there are adjacent curbs shall be parked or stopped with the left-hand wheels parallel to and within eighteen (18) inches of the left-hand curb. (Prior code § 15-723)

Section 10.16.240 Negligent parking.

No person shall park, cause to be parked, stop or leave unattended any vehicle as follows:

A. In a careless or negligent manner;

B. In such a manner as to endanger life, limb, person, or property; or

C. In such manner as to endanger or interfere with the lawful traffic or use of the streets. (Prior code § 15-724)

Section 10.16.250 Right-of-way to parallel parking space.

A. The driver of any vehicle intending to occupy a parallel parking space where a backing movement is necessary and which is being vacated by another vehicle shall stop his or her vehicle to the rear of the parking space until the vacating vehicle

has cleared and entered normal traffic. He or she then shall be deemed to have the right-of-way to such parking space over any other vehicle attempting to park therein.

B. The first of two or more vehicles to reach the rear boundary of an unoccupied parallel parking space where a backing movement is necessary to occupy, shall be deemed to have the right-of-way to such parking space. (Prior code § 15-725)

Section 10.16.260 Metered parking zones.

A. Any person who, as driver or owner, shall allow any automobile to remain parked in a metered parking zone after the time paid for on the meter shall have expired, shall be deemed to be in violation of this chapter and a traffic ticket or summons shall be affixed to any such vehicle as provided in this code.

B. Should any person receiving such ticket or summons for a parking meter violation desire to plead guilty to such violation, he shall pay a fine as set by the city within twenty-four (24) hours after receipt of such ticket or summons. Such plea of guilty may be entered and fine paid by depositing the fine together with the ticket or summons received in a fine box which shall be attached to a parking meter, at least one to each block on each side of the street where parking meters are placed.

C. After the expiration of twenty-four (24) hours from the time of receiving any such traffic ticket or summons for a parking meter violation, a plea of guilty may only be entered before the municipal judge at the time and place specified in the summons or ticket; and upon entering any such plea of guilty or upon conviction after a plea of innocence, the violator shall be fined in an amount as set by the city. (Prior code § 15-726)

Section 10.16.270 Parking meters.

A. Where parking meters are erected and the time limits prescribed thereon are in conflict with any ordinance or regulation prescribing parking limits, the parking meter time limit shall govern, unless other official signs are attached to the meter post or meter head or stamped thereon indicating to the contrary.

B. The City Manager, subject to any direction the council may give, shall have the power to designate the placement of parking meters, the total parking time allowable thereon, and to change the placement or timing thereof by regulation as herein provided.

Section 10.16.280 Snow and Ice Emergency Parking Regulations

A. Snow and Ice Emergency. A snow and ice emergency shall be defined as an event wherein there is such an accumulation of ice and/or snow that the streets and roads of the City require the use of snow and ice removal equipment, as declared by the City Manager or his designee.

B. Snow Route Parking Ban. A snow route parking ban is hereby declared to be in effect during those times as declared by the City Manager or his designee following the accumulation of snow or ice to the extent the roads and streets are deemed dangerous.

C. Snow Routes Designated. To facilitate the removal of snow and to assure the regular flow of traffic during and after snow and ice events, the streets and public thoroughfares designated by the City Engineer as a snow route, shall be recognized as the official snow routes for the City.

D. Stopping, Standing Parking Prohibited. When a snow and ice emergency has been declared, it shall be unlawful for any person to stop, park or leave unattended any motor vehicle upon a snow route, as designated herein, during times of any snow route parking ban as defined herein.

E. Snow and Ice Emergency Parking Restrictions. The following parking restrictions shall apply during snow emergencies:

1. On all snow routes, parking is prohibited during the snow and ice emergency.

2. On all other streets within the city limits that allow parking on both sides of the street, when a snow or ice emergency has been declared as defined herein, parking is hereby prohibited on the side of the street with odd numbered house addresses, unless otherwise already prohibited by other parking restrictions or signage.

F. Movement of Parked Vehicles. Whenever a motor vehicle has been stopped, parked or left unattended in violation of either the snow and ice route parking ban or the snow and ice emergency parking regulations, said vehicle is hereby declared to be a traffic and public safety hazard and the chief of police may order said motor vehicle removed.

G. Snow Removal, Deposit in Certain Places Prohibited. No person shall deposit or cause to be deposited any snow upon any street or road of the City, upon any public sidewalk, or upon any private property so as to obstruct a clear view at the intersection of traveled roadways. (Prior code § 15-727; 1219, Amended, 01/09/2012)

Chapter 10.20

LOADING ZONES

Sections:

- 10.20.010 Definitions.**
- 10.20.020 Designation of curb loading zones.**
- 10.20.030 Loading zones to be used only for designated purpose.**
- 10.20.040 Stopping, standing or parking in passenger curb loading zone.**
- 10.20.050 Stopping, standing or parking in commercial curb loading zone.**
- 10.20.060 Designation of public carrier stops and stands.**
- 10.20.070 Use of bus and taxicab stands restricted.**
- 10.20.080 Stopping, standing and parking of buses and taxis.**

Section 10.20.010 Definitions.

As used in this chapter:

"Commercial vehicle" means:

1. A truck designated for delivery purposes with the name of the owner or his or her business painted on both sides of the vehicle, regularly used during normal business hours for the delivery and handling of merchandise or freight and which bears a regular state commercial license tag; and

2. A passenger vehicle used regularly and actually engaged during normal business hours in the delivery and handling of merchandise or freight, and which bears a special numbered license plate issued by the city at the rear of the vehicle attached to the state license plate together with an identically numbered decal, issued vehicle.

"Freight loading zones" means all curb loading zones authorized and regularly used exclusively for the loading and unloading of merchandise for storage, trade, shipment or re-sale.

"Passenger loading zones" means all loading zones authorized and used regularly and exclusively for the loading and unloading of passengers except bus stops, taxicab stands, and stands for other passenger common carrier vehicles. (Prior code § 15-801)

Section 10.20.020 Designation of curb loading zones.

A. The City Manager, subject to any direction the council may give, may determine the location of passenger and freight curb loading zones and shall have placed and maintained appropriate signs indicating the zones and stating the hours during which the provisions of this section are applicable.

B. No person shall stand or park a vehicle in violation of signs erected in accordance with this section.

C. If any loading zone is established on request of any person, the signs shall not be placed until the applicant pays to the city an amount of money estimated by the City Manager to be adequate to reimburse the city for all costs of establishing and signing the same. (Prior code § 15-802)

Section 10.20.030 Loading zones to be used only for designated purpose.

No curb loading zone authorized and established as a passenger loading zone shall be used as a freight loading zone, and no freight loading zone shall be used as a passenger loading zone except as may be specifically provided by law. (Prior code § 15-803)

Section 10.20.040 Stopping, standing or parking in passenger curb loading zone.

No person shall stop, stand, or park a vehicle in a passenger curb loading zone for any purpose or period of time other than for the expeditious loading or unloading of passengers, during the hours when the regulations applicable to such curb loading zones are effective, and then only for a period not to exceed three minutes. (Prior code § 15-804)

Section 10.20.050 Stopping, standing or parking in commercial curb loading zone.

A. No person shall stop, stand, or park a vehicle in a commercial curb loading zone for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes. Vehicles using any commercial loading zone shall be subject to the licensing requirements and regulations provided by this chapter.

B. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any commercial vehicle which is waiting to enter the zone. (Prior code § 15-805)

Section 10.20.060 Designation of public carrier stops and stands.

The City Manager, subject to any direction the council may give, may establish loading zones for common carriers, including but not limited to bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles, on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public. Every such loading zone shall be designated by appropriate signs. (Prior code § 15-806)

Section 10.20.070 Use of bus and taxicab stands restricted.

No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and the appropriate signs are in place. The driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, or taxicab waiting to enter or about to enter the zone. (Prior code § 15-807)

Section 10.20.080 Stopping, standing and parking of buses and taxis.

A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage except at areas designated as provided herein, except in case of an emergency.

C. The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. (Prior code § 15-808)

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Chapter 10.24

VEHICLE EQUIPMENT

Sections:

- 10.24.010** Certain vehicles prohibited--Vehicles injurious to streets.
- 10.24.020** Obstructive and dangerous vehicles.
- 10.24.030** Equipment.
- 10.24.040** Muffler cut-outs.
- 10.24.050** Width, height, length, and load.
- 10.24.060** Inspection of vehicles.
- 10.24.070** Loud sound amplification systems prohibited.
- 10.24.080** Vehicle Brakes

Section 10.24.010 Certain vehicles prohibited--Vehicles injurious to streets.

No vehicle or object which injures or is likely to injure the surface of a street, shall be driven or moved on any street. (Prior code § 15-301)

Section 10.24.020 Obstructive and dangerous vehicles.

No person shall drive any vehicle in such condition, so constructed, or so loaded, as to cause delay or be likely to cause delay in traffic, or as to constitute a hazard to persons or property, except by permit approved by the chief of police and in accordance with the terms of such permit. (Prior code § 15-302)

Section 10.24.030 Equipment.

Every vehicle operated upon the streets of the city shall be equipped as required by law. It is unlawful to operate a vehicle upon a street of the city which is not equipped as required by law. It is unlawful to fail to use such equipment in the manner required by law, or to use it in a manner prohibited by law. It is unlawful to operate a vehicle which has equipment prohibited by law upon a street of the city. (Prior code § 15-303)

Section 10.24.040 Muffler cut-outs.

No motor vehicles with an internal combustion engine shall be operated within the city unless the exhaust from such engine is muffled by a suitable and sufficient muffler. No muffler cut-out or exhaust or vacuum whistle shall be used on any motor vehicle while operating within the city, except that exhaust whistles may be used on authorized emergency vehicles. (Prior code § 15-304)

Section 10.24.050 Width, height, length, and load.

No person shall drive or convey through any street any vehicle the width, length, height, weight, or load of which exceeds that authorized by state law, except in accordance with a permit issued by state authority or approved by the chief of police. (Prior code § 15-305)

Section 10.24.060 Inspection of vehicles.

A. No person shall drive or move on any road, street, or highway of this city any motor vehicle, including motorcycles, trailers, semi-trailers, or pole trailers, which are licensed by the Oklahoma Tax Commission and operated on the streets or highways, of this city, or any combination thereof, unless the vehicle is bearing a valid official inspection sticker issued by an official inspection station licensed by the Department of Public Safety. The provisions of this section shall not apply to any house trailer, which requires a permit to be moved upon the highways of this state.

B. Any person who violates the provisions of this section shall upon conviction thereof be subject to a fine as provided in Section 1.20.010 of this code. (Prior code § 15-306) (Repealed by Ord. 1243, 10/00/2013)

Section 10.24.070 Loud sound amplification systems prohibited.

A. No person operating or occupying a motor vehicle on a street, highway, alley, parking lot, or driveway shall operate or permit the operation of any sound amplification system from the vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle.

B. "Sound amplification system" means any radio, tape player, compact disc player, loud speaker, or other electronic device used for the amplification of the human voice, music, or musical instruments.

C. "Plainly audible" means any sound produced by a sound amplification system from the vehicle which clearly can be heard at a distance of fifty (50) feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and base reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot, or driveway.

D. It is an affirmative defense to a charge under this section that the operator is authorized by law to operate the sound amplification system, for any of the following circumstances:

1. The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;
2. The vehicle was an emergency or public safety vehicle;
3. The vehicle was owned and operated by the city, or public or private utility company; or
4. The vehicle was used in authorized public activities, such as parades, fireworks, sports events, or other activities which have been approved by the appropriate city official or body.

E. Any person who violates any provision of this section, upon conviction, shall be subject to a fine as provided in Section 1.20.010 of this code, exclusive of cost. (Prior code § 15-307)

Section 10.24.080 Vehicle Brakes

- A. It shall be unlawful for any operator of any vehicle within the City to utilize any equipment for the purpose of braking which creates an excessive or unusual noise.

B. This provision shall prohibit the use of devices commonly known as "jake brakes" by any vehicle operator, but shall not be limited thereto. (Ord. 988, Add, 06/11/2001)

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Chapter 10.28

IMPOUNDMENT

Sections:

- 10.28.010 Purpose and effect of impoundment provisions.**
- 10.28.020 Place of impoundment.**
- 10.28.030 Duration of impoundment.**
- 10.28.040 Police granted authority to impound vehicles.**
- 10.28.050 Disabled vehicles.**
- 10.28.060 Vehicles on bridge.**
- 10.28.070 Arrest and detention of driver of vehicle.**
- 10.28.080 Vehicle constitutes traffic hazard.**
- 10.28.090 Illegal trespass by vehicle.**
- 10.28.100 Vehicles parked overtime.**
- 10.28.110 Vehicles blocking fire exits or hydrants.**
- 10.28.120 Vehicles parked in intersection.**
- 10.28.130 Stolen vehicles--Recovery by police.**
- 10.28.140 Vehicles with outstanding traffic citations.**

Section 10.28.010 Purpose and effect of impoundment provisions.

The impoundment of vehicles under authority of the provisions of this chapter shall be construed as an enforcement procedure for protection of the public peace, safety and welfare, and the safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations, protection of the public rights in the use of streets and thoroughfares from obstructions placed and left in derogation of those rights, and for safeguarding and protecting recovered stolen vehicles. (Prior code § 15-1301)

Section 10.28.020 Place of impoundment.

Every vehicle that is impounded under the provisions of this chapter shall be removed to the nearest garage or place of safekeeping designated by the City Council, and to no other place. (Prior code § 15-1302)

Section 10.28.030 Duration of impoundment.

A. Except as otherwise provided, any vehicle impounded under the authority of this chapter shall be stored and held safely until an order for its release is received from an officer of the traffic violations bureau or other proper police officer.

B. The order of release of an impounded vehicle shall be conditioned upon the payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle.

C. No order of release of an impounded vehicle shall be issued until all fines and costs due the city because of traffic law or other law violations involving the vehicle have been paid. (Prior code § 15-1303)

Section 10.28.040 Police granted authority to impound vehicles.

Members of the police department are hereby authorized within the limits set forth in this chapter to impound vehicles under the circumstances hereinafter enumerated. No impoundment shall be valid unless made under order of an authorized police officer and in strict adherence with the procedures required in this chapter. (Prior code § 15-1304)

Section 10.28.050 Disabled vehicles.

A disabled vehicle upon a street or highway may be impounded under the following circumstances:

- A. If left unattended and improperly parked on street or highway and constitutes a definite hazard or obstruction to the normal movement of traffic; or
- B. If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal and the vehicle is so disabled as to constitute an obstruction to traffic or a hazard. (Prior code § 15-1305)

Section 10.28.060 Vehicles on bridge.

An unattended vehicle left upon any bridge, viaduct or causeway or in any tube or tunnel, where the vehicle constitutes an obstruction to traffic or hazard, may be impounded. (Prior code § 15-1306)

Section 10.28.070 Arrest and detention of driver of vehicle.

Whenever the driver or person in charge of any vehicle is placed under arrest and taken into custody and detained by police under circumstances which leaves or will leave a vehicle unattended on any street or highway, the vehicle may be impounded. (Prior code § 15-1307)

Section 10.28.080 Vehicle constitutes traffic hazard.

A vehicle left unattended upon any street, alley or thoroughfare and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic shall be impounded. (Prior code § 15-1308)

Section 10.28.090 Illegal trespass by vehicle.

A. An unattended vehicle found to be in violation of this code may be impounded when the required complaint has been properly made and filed as provided in this section.

B. If a violation of the provisions of this code occurs, the owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner's or legal occupant's property, or if the identity of the person parking the vehicle is unknown, then the complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing.

C. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe the provisions of this code have been violated, the police department shall cause the vehicle to be impounded from the property and placed in storage. (Prior code § 15-1309)

Section 10.28.100 Vehicles parked overtime.

Any unattended vehicle which has been parked for more than one hour in excess of the time allowed for parking in any place shall be impounded. (Prior code § 15-1310)

Section 10.28.110 Vehicles blocking fire exits or hydrants.

Any vehicle illegally parked in such a manner that it blocks a fire escape ladder, device or exit or blocks ready access to a fire hydrant shall be impounded. (Prior code § 15-1311)

Section 10.28.120 Vehicles parked in intersection.

Any unattended vehicle illegally parked in any street intersection shall be impounded. A disabled vehicle in an intersection with the person in charge of the vehicle being present, shall be moved out of the intersection and to the nearest available legal parking space at the street curbing. (Prior code § 15-1312)

Section 10.28.130 Stolen vehicles--Recovery by police.

A. Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time not exceeding one hour, or cannot be determined from the registration papers or other identifying media in the vehicle or from records or information available from reports of stolen cars, the vehicle may be removed to the nearest authorized place to impoundment and the registered owner of the vehicle shall be notified of the location of the place of impoundment as soon as possible by the police department.

B. If the registered owner is identified, located and notified of the recovery of the stolen vehicle, the owner shall be given the right to make his or her own arrangement for the removal of the vehicle within the period of one hour from the time he or she is actually notified of its recovery, and if the owner is unable or unwilling to effect the removal within the time specified the vehicle may be impounded. (Prior code § 15-1313)

Section 10.28.140 Vehicles with outstanding traffic citations.

Any vehicle for which a citation has been issued, pursuant to this code for violation of an ordinance, and has not been presented as required, may be impounded if parked in violation of any provision of this chapter. (Prior code § 15-1314)

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Chapter 10.32

ENFORCEMENT

Sections:

- 10.32.010 Enforcement of traffic laws--Establishment of traffic control division.**
- 10.32.020 Direction of traffic by hand or voice.**
- 10.32.030 Direction of traffic by unauthorized persons.**
- 10.32.040 Obedience to police and fire officials.**
- 10.32.050 Emergency and experimental regulations.**
- 10.32.060 Push carts, riding animals, or driving animal drawn vehicles to comply with code.**
- 10.32.070 Use of Mini-Bikes, Coasters, Roller Skates, and Similar Devices**
- 10.32.080 Public officers and employees to obey traffic regulations.**
- 10.32.090 Persons working on streets--Exceptions.**
- 10.32.100 Maintenance and construction zones.**
- 10.32.110 Authorized emergency vehicles.**
- 10.32.120 Operation of vehicles on approach of authorized emergency vehicles.**
- 10.32.130 Accident, duty to stop.**
- 10.32.140 Issuance of citation tags.**
- 10.32.150 Failure to obey citation.**
- 10.32.160 Failure to comply with traffic citations attached to parked vehicle.**
- 10.32.170 Presumption in reference to illegal parking.**
- 10.32.180 Illegal cancellation of traffic citations.**
- 10.32.190 Disposition and records of traffic citations, warrants, and complaints.**
- 10.32.200 Court records, abstract to be sent to State Department of Public Safety.**
- 10.32.210 Possession of valid driver' s license required.**
- 10.32.220 Operation of vehicle on invalid license prohibited.**
- 10.32.230 Unlawful to operate vehicle without state vehicle license.**
- 10.32.240 Permitting unauthorized person to drive prohibited.**
- 10.32.250 Insurance or certificate required.**

Section 10.32.010 Enforcement of traffic laws--Establishment of traffic control division.

It is the duty of the officers of the police department or any officers that are assigned by the chief of police to enforce all street traffic laws of this city and all the state vehicle laws applicable to street traffic in this city. Officers of the department shall make arrests for traffic violations, investigate accidents, and cooperate with other officers in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the department by this chapter and any other traffic ordinances of this city. (Prior code § 15-201)

Section 10.32.020 Direction of traffic by hand or voice.

A. Officers of the police department or any officers designated by the chief of police are hereby authorized to direct traffic by voice, hand, or signal in conformance with traffic laws and ordinances. In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws and ordinances.

B. Officers of the fire department, when at the scene of a fire, or other emergency, may direct or assist the police in directing traffic in the immediate vicinity. (Prior code § 15-202)

Section 10.32.030 Direction of traffic by unauthorized persons.

No unauthorized person shall direct or attempt to direct traffic, except in case of emergency where no officer is present. (Prior code § 15-203)

Section 10.32.040 Obedience to police and fire officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official. (Prior code § 15-204)

Section 10.32.050 Emergency and experimental regulations.

A. The City Council, by motion or resolution, is empowered to adopt regulations necessary to make effective the provisions of the traffic ordinances of this city and to make temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

B. The City Council may have traffic control devices tested under actual conditions of traffic. (Prior code § 15-205)

Section 10.32.060 Push carts, riding animals, or driving animal drawn vehicles to comply with code.

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application. (Prior code § 15-206)

Section 10.32.070 Use of Mini-Bikes, Coasters, Roller Skates, and Similar Devices

A. No person upon roller skates or riding in or by means of any coaster, toy vehicle or similar "play vehicle" powered by an electric or gas motor shall go upon any roadway, except while crossing a street on a crosswalk. No parent or guardian of any child shall cause or allow any child in their care to operate or ride a "play vehicle" on any public street or roadway. "Play vehicle" shall be defined as any mini-bike, mini-motorcycle, and any off-road vehicle designated exclusively for off road use, including but not limited to all terrain vehicles and off road motorcycles. "Play vehicle" shall not include motorized scooters. Motorized scooters are restricted to use on streets with a

speed limit of 25 mph. For purposes of this section, a min-bike is defined to mean any self-propelled vehicle or motor-driven cycle having less than an eight-inch wheel rim, or less than a forty-inch wheelbase or less than a twenty-five-inch seat height.

B. No person under the age of 16 years shall drive a motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, or electric-assisted bicycle on any highway of this city while transporting any other person.

C. The operator of a motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, or electric-assisted bicycle who has attained the age of 16 years or older may carry a passenger if the vehicle has a wheel diameter of 12 inches or greater and is factory-designed and equipped with either:

- (1) A double seating device with double foot rests; or
- (2) A sidecar attachment providing separate seat space within such sidecar attachment for each person riding therein so that such person shall be seated entirely within the body of said sidecar.

Any violation of this ordinance shall be a Class B violation of the ordinances of the City and subject to the penalties set forth by ordinance for Class B violations. Each separate day of violation shall constitute a separate offense. (Ord No. 1112, Amended, 09/26/2005, Amended 10.32.070; 1112, Amended, 09/26/2005, Renamed 10.32.070)

Section 10.32.080 Public officers and employees to obey traffic regulations.

The provisions of this section shall apply to the driver of any vehicle owned by or used in the service of the United States Government, any state, county, city, or governmental unit or agency, as well as to other vehicles. It is unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter by state statute. This chapter shall not apply to the military forces of the United States and organizations of the National Guard when performing any military duty. (Prior code § 15-208)

Section 10.32.090 Persons working on streets--Exceptions.

Unless specifically made applicable, the provisions of this chapter, except those relating to reckless driving and driving while intoxicated, shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a street, or to persons, motor vehicles, and other equipment while actually engaged in construction, maintenance, or repair of public utilities. All street or highway and public utility operations shall be protected by adequate warning signs, signals, devices, or flagpersons. The provisions of this chapter shall apply to any of the persons and vehicles exempted by this section when traveling to and from such work. (Prior code § 15-209)

Section 10.32.100 Maintenance and construction zones.

A. City personnel or contractors, while repairing or improving the streets of the city, and city personnel and utility companies, when installing, improving, or repairing lines or other utility facilities in the streets, are hereby authorized as necessary, subject to control by the City Clerk, to close any street or section thereof to traffic during such repair, maintenance, or construction. In exercising this authority, the

appropriate personnel, contractor or utility company shall erect or cause to be erected proper control devices and barricades to warn and notify the public that the street has been closed to traffic.

B. When any street has been closed to traffic under the provisions of subsection A of this section and traffic control devices or barricades have been erected, it is unlawful for any person to drive any vehicle through, under, over, or around such traffic control devices or barricades, or otherwise to enter the closed area. The provisions of this subsection shall not apply to persons entering the closed area or zone for the protection of lives or property. Persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.

C. Whenever construction, repair, or maintenance of any street or utility line or facility is being performed under traffic, the city personnel, contractor, or utility company concerned shall erect, or cause to be erected, traffic control devices to warn and guide the public. Every person using the street shall obey all signs, signals, markings, flagpersons, or other traffic control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area. (Prior code § 15-210)

Section 10.32.110 Authorized emergency vehicles.

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or ordinance or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.

B. The driver of an authorized emergency vehicle may do any of the following when in pursuit of an actual or suspected violator of the law or ordinance or when responding to but not upon returning from a fire alarm:

1. Park or stand, irrespective of the provisions of this chapter;
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
3. Exceed the maximum speed limits so long as life or property is not endangered; or
4. Disregard regulations governing direction of movement or turning in specific directions.

C. The exemptions granted in this section to an authorized emergency vehicle shall apply only when the driver of any such vehicle is making use of audible and visual signals as required by law, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

D. The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his or her reckless disregard for the safety of others. (Prior code § 15-211)

Section 10.32.120 Operation of vehicles on approach of authorized emergency vehicles.

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

B. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (Prior code § 15-212)

Section 10.32.130 Accident, duty to stop.

A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or property shall immediately stop his or her vehicle at the scene of such accident, or as close thereto as possible, return to and remain at the scene of the accident until he or she has given his or her name, address and the registration of his or her vehicle and shall upon request exhibit his or her driver's license to the person injured or the driver or occupant of, or person attending, any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying or making arrangement for the carrying of such persons to a physician, surgeon or hospital for medical and surgical treatment if it is apparent that this treatment is necessary, or if such is requested by the injured person. Each such stop shall be made without obstructing traffic more than is necessary.

B. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or to the property is in excess of three hundred dollars (\$300.00) shall, as soon as practicable, report such accident to a police officer or to the police department.

C. Any person failing to stop or to comply with any of the requirements of this section shall be guilty of a misdemeanor and upon conviction thereof may be fined as provided in Section 1.20.010 of this code. (Prior code § 15-213)

Section 10.32.140 Issuance of citation tags.

A. The chief of police is hereby authorized and directed to supply police officers with citation tags in sets, each set consisting of an original and at least two duplicate copies, for the purpose of giving notice to persons violating any provision of this chapter.

B. Notice may be given by delivering the tags to the violator or by affixing it to the vehicle involved in the violation.

C. Each citation tag shall direct the violator to appear and to present such tag at a designated place on or before a date and hour specified thereon.

D. Nothing in this section shall be construed to abridge the power of a police officer to arrest any violator and take him or her into custody. (Prior code § 15-214)

Section 10.32.150 Failure to obey citation.

It is unlawful and an offense for any person to violate his or her written promise to appear, given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which citation was originally issued. (Prior code § 15-215)

Section 10.32.160 Failure to comply with traffic citations attached to parked vehicle.

If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days, the clerk of the municipal court may send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him or her of the violation and warning him or her that in the event such letter is disregarded for a period of five days, a warrant of arrest may be issued. On any occasion where three or more such traffic citations have been affixed on the same motor vehicle and the traffic citations have been disregarded, a warrant of arrest may be issued without sending the letter provided in this section. (Prior code § 15-216)

Section 10.32.170 Presumption in reference to illegal parking.

A. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any law or regulation, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

B. The presumption in subsection A of this section shall apply only when the procedure as prescribed in this chapter has been followed. (Prior code § 15-217)

Section 10.32.180 Illegal cancellation of traffic citations.

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than is provided by this chapter. (Prior code § 15-218)

Section 10.32.190 Disposition and records of traffic citations, warrants, and complaints.

A. Every police officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or any traffic law of this city shall deposit the original and a duplicate copy of the citation with his or her immediate superior officer, who shall cause the original to be delivered to the municipal court.

B. Upon the filing of the original citation in the municipal court, the citation may be disposed of only by trial in the court or by other official action by a judge of the court, including forfeiture of bail or by payment of a fine.

C. The chief of police shall maintain a record of all warrants issued by the municipal court which are delivered to the police department for service, and of the final disposition of the warrants.

D. No member of the police department or other officer or public employee shall dispose of, alter, or deface a traffic citation or any copy thereof, or the record of the issuance or disposition of any traffic citation, complaint, or warrant, in a manner other than as required in this chapter. (Prior code § 15-219)

Section 10.32.200 Court records, abstract to be sent to State Department of Public Safety.

A. The municipal judge shall keep a record of every traffic citation deposited with or presented to the court and shall keep a record of every official action by the court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture.

B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on highways, the municipal judge or clerk of the court in which the conviction was had or bail was forfeited shall prepare and immediately forward to the State Department of Public Safety a certified abstract of the court's record of the case. An abstract need not be made of any conviction involving the illegal parking or standing of a vehicle.

C. The abstract must be made upon a form furnished by the State Department of Public Safety and shall include the name and address of the party charged, the number of his or her operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail was forfeited, and the amount of the fine or forfeiture. (Prior code § 15-220)

Section 10.32.210 Possession of valid driver's license required.

A. No person shall operate any motor vehicle on the highways without having in his or her possession at all times, when operating such motor vehicle, an unrevoked or unsuspended operator's or chauffeur's license as required by the laws of the state, unless such person is specifically exempted from such laws by the provisions thereof. No person charged with violating this section shall be convicted if he or she produces in court an operator's or chauffeur's license issued to him or her and valid at the time of his or her arrest.

B. No person shall operate a motor vehicle in any manner in violation of any restriction that may be imposed in a restricted license issued to him or her with respect to the type of, or special mechanical control devices required on a motor vehicle or any other restriction applicable to the licensee as the state may determine. (Prior code § 15-221)

Section 10.32.220 Operation of vehicle on invalid license prohibited.

No person shall operate a motor vehicle when his or her privilege to do so is cancelled, suspended, revoked or denied. Any person convicted of violating this section shall be punished by a fine as provided in Section 1.20.010 of this code. Each act of driving on the streets or highways as prohibited by this section shall constitute a separate offense. (Prior code § 15-222)

Section 10.32.230 Unlawful to operate vehicle without state vehicle license.

It is unlawful to operate a vehicle of any kind upon a street of the city without a state vehicle license as may be required by law or to fail to display the state vehicle license as may be required by law. (Prior code § 15-223)

Section 10.32.240 Permitting unauthorized person to drive prohibited.

No person shall authorize or knowingly permit any vehicle owned by him or her or under his or her control to be driven upon any highway by any person who is not authorized under the provisions of the laws of the state to operate such vehicle. (Prior code § 15-224)

Section 10.32.250 Insurance or certificate required.

A. The owner of a motor vehicle registered in this state and operating the vehicle within the city's boundaries, shall carry in such vehicle at all times a current owner's security verification form listing the vehicle, or an equivalent form which has been used by the State Department of Public Safety which shall be produced by any driver thereof upon request for inspection by any law enforcement officer and, in case of a collision, the form shall be shown upon request to any person affected by the collision.

B. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:

1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;

2. Any vehicle bearing the name, symbol or logo of the business, corporation or utility on the exterior and which is in compliance with the compulsory insurance law according to records of the Department of Public Safety which reflect a deposit, bond, self-insurance, or fleet policy;

3. Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the Oklahoma Corporation Commission;

4. Any licensed taxicab; and

5. Any vehicle owned by a licensed motor vehicle dealer.

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

1. "Owner's policy" means an owner's policy of liability insurance which:

a. Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted;

b. Shall insure the person named therein and insure any other person, except as provided in Subparagraph c of this paragraph, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle;

c. May provide for exclusions from coverage in accordance with existing laws; and

d. Shall be issued by an authorized carrier providing coverage in accordance with Section 7-204 of Title 47 of the Oklahoma Statutes;

2. "Operator's policy" means an operator's policy of liability insurance which shall insure the named person against loss from the liability imposed upon him or her by law for damages arising out of the operation or use by him or her of any motor vehicle not owned by him or her, subject to the same limits of liability required in an owner's policy.

3. "Security" means:

a. A policy or bond meeting the requirements of Section 7-204 of Title 47 of the Oklahoma Statutes;

b. A deposit of cash or securities having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond; or

c. Self-insurance, pursuant to the provisions of Section 7-503 of Title 47 of the Oklahoma Statutes, having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond.

4. "Compulsory insurance law" means the law requiring liability insurance in conjunction with the operation of a motor vehicle in this state as found in Article VI, Chapter 7, and Section 7-606 of Title 47 of the Oklahoma Statutes;

5. "Security verification form" means a form, approved by the State Board for property and casualty rates, verifying the existence of security required by the compulsory insurance law of the state of Oklahoma.

C. Every operator of a motor vehicle registered in this state, shall while operating or using such vehicle within the city's boundaries, carry either an operator's or an owner's security verification form issued by a carrier, providing the operator is not excluded from coverage thereon; or an equivalent form issued by the Department of Public Safety, reflecting liability coverage.

D. An owner or operator who fails to produce for inspection a valid and current security verification form or equivalent form which has been issued by the department upon request of any peace officer of the department shall be guilty of a misdemeanor and upon conviction shall be subject to a fine as provided in Section 1.20.010 of this code.

E. A sentence imposed for any violation of this section may be suspended or deferred in whole or in part by the court.

F. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the department reflecting this liability coverage for such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge.

G. Upon conviction, bond forfeiture or deferral of sentence, the court clerk shall forward an abstract to the State Department of Public Safety within ten (10) days reflecting the action taken by the court. (Prior code § 15-225)

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TITLE 11
(RESERVED)

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TITLE 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

12.04 PUBLIC WORKS GENERALLY

12.08 STREET EXCAVATIONS AND OBSTRUCTIONS

12.12 SIDEWALKS

12.16 FIBER OPTIC CABLE SYSTEM PERMITS

12.20 TREES

12.24 CITY PARK PROPERTY AND FACILITIES

12.28 URBAN RENEWAL PROGRAMS

12.32 MEETINGS, ASSEMBLIES, AND PARADES IN PUBLIC PLACES

12.36 ENTRY/ACCESS REQUIREMENTS FOR CONTROLLED ACCESS GATES

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Chapter 12.04

PUBLIC WORKS GENERALLY

Sections:

- 12.04.010 General provisions.**
- 12.04.020 Powers of city council.**
- 12.04.030 Acquisition procedure.**
- 12.04.040 Improvement procedure.**
- 12.04.050 Engineering design criteria and construction specifications adopted.**

Section 12.04.010 General provisions.

The City Council may provide for improvements of the streets, alleys and sidewalks in accordance with and as now provided by law, and in connection therewith shall have the power and authority to create and establish street improvement districts, and to provide for the construction, maintenance and repair of sidewalks, and may further provide by ordinance for the repair and maintenance of the streets, boulevards and thoroughfares of the city. (Prior code § 14.101)

Section 12.04.020 Powers of city council.

Whenever the City Council shall deem it necessary to grade, pave, chat, gravel or otherwise improve the streets, alleys and thoroughfares of the city, and to construct or install necessary manholes, catchbasins, inlets, drainage pipe and sewers with necessary connections therefor, for the purpose of adequately disposing of the surface water falling upon any street, alley, boulevard, park or public square, it shall have the authority to proceed with such work of improvement, to contract therefor, to levy and collect special assessments and to provide for the issuance and payment of bonds, or tax bills, to pay for such improvements, in the manner and form and in accordance with the provisions of existing law. (Prior code § 14-102)

Section 12.04.030 Acquisition procedure.

Whenever the City Council shall deem it necessary to acquire real estate for the purposes set forth in the preceding section of this chapter, it shall direct the City Engineer to cause to be prepared the necessary plans, specifications, profiles and an estimate of the probable cost of such improvement and to submit the same for approval of the City Council. Upon the approval thereof, the City Engineer shall cause to be prepared a written statement, which shall contain the names of the owners of such real estate as abuts such improvement, not less than one block distance from the improvement, and to include such additional area as shall be deemed to be benefited by reason thereof; and in such statement the cost thereof shall be distributed and apportioned to the lots and parcels of land benefited by such improvement in proportion to the entire area benefited by the improvements. Such statement shall be submitted to the City Council, which shall examine and correct the statement. (Prior code § 14-103)

Section 12.04.040 Improvement procedure.

The City Council shall enact such resolutions, give all necessary notices, provide for hearings of protests or objections, levy assessments and issue improvement bonds, all in the manner and as provided by law. (Prior code § 14-104)

Section 12.04.050 Engineering design criteria and construction specifications adopted.

The city's "Engineering Design Criteria and Standard Specifications for Construction," as adopted by Ordinance 806, 2/10/92, and amended by Ordinances 813 (5/18/92) and 824 (11/9/92), and any other amendments thereto, are hereby adopted and incorporated herein by reference, applicable as if set out fully herein. Violations of the criteria and specifications are punishable as provided in Section 1.20.010 of this code. (Prior code § 14-201)

Duties of the City Engineer. The City Engineer or his designee shall review and approve or disapprove all plans, drawings and specifications for any proposed construction of public water mains, sanitary sewer lines, street and drainage facilities, and any appurtenances related thereto, and shall enforce compliance of codes as provided in this chapter. The City Council of the City of Sand Springs shall establish rates for construction plans review of said proposed facilities. (1095, Amended, 12/06/2004)

Chapter 12.08

STREET EXCAVATIONS AND OBSTRUCTIONS

Sections:

- 12.08.010 Removal of obstructions on streets or sidewalks.**
- 12.08.020 Permit to cut, alter, mutilate or change a paved portion of street.**
- 12.08.030 Permit cost.**
- 12.08.040 Repair.**
- 12.08.050 Guards and warnings.**
- 12.08.060 Unlawful to destroy lights, guards or barricades.**
- 12.08.070 Bond required.**
- 12.08.080 Renewal of bond.**
- 12.08.090 City shall sue on bond.**
- 12.08.100 Use of street or alley right-of-ways.**
- 12.08.110 Penalties.**

Section 12.08.010 Removal of obstructions on streets or sidewalks.

Any person having heretofore erected or constructed or erecting or constructing any building, retaining wall, bulkhead, cellar, basement way, stairway, railway, windows, doorways, awnings, rail lamp posts, awning posts or other property upon the public property of the city shall be required to remove the same forthwith upon notice being served by an official of the city so to do. If the person fails to remove the obstruction or encroachment within ten (10) days after notice to do so having been served upon him, her or them, the city may remove the obstruction or encroachment at the expense of the person, persons, firm, corporation or co-partnership owning and in possession of the obstruction or encroachment and charge the expense of removing same to the owner of the obstruction or encroachment erected or permitted to remain obstructing or encroaching upon the streets, alleys or thoroughfares in any part of the city. (Prior code § 5-901)

Section 12.08.020 Permit to cut, alter, mutilate or change a paved portion of street.

It is unlawful for any person, firm or corporation to cut, alter, mutilate or change, in any manner, any paved portion of any street, avenue or alley in the city, or any curb, gutter, catch basin, drainage ditch, or any other public appurtenances of any street or alley in the city, whether the same be for the purpose of installing or repairing any driveway, additional sidewalk, pipe conduit, holes, support railing, building or other construction, unless such person, firm or corporation shall first procure a permit from the inspections section of the city to make such cut, alteration, change or repair. This condition shall not apply to any person, firm or corporation acting under the direction and supervision of the City Manager or the City Council. (Prior code § 5-902)

Section 12.08.030 Permit cost.

The inspections section of the city shall issue to such person, firm or corporation a permit in writing, and shall charge therefor and deliver to the City Clerk a fee as set by the council to cover the cost and expense of issuing a permit and performing inspections. The fee shall be deposited in the general fund of the city. (Prior code § 5-903)

Section 12.08.040 Repair.

All work of reconstruction, rebuilding or repairing of any cut, alteration or change in any street, alley, gutter, curb or public appurtenances thereto, shall be done in accordance with plans and specifications prepared in accordance with city regulations and submitted to the building official. Upon approval of and issuance of the permit provided for in this chapter, the building official will specify what inspections will be required, such as grading, reinforcing materials, final. No less than one final inspection of the repair shall be made. (Prior code § 5-904)

Section 12.08.050 Guards and warnings.

It is the duty of the person, firm or corporation, making such cut, alteration, or change to maintain substantial guard rails or barriers around any and all excavations made hereunder and which are exposed to the public and comply with all safety requirements of state and federal law, and a similar guard rail or barrier shall be placed around any material, contact with which would be injurious to pedestrians or to vehicles or their occupants. It is the duty of any and all such persons to display and maintain lights, with appropriate warning globes or flares, during the whole of every night around and about all such excavations, materials or obstructions in or near to the street or alley. The lights shall be prominently displayed, and shall be kept in a manner and so located that they shall be visible and readily noticeable by all persons traveling along, over or upon the street, alley or sidewalk where the work is being performed. (Prior code § 5-905)

Section 12.08.060 Unlawful to destroy lights, guards or barricades.

It is unlawful for any person or persons, firm or corporation to remove, displace, tear down or destroy or cause same to be removed, displaced, torn down or destroyed, any barricade, guards or lights placed upon or along the streets, alleys or thoroughfares in the city as a warning of the dangerous condition of the alley, street or public thoroughfare. (Prior code § 5-906)

Section 12.08.070 Bond required.

The permit for which provision is made by this chapter shall not be issued until the applicant therefor shall file through the inspections section of the city with the City Clerk a good and sufficient bond in favor of the city in the sum of five thousand dollars (\$5,000.00). The bond shall be executed by the applicant as principal, with a corporate surety company authorized to do business in the state as a surety, to be approved by the City Council and shall be conditioned as follows:

A. The principal will save harmless the city on account of any loss, cost, damage, expense, action or liability of any kind whatsoever, including reasonable attorney' s fees, which the city shall be liable for or required to pay by reason of any loss, damage or injury sustained, suffered or incurred by any person or persons on account of the things done or performed by such principal, or any servant, agent or employee of such principal, in the cutting, altering or changing of any paved portion of any street or thoroughfare, in the construction, change or repair of any driveway, curbing, gutter, catch basin, drainage ditch or any other public appurtenances, or other improvement in or upon or attached to any street, alley, public property, or any part thereof of the city or the neglect, failure or refusal on the part of the principal or his or her servants, agents or employees to provide and maintain proper barricades, lights or signals necessary and proper for the protection and safeguarding of the work under construction, and for the safety, protection and safeguarding of the public generally in the proper use and occupancy of the streets, alleys, sidewalks, curbing and public property of the city during the time such work is in progress of construction;

B. The principal will pay all damages that may accrue to the owner of any property in front of which the principal shall carry on such construction work, including damages occasioned by imperfect or faulty construction work; and

C. The principal shall at all times during one year next following the final acceptance of the construction work, without notice from the city, promptly refill any trenches, or ditches that may form or settle in or around the construction work from any cause whatsoever, and shall promptly repair all breaks or failures that may occur in the construction work from any cause whatsoever, and will indemnify and save harmless the city from and against any and all suits of every description brought against it on account of injuries or damages alleged to have been received or sustained by anyone by reason of the failure of the principal to refill all trenches and ditches, or breaks or failures, or for any other reason, which the injuries or damages are alleged to have been received within one year from the final acceptance of such construction work, and shall pay all judgments that may be rendered against the city in any such suits, without the city being under any legal liability to give the principal notice of such defects, failures, imperfections, or alleged causes of such injuries or damages. (Prior code § 5-907)

Section 12.08.080 Renewal of bond.

It is the duty of the principal in the bond mentioned above to cause a new bond, or an extension or renewal of the old bond, to be filed and approved by the City Council each time any licenses above required are due or procured. Such renewal or extension certificate shall be signed by both principal and surety on the bond. (Prior code § 5-908)

Section 12.08.090 City shall sue on bond.

Suit shall be brought upon such bond provided for under this chapter by the city on account of any loss, cost, damage, expense, action or liability of any kind whatsoever, including a reasonable attorney' s fee, which may accrue against it or be recovered from the city by reason of any breach of the conditions of the bond. (Prior code § 5-909)

Section 12.08.100 Use of street or alley right-of-ways.

A. For the purpose of a new facade or for planting and decorative purposes, a portion of the abutting area designated for streets or alleys may be used for such purpose. Any facade, planting or decoration placed upon areas designated for streets or alleys or other city lands shall be compatible with the surrounding facades, plantings, structures and decorations. Use of the designated street or alley areas for facades shall not exceed use of a strip twenty-four (24) inches in width along external walls of the structure. Decorative or planting uses in designated street or alley areas shall be in places determined by the city. No use allowed by this section shall be permitted where the area of the designated streets or alleys proposed to be used is necessary for the safe and reasonable use of that street and alley by the citizens of the city. All persons using areas designated for streets and alleys shall remove their property at their cost from the area used in the event the area being used shall become necessary for the safe and reasonable use of the streets and alleys by the citizens of the city or if the use becomes a nuisance or is permitted to deteriorate due to a lack of care or maintenance.

B. All applications for use of streets or alleys abutting a property shall be filed with the planning department of the city. The building official of the city may approve the minor temporary use of a street or alley area where such use is movable or a planting. All other applications for use of streets or alleys shall be referred to the City Council for hearing. No extended use of streets or alleys may be given without a prior hearing before the City Council approving such use. (Prior code § 5-910; 983, Amended by Recodification, 03/26/2000)

Section 12.08.110 Penalties.

Any person, firm, corporation violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. (Prior code § 5-911)

Chapter 12.12

SIDEWALKS

Sections:

12.12.010	Inspection.
12.12.020	Inspection--Offense.
12.12.030	Sidewalk construction.
12.12.040	Permit.
12.12.050	Supervision of work.
12.12.060	Fees.
12.12.070	Repairs.
12.12.080	Condemnation.
12.12.090	Refuse on sidewalk.
12.12.100	Sweeping trash on sidewalk.
12.12.110	Damaging sidewalk.
12.12.120	Openings in sidewalk.
12.12.130	Business use prohibited.
12.12.140	Projections over sidewalk.
12.12.150	Fixed awnings.
12.12.160	Supports of awnings--Height and projection.
12.12.170	Support from sidewalk prohibited.
12.12.180	Penalties.

Section 12.12.010 Inspection.

The building official shall enforce all ordinances relating to the construction, repair and maintenance of sidewalks within the city. (Prior code § 5-920)

Section 12.12.020 Inspection--Offense.

It is the duty of the building official to inspect or have inspected, and require property owners and occupants of the city to keep all sidewalks on their property in good repair. If they shall fail to do so, he or she shall warn them of the condition thereof, and if the walk or walks are not put in good condition and repair within thirty (30) days after the notice has been given, the property owner or occupant shall be guilty of an offense. Upon conviction thereof, the owner or occupant shall be punished accordingly. Each day of such failure to make repairs shall be a separate offense. (Prior code § 5-921)

Section 12.12.030 Sidewalk construction.

The City Council may from time to time, as they may deem it necessary, require construction of sidewalks in the city and provide therefor in accordance with existing laws. All sidewalk construction and repair on any street, avenue or alley in the city shall be done subject to and strictly in conformity with all provisions of law. No person shall build, construct or repair any sidewalk or any street, avenue or alley in the city without first having obtained a written permit from the building official. The permit shall show the

name of the property owner, the contractor or person who is to do the work, the lot and block numbers or legal description and street address on which the work is to be done, and the addition or part of the city in which it is located. (Prior code § 5-922)

Section 12.12.040 Permit.

All permits issued for sidewalk construction or repair shall be issued on the condition that the work will be done strictly in accord with existing law, and all persons having any part or interest in any sidewalk construction or repair are charged with and bound by the provisions of this section, notwithstanding that same may not be expressly set forth in the permit. (Prior code § 5-923)

Section 12.12.050 Supervision of work.

All sidewalk construction and repair work shall be done under the direct supervision of the building official. When any construction or repair work has been completely finished in accordance with existing law, state or local, relating to the same, it must be approved by the building official. (Prior code § 5-924)

Section 12.12.060 Fees.

For each permit and approval issued hereunder, the person procuring the same shall pay to the City Clerk through the inspections section of the city the sum as set by the council. The sum so collected shall be deposited in the general fund of the city. (Prior code § 5-925)

Section 12.12.070 Repairs.

All sidewalks out of repair shall be repaired with good material of the same kind and of quality equal to that originally used in the construction of the sidewalk, and shall be laid so as to correspond with the rest of the sidewalks. Such of the sidewalk or parts 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. (Prior code § 5-926)

Section 12.12.080 Condemnation.

The City Council may at any time, condemn any portion of sidewalk when in its judgment it shall be deemed out of repair and hazardous to the traveling public, and provide for the construction of a new sidewalk. (Prior code § 5-927)

Section 12.12.090 Refuse on sidewalk.

A. It is unlawful and an offense for any property owner or occupant of any property that abuts or adjoins any street or avenue in the city to allow, permit or cause any animal or vegetable substance, or any tin, glass or pieces of iron, or any trash, mud, snow, ice, dirt, refuse matter or filth of any kind or description whatever, to accumulate or remain on any part of the sidewalk abutting or adjoining the premises owned or occupied by such person.

B. 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 or her within twenty-four (24) hours after notice has been served on him or her

by the building official, such property owner or occupant so failing or refusing after notice so to do to clean off such sidewalk shall be guilty of any offense and provided each day that such sidewalk remains unclean hereunder shall constitute a separate offense. (Prior code § 5-928)

Section 12.12.100 Sweeping trash on sidewalk.

It is unlawful for any person to sweep or deposit on any sidewalk, street, grating or opening therein, any dirt, debris, lawn trimmings, leaves, or trash of any kind, or sweep from the sidewalk into the street, any dirt, debris, lawn trimmings, leaves, or trash of any kind whatsoever. (Prior code § 5-929)

Section 12.12.110 Damaging sidewalk.

It is unlawful for any person, persons, firm or corporation to cut, carve, mark, engrave or inscribe upon any sidewalk, curbing, pavement or other public part of any street, any sign, mark, advertisement or effigy. (Prior code § 5-930)

Section 12.12.120 Openings in sidewalk.

It is unlawful and an offense for any person, firm or corporation to keep or leave open, any sidewalk grating or opening of any kind in or upon any sidewalk in the city, or suffer or permit such grating or opening to be left upon any sidewalk in the city, or suffer or permit such grating or opening to be left open except necessarily open during the use thereof, and then only if the opening shall be properly guarded and protected. (Prior code § 5-931)

Section 12.12.130 Business use prohibited.

Unless a permit is obtained therefor, from the City Council of the city, it is unlawful for any person, firm or corporation to construct, erect, operate, maintain or permit to exist, any sign, ice or refrigerator box, ice dock, gasoline pump, gasoline storage reservoir, oil pump, oil storage reservoir, tire repair rack, tire tools or equipment, water hose connection, storage reservoir inlet or outlet, compressed air hose connection or housing for same, any merchandise, or any tools, stands, equipment, and radio aerials, poles or wires therefore, whether permanent or temporary, or any other obstruction upon any part of any public right-of-way, street, alley, boulevard, parkway, sidewalk, curbing or parking within the city. (Prior code § 5-932)

Section 12.12.140 Projections over sidewalk.

There shall be at least seven feet over sidewalks in the clear between the highest point of the sidewalk level and the lowest point of any appendage or projection extending from buildings over the public sidewalks, three feet from the building line. Projections extending six feet from the building line shall be eight feet from the highest point of the sidewalk level to the lowest point of projection. Projections extending nine feet from the building line shall be ten (10) feet from the highest sidewalk level to the lowest point of projection. Projections extending twelve (12) feet from the building line shall be fifteen (15) feet, six inches from the highest sidewalk level to the lowest point of projection. If any provisions of the building code of this city contain stricter provisions than this section, the building code shall prevail. (Prior code § 5-933)

Section 12.12.150 Fixed awnings.

A marquee or fixed awning projecting over the street line may be erected over the entrance of any business front or along the store or shop front upon obtaining written permission from the building official. Such marquee or awning shall not conflict with the provisions of Section 12.12.140 of this chapter. (Prior code § 5-934)

Section 12.12.160 Supports of awnings--Height and projection.

The frames and supports of all awnings shall be securely attached to the walls of the building and shall conform to the provisions of Section 12.12.140. Canvas awnings of the folding and hinge class may be erected and maintained on any building, but must not interfere with any street light and shall be not less than six and one-half feet from the highest point of sidewalk level to the lowest point of awning. All such awnings when not in use, or between the hours of sunset and sunrise, shall be drawn up against the building. All awnings must be kept in good repair and when not so kept, must be removed on the written order of the building official. (Prior code § 5-935)

Section 12.12.170 Support from sidewalk prohibited.

Porticos or other temporary or fixed awnings or marquees shall not be supported on any portion of the sidewalk by posts, piers, or in any other manner, except upon obtaining the written consent of the City Council. (Prior code § 5-936)

Section 12.12.180 Penalties.

Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. (Prior code § 5-942)

Chapter 12.16

FIBER OPTIC CABLE SYSTEM PERMITS

Sections:

12.16.010	Definitions.
12.16.020	Grant of authority.
12.16.030	Nonexclusive grant.
12.16.040	Assignability.
12.16.050	Compliance with law.
12.16.060	Application for permit.
12.16.070	Permit.
12.16.080	Use and repair of the public ways.
12.16.090	Minimum specifications.
12.16.100	Inspection and fee.
12.16.110	Duty to move or alter lines.
12.16.120	Indemnification of grantor.
12.16.130	Fee.
12.16.140	Duration.
12.16.150	Priorities.
12.16.160	Penalty.

Section 12.16.010 Definitions.

As used in this chapter, the following words and phrases shall have the following meanings:

"Grantee" means any nonfranchise telecommunications cable company or carrier to whom or to which a permit is granted by this chapter, and the lawful successor or assignee of the person, firm or corporation.

"Public way" means any street, alley, avenue, boulevard, lane, park, parkway, sidewalk, driveway, utility easement, right-of-way, and all other public places, areas, or grounds within or without the corporate limits of the city, owned or held in trust for the city, as now constituted or as may be added hereafter.

"System" means a fiber optic cable system for the transmission and distribution of communication signals, including any and all conduit, fiber optic cable, splicing boxes, surface markers or other facilities of grantee located within the public way. (Prior code § 5-950)

Section 12.16.020 Grant of authority.

There is hereby granted to any nonfranchise telecommunications cable company or carrier issued a permit under this chapter, hereinafter referred to as "grantee," the right and privilege to construct, operate and maintain in, upon, across, along, above, over and under the public ways of the city of fiber optic cable system subject to terms and conditions contained herein. (Prior code § 5-951)

Section 12.16.030 Nonexclusive grant.

The right to use and occupy the public way of city for purposes hereinafter set forth shall not be exclusive. (Prior code § 5-952)

Section 12.16.040 Assignability.

If grantee shall at any time sell or assign its rights and privileges under this chapter to any other person, firm or corporation, the assignment shall be in writing and a duly executed copy of same shall be filed with the City Clerk. Such assignment shall not become effective until the assignee shall have agreed in writing with the city to become responsible for the full performance of all the conditions, liabilities, covenants and obligations contained in this chapter, and until such time as the assignment shall have been approved by the city. (Prior code § 5-953)

Section 12.16.050 Compliance with law.

The system of the grantee shall at all times be installed, operated and maintained in accordance with all laws, rules, regulations and ordinances of the United States of America, the state of Oklahoma, and the city. (Prior code § 5-954)

Section 12.16.060 Application for permit.

All applications for permit under this chapter shall be made upon forms approved by the City Engineer. (Prior code § 5-955)

Section 12.16.070 Permit.

All applications for grants of authority under this chapter shall be filed with the City Engineer. Upon approval of the application and payment of the application fee to the City Clerk as set out in Sections 12.16.100 and 12.16.150 of this chapter, the City Engineer shall issue the permit required for use of the public ways for fiber optic telecommunications cable systems. (Prior code § 5-956)

Section 12.16.080 Use and repair of the public ways.

A. Grantor's system shall be installed, operated and maintained in such a manner as will, consistent with reasonable necessity, least interfere with other public uses of the public ways, and in accordance with plans and specifications submitted to and approved by city's engineering department. No construction shall commence until such plans and specifications have been approved by the City Engineer.

B. Except in cases of emergency, grantee shall give at least forty-eight (48) hours notice of its intent to excavate or disturb the surface of any public way to the City Engineer of the city. After such excavation or disturbance, the grantee shall, with due diligence and dispatch, place the public ways in a condition in compliance with the city's reasonable standards and specifications. Grantee shall notify city the next business day of any emergency work undertaken.

C. Upon grantee's failure to commence or complete any construction, maintenance or restoration work required by this chapter with due diligence and dispatch, the city may cause such work to be done after written notice to grantee, given so as to afford grantee an opportunity to commence and complete such work within such time as designated in the notice. The cost of such construction, maintenance or

restoration incurred by city upon grantee's failure shall then be charged and collected from the grantee. The costs shall be paid within thirty (30) days of notice to the grantee, or all rights and privileges given to grantee by this chapter shall be revoked.

D. City reserves the right to make and enforce reasonable regulations concerning the construction, operation and maintenance of grantee's system located along, across, over, or under the public ways and to reasonably designate where the system shall be placed.

E. Grantee shall keep and maintain at its principal offices a complete and accurate set of maps, construction drawings and specifications describing the exact location of its system within the public way. Grantee shall also keep a complete and accurate set of such maps, drawings and specifications on file with the City Clerk's office of the city. (Prior code § 5-957)

Section 12.16.090 Minimum specifications.

Grantee shall conform to the following minimum specifications:

A. The depth of conduit, measured from the top of the conduit to the surface of ground shall be a minimum depth of soil of forty-two (42) inches and at a ditch crossing, a minimum depth of sixty (60) inches;

B. Within the street right-of-way, the City Engineer of the City of Sand Springs shall approve the size, material type and configuration of conduits and cable to be placed;

C. A casing pipe will be installed under all road crossings and driveways. The City Engineer of the City of Sand Springs shall approve the size, length, material type, installation method and depth of the casing pipe;

D. Trenching shall be promptly backfilled with earth and tamped with a mechanical tamper at six inch lifts, so that the earth is restored to original grade to assure no hazard to vehicular, animal or pedestrian traffic. All open trenches will be properly guarded or barricaded to prevent damage or injury;

E. All cable, where practical, shall be located to cross roadbed at approximately right angles thereto. No cable shall be placed at any culvert or within five feet of the closed point of same;

F. In areas of potential erosion the "plug" method of erosion control shall be used;

G. Operations along roadways, walkways, and sidewalks shall be kept clear of excavated material or other obstructions at all times. Barricades, warning signs and lights, and flagmen when necessary shall be provided by the contractor or grantee. One half of the traveled portion of the road must be open at all times; and

H. Damage to banks, ditches, roads, fences, lawns, shrubbery, drives and any other property caused from the equipment and installation of the communication system shall be immediately repaired to the satisfaction of the public authorities having jurisdiction over the right-of-way involved, at the cost of the grantee. (Prior code § 5-958; 969, Amended, 09/25/2000)

Section 12.16.100 Inspection and fee.

A. City shall have the right to inspect any construction as it progresses and when it is completed in order to assure compliance with all applicable rules, regulations and laws. City may at any time order grantee to remove or abate any conditions that city deems dangerous to the health, safety, or welfare of life or property. If grantee fails or refuses to remove or abate such condition, city shall cause the removal or abatement at the sole expense of the grantee. Grantee shall not be entitled to compensation or reimbursement nor shall city be liable for any damages to the system occasioned by the removal or abatement of any dangerous condition, as determined by the city.

B. There is hereby levied a fee in the amount of seventy-five cents (\$.75) per lineal foot of fiber optic cable laid within the right-of-way for the inspection of the construction of the system. This fee shall be paid at the time application is made for a permit to use the public way for any purpose granted by this chapter, and shall be in addition to any fee levied for the use of the public way. (Prior code § 5-959)

Section 12.16.110 Duty to move or alter lines.

A. City reserves the right to lay or permit to be laid cables, electric conduits, water, sewer, gas or other pipelines and to do or permit to be done any underground work deemed necessary and proper by the city, along, across, over or under the public ways. In permitting such work to be done the city shall not be liable to the grantee for any damages occasioned nor shall the city in doing such work be liable to the grantee for any damages.

B. Whenever by reason of establishing a grade or changes in the grade of any street or in the location or manner of construction of any public way, cables, electric conduits, water, sewer, gas or other underground structures, it shall be deemed necessary by the city to alter, change, adapt or conform, or relocate the system of the grantee, such alterations or changes shall be made within a reasonable time by the grantee, as ordered in writing by the city, without claim for reimbursement or compensation for damages against city, or its franchise holders. Grantee shall not be entitled to compensation for damages of any nature occasioned by city's use of the public way for any purpose. (Prior code § 5-960)

Section 12.16.120 Indemnification of grantor.

The grantee shall indemnify, become responsible for and forever save harmless the city from any and all damages, judgments, reasonable costs and expenses, including attorney fees, which the city may suffer or incur, or which may be legally obtained against the city, for or by reason of the negligent use, repair, or occupation of any public way within the corporate limits of the city by the grantee pursuant to the terms of this chapter or resulting from the negligent exercise of the grantee of any of its privileges or by reason of its carrying on its business in the city. However, in the event of such claim or claims being prosecuted against the city, the grantee shall have the right to defend against the same, and to settle or discharge same in such manner as it may see fit, and the city shall give prompt written notice to the grantee of the presentation or prosecution of such claims. (Prior code § 5-961)

Section 12.16.130 Fee.

In consideration for the rights and privileges granted by this chapter, grantee agrees to pay city a fee as established by motion or resolution of the City Council per lineal foot of fiber optic cable installed within the public way, including street crossings. Such fee shall be paid on a yearly basis and shall be due and payable on or before the beginning of the fiscal year commencing July 1st of each year. Whenever an application is approved prior to the end of the current fiscal year, the fee shall be prorated for the remainder of the fiscal year and shall be payable upon approval of the application. (Prior code § 5-962; 1079, Amended, 05/24/2004)

Section 12.16.140 Duration.

The rights granted by the city of the grantee under this chapter shall continue and remain in full force and effect until revoked by the city. The city shall have the right at any time, upon notice to the grantee, to revoke any and all rights hereunder. Such notice shall be in writing and shall be given to the grantee at its principal offices by certified mail. Grantee shall notify the City Clerk of any change of address of its principal offices. Upon revocation, grantee shall remove its system from the public ways of the city. Such removal shall be done in a manner that will least interfere with other uses of the public ways and shall be completed within sixty (60) days of the notice to remove. In the event the grant is revoked, grantee shall be entitled to reimbursement fee of a pro rata share of its yearly fee based on a proportional number of days remaining in the fiscal year that the grant is revoked. (Prior code § 5-963)

Section 12.16.150 Priorities.

The rights and privileges granted to grantee by this chapter are deemed to be inferior to those of any franchise holder of the city. As such, grantee's use of the public way shall be subject to the needs of any franchise holder to use the public way. (Prior code § 5-964)

Section 12.16.160 Penalty.

It is unlawful and declared to be an offense punishable as provided in Section 1.20.010 of this code for any person, firm, corporation or association to violate any of the provisions of this chapter. (Prior code § 5-965)

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Chapter 12.20

TREES

Sections:

- 12.20.010 Trees.**
- 12.20.020 Failure to comply.**
- 12.20.030 Permit to trim, stringing wires.**
- 12.20.040 Building official shall cause supervision of trimming.**
- 12.20.050 Offense.**

Section 12.20.010 Trees.

It is the duty of every person, firm or corporation who is the owner of, or who as the agent has the control of any real property or premises situated within the limits of the city, abutting on any street, alley, sidewalk or public place, upon being notified to do so by the building official to trim and keep trimmed, all trees on such real property and premises and the parking contiguous and adjacent thereto, the branches of which overhang any portion of the street, alley, sidewalk or other public place, in such manner that the lowermost branches thereof shall be less than ten (10) feet above the level of the portion of such street, alley, sidewalk or other public place so overhung by such branches and so as not to obstruct vision at street intersections. (Prior code § 5-937)

Section 12.20.020 Failure to comply.

If the owner or agent having control of any real property or premises as above described, after having been notified by the building official to conform to Section 12.20.010 hereof, and after the lapse of twenty-four (24) hours thereafter, shall fail, neglect or refuse to comply with the requirements of Section 12.20.010, it is the duty of the building official to cause the work to be done at the expense of the owner of such real property and premises, and any expense incurred in the doing of the same shall be assessed against such real property and premises, and suit shall be brought for the recovery thereof, including attorney fees, where the owner or agent having control of the real property or premises refuses to pay same. (Prior code § 5-938)

Section 12.20.030 Permit to trim, stringing wires.

It is unlawful for any person to trim, cut or otherwise mutilate any shade or ornamental tree on any street, parking or other public place in the city, for the purpose of stringing wires or cables along or across the parking or other public place, without first obtaining a permit therefore from the building official. (Prior code § 5-939)

Section 12.20.040 Building official shall cause supervision of trimming.

Whenever any telephone, telegraph or electric light company, or other person, desiring to string any wires or cables along or across any of the streets, parkings or any other public place of the city, or to make more room for wires or cables already strung, and such person, firm or corporation may desire to trim, cut or remove any tree or any part thereof on the parking or other public place, the person, firm or corporation shall

make application to the building official. If the building official is of the opinion that it is necessary for the proper stringing of the wires to trim or cut any such trees, and the same can be done without serious injury to such trees, he may permit the person, firm or corporation to trim same; provided, however, that no such trees shall be trimmed except under the supervision and control of the building official. (Prior code § 5-940)

Section 12.20.050 Offense.

It is unlawful for any person to cut, scar, break or bend any tree or any of its limbs, or otherwise injure any tree situated on the right-of-way, streets, alleys or public places of the city, except as herein provided. (Prior code § 5-941)

Chapter 12.24

CITY PARK PROPERTY AND FACILITIES

Sections:

- 12.24.010 Park Property and Facilities Defined.**
- 12.24.020 Gifts or Donations, Control.**
- 12.24.030 City May Refuse Gifts or Donations.**
- 12.24.040 Must Not be Concerned in Contracts, Interest in Property or Facilities.**
- 12.24.050 Disclosure of Interest.**
- 12.24.060 Plans Must be Examined by the City Engineer.**
- 12.24.070 Park Property and Facilities Rules and Regulations**

Section 12.24.010 Park Property and Facilities Defined.

The term “park property and facilities” includes all parks, owned, operated or leased by the City of Sand Springs, Oklahoma, and all buildings, structures, improvements, seats, benches, fountains, boats, floats, walks, drives, roads, trees, plants, flowers and other things thereon, and enclosures of the same and all recreation facilities and the like. (1030, amended, 08/12/2002)

Section 12.24.020 Gifts or Donations, Control.

Real and personal property may be granted, bequeathed, devised, or conveyed to the City of Sand Springs, Oklahoma, for the purpose of the improvement or ornamentation of park property and facilities, or for the establishment or maintenance of park property and facilities, or the establishment and maintenance therein for zoological or other gardens, observatories, conditions as may be prescribed by the grantors or devisors thereof, and accepted by the City Council. All property so devised, granted, bequeathed or conveyed, and the rents, issues, profits and income thereof shall be subject to the management, direction and control of the City pursuant to direction given by the City Council. (1030, Amended, 08/12/2002)

Section 12.24.030 City May Refuse Gifts or Donations.

The City Council of the City of Sand Springs, Oklahoma, shall not be compelled to accept any gift or donation of real or personal property which, in its judgment, is unsuitable for park property, facilities or recreational purposes. (1030, Amended, 08/12/2002)

Section 12.24.040 Must Not be Concerned in Contracts, Interest in Property or Facilities.

(A) No member of the Parks and Recreation Advisory Board shall be concerned in any park property or facility contract with the City of Sand Springs, Oklahoma, or any of its departments or institutions, either as contractor, subcontractor, bondsman, or other party, directly or indirectly, interested; except those interests as fully disclosed pursuant to Section 12.24.050 – Disclosure of Interest.

(B) If any employee or officer of the City be the owner of, or interested in, any property necessary, in the opinion of a majority of the members of the City Council, to be taken for park property or facilities purposes, then proceedings shall be by condemnation, and such facts of ownership and interest shall be fully set forth in the position. (1030, Amended, 08/12/2002)

Section 12.24.050 Disclosure of Interest.

Any Parks and Recreation Advisory Board member who shall have any financial interest, directly or indirectly, in any such matter to be acted upon by the Board shall make written disclosure of such interest through the City Manager and shall recuse himself or herself therefrom and shall not participate in the discussion pertaining to such actions to be taken thereon. (1030, Amended, 08/12/2002)

Section 12.24.060 Plans Must be Examined by the City Engineer.

All plans for new work or changes in park properties or facilities of the City shall be examined by the City Engineer, reviewed by the Park and Recreation Advisory Board, and a report be received and approved by the City Council before the plans can be adopted or their execution begun. (1030, Amended, 08/12/2002)

Section 12.24.070 Park Property and Facilities Rules and Regulations

A. All park property and facilities within the meaning of this chapter are subject to all rules and regulations hereinafter set out. The City Council may adopt additional regulations for operation of the parks and recreational facilities of the city. A violation of any of the following park rules or regulations is punishable as provided in Section 1.20.010 of this code.

B. General regulations are:

(1) No person shall mark, deface, disfigure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, decorative structures, railings, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal;

(2) No person shall damage, cut, carve, mark, transplant or remove any plant or injure the bark, pick flowers or seeds of any tree or plant; dig in or otherwise disturb grass areas; or in any other way injure the natural beauty or usefulness of any park property or facility;

(3) No person shall cut any tree, dead or alive, whether erect or felled, or collect leaves, bark woodchips, mulch, or other organic material for any purpose unless specifically authorized by the City Manager or his designee.

(4) No person shall handle or disturb plants, flowers or any other object or thing in any greenhouse or nursery; or remove any flowers, either cut or uncut, or plants or property of any park area or facility, or greenhouse; or plant, set out or otherwise place any plant material, tree, shrub or flower within any park property or facility unless specifically authorized by the City Manager or his designee.

(5) No person shall hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird or give or attempt to give any such animal, or have in one's possession any wild animal or its young, or the eggs, nest or young of any bird or reptile;

(6) No person shall skate, glide or coast by means of skates, shoes, skateboards or any other device or machine in any park property or facility except those facilities that may be designated for such use;

(7) No person shall discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park property or facility; or in any storm sewer or drain flowing into such water any substance, matter, thing, liquid or solid which will or may result in the pollution of the waters;

(8) No person shall start the water flowing from any water supply or spigot, other than at a drinking fountain or place provided as a watering place for people or animals; or disregard or fail to comply with any rule or regulation posted or displayed at any swimming pool, or wading pool;

(9) No person shall make a fire for food preparation purposes in any park property or facility except in facilities specifically provided for such purposes. Any fire shall be under the continuous care and supervision of a competent person from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper or other incendiary material or device in any park property or facility. No person shall discharge or use any fireworks of any kind in any park property or facility except at such times as the City Manager or his designee may permit licensed operators to provide fireworks displays or exhibits;

(10) No person shall ride, drive or allow a horse in any park property or facility, except for those trails or facilities specifically designated for equestrian use. At no time shall any horse be left unattended or be fastened to anything other than a post or rail specifically provided and designated for such uses;

(11) No person shall use any portion of any park property or facility for toilet purposes, except in public restrooms or similar facilities provided.

(12) No person shall seine for minnows or other aquatic animals or use a seine for any purpose within any body of water in any park property or facility. No person shall catch or take, or attempt to catch or take in any manner within any park facility, any fish for commercial purposes except that this shall not apply to anyone acting pursuant to a valid contract for taking of such fish. Bow fishing is prohibited in all park properties and facilities unless such facilities are specifically designated and posted for such activity;

(13) No person shall offer or display for sale for a profit any article without first having obtained authorization from the City Manager or his designee and any applicable licenses or permits;

(14) No person shall enter upon or use a park property or facility without paying an admission, rental or membership fee when such fee has been established or has been approved by the City. No person shall enter into any park property or facility by

other than the approved areas of access, or remove or disturb any barrier intended to prevent access, entry or occupancy. No person shall go into any shrubbery or enclosure or upon any lawn, slope or other area where there is a sign prohibiting such ingress;

(15) No person shall drive or park a vehicle in any park property or facility, except upon a designated roadway or parking area. No vehicle shall be operated at a speed in excess of twenty-five (25) mile per hour. Under no circumstances shall any vehicle designated for the purpose of transporting freight, merchandise or bulk materials of any kind enter into any park facility unless specifically authorized to do so by the City Manager or his designee.

(16) No person shall bring into or have in his possession in any park property or facility any firearm, BB gun, air pistol, bow and arrow, crossbow, slingshot, knife or other weapon capable of inflicting injury to persons, animals or property, whether or not such weapons are loaded, unless such park property or facility has been specifically designated and posted for such use or unless the use is in conjunction with an approved program.

(17) No person shall swim or wade in any lagoon, lake, fountain or other water in any park facility, without specific authorization by City personnel except in swimming, wading or spray pools constructed for such activities in specifically designated areas. Further, no person shall swim or wade in any pool at any time when the pool is not open to the public.

(18) No person shall disturb any tree in any park facility. For purposes of this subsection, disturbing shall include but not be limited to clubbing, flailing, thrashing, shaking, throwing objects into, ramming, shooting or climbing into any tree;

(19) No person shall interfere with, disobey or ignore any lawful order of any City personnel while in the performance of his/her duties in any park property or facility;

(20) No person shall attach any rope, cable or other contrivance, or post, paint, erect or place any sign, banner or advertisement to any tree, fence, railing, bridge, bench or other structure without specific authorization by the City;

(21) No person shall consume any alcoholic beverage or any low-point beer, as such are defined by the statutes of the State of Oklahoma, on a road or parking lot within any park property or facility;

(22) No person shall practice golf in any park property or facility not specifically designed for such uses;

(23) No person shall camp, erect a tent, build a fire or park an automobile or other vehicle for the purpose of sleeping therein or under cover projecting there from within any park property or facility unless said action is associated with a special event or special function previously approved by the City Manager or their designee (1287, eff. 06/27/2016)

C. Curfew regulations: No person shall enter into or remain upon nor shall any vehicle be left unattended in any park facility between the hours of 12:00 midnight and 6:00 a.m., unless an earlier curfew is approved by the City and posted at the park property or facility; provided, however, that use of such park property or facility may be allowed during these hours when a permit has been obtained in accordance with procedures set forth.

D. Animal regulations: It shall be unlawful for anyone to possess, allow or permit any animal of whatever nature into any park property or facility unless the animal shall be on a leash not exceeding six (6) feet in length. No animal, except those assisting persons with disabilities under control of such persons, shall be allowed within any building, sport complex, rodeo arena or swimming pool unless it is in conjunction with an activity approved by the City Manager or his designee. Any handler of any animal which is creating a disturbance or which is not being properly supervised may be evicted from any park property or facility. Under no circumstances shall any exotic animal wild by nature be brought or allowed into any park property or facility. It shall be unlawful for any person to abandon any animal of any nature in any park property or facility.

E. Acts requiring authorization: It shall be an offense for any person to perform any of the following acts within any park property or facility without having first obtained a permit or written authorization from the City Manager or his designee.

(1) Give any theatrical entertainment, moving picture show, parade, procession or public gathering, festival, concert, recreational program, event, or other outdoor presentation, whether or not an admission fee is charged;

(2) Use a public address system, amplifier or any other device to amplify and direct sound that is plainly audible at a distance of fifty (50) or more feet;

(3) Dig, bury erect, build, uncover, place or remove any object or store any materials or equipment of any kind;

(4) For commercial purposes, sell, or offer for sale or give away without charge any food, drink, merchandise, service, flyers or any other article;

(5) Use any park facility for any commercial purpose including the production of films, photographs or advertisements, whether for sale to individuals or groups;

(6) Tie or fasten to any pier, stake, beach or store any boat or other vessel used or intended to be used for transportation on water except in areas specifically designated for such use; and

(7) Take off, ascend, land, attempt to take off, ascend or land an airplane, helicopter, hydroplane, airship, balloon, hang glider, sailplane or other aircraft intended for travel in the air with an operator or passenger. Any person applying for authorization to conduct such activities shall submit with the application evidence that all other applicable permits have been issued by any federal or state agency having jurisdiction over such activities. No such aircraft shall be operated at an altitude of less than two thousand (2,000) feet from the earth unless engaged in an activity for which a permit has been issued or engaged in normal takeoff and landing procedures at an approved airport. No person shall engage in any trick or acrobatic flying, parachuting, or drop, throw or permit to be dropped or thrown, any object from any aircraft. Provided, however, this paragraph shall not apply to emergency situations when such acts are necessary for the protection of human life. (1030, Amended, 08/12/2002)

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Chapter 12.28

URBAN RENEWAL PROGRAMS

Sections:

- 12.28.010 Creation and powers.**
- 12.28.020 Declaration and findings.**
- 12.28.030 Workable program for utilization of private and public resources.**
- 12.28.040 Maximum rehabilitation and redevelopment by private enterprise.**
- 12.28.050 Personal interest of public officials or employees in project or property.**

Section 12.28.010 Creation and powers.

Pursuant to a vote of the people of the city, there is hereby created in the city an urban renewal authority with the powers set out herein and as set out in Title 11, Oklahoma Statutes 38-101 et seq. "Urban Renewal". Such authority shall be called the Sand Springs Development Authority. (Prior code § 12-501)

Section 12.28.020 Declaration and findings.

A. It is hereby found and declared that there exists in the city blighted areas as herein defined which constitute a serious and growing menace, injurious and inimical to the public health, safety, morals and welfare of the residents of the city, that the existence of such areas contributes an economic and social liability imposing onerous burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound urban growth, retards sound economic development, aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of blight is a matter of city policy and city concern; that the city shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of its revenue because of extra services required for police, fire, accident, hospitalization and other forms of public protection, services and facilities; that by such prevention and elimination, property values will be stabilized and tax burdens more equitably distributed, and the financial and capital resources of the city will be strengthened; that this menace can best be remedied by cooperative participation of private enterprise, the city and public agencies.

B. It is further found and declared that certain blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this chapter, since the prevailing conditions of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented; that the salvable blighted areas can be conserved and rehabilitated through appropriate public action as herein authorized, and the cooperation and voluntary action of the owners and tenants of the property in such area.

C. It is further found and declared that the powers conferred by this chapter are for public uses and purposes for which public money may be expended and the power of eminent domain and police power exercised; and it is hereby declared that it is a matter of legislative determination that the provisions of this chapter are enacted in the public interest. (Prior code § 12-502)

Section 12.28.030 Workable program for utilization of private and public resources.

The city, for the purpose of this chapter, shall formulate for its area of operation, a workable program for utilizing appropriate private and public resources to eliminate and prevent the development or spread of blight, to encourage needed rehabilitation, to provide for the redevelopment of blighted areas, or to undertake any of these activities or other feasible public activities as may be suitably employed to achieve the objectives of the workable program. The workable program may include, without limitation, provision for: the prevention of the spread of blight into areas of the city which are free from blight through diligent enforcement of housing, zoning and occupancy controls and standards; the rehabilitation or conservation of blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds and other public improvements, by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of blighted areas or portions thereof. (Prior code § 12-503)

Section 12.28.040 Maximum rehabilitation and redevelopment by private enterprise.

The urban renewal authority and the city to the greatest extent, determined to be feasible in carrying out the provisions of this chapter, shall afford maximum opportunity, consistent with the sound needs of the city as a whole, to the rehabilitation or redevelopment of the urban renewal area by private enterprise. The urban renewal authority and the city shall give consideration to this objective in exercising their powers under this chapter, including the formulation of a workable program, the approval of urban renewal plans which shall be consistent with the general plan of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the provisions of necessary public improvements. (Prior code § 12-504)

Section 12.28.050 Personal interest of public officials or employees in project or property.

No public official or employee of the city or board or commission thereof, and no commissioner or employee of an urban renewal authority which has been vested by the city with urban renewal project powers under this chapter, shall voluntarily acquire any personal interest, direct or indirect, in any urban renewal project, or in any property included or planned to be included in any urban renewal project of the city or in any contract or proposed contract in connection with such urban renewal project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the council of the city. If such official, commissioner or employee presently

owns or controls, or owned or controlled within the preceding two years, any interest, direct or indirect, in any property which he or she knows is included or planned to be included in an urban renewal project, he or she shall immediately disclose this fact in writing to the council of the city, and any such officials, commissioner or employee shall not participate in any action by the city or board or commission thereof, or urban renewal authority affecting such property. The disclosure required to be made by this chapter to the council of the city shall concurrently be made to the urban renewal authority which has been vested with urban renewal project powers by the city pursuant to the provisions of this chapter. No commissioner or other officer of any urban renewal authority, board or commission exercising the powers pursuant to this chapter shall hold any other public office under the city other than his or her commissionership or office with respect to such urban renewal authority. (Prior code § 12-505)

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Chapter 12.32

MEETINGS, ASSEMBLIES AND PARADES IN PUBLIC PLACES

Sections:

- 12.32.010 Definitions.**
- 12.32.020 Permit required.**
- 12.32.030 Exceptions.**
- 12.32.040 Application.**
- 12.32.050 Findings required.**
- 12.32.060 Conditions to permit.**
- 12.32.070 Prior application.**
- 12.32.080 Notice of issuance or denial.**
- 12.32.090 Appeal procedure.**
- 12.32.100 Contents of permit.**
- 12.32.110 Duty of permittee.**
- 12.32.120 Revocation of permit.**
- 12.32.130 Public conduct during a meeting, assembly or parade.**

Section 12.32.010 Definitions.

As used in this chapter:

- A. "Activity" means a parade or public meeting or assembly;
- B. "Funeral procession" means a single direct movement from a mortuary or church to the place of burial of a human body, under direction of an authorized funeral director;
- C. "Parade" means a march or procession of any kind;
- D. "Public meeting or assembly" means a planned or organized gathering of a group of persons, or any ceremony, show, exhibition or pageant which may reasonably be expected to result in the gathering of a group of persons, upon any public street, park or other public grounds. (983, Amended by Recodification, 03/26/2001)

Section 12.32.020 Permit required.

It is unlawful for any person to hold, manage, conduct, aid, participate in, form, start or carry on any parade or public meeting or assembly, as defined in this chapter, in or upon any public street, park or other public grounds in the city unless and until a permit to conduct such meeting, assembly or parade has been obtained in compliance with the provisions of this chapter, except as herein provided. (983, Amended by Recodification, 03/26/2001)

Section 12.32.030 Exceptions.

This chapter shall not apply to any of the following:

- A. Funeral processions;
- B. A governmental agency acting within the scope of its functions;

C. Students going to and from school classes or participating in educational activities, providing such activity is authorized by the school district and is under the immediate direction and supervision of the school authorities authorized by the school district to approve and supervise such activity. (983, Amended by Recodification, 03/26/2001)

Section 12.32.040 Application.

A. Application for permits under this chapter must be filed with the chief of police not less than five days in advance of the proposed activity. Late applications may be accepted if filed sufficiently in advance of the date of the proposed activity to enable the chief of police to determine that said activity will meet the requirements set forth in Section 12.32.050 of this chapter.

B. The application shall be in writing and shall give the following information:

1. The name, address and telephone number of the person requesting the permit. If the activity is proposed to be conducted for, on behalf of, or by any organization, the name, address and telephone number of the headquarters of the organization and the authorized head of such organization shall be stated;

2. The name, address and telephone number of the person who will be directly in charge of and responsible for the activity;

3. The purpose of the activity;

4. The date, time and location or route of the proposed activity;

5. The approximate number of persons who will participate in the activity and the number and kind of vehicles, equipment and animals which will be used;

6. Plans for the assembly and dispersal of the parade, including times and locations thereof;

7. A statement as to whether the parade will occupy all or only a portion of the streets proposed to be traversed;

8. A statement as to whether a permit has been requested or obtained from any other city within which said activity shall commence, terminate or occur in part;

9. Any additional information which the chief of police shall find reasonably necessary to a determination of the findings required by Section 12.32.050 of this chapter. (983, Amended by Recodification, 03/26/2001)

Section 12.32.050 Findings required.

The chief of police or his or her designated representative shall issue a permit as provided for hereunder when from a consideration of the application and from such other information as may otherwise be obtained he or she finds that:

A. The conduct of such activity will not substantially interrupt the safe and orderly movement of other traffic;

B. The concentration of persons, animals and vehicles will not unduly interfere with proper fire and police protection of, or ambulance service to, areas where the activity will take place or areas contiguous to such area;

C. The conduct of such activity will not unduly interfere with the movement of firefighting equipment enroute to a fire, or the movement of other emergency equipment;

D. The conduct of such activity is not reasonably likely to cause injury to persons or property; and

E. Such activity is not to be held for the sole purpose of advertising the goods, wares, or merchandise of a particular business establishment or vendor. (983, Amended by Recodification, 03/26/2001)

Section 12.32.060 Conditions to permit.

The chief of police shall have authority to impose such conditions as are necessary to insure that all of the findings mentioned in Section 12.32.050 above shall exist during the continuation of the activity. (983, Amended by Recodification, 03/26/2001)

Section 12.32.070 Prior application.

If a prior permit application shall have been made for an activity proposed to be held at the same time or place, the chief of police may refuse approval of the later application. In case of such refusal, he or she shall forthwith send the applicant a written notice that he or she may apply for an alternate time and place. (983, Amended by Recodification, 03/26/2001)

Section 12.32.080 Notice of issuance or denial.

The chief of police shall act upon the permit application within three days of the filing thereof. If he or she disapproves of the application, he or she shall mail to the applicant within that three-day period notice of the denial and the reason for it. (983, Amended by Recodification, 03/26/2001)

Section 12.32.090 Appeal procedure.

The applicant shall have the right to appeal the denial of a permit to the City Council. A notice of appeal shall be filed with the City Clerk within two days after receipt of notice of the denial. The City Council shall act upon the appeal at its next meeting following receipt of the notice of appeal. (983, Amended by Recodification, 03/26/2001)

Section 12.32.100 Contents of permit.

Conditions to the issuance of any permit shall be set forth in the permit. (983, Amended by Recodification, 03/26/2001)

Section 12.32.110 Duty of permittee.

A. A permittee hereunder shall comply with all terms and conditions of said permit and with all applicable laws and ordinances.

B. The written permit obtained pursuant to this chapter shall be carried by the person heading or leading the activity for which the permit was issued. (983, Amended by Recodification, 03/26/2001)

Section 12.32.120 Revocation of permit.

The chief of police may revoke any permit issued hereunder upon the failure of the permittee to comply with the terms and conditions of said permit or if the activity, because of the manner in which it is being conducted, or for any other reason, is jeopardizing those elements of the public safety or welfare set forth in Section 12.32.050 of this chapter. (983, Amended by Recodification, 03/26/2001)

Section 12.32.130 Public conduct during a meeting, assembly or parade.

A. It is unlawful for any person to unreasonably obstruct, impede or interfere with any parade or public meeting or assembly or with any person, vehicle or animal participating in such a parade, meeting or assembly for which a permit has been granted in accordance with the provisions of this chapter.

B. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting part of the route of a parade. The chief of police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. (983, Amended by Recodification, 03/26/2001)

Chapter 12.36

ENTRY/ACCESS REQUIREMENTS FOR CONTROLLED ACCESS GATES

Sections:

12.36.010	General Provisions
12.36.020	Location
12.36.030	Damaging Devices Prohibited
12.36.040	Design and Construction Standards
12.36.050	Maintenance
12.36.060	System Requirements
12.36.070	Street Pavement Width
12.36.080	Operation Compliance
12.36.090	Covered Structures
12.36.100	Access Agreement
12.36.110	Inspection Required
12.36.120	Fees
12.36.130	Penalties

Section 12.36.010 General Provisions

No public street shall be obstructed. Gated access will only be considered and allowed for private streets in approved Planned Unit Developments, apartment projects, or other subdivision plats approved by the City Council. All plats submitted with private streets and gated access shall require the approval of the Planning Commission and the City Council. The City Engineer, The Fire Marshal, and the Building Official, prior to the issuance of any building permits, shall approve a detailed Site Plan for gated access areas.

Section 12.36.020 Location

Any gate shall be located a sufficient distance from a public street to allow three (3) cars to line up at the gate so as to completely clear the driving surface of the abutting public street without interfering with vehicles utilizing the public street. A turn around lane shall be provided for vehicles unable to enter the gated development.

Section 12.36.030 Damaging Devices Prohibited

Road spikes, barbs, or other tire damaging devices are prohibited. Spikes installed on gates shall also be prohibited.

Section 12.36.040 Design and Construction Standards

Adopted City of Sand Springs standards for streets, sidewalks, fire lanes, fire hydrants, and other engineering requirements shall apply to controlled access development.

Section 12.36.050 Maintenance

A Homeowners' Association or a similar entity shall be established and the name, addresses and emergency contact numbers provided to the Fire Department.

The Homeowners' Association shall be responsible for the following:

- A. Maintenance and repairs of the private streets and/or fire lanes, and to provided the funds for such.
- B. Maintenance testing and repairs of all functions of the gate.
- C. Accompanying the Fire Department officers during annual inspection and testing of the opening systems.
- D. Maintaining a service agreement with a qualified contractor to insure year round maintenance.

Section 12.36.060 System Requirements

The following installation and operation requirements shall be maintained at all times for each controlled access gate facility:

- A. The minimum gate opening width, including clearance for all improvements related to the gate, shall not be less than fourteen (14) feet per lane if there is to be ingress and an egress gates.
- B. An emergency release or hitch pin shall be installed on the control arm. This hitch pin, when removed, will detach the control arm from the gate and allow the gate to swing open freely with manual intervention.
- C. A battery back-up system shall be provided for each gate. These batteries will be trickle charged to maintain electrical energy, and in the event of loss of normal electrical current, cause the gate to open until reset by the Homeowners' Association.
- D. The gate shall be equipped with a rapid entry key lock box to be located at or near the main entrance to the property. The specific type of lock box and mounting location shall be approved by the Fire Marshal.
- E. The location of all rapid entry key lock boxes, hitch pins, related equipment, operation of gate, signage, opening design, swinging or sliding operation of the gate or any other design specification shall be constructed and installed in accordance with the approved plans.

Section 12.36.070 Street Pavement Width

The minimum paving width for all lanes entering and exiting the development at the gated entry shall not be less than fourteen (14) feet in width. All streets within the development shall otherwise meet the requirements of the Comprehensive Plan, Subdivision Regulations, and the design standards of the City of Sand Springs. Should parking along the street be requested by the developer, appropriate signage shall be provided and the minimum width of the roadway shall be twenty-six (26) feet.

Section 12.36.080 Operation Compliance

Should any problem occur in the operation of the gate or any violation of any section of this ordinance, the gate shall remain open and accessible until the problem is resolved and/or the gate is repaired and tested.

Section 12.36.090 Covered Structures

When a covered entry structure is requested, the minimum height shall be no less than fourteen (14) feet. The width shall be no less than sixteen (16) feet.

Section 12.36.100 Access Agreement

Any developer, Homeowners' Association, or other responsible property owners proposing any gated community must provide the City of Sand Springs access assurance prior to installation of any approved gate. The access shall be provided by an easement to be dedicated to the City of Sand Springs in the deed of dedication of the plat for utilities and essential City services in the streets and common areas as designed on the subdivision plat.

Section 12.36.110 Inspection Required

The developer, Homeowners' Association, or other responsible property owners shall provide for annual inspection of each gate to insure that each gate is tested to meet all of the construction requirements prior to it being approved for operation or continued operation at any point the gate fails to meet the standards. The verification of the access agreement and a copy of the latest inspection form will be kept on file with the City of Sand Springs City Clerk including the contractor's name, address, and 24-hour-a-day telephone number(s). The developer, homeowner's representative, or responsible property owner's name, address, and telephone number shall be a minimum requirement for approval of the annual inspection of the gate.

Section 12.36.120 Fees

A registration fee consistent with the latest City Council approved fee schedule shall be paid to the City of Sand Springs for plan review and inspection fees of all proposed gated communities. Additionally, an annual inspection fee, as according to the latest City Council approved fee schedule, shall be paid prior to the inspection.

Section 12.36.130 Penalties

Any person, firm, corporation or association violating any of the provisions of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code.

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TITLE 13

PUBLIC SERVICES

Chapters:

13.04 PUBLIC WORKS GENERALLY

13.08 WATER SERVICE SYSTEM

13.12 SEWER SERVICE SYSTEM

13.16 STORM WATER DRAINAGE SYSTEM

13.20 FLOOD DAMAGE PREVENTION

**13.30 STORMWATER DISCHARGE REGULATIONS (Ord 1167, new section added
11/17/2008; 1348, amended by recodification 04/27/2020)**

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Chapter 13.04

PUBLIC UTILITIES GENERALLY

Sections:

- 13.04.010 Utility fees and billings in general.**
- 13.04.020 Failure to pay utility bills--Penalty and disconnection of service.**
- 13.04.030 Utility taps and connections, fees, utility deposits.**
- 13.04.040 Other utility fees or charges.**

Section 13.04.010 Utility fees and billings in general.

All fees and charges in connection with any customer's use of the city's sanitary sewer system, the city's water system, or the operation of the city's collection and disposal of refuse and garbage are billed in accordance with applicable rates set by the City Council. All fees and charges owing for any of these utility services shall be billed on one monthly bill submitted to the customer each month. The utility bills submitted under the terms of this section shall be payable on or before the past due date which is printed on the bill. (Prior code § 17-101)

Section 13.04.020 Failure to pay utility bills--Penalty and disconnection of service.

A. Upon failure of any customer to pay any part of a utility bill submitted by the city for any utility services pursuant to Section 13.04.010 of this chapter by the past due date which is printed on the bill, the following actions and penalties may result:

1. A penalty on all amounts owing on a utility bill may be added to any utility bill which is not paid by the past due date printed on the bill;
2. The authorized agents of the city may disconnect or discontinue any or all utility services to the customer after mailing or posting written notice to the customer of the intent of the city to disconnect or discontinue any or all of the utility services; and
3. The authorized agents of the city may discontinue to furnish water to any customer refusing or neglecting to pay all or any part of a utility bill submitted after providing written notice to the customer of the intent of the city to disconnect the water service.

B. If any utility service is discontinued or disconnected pursuant to this section, the city, or its agents, shall not reconnect or reestablish the service until the full amount of any outstanding utility service bill is paid, plus the penalty provided in this section, plus any applicable charges or expenses in reconnecting or reestablishing the service. (Prior code § 17-102)

Section 13.04.030 Utility taps and connections, fees, utility deposits.

A. The city shall approve any request for a water tap and connection or a sewer tap meeting the requirements of the Sand Springs municipal authority. Prior to granting approval by the city, the customer shall have paid the connection or tap charge

as applicable and set by ordinance, resolution or motion of the council. The deposit shall serve as a guarantee for the payment of charges for utility service and other amounts owed to the city in connection with the utility service. It shall be held in trust by the city. When a customer's utility service is disconnected, the deposit or any part of such amount deposited which remains after all such charges and amounts due the city have been satisfied, shall be returned to the customer.

B. A fee for reconnecting of utility service where the service has been turned off or a meter has been disconnected by the city for any reason shall be as set by the City Council by motion, resolution or ordinance. (Prior code § 17-103)

C. The city shall refund a utility deposit if during the last two (2) consecutive years immediately prior to the proposed refund, the customer has established a satisfactory credit history having no delinquent notices, no returned checks, has been assessed no more than three (3) late penalties within the last twenty-four (24) months and no more than one (1) late penalty within the last twelve (12) months, and the city has received no other evidence of credit risk. The refund shall be accomplished through mailing of a separate check or through applying a credit on the utility bill. In the event the customer experience any of the offenses mentioned herein after such time as the deposit has been refunded, the City hereby reserves the right to charge a new deposit on the utility bill. (1090, Amended, 02/14/2005)

Section 13.04.040 Other utility fees or charges.

The City Council from time to time by ordinance, motion or resolution shall have the power to establish rates and charges governing all aspects of the city utility services, including monthly service fees, connection fees and charges, and deposits. (Prior code § 17-104)

Chapter 13.08

WATER SERVICE SYSTEM

Sections:

- 13.08.010 Water system is a public utility.**
- 13.08.020 Application for water service.**
- 13.08.030 Regulating use of water and containing definitions.**
- 13.08.040 Authorizing the city manager to implement conservation.**
- 13.08.050 Dividing city into five components.**
- 13.08.060 Conditions for imposing restrictions and conservation measures.**
- 13.08.070 Stage one.**
- 13.08.080 Stage two.**
- 13.08.090 Stage three.**
- 13.08.100 Stage four.**
- 13.08.110 Stage five.**
- 13.08.120 Penalty.**

Section 13.08.010 Water system is a public utility.

The city water system is a public utility owned and operated by the city. It is the responsibility of the mayor and City Council to see that it is operated in a businesslike manner and in accordance with ordinance provisions and other policies adopted by the council. (Prior code § 17-201)

Section 13.08.020 Application for water service.

Any person desiring to secure water from the city system shall make an application therefor to the City Clerk. The applicant shall give such reasonable information as the City Clerk may request. (Prior code § 17-202)

Section 13.08.030 Regulating use of water and containing definitions.

It is unlawful and an offense for any person, agent, employee, customer, corporation, or other user of water furnished by the city to use or allow the use of water furnished by the city for purposes other than as set out herein; and whenever used or referred to in this chapter the following terms shall, unless different intent clearly appears from the context, be construed to have the following meaning:

- A. "Outside watering" means any use of city water outside a structure or building.
- B. "Water" or "watering" means water furnished by the city.
- C. "Water system" means the entire means of capturing, storing, transporting, treating and distributing water owned by the city. (Prior code § 17-203)

Section 13.08.040 Authorizing the city manager to implement conservation.

The City Manager is hereby authorized and directed to implement conservation measures by increasing more restrictive conservation measures as hereinafter established by ordering the restricted use or absolute curtailment of the use of water for certain outside purposes for the duration of the water shortage in the manner hereinafter set out by filing an order in the office of the City Clerk of the city, which shall establish therein an effective time and date of such restrictive conservative measures. Each order shall be promptly filed with the City Clerk, who shall make the same available for public inspection and forthwith transmit a copy of each order to the City Council. The City Council may give such other notice of the order to the public as determined necessary or desirable. (Prior code § 17-204)

Section 13.08.050 Dividing city into five components.

A. For the purposes of mandatory water rationing hereinafter set forth, the city shall be divided into five components based on the last digit of the street address. Each of these components shall be identified on a calendar filed with the City Clerk by a geometric symbol as follows:

Last Digit of Address	Symbol
0 and 1	Circle
2 and 3	Triangle
4 and 5	Diamond
6 and 7	Square
8 and 9	Star

B. Users of water furnished by the city with multiple street addresses in the city shall use the street address ending with the lowest number to determine permissible days to make such use of water as prohibited above. Water customers in rural areas where no street numbers are issued and parks, playgrounds, ball parks, and golf course fairways may only water every fifth day or a number may be assigned by the City Manager. (Prior code § 17-205)

Section 13.08.060 Conditions for imposing restrictions and conservation measures.

Upon a determination by the City Manager of the existence of certain hereinafter stated conditions, the City Manager shall take the necessary action as hereinafter provided. (Prior code § 17-206)

Section 13.08.070 Stage one.

When the water supply level and distribution capacity is adequate with demands being low, the City Manager shall, through appropriate means, call upon the general residential, business, commercial and industrial population to employ prudent restraints in water usage, and to conserve water voluntarily by every method available. (Prior code § 17-207)

Section 13.08.080 Stage two.

A. The conditions for Stage Two shall exist upon the occurrence of any one of the following conditions:

1. When the city of Tulsa declares a Stage Two condition;
2. When, in the determination of the City Manager, the City Utilities Director, and the City Public Works Administrator, the additional reduction of water use requires Stage Two restrictions.

B. Upon the declaration of occurrence of Stage Two, the following restrictive conservation measures be and are hereby established:

1. Commencing with the effective date of the City Manager's order as provided for in Section 13.08.040 of this chapter, the following use of outdoor watering shall be restricted to every fifth day according to the schedule set forth in Section 13.08.050 of this chapter between the hours of twelve midnight and twelve noon and between six p.m. and twelve midnight, as follows:

a. The watering of shrubbery, trees, lawns, grass, plants or other vegetation of any kind, except commercial nurseries, commercial landscaping companies and commercial sod farmers, with water obtained from their own immediate premises;

b. The washing of automobiles, trucks, trailers, boats, airplanes or other type of mobile equipment, except upon the immediate premises of commercial car washes, commercial service stations and upon commercial motor vehicles used in the transportation of foods, food products and perishables and upon commercial garbage pickup motor vehicles;

c. The washing or sprinkling of foundations of homes and apartments; and

d. The refilling or adding of water to swimming or wading pools.

2. The following uses shall be and are absolutely prohibited:

a. The operation of any ornamental fountain or other structure making a similar use of water; and

b. The washing or sprinkling of streets, driveways, parking lots or service station aprons except to alleviate fire hazards;

3. No watering of shrubbery, trees, lawns, grass, plants or other vegetation of any kind upon the property of the city shall occur more than once every seven days;

4. The following uses shall not be prohibited:

a. The watering as listed in subsection (B)(1)(a-d) above by a bucket not exceeding a capacity of five gallons filled without the use of a hose; water previously used for bath water, dish water, laundry water and water previously used or derived from air conditioners;

b. The use of water for construction, commercial, manufacturing or processing purposes shall not be prohibited, however, all such establishments shall be subject to the provisions of subsection B of this section;

c. The use of water for golf greens;

d. The use of water by the person, firm, or corporation installing or repairing sprinkler or irrigation systems for the purpose of testing any new installation or repair; provided however, that such test shall not exceed two minutes in duration; and

e. Any watering or sprinkling with water obtained from a well; provided that the premises has posted in a conspicuous location a sign stating that well water is being used. It is a violation of this code for any person to post a sign which states or implies that well water is being used when water is obtained from the water system of the city.

5. The watering for the installation of shrubbery, trees, lawns, grass, plants or other vegetation by commercial nurseries, commercial landscaping companies and commercial sod farmers shall be allowed by permit during installation and for a period of ten (10) days following the completion of the installation. The commercial nursery, commercial landscaping company or commercial sod farmer responsible for the installation shall make an application for a permit to the City Clerk. The application shall state the name of the person or company making the installation, the name of the owner of the premises on which the installation shall occur, the address of the premises as calculated and determined by the provisions of Section 13.08.050 of this chapter, a description of the type, number, or nature of the vegetation installed and the date on which the installation shall commence and the date on which the installation shall be completed, which dates shall be no more than five calendar days apart. The City Clerk shall charge and receive a fee as set by the council to cover the cost of processing and issuing the permit. If it shall be determined by the City Clerk that the facts stated in the application are correct, the clerk shall cause to be issued a permit of a size and composition sufficient to allow the same to be placed or posted in a conspicuous place on the premises. The permit shall show the date of issue, the date the installation is to commence, the date the installation is to be completed, the date of the expiration of the permit, the address for which the permit is issued and the nature, number or type of the new vegetation being installed.

C. Stage Two shall terminate and Stage One shall become operative when the City Manager shall file an order with the clerk finding that the need for Stage Two restrictions no longer exist. (Prior code § 17-208)

Section 13.08.090 Stage three.

A. The conditions of this Stage Three shall exist upon the occurrence of any one of the following conditions:

1. When the city of Tulsa declares a Stage Three condition; or

2. When in the determination of the City Manager, the City Utilities Director, and the City Public Works Administrator, the additional reduction of water use requires Stage Three restrictions.

B. Upon the declaration by order of the occurrence of Stage Three, the components of Stage Two mentioned in Section 13.08.080(B) of this chapter shall remain in full force and effect in Stage Three, except that watering mentioned in Section 13.08.080(B)(1) shall be allowed only by use of a handheld hose in addition to those mentioned in Section 13.08.080(B)(4).

C. Stage Three shall terminate and Stage Two shall become operative when the City Manager shall file an order with the clerk finding that the need for Stage Three restrictions no longer exists. (Prior code § 17-209)

Section 13.08.100 Stage four.

A. The conditions of Stage Four shall exist upon the occurrence of any one of the following situations:

1. When the city of Tulsa declares a Stage Four condition; or
2. When, in the determination of the City Manager, the City Utilities Director, and the City Public Works Administrator, the additional reduction of water use requires Stage Four restrictions.

B. Upon the occurrence of Stage Four, the components of Stage Two and Stage Three mentioned in Section 13.08.080(B) and Section 13.08.090(B) of this chapter shall remain in full force and effect in Stage Four, except that watering as mentioned in Section 13.08.080(B)(1) shall only be allowed by use of a hand held hose between the hours of six p.m. and twelve midnight on the prescribed days of each week in addition to that mentioned in Section 13.08.080(B)(4); that the filling, refilling or adding to swimming pools or wading pools be and is hereby prohibited; that watering of vegetation by commercial nurseries, commercial landscaping companies and commercial sod farmers with water obtained from their immediate premises as mentioned in Section 13.08.050(B)(1) shall only be allowed between the hours of twelve noon and six p.m.; that the washing of vehicles upon the immediate premises of commercial car washes, commercial service stations and upon commercial motor vehicles used in the transportation of foods, food products and perishables and upon commercial garbage pickup motor vehicles as mentioned in Section 13.08.080(B)(1) shall only be allowed between the hours of ten a.m. and eight p.m. on Thursdays, Fridays, Saturdays, Sundays, and Mondays, and that all self-service, commercial car washes or car washing devices be limited in the amount of water used to two and one-half gallons per minute for each nozzle. No permits shall be issued pursuant to the provisions of Section 13.08.080(B)(5) of this chapter.

C. Stage Four shall terminate and Stage Three shall become operative when the City Manager shall file an order with the City Clerk finding that the need for Stage Four restrictions no longer exists. (Prior code § 17-210)

Section 13.08.110 Stage five.

A. The conditions of Stage Five shall exist upon the occurrence of any one of the following conditions:

1. When the city of Tulsa declares a Stage Five condition; or

2. When, in the determination of the City Manager, the City Utilities Director, and the City Public Works Administrator, the additional reduction of water use requires Stage Five restrictions.

B. Upon the declaration by order of the occurrence of Stage Five, the following restrictive conservation measures are established:

1. All outside watering, except as mentioned in Section 13.08.080(B)(4) shall be and is absolutely prohibited except foundation watering by a hand held hose according to the schedule in Section 13.08.050 during the permitted hours set forth in Section 13.08.100 of this chapter;

2. All restaurants shall be and are absolutely prohibited from serving water to their customers except when specifically requested by customer;

3. All watering of vegetation as mentioned in Section 13.08.080(B)(1) by commercial nurseries, commercial landscaping companies and commercial sod farmers shall be and is hereby prohibited;

4. All washing of automobiles, trucks, trailers, boats, airplanes or types of motor equipment, whether commercial or residential, by any means shall be and is absolutely prohibited;

5. All use of water by industrial, commercial and business operations except for drinking, for sanitary purposes, or in extreme emergency uses shall be and is absolutely prohibited; and

6. Upon a determination by the City Manager, City Utilities Director, and the City Public Works Administrator of an emergency water shortage in the city, all sales of water to all customers outside the corporate limits of the city and to industrial business and commercial customers in the city, shall be and are discontinued and suspended without further notice to the customers.

C. Stage Five shall terminate and Stage Four shall become operative when the City Manager shall file an order with the City Clerk finding that the need for Stage Five restrictions no longer exists. (Prior code § 17-211)

Section 13.08.120 Penalty.

Any individual, person, firm, corporation, association or other individual violating any portion of this chapter hereof shall be deemed guilty of an offense, and, upon conviction, shall be punished as provided in Section 1.20.010 of this code and be subject to having water service disconnected, including rural customers of the city or those to whom city water is provided. Each day such violation shall continue or occur shall constitute a separate offense. (Prior code § 17-212)

Chapter 13.12

SEWER SERVICE SYSTEM

Sections:

- 13.12.010 Sanitary sewer a utility.
- 13.12.020 Definitions.
- 13.12.030 Required and prohibited connections.
- 13.12.040 Private sewage disposal.
- 13.12.050 Permits required.
- 13.12.060 Permits for disconnecting sewers.
- 13.12.070 Prohibited discharge standards.
- 13.12.080 Interceptors for grease.
- 13.12.090 Analytical requirements.
- 13.12.100 Tampering with sewer system prohibited--Penalty.
- 13.12.110 Compliance monitoring.
- 13.12.120 General provisions.
- 13.12.130 Ingress.
- 13.12.140 Inspection required.
- 13.12.150 Inspection fees.
- 13.12.160 Certificate of inspection.
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Section 13.12.010 Sanitary sewer a utility.

The sanitary sewer system of the city is hereby declared to be a public utility, and a proper source of revenue for the upkeep, repairs, extension and maintenance of the sewer system and other governmental purposes. (Prior code § 17-301)

Section 13.12.020 Definitions.

The following words or phrases used in this code or title, chapter or ordinance of the city shall have the meaning set out below:

"Acreage Development" shall mean a lot in an unplatted area for a building site consisting of a lot-area of forty-three thousand five hundred and sixty (43,560) square feet (1 acre) or more of land, as certified by the Sand Springs Planning Commission or allowed by State Statute. (1280, eff. 02/22/2016)

"Act" (when referred to as "The Act") means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251, et seq.

"Approval authority" means the OSDH or EPA.

"Authorized representative of the industrial user" means:

1. If the industrial user is a corporation, authorized representative shall mean:

a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;

b. The manager of one or more manufacturing, production, or operation facilities provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty

of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements and where authority to sign documents has been assigned or delegated to the manager in accordance with corporation procedures (1209, amended 01/24/2011);

2. If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;

3. If the industrial user is a federal, state or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his or her designee;

4. The individuals described in subsections 1, 2 and 3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the industrial pretreatment office.

"BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty (20) degrees Celsius, expressed in milligrams per liter.

"Building drain" means that drain of the lowest horizontal piping of the sanitary drainage system which receives the discharge from sanitary waste pipes inside the walls of the building and conveys it to the building sanitary sewer.

"Building sanitary sewer" means the extension from the building drain to the public sanitary sewer or other place of disposal, beginning five feet outside the foundation of the building wall;

"City" shall mean the City of Sand Springs, Oklahoma, or individuals representing the city.

"Compliance" shall be defined as conformity to permit conditions and code requirements.

"Composite sample" means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on increment of either flow or time.

"Control authority" means the POTW as administered by the City of Sand Springs/Sand Springs Municipal Authority.

"EPA" means the United States Environmental Protection Agency.

"Existing source" means any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act;

"Federal categorical pretreatment standard" or "categorical standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance

with Sections 307(b) and (c) of the Act which apply to a specific category of industrial users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

"Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food; and from the handling, storage and sale of produce.

"Grab sample" means an individual sample collected over a period of time not exceeding fifteen (15) minutes.

"Indirect discharge" or "discharge" means the introduction of nondomestic pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.

"Industrial pretreatment coordinator" means the person designated by the city to carry out the industrial pretreatment program, who is charged with certain duties and responsibilities by this chapter or his or her duly authorized representative.

"Industrial user" or "user" means a source of indirect discharge.

"Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

"Interference" means a discharge which alone or in conjunction with a discharge or discharges from other sources:

1. Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and

2. Therefore is a cause of a violation of the POTW's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA); including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection; Research and Sanctuaries Act.

"Jurisdiction" means all areas within the city limits of the city or any areas outside the city limits serviced by the sewers of the city.

"Licensed master plumber" means any person skilled in the installation of plumbing and licensed by the State Board of Health as a master plumber.

"NPDES" means the National Pollutant Discharge Elimination System.

"Natural outlet" means any drainage outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

"New source" means:

1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- a. The building, structure, facility or installation is constructed at a site at which no other source is located,

- b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source, or

c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source as the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subparagraphs b. and c. of paragraph 1. above, but otherwise alters, replaces or adds to existing process or production equipment;

3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

a. Begun or caused to begin as part of a continuous on-site construction program:

i. Any placement, assembly, or installation of facilities or equipment,
ii. Significant site preparation work including clearing, excavation, or removal of existing building, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

"Noncompliance" means a situation where a person, firm or corporation as defined herein, is exceeding limitations or failing to meet conditions of the permit.

"Noncontact cooling water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

"OSDH" means the Oklahoma State Department of Health, or any state agency succeeding to the jurisdiction of OSDH on matters pertaining hereto.

"pH" is a measure of the acidity or alkalinity of a substance, expressed in standard units (S.U.).

"Passthrough" means a discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

"Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, odor).

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by applicable pretreatment standard.

"Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

"Pretreatment standards, national pretreatment standards, or standards" as used herein, means prohibitive discharge standards, categorical pretreatment standards and local limits.

"Private disposal system" means that facility owned, operated and maintained by any person, individual, firm, company, association, society, corporation or group for the purpose of collecting and disposing of sewage within the property owned by the person.

"Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food and household waste debris that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

"Public sanitary sewer" means a sewer in which all owners of abutting properties have equal rights and is operated or maintained or controlled by the city.

"Public works director" means the public works director or designated representative.

"POTW," Publicly owned treatment works, means a treatment works as defined by Section 212 of the Act, which is owned by a state or municipality. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.

"Sand Springs Municipal Authority" means the Public Trust Authority established the 14th day of March, 1966 pursuant to Sec. 176 et seq. of Title 60 of the Oklahoma Statutes for the use and benefit of the City of Sand Springs to finance, operate, construct and administer any public works, improvements or facilities, including but not limited to, water, sewer, solid waste, airport and golf course.

"Sanitary sewage," "domestic sewage" or "sewage" means wastewater which contains human excrement or gray water (showers, dishwashing operations, etc.) normally discharged from dwellings (including apartment houses and hotels), office buildings, factories and institutions, free from storm water and industrial wastes.

"Sanitary sewer" means a sewer which carries sewage and to which storm, surface and drainage waters are not intentionally admitted.

"Septic tank waste" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

"Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

"Sewer" means a pipe or conduit for carrying sewage.

"Sewerage works" means all facilities for collecting, pumping, transporting, treating and disposing of sewage.

"Shall" is mandatory; "may" is permissive.

"Significant industrial users (SIU)" means:

1. Any discharger subject to categorical pretreatment standards; and
2. Any other industrial user that:
 - a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewaters),
 - b. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or
 - c. Is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standards or requirement. Upon a finding that a non-categorical user has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority may at any time, upon its own initiative or in response to a petition received from a non-categorical industrial user or POTW and with the consent of the approval authority, determine that such industrial user is not a significant industrial user.

"Standard industrial classification (SIC) code" means a classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

"State" means the state of Oklahoma;

"Storm drain" (sometimes termed "storm sewer") means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than cooling water.

"Stormwater" means any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.

"Superintendent" means the superintendent of the wastewater treatment plant.

"Suspended solids" means solids that either float on the surface of water, or in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

"User" means a source of indirect discharge.

"Violation" is a situation where a person, as defined herein, is exceeding limitations or failing to meet conditions of the permit which necessitates immediate correction to avoid threatening the POTW or instigating rigorous enforcement actions such as administrative orders, fines or termination of sewer service.

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

"Wastewater" means liquid and water-carried industrial wastes, and sewage from residential dwelling, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW. (Prior code § 17-302)

Section 13.12.030 Required and prohibited connections.

The following shall be the connections required or prohibited:

A. It shall be prohibited, and a public offense, for any person to place, deposit or permit to be deposited in any unsanitary manner, on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste;

B. It shall be prohibited, and a public offense, to discharge to any natural outlet, within the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this code;

C. Except as hereinafter provided, it shall be prohibited, and a public offense, to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage;

D. The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this code, within thirty (30) days after date of official notice to connect.

The following shall be exempted from the requirement of connecting to the City's sewer system:

1. Acreage developments.
2. A residence, building or property used for human occupancy, employment, recreation or other purposes where a public sewer is not located within three hundred (300) feet of the property line as measured along a street, alley, or right-of-way.

Any person, firm or corporation affected by any notice, order, determination or interpretation of the utility provisions of the Code of Ordinances may request and shall be granted a hearing on the matter before the Board of Adjustment of the City of Sand Springs, Oklahoma, provided that such person shall file in the office of the City Clerk a written petition requesting such hearing and setting forth a brief statement of the grounds for such appeal. Such petition shall be filed within ten (10) days after the day the notice, order, determination or interpretation is issued or rendered. Upon receipt of

such a petition, the matter shall be placed upon the agenda of the Board of Adjustment for a hearing at its next regularly scheduled meeting. The petitioner shall be given written notice thereof. At such hearing, the city official shall present any matter or evidence relating to the appeal pending, and thereafter the petitioner shall be given an opportunity to be heard and to show cause which such notice, order, determination or interpretation should be modified or withdrawn. The city official, petitioner, or any other interested party may appear in person or by authorized representative. (Prior code §17-302; 1280, eff. 02/22/2016)

E. In a building in which the building drain is too low to permit gravity flow to the public sanitary sewer, the sanitary sewage shall be lifted by an approved means and discharged to the building sewer or public sanitary sewer;

F. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sanitary sewer or building drain which in turn is connected directly or indirectly to the public sanitary sewer, and all such connections existing at the date of passage of this code shall be removed immediately;

G. The connection of the building sewer into a public sanitary sewer shall conform to the requirements of the city plumbing codes or other applicable rules and regulations of the city. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and material must be approved by the City Plumbing Inspector before installation; and

H. The owner of any building or buildings which are connected to the public sanitary sewer shall be required to operate and properly maintain the building drains and building sanitary sewer in accordance with all provisions of these regulations at no expense to the city. (Prior code § 17-303)

Section 13.12.040 Private sewage disposal.

Where a public sanitary sewer is not available under the provisions of the code, the building sewer shall be connected to a private sewage disposal system complying with the following provisions:

A. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the city and the office of the city-county health department which the applicant shall supplement by any plans, specifications, test results, and other information as are deemed necessary by those departments;

B. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the city and the city-county health department. They shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the inspector when the work is ready for final inspection, and before any underground portions are covered;

C. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the city and the Oklahoma State Board of Health;

D. The owner shall operate and maintain the private sewage disposal facilities in a proper and sanitary manner at all times, at no expense to the city;

E. At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made by the owner to the public sewer in compliance with these regulations and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material to the satisfaction of the city; and

F. Private sewage disposal systems shall comply with any additional requirements that may be imposed by the city-county health officer or other authority having jurisdiction thereof. (Prior code § 17-304)

Section 13.12.050 Permits required.

No person, as defined in this chapter, shall uncover, make any connections with or opening into, use, alter, or disturb any public or private sanitary sewer or appurtenance thereof without first obtaining a written permit from the city pursuant to the following provisions:

A. For a building sewer permit the owner or his or her agent shall make application on a form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city. When the application is complete, and all fees associated with the permit have been paid, the city may issue the permit;

B. Each application for building sewer shall be signed by the licensed master plumber responsible for the work to be performed or the City Plumbing Inspector as shown on the application. The work done under the permit shall be supervised by the licensed master plumber and the City Plumbing Inspector;

C. A separate and independent building sewer shall be provided for every individually owned residential or commercial building and each such building shall have its own connection to the public sewer. Multiple ownership of building sewers is prohibited and private ownership of sewers to which the public connects is prohibited and declared a public offense;

D. The size, slope, alignment, and materials of construction of a building sanitary sewer; and the methods to be used in excavation, placing of the pipe, joining, testing and backfilling the trench, shall all conform to the rules and regulations of the city codes;

E. The applicant for the building sewer connection permit shall notify the plumbing inspector when the building sewer is ready for inspection and connection to the public sanitary sewer. The connection shall be made under the supervision of the plumbing inspector. No work shall be covered until the inspection and tests have been made and written approval given;

F. Test tees and plugs shall be installed, where the building sewer connects to the wye or stub from the public sanitary sewer, in order that a hydrostatic test may be performed by the plumber in the presence of the plumbing inspector. In the event connection is made to a manhole, no test tee need be installed;

G. Building sewers shall be connected to a public sanitary sewer not smaller than six inches and no larger than twenty-four (24) inches, and only through wye-shaped connections;

H. In the event the building sewer is connected to a manhole, it shall be inserted through the wall not more than two feet above the bottom or a satisfactory drop shall be installed. The connection shall be thoroughly patched inside and out with Portland cement mortar to make a water tight connection; and

I. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to completely protect the public from all hazards. Streets, sidewalks, parkways, and all other property disturbed in the course of the work shall be restored in a manner satisfactory to the City Manager. (Prior code § 17-305)

Section 13.12.060 Permits for disconnecting sewers.

Before any dwelling or other building having a connection to the sewer system is moved or demolished, the building sanitary sewer shall be disconnected at the adjacent property line. The remaining portion of the building sanitary sewer leading into the public sanitary sewer shall be sealed and made water tight. Prior to the disconnection of any such building sanitary sewer, a permit shall be obtained from the inspections section of the city. After the disconnection seal is made and before the work is covered, the plumbing inspector shall be notified. No work shall be covered until the inspection has been made and the work approved. Written notices of approval shall be given. (Prior code § 17-306)

Section 13.12.070 Prohibited discharge standards.

A. No user shall introduce or cause to be introduced into the POTW, directly or indirectly, any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirement. In addition, the following pollutants shall not be introduced into the POTW:

1. Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty (140) degrees Fahrenheit sixty (60) degrees centigrade using the test methods specified in 40 CFR 261.21. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the POTW, or at any point in the POTW, be more than five percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter;

2. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-half inch.

3. Any wastewater having a pH less than five and five tenths or more than twelve S.U., or otherwise causing corrosive structural damage to the POTW or equipment, or endangering city personnel;

4. Any wastewater containing pollutants including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW; or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals;

5. Any noxious or malodorous liquids, gases, solids or other wastewater which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or to prevent entry into the sewer for maintenance and repair;

6. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used;

7. Any wastewater which imparts color which cannot be removed in the treatment process, which consequently imparts color to the treatment plant's effluent thereby violating the POTW's NPDES permit or interferes with the operation of the POTW such as, but not limited to, dye wastes and vegetable tanning solutions;

8. Any wastewater having a temperature higher than sixty-five (65) degrees centigrade, one hundred fifty (150) degrees Fahrenheit, or capable of inhibiting biological activity in the POTW resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty (40) degrees centigrade, one hundred four (104) degrees Fahrenheit;

9. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the industrial pretreatment coordinator in compliance with state or federal regulations;

10. Any free or emulsified fats, waxes, greases or oils of animal or vegetable origin in excess of two hundred (200) mg/L which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit (zero degrees centigrade) and one hundred fifty (150) degrees Fahrenheit sixty-five (65) degrees centigrade and which, in the opinion of the control authority, it appears probable that such wastes:

a. Can deposit grease or oil in the sewer system in such a manner as to obstruct the sewer;

b. Can overload the discharger's skimming and grease handling equipment;

c. Are not amenable to bacterial action and will therefore pass to the receiving stream without being affected by normal sewage treatment process;

d. Can have deleterious effects on the treatment process due to excessive quantities or concentrations.

11. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-quarters horsepower (hp) or greater shall be subject to the review and approval of the plumbing inspector;

12. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference;

13. Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause actual worker health and safety problems;

14. Any trucked or hauled pollutants, except at discharge points designated by the city;

15. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the industrial pretreatment coordinator;

16. Any sludges, screenings, or other residues from the pretreatment of industrial wastes;

17. Any medical wastes, except as specifically authorized by the industrial pretreatment coordinator in a wastewater discharge permit;

18. Any wastewater causing the treatment plant's effluent to fail a toxicity test;

19. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW;

20. Any discharge or discharge creating a condition for the POTW or the receiving waters, which violates any statute, rule, regulation or ordinance of any public agency, including EPA and OSHD.

B. Wastes prohibited by this section shall not be processed or stored in such manner that they could be discharged to the POTW.

C. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

D. Except as to categories in subsections 1, 2, 3, 4, 10, 12, 13 and 14 of subsection A of this section, the remaining categories outlined in subsection A of this section, shall be prohibited. When the industrial pretreatment coordinator determines that a user is contributing to the POTW, any of the enumerated substances in such amounts as to interfere with the operation of the POTW, the superintendent industrial pretreatment coordinator shall take appropriate enforcement action in accordance with the enforcement response plan hereby incorporated herein by reference thereto. (Prior code § 17-307)

Section 13.12.080 Interceptors for grease.

Grease, oil and sand interceptors shall be provided when, in the opinion of the industrial pretreatment coordinator, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the industrial pretreatment coordinator and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at his or her expense. (Prior code § 17-308)

Section 13.12.090 Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA. (Prior code § 17-309)

Section 13.12.100 Tampering with sewer system prohibited--Penalty.

No person, as defined in this chapter, shall maliciously, willfully, or knowingly break, alter, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works POTW. Any person violating this provision shall be subject to a fine for each offense and which shall not release any civil liability for damages and costs incident to replacement of the facilities. All persons charged with violation of this provision shall be entitled to trial by jury if required by Oklahoma Statutes. (Prior code § 17-310)

Section 13.12.110 Compliance monitoring.

- A. Inspection and sampling requirements are as follows:
 - 1. The city will conduct at least one inspection and sampling visit annually for each significant industrial user;
 - 2. The city shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this chapter, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the industrial pretreatment coordinator or his or her representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties:
 - a. Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the city, state, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities;
 - b. The city, state and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling or metering of the user's operations;
 - c. The city may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated periodically to ensure their accuracy;

d. Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected or sampled shall be promptly removed by the industrial user at the written or verbal request of the industrial pretreatment coordinator and shall not be replaced. The costs of clearing such access shall be born by the industrial user; and

e. Unreasonable delays in allowing city personnel access to the industrial user's premises shall be a violation of this chapter.

B. Search Warrants. If the industrial pretreatment coordinator has been refused access to a building, structure or property or any part thereof, and if the industrial pretreatment coordinator has demonstrated probable cause to believe that there may be a violation of this chapter or that there is a need to inspect as part of a routine inspection program of the city designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the chief of police or any police officer of the city, the judge of the district court of Tulsa County may issue a search or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched or seized on the property described. Such warrant shall be served at reasonable hours by the industrial pretreatment coordinator in the company of a uniformed police officer of the city. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant. (Prior code § 17-311)

Section 13.12.120 General provisions.

The plumbing inspector shall inspect and approve all drainage and sewer work installed or to be installed in the city. He or she shall pass judgment upon all connections to private or public property, up to and including the place where such sewer work connects with the soil pipe. He or she shall approve such connections when the same shall conform to the provisions of this chapter, and no such connections shall be allowed without such approval. It is his or her duty to cause all excavations to be properly filled and restored to safe condition of usage. (Prior code § 17-312)

Section 13.12.130 Ingress.

The City Manager or any other duly authorized employee of the city shall have the right of ingress and egress to any private or public property for the discharge of their duties hereunder. (Prior code § 17-313)

Section 13.12.140 Inspection required.

All drainage of buildings and all sewer work inside of private property lines in the city must be done or installed in accordance with the provisions of this chapter and all other applicable laws; and must be inspected by the plumbing inspector, pursuant to Sections 13.12.170 and 13.12.210 hereinafter, and a certificate of inspection issued therefor before the same may be used or connected with any public sewer, and all sewers and connections in streets or alleys of the city must be inspected by the plumbing inspector. (Prior code § 17-314)

Section 13.12.150 Inspection fees.

The plumbing inspector shall charge a fee as set by the City Council on all inspections of each sewer job. An additional fee shall be charged for each extra trip of the plumbing inspector caused by faulty work or work not being completed or ready for inspection when the plumbing inspector is notified to make such inspection. (Prior code § 17-315)

Section 13.12.160 Certificate of inspection.

Any person, firm or corporation, as defined in this chapter, making sewer connections must report the connections to the plumbing inspector as soon as the job is ready for inspection, and must keep the connections open for inspection until the inspection and compliance with this and other titles and the statutes of the state applicable thereto are complete, then a certificate of inspection shall thereupon be issued upon the payment of the fees therefor. (Prior code § 17-316)

Section 13.12.170 Excavations in street or public property.

No person, as defined in this chapter, shall excavate or cause any excavation in any street, alley, or other public place, or cut or cause to be cut any curb, sidewalk or pavement in the city, in doing or for the purpose of doing any work covered by this chapter, or any other work, without having a permit to do so from the inspections department and without having deposited such sum of money and having entered into such other undertaking as required by this or other chapters of the code of the city, as a guarantee for the replacement and reconstruction of such sidewalk, curb or pavement, approved by the city and shall be located as to be readily and easily accessible for cleaning and inspection. The owner shall be responsible for operation and maintenance of private grease, oil and sand traps. (Prior code § 17-317)

Section 13.12.180 Damages to public property must be repaired.

All damages to sidewalks, curbs, sewers, paving or other property of the city must be properly repaired or replaced by the person, firm or corporation causing the damage, either by themselves or their agents, servants or employees. (Prior code § 17-318)

Section 13.12.190 Excavations must be repaired.

Any person, as defined in the chapter, making, or causing to be made, any excavation in any street, alley or other public place in the city, must cause such excavation to be promptly and carefully refilled and repaired in accordance with this or other chapters of the code of the city, and the failure to do so shall constitute an offense under the provisions hereof. (Prior code § 17-319)

Section 13.12.200 Inspection within forty-eight (48) hours.

It is the duty of the plumbing inspector in all cases when notified, to cause inspection of all sewers in connection with sewage drainage within forty-eight (48) hours after receipt of notice from the sewer contractor or person doing the work in question that such work is ready for inspection. Holidays and Sundays shall not be included in computing the forty-eight (48) hour period. (Prior code § 17-320)

Section 13.12.210 Unlawful to proceed without permit.

It is unlawful for any person, as defined in this chapter, to proceed with any work connected or to be connected with any sewer system of the city, until a permit for such work has been obtained from the inspections department; provided that no permit shall be required for the making of minor repairs, unless a portion or a section of the drain line or sewer line is out, removed, or replaced. (Prior code § 17-321)

Section 13.12.220 All plumbing must be accessible for inspection.

In all buildings or structures hereafter erected in the city, both public and private, and in all buildings already erected wherein any plumbing is hereafter installed, or wherein any sewer connection pipes shall be repaired or changed on the sewer side of the tap, the drain, soil, waste, or any other pipe or pipes, and all traps, shall be placed in the building and exposed to view for ready inspection and test, and shall remain so exposed until approved by the plumbing inspector. In no case shall a trap be inaccessible at any time. (Prior code § 17-322)

Section 13.12.230 Connection outside building.

The connection of a sewer pipe to the sanitary sewer main shall be made with a proper tapping saddle, of the quality of a Geneco Sealtite C1, or equal. However, this connection shall not be made until the work inside and outside of the building has been tested and approved and inspected by the plumbing inspector. (Prior code § 17-323)

Section 13.12.240 Drains connected with sewer.

It is the duty of each person, as defined in this chapter, connecting or causing to be connected any drain, pipe or passage with any such sewer from any building, structure or premises, to cause such drain, pipe or passage and connection to be at all times adequate for its purpose and of such size and dimension as to convey and allow freely to pass whatever may properly enter the same. Whenever the lowest sewer inlet in a building or structure is less than four feet above the top of the sewer main at the point of connection or junction with the main, then in such event it is the duty of each person, as defined in this chapter, connecting or causing to be connected any sewer pipe to a sewer main to place in the sewer pipe a check valve, of the quality of a Tyler Pipe sewer valve with brass flap (Palmer type) or equal to prevent sewer back-ups in the event the sewer main or sewer pipe connected to the sewer main becomes clogged. Sewer pipe must conform to the requirements set forth in the BOCA, Basic Building Code, as defined in Section 5-201, and be free from defects and cracks and so molded that bells will receive the ends of the pipe freely. The same shall be laid to outlet with an

even grade, with a fall of at least one-quarter inch per foot. In laying drain pipe, space must be excavated so that the bell end will have a solid bearing with the entire pipe. Backfilling must be packed up to the top of the pipe. Joints must be properly made and the inside of the joints must be made smooth. Changes of directions must be made with regulation curves, and all connections made with wide junctions. Ends not in immediate use must be tightly stopped to prevent dirt from entering the pipe. (Prior code § 17-324)

Section 13.12.250 Fiber pipe not allowed.

No fiber type pipe or fittings shall be used or permitted to be used for connection to the city sewage disposal system. (Prior code § 17-325)

Section 13.12.260 Prohibited sewer connections.

No roof or surface water drain pipe shall be connected so as to discharge into a sanitary sewer. No dam or other construction shall be placed in any sewer, unless permission to do so is expressly granted in writing by the city. In case any material discharged from any premises into any public or private sewer cannot, in the opinion of the city be rendered harmless to the public sewer and to the public health, such material shall be ordered excluded from any public, private, or district sewer. The city shall, in writing, notify the person or persons owning or occupying such premises to exclude such material from the sewer, and a failure to comply with such notice shall constitute a violation of this chapter. If catchbasins are needed to accomplish such exclusions, the written notice shall direct the building of such catchbasins, within thirty (30) days after serving of such notice. If after the expiration of the thirty (30) days the order shall not be complied with, the person, firm or corporation owning or controlling the premises shall be deemed guilty of a violation of this chapter. Where no sanitary sewers are accessible, sinks shall waste through a grease trap and not less than thirty (30) feet of filled tile disposal. (Prior code § 17-326)

Section 13.12.270 Drainage obstructions.

If the drainage discharged from any home, business, or establishment shall produce or form a deposit obstructing a sewer, the plumbing inspector shall immediately cause the removal of the obstruction, keeping account of the cost of such removal, and shall certify an account of the cost to the person or persons causing the obstruction; and if such person or persons shall fail, refuse or neglect to pay the sum to the city within five days after demand has been made, they shall be guilty of a public offense. (Prior code § 17-327)

Section 13.12.280 Separate drainage for every building.

Every building shall be separately and independently connected with a public sewer, where there is any such sewer adjacent to such building. The entire plumbing and drainage system of each building shall be entirely separate and independent from that of every other building, except that where there is more than one building on the lot, the sewer of the first building may be extended to serve the adjoining building on permission granted by the city which permission shall be in writing. A lot shall be any

plot of ground, regardless of size, containing one dwelling and one garage or servant's quarters. Each and every house occupied or to be occupied as a residence, other than servant's quarters, must have a separate drain to the connection with the sewer. (Prior code § 17-328)

Section 13.12.290 Sewer installation to be underground.

All sewers shall be put in the ground at a sufficient depth to be safe from breaking by the ordinary use to which such property may be subjected. All sewer pipe must be placed at least eighteen (18) inches below the top of the ground measured from the top of such pipe, except when such depth is impossible or impracticable for lack of fall, in which case iron pipe caulked with lead shall be used between the building and the point where the depth above-mentioned may be acquired. (Prior code § 17-329)

Section 13.12.300 Apportionment of cost for connection of property outside sewer district.

When public sewers have been constructed, and the cost thereof has been wholly or partly paid out of the funds of the city, and the owner of any abutting property makes application for a permit to tap such sewer, no permit shall be issued to such abutting owner unless he or she shall have first paid to the city the assessment or assessments levied against the property for the cost of the sewer, or in the case where his or her property has not been assessed or where any intended assessment has been held invalid or considered invalid by the city, unless he or she pays a sum proportionate to that paid by other similar property owners who have been assessed. (Prior code § 17-330)

Section 13.12.310 Property outside sewer district--How connected.

Any person, as defined in this chapter, owning property or in charge of property not included in any sewer district which has been established, desiring to connect with the sewer owned and operated by the city nearest the property owned by such person, as defined in this chapter, shall first file with the city a written application therefor, signed by the person, as defined in this chapter, giving the legal description of the property and waiving any right to protest any assessment levied against the property for the subsequent installation of such sewer, providing the assessment is of the same proportion as assessments upon other property affected by the installation of the sewer. The plumbing inspector, upon receiving the application, shall make an inspection of the property specified in the application and if found practicable and that the connection will not be likely to overload the sewer if connected thereto, shall grant the permit. The fee for the permit shall be as set by the City Council, the fee to be collected prior to the time any permit is issued. (Prior code § 17-331)

Section 13.12.320 Penalty provisions.

Any person, as defined in this chapter, found to be violating any provisions of this chapter, except Section 3.12.110, shall be served written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations:

A. The owner of any building drains and building sanitary sewers and any private disposal system shall keep such facilities clean and in good repair. Failure to comply with written notice by the city to make repairs or remove violations including those existing at the time of passage of this chapter, shall subject the violator to fine and punishment as provided in Section 1.20.010 of this code. Each day of continued violation shall constitute a separate chargeable offense; and

B. Any person, as defined in this chapter, found guilty of violating any of the provisions of this chapter, or refusing to connect with the public sanitary sewer within the time prescribed by proper order, on conviction thereof, shall be punished by fine which shall not release any civil liability. Each day of continued violation shall constitute a separate offense. (Prior code § 17-332)

Section 13.12.330 Wastewater discharge permit eligibility.

A. Wastewater Survey. When requested by the industrial pretreatment coordinator all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey. The industrial pretreatment coordinator is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of the chapter.

B. Wastewater Discharge Permit Requirement.

1. It shall be unlawful for any significant industrial user to discharge wastewater into the city's POTW without first obtaining a wastewater discharge permit from the industrial pretreatment coordinator. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in the enforcement response plan. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law; and

2. The industrial pretreatment coordinator may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

C. Wastewater Discharge Permitting Existing Connections. Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within thirty (30) days after the date, apply to the city for a wastewater discharge permit in accordance with subsection E, wastewater discharge permit application contents, of this section.

D. Wastewater Discharge Permitting New Connections. Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least thirty (30) days prior to the date upon which any discharge will begin.

E. Wastewater Discharge Permit Application Contents. In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit must submit the information required by Section 13.12.410, baseline monitoring reports, of this chapter. The industrial pretreatment coordinator shall approve a form to be used as a permit application. In addition, the following information may be requested:

1. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

2. Number and type of employees, hours of operation, and proposed or actual hours of operation of the POTW;

3. Each product produced by type, amount, process or processes, and rate of production;

4. Type and amount of raw materials processed (average and maximum per day);

5. The site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

6. Time and duration of the discharge; and

7. Any other information as may be deemed necessary by the industrial pretreatment coordinator to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

F. Application Signatories and Certification. All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure the qualified personnel properly gather and value the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." (Prior code § 17-333)

Section 13.12.340 Wastewater discharge permit issuance process.

A. Wastewater Discharge Permit duration: wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the industrial pretreatment coordinator. Each wastewater discharge permit will indicate a specific date upon which it will expire.

B. Wastewater Discharge Permit Contents. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the industrial pretreatment coordinator to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

1. Wastewater discharge permits must contain the following conditions:

a. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;

b. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the city, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

c. Effluent limits applicable to the user based on applicable standards in federal, state, and local law;

d. Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law; and

e. Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law;

f. Requirements to control slug discharges if determined necessary pursuant to Section 13.12.400 Accidental discharge/slug control plans. (1209, Amended, 01/24/2011)

2. Wastewater discharge permits may contain, but need not be limited to, the following:

a. Limits on the average or maximum rate of discharge, time of discharge, or requirements for flow regulation and equalization;

b. Limits on the instantaneous, daily and monthly average or maximum concentration, mass, or other measure of identified wastewater pollutants or properties;

c. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharge to the POTW (1209, Amended 01/24/2011);

e. The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW (1209, Amended 01/24/2011);

f. Requirements for installation and maintenance of inspection and sampling facilities and equipment (1209, Amended 01/24/2011);

g. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; or (1209, Amended 01/24/2011);

h. Other conditions as deemed appropriate by the industrial pretreatment coordinator to ensure compliance with this chapter, and state and federal laws, rules, and regulations. (1209, Amended 01/24/2011)

C. Wastewater Discharge Permit Appeals. Any person, as defined in this chapter, including the industrial user, may petition the city to appeal the denial or the terms of a wastewater discharge permit within thirty (30) days of its denial or issuance. Such appeal shall be perfected by filing with the public works director, within the time provided, a written appeal petition.

1. Failure to submit a timely petition for review appeal shall be deemed to be a waiver of the administrative appeal;

2. In its written appeal petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit;

3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal;

4. If the public works director fails to act within thirty (30) days of the filing of such appeal, an appeal request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review; and

5. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the district court clerk for Tulsa County, state of Oklahoma, within ten (10) days from the date of such denial.

D. Wastewater Discharge Permit Modification. The industrial pretreatment coordinator may modify the wastewater discharge permit for good cause including, but not limited to, the following:

1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

2. To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

4. Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;

5. Violation of any terms or conditions of the wastewater discharge permit;

6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

8. To correct typographical or other errors in the wastewater discharge permit; or

9. To reflect a transfer of the facility ownership or operation to a new owner or operator.

E. Wastewater Discharge Permit Transfer. Wastewater discharge permits may be reassigned or transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the industrial pretreatment coordinator and the industrial pretreatment coordinator must include a written certification by the new owner or operator which:

1. States that the new owner or operator has no immediate intent to change the facility's operations and processes;

2. Identifies the specific date on which the transfer is to occur; and

3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

F. Wastewater Discharge Permit Revocation. Wastewater discharge permits may be revoked for the following reasons:

1. Failure to notify the city of significant change to the wastewater prior to the changed discharge;

2. Failure to provide prior notification to the city of changed condition pursuant to subsection E of Section 13.12.410. Report of changed conditions;

3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

4. Falsifying self-monitoring reports;

5. Tampering with monitoring equipment;

6. Refusing to allow the city timely access to the facility premises and records;

7. Failure to meet effluent limitations;

8. Failure to pay fines;

9. Failure to pay sewer charges;

10. Failure to meet compliance schedules;

11. Failure to complete a wastewater survey or the wastewater discharge permit application;

12. Failure to provide advance notice of the transfer of a permitted facility; or

13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

G. Wastewater Discharge Permit Issuance. A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with subsection E of Section 13.12.330, wastewater discharge permit application contents, a minimum of thirty (30) days prior to the expiration of the industrial user's existing wastewater discharge permit. (Prior code § 17-334)

Section 13.12.350 Confidential information.

Information and data on an industrial user obtained from reports, questionnaires, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs and from city inspections and sampling activities shall be available to the public without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Prior code § 17-335)

Section 13.12.360 Federal categorical pretreatment standards.

The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated herein verbatim. (Prior code § 17-336)

Section 13.12.370 Specific pollutant limitations.

1. The following pollutant limits are established to protect against pass through and interference. No discharge of wastewater containing in excess of the following concentrations shall be permitted:

Pollutant	Limitation (mg/L)
Arsenic	1.0
Cadmium	0.4
Chromium	3.0
Copper	3.0
Cyanide	2.0
Lead	5.0
Mercury	0.07
Nickel	7.0
Silver	2.0
Zinc	4.0

2. These are uniform concentration limits and apply to all users at the point where the industrial waste is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. At his or her discretion, the industrial pretreatment coordinator may impose mass limitations in addition to or in place of the concentration based limitations above.

B. The city reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

C. In addition, the city shall reserve the right to prohibit the discharge of wastewater which exceeds two hundred fifty (250) milligrams per liter (mg/L) biochemical oxygen demand (BOD) or two hundred fifty (250) mg/L total suspended solids (TSS). In the event the city elects to accept wastewater which contains BOD or TSS in excess of the two hundred fifty (250) mg/L threshold concentration, a surcharge shall be assessed. This surcharge shall be calculated as follows:

$$\text{Industrial Surcharge} = V (A (\text{BOD} - 250) + B (\text{TSS} - 250))$$

Where V equals total volume of wastewater discharged in gallons per month;

A equals BOD surcharge in dollars per gallon of wastewater;

BOD equals the measured concentration of biochemical oxygen demand (five days at twenty (20) degrees centigrade) in mg/L (ppm) of the wastewater;

B equals TSS surcharge in dollars per gallon of wastewater;

TSS equals the measured concentration of Total Suspended Solids in mg/L (ppm) of the wastewater. (Prior code § 17-337; Ord. 877, § 1 (part), eff. August 14, 1995)

Section 13.12.380 City's right of revision.

The city reserves the right to establish, by or in wastewater permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the general and specific prohibitions of this chapter. (Prior code § 17-338)

Section 13.12.390 Dilution.

No industrial user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. (Prior code § 17-339)

Section 13.12.400 Accidental discharge/slug control plans.

The industrial pretreatment coordinator may require any industrial user to develop and implement an accidental discharge/slug control plan. The pretreatment coordinator shall evaluate whether each significant industrial user needs a plan or other action to control slug discharges. For industrial users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional significant industrial users must be evaluated within one (1) year of being designated a significant industrial users. For purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions. The results of such activities shall be available to the approval authority upon request. Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Section 13.12.070; and
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), or measures and equipment for emergency response. (Prior code § 17-340; 1209, Amended 01/4/2011)

Section 13.12.410 Reporting requirements.

A. Baseline monitoring reports:

1. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW shall be required to submit to the city a report which contains the information listed in subsection 2 below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the city a report which contains the information listed in subsection 2 below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

2. The industrial user shall submit the information required by this section including:

a. Identifying Information. The name and address of the facility, including the name of the operator and owners;

b. Wastewater Discharge Permits. A list of any environmental control wastewater discharge permits held by or for the facility;

c. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POW from the regulated processes;

d. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e);

e. Measurement of Pollutants.

i. Identify the categorical pretreatment standards applicable to each regulated process,

ii. Submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or by the city) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 13.12.090, analytical requirements,

iii. Sampling must be performed in accordance with procedures set out in subsection J, sample collection, of this section.

f. Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) or additional pretreatment is required to meet the pretreatment standards and requirements;

g. Compliance Schedule. If additional pretreatment or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard;

h. All baseline monitoring reports must be signed and certified in accordance with subsection F of Section 13.12.330; and

i. All notices and self-monitoring reports required by EPA regulations.

B. Compliance Schedule Progress Report. The following conditions shall apply to the schedule required by baseline monitoring reports in subsection (A)(2)(g) above. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (Such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation.). No increment referred to above shall exceed nine months. The industrial user shall submit a progress report to the industrial pretreatment coordinator no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, (and, if appropriate) the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the industrial pretreatment coordinator.

C. Report On Compliance With Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the city a report containing the information described in this section on baseline monitoring reports in subsection (A)(2)(d) through (f) above. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection F of Section 13.12.330.

D. Periodic Compliance Reports.

1. Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the industrial pretreatment coordinator but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with subsection F of

Section 13.12.330. Analysis and sampling of discharges shall be performed in accordance with sections 13.12.090, analytical requirements and 13.12.410, subsection J, maple collection, respectively.

2. All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge;

3. If an industrial user subject to the reporting requirement in and of this section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in Section 13.12.090 and 13.12.410, of this program, the results of this monitoring shall be included in the report.

E. Report of Changed Conditions. Each industrial user is required to notify the industrial pretreatment coordinator of any planned significant changes of the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least thirty (30) days before the change:

1. The industrial pretreatment coordinator may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under subsection E of Section 13.12.330;

2. The industrial pretreatment coordinator may issue a new wastewater discharge permit or modify an existing wastewater discharge permit;

3. No industrial user shall implement the planned changed condition until and unless the industrial pretreatment coordinator has responded to the industrial user's notice;

4. For purposes of this requirement the discharge of any previously unreported pollutants shall be deemed significant.

F. Reports of Potential Problems.

1. In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Section 13.12.070 of this chapter), it is the responsibility of the industrial user to immediately telephone and notify the city of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user;

2. Within five days following such discharge, the industrial user shall, unless waived by the industrial pretreatment coordinator, submit a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this chapter;

3. Failure to notify the city of potential problem discharge shall be deemed a separate violation of this chapter;

4. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of discharge described in subsection 1(F)(1), above. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

G. Reports From Non-significant Industrial Users. All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the city as the industrial pretreatment coordinator may require.

H. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by an industrial user indicates a violation, the industrial user must notify the control authority within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within thirty (30) days after becoming aware of the violation. Where the control authority has performed the sampling and analysis in lieu of the industrial user, the control authority must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. The industrial user is not required to resample if the City performs monitoring at the industrial user's at least once a month, or if the City performs sampling between the industrial user's initial sampling and when the industrial or the City user received the results of this sampling.

I. Notification of the Discharge of Hazardous Waste.

1. Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA regional waste management division director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than ten (10) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under subsection E of this section, report of changed conditions, above. The notification requirement in this subsection does not apply to

pollutants already reported under the self-monitoring requirements of sections on baseline monitoring reports, report on compliance with categorical pretreatment standard deadline and periodic compliance reports, above;

2. Dischargers are exempt from the requirements of subsection (I)(1) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification;

3. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA regional waste management waste division director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations; or

4. In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

J. Sample Collection.

1. The reports required in section 13.12.410, subsections A, C, D and G, of this program must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The control authority shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

2. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional composite sampling is authorized by the control authority, samples must be representative of the discharge and the decision to allow the alternative the sampling must be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to analysis as follows: For Cyanide, total phenols, and sulfides the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority as appropriate.

3. For sampling required in support of baseline monitoring and 90-day compliance reports required in section 13.12.410, subsections A and C of this program, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical data are available, the control authority may authorize a lower minimum. For the reports required the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

K. Determination of Noncompliance. The industrial pretreatment coordinator may use grab samples to determine noncompliance with pretreatment standards.

L. Record Keeping. Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this chapter. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning compliance with this chapter, or where the industrial user has been specifically notified of a longer retention period by the industrial pretreatment coordinator. (Prior code § 17-34; 1209, Amended 0/24/2011)

Section 13.12.420 Monitoring facilities.

A. The city shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the city. (Prior code § 17-342)

Section 13.12.430 Pretreatment.

A. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before

construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

B. Whenever deemed necessary, the industrial pretreatment coordinator may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this chapter.

C. Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this chapter. (Prior code § 17-343)

Section 13.12.440 Publication of industrial users in significant non-compliance.

These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision an Industrial User is in significant noncompliance if its violation meets one or more of the following criteria:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of wastewater measurements taken during a six-month period exceed a numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(1), for the same pollutant parameter by any amount;

B. Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard of requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable criteria [TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH]

C. Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.491 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the City believes has caused, alone or in combination with other discharges, interference or pass through including endangering the health of city personnel or the general public);

D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation which the city determines will adversely affect the operation or implementation of the local pretreatment program. (Prior code § 17-344; 1209, Amended 01/24/2011)

Section 13.12.450 Emergency suspensions.

A. The city may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The city may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The city shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the city that the period of endangerment has passed;

2. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the city, prior to the date of any show cause or termination hearing under Section 13.12.480, show cause hearing.

B. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (Prior code § 17-345)

Section 13.12.460 Revocation of permit.

A. Wastewater discharge permits may be revoked for the following reasons:

1. Failure to notify the city of significant changes to the wastewater prior to the changed discharge;

2. Failure to provide prior notification to the city of changed condition pursuant to subsection E of Section 13.12.410, report of changed conditions;

3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

4. Falsifying self-monitoring reports;
5. Tampering with monitoring equipment;
6. Refusing to allow the city timely access to the facility premises and records;
7. Failure to meet effluent limitations;
8. Failure to pay fines;
9. Failure to pay sewer charges;
10. Failure to meet compliance schedules;
11. Failure to complete a wastewater survey or the wastewater discharge permit application;
12. Failure to provide advance notice of the transfer of a permitted facility; or
13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

B. Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit. (Prior code § 17-346)

Section 13.12.470 Notification of violation.

Whenever the city finds that any user has violated or is violating this chapter, wastewater contribution permit, or any prohibition, limitation or requirements contained herein, the city may serve upon such person a written notice stating the nature of the violation. (Refer to Enforcement Response Plan) (Prior code § 17-347)

Section 13.12.480 Show cause hearing.

Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user. (Prior code § 17-348)

Section 13.12.490 Injunctive relief.

Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this chapter, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirements, the public works director may petition the district court of Tulsa County, state of Oklahoma, through the city's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the industrial users. Such other action as appropriate for legal or equitable relief may also be sought by the city. A petition for injunctive relief need not be filed as a prerequisite to taking any other action. (Prior code § 17-349)

Section 13.12.500 Right of appeal.

Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the City Attorney on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a discharger and deals with matters of performance or compliance with this chapter, for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with applicable state and local laws. (Prior code § 17-350)

Section 13.12.510 Civil penalties.

Any user who is found to have violated an order of the City Council or who willfully or negligently fails to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, shall be fined not to exceed one thousand dollars (\$1,000.00) or any greater amount as may be allowed by state law, including costs for each violation; provided however, the user may in addition thereto be assessed as additional civil penalty, the amount of any civil penalty incurred by the city, from the Environmental Protection Agency of the United States government or successor thereto as a result of users violation, and any cost associated therewith. Each day on which a violation shall occur or continue shall be deemed as separate and distinct violation. In addition to the penalties, provided herein, the city may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder. The penalty provided hereunder shall be deemed cumulative with any other enforcement provision contained in this chapter. (Prior code § 17-351)

Section 13.12.520 Falsifying information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater contribution permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished as provided in Section 1.20.010 of this code and their permit may be ordered revoked. Each falsification shall be considered a separate offense. (Prior code § 17-352)

Section 13.12.530 Accepting jurisdiction.

Any person, firm or corporation who applies for and receives a permit under the provisions of this chapter and connects to the POTW thereby accepts the jurisdiction of the city to enforce the requirements and penalties set out, whether within or without the corporate limits. (Prior code § 17-353)

Section 13.12.540 Summary disconnection.

Any connection to the POTW made without a permit as required by this chapter shall be immediately disconnected and plugged without notice. (Prior code § 17-354)

Section 13.12.550 Criminal prosecution.

A. Any user that willfully or negligently violates any provision of this chapter, any orders or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable as provided in subsection A of Section 1.20.010 per violation per day.

B. Any user that willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to punishment as provided in subsection A of Section 1.20.010 of this code. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

C. Any user that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit or order, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished as provided in subsection B of Section 1.20.010 of this code.

D. In the event of a second conviction, a user shall be punished as provided in subsection A of Section 1.20.010 of this code per violation per day. (Prior code § 17-355)

Section 13.12.560 Affirmative defenses to discharge violations.

A. Upset.

1. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation;

2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection C are met;

3. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and the industrial user can identify the cause of the upset;

b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

c. The industrial use has submitted the following information to the industrial pretreatment coordinator and treatment plant operator immediately after becoming aware of the upset if this information is provided orally, a written submission must be provided within five days:

- i. A description of the indirect discharge and cause of noncompliance,
- ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue, and
- iii. Steps being taken or planned to reduce, eliminate and prevent occurrence of the noncompliance.

4. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof;

5. Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards;

6. The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored to an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

B. General/Specific Prohibitions. An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 13.12.070 of this chapter if it can prove that it did not know or have reason to know that its discharge, along or in conjunction with its discharges from other sources, would cause pass through or interference and that either:

1. A local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference; or

2. No local limit exists, but the discharge did not change substantially in nature or constituents from the use's prior discharge when the city was regularly in compliance with its NPDES permit and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

C. Bypass.

1. Definitions are:

a. "Bypass" means the intentional diversion of waste streams from any portion of an industrial user's treatment facility;

b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections C and D of this section;

3. Notification:

a. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten (10) days before the date of the bypass if possible;

b. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the industrial pretreatment coordinator immediately after it becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass;

4. Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The industrial user submitted notices as required under subsection 3 of this section.

5. The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in subsection 4 of this section. (Prior code § 17-356)

Chapter 13.16

STORM WATER DRAINAGE SYSTEM

Sections:

- 13.16.010 Storm Water Drainage System is a Public Utility**
- 13.16.020 Definitions**
- 13.16.030 Service Charges and Exemptions**
- 13.16.040 Rate Schedule**
- 13.16.050 Collection of Service Charge**
- 13.16.060 Adjustment of Charge, Appeal**

Section 13.16.010 Storm Water Drainage System is a Public Utility

The storm water drainage system of the City is hereby declared to be a public utility, and a proper source of revenue for the upkeep, repairs, extension and maintenance of the storm water drainage system and other governmental purposes. (1080, Amended, 06/14/2004)

Section 13.16.020 Definitions

For the purposes of this chapter, the following word and phrases shall have the meanings given herein.

City - City of Sand Springs, Oklahoma.

Developed Real Estate - real property altered from its natural state by the addition to or construction of any impervious surface such that the hydrology of the property is affected.

Director - the Director of the Public Works Department of the City of Sand Springs and/or their designated representative.

Equivalent Service Unit - two thousand six hundred fifty (2,650) square feet of impervious surface.

Impervious Surface - any hard surfaced area which prevents or retards the entry of water into the soil in the manner and to the extent that such water entered the soil under natural conditions, causing water to run off the surface in greater quantities or at an increased rate of flow than was present under natural conditions, such as but not limited to rooftops, asphalt or patio areas, storage areas, and gravel, oiled macadam or other surfaces which similarly affect the natural infiltration or run-off patterns of real property in its natural state.

Service Charge - the fee levied within the boundaries of the City for the use of the City's storm water drainage facilities.

Undeveloped Real Estate - real estate unaltered by the construction or addition of any impervious surface which would change the hydrology of the property from its natural state.

Retention or Detention Facilities - facilities designed to hold storm water for a short period and then release it to the natural watercourse or to hold storm water for a sufficient lengthy of time to provide for it to be consumed by evaporation, infiltration into the soil or other natural means.

Residential Property - any property designed and used principally for residential single-family or duplex purposes and developed according to and meeting the bulk and area requirements for residential single-family or duplex zoned property as set forth in the Sand Springs Zoning Code at the time of development of such property.

Storm Water Drainage System - any facility, structure, improvement, development, equipment, property or interest therein, or other structural or nonstructural element made, constructed, used or acquired for the purpose of collecting, containing, storing, conveying and controlling storm water wherever located and including, but not limited to, storm sewers, conduits, natural and manmade channels, pipes, culverts and detention ponds whether public or private. (1080, Amended, 06/14/2004)

Section 13.16.030 Service Charges and Exemptions

A. There is hereby established a service charge for the use of the City's storm water drainage system at rates hereinafter established; provided, however, that the service charge shall not be imposed on the following types of property:

1. City streets, rights-of-way, parks and open space;
2. State of Oklahoma highway rights-of-way;
3. Railroad rights-of-way; or
4. Undeveloped parcels of land.

B. All proceeds from the service charge established herein shall be deposited to the Storm Water Utility Fund. (1080, Amended, 06/14/04)

Section 13.16.040 Rate Schedule

The City Council of the City of Sand Springs shall establish rates for each Equivalent Service Unit assigned to a lot, tract or parcel of real estate, or portion thereof, as herein provided.

A. Residential Property - Residential Property within the corporate limits of the City is hereby assigned one Equivalent Service Unit for each developed lot, tract or parcel of record with the County Clerk. However, in the case of duplex development with two (2) dwelling units on the same lot, tract or parcel, an Equivalent Service Unit will be assigned to each dwelling unit.

B. All Other Real Estate - The impervious surface of all other lots, tracts or parcels of developed real estate within the corporate limits of the City shall be measured to determine the Equivalent Service Unit(s) to be assigned to such lots, tracts or parcels.

C. Credit for Private Maintenance of Detention Facilities. Any property that is directly served by an approved on-site detention or retention facility may apply for and may receive an adjustment in monthly service charges for use of the City's storm water drainage system. The Director shall adjust the service charge for such properties

according to the mitigative effect of the facility on annual maintenance and operation costs, provided that:

1. The owner remains responsible for all costs of proper operation and maintenance of the facility;
2. The facility was constructed in compliance with City drainage standards; and
3. The owner obtained the proper permits from the City.
4. The Director shall have the right to inspect the on-site facility at any reasonable time to determine if it is in compliance with the approved design and is capable of functioning properly. If the facility's performance might be affected because it fails to meet the proper operating standards, has been altered, or is in disrepair, the property owner shall pay the monthly service charge at the normal rate without benefit of reduction. Any property with an on-site detention facility, which is maintained by the Public Works Department, shall be charged normal service charge rates.

D. Additional Credits. In addition to the credits set forth in Paragraph C above, the Director shall have the right to grant additional credits as follows:

1. For any facility with an existing, valid, general NPDES permit, the Director shall grant a credit equal to 10-percent of the monthly fee.
2. For any facility with an existing, valid, individual NPDES permit that precludes discharge into the City of Sand Springs storm water drainage system, the Director shall grant a credit equal to 50-percent of the monthly fee.
3. For any facility that does not discharge storm water into the City of Sand Springs storm water drainage system, the Director may grant an additional credit not to exceed 10-percent of the monthly fee.

E. Total Credits. The total amount of credits allowed pursuant to this ordinance shall not exceed 50-percent of the monthly fee. (1117, Amended, 10/10/2005)

Section 13.16.050 Collection of Service Charge

The service charges herein established for the use of the City's storm water drainage system shall be billed to each user monthly, along with a bill for water or other utility services and such penalties as are now or may hereafter be established for water service bills. All collecting agencies authorized by the City to accept payment of City utility bills are hereby directed to advise customers of the provisions of this section. In the event that any person, firm or corporation shall tender as payment of water service, sewer service, collection of solid waste service and/or service charge for the use of the City's storm water drainage system an amount insufficient to pay in full all of the charges so billed, credit shall be given first to the service charge for the use of the City's storm water drainage system, second to the charges for collection of solid waste, third to the charge for sanitary sewer service and last to the charges for water service. The City shall have the right and privilege of discontinuing water service to any premises for insufficient payment.

In the event that any utility account shall become delinquent, water services may be terminated by the City until all charges for the use of the City's storm water drainage system, collection of solid water service, sanitary sewer service and water service shall be paid in full. The provisions for collection provided herein shall be in addition to any rights or remedies which the City may have under the laws of the State of Oklahoma.

In the case of users of real estate who are not billed for water, sanitary sewer or collection of solid waste, the owner or the real estate or agent of the owner shall be billed monthly for the service charges herein established.

The invalidity of any provision, clause or portion of this section or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this section or the validity of its application to other persons or circumstances. (1080, Added, 06/14/2004)

Section 13.16.060 Adjustment of Charge, Appeal

Any person who considers the charges applicable to his parcel to be inaccurate or erroneous may request review thereof by the Director. The determination by the Director may be appealed to the Sand Springs City Council by written notice of appeal filed with the City Clerk within ten (10) days of decision by the Director. (1080, Added, 06/14/2004)

Chapter 13.20

FLOODPLAIN DAMAGE PREVENTION

Sections:

- 13.20.010 Statutory Authorization, Findings of Fact, Purpose and Methods**
- 13.20.020 Definitions**
- 13.20.030 General Provisions**
- 13.20.040 Administration**
- 13.20.050 Provisions for Flood Hazard Reduction**

Section 13.20.010 Statutory Authorization, Findings of Fact, Purpose and Methods.

A. Statutory Authorization: The Legislature of the State of Oklahoma has in statutes 82 O.S. §§1601-1620.1, as amended, Chapter 23 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Sand Springs, Oklahoma, does ordain as follows:

B. Findings of Fact:

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

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

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study for Osage County, Oklahoma and Incorporated areas" dated April 2, 2008, AND "The Flood Insurance Study for Tulsa County, Oklahoma and Incorporated areas" dated October 16, 2012, with the most effective Flood Insurance Rate Maps (FIRM). However, the existing flood damage prevention ordinance for the City of Sand Springs, Oklahoma shall remain in effect until October 16, 2012. (Amended by Ord. 1228, 08/27/2012.)

C. Statement of Purpose:

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

- 1. Protect human life and health;
- 2. Minimize expenditure of public money for costly flood control projects;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 4. Minimize prolonged business interruptions;
 5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
 6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
 7. Insure that potential buyers are notified that property is in a flood area.
- In order to accomplish its purposes, this ordinance uses the following methods:
- D. Methods of Reducing Flood Losses:
1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
 2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
 4. Control filling, grading, dredging and other development which may increase flood damage;
 5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section 13.20.020 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 it's most reasonable application.

Alluvial Fan Flooding - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant Structure – means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

Area of Future Conditions Flood Hazard – means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

Area of Shallow Flooding - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A.

Base Flood - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

Base Flood Elevation – means the elevation in feet above mean sea level of the Base Flood or 1% chance flood.

Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

Board – means the Oklahoma Water Resources Board.

Breakaway Wall – means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical Feature - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development - means any man-made change to 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.

Elevated Building - means a non-basement building built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor 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 A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Existing Construction - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing Manufactured Home Park or Subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) – is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevations of the base flood, as well as the floodway width, section area and mean velocities.

Floodplain Administrator – means a person accredited by the Board and designated to administer and implement laws and regulations relating to the management of floodplains.

Floodplain or Flood-Prone Area - means any land area susceptible to being inundated by water from any source (see definition of flood or flooding).

Floodplain Management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood Protection System - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood Proofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (Regulatory Floodway) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally Dependent Use - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes

only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, ship building and ship repair facilities, and mining activities as permitted by the State of Oklahoma Department of Mines, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

- a. By an approved state program as determined by the Secretary of the Interior or;

- b. Directly by the Secretary of the Interior in states without approved programs.

Levee - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured Home - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New Construction - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational Vehicle - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Riverine – means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area – see *Area of Special Flood Hazard*

Start of Construction - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, 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.

Structure – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial Damage - means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal

or exceed 50 percent of the assessed value as determined by the County Assessor's office, before the damage occurred.

Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the assessed value as determined by the County Assessor's office before "start of construction" of the improvement. This term includes structures which 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 to assure safe living conditions or

2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance - is a grant of relief to a person from the requirement of these regulations or ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by these regulations. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Violation - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), or (d)(3) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Section 13.20.030 General Provisions.

A. Lands to which this ordinance applies:

The ordinance shall apply to all areas of special flood hazard with the jurisdiction of the City of Sand Springs, Oklahoma.

B. Basis for establishing the areas of Special Flood Hazard:

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study for Osage County, Oklahoma and Incorporated areas" dated April 2, 2008, AND "The Flood Insurance Study for Tulsa County, Oklahoma and Incorporated areas" dated October 16, 2012, with the most effective Flood Insurance Rate Maps (FIRM). However, the existing flood damage prevention ordinance for the City of Sand Springs, Oklahoma shall remain in effect until October 16, 2012. (Amended by Ord. 1228, 08/27/2012.)

C. Establishment of Development Permit:

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

D. Compliance:

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

E. Abrogation and Greater Restrictions

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

F. Interpretation:

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

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under State statutes.

G. Warning and Disclaimer or Liability:

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

Section 13.20.040 Administration.

A. Designation of the Floodplain Administration:

The Public Works Department Project Administrator is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

B. Duties and Responsibilities of the Floodplain Administrator:

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

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit applications to determine whether the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding. (Ord 1187, amended 07/27/2008)
3. Review, approve or deny all applications for development permits required by adoption of this ordinance.

4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

5. 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) the Floodplain Administrator shall make the necessary interpretation.

6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Oklahoma Water Resources Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8. When base flood elevation data has not been provided in accordance with Article 13.20.030, Subsection B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Section 13.20.050.

9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community first completes all of the provisions required by Section 65.12.

11. Become accredited by the Board in accordance with Title 82 O.S. §§ 1601 1618, as amended.

12. After a disaster or other type of damage occurrence to structures, determine if the residential & non-residential structures & manufactured homes located in the SFHA have been substantially damaged and enforce the substantial improvement requirement.

C. Permit Procedures:

1. Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

- a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - b. Elevation in relation to mean sea level to which any nonresidential structure shall be flood-proofed;
 - c. A certificate from a registered professional engineer or architect that the nonresidential flood-proofed structure shall meet the flood-proofing criteria of Section 13.20.050, Section B (2);
 - d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - e. Maintain a record of all such information in accordance with Article 4, Section (B)(1);
2. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:
- a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c. The danger that materials may be swept onto other lands to the injury of others;
 - d. The compatibility of the proposed use with existing and anticipated development;
 - e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - g. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - h. The necessity to the facility of a waterfront location, where applicable;
 - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 - j. The relationship of the proposed use to the comprehensive plan for that area.
- D. Variance Procedures:
- 1. The City Council, as established by the community, shall hear and render judgment on requests for variances from the requirements of this ordinance.
 - 2. The City Council shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
 - 3. Any person or persons aggrieved by the decision of the City Council may appeal such decision in the courts of competent jurisdiction.
 - 4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

6. Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 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) of this Article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

7. Upon consideration of the factors noted above and the intent of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Section 13.20.101, Section C). (Ord. 1187, amended 07/27/2008)

8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

10. Prerequisites for granting variances:

a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b. Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (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 or ordinances.

c. Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Section 13.20.040, Section D (1)-(9) 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. (Ord. 1187, amended 07/27/2008)

Section 13.20.050 Provisions for Flood Hazard Reduction.

A. General Standards:

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

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. Specific Standards:

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Section 13.20.030, Subsection B, (ii) Section 13.20.040, Subsection B (8), or (iii) Section 13.20.050, Subsection C (3), the following provisions are required: (Ord. 1187, amended 07/27/2008)

1. Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to a minimum of 1 foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Section 13.20.040, Subsection C (1) a., is satisfied. (Ord. 1187, amended 07/27/2008)

2. Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to a minimum of 1 foot above the base flood level or together with attendant utility and sanitary facilities, be designed so that below 1 foot above 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 and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed shall be maintained by the Floodplain Administrator.

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

a. A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than 1 foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Manufactured Homes –

a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage and have the bottom of the I Beam elevated at a minimum of 1 foot above the base flood elevation. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to a minimum of 1 foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that

1. The bottom of the I-beam of the manufactured home is at a minimum of 1 foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Article 4, Section C (1), and the elevation and

anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

6. Accessory Structure –
 - a. Structure is low valued and represents a minimal investment.
 - b. Structure shall be small and not exceed 600 square feet in size.
 - c. Structure shall be unfinished on the interior.
 - d. Structure can be used only for parking and limited storage.
 - e. Structure shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas).
 - f. Service facilities such as electrical and heating equipment shall be elevated at a minimum of one (1) foot above the BFE.
 - g. Structure is constructed and placed on building site so as to offer the minimum resistance to the flow of floodwaters.
 - h. Structure is designed to have low flood damage potential i.e. constructed with flood resistance materials.
 - i. Structure is firmly anchored to prevent flotation, collapse, and lateral movement.
 - j. Floodway requirements must be met in the construction of the structure.
 - k. Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE.
 - l. Structure is to be located so as not to cause damage to adjacent and nearby structures.

C. Standards for Subdivision Proposals:

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Section 13.20.010, Subsections B, C, and D of this ordinance. (Ord. 1187, amended 07/27/2008)
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Section 13.20.030, Subsection C; Section 13.20.040, Subsection C; and the provisions of Section 13.20.050 of this ordinance. (Ord. 1187, amended 07/27/2008)
3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 13.20.030, Subsection B or Section 13.20.040, Subsection B (8) of this ordinance. (Ord. 1187, amended 07/27/2008)
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

5. All subdivision proposals 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.

6. All subdivision proposals including manufactured home parks and subdivisions shall have the boundary lines of the fully urbanized 100 year floodplain delineated on the face of the plat, and shall have the following certification: "The contents of the fully urbanized 100 year floodplain are contained within the drainage easements and/or reserves as shown."

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

Located within the areas of special flood hazard established in Section 13.20.030, Subsection B, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply: (Ord. 1187, amended 07/27/2008)

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to a minimum of 1 foot above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 3 feet if no depth number is specified).

2. All new construction and substantial improvements of non-residential structures;

a. have the lowest floor (including basement) elevated to a minimum of 1 foot above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 3 feet if no depth number is specified), or

b. together with attendant utility and sanitary facilities be designed so that below 1 foot above the base specified flood depth in an AO Zone, or below 1 foot above the Base Flood Elevation in an AH Zone, 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 Section 13.20.040, Subsection C are satisfied. (Ord. 1187, amended 07/27/2008)

4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

E. Floodways - located within areas of special flood hazard established in Section 13.20.030, Subsection B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply: (Ord. 1187, amended 07/27/2008)

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. If Section 13.20.050, Subsection E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 13.20.050. (Ord. 1187, amended 07/27/2008)

3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community complies with all of 44 CFR Chapter 1, Section 65.12.

F. 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.

G. Penalties for Non-Compliance:

1. Any person, firm, corporation or other legal entity violating the requirements of this chapter or any conditions made pursuant thereto, shall be guilty of an offense and, upon conviction thereof, shall be fined the maximum amount allowed by law. Each day's violation thereof shall constitute a separate offense.

2. In addition to a fine, the City may institute appropriate actions or proceedings at law or equity for the enforcement of the provisions of this chapter or to correct the violations thereof. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions or to remove prohibited buildings, structures, obstructions or improvements, nor prevent the enforcement, correction, or removal thereof.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

H. Repealer:

All ordinances or parts of ordinance in conflict with this ordinance are hereby repealed to the extent of the conflict.

(1160, Adopted 03/24/2008; 1187, Amended 07/27/2009)

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Chapter 13.30

STORMWATER DISCHARGE REGULATIONS

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Section 13.30.010 Authority and Scope

The introduction and contribution of pollutants or other materials into the City's Municipal Separate Storm Sewer System within the city limits of the City of Sand Springs shall be regulated by the City of Sand Springs, Oklahoma, in compliance with all applicable federal and state laws, rules and regulations. Specifically, the City of Sand Springs, or agents thereof, shall regulate and/or administer:

- A. Contribution of pollutants into the City's Municipal Separate Storm Sewer System through the stormwater discharges of any user.
- B. Introduction into the City's Municipal Separate Storm Sewer System of spills, dumping, or the disposal of materials other than stormwater.
- C. Prohibition of illicit discharges into the City's Municipal Separate Storm Sewer System.
- D. Inspections, surveillance and monitoring procedures necessary to determine compliance and noncompliance with this ordinance.
- E. Compliance with conditions of the City's Stormwater Discharge Permit and/or permits issued by federal and/or state agencies, as well as any other federal or state law, rule or regulation pertaining to stormwater quality.

Section 13.30.020 – Illicit Discharges Prohibited

A. It shall be unlawful and an offense against the Code of Ordinances of the City of Sand Springs, Oklahoma, for any person to willfully, knowingly or otherwise through neglect or foreseeable circumstance, to cause or permit, directly or indirectly, any contribution or introduction of pollutants through illicit discharges into the City's Municipal Separate Storm Sewer System.

B. The Public Works Director, or designees thereof, shall be authorized to regulate, monitor and enforce all municipal ordinances, rules and regulations regarding illicit discharges of pollutants into the City's Municipal Separate Storm Sewer System.

Section 13.30.030 – Definitions and Abbreviations.

A. As used in this chapter, the following terms, phrases and words shall have the meanings given below:

Act - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251, et seq., and all future amendments or successions thereto.

Best Management Practice - The best available practices or devices that, when used singularly or in combination, eliminate or reduce the contamination of surface waters, ground waters, or both. Best Management Practices shall be divided into the following categories:

1. Nonstructural Best Management Practices - Those practices which require modified or additional operational or behavior practices, such as sweeping a parking lot or having spill response equipment on site.

2. Structural Best Management Practices - Those practices which require the construction of a structure or other physical modification on the site.

City - The City of Sand Springs, Oklahoma, a municipal corporation, and its duly authorized officers, agents and employees.

Composite Sample - A sample of stormwater runoff, resulting from the combination of individual samples taken at selected intervals, based on an increment of either flow or time.

Director - The Public Works Director of the City of Sand Springs, Oklahoma, or his or her authorized designees, including employees and agents thereof.

Discharge - Any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the City's Municipal Separate Storm Sewer System, or into waterways within or affecting the city limits of the City of Sand Springs, Oklahoma.

Environmental Protection Agency - The United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director or other duly authorized official of said agency.

Floatable - Any buoyant or semi-buoyant, organic or inorganic, water-borne waste material such as litter, paper, Styrofoam, grass, leaf litter, cigarette butts and other debris.

Grab Sample - A sample of stormwater runoff which is taken on a one-time basis, without regard to the flow and consideration of time.

Illicit Discharge - Any person who willfully, knowingly or otherwise through neglect or foreseeable circumstance, causes or permits, directly or indirectly a discharge to the City's Municipal Separate Storm Sewer System that is not composed entirely of stormwater, except discharges pursuant to Section 13.20.040 of this chapter, or discharges resulting from allowable firefighting activities.

Industrial Activity - Any activity which is directly related to manufacturing, processing or raw materials storage areas at an industrial facility. The term includes, but is not limited to, industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the industrial facility; sites where material handling activities are performed; refuse sites; sites used for the applications or disposal of process waste waters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage or disposal; shipping and receiving areas; manufacturing buildings; storage areas, including tank farms, for raw materials, and intermediate and finished products.

Industrial Facility or Industry - Any premises whose function is classified in the latest edition of the federal Standard Industrial Classification Manual, also known as the SIC code manual.

Material Handling Activities - The storage, loading and unloading, transportation or conveyance of any raw material, intermediate product, finished product, by-product or waste product.

Monitoring - The performance of stormwater flow measurements, stormwater sampling, sample analysis and like procedures necessary to determine compliance with stormwater discharge activity.

Municipal Separate Storm Sewer System - A conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains and all other manner of structures, facilities or appurtenances that are owned or otherwise operated or controlled by the City of Sand Springs, Oklahoma, and are designed or used for collecting or conveying stormwater.

OPDES Storm Water Discharge Permit - The most current "Multi-Sector General Permit for Storm Water Discharge Associated with Industrial Activities for the State of Oklahoma," or the most current "General Permit for Storm Water Discharge Associated with Construction Activities within the State of Oklahoma," with provisions under the Oklahoma Administrative Code (OAC), § 252:606, incorporating by reference 40 CFR Part 122.26, as issued by the Oklahoma Department of Environmental Quality (ODEQ), or any other named state agency charged with administering same, or any revision thereof or amendment thereto.

Outfall - A point source as defined in this chapter.

Overburden - Any material of any nature, consolidated or unconsolidated, that overlies a mineral deposit, excluding topsoil or similar naturally occurring surface material that are not disturbed by mining operation.

Person - An individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their lawful representatives, agents or assignees. This definition shall include all federal, state, and local governments.

Point Source - Any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.

Pollutant - Any dredge spoil, solid waste, incinerator residue, oil, grease, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural waste, municipal waste and the characteristics of the wastewater including but not limited to, pH, temperature, TSS, turbidity, color, BOD, COD, toxicity and odor.

Premises - Any plot or tract of ground, regardless of size or plat, that is owned by a person or used by a person, and any contiguous plots.

Significant Materials - Any raw materials, fuels, materials such as solvents, detergents, and plastic pellets, finished materials such as metallic products, raw materials used in food processing or production, hazardous substances.

Spill - Any release that has negatively or has the potential to negatively impact the quality of water within, or discharges from, the City's Municipal Separate Storm Sewer System, or causes damaging or deleterious effects to the City's Municipal Separate Storm Sewer System, including all structures or appurtenances, or creates any violation of this chapter.

Stormwater - Any rainwater runoff, surface runoff and drainage related to storm events or snow melt.

Stormwater Pollution Prevention Plan - A document approved by the Oklahoma Department of Environmental Quality or successor agency that specifies practices, facilities and other applicable measures intended to mitigate contributions of pollutants into the City's Municipal Separate Storm Sewer System from a premises where construction activity is occurring or ongoing.

Stormwater Discharge Associated with Industrial Activity - Stormwater from areas of industrial activity or areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

User - Any source of direct or indirect discharge into the City's Municipal Separate Storm Sewer System.

B. As used in this chapter the following abbreviations shall have the meanings given below:

BAT – Best Available Technology
 BMP – Best Management Practices
 BOD – Biochemical Oxygen Demand
 CFR – Code of Federal Regulations
 COD – Chemical Oxygen Demand
 EPA – United States Environmental Protection Agency
 OAC – Oklahoma Administrative Code
 NOI – Notice of Intent
 NOV – Notice of Violations
 NPDES – National Pollutant Discharge Elimination System
 ODEQ – Oklahoma Department of Environmental Quality
 OPDES – Oklahoma Pollutant Discharge Elimination system (See Oklahoma Administrative Code (OAC), title 252, Chapter 606, § 252:606-1-1 et seq., as amended)
 RCRA – Resource Conservation and Recovery Act of 1976 (Pub.L. 94-580, Oct. 21, 1976, 90 Stat. 2795, as amended)
 RQ – Reportable Quantities
 SARA – Superfund Amendments and Reauthorization Act of 1986 (Pub.L. 99-499, Oct. 17, 1986, 100 Stat. 1613, as amended)
 SWDA – Solid Waste Disposal Act (Pub.L. 89-272, title II, Oct. 20, 1965, 79 Stat. 997, 42 U.S.C. § 6901, et seq., as amended)
 USC – United States Code

Section 13.30.040 – Allowable Discharges.

A. The following types of discharges shall not be prohibited discharges unless the Director determines that the type of discharge, whether singularly or in combination with others, causes contamination of surface water, stormwater or groundwater; causes overload or damage to the City's Municipal Separate Storm Sewer System or has the potential to endanger public health, safety and welfare; or causes the City to violate any federal and/or state stormwater permits:

1. Waterline flushing
2. Landscape irrigation
3. Diverted stream flows
4. Rising ground waters
5. Residential building wash water without detergents
6. Uncontaminated pumped groundwater
7. Uncontaminated groundwater infiltration
8. Discharges from potable water sources
9. Foundation drains
10. Air conditioning condensate
11. Irrigation water
12. Springs
13. Water from crawl space pumps
14. Footing drains

15. Lawn watering
16. Individual residential car washing
17. De-chlorinated swimming pool discharges
18. Street wash water
19. Fire hydrant flushing
20. Non-commercial or charity car washes
21. Discharges from riparian areas and wetlands
22. Discharges in compliance with a separate OPDES or NPDES permit.
23. Discharges or flows from emergency firefighting activities provided that the incident commander, fire chief or other on-scene firefighting official in charge makes an evaluation regarding potential releases of pollutants from the scene and summons a hazardous material response if pollutants are suspected.
24. Discharges or flows from firefighting training activities authorized as allowable discharges by the Director.

B. Dye testing shall be an allowable discharge, but shall require verbal notification to the Director prior to testing. The City and its agents shall be exempt from this requirement.

C. Any discharge that has a current NPDES discharge permit with the EPA or has a current OPDES discharge permit with the ODEQ shall be an allowable discharge, with the following exceptions:

1. A discharge that results in the City violating its OPDES Municipal Storm Water Discharge Permit.
2. A discharge the Director determines causes contamination of surface water, stormwater or groundwater within the City.
3. A discharge that could block or damage the City's Municipal Separate Storm Sewer System.

D. Stormwater that is not associated with and/or intermingled with stormwater that is associated with industrial activity required to obtain a "NPDES Stormwater Discharge Permit" as defined in 40 CFR Part 122, before the point source discharge to the City's Municipal Separate Storm Sewer System.

E. Any stormwater that is associated with industrial activity and has had pollutants removed by structural or nonstructural BMPs to a level considered satisfactory by the Director.

Section 13.30.050 – Prohibited Discharges.

A. It shall be unlawful and an offense for any person to willfully, knowingly or otherwise through neglect or foreseeable circumstance, to cause or permit, directly or indirectly, any contribution or introduction of pollutants through illicit discharges into the City's Municipal Separate Storm Sewer System.

1. All non-stormwater discharges except those classified as an allowable discharge in Section 13.20.040 of this ordinance.

2. Any stormwater from any activity required to obtain an "NPDES Stormwater Discharge Permit" as defined in 40 CFR Part 122.26(b)(14), unless the discharge is authorized by a valid "NPDES Stormwater Discharge Permit."

3. Any spilled pollutants, unless it can be demonstrated that failure to allow the discharge will result in a greater imminent peril or hazard to the health, safety and welfare of the public.

4. Any material that is disposed of or dumped in such a manner that causes pollutants to be discharged.

B. It shall be unlawful and an offense for any person to place, store or locate any material in such a manner that causes pollutants to be transported directly or indirectly by wind, rain or other atmospheric conditions into the City's Municipal Separate Storm Sewer System.

C. Any point source discharge into the City's Municipal Separate Storm Sewer System that either singularly or in conjunction with other discharges causes the City to violate its NPDES Municipal Stormwater Discharge Permit shall be prohibited.

D. It shall be unlawful and an offense for any person to directly or indirectly dispose of grass, dirt, leaves, trash or other pollutants into the City's Municipal Separate Storm Sewer System.

E. No person shall deposit, drain or divert, whether directly or indirectly, into or upon any public highway, street, sidewalk, alley, parking lot, paving, drainage ditch, storm drain, sewer, gutter, creek, stream, river, lake, pond or lagoon, any oil or oily liquid with petroleum content, grease, mud, rotary mud, sand, salt water, sewer waste or industrial waste; or in any manner permit by seepage, overflow or otherwise, any of such substances to escape from any property owned, leased or controlled by such person; nor shall any person allow such substances to flow upon any public highway, street, sidewalk, alley, parking lot, paving, drainage ditch, storm drain, sewer, gutter, creek, stream, river, lake, pond or lagoon within the city limits.

F. Any illicit discharge, except those allowable pursuant to provisions of this ordinance, shall be prohibited.

Section 13.30.060 – Spills.

Spills that have the potential to enter or have entered the City's Municipal Separate Storm Sewer System shall be contained, and remediation activity shall be commenced, as soon as possible. In case of vehicle accident, all spillage shall be properly contained, cleaned and stored with the accident vehicle. Any person identified as the source of any spill into the City's Municipal Separate Storm Sewer System shall be required to remediate, remove and properly dispose of spilled materials. Remediation activities shall only be considered complete when the cleanup is deemed satisfactory by the Director. The required reporting or notification for such spills shall be completed as specified in Section 13.20.100(C) of this ordinance.

Section 13.30.070 – Pavement Wash Waters.

Discharges to the City's Municipal Separate Storm Sewer System resulting from the cleaning of driveways, parking lots and other paved surfaces shall be deemed allowable upon the fulfillment of the following requirements:

A. The person conducting the cleaning shall employ BMPs, including but not limited to absorbent materials, which prevent the discharge of pollutants into the City's storm sewer;

B. Prior to any washing, floatables shall be removed from the surface that is about to be cleaned;

C. The discharge shall not result in a violation of the City's OPDES Municipal Stormwater Discharge Permit; and

D. The discharge, based upon the determination of the Director, shall not cause contamination of surface water, stormwater or groundwater within the city limits.

Section 13.30.080 – Construction Activities.

A. All construction activities, including the development, excavation, grading, regrading, paving, landfilling, berming and diking of land, shall be conducted in such a manner as to minimize erosion and prevent the discharge of pollutants, including but not limited to rock, sand and soil, into the City's Municipal Separate Storm Sewer System. Persons conducting the construction shall implement and maintain adequate structural and/or nonstructural BMPs for controlling the discharge of pollutants. In the case of ten (10) acres or more of land draining to one discharge point, a sediment basin or adequate alternate measures shall be implemented. The adequacy of any BMP shall be based upon the fulfillment of the following requirements:

1. The discharge shall not result in a violation of the City's OPDES Municipal Stormwater Discharge Permit.

2. The discharge, based upon the determination of the Director, shall not cause contamination of surface water, stormwater or groundwater within the city limits.

3. The discharge, based upon the determination of the Director, does not transport sediment into the City's Municipal Separate Storm Sewer System.

B. Erosion control shall be provided during the construction phase on all construction sites as necessary to prevent impacts to offsite areas and/or public rights-of-way. The primary goal of erosion control and BMPs is to minimize erosion and sedimentation during all phases of construction activities until final grading, landscaping and storm sewer structures are in place. BMPs include but are not limited to seeding, sodding, sprigging, silt fences, straw bale dikes, earth dikes or swales, temporary stream crossings, storm sewer inlet protection, temporary sediment basins and stabilized construction entrances. Failure to provide sediment and erosion control protection can result in suspension of earth change, stormwater and building permits. A violation of this Section by the failure to comply with any of its requirements shall constitute an offense. Each lot upon which such violation occurs shall constitute a separate offense, and each day on which a violation occurs or is allowed to remain shall constitute a separate offense. The imposition of administrative and/or criminal penalties shall not prevent the City of Sand Springs, or agents thereof, from taking any lawful

action as is necessary to remediate or correct a violation – including actions to prevent future violations that would adversely impact the City's Municipal Separate Storm Sewer System or the public's health, safety and welfare.

C. No person shall place, spill or allow the flow of concrete or similar construction materials on any public road, alley, highway or sidewalk, except as may be required for the construction or the maintenance of the public road, street, highway or sidewalk.

D. Construction debris shall not be allowed to blow off the site of origin. Trash containers of sufficient size shall be located on each construction site at all times when waste materials are being generated. The Director shall determine whether such container is of sufficient size.

E. For purposes of regulation and enforcement, any person with overall responsibility for construction, including but not limited to the general contractor or facility operator, shall be jointly responsible with the premises owner or the person at whose direction the construction is conducted for assuring compliance with this Section.

Section 13.30.090 – Record Keeping.

A. Every person and industry shall retain and make available to the Director for inspection and copying, at the person's or industry's expense, all records and information required to be retained under this ordinance, or order issued hereunder. The person or industry shall retain these records for a period of no less than five (5) years. This retention period shall be automatically extended for the duration of any litigation concerning compliance with this ordinance, or where the industry or person has been specifically notified of a longer retention period by the Director or a court of competent jurisdiction.

B. Reports and other documents required to be submitted or maintained under this ordinance, or order issued hereunder, shall be subject to the provisions of 18 USC § 1001, regarding fraud or false statements and the provisions of § 309c(4) of the Act, as amended, governing false statements, representations or certifications.

Section 13.30.100 – Reporting Requirements.

A. Any industry that performs an industrial activity that is required by 40 CFR Part 122.26 to obtain an "NPDES Stormwater Discharge Permit" from the EPA must submit a copy of that application and permit, a Stormwater Pollution Prevention Permit, as well as any written correspondence with any federal, state or local agency regarding the aforementioned permit, to the Director within fifteen (15) days of request.

B. Any permits, pollution prevention plans or other documents regarding an industry's or construction site's OPDES Storm Water Discharge Permit shall be made available to the Director upon request.

C. Any person or industry shall, at the earliest possible time, but in any case no later than one (1) hour from discovery, orally report to the Director a spill, release, dumping or other situation that has contributed or is likely to contribute pollutants into the City's Municipal Separate Storm Sewer System. This notification shall include the location, type, concentration and volume, if known, and corrective actions being taken

for each spill, release, etc. If the spill is contained, notification of containment shall be made verbally to the Director on the next business day. A written report of the spill and containment actions shall be made to the Director within five (5) days of the discovery of the spill. These reporting requirements shall be in addition to, and not in lieu of, any other reporting requirements imposed under federal, state or local laws, rules or regulations.

D. All persons or industrial facilities may be required to provide other reports deemed necessary by the Director to monitor, maintain and ensure compliance with this ordinance.

Section 13.30.110 – Compliance Monitoring Requirements.

A. When the Director requires that a sample of a storm event be obtained, the following criteria must be met:

1. The depth of the rainfall must be greater than one-tenth (0.1) inch or its equivalent.
2. The sample storm event must be preceded by at least seventy-two (72) hours of less than one-tenth (0.1) inch of rainfall.
3. All point sources from the premises or industry required to sample must be sampled, unless otherwise specified.

B. When the Director has reason to believe that any person or industrial facility is violating this ordinance, the person or industrial facility may be required to obtain either a grab or composite sample and analyze any discharge, stormwater, groundwater and/or sediment at its expense, and provide a copy of the analysis to the Director for review.

C. When the Director has cause to believe that any stormwater discharge is an illicit discharge, the Director may obtain either a grab or composite sample and analyze the discharge. If the Director determines that the discharge is an illicit discharge, then the Director may fully recover all costs of sampling and analysis from the person or industrial facility. When the discharge is likely to contain illicit discharges on a recurring basis, the person or industrial facility may be required by the Director to conduct monitoring activities at its expense.

D. Upon completion of sample collections and documentation, a written record of the chain-of-custody must be completed. The chain-of-custody record is an accurate step-by-step documentation of the sampling path from origin through analysis. It must contain the following information:

1. Name of the person(s) collecting the sample.
2. Sample ID numbers.
3. Date and time of sample collection.
4. Location of sample collection.
5. Name(s) and signature(s) of all persons handling the sample in the field and in the laboratory.
6. Type of sampling equipment used.
7. Type of preservation.

8. Certification of sample authenticity.

A copy of the chain-of-custody will remain with all sample analyses sent to the Director for review.

E. When a person or industry is required to sample a storm event and that person or industry has two or more point sources with substantially identical effluents, the person or industry may petition the Director to allow the sampling of only one point source and report that the data apply to the substantially identical point source(s).

F. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, or amendments thereof, unless other test procedures have been specified by the Director.

Section 13.30.120 – Requirements for Best Management Practices.

A. If the Director determines that a stormwater discharge into the City's Municipal Separate Storm Sewer System is, or has the potential of, contributing to water quality degradation, has potential to cause any violation of this ordinance, or causes a violation of the City's OPDES Municipal Stormwater Discharge Permit, a BMP shall be implemented. The type and number of BMPs shall be addressed individually, with the initial implementation of nonstructural BMPs followed by structural BMPs. The Director may require additional BMPs to be implemented for any discharge from a commercial, residential or industrial source.

B. All persons and industrial facilities shall take measures to prevent spills or any other accidental introduction of pollutants into the City's Municipal Separate Storm Sewer System. These measures shall take the form of BMPs.

Section 13.30.130 – Inspection and Sampling.

A. The Director, or the Director's authorized agent bearing credentials, shall be permitted to gain access to such premises as may be necessary for the purpose of inspecting, observing, measuring, sampling and testing, as often as may be necessary, to determine compliance with the provisions of this ordinance.

B. The Director, or the Director's authorized agent bearing credentials, shall have the right to perform inspections at any industrial facility or any other premises that discharges or has the potential to discharge stormwater into the City's Municipal Separate Storm Sewer System. Whenever an inspection of such premises is made, the findings shall be recorded and a copy of the inspection report made available to the owner or person in charge of such premises, after finalization of the inspection report.

Section 13.30.140 – Plan Review

A. Applications for building permits under the jurisdiction of the City involving disturbance of soils by construction activities shall be reviewed by the Director for compliance with provisions of this ordinance – including but not limited to a review of a person's or industry's Notice of Intent application to ODEQ.

B. The fee for a stormwater compliance plan review shall be established by motion or resolution of the City Council.

Section 13.30.150 – Administration and Enforcement.

The following enforcement provisions are intended to achieve compliance with this chapter.

A. The Director may, upon good cause, investigate any premises where there is reason to believe that there may be a failure to comply with the requirements of this ordinance.

B. Whenever the Director determines that a violation of this ordinance has occurred or is occurring, the Director may issue a Notice of Violation (NOV) to the person or industry. This NOV shall include the nature of the violation and provide a reasonable time for correction. The Director may require, within fifteen (15) days of the receipt of this NOV, a written explanation of the violation and a plan for satisfactory correction and prevention, including specific required actions. Submission of this plan shall in no way relieve the person or industry of liability for any violation(s) occurring before or after receipt of the NOV. Issuance of a NOV shall not preclude any other enforcement action.

C. Upon determination that a violation of this ordinance has occurred and actions are necessary by the person or industry for remediation and/or prevention, the Director may issue an administrative order:

1. Consent Orders. The Director is empowered to enter into consent orders, assurances of voluntary compliance or other similar documents establishing a consensus with any person or industry for noncompliance. Such an order shall include specific action to be taken by the violator to correct the noncompliance within a time period specified in the order. Consent orders shall be judicially enforceable.

2. Compliance Orders. When the Director finds that a person or industry has violated or continues to violate this ordinance or orders issued hereunder, the Director may issue an order to the violator directing that compliance be obtained within a specified time period. If compliance is not achieved within the time period, water service or sewer service, or both services may be discontinued; applicable City permits may be suspended, canceled or revoked; or other lawful actions taken; unless adequate BMPs or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements addressing noncompliance, including additional self-monitoring. A compliance order shall not extend the deadline for compliance established by a federal or state standard or requirement, nor shall a compliance order release the violator from liability for any violation, including any continuing violation. Issuance of a compliance order shall not preclude any other enforcement action.

3. Cease and Desist Orders. When the Director finds that a person or industry is violating provisions of this ordinance, or any order issued hereunder, or that past violations are likely to recur, the Director may issue an order directing the violator to cease and desist all such violations or activities likely to cause a recurrence, and to:

- a. Immediately comply with all requirements.
- b. Take such appropriate remedial or preventive actions as may be necessary to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

Issuance of a cease and desist order shall not preclude other action against the violator.

Administrative orders may be revised by the Director at any time, upon notice to the affected person or industry, to assure compliance with this ordinance.

D. When the Director finds that a user has violated or continues to violate any provision of the ordinance, or order issued hereunder, the Director upon good cause shown may impose an administrative penalty against such user in an amount determined by motion or resolution of the City Council. Each day that each violation exists shall constitute a separate cause for administrative penalty. Notice of an administrative penalty shall be served upon the premises owner and, if applicable, person responsible for the activity causing the violation by certified mail, return receipt requested. Payment of the penalty fee shall be received by the Director within fifteen (15) days after such notice is served. The premises owner shall have responsibility to assure payment. Issuance of an administrative penalty shall not preclude any other action by the City, including but not limited to concurrent criminal and civil remedies.

E. Notwithstanding any other provision of this ordinance, the Director may require any person and/or industry found to have violated any provision of this ordinance, or order(s) issued hereunder, to reimburse the City for services and/or materials used to remove pollutants from and/or to prevent further discharge of pollutants into the City's Municipal Separate Storm Sewer System; and shall become liable to the City for any expense, loss or damages experienced by the City as a result of a violation. The City may pursue its right of action to recover all such costs by utilizing any and all lawful and reasonable methods.

F. Whenever a person has violated, or continues to violate any provision of this ordinance, or orders issued hereunder, water and/or sewer service may be discontinued by the City. Service shall only recommence, at the violator's expense, after the violator has satisfactorily demonstrated an ability to comply and actual compliance.

G. Provisions of this ordinance, including but not limited to implementation of administrative penalties and issuance of criminal penalties through the Municipal Court of the City, shall be enforceable by the Director, or other City employees as designated by the Director or City Manager.

H. In addition to any administrative penalties or other actions prescribed herein, violations of this ordinance shall constitute a Class C municipal offense punishable by the penalties prescribed for such in Chapter 1.20 of the City's Code of Ordinances. Recurring violations involving the same premises or activity, or willful disregard for any NOV, order or administrative penalty issued by the Director, shall constitute a Class A municipal offense punishable by the penalties prescribed for such in Chapter 1.20 of the City's Code of Ordinances.

Section 13.30.160 – Appeals.

A. Any person aggrieved by any NOV, order or administrative penalty issued by the Director pursuant to this ordinance may appeal the action in writing to the City Manager within fifteen (15) days of the date of the NOV, order or administrative penalty. The written notice of appeal shall specify the action appealed, detail why the action is in error and specify any provision of City ordinances or state or federal laws, rules or regulations supporting such an appeal.

B. Upon receipt and substantiation of a notice of appeal, the City Manager shall within 30 days hold a hearing where the appellant shall show cause why the provisions of the NOV, order or administrative penalty shall not be imposed or enforced. At the conclusion of the hearing, the City Manager shall affirm, modify, reverse or remand to the Director, the NOV, order or administrative penalty. Any ruling, requirement or decision by the City Manager shall be final and binding, unless appealed to the City Council.

C. Any person aggrieved by an appeal decision of the City Manager may forward in writing an appeal to the City Council by filing an appeal with the City Clerk within fifteen (15) days from the date of the City's Manager's appeal decision. Such written notice of appeal shall detail why the City Manager's decision was in error and specify any provision of City ordinances or state or federal laws, rules or regulations supporting such an appeal. Council shall hold a hearing on the appeal, based solely upon the record of the City Manager's action, within thirty (30) days from the date the notice of appeal was filed with the City Clerk. The City Council shall affirm, modify or reverse the action of the City Manager. Any ruling, requirement or decision of the Council shall be final and binding, provided that any right of appeal to the courts shall not be abrogated.

D. Should the City Manager summarily determine the information supporting the notice of appeal is inadequate to substantiate such, including a determination that the appeal is patently frivolous or filed only for purposes of delay, the City Manager may deny the appeal without a hearing. The appellant shall be notified in writing of the denial and the grounds for such. Any further appeal with the City shall cease.

E. The City Manager may designate another regular employee of the City as a hearing officer to act in his or her capacity.

F. Any appeal properly filed shall serve to stay any enforcement action(s) by the City upon any person or industry alleged to be in violation of this ordinance. Provided, however, that such a stay shall be lifted by the Director and/or City Manager upon finding that such action would create an imminent hazard to the person's, industry's or public's health, safety or welfare. Such a finding shall be in writing and shall be provided to the person or industry alleged to be in violation upon lifting of the stay of enforcement action(s).

G. Any appeal does not preclude the City or any other aggrieved party from pursuing any civil or criminal actions or penalties – including injunctive relief from a court of competent jurisdiction.

Section 13.30.170 – Confidential Information.

Information and data regarding a person, industrial facility or industrial activity obtained from reports, surveys, OPDES stormwater discharge permit applications or permits, monitoring programs, inspections and sampling activities may be available to the public in accordance with the Oklahoma Open Records Act (51 O.S.2001, § 24.A.1, et seq.), or to other government agencies, unless the person or industry can demonstrate in writing to the Director's satisfaction that the release of such information would divulge information regarding trade secrets which is entitled to protection under applicable state law. If the Director determines that the information and data requested may disclose trade secrets or secret processes, then the information or data will not be made available. (Ord 1167, new section added 11/17/2008; 1348, recodification 04/27/2020)

TITLE 14
(RESERVED)

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TITLE 15

BUILDINGS AND CONSTRUCTION

Chapters:

15.04	BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY
15.08	BUILDING CODE
15.12	PLUMBING CODE
15.16	ELECTRICAL CODE
15.20	MECHANICAL CODE
15.24	HOUSING CODE
15.28	GAS PIPING
15.32	FIRE LIMITS
15.36	DILAPIDATED AND UNSECURED BUILDINGS
15.40	MOVING PERMITS
15.50	EARTH CHANGES AND EROSION CONTROL

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Chapter 15.04

BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

Sections:

- 15.04.010 Building permit required.**
- 15.04.020 Application.**
- 15.04.030 Fees.**
- 15.04.040 Administration and enforcement.**
- 15.04.050 Certificate of occupancy required.**
- 15.04.060 Temporary use permit.**
- 15.04.070 Penalties.**
- 15.04.080 Appeals**
- 15.04.090 Administrative Acceptance of Code Updates**

Section 15.04.010 Building permit required.

It is unlawful to construct, enlarge, alter, or demolish a structure or change the occupancy of a building or structure requiring greater strength, exitways and sanitary provisions, or to change to another use, or to install or alter any equipment for which provision is made or the installation of which is regulated by the city codes, without having first filed an application with the building official in writing and obtaining the required permit therefor, except as may be otherwise provided by the city's building code. (Prior code § 5-120)

Section 15.04.020 Application.

Every application for a required building permit or certificate of occupancy shall be made by the owner or lessee of the building or structure, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application with the information as required in the city's building code. (Prior code § 5-121)

Section 15.04.030 Fees.

A. Fees for building and trade permits, inspections, and certificates of occupancy shall be in such amounts as set by the City Council by motion or resolution.

B. Fees for building and trade permits, inspections and certificates of occupancy shall be waived for structures or facilities used exclusively by government agencies. (1083, amended, 11/08/2004)

Section 15.04.040 Administration and enforcement.

The provisions of this chapter shall be administered and enforced by the inspections division of the city. The inspections division is hereby empowered to cause any building, structure, or lot, parcel or tract of land to be inspected and examined and to order in writing the remedying of any condition found to exist therein, or thereon, in violation of any provision of this part. After such order has been delivered to the violator or posted on the premises where such violation exists, no work or use shall proceed on or in any building, other structure, or on any lot, parcel or tract of land covered by such order, except to correct any such violation or to comply with an order of the inspections division. (Prior code § 5-124; 1221, Amended by Recodification, 11/19/2012)

Section 15.04.050 Certificate of occupancy required.

A. A new building shall not be occupied and no change in the use of a building or part of a building or lot, parcel or tract of land shall be made until after the building official shall have issued a certificate of occupancy therefor.

B. The certificate of occupancy shall be issued by the inspections division only after satisfactory evidence of the applicant's compliance with the provisions of this part. (Prior code § 5-125; 1221, Amended by Recodification, 11/19/2012)

Section 15.04.060 Temporary use permit.

A. Upon request by the building permit holder, the building official may issue a temporary use permit for a building or structure, or part thereof, before the entire work covered by the building permit shall have been completed and the final inspections required obtained; provided that such portion or portions thereof will be occupied safely prior to the full completion of the building or structure without endangering life or public welfare. Such request from the permit holder shall be in writing and contain, as a minimum:

1. Address of the building or structure;
2. Number of the building permit;
3. Description of use area, planned use thereof, and any limitations or restrictions;
4. Time period for which the temporary use permit is being requested. Each temporary use permit shall be limited to a period not to exceed thirty (30) calendar days from the date of issue. Not more than two temporary use permits shall be granted for each building or structure;
5. Description of work to be completed and reason why work cannot be completed prior to occupancy;
6. A statement of the permit holder attesting to the validity of the information contained on the request and acknowledging that all final inspections shall be obtained prior to the expiration of this permit; and
7. A statement signed by the proposed occupant that he or she is aware that the required final inspections have not been completed on the building or structure and that he or she is aware of the limitations or restrictions imposed by this permit. Further,

that the occupant shall not alter, remove, repair or change anything covered by applicable codes as adopted by the city and acknowledges that the required final inspections shall be obtained prior to the expiration of this permit.

B. Upon receipt of request, the building official may direct a review of the temporary use permit by other city divisions with an interest in the occupancy of said building or structure to render a determination whether the building may be occupied without detriment to the health, safety or welfare of the occupant(s) or the general public. (1221, Amended by Recodification, 11/19/2012)

C. Upon granting of a temporary use permit, the building permit holder shall remit a temporary use permit fee as determined by resolution of the city council. prior to issuance of said permit.

D. Any requests and actions related to a temporary use permit are separate from the granting of a certificate of occupancy as required in Section 15.04.060 of this chapter. A certificate of occupancy must be issued prior to the expiration of a temporary use permit, or the building or structure vacated. (Prior code § 5-126; 900, amended 08/26/1996; 1221, Amended by Recodification, 11/19/2012)

Section 15.04.070 Penalties.

Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. The owner or owners of any buildings or premises or part thereof, where anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, agent, person, firm, or corporation employed in connection therewith, and who may have participated or aided in such violation shall be guilty of a separate offense and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. (Prior code § 5-127; 1221, Amended by Recodification, 11/19/2012)

Section 15.04.080 Appeals

A. Any person, firm or corporation affected by any notice, order, determination or interpretation of the building or code enforcement official in connection with a building or trade permit may request and shall be granted a hearing on the matter before the Board of Adjustment of the City of Sand Springs, Oklahoma, established pursuant to Section 2.56.010 et seq. of this code, provided that such person shall file in the office of the City Clerk a written petition requesting such hearing and setting forth a brief statement of the grounds for such appeal. Such petition shall be filed within ten (10) days after the day the notice, order, determination or interpretation is issued or rendered. Upon receipt of such a petition, the matter shall be placed upon the agenda of the Board of Adjustment for a hearing at its next regularly scheduled meeting. The petitioner shall be given written notice thereof. At such hearing, the building or code enforcement official shall present any matter or evidence relating to the appeal pending, and thereafter the petitioner shall be given an opportunity to be heard and to show cause which such notice, order, determination or interpretation should be modified or withdrawn. The building or code enforcement official, petitioner, or any other interested party, may appear in person or by authorized representative. (1071, amended 03/22/2004; 1221, Amended by Recodification, 11/19/201)

B. An appeal to the Board of Adjustment as set forth herein shall stay all proceedings in furtherance of the notice, order, determination or interpretation appealed unless the building or code enforcement official certifies to the Board of Adjustment, after the petition of appeal shall have been filed, that by reason of facts stated by the building or code official in his or her certification that a stay would in his or her opinion cause imminent peril to life or property. In such case, the notice, order, determination or interpretation of the building or code enforcement official shall not be stayed otherwise than by a restraining order which may be granted by a court of competent jurisdiction for due and sufficient cause shown. (1071, Amended 03/22/2004; 1221, Amended by Recodification, 11/19/2012)

C. After a hearing, the Board of Adjustment shall sustain, modify or withdraw the notice, order, determination or interpretation by a concurring vote of at least three (3) members. The proceedings at such hearings shall be open to the public, and the findings and decisions of the Board of Adjustment and reasons thereof shall be entered as a matter of public record in the office of the City Clerk. All findings and decisions issued by the Board of Adjustment shall be final and binding on the parties thereto, provided that any person, firm or corporation who is aggrieved by such findings and decisions may seek relief therefrom by filing suit in a court of competent jurisdiction within a time period as prescribed by State law. (1071, amended 03/22/2004)

D. The authority and jurisdiction of the Board of Adjustment to hear and issue findings and decisions on such matters as set out herein for all notices, orders, determinations or interpretations of the building or code enforcement official in connection with building or trade permits shall supersede all other ordinances, codes or provisions in conflict with same. (1071, amended, 03/22/2004; 1221, Amended by Recodification, 11/19/2012)

15.04.090 Administrative Acceptance of Code Updates

Updates to all building, electrical and International Codes adopted by the City shall not become effective until such time as the updated code has been reviewed and approved by the City Manager or his designee. (1071, Adopted, 03/22/2004; 1184 Amended, 06/22/2009; 1221, Amended by Recodification, 11/19/2012)

Chapter 15.08

BUILDING CODE

Sections:

- 15.08.010 International Building Code Adopted**
- 15.08.020 International Existing Building Code Adopted**
- 15.08.030 Fee for inspection.**
- 15.08.040 Penalties.**

Section 15.08.010 International Building Code Adopted

The International Building Code, as published by the International Codes Council, and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC), is adopted by the city for the purpose of establishing rules and regulations for the design, construction, quality of materials, alteration, repair, demolition, equipment, use, occupancy and location of buildings and structures as therein provided. Each and all of the regulations, provisions, conditions and terms of the International Building Code, as well as any appendices referenced, as adopted and amended by the OUBCC are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in this code. At least one copy of the code is to be kept on file in the office of the City Clerk or his designee. (1055, Amended 09/22/2003; 1221, Amended by Recodification, 11/19/2012)

Section 15.08.020 International Existing Building Code Adopted

The International Existing Building Code, as published by the International Codes Council, and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC), is adopted by the city for the purpose of establishing rules and regulations for the design, construction, quality of materials, repair, alteration, change of use or occupancy, addition or relocation of existing buildings and structures as therein provided. Each and all of the regulations, provisions, conditions and terms of the International Existing Building Code, as well as any appendices referenced, as adopted and amended by the OUBCC are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in this code. At least one copy of the code is to be kept on file in the office of the City Clerk or his designee. (1055, Amended 09/22/2003; 1221, Amended by Recodification, 11/19/2012)

Section 15.08.030 Fee for inspection.

There shall be an inspection fee charged which shall be payable at the time of issuance of the building permit and a fee for each reinspection after the first inspection. There shall also be an additional charge for each residential unit located under the same roof. Motels and hotels shall be considered as a multifamily complex. All commercial and industrial construction shall require an inspection fee also payable at the time of issuance of the building permit. The fee for inspection of a structure to be demolished shall also be paid where applicable. All inspection fees shall be in such amounts as may be set by the council by motion or resolution. (Prior code § 5-203)

Section 15.08.040 Penalties.

Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. (Prior code § 5-204)

Chapter 15.12

PLUMBING CODE

Sections:

- 15.12.010 Fees.**
- 15.12.020 Registration, State License Required, Exemptions.**
- 15.12.030 Prohibiting use of another name.**
- 15.12.040 International Plumbing Code Adopted**
- 15.12.050 Penalties.**

Section 15.12.010 Fees

Permit and inspection fee charges for plumbing installations shall be made and collected in such amounts as set out by resolution of the City Council. (Prior Code §5-304; 1221, Amended by Recodification, 11/19/2012)

Section 15.12.020 Registration, State License Required, Exemptions.

A. All persons, firms, partnerships or corporations engaging in plumbing work in the corporate limits of the City as a plumbing contractor shall procure from the City Clerk, or designee(s) thereof, a Certificate of Registration. Upon payment of a fee as set by the City Council, the Certificate shall entitle the holder, or his or her journeymen or apprentices, to perform plumbing work within the corporate limits of the City. No Certificate shall become valid before July 1st of any year nor shall extend beyond June 30th of the following year. No Certificate shall be issued unless proof of a valid State of Oklahoma plumbing contractor license is provided. (1072, Amended, 03/22/2004)

B. All individuals engaging in plumbing work in the corporate limits of the City shall possess a valid State of Oklahoma license as a plumbing contractor, journeymen or apprentice. (1072, Amended, 03/22/2004)

C. Exempt from the provisions of these requirements are minor plumbing repairs and other activities as defined specifically in the State Plumbing License Law, 59 O.S. 1017. (1071, Amended, 03/22/2004; 1072, Amended, 03/22/2004; 1221, Amended by Recodification, 11/19/2012)

Section 15.12.030 Prohibiting use of another name.

No person, firm or corporation shall allow his, her or its name to be used by any other person, firm or corporation to obtain any permit or certificate of inspection required by this chapter, or to do any work under his, her or its licenses. (Prior code § 5-324; 1221, Amended by Recodification, 11/19/2012)

Section 15.12.040 International Plumbing Code Adopted

The International Plumbing Code, as published by the International Codes Council, and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC), is adopted by the city for the purpose of establishing rules and regulations for the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of

plumbing systems as therein provided. Each and all of the regulations, provisions, conditions and terms of the International Plumbing Code, as well as any appendices referenced, as adopted and amended by the OUBCC are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in this code. At least one copy of the code is to be kept on file in the office of the City Clerk or his designee. (1055, amended 09/22/2003; 1221, amended 11/19/2012)

International Plumbing Code Adopted, is further amended by the City of Sand Springs within the 2015 International Plumbing Code as adopted and amended by the Oklahoma Uniform Building Codes Commission as follows, to-wit:

Section 715.1 Sewage backflow. Backwater valves shall be installed in all new, repaired or altered building drains. (Added 1299, 04/24/2017)

Section 15.12.050 Penalties.

Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. (Prior code § 5-330; 1221, Amended by Recodification, 11/19/2012)

Chapter 15.16

ELECTRICAL CODE

Sections:

- 15.16.010 Fees.**
- 15.16.020 National electrical code adopted.**
- 15.16.030 Registration, State License Required, Exemptions.**
- 15.16.040 Prohibiting use of another name.**
- 15.16.050 Penalties.**

Section 15.16.010 Fees

Permit and inspection fee charges for electrical installations shall be made and collected in such amounts as set out by resolution of the City Council. (Prior Code § 5-404; 1221, Amended by Recodification, 11/19/2012)

Section 15.16.020 National Electrical Code Adopted

The National Electrical Code, as published by the National Fire Protection Association, and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC), is adopted by the city for the purpose of establishing rules and regulations for the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems, fixtures and appliances as therein provided. Each and all of the regulations, provisions, conditions and terms of the International Plumbing Code, as well as any appendices referenced, as adopted and amended by the OUBCC are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in this code. At least one copy of the code is to be kept on file in the office of the City Clerk or his designee. Provisions of the National Electrical Code applicable to this chapter shall also include Annex H – Administration and Enforcement. (Prior Code § 5-416; 1221, Amended by Recodification, 11/19/2012)

Section 15.16.030 Registration, State License Required, Exemptions.

A. All persons, firms, partnerships or corporations engaging in the installation of electrical fixtures, wiring or apparatus in the corporate limits of the City as an electrical contractor shall procure from the City Clerk, or designee(s) thereof, a Certificate of Registration. Upon payment of a fee as set by the City Council, the Certificate shall entitle the holder, or his or her journeymen or apprentices, to perform electrical work within the corporate limits of the City. No Certificate shall become valid before July 1st of any year nor shall extend beyond June 30th of the following year. No Certificate shall be issued unless proof of a valid State of Oklahoma electrical contractor license is provided. (1072, Amended, 03/22/2004; 1221, Amended by Recodification, 11/19/2012)

B. All individuals engaging in the installation of electrical fixtures, wiring or apparatus in the corporate limits of the City shall possess a valid State of Oklahoma license as an electrical contractor, journeymen or apprentice. (1072, Amended, 03/22/2004; 1221, Amended by Recodification, 11/19/2012)

C. Exempt from the provisions of these requirements are minor electrical repairs, regular employees of firms or corporation while performing any electrical work on property owned or leased by the firm or corporation, and other activities as specifically defined in the State Electrical License Act, 59 O.S. 1692(A). (1072, Amended, 03/22/2004; 1072, Amended, 03/22/2004; 1221, Amended by Recodification, 11/19/2012)

Section 15.16.040 Prohibiting use of another name.

No person, firm or corporation shall allow his, her or its name to be used by any other person, firm or corporation to obtain any permit or certificate of inspection required by this chapter, or to do any work under his, her or its licenses. (1221, Amended by Recodification, 11/19/2012)

Section 15.16.050 Penalties.

Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. (Prior code § 5-423)

Chapter 15.20

MECHANICAL CODE

Sections:

- 15.20.010 International Mechanical Code Adopted**
- 15.20.020 Fees**
- 15.20.030 Registration, State License Required, Exemptions.**
- 15.20.035 Prohibiting use of another name.**
- 15.20.040 Penalties.**

Section 15.20.010 International Mechanical Code Adopted

The International Mechanical Code, as published by the International Codes Council, and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC), is adopted by the city for the purpose of establishing rules and regulations for the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as therein provided. Each and all of the regulations, provisions, conditions and terms of the International Mechanical Code, as well as any appendices referenced, as adopted and amended by the OUBCC are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in this code. At least one copy of the code is to be kept on file in the office of the City Clerk or his designee. (1055, Amended 09/22/2003; 1221, Amended by Recodification, 11/19/2012)

Section 15.20.020 Fees

Inspection fee charges for mechanical systems installations shall be made and collected in such amounts as set out by the City Council by motion or resolution.

Section 15.20.030 Registration, State License Required, Exemptions.

A. All persons, firms, partnerships or corporations engaging in mechanical systems work in the corporate limits of the City as a mechanical contractor shall procure from the City Clerk, or designee(s) thereof, a Certificate of Registration. Upon payment of a fee as set by the City Council, the Certificate shall entitle the holder, or his or her journeymen or apprentices, to perform mechanical systems work within the corporate limits of the City. No Certificate shall become valid before July 1st of any year nor shall extend beyond June 30th of the following year. No Certificate shall be issued unless proof of a valid State of Oklahoma mechanical contractor license is provided (1072, Amended, 03/22/2004)

B. All individuals engaging in mechanical systems work in the corporate limits of the City shall possess a valid State of Oklahoma license as a mechanical contractor, journeyman or apprentice. (1072, Amended, 03/22/2004)

C. Exempt from the provisions of these requirements are minor repairs and adjustments, and other activities as defined specifically in the State Mechanical Licensing Act, 59 O.S. 1850.10(B). (1072, Amended, 03/22/2004)

Section 15.20.035 Prohibiting use of another name.

No person, firm or corporation shall allow his, her or its name to be used by any other person, firm or corporation to obtain any permit or certificate of inspection required by this chapter, or to do any work under his, her or its licenses. (1221, Amended by Recodification, 11/19/2012)

Section 15.20.040 Penalties.

Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. (Prior code § 5-804)

Chapter 15.24

HOUSING CODE

Sections:

- 15.24.010 International Residential Code For One- and Two-Family Dwellings Adopted**
- 15.24.020 Designation of unfit dwellings and legal procedure for condemnation.**
- 15.24.030 Vacation and demolition.**
- 15.24.040 Emergency vacation and demolition.**
- 15.24.050 Standards where conflict.**
- 15.24.060 Penalties.**

Section 15.24.010 International Residential Code For One- and Two-Family Dwellings Adopted

The International Residential Code for One- and Two-Family Dwellings, as published by the International Codes Council, and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC), is adopted by the city for the purpose of establishing rules and regulations for the design, construction, quality of materials, alteration, repair, demolition, equipment, use, occupancy and location of one- and two-family dwellings as therein provided. Each and all of the regulations, provisions, conditions and terms of the International Residential Code for One- and Two-Family Dwellings, as well as any appendices referenced, as adopted and amended by the OUBCC are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in this code. At least one copy of the code is to be kept on file in the office of the City Clerk or his designee. (1221, Amended by Recodification, 11/19/2012)

International Residential Code for One- and Two- Family Dwellings Adopted, is further amended by the City of Sand Springs within the 2015 International Residential code for One- and Two- Family Dwellings as adopted and amended by the Oklahoma Uniform Building Codes Commission as follows, to-wit:

Section P3008.1 Sewage backflow. Backwater valves shall be installed in all new, repaired, or altered building drains. (Added 1299, 04/24/2017)

Section 15.24.020 Designation of unfit dwellings and legal procedure for condemnation.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

A. Any dwelling or dwelling unit which, by its failure to comply with the requirements as set out in this chapter, is found to be in any of the following conditions, shall be condemned as unfit for human habitation:

1. One which is so damaged, destroyed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public;

2. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public; or

3. One which because of its general condition or location is unsanitary, or otherwise dangerous, to the health or safety of the occupants of the public;

B. Whenever the health officer, building official, fire marshal or code enforcement official of the city determines that a building is unfit for human habitation as defined above, he or she shall:

1. Affix to such dwelling or portion thereof, upon the door or entrance thereto, a placard on which shall be printed a declaration that such dwelling or portion thereof is unfit for human habitation and order such dwelling or portion thereof vacated; and

2. Notify the owner, occupant, lessee, and other person having an interest in the building as shown by the records in the office of the County Clerk of the county, of any building found by him or her to be unfit for human habitation that: (1) The owner must vacate and repair or demolish the building in accordance with the terms of the notice and this chapter; (b) The occupant or lessee must vacate the building or, with the consent of the owner, may have it repaired in accordance with the notice and order and remain in possession.

C. Any dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation must be vacated and shall not again be used for human habitation, until written approval is secured from, and such placard is removed by the health officer, building official, fire marshal or code enforcement official. The health officer, building official, fire marshal or code enforcement official shall remove such placard whenever the defect, defects, or deficiencies upon which the condemnation and placarding action were based have been eliminated;

D. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in subsection C of this section; and

E. Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter under the procedure set forth in Section 15.04.090 of this title. (Prior code § 5-506; 1221, Amended by Recodification, 11/19/2012)

Section 15.24.030 Vacation and demolition.

Unless otherwise prescribed in this section, the owner or lessee shall have 10 days from the date of the notice to request an appeal hearing before the Board of Adjustment under Section 15.04.090 of this title.

If an owner, occupant or lessee fails to comply with an order of the health officer, building official, fire marshal or code enforcement official as provided for in 15.24.060(B), or the order or decision of the Board of Adjustment after an appeal hearing, the health officer, building official, fire marshal or code enforcement official shall cause such dwelling or part thereof to be vacated and may cause the same to be repaired at the property owner's or lessee's, or agents thereof, expense; or demolished as provided in Chapter 5.36 of this code. (Prior code § 5-507; 1221, Amended by Recodification, 11/19/2012)

Section 15.24.040 Emergency vacation, repair and demolition.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dwelling unfit for human habitation, as defined herein, is immediately vacated and repaired or demolished, the health officer, building official, fire marshal or code enforcement official, shall cause the immediate vacation and repair or demolition of such dwelling unfit for human habitation. The costs of such emergency repair or demolition of such dwelling unfit for human habitation shall be at the property owner's or lessee's, or agents thereof, expense and shall be recoverable by any remedies allowed by law. (Prior code § 5-508; 1221, Amended by Recodification, 11/19/2012)

Section 15.24.050 Standards where conflict.

In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire safety or health ordinance or ordinances of the city existing on the effective date of this code, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. (Prior code § 5-509; 1221, Amended by Recodification, 11/19/2012)

Section 15.24.060 Penalties.

Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. (Prior code § 5-510; 1221, Amended by Recodification, 11/19/2012)

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Chapter 15.28

GAS PIPING

Sections:

- 15.28.010 International Fuel Gas Code Adopted**
- 15.28.020 Fees**
- 15.28.030 Penalties.**

Section 15.28.010 International Fuel Gas Code Adopted

The International Fuel Gas Code, as published by the International Codes Council and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC), is adopted by the city for the purpose of establishing rules and regulations for the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of fuel gas piping systems, fixtures and appliances as therein provided. Each and all of the regulations, provisions, conditions and terms of the International Fuel Gas Code, as well as any appendices referenced, as adopted and amended by the OUBCC are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in this code. At least one copy of the code is to be kept on file in the office of the City Clerk or his designee. (Prior Code 15-701; 1221, Amended by Recodification, 11/19/2012)

Section 15.28.020 Fees

Inspection fee charges for fuel gas piping, fixture and appliance installations shall be made and collected in such amounts as set out by the City Council by motion or resolution.

Section 15.28.030 Penalties.

Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. (Prior code § 5-705)

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Chapter 15.32

FIRE LIMITS

Sections:

- 15.32.010 Fire limits defined, created.**
- 15.32.020 Buildings within fire limits.**
- 15.32.030 Buildings and structures not to be moved into fire limits.**
- 15.32.040 Permissible wooden structures.**
- 15.32.050 Repair of frame buildings.**
- 15.32.060 Fire lanes.**
- 15.32.070 Penalties.**

Section 15.32.010 Fire limits defined, created.

There is hereby established in the city, fire limits or a fire zone comprising the area following:

Beginning at a point on the West right-of-way line of Adams Road where the city limits of the City of Sand Springs intersects at the most Southerly point to the West right-of-way line of Adams Road; thence in a North and Northwesterly direction along the city limits of the city to a point on the Northerly right-of-way line of Sand Springs Park Road; thence in a Southeasterly direction to a point on the Northerly right-of-way line of Park Road to a point where the prolongation of the center line of Fourth Street running to a point being the center line of the alley between McKinley Street and Main Street; thence South on and along the center line of the alley between McKinley Street and Main Street to a point where the center line intersects with the center line of Broadway Street; thence West along the center line of Broadway Street to a point where the center line of Broadway Street intersects with the center line of Garfield Street; thence Southerly on and along the center line of Garfield Street to the center line of Second Street; thence Westerly along the center line of Second Street to a point where the East line of the alley between Grant and Wilson Streets intersects with the center line of Second Street; thence Southerly on and along the East line of the alley to a point where the East line of the alley intersects with the northerly right-of-way line of the Keystone Expressway; thence Easterly on and along the Northerly right-of-way line of the Keystone Expressway to a point where the Northerly right-of-way line of the Keystone Expressway intersects with the city limits of the city, the point being approximately one hundred eighty (180) feet West and twenty (20) feet North of the intersection of Adams Road and the Keystone Expressway; thence North, East, North and Northeasterly along the city limits of the city to the point of beginning; and commencing at a point where the East right-of-way line of Everett Street intersects with the Northerly right-of-way line of West 41st Street; thence Easterly along the Northerly right-of-way line of West 41st to a point three hundred fifty (350) feet East of the intersection of the Northerly right-of-way line of West 41st Street and the center line of Old Highway 97; thence in a Northerly direction three hundred (300) feet East and parallel to the center line of

State Highway 97 to the Southerly right-of-way line of East 38th Street; thence in a Westerly direction along the Southerly right-of-way line of East 38th Street to the center line of Old Highway 97; thence continuing in a Westerly direction along the Southerly right-of-way line of West 38th Street to a point being three hundred (300) feet West of the point where the Southerly right-of-way line of West 38th Street Bassett Avenue intersects with the Westerly right-of-way line of Old Highway 97; thence Southerly on a line parallel with and three hundred (300) feet West of the center line of Old Highway 97 to a point on a prolongation of the center line of West 40th Place, the point being three hundred (300) feet North of the center line of West 41st Street; thence West along the prolongation of this center line of West 40th Place to a point where the prolongation of the center line of West 40th Place intersects with the East right-of-way line of Everett Street; thence South on and along the East right-of-way line of Everett Street to the point of beginning. (Prior code § 5-130)

Section 15.32.020 Buildings within fire limits.

No building shall be erected after July 1, 1984, within the fire limits of the city, as set out in this part or as hereafter provided, except for business purposes. After July 1, 1984, every such building in the fire limits, erected, enlarged, repaired, or improved shall be enclosed on all sides with walls constructed wholly of stone, well-burned brick, terra cotta, concrete or other equivalent incombustible materials, and all roofs, dormer windows or other windows and cornices and outside parts shall be covered with incombustible material. (Prior code § 5-131)

Section 15.32.030 Buildings and structures not to be moved into fire limits.

No building, structure or other place of habitation shall be moved into the fire limits where same does not comply with the requirements of the preceding section. No house trailer or other like vehicles shall be moved into the fire limits to be there located as a place of habitation or for business purposes. (Prior code § 5-132)

Section 15.32.040 Permissible wooden structures.

Wooden structures for temporary purposes only and necessary to the erection of a building or permanent improvements within fire zone shall be permitted for such time only as the character of the principal improvement may require. All such permissible wooden structures shall be first authorized by a permit issued by the building official and approved by the chief of the fire department and the city manager. (Prior code § 5-133)

Section 15.32.050 Repair of frame buildings.

Any frame building now within the fire limits, which may be hereafter damaged by fire, storm or other casualty, shall not be repaired or rebuilt of combustible materials. (Prior code § 5-134)

Section 15.32.060 Fire lanes.

The fire lanes in the city shall be any street, alley or way which must be unobstructed for the passage of and operation of firefighting equipment. Firefighting equipment shall have a clean, clear and unobstructed right-of-way over all other

vehicles operated upon the streets, alleys or other ways in the city. The police department shall cause all fire lanes to be clean, clear and unobstructed for the operation of or passage of firefighting equipment in order that firefighting equipment may have unobstructed ingress and egress to the location of fires. (Prior code § 5-135)

Section 15.32.070 Penalties.

Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. (Prior code § 5-136)

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Chapter 15.36

DILAPIDATED AND UNSECURED BUILDINGS

Sections:

- 15.36.010 Dilapidated and unsecured buildings unlawful.**
- 15.36.020 Definitions.**
- 15.36.030 Dilapidated buildings--Notice, hearing and removal.**
- 15.36.040 Determination and assessment of costs.**
- 15.36.050 Lien on the property, civil remedy.**
- 15.36.060 Exemption from liability--Restrictions.**
- 15.36.070 Unsecured building--Notice and hearing.**
- 15.36.080 Notice of lien--Boarding and securing.**
- 15.36.090 Determination and assessment of costs.**
- 15.36.100 Lien on the property, civil remedy.**
- 15.36.110 Summary boarding and securing.**
- 15.36.120 Right to appeal.**
- 15.36.130 Designation of another administrative officer.**
- 15.36.140 Agricultural uses exempted.**

Section 15.36.010 Dilapidated and unsecured buildings unlawful.

It is unlawful for any owner of any lot, tract or parcel of land situated within the corporate limits of the city to allow a dilapidated or unsecured building to exist upon said premises. (Prior code § 8-801; 899, § 3 (part), eff. 08/12/1996)

Section 15.36.020 Definitions.

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

"Boarding and Securing" or "Boarded and Secured" means the closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure.

"Dilapidated Building" means:

- a. a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that said structure is a hazard to the health, or safety, or welfare of the general public;
- b. a structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health, safety and welfare of the general public
- c. a structure which is determined by the city council or the city manager to have been an unsecured building as defined in this chapter, more than three times within any 12-month period;
- d. a structure which has been boarded and secured, as defined in this chapter, for more than 18 consecutive months;
- e. a structure declared by the city council to constitute a public nuisance.

"Owner" means the property owner of record as shown by the most current tax rolls of the County Treasurer.

"Unsecured Building" means any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar hatchways or other similar unsecured openings which would facilitate an unauthorized entry into the structure.

"Unfit for human occupancy" means a structure that due to lack of necessary repairs is considered uninhabitable and a hazard to the health, safety and welfare of the general public. (Prior code § 8-802; 899, § 3 (part), eff. 0812/1996; 1221, Amended by Recodification, 11/19/2012)

Section 15.36.030 Dilapidated buildings--Notice, hearing and removal.

The City Manager may cause dilapidated buildings within the corporate limits to be torn down and removed in accordance with the provisions of this section:

A. At least ten (10) days' notice that a building is to be torn down or removed shall be given to the owner of the property before the City Manager holds a hearing. A copy of the notice shall be posted on the property to be affected. In addition, a copy of said notice shall be mailed by certificate of mailing to the property owner at the address shown by the most current tax rolls in the office of the County Treasurer. Written notice shall also be mailed by certificate of mailing to any mortgage holder as shown by the records in the office of the County Clerk to the last-known address of the mortgagee. However, if neither the property owner nor the mortgage holder can be located, notice shall be given by publication in a newspaper of general circulation as defined by state law. Such notice may be published once not less than ten (10) days prior to any hearing or action by the city.

B. A hearing shall be held by the City Manager to determine if the property is dilapidated and has become detrimental to the health, safety or welfare of the general public and the community, or if said property creates a fire hazard which is dangerous to other property.

C. Pursuant to a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by the removal of such conditions, the City Manager may cause the dilapidated building to be torn down and removed. The City Manager shall fix reasonable dates for the commencement and completion of the work. The City Clerk shall immediately file a notice of dilapidation and lien with the County Clerk of the county in which the property is situated describing the property, the findings of the City Manager at the hearing, and stating that the city claims a lien on said property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of said notice.

D. The agents of the city are granted the right of entry on the property for the performance of the necessary removal duties as a governmental function of the city if the work is not performed by the property owner within dates fixed by the City Manager, or City Council under circumstances hereinafter provided. (Prior code § 8-803; 899, § 3 (part), eff. 0812/1996)

Section 15.36.040 Determination and assessment of costs.

The City Manager shall determine the actual cost of the dismantling and removal of a dilapidated building and any other expenses that may be necessary in conjunction with the dismantling and removal of the building, including the cost of notice and mailing. The City Clerk shall forward a statement of the actual cost attributable to the dismantling and removal of the building and a demand for payment of such costs, by mail to the property owner. In addition, a copy of said statement shall be mailed to any mortgage holder. At the time of the mailing of the statement of costs to any property owner or mortgage holder, the city shall retain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer. If the city dismantles or removes any dilapidated building, the cost to the property owner shall not exceed the actual cost of the labor, maintenance and equipment required for the dismantling and removal of the dilapidated building. If dismantling and removal of the dilapidated building is done on a private contract basis, the contract shall be awarded to the lowest and best bidder. (Prior code § 8-804; 899, § 3 (part), eff. 08/12/1996)

Section 15.36.050 Lien on the property, civil remedy.

A. When payment is made to the city for costs incurred, the City Clerk shall file a release of lien, but if payment attributable to the actual cost of the dismantling and removal of the buildings is not made within six months from the date of the mailing of the statement to the owner of such property, the City Clerk shall forward a certified statement of the amount of the cost to the County Treasurer of the county in which the property is situated. Said costs shall be levied on the property and collected by the County Treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date the notice of dilapidation and lien is filed with the County Clerk. In addition, the cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the County Clerk. Said lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid.

B. At any time prior to collection as provided for herein, the city may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, the City Clerk shall forward to the County Treasurer of the county wherein the property is situated a notice of such payment and shall direct discharge of the lien. (Prior code § 8-805; 899, § 3 (part), eff. 08/12/1996)

Section 15.36.060 Exemption from liability--Restrictions.

The officers, employees or agents of the city shall not be liable for any damages or loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this section or as otherwise proscribed by law. (Prior code § 8-806; 899, § 3 (part), eff. 08/12/1996)

Section 15.36.070 Unsecured building--Notice and hearing.

The City Manager may cause an unsecured building to be boarded and secured in accordance with the following procedures:

A. Before the City Manager orders such action, at least ten (10) days' notice that such unsecured building is to be boarded and secured shall be given by certificate of mailing to any property owner or mortgage holder. A copy of the notice shall also be posted on the property to be affected. However, if neither the property owner nor mortgage holder can be located, notice may be given by publication in a newspaper of general circulation as proscribed by state law. Such notice shall be published one time, not less than ten (10) days prior to any hearing or action by the city pursuant to the provisions of this section.

B. The owner of the property may give his or her written consent to the city authorizing the boarding and securing of such unsecured building and to the payment of any costs incurred thereby. By giving said written consent, the owner waives his or her right to a hearing by the City Manager and any appeal to the City Council

C. If the property owner does not give his or her written consent to such actions, a hearing may be held by the City Manager to determine whether the boarding and securing of such unsecured building would promote and benefit the public health, safety or welfare. In making such determination, the City Manager shall apply the following standard:

1. That boarding and securing of an unsecured building would make such building less available for transient occupation;
2. Decrease a fire hazard created by such building; or
3. Decrease the hazard that such building would constitute an attractive nuisance to children. (Prior code § 8-807; Ord. 899, § 3 (part), eff. 08/12/1996; 1221, Amended by Recodification, 11/19/2012)

Section 15.36.080 Notice of lien--Boarding and securing.

Upon making a determination that an unsecured building exists as defined in this section, the City Manager may order the boarding and securing of the building as follows:

A. Upon issuance of the City Manager's order, the City Clerk shall immediately file a notice of unsecured building and lien with the County Clerk of the county wherein a property is situated describing the property, stating the findings of the hearing at which such building was determined to be unsecured, and stating that the city claims a lien on said property for the costs of boarding and securing such building and that such costs are the personal obligation of the property owner from and after the date of filing said notice.

B. Pursuant to the order of the City Manager, agents of the city are granted the right of entry on the property for the performance of the boarding and securing of such building and for the performance of all necessary duties as a governmental function of the city. (Prior code § 8-808; 899, § 3 (part), eff. 08/12/1996)

Section 15.36.090 Determination and assessment of costs.

A. After an unsecured building has been boarded and secured, the City Manager shall determine the actual costs of such actions and any other expenses that may be necessary in conjunction therewith including the cost of the notice and mailing. The City Clerk shall forward a statement of the actual costs attributable to the boarding and securing of the unsecured building and a demand for payment of such costs, by mail to any property owners and mortgage holders. At the time of mailing of the statement of costs to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the address of the mailer.

B. If the city boards and secures an unsecured building, the cost to the property owner shall not exceed the actual cost of the labor, materials and equipment required for the performance of such actions. If such actions are done on a private contract basis, the contract shall be awarded to the lowest and best bidder. (Prior code § 8-809; 899, § 3 (part), eff. 08/12/1996)

Section 15.36.100 Lien on the property, civil remedy.

A. When payment is made to the city for costs incurred, the City Clerk shall file a release of lien but if payment attributable to the actual costs of the boarding and securing of the unsecured building is not made within thirty (30) days from the date of the mailing of the statement to the owner of such property, the City Clerk shall forward a certified statement of the amount of the costs to the County Treasurer of the county in which the property is situated. Said costs shall be levied on the property and collected by the County Treasurer of the county wherein the property is situated as are other taxes authorized by law. Until fully paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date the notice of unsecured building and lien is filed with the County Clerk. In addition to the costs and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the County Clerk. Said lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the costs and interest are fully paid.

B. At any time prior to collection as provided for in this section, the city may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon reviewing payment, the City Clerk shall forward to the County Treasurer a notice of such payment and shall direct discharge of the lien. (Prior code § 8-810; 899, § 3 (part) eff. 08/12/1996)

Section 15.36.110 Summary boarding and securing.

A. If the City Manager or City Council causes a structure within the corporate limits to be boarded and secured, any subsequent need for boarding and securing within a six month period constitutes a public nuisance and may be summarily boarded and secured without further prior notice to the property owner or the mortgage holder in accordance with state law.

B. At the time of such summary boarding and securing, the city shall notify the property owner and mortgage holder of the boarding and securing and the costs thereof. The notice shall state that the property owner may request an appeal with the City Clerk within ten (10) days after the mailing of the notice. The notice and hearing shall be as provided for previously in this section. Unless otherwise determined at the hearing the cost of such boarding and securing shall be collected as provided for previously in this section. (Prior code § 8-811; 899, § 3 (part), eff. 08/12/1996)

Section 15.36.120 Right to appeal.

A. The property owner or mortgage holder shall have a right to appeal to the City Council any order of the City Manager as it relates to applicable provisions within this chapter. Such appeal shall be taken by filing written notice of appeal with the City Clerk within ten (10) days after the City Manager's order is rendered.

B. Said notice of appeal shall serve to stay all orders related thereto until a hearing is held before the City Council.

C. Notice of a hearing before the City Council shall be mailed to the property owner and the mortgage holder no less than ten (10) days prior to the scheduled hearing date.

D. Should the City Council, upon hearing the appeal, determine that a building is dilapidated and order it abated by demolition and removal, any action to challenge the order of the City Council shall be filed within 30 business days from the date of the order. (Prior code § 8-812; 899, § 3 (part), eff. 08/12/1996; 1221, Amended by Recodification, 11/19/2012)

Section 15.36.130 Designation of another administrative officer.

The City Manager may designate another administrative officer of the city to discharge the duties herein before delegated to the City Manager. (Prior code § 8-813; 899, § 3 (part), eff. 08/12/1996)

Section 15.36.140 Agricultural uses exempted.

The provisions of this chapter shall not apply to any property zoned and used for agricultural purposes. (Prior code § 8-814; 899, § 3 (part), eff. 08/12/1996)

Chapter 15.40

MOVING PERMITS

Sections:

15.40.010 Mover's permit.

Section 15.40.010 Mover's permit.

A. No structure or object greater than fourteen (14) feet in overall width or fourteen and one-half (14.5) feet in overall height, including equipment utilized in moving same, or greater than ninety (90) feet in overall length as a single unit, shall be moved upon a public street of the City of Sand Springs, Oklahoma, until a specific route has been recorded in writing and approved on a mover's permit as issued by the city. No structure or object requiring a mover's permit shall be moved upon a public street of the city, nor shall preparatory measures related thereto be performed upon a public street of the city, during the hours of seven (7:00) a.m. to nine (9:00) a.m., and four (4) p.m. to six (6) p.m., Monday through Friday; and at any time on Saturdays, Sundays or holidays recognized by the city unless granted specific written permission by the City Manager or his/her designee, as a part of the mover's permit. (Amended by Ord 1258, adopted 09/22/14)

B. The completed mover's permit application shall contain an accurate record of the overall width, height and length and gross weight of the structure or object to be moved, as well as equipment utilized in moving same, and shall also set forth an approved route and approximate time of movement. Prior to commencing movement upon a public street within the city the applicant shall notify the Sand Springs Police Department Communications Center of the intention to commence moving. No movement granted by a mover's permit shall commence until clearance is granted to do so by the City Manager, or his/her designees. (Amended by Ord 1258, adopted 09/22/14)

C. All applications for a mover's permit shall include a current and valid certificate of liability insurance, in effect, adequate to cover any damage to persons, public property, private property, and utilities that may be damaged as a result of the structure or object being moved, with minimum limits of liability being three million dollars (\$3,000,000.00) per occurrence, to be placed on file with the city. (Amended by Ord 1258, adopted 09/22/14)

D. Upon approval of the mover's permit application, and before a movement commences. A mover's permit shall be issued to the applicant upon receipt of a mover's permit fee according to the fee schedule as established by City Council. The issued mover's permit shall be displayed in a conspicuous location on the vehicle or other conveyance performing the movement while upon a public street of the city. (Amended by Ord 1258, adopted 09/22/14)

E. Any permit issued may require at the sole discretion of the City Manager or his/her designee, that the movement be escorted by sufficient law enforcement personnel having jurisdiction over the public streets of the city to be transited at the expense of the permit applicant. The permit applicant shall also comply with all

instructions issued by the City Manager or his/her designees pertaining to measures necessary for protection of public infrastructure installations owned or otherwise controlled by the city. Such measures shall be at the expense of the permit applicant. (Amended by Ord 1258, adopted 09/22/14.)

F. It shall be unlawful and an offense for any person, firm or corporation to supply false information upon the mover's permit application, or to move a structure or object requiring a mover's permit upon a public street in the city without a mover's permit, or to move a structure or object in a manner not specifically set out in the mover's permit. (Prior code § 9-208; 940, § 1, eff. 03/08/1999; 1221, Amended by Recodification, 11/19/2012; Amended by Ord1258, adopted 09/22/14.)

G. The City Manager or his/her designees, shall have authority to restrict or suspend the scheduling, rescheduling or movement of any oversized structure or object upon the public streets of the city if it is determined that such scheduling, rescheduling, timing or manner of movement shall be detrimental or potentially detrimental to the health, safety and welfare of the public, or detrimental or potentially detrimental to public or private infrastructure or utility installations. (Added by Ord 1258, adopted 09/22/14)

H. Exempt from the provisions of this chapter are oversized buildings, objects or equipment that are moved solely upon designated state highways within the city limits. (Added by Ord 1258, adopted 09/22/14.)

Chapter 15.50

EARTH CHANGES AND EROSION CONTROL

Sections:

15.50.010	Definitions
15.50.020	Purpose
15.50.030	Scope
15.50.040	Grading Standards
15.50.050	Permits and Plans Required
15.50.060	Conditions for Approval of Subdivision Plat
15.50.070	Grading Plan Contents
15.50.080	Application for Earth Change Permit
15.50.090	Earth Change Policies and Standards
15.50.100	Exemptions
15.50.110	General Administrative Procedures
15.50.120	Enforcement and Penalties

Section 15.50.010 Definitions

Unless otherwise defined by the terms of this section, the definitions of words used in the Ordinance shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

CITY - The City of Sand Springs, Oklahoma.

CITY GRADING STANDARDS - The engineering design criteria adopted by the City of Sand Springs, and other standards and specifications for earth changes established by the City Engineer.

CITY ENGINEER - The City Engineer of the City of Sand Springs or his authorized representative.

DETENTION - The temporary storage of storm water.

DETENTION FACILITY - A facility that provides temporary storage and controlled release of storm water.

DEVELOPMENT - Any man-made changes to improved or unimproved land, including, but not limited to, constructing buildings or other structures, mining, dredging, filling, grading, constructing retaining walls, paving, excavating, and drilling.

DRAINAGE FACILITIES - Elements necessary to convey storm water from its initial contact with earth's surface to the Arkansas River. Said drainage facilities shall include both public and private storm sewers (closed conduits), improved channels constructed in conformity with adopted City Grading Standards, drainageways left in their natural condition, areas covered by restricted drainageway easements for the purpose of providing overland flow and all appurtenances to the foregoing, including inlets, outlets, walls, erosion protection, manholes, junction boxes, headwalls, energy dissipaters, and culverts.

EARTH CHANGE - Excavating; grading; regrading; filling; constructing retaining walls, berms, dikes, and erosion control measures on land within the City of Sand Springs.

EROSION CONTROL MEASURES - Facilities constructed or installed to prevent soil erosion caused by excessive storm water runoff velocities.

FLOOD - A temporary rise in the level of water that results in inundation of areas not ordinarily covered by water.

FLOODPLAIN AREA - The area subject to flooding as designated on a floodplain map or other area affected by flooding.

GRADING PLAN - A series of drawings, text and engineering calculations accurately depicting planned topographic changes to a particular site or tract of land.

LOT - A tract of land identified on a plat.

NATURAL - A descriptive term referring to the cover and topography of land as it existed prior to any manmade changes. In areas where manmade modifications have already been constructed, the state of the area and topography of land at the date of the adoption of this Ordinance.

REGULATORY FLOOD - The flood having a one percent chance of being equaled or exceeded in any given year based upon the full potential urbanization of the contributing watershed.

RETAINING WALL - A structural wall built to hold back a mass of earth, as at the edge of a terrace.

SEDIMENTATION FACILITIES - Debris basins, sedimentation traps, silt fences, berms, interceptor ditches, land terraces, hay bales or vegetative ground covers intended to prevent the conveyance of sediments by storm water runoff.

SITE - The location of planned, on-going, or completed construction or development.

WATERCOURSE - Any depression serving to give direction to the flow of storm water. (1001, Amended, 09/10/2001)

Section 15.50.020 Purpose

This ordinance is enacted for the purpose of protecting the general health, safety, and welfare of the residents of the City of Sand Springs from the hazards and dangers of flooding, as well as inadequate or improper drainage and failure of retaining walls by:

2.1 Securing review and approval of the method for handling and disposing of storm water runoff in the jurisdictional area of the City of Sand Springs, and securing review, analysis and approval, by the appropriate authority, of the design, construction and maintenance of drainage facilities, erosion control measures and retaining walls.

2.2 Imposing design standards and conditions upon the excavating; grading; regrading; filling; constructing retaining walls, berms, dikes, and erosion control measures on land within the City of Sand Springs.
(1001, Added, 09/10/2001)

Section 15.50.030 Scope

The provisions of this Ordinance shall apply to and be binding upon every person, firm or corporation, and every city, county, state, or federal governmental entity seeking to develop, redevelop, grade, regrade, excavate, or construct embankments, fill, retaining wall, berms, dikes or erosion control measures upon land within the City of Sand Springs. (1001, Added, 09/10/2001)

Section 15.50.040 Grading Standards

The City of Sand Springs City Engineer shall prepare standards and specifications, where applicable, for drainage facilities, storm water detention facilities and retaining walls which shall comprise the city grading standards. Said city grading standards, in addition to adopted engineering design criteria, shall be followed by every person, firm, corporation, or governmental entity in the grading, filling and construction, installation, and maintenance of drainage facilities, storm water detention facilities, retaining walls and erosion control measures. (1001, Added, 09/10/2001)

Section 15.50.050 Permits and Plans Required

5.1 Earth Change Permit. Unless specifically exempted, an Earth Change Permit, as defined and regulated by this ordinance, shall be obtained from the City Engineer prior to the commencement of any excavating; grading; regrading; filling; constructing retaining walls, berms, dikes, and erosion control measures on land within the City of Sand Springs; a separate permit shall be required for each site or lot. Prior to granting any earth change permit, the City Engineer shall attach such conditions thereto as he may deem reasonable and necessary to prevent damage to public or private property resulting from the blockage, obstruction, alteration, or impairment of any storm sewer drain or surface water course and to prevent the work thereby authorized from being conducted in a manner hazardous to life or property, or otherwise likely to create a public nuisance. Such conditions may include but are not limited to: submission of grading plans showing natural and finished grade contours; installation of public and private retaining walls, drains, detention facilities or other drainage facilities; specific erosion control measures; furnishing any necessary public easements; and specifications of methods for performing the work thereby authorized. When a structure is to be constructed on a site or lot for which an earth change permit has been obtained, the structure shall not be used or occupied until the facilities or measures required by the earth change permit have been completed and approved by the City Engineer.

5.2 Grading Plan. Prior to the City Engineer's approval of any earth change permit, the City Engineer shall determine whether a grading plan should be required and may require such plan in such instances where the same is necessary to meet the purposes of this ordinance.

5.3 OPDES Permit Submittal. The State of Oklahoma requires that an Oklahoma Pollution Discharge Elimination System (OPDES) permit be issued for development activities that will disturb an area of land greater than one-half acre (0.5 AC). If the proposed development requires an OPDES permit, copies of the Storm Water Pollution Prevention Plan (SWP3), Notice of Intent (NOI), Permit Number and Notice of Termination (NOT) must be filed with the City. (1001, Added, 09/10/2001)

Section 15.50.060 Conditions for Approval of Subdivision Plat

6.1 Subdivision Plat. An application for an earth change permit, as defined and regulated by the provisions of this ordinance, shall be approved by the City Engineer prior to his approval of the plat or replat of the subdivision of land for which the

earth change permit is sought. Prior to his approval of any subdivision plat, and subsequent to the acceptance of public facilities for the subdivision, the City Engineer may require:

6.1.1 Actual construction of all required facilities, approval of said facilities by the City Engineer and acceptance thereof by the City Council of the City of Sand Springs; or

6.1.2 Sufficient surety bond, cash escrow, or letter of credit approved by the City Engineer and City Attorney guaranteeing the construction of all required facilities in accordance with an approved plan; or

6.1.3 An alternative form of assurance proposed by the developer to guarantee construction of all required facilities in accordance with an approved plan, said alternative form of assurance having been accepted by the City Council of the City of Sand Springs.(1001, Added, 09/10/2001)

Section 15.50.070 Grading Plan Contents

7.1 General Requirements. All grading plans shall be formulated and implemented under the direct supervision of a registered professional engineer licensed by the State of Oklahoma. Plans submitted for final approval shall bear the signature and seal of the submitting engineer and the following statement shall immediately precede the submitting engineer's signature:

"I hereby certify that I am familiar with the grading standards of the City of Sand Springs, that these plans have been prepared under my direct engineering supervision, and that the above and foregoing grading plans comply with all governing ordinances and said grading standards to the best of my knowledge, information and belief."

Following, and in addition to, the certificate of the submitting engineer, the grading plans shall bear the signature of the owner which shall be subscribed below the following statement:

"I hereby certify that the approved grading plans will be implemented under the direct engineering supervision of a registered professional engineer."

7.2 Plan Elements. A grading plan shall consist of narrative statements, engineering drawings, contour maps, and all supporting engineering calculations, as applicable to the land area covered by the plan which are required to demonstrate full compliance with the requirements of this Ordinance and Sand Springs' adopted City Grading Standards. A grading plan shall include all pertinent information required by the City Engineer and may include, but it is not limited to, any or all of the following elements with respect to the subject property;

7.2.1 An engineering report dealing with the applicable provisions of this Chapter and adopted City Grading Standards, clearly setting forth the scope of the engineering problem and the proposed solutions.

7.2.2 The location of all existing drainage facilities.

7.2.3 An engineering hydrologic analysis of storm water runoff under existing conditions and under proposed development conditions.

7.2.4 A detailed evaluation of the projected effects on property adjoining the site and on existing drainage facilities and systems both on and off the site attributable to the development of the subject property.

7.2.5 The on-site regulatory flood elevations and the boundaries of any floodplain area. In every instance the plan shall include a determination of the area required to carry the regulatory flood.

7.2.6 The proposed method of handling all runoff from the development and a demonstrated capability to handle the pass-through of upstream drainage under fully urbanized conditions.

7.2.7 Proposed grade changes such as fills, cuts, levees, retaining walls, channel modifications, and detention facilities.

7.2.8 The location and size of all existing and proposed drainage easement areas and facilities.

7.2.9 The location, size and character of all temporary and permanent erosion and sedimentation control facilities with specifications detailing all on-site erosion control measures which will be established and maintained until permanent vegetation is established and erosion no longer occurs.

7.2.10 In disturbed areas where new construction slopes in erodible soils would otherwise be steeper than 3 horizontals to 1 vertical, retaining walls shall be constructed. Retaining walls shall not be constructed over any easements. The design of any retaining wall over four feet in height, the failure of which could adversely affect adjoining property or public right-of-way, shall be approved by the City Engineer. (1001, Added, 09/10/2001)

Section 15.50.080 Application for Earth Change Permit

8.1 General Requirements. Unless accepted by the provision of Section 10 of this Ordinance, any person, firm or corporation desiring to effect an earth change shall file a written application for an Earth Change Permit. Applications shall be accompanied by the payment of a permit fee, the amount of which shall be established by the City Council. The grading plan approved by the City Engineer, and design standards established or imposed by the City Engineer, shall become conditions upon the issuance of the earth change permit; no changes in an approved grading plan shall be made without prior written approval of the City Engineer.

8.2 Contents of Permit Application. Each earth change permit application shall contain the following information:

8.2.1 The name and address of the legal owner of the property for which the permit is requested.

8.2.2 A vicinity map, boundary line survey and legal description of the property for which a permit is requested.

8.2.3 Site drawings indicating each area to be excavated, filled, graded, or leveled; the approximate depth of each cut or fill; the present and future (as completed) points of surface water entry onto and discharge from the subject property; and all temporary or permanent structures or measures, including retaining walls, or other facilities to be constructed or established for the purpose of controlling and regulating surface water and erosion on such property.

8.2.4 The applicant's plans for controlling soil erosion and precluding or preventing the deposit of sediment from the site, lot or tract upon any other public or private property or watercourse during all phases of project duration.

8.2.5 The applicant's plans for receipt of surface water onto the property and discharge therefrom during periods of construction, and a statement specifying the anticipated time period for the completion of all drainage improvements.

If the City Engineer is unable to reasonably determine from the application that it meets the requirements, policies and standards governing the issuance of the required permit, the City Engineer shall request in writing that the applicant furnish such additional information as may be essential to such determination. (1001, Added, 09/10/2001)

Section 15.50.090 Earth Change Policies and Standards

9.1 Policies Established. The issuance of Earth Change Permits shall be governed by the following policies of the City of Sand Springs:

9.1.1 No earth change shall be permitted which creates a hazard upon any property within the City of Sand Springs through the obstruction, impairment, sedimentation, blockage or alteration of any drainage facilities or any existing surface watercourse.

9.1.2 No earth change shall be permitted which will channelize, obstruct, or impede any watercourse in a manner which is inconsistent with accepted engineering practices and/or the adopted drainage standards of the City of Sand Springs.

9.1.3 All earth changes shall be designed, constructed and completed in a manner which minimizes the exposure of bare earth to precipitation or runoff.

9.1.4 Construction activity shall be conducted only if appropriate sedimentation facilities are installed and maintained throughout the construction period in accordance with the adopted City Grading Standards.

9.1.5 The redesign or modification of any drainage structure required and presently existing as an element of a previously approved grading plan shall not be required as an incident or condition for the subsequent issuance of an Earth Change Permit unless the proposed earth change materially alters the character of the previously approved grading plan.

9.2 Standards Established. The policies governing earth changes shall be implemented by the adopted City Grading Standards which shall specifically regulate the following and shall establish acceptable methods and practices for controlling soil sedimentation and erosion, including retaining walls:

9.2.1 Design, installation and utilization of all detention and drainage facilities and structures.

9.2.2 Design, installation, maintenance, and removal of sedimentation and erosion control measures, facilities and structures.

(1001, Amended, 09/10/2001)

Section 15.50.100 Exemptions

10.1 Earth Change Exemptions. An earth change permit shall not be required for the following activities:

10.1.1 Bona fide agricultural and farming operations which constitute the principal use of any lot or tract of ground in the City of Sand Springs and which meet the requirements of the Zoning Code of the City of Sand Springs, provided that reasonable efforts are made to prevent deposit of sediment on adjacent property.

10.1.2 Customary and incidental routine grounds maintenance, landscaping, and home gardening which does not require a zoning special exception, or variance, or a building permit, and which does not affect storm water drainage entering or leaving any public right-of-way.

10.1.3 Except to the extent as is required by Section 7.2.10 hereof, any excavating and/or grading, and/or leveling, and/or landfilling requiring less than six-feet of cut or fill at any one point.

10.1.4 Emergency repairs of a temporary nature made on public or private property which are necessary for the preservation of life, health or property, and which are made under circumstances whereby it would be impossible or impracticable to obtain an Earth Change Permit.

10.1.5 Temporary excavation for the purpose of installing, maintaining, or repairing any public street, public utility facility, or any service lines related thereto. (1001, Added, 09/10/2001)

Section 15.50.110 General Administrative Procedures

11A Fees. Fee charges related to an Earth Change Permit as issued by the city shall be made and collected in such amounts as established by motion or resolution of the City Council.

11.1 Processing by City Engineer. The City Engineer shall either approve or disapprove the submitted grading plan or earth change permit application. Approval of a submitted grading plan shall only constitute acceptance by the City Engineer of the certification of the submitting engineer, and such acceptance shall not operate to remove any requirement of Sand Springs' adopted drainage standards which are not specifically considered in the approved plan. A grading plan which meets the requirements of the Ordinance and which conforms to all requirements of the adopted City Grading Standards shall be approved and earth change permit application which is consistent with the policies and which meets the standards established by the Ordinance shall be approved. If a submitted grading plan or permit application is disapproved, the certifying engineer or applicant, as applicable, shall be advised in writing of the disapproval. If the required findings cannot be based upon the information contained in the submitted plan or permit application, the general nature of such additional information as is required by the City Engineer to make such determination will be identified. In the event that the information deficiency is of a technical nature, the City Engineer may also request an engineering conference with the submitting engineer.

11.2 Administrative Appeals. All rulings, requirements, decisions, or interpretations of the City Engineer shall be final and binding upon all parties thereto unless appealed to the City Council. Any person aggrieved thereby shall perfect an appeal by filing a written notice of appeal in the office of the City Clerk of the City of Sand Springs within ten (10) days from the date of the action appealed. The notice of

appeal shall specify the grounds for the appeal and contain a brief summary of all facts which the aggrieved party deems material to his appeal. A hearing on the appeal shall be heard by the City Council no later than thirty (30) days from the date of filing the required notice of appeal.

11.3 Stay of Proceedings. An appeal to the City Council shall stay the enforcement of any ruling, decision, or requirement of the City Engineer, unless the City Engineer certifies to the City Council that by reason of the facts stated in the certificate of the engineer, a stay would in his opinion cause an immediate public hazard or impair life or property; in such case, enforcement shall not be stayed other than by a restraining order issued by a court of competent jurisdiction upon due and sufficient cause shown.

11.4 Variance by City Council. The City Council may grant in a particular instance such a variance or modification of the terms of this Ordinance or City Grading Standards adopted pursuant thereto as will not cause detriment to the public good, safety, or welfare, or be contrary to the spirit, purpose and intent of this Ordinance where, by reason of unique and exceptional physical circumstance or condition of a particular property, the literal enforcement of the adopted City Grading Standards or the requirements of this Ordinance will result in an unreasonable hardship.
(1079, Amended, 05/24/2004)

Section 15.50.120 Enforcement and Penalties

12.1 Notification of Noncompliance. If at any time an earth change is performed which is not in accordance with this ordinance or an Earth Change Permit, including conditions and approved modifications thereof, a written notice to comply shall be given by the City Engineer stating the nature and location of the alleged noncompliance and specifying what remedial steps are necessary to bring the project into compliance. The responsible parties shall have such time as may be allowed in writing by the City Engineer to correct all noted deficiencies. The time allowed shall be reasonable and shall be determined by the nature of the deficiency and whether or not it creates a nuisance or hazard.

12.2 Revocation or Suspension of Earth Change Permit. An Earth Change Permit may be revoked or suspended upon the occurrence of any one of the following:

- a. Violation of any condition of the permit, or
- b. Violation of any provision of this Ordinance or any other applicable law, ordinance, rule or regulation pertaining to the Earth Change Permit.

Upon the revocation of an Earth Change Permit or where an Earth Change Permit is suspended, the City Engineer shall issue a stop work order on all construction activity on the permit holder's property which may be directly or indirectly related to site drainage and which is being performed pursuant to any permits, licenses, franchises or contracts issued or approved by the City of Sand Springs. Such order may order a work stoppage on all construction activity on buildings or structures and all appurtenances thereto, including electrical, plumbing, mechanical and street work, storm sewers, sanitary sewers, gal lines, and all utilities including gas, electric, telephone, and cable holder, either personally or by certified mail, addressed to the permit holder at the address given on the permit application filed with the City.

12.3 Fine Imposed. Any person, firm, corporation, or other legal entity violating the requirements of this Ordinance or conditions made pursuant thereto, shall be guilty of an offense, and upon conviction thereof, shall be fined as provided in the Code of Ordinances of the City of Sand Springs, Section 1.20.010 as a Class A violation, and each day's violation shall constitute a separate offense.

12.4 Fine not Exclusive Penalty. In addition to fine or imprisonment, the City may institute appropriate actions or proceedings at law or in equity for the enforcement of the provisions of this Ordinance or adopted City Grading Standards or to correct violations thereof, and, if applicable and appropriate, the City may institute appropriate actions or proceedings at law or in equity against any surety company, escrow holder, or any third party who has affirmatively acted as surety or guarantor for the faithful performance of the permit holder's work. (1001, Added, 09/10/2001)

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TITLE 16
SUBDIVISIONS

Chapters:

16.04	GENERAL PROVISIONS
16.08	DEFINITIONS
16.12	APPLICATION PROCESS
16.16	SPECIFICATIONS FOR DOCUMENTS
16.20	PLANNING AND DESIGN REQUIREMENTS
16.24	REQUIREMENT FOR IMPROVEMENTS AND STANDARDS
16.28	LOT SPLIT PROCEDURES AND STANDARDS
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Chapter 16.04

GENERAL PROVISIONS

Sections:

- 16.04.010 Title.**
- 16.04.020 Authority.**
- 16.04.030 Purpose and intention.**
- 16.04.040 Jurisdiction.**
- 16.04.050 Conflict with public or private provisions.**
- 16.04.060 Saving provision.**
- 16.04.070 Amendments.**
- 16.04.080 Conditions of approval.**
- 16.04.090 Subdivision requirements.**
- 16.04.100 Modifications.**
- 16.04.110 Tense and definition.**
- 16.04.120 Penalty.**
- 16.04.130 Technical advisory committee.**
- 16.04.140 Computer-aided drafting of plat and record drawings.**
- 16.04.150 Filing fees.**

Section 16.04.010 Title.

These regulations shall hereafter be known as the Subdivision Regulations of the City of Sand Springs, Oklahoma, and referred to as "Regulations" in this text. (Subdivision Regulations § 1.1)

Section 16.04.020 Authority.

The Sand Springs Planning Commission (hereafter referred to as "planning commission") pursuant to the powers vested through Title 11, Oklahoma Statutes, Section 45, does hereby exercise the power and authority to review, approve and disapprove plats for the subdivision of land within the City of Sand Springs. (Subdivision Regulations § 1.2)

Section 16.04.030 Purpose and intention.

The purpose and intention of the Sand Springs Subdivision Regulations is as follows:

- A. To provide for the physical development of the City of Sand Springs in accordance with the comprehensive plan and the major street and highway plan;
- B. To provide for the most beneficial relationship between the development of land and buildings, and the circulation of traffic throughout the city, particularly regarding, but not limited to, the following: (1) Avoidance of congestion of streets and highways; (2) Providing for the movement of traffic and pedestrians appropriate to the various uses of land; and (3) Providing for the proper location of streets and of building lines;

C. To secure and provide for the proper arrangement of streets or other highways in relation to existing or planned streets or to the comprehensive plan or plans for the area; for adequate and convenient open spaces for traffic, utilities, access of fire fighting apparatus, police and other emergency vehicles, parking lots, parks, light and air; and for the avoidance of the congestion of population;

D. To establish a subdivision process that is expeditious, efficient and cost effective as possible, while providing for the public health, safety, convenience and general welfare;

E. To ensure that proper legal descriptions, monumenting of land and adequate and accurate records of platting and land subdivision are kept in conjunction with the subdivision process;

F. To ensure that public facilities and utilities are available that will have sufficient capacity to serve the proposed subdivision while providing for the orderly development of the general community;

G. To consider the natural beauty and topography of the City of Sand Springs and to encourage appropriate development with regard to all natural features; and

H. To provide that the costs of improvements which primarily benefit the tract of land being developed be borne by the owners and developers of the tract. (Subdivision Regulations § 1.3)

Section 16.04.040 Jurisdiction.

These regulations shall apply to the subdivision of all land within the corporate limits of the city as established by law now in effect or as may be amended from time to time. These regulations shall apply to the following forms of land subdivision:

A. The division of land into two or more tracts, lots, sites, parcels, units, plots, or interests for the purpose of sale, lease or development, any one of which when subdivided shall contain five acres or less in area;

B. The division of land previously subdivided or platted into tracts, lots, sites, parcels, units, plots, or interests of five acres or less in area; and

C. The dedication of any street or alley through any tract of land. (Subdivision Regulations § 1.4)

Section 16.04.050 Conflict with public or private provisions.

A. Public Provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation or statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive shall control.

B. Private Provisions. These regulations are not intended to interfere with, abrogate, or annul any easement, covenant, or any other private agreement or restriction, provided that where these regulations are more restrictive, or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall control. (Subdivision Regulations § 1.5)

Section 16.04.060 Saving provision.

These regulations shall not be construed as abating any action now or pending under, or by virtue of, prior existing regulations, or as discontinuing, abating, or modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the city under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the city, except as expressly provided in these regulations. (Subdivision Regulations § 1.7)

Section 16.04.070 Amendments.

For the purpose of providing for the public health, safety, convenience and general welfare, the planning commission may, from time to time, recommend amendments to the provisions of these regulations. Public hearings on all proposed amendments shall be held by the planning commission in the manner prescribed by law. The recommendations of the planning commission on amendments to these regulations shall be forwarded to the City Council for final approval and adoption. (Subdivision Regulations § 1.8)

Section 16.04.080 Conditions of approval.

The regulation of the subdivision of land and the attachment of reasonable conditions of approval to the regulation of land, is a valid exercise of the police power delegated to the City of Sand Springs by the state of Oklahoma. The subdivider has the duty to comply with said reasonable conditions laid down by the planning commission for design, dedication, improvement and restrictive use of the land so as to conform to the physical and economic development of the city and to the safety and general welfare of future owners of realty in the subdivided land and the community at large. (Subdivision Regulations § 1.9)

Section 16.04.090 Subdivision requirements.

For any land which has been rezoned upon application, no building permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat, as the case may be, submitted to and approved by the planning commission and City Council and filed of record in the office of the County Clerk where the property is located. The planning commission, upon a showing that the purposes of these regulations have already been achieved by a previously approved subdivision or would not be achieved by a plat or replat, may waive the requirements for a plat or replat. (Subdivision Regulations § 1.10)

Section 16.04.100 Modifications.

A. General. The design requirements of these Regulations may be modified by the planning commission where unusual topographic or other exceptional conditions require such modification, to the extent that the planning commission determines that the purpose of these regulations may be served by an alternative proposal. The planning commission shall not approve any procedural requirement of these regulations or other such modification where the granting of such will be detrimental to the public

safety, health, general welfare, or be injurious to other public or private property or improvements, or where the granting of such modification will diminish in any way the intent of any governing zoning code or the comprehensive plan.

B. Conditions. In approving modifications, the planning commission may require such conditions as will, in its judgment, secure substantially the intent, objectives, standards and requirements of these regulations.

C. Procedure. A request for such modification shall be submitted to the planning commission in writing by the subdivider at the time when the preliminary plat is submitted for consideration of the planning commission. The request for modification shall state fully the grounds for the application and all facts relied upon by the subdivider.

D. Approval. Such modification may be granted only by the affirmative vote of two-thirds of the members of the planning commission subject to the approval of the plat and acceptance of the dedications shown thereon by the City Council. (Subdivision Regulations § 1.11)

Section 16.04.110 Tense and definition.

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined in Chapter 16.08 of this title. Words in the present tense shall include the future tense, words in the singular shall include the plural and words in the plural shall include the singular, except where the construction of the writing indicates otherwise. The words "should" and "may" are directory and not mandatory. The word "shall" is mandatory and not directory. (Subdivision Regulations § 1.12)

Section 16.04.120 Penalty.

Any person, firm or corporation, who shall violate any of the provisions of these regulations, or shall fail to comply therewith, shall be deemed guilty of an offense and shall be liable for a fine as provided by city ordinance. Each day of such violation shall constitute a separate offense. In addition to the remedies provided herein, the city may institute any other action or proceeding to enforce these regulations. (Subdivision Regulations § 1.13)

Section 16.04.130 Technical Advisory Committee.

A. General. There is hereby created a subdivision technical advisory committee (TAC). The TAC shall be responsible for coordinating review and comments, and making reports and recommendations to the planning commission on all matters pertaining to the subdivision of land.

B. Committee Membership. The TAC shall be composed of representatives from departments, agencies and offices involved in the subdivision process including, but not limited to the following: City and County Planning, City and County Engineering, City Water and Sewer Department, police department, fire department, City-County Health Department, school board, City and County Park Department, Federal Housing Administration, utility companies, and the U.S. Soil Conservation Service. The Sand Springs City Planner, or the City Planner's designee shall serve as the chairperson of the TAC and be responsible for calling meetings, and preparation of the minutes and record of all proceedings.

C. Meeting Dates. The TAC shall schedule meetings prior to the planning commission meeting and shall otherwise meet upon the call of the chairperson. Schedules of all TAC regular meeting dates and cutoff dates for filing plats to be reviewed by the TAC will be posted and available in the planning commission offices.

D. Recommendations. It shall be the responsibility of the TAC to meet together on the call of the City Planner, who shall serve as the chairperson, to review and study all preliminary plats, final plats and lot splits and to submit its findings and recommendations to the planning commission. (Subdivision Regulations § 1.14)

Section 16.04.140 Computer-aided drafting of plat and record drawings.

Subdividers with the capability of generating computer layouts and system drawings for plats, water, sewer, street, drainage, grading, etc., shall provide the City Engineer's Office with computer files of such drawings. (Subdivision Regulations § 1.15)

Section 16.04.150 Filing fees.

A. Application for preliminary approval of a subdivision plat shall be accompanied by a fee of twenty-five dollars (\$25.00).

B. Application for final approval of a subdivision plat shall be accompanied by a fee of twenty-five dollars (\$25.00), plus a fee of one dollar (\$1.00) per lot over twenty (20) lots.

C. For each lot divided through lot split procedure, or for each document or instrument upon which the commission is required or requested to affix its approval, there shall be charged a fee of five dollars (\$5.00). This fee shall be waived on instruments of dedication to, or acquisition by, the public.

D. The fees herein provided for may be modified from time to time upon motion therefor by the City Council. (Subdivision Regulations § 1.16)

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Chapter 16.08

DEFINITIONS

Sections:

16.08.010 Definitions.

Section 16.08.010 Definitions.

A. Usage.

1. For the purpose of the regulations codified in this title, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this chapter.

2. Unless the context clearly indicates the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these subdivision regulations."

3. A "person" includes a corporation, a partnership and an incorporated association of persons such as a club; "shall" is mandatory and not directory; "may" and "should" are directory and not mandatory; the "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

B. Words and terms.

"Abutting" means in addition to the customary meaning, for the purpose of providing notice, contiguous or separated therefrom only by a non-arterial street.

"Alley" means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

"Applicant" means the owner of land proposed to be subdivided or his or her representative. Consent shall be required from the legal owner of the premises for purposes of any application submitted under these subdivision regulations.

"As-Built Construction Plans." See "Record Drawings."

"Block" means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

"Board of adjustment" means the board of adjustment of the City of Sand Springs, Oklahoma.

"Bond" means any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City of Sand Springs. All bonds shall be approved by the city wherever a bond is required by these subdivision regulations.

"Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

"Capital improvements program" means a proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, major repairs and major maintenance, or replacement of the physical assets of the community are included in the capital improvement program.

"City" means the City of Sand Springs, Oklahoma.

"City Council" means the City Council of Sand Springs, Oklahoma. See also "Governing Body."

"City Engineer" means the City Engineer of the City of Sand Springs, Oklahoma.

"Comprehensive plan" means the master plan for development of the City of Sand Springs, prepared and adopted by the planning commission and approved by the City Council of Sand Springs, pursuant to Oklahoma State Statutes, and submitted for review and approval of the applicable counties, including any part of such plans separately adopted and made a part thereof and any amendment to such plan or parts thereof.

"Construction plans" means the maps or drawings accompanying a preliminary and final subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City of Sand Springs as a condition to the approval of the final plat. See also, "Record Drawings."

"County" means the County of Osage or Tulsa, Oklahoma, as applicable.

"County Engineer" means the County Engineer of Osage or Tulsa County, as applicable.

"Cul-de-sac." See "Street, Cul-de-sac."

"Developer" means the owner of land proposed to be subdivided or the owner's representative. Consent shall be required from the legal owner of the premises if the owner is not the developer for the purpose of any application submitted under these subdivision regulations.

"Double frontage" means a situation in which a lot has access on two streets that do not intersect.

"Easement" means authorization by a property owner for a general or specific use by another, of any designated part of, or tract of land.

"Engineering design criteria" means the engineering standards and design criteria used in the design and construction of subdivision improvements as adopted and as amended by the City of Sand Springs. A short form of reference to the document entitled, "Engineering Design Criteria and Standards for Construction."

"Escrow" means a deposit of cash with the City of Sand Springs in-lieu-of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited, upon receipt by the City of Sand Springs, in a separate account.

"Final plat" means the map or plan or record of a subdivision and any accompanying material, as described in the subdivision regulations of this title.

"Floodplain" means the area adjoining the channel of a river, creek, stream or watercourse, or lake or any other body of standing water or area which may from time to time be covered by floodwater. The floodplain areas shall be those areas as described and delineated on maps contained within the offices of the city and county engineers.

"Frontage" is that part of a lot abutting on a street or way and that is ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

"Full urbanization" means the total development that is anticipated in a given area in accordance with the comprehensive plan and other land use regulations of the City of Sand Springs.

"Governing body" is the body of the local government having the power to adopt ordinances, being the City Council of the City of Sand Springs, or the Board of Commissioners of Osage or Tulsa Counties, as applicable.

"Grade" means the slope of a road, street, or public or private way, specified in terms of percentage.

"Health Department" is the agency designated by the City of Sand Springs to administer the health regulations of the local and state government and referred to as the City-County Health Department of either Osage or Tulsa Counties, or the Oklahoma Department of Environmental Quality.

Highway, Limited Access. "Limited access highway" means a freeway or expressway providing a trafficway for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

"Improvements" means grading, streets, sidewalks, crosswalks, culverts, drainage ditches, bridges, water lines, sanitary sewer lines, force mains and lift stations, storm sewer lines, other utilities, and other features required to support a development.

Improvements, Off-Site. "Off-site improvements" means a utility, structure, or modification of topography located outside the property to be subdivided.

Improvements, Private. "Private improvements" means any street, sidewalk, utility line, drainageway or other facility not provided by the city and which may or may not be required as a condition of approval of a development by the city.

Improvements, Public. "Public improvements" means any street, sidewalk, utility line, drainage way or other facility for which the city may ultimately assume the responsibility for construction, maintenance and operation.

Improvements, Required. "Required improvements" means any improvement required by the city as a condition of approval of a subdivision plat and development.

"Individual sewage disposal system" means a septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

"Joint ownership" among persons shall be construed as the same owner; also referred to as "constructive ownership" for the purpose of imposing these subdivision regulations.

"Local government" for the purpose of these subdivision regulations, means the City of Sand Springs acting by and through its duly constituted boards, commissions and bodies.

"Lot" means a tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building and development.

Lot, Double Frontage. "Double frontage lot" means a lot that runs through a block from street to street and that abuts two or more streets that do not intersect but not including a corner lot.

Lot, Reverse Frontage. "Reverse frontage lot" means a double frontage lot that is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

"Lot area" is the total area measured on a horizontal plane, included within the lot boundaries.

"Lot split" is a minor subdivision of previously subdivided land. The planning commission may approve a lot split that creates not more than four lots fronting on an existing, dedicated street, not involving any new street or road or the extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the comprehensive plan, major street and highway plan, zoning ordinance (unless any variance therefrom is approved by the board of adjustment) or the subdivision regulations established in this Subdivision's title.

"Major street and highway plan" means the Sand Springs major street and highway plan map and documentation established and adopted by the City of Sand Springs showing area major streets and highways, the required rights-of-way and any amendments or additions adopted by the City Council.

"Major subdivision" means all subdivisions not classified as a minor subdivision, including but not limited to a subdivision of four or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

"Minor subdivision" means any subdivision containing not more than four lots and fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the comprehensive plan, major street and highway plan, zoning ordinance, or the subdivision regulations established in this Subdivision's title.

"Monument" means a permanent marker properly located and as required in these subdivision regulations for the location and identification on the land of reference points in the subdivision, such as, but not limited to, the corners of the subdivision, corners of blocks and lots and radii for street curvature.

"Owner" means any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these subdivision regulations.

"Park board" means the park board of the City of Sand Springs, Oklahoma.

"Planned Unit Development (PUD)" is a type of development, subject to approval under the zoning ordinance and these subdivision regulations, for a tract of land under single ownership or control, based upon an approved development plan permitting flexibility as specified in the applicable codes and regulations not otherwise available under conventional development standards or conventional zoning.

"Planning commission" means the planning commission of the City of Sand Springs, Oklahoma.

"Record drawings" means those subdivision construction plans of completed street, drainage, water, sanitary sewer or other public improvements.

"Regional planning commission" means the regional planning commission of Sand Springs, Oklahoma.

"Registered professional engineer" means an engineer properly licensed and registered in the state of Oklahoma.

"Registered land surveyor" means a land surveyor properly licensed and registered in the state of Oklahoma.

"Resubdivision" means a change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or such other change if it affects any map or plan legally recorded prior to the adoption of any regulation controlling said subdivision.

"Reserve area" means a tract of land that by public authority is withdrawn or otherwise set aside from sale or settlement and is appropriated to a specific public purpose such as for drainage.

"Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electrical and communication services, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for the purpose of platting land means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or other use involving construction or maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established. All such dedications are subject to the final approval and acceptance by the City of Sand Springs.

"Roads classification" is a system established for the purpose of providing for the development of the streets, highways, roads and rights-of-way in the City of Sand Springs, and for the future improvement, reconstruction, realignment and necessary widening, including provision for curbs and sidewalks, for each existing street, highway, road and right-of-way, and those located on approved and filed plats designated on the major street and highway plan of the City of Sand Springs and classified therein. The classification of each street, highway, road and right-of-way is based upon its location in the respective zoning districts and its present and estimated future traffic volume and its relative importance and function as specified in the comprehensive plan of the City of Sand Springs. The required improvements shall be measured as set forth for each street classification on the major street and highway plan.

"Sale" or "Lease" means any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, interstate succession, or transfer of an interest in a subdivision of part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, interstate succession, or other written instrument.

"Setback" is the distance between a building and the street right-of-way line nearest thereto.

"Sketch plat" is a sketch plan of a subdivision prepared prior to the preliminary plat (or subdivision plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the planning commission and City Council as to the form of the plat and the objectives of these subdivision regulations.

"Street" means a public or private right-of-way that affords the primary means of access to abutting property or serves as a thoroughfare for vehicular traffic, or both, but excluding alleys.

Street, Arterial. "Arterial street" means a thoroughfare designated on the major street and highway plan which carries a significant portion of the interurban vehicle traffic at moderate speeds with some traffic stops. Also see "Street, Primary Arterial" and "Street, Secondary Arterial," in this section.

Street, Border. "Border street" means a street located adjacent to a railroad, drainage way, park, open space area or limited access highway.

Street, Collector. "Collector street" means a thoroughfare designated on the major street and highway plan that is intended to move traffic from minor to arterial streets, including the principal entrance and circulation street or streets of a development.

Street, Commercial Collector/Industrial Collector. "Commercial Collector/Industrial collector street" means a category of trafficway that provides circulation to and from commercial and industrial areas to connect with major streets or highways.

Street, Commercial Business District. "Commercial business district street" means a category of trafficway that provides circulation within the central business district.

Street, Commercial/Industrial. "Commercial/Industrial street" means a category of trafficway that provides circulation within commercial and industrial areas.

Street, Cul-de-sac. "Cul-de-sac street" means a minor street with only one outlet and having a terminus for the safe and convenient reversal of traffic movement including all emergency and service vehicles.

Street, Major. "Major street" means highways, arterial and collector streets as shown on the Sand Springs major street and highway plan.

Street, Minor (Local). "Minor (local) street" means a trafficway of limited length, not classified as a major street or highway, that provides direct access to abutting tracts of land and access to more heavily traveled streets.

Street, Marginal Access. "Marginal access street" means any existing street to which the parcel of land to be subdivided abuts only one side. Marginal access streets are designed to separate driveway access to lots fronting on arterial streets from arterial street traffic.

Street, Primary Arterial. "Primary arterial street" means a thoroughfare designated on the major street and highway plan that carries a portion of both intra-urban and interurban vehicle traffic at a moderate rate of speed with some traffic stops.

Street, Secondary Arterial. "Secondary arterial street" means a thoroughfare designated on the major street and highway plan that carries a significant portion of the interurban vehicular traffic having some traffic stops.

Street, Service Road. "Service road street" means a minor street that is parallel and adjacent to major streets, trafficways, highways or railroad rights-of-way and that provides access to abutting properties and protection from through traffic.

"Subdivider" means any person who, (1) having an interest in land, causes it directly or indirectly, to be divided into a subdivision, or who, (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision, or who, (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision of any interest, lot, parcel, site, unit, or plat in a subdivision, and who, (4) is directly or indirectly controlled by, or one who is under the direct, or indirect common control of any of the foregoing.

"Subdivision" means any land, vacant or improved, that is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease of a term of ten (10) or more years and whereon there is constructed permanent structural improvements, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of residential and on residentially zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

"Subdivision Agent" is any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offers to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

Subdivision, Major. See "Major Subdivision."

Subdivision, Minor. See "Minor Subdivision."

"Subdivision plat" is the final map or drawing, described in these subdivision regulations, on which the subdivider's plan or subdivision is presented to the planning commission and City Council for approval and which, if approved, may be submitted to the County Clerk of the county in which the property is located for filing of record.

"Subdivision regulations" means the subdivision regulations of the City of Sand Springs, Oklahoma.

"Technical advisory committee" means a committee composed of public officials and utility company representatives to review and study all plats and lot split proposals and to make recommendations and findings to the planning commission and City Council concerning the proposed subdivisions.

"Temporary Improvement" means improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

"Zoning Ordinance" means the zoning ordinance of the City of Sand Springs, Oklahoma. (Subdivision Regulations §§ 7.1, 7.2)

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Chapter 16.12

APPLICATION PROCESS

Sections:

- 16.12.010 Application procedures.**
- 16.12.020 Sketch plat.**
- 16.12.030 Preliminary plat and preliminary construction plans.**
- 16.12.040 Final construction plans.**
- 16.12.050 Final plat.**
- 16.12.060 Planned unit development.**

Section 16.12.010 Application procedures.

The procedure for processing a subdivision plat under the regulations codified in this title is shown in Figure 1 in the Figures section at the end of this title. A detailed description of this process is included in this chapter. (Subdivision Regulations § 2.0)

Section 16.12.020 Sketch plat.

A. Discussion of Requirement for a Sketch Plat. Before preparing the preliminary plat for a subdivision, the subdivider is encouraged to and at the option of the City of Sand Springs may be required to prepare a sketch plat after a conference with the planning commission staff. If a sketch plat is required, the subdivider will be advised of the following:

1. The procedure for approval of a subdivision plat;
2. Relevant provisions of the comprehensive plan, zoning code, these regulations and other development-related regulations;
3. Requirements as to the general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection and similar matters;
4. Availability of existing services and utilities; and
5. Where appropriate, to discuss the proposed subdivision with those officials and departments which must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

B. Procedures. The following procedures must be followed in the processing of a sketch plat:

1. A minimum of ten (10) copies of the sketch plat shall be submitted to the planning commission staff at least ten (10) working days prior to the meeting of the technical advisory committee;
2. The planning commission staff shall transmit the sketch plat for review to the appropriate officials or agencies and notify any city, town or county within three miles of the proposed subdivision;
3. The technical advisory committee shall review the sketch plat and make a report and recommendation to the planning commission at the next regular meeting;
4. At the subdivider's request, the planning commission will review the sketch plat and the report and recommendation of the planning staff and technical advisory committee;

5. After the planning commission meeting at which the sketch plat is first reviewed, the planning commission, if necessary, may schedule a field trip to the site of the proposed subdivision, accompanied by the planning staff, and the subdivider or subdivider's representative;

6. After review and discussion of the sketch plat, the recommendations and reports of the planning commission staff and technical advisory committee, the planning commission shall advise the subdivider of any specific changes or additions that will be required in the layout and character and extent of required improvements and reservations that will be required as a prerequisite to approval of the subdivision plat. The planning commission may also require additional changes to the proposed subdivision in later stages of the review and approval process as a result of further study and review of the subdivision plat; and

7. The planning commission shall approve or disapprove the sketch plat at its next regularly scheduled meeting. (Subdivision Regulations § 2.1)

Section 16.12.030 Preliminary plat and preliminary construction plans.

A. Application Procedures and Requirements. The subdivider shall submit a preliminary plat for approval. A minimum of twenty-five (25) copies of the preliminary plat shall be submitted for review and approval and shall:

1. Be accompanied by an application, a list of all abutting property owners of record in the office of the County Clerk in which the property being subdivided is located, a minimum of three copies of the preliminary construction plans and a filing fee as established by the planning commission;

2. Comply in all aspects with the approved sketch plat, if applicable; and

3. Be filed with the planning commission at least ten (10) days prior to the planning commission meeting at which it will be considered.

B. Review.

1. The planning commission staff shall:

a. Distribute copies of the preliminary plat to appropriate officials, agencies, or departments, and if a sketch plat was not processed notify any city or town within three miles of the proposed subdivision and the county in which the plat is located;

b. Field check the area being platted;

c. Review the preliminary plat for conformance with the comprehensive plan, zoning ordinance, planned unit development conditions, board of adjustment actions, and these regulations and prepare the appropriate report and recommendations. This report shall include specific recommendations on any modifications of these regulations requested by the subdivider; and

d. Send written notice of the application to all abutting property owners at least seven days prior to the planning commission meeting.

2. The subdivider shall submit preliminary construction plans for the proposed improvements at the time of application for approval of the preliminary plat to the following departments and/or agencies as applicable:

a. City Engineer shall review and approve the preliminary construction plans for improvements regarding drainage, storm sewers, streets, sidewalks and pedestrian ways, in accordance with the adopted engineering design criteria;

b. County Engineer which has jurisdiction shall review and approve preliminary construction plans for improvements regarding drainage, storm sewer, streets, sidewalks and pedestrian ways in accordance with adopted standards;

c. City Water and Sewer Department and/or appropriate water or sewer authority shall approve preliminary sanitary sewer and water improvement plans in accordance with the adopted engineering design criteria; and

d. City-County Health Department shall approve preliminary plans for water and sanitary sewer improvements in accordance with adopted standards if the subdivision is to be served by private water or sewer disposal systems.

3. The technical advisory committee shall review the preliminary plat and make a recommendation to the planning commission at the planning commission's next regularly scheduled meeting. This recommendation shall include specific recommendations on any modifications of these regulations requested by the subdivider.

C. Hearing and Approval.

1. The planning commission shall hold a hearing on approval of the preliminary plat. Notice of such hearing shall be given to all abutting property owners and to the subdivider by mailing a written notice at least seven days prior to the hearing before the planning commission.

2. After the planning commission has reviewed the preliminary plat, the report and recommendations of the planning staff and technical advisory committee and any other municipal recommendations, testimony and exhibits at the hearing, the subdivider shall be advised of any changes and/or additions required in order to comply with these regulations.

3. The planning commission shall approve, conditionally approve, or disapprove the preliminary plat at such meeting or within thirty (30) days (including the hearing date) after the date of the regular meeting of the planning commission at which the hearing on preliminary approval was held and closed.

4. If the preliminary plat is approved with a modification of any requirements of these regulations, the reasons therefor shall be noted in the record of the review and approval proceedings of the planning commission.

5. If the preliminary plat is approved with conditions, the planning commission may require the subdivider to submit a revised preliminary plat.

6. If the preliminary plat is disapproved, the reasons for disapproval shall be recorded in the review and approval proceedings of the planning commission.

7. One copy of the proposed preliminary plat as acted upon by the planning commission with the date of approval, conditional approval, or disapproval and the reasons therefor shall be retained in the planning commission offices.

8. One copy of the proposed preliminary plat as acted upon by the planning commission shall be returned to the subdivider with the date of approval, conditional approval, or disapproval with the reasons therefor accompanying the plat.

9. The approval of a preliminary plat shall be effective for a period of one year from the date of the approval by the planning commission unless otherwise approved by the planning commission for an extended period of time at the end of which time approval of the final plat must have been obtained from the planning

commission and City Council. Any preliminary plat not receiving approval within the period of time set forth herein, including any extensions approved by the planning commission, shall be null and void.

10. Every plat shall conform to the existing regulations applicable at the time of approval of the preliminary plat unless modifications have been granted by the planning commission and/or City Council.

11. Subsequent to approval of the preliminary plat, the subdivider may commence construction of the public improvements in accordance with final construction plans approved by the appropriate governing authority after arranging for inspection of said improvements during construction by the responsible public body. (Subdivision Regulations § 2.2)

Section 16.12.040 Final construction plans.

The subdivider shall submit a minimum of three copies of the final construction plans for proposed improvements prior to or simultaneous with the application for approval of the final plat. The plans shall be submitted to the following departments and/or agencies as applicable and in form and content as required by that agency or department for review as follows:

A. The City Engineer shall review and approve the final construction plans for improvements regarding streets, sanitary sewer and water improvements, drainage and storm sewers located within a public right-of-way and sidewalks and pedestrian-ways in accordance with the adopted engineering design criteria; and

B. The City-County Health Department shall review and approve final plans for improvements if the subdivision is to be served by private water or sewage disposal systems in accordance with adopted standards and regulations. (Subdivision Regulations § 2.3)

Section 16.12.050 Final plat.

A. Application Procedure and Requirements. Following approval of the preliminary plat, the subdivider shall file with the planning commission an application for final approval of the subdivision plat. The application for approval of the final plat shall:

1. Be made as prescribed in these regulations;
2. Comply in all respects with the preliminary plat as approved by the planning commission;
3. Be accompanied by a minimum of thirty (30) copies of the final plat as described in these regulations;
4. Be filed with the planning commission at least ten (10) days prior to the planning commission meeting at which it will be heard; and
5. Include a final plat filing fee as established by the planning commission.

B. Review.

1. The planning commission staff and City Engineer shall review the final plat for compliance with the preliminary plat as approved by the planning commission.

2. The planning commission staff shall make a recommendation to the planning commission on whether:

a. There has been compliance with all conditions, restrictions and requirements of these regulations and all other applicable regulations or laws;

- b. All conditions attached to the approval of the preliminary plat have been complied with; and
- c. The planning commission should approve or disapprove the subdivision plat.
- C. Planning Commission Review and Determination.
 - 1. The final plat shall be submitted for final approval of the planning commission.
 - 2. The planning commission shall at that submittal meeting or within thirty (30) days thereafter:
 - a. Review the final plat and report of the planning commission staff; and
 - b. Approve the plat if the conditions of approval of the preliminary plat have been met, or disapprove the plat if the conditions of approval of the preliminary plat have not been met and state in the record of the meeting, in detail, any reasons for disapproval.
 - 3. If the governing body of any city or town in the county protests against a subdivision plat of any land lying within three miles of the limits of the incorporated area of such city or town, the plat shall be approved by not less than two-thirds of the members of the planning commission with the reasons therefore stated in the minutes of the meeting.
 - 4. The requirement for approval and certification of the completion of the required public improvements in accordance with the approved final construction plans shall be received by the planning commission staff in the form of release letters from the applicable city departments or agencies as required in these regulations prior to approval of the final plat.
- D. Endorsement of Approval on the Final Plat.
 - 1. No final approval shall be endorsed on the final plat until all requirements of final plat approval have been met.
 - 2. When the subdivider has chosen to install improvements prior to endorsement of the final plat, approval shall not be endorsed on the plat until after all conditions of approval have been satisfied and all improvements satisfactorily completed.
 - 3. When the subdivider has chosen to guarantee construction of improvements by written agreement, approval shall not be endorsed on the plat until after the agreement has been executed by the subdivider, delivered to the planning commission and City Council for their review and approval, and all other conditions of approval pertaining to the plat have been satisfied.
 - 4. The parties responsible for endorsing approval on the face of the final plat shall be as follows:
 - a. The City Manager or the authorized designee of the City Manager;
 - b. The planning commission chairperson or vice-chairperson so authorized to sign for said chairperson; and
 - c. The mayor of the City of Sand Springs upon approval of the City Council.
 - 5. The format of the endorsements on the face of the final plat shall be as specified in Figure 2 in the figures section at the end of this title.

E. Filing of the Final Plat.

The approved original final plat shall, after being endorsed by all required officials as described in these regulations, be filed in the office of the County Clerk in which the property being subdivided is located.

F. Distribution of the Final Plat.

After the final plat has been endorsed by all the required officials as described in these regulations and filed of record with the County Clerk in the county in which the property is located, the planning commission staff shall distribute copies to the appropriate officials, agencies or departments and the remaining signed copies to the subdivider. (Subdivision Regulations § 2.4)

Section 16.12.060 Planned unit development.

The platting of a planned unit development (PUD) shall proceed in accordance with these regulations upon approval of the PUD by the City Council in accordance with the applicable sections of the Zoning Ordinance and the conditions of approval of the PUD. The conditions of approval of the PUD, where appropriate and as required by these regulations and the zoning ordinance, shall be endorsed on the face of the plat and officially made a part thereof. (Subdivision Regulations § 2.5)

Chapter 16.16

SPECIFICATIONS FOR DOCUMENTS

Sections:

- 16.16.010 Platting accuracy.**
- 16.16.020 Sketch plat.**
- 16.16.030 Preliminary plat.**
- 16.16.040 Preliminary construction plans.**
- 16.16.050 Final construction plans.**
- 16.16.060 Final plat.**

Section 16.16.010 Platting accuracy.

Plats shall be prepared with the following accuracy:

- A. Sketch plats shall be prepared to the scale specified herein and may be submitted in free-hand form.
 - B. Preliminary plats shall be drawn to the scale specified herein, with such accuracy as to determine the location of lot, block, property and boundary lines, utility lines and other facilities, to the nearest one-hundredth of a foot.
 - C. Final plats shall be prepared with a minimum linear closure of 1:20,000.
- The following information shall be submitted on the final plat:
- 1. Traverse data for the plat, including the coordinates of the boundary of the subdivision with the error of closure;
 - 2. The computation of all distances, angles and courses that are shown on the final plat unless measured in the field; and
 - 3. All stakes, monuments or other evidence found on the ground in use to determine the boundaries of the plat. (Subdivision Regulations § 3.1)

Section 16.16.020 Sketch plat.

- A. The subdivider is encouraged and at the option of the city may be required to submit a sketch plat (see Figure 3 in the Figures Section at the end of this title) and to receive comments and recommendations from the technical advisory committee, planning commission staff and planning commission that will facilitate processing of the preliminary plat.
- B. The sketch plat may be drawn in free-hand pencil to a scale of one inch equals one hundred feet, except where the size or amount of detail requires another scale, and may be superimposed over a topographic map or aerial photograph.
- C. The sketch plat shall show the following:
 - 1. The proposed layout of streets, lots and public areas;
 - 2. Boundary lines of the proposed subdivision;
 - 3. Location and width of streets adjacent to the property;
 - 4. Existing utilities on or adjacent to the property showing type, location and size;
 - 5. Existing watercourses, floodplains based upon the regulatory flood and storm drainage; and

6. A topographic map of the area proposed to be subdivided with contour lines having two foot contour intervals based on the United States Coastal and Geodetic Survey Datum. (Subdivision Regulations § 3.2)

Section 16.16.030 Preliminary plat.

A. The preliminary plat (see Figure 4 in the Figures section at the end of this title) submitted for approval shall be prepared by a registered professional land surveyor. The application shall include the names and addresses of the abutting property owners to the area being subdivided.

B. The preliminary plat shall be drawn to a scale of one inch equals one hundred feet; provided, that if the property to be subdivided is less than two acres, the scale may be one inch equals fifty feet. If the property being subdivided exceeds 100 acres, the scale may be one inch equals two hundred feet.

C. The preliminary plat shall show or be accompanied by the following information:

1. The name and addresses of the owner or owners of the land to be subdivided;
2. The name and address of the registered professional land surveyor preparing the proposed subdivision;
3. The date of preparation of the plat, north arrow and scale (written in graphic presentation);
4. Key or location map showing the location of subdivisions within the mile section;
5. An accurate legal description;
6. The location and dimensions of all boundary lines of the proposed subdivision to the nearest one-hundredth of a foot;
7. The names of all adjacent subdivisions and the names, locations and widths of all existing and proposed streets, easements, drainage ways and other public ways adjacent to the property;
8. The location and widths of easements of all oil, gas and petroleum products pipelines and the location and widths of easements of existing utilities on or adjacent to the property;
9. The location of oil or gas wells, either existing active or inactive wells, plugged or unplugged abandoned wells, as shown by the records of the Oklahoma Corporation Commission and by such other oil and gas well service records as may be required by the city, or any planned future well sites as provided for in these regulations;
10. The location and description of all existing structures, water bodies and watercourses, and other natural or manmade features (including but not limited to mines that are active or abandoned, caves, etc.) on the property being platted;
11. Areas subject to flooding based upon the regulatory flood;
12. Names, locations and widths of all proposed streets;
13. The location of drainage ways, pedestrian ways, bike paths, parks, playgrounds, public ways, or other public or private reservations;
14. All proposed lots consecutively numbered, lot dimensions and building setback lines;

15. All blocks numbered consecutively;
16. A topographic map of the area proposed to be subdivided with contour lines having two foot contour intervals based on the United States Coastal and Geodetic Survey datum; and
17. Any other information as may be deemed by the planning commission as reasonably necessary for the full and proper consideration of the proposed subdivision. (Subdivision Regulations § 3.3)

Section 16.16.040 Preliminary construction plans.

The preliminary construction plans for improvements shall be prepared by a professional engineer registered in the state of Oklahoma and shall be submitted in accordance with the requirements and specifications of the department or agency having jurisdiction over the improvements and shall show:

- A. The location and proposed width of each street, sidewalk and pedestrian way;
- B. The location of proposed sanitary sewers and water distribution systems;
- C. The proposed plans and specifications for any privately owned water or sanitary sewage system if such a system is to be used;
- D. The results of soil percolation tests, if septic tank sewage disposal systems are to be used;
- E. A drainage plan indicating the location of proposed storm sewers, location and width of proposed open drainage ways; and
- F. The proposed location and size of detention or retention facilities if said facilities are required. (Subdivision Regulations § 3.4)

Section 16.16.050 Final construction plans.

The final plans for improvements shall be prepared by a registered professional engineer and shall be submitted in accordance with the requirements and specifications of the department or agency having jurisdiction over the improvements and include the following information:

- A. Profiles showing existing and proposed elevations along the center lines of each proposed street, with existing and proposed grades;
- B. Cross-sections of each proposed street, pedestrian way and sidewalk showing the type and width of pavement;
- C. Plans and profiles showing the location of proposed sanitary sewers, with the grades and sizes indicated;
- D. Proposed plans and specifications for privately owned water or sewage system, if such a system is to be used;
- E. Results of soil percolation tests, if a septic tank sewage system is to be used;
- F. Plans and profiles of the proposed water distribution system, showing pipe sizes and the location of all valves and fire hydrants; and
- G. A drainage plan showing all existing and proposed storm sewers, manholes, catch basins, retention or detention facilities, watercourses, culverts and other drainage structures within the tract, or adjacent thereto, with pipe sizes, grades

and water openings. The drainage plan shall also show the size of dedicated easements or reservations for all detention facilities and drainage ways and whether private or public maintenance is proposed. (Subdivision Regulations § 3.5)

Section 16.16.060 Final plat.

A. The final plat shall be at the same scale as the preliminary plat, and include all of the information required as a condition of approval of the preliminary plat and be prepared by a registered professional land surveyor.

B. The final plat shall be drawn in accordance with the requirements of Oklahoma State Law and these regulations (see Figure 5 in the Figures section at the end of this title). The County Clerk may accept variances to these requirements because of the state-of-the-art of reproductive capabilities.

C. The following information shall be required on the final plat:

1. Name of the subdivision;
2. The name and address of the owner or owners of the land to be subdivided, the name and address of the subdivider if other than the owner and the name and address of the registered land surveyor preparing the final plat;
3. The date of preparation of the plat, north arrow and scale (written and graphic presentation);
4. Key or location map showing the location of subdivisions within the mile section;
5. An accurate legal description of the property;
6. The total acres and total number of lots in the subdivision;
7. The names of all adjacent subdivisions and the names, locations and widths of all existing and proposed streets, easements, drainage ways and other public ways, adjacent to the property;
8. The boundary of the subdivided area, block boundary, street and other right-of-way lines and distances, angles and/or bearings, and where these lines follow a curve, the central angle, radius, points of curvature, length of the curve and the length of intermediate tangents;
9. The accurate dimensions of all property to be offered for dedication for public use and all property for the common use of the property owners within the subdivision with the purpose of use stated on the plat;
10. The dimensions of all lots and lot lines and the bearings of all lot lines not parallel or perpendicular to the street right-of-way line;
11. All easements shall be denoted by fine dashed lines, clearly identified and dimensioned, and if already of public record, the recorded reference of such easements, the width of the easement with sufficient ties to accurately locate it with respect to the subdivision must be shown;
12. The boundary lines of the fully urbanized one hundred (100) year floodplain shall be delineated on the face of the plat and the following certification shall be placed on the face of the plat:
"The contents of the fully urbanized floodplain are contained within the drainage easements and/or reserve areas as shown."
13. Easements located outside the boundaries of the plat and required for plat approval;

14. The deeds of dedication and any deed restrictions applicable to the subdivision shall be shown;

15. The location of every oil or gas well, either existing active or inactive wells, plugged or unplugged abandoned wells, as shown by the records of the Oklahoma Corporation Commission and by such other well service records as may be required by the city, and the location of any planned future well sites in the unincorporated areas of the county as required herein;

16. The location of any mines (active or abandoned), caves and other similar manmade or natural geological features;

17. Blocks shall be consecutively numbered and all lots within each block shall also be consecutively numbered;

18. The basis of all bearings shall be noted on the face of the plat;

19. The size, location, description and identification of all monuments to be set. The size, location and identification of all monuments found, found and accepted, retagged, recapped and replaced in making the survey shall be shown to assure the perpetuation or reestablishment of any point or line of the survey;

20. Coordinates of all block corners, points of intersection, points of curve, points of tangent, points of reverse curve, points of compound curve, center of the cul-de-sac, and center of the eyebrow;

21. Any other information as may be deemed by the planning commission as necessary for the full and proper consideration of the proposed subdivision; and

22. The final plat certificate of approval block, shall be marked on the face of the final plat.

D. The following written certifications will be required prior to final plat approval by the planning commission and City Council:

1. Certification by the registered professional land surveyor as to the accuracy of the survey and of the plat and that the monuments and bench marks are accurate as to location shown;

2. Certification by a registered professional engineer that the design of the required improvements will be in conformance with the engineering design criteria and other standards, requirements, and provisions of the applicable agency or department and these regulations;

3. Certification by the city engineer that the subdivision plat conforms to all locally adopted standards, specifications, these regulations and the engineering design criteria;

4. Certification by the Oklahoma Department of Environmental Quality that the subdivision conforms to the applicable health regulations; and

5. Certification by the City Water and Sewer Department or other appropriate authority that the subdivision conforms to all applicable regulations concerning public water supply and sanitary sewer facilities.

E. The following supplemental information shall be submitted with the final plat:

1. Current certification by a bonded abstractor, attorney, registered professional land surveyor, or title insurance company of the names of the last grantees of record owning the entire interest in the property being subdivided plus holders of mortgages and liens filed of record;

2. The consent of all owners of the subject property to the platting of the property;
3. Certificate of notice as to the platting of the property to the holders of mortgages and liens thereon; and
4. Current certification from the Oklahoma Corporation Commission setting forth the status of all oil and gas drilling and related activity on said property and as otherwise required in these regulations. (Subdivision Regulations § 3.6)

Chapter 16.20

PLANNING AND DESIGN REQUIREMENTS

Sections:

16.20.010	General.
16.20.020	Streets.
16.20.030	Sidewalks.
16.20.040	Alleys.
16.20.050	Blocks.
16.20.060	Lots.
16.20.070	Easements.
16.20.080	Floodplain areas.
16.20.090	Stormwater drainage and detention facilities.
16.20.100	Park and recreation fee or an option to require dedication of park land in-lieu-of payment of a fee.
16.20.110	Oil and gas extraction sites--Residential subdivisions.
16.20.120	Sewage disposal and water supply.
16.20.130	Hillside development.
16.20.140	Planned unit development.
16.20.150	Monuments.
16.20.160	Change of limits of access.

Section 16.20.010 General.

The design of each subdivision shall be in accordance with the applicable zoning regulations, the policies, goals and objectives of the comprehensive plan, these regulations and the engineering design criteria. Each subdivision shall relate harmoniously to the existing and planned surrounding development and to the community as a whole. The development of each subdivision shall proceed in an orderly, safe, efficient, and attractive manner once construction is started. The following planning and design requirements shall be addressed in each subdivision:

A. Neighborhood Concept. The neighborhood concept shall be recognized in the design and development of each subdivision as described in the comprehensive plan. This concept is shown graphically in Figure 6 in the Figures section at the end of this title.

B. Site Characteristics. Each subdivision plat shall, to the extent practical, be designed to retain the natural topography and vegetation of the site in the building and recreational areas.

C. Parks and Open Spaces. Each subdivision shall contribute to the provision of parks and open spaces (see Figure 7 in the Figures section at the end of this section) as required in these regulations and in accordance with the comprehensive plan. Areas purchased or otherwise set aside for public parks and open spaces shall include tracts of land on which unique natural features should be preserved, as well as those lands of suitable size and shape for development as passive and active recreational areas. Environmentally sensitive areas, such as steep slopes, timbered areas, streams and

floodplains may, only with the approval of the city of Sand Springs, be designated by the subdivider as public park and/or open space areas and utilized as amenities to the development.

D. Circulation. The street and sidewalk system of a subdivision shall be appropriately designed and related to the proposed land use. The density of the proposed development will determine the size of right-of-way and paving in keeping with the areas being served as well as being in accordance with these regulations, the adopted engineering design criteria, the comprehensive plan and the major street and highway plan. Residential streets shall be laid out so that their use by through traffic will be discouraged. Arterial streets should serve as the boundaries of neighborhoods. (Subdivision Regulations § 4.1)

Section 16.20.020 Streets.

A. General. The arrangement, character, extent, width, grade and location of all streets shall conform to these regulations, the engineering design criteria, the comprehensive plan and the major street and highway plan. Further, the relationship of existing and planned streets, topographic conditions, public convenience and safety, and the proposed uses of the land to be served shall be considered in determining the arrangement, character, extent, width, grade and location of all streets. Where streets are not shown on the comprehensive plan or the major street and highway plan, the arrangement of such streets in a proposed subdivision shall:

1. Provide for the continuation or appropriate projection of existing streets in the surrounding areas; or

2. Conform to a plan for the neighborhood as reviewed by the planning commission and approved by the City Council to meet a particular situation in which topographical or other conditions make continuance or conformance to existing street patterns impracticable.

B. Access.

1. Each lot in a proposed subdivision shall be provided with access to a public street, highway or approved private street or access way to assure the convenience of the lot owner, and including but not limited to access for the following public purposes: For adequate and convenient open spaces for traffic, utilities, solid waste collection, access of fire fighting apparatus, police and other emergency vehicles, parking lots, parks, light and air, and for the avoidance of congestion.

2. Reserve strips controlling access to streets shall be prohibited except where the control of such reserve strips is placed with the City of Sand Springs under conditions reviewed by the planning commission and approved by the City Council.

3. Where a subdivision abuts or contains an existing or planned arterial street:

- a. Non-access provisions controlling ingress and egress to such arterial streets may be required by the planning commission in accordance with adopted standards to assure traffic safety and to relieve congestion at intersections;

b. The planning commission may require reverse frontage lots with limits of access or non-access reservations along the rear property line or such other treatment as may be necessary for adequate protection of residential properties affording separation of arterial traffic from ingress and egress to individual lots.

C. Border Streets. Where a subdivision borders or contains a railroad right-of-way, drainage way, park, open space area or limited access highway, the planning commission may require a street (see Figure 8 in the Figures section at the end of this title) approximately parallel to and on each side of such right-of-way or areas at a suitable distance while providing for the appropriate use of the intervening land, such as for park or open space uses in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grade and future grade separations.

D. Marginal Access Streets. Where a residential street abuts or contains an existing or proposed street and the subdivider elects to design lots that front the arterial street, the planning commission may require marginal access streets for adequate protection of these properties and to afford separation of arterial traffic from the ingress and egress to individual residential lots.

E. Dedication of Right-of-Way. Whenever an existing major street is located adjacent to the outer edge of a subdivision, one-half of the right-of-way shown on the Sand Springs major street and highway plan shall be dedicated. Half-street dedications on minor streets are not permitted.

F. Alignment.

1. The design speed of residential streets and minimum distance between the centerlines of intersecting streets shall be in accordance with the engineering design criteria.

2. The City Engineer may require that streets be connected by a curve or diagonal in such a manner that hazardous turning movements will be eliminated.

G. Right-of-Way Widths. Street right-of-way widths of all proposed streets shall be in accordance with the Sand Springs major street and highway plan (see Figure 9 in the Figures section at the end of this title) and where not designated therein, the minimum width shall not be less than the following:

Type of Street	Right-of-Way
Freeway/Beltway	As per ODOT and City of Sand Springs standards
Primary Arterial	120 feet*
Secondary Arterial and Secondary Arterial Alternate	100 feet**
Commercial Collector/Industrial Collector, Commercial/Industrial Street with Open Drainage, Commercial	80 feet

Business District Street	
Residential Collector, Residential Street with Open Drainage, Commercial/Industrial Street	60 feet
Residential or Minor Street	50 feet
Alleys Commercial and Industrial Residential	20 feet 20 feet

- * One hundred thirty (130) feet minimum right-of-way is required for a right turn lane at the intersections of all primary arterials to extend a distance of three hundred eighty-eight (388) feet paralleling the right side of said street. See Figure 10 in the Figures section at the end of this title.
- ** One hundred ten (110) feet minimum right-of-way is required for a right turn lane at the intersections of all secondary arterials to extend a distance of three hundred eighty-eight (388) feet paralleling the right side of said street. See Figure 10 in the Figures section at the end of this title.

1. If green ways or drainage ways influenced by topographical features, streams or ponds, ravines, wooded areas or other natural features are to be provided within the proposed plat, then the width and location of the right-of-way shall be ultimately determined by the city as may be deemed necessary to preserve such features.

2. The pavement width, standards for street surfacing, curb and guttering, storm sewer design or open space drainage shall be in accordance with the engineering design criteria.

H. Cul-de-sacs. As a general rule, cul-de-sacs shall not exceed five hundred (500) feet in length, measured from the entrance to the center of the turn-around, and shall have a turn-around radius at the property line of not less than fifty (50) feet. When topography or other physically limiting factors and the needs of specific situations make changes to cul-de-sac design standards necessary to secure the best overall design, a variance from these regulations by the planning commission, upon a recommendation from the technical advisory committee, may be allowed.

I. Intersections. Street intersections shall be designed as follows:

1. Streets shall be designed to intersect at right angles as permitted by topography and other limiting factors;

2. Four-way intersections shall be avoided. Three-way T-intersections shall be used for minor interior streets wherever practicable. Any conflict with other applicable design principles and standards should be avoided. See Figure 11 in the Figures section at the end of this title;

3. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided;
4. Points of access to arterial streets should be limited in number;
5. Minor street intersections with arterial streets should be no closer than six hundred (600) feet from the intersection of other minor and arterial streets;
- J. Grades. Street grades shall be designed as follows:
 1. The maximum grade for non-arterial streets shall be in accordance with the engineering design criteria;
 2. All changes in grade shall be connected by vertical curves and designed for safe stopping sight distances and otherwise be in accordance with the engineering design criteria;
 3. The maximum grade of a residential street when intersecting an arterial street shall be in accordance with the engineering design criteria;
 4. The maximum grade of residential streets at intersections with other residential streets shall be in accordance with the engineering design criteria;
 5. Street grades shall be established in such a manner as to avoid excessive grading or removal of tree growth whenever possible.
- K. Curvature. The radius of curvature on the centerline of all streets shall be designed to reflect the associated design speed and be in accordance with the engineering design criteria.
- L. Street Names and Numbers.
 1. No names shall be used that will duplicate or be confused with the names of existing streets. All north and south thoroughfares shall be designated "Avenues"; all east and west thoroughfares shall be designated "Streets". Numbering shall be in accordance with the adopted policy of the City of Sand Springs. Where a street or avenue is an extension of an existing street or avenue, new names or numbers may be used subject to the approval of the planning commission and City Council.
 2. Lot address numbers shall be assigned by the planning department and shown on an address plat prepared by the city. (Subdivision Regulations § 4.2)

Section 16.20.030 Sidewalks.

The relationship to existing and planned streets, topography, public convenience and safety, and the proposed use of the land being subdivided shall be considered in determining the requirement, arrangement, character, extent, width, grade and location of all sidewalks. Sidewalks shall be constructed in accordance with the engineering design criteria and as follows:

- A. Sidewalks shall be constructed in accordance with the engineering design criteria within the dedicated right-of-way and shall be required in accordance with these regulations;
- B. All sidewalk layouts and designs for primary and secondary arterial streets, the central business district and other commercial and industrial areas shall be furnished by the City Engineer;

C. Sidewalks shall be required on both sides of all primary and secondary arterial streets, commercial and industrial collectors and on both sides of minor and collector streets serving a residential subdivision except where the typical pavement section provides for a shoulder and borrow ditch (no curb) or where residential estates (RE) zoning has been allowed;

D. Sidewalks shall provide for safe and convenient access for persons with disabilities, including those persons in a wheelchair. Curb ramps shall be constructed in accordance with standard details provided by the City Engineer;

E. The planning commission may require (in order to facilitate pedestrian access to schools, parks, playgrounds) perpetual unobstructed easements of not more than ten (10) feet wide to provide adequate pedestrian circulation. Such easements shall be shown on the plat. (Subdivision Regulations § 4.3)

Section 16.20.040 Alleys.

Alleys shall be designed and provided as follows:

A. Alleys shall be provided in commercial and industrial districts, except that the planning commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking, that is consistent with and adequate for the intended uses.

B. The right-of-way width for alleys serving commercial and industrial areas shall be not less than twenty (20) feet.

C. Alleys are not required for residential areas, but when provided, the right-of-way width for residential alleys shall not be less than twenty (20) feet. (Subdivision Regulations § 4.4)

Section 16.20.050 Blocks.

The length, width and shape of blocks shall be suited for the planned use of the land, be consistent with zoning requirements and the need for convenient access, control and safety of street traffic and the limitations of the topography. Block length and width shall be designed as follows:

A. Length. Block lengths in residential areas shall not be greater than fifteen hundred (1,500) feet. In those cases where length of the block exceeds one thousand (1,000) feet, the planning commission may require easements for pedestrian ways through the block which shall have a minimum width of ten (10) feet and a paved sidewalk constructed in accordance with the engineering design criteria and these regulations.

B. Width. Blocks for residential areas shall have sufficient width to provide for two tiers of lots of appropriate depth except on the boundaries of the subdivision or as required to separate residential development from other types of through traffic. Blocks intended for commercial or industrial uses should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities. Blocks for such uses should not normally exceed six hundred (600) feet. (Subdivision Regulations § 4.5)

Section 16.20.060 Lots.

Lots shall be designed as follows:

A. Configuration. The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and the proposed type of development.

B. Access. Every lot shall have frontage on and abut a dedicated public street, or abut a publicly approved private street in a planned unit development, or have other publicly approved access.

C. Zoning Requirements. Lot dimensions, yards, building setback lines and lot area shall conform to the minimum requirements of the zoning code unless varied by the board of adjustment or superseded and specified to be otherwise in a planned unit development.

D. Private Sewer and/or Private Water. Where a proposed subdivision is not served by a public sewer and/or public water system, lot dimensions and area shall conform to the requirements of the Oklahoma Department of Environmental Quality.

E. Corner Lots. Lots at the intersections of streets should exceed the minimum zoning code lot area requirements to provide adequate building areas and building setbacks from intersecting streets.

F. Lot Depth. Excessive lot depth in relation to lot width is discouraged. A proportion of 1:1 or 2:1 will normally be considered appropriate.

G. Lot Lines. Side lot lines should be at approximately right angles to straight street lines or radial to curved street lines.

H. Parking and Loading. Commercial and industrial lots should be of an appropriate size and shape to provide adequate off-street parking and loading facilities.

I. Double Frontage and Reverse Frontage. Double frontage and reverse frontage lots should be avoided except where necessary to provide separation of residential development from through traffic or to overcome disadvantages of terrain and orientation.

J. Acre Lot Subdivisions. When land is subdivided into one acre lots or greater, consideration should be given to the opening of future streets and further subdivision. (Subdivision Regulations § 4.6)

Section 16.20.070 Easements.

Proposed subdivisions shall provide for easements (see Figure 12 in the Figures section at the end of this title) and right-of-way as follows:

A. General. Easements shall be provided and dedicated in accordance with the engineering design criteria and these regulations. Regarding the dedication of required easements, the subdivider shall stipulate that no building, structure, or other above or below ground obstruction shall be placed, erected, installed or permitted on such easement in a manner that will, in the judgment of the City of Sand Springs, interfere with installation, operation, maintenance, repairing, removing, or replacing of utilities.

B. Width. Easements, where necessary, shall be of a minimum width of twenty-two (22) feet, eleven (11) feet on each side of all rear lot lines and seventeen and one-half (17.5) feet for perimeter easements or of a width and location as specified

by the technical advisory committee and when necessary, be provided along other lot lines for poles, wires, conduits, sanitary sewers, gas, water, power, communications and other utility lines.

C. Drainage Easements. Suitable drainage easements, as required by the engineering design criteria, shall be required on all proposed subdivisions.

D. Technical Advisory Committee Review. The location, width and alignment of all easements shall be subject to review and recommendation by the technical advisory committee and planning commission prior to approval and acceptance by the city.

E. Standard Location of Underground Utilities. The standard location of underground utilities shall be in accordance with Figure 12 of these regulations found in the Figures section at the end of this title. (Subdivision Regulations § 4.7)

Section 16.20.080 Floodplain areas.

Lands that are identified on the official maps of the City of Sand Springs as being subject to flooding hazards and periodic inundation, shall not be subdivided into lots, tracts or parcels for any use which would be incompatible with such flooding hazards except as follows:

A. Improvements meeting the standards and requirements of the city designed to render such land safe for residential or other uses are made, or satisfactorily guaranteed on such land meeting the approval of the City Engineer as being in accordance with the engineering design criteria; and

1. The intended use of the land is permitted by the adopted ordinances and regulations of the city because such use has a low flood damage potential and will not otherwise obstruct the flow of flood water or increase the flooding hazard to property already developed; or

2. The intended use of the land is permitted by a special exception variance, or by other adopted policy of the City of Sand Springs. (Subdivision Regulations § 4.8)

Section 16.20.090 Stormwater drainage and detention facilities.

Stormwater drainage and detention facilities shall be required in accordance with these and other city regulations and policies as follows:

A. The stormwater drainage system shall be designed and constructed in accordance with the standards and requirements of the engineering design criteria to receive and to pass the runoff from a one hundred (100) year frequency rainstorm under conditions of full urbanization. Full urbanization is defined as the total development that is anticipated. The entire flow shall be contained within such stormwater drainage system.

B. Stormwater detention facilities, when required, shall be designed and constructed in accordance with the engineering design criteria. (Subdivision Regulations § 4.9)

Section 16.20.100 Park and recreation fee or an option to require dedication of park land in-lieu-of payment of a fee.

A. As land is developed for residential use, the need for additional park land and improved recreational facilities to serve the community is created. In order to provide funds for this need, a park and recreation fee shall be imposed on each residential building permit. Solely at the option of the city, an option to require dedication of park land in-lieu-of payment of the park and recreation fee shall be imposed as specified in the Appendix.

B. The park and recreation fee shall be assessed and paid as follows:

1. Applicability and Amount of Fee. Before a residential building permit is issued to construct any residential dwelling unit the park and recreation fee shall be paid with the building permit application in the following amount:

Dwellings/Units	Fees
Single-Family	\$75.00 + \$25.00 per bedroom
Duplex	\$150.00 + \$25.00 per bedroom
Multifamily	\$250.00 per dwelling unit
Mobilehome	\$250.00 per lot or space

2. Determination of the Fee.

a. The number of bedrooms in each proposed dwelling unit shall be determined from the building plans filed with the building permit application and shall include as bedrooms, all rooms however labeled on the plans (other than living rooms, dining rooms, dens, kitchens, and bathrooms) that are suitable for conversion to bedrooms. The number of bedrooms attributable to a unit shall include not only those areas labeled as bedrooms on the plans, but may include any area in the dwelling unit that (because of its size, location, facilities or relationship to other areas of the dwelling unit) is deemed divisible so as to create one or more additional bedrooms.

b. In the case of mobilehomes, the two hundred fifty dollar (\$250.00) fee per lot or space shall be paid at the platting stage of the development. The appropriate fee will be required to be paid before the final plat is signed and released for recording.

c. The total amount of the park and recreation fee shall be determined by the building inspector of the City of Sand Springs based upon the plans submitted with the building permit application. If the applicant does not agree with the required fee as determined by the building inspector, the decision of the building inspector may be appealed to the board of adjustment.

3. Exemptions From the Park and Recreation Fee.

The fees imposed by the above sections shall not apply to the following types of construction:

a. Reconstruction of a dwelling unit or portion thereof that has been damaged or destroyed by fire, flood or other causes over which the owner has no control; or

b. Expansion, remodeling and/or alteration of a dwelling unit where an additional bedroom is created.

4. Park and Recreation Fund. The proceeds of the park and recreation fee shall be set aside in a fund entitled the "Park and Recreation Fund" to be used exclusively for the acquisition of new park land and/or for the purpose of making improvements on existing park land. The Park and Recreation Fund shall be comprised of two subcategories to track the origin of the funds- North side region of the City of Sand Springs (North of the Arkansas River) and South side region of the City of Sand Springs (South of the Arkansas River). Funds from the North side region balance of the Park and Recreation Fund shall be expended on those areas in the North side region of Sand Springs. Funds from the South side region balance of the Park and Recreation Fund shall be expended on those areas in the South side region of Sand Springs- unless otherwise approved by City Council. Any such expenditure shall require City council authorization, including a recommendation from the staff of the Sand Springs Parks and Recreation Department and the Sand Springs Parks Advisory Board. (Subdivision Regulations § 4.10; Amended by Ord 1253, adopted 06/09/14.)

Section 16.20.110 Oil and gas extraction sites--Residential subdivisions.

Subdivision plats shall show the following information as it pertains to oil and gas drilling:

- A. Existing operative and inoperative wells:
 - 1. Shall be shown on the face of the plat;
 - 2. Documentation is required that all abandoned or inactive wells have been properly plugged;
 - 3. Shall be setback a minimum distance of three hundred (300) feet from a surface property line or structure in existence at the time of commencement of drilling, if applicable, unless the location of the well is approved by the City Council;
 - 4. Residences shall be setback a minimum distance of one hundred fifty (150) feet from any existing well unless such well is properly plugged, or unless permission is given by the City Council;
 - 5. Residences shall be setback a minimum distance of fifty (50) feet from any well that is properly plugged;
 - 6. All ingress or egress to oil and gas drilling sites shall be from section line roads unless otherwise approved by the City Council; and
 - 7. Oil and gas drilling is not permitted in any city park unless approval of the Sand Springs City Council is given.

B. In any event and at a minimum, a certificate or clearance shall be obtained from the Oklahoma Corporation Commission as to the existence of any wells reflected in their records. Evidence of research of other oil and gas well service records may be required by the city to properly evaluate and document drilling activity, past and/or present, to protect the public health, safety and welfare in the platting of land under these regulations.

C. All subdivision plats shall be prepared in accordance with the standards and requirements of the oil and gas drilling regulations of the city presently in effect and as amended, and be otherwise in compliance with these regulations, the zoning code and all other applicable regulations and requirements of the city. (Subdivision Regulations § 4.11)

Section 16.20.120 Sewage disposal and water supply.

A. General Requirements.

1. All subdivisions shall utilize a public water supply approved by the Oklahoma Department of Environmental Quality and the city or other appropriate authority.

2. All plans pertaining to the collection and treatment of public sewage must be approved by the Oklahoma Department of Environmental Quality and the city or other appropriate authority.

3. All plans pertaining to the distribution and treatment of drinking water must be approved by the Oklahoma Department of Environmental Quality and the city or other appropriate authority.

4. Proposed subdivisions that seek or require a tie-on to the city public sewer system must be located within the corporate limits of the city or be annexed into said corporate limits as a condition of and prior to the initiation of such service.

B. Sanitary Sewage Systems. The subdivider shall provide an internal sanitary sewer collection system that is available to each lot within the subdivision. The system shall be designed and constructed as approved by the Oklahoma Department of Environmental Quality and in accordance with these regulations, the engineering design criteria and all other applicable regulations of the city. The following additional requirements shall apply:

1. Where an approved public sanitary sewer system is not available to the subdivision, as determined by the city regulations, and in order to allow development during the time required to extend the public sanitary system into these areas, a central treatment plant may be allowed on a temporary basis. The plant shall meet all applicable water quality criteria and be designed, constructed and approved by the Oklahoma Department of Environmental Quality and the city and otherwise meet all other applicable standards and specifications of the City.

2. In those cases where the development is planned to initially utilize septic tank sewage disposal systems, the developer shall submit soil percolation test results (as required by the Oklahoma Department of Environmental Quality) to the city for each lot in the subdivision to be served by said system demonstrating a soil percolation test rate in accordance with the regulations of the Oklahoma Department of Environmental Quality.

3. Restrictive covenants shall be approved and with the subdivision plat that the use of said systems shall only be in accordance with these regulations and all other applicable regulations of the city or other approving authority.

4. Private sewage systems shall be installed and maintained in accordance with the standards and specifications of the Oklahoma Department of Environmental Quality, the city and other approving authority.

C. Where a public sanitary sewer system is not available to the subdivision, but where plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared and approved by the Oklahoma Department of Environmental Quality and the city, the developer shall install such sewers in conformity with the plans. If immediate connection to that system is not possible and until such time as a connection can be made, the use of private sewage systems may be permitted. Subdivision Regulations § 4.12)

Section 16.20.130 Hillside development.

The development of hillside areas or any areas with a slope greater the eight percent shall be designed to minimize grading and filling and in such a manner as to retain the maximum feasible amount of natural ground cover. Areas with slopes in excess of twenty (20) percent shall be utilized as open space or developed as a planned unit development in accordance with the applicable provisions of the zoning code and these regulations. (Subdivision Regulations § 4.13)

Section 16.20.140 Planned unit development.

A. When a subdivision is to be developed as a planned unit development (see Figure 13 in the Figures section at the end of this title) in accordance with the applicable provisions of the zoning code and these regulations, the planning commission and the City Council may vary the requirements of these regulations in order to allow the subdivider more freedom in the arrangement of the subdivision. However, all such development must be done in a manner so as to protect the public health, safety and welfare and future residents of the area, while being consistent with the spirit and intent of these regulations and the comprehensive plan. Any and all variances from these regulations shall only be granted in accordance with the procedural requirements as provided herein.

B. Private streets and mutual access easements may be allowed in planned unit developments. All such streets shall be reviewed, inspected and built to the same standards as public streets and be maintained by the owners of land within such subdivisions. Private streets and mutual access easements shall always remain open to police, fire, and other official vehicles of all municipal, county, state and federal agencies. The following additional requirements shall apply:

1. Prior to the sale of any land within subdivisions where private streets and mutual access easements have been approved, the subdivider shall erect signs and otherwise assure the maintenance of such signs at all entrances to the subdivision and within the private drive and street right-of-way and mutual access easement indicating that such street is a private street. The manner in which the sign is constructed and installed shall be subject to the approval of the City Engineer.

2. No deed of conveyance shall ever be filed of record for any land within said subdivision unless said deed clearly states that "all property owners within this subdivision shall automatically become a member of a homeowners' association, whose responsibility shall include development, complete maintenance and replacement of all private streets and common areas within the planned unit development."

3. In order to assure that private streets and common areas are properly installed and inspected, no building permit shall be issued for any lot in said subdivision until all improvements, public and private, have been installed in compliance with the approved plan or said installation is assured to the satisfaction of the City Council. (Subdivision Regulations § 4.14)

Section 16.20.150 Monuments.

Monuments must be set in sufficient number and be of such durability as not to be readily disturbed, to assure that together with monuments already existing, the perpetuation or re-establishment of any line or point in the survey. Monuments shall be

constructed of material capable of being detected with conventional instruments for finding ferrous or magnetic objects. Monuments shall further be in accordance with the following standards and criteria:

A. Be placed at each point in the boundary of the subdivision and be a minimum of fifteen (15) inches long with a minimum diameter of one-half inch and be made from iron pipe or bar or be made of such other materials and be of a size as approved by the City Engineer.

B. Be placed at the corner of each lot in the subdivision and be a minimum of fifteen (15) inches long with a minimum diameter of three-eighths inch and be made from iron pipe or bar or be made of such other materials and be of a size as approved by the City Engineer.

C. Be placed along the centerline of each street at all street intersections, points of curve, points of tangency, points of compound curve, points of reverse curve, center of cul-de-sacs and center of an eyebrow.

D. In such cases where the placement of a required monument at the required location is impractical as determined by the City Engineer, a witness corner or reference monument must be placed, preferably on a line of survey, with the data given to show its location upon the ground in relation to the subdivision boundary or lot corner.

E. Benchmarks for vertical control shall be established in accordance with the provisions of the engineering design criteria. Vertical control monuments must be placed at an interval of one brass cap per twenty (20) acres or part thereof and spaced proportionately throughout the subdivision. (Subdivision Regulations § 4.15)

Section 16.20.160 Change of limits of access.

A. Intent. When land has been platted under these regulations, or under other applicable law, and the owner of all land affected by the proposal seeks to add limits of access to the plat, or to remove or otherwise alter said limits of access on the plat, such action shall not require replatting nor shall it require vacation of the existing plat.

B. Application. The property owner or the owner's agent with written permission from the owner shall submit the change of limits of access application which shall include, at a minimum, the following information:

1. Drawings. Ten (10) copies of a scaled drawing which should not be of a greater size than 8 1/2 inches x 11 inches and be drawn on forms provided with the application.

2. Specifications. The drawing shall include the proposed changes and all existing curb cuts, drives, parking areas, easements, buildings and other relevant information with the distances and dimensions shown from lot lines and adjacent streets.

C. Processing.

1. Planning Staff Review. The planning commission staff and the City Engineer shall review and evaluate the impact of the proposed changes on traffic flow, utility easements, and the implementation of the various plans as adopted by the city, or on the flow of traffic on private streets and adjacent or abutting property owned by persons other than the applicant. Staff comments shall be forwarded to the technical advisory committee.

2. Technical Advisory Committee Review. The planning commission staff shall present the application to the technical advisory committee for review and comment. The recommendation of said committee shall be compiled with that of the planning commission staff and City Engineer and transmitted to the planning commission.

3. Planning Commission Review. The planning commission shall review the proposed change and either recommend approval, approval with conditions, or denial. The recommendation of the planning commission shall be subject to final approval by the City Council.

4. City Council Review and Approval. The City Council shall review the proposed change of access and either approve, approve with conditions or disapprove the application.

5. Filing of the Final Document. The owner or the owner's agent, upon satisfaction of any conditions of approval, or upon receiving an unconditional approval from the City Council, shall file the approved documents with the County Clerk of the county in which the property is located and return a certified copy of the filed document to the City Clerk of the city. (Subdivision Regulations § 4.16)

Chapter 16.24

REQUIREMENT FOR IMPROVEMENTS AND STANDARDS

Sections:

- 16.24.010 General requirements for improvements.**
- 16.24.020 Improvements required.**
- 16.24.030 Plans and improvements required.**
- 16.24.040 Inspections and certifications.**
- 16.24.050 Record drawings.**
- 16.24.060 Improvements acceptance or forfeiture.**
- 16.24.070 Maintenance bond.**

Section 16.24.010 General requirements for improvements.

A. Installation of Improvements. Following the approval of the final construction plans, and prior to approval of the final plat, the subdivider shall complete in a manner satisfactory to the City Engineer, all improvements required, and said improvements shall be free and clear of all liens, claims and encumbrances.

B. Assurances Guaranteeing Installation of Improvements. In-lieu-of the installation of the required improvements prior to the final plat approval, the subdivider shall agree in writing with the city to complete all required improvements in a manner satisfactory to the city. To evidence this agreement, the subdivider shall execute a document entitled "Agreement Guaranteeing Installation of Improvements" as required by the engineering design criteria.

C. Time Limit. Prior to granting approval of the final plat, the subdivider and planning commission shall agree upon a deadline for the completion of all required improvements. The period within which required improvements must be completed shall be specified by the planning commission in the action approving the final subdivision plat and shall not exceed two years from date of final approval, unless extended by the planning commission. Such an extension shall be granted by the planning commission for good cause as determined by the planning commission.

D. Vacated Plats. Vacation of the plat, as provided by state statute, shall remove the obligation to construct improvements. (Subdivision Regulations § 5.1)

Section 16.24.020 Improvements required.

A. Street Improvements. The subdivider shall design, grade, oversee, test and otherwise improve all streets which are designated on the approved plat or which directly serve the subdivision in accordance with the engineering design criteria as directed by the City Engineer.

B. Street Traffic Control Devices, Signs and Names. The city shall provide the initial street name identification signs and poles and install all traffic control devices and signs. Street names shall be subject to the final approval of the City Council after review and recommendation from the planning commission.

C. Street Lights. The subdivider shall provide adequate street lighting in the subdivision in accordance with the specifications of the engineering design criteria.

D. Monuments and Markers. Permanent reference markers shall be placed according to the specifications of the engineering design criteria and as provided in these regulations. The location of brass caps shall be shown on the face of the final plat.

E. Public Water Supply. Where an approved public water supply is reasonably accessible, as determined by the City of Sand Springs, the subdivider shall install water lines and fire hydrants to connect with such water supply and make it available to each lot within the subdivided area. The final plat shall not receive City Council approval until it is certified by the City-County Health Department that there has been compliance with the regulations of the Oklahoma Department of Environmental Quality and where indicated, meets other jurisdictional governing body requirements.

F. Stormwater Drainage and Detention Facilities. The subdivider shall provide a stormwater drainage system that is designed and constructed in accordance with the engineering design criteria.

G. Sanitary Sewer System.

1. Where a public sanitary sewer is reasonably accessible as determined by the City of Sand Springs, the subdivision and each lot within said subdivision shall be provided with a connection thereto. All connections shall be subject to the approval of the City Engineer and be in accordance with the regulations of the Oklahoma Department of Environmental Quality and the engineering design criteria.

2. Where a public sanitary sewer system is not reasonably accessible but where plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared and approved by the Oklahoma Department of Environmental Quality, the subdivider shall install sewers in conformity with such plans. Where immediate connection is not possible and until such connection with the sewer system can be made, the use of private sewage treatment facilities may be permitted, provided such disposal facilities are installed and maintained in accordance with the regulations of the Oklahoma Department of Environmental Quality.

H. Utilities. Electric cable, television cable, telephone lines, and other utilities shall be installed in the easements specified on the subdivision plat and otherwise as shown in Figure 12 of these regulations found in the Figures section at the end of this title. (Subdivision Regulations § 5.2)

Section 16.24.030 Plans and improvements required.

A. Three sets of prints of the proposed final construction plans and specifications for all improvements required by these regulations and the engineering design criteria shall be prepared by a qualified registered engineer and submitted to the City Engineer. The City Engineer shall approve or require modification of those construction plans.

B. The subdivider shall be required to participate in a preconstruction meeting with the appropriate city staff.

C. Following the approval of the final construction plans, the subdivider shall complete in a manner satisfactory to the City Engineer all required improvements and said improvements shall be free and clear of all liens, claims and encumbrances, except or unless as agreed to in the "Agreement Guaranteeing Installation of Improvements" as required by the engineering design criteria.

D. The final plat may then be approved and released by the city for filing in the office of the County Clerk in which the property is located. (Subdivision Regulations § 5.3)

Section 16.24.040 Inspections and certifications.

The City Engineer shall inspect or otherwise secure the inspection of the construction of the required improvements for conformance with the approved plans and specifications. Upon completion of the improvements, the City Engineer shall file with the City Council a statement either certifying that the improvements have been completed in accordance with these regulations and the engineering design criteria or that the improvements are defective, listing the defects. (Subdivision Regulations § 5.4)

Section 16.24.050 Record drawings.

A. Upon completion of the improvements, the subdivider and his or her engineer shall file with the City Engineer one mylar set of record drawings, certified and signed by a registered engineer for said improvements. The record drawings shall be filed with the city prior to the issuance of building permits in the platted area or within a schedule of time agreed to by the developer and the City Council. The record drawings shall certify:

1. That all required improvements are complete;
2. That the subdivision improvements are in compliance with these regulations and the engineering design criteria; and
3. That the improvements have been constructed in accordance with the approved plans and specifications.

B. Subdividers with the capabilities of generating record drawings as computer layouts and system drawings for plats, water, sanitary sewer, street, drainage, grading, etc., shall provide the City Engineer's office with computer files of such drawings. (Subdivision Regulations § 5.5)

Section 16.24.060 Improvements acceptance or forfeiture.

The City Council shall accept by formal recorded action any or all improvements before such improvements become public property, provided that all statements and agreements specified above have been received and that record drawings have been submitted. The maintenance bond shall begin with the acceptance by the City Council. Approval of the record drawings by the City Engineer shall not be construed to mean that the maintenance bond is void. No building construction shall be permitted on any lot to, or on which, improvements have not been completed, or said completion guaranteed in accordance with the provisions of these regulations and the engineering design criteria and no municipal utility service will be furnished to such lot until the approved record drawings have been received by the city. (Subdivision Regulations § 5.6)

Section 16.24.070 Maintenance bond.

Prior to acceptance of these improvements by the City Council, the subdivider shall obtain a maintenance bond or irrevocable letter of credit from a surety bonding company authorized to do business in the state of Oklahoma. The bond shall be filed with the City Clerk and shall be payable to the city. The amount of the bond shall be

equal to one hundred (100) percent of the entire cost of said improvements including all water lines, sanitary sewer lines, streets, grading and drainage improvements. The duration of the maintenance bond for streets and drainage improvements shall be two years from the date of acceptance of said street and drainage improvements by the City Council. The duration of the maintenance bond for all other improvements shall be one year from the date of acceptance of said improvements by the City Council. (Subdivision Regulations § 5.7)

Chapter 16.28

LOT SPLIT PROCEDURES AND STANDARDS

Sections:

- 16.28.010 Authority.**
- 16.28.020 Intent and purpose.**
- 16.28.030 Procedure.**
- 16.28.040 Certificate of approval.**
- 16.28.050 Approval guidelines.**

Section 16.28.010 Authority.

The planning commission, pursuant to the powers and jurisdiction vested through Title 11, Oklahoma State Statutes, Section 45, does hereby exercise the power and authority to review, approve and disapprove transfer of land hereinafter referred to as lot splits. (Subdivision Regulations § 6.1)

Section 16.28.020 Intent and purpose.

The provisions contained in this section are intended to establish minimum procedures and standards for lot splits in order to accomplish the policy and purposes set forth in these regulations. (Subdivision Regulations § 6.2)

Section 16.28.030 Procedure.

The following procedure shall be followed in processing lot splits:

A. A lot split application shall be filed with the planning commission staff and the appropriate fee paid in accordance with the following requirements:

1. Where the application is to be reviewed by the planning commission alone, four copies of a scaled drawing shall accompany the lot split application. Where possible, the drawing should be placed in the space provided on the application form;

2. Where review will include other agencies or companies, in addition to the planning commission staff, eight copies of a scaled drawing shall accompany the application;

3. The drawing itself shall include all existing and proposed lot lines, all existing buildings and improvements and distances from lot lines, adjacent streets and street widths, existing access limitations, a north arrow and scale; and

4. In all cases where drawings are attached on separate sheets, the subdivider is encouraged to limit the drawing to a maximum size of 8-1/2 inches by 14 inches.

B. During the lot split review process the planning commission staff shall:

1. Distribute copies of the application form and drawing to the technical advisory committee, and other appropriate officials, agencies, or departments;

2. Field check the area being lot split;

3. Review the application for conformance with the comprehensive plan, zoning code or planned unit development conditions, board of adjustment actions, and these regulations; and

4. Prepare recommendations including comments of other officials, agencies or departments contacted and the technical advisory committee.

C. For those lot splits that involve acquiring easements or in the staff's opinion, that require review by additional companies or agencies, but do not involve a waiver of a zoning or subdivision regulation requirement, the following procedure shall be followed:

1. A copy of the application and drawing shall be sent to the utility companies and/or the public works department by the planning commission staff;

2. After each company or agency to which the application was referred has notified the planning commission staff of all requirements, the staff shall in turn notify the subdivider;

3. If the lot split is on a tract that is utilizing or will utilize a private sewage disposal system, a copy of the application form and drawing shall be given to the subdivider, who in turn shall deliver it to the City-County Health Department. The City-County Health Department shall notify the staff of the approval or disapproval of the lot split; and

4. When approvals from all companies or agencies involved are received, the City Planner shall place the lot split on the agenda of the planning commission.

D. For the lot splits that involve a waiver of any provision of these regulations, the following procedure shall apply:

1. A cut-off date shall be observed, such date to coincide with that of subdivision plats;

2. The subdivider shall describe on the lot split application the exact nature of the requested waiver and describe why compliance with these regulations is not possible;

3. A copy of the lot split application shall be sent to the utility companies, the public works department, and to the City-County Health Department, if required. The planning commission staff shall indicate on the application the date of the technical advisory committee meeting at which the application shall be reviewed and that it is a request for a waiver of these regulations;

4. The planning commission staff shall present the application at a technical advisory committee meeting where the lot split will be reviewed by that committee;

5. The findings and recommendations of the technical advisory committee shall be compiled with the planning commission staff recommendation and the application shall be heard at the next planning commission meeting; and

6. The planning commission shall review the requested lot split and either approve or disapprove the requested waiver as provided by these regulations. If approved by the planning commission the lot split approval may be further subject to the approval of the board of adjustment if a waiver or variance of a zoning code requirement is involved. If the application is disapproved by the board of adjustment the applicant may appeal the decision of the board of adjustment to the district court.

E. If the planning commission denies a lot split, the denial may be appealed to the City Council within ten (10) days of the planning commission meeting. The action of the City Council shall be final except as otherwise subject to applicable state statutes. (Subdivision Regulations § 6.3)

Section 16.28.040 Certificate of approval.

A. Approval shall be shown by certification on the instrument of transfer as required by state statute. The certification shall be signed by the chairperson, vice-chairperson, or secretary of the Sand Springs planning commission.

B. The subdivider may then file the instrument with the County Clerk of the county in which the property is located. The approved instrument shall be an official document that will be contained in the abstract of the property being split. (Subdivision Regulations § 6.4)

Section 16.28.050 Approval guidelines.

Approval or disapproval of a lot split shall be based upon the following guidelines:

A. Lots.

1. Lot dimensions shall conform to the zoning code and these regulations. In the event that the tract to be split does not lie within the force and effect of an existing zoning ordinance, it is deemed desirable that a single-family residential lot be a minimum of sixty (60) feet in width and six thousand nine hundred (6,900) square feet in area with thirty (30) feet of frontage on a public roadway.

2. In the case of lots not served by public sanitary sewers and/or public water, such lots shall exceed the requirements set forth above with sufficient additional area to properly accommodate a suitable private sewage disposal device. Appropriate tests shall be made accordingly, with an adequacy determination to be made by the City-County Health Department. The determination of adequacy shall subsequently be reported to the planning commission for consideration during the review of the lot split application.

3. Corner lots should have such extra width and area beyond the minimum requirements for other lots as may be necessary to permit appropriate setbacks on both streets while insuring that adequate buildable space remains.

B. Easements and Utilities. Where a lot split will result in a lot having inadequate access to utility easements, dedication of easements shall be required in accordance with the requirements of the applicable utility company or companies, these regulations and the engineering design criteria.

C. Access and Streets.

1. Where a tract to be split is controlled by non-access provisions, no lot shall be approved where such provision will preclude access for said lot.

2. The splitting of land shall provide each lot with access to a public street or highway, so that the convenience of the lot owner or user is assured, and that the layout of utilities, garbage and waste removal, fire protection and public health and safety will also thereby adequately be provided for.

3. Where land to be split contains, within its boundaries, areas designated for street right-of-way on the major street and highway plan, the lot split shall not be approved where the street right-of-way fails to conform to said plan except upon a finding by the City of Sand Springs that:

a. All utilities are in place and the additional right-of-way is not required for utility placement; and

b. The public has, by virtue of statutory easement or suitable roadway dedication, right-of-way sufficient to allow the placement of pavement for streets and sidewalks of a width necessary to meet the standards of these regulations, the major street and highway plan and the engineering design criteria for the particular improvement involved; and

c. Development made possible by the lot split itself will not measurably increase the burden of traffic on an adjacent street to such an extent that it would adversely affect the public health, safety and welfare; or

d. Existing structures lie in the right-of-way proposed by the major street and highway plan and otherwise preclude the extension of said right-of-way and street.

D. Sewage Disposal.

1. Where a tract to be split abuts a public sanitary sewer, no split shall be permitted to create a lot which is cut off from said sewer unless the approval of the City Engineer, public works director or other appropriate agency is obtained.

2. Within the unincorporated area of Tulsa and Osage County and within the annexation fenceline of the city not served by sanitary sewer within three hundred (300) feet of the nearest property line, these regulations shall apply for lots that plan to utilize septic tank disposal systems except a core sample is not required. A public sewer collection system is not required.

3. Lot size requirements will be the same as those for subdivisions provided that an exception to lot size may be granted by the city based upon data from the City-County Health Department, if all lots created have existing structures and the lot split does not, in effect, change the density, and proper documentation can be provided showing attempted transfer of ownership prior to January 1, 1974.

4. A public water supply serving each lot is required.

5. A passing soil percolation test shall be required for each lot created as required for subdivisions. (Subdivision Regulations § 6.5)

Chapter 16.98

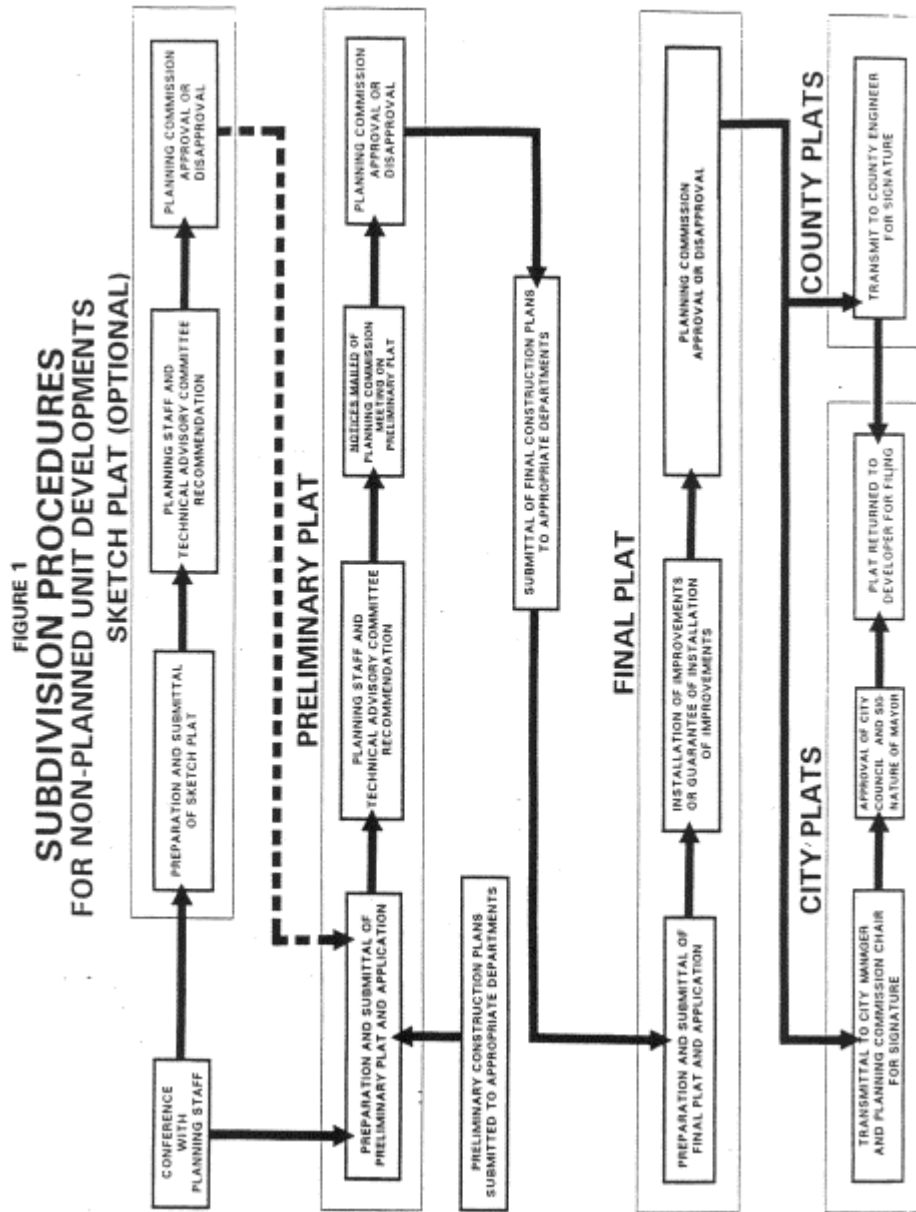
SUBDIVISION FIGURES

Sections:

16.98.010	Figure 1.
16.98.020	Figure 2.
16.98.030	Figure 3.
16.98.040	Figure 4.
16.98.050	Figure 5.
16.98.060	Figure 6.
16.98.070	Figure 7.
16.98.080	Figure 8.
16.98.090	Figure 9.
16.98.100	Figure 10.
16.98.110	Figure 11.
16.98.120	Figure 12.
16.98.130	Figure 13.

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Section 16.98.010 Figure 1.



Section 16.98.020 Figure 2.

FIGURE 2

FINAL PLAT
CERTIFICATION OF APPROVAL

I hereby certify that this plat was approved
by the Sand Springs Planning Commission on

Chairperson, Vice Chairperson or Secretary

I hereby certify that this plat was approved
by the Sand Springs City Council on

Mayor or Vice Mayor

This approval is void if the above signatures
are not endorsed by the City Manager or City
Engineer

City Manager or City Engineer

This approval shall not be interpreted to
mean streets, sanitary sewers, storm drainage
or other utilities are constructed as shown
on this plat

SKETCH PLAT OF CREEKWOOD SUBDIVISION



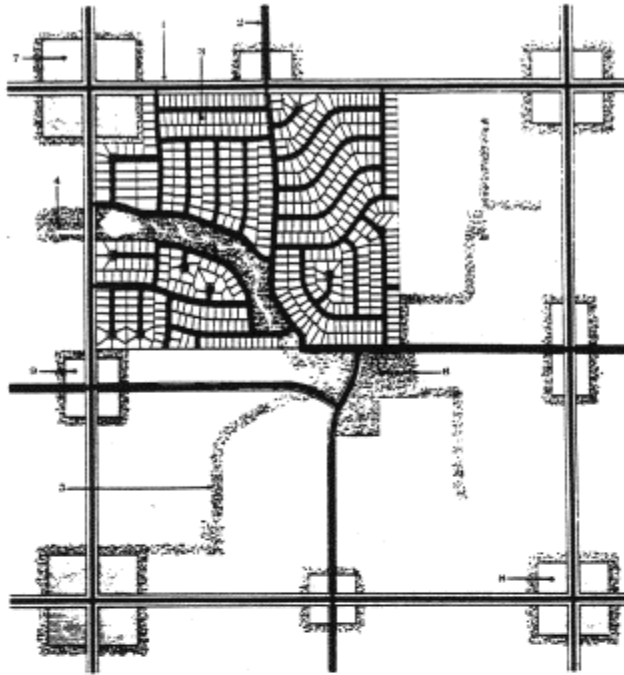
(MAY BE FREE HAND SKETCH)

FIGURE 3 SKETCH PLAT

[illegible]

FIGURE 5 FINAL PLAT

Section 16.98.060 Figure 6.



THE NEIGHBORHOOD CONCEPT, AS SCHEMATICALLY ILLUSTRATED ABOVE, REPRESENTS A DESIRABLE ORGANIZATION OF THE ELEMENTS OF A NEIGHBORHOOD.

1. ARTERIAL STREETS BOUND TYPICAL NEIGHBORHOODS.
2. RESIDENTIAL COLLECTOR STREETS LINK MINOR STREETS TO ARTERIALS.
3. ACCESS TO RESIDENTIAL PROPERTY IS LOCALIZED, WHENEVER POSSIBLE, ON MINOR STREETS.
4. OPEN SPACE PROVISIONS ARE RELATED TO SIGNIFICANT NATURAL FEATURES AND FORM A PART OF AN OVERALL SYSTEM.
5. PLATTING OF SUB-NEIGHBORHOOD AREAS ARE DESIGNED TO PROVIDE SMALL PLAY AREAS AND PEDESTRIAN CONNECTIONS TO THE REST OF THE NEIGHBORHOOD AND TO COMMUNITY FACILITIES.
6. ELEMENTARY SCHOOLS CENTRALLY LOCATED ON THE NEIGHBORHOOD COLLECTORS AND SITED SO AS TO EXTEND OR RELATE TO OPEN SPACE SYSTEM.
7. MAJOR COMMERCIAL ACTIVITIES LOCATED AT PRIMARY ARTERIAL INTERSECTIONS.
8. NEIGHBORHOOD OR LOCAL COMMERCIAL ACTIVITIES LOCATED AT SECONDARY ARTERIAL INTERSECTIONS.
9. PUBLIC FACILITIES, SUCH AS CHURCHES LOCATED ON PERIPHERY AT COLLECTOR AND ARTERIAL INTERSECTIONS.

FIGURE 6 NEIGHBORHOOD CONCEPT

Section 16.98.070 Figure 7.

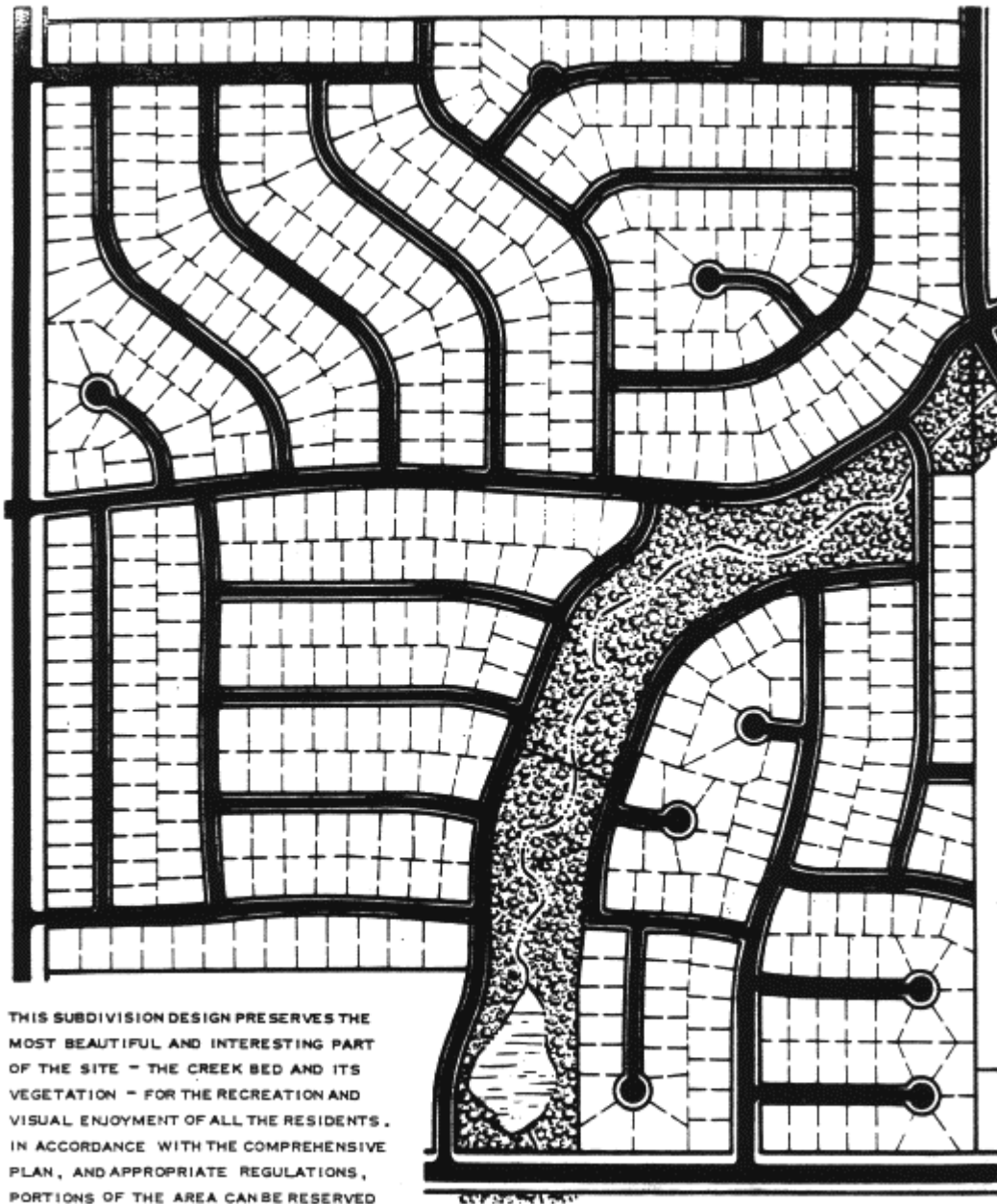


FIGURE 7 OPEN SPACE

Section 16.98.080 Figure 8.

THIS EXAMPLE ILLUSTRATES THE APPROPRIATE USE OF BORDER STREETS ALONG A CREEK BED. HERE THE SCENIC AND RECREATIONAL VALUE OF THE CREEK BED IS PRESERVED AND ACCESS TO IT FOR EITHER THE PUBLIC OR RESTRICTED NEIGHBORHOOD COMMON USE IS PROVIDED BY BORDER STREETS.



FIGURE 8 BORDER STREETS

Section 16.98.090 Figure 9.

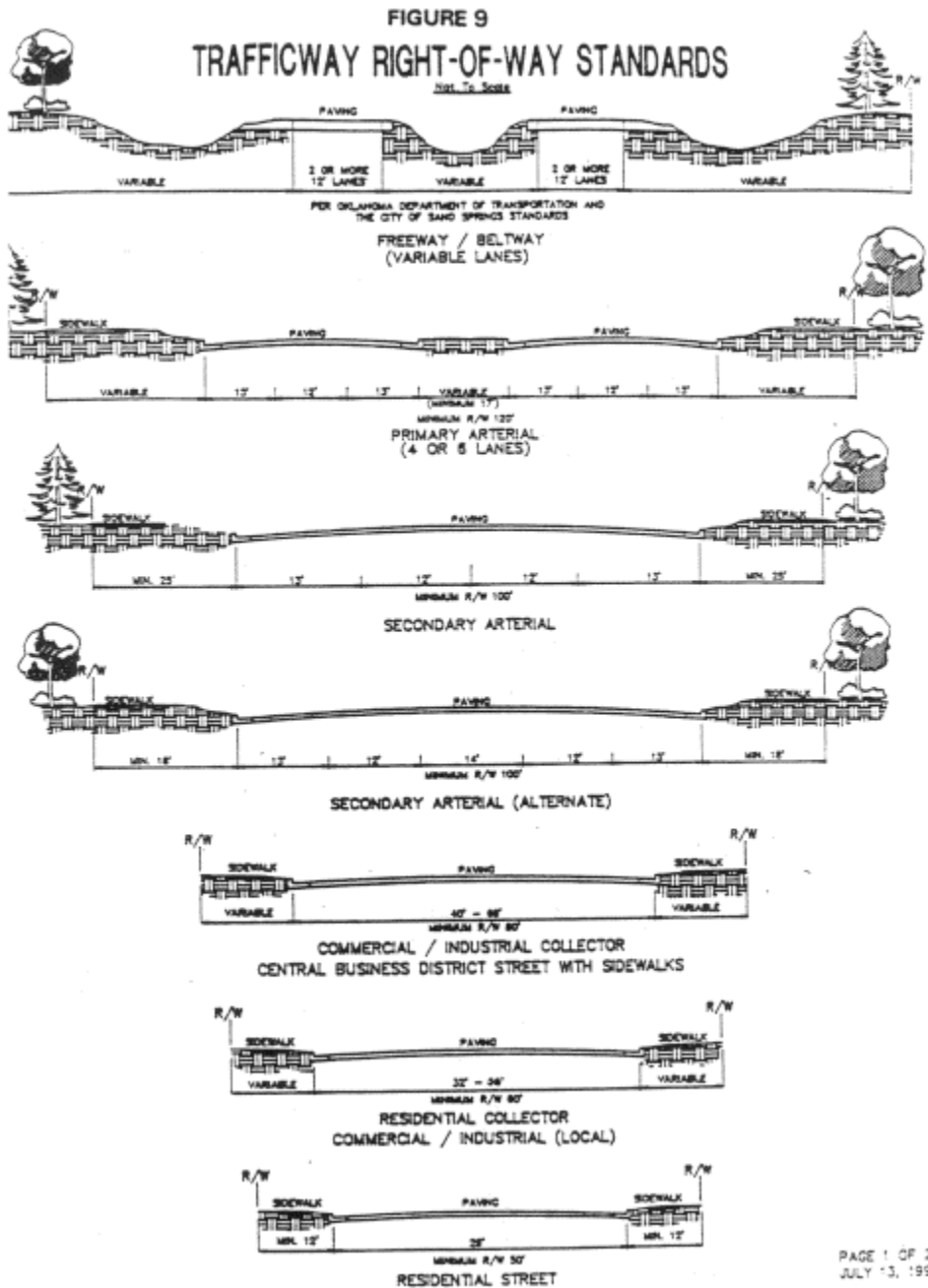
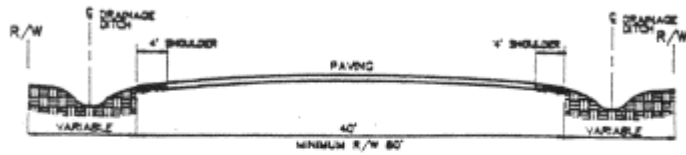
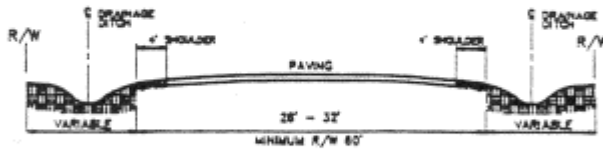


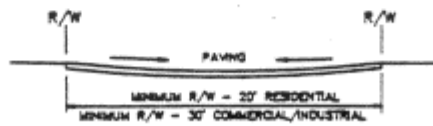
FIGURE 9
TRAFFICWAY RIGHT-OF-WAY STANDARDS
Not To Scale



COMMERCIAL / INDUSTRIAL COLLECTOR WITH OPEN DRAINAGE



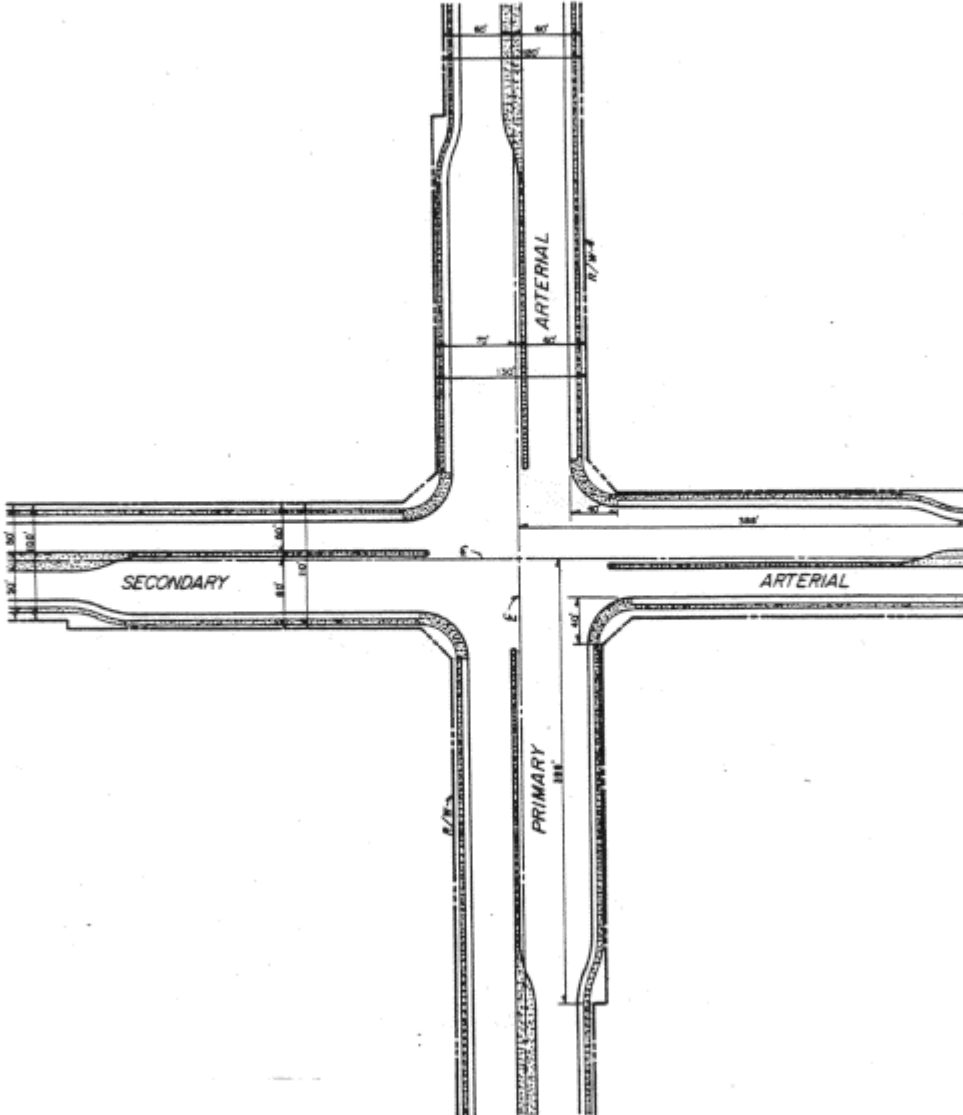
RESIDENTIAL STREET WITH OPEN DRAINAGE
COMMERCIAL / INDUSTRIAL (LOCAL) W/OPEN DRAINAGE



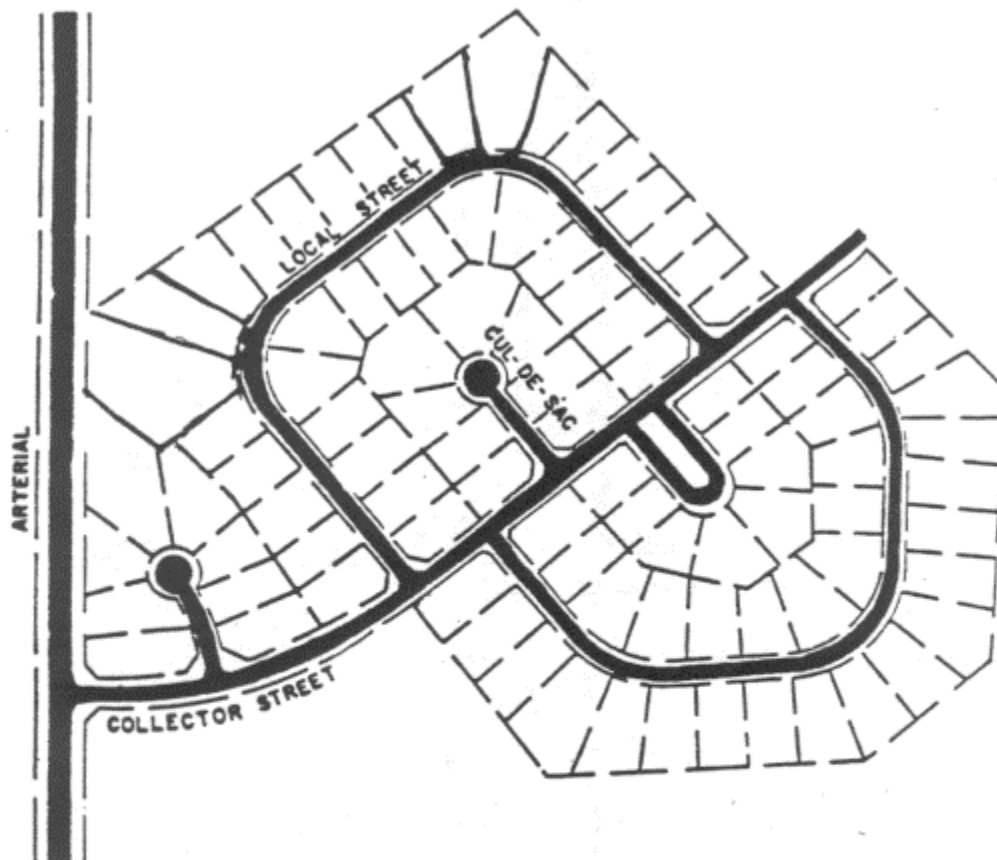
ALLEY WAY

Section 16.98.100 Figure 10.

FIGURE 10
TRAFFICWAY RIGHT-OF-WAY STANDARDS AT INTERSECTIONS



Section 16.98.110 Figure 11.



STREETS SHOWN: ARTERIAL, COLLECTOR,
LOCAL AND CUL-DE-SAC

LOTS: FRONT ON LOCAL AND CUL-DE-SAC
SIDE ON COLLECTORS
BACK ON ARTERIALS
LOT LINES ARE 90 DEGREES OR RADIAL TO STREETS

FIGURE 11 STREET PATTERN

Section 16.98.120 Figure 12.

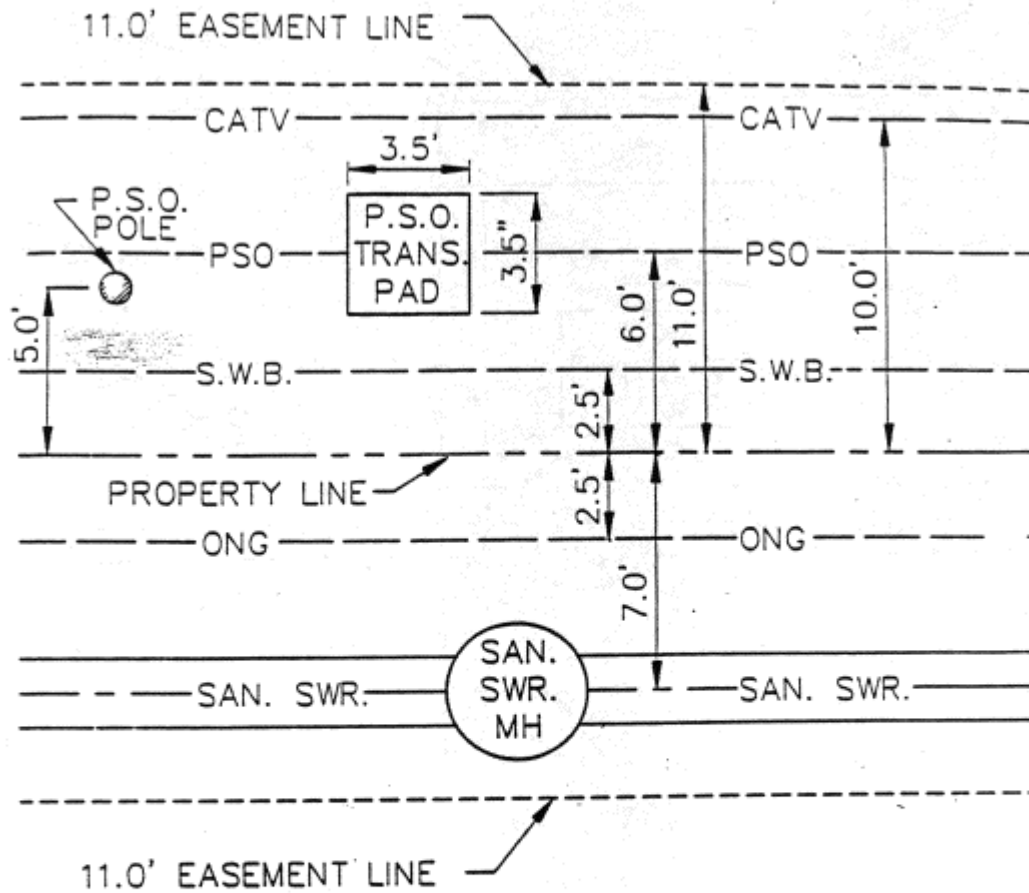


FIGURE 12
STANDARD LOCATION OF
UNDERGROUND UTILITIES
BACK TO BACK 11.0' EASEMENTS

PAGE 1 OF 2

JULY 13, 1993

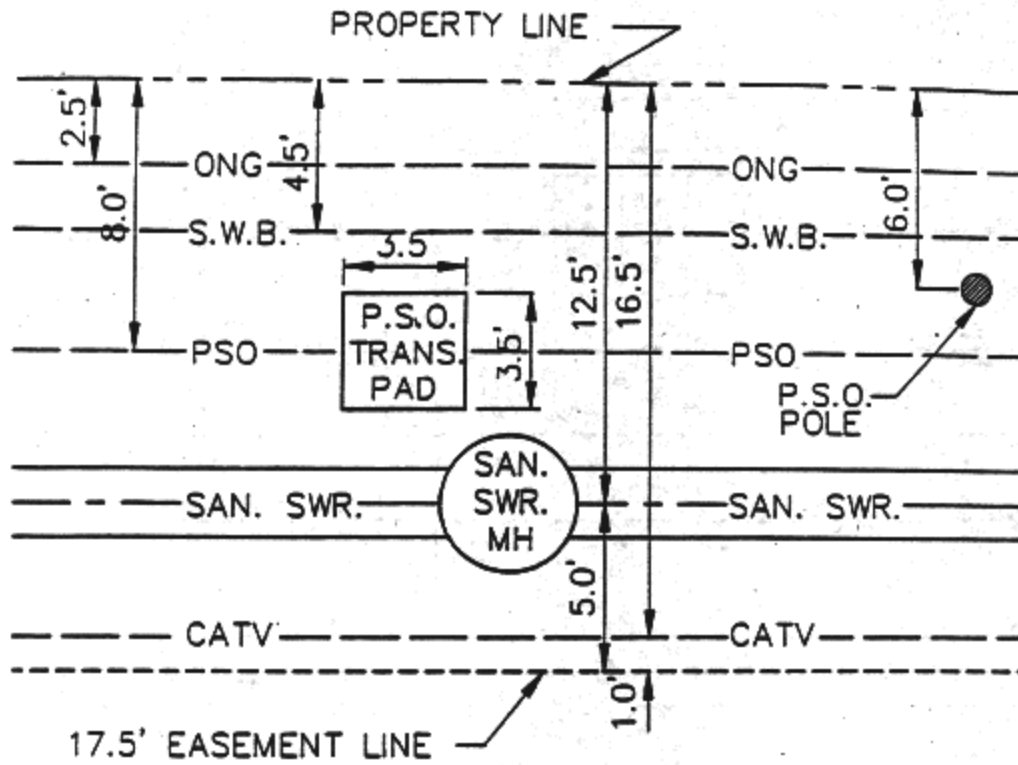


FIGURE 12
STANDARD LOCATION OF
UNDERGROUND UTILITIES
17.5' PERIMETER EASEMENT

PAGE 2 OF 2

JULY 13, 1993

Section 16.98.130 Figure 13.

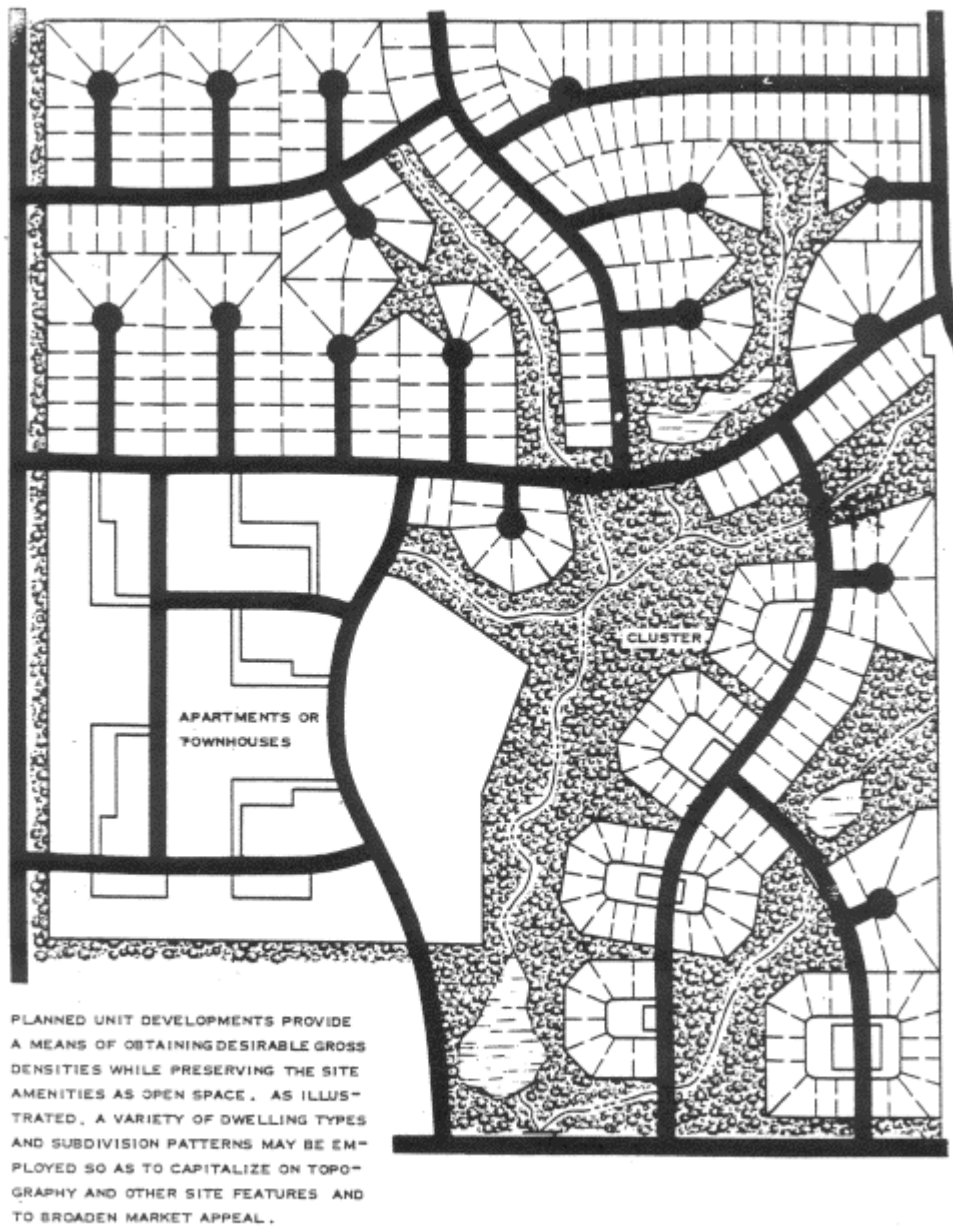


FIGURE 13 PLANNED UNIT DEVELOPMENT

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Chapter 16.99

SUBDIVISION APPENDIX

Sections:

16.99.010 Subdivision Appendix.

Section 16.99.010 Subdivision Appendix.

OPTION TO REQUIRE DEDICATION OF PARK LAND IN-LIEU-OF PAYMENT OF THE PARK AND RECREATION FEE

As land is developed for residential use, the need for park land is created. In order to provide land for this need, there is hereby established, a procedure whereby land may be required in-lieu-of payment of a Park and Recreation Fee as otherwise described in the body of these Regulations. The administration of this optional procedure is as follows:

1. Applicability and Option to Require Dedication of Land.
 - a. All residential subdivision plats, having a dwelling unit density greater than one (1) dwelling unit per acre shall adhere to the provisions set forth in this Appendix if and only if it is determined by the City Council of Sand Springs based upon the recommendation and advice of the Park Board (as to the desirability of the tract) and the Planning Commission (as to the appropriateness of the intended land use), that the requirement for park land dedication shall be acceptable to the City of Sand Springs in-lieu-of payment of the Park and Recreation Fee.
 - b. All persons, firms, or corporations subdividing land under the provisions of these Regulations for residential purposes within the incorporated boundaries of the City of Sand Springs shall, prior to the signing and release of the final plat and subject to other provisions hereinafter set out, dedicate land to be used for park and/or open space as an alternative to payment of a Park and Recreation Fee.
2. Standards for Park Land to be Dedicated.
 - a. Each dedication shall be of suitable size, dimension, topography and general character, and have adequate road access for park and recreation purposes. The area to be dedicated shall be designated on the preliminary and final plat as "Public Park and Recreation Purposes." The location of the land to be dedicated shall be approved by the City of Sand Springs prior to the signing and release of the final plat.
 - b. The amount of land to be dedicated shall be determined on the basis of either one acre per one-hundred (100) dwelling units or five (5) percent of the area contained within the subdivision plat (excluding therefrom only streets and reserve areas) whichever is greater. All calculations of the area to be dedicated and the area in streets and reserve areas shall be initially provided by the subdivider for review by the City. The dedication requirements for multi-family development shall be based on the maximum number of dwelling units per acre as permitted by the existing zoning of the site, regardless as to what intensity the tract is developed.

c. Private parks may be accepted as credit toward the park land dedication option only when included within an approved Planned Unit Development and only upon approval of the City Council after review and recommendation by the Park Board and Planning Commission.

3. Location and Character of Land to be Dedicated.

a. Any land to be dedicated to meet the requirements of this section shall be suitable, reasonably located and adaptable for use as land for a park and recreation facility. Such determination shall be subject to the final approval of the City Council based upon the review and recommendation of the Park Board and Planning Commission.

b. The City Council may require that the land to be dedicated be located on the edge of the subdivision so additional land may be added to the tract at a future date.

c. Existing features which add value to residential development or to the City as a whole, such as trees, watercourses, historic sites and similar irreplaceable natural assets, shall be preserved in the design of the subdivision and be considered as land to be dedicated for park purposes.

4. Form of the Dedication of Park Land.

Land required for dedication under this optional procedure shall be conveyed by any of the following methods:

a. By dedication within the plat filed for record in the Office of the County Clerk of Tulsa or Osage County; or

b. By warranty deed transferring the property in fee simple title to the City of Sand Springs; or

c. By credit for private park and/or open space. Where a private park and/or open space for park and recreational purposes is provided in a proposed subdivision that is included within an approved Planned Unit Development and such area is to be privately owned and maintained by the future residents of the subdivision, these areas may be credited against the requirement for dedication of park land and/or open space as set forth in this Appendix provided that the City Council, upon the review and recommendation of the Park Board and Planning Commission, finds it is in the public interest to grant such credit. The following standards must be met:

(1) That yards, setbacks and other open areas required to be maintained by the zoning and building regulations shall not be included in the computation of such private park and/or open space area; and

(2) That the private ownership and maintenance of said park area is provided for by recorded covenants that have been approved by the City and to which the City is a party at interest; and

(3) That the use of the private park and/or open space is restricted to park and recreational purposes by the recorded covenants which run with the land in favor of the future owners of property within the tract and the City of Sand Springs and said covenants cannot be eliminated without the consent of owners of all property within the subdivision and the City Council; and

(4) That the proposed private park and/or open space adds value to the residential development or to the City as a whole and is suitable and reasonably adaptable for use for park and recreational purposes taking into consideration such factors as size, shape, topography, geology, access, trees, watercourses, historic sites and similar irreplaceable natural assets, and location; and

(5) That facilities proposed for park and open space are in substantial accordance with the provisions of the recreational element of the Comprehensive Plan and are approved by the City Council, and, further, that the installation, maintenance and replacement of any planned improvements is guaranteed to the satisfaction of the City of Sand Springs.

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APPENDIX

SECTIONS:

SUBDIVISION APPENDIX

TELEPHONE EXCHANGE INSPECTION FEE AND SERVICE CHARGE

NATURAL GAS FRANCHISE

TULSA CABLE TELEVISION PERMIT

ELECTRICITY FRANCHISE

CABLE TELEVISION SYSTEM MERGER AND CHANGE IN OWNERSHIP

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SUBDIVISION APPENDIX

OPTION TO REQUIRE DEDICATION OF PARKLAND IN-LIEU-OF PAYMENT OF THE PARK AND RECREATION FEE

As land is developed for residential use, the need for park land is created. In order to provide land for this need, there is hereby established, a procedure whereby land may be required in-lieu-of payment of a Park and Recreation Fee as otherwise described in the body of these Regulations. The administration of this optional procedure is as follows:

1. Applicability and Option to Require Dedication of Land.
 - a. All residential subdivision plats, having a dwelling unit density greater than one (1) dwelling unit per acre shall adhere to the provisions set forth in this Appendix if and only if it is determined by the City Council of Sand Springs based upon the recommendation and advice of the Park Board (as to the desirability of the tract) and the Planning Commission (as to the appropriateness of the intended land use), that the requirement for park land dedication shall be acceptable to the City of Sand Springs in-lieu-of payment of the Park and Recreation Fee.
 - b. All person, firms, or corporations subdividing land under the provisions of these Regulations for residential purposes within the incorporated boundaries of the City of Sand Springs shall, prior to the signing and release of the final plat and subject to other provisions hereinafter set out, dedicate land to be used for park and/or open space as an alternative to payment of a Park and Recreation Fee.
2. Standards for Park Land to be dedicated.
 - a. Each dedication shall be of suitable size, dimension, topography and general character, and have adequate road access for park and recreation purposes. The area to be dedicated shall be designated on the preliminary and final plat as "Public Park and Recreation Purposes." The location of the land to be dedicated shall be approved by the City of Sand Springs prior to the signing and release of the final plat.
 - b. The amount of land to be dedicated shall be determined on the basis of either one acre per one-hundred (100) dwelling units or five (5) percent of the area contained within the subdivision plat (excluding therefrom only streets and reserve areas) whichever is greater. All calculations of the area to be dedicated and the area in streets and reserve areas shall be initially provided by the subdivider for review by the City. The dedication requirements for multi-family development shall be based on the maximum number of dwelling units per acre as permitted by the existing zoning of the site, regardless as to what intensity the tract is developed.
 - c. Private parks may be accepted as credit toward the park land dedication option only when included within an approved Planned Unit Development and only upon approval of the City Council after review and recommendation by the Park Board and Planning Commission.

3. Location and Character of Land to be Dedicated.

a. Any land to be dedicated to meet the requirements of this section shall be suitable, reasonably located and adaptable for use as land for a park and recreation facility. Such determination shall be subject to the final approval of the City Council based upon the review and recommendation of the Park board and Planning Commission.

b. The City Council may require that the land to be dedicated to be located on the edge of the subdivision so additional land may be added to the tract at a future date.

c. Existing features which add value to residential development or to the City as a whole, such as trees, watercourses, historic sites and similar irreplaceable natural assets, shall be preserved in the design of the subdivision and be considered as land to be dedicated for park purposes.

4. Form of the Dedication of Park Land.

Land required for dedication under this optional procedure shall be conveyed by any of the following methods:

a. Be dedication within the plat filed for record in the of the County Clerk of Tulsa or Osage County; or

b. By warranty deed transferring the property in fee simple title to the City of Sand Springs; or

c. By credit for private park and/or open space.

Where a private park and/or open space for park and recreational purposes is provided in a proposed subdivision that is included within an approved Planned Unit Development and such area is to be privately owned and maintained by the future residents of the subdivision, these areas may be credited against the requirement for dedication of park land and/or open space as set forth in this appendix provided that the City Council, upon the review and recommendation of the Park Board and Planning Commission, finds it is in the public interest to grant such credit. The following standards must be met:

(1) That yards, setbacks and other open areas required to be maintained by the zoning and building regulations shall not be included in the computation of such private park and /or open space area; and

(2) That the private ownership and maintenance of said park area is provided for by recorded covenants that have been approved by the City and to which the City is a party at interest; and

(3) That the use of the private park and/or open space is restricted to park and recreational purposes by the recorded covenants which run with the land in favor of the future owners of property within the tract and the City of Sand springs and said covenants cannot be eliminated without the consent of owners of all property within the subdivision and the City Council; and

(4) That the proposed private park and/or open space adds value to the residential development or to the City as a whole and is suitable and reasonably adaptable for use for park and recreational purposes taking into consideration such factors as size, shape, topography, geology, access, trees, watercourses, historic sites and similar irreplaceable natural assets, and location; and

(5) That facilities proposed for park and open space are in substantial accordance with the provisions of the recreational element of the Comprehensive Plan and are approved by the City council, and, further, that the installation, maintenance and replacement of any planned improvements is guaranteed to the satisfaction of the City of Sand Springs.

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TELEPHONE EXCHANGE INSPECTION FEE AND SERVICE CHARGE

Sections:

- Section 1. Inspection Fee**
- Section 2. Fee in Lieu of Other Fees and Taxes**
- Section 3. Repeal**
- Section 4. Emergency**

SECTION 1. INSPECTION FEE.

That from and after the effective date of this ordinance there is hereby levied an annual inspection fee and service charge upon each and every person, firm and corporation operating a telephone exchange in the City of Sand Springs, Oklahoma, in an amount equal to two percent (2%) of the gross revenues for each current year for exchange telephone transmission service rendered wholly within the limits of the City of Sand Springs, to compensate said City for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulation and police control of the construction of lines and equipment of the telephone company in the City of Sand Springs. The said inspection fee and service charge shall be due and payable to the said City of Sand Springs on or before the 1st day of May, of each year, commencing with the 1st day of May 1937, and shall be paid into and appropriated and expended from the general revenue fund of said City.

SECTION 2. FEE IN LIEU OF OTHER FEES AND TAXES.

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

SECTION 3. REPEAL

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. EMERGENCY.

That an emergency exists for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect from and after its passage, approval and publication.

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Section 98.01.020 NATURAL GAS FRANCHISE

Sections:

- Section 1. Definitions**
- Section 2. Grant of Franchise**
- Section 3. Franchise Assignment, Sale or Lease**
- Section 4. Use and Repair of the Public Ways**
- Section 5. Regulation of Service**
- Section 6. Depth of Pipeline**
- Section 7. Duty to Move or Alter Lines**
- Section 8. Indemnification of Grantor**
- Section 9. Grantee' s Rules and Regulations**
- Section 10. Maintenance and Inspection of Records**
- Section 11. Consideration for Franchise: Franchise Fee**
- Section 12. Election Required**
- Section 13. Acceptance and Effective Date**
- Section 14. Right of First Refusal**
- Section 15. Severability**

SECTION 1. DEFINITIONS

As used in this Ordinance, the following words and phrases shall have the following meanings:

A. "Consumer" shall mean any individual person, corporation, company, partnership, firm, unincorporated association, trust, municipality or public corporation served by the Grantee through any use of the public ways.

B. "Distribution system" shall mean a system of works, pipes, pipelines, apparatus, machinery, structures, appliances and appurtenances as are reasonably necessary for the transportation, distribution or sale of gas to consumers.

C. "Franchise" shall mean the rights and privileges granted by Grantor to Grantee under Section 2A of this Ordinance.

D. "Grantee" shall mean the Oklahoma Natural Gas Company, a division of ONEOK Inc., a corporation, its successors and assigns.

E. "Grantor" shall mean the City of Sand Springs, Oklahoma, a municipal corporation.

F. "Gross cash receipts" shall mean cash, cash equivalents, or other considerations actually received by Grantee from a Consumer.

G. "Install, operate and maintain" shall mean to acquire, erect, construct, install, extend, repair, remove, relocate, replace, or otherwise operate and maintain.

H. "Public ways" shall mean any street, alley, avenue, boulevard, lane, park, parkway, sidewalk, driveway, utility easement, right of way, and any other public ways, places, areas, or grounds within the corporate limits of the City of Sand Springs as now constituted or as may be added or extended hereafter.

SECTION 2. GRANT OF FRANCHISE

A. The Grantor hereby grants to Grantee for the term of twenty-five (25) years from the passage of this Ordinance and the filing of a written acceptance by the Grantee, the right to enter upon the public ways to install, operate and maintain a distribution system along, across, over and under the public ways for the privilege of transporting, distributing and selling gas to consumers and the public generally within the corporate limits of the City of Sand Springs. The previous franchise held by Grantee shall be null and void from and after the acceptance of this new franchise by Grantee.

B. This Ordinance shall have the effect of and shall be a contract between Grantor and Grantee and shall be the measure of the rights and liabilities of Grantor as well as Grantee.

C. The franchise granted by this Ordinance is not exclusive and nothing herein shall be construed to divest the Grantor of its control and regulation of the public ways.

SECTION 3. FRANCHISE ASSIGNMENT, SALE OR LEASE

A. Grantee shall not have the right to assign, sell, lease, or otherwise transfer in any manner whatsoever either the rights and privileges granted under this Ordinance or the distribution system installed, operated and maintained hereunder, except as hereinafter provided. Any assignment, sale, lease, or other transfer by the Grantee of the franchise granted herein or the distribution system installed, operated and maintained hereunder shall be a breach of this franchise by the Grantee, ineffective and void unless:

- (1) The proposed assignment, sale, lease or transfer shall be in writing; and
- (2) The prospective assignee, buyer, lessee or other transferee shall agree in writing to accept and become responsible for full performance of all conditions, covenants, obligations, and liabilities contained in this Ordinance; and
- (3) Such writing shall be submitted to the City Clerk in writing and approved by the City Council of the City of Sand Springs.

This Section 3A shall not apply to any lease or other arrangement which is in full compliance with the provisions of Section 3B hereof. This Section 3A shall not apply to any use of any portion of Grantee's distribution system for the transportation, distribution or sale to any consumer purchasing, receiving and using natural gas outside the corporate limits of the City of Sand Springs.

B. After the operative date of this Ordinance, Grantee shall not have the right to enter into or continue to operate pursuant to any lease of capacity in any portion of its distribution system or to enter into or continue any arrangement by which natural gas owned by any party other than Grantee shall be transported, distributed or sold through any portion of Grantee's distribution system for delivery to any consumer within the corporate limits of the City of Sand Springs, unless Grantee is specifically authorized to conduct such transactions by written document signed by the Mayor and approved by the City Council of the City of Sand Springs. Absent such written permission, the following shall be required:

- (1) The lessee or other party transporting the gas shall have obtained a license from the Grantor for use of the public ways in connection with such transportation, distribution or sale of gas; and

(2) Grantee, if requested by Grantor, shall agree to act as Grantor's agent to collect from the lessee or other party transporting the gas, any and all fees paid pursuant to such license, and to remit such fees so collected, to Grantor on a monthly basis; and

(3) All volumes transported, distributed or sold through Grantee's distribution system for delivery to any consumer within the corporate limits of the City of Sand Springs pursuant to any such lease or arrangement shall be reported by Grantee to Grantor on a monthly basis.

Termination of operations pursuant to any lease or other arrangement is existence on the effective date of this Ordinance, but not in compliance with this Section 3B shall be effected by Grantee only upon written notice by Grantor to Grantee.

SECTION 4. USE AND REPAIR OF THE PUBLIC WAYS

A. Grantee's distribution system shall be erected, placed, laid or otherwise installed, operated and maintained in such a manner as will, consistent with reasonable necessity, least interfere with other public uses of the public ways.

B. Before Grantee shall excavate or disturb the surface of any public way, except in the case of emergency, at least forty-eight (48) hours notice shall be given to the City Engineer or other proper authority designated in writing by the Grantor. After such excavation or disturbance the Grantee shall, with due diligence and dispatch place the public ways in a condition in compliance with the Grantor's reasonable standards and specifications.

C. Upon Grantee's failure to commence or complete any construction, maintenance or restoration work required by this ordinance with due diligence and dispatch, the Grantor may cause such work to be done after written notice to Grantee, given so as to afford Grantee an opportunity to commence and complete such work within a reasonable time. The cost of such construction, maintenance or restoration incurred by Grantor upon Grantee's failure shall then be charged and collected from the Grantee.

D. Grantor reserves the right to make and enforce reasonable regulations concerning the construction, operation and maintenance of Grantee's distribution system located along, across, over, or under the public ways and to reasonably designate where the distribution system's works and pipelines shall be placed.

E. Nothing in this ordinance shall be construed to authorize Grantee to lay any main gas line in any city park without obtaining an easement, right-of-way or other special permission.

SECTION 5. REGULATION OF SERVICE

A. The distribution system of the Grantee shall at all times be installed; operated and maintained in such condition as will enable the Grantee to furnish adequate and continuous service as required by the orders, rules and regulations of the Corporation Commission of Oklahoma or other regulatory authority having jurisdiction.

B. In the event that the Corporation Commission of Oklahoma or other state regulatory authority should be deprived of the authority to regulate Grantee, then

Grantor shall have the authority to set rates, terms and conditions of service for transportation, distribution or sale of natural gas by Grantee within the corporation limits of the City of Sand Springs.

C. Upon application by any bona fide applicant for service, Grantee shall at its own expense, but subject to the applicable regulations of the Oklahoma Corporation Commission, furnish and install service pipe of suitable capacity to the property line or other delivery point agreed to between Grantee and the property owner with respect to property abutting upon any public way.

SECTION 6. DEPTH OF PIPELINE

A. After the operative date of this franchise, Grantee's main or lateral lines installed, replaced or repaired in public ways shall be installed or replaced at depths which comply with all applicable state and federal rules and regulations establishing minimum safety standards for the design, construction, maintenance and operation of pipelines. Depth shall be measured from the lower of existing grade or proposed future grade as set forth on plans or other specifications existing at the time such lines are installed or replaced.

B. Subject to Corporation Commission rules and regulations, Grantee shall maintain and repair company-owned service lines, whether or not such service lines lie on public or private property. Placement of gas meters shall be in accordance with Corporation Commission Rules No. 7 and 8 and Commission Order No. 334855 exempting Oklahoma Natural Gas on Rule 8(b) or successor regulations.

SECTION 7. DUTY TO MOVE OR ALTER LINES

A. Grantor reserves the right to lay or permit to be laid cables, electric conduits, water, sewer, gas or other pipelines and to do or permit to be done any underground work deemed necessary and proper by the Grantor, along, across, over or under the public ways. In permitting such work to be done the Grantor shall not be liable to the Grantee for any damages so occasioned nor shall the Grantor in doing such work be liable to the Grantee for any damages not willfully and unnecessarily occasioned.

B. Whenever by reason of establishing a grade or changes in the grade of any street or in the location or manner of construction of any public way, cables, electric conduits, water, sewer, gas or other underground structures, it shall be deemed necessary by the Grantor to alter, change, adapt or conform the distribution system of the Grantee, such alterations or changes shall be made within a reasonable time by the Grantee, as ordered in writing by the Grantor, without claim for reimbursement or compensation for damages against Grantor.

C. If Grantor shall require the Grantee to adapt or conform its distribution system, or in any way to alter, relocate or change its property to enable any other person, firm or corporation or entity (whether public or private), other than the Grantor, to use the public ways, the Grantee shall be reimbursed by the person, firm, corporation or entity desiring or occasioning such alteration, relocation or change for any and all loss, cost or expense occasioned thereby.

D. "Person", "firm", "corporation", and "entity" as used in the preceding Section 7C shall not include regular departments of the Grantor, or any trust or authority formed by or for the benefit of Grantor for public utility purposes, but shall include any

other agency or authority of the City of Sand Springs, whether acting in a governmental or non-governmental capacity, including, but not limited to, any urban renewal authority, or any other agency or authority, which as a part of its program clears whole tracts of land within the city limits and relocates citizens for the purpose of urban development or similar aims.

SECTION 8. INDEMNIFICATION OF GRANTOR

The Grantee shall indemnify, become responsible for and forever save harmless the Grantor from any and all damages, judgments, reasonable costs and expenses, including attorney fees, which the Grantor may suffer or incur, or which may be legally obtained against the Grantor, for or by reason of the negligent use, repair or occupation of any public way within the corporate limits of the City of Sand Springs by the Grantee pursuant to the terms of this Ordinance or resulting from the negligent exercise of the Grantee of any of its privileges or by reason of its carrying on its business in said City; provided, however, that in the event of such claim or claims being prosecuted against the Grantor, the Grantee shall have the right to defend against the same, and to settle or discharge same in such manner as it may see fit, and the Grantor shall give prompt written notice to the Grantee of the presentation or prosecution of such claims.

SECTION 9. GRANTEE'S RULES AND REGULATIONS

The Grantee shall have the right to make and enforce such reasonable rules and regulations as it may deem necessary for the extension of its facilities, the sale of its gas and the prudent conduct of its business, provided that such rules and regulations shall neither be in conflict with the laws of the State of Oklahoma, with the orders, rules or regulations of the Corporation Commission of Oklahoma or other regulatory authority having jurisdiction, nor with the ordinances and regulations of the Grantor insofar as they are consistent with the jurisdiction of the Corporation Commission of Oklahoma or such other regulatory authority.

SECTION 10. MAINTENANCE AND INSPECTION OF RECORDS

A. Grantee shall at all times make and keep full and complete plats, maps and other records showing the nature, location and size of all elements comprising Grantee's distribution system within the corporate limits of the City of Sand Springs.

B. Grantee agrees to maintain an office in the City of Sand Springs in which to keep all books, papers and records kept in the ordinary course of business and pertaining to the gas business carried on by it in the City of Sand Springs, for the purpose of affording Grantor the opportunity to enforce the terms of this Ordinance and particularly to collect its franchise fee.

C. Grantee shall permit Grantor to inspect and audit during regular business hours the relevant books, records, plats and maps kept by Grantee pursuant to this Section.

SECTION 11. CONSIDERATION FOR FRANCHISE: FRANCHISE FEE

A. In consideration for the rights and privileges enjoyed under the franchise, Grantee agrees to pay Grantor, as a franchise fee, a sum equal to three percent (3%) of Grantee's gross cash receipts from the transportation, distribution, or sale of gas for

domestic, commercial or industrial consumption within the corporate limits of the City of Sand Springs. Such fee so levied shall be in lieu of all other franchise, license or occupation taxes or fees, which may be levied or attempted to be levied by Grantor.

B. Grantee's franchise fee shall be payable monthly on or before the 25th day of each month, on its gross cash receipt of the preceding calendar month.

C. Should Grantee accept any franchise from any city in the State of Oklahoma and Grantee's service territory, and should such franchise provide for the payment of compensation to such city at a rate in excess of three percent (3%) of the gross cash receipts from the transportation, distribution or sale of gas for a specific class of service, whether domestic, commercial or industrial, then, at Grantor's option, such increased rate shall likewise apply to the same class of service furnished in the City of Sand Springs, and the Grantee shall thereafter pay to the City of Sand Springs the amount arising from the increased rate, at Grantor's option.

SECTION 12. ELECTION REQUIRED

This ordinance shall not become effective until it shall be approved by a majority of the qualified electors voting thereon residing within the corporate limits of the City of Sand Springs at an election called for that purpose, and a special election is hereby called for the purpose of submitting to the qualified electors residing in said City of Sand Springs, the question of approval or disapproval of this Ordinance, which election shall be held on the 7th day of August, 1990, between the hours prescribed by law. The Mayor of the City of Sand Springs is hereby authorized and directed to issue a proper and lawful call and proclamation of such special election to be held on such date as aforesaid for said purpose, and the executive officers of said City are hereby directed to give due and lawful notice of such election and submission of said question to the electors of said City, prescribing in said proclamation and notice of the proposition to be voted upon, the time of opening and closing the polls, the number and location of the polling places and the names of the precinct election officers who shall conduct said election, and all other things prescribed by law, or the ordinances of the City of Sand Springs, Oklahoma.

SECTION 13. ACCEPTANCE AND EFFECTIVE DATE

In the event this Ordinance is approved by a majority vote of said electors voting thereon at said election, the Grantee shall file with the City Clerk of said City of Sand Springs within ten (10) days after the official canvass of the votes and declaration by the City Council of the results thereof, a written acceptance. This Ordinance shall become operative on the date of filing of such acceptance.

SECTION 14. RIGHT OF FIRST REFUSAL

A. Grantee agrees to grant to Grantor the right, option, and privilege of purchasing Grantee's distribution system located within the corporate limits of the City of Sand Springs for the identical price, and upon the identical terms and conditions at which Grantee desires to sell such system to any third party not affiliated with Grantee. Grantee agrees to forward by registered mail to the Mayor of Sand Springs notice in writing of any offer for purchase of such system which Grantee wishes to accept,

together with a copy of the offer or an exact report of the details thereof and the name and address of the offeror; and Grantee further agrees that it will not sell or convey any part of such system until it has complied with the requirements of this provision and Grantor has refused or failed to purchase said system within sixty (60) days of the day on which Grantor received such notice. In the event an offer of any third party covers the purchase of more than the distribution system of Grantee located within the City of Sand Springs and a price is not specified by the third party for the Sand Springs distribution system alone, this option agreement shall be void with respect to such offer.

B. This option agreement shall continue in force and effect for the term of this ordinance and shall expire upon the expiration of said term or upon the effective date of any other franchise agreement between Grantor and Grantee, whichever first occurs.

SECTION 15. SEVERABILITY

If any section of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof.

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Section 98.01.030 TULSA CABLE TELEVISION PERMIT

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Section 100. Short Title

This Chapter shall be known and may be cited as the "Tulsa Cable Television Permit Ordinance".

Section 101. Definitions

For the purposes of this Permit, the following terms, phrases, words and their derivation shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not directory.

A. Affiliate. Any Person who owns or controls, is owned or controlled by, or is under common ownership or control with Grantee.

B. Basic Cable Service. Any service tier which includes the retransmission of local television broadcast signals and includes educational and government access channels.

C. Cable Act. The Communications Act of 1934, as amended by the Cable Television Consumer Protection and Competition Act (Public Law No. 102-385, 1992) and as the same may hereafter be amended.

D. Cable Channel or Channel. A portion of the electromagnetic frequency spectrum which is used in a Cable Television System and which is capable of transmitting a television channel as defined by the FCC.

E. Cable Service. The one-way transmission to Subscribers of video and audio programming or other programming services and Subscriber interaction, if any, which is required for the selection of video and audio programming or other programming services provided through electric or electronic signals, or which utilizes any facility or equipment of the Cable System.

F. Cable Television System or Cable System or System. Facilities consisting of antennae, coaxial cables, fiber optic cables, wave guides, conductors or other closed transmission paths and associated signal generation, reception and control equipment, and other equipment designed to provide Cable Service or Other Lawful Service to Subscribers and users.

G. City. The City of Sand Springs, Oklahoma, a municipal corporation in its present incorporated form or in any other reorganized or changed form.

H. Completion of System Rebuild. The reconstruction and upgrade of the Cable System or part thereof as required by Section 113 hereof, including above and underground trunk and feeder cables, amplifiers, power supplies, connectors, splitters and tap installations, headend and hub rebuild or upgrade and any and all other construction necessary for the Cable System or part thereof to be ready to deliver Cable Service to Subscribers.

I. Council. The City Council of the City or any body constituting in the future the legislative body of the City.

J. FCC. The Federal Communications Commission or its successor.

K. Fiber Trunk Cable. Any part of the Cable System which utilizes fiber optic cable for the purpose of transmitting video, audio or other lawful signals.

L. Grantee. Tulsa Cable Television, Inc., now doing business as TCI Cablevision of Tulsa or its lawful successor, transferee or assignee.

M. Gross Operating Revenues. Any and all fees, charges, cash, credits, property of any kind or nature, consideration, compensation or receipts derived directly or indirectly by Grantee, it's Affiliates, subsidiaries, parents, or arising from or attributable to the operation of the Cable Television System, except that the term shall not include:

1. The amount of any refunds, corrective billing credits or other re-payments made to Subscribers or users;

2. Any taxes on service furnished by Grantee, imposed directly or indirectly on any Subscriber or user by any municipal corporation, political subdivision, state or other governmental unit and collected by Grantee for the governmental unit;

3. Receipts for the sale or transfer of tangible property;

4. Receipts for the sale or transfer of the system;

5. Receipts from the installation or reconnection of Cable Service, the transfer of an existing connection, the moving of a cable television outlet, or other non-recurring charges to a Subscriber or user for technical or installation services; and,

6. Charges, credits, compensation, or payments on a commercially reasonable basis to an Affiliate, subsidiary or parent for services rendered to Grantee.

N. Other Lawful Service. Any service other than Cable Service provided through electric or electronic signals or which utilizes any facility or equipment of the Cable System.

O. Person. An individual, corporation, partnership, association, joint stock company, trust corporation or governmental entity.

P. Permit. The rights and privileges granted by City to Grantee to construct, operate, maintain and upgrade a Cable Television System utilizing Public Ways within the corporate limits of the City of Sand Springs, Oklahoma, for the purpose of offering Cable Service or Other Lawful Service to Subscribers.

Q. Public Way. The surface of and the space above and below any public street, highway, freeway, bridge, alley, court, boulevard, sidewalk, parkway, way, lane, drive, circle or other public right-of-way, including but not limited to, public utility and communication easements, dedicated utility strips or rights-of-way dedicated for compatible public uses, and any temporary or permanent fixtures or improvements located within or held by City in the Service Area which entitles City or Grantee to its use for the purpose of installing, operating, repairing and maintaining the Cable Television System.

R. Service Area. The present corporate limits of the City and any additions caused by annexation or other lawful means.

S. State-of-the-art. The most current technology which is economically feasible, has been performance tested and is commonly accepted by industry standards for cable television systems or comparable size.

T. Subscriber. Any Person lawfully receiving Cable Service or Other Lawful Service from the Cable Television System.

U. System Rebuild. The reconstruction and upgrade as required by Section 112 hereof of the Cable Television System existing in the Service Area utilizing fiber optic cable and technology which is the State-of-the-art as of the date of the approval of this Permit.

Section 102. Grant of Permit

A. City hereby grants to Grantee a Permit to enter upon the Public Ways to install, construct, operate, maintain, rebuild and upgrade in, upon, along, across, above and under the Public Ways a Cable Television System for the purpose of providing Cable Service and Other Lawful Services to Subscribers subject to the terms, conditions and provisions contained in this Permit, the Charter and applicable laws and regulations of Oklahoma and the United States of America.

B. This Permit shall be the measure of the rights, privileges and liabilities of City as well as the Grantee. In any court proceeding involving any claim against the City or other governmental entity, or any official, member, employee, or agent of the City or entity, arising from the regulation of the Cable Service or from a decision of approval or disapproval with respect to a grant, renewal, transfer, or amendment of this Permit, any relief, to the extent such relief is required by any provision of federal, state, or local law, shall be limited to injunctive relief and declaratory relief.

C. This Permit shall not be exclusive and nothing herein shall be construed to divest City of its control and regulation of the Public Ways.

Section 103. Rules of Grantee

The Grantee shall have the authority to promulgate and enforce such reasonable rules, regulations, terms and conditions governing the conduct of its business as it shall deem necessary to enable Grantee to exercise its rights and perform its obligations under this Permit and to assure uninterrupted Cable Service to each and all of its Subscribers. Such rules, regulations, terms and conditions shall not be in conflict with the provisions of this Permit, the rules and regulations of the FCC or any other body having lawful jurisdiction. The rules of Grantee shall become effective only upon or after, if a later effective date is specified therein, the filing of copies of such rules with the City Clerk and the Secretary to the Council.

Section 104. Service Standards

Grantee shall maintain and operate the Cable System and render efficient Cable Service in accordance with such rules and regulations as shall be promulgated by the FCC. Wherever it is necessary to interrupt Cable Service for the purpose of making repairs, adjustments or installments, Grantee shall do so at such time as will cause the least inconvenience to Subscribers, and unless necessary, Grantee shall give reasonable notice to Subscribers.

Section 105. Regulation by City

A. Grantee in the installation, maintenance and operation of the Cable Television System shall, at all times, be subject to the terms and provision of the general ordinances of the City and to the lawful exercise of the police power of the City.

B. Grantee shall be subject to the lawful exercise by City of all other powers, functions, rights, privileges and immunities of regulation of the Cable System, Cable Service or Other Lawful Service granted or delegated to City by the Charter, by the Constitution and the laws of Oklahoma or the laws and regulations of the United States of America.

Section 106. Use of System by City

A. City shall have the right, at no cost, to locate equipment upon and make attachments to the Cable Television System owned by Grantee in connection with City systems. Attachments shall be installed and maintained in accordance with the requirements of the Electrical Code of City and only after written notice to Grantee. Upon request by City, Grantee agrees to construct attachments to the System for exclusive use by the City, its departments, boards, authorities, commissions and agencies for governmental purposes, other than the operation of a Cable Television System at the incremental cost of such attachments at the time of construction. Grantee shall assume no liability or expense in connection with any City attachment to or use of the Cable Television System. City use shall be in such manner as not to interfere with the use and maintenance of the Cable Television System by the Grantee.

B. City, in its use and maintenance of such equipment and fixtures, shall at all times comply with the rules and regulations of Grantee in order that there be a minimum danger of contact or conflict between the equipment and fixtures of Grantee and the equipment and fixtures used by City.

C. City shall be solely responsible and save Grantee harmless for all claims and demands for damages to Persons or property arising out of the use by the City of the Cable Television System.

Section 107. Conditions on Use of Public Ways

A. All transmission and distribution structures, lines and equipment erected by Grantee within the Service Area shall be located so as not to obstruct or interfere with the property use of the Public Ways and other public places, and to cause minimum interference with the rights of property owners who abut any of the Public Ways and places, and not to interfere with existing public utility installments. In all areas of the Service Areas where all cables, wires or other like facilities of public utilities are placed underground, Grantee shall place its cables, wires, or other like facilities underground to the maximum extent existing technology reasonably permits by a method approved by City's Department of Public Works. Upon request, Grantee shall furnish to and file with City maps, plats and permanent records of the location and character of all facilities constructed including underground facilities. Such maps, plats, and permanent records shall be updated as required by City.

B. In case of any disturbance of pavement, sidewalk, driveway or other surfacing, Grantee shall, at its own expense, replace and restore all paving, sidewalk, driveway or other surface of any Public Way disturbed in accordance with the standards and specifications of the City.

C. If at any time during the period of this Permit City shall elect to alter or change the grade or location of the water line, sewer line, street, alley or other Public Way, Grantee shall, upon reasonable notice by City, remove and relocate its poles, wires, cables, conduits, manholes and other fixtures at its own expense, and in each instance comply with the standards and specification of the City.

D. Grantee shall not place poles, conduits, or other fixtures above or below ground where the same will interfere with any gas, electric, telephone fixtures, water hydrant or other utility, and all such poles, conduits or other fixtures placed in any Public Way shall be so placed as to comply with all requirements of the City.

E. Grantee shall, on request of any Person holding a house moving permit issued by City, temporarily move its cables, equipment or fixtures to permit the moving of buildings with the expense of such temporary removal to be paid by the Person requesting the same. Grantee shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary changes.

F. Grantee shall have the authority to trim any trees upon and overhanging the Public Ways of City so as to prevent the branches of trees from coming in contact with the equipment and cables of Grantee, except that at the option of City such trimming may be done by City, or under its supervision and direction, at the expense and liability of Grantee and other franchise and permit grantees.

G. City shall not be liable to Grantee for any injury to Grantee's Cable Television System caused by any City employee while performing emergency repairs

within the Public Ways. In all other circumstances when City employees negligently injure Grantee's Cable System, City shall only be liable to Grantee for the Grantee's actual cost of materials, equipment and labor necessary to effect repairs, with no allowance for interruption to service or loss of revenues, subject to any applicable limits of liability established by the Oklahoma Governmental Tort Liability Act. Grantee, no later than January 1 of each year, shall file with the City Clerk a schedule of the current cost of materials, equipment and labor necessary to make repairs.

Section 108. Erection, Removal and Joint Use of Poles

A. No poles, conduits or other structures shall be erected or installed by Grantee without prior approval of City with regard to location, height, type and other pertinent aspects. Grantee shall not have a vested right to retain the location of any pole, conduit or structure installed by Grantee. Such poles, conduits or structures shall be removed or modified by Grantee at its own expense when necessary for the convenience of City.

B. Where poles, conduits or other structures of any public utility company are available for use by Grantee, City may require Grantee to use such poles, conduits and structures if the permission and consent of such public utility company may be obtained by Grantee and if the terms of the use available to Grantee are just and reasonable.

C. Where a public utility serving City desires to make use of the poles, conduits or other structures of Grantee but an agreement with Grantee cannot be reached, City may require Grantee to permit such use for such consideration and upon such terms as the Council shall determine to be just and reasonable if the use would not unduly interfere with use of the Cable Television System.

D. Where City owned utility poles are available for use by Grantee, Grantee shall pay City the same pole rental per annum as paid by Grantee for the use of poles owned by public utilities.

Section 109. Permit Fee

A. Grantee shall pay to City as compensation for the rights and privileges enjoyed under this Permit an annual fee on a calendar year basis equal to five percent (5%) of the Gross Operating Revenues from the Cable System in the Service Area. The fee, together with any accumulated interest, shall be payable monthly on or before the 45th day after the end of each month on Gross Operating Revenues received for that month. If the payment is not timely made, interest upon any unpaid portion shall accrue at the rate of one and on-half percent (1.5%) per month until paid.

Grantee shall file a complete and accurate verified statement of all Gross Operating Revenues within the Service Area during the Operating Revenues within the Service Area during the period for which the monthly payment is made and an annual statement of such Gross Operating Revenues, verified by the Grantee's external certified public accountant, within sixty (60) days after the end of each calendar year. Grantee's first annual statement shall include the months of the calendar year that preceded the first month in which this Permit is effective. If Grantee fails or refuses to pay such fee, City may maintain an action against Grantee for the amount of such fee and interest and all expenses of collecting same, including reasonable attorneys fee.

B. If permitted by federal law, in the event Grantee or an Affiliate accepts a franchise, permit, license, authorization or other agreement of any kind with any municipal corporation or other governmental subdivision wholly or partially within Tulsa County, Oklahoma, for the purpose of constructing or operating a Cable System or providing Cable Services to any part of a city or other governmental subdivision which provides for the payment as compensation for the rights and privileges enjoyed thereunder of an annual fee in excess of five percent (5%) of the Gross Operating Revenues from governmental subdivision, then this Permit shall be deemed amended as of the effective date of the other franchise, permit, license, authorization or other agreement and Grantee shall thereafter pay to City as compensation for the rights and privileges enjoyed hereunder an annual fee equal to the same percentage of Gross Operating Revenues in the Service Area as is paid by Grantee under such other franchise, permit, license, authorization or other agreement.

Section 110. Rates to Subscribers

Subject to the provision of the Constitution and laws of the United States of America, the Cable Act and the Constitution and laws of Oklahoma, and the provisions of the Code of Ordinances of the City of Sand Springs, Oklahoma, the Council may regulate the rates of Grantee of the Basic Cable Service to be furnished by Grantee under this Permit. No rates shall be adopted or changed by the Council except after notice to the public and to Grantee and after a public hearing.

Section 111. Liability of Grantee, Insurance and Indemnification

Grantee shall defend and hold City harmless from all loss sustained by City by reason of any suit, judgment, execution, claim or demand resulting from the construction, operation or maintenance by Grantee of the Cable Television System in the Service Area. Grantee shall maintain in full force and effect for the term of this Permit, at Grantee's sole expense, a general comprehensive liability insurance policy, in protection of City, the Council, the City officers, boards, commissions, agents and employees, issued by a company protecting City and all Persons against liability for loss or damage for personal injury, death and property damage occasioned by the operations of Grantee under this permit in the minimum amount of three million dollars (\$3,000,000.00); provided, if the maximum liability of City under the Oklahoma Governmental Tort Liability Act should be increased to more than three million dollars (\$3,000,000.00), the amount of liability insurance required hereunder shall be increased to that amount. Grantee shall file with the City Clerk certificates of the insurance required hereunder in a form satisfactory to the City Attorney.

Section 112. System Rebuild

The Cable Television System now owned and operated by Grantee within the Service Area provides a maximum of forty (40) video channels and consists of coaxial cables, amplifiers, conductors and other equipment and facilities which represented the State-of-the-art at the time of construction. Upon acceptance of this permit, and in reliance thereon, Grantee, in accordance with Section 113, shall rebuild and upgrade

the Cable Television System utilizing fiber optic cables, coaxial distribution cables and State-of-the-art technology. Upon completion of the System Rebuild, the System shall have an available Channel capacity of at least seventy-two (72) video channels.

Grantee shall not charge a Subscriber any direct fee or assessment for the System Rebuild, including the upgrade of drops required for service to a subscriber.

Section 113. System Rebuild Schedule and Extension

A. Grantee shall review the System Rebuild's design and schedule with City in order that City may elect to make attachments to the System during construction. Construction of the System Rebuild shall be completed by February 2, 1999.

B. Construction of the System Rebuild shall provide for upgraded Cable Service to all residences and properties in developed areas within the corporate limits of the City. Thereafter, the System shall be extended and Cable Service provided to any area where there are then existing thirty-five (35) homes within one (1) mile of the existing Cable System or ten (10) homes within one-quarter (1/4) miles of the existing Cable System. In other areas, Grantee may charge for extension of the Cable System based upon the cost of labor and materials.

C. The time for Completion of the System Rebuild may be extended or excused by the Council for any period during which Grantee experience delays or interruptions due to circumstances reasonably beyond it's control including, but not limited to, necessary utility changes or re-arrangements, governmental or regulatory restrictions or requirements, major strikes, litigation, lock-outs, war (declared or undeclared), national emergency, economic conditions, fire, earthquakes and acts of God.

Section 114. Operational Standards

A. Grantee shall maintain and operate the Cable System so as to provide video, audio and other signals to be delivered with signal strength and quality levels which meet the parameters specified by the FCC and any other normally accepted industry standards. Grantee shall construct the System Rebuild and operate and maintain the System in a manner consistent with all ordinary care and all applicable laws, ordinances, construction standards, and FCC technical standards. Upon request, Grantee shall provide City a report of the results of any FCC required proof of performance test conducted by Grantee.

B. Grantee shall maintain equipment capable of providing standby battery owner for trunk amplifiers for a minimum period of four (4) hours.

C. Grantee shall, as part of the System Rebuild, provide capacity for interactive services which may be added to the System as such services become technically and economically feasible.

D. Grantee may interconnect the Cable Television System within the Service Area with cable television systems owned or operated by Grantee within adjacent cities.

E. Upon request, Grantee shall provide Subscribers with a parental control locking device or digital code capable of blocking or otherwise preventing a television set from receiving a Channel or audio signal, for which Grantee imposes a separate charge.

F. Under normal operating conditions, each of the following standards shall be met no less than ninety-five percent (95%) of the time on an annual basis:

1. Standard installations shall be performed within seven (7) business days after an order has been placed; and,

2. Except when beyond the control of Grantee, Grantee shall respond to Cable Service interruptions promptly and in no event later than twenty-four (24) hours.

G. Grantee shall establish procedures for receiving, acting upon and resolving Subscriber complaints which shall be subject to the approval of the City Council.

H. City shall notify Grantee in writing of any complaint from Subscribers or of any failure of Grantee to comply with the terms and conditions of this Permit. Grantee, upon receipt of such notice, shall promptly investigate the complaint and take such action as is necessary to provide Cable Service to Subscribers and to operate the System as required.

Section 115. Services to Subscribers

A. Grantee shall provide to Subscribers as a part of its Basic Cable Service local television broadcast signals as required by the Cable Act and FCC regulations subject to obtaining the consent of the local broadcast stations as required by law, and educational and public affairs programming including local educational and governmental programs.

B. Upon completion of the System Rebuild, Grantee shall offer to Subscribers programming on at least fifty (50) video channels including the video channels offered as a part of the Basic Cable Service.

C. Grantee shall provide audio services.

D. Upon request, and at a reasonable charge, Grantee shall provide to Subscribers an input selector switch to permit broadcast television reception from an antenna.

Section 116. Governmental and Educational Uses

A. Until the completion of the System Rebuild, Grantee shall provide to state accredited public, private and parochial schools and institutions of higher learning in the Service Area for educational services at no cost to the school or institution one (1) free service outlet to the Cable Television System to all public, private and parochial schools and institutions of higher learning, with additional service outlets to be provided at the cost of labor and materials, and with no monthly service charge for service outlets or for services which are not offered on a premium or pay-per-view basis.

Grantee shall provide maintenance, at no cost, of cables, amplifiers and other distribution equipment owned by Grantee and used for educational programming, and shall provide, at no cost, technical assistance required for the use of Channels for educational use.

B. Upon Completion of the System Rebuild, Grantee shall provide for governmental and educational use and for networking among governmental or educational users, at no cost to such users, the following:

1. One (1) Channel on the System for the exclusive use of Sand Springs School District of Tulsa County, Oklahoma, lying within the corporate limits of Grantor or outside the corporate limits of Grantor and not within the corporate limits of an adjoining community if in the referenced school district as well as within an area served by Grantee;

2. One (1) Channel on the System for the exclusive use of Tulsa Junior College;

3. One (1) Channel on the System for shared use, under the coordination of Independent School District Number One of Tulsa County, Oklahoma, for the exclusive use of Independent School District Number One of Tulsa County, Oklahoma, and Tulsa Junior College, and other state accredited elementary and secondary schools within the Service Area and service areas of other cable television systems owned by the Grantee and interconnected with the Cable System within Tulsa County, which develop, staff and operate facilities and equipment to provide programming on a continuing basis; and,

4. Three (3) Channels on the System for joint and cooperative use by the City, other cities which have granted the Grantee a permit or franchise to provide Cable Service and are interconnected with the Cable Television System, state accredited elementary and secondary schools and institutions of higher learning within the Service Area, and service areas of other cable television systems owned by the Grantee and interconnected with the Cable System, including Independent School District Number One of Tulsa County, Oklahoma, and Tulsa Junior College.

If potential users are unable to agree on the allocation of Channels provided in this subsection B.4 and subsection D. of this section, the Council may promulgate rules, regulations and procedures governing the allocation of governmental and educational use Channels. The Council shall resolve any disputes between any user of the Channels and shall approve all allocations of educational and governmental Channels provided in this subsection B.4 and subsection D. of this Section.

C. Grantee shall provide one (1) free service outlet to the System with additional service outlets to be provided at the cost of labor and materials, and with no monthly service charge for service outlets or for services which are not offered on a premium or pay-per-view basis for each state accredited school and institution of higher learning for the Channels allocated for educational use. Grantee shall provide, at no cost, connections for video origination from the Sand Springs School District Administration Building and, upon Completion of the System Rebuild, from one point at each institution of higher learning. Grantee shall provide, at no cost, connections for governmental video and audio origination from City Hall. Upon request from a governmental or educational user, Grantee shall provide, at the direct cost to the Grantee of labor and materials, additional connections for video origination from other points. Grantee shall maintain, at no cost, cable television Channels used for governmental and educational use and shall provide, at no cost, technical assistance required for the use of Channels for governmental and educational use.

D. Grantee shall have the right to temporarily use any unused portion of the Channel allocated under subsection B.4 and subsection D. of this Section for governmental and educational use which is not being fully utilized, as defined herein, provided such use shall not interfere with any educational or governmental use. If the

Channels provided under this Section for governmental and educational use are being fully utilized, Grantee shall provide at no cost to the user for additional governmental and educational use the first Channel added to the Cable Television System above the seventy-two (72) Channels which shall be available upon Completion of the System Rebuild. Thereafter, Grantee shall provide at no cost to the user for governmental and educational use the first Channel added to the Cable Television System above eight-four (84) Channels, above ninety-six (96) Channels, above one hundred and eight (108) Channels, and added to the Cable Television System. Use of such additional Channels shall be allocated as provided in subsection B.4 of this Section. Generally, a Channel shall be considered as being fully utilized if more than an average of forty-eight (48) hours per week over a six (6) month period of programming other than character generated programming is offered. School terms, seasonal and special concerns shall be considered in determining whether a Channel is fully utilized. If a Channel allocated shall have the right to require the return of the Channel or portion thereof by a written statement to Grantee that the institution is prepared to fully utilize the Channel or portion thereof in which event the Channel or portion thereof shall be returned to such institution within three (3) months after receipt by Grantee of the statement.

E. Grantee shall not make any separate or premium charge to a Subscriber for access to educational or governmental Channels.

F. All Channels allocated for governmental and educational use shall be of the same quality as the Channels on the Cable System for Cable Service. All Channels allocated for educational use shall be available to Subscribers in the Service Area and the service areas of other cable television systems interconnected with the Cable System.

G. When a Channel allocated for governmental or educational use has been assigned a Channel number or position by the Grantee, such Channel number or position shall not be changed until at least six (6) months written notice has been given to the user of such channel.

Section 117. Services to City

Grantee shall provide the following services to City:

A. Channel space as provided in Section 116 at no charge for the dissemination of information to the public;

B. A service outlet, at no cost to City, to each City facility within the Service Area including, but not limited to, City Hall, the Community Center, fire stations, public libraries, City-County Health Department, William Pogue Municipal Airport, Police and Fire Training Centers, recreation centers, and maintenance facilities. Additional service outlets shall be provided at the cost of labor and materials with no monthly service charge for connections, service outlets or non-premium services; and,

C. A means of simultaneously interrupting all Channels other than local broadcast Channels on the Cable Television System to present emergency audio and, upon Completion of the System Rebuild, moving character generated video messages by local public safety, civil defense and other public officials. Grantee shall install City purchased equipment, at no cost to City, in the City Hall, for the use of the emergency information system.

Section 118. Compliance and Monitoring

A. Grantee will provide written notification to the City prior to offering any other Lawful Service and Grantee shall file with the City a copy of its authority to provide such service, if any has been obtained.

B. City may perform technical tests of the Cable System during reasonable times and in a manner which does not unreasonably interfere with the normal business operations of Grantee or the Cable System in order to determine whether or not Grantee is in compliance with the terms hereof and applicable state or federal laws. Except in emergency circumstances, such tests may be undertaken only after giving Grantee reasonable notice thereof and providing a representative of Grantee an opportunity to be present during such test. In the event that such testing demonstrates that Grantee has requirement hereof, the reasonable costs of such test shall be borne by Grantee. In the event that such testing demonstrates that Grantee has substantially complied with such material provisions hereof, the cost of such testing shall be borne by City. Except in emergency circumstances, such testing shall be undertaken no more than two (2) times in a calendar year and the results thereof shall be made available to Grantee. Upon request, Grantee shall furnish to and file with City the results of technical tests that Grantee conducts for itself or others.

C. On or after September 1, 1998 and every five (5) years thereafter, Council may commence proceedings, which afford public notice, public participation and open meetings, for the purpose of identifying future Cable System community needs and interest, including channel capacity and customer service, and reviewing Grantee's performance during the preceding five (5) years. Upon request by the Council, Grantee shall cause to be conducted a survey, as approved by the Council, to determine community needs, desires and ratings of Grantee's performance. The survey shall be made available to the public and shall specifically address, among other items, the demand for new services in relation to the cost of providing such services so as to ascertain the overall need for channel expansion.

D. Upon completion of any five (5) year review provided for in this section, Grantee and City shall meet, confer and, if deemed necessary by either, renegotiate in good faith the terms and conditions of this Permit relating to community needs, channel capacity and customer service.

Section 119. Default of Grantee, Penalties and Revocation

A. The rights and privileges granted by the City to Grantee under this Permit shall continue and remain in full force and effect until revoked by the Council. In the event that City or the Council believes that Grantee has not complied with the terms of this Permit, city or the Council shall notify Grantee in writing of the exact nature of the alleged default.

B. Grantee shall have thirty (30) days from receipt of a written notice of default to: (a) respond contesting the alleged assertion of a default, or (b) cure such default or, in the event that, by the nature of default, such default cannot be cured within the thirty (30) day period, initiate reasonable steps to remedy such default and notify City or the Council of the steps being taken and the projected date that they will be completed.

C. In the event that Grantee contest that assertion of a default or fails to respond to a notice of default or the alleged default is not remedied within thirty (30) days after Grantee is notified thereof, the Council shall schedule a hearing to investigate the default. The council shall notify Grantee of the time and place of such hearing and provide Grantee with an opportunity to be heard.

D. In the event the Council, after such hearing, determines that Grantee is in default of any provision of this Permit, the Council may:

1. Assess liquidated damages to City caused by the default by Grantee as follows:

a. For default in the Completion of the System Rebuild as required by Section 112 and 113 hereof, the sum of one thousand dollars (\$1,000.00) per day for the first thirty (30) days after the expiration of the time for the Completion of the System Rebuild or part thereof as required by Sections 112 and 113 hereof, two thousand five hundred dollars (\$2,500.00) per day for each day more than thirty (30) days past the expiration of the time for the Completion of the System Rebuild or part thereof as required by Sections 112 and 113 hereof and thirty-five hundred dollars (\$3,500.00) per day after each day more than sixty (60) days past the expiration of the time for Completion of the System Rebuild or part thereof as required by Section 112 and 113 hereof, provided that the total amount of liquidated damages assessed under this subsection shall not exceed two hundred thousand dollars (\$200,000.00);

b. For knowingly failing to provide data, documents or information as required in this Permit, two hundred fifty dollars (\$250.00) per day for each day the failure occurs or continues; and,

c. For knowingly failing to comply with the service and operation standards of this permit, five hundred dollars (\$500.00) per day for each day the failure occurs or continues.

Amounts of liquidated damages in this Section are deemed appropriate as of the effective date of this Permit. Such damages, at the time of any Council assessment, will be adjusted to equivalent values. Damages identified in this Section shall be adjusted in accordance with the changes in the United States Department of Labor, Bureau of Statistics Consumer Price Index City Average for Urban Wage Earners and Clerical Workers ("C.P.I.") measured from the effective date of this Permit to the date of assessment by the Council. In the event a substantial change is made in the method of establishing the C.P.I., or the C.P.I. or successor is not available, a reliable governmental or other independently determined publication, evaluating information used in determining the C.P.I., shall be used in lieu of the C.P.I.

2. In the case of a default of a provision of this Permit which is not cured by Grantee or the subject of damages assessed as provided herein, the Council may revoke this Permit in it's entirety; or,

3. Seek specific performance of any provision, which reasonably lends itself to such remedy, or injunctive relief as an alternative to damages or termination of this Permit.

Grantee shall not be relieved of any of its obligations to comply promptly with any provision of this Permit by reason of any failure of City to enforce prompt compliance.

E. Grantee shall not be held in default with the provision of this Permit, nor suffer any enforcement or penalty relating thereto, where such alleged default is caused by strikes, acts of God, power outages or other events reasonably beyond the ability of Grantee to control.

Section 120. Assignability

If Grantee shall at any time assign, sell, lease or otherwise transfer in any manner whatsoever its rights and privileges under this Permit to any Person, such action shall be in writing and a duly authenticated copy shall be filed with the City Clerk. Such action shall not become effective until the transferee shall have agreed in writing with City to become responsible for the full performance of all the conditions, liabilities, covenants and obligations contained in this Permit and until such action shall have been approved by the Council, provided such approval shall not be unreasonably withheld. The Council may require evidence that the transferee possesses the financial, technical and legal capability to perform all of the conditions, liabilities, covenants and obligations contained in this Permit. If the Council fails to act upon a proposed transfer within sixty (60) days after the transferee shall have agreed in writing to become responsible for the full performance of all the conditions, liabilities, covenants and obligations of this Permit, then such action shall be deemed to have been approved.

No approval of City shall be required for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title or interest of Grantee in this Permit or the Cable Television System in order to secure indebtedness of Grantee.

Section 121. Right of City to Purchase System

A. City shall have the right at any time after fifteen (15) years after the effective date of this Permit granted herein to purchase the Cable Television System of Grantee located within the Service Area and to terminate this Permit, if the purchase is approved by a majority of the qualified electors of City voting at a special or general election. At any time after the right to purchase the Cable Television System of Grantee shall have accrued under the terms hereof, the question of the purchase of the Cable Television System may be submitted by the Council to the qualified electors of the City for approval. The question of the purchase of the Cable Television System of Grantee shall be submitted at the next succeeding election of the City upon petition to the Council of twenty-five percent (25%) of the qualified electors of the City. Grantee shall be compensated for the fair market value of the Cable Television System located within the Service Area with such value to be determined by the majority of three (3) appraisers, one to be appointed by the Mayor of the City, one by Grantee, and the third by the first two appraisers. The appraisers shall be persons of recognized skill, ability and experience with respect to the appraisal and valuation of cable television systems. If Grantee shall refuse to select an appraiser for thirty (30) days after approval by the qualified electors of the City of the purchase, the value of the Cable Television System located within the Service Area shall be fixed by the vote of a majority of the Council. If the two (2) appraisers appointed by the Mayor and by Grantee shall fail to agree upon the third appraiser within thirty (30) days after their appointment, the third appraiser, upon the application of either City or Grantee, shall be appointed by the Presiding Judge of the District Court of Tulsa County, Oklahoma.

B. The fair market value of the Cable Television System shall be determined by the majority of the appraisers within ninety (90) days after the appointment of the third appraiser. City shall have ninety (90) days from the receipt of written notice of the decision of the appraisers within which to pay Grantee in cash the appraised value of the Cable Television System. Until such payment, Grantee shall continue to operate the Cable Television System pursuant to the terms of this Permit, provided, that if between the date of the appraisal of the Cable Television System and the date of payment therefor, reasonable and necessary additions, betterments and replacements shall have been made by Grantee to the Cable Television System, City shall pay in addition to the value established by the appraisers the reasonable cost of such additions, betterments and replacements.

Section 122. Non-Discrimination

A. Grantee shall not deny any Person or group of potential cable Subscribers access to Cable Service because of race, color, religion, national origin, age, gender, physical handicap or the income of residents in the local area in which a Person or group resides.

B. Grantee shall not discriminate in the rates or charges for Cable Services or in making available Cable Services or facilities of the System. Grantee shall not extend any preference of advantage to any Subscriber or potential Subscriber to the System or to any user or potential user of the System. Grantee may conduct promotional campaigns to stimulate subscriptions to Cable Services or other lawful uses of the System and Grantee may establish bulk billing rates and rate schedules for different classes of Subscribers and Cable Service which any Subscriber coming within such bulk billing group, rate or service classification shall be entitled.

C. Grantee shall not discriminate against any employee or applicant for employment because of race, color, religion, age, gender or national origin. Grantee shall comply with all applicable laws and regulations of the United States and of Oklahoma with respect to employment and personnel practices.

Section 123. Modification

The City, after notice and public hearing, may modify this Permit to provide for such standards and exercise such powers, functions, rights or privileges as may now or hereafter be permitted, delegated or mandated by federal or state law, rules or regulation regarding the Cable System, Cable Service or other lawful service.

Section 124. Miscellaneous Provisions

A. Grantee shall keep books and records for periods of time reasonably established by the City to determine compliance with the terms of this Permit. City, after reasonable notice, shall have the right to review the books and records, including any complaints, of Grantee during normal business hours as is reasonably necessary to monitor compliance with the terms hereof. Such records shall include, but shall not be limited to, any public records required to be kept by Grantee pursuant to the rules and regulations of the FCC. Grantee shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature; provided this exception shall not be construed to include financial records necessary to enable the City to

determine compliance with Grantee's fee payment obligations. Subject to open meeting and record disclosure laws of the State of Oklahoma, City agrees to treat any information disclosed by Grantee to it on a confidential basis and only to disclose it to employees, representatives and agents thereof that have a need to know, or in order to enforce the provisions hereof. The Council may inspect the books and records of Grantee as necessary to determine compliance with the terms of this Permit, compel attendance of witnesses and may by ordinance revoke this Permit as provided in Section 119 hereof for failure or refusal of Grantee or any officer, employee or agent thereof to testify or to produce such books or records.

B. Copies of all petitions, applications and communications submitted by Grantee to the FCC, or any other federal or state regulatory commission or agency having jurisdiction in respect to any matters affecting cable television operations authorized pursuant to this Permit, shall be submitted to the City Clerk upon request.

C. Grantee shall pay the cost of publication of this Ordinance.

D. In the event City enters into a franchise, permit, license, authorization or other agreement of any kind with any Person other than Grantee or City for the purpose of constructing or operating a Cable Television System or providing Cable Service or Other lawful Service within the same Service Area, which contains terms more commercially or economically favorable with regard to government and educational Channels and service, System operational service standards, fees to the City or rates to Subscribers and users, or in the event City enters into a franchise, permit, license, authorization or other agreement of any kind with any Person other than Grantee for the purpose of constructing or operating a Cable Television System or providing Cable Service or Other Lawful Service within the same Service Area, which contains terms more favorable to City with regard to government and educational Channels and service, System operational service standards fees to the City or rates to Subscribers and users, then Grantee and City shall meet, confer and, if deemed necessary by either, renegotiate in good faith the terms and conditions of this Permit relating to government and educational standards, fees to the City or rates to Subscribers and users.

E. Notices or responses served upon City or Grantee shall be in writing, and shall be deemed to have been duly given to the required party three (3) business days after having been posted in a properly sealed and correctly addressed envelope by certified or registered mail, postage prepaid, at a Post Office or branch thereof regularly maintained by the U.S. Postal Service.

All notice or responses between City and Grantee shall be addressed and delivered by certified or registered mail as follows: if to the City, City Clerk, City of Sand Springs, P.O. Box 338, Sand Springs, Oklahoma 74063, with copies to the Mayor, the Chairman of the City Council and the City Attorney at the same address; if to Grantee, Tulsa Cable Television, Inc., d/b/a/ TCI Cablevision of Tulsa, 6650 East 44th Street, Tulsa, Oklahoma 74145-4642. Any notice given by Grantee to the City Clerk shall be accompanied by instructions to the Clerk referencing this section and directing the Clerk to file and maintain such notice with the original of this Ordinance. City and Grantee may designate other addressees or addresses from time to time by giving notice to the other.

Section 125. Acceptance by Grantee

A. Grantee shall file with the City Clerk of the City within twenty (20) days after passage, approval by the Mayor and prior to publication of this Ordinance a written acceptance, approved by parent corporations, of this Permit and the terms and conditions thereof as set out herein.

B. Grantee by the acceptance of this Permit shall be deemed to have waived and released any claim the Grantee might have against the City by reason of a declaration, ruling or judgment by a court as to the invalidity of this Permit or any part thereof.

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Section 98.01.040 ELECTRICITY FRANCHISE

Sections:

- Section 1. Definitions**
- Section 2. Grant of Franchise**
- Section 3. Term of Franchise**
- Section 4. Assignment, Sale or Lease**
- Section 5. Enforceability of Rules and Regulations of Grantee**
- Section 6. Standard of Service - Indemnification of City**
- Section 7. Duty to Move or Alter Lines**
- Section 8. Location of Plants and Systems and Transmission of Energy and Related Services**
- Section 9. Use and Repair of the Public Ways**
- Section 10. Reasonable Rates Authorized**
- Section 11. Sale of Power to City**
- Section 12. Fees**
- Section 13. Maintenance and Inspection of Records**
- Section 14. Right of City to Purchase Property**
- Section 15. Election Required - Acceptance by Grantee**
- Section 16. Repeal of Previous Franchise Agreement**
- Section 17. Emergency Clause**

SECTION 1. DEFINITIONS

As used in this ordinance and franchise, the following words and phrases shall have the following meanings:

- A. CABLE SERVICE shall mean the
 - (i) One-way transmission to subscribers of video programming or other programming service; and,
 - (ii) Interaction, if any, which is required by the receiver of such programming for the selection or use of such video programming or other programming service.
- B. CONSUMER shall mean any individual person, corporation, company, partnership, firm, unincorporated association, trust, municipality or public corporation served by the Grantee through any use of the public ways.
- C. CONTROL of electricity shall mean regulation of the current and/or voltage or use of such electricity.
- D. FRANCHISE shall mean the rights and privileges granted by Grantor to Grantee under this ordinance and franchise agreement.
- E. GRANTEE shall mean Public Service Company of Oklahoma, an Oklahoma corporation, its successors and assigns.
- F. GRANTOR shall mean the City of Sand Springs, a municipal corporation of the State of Oklahoma.
- G. INFORMATION SERVICE shall mean the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications.

H. INSTALL, OPERATE AND MAINTAIN (and other forms of such words) shall mean to acquire, erect, build, construct, install, extend, repair, remove, relocate, replace, or otherwise operate and maintain.

I. PLANTS AND SYSTEMS shall mean plants, systems, poles, wires, conduits, substations, meters, structures, equipment, facilities appliances and apparatus as are reasonably necessary for the control, transmission, distribution and sale in and to Grantor and to the public, generally.

J. PUBLIC WAYS shall mean the public rights-of-way, including streets, alleys, avenues, boulevards, parkways and public utility easements within the corporate limits of the City of Sand Springs as now constituted or as may be added to hereafter.

K. TELECOMMUNICATIONS shall mean the transmission between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

L. ULTIMATE CONSUMER shall mean a consumer which receives electric energy other than for resale to another consumer.

M. UNDERGROUND INSTALLATION shall mean the installation, operation and maintenance or replacement of any portion of Grantee's plants and systems underground or beneath the surface of any public way.

SECTION 2. GRANT OF FRANCHISE

There is hereby granted by the Grantor to Grantee, its successors and assigns, the right, power and authority to use the public ways of Grantor for the purpose of owning, installing, operating and maintaining plants and systems for the control, transmission, distribution and sale in and to the Grantor and to the public, generally, of electricity for lighting, heating, cooling and power purposes as well as for such other purposes as electric energy may be put, and to transmit and provide electric energy and related services, over distribution and transmission lines throughout the City and to connections and systems in other localities, with plants and systems upon, across, over and under each and any of said public ways. The rights and privileges granted by this ordinance shall include the right, power and authority for Grantee to install, operate and maintain the plants and systems described herein for the purpose of providing telecommunications, telecommunications services, cable services and information services to the extent that such are related to and used solely in connection with Grantee's manufacture, control, transmission, distribution and sale of electric energy and related services, and not for the purpose of selling or providing such telecommunications, telecommunications services, cable services and information services to the public, generally.

SECTION 3. TERM OF FRANCHISE

All rights and privileges granted by this ordinance shall extend and be in force between Grantor and Grantee for a term of twenty-five (25) years from and after the date of acceptance of this ordinance, except as hereinafter provided.

SECTION 4. ASSIGNMENT, SALE OR LEASE

A. All provisions of this ordinance and franchise which are obligatory upon or which inure to the benefit of the Grantee shall also be obligatory upon and shall inure to the benefit of its successors and assigns, and the word "Grantee" as used in this ordinance shall include and be taken to mean not only Public Service Company of Oklahoma, but also its successors and assigns. Subject to the provisions of this subsection and Subsection 4(B), below, Grantee may assign all or a portion of its rights and/or obligations under the provisions of this ordinance and franchise. Any assignment by Grantee shall be in writing, and the assignee shall agree in writing to accept and become responsible for full performance of all conditions, covenants, obligations, and liabilities contained in this ordinance and franchise to the extent such are the subject of such assignment. Upon notifying Grantor of any such assignment or proposed assignment, Grantee and/or the assignee shall provide Grantor with such information as is reasonably necessary to enable Grantor to make an informed determination of such assignee's financial status and capabilities. Any such assignment shall be deemed approved by Grantor unless within thirty (30) days of receiving written notice of such assignment Grantor notifies Grantee in writing that it objects to such assignment on the ground that the assignee is not financially able to perform the conditions, covenants, obligations, and liabilities in this ordinance and franchise which the assignee will be responsible for as a result of such assignment. Any such objection by Grantor must be based upon reasonable and generally recognized financial standards, and upon the information provided by Grantee and/or the assignee or verified by another generally recognized source of financial information. In the event such an objection is timely made by Grantor, Grantee and the assignee shall have a reasonable opportunity to address and, if necessary, provide appropriate remedies with respect to the grounds for such objection. Any assignments by Grantee of a portion of its rights and/or obligations hereunder, shall, unless provided otherwise in such assignment, be effective until the end of the term provided in Section 3, above, notwithstanding the termination of any other rights and obligations under the provisions of this ordinance and franchise prior to the end of such term.

B. Grantor and Grantee agree that as of the effective date of this ordinance, there are ongoing public discussions concerning the potential restructuring of the electric utility industry. In some cases, such discussions contemplate that as part of such restructuring, a person or entity other than an incumbent electric utility (referred to hereafter as a "Third Party"), may use the plants and systems of incumbent electric utilities, or portions thereof, for sales to ultimate consumers. It is the intent of the parties that in the event of such restructuring, Grantee shall make reasonable efforts to ensure that any Third Party which uses Grantee's plants and systems for the sale of electric energy to ultimate consumers within the City of Sand Springs shall first obtain all applicable permits and agree to pay any and all applicable taxes and fees to the Grantor.

C. If after the date of acceptance of this ordinance, by reason of law or otherwise, a Third Party shall lease or otherwise make use of Grantee's plants and systems for the distribution and/or transmission of electric energy which is to be sold to an ultimate consumer within the City of Sand Springs, the following requirements shall apply:

1. Prior to permitting such use of Grantee's plants and systems, Grantee shall make reasonable efforts to ensure that such Third Party has secured any applicable permits to furnish electric energy to ultimate consumers within the City of Sand Springs.

2. The parties understand that Grantor may require, as a condition of any such permit, that such Third Party pay applicable permit fees to Grantor. In such cases, if requested by Grantor, Grantee agrees to act as Grantor's agent, at cost, for the collection and remittance of such fees to Grantor.

3. On a monthly basis, Grantee shall report to Grantor estimates of electric energy distributed and/or transmitted by and through Grantee's plants and systems for sale to ultimate consumers within the City of Sand Springs.

This Subsection 4(B) shall not apply to any use of Grantee's plants and systems for the distribution and/or transmission of electric energy to any party purchasing, receiving and using such electric energy outside the corporate limits of the City of Sand Springs.

SECTION 5. ENFORCEABILITY OF RULES AND REGULATIONS OF GRANTEE

Grantor shall not adopt any ordinance or regulation which has the effect of prohibiting Grantee from making and enforcing reasonable rules and regulations for the sale, delivery, control and metering of its electric energy and related services and the conduct of its business, including rules and regulations which reserve in Grantee the right to disconnect service to customers where any portion of Grantee's plants and systems are found to have been tampered with, or who have failed to pay for electricity or services, and to enter upon the premises of its customers at all reasonable times for the purpose of inspecting, repairing or reading meters or for removing any portion of its plants and systems. Provided that any such rules and regulations of Grantee shall not be in conflict with law or the rules and regulations from time to time adopted by the Corporation Commission of the State of Oklahoma, the Federal Energy Regulatory Commission, or by any other regularly constituted regulatory authority.

SECTION 6. STANDARD OF SERVICE - INDEMNIFICATION OF CITY

A. Grantee covenants and agrees in consideration hereof, that it will maintain electric service in and to Grantor under the rules and regulations imposed upon it by the Corporation Commission of the State of Oklahoma or by any other regularly constituted regulatory authority. In accepting this franchise and contract, Grantee does not guarantee continuous service at all times and shall be relieved temporarily from its obligation to furnish such services in case of any disability caused by an act of God or by the elements, or terrorism, or strikes, or lock-outs, or by any temporary breakdown or failure of its plants and systems, or any portion thereof, or by any other causes beyond the control of Grantee; provided Grantee does agree in such cases to exercise due diligence in repair of such plants and systems, and to resume operation of same without unnecessary delay.

B. The Grantee covenants and agrees that it will indemnify and hold the City of Sand Springs free and clear of any claims for damages or otherwise caused by the negligence of Grantee in the installation, operation or maintenance carried on hereunder. It is understood and agreed that in the event of claims being presented or

prosecuted against the City of Sand Springs which are alleged by the claimant or Grantor to have resulted from the negligence of Grantee, the Grantee shall have the right to defend against the same and to settle and discharge same in such manner as it may see fit. And to this end the City of Sand Springs agrees to notify the Grantee of such claims and to furnish to it such information and assistance as may be necessary in the defense thereof.

SECTION 7. DUTY TO MOVE OR ALTER LINES

A. Grantor reserves the right to lay or permit to be laid cables, electric conduits, fiber optic conduits, or other pipelines and to do or permit to be done any underground work deemed necessary and proper by Grantor, along, across, over or under the public ways. If Grantor determines that any such work may cause damage to Grantee's plants and systems, or the installation, operation and maintenance thereof, Grantor shall, except in the case of emergency, provide Grantee with written notice that such work is to be performed before it is commenced. In permitting such work to be done and in doing such work, Grantor shall not be liable to Grantee for any damages unless they are negligently, willfully or unnecessarily occasioned by Grantor.

B. Whenever by reason of establishing a grade or changes in the grade of any street, or in the location or manner of construction of any public way, cables, electric conduits, fiber optic conduits, water, gas or other underground structures, it shall be deemed necessary by Grantor to alter, change, adapt or conform the plants and systems of Grantee, or any part thereof, such alterations or changes shall be made within a reasonable time by Grantee, as directed in writing by Grantor, without any claim for reimbursement or compensation for damages against Grantor, or any agency, trust or authority formed for, by, or for the benefit of Grantor.

C. If Grantor shall require Grantee to adapt or conform its plants and systems, or any part thereof, or to in any way alter, relocate or change its property to enable any other person, firm, corporation or entity (whether public or private), other than Grantor, to use the public ways, Grantee shall be entitled to reimbursement by the person, firm, corporation or entity desiring or occasioning such change, alteration or relocation. "Person," "firm," "corporation," and "entity," as used in this section, shall not include regular departments of Grantor, or any trust or authority formed by or for the benefit of Grantor for public utility purposes, or whose revenues are subsidized by or contribute to the general funds of Grantor, but shall include any other agency or authority of the City of Sand Springs, whether acting in a governmental or non-governmental capacity, including, but not limited to any agency or authority which as a part of its program clears whole tracts of land within the city limits and relocates citizens for the purpose of urban development or similar aims.

D. In the event Grantee ceases completely to use its plants or systems, or any portion thereof, for any of the purposes for which a franchise is granted herein, and Grantee is not required by law or by provisions of a legally-imposed contract to make the use of such plants and systems available to any other person or entity, Grantee will, within ninety (90) days of the date when it and any other such persons or entities cease all such use, remove any such plants and systems located upon the public ways of Grantor.

SECTION 8. LOCATION OF PLANTS AND SYSTEMS AND TRANSMISSION OF ENERGY AND RELATED SERVICES

In performing the terms and provisions of this ordinance, franchise and contract, Grantee is hereby given the continuing right, privilege and option to manufacture, control and store electric energy within the corporate limits of Grantor, and/or to transmit such electric energy over transmission lines from other plants and wholesale suppliers and to distribute same from some central location or locations at proper voltage; together with the right to transmit electric energy from any source to, from and through said City to other localities. Grantee is also given the continuing right to use its plants and systems to provide transmission and distribution services to other wholesale suppliers of electrical energy as Grantee is authorized or required to provide under applicable law. Grantee is hereby authorized to allow others, having a permitted right granted by the City of Sand Springs, or as may otherwise be authorized or required by applicable law, to attach telecommunications and cable facilities to its poles and structures or to place such telecommunications and cable facilities within, upon or adjacent to its underground ducts and conduits, on such conditions as it deems just and reasonable and in compliance with applicable law; provided, to the extent that applicable law does not establish such conditions and should the parties be unable to agree to such conditions, the City Council of the City of Sand Springs shall determine such conditions as are just and reasonable, which shall be binding upon all parties.

SECTION 9. USE AND REPAIR OF THE PUBLIC WAYS

A. Grantee's plants and systems shall be installed, operated and maintained in such a manner as will, consistent with reasonable necessity, least interfere with other public uses of the public ways, including those prescribed by the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.).

B. Before Grantee commences any installation, operation or maintenance work which may interfere with normal public use of a public way, Grantee shall, except in the case of emergency, give at least forty-eight (48) hours written notice thereof, together with a schedule of activity, to the Public Works Director of the City of Sand Springs, or any other proper authority designated in writing by Grantor to receive such notice. After such work is completed, Grantee shall, with due diligence and reasonable dispatch, place the public ways where such work was performed in a condition in compliance with Grantor's reasonable standards and specifications; provided, that Grantor shall not impose standards and specifications which are in conflict with any standards and specifications of the Corporation Commission of the State of Oklahoma or by any other regularly constituted regulatory authority, which are applicable to Grantee, within this jurisdiction.

C. In the event Grantee fails to commence or complete any construction, maintenance, installation, restoration or repair work required by this Ordinance with due diligence and reasonable dispatch and in accordance with any mutually agreed upon schedule of activity, Grantor may cause such work to be performed after written notice to Grantee, given so as to afford Grantee an opportunity to commence and complete such work within a reasonable time. The cost of such work incurred by Grantor upon Grantee's failure to perform shall then be charged and collected from Grantee.

D. To the extent that they are not in conflict with applicable state or federal law, Grantor reserves the right to make and enforce reasonable regulations and construction standards concerning the installation, operation and maintenance of Grantee's plants and systems located along, across, over, or under the public ways of Grantor and to reasonably designate where such plants and systems shall be placed.

E. Grantor agrees that in the event it requires installation of any portion of Grantee's plants and systems contrary to Grantee's current urban installation, operation and maintenance or replacement procedures ("procedures"), Grantor shall pay and reimburse Grantee for the difference between the reasonable cost of such required procedures and the reasonable cost of Grantee's current procedures. Provided, however, that Grantor shall not be required to reimburse Grantee for such expenses to the extent that Grantee is allowed to include such expenses as an element to be considered by the Corporation Commission of the State of Oklahoma or other regularly constituted regulatory authority in establishing the rates which Grantee may charge its ultimate consumers.

SECTION 10. REASONABLE RATES AUTHORIZED

During the life of this franchise and for and in consideration of the acceptance hereof by Grantee, it is agreed that Grantee may charge and collect from Grantor, its inhabitants and the consumers therein, a rate or rates, which shall at all times be compensatory and reasonable, subject to such rules, regulations and orders as are now in effect or that may hereafter be lawfully made by the Corporation Commission of the State of Oklahoma, or by any other regularly constituted regulatory authority.

SECTION 11. SALE OF POWER TO CITY

During the life of this franchise, Grantee shall provide plants and systems for all electric energy required by Grantor for municipal purposes, including wastewater treatment, water and stormwater pumping, and lighting of its streets, and shall sell and deliver to Grantor, and Grantor shall have the option to purchase and receive from Grantee, all electric energy requested by Grantor for municipal purposes.

SECTION 12. FEES

A. From and after the date of acceptance of this Ordinance, as consideration for the granting of this franchise, for use of the public ways, and as a compensation for the rights and privileges enjoyed hereunder, Grantee agrees to pay to Grantor a franchise fee that is equal to two percent (2%) of Grantee's gross receipts from the retail sale of electric energy within the City of Sand Springs, including any revenues, fees or payments received by Grantee for the lease or use of its plants and systems for the distribution and/or transmission of electric energy which is sold to an ultimate consumer by any other person or entity within the City of Sand Springs.

B. The franchise fee shall be payable monthly on or before the 20th day of each month, on receipts of Grantee for the preceding calendar month, and shall be in lieu of all concessions, charges, excise, franchise, licenses, occupation, privilege and permit fees, or taxes, except assessments for special improvements and ad valorem taxes and any fees approved by the voters of the City of Sand Springs in accordance with the provisions of Subsection 12(D), below.

C. Should Grantee accept a franchise from any other city or town in which it agrees to pay a franchise fee that is a higher percentage of gross revenues than the percentage provided for in Subsection 12(A), above, or any revision of the franchise fee provided for in Subsection 12(D) of this ordinance, then and in that event Grantee shall forthwith and without demand inform Grantor's governing body of such occurrence. Thereafter, at the sole discretion of Grantor's governing body and pursuant to such process as it deems appropriate, Grantee may be directed by Grantor's governing body to increase the percentage of gross receipts to be paid to Grantor hereunder to such higher percentage to the extent such increase is allowed by the City Ordinance of the City of Sand Springs or other applicable law.

D. At the end of the fifth, tenth, fifteenth and twentieth years from the date of acceptance of this franchise, Grantor shall have an option to present to the voters of the City of Sand Springs the issue of whether the franchise fee provided for in Subsection 12(A) should be revised. In order to exercise such option, Grantor must, within the thirty (30) day period immediately preceding the end of the fifth, tenth, fifteenth and twentieth years from the date of acceptance of the franchise, provide Grantee written notification of Grantor's intent to submit the issue of revision of the franchise fee for election. If Grantor provides such written notification to Grantee in a timely manner, Grantor is then responsible for taking all action necessary to present the issue of revision of the franchise fee for election by the qualified voters of the City of Sand Springs to be held not less than two (2) months nor more than six (6) months from the date of such written notification. Grantor shall be responsible for all costs of such election. If either the above- described written notification is not provided or the above-described election is not held within the periods set forth in this Subsection 12(D), Grantor will be deemed to have waived its right to exercise the option to which such notification and election apply. Any proposed revision of the franchise fee shall be for fees that in their total amount are not less than two percent (2%) and not more than four percent (4%) of the gross receipts from the retail sale of electric energy by Grantee and the sale by other persons or entities to ultimate consumers within the City of Sand Springs to the extent that such electric energy is transmitted over the plants and systems of Grantee which are located within the City of Sand Springs, with such gross receipts determined and paid in the manner provided in Subsections 12(A) and [B], above. Such franchise fee, as revised, shall continue to be in lieu of all concessions charges, excise, franchise, licenses, occupation, privilege and permit fees, or taxes, except assessments for special improvements and ad valorem taxes. If the issue of revision of the franchise fee is submitted for election in accordance with the provisions of this Subsection 12(D) and a majority of the qualified electors of the City of Sand Springs voting thereon vote in favor of such revision, the franchise fee shall be revised accordingly at the end of the calendar year in which such election is held. If a majority of the qualified electors of the City of Sand Springs voting thereon vote against revision of the franchise fee, the franchise fee then in effect will continue in full force and effect until the end of the term provided for in Section 3, above, or until such franchise fee is revised in accordance with the provisions of this Subsection 12(D).

E. Grantor shall have the option, at any time during the term of this franchise, to present to the voters of the City of Sand Springs the issue of whether in addition to the franchise fee provided for in Subsection 12(A), above, Grantee should also pay to Grantor a facilities fee that is equal to one percent (1%) of Grantee's gross receipts from the retail sale of electric energy within the City of Sand Springs, including any revenues, fees or payments received by Grantee for the lease or use of its plants and systems for the distribution and/or transmission of electric energy which is sold to an ultimate consumer by any other person or entity within the City of Sand Springs. The facilities fee provided for in this Subsection 12(F), if approved by the voters, will be for the purpose of providing Grantor a source of revenue that shall be used by Grantor to pay costs it occurs in connection with these purposes, namely (1) the underground installation of Grantee's plants and systems required by Grantor pursuant to the provision of Subsection 9(E) above, (2) the relocation at Grantor's expense of facilities which are necessary due to the construction or expansion of the public streets, and (3) for the construction of public infrastructure which is necessary or helpful in promoting economic development with the City of Sand Springs. In order to exercise such option, Grantor must provide Grantee written notification of Grantor's intent to submit this issue for election by the qualified voters of the City of Sand Springs to be held not less than two (2) months nor more than six (6) months from the date of such written notification. Grantee shall be responsible for all costs of the election in which this issue may first be presented to the voters for decision. Subsequent elections on the same issue, if any, shall be at Grantor's expense. If the issue of whether a facilities fee of the type described in this Subsection 12(F) is submitted for election in accordance with the provisions hereof and a majority of the qualified electors of the City of Sand Springs voting thereon vote in favor of such facilities fee being paid by Grantee to Grantor, such facilities fee shall go into effect at the end of the calendar year in which such election is held, to be thereafter paid by Grantee in accordance with the provisions of Subsection 12(B), above, and shall be in lieu of all concessions, charges, excise, franchise, licenses, occupation, privilege and permit fees, or taxes, except assessments for special improvements, ad valorem taxes and the fees provided for in Subsection 12(A), above, and any revisions thereof approved pursuant to Subsection 12(D), above. If a majority of the qualified electors of the City of Sand Springs voting thereon vote against the fee, the franchise fee provided for in Subsection 12(A), above, together with any revisions thereof made in accordance with Subsection 12(D), above, will continue in full force and effect until the end of the term provided for in Section 3, above.

F. Grantor agrees that the total of the percentage rates used to calculate the fee paid by Grantee to Grantor, including any revision of such franchise fee, shall in no event exceed the percentage rate used to calculate any fee or tax paid to Grantor by any other person or entity if such fee or tax paid to Grantor by such other person or entity if such fee or tax is based in any way on the amount of revenues from sales of electric energy by such other person or entity to ultimate consumers within the City of Sand Springs.

SECTION 13. MAINTENANCE AND INSPECTION OF RECORDS

A. Grantee shall at all times make and keep full and complete plats, maps and other records showing the location, nature and size of all of Grantee's plants and systems within the corporate limits of the City of Sand Springs. This expressly includes current maps of the City Limits of Sand Springs, as those limits are changed from time

to time hereafter, and Grantee will update its billing and collection procedures not less often than quarterly to assure the collection and remittance of appropriate fees from customers in recently annexed territory.

B. For the purpose of affording Grantor the opportunity to enforce and collect the franchise fee imposed by this ordinance and franchise, Grantee shall further permit Grantor to inspect and audit, during regular business hours and at Grantor's expense, the relevant books and records kept by Grantee in the ordinary course of business.

SECTION 14. RIGHT OF CITY TO PURCHASE PROPERTY

A. Grantor shall have the right any time after twenty-four (24) years after the date of acceptance of this franchise to purchase all, but not less than all, of the properties of Grantee which comprise the plants and systems of Grantee that are used for or related to the manufacture, transmission, distribution, sale and control of electricity which are located within the corporate limits of the City of Sand Springs at the time such right to purchase is exercised and to terminate this franchise if such purchase and termination are approved by a majority of the qualified electors of the City of Sand Springs voting thereon at a special or general election held in accordance with the provisions of this Section 14. At any time after the right to purchase such properties of Grantee shall have accrued under the terms of this Subsection 14[A], and the fair market value of such properties has been determined in accordance with Subsection 14(B), below, the question of the purchase of such properties and termination of this franchise may be submitted by the City Council of the City of Sand Springs to the qualified electors of the City for approval. The question of the acquisition of such properties and the termination of this franchise may also be submitted to the qualified electors of the City of Sand Springs upon the petition to the City of twenty-five percent (25%) of the qualified electors of the City presented after the right to purchase such properties of Grantee shall have accrued under this Subsection 14 [A]. In the event such a petition is so presented, the question of the acquisition of such properties and the termination of the franchise may also be submitted at the next succeeding election in the City of Sand Springs after the fair market value of such properties has been determined in accordance with Subsection 14(B), below, or at a special election called for such purpose.

B. Grantee shall be compensated by Grantor for the purchase of the above-described properties by payment to Grantee of the fair market value of such properties located within the City of Sand Springs, which shall include consideration of the services provided by means of such properties and any legal obligations or commitments which Grantee has which are directly related to such properties. Such value shall be determined by the majority of three (3) appraisers, one (1) to be selected by the Mayor of the City of Sand Springs, one (1) by Grantee, and the third by the first two appraisers. The appraisers shall be persons of recognized skill, ability and experience with respect

to the appraisal and evaluation of properties of the character and type which City is entitled to purchase pursuant to this section and of services provided by means of such properties. If Grantee shall refuse to select an appraiser for thirty (30) days after an appraiser has been selected by the Mayor, the fair market value of the properties described above, taking into consideration the services provided by means of such properties, shall be fixed by the vote of a majority of the City Council. If the two (2) appraisers appointed by the Mayor and by Grantee shall fail to agree upon the third appraiser within thirty (30) days after their appointment, the third appraiser, upon the application of either Grantor or Grantee, shall be appointed by the Presiding Judge of the District Court of Tulsa County, Oklahoma, or if such Judge shall fail or refuse to make such appointment for any reason, then the Corporation Commission of the State of Oklahoma, upon ten (10) days notice to the adverse party, may appoint such third appraiser. The fair market value of the properties described above shall be determined by the appraisers within ninety (90) days after the appointment of the third appraiser.

C. After the fair market value of the properties described above has been determined by the appraisers in accordance with the provisions of Subsection 14(B), above, the question of the acquisition of such properties by payment to Grantee of the fair market value of such properties as so determined and termination of this franchise shall be submitted to the qualified electors of the City of Sand Springs at the next succeeding special or general election. In the event a majority of such qualified electors voting thereon approve the question of such acquisition and termination, Grantor shall have ninety (90) days from its receipt of the official results of such election within which to pay Grantee in cash the fair market value of all of such properties as determined by the appraisers and submitted to the qualified electors at the election. Until such payment, Grantee may continue to operate its plants and systems and provide services pursuant to the terms of this franchise; provided, that if between the date of the appraisal of such properties and the date of payment therefor, reasonable and necessary additions, betterments and replacements shall have been made by Grantee to its plants and systems or services within the City of Sand Springs, Grantor shall pay in addition to the value established by the appraisers, the reasonable cost of such additions, betterments, and replacements. If Grantor fails to pay the appraised amount plus any additions, betterments and replacements thereto as provided for herein to Grantee within the ninety (90) day period set forth above, then the right of purchase granted to Grantor by this section shall expire and become void.

D. For the purpose of aiding the appraisers in determining the fair market value of the properties described above, including consideration of the services provided and obligations and commitments directly related to such properties, all of the relevant books, records, contracts and other information in the possession of the Grantee shall be open and accessible to the appraisers during the time their appraisal is being made, and the appraisers may take into consideration any other factors appropriately presented to them in determining said fair market value.

E. In the event City purchases properties of Grantee pursuant to this section, City agrees that it will, for a reasonable fee, make the use of such properties available to Grantee as is necessary for the efficient operation by Grantee of the remaining portions of its plants and systems for the transmission, distribution, provision and sale of electric energy and related services.

SECTION 15. ELECTION REQUIRED - ACCEPTANCE BY GRANTEE

This ordinance and franchise shall be in full force and effect from and after the date of its acceptance as hereinafter provided, upon its passage and approval by a vote of a majority of the qualified electors residing within the City of Sand Springs, who shall vote thereon at a special election called under or pursuant to the provisions hereof. If this ordinance fails to be so approved at said election, it shall be wholly void and of no effect.

The Mayor of the City of Sand Springs is hereby authorized to sign a proclamation calling for such election in the manner and form provided by the laws of the State of Oklahoma for the calling of special elections, to be held on November 9, 1999, giving such notice and preparing such proclamation, ballot title and call therefor as provided by law, for the purpose of submission to the qualified electors residing within the City of Sand Springs the proposition of approval or refusal of this ordinance and the franchise hereby granted; and the proper officers of said City are hereby directed to do all things that may be necessary for the holding of said election and for the submission of said question, and shall, in all things, comply with the laws of the State of Oklahoma, in designating November 9, 1999, as the day, month and year of said election, the hours of opening and closing the polls, the voting places within said City in which said election shall be held and the proper persons within the respective precincts of said City for the purpose of holding said election.

It is understood and agreed that in the event said franchise be approved at such election the Grantee shall, within thirty (30) days after the result of such election is declared as provided by law, file with the City Clerk of the City of Sand Springs an acceptance in writing duly executed according to law, accepting this ordinance and franchise.

SECTION 16. REPEAL OF PREVIOUS FRANCHISE AGREEMENT

Upon the filing by the Grantee of the acceptance of this ordinance as hereinabove provided, all rights, privileges and obligations of any other ordinance and franchises, or portions thereof, under which said Grantee may now be exercising its privileges of use of the public ways in the City of Sand Springs and particularly Ordinance No. 420 of the City of Sand Springs, as published October 13, 1977, and all other ordinances and parts of ordinances in conflict herewith, shall be and thereafter remain canceled, annulled and repealed.

SECTION 17. EMERGENCY CLAUSE

Whereas an immediate necessity exists in order that the inhabitants of Grantor may be provided an adequate supply of electricity for heating, lighting, cooling and power purposes and for the purpose of providing light, heat, cooling and power for the streets, alleys, public grounds, parks and other public places and institutions of Grantor, and for the preservation of the public health, peace 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; and same shall be submitted at a special election.

Section 98.01.050 CABLE TELEVISION SYSTEM MERGER AND CHANGE IN OWNERSHIP

Section 1: The City hereby consents to the Transactions, all in accordance with the terms of the Permit.

Section 2: The City confirms that (a) the Permit was properly granted or transferred to Permit Holder, (b) the Permit represents the entire understanding of the parties and Permit Holder has no obligations to the City other than those specifically stated in the Permit, and (c) Permit Holder is materially in compliance with the provisions of the Permit and there exists no fact or circumstance known to the City which constitutes or which, with the passage of time or the giving of notice or both, would constitute a material default or breach under the Permit or would allow the City to cancel or terminate the rights thereunder, except upon the expiration of the full term of the permit.

Section 3: Following the Transactions, the Permit Holder may transfer the System and/or the Permit, or control related thereto, to any entity controlling, controlled by, or under common control with Cox.

Section 4: The City hereby consents to and approves the assignment, mortgage, pledge, or other encumbrance, if any, of the Permit, the System, or assets relating thereto, as collateral for a loan.

Section 5: This Resolution shall be deemed effective for purposes of the Transactions upon the consummation of the transactions contemplated by the Reorganization Agreement (the "Closing"). Effective as of the Closing, the City releases Permit Holder and its affiliates from all obligations and liabilities with respect to the Permit that relate to the period from and after the Closing; provided, that New Permit Holder shall be responsible for all such obligations and liabilities that relate to the period from and after the Closing.

Section 6: This Resolution shall have the force of a continuing agreement with Permit Holder and Cox, and the City shall not amend or otherwise alter this Resolution without the consent of Permit Holder and Cox.

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