



P.O. BOX 850 | COWETA, OKLAHOMA 74429 | PH. (918) 486-2189 | FAX (918) 486-5366 | www.cityofcoweta-ok.gov

AGENDA - REGULAR MEETING
COWETA CITY COUNCIL

COWETA CITY HALL, 310 S. BROADWAY
MONDAY, JANUARY 8, 2024 6:00 P.M.

MEETING PROCEDURE: Comments on all scheduled agenda items will be heard immediately following the presentation by staff or the petitioner. Please wait until you are recognized by the Mayor and keep your comments as brief as possible. Individuals addressing the City Council must identify themselves by name prior to making any comments. The City Council will consider, discuss, and may take action on, approve, adopt, amend, reject, deny, table, or not take action on any item listed on this agenda after comments from staff and the City Council have been heard.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

NAOMI HOGUE_____

HAROLD CHANCE_____

CAROLINE MARTIN_____

RANDY WOODWARD_____

IV. GENERAL CITY COUNCIL COMMENTS

(During the General City Council Comments section of the agenda, the City Council shall make no decision or take any action except as to request the City Manager to schedule the matter for Council discussion at a later date.)

V. CONSENT

(All matters under the "Consent Calendar" are considered by the City Council to be routine and will be enacted by one motion. Any Councilmember may, however, remove an item from consent by request.)

1. MINUTES OF THE REGULAR MEETING

APPROVAL OF THE MINUTES OF THE COWETA CITY COUNCIL REGULAR MEETING HELD ON DECEMBER 4, 2023.

Documents:

[231204-COUNCIL MINUTES.PDF](#)

2. MINUTES OF THE SPECIAL MEETING

APPROVAL OF THE MINUTES OF THE COWETA CITY COUNCIL SPECIAL MEETING HELD ON DECEMBER 21, 2023.

Documents:

3. REVISED 2024 COWETA MUNICIPAL COURT CALENDAR
APPROVAL OF THE REVISED 2024 COWETA MUNICIPAL COURT CALENDAR.

Documents:

[COURT CALENDAR 2024.PDF](#)

4. CITY OF COWETA'S 911 SYSTEM REVIEW
APPROVAL OF THE QUARTERLY FINANCIAL RESULTS AND OPERATIONAL ACTIVITIES OF THE CITY OF COWETA'S 911 SYSTEM FOR THE QUARTER ENDING SEPTEMBER 30, 2023 IN ACCORDANCE WITH 63 O.S. §2815 (F).

Documents:

[FY24 Q1 911 REVIEW.PDF](#)

VI. CONSIDER ITEMS REMOVED FROM CONSENT

VII. ADMINISTRATION

1. FY24-FY25 BUDGET CALENDAR
DISCUSS AND CONSIDER ACTION ON THE APPROVAL OF THE BUDGET CALENDAR FOR FISCAL YEAR ENDING JUNE 30, 2025.

Documents:

[240108-BUDGET CALENDAR.PDF](#)

[FY25 BUDGET CALENDAR.PDF](#)

2. EXHAUST CAPTURE SYSTEM, FIRE DEPARTMENT APPARATUS BAYS
DISCUSSION AND POSSIBLE ACTION ON THE PURCHASE OF A EXHAUST REMOVAL SYSTEMS TO BE INSTALLED IN THE FIRE DEPARTMENT APPARATUS BAYS FOR THE AMOUNT OF \$47,000.00. FUNDING WOULD BE UTILIZED FROM WAGONER COUNTY RURAL FIRE FUNDS. (BRIAN WOODWARD, FIRE CHIEF)

Documents:

[COWETA FIRE DEPARTMENT 2024 FINAL QUOTE.PDF](#)

[STAFF REPORT EXHAUST CAPTURE SYSTEM.DOCX](#)

3. FIRE SUPPRESSION HOSE
DISCUSSION AND POSSIBLE ACTION ON THE PURCHASE OF 84 INDIVIDUAL SECTIONS OF STRUCTURAL FIRE FIGHTING HOSE FROM NORTHERN SAFETY IN THE AMOUNT OF \$35,000.00 UTILIZING STATE OF OKLAHOMA CONTRACT SW-241 PRICING. FUNDING WOULD BE UTILIZED FROM APPROVED FY24 CAPITAL FUNDS IN ACCOUNT 12/5404/009. (BRIAN WOODWARD, FIRE CHIEF)

Documents:

[COWETA FIRE HOSE QUOTE 447394 \(REVISED\).PDF](#)

[STAFF REPORT FIRE HOSE.DOCX](#)

4. PUBLIC SAFETY BUILDING
DISCUSS AND POSSIBLE ACTION REGARDING DESIGN AND LOCATION OF PUBLIC SAFETY CENTER AND/OR FIRE STATION 2.

Documents:

[INCOG MAP 4 MIN RESPONSE CFD.PDF](#)

5. ORDINANCE 878 - CITY CODE OF ORDINANCES

DISCUSS AND CONSIDER THE ADOPTION OF ORDINANCE 878, AN ORDINANCE OF THE CITY OF COWETA, OKLAHOMA ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF COWETA, OKLAHOMA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE, AND DECLARING AN EMERGENCY.

Documents:

[ORDINANCE 878 - ADOPTING NEW CITY CODE.PDF](#)
[COWETA_MUNICIPAL CODE_20231031.PDF](#)

6. DECLARATION OF AN EMERGENCY ORDINANCE 878

DISCUSSION AND APPROPRIATE ACTION RELATED TO APPROVAL OF AN EMERGENCY CLAUSE FOR ORDINANCE 878, MAKING IT EFFECTIVE IMMEDIATELY UPON PASSAGE AND APPROVAL.

7. FILING AND NOTIFICATION OF PUBLICATION OF COWETA CITY CODE

DISCUSS AND CONSIDER APPROVAL OF RESOLUTION 2024-01 DIRECTING THE FILING AND NOTIFICATION OF THE PUBLICATION OF THE COWETA CITY CODE OF ORDINANCES.

Documents:

[RESOLUTION 2024-01-CODIFICATION OF COWETA CITY CODE.DOCX](#)

8. WARD 4 APPOINTMENT

DISCUSS AND CONSIDER ACTION ON THE APPOINTMENT OF A CANDIDATE TO THE VACANT WARD 4 COUNCIL SEAT, INCLUDING POSSIBLE DISCUSSIONS WITH APPLICANTS.

VIII. EXECUTIVE SESSION

(Pursuant to 25 O.S. Section 307 the City Council may enter into executive session for the purposes specifically provided in this section.)

1. EXECUTIVE SESSION

DISCUSSION AND APPROPRIATE ACTION RELATED TO A PROPOSED EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING THE EMPLOYMENT, HIRING, AND APPOINTMENT OF A CITY MANAGER, PURSUANT TO 25 O.S. SECTION 307(B)(1), INCLUDING THE REVIEW AND DISCUSSION OF APPLICATIONS AND RESUMES SUBMITTED, CONDUCTING CANDIDATE INTERVIEWS, AND DISCUSSION RELATED TO SCHEDULING ADDITIONAL INTERVIEWS.

2. END EXECUTIVE SESSION

VOTE TO COME OUT OF EXECUTIVE SESSION.

3. EXECUTIVE SESSION ACTION

CONSIDERATION AND POSSIBLE ACTION RELATED TO THE DISCUSSIONS HELD IN EXECUTIVE SESSION RELATED TO THE EMPLOYMENT, HIRING, AND APPOINTMENT OF A CITY MANAGER, AND SCHEDULING INTERVIEWS OF CANDIDATES.

IX. NEW BUSINESS

(Business which was not foreseen prior to the posting of the agenda.)

X. ADJOURNMENT

IF YOU REQUIRE A SPECIAL ACCOMMODATION PURSUANT TO THE AMERICANS WITH DISABILITIES ACT,

PLEASE NOTIFY CITY HALL BY 9:00 A.M. ON THE DATE OF THE MEETING.

**MINUTES OF THE COWETA CITY COUNCIL REGULAR MEETING
DECEMBER 4, 2023, 6:03 P.M.**

The members of the Coweta City Council met in regular session on Monday, December 4, 2023, at 6:03 p.m. in the Coweta City Hall, 310 S Broadway, Coweta, Oklahoma.

COUNCILMEMBERS PRESENT: Naomi Hogue, Caroline Martin, Randy Woodward.

COUNCILMEMBERS ABSENT: Harold Chance.

I. CALL TO ORDER

The meeting was called to order by Mayor Hogue.

II. Pledge of Allegiance given

III. ROLL CALL

Roll call taken. Councilmembers were present as shown above.

IV. GENERAL CITY COUNCIL COMMENTS

Mayor Hogue thanked all involved in the Christmas parade. Mayor Hogue read the resignation letter of Vice-Mayor Logan Brown effective December 1, 2023. Mayor Hogue discussed the rules, responsibilities, and level of respect that is expected of all elected officials.

V. PROCLAMATIONS/PRESENTATIONS

1. FBI AWARDS

Recognition of officers who received a certificate for exceptional service in the public interest from the FBI.

VI. CONSENT

Motion by Naomi Hogue, second by Randy Woodward to approve the consent calendar items:

1. Approval of the minutes of the regular meeting of the City Council held on November 6, 2023.
2. Approval of the City of Coweta revised 2024 Holiday schedule that was previously approved on November 6, 2023.
3. Ratification of the execution of a contract with Envision Civil Contractors, LLC., in the amount of \$379,512.50, for the North Eufaula Bridge Project.

**MINUTES OF THE COWETA CITY COUNCIL REGULAR MEETING
DECEMBER 4, 2023, 6:03 P.M.**

4. Approval of a proposed memorandum of understanding between the City of Coweta and Muscogee (Creek) Nation concerning a road that the Muscogee (Creek) Nation proposes to add to the National Tribal Transportation Facility inventory.

Aye: Naomi Hogue
Caroline Martin
Randy Woodward

VI. CONSIDER ITEMS REMOVED FROM CONSENT

No items removed.

VII. ADMINISTRATION

1. BRIDGE INSPECTION RESOLUTION

Discussion and consideration for approval of a Resolution concerning bridge inspection responsibility by local government for compliance with national bridge inspection standards (Bridge inspection contracts for April 1, 2024, to March 31, 2026).

Motion by Naomi Hogue, second by Randy Woodward to adopt a Resolution concerning bridge inspection responsibility by local government for compliance with national bridge inspection standards (Bridge inspection contracts for April 1, 2024, to March 31, 2026).

Aye: Naomi Hogue
Randy Woodward
Caroline Martin

2. EMPLOYEE POLICY

Discussion regarding proposed Employee Handbook (Version 2023).

3. BODY CAMERA UPGRADE AND STORAGE

Discussion and consideration of action related to solicitation of bids for the purchase of body cameras and data storage.

Motion by Namoi Hogue, second by Radny Woodward to approve the solicitation of bids for the purchase of body cameras and data storage.

Aye: Naomi Hogue
Randy Woodward
Caroline Martin

**MINUTES OF THE COWETA CITY COUNCIL REGULAR MEETING
DECEMBER 4, 2023, 6:03 P.M.**

4. SELF CONTAINED BREATHING APPARATUS (SCBA) PURCHASE

Discussion and possible action on the purchase of four MSA self-contained breathing apparatus and fourteen cylinders from Casco Industries, Inc. in the amount of \$43,188.00 utilizing OMES contract SW-241 pricing. Funding would be utilized from Wagoner County Rural Fire Tax

Motion by Randy Woodward, second by Naomi Hogue to purchase four MSA self-contained breathing apparatus and fourteen cylinders from Casco Industries, Inc. in the amount of \$43,188.00 utilizing OMES contract SW-241 pricing and funds from the Wagoner County Rural Fire Tax.

Aye: Randy Woodward
Naomi Hogue
Caroline Martin

5. RESOLUTION 2023-42- ACCEPTING A SANITARY SEWER LINE

Discussion and possible action on the adoption of Resolution 2023-42, a Resolution accepting as dedicated public improvements certain sanitary sewer line located within Section 1, Township 17 North, Range 15 East, of the Indian Base and Meridian, Wagoner County, State of Oklahoma.

Motion by Naomi Hogue, second by Caroline Martin to adopt Resolution 2023-42, a Resolution accepting as dedicated public improvements certain sanitary sewer line located within Section 1, Township 17 North, Range 15 East, of the Indian Base and Meridian, Wagoner County, State of Oklahoma.

Aye: Naomi Hogue
Caroline Martin
Randy Woodward

6. COUNCIL VACANCY

Discussion and consideration of action related to appointing a resident of Ward 4 to fill the vacant City Council position.

Motion by Naomi Hogue, second by Caroline Martin to take applications for thirty days to fill the vacant Ward 4 City Council member position.

**MINUTES OF THE COWETA CITY COUNCIL REGULAR MEETING
DECEMBER 4, 2023, 6:03 P.M.**

Aye: Naomi Hogue
Caroline Martin
Randy Woodward

7. EXECUTIVE SEARCH

Discussion and possible action related to conducting an executive search for a City Manager.

Motion by Naomi Hogue, second by Caroline Martin to approve the City of Coweta and Human Resources department to post the City Manager position.

Aye: Naomi Hogue
Caroline Martin
Randy Woodward

IX. NEW BUSINESS

(Business which was not foreseen prior to the posting of the agenda.)

No new business.

X. EXECUTIVE SESSION

1. Executive Session

Discussion and consideration of action related to a proposed executive session to discuss the purchase of real property for a Public Safety Complex site, pursuant to 25 O.S. SECTION 307 (b) (3).

Motion by Naomi Hogue, second by Caroline Martin to enter into executive session at 6:41 p.m.

Aye: Naomi Hogue
Caroline Martin
Randy Woodward

- a. END EXECUTIVE SESSION
Vote to leave executive session

Motion by Naomi Hogue, second by Caroline Martin to end executive session at 7:00 p.m.

**MINUTES OF THE COWETA CITY COUNCIL REGULAR MEETING
DECEMBER 4, 2023, 6:03 P.M.**

Aye: Naomi Hogue
Caroline Martin
Randy Woodward

b. DISCUSSION AND POSSIBLE ACTION

Discussion and consideration of action as a result of discussions held in executive session related to the purchase of real property for a Public Safety Complex site.

No action taken.

XI. ADJOURNMENT

Mayor Hogue adjourned the meeting at 7:00 p.m.

Naomi Hogue, Mayor

Marcy Kilgore, City Clerk

**MINUTES OF THE COWETA CITY COUNCIL SPECIAL MEETING
DECEMBER 21, 2023, 6:00 P.M.**

The members of the Coweta City Council met in special session on Thursday, December 21, 2023, at 6:00 p.m. in the Coweta City Hall, 310 S Broadway, Coweta, Oklahoma.

COUNCILMEMBERS PRESENT: Naomi Hogue, Harold Chance, Caroline Martin, Randy Woodward.

I. CALL TO ORDER

The meeting was called to order by Mayor Hogue.

II. Pledge of Allegiance given

III. ROLL CALL

Roll call taken. Councilmembers were present as shown above.

IV. GENERAL CITY COUNCIL COMMENTS

Councilmember Harold Chance gave big thanks to the WWTP and WTP Directors for all their hard work. Mayor Naomi Hogue thanked everyone for their efforts and stated it was very appreciated. Mayor Naomi Hogue also welcomed back Julie Casteen as full-time Assistant City Manager/Finance Director. Mayor Naomi Hogue reminded the other Councilmembers of their responsibilities, that they collaborated and how important it was for everyone to work together.

V. ADMINISTRATION

1. VICE MAYOR ELECTION

Discuss and consider action on election of a Vice Mayor.

Motion by Naomi Hogue, second by Caroline Martin to appoint Harold Chance as Vice Mayor.

Aye: Naomi Hogue
Caroline Martin
Randy Woodward
Harold Chance

2. RESOLUTION 2023-45 ADOPTING BUDGET AMENDMENTS

Discuss and consider action on the adoption of Resolution 2023-45, a Resolution of the City Council of the City of Coweta, Oklahoma adopting amendments to the annual

**MINUTES OF THE COWETA CITY COUNCIL SPECIAL MEETING
DECEMBER 21, 2023, 6:00 P.M.**

appropriations for the budget of the City of Coweta, Oklahoma, for fiscal year ending June 30, 2024.

Motion by Harold Chance, second by Naomi Hogue to adopt Resolution 2023-45, a Resolution of the City Council of the City of Coweta, Oklahoma adopting amendments to the annual appropriations for the budget of the City of Coweta, Oklahoma, for fiscal year ending June 30, 2024.

Aye: Harold Chance
Naomi Hogue
Caroline Martin
Randy Woodward

3. COOPERATIVE PURCHASING AGREEMENT

Discuss and consider action on the approval of the terms and conditions for participation in a cooperative purchasing membership with National Purchasing Partners Government Division (NPPGov) and approval of the Interim City Manager or her designee to execute the same on behalf of the City of Coweta.

Motion by Harold Chance, seconded by Randy Woodward to approve the terms and conditions for participation in a cooperative purchasing membership with National Purchasing Partners Government Division (NPPGov) and approval of the Interim City Manager or her designee to execute the same on behalf of the City of Coweta.

Aye: Harold Chance
Randy Woodward
Naomi Hogue
Caroline Martin

**4. ACH ELECTRONIC FUNDS TRANSFERS PROCESSING AGREEMENT
WITH FNB COWETA**

Discuss and consider approval of an ACH (Automated Clearing House) Electronic Funds Transfers Processing Agreement between the City of Coweta and FNB Coweta, including appointment of authorized representatives for signature purposes, and authorizing the Interim City Manager to execute the agreement.

Motion by Harold Chance, second by Randy Woodward to approve an ACH (Automated Clearing House) Electronic Funds Transfers Processing Agreement between the City of Coweta and FNB Coweta, including appointment of authorized representatives for signature purposes, and authorizing the Interim City Manager to execute the agreement.

**MINUTES OF THE COWETA CITY COUNCIL SPECIAL MEETING
DECEMBER 21, 2023, 6:00 P.M.**

Aye: Harold Chance
Randy Woodward
Naomi Hogue
Caroline Martin

5. GRANT CONSULTANT RFQ

Discuss and consider action on publishing a request for qualifications for grant consulting services.

Motion by Harold Chance, second by Randy Woodward to approve publishing a request for qualifications for grant consulting services.

Aye: Harold Chance
Randy Woodward
Naomi Hogue
Caroline Martin

6. ODOT RESOLUTION

Discuss and consider approval of a Resolution related to the replacement of a bridge on South 289th East Avenue over Coweta Creek with possible financial assistance from the Oklahoma Department of Transportation, as part of the SD City Bridge Program.

Motion by Harold Chance, second by Naomi Hogue to adopt a Resolution related to the replacement of a bridge on South 289th East Avenue over Coweta Creek with possible financial assistance from the Oklahoma Department of Transportation, as part of the SD City Bridge Program.

Aye: Harold Chance
Naomi Hogue
Caroline Martin
Randy Woodward

7. EASEMENT ACCEPTANCE

Discuss and consider acceptance of a drainage easement from Barbara and Steven Wolfe.

Motion by Naomi Hogue, second by Harold Chance to accept a drainage easement from Barbara and Steven Wolfe.

**MINUTES OF THE COWETA CITY COUNCIL SPECIAL MEETING
DECEMBER 21, 2023, 6:00 P.M.**

Aye: Naomi Hogue
Harold Chance
Caroline Martin
Randy Woodward

Motion by Naomi Hogue, second by Harold Chance to recess at 6:13 p.m.

Motion by Naomi Hogue, second by Caroline Martin to reconvene meeting at 6:20 p.m.

VI. EXECUTIVE SESSION

1. Executive Session

Discussion and consideration of action related to a proposed executive session for the purpose of discussing the following:

The purchase or appraisal of real property pursuant to 25 O.S. Section 307(B)(3), concerning the possible acquisition of a utility easement on restricted property, and a possible monetary offer to obtain such utility easement.

And

The employment, hiring, and appointment of a City Manager, pursuant to 25 O.S. Section 307(B)(1), including the review and discussion of applications and resumes submitted, and discussion related to scheduling candidate interviews.

Motion by Naomi Hogue, second by Caroline Martin to enter into executive session at 6:22 p.m.

Aye: Naomi Hogue
Caroline Martin
Harold Chance
Randy Woodward

2. END EXECUTIVE SESSION

Vote to leave executive session.

Motion by Harold Chance, second by Naomi Hogue to end executive session at 7:14 p.m.

Aye: Harold Chance
Naomi Hogue
Caroline Martin
Randy Woodward

**MINUTES OF THE COWETA CITY COUNCIL SPECIAL MEETING
DECEMBER 21, 2023, 6:00 P.M.**

3. DISCUSSION AND POSSIBLE ACTION

Consideration and possible action related to the discussions held in the Executive session related to the acquisition of a utility easement on restricted property, including, but not limited to, a possible monetary offer to obtain such utility easement.

Motion by Naomi Hogue, second by Harold Chance to approve an offer of \$47,000.00 to acquire a 20-foot-wide utility easement on property held in trust by the United States of America on the Couth side of Highway 51, in Section 17, Township 17 North, Range 16 East.

Aye: Naomi Hogue
Harold Chance
Caroline Martin
Randy Woodward

4. EXECUTIVE SESSION ACTION-PUBLI OFFICIAL

Consideration and possible action related to the discussions held in executive session related to the employment, hiring, and appointment of a City Manager, and scheduling interviews of candidates.

Motion by Naomi Hogue, second by Harold Chance to continue with the search process for a City Manager and schedule candidate interviews at the next regular scheduled meeting.

Aye: Naomi Hogue
Harold Chance
Caroline Martin
Randy Woodward

XI. ADJOURNMENT

Mayor Hogue adjourned the meeting at 7:17 p.m.

Naomi Hogue, Mayor

Marcy Kilgore, City Clerk

COWETA MUNICIPAL COURT
2024 CALENDAR
Thursdays
2:30 p.m. Adults
3:30 p.m. Juveniles

January	4, 11, 18, 25
February	1, 8, 15, 22
March	7, 14, 21, 28
April	4, 11, 25
May	2, 9, 16, 23
June	13, 20, 27
July	11, 18, 25
August	1, 8, 15, 22
September	5, 12, 19, 26
October	3, 10, 17, 24
November	7, 14, 21
December	5, 12, 19

**REVIEW OF EXPENDITURES FOR E911 FUND
FOR JULY 1, 2023, THROUGH SEPTEMBER 30, 2023**

During the first quarter of the current fiscal year, the expenditures for the E911 Fund include:

Vendor	Description	Total Per Vendor
Windstream	911 Lines and Services	\$ 9,908.10
Motorola Solutions	Annual Service Agreement for Consoles	13,973.08
Motorola Solutions	Lease Payment on CallWorks	23,603.99
Computer Project of IL	OLETS Annual License Fees	198.00
OK Dept of Public Safety	OLETS Annual Maintenance Fees	5,340.00
	Total Year to Date Expenditures	\$ 53,023.17

Approved in open meeting of the City Council of the City of Coweta on this 8th day of January, 2024.

Naomi Hogue, Mayor

ATTEST:

Marcy Kilgore, City Clerk

VENDOR SET: 01 CITY OF COWETA

BANK: ALL

FUND : 18 E-911 FUND

DEPARTMENT: 087 E-911 FUND

INVOICE DATE RANGE: 1/01/1998 THRU 99/99/9999

PAY DATE RANGE: 7/01/2023 THRU 9/30/2023

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L	ACCOUNT	NAME	DESCRIPTION	CHECK #	AMOUNT
01-2210	WINDSTREAM	I-041665350	6/28/23	18	5302.087	COMMUNICATION: T1 LINE FOR DISPATCH	269355	708.75
01-2210	WINDSTREAM	I-041665350	7/27/23	18	5302.087	COMMUNICATION: T1 LINE FOR DISPATCH	269618	708.75
01-2210	WINDSTREAM	I-041665350	8/28/23	18	5302.087	COMMUNICATION: T1 LINE FOR DISPATCH	269827	708.75
01-2210	WINDSTREAM	I-041700521	7/6/23	18	5302.087	COMMUNICATION: E911 VPN & ROUTERS	269413	769.13
01-2210	WINDSTREAM	I-041700521	8/3/23	18	5302.087	COMMUNICATION: E911 VPN & ROUTERS	269619	769.13
01-2210	WINDSTREAM	I-041700521	9/6/23	18	5302.087	COMMUNICATION: E911 VPN & ROUTERS	269914	769.13
01-2210	WINDSTREAM	I-101098402	7/11/23	18	5302.087	COMMUNICATION: E911 VPN ACCT 101098	269503	1,244.52
01-2210	WINDSTREAM	I-101098402	8/9/23	18	5302.087	COMMUNICATION: E911 VPN ACCT 101098	269695	1,340.28
01-2210	WINDSTREAM	I-101098402	9/11/23	18	5302.087	COMMUNICATION: E911 VPN ACCT 101098	269915	1,339.74
01-2210	WINDSTREAM	I-101098803	7/17/23	18	5302.087	COMMUNICATION: DISPATCH PHONE FY24	269504	123.40
01-2210	WINDSTREAM	I-101098803	8/16/23	18	5302.087	COMMUNICATION: DISPATCH PHONE FY24	269696	121.02
01-2210	WINDSTREAM	I-101098803	9/15/23	18	5302.087	COMMUNICATION: DISPATCH PHONE FY24	269916	122.44
01-2210	WINDSTREAM	I-101186478		18	5302.087	COMMUNICATION: CALLWORKS TRANS LINE	269967	292.82
01-2210	WINDSTREAM	I-101186478	6/21/23	18	5302.087	COMMUNICATION: CALLWORKS TRANS LINE	269356	296.42
01-2210	WINDSTREAM	I-101186478	7/21/23	18	5302.087	COMMUNICATION: CALLWORKS TRANS LINE	269517	296.57
01-2210	WINDSTREAM	I-101186478	8/22/23	18	5302.087	COMMUNICATION: CALLWORKS TRANS LINE	269707	297.25
							VENDOR 01-2210 TOTALS	9,908.10
01-3538	COMPUTER PROJECT OF IL	I-23-07-173ME		18	5325.087	CONTRACTED SE: ANNUAL FEE-OLETS	269454	198.00
							VENDOR 01-3538 TOTALS	198.00
01-3641	MOTOROLA SOLUTIONS INC	I-8230416507		18	5325.087	CONTRACTED SE: ANNUAL MAINT FEE/DIS	269478	13,973.08
							VENDOR 01-3641 TOTALS	13,973.08
01-4264	MOTOROLA SOLUTIONS CRE	I-31988		18	5503.087	LEASE PAYMENT: ANNUAL CALLWORKS	269397	18,474.00
01-4264	MOTOROLA SOLUTIONS CRE	I-31988		18	5504.087	LEASE PAYMENT: ANNUAL CALLWORKS	269397	5,129.99
							VENDOR 01-4264 TOTALS	23,603.99
01-80	OKLAHOMA DEPT PUBLIC S	I-LET-011735		18	5302.087	COMMUNICATION: MAINT FEE FOR OLETS	269889	5,340.00
							VENDOR 01-80 TOTALS	5,340.00
DEPARTMENT 087 E-911 FUND						TOTAL:	53,023.17	
VENDOR SET 18 E-911 FUND						TOTAL:	53,023.17	
REPORT GRAND TOTAL:							53,023.17	

** G/L ACCOUNT TOTALS **

YEAR	ACCOUNT	NAME	AMOUNT	=====LINE ITEM=====			=====GROUP BUDGET=====	
				ANNUAL BUDGET	BUDGET AVAILABLE	OVER BUDG	ANNUAL BUDGET	BUDGET AVAILABLE
2023-2024	18 -5302.087	COMMUNICATIONS (TELEPHONE)	15,248.10	42,800	81.25			
	18 -5325.087	CONTRACTED SERVICES	14,171.08	18,800	4,628.92			
	18 -5503.087	LEASE PAYMENTS - PRINC	18,474.00	18,474	0.55			
	18 -5504.087	LEASE PAYMENTS - INTEREST	5,129.99	5,131	0.46			
		TOTAL:	53,023.17					

** DEPARTMENT TOTALS **

ACCT	NAME	AMOUNT
18 -087	E-911 FUND	53,023.17

18 TOTAL	E-911 FUND	53,023.17

** TOTAL **		53,023.17

NO ERRORS

SELECTION CRITERIA

VENDOR SET: 01 CITY OF COWETA
INVOICE DATE RANGE: 1/01/1998 THRU 99/99/9999
PAY DATE RANGE: 7/01/2023 THRU 9/30/2023
BANK: ALL
BUDGET: CB-CURRENT BUDGET
SEQUENCE: VENDOR NUMBER
REPORT TYPE: 1 LINE
TOTALS ONLY: NO
PRINT PROJECTS: NO
PRINT STUB COMMENTS: NO

DEPARTMENT OPTIONS

SEPARATE BY DEPARTMENT: YES
G/L RANGE: - THRU ZZZ-ZZZZZZZZZZZZZZZZ
DEPARTMENT RANGE: 087 THRU 087
PAGE BREAK BY DEPARTMENT: YES
CHECK RANGE: 000000 THRU 999999

** END OF REPORT **

CITY OF COWETA
FINANCIAL STATEMENT
AS OF: SEPTEMBER 30TH, 2023

18 -E-911 FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
	<u>108,600</u>	<u>7,736.69</u>	<u>27,163.59</u>	<u>0.00</u>	<u>81,436.41</u>	<u>25.01</u>
TOTAL REVENUES	108,600	7,736.69	27,163.59	0.00	81,436.41	25.01
	=====	=====	=====	=====	=====	=====
 <u>EXPENDITURE SUMMARY</u>						
E-911	<u>207,765</u>	<u>8,870.13</u>	<u>53,023.17</u>	<u>140,096.90</u>	<u>14,644.93</u>	<u>92.95</u>
TOTAL EXPENDITURES	207,765	8,870.13	53,023.17	140,096.90	14,644.93	92.95
	=====	=====	=====	=====	=====	=====
REVENUE OVER/ (UNDER) EXPENDITURES	(99,165)	(1,133.44)	(25,859.58)	(140,096.90)	66,791.48	167.35
	=====	=====	=====	=====	=====	=====

CITY OF COWETA
FINANCIAL STATEMENT
AS OF: SEPTEMBER 30TH, 2023

18 -E-911 FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
18-04.03.07 E-911 TAX	18,500	31.86	3,911.97	0.00	14,588.03	21.15
18-04.03.08 E-911 FEES	90,000	7,695.60	23,223.10	0.00	66,776.90	25.80
18-04.03.84 LEASE PROCEEDS	0	0.00	0.00	0.00	0.00	0.00
18-04.03.85 INTEREST EARNED	<u>100</u>	<u>9.23</u>	<u>28.52</u>	<u>0.00</u>	<u>71.48</u>	<u>28.52</u>
TOTAL REVENUE	108,600	7,736.69	27,163.59	0.00	81,436.41	25.01
	=====	=====	=====	=====	=====	=====

CITY OF COWETA
FINANCIAL STATEMENT
AS OF: SEPTEMBER 30TH, 2023

18 -E-911 FUND

% OF YEAR COMPLETED: 25.00

DEPARTMENT - E-911

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>200-MATERIALS AND SUPPLIE</u>						
18-5200.087 MATERIALS AND SUPPLIES	0	0.00	0.00	0.00	0.00	0.00
18-5201.087 OFFICE SUPPLIES	0	0.00	0.00	0.00	0.00	0.00
18-5204.087 MINOR TOOLS & EQUIPMENT	<u>2,300</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>2,300.00</u>	<u>0.00</u>
TOTAL 200-MATERIALS AND SUPPLIE	2,300	0.00	0.00	0.00	2,300.00	0.00
<u>300-OTHER CHARGES/SERVICE</u>						
18-5300.087 OTHER SERVICES & CHARGES	0	0.00	0.00	0.00	0.00	0.00
18-5302.087 COMMUNICATIONS (TELEPHONE)	42,800	3,530.13	9,908.10	32,841.90	50.00	99.88
18-5304.087 MEMBERSHIPS & SUBSCRIPTIONS	5,400	5,340.00	5,340.00	0.00	60.00	98.89
18-5305.087 TRAVEL & TRAINING	7,605	0.00	0.00	0.00	7,605.00	0.00
18-5325.087 CONTRACTED SERVICES	<u>18,800</u>	<u>0.00</u>	<u>14,171.08</u>	<u>0.00</u>	<u>4,628.92</u>	<u>75.38</u>
TOTAL 300-OTHER CHARGES/SERVICE	74,605	8,870.13	29,419.18	32,841.90	12,343.92	83.45
<u>400-CAPITAL OUTLAY</u>						
18-5404.087 MACHINERY & EQUIPMENT	<u>107,255</u>	<u>0.00</u>	<u>0.00</u>	<u>107,255.00</u>	<u>0.00</u>	<u>100.00</u>
TOTAL 400-CAPITAL OUTLAY	107,255	0.00	0.00	107,255.00	0.00	100.00
<u>500-NON-OPERATING</u>						
18-5503.087 LEASE PAYMENTS - PRINC	18,474	0.00	18,473.45	0.00	0.55	100.00
18-5504.087 LEASE PAYMENTS - INTEREST	<u>5,131</u>	<u>0.00</u>	<u>5,130.54</u>	<u>0.00</u>	<u>0.46</u>	<u>99.99</u>
TOTAL 500-NON-OPERATING	23,605	0.00	23,603.99	0.00	1.01	100.00
<u>TOTAL E-911</u>						
TOTAL E-911	207,765	8,870.13	53,023.17	140,096.90	14,644.93	92.95
<u>TOTAL EXPENDITURES</u>						
TOTAL EXPENDITURES	207,765	8,870.13	53,023.17	140,096.90	14,644.93	92.95
=====						
REVENUE OVER/(UNDER) EXPENDITURES	(99,165)	(1,133.44)	(25,859.58)	(140,096.90)	66,791.48	167.35
=====						

Coweta Police Department 212 n Broadway Coweta, OK 74429
07/0/2023 – 09/30/2023

Radio Log Summary Report

Radio Log Record

Radio Log Record 10,189

Group By Call Type

Total	Initial Call Type
1	***OLETS***
1	***ONLINE***
6	***SYSTEM***
11	10-12 - ACO
14	10-12 - EMS
1	10-12 - FIRE
325	10-12 - INFORMATION
178	10-12 - POLICE
46	10-12 - RECORDS
63	10-21 - ACO
222	10-21 - EMS
74	10-21 - FIRE
1,840	10-21 - INFORMATION
649	10-21 - OUTGOING
695	10-21 - POLICE
5	10-21 - RECORDS
752	10-21 - TRANSFER
394	911 - EMS
26	911 - FIRE
124	911 - HANG UP
260	911 - NON EMERGENCY
184	911 - POLICE
28	911 - TRANSFER
5	911-ACO
272	ACO RADIO CALL
14	DETECTIVE
11	EMS/FD RADIO CALL
13	MUNICIPAL COURT
3,813	POLICE RADIO CALL
162	SCHOOL RESOURCE OFFICER-SRO

Group By Final Type

Total	Final Call Type
2,346	
117	***ACCIDENTAL***
1	***DETECTIVE***
1	***FIRE MARSHALL***
1,206	***INFORMATION***
131	***SCHOOL RESOURCE OFFICER - INITIATED***
4	***SYSTEM***
797	***TRANSFER***
10	ABANDONED VEHICLE
1	ACCIDENT / CITY VEHICLE INVOLVED - SIGNAL 83
6	ACCIDENT / HIT AND RUN - SIGNAL 89
13	ACCIDENT / MAJOR / WITH INJURIES - SIGNAL 82
39	ACCIDENT / MINOR / NO INJURIES - SIGNAL 81
21	ACCIDENT / SERIOUSNESS UNKNOWN - SIGNAL 76
3	ACO - 10-6 ANIMAL SHELTER
3	ACO-10-6 SHELTER
1	ACO-ANIMAL DROP OFF
5	ACO-ANIMAL PICK UP
7	ACO-ANIMAL RETURN
22	ACO-ANIMAL WELL FARE CHECK
20	ACO-SIG 30 ANIMAL
8	ACO-TRAPS
8	ALARM - AUDIBLE
26	ALARM - FIRE
2	ALARM - HOLD UP
77	ALARM - INTRUSION
12	ALARM - MEDICAL ALERT

10,189	GRAND TOTAL	3	ALARM - PANIC
		26	ALARM- SCHOOL
		5	ANIMAL ABUSE
		95	ANIMAL AT LARGE
		3	ANIMAL BITE
		1	ARREST/IN CUSTODY / 10-15
		9	ASSAULT
		28	ASSIST A CITIZEN
		48	ASSIST ANOTHER AGENCY
		7	ATL - ATTEMPT TO LOCATE
		12	ATTEMPT TO SERVE
		6	BREAKING AND ENTERING
		7	BURGLARY
		2	CASH PULL
		10	CHECK FOR STOLEN OR WANTED / 10-29
		229	CHECK REGISTRATION INFORMATION / 10-28
		17	CHECK THE JUVENILES
		78	CHECK THE WELLBEING
		1	CHILD ABUSE
		3	CHILD IN NEED OF SUPERVISION
		3	CODE ENFORCEMENT
		1	COS - CHECK TO YOUR OWN SATISFACTION
		14	COURT
		11	DETECTIVE
		64	DINNER LOCATION - SIGNAL 07
		79	DISTURBANCE
		42	DOMESTIC VIOLENCE
		52	DRIVER LICENSE CHECK/ WARRANT CHECK / 10-43/44
		72	DRIVER LICENSE STATUS CHECK / 10-43
		2	DRUG ACTIVITY / 10-75
		1	EMBEZZLEMENT
		2	EN ROUTE TO HARM
		4	ESCORT / 10-14
		5	FATALITY - SIGNAL 30
		12	FINGERPRINTS

63	FIRE / GAS LEAK
120	FOLLOW UP
14	FRAUD
172	FUEL
49	GENERAL QUESTIONS
7	HARASSMENT
3	ILLEGAL DUMPING
23	ILLEGAL PARKING
616	IN SERVICE / 10-8
20	INTOXICATED DRIVER - SIGNAL 88
4	INTOXICATED PEDESTRIAN - SIGNAL 87
20	LARCENY
2	LARCENY - FROM A VEHICLE
1	LARCENY - GASOLINE
4	LARCENY OF A VEHICLE
4	MAN DOWN
606	MEDICAL EMERGENCY
7	MISSING PERSON
54	MOTORIST ASSIST / 10-26
29	OFFICIALS/VISITORS PRESENT / 10-12
8	OPEN DOOR / 10-34
605	OUT OF SERVICE / 10-7
7	OUT OF SERVICE/SUBJECT TO CALL / 10-10
45	PEDESTRIAN CHECK
4	PROPERTY - FOUND
1	PROPERTY - RECOVER STOLEN
5	PROPERTY DAMAGE
1	PROPERTY RECOVERED
5	PROPERTY RELEASE
2	PROTECTIVE ORDER VIOLATION
2	RAPE
83	RECEIVE INFORMATION
67	RECKLESS DRIVER
13	RELEASE OF 10-15
3	ROAD RAGE
3	RUNAWAY

2	SHOP LIFTING
2	SHOPLIFTER IN CUSTODY
3	SHOTS FIRED
6	SHOTS HEARD
34	SPECIAL EVENT
10	SUICIDAL SUBJECT
35	SUSPICIOUS ACTIVITY
52	SUSPICIOUS PERSON
45	SUSPICIOUS VEHICLE
13	THREATS
7	TRAFFIC CONTROL
47	TRAFFIC HAZARD
903	TRAFFIC STOP / 10-59
7	TRAINING
33	TRANSPORT
4	TRESPASSING
28	TROUBLE UNKNOWN
2	VANDALISM
82	WARRANT CHECK / 10-44
360	WATCH ORDER/SECURITY CHECK
1	WEATHER UPDATE / STATUS
10,189	GRAND TOTAL



POST OFFICE BOX 850 • COWETA, OKLAHOMA 74429 • PH. (918) 486-2189 • FAX (918) 486-5366 • www.cityofcoweta-ok.gov

Memorandum

To: Honorable Mayor and City Council

From: Julie Casteen, Assistant City Manager

Re: FY24-25 Budget Calendar

Date: January 5, 2024

BACKGROUND

To maintain compliance with the Municipal Budget Act (O.S. 11-17-201 et seq.), the City's annual budget process must follow certain guidelines, including taking certain actions within certain time frames. To that end, staff is requesting that Council adopt a budget calendar to assist in tracking the budget process. The proposed calendar is as follows:

- April 5 – Budget Workshop
- May 15 – Submission of final Proposed Budget to Council
- May 22 – Publication of Budget Summary and Notification of Public Hearing
- June 3 – Public Hearing on the Budget
- June 3 – Adoption of the Budget

The process has already begun at the staff level, with personnel budget estimates and estimates of revenues underway. Once the base budget has been established, department heads will begin working on their discretionary expenditure budgets.

STAFF RECOMMENDATION

Staff recommends that the City Council annually adopt a budget calendar.

ATTACHMENTS:

Budget Calendar

CITY OF COWETA
BUDGET CALENDAR FOR FISCAL YEAR 2025

1/3/2024

ACTION	PARTIES INVOLVED	LEGAL DEADLINE	ACTUAL DEADLINE
Prepare FY25 revenue estimates and FY24 revenue projections for all funds	Assistant City Manager	N/A	January 19 (Friday)
Finalize FY25 preliminary (base) budget estimate for operating funds	Assistant City Manager	N/A	February 2 (Friday)
Set up worksheets into Incode and send to Dept Heads	Assistant City Manager	N/A	February 9 (Friday)
Department Budget Worksheets submitted to Finance Director	Department Heads	N/A	February 26 (Monday)
Department Budget Capital Improvement Plan worksheets submitted to Finance Director	Department Heads	N/A	March 1 (Friday)
Individual Meetings with Dept Heads	Assistant City Manager/ City Manager	N/A	March 12-13 (Tue-Wed)
CIP Workshop with Dept Heads	Assistant City Manager/ City Manager	N/A	March 14 (Thursday)
Preliminary draft Fiscal Year 2025 budget document for all funds	Assistant City Manager	N/A	April 1 (Monday)
Budget Workshop	City Council/ City Manager/Dept Heads	N/A	April 5 (Friday)
Prepare Final Proposed Budget summaries of revenues by source, summary of expenditure by department to submit to City Council	Assistant City Manager	Not less than 30 days prior to the beginning of the budget year	May 15 (Wednesday)
Notice of budget hearing deadline to Newspaper to be published by May 24	Assistant City Manager	10 AM Thursday prior to Wednesday Publication	May 15 for May 22 Publication
Publish notice of budget hearing & have draft budgets available to public in City Clerks' Office	Assistant City Manager	Not less than 5 days prior to day of the hearing	May 22 (Wednesday)
Public Hearing	City Council/ Assistant City Manager	Not less than 15 days prior to the beginning of the new budget year	June 3 (Monday)
City Council/Trusts will consider adoption of the FY25 budget	City Council/Trusts	Not less than 7 days prior to the beginning of the new budget year	June 3 (Monday)
Print & File adopted budget with Oklahoma State Auditors Office	Assistant City Manager	Within 30 days of the first day of the new budget year (July 30)	June 28 (Friday)

Legal Deadlines to Remember:
June 1 - Submit budget to City Council
June 9 - Publish notice of public hearing
June 14 - Public Hearing
June 23 - Budget Adoption
July 30 - Budget filed with OK State Auditors Office
Within 15 days of filing with State Auditor, any taxpayer may protest alleged irregularities (sinking fund appropriations only)

FY 25 Budget Calendar

January 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
	City Offices Closed for New Years Day					
7	8	9	10	11	12	13
	City Council/ Trust Meetings					
14	15	16	17	18	19	20
					Revenue Projections	
21	22	23	24	25	26	27
28	29	30	31			

FY 25 Budget Calendar

February 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
					Finalize Base Budget	
4	5	6	7	8	9	10
	City Council/ Trust Meetings				Send worksheets to Dept Heads	
11	12	13	14	15	16	17
18	19	20	21	22	23	24
	City Offices Closed for Presidents Day					
25	26	27	28	29		
	Worksheets Due From DH					

FY 25 Budget Calendar

March 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
					CIP Requests Due From DH	
3	4	5	6	7	8	9
	City Council/ Trust Meetings					
10	11	12	13	14	15	16
		Preliminary meetings with Dept Heads		CIP Workshop with Dept Heads	Spring Break	
17	18	19	20	21	22	23
	Spring Break					
24	25	26	27	28	29	30
					City Offices Closed for Good Friday	

FY 25 Budget Calendar

April 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
31	1	2	3	4	5	6
	City Council/ Trust Meetings/				Budget Workshop	
	Budget Draft					
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

FY 25 Budget Calendar

May 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	1	2	3	4
5	6	7	8	9	10	11
	City Council/ Trust Meetings					
12	13	14	15	16	17	18
			Public Notice to Newspaper/Budget Summaries to Council			
19	20	21	22	23	24	25
			Notice of Public Hearing Published			
26	27	28	29	30	31	1
	City Offices Closed for Memorial Day					

FY 25 Budget Calendar

June 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	1	2	1
						Legal deadline for submitting proposed budget to City Council
2	3	4	5	6	7	8
	City Council/ Trust Meetings		Legal deadline for publication of budget public hearing notice			
	BUDGET HEARING/ ADOPTION					
9	10	11	12	13	14	15
				Legal deadline for budget public hearing		
16	17	18	19	20	21	22
				Legal deadline for budget adoption		
23	24	25	26	27	28	29
					Print & File Adopted Budget w/ State Auditor	



The World Leader In Engine Exhaust Removal
Systems for the Fire and EMS Industry

PROPOSAL – AIRVAC 911® Multi-Directional (Horizontal & Vertical) Air Flow Exhaust Removal System

THE SALE OF AIRVAC 911®, ENGINE EXHAUST AIR FILTRATION SYSTEM, BY AIR VACUUM CORPORATION OF DOVER N.H., FOR REMOVAL OF HAZARDOUS EMISSIONS FROM FIRE, RESCUE, TRUCKING, AND OTHER HEAVY EQUIPMENT FLOOR AREAS.

THIS QUOTATION HAS BEEN PREPARED FOR:

12/21/2023



Contract Holder

Deputy Chief, Brian Woodward
Coweta Fire Department
Po Box 850
Coweta, OK 74429

SPECIFICATIONS

MODEL: AIRVAC 911®, VERTICAL AIR FLOW DESIGN, CEILING HUNG, RE-CIRCULATING AIR FILTRATION SYSTEM. MANUFACTURED BY: AIR VACUUM CORPORATION, 32 NADEAU DRIVE, ROCHESTER NH 03867.

FILTRATION: "4-STAGE" FILTER PACK. ALL FILTERS ARE INDUSTRY STANDARD SIZED, UL TESTED & CERTIFIED.

PRE-FILTER (STAGE 1): 24" X 24" X 1". 3-PLY POLYESTER CONSTRUCTION. TWO LAYERS OF 16/40 DUAL DENIER POLY FIBERS WITH A FINAL DUST CATCHING ADHESIVE LAYER. SELF-SEALING FILTER WITH PRE-INSTALLED INTERNAL HEAVY GAGE WIRE FRAME. MERV 8. PERFORMANCE BASED ON A.S.H.R.A.E. 52.1-1992 TEST METHOD. CLASSIFIED AS A UL CLASS 2 FILTER, ACCORDING TO UL STANDARD 900 AND CAN 4-S111.

MAIN MEDIA FILTER (STAGE 2): 24" X 24" X 6". "HEPA MAX 3000" HIGH EFFICIENCY PARTICULATE AIR FILTER. DOP TESTED WITH 0.3 MICROMETER SIZED PARTICLES TO HAVE A **MINIMUM EFFICIENCY OF UP TO 95% AND EXCEEDS THE MAXIMUM EFFICIENCY OF 98% ASHRAE 52.1 TESTED FILTERS.** CONSISTS OF A PLEATED MEDIA PACK ENCLOSED WITHIN A GALVANIZED STEEL FRAME ASSEMBLY. ULTRA-FINE FIBERGLASS MEDIA FORMED IN A SERIES OF PLEATS SEPERATED BY CORRUGATED ALUMINUM DIVIDERS TO MAINTAIN UNIFORM SPACING BETWEEN EACH PLEAT FOR OPTIMAL AIRFLOW. CLASSIFIED CLASS 2 ACCORDING TO U.L. STANDARD 900 AND IS CLASSIFIED MERV 16 IN ACCORDANCE WITH ASHRAE STANDARD 52.2. FOR INSTALLATION SAFETY, TOTAL WEIGHT NOT TO EXCEED 16 LBS.

GAS-PHASE EXTRACTOR (STAGES 3&4): ONE 24" X 24" X 4", "MULTISORB 3000" BLENDED GAS PHASE EXTRACTOR. 50/50 RESPIRATOR GRADE ACTIVATED CARBON GRANUALS EFFECT FOR REMOVAL OF HIGH WEIGHT MOLECULAR GASES WITHIN DIESEL EXHAUST (VOC'S, HYDROCARBONS, BENZENE, OCTANE, METHANOL AND MORE) AND POTASSIUM PERMANGANATE FOR REMOVAL OF LIGHT WEIGHT MOLECULAR GASES (SULFUR DIOXIDE, NITROGEN DIOXIDE, FORMALDEHYDE AND MORE). FILTER IS CONSTRUCTED WITHIN A 24ga METAL FRAME WITH INTERNAL "HONEYCOMB" CONTAINMENT STRUCTURE. 50/50 BLEND EQUATES TO 28+/- LBS OF CARBON. FOR INSTALLATION SAFETY, TOTAL WEIGHT NOT TO EXCEED 30 LBS.

CABINET CONSTRUCTION: 18 & 16 GAUGE, ALL WELDED STEEL CONSTRUCTION. 25" X 26" X 28" CUSTOM GRAY POWDER COAT PAINT FINISH. **TWO-HINGED ACCESS PANELS:** ONE, TO THE FILTER BANK AND THE OTHER TO THE MOTOR/BLOWER UNIT. A "DWYER" MAGNEHELIC STATIC PRESSURE GAGE, ALLOWS USER TO VISUALLY CHECK ON THE STATUS OF THE FILTER BANK. **FOUR HORIZONTAL & ADJUSTABLE AIRFLOW GRILLS.** "QUICK LATCH" FILTER COMPARTMENT WHICH IS CAPABLE OF HOLDING UP TO 15" OF FILTRATION!

ELECTRICAL: 3/4 H.P., 1725 RPM, 115 VOLT SINGLE PHASE ELECTRIC MOTOR, 13.6 F.L. AMP., RESILIENT MOUNT, AUTOMATIC THERMAL PROTECTION. ELECTRIC MOTOR, RESILIENT MOUNT. ALL MOTORS ARE UL APPROVED. **OPTIONS:** UNITS AVAILABLE @ 230 VOLT, SINGLE PHASE, 6.8 F.L. AMP, ADD \$75 EA. UNIT, SINGLE PHASE MOTOR USABLE @ 208-230 VOLT. 7.0 F.L. AMP. ADD \$115 EA UNIT, THREE PHASE 1 HP - @ 208-230/460 Volt, 3.4-3.6/1.8 F.L. AMPS, ADD \$255 EA. UNIT; TO BASE QUOTE.

BLOWER: CONTINENTAL CENTRIFUGAL IMPELLER AND FUNNEL CONE. NON-METAL & CHEMICALLY RESISTANT.

AVEC CONTROL PANEL: UL 508 CERTIFIED CUSTOM "AUTOMATIC VEHICLE EXHAUST CONTROL", MULTI-CIRCUIT AUTOMATIC RESET TIMER CONTROL. TWO CIRCUIT CONFIGURATIONS RATED AT 20 AMPS PER. TIMING RANGE OF .1 TO 120 MIN. ENCLOSED WITHIN A NEMA-4 RATED ENCLOSURE, NECESSARY FOR APPLICATIONS WHERE WATER IS PRESENT (WASHING OF VEHICLES). MANUAL THREE POSITION SWITCH FOR: AUTO MODE, SYSTEM OFF & SYSTEM RUN OVERRIDE. LED "OPERATING" LIGHT.

AUTOMATIC ACTIVATION SWITCHES: (SEE ENCLOSURES) PHOTO ELECTRIC EYES ACTIVATE SYSTEM UPON VEHICLE MOVEMENT (OUTDOOR RANGES OF UP TO 200') AND MAGNETIC DOOR SWITCHES (ONE PER OVERHEAD DOOR).

INSTALLATION: ANY PERMITS REQUIRED FOR INSTALLATION ARE TO BE OBTAINED BY THE BUYER. AN ADDITIONAL CHARGE MAY APPLY IF THE LOCATION OF INSTALLATION DOES NOT HAVE SUFFICIENT ELECTRICAL CAPACITY TO INSTALL THE AIRVAC 911®, SYSTEM. (E.G. - 1 OPEN 20 AMP BREAKER PER UNIT + 1 FOR THE CONTROL PANEL). **AVC PRICING DOES NOT INCLUDE THE COST OF ANY PERMITS, LICENSING FEES, REGISTRATION FEES, SALES/USE TAXES OR OTHER FEES THAT MAY BE REQUIRED UPON INSTALLATION AND BY PLACING AN ORDER WITH AVC THE BUYER IS RESPONSIBLE FOR ALL ADDITIONAL FEES AND ITEMS OTHER THAN WHAT HAS BEEN QUOTED.** IN ADDITION TO, ANY INSTALLATION REQUESTS OTHER THAN "STANDARD"; SEISMIC OR VIBRATION MOUNTING HARDWARE, LOW VOLTAGE WIRING WITHIN CONDUIT, PAINTING OF CONDUIT, RECESSED CONTROLS/DEVICES, BURIED CONDUIT, RADIANT HEAT SHIELDING, REMOVAL OF EXISTING PRODUCTS ETC. MAY ALSO REQUIRE ADDITIONAL PRICING. NON GSA SCHEDULE ITEM. DUE TO COVID 19 AVC CANNOT GUARANTEE TRAVEL AND ACCOMODATIONS FOR INSTALLATIONS VIA FACTORY TECHNICIAN. THIS WILL NEED TO BE DETERMINED AT THE TIME OF PURCHASE.



The World Leader In Engine Exhaust Removal
Systems for the Fire and EMS Industry

PRICE QUOTATION – STATION #1

Deputy Chief Brian Woodward
Coweta Fire Department
Po Box 850,
Coweta, OK 74429

DATE: 12/21/2023
PHONE: (918) 279-7238
FAX:
bwoodward@cityofcoweta-ok.gov

DESCRIPTION	QUANTITY	UNIT COST	TOTALS
AIRVAC 911® EXHAUST REMOVAL SYSTEM - Single Ph. 115V	5	\$4,240.00	\$21,200.00
AIRVAC 911® FILTER PACK (4-Stage Filter Pack, "Main Filters")	5	\$470.00	\$2,350.00
AIRVAC 911® FILTER GAUGE (Min. one per building section)	1	\$142.00	\$142.00
UL 508A CERTIFIED CONTROL PANEL - AVEC-6C/T2	1	\$1,522.00	\$1,522.00
ACTIVATION PACKAGE - E-960-D90Q PHOTO EYE (set) &	2	\$294.00	\$588.00
N505AUTM/STX01 TRACK MOUNTED DOOR SWITCH	8	\$53.00	\$424.00
PREFILTERS (12 Per Box/Change date est. indicated below)	1	\$120.00	\$120.00
*ESTIMATED INSTALLATION "TURN-KEY" & DELIVERED	5	\$3,075.00	\$15,375.00
**Non-Schedule Item"			\$41,721.00

MADE IN THE USA

- ♦ **FREIGHT:** FOB Origin, ♦ **TERMS:** 1/2 Payment with the order & final payment prior to release. ♦ **Lead-Time** 10 to 16 weeks.
- ♦ Buyer is responsible for obtaining all installation permits, permit fees, State/local licensing fees and applicable taxes related to the purchase of product, shipping and installation or must provide all necessary tax-exempt certificates; state, local and/or county to Air Vacuum Corporation.
- ♦ Governmental Purchases please consult your sales rep for GSA price list.

The AIRVAC 911® System is Provided With a FIVE YEAR WARRANTY On ALL Components (excluding consumable filters)

DIAGRAM IS NOT AVAILABLE AT THIS TIME. PLEASE CONSULT YOUR SALES REP FOR A DIAGRAM SHOWING AIRVAC 911 CEILING LOCATIONS.

Approximate Filter Life Expectancy

Prefilters 2-4 months, Main filters 12 to 24+ months.

This quotation has been prepared By: Thomas J. Vitko Date: 12/21/2023
Quotation Prices are valid for 60 calendar days from quotation date.



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Memorandum

To: Honorable Mayor and City Council

From: Brian Woodward, Fire Chief

Re: Exhaust Capture Removal System

Date: January 4th, 2024

BACKGROUND

The Coweta Fire Department is not currently using any type of exhaust capture system. The current installed system (plymovent) has been out of service for years due to daily breakdown & re-occurring problems. This system is not appropriate for the current use by not capturing the exhaust fumes that small motors produce. AirVac 911's system would capture diesel & unleaded motors exhaust no matter which motor or vehicle that it came from. Four quotes have been received by Chief Woodward and the selection of AirVac 911 being the most appropriate selection for the current need.

STAFF RECOMMENDATION

Staff recommends a motion to approve the purchase of the exhaust capture system from AirVac 911.



WÜRTH

NSI Northern Safety & Industrial | ORR Safety | OLIVER H. VAN HORN

Quotation

Customer

City of Coweta Fire Department (Account #219516376)

PO Box 850
Coweta, OK, 74429-0850

Attention: Brian Woodward

Phone: (918) 279-7212

Quote # 447394**Quote Effective Date**

12/22/2023

Pricing Effective Through

01/31/2024

Line	Item #	Description	UOM	Qty	Unit Price	Ext. Price
1	364843	DELUGE 4 IN X 100 FT YELLOW W/4 IN STORZ	EA	22	\$734.18	\$16,151.96
2	PAT400502TY/5164RZ	Deluge™(Diameter: 4"/ 102 mm,Length: 50' / 15.2M, Color: Yellow) w/ Alum Coupling 4" STORZ Locking (Hydrowick)	EA	3	\$456.33	\$1,368.99
3	182373	3"X50' WHITE MTSS HOSE 2.5' NST ALUM COU	EA	26	\$283.54	\$7,372.04
4	26525050ATY/5140NH46R	Mercedes MTSS-800 2.5"x50' Yellow Hose w/ 5140NH46R Couplings 2.5"	EA	21	\$211.08	\$4,432.68
5	359802	FIREHOSE MTSS-800 DBL JKT YW 1.75X50	EA	6	\$151.27	\$907.62
6	265217050ATR/5128NH32R	MTSS-800™(Diameter: 1 3/4"/ 44 mm,Length: 50' / 15.2M, Color: Red) w/ Alum. Coupling 1 3/4 x 1 1/2 x 2 NH R/L	EA	6	\$151.27	\$907.62

Totals:

Quote Total: \$31,140.91

Notes:

State Contract # SW0241

All Quoted Pricing is evaluated after 60 days and may be subject to a Price Adjustment based on manufacturer increases and/or market conditions.

All pricing is in US Dollars.

Pricing does not include freight charges or state sales tax (if applicable) unless otherwise noted.

No other offers or discounts apply to quoted pricing.

If you have any questions regarding this quote contact me:

Clay Carter, Field Sales Account Manager

To place an Order, call: (800) 631-1246 or Fax: (800) 635-1591



POST OFFICE BOX 850 • COWETA, OKLAHOMA 74429 • PH. (918) 486-2189 • FAX (918) 486-5366 • www.cityofcoweta-ok.gov

Memorandum

To: Honorable Mayor and City Council

From: Brian Woodward, Fire Chief

Re: Fire Hose Purchase

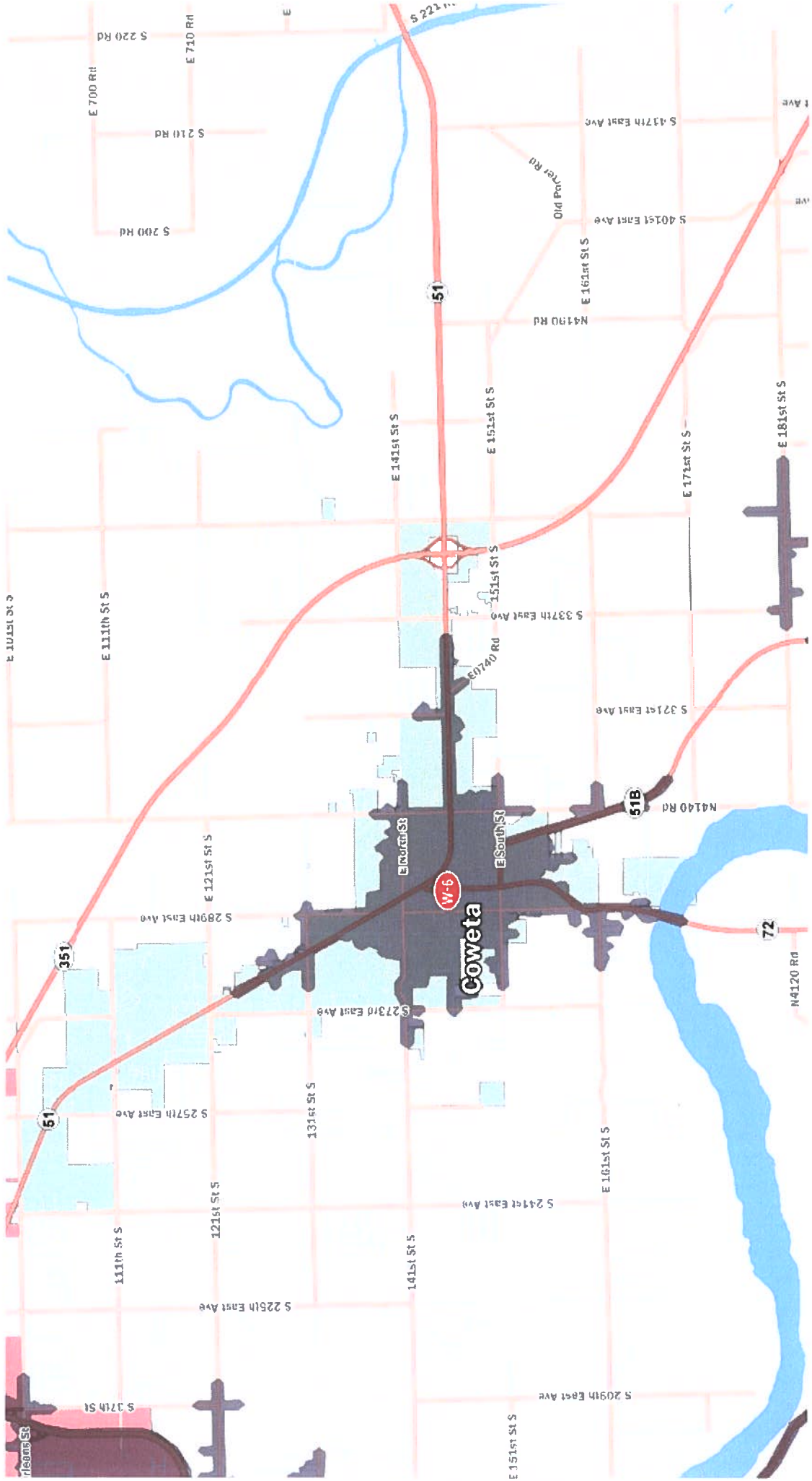
Date: January 4th, 2024

BACKGROUND

The Coweta Fire Department is currently using fire hose that has been in service since the late 1980's. The purpose of this purchase is to remove the old (over 10 years old) fire hose with more dependable & NFPA compliant fire hose. Supporting this purchase would allow Coweta Fire Department members to have dependable & updated fire hose to assist CFD to extinguish fires effectively & efficiently.

STAFF RECOMMENDATION

Staff recommends a motion to approve the purchase of the fire hose from Northern Safety & Industrial.



2024

**CITY OF COWETA, OKLAHOMA
ORDINANCE NO. 878**

AN ORDINANCE OF THE CITY OF COWETA, OKLAHOMA ADOPTING AND ENACTING A NEW MUNICIPAL CODE FOR THE CITY OF COWETA, OKLAHOMA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF COWETA, OKLAHOMA THAT:

THE PROVISIONS OF THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF THE CODE OF ORDINANCES OF THE CITY OF COWETA, OKLAHOMA AND THE SECTIONS OF THIS ORDINANCE MAY BE RE-NUMBERED TO ACCOMPLISH THIS INTENT:

Section 1. Recodification. The Code entitled the "Coweta City Code," or by any other properly identifying designation, published by Municode, consisting of Titles 1 through 14, inclusive, as listed below, and referred to as the "Code" herein, is hereby adopted as the City Code of the City of Coweta, Oklahoma, and shall supersede all general and permanent ordinances of the City of Coweta adopted on or before November 7, 2022, except as set forth hereinafter. The Titles of the Coweta City Code adopted and as a new comprehensive Code of Ordinances are as follows:

- Title 1: Administration
- Title 2: Boards and Commissions
- Title 3: Finances and Taxation
- Title 4: Business and License Registration
- Title 5: Health, Sanitation and Environment
- Title 6: Police and Public Safety
- Title 7: Offenses and Crimes
- Title 8: Motor Vehicles and Traffic
- Title 9: Public Ways and Property
- Title 10: Public Services
- Title 11: Building Regulations
- Title 12: Zoning
- Title 13: Subdivisions
- Title 14: Flood Control and Stormwater Management

Section 2. Repealer. All ordinances of a general and permanent nature enacted on or before November 7, 2022, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. No Revival of ordinances repealed. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. General Penalty. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding the following:

- a. The maximum fine for parking or traffic related offenses shall not exceed \$200.00 and court costs as set by the City.
- b. The maximum fine for all other offenses shall not exceed \$500.00 and court costs as set by the City. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments. Additions or amendments to the Code when passed in such form as to indicate the intention of the City to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after November 7, 2022. Ordinances adopted after November 7, 2022, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. Ordinances and enactments not repealed. The repeal provided for in Section 2 hereof shall not affect any ordinance adopted after November 7, 2022, and before the effective date of this code; nor shall the repeal affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance; nor shall the repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the City or authorizing the issuance of any bonds of the City or any evidence of the City's indebtedness, or any contract or obligation assumed by the City; nor shall the repeal affect the administrative regulations or resolutions of the City Council not in conflict or inconsistent with the provisions of the code; nor shall the repeal affect any right or franchise granted by any ordinance or resolution of the City Council to any person, firm or corporation; nor shall the repeal affect any zoning ordinances or amendments to the land use plan; nor shall the repeal affect any ordinances relating to public trusts with the City of Coweta as its beneficiary; nor shall the repeal affect any ordinance dedicating, naming, establishing, locating, relocating, opening, vacating, etc., any street or public way in the City; nor shall the repeal affect any annual budget or salary ordinance; nor shall the repeal affect any ordinance levying or imposing taxes; nor shall the repeal affect any ordinance establishing and prescribing the street grades of any street in the City; nor shall the repeal affect any ordinance providing for local improvements and assessing charges therefor; nor shall the repeal affect any ordinance extending or diminishing the

limits of the City, or annexation or detachment ordinances; nor shall the repeal be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance; nor shall the repeal affect any ordinance or resolution establishing rates, fees or charges, except those specifically reestablished in this code, until the City Council re-establishes such rates, fees or charges by ordinance or resolution, as may be required. The continuance in effect of temporary and/or special ordinances and parts of ordinances, although omitted from this code, shall not be affected by such omission therefrom; and the adoption of the code shall not repeal or amend any such ordinance or part of any such ordinance.

Section 7. Effective Date. This ordinance shall be deemed to be in effect and in full force and operation immediately as of 12:00:01 a.m. on Sunday, February 1, 2024, provided that ordinances enacted subsequently to Ordinance No. 865, adopted November 7, 2022, shall be deemed effective on the dates provided in such ordinances.

Section 8. Emergency. It being necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Coweta, Oklahoma, an emergency is hereby declared to exist by reason whereof this ordinance shall become effective on the effective date as set forth in Section 7 hereof, from and after its passage, approval and publication as provided by state law.

PASSED AND APPROVED in a regular meeting of the Council of the City of Coweta, Oklahoma, this 8th day of January, 2024, with the emergency clause having been voted upon separately.

City of Coweta, Oklahoma

By: _____
Naomi Hogue, Mayor

Attest:

Approved as to form:

Marcy Kilgore, City Clerk

Jeff Stephens, City Attorney



City of Coweta

Wagoner County County, Oklahoma

Municipal Code

Compiled: Tuesday, October 31, 2023

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1-1-1 Title

Upon the adoption by the City Council, this City Code is hereby declared to be and shall hereafter constitute the official City Code of Coweta. This City Code of Ordinances shall be known and cited as the Coweta City Code and is hereby published by authority of the City Council and shall be supplemented to incorporate the most recent legislation of the City as provided in CCC 1-1-3. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title headings, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this City Code by title in any legal documents. This Code may also be cited using the abbreviation "CCC."

(Added in 2023 recodification)

1-1-2 Acceptance Of Code

The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of the state as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated

in CCC 1-2-1.

(Added in 2023 recodification)

1-1-3 Amendments

Any ordinance amending the City Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifier, and the ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code.

(Code 2012, § 1-106; altered in 2023 recodification)

1-1-4 Jurisdiction

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.

(Code 2012, § 1-110)

1-1-5 Code Alterations

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 tamper 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 punishable as provided in CCC 1-4-1.

(Code 2012, § 1-107)

CHAPTER 1-2 SAVING CLAUSE

1-2-1 Repeal Of General Ordinances

1-2-2 Court Proceedings

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1-2-1 Repeal Of General Ordinances

All general ordinances of the City passed prior to the adoption of this City Code are hereby repealed, except such as are included in this City Code or are, by necessary implication herein, reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed:

- A. Tax levy ordinances;
- B. Appropriation ordinances;
- C. Ordinances relating to boundaries and annexations;
- D. Franchise ordinances and other ordinances granting special rights to persons or corporations;
- E. Contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants;
- F. Salary ordinances;
- G. Ordinances establishing, naming or vacating streets, alleys or other public places;
- H. Improvement ordinances;
 - I. Bond ordinances;
- J. Ordinances relating to elections;
- K. Ordinances relating to the transfer or acceptance of real estate by or from the City; and
- L. All special ordinances.

(Added in 2023 recodification)

1-2-2 Court Proceedings

- A. *Prior acts.* No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance,

such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

- B. *Extend to all repeals.* This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
- C. *Current pending actions.* Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code.

(Added in 2023 recodification)

1-2-3 Severability Clause

If any section, subsection, paragraph, sentence, clause or phrase of this City Code, or any Codes or portions of Codes adopted herein by reference, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any Codes or portions of Codes adopted herein by reference. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

(Added in 2023 recodification)

CHAPTER 1-3 DEFINITIONS; INTERPRETATION

1-3-1 General Rules Of Interpretation

1-3-2 General Definitions

1-3-3 Catchlines And Citations

1-3-1 General Rules Of Interpretation

- A. *Liberal construction.* All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Mayor and City Council may be fully carried out.
- B. *Minimum requirements.* In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirement adopted for the

promotion of the public health, safety and general welfare.

- C. *Computation of time.* In computing a period of days, the first day is excluded and the last day is included. If the last day of any period or a fixed or final day is a Saturday, Sunday, or legal holiday, the period or day is extended to include the next day that is not a Saturday, Sunday, or legal holiday.
- D. *Conjunctions.* In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either ... or," the conjunction shall be interpreted as follows, except that the terms "and" and "or" may be interchangeable:
 - 1. The term "and" indicates that all the connected terms, conditions, provisions or events apply.
 - 2. The term "or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.
 - 3. The term "either ... or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.
- E. *Delegation of authority.* Whenever a provision appears requiring the head of a department or some other City officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.
- F. *Gender.* Words of gender include all genders.
- G. *May; shall.* The word "may" is permissive; the word "shall" is mandatory.
- H. *Nontechnical and technical words.* Words and phrases shall be construed according to the common and approved 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.
- I. *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.
- J. *Officers and employees generally.* Whenever any officer or employee is referred to by title only, such reference shall be construed as if followed by the words "of the City of Coweta."
- K. *Tense.* Words used in the past or present tense include the future as well as the past and present.
- L. *Ordinance.* The term "ordinance" contained in the ordinances of the City has been changed in the content of this City Code to "title," "chapter," "section" and/or "subsection" or words of like import for organizational and clarification

purposes only. Such change to City ordinances is not meant to amend passage and effective dates of such original ordinances.

(Code 2012, § 1-102; altered in 2023 recodification)

1-3-2 General Definitions

Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

City. The term "City" means the City of Coweta, County of Wagoner, State of Oklahoma.

Code. The term "Code" means the City Code of the City of Coweta.

Council or City Council. The term "Council" or "City Council" means the City Council of Coweta.

County. The term "county" means the County of Wagoner, Oklahoma.

Law. The term "law" means applicable federal law and court decisions, court decisions and provisions of the constitution and statutes of the state and ordinances of the City, and, when appropriate, any and all rules and regulations promulgated thereunder.

O.S. The abbreviation "O.S." means Oklahoma Statutes.

Person. The term "person" means any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

State. The term "state" means the State of Oklahoma.

Statutes. The term "statutes" means the Oklahoma Statutes as they are now or as they may be amended.

(Code 2012, § 1-102; altered in 2023 recodification)

1-3-3 Catchlines And Citations

The catchlines of sections in this Code are printed in capital letters and citations included at the end of sections are intended to indicate the contents of the section and legislative source respectively and shall not be deemed or taken to be titles and official sources of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines or citations, are amended or re-enacted.

(Code 2012, § 1-103; altered in 2023 recodification)

CHAPTER 1-4 GENERAL PENALTY

1-4-1 In General

1-4-2 Relief By Civil Action

1-4-3 Application Of Provisions

1-4-4 Nonliability Of Officers And Employees

1-4-1 In General

A. Penalties established.

1. Except as provided by state law, whenever in this Code or in any ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this Code or in any ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any provision of this Code or of any ordinance, upon conviction, shall be punishable by a fine not exceeding the following:
 - a. The maximum fine for parking or traffic related offenses shall not exceed \$200.00 and court costs as set by the City.
 - b. The maximum fine for all other offenses shall not exceed \$500.00 and court costs as set by the City.
2. Each day or any portion of a day during which any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

B. *Aiding in an offense.* Any person who shall aid, abet or assist in the violation of any provision of this Code or any other ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punishable as provided in this section.

C. *Restitution.* Upon conviction of any provision of this City Code or any ordinance, the Municipal Judge shall have the authority to order restitution in an amount not to exceed the loss sustained by the victim of the offense.

D. *Minors.* Any fines and costs properly assessed against any child and which remain unpaid after three 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 in 11 O.S. art. XXVII; 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 to their place of residence or personal service of such action proposed to be taken.

(Code 2012, § 1-108)

1-4-2 Relief 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.

(Code 2012, § 1-109)

1-4-3 Application Of Provisions

- A. *Application of penalty.* The penalty provided in this chapter shall be applicable to every section of this City Code the same as though it were a part of each and every separate section.
- B. *Acts punishable under different sections.* In all cases where the same offense is made punishable or is created by different clauses or sections of this City Code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense.
- C. *Breach of provisions.* Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this City Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply.

(Added in 2023 recodification)

1-4-4 Nonliability Of Officers And Employees

No provision of this City Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the City Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

(Added in 2023 recodification)

CHAPTER 1-5 FORM OF GOVERNMENT

1-5-1 Council-Manager Form Of Government

1-5-1 Council-Manager Form Of Government

The City is governed by the statutory Council-Manager form of government. The powers of the City are vested in the City Council.

(Code 2012, § 2-101)

CHAPTER 1-6 OFFICIAL ADMINISTRATIVE PROVISIONS

1-6-1 Official Map

1-6-2 Election Wards

1-6-1 Official Map

The map of the City showing its territorial limits 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 through and including the date of January 1, 2012.

(Code 2012, § 1-201)

1-6-2 Election Wards

The City shall be divided into four wards with boundaries as designated on the most recently approved map on file in the City Clerk's office, in compliance with 11 O.S. § 20-102 et seq.

(Code 2012, § 1-202)

CHAPTER 1-7 CITY COUNCIL

ARTICLE 1-7A CITY COUNCIL GENERALLY

ARTICLE 1-7B CODE OF CONDUCT

ARTICLE 1-7A CITY COUNCIL GENERALLY

1-7A-1 Election Of Councilmembers; Qualifications

1-7A-2 Election Of Mayor And Vice-Mayor; Duties

1-7A-3 Powers Of Council

1-7A-4 Compensation

1-7A-5 Meetings

1-7A-6 Rules Of Procedure

1-7A-1 Election Of Councilmembers; Qualifications

A. Election.

1. In this statutory Council-Manager City, the terms of the elected officers shall be staggered so that at any one general municipal election, the following officers are to be elected for four-year terms: Councilmembers from Wards One and Two.
2. At the next general municipal election, the following officers are to be elected for four-year terms:
 - a. Councilmembers from Wards Three and Four; and
 - b. The Councilmember-At-Large.

B. Qualifications.

1. Councilmembers shall be residents and registered voters of the City. Councilmembers from wards shall be actual residents of their respective wards at the time of their candidacy and election, but removal of a Councilmember from one ward to another within the City after his election or a change in ward boundaries shall not disqualify him from completing the term for which he was elected.
2. State law regulates both the eligibility for candidacy and the eligibility to hold office. Although the state and/or county election boards must determine eligibility for candidacy, the City is responsible for ensuring compliance with state law as it concerns eligibility to hold office. Oklahoma Statutes provide the following concerning eligibility to hold office 11 O.S. § 8-101:

A municipal elected official shall be a resident and a registered voter of the municipality in which he serves, and all Councilmembers or trustees from wards shall be actual residents of their respective wards. If an elected official ceases to be a resident of the municipality, he shall thereupon cease to be an elected official of that municipality.

In order to ensure compliance with the above provisions, the following procedures are adopted by the City to apply to all elected officials of the City:

- a. Upon the conclusion of the filing period for office, or prior to the appointment of any individual to fill an unexpired term, the City Clerk shall provide to the individual an affidavit wherein the individual shall state:
 - (1) The location of his/her residence.
 - (2) The dates in which he/she has resided at the stated location.
 - (3) The address used for his/her voter registration.
 - (4) The location of any other residency claimed during the preceding three years.
 - (5) The location of any homestead exemption claimed during the preceding three years.
- b. Upon receipt of the above affidavit, the City Clerk shall either:
 - (1) Certify to the current City officials that the individual is eligible to hold office;
 - (2) Request such other information from the individual as may be needed to make a determination of residency; or

- (3) Refer the matter to the City Attorney for additional investigation or action.
- c. In those instances in which the information above does not satisfy the City Clerk and City Attorney that the residency requirements 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 residency issue.
 - (2) Bring an action in Wagoner County district court requesting the court to resolve the eligibility to hold office issue.
- d. The City Council, by approval of this subsection B2, 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, by certification of the City Clerk or by order of the district court.

(Code 2012, §§ 2-201, 2-204, 2-209(A))

1-7A-2 Election Of Mayor And Vice-Mayor; Duties

- A. *Election.* The Council shall elect from among its members a Mayor and a Vice-Mayor. The Mayor and Vice-Mayor shall be elected in each odd-numbered year at the first Council meeting held after the Council terms begin, or as soon thereafter as practicable, and they shall serve until their respective successors have been elected and qualified.
- B. *Duties.*
 - 1. *Mayor.* The Mayor shall preside at meetings of the Council and shall certify to the correct enrollment of all ordinances and resolutions passed thereby. 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 all conveyances and other written obligations of the City as the Council may require.
 - 2. *Vice-Mayor.* The Vice-Mayor shall act as Mayor during the absence, disability or suspension of the Mayor.

(Code 2012, § 2-205)

1-7A-3 Powers Of Council

All powers of the City, including the determination of 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 law;
- B. Enact municipal legislation subject to limitations as may now or hereafter be imposed by the state constitution and law;
- 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 and law;
- D. Appoint or elect and remove its own subordinates, members of commissions and boards and other quasi-legislative or quasi-judicial officers as provided by law, or prescribe the method of appointing or electing and removing them;
- E. Create, change and abolish offices, departments and agencies other than those established by law, and assign additional functions and duties to offices, departments and agencies established by this title;
- F. Grant pardons for violations of municipal ordinances, including the remission of fines and costs, upon the recommendation of the Municipal Judge;
- G. Inquire into the conduct of any office, department or agency of the City, and investigate municipal affairs, or authorize or provide for such inquiries.

(Code 2012, § 2-206; altered in 2023 recodification)

1-7A-4 Compensation

- A. All City Councilmembers shall be paid compensation at the monthly rate of \$250.00, except the Mayor shall be paid compensation at the monthly rate of \$350.00.
- B. This section shall become effective May 1, 2001, and shall apply to the Mayor and City Councilmembers holding office as of that date.

(Code 2012, § 2-207)

1-7A-5 Meetings

- A. *Regular meetings.* The City Council shall hold a regular meeting on the first Monday of every month at a time and place as may be set by resolution of the City Council from time to time. If a meeting day falls on a holiday, as designated

by the City Council, the regular meeting shall be held on the following Monday which is not a holiday.

B. *Special meetings.* The Mayor or any three Councilmembers may call a special meeting.

C. *Attendance and continuing residency.*

1. *Attendance.* The statutes of the state provide as follows concerning the attendance of City Council meetings by members: Whenever a member of the municipal governing body is absent from more than one-half of all meetings of the governing body, regular and special, held within any period of four consecutive months, he shall thereupon cease to hold office.

2. *Residency.*

a. State law requires any Councilmember in office to maintain residency within the City throughout his/her term of office.

b. The primary responsibility to ensure compliance with subsection C2a of this section shall be upon the office holder involved. Further, upon knowledge of a failure to comply, all other elected officials, the City Manager, the City Clerk, and the City Attorney shall have the obligation to advise the other City officials of the failure to comply. All City officials acknowledge no City official has the authority to grant exceptions to the above statutory requirement, to overlook a noncompliance, or to allow any elected official to continue to discharge the duties of office after such a forfeiture, absent action by the elected officials to fill the vacancy that exists as they see fit, pursuant to state law.

(Code 2012, §§ 2-203, 2-209(C); Ord. No. 792, 11-6-2017)

1-7A-6 Rules Of Procedure

A. The City Council may determine its own rules and may compel the attendance of absent members in the manner and under penalties as the Council may prescribe.

B. The order of business for each meeting of the City Council shall be as posted on the agenda for the meeting.

C. The following rules of procedure shall apply to any regular or special meeting of the City Council unless three members agree to waive the rule:

1. At the request of the Mayor or any Councilmember, all motions shall be reduced to writing;

2. A motion to reconsider any of the proceedings of the Council shall not be entertained unless it is made by a member who previously voted in the majority;
3. No motion shall be debated or put until it be seconded and stated by the Mayor. It is then and not until then in possession of the Council and cannot be withdrawn but by leave of the Council.

D.

1. A motion to adjourn shall be in order at any time, except as follows:
 - a. When repeated without intervening business or discussion;
 - b. When made as an interruption of a member while speaking;
 - c. When the previous question has been ordered; or
 - d. While a vote is being taken.
2. A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

E. When a question is under debate, no motion shall be received but:

1. To adjourn;
2. To lay on the table;
3. For the previous question;
4. To postpone to a day certain;
5. To commit;
6. To amend; or
7. To postpone indefinitely;

which several motions shall have precedence in the order they stand arranged.

F. When a proper motion is made but information is wanted, the motion is to postpone to a day certain.

G. Matters claiming present attention for which it is desired to reserve for more suitable occasion, the order is a motion to lay on the table; the matter may then be called for at any time. If the proposition may need further consideration at the hands of a committee, the motion is to refer to a committee, but if it need but a few and simple amendments, the Council shall proceed to consider and amend at once.

H. On an amendment's being moved, a member who has spoken on the main question may speak again to the amendment.

- I. The question is to be put first on the affirmative and then on the negative side. After the affirmative part of the question has been put, any member who has not spoken before to the question may arise and speak before the negative is put.
- J. When a question has been moved and seconded and has been put by the presiding officer in the affirmative and negative, it cannot be debated unless under motion for reconsideration.
- K. Robert's Rules of Order shall govern matters not included or covered in this section or in rules adopted by the City Council.

(Code 2012, § 2-208)

ARTICLE 1-7B CODE OF CONDUCT

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1-7B-1 Purpose; General Provisions

- A. The code of conduct, as set forth in this article, is adopted to regulate the conduct and activities of the elected officials of the City of Coweta: City of Coweta Code of Conduct for Elected Officials.
- B. The Three Rs of Coweta government leadership: roles, responsibilities and respect.
- C. State statutes and City ordinances provide detailed information on the roles and responsibilities of Councilmembers, the Vice-Mayor, and the Mayor. However, until now, what has not been clearly written down is a code of conduct for Coweta's elected officials.
- D. This code of conduct is designed to describe the manner in which Councilmembers should treat one another, City staff, constituents, and others in which they may come into contact while representing the City. The policy defines more clearly the behavior, manners and courtesies that are suitable for various occasions. The policy also considers a wide variety of policy changes

and clarifications designed to make public meetings and the process of governance run more smoothly.

- E. The constant and consistent theme through all of the conduct guidelines is respect. Councilmembers experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual, through words and actions, is the touchstone that can help guide Councilmembers to do the right thing in even the most difficult situations.
- F. In order to control modifications to the Council code of conduct, fourth-fifths majority approval must be obtained from the City Council before modifications can be enacted.

(Code 2012, § 2-209(D))

1-7B-2 Overview Of Roles And Responsibilities

In addition to the following, other resources that are helpful in defining the roles and responsibilities of elected officials can be found in the state statutes, this Code and the Municipal Handbook from the Oklahoma Municipal League.

A. Mayor.

1. Elected by the City Council in each odd-numbered year.
2. Acts as the official head of the City for all ceremonial purposes and military law.
3. Chairs Council meetings.
4. Calls for special meetings.
5. Recognized as spokesperson for the City.
6. Selects substitute for City representation when Mayor cannot attend.
7. Makes judgment calls on proclamations.
8. Recommends subcommittees, as appropriate, for Council approval.
9. Leads the Council into an effective, cohesive working team.
10. Signs documents on behalf of the City.

B. Vice-Mayor.

1. Elected by the Coweta City Council in each odd-numbered year.
2. Performs the duties of the Mayor if the Mayor is absent or disabled.

3. Chairs Council meetings at the request of the Mayor.
4. Represents the City at ceremonial functions at the request of the Mayor.
5. Moves or makes routine motion on consent items on the City Council.

C. Councilmembers.

1. All members of the City Council, including those serving as Mayor and Vice-Mayor, have equal votes.
2. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect.
3. All Councilmembers should:
 - a. Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
 - b. Prepare in advance of Council meetings and be familiar with issues on the agenda.
 - c. Represent the City at ceremonial functions at the request of the Mayor.
 - d. Be respectful of other people's time.
 - e. Stay focused and act efficiently during public meetings.
 - f. Serve as a model of leadership and civility to the community.
 - g. Inspire public confidence in our government.
 - h. Provide contact information with the City Manager in case an emergency or urgent situation arises.
 - i. Demonstrate honesty and integrity in every action and statement.
 - j. Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this code of conduct.

D. Meeting Chair.

1. The Mayor will chair official meetings of the City Council, unless the Vice-Mayor or another Councilmember is designated as Chair of a specific meeting.
2. The Chair shall:
 - a. Maintain order, decorum, and the fair and equitable treatment of all speakers.

- b. Keep discussion and questions focused on specific agenda items under consideration.
- c. Make parliamentary rulings with advice, if requested, from the City Manager who shall act as an advisory parliamentarian.

E. *Former Councilmembers.* Past members of the City Council who speak to the current City Council about a pending issue should disclose on whose behalf they are speaking (individual or organization).

(Code 2012, § 2-209(D))

1-7B-3 Policies And Protocol Related To Conduct

- A. *Ceremonial events.* Requests for a City representative at ceremonial events will be handled by City staff. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor will recommend which Councilmember should be asked to serve as a substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Councilmembers at their homes are presumed to be for unofficial, personal consideration.
- B. *Correspondence signatures.* Councilmembers do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings. City staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor unless the Mayor requests that they be signed by another Councilmember or City staff. If correspondence is addressed only to one Councilmember, that Councilmember should check with staff on the best way to respond to the sender.
- C. *Endorsement of candidates.* Councilmembers have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official City meetings.
- D. *General City Council comments.* Councilmembers are able to speak during the general City Council comments portion of the Council meeting. However, the City Council shall make no decision or action except as to request the City Manager to schedule the matter for Council discussion at a later date.
- E. *Public meeting hearing protocol.*
 - 1. The applicant or appellant shall have the right to speak first. The Chair will determine the length of time allowed for this presentation. Speakers representing either pro or con points of view will be allowed to follow. The Chair will determine how much time will be allowed for each speaker, with three to five minutes the standard time granted. The

applicant or appellant will be allowed to make closing comments. The Chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly.

2. Councilmembers will not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. "I think" and "I feel" comments by Councilmembers are not appropriate until after the close of the public hearing. Councilmembers should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

F. *Travel expenses.* All Council travel, in which the Councilmember expects to officially represent the City and/or be reimbursed by the City for travel costs, must be approved in advance by the Council.

(Code 2012, § 2-209(D))

1-7B-4 Council Conduct With One Another

A. *Generally.* Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of our community. In all cases, this common goal should be acknowledged even as the Council may agree to disagree on contentious issues.

B. *Public meetings.*

1. Practice civility and decorum in discussions and debate.
2. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Councilmembers to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions will be tolerated.
3. Honor the role of the Chair in maintaining order.
4. It is the responsibility of the Chair to keep the comments of Councilmembers on track during public meetings. Councilmembers should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
5. Avoid personal comments that could offend other Councilmembers.

6. If a Councilmember is personally offended by the remarks of another Councilmember, the offended Councilmember should make notes of the actual words used and call for a point of personal privilege that challenges the other Councilmember to justify or apologize for the language used. The Chair will maintain control of this discussion.
7. Demonstrate effective problem-solving approaches.
8. Councilmembers have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

C. Private encounters.

1. Continue respectful behavior in private.
2. The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.
3. Be aware of the insecurity of written notes, voice mail messages, and e-mail.
4. Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voice mail message was played on a speaker phone in a full office?
5. What would happen if this e-mail message was forwarded to others? Written notes, voice mail messages and e-mails should be treated as potentially public communication.
6. Even private conversations can have a public presence.
7. Elected officials are always on display. Their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

(Code 2012, § 2-209(D))

1-7B-5 Council Conduct With City Staff

Governance of a city relies on the cooperative efforts of elected officials, who set policy, and City staff, who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- A. Treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward staff is not acceptable.
- B. Limit contact to specific City staff. Questions of City staff and/or requests for additional background information should be directed only to the City Manager. The City Manager should be copied on any request, except those to the City Attorney. Requests for follow up or directions to staff should be made only through the City Manager or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, Councilmembers should ask the City Manager for direction. Materials supplied to a Councilmember in response to a request will be made available to all members of the Council so that all have equal access to information.
- C. Never publicly criticize an individual employee. Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's department head. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.
- D. Do not get involved in administrative functions. Councilmembers must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.
- E. Check with City staff on correspondence before taking action. Before sending correspondence, Councilmembers should check with City staff to see if an official City response has already been sent or is in progress.
- F. Do not attend meetings with City staff unless requested by staff. Even if the Councilmember does not say anything, the Councilmember's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.
- G. Limit requests for staff support.
 - 1. Routine secretarial support will be provided to all Councilmembers. All mail for Councilmembers shall be promptly provided to Councilmembers.
 - 2. Mail addressed to the Mayor is reviewed first by the City Manager who notes suggested action and/or follow-up items. Requests for additional staff support, even in high priority or emergency situations, should be made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.
- H. Councilmembers should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support

political candidates, but all such activities must be done away from the workplace.

(Code 2012, § 2-209(D); altered in 2023 recodification)

1-7B-6 Council Conduct With The Public

A. Public meetings.

1. Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Councilmembers toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.
2. Be welcoming to speakers and treat them with care and gentleness.

"I give many public presentations so standing up in front of a group is not new to me. But I found that speaking in front of the Council was an entirely different experience. I was incredibly nervous and my voice was shaking. I think the reason was because the issue was so personal to me. The Council was going to take a vote that would affect my family's daily life and my home. I was feeling a lot of emotion."

The way that the Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity.

3. Be fair and equitable in allocating public hearing time to individual speakers.

"The first thing the Mayor said to me was to be brief because the meeting was running late, and the Council was eager to go home. That shouldn't be my problem. I'm sorry my item was at the end of the agenda and that there were a lot of speakers, but it is critically important to me, and I should be allowed to say what I have to say and believe that the Council is listening to me."

No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Chair reopens the public hearing for a limited and specific purpose.

4. Give the appearance of active listening. It is disconcerting to speakers to have Councilmembers not look at them when they are speaking. It is fine

to look down at documents or to make notes, but reading for a long period of time, gazing around the room, gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as smirking, disbelief, anger or boredom. If speakers become flustered or defensive by Council questions, it is the responsibility of the Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Councilmembers to members of the public testifying should seek to clarify or expand information.

5. It is never appropriate to belligerently challenge or belittle the speaker. Councilmembers' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.
6. There shall be no personal attacks of any kind, under any circumstance. Councilmembers should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.
7. Follow parliamentary procedure in conducting public meetings. The City Manager serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Chair.

B. Unofficial settings.

1. Make no promises on behalf of the Council. Councilmembers will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers, etc.).
2. Make no personal comments about other Councilmembers. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Councilmembers, their opinions and actions.
3. Remember that despite its impressive population figures, Coweta is a small town at heart. Councilmembers are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Councilmembers, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

(Code 2012, § 2-209(D))

1-7B-7 Council Conduct With Other Public Agencies

A. Be clear about representing the City or personal interests.

1. If a Councilmember appears before another governmental agency or organization to give a statement on an issue, the Councilmember must clearly state:
 - a. If his or her statement reflects personal opinion or is the official stance of the City;
 - b. Whether this is the majority or minority opinion of the Council. If the Councilmember is representing the City, the Councilmember must support and advocate the official City position on an issue, not a personal viewpoint.
2. If the Councilmember is representing another organization whose position is different from the City, the Councilmember should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Councilmembers should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

B. Correspondence also should be equally clear about representation.

1. The City letterhead may be used when the Councilmember is representing the City and the City's official position. A copy of official correspondence should be given to the City Manager for filing as part of the permanent public record.
2. It is best that the City letterhead is not used for correspondence of Councilmembers representing a personal point of view, or a dissenting point of view from an official Council position. However, should Councilmembers use the City letterhead to express a personal opinion, the official City position must be stated clearly so the reader understands the difference between the official City position and the minor viewpoint of the Councilmember.

(Code 2012, § 2-209(D))

1-7B-8 Council Conduct With Boards And Commissions

The City has established several boards and commissions as a means of gathering more community input. Citizens who serve on boards and commissions become more involved in government and serve as advisors to the City Council. They are a valuable

resource to the City's leadership and should be treated with appreciation and respect.

- A. If attending a board or commission meeting, be careful to only express personal opinions. Councilmembers may attend any board or commission meeting, which is always open to any member of the public. However, they should be sensitive to the way their participation, especially if it is on behalf of an individual, business or developer, could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a board or commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.
- B. Limit contact with board and commission members to questions of clarification. It is inappropriate for a Councilmember to contact a board or commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Councilmembers to contact board or commission members in order to clarify a position taken by the board or commission.
- C. Remember that boards and commissions serve the community, not individual Councilmembers. The City Council appoints individuals to serve on boards and commissions, and it is the responsibility of boards and commissions to follow policy established by the Council. But board and commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten board and commission members with removal if they disagree about an issue. Appointment and reappointment to a board or commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A board or commission appointment should not be used as a political reward.
- D. Be respectful of diverse opinions. A primary role of boards and commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on boards and commissions, but must be fair and respectful of all citizens serving on boards and commissions.
- E. Keep political support away from public forums. Board and commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support board and commission members who are running for office, but not in an official forum in their capacity as a Councilmember.
- F. Inappropriate behavior can lead to removal. Inappropriate behavior by a board or commission member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council, and the individual is subject to removal from the board or commission.

(Code 2012, § 2-209(D))

1-7B-9 Council Conduct With The Media

A.

1. Councilmembers are frequently contacted by the media for background and quotes.
2. The best advice for dealing with the media is to never go off the record.
3. Most members of the media represent the highest levels of journalistic integrity and ethics and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

B. The Mayor is the official spokesperson for the City's position. The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether his/her comments represent the official City position or a personal viewpoint.

C. Choose words carefully and cautiously. Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

(Code 2012, § 2-209(D))

1-7B-10 Sanctions

A. *Public disruption.* Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

B. *Inappropriate staff behavior.* Councilmembers should refer to the City Manager any City staff that do not follow proper conduct in their dealings with Councilmembers, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions.

C. *Behavior and conduct of Councilmembers.*

1. City Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (either within the City or with inter-government agencies) or have official travel restricted. Serious infractions of the code of ethics or code of conduct could lead to other sanctions as deemed appropriate by the Council.

2. Councilmembers should point out to the offending Councilmember infractions of the code of conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice-Mayor.
3. It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation can be brought up with the full Council in a public meeting.

D. Sanction procedures.

1. If violation of the code of conduct is outside of the observed behaviors by the Mayor or Councilmembers, the alleged violation should be referred to the Mayor.
2. The City Council should ask the City Manager and/or the City Attorney to investigate the allegation and report the findings to the City Council.
3. It is the City Council's responsibility to take the next appropriate action. These actions can include, but are not limited to, discussing and counseling the individual on the violations; recommending sanction to the full Council to consider in a public meeting; or forming a Council ad hoc subcommittee to review the allegation, the investigation and its findings, as well as to recommend sanction options for Council consideration.
4. Videotaping of the complaint hearing should be used for a Council ad hoc subcommittee.

(Code 2012, § 2-209(D))

1-7B-11 Principles Of Proper Conduct

A. Proper conduct is:

1. Keeping promises.
2. Being dependable.
3. Building a solid reputation.
4. Participating and being available.
5. Demonstrating patience.
6. Showing empathy.
7. Holding onto ethical principles under stress.

8. Listening attentively.
9. Studying thoroughly.
10. Keeping integrity intact.
11. Overcoming discouragement.
12. Going above and beyond, time and time again.
13. Modeling a professional manner.

B. Proper conduct is not:

1. Showing antagonism or hostility.
2. Deliberately lying or misleading.
3. Speaking recklessly.
4. Spreading rumors.
5. Stirring up bad feelings, divisiveness.
6. Acting in a self-righteous manner.

(Code 2012, § 2-209(D))

1-7B-12 Respect

- A. Respect one another as individuals.
- B. Respect the validity of different opinions.
- C. Respect the democratic process.
- D. Respect the community that we serve.

(Code 2012, § 2-209(D))

1-7B-13 Checklist For Monitoring Conduct

The checklist is composed of the following language:

- A. Will my decision/statement/action violate the trust, rights or goodwill of others?
- B. What are my ulterior motives and the spirit behind my actions?
- C. If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- D. How would my conduct be evaluated by people whose integrity and character I

respect?

- E. Even if my conduct is not illegal or unethical, is it done at someone else's painful expense?
- F. Will it destroy their trust in me?
- G. Will it harm their reputation?
- H. Is my conduct fair? Just? Morally right?
 - I. If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- J. Does my conduct give others reason to trust or distrust me?
- K. Am I willing to take an ethical stand when it is called for?
- L. Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- M. Do I exhibit the same conduct in my private life as I do in my public life?
- N. Can I take legitimate pride in the way I conduct myself and the example I set?
- O. Do I listen and understand the views of others?
- P. Do I question and confront different points of view in a constructive manner?
- Q. Do I work to resolve differences and come to mutual agreement?
- R. Do I support others and show respect for their ideas?
- S. Will my conduct cause public embarrassment to someone else?

(Code 2012, § 2-209(D); altered in 2023 recodification)

CHAPTER 1-8 CITY MANAGER

1-8-1 Appointment; Qualifications; Restrictions

1-8-2 Duties

1-8-1 Appointment; Qualifications; Restrictions

The City Council shall appoint a City Manager 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 with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office. At the time of appointment, the City Manager need not be a resident of the City or state; but, during the tenure of holding office, the City Manager shall reside within the boundaries of the City, the school districts that overlap the City boundaries, or within ten miles of the City or school district. No Councilmember may be appointed City Manager during the term for which he shall have been elected or within two years after the expiration of his term.

(Code 2012, § 2-301; altered in 2023 recodification)

1-8-2 Duties

The City Manager shall be the Chief Executive Officer and head of the administrative branch of the City government. He shall execute the laws and administer the government of the City and shall be responsible therefor to the City Council. He shall:

- A. Appoint, and when necessary for the good of the service, remove, demote, lay off or suspend all heads of administrative departments and other administrative officers and employees of the City except as otherwise provided by law. The Manager or the Council, by ordinance, may authorize the head of a department, office or agency to appoint and remove the subordinates in such department, office or agency;
- B. Supervise and control all administrative departments, officers and agencies;
- C. Prepare a budget annually and submit it to the City Council and 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;
- D. Submit to the City Council a report after the end of the fiscal year on the finances and administrative activities of the City for the preceding year;
- E. Keep the City Council advised of the financial condition and future needs of the City, and make recommendations as he deems desirable; and
- F. Perform such other duties as may be prescribed by law or by ordinance.

(Code 2012, § 2-302)

CHAPTER 1-9 FINANCE DEPARTMENT

1-9-1 City Clerk

1-9-2 City Treasurer

1-9-3 Same Person May Hold Both Offices

1-9-1 City Clerk

- A. *Appointment; term; removal; other department employees.* The City Clerk shall be an officer of the City, appointed by the City Manager for an indefinite term, and removable by the Manager. The City Clerk shall have supervision and control of the Finance Department. There shall be such employees in the Finance Department as the Council may authorize.
- B. *Duties.* The City Clerk shall:
 - 1. Attend all City Council meetings and keep the journal of the proceedings of the Council.

2. Enroll in a book kept for the purpose, all ordinances and resolutions passed by the City Council.
3. Keep the seal of the City and attest the signature of the Mayor or Vice-Mayor.
4. Maintain a general accounting system for the City.
5. Perform such other duties as may be required by law or ordinance for the City Clerk.

(Code 2012, §§ 2-401, 2-402; altered in 2023 recodification)

1-9-2 City Treasurer

- A. *Appointment.* There shall be a Treasurer for the City who is an officer of the City and who shall be appointed by the City Council pursuant to state law.
- B. *Duties.* The City Treasurer shall deposit daily all funds coming into his hands in such depositories as the City Council may designate; and shall disburse such funds in the manner provided by applicable law or ordinance. He shall have such other powers, duties, and functions as may be prescribed by applicable law or by ordinance.

(Code 2012, §§ 2-404, 2-405; altered in 2023 recodification)

Editor's note—See CCC 3-1-1.

1-9-3 Same Person May Hold Both Offices

The same person may hold the office of City Clerk and office of City Treasurer at the same time. The City Council may appoint as City Treasurer the same person who the Manager has appointed as City Clerk and vice versa.

(Code 2012, § 2-403)

CHAPTER 1-10 CITY-COUNTY HEALTH DEPARTMENT

1-10-1 Designation And Powers

1-10-1 Designation And Powers

If so designated by the City Manager, the Cooperative Health Department of the county and its Director shall have the powers of a City Health Department and City Health Officer, respectively, for the City. References to Health Department and Health Officer or Director of the Health Department in this Code and in other ordinances of the City mean the Cooperative Health Department and its Director unless the context clearly indicates another meaning.

(Code 2012, § 2-502)

CHAPTER 1-11 CITY OFFICERS AND PERSONNEL

ARTICLE 1-11A GENERALLY

ARTICLE 1-11B CITY ATTORNEY

ARTICLE 1-11A GENERALLY

Division 1-11A-1 In General

Division 1-11A-2 Employee Retirement

Division 1-11A-1 In General

1-11A-1-1 Number And Classes Of Officers And Employees; Compensation

1-11A-1-2 Oath Of Office

1-11A-1-3 Bond Requirements

1-11A-1-4 Conflicts Of Interest And Disclosure

1-11A-1-1 Number And Classes Of Officers And Employees; Compensation

The City Council, by motion, resolution, or ordinance, may regulate the number of classes of officers and positions of employment in the various departments, offices, and agencies of the City government, and may determine or regulate the compensation to be paid to officers and employees.

(Code 2012, § 2-503)

1-11A-1-2 Oath Of Office

Every officer of the City, as required by law, before entering upon the duties of his office, shall take and subscribe to the oath or affirmation of office prescribed by the state constitution.

(Code 2012, § 2-505)

1-11A-1-3 Bond Requirements

- A. Before entering upon their official duties, the following personnel of the City government shall provide bonds for the faithful performance of their official duties, payable to the City, with a surety company authorized to operate within the state, in such amounts as set or approved by the City Council: City Clerk and City Treasurer.
- B. The City Council, by motion or resolution, may require other officers and employees in such positions as it may designate to be bonded.
- C. The City shall pay the premiums on the bonds.

(Code 2012, § 2-504)

1-11A-1-4 Conflicts Of Interest And Disclosure

- A. Any City Councilmember to whom some private benefit, direct or indirect, financial or otherwise, may come as a result of a public action concerning any matter presented to the City Council should not participate in that action. The possibility, not the actuality, of a conflict should govern. The individual experiencing a conflict of interest should declare his interest and abstain from voting on the matter.
- B. The disclosure requirements of this section shall also apply to City employees and officers and to all other boards or agencies of the City and the Coweta Public Works Authority.
- C. The City Manager shall prepare and provide to Councilmembers a written form which shall be completed prior to any Council meeting, provided to all members upon completion, fully disclosing in writing any and all conflicts of interest that may exist on an agenda item.

(Code 2012, § 2-209(B))

Division 1-11A-2 Employee Retirement

[1-11A-2-1 Employee Retirement System](#)

[1-11A-2-2 Social Security](#)

[1-11A-2-3 Firefighters' Pension And Retirement System](#)

1-11A-2-1 Employee Retirement System

- A. *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, approved and adopted, effective as of September 1, 1985, the funded pension plan designated "Employee Retirement System of Coweta, Oklahoma" (hereinafter called system), and as amended from time to time, an executed counterpart of which is marked "Exhibit A" to the ordinance adopting and amending the system.
- B. *Administration.* For the purpose of administration of the system, there is hereby established a Board of Trustees, which shall be the members of the City Council as now existing or as from time to time duly elected or appointed and constituted. The powers and duties of the Board of Trustees shall be set forth in the system instrument marked "exhibit A" as mentioned in subsection A of this section.
- C. *Fund.* A fund is hereby provided for the exclusive use and benefit of the person entitled to benefits under the system. All contributions to the fund shall be paid over to and received in trust for such purpose by the City Clerk, who shall be the

treasurer of the system. The fund shall be pooled for purposes of management and investment with similar funds of other incorporated cities and towns in the state as a part of the Oklahoma Municipal Retirement Fund, in accordance with a duly executed contract for such purpose, which contract shall be executed by the City Council as soon as feasible. The City Clerk shall hold such contributions in the form received, and from time to time pay over and transfer the same to the state municipal retirement fund, as duly authorized and directed by the Board of Trustees.

D. *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 its amended retirement system and the fund on a sound actuarial basis.

E. *Execution of system.*

1. The Mayor and City Clerk are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the original system instrument, and all amendments thereto, and to do all other acts and things necessary, advisable and proper to put the system and amendments and related trust into full force and effect, and to make such changes therein as may be necessary to qualify the same under sections 401(a) and 501(a) of the Internal Revenue Code of the United States. The counterpart, marked as "Exhibit A," which has been duly executed as aforesaid simultaneously with the passage of this section, is hereby ratified and confirmed in all respects.
2. The City Council is hereby authorized and directed to proceed immediately on behalf of the City to negotiate a contract with other incorporated cities and towns of the state 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. The City Council shall manifest approval of such contract and the execution thereof by the Mayor and City Clerk by a formal resolution.

F. *Conflicting laws.* Any ordinance inconsistent with the terms and provisions of this section is hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this section shall be cumulative of other ordinances regulating and governing subject matter covered by this section.

(Code 2012, §§ 2-810--2-815; altered in 2023 recodification)

1-11A-2-2 Social Security

- A. *Policy and purpose.* It is hereby declared to be the policy and purpose of the City to extend, at the earliest date, to the eligible employees and officials of the City the benefits of the system of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act, and all amendments thereto, and 51 O.S. § 121 et seq. In pursuance of this policy, the officers and employees of the City shall take such action as may be required by applicable state or federal laws or regulations.
- B. *Agreement with state.* The Mayor is authorized and directed to execute all necessary agreements and amendments with the State Department of Human Services to accomplish the provisions of subsection A of this section.
- C. *Withholdings.* Withholdings from salaries or wages of employees and officials for the purposes provided in subsection A of this section are hereby authorized to be made in the amounts and at such times as may be required by applicable state and federal laws or regulations and shall be paid over to the state or federal agency designated by the laws and regulations.
- D. *Contributions.* Employer contributions shall be paid from amounts appropriated for these purposes from available funds to the designated state or federal agency in accordance with applicable state or federal laws or regulations.
- E. *Records and reports.* The City shall keep such records and submit such reports as may be required by applicable state or federal laws or regulations.
- F. *Exclusions.* Excluded from this section authorizing the extension of social security benefits to City officers and employees are the following:
1. Any authority to make any agreement with respect to any position, employee or official covered or authorized to be covered as of the initial effective date of the ordinance from which this section is derived by any other ordinance creating any retirement system for any employee or official of the City; or
 2. Any authority to make any agreement with respect to any position, employee or official for which compensation is on a fee basis, or any position, employee or official not authorized to be covered by applicable state or federal laws or regulations.

(Code 2012, §§ 2-701--2-706)

1-11A-2-3 Firefighters' Pension And Retirement System

- A. *Pension Board created; membership; powers and duties.* There is hereby created a Local Firefighter's Pension and Retirement Board composed of the Mayor, the City Clerk and three members from the Fire Department. The Board shall have the membership, organization, powers, duties and functions and the

fund shall operate as prescribed by 11 O.S. § 49-103 et seq.

- B. *System operated in compliance with state law.* The system shall operate in accordance with applicable state law.

(Code 2012, § 2-801)

ARTICLE 1-11B CITY ATTORNEY

[1-11B-1 Appointment; Term; Removal](#)

[1-11B-2 Duties](#)

[1-11B-3 Compensation](#)

1-11B-1 Appointment; Term; Removal

The City Attorney is an officer of the City, is appointed by the City Manager for an indefinite term and is removable by the Manager.

(Code 2012, § 2-501)

1-11B-2 Duties

The City Attorney is the head of the Department of Law and chief legal adviser of the City Council and all other officers, departments, and agencies of the City government in matters relating to their official powers and duties. He represents the City in proceedings in the courts and performs all services incident to his position which may be required by law or ordinance. He may attend regular meetings of the City Council and prepare ordinances therefor. He may provide other special services as requested by the City Council or City Manager. When duly authorized by the Council or Manager, he shall receive a reasonable fee for such special services.

(Code 2012, § 2-501; altered in 2023 recodification)

1-11B-3 Compensation

The City Attorney may receive a regular salary as set by the City Council and, in addition thereto, receive reasonable fees for representing the City in lawsuits or controversies to which the City is a party, whether tried, settled or otherwise.

(Code 2012, § 2-501)

CHAPTER 1-12 MUNICIPAL COURT

[1-12-1 Purpose And Effect](#)

[1-12-2 Definitions](#)

[1-12-3 Jurisdiction](#)

[1-12-4 Municipal Judge](#)

[1-12-5 Change Of Venue Not Allowed; Disqualification Of Judge](#)

[1-12-6 Chief Of Police](#)

[1-12-7 Clerk Of The Court](#)
[1-12-8 Prosecuting Attorney](#)
[1-12-9 Rules Of The Court](#)
[1-12-10 Traffic Violations](#)
[1-12-11 Prosecutions Procedure](#)
[1-12-12 Witness Fees; Juror Compensation](#)
[1-12-13 Sentencing](#)
[1-12-14 Imprisonment](#)
[1-12-15 Fines And Costs](#)

1-12-1 Purpose And Effect

This chapter shall govern the organization and operation of the Municipal Court of the City as put into operation by resolution duly passed on September 25, 1979, and filed in accordance with law as authorized by 11 O.S. §§ 27-101 and 27-102. To the extent of conflict between any provisions of this chapter and the provisions of any ordinance of the City, the provisions of this chapter shall control.

(Code 2012, § 6-101; altered in 2023 recodification)

1-12-2 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief of Police means the peace officer in charge of the police force of the City.

Clerk means the Clerk of the City, including any deputy or member of the office staff of the Clerk while performing duties of the Clerk's office.

Court means the Municipal Court of the City of Coweta.

Judge means the Judge of the Municipal Court, including any acting judge or alternate judge thereof as provided by the statutes of the state and this chapter.

(Code 2012, §6-102; altered in 2023 recodification)

1-12-3 Jurisdiction

A. *Generally*. The court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any ordinance of the City is charged, including any such prosecutions transferred to the court in accordance with applicable law.

B. *Minors*. The Municipal Court does elect to have and possess original jurisdiction

to hear and adjudicate any offenses committed by persons under the age of 18 years and penalize juveniles found guilty as allowed in 10A O.S. § 2-2-102, and effective November 1, 2013.

(Code 2012, §§ 6-103, 6-201; altered in 2023 recodification)

1-12-4 Municipal Judge

- A. *Qualifications and restrictions.* There shall be one Judge of the court. The Judge shall be an attorney licensed to practice law in the state who resides in Wagoner County or in an adjacent county. A judge who is a licensed attorney may engage in the practice of law in other courts, but he shall not accept employment inconsistent with his duties as judge or arising out of facts which give rise to or are connected with cases within the jurisdiction of the court, pending therein, or which might become the subject of proceedings therein.
- B. *Appointment.* Judges shall be appointed by the Mayor, with the consent of the City Council. A proposed appointment shall be submitted in writing to the City Council at the next to the last regularly scheduled meeting prior to the day upon which the appointment is to take effect and shall be acted upon at the next regularly scheduled meeting. The City Council may decide upon the proposed appointment by a majority vote of a quorum present and acting. Failure of decision upon a proposed appointment shall not prevent action thereon at a later regularly scheduled meeting of the City Council unless the Mayor, in writing, withdraws the proposed appointment.
- C. *Term of Judge.*
1. The official term of the Judge shall be two years, expiring on February 1 in each odd-numbered year.
 2. Each Judge, unless sooner removed for proper cause, shall serve until his successor is appointed and qualified, provided that the Judge of the Municipal Court existing in the City at the effective date of the ordinance from which this section is derived shall act as Judge of the Court herein provided until a Judge is appointed and qualified under the terms of this chapter.
- D. *Alternate judge.* There may be appointed, for each Judge of the court, an alternate judge possessed of the same qualifications as the Judge. His appointment shall be for the same term and made in the same manner as the Judge. He shall sit as Acting Judge of the court in any case if the Judge is absent from the court, unable to act as Judge, or disqualified from acting as Judge in the case.
- E. *Acting judge.* If at any time there is no Judge, duly appointed and qualified, available to sit as Judge, the Mayor shall appoint some person, possessing the

qualifications required by this chapter for the Judge, who shall preside as acting judge over the court in the disposition of pending matters until such time as a Judge shall be available.

F. Compensation.

1. A Judge, other than an acting judge, shall receive a salary, as set by the City Council from time to time, paid in the manner as set by the City Council.
2. An acting judge shall be paid in such sum as set by the City Council; however, his/her payment for any month shall not exceed the salary of the Judge in whose stead the acting judge sits.

G. Removal from office.

1. Judges shall be subject to removal from office by the City Council for the causes prescribed by the constitution and laws of the state for the removal of public officers. Proceedings for removal shall be instituted by the filing of a verified written petition setting forth facts sufficient to constitute one or more legal grounds for removal. Petitions may be signed and filed by: the Mayor or 25 or more qualified electors of the City. Verification of the number or qualifications of electors shall be executed by one or more of the petitioners.
2. The City Council shall set a date for hearing the matter and shall cause notice thereof, together with a copy of the petition, to be served personally upon the Judge at least ten days before the hearing. At the hearing, the Judge shall be entitled to:
 - a. Representation by counsel;
 - b. To present testimony and to cross-examine the witnesses against him; and
 - c. Have all evidence against him presented in open hearing.
3. So far as they can be applicable, the provisions of the Oklahoma Administrative Procedures Act governing individual proceedings, as amended [75 O.S. §§ 309 to 317], shall govern removal proceedings hereunder. Judgment of removal shall be entered only upon individual votes, by a majority of all members of the governing body, in favor of such removal.

H. Vacancy in office.

1. *Cause of vacancy.* A vacancy in the office of Judge shall occur if the incumbent:

- a. Dies;
- b. Resigns;
- c. Ceases to possess the qualifications for the office; or
- d. Is removed, and the removal proceedings have been affirmed finally in judicial proceedings or are no longer subject to judicial review.

2. *Filling vacancy.* Upon the occurrence of a vacancy in the office of Judge, the Mayor shall appoint a successor to complete the unexpired term in the same manner as an original appointment is made.

(Code 2012, §§ 6-104--6-111; altered in 2023 recodification)

1-12-5 Change Of Venue Not Allowed; Disqualification Of Judge

- A. No change of venue shall be allowed from any municipal court, but the Judge of the Municipal Court may be disqualified under the same terms and conditions as are now provided by law for courts of record.
- B. In the event of an ethical disqualification by a Municipal Judge, the Senior Municipal Judge may appoint, on a case-by-case basis, a sitting Municipal Judge in another municipality within the same county or an adjacent county to act as a special judge for the purposes of hearing the case.

(2012 Code, § 6-112; altered in 2023 recodification)

1-12-6 Chief Of Police

All writs or processes of the court shall be directed, in his official title, to the Chief of Police of the City, who shall be the principal officer of the court.

(Code 2012, § 6-113)

1-12-7 Clerk Of The Court

- A. *Designation.* The City Clerk, or a deputy designated by the Clerk, shall be ex officio Clerk of the Court.
- B. *Duties.* The Clerk shall:
 - 1. Assist the Judge in recording the proceedings of the court and in preparing writs, processes and other papers;
 - 2. Administer oaths required in proceedings before the court;

3. Enter all pleadings, processes, and proceedings in the dockets of the court;
4. Perform such other clerical duties relating to the proceedings of the court as the Judge shall direct;
5. Receive and receipt for forfeitures, fines, deposits, and sums of money payable to the court; and
6. Pay to the City Clerk all monies so received by the Clerk, except such special deposits or fees as shall be received to be disbursed by the Clerk for special purposes. All monies paid to the Clerk shall be placed in the general fund of the City, or in such other funds as the governing body may direct, and it shall be used in the operation of the municipal government in accordance with budgetary arrangements governing the fund in which it is placed.

C. *Bond.* The Court Clerk shall give bond, in the form provided by 11 O.S. § 27-111, in a sum to be determined by the City Council. When executed, the bond shall be submitted to the governing body for approval. When approved, it shall be filed with the City Clerk and retained in the City archives.

(Code 2012, §§ 6-114, 6-116)

1-12-8 Prosecuting Attorney

The Attorney for the City, or duly designated assistant, may be prosecuting officer of the court. He may also prosecute all alleged violations of the ordinances of the City. He shall be authorized, in his discretion, to prosecute and resist appeal, proceedings in error and review from this court to any other court of the state, and to represent the City in all proceedings arising out of matters in this court.

(Code 2012, § 6-115)

1-12-9 Rules Of The Court

- A. *Authority to establish.* The Judge may prescribe rules, consistent with the laws of the state and with the ordinances of the City, for the proper conduct of the business of the court.
- B. *Enforcement.* Obedience to the orders, rules and judgments made by the Judge or by the court may be enforced by the Judge, who may fine or imprison for direct or indirect contempt committed as to him while holding court, or committed against process issued by him, in the same manner and to the same extent as the district courts of the state.

(Code 2012, §§ 6-117, 6-118)

1-12-10 Traffic Violations

A. Traffic violations bureau.

1. *Bureau created.* A traffic violations bureau is established as a division of the office of the Clerk of the Court, to be administered by the Clerk, or by subordinates designated by him for that purpose.
2. *Fines.* Persons who are cited for violation of one of the traffic regulatory ordinances of the City may elect to pay a fine in the traffic violations bureau according to the schedule of fines to be determined by the City Council by motion or resolution.
3. *Rules.* The court may adopt rules to carry into effect this subsection. Payment of a fine under this subsection shall constitute a final determination of cause against the defendant. If a defendant who has elected to pay a fine under this subsection fails to do so, prosecution shall proceed under the provisions of this chapter.

B. Traffic bail bonds.

1. In addition to other provisions of law for posting bail, any person, whether a resident of the City or a nonresident, who is arrested by a law enforcement officer solely for a misdemeanor violation of a state traffic law or municipal traffic ordinance shall be released by the arresting officer upon personal recognizance if:
 - a. The arrested person has been issued a valid license to operate a motor vehicle by the state, another state jurisdiction within the United States, or any party jurisdiction of the nonresident violator compact;
 - b. The arresting officer is satisfied as to the identity of the arrested person;
 - c. The arrested person signs a written promise to appear as provided on the citation, unless the person is unconscious or injured and requires immediate medical treatment as determined by the treating physician; and
 - d. The violation does not constitute:
 - (1) A felony;
 - (2) Negligent homicide;
 - (3) Driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances, unless the person is unconscious or injured and requires immediate medical

treatment as determined by the treating physician;

- (4) Eluding or attempting to elude a law enforcement officer;
- (5) Operating a motor vehicle without having been issued a valid driver license, or while the driving privilege and driver license is under suspension, revocation, denial or cancellation;
- (6) An arrest based upon an outstanding warrant;
- (7) A traffic violation coupled with any offense stated in subsections B1d(1) through (6) of this section;

2. If the arrested person is eligible for release on personal recognizance as provided in subsection B1 of this section, then the arresting officer shall:
 - a. Designate the traffic charge;
 - b. Record information from the arrested person's driver license on the citation form, including the name, address, date of birth, personal description, type of driver license, driver license number, issuing state, and expiration date;
 - c. Record the motor vehicle make, model and tag information;
 - d. Record the date and time on the citation on which, or before which, the arrested person promises to contact, pay or appear at the court, as applicable to the court; and
 - e. Permit the arrested person to sign a written promise to appear as provided in the citation.
3. The arresting officer shall then release the person upon personal recognizance based upon the signed promise to appear. The citation shall contain a written notice to the arrested person that release upon personal recognizance based upon a signed written promise to appear for arraignment is conditional and that failure to timely appear for arraignment shall result in the suspension of the arrested person's driving privilege and driver license in the state, or in the nonresident's home state pursuant to the nonresident violator compact.
4. Procedures for arraignment, continuances and scheduling, timely appearances, pleas of guilty or nolo contendere, posting bail, payment of fines and costs, issuance of arrest warrants, and requests for suspension of driving privilege and driver license shall be required in state law, 22 O.S. §§ 1115.1 through 1115.5.
5. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time

before he is required to appear for arraignment by indicating such plea on the copy of the citation furnished to him or on a legible copy thereof, together with the date of the plea and his signature. The defendant shall be responsible for assuring full payment of the fine and costs to the Court Clerk. The defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere as provided in this subsection B5, such plea shall be accepted by the court and the amount of the fine and costs shall be as prescribed by ordinance for the violation charged or as prescribed by the court.

6. If, pursuant to the provisions of subsection B5 of this section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, the court may issue a warrant for the arrest of the defendant and the Municipal or District Court Clerk, within 120 calendar days from the date the citation was issued by the arresting officer, shall notify the State Department of Public Safety that:
 - a. The defendant was issued a traffic citation and released upon personal recognizance after signing a written promise to appear for arraignment as provided in the citation;
 - b. The defendant has failed to appear for arraignment without good cause shown;
 - c. The defendant has not posted bail, paid a fine, or made any other arrangement with the court to satisfy the citation; and
 - d. The citation has not been satisfied as provided by law.
7. The Court Clerk shall request the State Department of Public Safety to either suspend the defendant's driving privilege and driver license to operate a motor vehicle in the state or notify the defendant's home state and request suspension of the defendant's driving privilege and driver license in accordance with the provisions of the nonresident violator compact. Such notice and request shall be on a form approved or furnished by the State Department of Public Safety. The Court Clerk shall not process the notification and request provided in this subsection B7 if, with respect to such charges:
 - a. The defendant was arraigned, posted bail, paid a fine, was jailed, or otherwise settled the case;
 - b. The defendant was not released upon personal recognizance upon a signed written promise to appear as provided in this subsection or, if released, was not permitted to remain on such personal recognizance for arraignment;
 - c. The violation relates to parking or standing; or

- d. A period of 120 calendar days or more has elapsed from the date the citation was issued by the arresting officer.
8. The Court Clerk shall maintain a record of each request for driving privilege and driver license suspension submitted to the State Department of Public Safety pursuant to the provisions of this section. When the court or Court Clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the Court Clerk shall furnish proof thereof to the defendant, if the defendant personally appears, or shall mail such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation or at such other address as is furnished by the defendant. Additionally, the court or Court Clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the nonresident violator compact, and shall, in all other cases, notify the State Department of Public Safety of the resolution of the case. The form of proof and the procedures for notification shall be approved by the State Department of Public Safety. Provided, however, the court's or Court Clerk's failure to furnish such proof or notice in the manner provided in this subsection B8 shall in no event create any civil liability upon the court, the Court Clerk, the state or any political subdivision thereof, or any state department or agency or any employee thereof, but duplicate proof shall be furnished to the person entitled thereto upon request.

C. Traffic violations procedures.

1. If a police officer observes facts which he believes constitute a violation of the traffic ordinances of the City, in lieu of arresting such a person, he may release the person on personal recognizance in accordance with subsection B of this section, or take his name, address, operator license number, and registered license number of the motor vehicle involved and any other pertinent and necessary information and may issue to him, in writing in form prescribed by law, a traffic citation embracing the above information, and also stating the traffic violation alleged to have occurred, and notifying him to answer to the charge against him at a time, not later than the date specified in the citation. The officer, upon receiving the written promise of the alleged violator, endorsed on the citation to answer as specified, may then release the person from custody. If the person to whom a citation is issued fails to answer as prescribed in the citation, complaint shall be filed, and the case shall be prosecuted as otherwise provided in this chapter.
2. If the alleged traffic violation is committed by a nonresident or resident of the City, the police officer may:

- a. Release the person after obtaining sufficient information as set out in subsection C1 of this section pending his appearance on a day certain in court, as specified in the citation;
 - b. Take the person into custody and demand that bond for the offense charged be posted according to the provisions of this chapter; or
 - c. Take the person into custody under arrest. The arrested person either shall be taken immediately before the Judge for further proceedings according to law or shall have bail fixed for his release in accordance with the provisions of this chapter. Upon providing bail as fixed, and upon giving his written promise to appear upon a day certain, as provided in subsection C1 of this section, the person shall be released from custody.
3. If the alleged offense be a violation of an ordinance restricting or regulating the parking of vehicles, including any regulations issued under such an ordinance, and the operator be not present, the police officer shall place on the vehicle, at a place reasonably likely to come to the notice of the operator, a citation conforming substantially to that prescribed in subsection C1 or 2 of this section, with such variation as the circumstances require, the operator of the vehicle shall be under the same obligation to respond to the citation as if it had been issued to him personally under subsection C1 or 2 of this section.

(Code 2012, §§ 6-120--6-122; altered in 2023 recodification)

1-12-11 Prosecutions Procedure

- A. *Style of prosecutions.* All prosecutions for violations of ordinances of the City shall be styled "The City of Coweta, Oklahoma vs. (naming defendant or defendants)."
- B. *Written complaint.* Except as provided hereinafter, prosecution shall be initiated by the filing of a written complaint and subscribed and verified by the person making the complaint, and setting forth concisely the offense charged. Complaints shall be verified before a Judge, the Court Clerk, a Deputy Court Clerk, or a police officer. No warrant for arrest shall be issued until approved by the Judge of the Municipal Court.
- C. *Summons for arrest.*
 1. Upon the filing of a complaint charging violation of any ordinance, the Judge, unless he determines to issue a warrant of arrest, or unless the defendant previously has been issued a citation or has been arrested and has given bond for appearance, shall issue a summons, naming the

person charged, specifying his address or place of residence, if known, stating the offense with which he is charged and giving him notice to answer the charge in the court on a certain day after the summons is served upon him, and including such other pertinent information as may be necessary.

2. The summons shall be served by delivering a copy to the defendant personally. If he fails to appear and to answer the summons within the prescribed period, a warrant shall be issued for his arrest, as provided by this section.

D. Arrest warrant.

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

The City of Coweta, Oklahoma to the Chief of Police of the Municipal Court of Coweta, Oklahoma.

Complaint upon oath having this day been made by (naming complainant) that the offense of (naming the offense in particular but general terms) has been committed and accusing (name of defendant) thereof, you are commanded therefore forthwith to arrest the above-named defendant and bring _____ before me, at the Municipal Courtroom.

Witness my hand this _____ day of _____ 20____.

Judge of the Municipal Court Coweta, Oklahoma.

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

E. Bail; nighttime arrests.

1. Upon arrest, or upon appearance without arrest in response to citation or summons, or at any time before trial, before or after arraignment, the defendant shall be eligible to be released upon giving bail for his appearance in an amount and upon conditions fixed by this chapter or the Judge, who shall prescribe appropriate rules of court for the receipt of bail.
2. In case of arrests made at night or under other conditions of emergency

or when the Judge is not available, the rules shall authorize the Chief of Police, or his designated representative, to accept a temporary cash bond of not less than \$10.00 nor more than the maximum monetary penalty provided by ordinance for the offense charged.

3.

- a. If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of his bond, either for hearing, arraignment, trial or judgment, or upon any other occasion when his presence in court or before the Judge may be lawfully required, the Judge may direct that fact to be entered upon the court minutes, thereby declaring the bond to be forfeited.
- b. Without advancing court costs, the Judge may then cause the forfeiture to be certified to the district court of Wagoner County, where it shall be entered upon the judgment docket and shall have the full force and effect of a district court judgment.
- c. At such time as the forfeiture is entered upon the district court judgment docket, the District Court Clerk shall proceed in accordance with the provisions of 59 O.S. §§ 1332, 1333 and 1335, and a surety shall have all remedies available under the provisions of 22 O.S. § 1108 and 59 O.S. §§ 1301 through 1341. Court costs shall be collectible from the proceeds of the bond.
- d. A prosecution in a court provided for herein shall be a bar to prosecution in another court for the same or a lesser included offense.

F. *Arraignment.* Upon making his appearance before the court, the defendant shall be arraigned. The Judge, or the Attorney of the City, shall read the complaint to the defendant, inform him of his legal rights, including the right of trial by jury, if available, and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. If the defendant pleads guilty, the court may proceed to judgment and sentence, continuing the matter for subsequent disposition or defer sentence upon whatever terms or conditions the court may impose. If the plea is not guilty, and the case is not for jury trial, the court may proceed to try the case, or may set it for hearing at a later date.

G. *Trials and judgments generally.*

1. Before trial commences, either party, upon good cause shown, may obtain a reasonable postponement thereof.
2. The defendant must be present in person at the trial.
3. In all trials, as to matters not covered in this chapter, or by the statutes relating to municipal courts, or by rules duly promulgated by the

Supreme Court of Oklahoma or the Oklahoma Court of Criminal Appeals, the procedure applicable in trials of misdemeanors in the district courts shall apply to the extent that they can be made effective.

4. 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.
5. At the close of trial, judgment must be rendered immediately by the Judge, who shall cause it to be entered in his docket.
6. If judgment is of acquittal, and the Judge must render judgment thereon, release the defendant from confinement, release the bail order or discharge the bond.
7. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine is satisfied at the rate of one day imprisonment for each \$25.00 of fine.
8. If the defendant is without means to pay the fine or costs, the Municipal Judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court of Wagoner County where it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. Thereupon, the same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor.

H. *Trial by jury.*

1. *Right to trial by jury; waiver.*

- a. In all prosecutions for violations of ordinances by a fine of more than \$500.00, or by imprisonment, or by both fine and imprisonment, trial shall be by jury, unless waived by the defendant. If trial by jury is waived, trial shall be to the court.
- b. At arraignment, the defendant shall be asked whether he demands or waives trial by jury. His election shall be recorded in the minutes of the arraignment and entered on the docket of the court respecting proceedings in the case.
- c. An election waiving jury trial, made at arraignment, may be changed by the defendant at any time prior to the day for which trial by the court is set; an election demanding jury trial may be changed at any time prior to the commencement of proceedings to impanel the jury for the trial, but if that change occurs after the case has been set for jury trial, it may not thereafter be rechanged so as again to demand trial by jury.

2. *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 governing statutes of the state, and to be certified by the Clerk of the district court to the Judge of the Municipal Court. The request shall be made in time for the list to be certified and the jurors to be summoned legally before the trial of the calendar begins. If it is anticipated that the completion of the calendar will require more than two weeks, the request for jurors shall specify the number required for each two-week period, as provided by law for the drawing of jurors for the district court. Additional drawing of other names also may be requested by the Judge, when necessary, in accordance with the law for such additional drawings in the district court. If, in the future, provisions of the law respecting the drawing of jury lists for the district court are changed, the Judge shall take such steps in requesting jury lists for the court as are necessary to comply with state law.
- 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:

State of Oklahoma)
) SS
County of Wagoner)

To _____ Greetings: you hereby are
summoned to appear in the Municipal Court for the City of
Coweta, Oklahoma, to be held at _____ on
the _____ day of _____ 20____, at the hour of _____
o'clock _____.M., to serve as a juror in said court.

Hereof fail not, under penalty of law.

Issued under the authority of said court, this _____ day of
_____ 20____.

Clerk of the Municipal Court of the City of Coweta

- c. Service shall be made, as the Judge may prescribe by rule or direct by order, either in person upon the juror by the Chief of

Police or by any member of the police force of the City, or by the Clerk of the Court, through certified mail, directed to the juror at his address as given in the jury list with request for a personally signed return receipt. In any proceeding wherein service of summons by mail is in issue, evidence of the due mailing of the summons by the Clerk or a member of his staff and the presentation of an official postal return receipt purportedly signed by the addressee shall be prima facie evidence that the summons was duly received by the addressee and, therefore, that he was properly served therewith.

- d. A jury in the court shall consist of six jurors, good and lawful men or women, citizens of the County of Wagoner, possessing the qualifications of jurors in district court.
- 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 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 case 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 so on, until a verdict is rendered.

(Code 2012, §§ 6-119, 6-123--6-130; altered in 2023 recodification)

1-12-12 Witness Fees; Juror Compensation

A. Witness fees.

- 1. Witnesses in any proceeding in the court, other than the police officers or peace officers, shall be entitled to a fee as set by the City per each day of attendance, plus mileage for each mile actually and necessarily traveled in going to and returning from the place of attendance if their residence is outside the limits of the City. However, no witness shall receive fees or

mileage in more than one case for the same period of time or the same travel. A defendant seeking to subpoena witnesses must deposit with the Clerk a sum sufficient to cover fees and mileage for one day of attendance for each witness to be summoned, but such deposit shall not be required from an indigent defendant who files an affidavit setting out:

- a. The name of no more than three witnesses;
- b. That the defendant, by reason of his poverty, is unable to provide the fees and mileage allowed by law;
- c. That the testimony of the witnesses is material; and
- d. That their attendance at the trial is necessary for his proper defense.

2. The fees of such witnesses shall be paid by the City.

B. *Jurors.* Jurors shall receive for their services a fee in an amount equal to that amount provided by state law for jury service in proceedings brought in the district courts of the state.

(Code 2012, §§ 6-131, 6-132)

1-12-13 Sentencing

- A. The Judge may suspend, modify, defer or reduce a sentence in accordance with 11 O.S. §§ 27-123 and 27-124.
- B. The Judge of the Court in imposing a judgment and sentence, at his discretion, is empowered to modify, reduce or suspend or defer the imposition of such sentence or any part thereof and to authorize the person to be released upon his own recognizance for a period not to exceed six months from the date of the sentence, under such terms or conditions as the Judge may specify. The Judge may, with the consent of the defendant, defer further proceedings, after a verdict, finding or plea of guilty, but before passing a judgment of guilt and imposing a fine, and place the defendant on probation for a period not to exceed six months, under such terms and conditions as prescribed by the court, which may include, but not be limited to, work on the streets, parks or other City-owned or -maintained projects, with proper supervision.
- C. A defendant is not entitled to a deferred sentence if the defendant has been previously convicted of a felony.
- D. Upon a finding of the court that the conditions of release have been violated, the Municipal Judge may enter a judgment of guilty and may cause a warrant to be issued for the defendant.
- E. Upon the issuance of the warrant or judgment of guilty being entered, the person

shall be delivered forthwith to the place of confinement to which he is sentenced and shall serve out the full term or pay the full fine for which he was originally sentenced as may be directed by the Judge.

- F. The Judge may continue or delay imposing a judgment and sentence for a period of time not to exceed six months from the date of the sentence. At the expiration of such period, the Judge may allow the City Attorney to amend the charge to a lesser offense.
- G. If a deferred sentence is imposed, an administrative fee of not more than the fine and costs assessable had the deferral not been granted may be imposed as costs in the case. The court may make payment of the fee a condition of granting or continuing the imposition of a sentence, if the defendant is able to pay.
- H. The court may also require restitution, and in the event there was damage done to public or private property during the commission of the offense, the court may require the defendant to repair or replace such damaged property as a condition to a deferred sentence as may be directed by the court.
- I. After conviction and sentence, the Judge may suspend sentence, in accordance with the provisions of, and subject to the conditions and procedures imposed by, 11 O.S. §§ 27-123 and 27-124.

(Code 2012, §§ 6-133, 6-134)

1-12-14 Imprisonment

- 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, upon request of the prisoner and if approved by the City Manager, may be allowed to work on the public streets, avenues, alleys, parks, buildings, or other public premises or property. For each day of useful labor, the prisoner shall be credited an amount of \$50.00.
- 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, or some person designated by him, shall oversee the work. If a guard is necessary, the Chief of Police shall make provision therefor.
- D. All sentences of imprisonment shall be executed by the Chief of Police of the City, and any person convicted of a violation of any ordinance of the City and sentenced to imprisonment shall be confined in the jail, farm or workhouse of the City, or the jail of Wagoner County, Oklahoma, in the discretion of the court,

for the time specified in the sentence; provided, however, the court may, in lieu of imprisonment, order the defendant to engage in a term of community service without compensation.

(Code 2012, § 6-135)

1-12-15 Fines And Costs

- A. *Generally.* If judgment of conviction is entered, the Clerk of the Court shall tax the costs to the defendant, which shall be the maximum allowed by state law, plus the fees and mileage of jurors and witnesses, but the total amount of fine may not exceed the amount set out in CCC 1-4-1.
- B. *Failure to appear; court costs and penalty.* Any person who files a complaint in the Municipal Court against another person or persons and fails to appear to prosecute or testify on the complaint so filed, or moves to dismiss the same without court approval, is liable for, and shall be assessed and pay, all court costs incurred in the filing of the complaint. Any defendant failing to appear as required shall constitute a separate offense, punishable as provided in CCC 1-4-1.
- C. *Penalty assessments.*
 - 1. Any person convicted of an offense punishable by a fine of \$10.00 or more or by imprisonment, excluding parking and standing violations; or forfeiting bond when charged with such an offense under subsection C of this section, shall pay a sum as set by state law as a separate penalty assessment for law enforcement training, and as a separate fingerprinting fee, which shall be in addition to and not in substitution for any and all fines and penalties and costs otherwise provided for such offense. The court shall provide for separate bail for the assessments; however, a defendant admitted to bail on an undertaking by a surety may include the amount of the assessment in the undertaking.
 - 2. Upon conviction or bond forfeiture, the court shall collect the assessment and deposit the monies for payment as required by state law.
 - 3. At the end of every quarter, the City shall deposit such assessments with the state for law enforcement training and the AFIS (automated fingerprint identification) as required by law. The Court Clerk shall also furnish to the state reports required on the funds collected and penalty assessments imposed each quarter.
 - 4. For the purpose of this subsection, the term "conviction" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred or suspended sentence or judgment.

5. The provisions of this subsection shall be applicable only so long as mandated by state law.

D. *Court technology fee.* A Municipal Court technology fee shall be and is hereby established in the amount of \$10.00. The fee shall be in addition to and not in substitution for any and all fines and penalties otherwise provided by law for the offense and assessed on every citation disposed in the Municipal Court, except those that are voided, declined for prosecution, dismissed without costs, or the defendant is acquitted. The revenues generated by this fee shall be used solely and exclusively for the acquisition, operation, maintenance, repair, and/or replacement of data processing equipment and software related to the administration of the criminal justice system and costs of prosecution.

(Code 2012, §§ 6-136--6-138; Ord. No. 799, 3-5-2018)

CHAPTER 1-13 CITY RECORDS

1-13-1 Custodians Of Records

1-13-2 Requests For Records

1-13-3 Procedures

1-13-4 Fees

1-13-1 Custodians Of Records

A. *Official custodians.* The following City officials are hereby appointed as official custodians for purposes of the Oklahoma Open Records Act [51 O.S. § 24A.1 et seq.] and are charged with responsibility for compliance with that Act with respect to the following listed public records:

1. *City Clerk.* All public records kept and maintained in the City Clerk's office and all other public records not provided for elsewhere in this chapter;
2. *City Treasurer.* All public records not on file in the office of the Clerk and kept and maintained in the City Treasurer's office;
3. *Chief of Police.* All public records not on file in the office of the City Clerk and kept and maintained in the City Police Department;
4. *Fire Chief.* All public records not on file in the office of the City Clerk and kept and maintained in the City Fire Department;
5. *City Attorney.* All public records not on file in the office of the City Clerk and kept and maintained in the City Attorney's office;
6. *Court Clerk.* All public records not on file in the office of the City Clerk and kept and maintained in the Municipal Court; and
7. *City Librarian.* All public records not on file in the office of the City Clerk

and kept and maintained in the City library.

B. Additional records custodians.

1. Each of the official custodians appointed in subsection A of this section is hereby authorized to designate any subordinate officers or employees to serve as records custodians. The records custodians shall have such duties and powers as are set out in the Oklahoma Open Records Act.
2. Whenever an official custodian shall appoint another person as a records custodian, he or she shall give notice to the City Clerk of such designation and the City Clerk shall maintain a register of all such designations.

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

(Code 2012, §§ 2-601--2-603; altered in 2023 recodification)

1-13-2 Requests For Records

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

(Code 2012, § 2-604)

1-13-3 Procedures

- A. *Procedures regarding both inspection and copying of open public records.* The following procedures regarding both inspection and copying of open records are hereby adopted and shall be applied by each official custodian and records custodian:

1. Consistent with the policy, duties and procedures established by the Oklahoma Open Records Act, records custodians shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records;
2. Records custodians shall protect the integrity and organization of public records with respect to the manner in which such records are inspected and copied;
3. Records custodians may prevent excessive disruptions of essential functions and provide the record at the earliest possible time;
4. All inspections and copying of open public records shall be performed by, or under the supervision of, the records custodian responsible for such records;
5. All persons requesting the inspection of or a copy of open public records shall make such request in writing prior to the request being honored; except, that no form shall be required for requests made for records which have been reproduced for free public distribution;
6. All record inspection and copying forms are to be completed by the person requesting the record. The records custodian may demand reasonable identification of any person requesting a record;
7. Any fees for record inspection or for copies are due at the time the records or copies thereof are provided to the requester, unless the records custodian has demanded that prepayment of all or part of such fees be made. Fees are to be paid to the records custodian or City Clerk;
8. The records custodian or City Clerk shall demand full or partial prepayment of fees whenever the estimate for such fees exceeds the amount set out in CCC 1-13-4B;
9. No record search or copying charge shall be assessed against officers or employees of the City who make requests which are reasonably necessary to the performance of their official duties;
10. Hours for making requests for inspection or copying shall be all regular working hours for each day the office maintains regular office hours;
11. Removal of open public records from the office where kept and maintained, for purposes of inspection or the making of copies, shall not be permitted; and
12. The procedures of this subsection, as well as any other inspection and copying procedures, shall be posted in a conspicuous place in the office of the records custodian.

B. *Procedures regarding inspection of open public records.* The following

procedures regarding inspection of open public records are hereby adopted and shall be applied by every official custodian and records custodian:

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

C. *Procedures regarding copies of open public records.* The following procedures regarding copies of open public records are hereby adopted and shall be applied by each official custodian and records custodian:

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

(Code 2012, §§ 2-605--2-607)

1-13-4 Fees

A. *Fees established.*

1. *Inspection.* Where a request has been made for the inspection of an open public record, no fee shall be charged.
2. *Copies.*
 - a. A fee per page as set by the City Council by motion or resolution shall be charged for photocopying an open public record, such fee to cover the cost of labor, materials and equipment.
 - b. For copying any open public record which cannot be reproduced by photocopying, such as a computer printout or a blueprint, the requester shall be charged the actual cost to the City, including the cost of labor, materials and equipment.
3. *Searches.* A search fee shall be charged a requester who is using the record solely for a commercial purpose. Such fee shall be the actual cost to the City of producing the record, including the cost of labor, materials and equipment.

B. *Prepayment of fees.* A records custodian may demand prepayment of a fee whenever the estimated amount exceeds \$20.00. The prepayment amount shall be an estimate of the cost of copying, mechanical reproduction or searching for the record. Any overage or underage in the prepayment amount shall be settled prior to producing the requested record or delivering the copy or mechanical reproduction of the record.

(Code 2012, §§ 2-608--2-612)

CHAPTER 1-14 PUBLIC HEARING PROCESS FOR STATE OR FEDERAL PROGRAMS

[1-14-1 Purpose Of Public Hearings](#)

[1-14-2 Receipt Of Notice For Hearing](#)

[1-14-3 Publication Of Hearing Information](#)

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1-14-1 Purpose Of Public Hearings

Under a variety of programs created and administered by various federal and state agencies, local government is authorized, and in some cases required, to hold public hearings in order to make certain determinations necessary for the operation of the

program. These public hearings shall be conducted by the City in the manner and specified procedures of this chapter unless the applicable federal or state agency or the applicable program has a requirement which preempts this chapter. In the event of a partial preemption, this chapter shall control to the maximum extent possible. Examples of such hearings shall specifically include, but are not limited to, low income housing tax credit programs of the Internal Revenue Service of the United States, as administered by the Oklahoma Housing Finance Agency under Rule 330:36-5-3(e) and (g).

(Code 2012, § 12-601)

1-14-2 Receipt Of Notice For Hearing

- A. Upon receipt of notice by the City Council, Mayor or City Manager of a proposal which requires or authorizes the City to comment on or evaluate appropriateness of the proposal or determine the existence of a need for a project within the City limits, the City Council shall proceed to make a determination of the desirability, appropriateness and need for the specific proposal or project under the procedures set out in this chapter. The resulting findings shall be reduced to written comments and filed with the appropriate agency in a timely manner.
- B. Upon receipt of notice from a state or federal agency of an application and the need for a public hearing under subsection A of this section, the City Manager shall promptly give notice to any private person or entity determined to be the contact person for the applicant in the federal or state program, giving specific notice of the date, time and place of a proposed hearing by the City Council in consideration of the project or development. The notice shall be in writing and mailed by certified mail at a time calculated to provide the applicant or contact person at least ten days' notice of the hearing. The notice shall be effective at least ten days prior to the date of the hearing regardless of the form of the notice.
- C. Notice to the contact person shall further provide the applicant's contact person with a statement of or reference to the appropriate legal authorities and the basis of jurisdiction under which the proceedings will be held, a statement of any statutes or rules involved, and a concise and plain statement of all issues of fact or law which are anticipated to be considered at the hearing. Such issues shall specifically include all issues or assertions to be made by the City staff or officials and any issues known by the City staff or elected officials which are anticipated to be raised by others.

(Code 2012, § 12-602; altered in 2023 recodification)

1-14-3 Publication Of Hearing Information

The City Manager shall cause to be published, at least one time in a newspaper of

general circulation within the City, a notice of the date, time and place of the consideration of the proposed project or development, together with the statement of the purpose of the hearing and the location of the proposed development. The publication shall occur at least ten days prior to the date of the public hearing. In addition, the City shall provide all property owners within a 300-foot radius of the proposed development with written notification at least ten days prior to the date of the public hearing. The property owner shall be determined on the basis of the preceding years' tax rolls.

(Code 2012, § 12-603)

1-14-4 Conduct Of Hearing

- A. At the hearing before the City Council, the applicant for the proposed development shall be allowed the opportunity to appear and present evidence, personally or through legal counsel, and to otherwise provide argument in support of the proposed development, including the right to respond to opposing evidence or argument through cross examination of opposing witnesses or otherwise.
- B. At the conclusion of the applicant's evidence, other witnesses who are unconnected with the applicant may appear to present evidence or argument in opposition to the positions asserted by other witnesses. To expedite this process, the City Council shall provide an opportunity for the persons or entities desiring to participate in the hearing process to be identified at the start of this hearing.

(Code 2012, § 12-604)

1-14-5 Recording Hearing

The proceedings shall be electronically recorded in accordance with the requirements of the Oklahoma Open Meetings Act [25 O.S. §§ 301–314] and made available in accordance with the requirements of the Oklahoma Open Records Act [51 O.S. § 24A.1 et seq.]. Should the applicant, the protestant or other participant require transcription, either through clerical transcription or by licensed court reporter, the cost of such transcription shall be paid by the requesting party.

(Code 2012, § 12-605; altered in 2023 recodification)

1-14-6 Evidence

Copies of documentary evidence proposed to be used by the applicant, by City staff or by protestants and which evidence is in the possession of the City, shall be exchanged with the applicant and protestants who identify themselves at least two business days prior to the hearing. In the event additional documentary evidence is offered at the hearing, and the interest of justice requires admission of such evidence, the City

Council may grant a recess or otherwise continue the hearing to a date certain in order to allow a response, subject to the right of the opponent of such evidence to waive this right of delay.

(Code 2012, § 12-606)

1-14-7 Council Findings Of Fact And Final Order

At the conclusion of the evidence, the City Council shall deliberate and announce its findings of fact and conclusions of law as determined by a majority vote of the City Council's total membership. The City staff shall prepare a written determination of those findings of fact and conclusions of law, which will thereafter be formally submitted for adoption by the City Council and, upon adoption, shall be transmitted by certified mail to the applicant, to any persons who formally protested in the hearing, and to the federal or state agency administering the program in question. A copy of this chapter shall be included with this determination. Once adopted by the City Council, the determination shall be considered a final order by the City.

(Code 2012, § 12-607)

1-14-8 Appeals

While the City cannot create jurisdiction within the district courts of the state, it is the City's understanding of applicable law that such a determination by the Council is subject to appeal to the district courts by the filing of a declaratory judgment action in the district court having jurisdiction of the City's corporate headquarters, regardless of the location of the land on which the proposal was to be built. The City's staff shall expeditiously forward a record of the proceeding to the district court upon the filing of any such declaratory judgment action and then shall defend the action taken by the City Council.

(Code 2012, § 12-608)

1-14-9 Hearings In Other Jurisdictions

Upon receipt of notice from a state or federal agency of an application concerning a project in another jurisdiction, the City Manager or a designee may determine if any interests of the City will be impacted and may participate in such hearings as appropriate to defend such City interests as may be determined to exist.

(Code 2012, § 12-609)

1-14-10 Housing Law Compliance

It is not the intent or purpose of this chapter to circumvent any fair housing laws or regulations, but instead to ensure complete compliance with all local, state and federal laws concerning housing and to ensure that housing is provided in a nondiscriminatory

manner.

(Code 2012, § 12-610)

Editor's note—See CCC 6-7.

TITLE 2 BOARDS AND COMMISSIONS

CHAPTER 2-1 BOARDS AND COMMISSIONS IN GENERAL (RESERVED)

CHAPTER 2-2 PLANNING COMMISSION

CHAPTER 2-3 BOARD OF ADJUSTMENT (ZONING)

CHAPTER 2-4 LIBRARY BOARD

CHAPTER 2-5 BOARD OF TRUSTEES OF EMPLOYEE RETIREMENT SYSTEM

CHAPTER 2-6 FIREFIGHTERS' PENSION AND RETIREMENT BOARD

CHAPTER 2-1 BOARDS AND COMMISSIONS IN GENERAL (RESERVED)

CHAPTER 2-2 PLANNING COMMISSION

2-2-1 Commission Created; Membership; Terms Of Office; Vacancies

2-2-2 Qualifications

2-2-3 Organization

2-2-4 Powers And Duties

2-2-5 Procedures

2-2-6 Compensation

2-2-7 Expenditures

2-2-1 Commission Created; Membership; Terms Of Office; Vacancies

There is hereby created a Planning Commission to be composed of five members, and the Mayor and City Engineer as ex officio members. Upon the creation of the Planning Commission, the Mayor shall nominate one member to serve for a period of one year, two members to serve for a period of two years and two members to serve for a period of three years. Such nominees shall be confirmed by the City Council. The members of the Planning Commission appointed upon the effective date of the ordinance from which this chapter is derived shall all serve an interim term to the next following June 1, on which date, the respective terms of office of the Commissioners so appointed shall begin. Upon nominating such Commissioners, the Mayor shall designate which of such Commissioners shall serve for a period of one year, which of such Commissioners shall serve for a period of two years and which of such Commissioners shall serve for a period of three years. In the event of a vacancy on the Commission for any reason, a successor shall be appointed as herein provided for the unexpired term only of such vacancy.

(Code 2012, § 12-101)

2-2-2 Qualifications

The members of the Planning Commission shall be appointed from residents of the City, and an effort is to be made to secure the services of persons best qualified to plan

for the future growth, development and planning for the City as a whole.

(Code 2012, § 12-101)

2-2-3 Organization

- A. *Officers.* Immediately after the appointment and qualification of the members of the Planning Commission, the Commission shall meet and elect one of their number as Chair and one of their number as secretary. Such officers, when so elected, shall serve in their respective capacity until the next following June 1, at which time, a Chair and Secretary shall be elected for a term of one year, or until their successors are elected and qualified.
- B. *Rules and regulations; meetings.* The Planning Commission shall prescribe rules and regulations governing and controlling the transaction of business before and shall determine a date each month for regular meetings. Special meetings may be called at any time by the Chair of the Commission.

(Code 2012, §§ 12-102, 12-103)

2-2-4 Powers And Duties

- A. The powers and duties of the Planning Commission shall be as follows:
 - 1. To investigate and recommend to the Mayor and City Council suitable zoning ordinances for the City;
 - 2. To investigate and make recommendations concerning the physical development, growth, improvement, convenience and beautification of the City; and
 - 3. To investigate all matters relating to the location and development of parks, recreation places, streets, public grounds, location and design of public buildings and public structures, and to make a report of their findings on any proposed or contemplated project relative to any of the above matters to the City Council;
- B. All findings and recommendations of the Planning Commission affecting private property shall be submitted in writing to the City Council for their examination, approval or rejection.

(Code 2012, § 12-104)

2-2-5 Procedures

- A. *Generally.* All projects or matters that fall within the purview of the duties of the Planning Commission, as herein specified, that may come before the City

Council shall be referred to the Planning Commission for investigation and report on any matter or subject referred to it for a period of 60 days. A failure to report within 60 days shall be considered a refusal to approve the proposed plan or project, and the City Council may thereupon act upon such proposal, plan or project as though such matter had not been referred to the Planning Commission.

- B. *Plats and subdivisions.* No platting of unplatted property in the City and no platting of any existing subdivisions in the City shall be permitted until such plat or subdivision shall be presented to the Planning Commission. Upon such proposed plat or subdivision being presented to the Planning Commission, it shall, within 30 days, make its findings and recommendations to the City Council concerning the adoption, modification or rejection of the platting, replatting or subdivision.

(Code 2012, §§ 12-105, 12-106)

2-2-6 Compensation

The members of the Planning Commission shall serve without salary.

(Code 2012, § 12-101)

2-2-7 Expenditures

The Planning Commission shall, as required, make application to the City Council for the funds that may be necessary for the Planning Commission to expend in order to carry out its duties as herein specified. Commencing with the next fiscal year following the effective date of the ordinance from which this chapter is derived, the Planning Commission shall make application to the City Council for an appropriation to be set up for its use in carrying out its duties, and the City may include such appropriation in its budget.

(Code 2012, § 12-107)

CHAPTER 2-3 BOARD OF ADJUSTMENT (ZONING)

Sec 2-3-1 Zoning Board Of Adjustment

Sec 2-3-1 Zoning Board Of Adjustment

Provisions regarding the Board of Adjustment (Zoning) may be found at CCC 12-3A.

(Added in 2023 recodification)

CHAPTER 2-4 LIBRARY BOARD

2-4-1 Membership; Qualifications

2-4-2 Terms Of Office; Vacancies

[2-4-3 Organization](#)

[2-4-4 Annual Report](#)

[2-4-5 Compensation](#)

[2-4-6 Removal Of Board Member](#)

2-4-1 Membership; Qualifications

The public library shall be governed by a Board of Directors consisting of five members selected by the Mayor and City Council from the residents of the City with reference to their fitness for such office.

(Code 2012, § 11-203)

2-4-2 Terms Of Office; Vacancies

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

(Code 2012, § 11-203)

2-4-3 Organization

- A. *Officers.* Immediately after the initial appointment, the Board of Directors shall meet and organize by electing one director as President, one director as Secretary, and such other officers as the Board may deem necessary.
- B. *Rules and regulations.* The Board shall adopt such rules and regulations for their own guidance and for the governance and operation of the library as may be expedient and not inconsistent with the ordinances of the City and laws of the state, subject to approval of the Mayor and City Council.

(Code 2012, § 11-204)

2-4-4 Annual Report

- A. The Library Board of Directors shall make, on or before July 31 in each year, an annual report. Such report shall include:
 - 1. The condition of its trust on June 30;
 - 2. The various sums of money and property received from the library fund and other sources and how such monies have been expended;
 - 3. Statistics on the general character and number of books and periodicals

which are on hand, are lost, have been added, and have been loaned out; and

4. The number of persons making use of the library during the year.

B. A similar report shall be filed at the time with the State Department of Libraries on forms supplied by the Department.

(Code 2012, § 11-206; altered in 2023 recodification)

2-4-5 Compensation

All Library Board Directors shall serve thereon without compensation.

(Code 2012, § 11-203)

2-4-6 Removal Of Board Member

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

(Code 2012, § 11-203)

CHAPTER 2-5 BOARD OF TRUSTEES OF EMPLOYEE RETIREMENT SYSTEM

2-5-1 In General

2-5-1 In General

Provisions regarding the Board of Trustees of the Employee Retirement System can be found at CCC 1-11A-2.

(Added in 2023 recodification)

CHAPTER 2-6 FIREFIGHTERS' PENSION AND RETIREMENT BOARD

2-6-1 In General

2-6-1 In General

Provisions regarding the Firefighters' Pension and Retirement Board can be found at CCC 1-11A-2-3.

(Added in 2023 recodification)

TITLE 3 FINANCES AND TAXATION

CHAPTER 3-1 GENERAL FINANCE PROVISIONS

CHAPTER 3-2 CONTRACTS AND PURCHASES

CHAPTER 3-3 CITY TAXES

CHAPTER 3-4 TELEPHONE EXCHANGE FEE

CHAPTER 3-1 GENERAL FINANCE PROVISIONS

3-1-1 Depositories Designated; Deposit Of Funds

3-1-2 Funds Enumerated

3-1-3 Returned Check Fees

3-1-1 Depositories Designated; Deposit Of Funds

Funds of the City shall be deposited as required by law. The City Treasurer shall deposit daily all public funds received by him into designated banks and savings and loan associations.

(Code 2012, § 7-101)

Editor's note—See also CCC 1-9-1B and 2B.

3-1-2 Funds Enumerated

- A. *Self-insurance fund.* There shall be created a self-insurance fund account that shall be separate and apart from other accounts of the City. The City Council shall make such appropriations as necessary and appropriate into the fund. All purchases and disbursements from the fund shall be in accordance with the ordinances of the City and pursuant to state law.
- B. *Emergency telephone service (E-911) fund.* There is hereby created an E-911 Fund account that shall be separate and apart from other accounts of the City. The City Council shall make such appropriations as necessary and appropriate into the fund. All purchases and disbursements from the fund shall be in accordance with the ordinances of the City and state law.
- C. *Rural fire fund.* All monies received by the City on account of rural fire services shall be paid to the City Treasurer, who shall deposit the same in the municipal treasury in a special and separate account designated the rural fire fund. Such money shall be disbursed pursuant to policies as set forth for all City funds. All purchases and disbursements shall be in accordance with the ordinances of the City.
- D. *Cemetery fund.* The City cemetery fund shall be maintained as follows:
 - 1. Twelve and one-half percent of all proceeds from the sale of lots and

internments shall be deposited into a separate cemetery fund called the cemetery fund;

2. The cemetery fund shall be solely and exclusively dedicated for capital improvements, such as for purchasing additional land for the cemetery and capital improvements as defined by 11 O.S. § 17-110.

(Code 2012, §§ 7-110, 7-113, 11-301, 13-226)

3-1-3 Returned Check Fees

The City shall charge a fee as set by the City Council by motion or resolution for any and all returned checks made payable to the City, if the check or other negotiable instrument is returned as being dishonored, for whatever reason. In addition to the return check fee, the City shall also assess and collect from the payer any fees charged to the City resulting from the returned check by the financial institution or bank returning the instrument.

(Code 2012, § 7-112)

CHAPTER 3-2 CONTRACTS AND PURCHASES

ARTICLE 3-2A CONTRACTS AND PURCHASES GENERALLY

ARTICLE 3-2A CONTRACTS AND PURCHASES GENERALLY

3-2A-1 Definitions

3-2A-2 City Purchasing Agent

3-2A-3 Available Funds Required

3-2A-4 Conflict Of Interest Prohibited

3-2A-5 Competitive Bidding

3-2A-6 Emergency Purchases

3-2A-1 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, the words "in the plural number" include the singular number, and words "in the singular number" include the plural number. The word "shall" is always mandatory.

City means the City of Coweta, 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 Coweta; provided, however, that any improvement district created pursuant to 11 O.S. § 39-101 et seq., shall not be included in this definition thereby exempting such improvement districts from the provisions of this chapter.

City Manager means the Chief Executive Officer of the City or designee.

City Purchasing Agent or *Agent* means the Purchasing Agent of the City, which shall be the City Manager or the designee. The Purchasing Agent shall have the authority to delegate purchasing authority within the guidelines established for the City.

Contractual services means and includes, but is not limited to, all telephone, 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 "contractual services" shall not include professional 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 18 O.S. § 803A6, those which are in their nature unique and not subject to competition, nor shall it include services or maintenance authorized and provided for an improvement district pursuant to 11 O.S. § 39-103.1.

Cooperative purchasing plan means a participation agreement entered into between two or more entities of government to facilitate the acquisition of goods or services pursuant to a single or joint contract obtained through a competitive bidding process or issued in accordance with the authority granted to a governmental entity. For this purpose, entities of government include all state, county, and municipal governments located within the southern region of the United States as defined by the U.S. Census Bureau and all agencies of the federal government.

Council means the legislative body of the City of Coweta, Oklahoma.

Lowest and best bidder and *best value bidder* shall have those meanings attributed to them by the laws of the state.

Political subdivision means a municipality, school district, county, or public trust with a city, town, school district or county as its sole beneficiaries, and all their institutions, instrumentalities or agencies.

Purchasing and/or procurement card means and includes the commercial credit card issued to authorized City employees for the purchase of supplies and services.

Supplies means and includes all supplies, materials and equipment.

Using agency means 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.

(Code 2012, § 7-901; Ord. No. 811, 10-1-2018)

3-2A-2 City Purchasing Agent

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

A. Scope of 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 that 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 chapter;
 - 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 ordinances.
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 City 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 of this section and in addition to any other powers and duties conferred by this chapter, the agent shall perform the following duties:

1. *Minimum expenditure.* The agent shall act to procure for the City the highest quality in supplies and contractual services at the 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 Finance Department, the agent shall establish and amend, when necessary, rules and regulations

authorized by this chapter and any other regulations 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 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 vendor's commodities, prices and discounts.
6. *Bulk purchases.* The agent shall explore 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 City 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 a minimum number of standard qualities, sizes and varieties of supplies consistent with the successful operation of the City government.
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 e-mail, 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 chapter 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 City Clerk or designee shall accumulate all properly submitted and due claims and invoices to be processed for payment and present them to the City Manager or designee for consideration and approval for payment. Upon such approval for payment, the City Treasurer or designee shall issue properly signed checks, or other authorized forms of payment, in payment of said claims and invoices.
16. *Represent City.* The authority to represent the City at any court-ordered mediation or settlement conference, with full settlement authority without additional approval of the City Council.
17. *Contract to fill positions.* 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. *Expend funds for projects.* The authority to expend funds for economic development projects or as economic development incentives up to the purchasing limit set by the City Council.
19. *Denial of claims.* The authority to deny tort claims that are within the purchasing authority of the City Manager, and the authority to deny those claims in which the City's insurance carrier has investigated the claim and recommended denial.

(Code 2012, § 7-902; altered in 2023 recodification)

3-2A-3 Available Funds Required

Except in cases of emergency, the agent shall not issue any order for delivery on a contract or open market purchase until the City Clerk or 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.

(Code 2012, § 7-903; altered in 2023 recodification)

3-2A-4 Conflict Of Interest Prohibited

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. For purposes of this section, the term "financially interested" means ownership of more than 25 percent of the business or of the common stock therein or any percentage that constitutes a controlling interest but shall not include any such interest held by a blind trust.

(Code 2012, § 7-904)

3-2A-5 Competitive Bidding

- A. *Required.* 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. § 176(G) and construction projects shall comply with the Oklahoma Public Competitive Bidding Act, 61 O.S. § 101 et seq.
- B. *Bidding requirements.* Except as otherwise required by law, the bidding requirements of the City shall be as follows:
 - 1. *Contractual service purchases.* Contractual services shall be purchased by formal written contract as follows:
 - a. Contractual services, when the estimated cost thereof exceeds \$50,000.00, shall be purchased from the lowest and best bidder or from the best value bidder, after due notice inviting bids.
 - b. Contractual services, when the estimated cost thereof is \$50,000.00 or less, may be purchased using the open market procedure as provided herein.
 - 2. *Supplies, materials and equipment purchases.* Supplies, materials or equipment shall be purchased as follows:
 - a. All contractual purchases of supplies, materials, and equipment, when the estimated cost thereof exceeds \$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.
 - b. All contractual purchases of supplies, materials, and equipment, when the estimated cost thereof is \$25,000.00 or less may be purchased using the open market procedure provided herein.
 - 3. *Construction projects.* Construction projects shall be purchased as

follows:

- a. All construction projects whereby 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.
 - b. 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 herein.
4. *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 when the best interests of the City would be served.
5. *Surplus property.*
- a. No surplus or obsolete supplies, materials, or equipment of a value of more than \$1,000.00 may be sold until the City Council shall have declared them obsolete or surplus.
 - b. Before the Purchasing Agent sells any surplus or obsolete supplies, materials, or equipment, except as otherwise provided herein, he 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 to adequately reach prospective buyers to give them an opportunity to make bids.
 - c. All bids shall be sealed and shall be opened in public at a designated time and place, except when the sale is by public auction.
 - d. The Purchasing Agent may repeatedly reject all bids and advertise or give notice again.
 - e. The Purchasing Agent may sell such supplies, materials, or equipment only to the highest responsible bidder for cash. In case of a tie, he or she may sell to either of the bidders tying, or may divide the sale among the two or more tying, always selling to the highest responsible bidder or bidders for cash.

C. *Bidding procedures.* The following bidding procedures shall apply to those purchases that require a competitive bidding procedure:

1. *Notice inviting bids.*

- a. *Newspaper.* The agent shall cause to be published notice inviting bids in at least one daily newspaper at least five 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.
- b. *Bidders' list.* The agent shall also solicit sealed bids from all responsible prospective suppliers who have requested their names to be added to a bidders' list maintained by the agent by sending a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase or sale. In any case, invitations sent to the vendors on the bidders' list shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.

2. *Bid deposits.* When deemed necessary by the agent, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to return of surety where it has been required. A successful bidder shall forfeit any surety required upon failure on his part to enter a contract within ten days after the award.

3. *Bid opening procedures.*

- 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.
- b. *Opening.* Bids for supplies, materials, equipment or contractual services shall be opened in public at the time and place stated in public notices.
- 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.

4. *Rejection of bids.*

- a. *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.
- b. *Undue influence.* Bids shall be rejected if any bidder has

attempted to exert undue influence over the results of the bid including:

- (1) 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.
 - (2) 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.
 - (3) Any other contact by the 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.
- c. *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.
- d. *Bidders not attending pre-bid conference.* The City shall not accept the bids of a contractor who did not attend a mandatory pre-bid conference.

5. *Award of contract.*

- a. *Authority in the Purchasing Agent.* The Purchasing Agent shall have the authority to award contracts and make purchases in an amount established by the City Council by resolution and shall have the authority to bind the City and its agencies in that regard.
- b. *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 a point system for evaluating the bid. In addition to those factors established by state law, the following factors shall be considered:
- (1) The price;
 - (2) The ability, capacity and skill of the bidder to perform the contract or provide the service required;
 - (3) Whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference;
 - (4) The character, integrity, reputation, judgment, experience

and efficiency of the bidder;

- (5) The quality of performance of previous contracts or services;
- (6) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- (7) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- (8) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
- (9) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- (10) 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;
- (11) The number and scope of conditions attached to the bid; and
- (12) If a point system has been utilized in the bid specifications, the number of points earned by the bidder.

6. *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 City 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.

7. *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.
- b. *Bidders of equal status.* Where subsection C7a of this section is not determinative, the agent shall award the contract to one of the tie bidders by drawing lots in public.

8. *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.

9. *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.

10. *Avoiding requirements prohibited.* No contract or purchase shall be subdivided to avoid the requirements of this subsection.
11. *Open market procedure.*
 - a. *Value of property.* All purchases of supplies, materials, or equipment having an estimated cost less than \$25,000.00, and all sales of personal property which has become obsolete and unusable, of less than the estimated value of \$1,000.00, may be made on the open market, without newspaper advertisement and without observing the procedure prescribed in this subsection for the award of formal contracts.
 - b. *Minimum number of bids.* All open market purchases in excess of \$2,500.00 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 \$2,500.00 to \$24,999.99, buyer shall make at least three solicitations (written/telephone) for competitive market quotation bids.
 - c. *Recordkeeping.* 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.
12. *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. A full and complete statement of the reasons for approving each waiver of competitive bidding shall be filed with the City Clerk.

(Code 2012, §§ 7-905--7-907; altered in 2023 recodification)

3-2A-6 Emergency Purchases

- A. *By agent.* In case of an apparent emergency which requires immediate purchase of supplies or contractual services, the City Manager, in an amount set by the City Council by resolution, shall be empowered to secure by open market procedure 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.

- B. *By department head.* In case of an actual emergency occurring during normal office hours, the head of any using agency may, with the consent of the City Manager, purchase directly any supplies or contractual services whose 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.

(Code 2012, § 7-908; altered in 2023 recodification)

CHAPTER 3-3 CITY TAXES

ARTICLE 3-3A CITY TAXES GENERALLY (RESERVED)

ARTICLE 3-3B SALES TAX

ARTICLE 3-3C SPECIAL SALES TAX

ARTICLE 3-3D USE TAX

ARTICLE 3-3E UTILITIES TAX

ARTICLE 3-3F EMERGENCY TELEPHONE SERVICE FEE

ARTICLE 3-3G HOTEL/MOTEL TAX

ARTICLE 3-3A CITY TAXES GENERALLY (RESERVED)

ARTICLE 3-3B SALES TAX

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3-3B-1 Short Title

This article shall be known and may be cited as the City of Coweta sales tax ordinance.

(Code 2012, § 7-201)

3-3B-2 Definitions

- A. *Definitions generally.* The definitions of words, terms and phrases contained in the state sales tax code, 68 O.S. §§ 1352 and 1352.1 and are hereby adopted by reference and made a part of this article.
- B. *Tax collector defined.* The term "tax collector," as used in this article, means the department of the City or the official agency of the state duly designated according to law or contract and authorized by law to administer the collection of the tax levied in this article.

(Code 2012, §§ 7-202, 7-203; altered in 2023 recodification)

3-3B-3 Tax Imposed; Rate; Purposes

- A. *Tax imposed; rate.* There is hereby levied an excise tax of three percent upon the gross proceeds or gross receipts derived from all sales taxable under the state sales tax code.
- B. *Purposes.*
 - 1. It is the purpose of the sales tax levying the first \$0.02 to provide revenues for the support of the functions of the municipal government of the City.
 - 2. It is the purpose of the sales tax levied by Ordinance No. 330 to provide revenues for the general operation of the government of the City, including, but not limited to, general administration, fire, water and sanitation services, and limited access facilities.

(Code 2012, §§ 7-207, 7-208; altered in 2023 recodification)

3-3B-4 Effective Date Of Provisions

This article became effective after approval of a majority of the registered voters of the City voting on the ordinance in the manner prescribed by 11 O.S. § 16-112.

(Code 2012, § 7-206)

3-3B-5 Tax Rate; Sales Subject To Tax

There is hereby levied an excise tax of three percent upon the gross proceeds or gross receipts derived from all sales taxable under the state sales tax code, including, but not exclusive of the following:

- A. Tangible personal property;
- B. Natural or artificial gas, electricity, ice, steam, or any other utility or public service except water and those specifically exempt by this chapter;
- C. 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;
- D. Service by telephone and telegraph companies to subscribers or users, including transmission of messages, whether local or long distance. This shall include all services and rental charges having any connection with transmission of any message;
- E. Printing or printed matter of all types, kinds, and characters and the service of printing or over-printing, including the copying of information by mimeograph or multigraph or by otherwise duplicating written or printed matter in any manner, or the production of microfiche containing information on magnetic tapes furnished by customers;
- F. Service of furnishing rooms by hotel, apartment hotel, public rooming house, motel, public lodging house or tourist camps;
- G. Service of furnishing storage or parking privileges by auto hotels and parking lots;
- H. Selling, renting or otherwise furnishing computer hardware or software or coding sheets, cards or magnetic tapes on which pre-written programs have been coded, punched or otherwise recorded;
- I. 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;
- J. 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;
- K. Dues or fees to clubs including free or complimentary dues or fees which shall have the value equivalent to the charge that would have otherwise been made, including any fees paid for the use of facilities or services rendered at a health spa or club or any similar facility or business;

- L. Sales of tickets, fees or other charges made for admission or voluntary contributions made to places of amusement, sports, entertainment, exhibition, display or other recreational events or activities, including free or complimentary admissions which shall have the value equivalent to the charge that would have otherwise been made;
- M. Charges made for the privilege of entering or engaging in any kind of activity, when no admission is charged to spectators, such as tennis, racket ball or hand ball courts;
- N. Charges made for the privilege of using items for amusement, sports, entertainment or recreational activity such as trampolines or golf carts;
- O. The rental of equipment for amusement, sports, entertainment or other recreational activities, such as bowling shoes, skates, golf carts, or other sports and athletic equipment;
- P. The gross receipts from sales through any vending machine, without any deduction for rental to locate the vending machine on the premises of a person who is not the owner or any other deductions therefrom;
- Q. Gross receipts or gross proceeds from the rental or lease of tangible personal property, including rental or lease of personal property when the rental or lease agreement requires the vendor to launder, clean, repair or otherwise service the rented or leased property on a regular basis, without any deduction for the cost of the service rendered. Provided, if the rental or lease charge is based on the retail value of the property at the time of making the rental or lease agreement and the expected life of the property, and the rental or lease charge is separately stated from the service cost in the statement, bill or invoice delivered to the consumer, the cost of services rendered shall be deducted from the gross receipts or gross proceeds;
- R. Any licensing agreement, rental, lease or other device or instrument whereby rights to possess or exhibit motion pictures or filmed performances or rights to receive images, pictures or performances for telecast by any method are transferred. Provided, persons regularly engaged in the business of exhibiting motion pictures for which the sale of tickets or admissions is taxed under this chapter shall not be deemed to be consumers or users in respect to the licensing or exhibiting of copyrighted motion picture features, shorts, cartoons and scenes from copyrighted features and the sale or licensing of such films shall not be considered a sale within the purview of this chapter;
- S. Flowers, plants, shrubs, trees and other floral items, whether or not same was produced by the vendor, sold by persons engaged in florist or nursery business in the state, including all orders taken by a state business for delivery in another state. Provided, all orders taken outside the state for delivery within the state shall not be subject to the tax levied by this chapter;
- T. Tangible personal property sold to persons, peddlers, solicitors or other

salesmen, for resale where there is likelihood that the state will lose tax revenue due to the difficulty of enforcing this chapter because of:

1. The operation of the business;
 2. The nature of the business;
 3. The turnover of independent contractors;
 4. The lack of place of business in which to display a permit or keep records;
 5. Lack of adequate records;
 6. The persons are minors or transients;
 7. The persons are engaged in service businesses; or
 8. Any other reasonable reason;
- U. Any taxable services and tangible personal property including materials, supplies and equipment sold to contractors for the purpose of developing and improving real estate even though such real estate is intended for resale as real property are hereby declared to be sales to consumers or users and taxable; and
- V. Any taxable services and tangible personal property sold to persons who are primarily engaged in selling their services, such as repairmen, are hereby declared to be sales to consumers or users and taxable.

(Code 2012, § 7-208)

3-3B-6 Exemptions; Sales Subject To Other Tax

There is hereby specifically exempted from the tax levied by this chapter the gross receipts or gross proceeds exempted from the state sales tax code inclusive, but not exclusive of, and derived from the:

- A. Sale of gasoline or motor fuel on which the motor fuel tax, gasoline excise tax or special fuels tax levied by state law has been paid;
- B. Sale of motor vehicles or any optional equipment or accessories attached to motor vehicles on which the Oklahoma Motor Vehicle Excise Tax levied by state law has been paid;
- C. Sale of crude petroleum or natural or casinghead gas and other products subject to gross production tax under state law. This exemption shall not apply when such products are sold to a consumer or user for consumption or use, except when used for injection into the earth for the purpose of promoting or facilitating the production of oil or gas. This subsection shall not operate to

increase or repeal the gross production tax levied by the laws of the state; and

- D. Sale of aircraft on which the tax levied pursuant to 68 O.S. §§ 6001 through 6004 has been paid.

(Code 2012, § 7-209)

3-3B-7 Exemptions; Governmental And Nonprofit Entities

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

- A. Sale of tangible personal property or services to the United States Government or to the state, any political subdivision of the state or any agency of a political subdivision of the state, provided all sales to contractors in connection with the performance of any contract with the United States Government, state or any of its political subdivisions shall not be exempted from the tax levied by this chapter, except as hereinafter provided;
- B. Sales of property to agents appointed or contracted with by agencies or instrumentalities of the United States Government if ownership and possession of such property transfers immediately to the United States Government;
- C. Sales made directly by county, district or state fair authorities of the state, upon the premises of the fair authority, for the sole benefit of the fair authority;
- D. Sale of food in cafeterias or lunchrooms of elementary schools, high schools, colleges or universities which are operated primarily for teachers and pupils and are not operated primarily for the public or for profit;
- E. Dues paid to fraternal, religious, civic, charitable or educational societies or organizations by regular members thereof, provided such societies or organizations operate under what is commonly termed the lodge plan or system, and provided such societies or organizations do not operate for a profit which inures to the benefit of any individual member or members thereof to the exclusion of other members;
- F. Sale of tangible personal property or services to or by churches, except sales made in the course of business for profit or savings, competing with other persons engaged in the same or similar business;
- G. The amount of proceeds received from the sale of admission tickets which is separately stated on the ticket of admission for the repayment of money borrowed by any accredited state-supported college or university for the purpose of constructing or enlarging any facility to be used for the staging of an athletic event, a theatrical production, or any other form of entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket. Such facilities include, but are not limited to, athletic fields, athletic stadiums, field houses, amphitheaters and theaters. To be eligible for this sales

tax exemption, the amount separately stated on the admission ticket shall be a surcharge which is imposed, collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the college or university to effect the capital improvements hereinbefore described;

- H. Sales of tangible personal property or services to the Council organizations or similar state supervisory organizations of the Boy Scouts of America, Girl Scouts of the U.S. and the Campfire Girls shall be exempt from sales tax;
- I. Sale of tangible personal property or services to any county, municipality, public school district, the institutions of the state system of higher education and the Grand River Dam Authority, or to any person with whom any of the above-named subdivisions or agencies of the state has duly entered into a public contract pursuant to law, necessary for carrying out such public contract or to any subcontractor to such a public contract. Any person making purchases on behalf of such subdivision or agency of the state shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such subdivision or agency of the state and set out the name of such public subdivision or agency. Any person who wrongfully or erroneously certifies that purchases are for any of the above-named subdivision or agencies of the state or who otherwise violates this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount equal to double the amount of the sales tax involved or incarcerated for not more than 60 days or both;
- J. Sales of tangible personal property or services to private institutions of higher education and private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code, including materials, supplies, and equipment used in the construction and improvement of buildings and other structures owned by the institutions and operated for education purposes. Any person, firm, agency or entity making purchases on behalf of any institution, agency or subdivision in the state, shall certify in writing, on the copy of the invoice or sales ticket the nature of the purchases, and violation of this act shall be a misdemeanor as set forth in subsection (I) of this section;
- K. Tuition and education fees paid to private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code; and

- L. Sales of tangible personal property made by public or private school for grade levels kindergarten through 12th grade, a public school district, public school board, public school student group or organization or public school district personnel for purposes of raising funds for the benefit of such school, school district, school board, student group or organization. For purposes of this section, the term "public or private school" means any public or private institution of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs. Sale of tangible personal property in this section shall not include sale of admission tickets or concessions at athletic events.

(Code 2012, § 7-210)

3-3B-8 Exemptions; General

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

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

when the items are to be used and in fact are used in the raising of animal life as set out above. Each purchaser shall certify, in writing, on the invoice or sales ticket retained by the vendor that he is regularly engaged in the business of raising such animal life and that the items purchased will be used only in such business. The vendor shall certify to the State Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor;

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

(Code 2012, § 7-211)

3-3B-9 Exemptions; On Agriculture

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

- A. Sales of agricultural products produced in the state by the producer thereof directly to the consumer or user when such articles are sold at or from a farm and not from some other place of business, as follows:
 - 1. Farm, orchard or garden products;
 - 2. Dairy products sold by a dairyman or farmer who owns all the cows from which the dairy products offered for sale are produced;
 - 3. Livestock sold by the producer at a special livestock sale; or

4. The provisions of this section shall not be construed as exempting sales by florists, nurserymen or chicken hatcheries, or sales of dairy products by any other business except as set out herein;
- B. Livestock, including cattle, horses, mules, or other domestic or draft animals, sold by the producer by private treaty or at a special livestock sale;
- C. Sale of baby chicks, turkey poults and starter pullets used in the commercial production of chickens, turkeys and eggs, provided that the purchaser certifies, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the pullets will be used primarily for egg production;
- D. Sale of salt, grains, tankage, oyster shells, mineral supplements, limestone and other generally recognized animal feeds for the following purposes and subject to the following limitations:
1. Feed which is fed to poultry and livestock, including breeding stock and wool-bearing stock, for the purpose of producing eggs, poultry, milk or meat for human consumption;
 2. Feed purchased in the state for the purpose of being fed to and which is fed by the purchaser to horses, mules or other domestic or draft animals used directly in the producing and marketing of agricultural products;
 3. Any stock tonics, water purifying products, stock sprays, disinfectants or other such agricultural supplies;
 4. Poultry shall not be construed to include any fowl other than domestic fowl kept and raised for the market or production of eggs;
 5. Livestock shall not be construed to include any pet animals such as dogs, cats, birds or such other fur-bearing animals; and
 6. This exemption shall only be granted and extended where the purchaser of feed that is to be used and in fact is used for a purpose that would bring about an exemption hereunder executes an invoice or sales ticket in duplicate on a form to be prescribed by the Tax Commission. The purchaser may demand and receive a copy of the invoice or sales ticket and the vendor shall retain a copy;
- E. Sales of items to be and in fact used in the production of agricultural products. Sale of the following items shall be subject to the following limitations:
1. Sales of agricultural fertilizer to any person regularly engaged, for profit, in the business of farming or ranching. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is so engaged in farming or ranching and that the material purchased will be used only in such business;
 2. Sales of agricultural fertilizer to any person engaged in the business of

applying such materials on a contract or custom basis to land owned or leased and operated by persons regularly engaged, for profit, in the business of farming or ranching. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that he is engaged in the business of applying such materials to lands owned or leased and operated by persons regularly engaged, for profit, in the business of farming or ranching, and shall show in the certificate the name of such owner or lessee and operator, the location of the lands on which the materials are to be applied to each such land, and he shall further certify that his contract price has been reduced so as to give the farmer or rancher the full benefit of this exemption;

3. Sales of agricultural fertilizer, pharmaceutical and biological to persons engaged in the business of applying such materials on a contract or custom basis shall not be considered to be sales to contractors under this chapter, and the sales shall not be considered to be taxable sales within the meaning of the state sales tax code. As used in this section, the term "agricultural fertilizer" "pharmaceuticals" and "biologicals" mean any substance sold and used for soil enrichment or soil corrective purposes or for promoting the growth and productivity of plants or animals;
4. Sales of agricultural seed or plants to any person regularly engaged, for profit, in the business of farming or ranching. This section shall not be construed as exempting from sales tax, seed which is packaged and sold for use in noncommercial flower and vegetable gardens;
5. Sales of agricultural chemical pesticides to any person regularly engaged, for profit, in the business of farming or ranching. For the purposes of this act, agricultural chemical pesticides shall include any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insect, snail, slug, rodent, bird, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism, except viruses, bacterial or other microorganisms on or in living man, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant;
6. This exemption shall only be granted and extended to the purchaser where the items are to be used and in fact are used in the production of agricultural products. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the material purchased will only be used in his farming occupation. The vendor shall certify to the State Tax Commission that the contract price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor and, upon violation and conviction for a second offense, the State Tax Commission shall revoke the vendor's sales tax permit; and

- F. Sale of farm machinery, repair parts thereto or fuel, oil, lubricants and other substances used for operation and maintenance of the farm machinery to be used directly on a farm or ranch in the production, cultivation, planting, sowing, harvesting, processing, spraying, preservation or irrigation of any livestock, poultry, agricultural or dairy products produced from such lands. Each purchaser of farm machinery, repair parts thereto or fuel must certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is engaged in farming or ranching and that the farm machinery, repair parts thereto or fuel will be used only in farming or ranching. The exemption provided for herein shall not apply to motor vehicles. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the material purchased will only be used in his farming occupation. The vendor shall certify to the State Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor and, upon violation and conviction for a second offense, the State Tax Commission shall revoke the vendor's sales tax permit.

(Code 2012, § 7-212)

3-3B-10 Exemptions Manufacturers

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

- A. Goods, wares, merchandise and property purchased for the purpose of being used or consumed in the process of manufacturing, compounding, processing, assembling or preparing for sale a finished article and such goods, wares, merchandise or property become integral parts of the manufactured, compounded, processed, assembled or prepared products or are consumed in the process of manufacturing, compounding, processing, assembling or preparing products for resale. The term "manufacturing plants" means those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;
- B. Ethyl alcohol when sold and used for the purpose of blending same with motor fuel on which motor fuel tax is levied by state law;
- C. Sale of machinery and equipment purchased and used by persons establishing new manufacturing plants in the state, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in the state. 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 this chapter. The term "manufacturing plants" means those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;
- D. Sales of containers when sold to a person regularly engaged in the business of

reselling empty or filled containers or when purchased for the purpose of packaging raw products of a farm, garden or orchard for resale to the consumer or processor. This exemption shall not apply to the sale of any containers used more than once and which are ordinarily known as returnable containers, except returnable soft drink bottles. Each and every transfer of title or possession of such returnable containers in the state to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty or filled containers shall be taxable under this Code. This exemption shall not apply to the sale of labels or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise;

- E. Sale of tangible personal property manufactured in the state when sold by the manufacturer to a person who transports it to another state for immediate and exclusive use in some other state; or
- F. Machinery, equipment, fuels and chemicals incorporated into and directly used or consumed in the process of treatment to substantially reduce the volume or harmful properties of controlled industrial waste at treatment facilities specifically permitted pursuant to the Controlled Industrial Waste Disposal Act and operated at the place of waste generation, or facilities approved by the State Department of Health for the cleanup of a site of contamination. The term "controlled industrial waste" may include low-level radioactive waste for the purpose of this subsection.

(Code 2012, § 7-213)

3-3B-11 Exemptions, Corporations And Partnerships

There are hereby specifically exempted from the tax levied in this chapter:

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

received by each is substantially in proportion to his interest in the property prior to the transfer;

4. To a partnership in the organization of such partnership if the former owners of the property transferred are immediately after the transfer, members of such partnership and the interest in the partnership, received by each, is substantially in proportion to his interest in the property prior to the transfer; or
5. From a partnership to the members thereof when made in kind in the dissolution of such partnership; and

- B. Sale of an interest in tangible personal property to a partner or other person who after such sale owns a joint interest in such tangible personal property where the state sales or use tax has previously been paid on such tangible personal property.

(Code 2012, § 7-214)

3-3B-12 Subsisting State Permits

All valid and subsisting permits to do business issued by the State Tax Commission pursuant to the state sales tax code are, for the purpose of this article, hereby ratified, confirmed and adopted in lieu of any requirement for an additional City permit for the same purpose.

(Code 2012, § 7-205)

3-3B-13 Classification Of Taxpayers

For the purpose of this article, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the state sales tax code.

(Code 2012, § 7-204)

3-3B-14 Tax Due Date

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

(Code 2012, § 7-215)

3-3B-15 Payment Of Tax; Brackets

- A. The tax herein levied shall be paid to the tax collector at the time and in the form and manner provided for payment of the state sales tax.
- B. The bracket system for the collection of the City sales tax by the tax collector

shall be the same as is hereafter adopted by the agreement of the City and the tax collector in the collection of the City sales tax and the state sales tax.

(Code 2012, § 7-216)

3-3B-16 Collection By Vendors

- 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 the City to collect from the consumer or user the full amount of the tax levied by this article, or an amount equal as nearly as possible or practicable to the average equivalent thereof.
- B. Vendors shall add the tax imposed hereunder, or the average equivalent thereof, to the sales price or charge, and when added, such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to the vendor until paid, and shall be recoverable 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 article, or willfully or intentionally fails, neglects or refuses to comply with the provisions or remits or rebates to a consumer or user, either directly or indirectly, and by whatsoever means, all or any part of the tax herein levied, or makes in any form of advertising, verbally or otherwise, any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any manner whatsoever, is deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided in CCC 1-4-1.
- D. Any sum or sums collected or required to be collected in accordance with this article shall be deemed to be held in trust for the City. Any person, firm, corporation, joint venture or association that willfully or intentionally fails, neglects or refuses to collect the sums required to be collected or paid shall be deemed guilty of a misdemeanor.

(Code 2012, § 7-218)

3-3B-17 Returns, Remittances And 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 by the state sales tax code; and remittances of the tax collected hereunder and shall be subject to the same discount as may be allowed by the state sales tax code for collection of state sales taxes.

(Code 2012, § 7-219; altered in 2023 recodification)

3-3B-18 Delinquencies; Interest And Penalties

- A. *Failure to pay.* 68 O.S. § 217 is hereby adopted and made a part of this article, 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 article. 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 article shall cause such tax to be delinquent. In addition, if the delinquency continues for a period of five days, the taxpayer shall forfeit his claim to any discount allowed under this article.
- B. *Waiver of interest and penalties.* The interest or penalty or any portion thereof accruing by reason of a taxpayer's failure to pay the City tax herein levied may be waived or remitted in the same manner as provided for the waiver or as applied in administration of the state sales tax provided in 68 O.S. § 220. To accomplish the purposes of this section, the applicable provisions of said section 220 are hereby adopted by reference and made a part of this article.

(Code 2012, §§ 7-220, 7-221)

3-3B-19 Fraudulent Returns

In addition to all civil penalties provided by this article, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this article shall be an offense and, upon conviction thereof, the offending taxpayer shall be subject to a fine and imprisonment as provided in CCC 1-4-1.

(Code 2012, § 7-223)

3-3B-20 Enforcement Of Payment

The taxes, penalty and interest due under this article 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.

(Code 2012, § 7-217)

3-3B-21 Refund Of Erroneous Payments

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

(Code 2012, § 7-222)

3-3B-22 Records Confidential

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

(Code 2012, § 7-224)

3-3B-23 Amendments

The people of the City, by their approval of the sales tax ordinance, hereby authorize the Mayor and City Council, by ordinance duly enacted, to make such administrative and technical changes or additions in the method and manner of administering and enforcing this article as may be necessary or proper for efficiency and fairness. 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 as provided by law.

(Code 2012, § 7-225)

3-3B-24 Provisions Cumulative

The provisions of this article shall be cumulative and in addition to any or all other taxing provisions of City ordinances.

(Code 2012, § 7-226)

ARTICLE 3-3C SPECIAL SALES TAX

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3-3C-1 Citation And Codification

This article shall be known and may be cited as the City of Coweta Special Sales Tax Ordinance of 2022 and is hereafter referred to as "this article."

(Ord. No. 828, § 1, 2-3-2020; Ord. No. 850, § 1, 12-6-2021)

3-3C-2 Definitions

The definitions of words, terms and phrases contained in the state sales tax code, 68 O.S. § 1352, as amended, are hereby adopted by reference and made a part of this article. The sales subject to the excise tax and the exemptions from the excise tax set forth in this article have been identified herein as corresponding to the state sales tax code and such sales and exemptions herein shall be effective and operative under this article only for so long as the corresponding section of the state sales tax code is effective and operative.

(Ord. No. 828, § 2, 2-3-2020; Ord. No. 850, § 2, 12-6-2021)

3-3C-3 Tax Collector Defined

The term "tax collector," as used herein, 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.

(Ord. No. 828, § 3, 2-3-2020; Ord. No. 850, § 3, 12-6-2021)

3-3C-4 Classification Of Taxpayers

For the purpose of this article, the classification of taxpayers hereunder shall be as prescribed by state law for the purpose of the state sales tax code.

(Ord. No. 828, § 4, 2-3-2020; Ord. No. 850, § 4, 12-6-2021)

3-3C-5 Subsisting State Permits

All valid and subsisting permits to do business by the State Tax Commission pursuant to the state sales tax code are, for the purposes of this article, hereby ratified, confirmed,

and adopted in lieu of any requirement for an additional City permit for the same purpose.

(Ord. No. 828, § 5, 2-3-2020; Ord. No. 850, § 5, 12-6-2021)

3-3C-6 Effective Date And Termination

This article and the tax herein levied shall become and be effective on and after July 1, 2022, subject to approval of a majority of the registered voters of the City, voting on the same in the manner prescribed by 11 O.S. § 16-101 et seq., as amended, at a special election to be held on February 8, 2022, provided that, upon approval by the voters as aforesaid, this article shall remain in effect and not be repealed unless repealed by a majority of the registered voters of the City voting to repeal same in the same manner as was required for its approval.

(Ord. No. 828, § 6, 2-3-2020; Ord. No. 850, § 6, 12-6-2021)

3-3C-7 Purpose

- A. Pursuant to 68 O.S. § 2701, as amended, it is hereby declared to be the specific and limited purpose of this article to provide revenues to be placed in a separate, special fund to be used to fund capital improvements pertaining to road and street improvements, water and wastewater system improvements, storm sewer improvements, acquisition of parks maintenance equipment, improvements to public parks lands and facilities, improvements to public safety facilities, and acquisition of public safety vehicles and equipment in the City and/or to be applied or pledged toward the payment of principal and interest on any indebtedness, including refunding indebtedness, incurred by or on behalf of the City and/or the Coweta Public Works Authority for such purposes, including payment of the costs of issuance of such indebtedness.
- B. The term "capital improvements," as used above in connection with capital improvements pertaining to road and street improvements, water and wastewater system improvements, storm sewer improvements, acquisition of parks maintenance equipment, improvements to public parks lands and facilities, improvements to public safety facilities, and acquisition of public safety vehicles and equipment in the City means all items and articles, either new or replacements, not consumed with use but only diminished in value with prolonged use, including, but not limited to, the purchase, lease or rental of vehicles, machinery, equipment and fixtures and the acquisition of all real properties necessary in connection with the construction, reconstruction and repair of buildings, appurtenances and improvements to real property including: the construction, reconstruction and repair of roads, streets, alleys, trails, sidewalks, and other public ways; the construction, reconstruction and repair of water facilities, sanitary and storm sewer systems and facilities, drainage improvements; the construction, reconstruction and repair of public park lands

and facilities; the construction, reconstruction and repair of public safety facilities; and the costs and expenses related to the aforesaid including design, engineering, architectural, acquisition of real property and legal fees.

- C. There is hereby created a limited-purpose fund and all revenues generated by the sales tax hereby levied shall be deposited therein. Money in the fund shall be accumulated from year to year. The fund shall be placed in an insured interest-bearing account and the interest accumulated thereon shall be retained in the fund. The fund shall be nonfiscal and shall not be considered in computing any levy when the municipality makes its estimate to the excise board for needed appropriations. Money in the limited purpose tax fund shall be expended only as accumulated and only for the purposes specifically described in this article, subject to the approval of the voters.

(Ord. No. 828, § 7, 2-3-2020; Ord. No. 850, § 7, 12-6-2021)

3-3C-8 Tax Rate; Sales Subject To Tax

There is hereby levied in addition to all other taxes in effect in the City an excise tax of one percent upon the gross proceeds or gross receipts derived from all sales or services in the City, upon which a consumers' sales tax is levied by the state under the state sales tax code. The tax hereby levied is oftentimes hereafter referred to as City sales tax.

(Ord. No. 828, § 8, 2-3-2020; Ord. No. 850, § 8, 12-6-2021)

3-3C-9 Exemptions

There is hereby specifically exempted from the tax levied pursuant to the provisions of this article all items that are exempt from the state sales tax under the state sales tax code.

(Ord. No. 828, § 9, 2-3-2020; Ord. No. 850, § 9, 12-6-2021)

3-3C-10 Other Exempt Transfers

There is also hereby specifically exempted from the tax levied pursuant to the provisions of this article the transfer of tangible personal property exempted from the state sales tax code.

(Ord. No. 828, § 10, 2-3-2020; Ord. No. 850, § 10, 12-6-2021)

3-3C-11 Tax Due When; Returns; Records

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

(Ord. No. 828, § 11, 2-3-2020; Ord. No. 850, § 11, 12-6-2021)

3-3C-12 Payment By Tax; Brackets

- A. The tax herein levied shall be paid to the Tax Collector at the time and in the form and manner provided for payment of the state sales tax under the state sales tax code.
- B. The bracket system for the collection of the one percent City sales tax provided for herein by the tax collector shall be as the same is hereafter adopted by the agreement of the City and the Tax Collector, in the collection both the one percent City sales tax provided for herein and the state sales tax.

(Ord. No. 828, § 12, 2-3-2020; Ord. No. 850, § 12, 12-6-2021)

3-3C-13 Tax Constitutes Debt

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

(Ord. No. 828, § 13, 2-3-2020; Ord. No. 850, § 13, 12-6-2021)

3-3C-14 Vendor's Duty To Collect Tax

- A. The tax levied hereunder shall be paid by the consumer or user to the vendor, and it shall be the duty of each and every vendor in the City to collect from the consumer or user, the full amount of the tax levied by this article, or an amount equal as nearly as possible or practicable to the average equivalent thereof.
- B. Vendors shall add the tax imposed hereunder, or the average equivalent thereof, to the sales price or charge, and when added such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to vendor until paid, and shall be recoverable at law in the same manner as other debts.
- C. A vendor, as defined herein, who willfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied by this article, or willfully or intentionally fails, neglects or refuses to comply with the provisions hereof or remits or rebates to a consumer or user, either directly or indirectly, and by whatsoever means, all or a part of the tax levied herein, or makes in any form of advertising, verbally or otherwise any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any manner whatsoever, shall be deemed guilty of an offense, and upon conviction thereof shall be fined not more than \$100.00, plus costs, or incarcerated for not more than 60 days, or both. Provided, sales by vending machines may be made at a state price which includes state and any municipal sales tax.

- D. Any sum or sums collected or required to be collected hereunder shall be deemed to be held in trust for the City, and as trustee, the collecting vendor shall have a fiduciary duty to the City in regard to such sums and shall be subject to the trust laws of the state. Any vendor who willfully or intentionally fails to remit the tax, after the tax levied by this article was collected from the consumer or user, and appropriates the tax held in trust to his own use, or the use of any person not entitled thereto, without authority of law, shall be guilty of embezzlement.

(Ord. No. 828, § 14, 2-3-2020; Ord. No. 850, § 14, 12-6-2021)

3-3C-15 Returns And Remittances; Discounts

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

(Ord. No. 828, § 15, 2-3-2020; Ord. No. 850, § 15, 12-6-2021)

3-3C-16 Interest And Penalties; Delinquency

The provisions of 68 O.S. § 217, as amended, and of 68 O.S. § 1350 et seq., as amended, are hereby adopted by reference and made a part of this article, and interest and penalties at the rates and in the amount as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this article. Provided that the failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in the time and manner required by this article shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five days, the taxpayer shall forfeit claim to any discount allowed under this article.

(Ord. No. 828, § 16, 2-3-2020; Ord. No. 850, § 16, 12-6-2021)

3-3C-17 Waiver Of Interest And Penalties

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

(Ord. No. 828, § 17, 2-3-2020; Ord. No. 850, § 17, 12-6-2021)

3-3C-18 Erroneous Payments; Claims For Refund

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

(Ord. No. 828, § 18, 2-3-2020; Ord. No. 850, § 18, 12-6-2021)

3-3C-19 Fraudulent Returns

In addition to all civil penalties provided by this article, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this article shall be an offense and upon a conviction thereof the offending taxpayer shall be subject to such fines and/or incarceration as provided in 68 O.S. § 241, as amended.

(Ord. No. 828, § 19, 2-3-2020; Ord. No. 850, § 19, 12-6-2021)

3-3C-20 Records Confidential

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

(Ord. No. 828, § 20, 2-3-2020; Ord. No. 850, § 20, 12-6-2021)

3-3C-21 Amendments

The people of the City, by their approval of this article at the election hereinabove provided, hereby authorize the Mayor and the City Council, by ordinances duly enacted, to make such administrative and technical changes or additions in the method and manner of administration and enforcing this article as may be necessary or proper for efficiency and fairness except that neither the rate of the tax as set forth in CCC 3-3C-8, nor the purposes as set forth in CCC 3-3C-7, shall be changed without approval of a majority of the qualified electors of the City, voting at an election held for such purpose as provided by law.

(Ord. No. 828, § 21, 2-3-2020; Ord. No. 850, § 21, 12-6-2021)

3-3C-22 Provisions Cumulative

The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions contained within City ordinances.

(Ord. No. 828, § 22, 2-3-2020; Ord. No. 850, § 22, 12-6-2021)

3-3C-23 Provisions Severable

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

(Ord. No. 828, § 23, 2-3-2020; Ord. No. 850, § 23, 12-6-2021)

ARTICLE 3-3D USE TAX

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[3-3D-3 Tax Imposed; Subjects Of Taxation](#)

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3-3D-1 Short Title

This article shall be known and may be cited as the City Use Tax.

(Code 2012, § 7-501)

3-3D-2 Definitions

The definitions of words, terms and phrases contained in the state use tax code, 68 O.S. § 1401, are hereby adopted by reference and made a part of this article. In addition thereto, the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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.

(Code 2012, § 7-502)

3-3D-3 Tax Imposed; Subjects Of Taxation

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 the City, an excise tax on the storage, use or other consumption within the City of such property at the rate of four percent of 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 the state, 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.

(Code 2012, § 7-503; Ord. No. 854, § 1, 3-7-2022)

3-3D-4 Exemptions From Tax

The provisions of this article 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 the 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 state use tax code [68 O.S. § 1401 et seq.] and this article, 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 the state or any other state or municipality in respect to its sale or use, in an amount less than the tax imposed by both the state use tax code and this article, the provisions of this article shall also apply thereto by a rate measured by the

difference only between the rate provided by both the state use tax code and this article, 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 the state and the City;

- D. In respect to the use of tangible personal property now specifically exempted from taxation under CCC 3-3A;
- E. In respect to the use of tangible personal property now specifically exempted from taxation under CCC 3-3B;
- 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 the 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 the state and brought into the City for feeding or breeding purposes, and which is later resold.

(Code 2012, § 7-505; altered in 2023 recodification)

3-3D-5 Purposes Of Revenues

It is hereby declared to be the purpose of this article for the first three percent 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. The revenues generated by and received from the one percent increase in the use tax provided for herein shall be utilized solely for the purposes as forth in CCC 3-3C-7.

(Code 2012, § 7-504; Ord. No. 854, § 2, 3-7-2022)

3-3D-6 Subsisting State Permits

All valid and subsisting permits to do business issued by the Tax Commission pursuant to the state use tax code are, for the purpose of this article, hereby ratified, confirmed and adopted in lieu of any requirement for an additional City permit for the same purpose.

(Code 2012, § 7-518)

3-3D-7 Classification Of Taxpayers

For the purpose of this article, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the state use tax code.

(Code 2012, § 7-517)

3-3D-8 Tax Due Date

The tax levied by this article is due and payable at the time and in the manner and form prescribed for payment of the state use tax under the use tax code of the state.

(Code 2012, § 7-506)

3-3D-9 Collection Of Tax

- A. *Places of business both within and without the state.* 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 the state for use in the City shall, at the time of making such sales, collect the use tax levied by this article from the purchaser and give to the purchaser a receipt 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 agents operating in the City and location of any and all distribution or sales houses or offices or other places of business in the City. The retailer or vendor shall not collect the use tax levied by 68 O.S. § 1402 from a purchaser who is a holder of a direct payment permit issued pursuant to 68 O.S. § 1364.1.
- B. *Places of business not within the state or both within and without the state.* 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 the state but who makes sales of tangible personal property for use in the City and by the out-of-state place of business of any retailer or vendor maintaining places of business both within and without the state and making sales of tangible personal property at such out-of-state place of business for use in the 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 knowledge for use within the City. Such authority and permit may be canceled when, at any time, the Tax Commission considers that such tax can more effectively be collected from the person using such property in the City. Provided, however, that in all instances where such sales are made or completed by delivery to the purchaser within the 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 the taxpayer's sales tax permit number accordingly.

(Code 2012, §§ 7-508, 7-509; altered in 2023 recodification)

3-3D-10 Revoking Permits

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

(Code 2012, § 7-510)

3-3D-11 Remunerative Deductions

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 state use tax code, and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by said code for the collection of state use taxes.

(Code 2012, § 7-511)

3-3D-12 Delinquencies; Interest And Penalties

- A. *Failure to pay.* 68 O.S. § 217 is hereby adopted and made a part of this article, 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 article, 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 article 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 claim to any discount allowed under this article.
- B. *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 68 O.S. § 220, and to accomplish the purposes of this subsection, the applicable provisions of said section 220 are hereby adopted by reference and made a part of this article.

(Code 2012, §§ 7-512, 7-513; altered in 2023 recodification)

3-3D-13 Fraudulent Returns

In addition to all civil penalties provided by this article, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this article shall be an offense and, upon conviction thereof, the offending taxpayer shall be punishable as provided in CCC 1-4-1. Each day of noncompliance with this article shall constitute a separate offense.

(Code 2012, § 7-515)

3-3D-14 Enforcement Of Payment

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.

(Code 2012, § 7-507)

3-3D-15 Refund Of Erroneous Payments

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 68 O.S. § 227, and to accomplish the purpose of this section, the applicable provisions of said section 227 are hereby adopted by reference and made a part of this article.

(Code 2012, § 7-514)

3-3D-16 Records Confidential

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

(Code 2012, § 7-516)

3-3D-17 Provisions Cumulative

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

(Code 2012, § 7-519)

ARTICLE 3-3E UTILITIES TAX

3-3E-1 Tax Levied; Application Of Tax

3-3E-2 Tax In Lieu Of Other Taxes

3-3E-3 Payment Of Tax; Disposition Of Revenues

3-3E-4 Failure To Pay Tax

3-3E-5 Enforcement Of Payment

3-3E-6 Permits Granted To Gas Companies In Lieu Of Franchise

3-3E-1 Tax Levied; Application Of Tax

There is hereby levied and assessed an annual tax of two percent 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.

(Code 2012, § 7-401)

3-3E-2 Tax In Lieu Of Other Taxes

The tax levied by this article shall be in lieu of any other franchise, license, and occupation or excise tax levied by the City.

(Code 2012, § 7-402)

3-3E-3 Payment Of Tax; Disposition Of Revenues

The tax levied under this article shall be payable quarterly and placed in the general revenue fund of the City.

(Code 2012, § 7-403)

3-3E-4 Failure To Pay Tax

Any person failing or refusing to pay the tax levied by this article 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 the same, including reasonable attorney fees.

(Code 2012, § 7-404)

3-3E-5 Enforcement Of Payment

The tax imposed by this article 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.

(Code 2012, § 7-405)

3-3E-6 Permits 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 CCC 3-3C-1 of this article is imposed, is hereby granted a revocable permit by the City for so long as this article remains in effect and the taxes are paid in accordance with the terms of this article 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, rights-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.

(Code 2012, § 7-406)

ARTICLE 3-3F EMERGENCY TELEPHONE SERVICE FEE

[3-3F-1 Fee Imposed; Rate; Limitation](#)

[3-3F-2 Purpose Of Fee](#)

[3-3F-3 Collection Of Fee; Administrative Fee](#)

[3-3F-4 Administrative Official](#)

[3-3F-5 Cooperation With Other Municipalities](#)

3-3F-1 Fee Imposed; Rate; Limitation

There is hereby imposed a fee of five percent on the tariff charges for exchange telephone service or its equivalent of the local exchange telephone company providing service within the City limits. No such fee shall be imposed upon more than 100 exchange access lines or their equivalent at one location per service user.

(Code 2012, §§ 7-310, 7-311; altered in 2023 recodification)

3-3F-2 Purpose Of Fee

The funds collected from this fee shall be spent for engineering, installation, administration and recurring or one-time costs necessary to implement, administer, operate and maintain emergency 911 telephone service in the City.

(Code 2012, § 7-313; altered in 2023 recodification)

3-3F-3 Collection Of Fee; Administrative Fee

- A. The fee levied herein shall be collected monthly by the local exchange telephone company authorized by the State Corporation Commission to provide exchange telephone service within the City and shall be remitted to the City Treasurer by the local exchange company within 30 days of the close of the month in which such fees were collected.
- B. The local exchange company providing exchange telephone service within the City shall be entitled to retain, as an administrative fee, three percent of the fee imposed and collected pursuant to this article.

(Code 2012, §§ 7-312, 7-316; altered in 2023 recodification)

3-3F-4 Administrative Official

The City Manager is hereby authorized to administer the emergency 911 telephone service in the City.

(Code 2012, § 7-314)

3-3F-5 Cooperation With Other Municipalities

The City Manager is hereby authorized to cooperate with other governing bodies who may impose a similar fee and who wish to participate in the City's emergency 911 telephone service.

(Code 2012, § 7-315; altered in 2023 recodification)

ARTICLE 3-3G HOTEL/MOTEL TAX

[3-3G-1 Definitions](#)

[3-3G-2 Tax Levied; Rate](#)

[3-3G-3 Exemptions From Tax](#)

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[3-3G-13 Records Confidential](#)

[3-3G-14 Criminal Penalties](#)

3-3G-15 Civil Remedies

3-3G-1 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:

Hotel means any building, structure, trailer, or other facility in which the public may, for consideration, obtain sleeping accommodations, and in which five or more rooms are used for the accommodation of such occupants whether such rooms are in one or several structures. The term "hotel" shall include hotels, apartment 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 spaces are furnished for a consideration. The term "hotel" shall not include hospitals, sanitariums or nursing homes.

Occupancy means the use or 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.

Occupant means the person who, for a consideration, uses, possesses, or has the right to the use or possession, of any room 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, including, but not limited to, the owner, proprietor, manager, lessee, sub-lessee, and 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 in a hotel for at least 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 75 or more persons and which is used for educational or amusement purposes and shall include: dance halls; cabarets; nightclubs; 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 this article.

(Code 2012, § 7-801)

3-3G-2 Tax Levied; Rate

There is hereby levied an excise tax of five percent upon the gross proceeds or gross receipts derived from all rent for every occupancy of a room or rooms in a hotel in the City, except that the tax shall not be imposed where the rent is less than the rate of \$5.00 per day.

(Code 2012, § 7-802)

3-3G-3 Exemptions From Tax

A. *Entities exempt.* The following shall be exempt from the tax levied in this article:

1. Permanent residents;
2. The United States government or any agency or division thereof; and
3. The state 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 is affiliated is exempt from the tax. Prior to issuing such a certificate, the City Manager shall require a certification from the 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.

(Code 2012, § 7-803)

3-3G-4 Operator Duties

A. *Designate tax.* The operator shall separately designate the 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 herein, it shall be presumed that the rent on all occupancies is taxable, and the burden of proof shall be on the operator.

- B. *Collect tax.* 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.
- C. *Recordkeeping.* 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 years.
- D. *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 from which this section is derived. Such return shall be filed within the first 15 days after the end of each such month.
 - 2. Each operator shall further file with the City Manager a copy of their completed state sales tax form within ten days after June 30, September 30, December 31, and March 31 of each year following the effective date of the ordinance from which this section is derived.
 - 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 this article. The City Manager may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.
- E. *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 this article upon the rents included in such return. Taxes paid to the City are due by the 15th of each month. All taxes not paid within 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.
- F. *Interest.* If any tax levied by this article becomes delinquent, the person responsible and liable for such tax shall pay interest on such unpaid tax at the rate of 1 1/2 percent per month on the unpaid balance from the date of delinquency.

(Code 2012, §§ 7-804, 7-805)

3-3G-5 Bond Requirements

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 necessary in order to protect revenues under this article 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 days after the filing of such notice unless, within such five days, the operator shall request in writing a hearing before the City Council, at which time the necessary proprietary and amount of the bond shall be determined by the City Council. Such determination shall be final, and there shall be compliance within 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 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.

(Code 2012, § 7-806)

3-3G-6 Assessment And Determination Of Tax

- A. If a return required by this article 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:
 - 1. Unless the person against whom it is assessed shall apply in writing to the City Council within 90 days after the City gives notice of such assessment for a hearing; or
 - 2. Unless the City Manager decides to reassess the same.
- B. 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.

(Code 2012, § 7-807)

3-3G-7 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 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 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.

(Code 2012, § 7-808)

3-3G-8 Notices

Notices provided under this article 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 CCC 3-3G-11.

(Code 2012, § 7-809)

3-3G-9 Remedies Exclusive

The remedies provided in this article shall be the exclusive remedies available to any person for the review of tax liability imposed by this article.

(Code 2012, § 7-810)

3-3G-10 Powers Of City Manager

In addition to all other powers granted to the City Manager, the City Manager is hereby authorized:

- A. To make, adopt and amend rules and regulations appropriate to the execution of this article and for the purposes hereof;
- B. To extend, for cause shown, the time for filing any return for a period not exceeding 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 article;
- 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 article;
- 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 article and to examine them in relation hereto.

(Code 2012, § 7-811)

3-3G-11 Certificates

- A. *Filing certificate of registration.* Every operator shall file with the City Manager a certificate of registration in a form prescribed by the City Manager within three days after the commencement of business or the opening of a new hotel.
- B. *Issuance of certificate of authority.* The City Manager shall, within five days after the registration, issue, without charge, to each operator a certificate of authority empowering the 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.
- C. *Display of certificate of authority.* The 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.
- D. *Nontransferability of certificates.* The certificates shall be nonassignable, nontransferable, and surrendered immediately to the City Manager upon the cessation of business at the hotel named, or upon its sale or transfer.

(Code 2012, § 7-812)

3-3G-12 Use Of Funds; Discounts

- A. All taxes collected pursuant to this article shall be set aside and used exclusively to encourage, promote and foster economic development, cultural enhancement and tourism in the City, and the cost of enforcing this article.
- B. The City is authorized to retain from the initial proceeds of the hotel tax an amount equal to the costs of the election concerning this article 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 of the current taxes due may be allowed to the operator by agreement. No discount shall be allowed for the payment of delinquent taxes.

(Code 2012, § 7-813)

3-3G-13 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. § 205, and each subsection thereof, and all amendments thereto, are hereby adopted by reference and made fully effective and applicable to the administration of the City hotel tax as if herein set forth.

(Code 2012, § 7-814)

3-3G-14 Criminal Penalties

- A. The willful intent 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 article, shall be deemed an offense and punishable as provided under the provisions of CCC 1-4-1.
- B. The failure by an operator:
 - 1. To file a security bond as required;
 - 2. To register or to display the certificate of authority; 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 CCC 1-4-1.

(Code 2012, § 7-815; altered in 2023 recodification)

3-3G-15 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 article, as herein provided, the Mayor may authorize the City Manager 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 68 O.S. §§ 2701 and 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 68 O.S. § 2704.
- C. The City Manager shall notify the person owing the tax by personal service or by certified mail that the City will file such liens if any delinquent lodging taxes, interest and/or penalties are not paid within 15 days of receiving such notice.
- D. The City Manager may also authorize the City Attorney to institute an action in persona and in rem to enforce payment and collect any delinquent taxes, penalties and/or interest.

(Code 2012, § 7-816)

CHAPTER 3-4 TELEPHONE EXCHANGE FEE

[3-4-1 Fee Levied](#)

[3-4-2 Due Date; Disposition Of Funds](#)

[3-4-3 Fee In Lieu Of Other Fees And Taxes](#)

3-4-1 Fee Levied

There is hereby levied an annual inspection fee and service charge upon each and every person, firm, or corporation operating a telephone exchange in the City in an amount equal to two percent of the gross revenues for each current year for exchange telephone transmission service rendered wholly within the limits of the City to compensate the City for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulations, and police control of the construction of lines and equipment of the telephone company in the City.

(Code 2012, § 7-301)

3-4-2 Due Date; Disposition Of Funds

The inspection fee and charge shall be on a calendar year basis and shall be due and payable to the City on or before May 1 in each year for the whole of the calendar year next preceding the date and shall be paid into and appropriated and expended from the general revenue fund of the City.

(Code 2012, § 7-301)

3-4-3 Fee In Lieu Of Other Fees And Taxes

During continued substantial compliance with the terms of this chapter 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. However, it is not intended hereby to extinguish or abrogate any existing arrangement whereby the City is permitted to use underground conduit, duct space, or pole contacts of the company for the fire alarm or police calls systems of the City.

(Code 2012, § 7-302)

TITLE 4 BUSINESS AND LICENSE REGULATIONS

CHAPTER 4-1 BUSINESS AND LICENSE REGULATIONS IN GENERAL;

OCCUPATIONAL LICENSING PROVISIONS

CHAPTER 4-2 ALCOHOLIC BEVERAGES

CHAPTER 4-3 AMUSEMENTS

CHAPTER 4-4 ITINERANT VENDORS

CHAPTER 4-5 SECONDHAND AND USED GOODS ESTABLISHMENTS

CHAPTER 4-6 USED VEHICLE SALES

CHAPTER 4-7 GARAGE SALES

CHAPTER 4-1 BUSINESS AND LICENSE REGULATIONS IN GENERAL; **OCCUPATIONAL LICENSING PROVISIONS**

4-1-1 License Fee And State Sales Tax Permit Required; Restrictions

4-1-2 Payment And Disposition Of Fee; Issuance Of License

4-1-3 Separate Licenses And Fees Required

4-1-4 Term Of License; Proration Of Fee

4-1-5 Display Of License

4-1-6 Nontransferability Of License

4-1-7 Duplicate Licenses

4-1-8 Prohibitions

4-1-9 Revocation Of License

4-1-10 Violation; Penalties

4-1-1 License Fee And State Sales Tax Permit Required; Restrictions

- A. A license fee may be levied on every person engaging in, exercising, or pursuing businesses, professions, trades, occupations, or privileges in the City as determined by the City Council, for an annual fee as set by the City Council by ordinance, motion or resolution.
- B. In order to receive a license under this chapter, every person, firm or corporation regulated pursuant to this section is required to possess a valid and current State sales tax permit if such person, firm or corporation is a vendor subject to collection of sales taxes under the sales tax code of the City and state [68 O.S. §§ 1350--1354]. A copy of this permit shall be provided by the applicant for a license to the City Clerk prior to issuance of the City license.
- C. Before issuing a license to a peddler or solicitor, the City Clerk may require of the applicant any reasonable information which he deems desirable to protect the public interest as set out in CCC 4-4.

(Code 2012, § 9-101; altered in 2023 recodification)

Editor's note—See CCC 3-3A. See CCC 4-4-2 for required information on license

application.

4-1-2 Payment And Disposition Of Fee; Issuance Of License

It is unlawful for any person to engage in, exercise, or pursue any business, profession, trade, occupation, or privilege for which a license fee is levied by CCC 4-1-1, or by any other ordinance or ordinance provision, without paying the license fee and securing and possessing a valid license therefor. Upon making proper application to the City Clerk, the payment of the license fee and fulfillment of any other condition which may be prescribed by law or ordinance, the City Clerk shall issue a license therefor. Such license fee shall be credited to the general fund of the City.

(Code 2012, § 9-102; altered in 2023 recodification)

4-1-3 Separate Licenses And Fees Required

- A. Every person who engages in, exercises, or pursues a business, profession, trade, occupation, or privilege for which a license is required, at or from more than one place in the City, or who engages in, exercises, or pursues more than one such business, profession, trade, occupation, or privilege, shall pay the fee and secure a separate license for each such place or for each such business, profession, trade, occupation, or privilege.
- B. Businesses housed or located on separate premises shall be considered as separate businesses for the purpose of levying this fee.

(Code 2012, § 9-103; altered in 2023 recodification)

4-1-4 Term Of License; Proration Of Fee

Annual licenses shall expire on June 30 of each year, however, the City Council, by resolution or motion, may provide for quarterly payments. When an annual license is issued after May 1 for the remainder of the year to a person just beginning to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, the fee collected shall be a fractional part of the annual fee equal to the fraction of the year remaining, with a minimum as set by the City Council.

(Code 2012, § 9-102; altered in 2023 recodification)

4-1-5 Display Of License

- A. Every holder of a license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege shall conspicuously display the license at all times in some part of his place of business or activity where a person who has entered the place may readily see it; or if he has no particular place of business or activity, shall carry the license and shall display it to any

person who requests to see it.

- B. In lieu of the manner of displaying licenses provided in subsection A of this section, when licenses are required for coin-operated music or amusement devices, vending machines, and similar devices and equipment, the license may be placed on or attached to such device or equipment in such position and manner that it will be clearly visible and shall be so placed or attached if the license so states on its face.
- C. It is unlawful to fail or refuse to display the license as required in this section.

(Code 2012, § 9-104)

4-1-6 Nontransferability Of License

The assignment or transfer of licenses shall not be permitted in the City.

(Code 2012, § 9-106)

4-1-7 Duplicate Licenses

Whenever any license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege has been lost or destroyed without any wrongful act or connivance by the holder, the City Clerk, on application, shall issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make and file with the City Clerk an affidavit that the license has not been transferred, that it has been lost or destroyed without any wrongful act or connivance by the holder, and that, if believed lost, he has made diligent search for it and has been unable to find it. The fee for every duplicate license issued, payable to the City Clerk, shall be set by the City Council.

(Code 2012, § 9-107)

4-1-8 Prohibitions

- A. *Fortune telling compensation.* It is unlawful for any person pretending or professing to tell fortunes by the use of any subtle craft, means, or device whatsoever, either by palmistry, clairvoyance, or otherwise plying his or her trade, art or profession, to make any charge therefor, either directly or indirectly, or to receive any gift, donation or subscription by any means whatsoever for the same.
- B. *Short weights and measures.* It is unlawful for any person, firm or corporation to sell or offer for sale any food, fuel, clothing or any other commodity which does not weigh or measure fully as much, according to standard weights or measures of the state, as the weight or measure for which it is sold or offered for sale.

(Code 2012, §§ 9-109, 9-110)

4-1-9 Revocation Of License

Any license issued by the City to any person to engage in, exercise, or pursue any business, profession, trade, occupation, or privilege may be revoked by the City Council, after adequate opportunity for a hearing, for either of the following reasons:

- A. The licensee is engaging in, exercising, or pursuing the business, profession, trade, occupation, or privilege in such a manner that he has created or is creating a public nuisance as defined by state law or local ordinance; or
- B. Serious or repeated violation of the law or ordinances.

(Code 2012, § 9-105)

Editor's note—See CCC 5-3.

4-1-10 Violation; Penalties

Any person who engages in any business, profession, trade, or occupation, or exercises any privilege, for which a license is required by this chapter, without a valid license as thereby required, or who shall violate any provision of this chapter, shall be guilty of an offense and, upon conviction, shall be fined as provided in CCC 1-4-1. Violation of this chapter shall also be grounds for revocation or suspension of the license granted.

(Code 2012, § 9-112)

CHAPTER 4-2 ALCOHOLIC BEVERAGES

4-2-1 State Regulations Adopted

4-2-2 Occupation Taxes

4-2-3 Certificate Of Compliance

4-2-4 Lewd Acts Prohibited

4-2-5 Violation; Penalty

4-2-1 State Regulations Adopted

The provisions of the Oklahoma Alcoholic Beverage Control Act [37A O.S. § 1-101 et seq.], including all definitions therein, are adopted by reference as if a part of this chapter and are incorporated as fully as if set out in length in this chapter. The adoption of the Oklahoma Alcoholic Beverage Control Act by reference shall include any subsequent amendments thereto.

(Ord. No. 808A, 9-10-2018, eff. 10-1-2018)

4-2-2 Occupation Taxes

- A. *Taxes levied; taxes are additional.* There is hereby levied an annual occupation tax in the City, as enumerated herein, in addition to the amount of annual license fees, by category, levied by the state Alcoholic Beverage Laws Enforcement (ABLE) Commission for licenses related to the manufacture, distribution and sale of alcoholic beverages in the City in accordance with 37A O.S. § 2-101.

<i>ABLE Commission Licensee Category</i>	<i>Annual Occupation Tax</i>
Brewer	\$1,250.00
Small brewer	\$125.00
Distiller	\$3,125.00
Winemaker	\$625.00
Small farm winery	\$75.00
Rectifier	\$3,125.00
Wine, beer and spirits wholesaler	\$3,000.00
Off-premises retail spirits	\$905.00
Off-premises retail wine	\$250.00
Off-premises retail beer	\$250.00
On-premises mixed beverage	\$1,005.00
On-premises beer and wine	\$250.00
Caterer	\$1,005.00
Special events	\$55.00
Hotel beverage	\$1,005.00

- B. *Proration of taxes.* The occupation taxes prescribed herein shall be reduced or prorated to the extent necessary to conform to applicable laws of the state respecting the applicants or holders of state licenses.
- C. *Tax due date.* Any state licensee originally entering upon any occupation herein listed shall pay the tax therefor at the office of the City Clerk on or before the date upon which the state licensee enters upon such occupation. The state licensee shall provide a copy of the state licensee's current state license before payment of an occupation tax will be accepted. All occupation taxes are due and payable on March 31 of each year. The occupation tax shall be prorated monthly for the year in which a licensee begins operations.
- D. *More than one location.* Any state licensee carrying on said state licensee's

occupation in more than one location within the City limits shall be subject to the tax set out herein for each location in the City.

- E. *Issuance of license; posting required; recordkeeping.* Upon payment of the occupation tax, as set out herein, the City Clerk shall issue a receipt to the state licensee, which licensee shall post in a conspicuous place on the premises wherein the licensee carries on the licensee's occupation. The City Clerk shall also record the name of such licensee and the address where the licensee engages in the licensee's occupation, and such records shall be duly filed and kept in the files of that office for at least three years.
- F. *Violation; penalties.* Any person who engages in any of the occupations taxed by this chapter without first paying the occupation tax imposed therefor in advance of such operation is guilty of an offense and, upon conviction thereof, shall be punishable as provided in CCC 1-4-1. A penalty in the form of increased tax may be levied upon any person not paying the tax within 15 days after it is due.

(Ord. No. 808A, 9-10-2018, eff. 10-1-2018)

4-2-3 Certificate Of Compliance

A. Application for certificate; investigation.

1. Every applicant for a certificate of compliance with the zoning, fire, safety and health codes of the City required by 37A O.S. § 2-142 shall apply at the office of the City Clerk by:
 - a. Filing written application on forms prescribed by that office; and
 - b. Paying a verification and certification fee in the amount set forth by the City Council at the time of filing.
2. Within 20 days of receipt of an application for a certificate of compliance, the City Clerk shall cause an investigation to be made to determine whether the premises proposed for licensed operations complies with the provisions of the zoning, fire, safety, and health codes of the City applicable thereto.

B. Issuance of certificate of zoning and certificate of compliance.

1. Upon finding that the premises of an applicant for a certificate of compliance is in compliance with all applicable zoning ordinances of the City, a certificate of zoning shall be issued to the ABLE Commission.
2. Upon finding that the premises of an applicant for a certificate of compliance is in compliance with all applicable fire, safety, and health ordinances of the City, a certificate of compliance shall be issued to the

ABLE Commission.

3. The above certificates of compliance shall be signed by the City Manager or designee.

C. Conditional certificate of compliance.

1. A conditional certificate of compliance may be granted if construction, modification or alteration of the premises proposed for licensed operations is not completed. The conditional certificate of compliance shall indicate that the proposed premises will comply with applicable zoning, fire, safety, and health codes of the City.
2. A certificate of compliance issued in accordance with subsections B1 and 2 of this section shall be issued within ten days after all final inspections are complete.

(Ord. No. 808A, 9-10-2018, eff. 10-1-2018)

4-2-4 Lewd Acts Prohibited

No state licensee shall:

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

(Ord. No. 808A, 9-10-2018, eff. 10-1-2018)

4-2-5 Violation; Penalty

Any person, firm or corporation who violates any of the provisions of this chapter shall be deemed guilty of an offense and, upon conviction, shall be punishable as provided in CCC 1-4-1.

(Ord. No. 808A, 9-10-2018, eff. 10-1-2018)

CHAPTER 4-3 AMUSEMENTS

[ARTICLE 4-3A AMUSEMENTS IN GENERAL \(RESERVED\)](#)
[ARTICLE 4-3B POOL HALLS AND FAMILY RECREATION CENTERS](#)
[ARTICLE 4-3C AMUSEMENT DEVICES](#)
[ARTICLE 4-3D SHOOTING GALLERIES](#)

ARTICLE 4-3A AMUSEMENTS IN GENERAL (RESERVED)

ARTICLE 4-3B POOL HALLS AND FAMILY RECREATION CENTERS

[4-3B-1 Definitions](#)
[4-3B-2 License Required](#)
[4-3B-3 Application For License](#)
[4-3B-4 Inspection Of Premises](#)
[4-3B-5 Action On Application](#)
[4-3B-6 Denial Of License](#)
[4-3B-7 Issuance Of License; Renewals](#)
[4-3B-8 Display Of License](#)
[4-3B-9 Expiration Of License; Nontransferability](#)
[4-3B-10 Restrictions On Operations](#)
[4-3B-11 Suspension Or Revocation Of License](#)
[4-3B-12 Appeals](#)
[4-3B-13 Other Laws Applicable](#)
[4-3B-14 Penalty](#)

4-3B-1 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:

Family recreation center means a room or place where persons of all ages are permitted to play or operate coin-operated amusement devices, including the playing of pool or billiards.

Pool hall or billiard hall means a principal use billiard facility, open to the general public, and which sells and serves alcoholic beverages on the premises.

(Code 2012, § 9-601; altered in 2023 recodification)

4-3B-2 License Required

It shall constitute a nuisance and be unlawful for any person to operate or manage within the corporate City limits a family recreation center or pool hall or billiard hall without first obtaining a license therefor as provided herein.

(Code 2012, § 9-603)

4-3B-3 Application For License

Applications for licenses to be issued hereunder shall be made upon the forms prepared and made available by the City Clerk and shall include the following information:

- A. The name of the owner of the real estate and fixtures for which the license is to be issued;
- B. If the applicant is not the owner of such real estate and fixtures, a copy of the lease or other arrangement upon which such applicant holds possession thereof shall be attached to the application;
- C. The full name, age, residence, present and previous employment record of the applicant and any managers or supervisory personnel, or if the applicant is an association, partnership or joint venture or corporation, such information concerning the operators, partners, principal backers, officers and directors and stockholders of 25 percent or more of the outstanding stock, if a corporation;
- D. Applicants for family recreation centers and pool halls and billiard halls shall execute an agreement that the premises covered by the application may be inspected by any officers of the City Police Department at any time such premises are occupied. Failure or refusal to permit immediate inspection of the premises in the manner stated above with respect to the facility shall constitute grounds for suspension or revocation of a license issued hereunder; and
- E. A fee as set by the City Council, by motion or resolution, shall be charged for each application submitted.

(Code 2012, § 9-605)

4-3B-4 Inspection Of Premises

No license for a family recreation center or pool hall or billiard hall shall be issued until it shall be found by inspection that such facility complies with and conforms to all sections of this article and other ordinances, health and fire regulations of the City; and that the property is properly ventilated, adequately lighted and is a safe and proper place for which it is to be used.

(Code 2012, § 9-606)

4-3B-5 Action On Application

The City Clerk or City Manager shall act upon the application for license within 15 days after the filing of the application.

(Code 2012, § 9-607)

4-3B-6 Denial Of License

A. The license can be denied for the following reasons:

1. The applicant is not an adult;
2. The applicant has been convicted of a felony and has not received a full pardon for such felony conviction;
3. The applicant has been convicted of a misdemeanor concerning contributing to the delinquency of a minor, causing a juvenile to come within the purview of the juvenile court, prostitution, gambling, larceny, embezzlement, drug possession, assault and battery, or any crime concerning this article or this Code unless five years has passed since the last conviction;
4. The manner in which the applicant has proposed to operate the facility does not comply with all provisions of the ordinances of the City or statutes of the state; or
5. A person named in the application holds a federal gambling tax stamp.

B. If the license application is denied, the applicant shall be notified within five days after the denial thereof setting forth the reasons for the denial of the license.

(Code 2012, § 9-607)

4-3B-7 Issuance Of License; Renewals

A. The license shall be issued to successful applicants by the City Clerk or City Manager upon payment of an annual fee as set by the Council by motion or resolution.

B. Upon the expiration of the term of a license issued hereunder and upon payment of the annual license fee, renewal license shall be issued by the Clerk to all licensees whose licenses have not been revoked and who have otherwise, during the past year, complied with the provisions of this article and other provisions of this Code and state law.

(Code 2012, § 9-609)

4-3B-8 Display Of License

Every pool hall, billiard hall or family recreation center issued a license hereunder shall place and exhibit the same at all times while in force in a conspicuous place upon the premises licensed.

(Code 2012, § 9-604)

4-3B-9 Expiration Of License; Nontransferability

Licenses issued hereunder shall expire on December 31 of each year. For the first issuance of the license, the annual fee shall be prorated on a quarterly basis. The full annual fee shall be collected regardless of the issuance date for the renewal of an existing license to the same licensee. Licenses hereunder shall not be transferable.

(Code 2012, § 9-610)

4-3B-10 Restrictions On Operations

A. *General restrictions.* It is unlawful for any person operating a family recreation center within the City to:

1. Permit any intoxicated person to be on or about such place of business;
2. Sell, barter, give away or permit the consumption of alcoholic beverages at such place of business; or
3. Violate any ordinances of the City or laws of the state.

B. *Minors in pool or billiard halls.* It is unlawful for any pool hall or billiard hall to permit any person under the age of 18 years to be in or about the place of business unless the minor is accompanied by a parent or legal guardian.

C. *Days and hours for family recreation centers.*

1. It is unlawful for family recreation centers to be open for operation during hours other than specified as follows:
 - a. Monday, Tuesday, Wednesday and Thursday: 8:00 a.m. to 11:00 p.m.;
 - b. Friday: 8:00 a.m. to 1:00 a.m. the following Saturday morning;
 - c. Saturday: 8:00 a.m. to 1:00 a.m. the following Sunday morning; and
 - d. Sunday: 12:00 noon to 11:00 p.m.
2. In addition, on any day preceding a day on which City public schools are not in session, closing hours are extended from 11:00 p.m. to 1:00 a.m.

(Code 2012, § 9-602)

4-3B-11 Suspension Or Revocation Of License

A. *Grounds for suspension or revocation.* The City Council may suspend for not more than 15 days or revoke licenses issued hereunder if, after public hearing as herein provided, the Council finds that the holder of the license has made a material misstatement in the application for license, or the renewal thereof, or has violated any of the provisions of the City ordinances regulating pool halls, billiard halls and family recreation centers or violated this Code.

B. *Procedure.*

1. *Investigation of and filing complaints.* The Chief of Police shall investigate complaints concerning family recreation centers, pool halls and billiard halls, and if he finds that a violation of the provisions hereof has been committed, he shall file a complaint with the City Clerk or City Manager setting forth the alleged acts constituting the violation.
2. *Hearing date; copy of complaint and notice of hearing served.* Upon the filing of such complaint, the City Clerk or City Manager shall fix a date for hearing of the complaint by the City Council and shall cause to be served upon the licensee a copy of the complaint and notice of the time and place of the hearing. The complaint and notice of hearing shall be served upon the co-partner, manager, operator or person shown in the license as having supervisory control over the premises, or if such person may not be found, by mailing the same by registered mail addressed to such person at the licensed premises.
3. *Hearing held; decision.* At the hearing thereon, the complainant, the licensee or any interested person may be present and present such evidence as may be relevant and material. If, at the conclusion of such hearing, the Council finds that the licensee has made a material misstatement in the application for license, or the application renewal thereof, or has violated any of the provisions of the ordinances of the City, the City Council shall suspend for not more than 15 days or revoke the license issued hereunder.
4. *Vacation of licensed premises.* Upon suspension or revocation, the licensee shall immediately cease operations, lock the doors to the licensed premises and bar the public therefrom.

(Code 2012, § 9-611)

4-3B-12 Appeals

Revocation of or refusal to issue the license set forth herein by the City Clerk or City Manager may be appealed to the City Council. Notice of appeals stating the grounds therefor shall be filed with the City Clerk within five days after the receipt of the notice of denial. Within ten days thereof, the denial shall be the subject of a public hearing after which the City Council may affirm or reverse the revocation or denial of license.

(Code 2012, § 9-608)

4-3B-13 Other Laws Applicable

The provisions of this article shall not be construed to exempt any person operating a family recreation center or pool hall or billiard hall from compliance with any other applicable ordinances of the City not in conflict herewith, unless specifically excluded herein.

(Code 2012, § 9-612)

4-3B-14 Penalty

Violation of any of the provisions of this article shall void any and all licenses issued under the provisions of this article to the person in violation of the provisions and shall subject the perpetrator thereof to punishment as provided in CCC 1-4-1. Each day any violation occurs shall constitute a separate offense.

(Code 2012, § 9-613)

ARTICLE 4-3C AMUSEMENT DEVICES

[4-3C-1 License Fee Required](#)

[4-3C-2 Term Of License; Miscellaneous Provisions](#)

[4-3C-3 Display Of License](#)

[4-3C-4 Penalties](#)

4-3C-1 License Fee Required

A. No person, either as principal or agent, shall own, operate, lease or permit to be operated on the business premises of such person, firm or corporation any form of coin-operated machine or other device intended for the use of or used by persons patronizing such business for such persons' amusement, entertainment or edification, including, but not limited to, the following:

1. Bowling machines;
2. Music playing machines commonly called juke boxes;
3. Pinball and associated similar machines; or
4. Shuffleboards;

without first paying in advance to the City Clerk the license fee hereinafter prescribed and procuring a license therefor.

B. The license fee imposed by this article shall be as set by the City Council by motion or resolution.

(Code 2012, §§ 9-301, 9-303)

4-3C-2 Term Of License; Miscellaneous Provisions

- A. The license fee prescribed by this article shall be annual unless otherwise specified on the face of the license and shall expire on April 30 of the year for which it is issued. All licenses that are issued for a period shorter than one year shall expire on the day specified on the face of the license.
- B. No license shall be issued until the license fee prescribed therefor has been paid in full to the City Clerk.
- C. Licenses shall be signed by the City Clerk who shall affix the corporate seal of the City thereto.

(Code 2012, § 9-302)

4-3C-3 Display Of License

All licenses procured under the provisions of this article shall be prominently displayed on or in the immediate vicinity and in clear view of the machine for which it was purchased.

(Code 2012, § 9-302)

4-3C-4 Penalties

Violation of any provision of this article shall void any and all licenses issued under the provisions of this article to the person in violation of said provisions and shall subject the perpetrator thereof to a fine as provided in CCC 1-4-1. Each day any violation occurs shall constitute a separate offense.

(Code 2012, § 9-304)

ARTICLE 4-3D SHOOTING GALLERIES

[4-3D-1 License Required](#)

[4-3D-2 State Regulations Apply](#)

[4-3D-3 Violation; Penalty](#)

4-3D-1 License Required

No shooting gallery shall be operated until a license has been secured therefor in accordance with CCC 4-1.

(Code 2012, § 9-108)

4-3D-2 State Regulations Apply

Every shooting gallery constructed, established, set up or operated hereafter shall be constructed, established, set up and operated in accordance with the standards, specifications and requirements of state law, 63 O.S. §§ 701 to 709.2.

(Code 2012, § 9-108; altered in 2023 recodification)

4-3D-3 Violation; Penalty

Any violation of any provision of this article or of any provision of state law shall be deemed an offense against the City and shall be punishable as such.

(Code 2012, § 9-108)

CHAPTER 4-4 ITINERANT VENDORS

[4-4-1 License Required; Term](#)

[4-4-2 Application For License](#)

[4-4-3 License Fee And Costs; Waiver](#)

[4-4-4 Documentation Of License Issuance](#)

[4-4-5 Nontransferability Of License](#)

[4-4-6 Regulations](#)

[4-4-7 Penalty](#)

4-4-1 License Required; Term

All persons, firms or corporations providing goods, services or merchandise for sale, or soliciting such sale, on a temporary basis within the corporate limits of the City shall first obtain an itinerant vendor's license from the City Clerk. Said license shall be valid for one year from the issuance date. For purposes of this section, the term "temporary" means a business or service operation provided from a nonfixed or nonpermanent location.

(Ord. No. 771, 5-2-2016)

4-4-2 Application For License

The itinerant vendor shall make application to the City Clerk at least five business days prior to the date of his contemplated sale or exhibit to be held in the City. The application shall be in the form of an affidavit, stating the full name and permanent address of the itinerant vendor, the location of his or its principal office and place of business, and the names and business addresses of its principal owners, officers, or members if the itinerant vendor is other than a sole proprietorship. The application must be accompanied by:

- A. A statement showing the nature of the services or merchandise to be offered for sale or exhibited.
- B. Identification and background of the individuals acting on behalf of the itinerant

vendor, including proof of age, address, a photograph, and a background check. Exempt from the background check requirement in this subsection are mobile food establishments licensed by the State Department of Health.

- C. A certified copy of its permit or authority to do business in the state if the itinerant vendor is an entity organized under the laws of some state if other than Oklahoma.
- D. A copy of the State Tax Commission sales tax permit, showing the City as the recipient of sales tax revenue.
- E. A copy of the vendor's current food establishment license issued by the State Department of Health or the City-County Health Department for Tulsa or Oklahoma Counties, and most recent state fire inspection report (if the vendor is involved in the sale or distribution of food or other goods, products, or services subject to State Department of Health regulation).
- F. An applicant for an itinerant vendor's license located upon private property shall present documentation from the property owner or person in control of the property authorizing its use for such purposes.

(Ord. No. 771, 5-2-2016; Ord. No. 857, § 1(9-202), 4-4-2022)

4-4-3 License Fee And Costs; Waiver

The license fee for the itinerant vendor shall be set at \$50.00, plus reasonable costs for the conduct of a background check, when conducted by the City. The fee and costs may be changed by the City Council by motion or resolution. The City Council or City Manager may waive fees for itinerant vendors selling goods, services or merchandise at a special event or other activity authorized by the City Council, City Manager, or Chief of Police.

(Ord. No. 771, 5-2-2016; Ord. No. 857, § 1(9-203), 4-4-2022)

4-4-4 Documentation Of License Issuance

- A. The City Clerk, upon issuance of an itinerant vendor's license, shall provide documentation of such. A copy of such documentation shall be in possession of the itinerant vendor 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, or by a customer or person within the City limits being solicited by the itinerant vendor.
- B. An applicant for an itinerant vendor's license located upon private property shall present documentation from the property owner or person in control of the property authorizing its use for such purposes.

(Ord. No. 771, 5-2-2016)

4-4-5 Nontransferability Of License

The license provided herein shall not be transferable nor give authority to more than one person to conduct a business as an itinerant vendor, but any persons having obtained such license may have the assistance of one or more persons in conducting the business.

(Ord. No. 771, 5-2-2016)

4-4-6 Regulations

- A. *Compliance with zoning regulations and other laws.* Business locations and functions for itinerant vendors must be in compliance with the zoning regulations of the City, as well as all other municipal, county, state and federal laws and regulations.
- B. *Use of public ways and property restricted.* No itinerant vendor 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 vendors 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.
- C. *Mobile vendors.* An itinerant vendor's license is required for all persons, firms or corporations providing goods, including food or drink, for sale dispensed from a moving vehicle or other form of mobile conveyance upon the public streets of the City, or upon any property in the City limits.
- D. *Door-to-door sales; uninvited soliciting.* An itinerant vendor's license is required for all persons, firms, or corporations conducting residential door-to-door sales of goods, services, or merchandise. Residents are permitted to post signage forbidding solicitation at the residence (for example, a No Soliciting sign). Failure of the itinerant vendor to abide by such signage shall be punishable as a misdemeanor under CCC 4-4-7 and under CCC 1-4-1.

(Ord. No. 771, 5-2-2016)

4-4-7 Penalty

Any person convicted of violating any provisions of this chapter shall be fined as provided in CCC 1-4-1.

(Ord. No. 771, 5-2-2016)

CHAPTER 4-5 SECONDHAND AND USED GOODS ESTABLISHMENTS

4-5-1 Recordkeeping

4-5-2 Time Restrictions On Availability Of Goods To Public

[4-5-3 Penalty](#)

4-5-1 Recordkeeping

- A. All owners of secondhand and used goods stores shall be required to keep a record of all sellers to those stores and buyers from those stores of their names and addresses and a complete description of all goods in which the fair market value is more than \$25.00.
- B. All records required in subsection A of this section shall be kept for a period of 90 days and be made available to the City Police Department upon request during the owner's normal business hours.

(Code 2012, § 9-111)

4-5-2 Time Restrictions On Availability Of Goods To Public

All goods bought by secondhand and used goods stores having a fair market value of more than \$25.00 shall be held for 48 hours before they may be made available to the public.

(Code 2012, § 9-111)

4-5-3 Penalty

Any person who engages in secondhand or used goods stores for which a license is required by CCC 4-1, without a valid license as required thereby, or who shall violate any provision of this chapter, shall be guilty of an offense and, upon conviction, shall be fined as provided in CCC 1-4-1. Violation of this chapter shall also be grounds for revocation or suspension of the license granted.

(Code 2012, § 9-112; altered in 2023 recodification)

CHAPTER 4-6 USED VEHICLE SALES

[4-6-1 State License Required; Exemptions](#)

[4-6-2 Responsibility Of Property Owner And Lessee](#)

[4-6-3 Removal Of Vehicle; Notice](#)

[4-6-4 Violation; Penalty](#)

4-6-1 State License Required; Exemptions

It is unlawful for any person to sell, offer for sale, or display for sale one or more used motor vehicles within the City without first obtaining a license therefor from the appropriate state authorities as set forth in 47 O.S. § 581 et seq., or amendments thereto. This section shall not apply to persons selling, offering or sale or displaying for sale vehicles on their own property if the vehicles are licensed in their own name as

owner.

(Code 2012, § 9-501)

4-6-2 Responsibility Of Property Owner And Lessee

It is unlawful for any owner of real property, lessee of real property, or person having an interest in real property to allow the sale or display for sale of one or more used vehicles within the City unless that property is zoned and licensed for such use. This section shall not apply to any person making such use of their own personal residence to sell or display for sale a vehicle licensed in their own name as owner.

(Code 2012, § 9-502)

4-6-3 Removal Of Vehicle; Notice

Members of the Police Department or Code Enforcement Officers are hereby authorized to remove any vehicle from any property to a garage or other place of safety once such vehicle has been parked on more than one occasion for the principal purpose of displaying such vehicle for sale in violation of this chapter or the City zoning regulations. The City personnel shall be required to show that an official notice, warning, citation or warrant has been issued by the City for the vehicle involved prior to the incident for which the vehicle is towed or removed.

(Code 2012, § 9-503)

4-6-4 Violation; Penalty

Any person who violates any provision of this chapter shall be guilty of an offense and, upon conviction, shall be punishable as provided in CCC 1-4-1.

(Code 2012, § 9-504)

CHAPTER 4-7 GARAGE SALES

4-7-1 Definitions

4-7-2 Permit Required; Display; Nontransferability

4-7-3 Regulations

4-7-4 Enforcement

4-7-5 Violation; Penalties

4-7-1 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garage sale or home sale means a sale of five or more items of used clothing, furniture,

home appliances, and/or merchandise generally used in a home, which may have been used by the person offering the same for sale, and/or which is offered for sale within any residential or agriculture district as designated by the City zoning regulations.

(Code 2012, § 9-701)

4-7-2 Permit Required; Display; Nontransferability

- A. No garage or home sale may be conducted without first obtaining a valid permit to be issued by the City Clerk's office. A permit may be obtained in person or by telephone without costs.
- B. The permit issued by the City shall be on display and within public view at the location of the sale.
- C. Permits shall not be assignable or transferable to another person or location.

(Code 2012, § 9-702)

4-7-3 Regulations

- A. *Number of sales per year.* No person shall conduct or permit to be conducted more than one garage or home sale per calendar quarter on premises belonging to him or her situated in a residential area.
- B. *Days and hours of sales.* A permit shall be issued for a period of time not to exceed three days, and merchandise shall be sold between 6:00 a.m. and 6:00 p.m. on those days.
- C. *Advertising.*
 - 1. No sign shall be exhibited more than one day prior to the sale and must be removed at the end of the last day of the sale.
 - 2. Only one sign shall be permitted for each lot where the garage/yard sale is being held; provided, however, that one sign shall be permitted along each side of a lot abutting a public street up to a maximum of two signs per lot.
 - 3. Two temporary off-site garage sale signs are permitted at the closest major intersections to the site of the garage sale.
 - 4. Signs must comply with all other ordinances and zoning regulations.
 - 5. All signs must be placed on private property and out of the public right-of-way.

Editor's note—See also CCC 12-13-10D.

- D. *Merchandise restrictions.* No merchandise shall be sold which belongs to anyone engaged in the business of selling such merchandise, nor shall merchandise be sold by anyone after having bought the same for resale.
- E. *Removal of items for sale.* Items offered for sale or used for display during the sale shall be removed from full sight of the public and moved inside. Such items shall be removed and out of sight by 6:00 p.m. on the day following the last day authorized by the permit.

(Code 2012, § 9-702; altered in 2023 recodification)

4-7-4 Enforcement

It shall be the duty of the Building Official or designee to enforce this chapter. If the Building Official or designee shall find that any provision of this chapter has been violated, the violator shall be given a written notification for such violation, said notice to indicate the nature of the violation and the action necessary to avoid issuance of a citation. Failure to comply with the written directive shall result in the issuance of a citation and imposition of a penalty.

(Code 2012, § 9-703)

4-7-5 Violation; Penalties

Upon failure to comply with the written warning notifying that a violation has occurred or is occurring, any person who engages in a garage or home sale in violation of the provisions of this chapter shall be guilty of an offense and, upon conviction, shall be fined as provided in CCC 1-4-1. Conviction for violation of this chapter within the past 12 months shall also be grounds for denial of a permit.

(Code 2012, § 9-704)

TITLE 5 HEALTH, SANITATION AND ENVIRONMENT

CHAPTER 5-1 HEALTH, SANITATION AND ENVIRONMENT IN GENERAL; ENFORCEMENT AND PENALTY

CHAPTER 5-2 FOOD ESTABLISHMENTS

CHAPTER 5-3 NUISANCES

CHAPTER 5-4 WEEDS, GRASS AND TRASH

CHAPTER 5-5 USE OF TOBACCO AND VAPOR PRODUCTS ON PUBLIC PROPERTY

CHAPTER 5-6 JUNKED, WRECKED MOTOR VEHICLES

CHAPTER 5-7 DILAPIDATED BUILDINGS

CHAPTER 5-7.5 PROPERTY MAINTENANCE

CHAPTER 5-8 SWIMMING POOL, HOT TUB AND SPA BARRIERS

CHAPTER 5-9 OIL AND GAS DRILLING

CHAPTER 5-1 HEALTH, SANITATION AND ENVIRONMENT IN GENERAL; ENFORCEMENT AND PENALTY

5-1-1 Enforcement By County

5-1-2 Prohibitions

5-1-3 Violation; Penalties

5-1-1 Enforcement By County

Anywhere in this title where the term "Health Officer" is used, it may be construed to mean the Director of the County Health Department or duly designated representative unless another person is designated by the Mayor. It is the intent and purpose of the Mayor and City Council to delegate the enforcement of the health ordinances of the City as set out in this section, and any such decisions rendered under this section shall be subject to review by the City Council upon an appeal from an offender.

(Code 2012, § 8-701)

5-1-2 Prohibitions

- A. *Obstructing Health Officer.* It is unlawful for any person to willfully obstruct or interfere with any Health Officer or officer charged with the enforcement of the health laws of the City.
- B. *Failure to comply with county regulations.* It is unlawful for any person to willfully violate or refuse or fail to comply with any lawful order, direction, prohibition, rule or regulation of the Board of Health or any officer charged with enforcement of such order, direction, prohibition, rule or regulation.

(Code 2012, §§ 8-702, 8-703)

5-1-3 Violation; Penalties

Any person who violates any provision of this title or any law or code adopted by reference in this title is guilty of an offense and, upon conviction thereof, shall be punishable as provided in CCC 1-4-1. In addition thereto, such person may be enjoined from continuing such violations.

(Code 2012, § 8-704)

CHAPTER 5-2 FOOD ESTABLISHMENTS

5-2-1 State Regulations Adopted

5-2-2 Violation; Penalties

5-2-1 State Regulations Adopted

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

(Code 2012, § 8-201)

5-2-2 Violation; Penalties

Any person who violates any of the provisions of this chapter shall be guilty of misdemeanor and, upon conviction thereof, shall be punishable as provided in CCC 1-4-1. In addition thereto, any person convicted of a violation may be enjoined from continuing the violation.

(Code 2012, § 8-201)

CHAPTER 5-3 NUISANCES

5-3-1 Powers Of City

5-3-2 Definitions

5-3-3 Certain Public Nuisances Enumerated

5-3-4 Nuisances Prohibited

5-3-5 Persons Liable

5-3-6 Lapse Of Time; Effect

5-3-7 Remedial Action

5-3-8 Abatement Of Nuisances Generally

5-3-9 Abatement By Suit In District Court

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[5-3-12 Abatement Of Health Nuisances](#)

[5-3-13 Sanitary Facilities](#)

[5-3-14 Procedures Cumulative](#)

[5-3-15 Violation; Penalty](#)

5-3-1 Powers Of City

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

(Code 2012, § 8-406)

5-3-2 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Nuisance means unlawfully doing an act, or omitting to perform a duty, or anything or condition which either:

- A. Annoys, injures or endangers the comfort, repose, health or safety of others;
- B. Offends decency;
- C. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake or navigable river, stream, canal or basin, or any public park, square, street or other public property; or
- D. In any way renders other persons insecure in life or in the use of property.

Provided, however, this definition shall not apply to preexisting agricultural activities.

Private nuisance means every nuisance not included in the definition of public nuisance in this section.

Public nuisance means a nuisance which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

(Code 2012, § 8-401; altered in 2023 recodification)

5-3-3 Certain Public Nuisances Enumerated

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

1. *Unwholesome food or drink.* The sale or offering for sale of unwholesome food or drink; or the keeping of a place where such sales or offerings are made;
2. *Liquor violations.* The sale, offering for sale, or furnishing of alcoholic beverages in violation of state law or ordinances of the City; or keeping of a place where alcoholic beverages are sold, offered for sale, or furnished in violation of state law or ordinances of the City;
3. *Obscene materials.* The exposure, display, sale, or distribution of obscene pictures, books, pamphlets, magazines, papers, documents or objects; or the keeping of a place where such are exposed, displayed, sold or distributed;
4. *Bawdy, disorderly houses.*
 - a. The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise;
 - b. The keeping of a place where prostitution, illicit sexual intercourse, or other immoral acts are practiced;
 - c. The keeping of a place where activities in violation of state law or City ordinances are practiced or carried on;
5. *Diseased persons.* The public exposure of a person having a contagious disease;
6. *Public dances.* The conduct or holding of public dances in violation of the ordinances of the City; or the keeping of a place where such dances are held;
7. *Noisy conditions.* The continued making of loud or unusual noises which annoy persons of ordinary sensibilities; or the keeping of an animal which makes such noises;
8. *Interference with wireless reception.* The operation or use of any electrical apparatus or machine which materially or unduly interferes with wireless reception by others;
9. *Assemblies obstructing traffic.* Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinance;
10. *Water flowing, ice or snow falling onto public ways.* Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or

structure upon any street or sidewalk;

11. *Stagnant bodies of water.* All wells, pools, cisterns, bodies or containers of water in which mosquitoes or other nuisance insects breed or are likely to breed, or which are so constructed, formed, conditioned, or situated as to endanger the public safety;
12. *Conditions attracting pests.* Rank weeds or grass, carcasses, accumulations of manure, refuse, or other things, which are, or are likely to be, breeding places for flies, mosquitoes, vermin, or disease-causing germs; and the premises on which such exist;
13. *Dangerous structures.*
 - a. Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition;
 - b. Every building or other structure that shall become unsafe and dangerous from fire, decay or other cause, or shall become hazardous from fire, by reason of age, decay or construction, location or other cause, or shall be detrimental to the health, safety or welfare of the City or its inhabitants from any cause;
14. *Dangerous premises.* Any pit, hole, or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety;
15. *Fire and explosive hazards.* Any fire or explosion hazard which endangers the public safety;
16. *Dangerous businesses.* Any occupation or activity which endangers the public peace, health, morals, safety or welfare;
17. *Animal houses and noises.* Any stable or other place where animals are kept that may become obnoxious or annoying to any residents of the City, by reason of any noise or noises made by the animal therein, or by reason of lack of sanitation; and
18. *Vehicles and trailers without proper plates and stickers.* Any motor vehicle (whether in operating condition or not) or any trailer without a current vehicle plate as required by law for vehicles used on the public highways, when stored or kept in a residence district.

B. *Enumeration cumulative.* The enumeration of certain public nuisances in subsection A of this section shall be cumulative and not limit other provisions of law or ordinances defining public or private nuisances either in more general or more specific terms.

(Code 2012, § 8-407; altered in 2023 recodification)

5-3-4 Nuisances Prohibited

It is unlawful for any person, including, but not limited to, any owner, lessee, or other person, to create or maintain a nuisance within the City, or to permit a nuisance to remain on premises under his control within the City.

(Code 2012, § 8-412)

5-3-5 Persons Liable

No person in charge or control of any property in the City, whether as owner, tenant, occupant, lessee or otherwise, shall allow a nuisance to exist on the property. Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property, created by a former owner, is liable therefor in the same manner as the one who first created it.

(Code 2012, § 8-402)

5-3-6 Lapse Of Time; Effect

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

(Code 2012, § 8-403)

5-3-7 Remedial Action

A. *Public nuisances.* The remedies against a public nuisance are:

1. Prosecution on complaint before the Municipal Court;
2. Prosecution on information or indictment before another appropriate court;
3. Civil action; or
4. Abatement:
 - a. By the person injured as provided in 50 O.S. § 12; or
 - b. By the City in accordance with law or ordinance.

B. *Private nuisances.* The remedies against a private nuisance are:

1. Civil action; and
2. Abatement:
 - a. By the person injured as provided in 50 O.S. §§ 14 and 15; or

- b. By the City in accordance with law or ordinance.

(Code 2012, §§ 8-404, 8-405)

5-3-8 Abatement Of Nuisances Generally

- A. *Summary abatement.* Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even to require, the City Manager or other appropriate officer or agency of the City government to take immediate and proper action summarily to abate such nuisances, or to reduce or suspend the danger until more deliberate action can be taken toward such abatement.
- B. *Statement of nuisance; recommended abatement.* The Chief of the Fire Department, the Chief of Police, the City Attorney, the Health Officer, the Building Inspector, the Electrical Inspector, the Plumbing Inspector, or any other officer subordinate to the City Manager or any Councilmember or resident may submit, through or with the consent of the City Manager, to the Code Enforcement Officer, a statement as to the existence of a nuisance as defined by the ordinances of the City or law, and a request or recommendation that it be abated.
- C. *Determination of nuisance existence; notice.* Upon receiving the complaint or observing the nuisance himself, the City Manager or his designee will investigate the alleged nuisance. If he determines that a public nuisance exists, he will notify the person responsible for the nuisance. Such notice to the owner and other persons concerned shall be given in writing, by mail or by service by a police officer if their names and addresses are known; but if the names and addresses are not known, and the public peace, health, safety, morals, or welfare would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a paper of general circulation within the City. Such notice shall provide not less than ten days nor more than 60 days, at the discretion of the City Manager or designee, in which to abate such nuisance or to request a hearing as hereinafter set forth.
- D. *Hearing by City Manager.* If the person receiving the abatement notice wishes a hearing, he must request it in writing within ten days and mail or file it with the City Clerk. The hearing, on his request, will be before the City Manager and will be held as soon as possible after the request is filed. The City Manager shall render his decision by written memorandum and file the same with the City Clerk, who shall thereupon mail a copy to the person requesting the hearing at the last known mailing address.
- E. *Appeal to City Council; decision.*

1. If the person responsible for a nuisance wishes to appeal the City Manager's decision, he may request a hearing before the City Council. Such request must be in writing and submitted to the City Clerk within five days after notice of the decision of the City Manager is mailed to him.
2. The City Council shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the Council shall have power to subpoena and examine witnesses, books, papers and other effects.

F. *Abatement by City; responsibility for costs.* If the City Council finds that a nuisance does in fact exist, it shall direct the owner or other persons responsible for or causing the nuisance to abate it within a specified time if the peace, health, safety, morals or welfare of the persons or public adversely affected would not be unduly jeopardized by the consequent delay. If such peace, health, safety, morals, or welfare would be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the Council shall direct the City Manager to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by 50 O.S. § 16. The City Clerk shall send a statement of the cost of such summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if the names and addresses are known. Until paid, such cost shall constitute a debt to the City, collectible as other debts of the City may be collected.

(Code 2012, § 8-408)

5-3-9 Abatement By Suit In District Court

In cases where it is deemed impractical summarily to abate a nuisance, the City may bring suit in the district court of Wagoner County, as provided in 50 O.S. § 17.

(Code 2012, § 8-409; altered in 2023 recodification)

5-3-10 Abatement By City: Costs

- A. *Abatement by City.* If the person responsible for the nuisance is unable to pay for its removal, the work may be done by the employees of the City under supervision of the City Manager, or it may be let by contract to the lowest and best bidder, after appropriate notice, in the manner for letting other contracts.
- B. *Cost determined; statement issued.* Upon the completion of the work ordered to be performed under CCC 5-3-8, the City Manager shall prepare a report on the cost thereof. Such report shall be itemized as to each tract, as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice, and other costs. The City Manager shall determine the total actual costs of the work, and

shall direct the City Clerk to forward a statement and demand payment thereof by certified mail with return receipt requested to the owner of the property at the address shown by the current tax rolls in the office of the County Treasurer. If the statement is not paid within 20 days after such statement is mailed, the City Council may direct the City Attorney to institute action to establish its lien against the property on which such work was done and to request the court to cause such property to be sold and the lien paid.

- C. *Failure to pay costs; costs levied.* In the event the City does not elect to proceed by legal action as set forth herein, then six months from the date of mailing the notice prescribed by subsection A of this section, the City Clerk shall forward a certified statement of the amount of such costs to the County Treasurer, to be levied upon the property and to be collected by the County Treasurer in the manner prescribed by the laws of the state.

(Code 2012, §§ 8-410–8-412)

5-3-11 Damages And Prosecution For Public Offense

The fact that the City has abated and removed a nuisance shall in no way excuse the party responsible therefor from any damages which may have resulted prior thereto. Neither shall the order of abatement prevent the Chief of Police or other person from filing a complaint where the nuisance constitutes a public offense. The Chief of Police may file complaint in each and every instance where the nuisance amounts to a public offense, and the person responsible therefor shall be prosecuted on such complaint. On determination of guilt, he shall be punishable as provided for punishment of public offenses.

(Code 2012, § 8-414)

5-3-12 Abatement Of Health Nuisances

- A. *Order to abate.* Pursuant to authority granted by 63 O.S. § 1-1011, the Health Officer shall have authority to order the owner or occupant of any private premises in the City to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within 24 hours, or within such other time as may be reasonable, and a failure to do so shall constitute an offense. Such order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the Health Officer or by a police officer, or a copy thereof may be left at the last usual place of abode of the owner, occupant, or agent, if known and within the state. If the premises is unoccupied and the residence of the owner, occupant, or agent is unknown, or is without the state, the order may be served by posting a copy thereof on the premises, or by publication in at least one issue of a newspaper

having a general circulation in the City.

- B. *Failure to abate.* If there is not compliance with the order, the Health Officer may cause the order to be executed and complied with, and the cost thereof shall be certified to the City Clerk, and the cost of removing or abating the nuisance shall be added to the water bill or other City utility bill. The cost shall be treated as a part of such utility bill to which it is added, and shall become due and payable, and be subject to the same regulations relating to delinquency in payment as the utility bill itself. If the owner or occupant is not a user of any City utility service, the cost, after certification to the City Clerk, may be collected in any manner in which any other debt due the City may be collected.

(Code 2012, § 8-415)

5-3-13 Sanitary Facilities

- A. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Human excrement means the bowel and kidney discharge of human beings.

Sanitary pit privy means a privy which is built, rebuilt, or constructed so as to conform to the specifications approved by the State Health Department.

Sanitary water means the flush-type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times.

- B. *Facilities required.* Every owner of a residence or other building in which humans reside, are employed, or congregate within the City shall install, equip, and maintain adequate sanitary facilities for the disposal of human excrement by use of a sanitary water closet. The closets and toilets hereby required shall be of the sanitary water closet type when located within 200 feet of a sanitary sewer and accessible thereto, and of the sanitary water closet type (notwithstanding a greater distance from a sanitary sewer) or the water closet type emptying into a septic tank system. A septic tank system may be used in such cases only if it meets the standards of and is approved by the State Health Department.
- C. *Use of facilities.* All human excrement disposed of within the City shall be disposed of by depositing it in closets of the type provided in this section. It is unlawful for any owner of property within the City to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement within the City in any other manner.

- D. *Nuisance declared; violation.* All facilities for the disposal of human excrement in a manner different from that required by this section, and all facilities so constructed, situated, or maintained as to endanger the public health, are hereby declared to be public nuisances, and may be dealt with and abated as such. Any person maintaining any such nuisance is guilty of an offense, and each day upon which any such nuisance continues is a separate offense.

(Code 2012, § 8-416; altered in 2023 recodification)

5-3-14 Procedures Cumulative

The various procedures for abating nuisances prescribed by this chapter and by other provisions of law and ordinance shall be cumulative to any other penalties or procedures authorized.

(Code 2012, § 8-417)

5-3-15 Violation; Penalty

Any person, firm or corporation who violates any of the provisions of this chapter or shall allow the premises occupied to become unsanitary, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punishable as provided in CCC 1-4-1.

(Code 2012, § 8-418; altered in 2023 recodification)

CHAPTER 5-4 WEEDS, GRASS AND TRASH

ARTICLE 5-4A WEEDS, GRASS AND TRASH GENERALLY

ARTICLE 5-4B ACCUMULATION OF WEEDS, GRASS OR TRASH

ARTICLE 5-4A WEEDS, GRASS AND TRASH GENERALLY

5-4A-1 Definitions

5-4A-2 Deposit Of Weeds, Grass And Trash Prohibited

5-4A-3 Litter Control

5-4A-4 Dilapidated Personal Property In View

5-4A-5 Removal Of Dead Animals

5-4A-6 Abandoned Containers

5-4A-7 Administrative Officer; Appeals From

5-4A-8 Violation; Penalty

5-4A-1 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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, whether solid or liquid in form.

Weed.

- A. The term "weed" 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 12 inches in height, except healthy trees, shrubs or produce for human consumption or grown in a tended and cultivated garden unless such trees and shrubbery, by their density or location, constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;
 - 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.
- B. The term "weed" does not include tended crops on land zoned for agricultural use which are planted more than 150 feet from a parcel zoned for other than agricultural use.

(Code 2012, § 8-102)

5-4A-2 Deposit Of Weeds, Grass And Trash Prohibited

It is unlawful for any person to throw, place or deposit any rubbish, trash, slop, garbage, filthy substance, grass, weeds, trees, brush or any other refuse or waste matter in any street, avenue or alley, or in any ditch or watercourse, or upon the premises of another, or upon any public ground in the City.

(Code 2012, § 8-106)

5-4A-3 Litter Control

- A. *Definition.* For the purpose of this section, the term "litter" means any trash, refuse, garbage, rubbish, ashes, street cleanings, abandoned appliances, paper

wrappings, cigarette butts, cardboard, yard clippings, leaves, wood, grass, bedding, wastepaper, tin cans, bottles, or any other object or substance.

- B. *Littering prohibited generally.* It is unlawful for any person to litter upon the public streets, alleys, roadways, curbs, gutters, and sidewalks of the City, except in public receptacles, or upon any real property owned or occupied by another.
- C. *Littering from vehicles.* It is unlawful for any person to throw from any automobile or motor vehicle being operated and driven upon and over the streets, alleys and roadways of the City any litter, trash, wastepaper, tin cans or any other substance or refuse whatsoever.

D. *Accumulation of litter prohibited.*

1. It is hereby declared to be unlawful for any person, firm or corporation occupying any real property, either as tenant or owner, to allow trash, wastepaper, litter, bottles, tin cans or any other used or disposed of objects to accumulate upon such real property or premises or on the sidewalk in front of such property or premises.
2. It is unlawful for any person, firm or corporation occupying any real property, either as tenant or owner, to allow accumulated trash, wastepaper, litter, bottles, tin cans or any other used or disposed of objects to be carried from the occupied premises, either by the wind, elements or otherwise, to any adjoining or other real estate not so owned or occupied by the offender.

(Code 2012, §§ 8-108--8-110)

5-4A-4 Dilapidated Personal Property In View

- A. *Definition.* The term "dilapidated personal property," as used in this section, means wrecked or derelict personal property, including, but not limited to, inoperative or partially dismantled motor vehicles, inoperative or partially dismantled trailers, inoperative or partially dismantled boats, machinery, refrigerators, washing machines, stoves, hot water heaters and other household appliances, or any part thereof, plumbing fixtures, household or office furniture, or any personal property which is no longer used for the purpose for which it was manufactured or is no longer safely usable for the purpose for which it was manufactured.
- B. *Prohibition.* No person shall allow any dilapidated personal property to remain outside any building, enclosed porch, archway or other portion of a building or dwelling which he owns or occupies.

(Code 2012, § 8-110-1)

5-4A-5 Removal Of Dead Animals

The owner or any person having charge of any animal dying in the City shall, within 24 hours after the death of such animal, remove its carcass, and failure to do so shall constitute a misdemeanor.

(Code 2012, § 8-107)

5-4A-6 Abandoned Containers

It is unlawful for any person to leave in a place accessible to children any abandoned, unattended, or discarded icebox, refrigerator, or other container which has an airtight door with a lock or other fastening device which cannot be easily released for opening from the inside of the icebox, refrigerator, or container without first removing the door, lock, or fastener.

(Code 2012, § 8-112)

5-4A-7 Administrative Officer; Appeals From

The City Council may designate an Administrative Officer to carry out the duties of the City Council in this chapter. The property owner shall have a right of appeal to the City Council from any order of the Administrative Officer. Such appeal shall be taken by filing written notice of appeal with the City Clerk within ten days after the administrative hearing.

(Code 2012, § 8-105; altered in 2023 recodification)

5-4A-8 Violation; Penalty

Any person, firm or corporation who violates any of the provisions of this chapter or shall allow the premises occupied to become unsanitary, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punishable as provided in CCC 1-4-1.

(Code 2012, § 8-113; altered in 2023 recodification)

ARTICLE 5-4B ACCUMULATION OF WEEDS, GRASS OR TRASH

[5-4B-1 Accumulation Prohibited](#)

[5-4B-2 Reports Of Violations](#)

[5-4B-3 Abatement Procedures](#)

5-4B-1 Accumulation Prohibited

It is unlawful for any owner 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 accumulate upon such premises, and it is the duty of such owner to remove or destroy any such trash or weeds.

(Code 2012, § 8-101(A))

5-4B-2 Reports Of Violations

- A. Any officer or employee of the City who discovers an accumulation of trash or the growth of grass and weeds, or both these conditions, upon any premises within the limits of the City, shall report the condition to the City Manager if, as a result of the accumulation or growth, the premises appears to be:
 - 1. Detrimental to the health, benefit and welfare of the public and the community;
 - 2. A hazard to traffic; or
 - 3. A fire hazard to property.
- B. The Chief or Assistant Chief of Police, Chief or Assistant Chief of the Fire Department, or the County Sanitarian or other representative of the Department of Public Health, and any other person authorized by the City Manager, shall, on citizen complaint or upon their own notice, inspect the subject property. If their inspection reveals a violation of one or more of the conditions set out in subsection A of this section, and their decision must be unanimous, they shall report their findings to the City Manager.

(Code 2012, § 8-103)

5-4B-3 Abatement Procedures

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

- A. *Determination of violation.* The Administrative Officer or his designee may determine whether the accumulation of health and sanitation, trash, growth of weeds or grass, or other nuisances has caused the property to become detrimental to the health, benefit or welfare of the public and the community or a hazard to traffic or creates a fire hazard to the danger of the property.
- B. *Notice of violation.*
 - 1. At least ten days' notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the County Treasurer's office before the hearing provided herein or before action may be taken. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and the notice shall state that unless the work is performed within ten 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.

2. 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 person doing the mailing. However, if the property owner cannot be located within ten days from the date of mailing the same, notice may be given by posting a copy of the notice on the property or by publication, as provided by 11 O.S. § 1-102, one time not less than ten days prior to any hearing or action.

3.

- a. If the City anticipates summary abatement of a nuisance in accordance with the provisions as herein provided, the notice, whether by mail or publication, shall state that any accumulations of trash or excessive weeds or grass growth on the owner's property occurring within six months after the removal of trash or cutting or mowing of weeds or grass on the property pursuant to the notice may be summarily abated by the City; that the costs of such abatement shall be assessed against the owner; and that a lien shall be imposed on the property to secure such payment, all without further notice to the property owner.
- b. At the time of each summary abatement, the City Clerk shall notify the property owner of the abatement and costs thereof. The notice shall state that the property owner may request a hearing within ten days after the date of mailing the notice.
- c. Unless otherwise determined at the hearing, the cost of such abatement shall be determined and collected as provided in this section.
- d. However, these summary abatement procedures shall not apply if the records of the County Clerk show that the property was transferred after the notice was given pursuant to this section.

C. *Consent to City removal.* The owner of the property may give his written consent to the City authorizing the removal of the trash or the mowing of the weeds or grass. By giving his written consent, the owner waives his right to a hearing by the City.

D. *Hearing and appeal.* A hearing may be held by the Administrative Officer to determine whether the accumulation of trash or the growth of weeds or grass has caused the property to become detrimental to the health, benefit or welfare of the public and the community or a hazard to traffic or creates a fire hazard to the danger of property. The property owner shall have a right of appeal to the

City Manager, except that if the City Manager conducts the initial hearing, then the right of appeal is to the City Council. The appeal shall be taken by filing written notice of appeal with the City Clerk within ten days after the administrative order is rendered.

E. *Abatement by City*. If the Administrative Officer finds the condition of the property constitutes a detriment or hazard and that the property would be benefited by the removal of such conditions, the Administrative Officer shall direct the clearing or cleaning be done by one of the following methods:

1. By the City.
2. On a private contract basis, in which case, it shall be awarded to the lowest and best bidder.

(Code 2012, § 8-104)

CHAPTER 5-5 USE OF TOBACCO AND VAPOR PRODUCTS ON PUBLIC PROPERTY

5-5-1 Intent

5-5-2 Definitions

5-5-3 Use Prohibited

5-5-4 Signs Posted

5-5-5 Responsibility Of City Employees

5-5-6 Violation; Penalties

5-5-1 Intent

The intent of this chapter is to ensure that all buildings and other properties, including indoor areas, outdoor areas and recreational areas, as herein defined, shall be entirely free of the use of all forms of tobacco products and vapor products, as herein defined.

(Ord. No. 801, 4-2-2018)

5-5-2 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Indoor area means any indoor area that is owned, controlled or operated by the City. The term "indoor area" shall include, but not be limited to, work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, 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

definition shall apply to such indoor areas at any given time, whether or not work is being performed.

Other municipal property means any real or personal property owned, controlled or operated by the City, including vehicles and equipment, not otherwise herein defined.

Outdoor area means any covered area, partially covered area or area open to the sky that is on property owned, controlled or operated by the City.

Recreational area means any area that is owned, controlled or operated by the City, which is 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, walking paths, hiking trails, bike paths, riding trails, swimming pools, roller skating and ice skating rinks, public memorials, and skateboard parks.

Tobacco product means any product that contains or is derived from tobacco and is intended for human consumption, excluding any drugs or devices approved for cessation by the United States Food and Drug Administration. As used herein, the term "tobacco product" shall include e-cigarettes and vapor products, with or without nicotine.

Vapor product means a noncombustible product, which may or may not contain nicotine, that employs 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. The term "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.

(Ord. No. 801, 4-2-2018)

5-5-3 Use Prohibited

- A. The use of a tobacco product or vapor product by any person in any indoor area, outdoor area, recreational area, or other municipal property, as herein defined, is declared to be a public nuisance.
- B. It is unlawful and shall constitute an offense for any person to use a tobacco product or vapor product in any indoor area, outdoor area, recreational area, or other municipal property, as herein defined.

(Ord. No. 801, 4-2-2018)

5-5-4 Signs Posted

- A. The City shall be responsible for posting a sign or decal, at least four inches by two inches in size, at each entrance of any indoor area owned, controlled or operated by the City indicating that the use of tobacco products and vapor products is prohibited.
- B. The City shall be responsible for posting at the entrances to all outdoor areas owned, controlled or operated by the City weather-resistant signage, with a minimum surface area of 200 square inches, which indicates, in lettering of at least one inch high, that the use of tobacco products and vapor products is prohibited.
- C. The posting of signs or decals shall be the responsibility of the department head responsible for said property.

(Ord. No. 801, 4-2-2018)

5-5-5 Responsibility Of City Employees

Any employee of the City shall request any person observed violating this chapter to refrain from such violation.

(Ord. No. 801, 4-2-2018)

5-5-6 Violation; Penalties

Any person who violates any provision of this chapter is guilty of an offense and, upon conviction thereof, shall be punishable as provided by and in accordance with state statutes and CCC 1-4-1. In addition thereto, such person may be enjoined from continuing such violations.

(Ord. No. 801, 4-2-2018)

CHAPTER 5-6 JUNKED, WRECKED MOTOR VEHICLES

5-6-1 Definitions

5-6-2 Nuisance Declared

5-6-3 Depositing, Storing Or Keeping Junked Vehicles

5-6-4 Duty To Remove; Notice

5-6-5 Removal By Administrative Officer

5-6-6 Recovery By Owner

5-6-7 Sale Of Unclaimed Vehicle

5-6-8 Violation; Penalty

5-6-1 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Junk motor vehicle means any motor vehicle which does not have lawfully affixed thereto an unexpired license plate and the condition of which is wrecked, dismantled, partially dismantled, inoperative, unserviceable, abandoned, or discarded.

Motor vehicle means any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers and trailers.

Person means any person, firm, partnership, association, corporation, company, or organization of any kind.

Private property means any real property within the City which is privately owned and which is not public property, as defined in this section.

Public property means any street, alley, or highway which shall include the entire width between the boundary lines of every way publicly owned or maintained for the purposes of vehicular travel, and any other publicly owned property or facility.

(Code 2012, § 8-302)

5-6-2 Nuisance Declared

Motor vehicles which are abandoned, dismantled, partially dismantled, wrecked, junked, inoperative, or discarded, or left about the City in places other than authorized junkyards or other areas authorized by the City Council and which tend to do any one or more of the following:

- A. Impede traffic in the streets;
- B. Reduce the value of private property;
- C. Create fire hazards;
- D. Extend and aggravate urban blight; or
- E. Result in a serious hazard to the public health, safety, comfort, convenience and welfare of the residents of the City;

are hereby declared to be a nuisance.

(Code 2012, § 8-301)

5-6-3 Depositing, Storing Or Keeping Junked Vehicles

No person shall deposit, store, or keep, or permit to be deposited, stored or kept, upon public or private property, in the open, a junk motor vehicle or any vehicle legally or physically incapable of being operated for a period exceeding 168 hours unless such vehicle or parts thereof are:

- A. Completely enclosed within a building;
- B. Stored in connection with a business lawfully established pursuant to the zoning ordinances of the City; or
- C. Stored on property lawfully designated under the zoning ordinances of the City as a place where such vehicles may be stored.

(Code 2012, § 8-303)

5-6-4 Duty To Remove; Notice

- A. The accumulation or storage of one or more junk motor vehicles or parts thereof 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 parts thereof, 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 168 hours after notice as set out in subsection B of this section 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 168-hour time limit may be extended by the Health Officer in the case of obvious hardship.
- B. The Administrative Officer, or any officer of that department he may assign, upon complaint of any citizen or on the officer's own volition, shall cause notice to be posted on such junk motor vehicle that the vehicle is a nuisance and shall be removed within 168 hours as required in subsection A of this section.

(Code 2012, §§ 8-304, 8-305; altered in 2023 recodification)

5-6-5 Removal By Administrative Officer

Upon any failure of the owner or person in control of the junk motor vehicle or vehicles or the owner, lessee, or person in control of the property upon which the junk motor vehicle or vehicles may be located to remove the vehicle or place it in an enclosed building within 168 hours after notice has been placed on the vehicle, the Administrative Officer or designee, or any officer he may assign, shall notify the Police Department of the City which shall promptly cause the vehicle and its parts to be removed and stored in a proper place.

(Code 2012, § 8-306; altered in 2023 recodification)

5-6-6 Recovery By Owner

The owner or person in control of any vehicle or vehicles so removed may regain

possession thereof by making application to the Chief of Police for the City within 30 days after its removal and upon payment to the removal and storage company of all reasonable costs of removal and storage which shall have accrued to such vehicle or vehicles.

(Code 2012, § 8-307)

5-6-7 Sale Of Unclaimed Vehicle

If no claim for the junk motor vehicle or vehicles is made within 60 days after removal by the City, the vehicle may be sold for the best price obtainable as junk or otherwise, and the proceeds shall be used to pay all reasonable removal or storage fees against the vehicle.

(Code 2012, § 8-308)

5-6-8 Violation; Penalty

Any person who violates any provision of this chapter, by doing any act prohibited or declared to be unlawful thereby, or declared to be an offense or misdemeanor thereby, is guilty of an offense and, upon conviction thereof, shall be punishable as provided in CCC 1-4-1. Each day upon which any such violation continues shall constitute a separate offense.

(Code 2012, § 8-309)

CHAPTER 5-7 DILAPIDATED BUILDINGS

5-7-1 Definitions

5-7-2 Report Of Dilapidated Building

5-7-3 Condemnation And Abatement Procedures

5-7-4 Restoration Of Premises

5-7-5 Violation; Penalty

5-7-1 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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.

Cleaning or cleaned means the removal of trash or weeds from the premises.

Dilapidated building means a structure which, through neglect or injury, lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public or a vacant

structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable and is a hazard to the health, safety, and welfare of the general public.

Unsecured building means a structure which, through neglect or injury, lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety or welfare of the general public.

(Code 2012, § 8-601)

5-7-2 Report Of Dilapidated Building

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

(Code 2012, § 8-602)

5-7-3 Condemnation And Abatement Procedures

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

- A. *Notices.* At least ten days' notice shall be given to the owner of the property before the City takes action or holds a hearing as provided herein. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the County Treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the County Clerk to the last-known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the 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. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication, as defined by 11 O.S. § 1-102. Such notice may be published once not less than ten days prior to any hearing or action to be taken pursuant to this section.
- B. *Hearing.* A hearing shall be held by the Administrative Officer to determine whether the property is dilapidated and has thereby become detrimental to the health, benefit and welfare of the public and the community, or creates a fire hazard to the danger of property or needs to be boarded and secured.
- C. *Decision and actions.* If the Administrative Officer finds that the condition of the property constitutes a detriment or a hazard, and that the property would be

benefited by the removal of such conditions, or by its boarding and securing, the Administrative Officer may cause the dilapidated building to be torn down and removed, and boarded and secured, and shall fix reasonable dates for the commencement and completion of the work. The City Clerk shall immediately file a notice of lien with the County Clerk describing the property, the findings of the Administrative Officer at the hearing, and stating that the City claims a lien on the property for the destruction and removal, boarding and securing costs and that such costs are the personal obligation of the property owner from and after the date of filing of the notice.

D. *Appeals.* The property owner shall have a right of appeal to the Mayor from an order of the Administrative Officer, or if the order is rendered by the Mayor, then the right to appeal is to the City Council. The appeal shall be filed in writing with the City Clerk within ten days after the administrative order is rendered.

E. *Methods of abatement.* If the work is not performed by the property owner within the dates fixed by the Administrative Officer, the Administrative Officer shall direct the tearing down and removal, or boarding and securing, be done by one of the following methods:

1. By the City.
2. On a private contract basis, in which case, it shall be awarded to the lowest and best bidder.

F. *Costs; lien provisions.*

1. After the building has been torn down and removed, or boarded and secured, the Administrative Officer shall determine the actual cost of the dismantling and removal of the dilapidated building, or the boarding and securing, and any other expenses as may be necessary in conjunction therewith, including the cost of notice and mailing.
2. The City Clerk shall forward a statement of such actual cost attributable to the dismantling and removal or boarding and securing and a demand for payment by mail to the property owner at the address specified in this section. In addition, a copy of the statement shall be mailed to any mortgage holder at the address specified in this section.
3. At the time of mailing the statement of costs to any property owner or mortgage holder, the City shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer.
4. If payment is not made within six months 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. The City shall have a lien on the property for such costs, together with interest thereon, and the lien shall continue until the costs shall be fully paid.

5. When payment is made to the City for costs incurred, the City shall file a release of lien or part thereof.

G. *Additional authority of City.* Nothing in this section shall prevent the City from otherwise abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the public health, safety or welfare.

H. *Exemptions.* The provisions of this section shall not apply to any property zoned and used for agricultural purposes.

(Code 2012, § 8-603)

5-7-4 Restoration Of Premises

In all cases in which:

A. A house or building has been removed before the taking effect of the ordinance from which this chapter is derived; or

B. A house or building is torn down or demolished pursuant to order of the State Fire Marshal or one of his assistants or the County Sheriff or the Chief of the Fire Department, as provided by state law or as provided in this chapter, and in which any of the following conditions exist:

1. The premises has not been cleaned up;
2. The premises is cleaned up, and all lumber, brick, concrete, cement, plaster, nails, wire, and other materials have not been removed;
3. The materials have been removed but the cellar space and excavations have not been filled;
4. A cistern or well has not been filled or safely and securely closed, and all openings to the sanitary sewer have not been plugged to meet the requirements of the City Plumbing Inspector and securely closed; and
5. The lots have not been leveled and left entirely free from trash or the same was not immediately done;

then the owner of the lot and the person, firm, or corporation who tore down the house or building shall immediately comply with the provisions of this chapter by having all of the things done.

(Code 2012, § 8-604)

5-7-5 Violation; Penalty

Any person who shall tear down or begin the tearing down of any house or building

within the City limits without having first procured permit therefor as herein provided shall be guilty of an offense against the City and, upon conviction thereof, shall be punishable as provided in CCC 1-4-1.

(Code 2012, § 8-605)

CHAPTER 5-7.5 PROPERTY MAINTENANCE

5-7.5-1 International Property Maintenance Code

5-7.5-2 Specific Local Requirements

5-7.5-1 International Property Maintenance Code

The 2018 edition of the International Property Maintenance Code© (IPMC) as published by the International Code Council© (ICC) is hereby adopted in its entirety including Appendix A. The provisions of the IPMC are not intended to apply to chapter 5 of part 8 which addresses ambulance services. In case of conflict between the provisions of the IPMC and any existing provision of part 8, or any other City ordinance effective as of the date of adoption of the ordinance from which this chapter is derived, any state statute or federal law as well as the requirements of any existing ordinance, statute or law shall govern.

(Ord. No. 841, § 1, 12-7-2020)

5-7.5-2 Specific Local Requirements

A. Section 111. Paragraph [A] of the IPMC shall be amended to read:

Application for appeal. Any person directly affected by a decision of the Code Official or a notice or order issued under this code shall have the right to appeal to the Administrative Officer provided that a written application for appeal is filed within ten days after the day the decision, notice or order was served (remainder of section unchanged).

B. Section 302.4 of the IPMC shall be amended to read:

Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve [12] inches. (remainder of section unchanged).

C. Section 303.2 of the IPMC shall be amended to read:

Enclosures. Private swimming pools, hot tubs and spas, containing water more than 18 inches in depth shall be completely surrounded by a fence or barrier not less than 48 inches in height above the finished ground level measured on the side of the barrier away from the pool (remainder of section unchanged).

(Ord. No. 841, § 2, 12-7-2020)

CHAPTER 5-8 SWIMMING POOL, HOT TUB AND SPA BARRIERS

5-8-1 Intent

5-8-2 Definitions

5-8-3 Required Safety Features

5-8-4 Exemptions From Provisions

5-8-1 Intent

The intent of the swimming pool barrier requirement is to prevent the uncontrolled access to a pool or spa by children from adjacent properties and from the home.

(Code 2012, § 8-801)

5-8-2 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Enclosure means a fence, wall, or other barrier that isolates a swimming pool from access from adjacent properties.

Swimming pool or *pool* means any structure intended for swimming or recreational bathing that contains water over 18 inches deep. The term "swimming pool" includes inground and aboveground structures and includes, but is not limited to, hot tubs, spas, portable spas, and nonportable wading pools.

(Code 2012, § 8-802)

5-8-3 Required Safety Features

The swimming pool must be surrounded by a fence or wall at least four feet high. Chainlink fencing or vertical slat fencing with a maximum slat spacing of four inches or masonry meets this requirement. Other enclosures that will prevent access to the pool can be approved, provided that no opening other than openings for doors or gates which allow a sphere four inches in diameter to pass through it may be approved. In the case of an aboveground pool, the pool structure itself can serve as a part of the required barrier, provided that the pool structure is sufficiently rigid to obstruct access to the pool. However, where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier.

(Code 2012, § 8-803; altered in 2023 recodification)

5-8-4 Exemptions From Provisions

The following are exempt from the provisions of this chapter:

- A. Any system of sumps, irrigation canals, or irrigation flood control or drainage works constructed or operated for the purpose of storing, delivering, distributing, or conveying water.
- B. Stock ponds, storage tanks, livestock operations, livestock watering troughs, or other structures used in normal agricultural practices.
- C. Any portable spa with a safety cover that complies with ASTM F1346-91 (Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs).
- D. Small, temporary pools without motors, which are commonly referred to or known as "kiddy pools."

(Code 2012, § 8-803)

CHAPTER 5-9 OIL AND GAS DRILLING

5-9-1 Purpose

5-9-2 Definitions

5-9-3 Permit Requirements

5-9-4 Setback Requirements

5-9-5 Environmental Impact

5-9-6 Security Devices

5-9-7 Penalties

5-9-1 Purpose

The purpose of this chapter is to establish the minimum requirements for the drilling of wells on properties located within the corporate City limits.

(Code 2012, § 5-901)

5-9-2 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City limits means all areas legally annexed by the City specifically not to include those areas surrounded by a narrow strip of land commonly known as a "fence line."

Drilling equipment means all such items that may be necessary and proper to facilitate the access to mineral reserves or the exploration for these resources, but specifically exempting those operations whose intent is to secure potable water supplies.

Production equipment means those devices necessary and proper to extract mineral resources after access has been attained.

Security device means any physical barrier to human or domestic animals.

(Code 2012, § 5-902)

5-9-3 Permit Requirements

A. *Permit required; application.* At least ten days prior to any activity by drilling equipment, the owner of mineral rights or his agent shall apply with the Building Official of the City on such forms as the Building Official shall provide for a permit to drill. Forms shall include the following information:

1. Plot plan containing distances from proposed wellhead to:
 - a. Adjoining surface property lines;
 - b. Streets, alleys or other public/private roadways;
 - c. All known structures, habitable or otherwise; and
 - d. Unknown utility lines;
2. Proof of liability insurance, either specific or general in nature, in the minimum amount of \$100,000.00 for drilling purposes;
3. Proposed security device; and
4. A 24-hour telephone number to be used for notification in case of emergency.

B. *Permit fees.* A fee, as set by the City Council by motion or resolution, shall be charged to process a drilling application in addition to a fee for each of the following applicable inspections. All fees are payable at the time application is made. The following inspections are to be made when applicable:

1. Temporary electrical service;
2. Permanent electrical service;
3. Security device installation; and
4. Special inspections where necessary and appropriate.

(Code 2012, §§ 5-903, 5-904)

5-9-4 Setback Requirements

A minimum 100-foot setback shall be required from all public and private roadways or

alleys and surface property lines including rights-of-way except those designated as easements, and all structures, a minimum of 25 feet shall be maintained from all public or private utility lines located underground. Variances may be granted only by the City Council.

(Code 2012, § 5-905)

5-9-5 Environmental Impact

- A. No uncontrolled discharge of any liquid or noxious/flammable gasses shall be allowed.
- B. Noise may be regulated by resolution of the City Council under provisions contained in CCC 5-3.

(Code 2012, § 5-906)

5-9-6 Security Devices

Upon completion of drilling and placement of production equipment, an approved security device shall be placed around all mechanical and electrical devices. Security devices shall be designed to restrict the accidental electrocution or entanglement in moving devices by humans or domestic animals. The recommended security device shall be a chainlink fence six feet minimum in height with positive locks at all access points.

(Code 2012, § 5-907)

5-9-7 Penalties

- A. *Violation; penalty.* Any person, firm or corporation who shall violate any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be punishable as provided in CCC 1-4-1.
- B. *Relief in courts.* No penalty imposed by and pursuant to this section shall interfere with the right of the City also to apply to the proper courts of the state for a mandamus, an injunction or other appropriate action against such person, firm or corporation.

(Code 2012, §§ 5-1001, 5-1002; altered in 2023 recodification)

TITLE 6 POLICE AND PUBLIC SAFETY

CHAPTER 6-1 POLICE AND PUBLIC SAFETY IN GENERAL; POLICE DEPARTMENT

CHAPTER 6-2 FIRE DEPARTMENT

CHAPTER 6-3 SUPPLEMENTAL AMBULANCE SERVICE

CHAPTER 6-4 EMERGENCY MANAGEMENT ORGANIZATION

CHAPTER 6-5 FIRE CODE AND REGULATIONS

CHAPTER 6-6 ANIMAL CONTROL

CHAPTER 6-7 DISCRIMINATION IN HOUSING

CHAPTER 6-8 UNCLAIMED PROPERTY

CHAPTER 6-1 POLICE AND PUBLIC SAFETY IN GENERAL; POLICE DEPARTMENT

6-1-1 Department Created, Chief

6-1-2 Duties Of Department

6-1-3 Police Officers

6-1-4 Emergency Duties In Other Municipalities

6-1-1 Department Created, Chief

There is a Police Department, the head of which is the Chief of Police or Police Chief, appointed by the City Manager for an indefinite term, and removable by the City Manager. The Chief of Police is an officer of the City and has supervision and control of the Police Department. All police officers are officers of the City.

(Code 2012, § 13-301)

6-1-2 Duties Of Department

It is the duty of the Police Department to apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the City; to suppress all riots, affrays, and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating City, federal or state law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers. The Police Department has charge of and operates the City Jail.

(Code 2012, § 13-302)

6-1-3 Police Officers

- A. Police officers shall perform such duties as shall be required of them by the Chief of Police, City ordinances, federal, state and county regulations and any

other actions required in the maintenance of good order and public peace.

- B. Employees or officers deemed necessary shall be appointed by the City Manager after consultation with the Chief of Police.

(Code 2012, § 13-303)

6-1-4 Emergency Duties In Other Municipalities

- A. Approval is hereby given for service of members of the regular Police Department of the City as police officers of any other city or town, in an emergency situation, in the State, not more than 100 miles distant from the City, when such service is requested.
- B. Requests for service under this section shall be made by writing or by telephone, or other means of communication, to the City Manager and, in his absence, the Mayor, who, if he determines that the request can be granted consistently with the continuance of the proper police protection to the inhabitants of the City, and after consultation with the Chief of Police, shall direct the Chief of Police to furnish the number of officers requested and to arrange their transportation to the requesting municipality.

(Code 2012, § 13-304)

CHAPTER 6-2 FIRE DEPARTMENT

ARTICLE 6-2A FIRE DEPARTMENT GENERALLY

ARTICLE 6-2B SERVICE OUTSIDE CITY LIMITS

ARTICLE 6-2A FIRE DEPARTMENT GENERALLY

6-2A-1 Department Created; Composition

6-2A-2 Duties Of Department

6-2A-3 Duties Of Chief

6-2A-4 Deputy Chief

6-2A-5 Appointment Of Other Officers And Employees

6-2A-6 Department Property

6-2A-7 Other Rules And Regulations

6-2A-1 Department Created; Composition

There shall be a Fire Department, the head of which shall be the Chief of the Fire Department, appointed by the City Manager for an indefinite term. The Chief of the Fire Department shall be an officer of the City and shall have supervision and control of the Fire Department. There shall be such additional firefighters as may be authorized. All firefighters shall be officers of the City.

(Code 2012, § 13-201)

6-2A-2 Duties Of Department

It is the duty of the Fire Department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate and to administer first aid to persons injured in or about burning structures, or elsewhere in case of an emergency; to promote fire prevention; and, unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire and explosions in theaters, stores, and other public buildings.

(Code 2012, § 13-201)

6-2A-3 Duties Of Chief

The Chief shall be at the head of the Department, subject to the laws of the state, ordinances of the City, and the rules and regulations adopted in this chapter. The Chief shall have the following powers and duties:

- A. Shall be responsible for the general condition and efficient operation of the Department, the training of members, and the performance of all other duties imposed upon him;
- B. May inspect or cause to be inspected by members of the Department, the fire hydrants, cistern and other sources of water supply at least twice each year;
- C. 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;
- D. Shall make every effort to attend all fires and direct the officers and members in the performance of their duties;
- E. Shall see that the citizens are kept informed on fire hazards in the community and on the activities of the Department;
- F. Shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiaries, shall notify proper authorities and secure and preserve all possible evidence for future use in the case;
- G. Is authorized to enter any building or premises in the City at any reasonable hour for the purpose of making inspections and to serve written notice on the owners or occupants to correct any hazards or violations that may be found;
- H. Shall see that complete records are kept of all fires, inspections, apparatus and equipment, personnel and other information of the Department and shall make reports to the City Manager as he may require;
- I. Shall file the appropriate activity report forms with the office of the State Fire Marshal in Oklahoma City on an annual basis. The activity report forms shall be designed by the State Fire Marshal and shall include, but not be limited to, the amount of property and vehicle fire loss, types of fires, inspections and

investigations. The report shall include notification of all fire-related civilian deaths and injuries in the respective jurisdiction and of firefighter deaths in the line of duty and of firefighter injuries in the line of duty requiring the services of a hospital or physician or both.

(Code 2012, § 13-202)

6-2A-4 Deputy Chief

A. *Duties.* In the absence of the Chief, the Deputy Chief on duty shall command the Department and be held responsible therefor in all respects with the full powers and responsibilities of the Chief.

B. *Appointment.* The Deputy Chief shall be appointed by the City Manager.

(Code 2012, § 13-203)

6-2A-5 Appointment Of Other Officers And Employees

Other officers or employees as deemed necessary shall be appointed by the City Manager after consultation with the Fire Chief.

(Code 2012, § 13-203)

6-2A-6 Department Property

A. *Prohibited uses.*

1. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the Department.
2. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the Department unless accompanied by, or having the special permission of, an officer or authorized member of the Department.

B. *Records of inventory.* The Chief shall prepare and keep a complete inventory of all property belonging to the Fire Department, and shall, at the expiration of his term, turn over such inventory and all such property to his successor, together with all books, records, reports and data of the Department.

(Code 2012, § 13-204)

6-2A-7 Other Rules And Regulations

The City Council, by motion or resolution, is hereby authorized to adopt other rules and

regulations governing the Fire Department, and to change them as deemed necessary.

(Code 2012, § 13-205)

ARTICLE 6-2B SERVICE OUTSIDE CITY LIMITS

[6-2B-1 Authority To Contract](#)

[6-2B-2 Payment For Services](#)

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[6-2B-4 Serving In Regular Line Of Duty](#)

[6-2B-5 Agent Of State](#)

[6-2B-6 Rural Fire Dues](#)

6-2B-1 Authority To Contract

The City is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the state for fire protection outside the corporate limits of the City, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the state.

(Code 2012, § 13-220)

6-2B-2 Payment For Services

Any contract entered into by the City with an individual owner, firm, private corporation, or association, for outside aid or mutual aid for fire protection, shall provide for the payment by the owner, firm, private corporation or association, or political subdivision to the City for such fire apparatus and personnel at the rate as set by the City Council. All monies received from the calls shall go into the rural fire fund.

(Code 2012, § 13-221)

Editor's note—See CCC 3-1-2C.

6-2B-3 Distance Limitations

The City Fire Department is hereby authorized and directed to answer all outside calls unless, in the opinion of the Fire Chief, it is inexpedient to do so because of another fire or EMS response in the fire district, broken apparatus, impassable or dangerous highways, or other physical conditions.

(Code 2012, § 13-222)

6-2B-4 Serving In Regular Line Of Duty

All firefighters of the City Fire Department attending and serving at fires or doing fire prevention work outside the corporate limits of the City, as herein provided, shall be

considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the City. The firefighters shall be entitled to all the benefits of any firefighters' pension and relief fund in the same manner as if the firefighting or fire prevention work was being done within the corporate limits of the City.

(Code 2012, § 13-223)

6-2B-5 Agent Of State

The City Fire Department answering any fire alarm or call or performing any fire prevention services outside the corporate limits of the City shall be considered as an agent of the state, and acting solely and alone in a governmental capacity, and the City shall not be liable in damages for any act of commission, omission, or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by virtue of this article.

(Code 2012, § 13-224)

6-2B-6 Rural Fire Dues

The City shall collect rural fire dues in such sums as are set by the City Council by motion or resolution for:

- A. Membership in the rural Fire Department, due on or before February 1 of each year.
- B. Fees for fire calls, however, the member is entitled to one fire run at no charge.
- C. Nonsubscribers to rural fire protection will be charged a separate fee as set by the City Council by motion or resolution per hour, per truck, with a minimum of one hour for all fire runs.
- D. All rural fire dues shall be delivered to the City Treasurer at City Hall.

(Code 2012, § 13-225)

Editor's note—See subsection 3-1-2C of this Code for rural fire fund.

CHAPTER 6-3 SUPPLEMENTAL AMBULANCE SERVICE

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[6-3-4 Supplemental Ambulance Service To Hospital](#)

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[6-3-10 Adjustment Of Ambulance Charges, Appeal](#)

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[6-3-12 Limitation Of Obligation Of City](#)

6-3-1 Purpose

There is hereby established an ambulance service, which consists of the services, equipment, expertise, and costs of the emergency medical services provided by the City. The purpose of the ambulance service is to serve the residents of the City by providing for emergency medical services at a rate equal to contracted rates for private medical insurance coverages or state or federal health care programs and by a monthly fee for each utility customer. The emergency medical services (EMS) provided by this chapter to participants in the ambulance service program shall be deemed a no out-of-pocket service supplemental to private medical insurance coverages or state or federal health care programs.

(Ord. No. 848, § 1(8-501), 1-3-2022)

6-3-2 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ambulance service shall mean the emergency medical services provided by Coweta EMS.

City means the City of Coweta, Oklahoma and/or the Coweta Public Works Authority.

City utility services means the utility services, water, sanitary sewer, solid waste collection or any combination thereof provided by the City to a utility customer.

Commercial property means any property used for commerce of any kind that is not a residential use.

Election period means the month of December immediately preceding the beginning of the next program year.

Emergency medical services means emergency services that provide urgent pre-hospital treatment and stabilization for serious illness and injuries and transport to definitive care.

Landlord means any individual, company, corporation, or other entity that owns or manages single-family and/or multifamily residential properties and leases them to tenants and is responsible for payment of the utility bills for the property.

Multifamily property means a residential property with more than one attached dwelling unit sharing a common wall.

Nursing home means a residential facility providing skilled nursing services, or supportive care, to the aged or infirm.

Program year means the calendar year beginning January 1 and ending December 31.

Single-family property means a residential property with only one dwelling unit per parcel.

Utility customer means the owner, landlord, or tenant responsible for the payment of utility bills at a residential or commercial property that receives City-provided utility services.

Participants means the owner, tenant, or occupant of a single-family property, multifamily property, or nursing home, or their family and relatives permanently residing with such person, that participates in the ambulance service program. Nonresident owners and employees at commercial properties that participate in the ambulance service program may also be considered participants.

Partner utility provider means any provider of domestic water services within the corporate boundaries of the City other than the City.

(Ord. No. 848, § 1(8-502), 1-3-2022)

6-3-3 Creation Of Position Of EMS Supervisor

The position of Emergency Medical Services (EMS) Supervisor is hereby created and established. Such Supervisor is the administrative head of the ambulance service. The duties of the EMS Supervisor shall include:

- A. Providing assistance to the City Clerk's office in all matters relating to billing and collections;
- B. Providing such other duties as may be given or required for the safe, professional operation of the ambulance service;
- C. Making recommendations to the City Manager on all purchases, operational procedures, maintenance and needs of the ambulance service; and
- D. Providing supervision of ambulance service personnel, including paramedics, EMTs and first responders.

(Ord. No. 848, § 1(8-503), 1-3-2022)

6-3-4 Supplemental Ambulance Service To Hospital

Ambulance service will be furnished supplemental to the contracted rates for private medical insurance coverages or state or federal health care programs to all persons eligible for such service, in accordance with this chapter, to the closest adequate hospital when:

- A. Ambulance transportation to a hospital or other place where medical attention is available and is reasonable and necessary;
- B. Illness or injury is determined to be an emergency or when ordered by a physician due to an emergency;
- C. Is for emergency treatment of a person eligible for service; and
- D. When a City EMS unit responds to the emergency and provides the necessary emergency medical services.

(Ord. No. 848, § 1(8-504), 1-3-2022)

6-3-5 Ambulance Service Program And Fee; Eligibility

- A. Every single-family property, multifamily property, and commercial property utility customer within the corporate boundaries of the City, shall have included within their utility bill an ambulance service program fee in an amount established by resolution of the City Council. Landlords of multifamily properties and operators of Nursing Homes shall be billed per month, per occupied residential living unit. There shall be a rebuttable presumption that 75 percent of the total number of residential living units served by a single water connection are occupied. The number of presumed residential units shall be rounded down, but to not less than one.
- B. Single-family property, multifamily property, and commercial property utility customers outside the corporate boundaries of the City, unless an election to the contrary is filed in accordance with this chapter, are deemed to participate in the ambulance service program and shall have included in their utility bill an ambulance service program fee in an amount established by resolution of the City Council.
- C. Landlords of multifamily properties shall provide to the City Clerk, on or before December 31 of the year immediately prior to the beginning of a program year, the total number of residential living units served by a common water connection owned or operated by the person or entity providing the report, which shall be used to determine the occupancy figure set forth in subsection A of this section.
- D. Nonresidents of the City who are employed at a commercial property participating in the ambulance service program are deemed to be participants in the program when emergency ambulance service is necessary and is the result of illness or injury occurring when such employee is located at the participating commercial property.

(Ord. No. 848, § 1(8-505), 1-3-2022)

6-3-6 Election Of Participation

Single-family property, multifamily property, and commercial property utility customers located outside of the corporate boundaries of the City may elect to participate or not participate in the ambulance service program by submitting a signed election on forms provided by the City Clerk. Such forms must be submitted during the election period of the current program year and cannot be retracted by the person so electing until the subsequent election period. Changes resulting from the election of participation shall take effect with the first utility billing cycle following January 1 of the new program year.

(Ord. No. 848, § 1(8-506), 1-3-2022)

6-3-7 Segregation Of Funds For Ambulance Service Program

All monies derived by means of the ambulance service program fee set forth in CCC 6-3-5 are hereby earmarked and segregated for the operations and maintenance of an ambulance service by the City. Also, all other monies derived from or resulting from ambulance services rendered, are hereby earmarked and segregated for the operations and maintenance of an ambulance service by the City.

(Ord. No. 848, § 1(8-507), 1-3-2022)

6-3-8 Costs Of Service For Nonparticipants

All persons who do not participate in the ambulance service program shall pay all charges for such emergency medical services as are set forth by resolution of the City Council. These charges shall include, but not be limited to, load charges, loaded mileage charges, supplies, materials and medication.

(Ord. No. 848, § 1(8-508), 1-3-2022)

6-3-9 Collection Of Ambulance Service Program Fees

- A. The fees for the ambulance service program set forth by resolution of the City Council shall be billed to each utility customer monthly, along with the bill for water and other City utility services and shall include all such penalties as are now or may hereafter be established for utility service bills, and shall carry the same due date as now or may hereafter be established for utility service bills.
- B. In the event any utility account shall become delinquent, water service may be terminated by the City, or by a partner utility provider, 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.

(Ord. No. 848, § 1(8-509), 1-3-2022)

6-3-10 Adjustment Of Ambulance Charges, Appeal

- A. Any person who considers any emergency medical service charges applicable to that person to be inaccurate or erroneous may request review thereof by the EMS supervisor. In addition, any landlord or operator of a nursing home who encounters special circumstances that would justify modifying the number of occupied units determined in accordance with the provisions of CCC 6-3-5A, including, but not limited to, fire, act of God or renovations, may request review by the City Clerk. The determination by the EMS supervisor or the City Clerk may be appealed to the City Manager by written notice of appeal filed with the City Manager within ten days of the original determination.
- B. Any participant currently without coverage through private medical insurance or state or federal health care programs may request a reduction in charges incurred for ambulance services rendered by Coweta EMS by contacting the City Clerk's office in writing.

(Ord. No. 848, § 1(8-510), 1-3-2022)

6-3-11 Subrogation And Assignment

All persons subscribing to the City's ambulance service program shall provide information on their private medical insurance coverage and/or participation in a state or federal health care program upon request. All persons subscribing to, or who by definition are considered participants in the City's ambulance service program and receive services therefrom, shall be deemed to have impliedly agreed to an assignment to the City of all their right and entitlement to the benefits of any private medical insurance or state or federal health care programs attributable to emergency medical services provided by the City pursuant to this chapter. Similarly, all residents of the City subject to the provisions of this chapter shall be obligated to pay for emergency medical services in a sum equivalent to the contracted rate for their private medical insurance coverage. Any person receiving insurance benefits for emergency medical services and failing to pay such to the City shall be liable for the same.

(Ord. No. 848, § 1(8-511), 1-3-2022)

6-3-12 Limitation Of Obligation Of City

Under no condition shall the City be obligated to pay any sum of money to any person eligible for the benefits conferred by this chapter. When any person elects to use any emergency medical service provider other than that provided by the City, the City shall have no liability or obligation to pay such person any benefits therefor. When the City is for any reason unable to provide emergency medical services as contemplated by this

chapter, no person being refused emergency medical services at such time shall be entitled to make any claim or demand against the City or receive any benefits from the City. The operation of the emergency medical service by the City is hereby declared to be a governmental function of the City for the health and welfare of all persons for whom benefits are provided by this chapter.

(Ord. No. 848, § 1(8-512), 1-3-2022)

CHAPTER 6-4 EMERGENCY MANAGEMENT ORGANIZATION

6-4-1 Purpose

6-4-2 Composition Of Organization

6-4-3 Director Of Emergency Management

6-4-4 Emergency Powers And Duties

6-4-5 Compensation; Nonliability Of City

6-4-1 Purpose

The purpose of this chapter is to create an emergency management organization for the City to be prepared for, and to function in the event of, emergencies endangering the lives and property of the people of the City. The duty of the emergency management organization shall be the protection of the lives and health of the citizens of the City and of property rights, both private and public, and to perform all functions necessary and incidental thereto.

(Code 2012, § 13-401; altered in 2023 recodification)

6-4-2 Composition Of Organization

There is hereby established under the executive branch of the government of the City an office of emergency management, which shall consist of:

- A. *Director of Emergency Management.* A Director of Emergency Management who shall be the City Manager or designee;
- B. *Advisory committee.* An Emergency Management Advisory Committee. This Committee shall consist of the Mayor, City Manager, Police Chief, Fire Chief and Public Works Director. The Committee shall function in an advisory capacity on all matters pertaining to emergency management. It shall hold such meetings as are directed by the City Manager; and
- C. *Other committees.* 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.

(Code 2012, § 13-402; altered in 2023 recodification)

6-4-3 Director Of Emergency Management

The Director of Emergency Management shall be the executive head of the office of emergency management, and shall be responsible to the Mayor for carrying out the emergency management program of the City. He shall serve without compensation but may be reimbursed for expenses incurred in the performance of his duties. He shall have all necessary power and authority to form committees or other bodies and to appoint and designate the Chair or chief officer of such bodies as may be necessary to perfect such an organization. He shall coordinate the activities of all organizations for emergency management within the City and shall maintain liaison with and cooperate with emergency management agencies of other governmental units, both within and without the state, including the state and federal governments. He shall have such additional authority, duties and responsibilities as may be authorized by this chapter or other law. The Director shall have general direction and control of the office of emergency management. He is further authorized to formulate written plans and gather information and keep written records thereof to govern the functions of the emergency management organization.

(Code 2012, § 13-403; altered in 2023 recodification)

6-4-4 Emergency Powers And Duties

- A. In the event of any enemy-caused emergency or emergency resulting from natural causes, the Director of Emergency Management, after due authorization from the Mayor, shall have the power and authority to enforce all rules and regulations relating to emergency management and, if necessary, take control of transportation, communications, stocks of fuel, food, clothing, medicine and public utilities for the purpose of protecting the civilian population. He shall cooperate in every way with the activities of other governmental agencies or emergency management organizations and, if required by the Mayor, shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the City.
- B. The Director of Emergency Management and other members of the emergency management organization shall have the power and authority to enforce the laws of the state and the ordinances of the City during the period of emergency and shall, at such times, have the further power to make arrests for violations of such laws or ordinances.

(Code 2012, § 13-405; altered in 2023 recodification)

6-4-5 Compensation; Nonliability Of City

All members of the emergency management organization created pursuant to this

chapter shall serve without compensation, and the City shall not be liable for any personal injury received by any member of such organization while acting in the line of duty.

(Code 2012, § 13-404; altered in 2023 recodification)

CHAPTER 6-5 FIRE CODE AND REGULATIONS

6-5-1 Fire Code Adopted

6-5-2 Enforcement Of Code

6-5-3 Storage Of Flammable Liquids, Liquid Petroleum Gas And Explosives

6-5-4 Authority To Modify

6-5-5 Permits For New Materials, Processes Or Occupancies

6-5-6 Appeals

6-5-7 Open Burning

6-5-8 Public Safety Key Box Access

6-5-9 Penalties

6-5-1 Fire Code Adopted

The International Fire Code, the latest edition thereof, as published by the International Code Council, is hereby adopted as the Fire Prevention Code of the City for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the International Fire Code are hereby referred to, adopted, incorporated and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in this chapter.

(Code 2012, § 13-101)

6-5-2 Enforcement Of Code

- A. The International Fire Code shall be enforced by the City Fire Department, under the supervision of the Chief of the Fire Department. Whenever the term "municipality" is used in the International Fire Code, it means the City. Whenever the term "corporation counsel" is used in the code, it means the City Attorney.
- B. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as may from time to time be necessary.
- C. The Fire Chief shall issue all permits required by this chapter except as may be otherwise provided.

(Code 2012, § 13-102)

6-5-3 Storage Of Flammable Liquids, Liquid Petroleum Gas And Explosives

- A. The City limits are the limits referred to in the International Fire Code in which:
1. Storage of flammable liquids in outside aboveground tanks is prohibited;
 2. New bulk plants for flammable liquids are prohibited;
 3. Bulk storage of liquefied petroleum gas is prohibited; and
 4. Storage of explosives and blasting agents is prohibited.
- B. This section shall not prohibit installations described in subsections A1 and 2 of this section which are in existence at the initial effective date of the ordinance from which this section is derived.

(Code 2012, § 13-103)

6-5-4 Authority To Modify

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

(Code 2012, § 13-104)

6-5-5 Permits For New Materials, Processes Or Occupancies

The City Manager, the Chief of the Fire Department, and one person appointed by the City Council shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies which shall require permits, in addition to those now enumerated in the Fire Code. The Fire Chief shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

(Code 2012, § 13-105)

6-5-6 Appeals

Whenever the Fire Chief or the City Manager shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the City Manager to the City Council within 30 days from the date of the decision appealed.

(Code 2012, § 13-106)

6-5-7 Open Burning

- A. *Permit required.* It shall be unlawful to ignite an open burn in the City limits without first receiving written or verbal permission from the Coweta Fire Chief or his designee. Such permission shall not be unreasonably withheld, however, the applicant is required to request such permission by providing notification to the City Fire Chief at least four hours before the planned ignition of any open burn.
- B. *Prohibited and permitted materials.*
 - 1. Only natural vegetation, originating from the property where the open burn is to occur, may be burned within the City limits.
 - 2. It shall be unlawful to burn manmade materials including, but not limited to, the following: plastics, metals, synthetic materials, wire, or treated lumber.
- C. *Presence of adult.* No open burn shall be permitted at any location in the City where a responsible adult is not present.
- D. *Distance from structures.* Open burning shall not take place within 50 feet of any manmade structure.
- E. *Extinguishing equipment required.* Open burning shall not occur at any location without suitable extinguishing equipment readily available, including, but not limited to, charged water hoses, fire extinguishers, wet burlap bags or shovels.
- F. *Interference with traffic.* Open burning shall not take place in a manner as to diminish traffic visibility on any nearby highway or street or adversely affect the health, safety or welfare of residents in the vicinity of the fire. If, during the open burn, wind conditions unexpectedly change so that traffic visibility is impeded or the health, safety or welfare of residents in the vicinity is threatened, the fire shall be immediately extinguished.
- G. *Hours.* Open burning shall occur only during the hours between dawn and dusk. All open burn fires must be fully extinguished before dark.
- H. *Accelerants.* Diesel fuel or lighter fluid are the only liquid accelerants allowed for the ignition of an open burn, neither of which shall be added after the initial ignition of the fire.

(Ord. No. 802, 6-4-2018)

6-5-8 Public Safety Key Box Access

- A. When used in this section, the term "key box" means a secure rapid entry system that is designed to be used by Fire Department personnel in the event of an emergency to gain entry into a structure or gated area by using the enclosed owner-provided key. This box is usually mounted on the exterior of the building or structure in a location that is specified by the Chief of the Fire Department. All boxes shall be UL (Underwriters Laboratories) certified and approved by the Chief of the Fire Department.
- B. Approved key boxes, those manufactured by Knox Company or those that can be keyed to receive the coded key fitting of other such boxes in the City, shall be installed in an accessible location near the main entrance with respect to all newly constructed commercial, industrial, and gated residential occupancies, and such other existing facilities within the City that require a change of occupancy inspection for those listed occupancies. Such key box shall be accessible by the City Fire/EMS Department and shall contain keys for building access as required by the Chief of the Fire Department.
- C. The Chief of the Fire Department shall maintain a coded key system, with an approved manufacturer of key boxes, allowing all key boxes within the City to be accessible with keys in the possession of the Fire Department.
- D. The following structures shall be equipped with a key box at or near the main entrance or such other location required by the Chief of the Fire Department:
1. All commercial and industrial buildings. The term "commercial and industrial building" means buildings where any industry, trade or business is carried on or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on and where any person is employed by another for direct or indirect gain or profit.
 2. Any building or facility containing a quantity of hazardous materials.
 3. Governmental structures.
 4. Nursing care facilities.
 5. Educational facilities.
 6. All places of assembly.
 7. All gated residential occupancies.
 8. All assisted living facilities.
- E. All newly constructed occupancies listed in subsection D of this section, and those change of use occupancies that are subject to this section shall have the key box installed and operational prior to and a condition of final inspection and occupancy.
- F. The owner, tenant or operator of a structure required to have a key box shall at

all times keep the keys in the key box that will allow for access to the following:

1. Locked points of egress, whether on the interior or exterior of the buildings or structures.
 2. Locked mechanical equipment rooms.
 3. Locked electrical rooms.
 4. Elevator controls.
 5. Other critical areas as directed by the Chief of the Fire Department.
- G. All key boxes shall be recess-mounted into the building/structure at a height of not less than five feet above the ground (surface grade) nor more than eight feet above the ground (surface grade). The face plate of the key box shall be flush with the exterior facade of the structure/building. All key boxes shall be located as close as reasonably possible to the main entrance to the structure/building.
- H. All key boxes shall contain labeled keys, easily identified in the field, to provide access into the property and/or building, and to any locked areas within the building as the Chief of the Fire Department may direct.

(Ord. No. 793, 11-6-2017)

6-5-9 Penalties

- A. Any person who violates any of the provisions of the International Fire Code hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made hereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved hereunder, or any certificate or permit issued hereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed therein, shall severally, for every such violation and noncompliance respectively, be guilty of an offense, punishable as provided in CCC 1-4-1.
- B. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- C. The application of this section shall not be held to prevent the enforced removal of prohibited conditions.

(Code 2012, § 13-108)

CHAPTER 6-6 ANIMAL CONTROL

[ARTICLE 6-6A ANIMAL CONTROL IN GENERAL](#)
[ARTICLE 6-6B DOGS AND CATS](#)

ARTICLE 6-6A ANIMAL CONTROL IN GENERAL

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6-6A-1 Definitions

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

Animal means all vertebrate and invertebrate animals such as, but not limited to, any dog, cat, bovine, cattle, horses and other equines, hogs, goats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons and other fowl or wild mammals, reptiles, fish or birds that have been tamed, domesticated or captured.

Animal control officer means the person or persons designated by the City Manager as an enforcement officer for this chapter.

Animal shelter means any premises officially designated by the City for the purpose of impounding and caring for all animals found in violation of this chapter.

At large means any dog or cat when not under restraint.

Cat means and includes any cat and every other animal of feline species at the age of two months or older which is situated within the City limits for a period of 15 consecutive days or more.

Cattery means any premises operated for profit where there is being maintained or harbored a total of four or more cats, except veterinary hospitals.

Confined on the premises means that condition in which a dog or cat is securely and

physically confined and retained on and within the premises of the owner or keeper by means of walls or fences.

Contracted veterinarian means a licensed veterinarian who has entered into a contract with the City to provide services pertaining to animal control.

Dangerous animal means any animal that, when unprovoked:

- A. Approaches a person in a menacing fashion or apparent attitude of attack on public property;
- B. Has a known propensity, tendency or disposition to attack, cause injury, or otherwise threaten the safety of humans or domestic animals;
- C. Has been, on three or more occasions, at large; or
- D. Is unlicensed.

Dog means any dog or other animal of the canine species at the age of two months or more which is situated within the City limits for a period of 15 days or more.

Harboring means any person who allows any animal to habitually remain or lodge or to be fed within his home, store, yard, enclosure or place of business or any other premises in which such person resides or controls, shall be considered as "harboring" such animal.

Kennel means any premises operated for profit where there is being maintained or harbored more than five dogs or cats, or combination of both, aged over three months, except veterinary hospitals.

Owner means any person or group of persons possessing, keeping, harboring, having an interest in or having custody or control of an animal.

Restraint means a dog or cat if he is controlled by a leash not more than eight feet in length or is at heel beside a competent person and obedient to that person's commands or confined on the premises of his owner or keeper.

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

Unconfined dangerous animal means a dangerous animal that is not:

- A. Securely confined indoors on the premises of the owner;
- B. Confined in a securely closed and locked pen or structure upon the premises of the owner;
- C. Chained by a chain which will not allow it to come within six feet of a fence

which prevents the entry of young children on the premises of the owner; or

- D. On the owner's premises, unless such animal is securely chained or leashed and muzzled and under the owner's physical control.

Unconfined vicious animal means a vicious animal that is not:

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

Vicious animal means:

- A. Any animal which has, on two or more occasions, attacked or bitten either a human or a domestic animal; or
- B. An animal that has been adjudicated to be vicious and is either unlicensed or unconfined.

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

(Code 2012, § 4-101)

6-6A-2 Certain Animals Prohibited; Exceptions

- A. It is unlawful for any person to keep any swine, cattle, horse, mule, goat, sheep, livestock, fowl or exotic animal, as provided in CCC 6-6A-9, within the City, except in the following circumstances:
 - 1. Those instances in which animals are kept in an enclosure awaiting an immediate transportation;
 - 2. Those instances in which animals do not remain in the City for a period longer than 72 hours;
 - 3. Those instances in which animals are kept on properties properly zoned for agricultural (AG) use by the City; or
 - 4. Those instances in which not more than 12 hens (chickens) are kept in a pen or enclosure on a property zoned for single-family residential use (RS-1, RS-2, or RS-3) by the City. The maximum number of hens allowed on any one property shall be calculated by dividing the square footage of the pen or enclosure by 6,000 and multiplying the quotient by 12. The result shall be rounded up to the nearest whole number to

determine the maximum number of hens allowed, but in no case more than 12.

- a. No hens are allowed within the City unless a valid permit has been issued by the City. Application for said permit must be accompanied by a site plan detailing the square footage of the proposed pen or enclosure and distance from the outside wall of the enclosure to the nearest neighboring residence.
- b. Enclosures must provide protection from the elements for the hens, must be kept in a neat and clean manner at all times and may not generate offensive odors.
- c. In no instance shall a rooster be allowed in any zoning district in the City.
- d. Outside slaughtering of chickens shall not be allowed.
- e. Enclosures must be located in the back yard of the property within a pen that is fully enclosed by chainlink or privacy fencing. Enclosures must be at least 25 feet from the nearest neighbor's residence. The square footage of pens for the purposes of this section may include the side yard if fully enclosed.
- f. Enclosures shall be considered accessory structures and must meet the requirements of such in the Coweta Zoning Code for the zoning district in which it is located.
- g. This section is not intended to apply to indoor birds kept as pets, such as parrots or parakeets, nor does it apply to poultry kept in agriculturally zoned areas (AG). Chickens currently existing in the City shall not be grandfathered or permitted to remain after the effective date of the ordinance from which this section is derived; however, owners of noncompliant chickens will have 90 days from said effective date to come into compliance with this section.

B. The keeping or maintaining, or permitting to be kept or maintained, of any of the animals listed in subsection A of this section within the City in violation of this section is hereby declared to be a public nuisance.

(Code 2012, § 4-105; Ord. No. 865, § 1, 11-7-2022)

6-6A-3 At-Large Animals

A. *Prohibited.* No owner shall permit any animal (including a dog, cat or fowl) owned, harbored, or kept by him to be at large within the City. It is unlawful for any animal to be at large at any time within the City.

- B. *Turning animals at large prohibited.* It is unlawful for any person to open any enclosure in which any animal is confined as required by ordinance so as to turn the animal at large or in any manner to turn the animal at large.

(Code 2012, §§ 4-102, 4-103)

6-6A-4 Pasturing In Public Areas

It is unlawful for any person to stake, confine or pasture any animal on any public school grounds or other public property, federal, state, City or other, on any railroad right-of-way, or on any property without the consent of the person owning or controlling such property.

(Code 2012, § 4-104)

6-6A-5 Animal Houses

- A. *Location.* No building, structure, chicken coop, dovecote, rabbit warren, yard or other establishment wherein animals are kept shall be maintained closer than forty feet to any tenement, business or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept. Such premises shall be maintained in a clean and sanitary condition, free from objectionable odors.
- B. *Sanitary premises.* Every stable or building wherein any animal is kept within the City shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times and not be offensive or dangerous to the public health.
- C. *Manure receptacle required.* Every stable or building, if located within 200 feet of any apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious, or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a watertight and flytight receptacle for manure or droppings, of such size as to hold all accumulations of manure or droppings. The receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure or droppings shall be allowed to accumulate on such premises except in the receptacle.
- D. *Inspections and enforcement.* The Animal Control Officer, upon complaint of any person, shall inspect any structure or place where an animal is kept, and may do so on his own initiative. He may issue any such reasonable order as he may deem necessary to the owner of the animal to cause the animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance. He

may make a complaint before the Municipal Judge against any person for violation of any provision of this chapter or of any such reasonable order, but this procedure shall not abridge the right of others to make such complaint.

(Code 2012, §§ 4-107, 4-108)

6-6A-6 Nuisance Animals

A. Nuisance declared.

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

B. Nuisances prohibited. It is unlawful to own or harbor an animal which is determined to be a nuisance.

(Code 2012, § 4-109)

6-6A-7 Noisy Animals

It is unlawful for any person to keep or harbor within the City any dog or other animal which, by barking, howling, crowing or otherwise, disturbs the peace and quiet of any person.

(Code 2012, § 4-106)

6-6A-8 Vicious, Dangerous Animals

A. Confinement required.

1. It is unlawful for the owner of a dangerous animal to permit the animal to be unconfined.
2. It is unlawful for the owner of a vicious animal to permit the animal to be unconfined.

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

C. *Permit and insurance requirements.*

1. *Dangerous animals.* Owners of animals that have been adjudicated to be dangerous animals must purchase a permit in such sum as set by the City Council from the City Clerk and provide proof of liability insurance issued in the amount of at least \$20,000.00, insuring the owner for any personal injuries or property damage inflicted by the dangerous animal.
2. *Vicious dogs.* Owners of dogs that have been adjudicated to be vicious animals must purchase a permit from the City Clerk and provide proof of liability insurance issued in the amount of at least \$50,000.00, insuring the owner for any personal injuries or property damage inflicted by the vicious dog.

(Code 2012, § 4-110)

6-6A-9 Wild, Exotic Or Dangerous Animals

- A. *Definition.* For the purpose of this section, the term "a wild, exotic or dangerous animal" means an animal of the larger variety which is usually not a domestic animal and which can normally be found in the wild state, with or without mean or vicious propensities, including, but not limited to, lions, tigers, leopards, panthers, bears, wolves, alligators, crocodiles, apes, foxes, elephants, rhinoceroses and all forms of poisonous snakes, lynxes, raccoons, skunks, monkeys, and other like animals.
- B. *Prohibited.* It is unlawful to keep or harbor any wild, exotic or dangerous animal in the City or for display or for exhibition purposes, whether gratuitously or for a fee, except as provided in subsection C of this section.
- C. *Exemptions.* This section shall not apply to such animals kept for temporary periods of time for exhibition purposes only, by circuses, zoos, and educational institutions. The term "temporary periods of time," as used in this subsection, shall be defined as, and shall be limited to, a period of time not to exceed one week per year, per applicant.

(Code 2012, § 4-150)

6-6A-10 Impoundment And Redemption Provisions

- A. *Animal shelter.* A City animal shelter is hereby established under the jurisdiction of the Police Department. It shall be under the immediate control of an Animal

Control Officer or of such other person as may be officially designated. The person in charge of the shelter 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 shelter maintained by the agency.

- B. *Authority to impound.* The Animal Control Officer, a police officer, or such other officer or employee of the City as may be authorized by the City Manager shall take into custody and impound any animal running at large or in violation of any provision of this chapter and may enter upon the premises of the owner or other private premises to take such animal into custody.
- C. *Records kept; notice of impoundment; destruction of impounded animal.* Animals taken into custody as provided in this section, shall be destroyed in a humane manner by the officer or employee of the City in charge of such animal, or by the Animal Control Officer or contracted veterinarian, after 72 hours have elapsed after taking the animal into custody, provided the animal is not redeemed or claimed as provided in this section. A description of the animal, the date impounded and the place of impoundment shall be kept by the pound officer or other officer in charge. If the owner can be identified by tag or otherwise, the Animal Control Officer shall send notice to the owner orally by telephone or in writing at the address on the City's registration records that, unless claimed by the owner, the animal will be disposed of as provided herein.
- D. *Impoundment fees.*
1. The City Council, by motion or resolution, shall determine the fees to be charged for impounding and keeping animals. In computing the fee, a fraction of a day during which an animal has been fed shall be deemed a full day.
 2. Any person redeeming an impounded animal shall pay the required fees to the City Clerk and present his receipt therefor to the person in charge of the pound before the latter releases the animal.
- E. *Unlicensed dogs and cats.* Any person redeeming a dog or cat not licensed as required by this article shall pay the required license tax to the City Clerk and secure a tag and present the receipt therefor and the tag to the person in charge of the pound before the latter releases the dog or cat. If a dog or cat has been licensed but is not wearing the tag, the person in charge of the pound shall require adequate evidence of the proper licensing of the dog or cat before releasing it.
- F. *Redemption of impounded animal.* An owner of an impounded animal or agent may redeem the animal, prior to its sale or destruction as provided herein, by paying the required fees against the animal and meeting any other requirements which may be prescribed in this section. However, when, in the judgment of the Animal Control Officer, an animal should be destroyed for humane reasons, such animal may not be redeemed.

G. Sale or destruction of animal.

1. As soon as practicable after any animal of apparent value has been impounded, the Animal Control Officer or other employee or officer impounding the animal shall inform the Chief of Police; and the Chief of Police shall thereupon post a notice thereof at the police office of the City. The notice shall describe the animal and notify the owner to pay the charges thereon and remove the same prior to a designated time. The notice shall also state that, unless the animal is redeemed, the animal will be sold or destroyed.
2. Sales herein provided for shall be for cash and shall be conducted by or under the direction of the Chief of Police. If an impounded animal cannot be sold, the Chief shall destroy the animal, or have it destroyed, in a humane manner, or otherwise dispose of it in a legal manner.
3. The purchaser of an animal at a sale held as provided herein shall acquire absolute title to the animal purchased.
4. The Police Department shall pay to the City Clerk all monies received from the sale of impounded animals on the day it is received or on the next day upon which the office of the City Clerk is open for business.

H. *Owner may claim excess money.* The owner of an impounded animal sold as provided herein may claim the excess of the sale price of the animal above the fees for impounding and keeping the same and a fee as set by the City Council by motion or resolution to reimburse the City for any expense it has had in making the sale, at any time within three months after the sale. If a claim is so made and approved by the Council, the City Clerk shall pay him such excess. If a claim is not made, the excess shall belong to the City.

I. *Breaking shelter; interfering with enforcement officer.* No unauthorized person shall:

1. Break or attempt to break open the shelter, or take or let out any animal therefrom;
2. Take or attempt to take from any officer or employee of the City any animal taken into custody as provided by this chapter; or
3. In any manner interfere with or hinder an officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals as provided in this section.

(Code 2012, §§ 4-130, 4-132)

6-6A-11 Rabies Control

A. Proclamation of rabies outbreak; confinement of animals.

1. When the Health Officer or Animal Control Officer determines and certifies that a dog, a cat, or other animal in the City or within five miles of the City is or was infected with rabies and that an epidemic of rabies threatens the City, the City Council, by resolution, may order all dogs to be confined, and if deemed desirable, all cats to be confined, during a period of time to be determined by the Council and within such radius of the City as determined by the Council. Such resolution, or an adequate notice of its passage, shall be published in a newspaper of general circulation within the City and shall go into effect on the day following such publication unless the resolution prescribes a later time.
2. The City Manager, when he deems it necessary due to health, safety and welfare conditions, may order emergency confinement of animals in the City or a one-mile radius thereof. Such order shall not be effective for a period of more than ten days. Notice of the order shall be by posting a copy thereof in at least three places in the City. One of such places shall be the City Hall.
3. While any such resolution or order is in effect, it is unlawful for any owner to permit a dog or cat to be at large in violation of such resolution or order.
4. The resolution or order may be enforced by the Animal Control Officer, the Health Officer or any police officer of the City.

B. Animals that bite; confinement.

1. Any person owning, harboring, or keeping an animal, including a dog, cat, or other domestic pet, which, in the preceding ten days, has bitten any person shall, upon receipt of written or oral notice by the Health Officer or his designated representative or the City Animal Control Officer, place such animal in confinement under the supervision of a licensed veterinarian for a period of ten days from the date the person was bitten.
2. It is the duty of the veterinarian in whose supervision the animal is placed to keep the animal isolated in a separate pen or kennel and under observation for any symptoms of rabies. The veterinarian shall report immediately to the Health Officer or the Animal Control Officer any changes occurring in the condition of the animal. In the event the animal dies or develops rabies-like symptoms within the specified period of confinement, the animal head shall be removed immediately and packed in a shipping container in accordance with instructions published by the State Commissioner of Health and sent to the State Department of Health for examination.

3. In the event there is not a licensed veterinarian to provide supervision for isolation and observation of the suspect animal within the county or where, in the opinion of the Health Officer or Animal Control Officer, the person owning, keeping or harboring the suspect animal will pay for expenses, such person shall, in accordance with instructions received from the Health Officer, his designated representative, or Animal Control Officer, keep the suspect animal securely penned and shall immediately advise the Health Officer or Animal Control Officer of any changes occurring in the condition of the animal. In the event of the animal's death or illness, the person so designated as responsible for the animal shall immediately notify the Health Officer or Animal Control Officer and make arrangements for removal of the animal's head, properly packing it in a shipping container and shipping it to the State Department of Health.

C. Unimmunized animals.

1. *Dogs or cats.* Any domestic dog or cat which is not effectively immunized against rabies virus encephalitis and is exposed to rabies through a rabid animal shall be destroyed immediately either by the veterinarian in charge or by the local Animal Control Officer or his agent or such nonimmunized, rabies-exposed dog or cat shall be strictly quarantined and observed for a period of six months by either a veterinarian or by the local Animal Control Officer or agent. Such animal shall be immunized against rabies at least 30 days prior to release. Expenses of quarantine and immunization shall be borne by the owner or other person responsible for the animal.
2. *Other animals.*
 - a. Any domestic animal other than a dog or cat which is not immunized against rabies and is exposed to a rabid animal shall be immediately reported to the rabies control division of the State Department of Health for consultation concerning disposition of that animal.
 - b. Any person who owns an animal which bites or attacks any person shall be liable to the City for any reasonable and necessary medical or veterinarian expenses incurred by the City.
 - c. The Chief of Police shall be empowered to order the destruction of any animal, upon notice to its owner, if necessary for the health and safety of the public. Notice may be made by posting an order of destruction at the residence of the owner.
3. *Unavailable biting animals.* Any unimmunized domestic animal which is exposed to a wild skunk, bat or carnivore and the biting animal has escaped or is not available for laboratory study, shall be considered

exposed to rabies and shall be dealt with according to subsections B3 and F of this section.

- D. *Re-immunization of vaccinated exposed animals.* Any effectively immunized domestic animal which is exposed to a rabid animal shall be immediately re-immunized and restrained by leashing and confinement for a period of at least 90 days.
- E. *Responsibility for fees.* Payment of any fees incurred and cost of boarding the animal shall be the responsibility of the person owning, keeping, or harboring the animal.
- F. *Enforcement.* It is the duty of the Animal Control Officer to enforce these regulations, and in instances where responsibility for the suspect animal cannot be determined or established, he shall make arrangements for the isolation and observation of the animal.

(Code 2012, §§ 4-170–4-179)

6-6A-12 Treatment And Care Of Animals

- A. *Cruelty to animals.* It is unlawful for any person willfully and maliciously to pour onto or apply to an animal any drug or other thing which inflicts pain on the animal or knowingly to treat an animal in a cruel or inhumane manner or knowingly to neglect an animal belonging to him or in his custody in a cruel or inhumane manner.
- B. *Poison and poisonous substances.*
 - 1. It is unlawful for a person willfully to poison any dog or other animal except a noxious, nondomesticated animal, or knowingly to expose poison so that the same may be taken by such an animal.
 - 2. It is unlawful for any person to set out, dispose of, cause or permit any animal to be exposed to any drug, chemical or other substance whatever, in any open place, whether public or private property, when such substances are poisonous or capable of causing the death of or dangerous sickness to any domestic or household animal.
- C. *Encouraging fights.* It is unlawful for any person to instigate or encourage a fight between animals; or to encourage one animal to attack, pursue or annoy another animal, except a noxious, nondomesticated animal; or to keep a house, pit or other place used for fights between animals.
- D. *Abandonment.* It is unlawful for any person to deposit within the limits of the City any animal or animals with the intention of abandoning the same.
- E. *Inhumane treatment.*

1. It is unlawful to carry out inhumane treatment against any animal. The term "inhumane treatment" means and includes, but is not limited to, the following:
 - a. Any physical punishment inconsistent with the health of such animal;
 - b. Lack of food or water for more than a 24-hour period;
 - c. Knowingly permitting obvious nutritional deficiencies or other evident health problems involving any animal;
 - d. Improper use of any collar or harness or a fixed leash for the purpose of confining any animal which results in flesh laceration, obvious pain or causing choking of such animal;
 - e. Depriving the animal of adequate shelter; and
 - f. Inhumane killing or attempting to kill any animal.
2. Upon conviction of a violation of this chapter for inhumane treatment to any animal, it is unlawful for the owner or keeper of such animal to not release such animal kept in inhumane conditions to an Animal Control Officer for disposition in accord with the provisions of this chapter.

(Code 2012, §§ 4-140--4-143)

6-6A-13 Zoning Regulations Prevail

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

(Code 2012, § 4-160)

6-6A-14 Penalties

- A. Any person, firm or corporation who violates any provision of this chapter, or who violates or refuses or neglects to carry out any reasonable order made by the Health Officer pursuant to this chapter, shall, upon conviction thereof, be fined or imprisoned as provided in CCC 1-4-1.
- B. Additionally, the City Animal Control Officer shall have the authority to issue citations for offenses and, in his/her discretion, may issue a citation with preset fines for the first offense, second offense and third offense. The fines shall be established and approved by City Council.
- C. The Animal Control Officer shall have the discretion, in lieu of issuing a citation

with a preset fine, of filing an offense report with the City prosecutor whereupon a determination can be made as to whether summons shall be issued, in which case, the preset fines set forth in subsection B of this section shall not be applicable.

- D. The penalties provided herein shall be in addition to other remedies available to the City, and aggrieved persons and shall not be construed as exclusive.

(Code 2012, § 4-180)

ARTICLE 6-6B DOGS AND CATS

[6-6B-1 Rabies Vaccination Required](#)

[6-6B-2 License Fee And Registration](#)

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[6-6B-4 Nuisance, Potentially Dangerous And Dangerous Dogs](#)

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6-6B-1 Rabies Vaccination Required

The owner of a dog or cat over six months of age shall have the dog or cat vaccinated against rabies by a veterinarian or other authorized person every calendar year before December 31, or in the case of a puppy or kitten, before it is six months old. The person vaccinating the dog or cat shall furnish the owner a certificate of vaccination.

(Code 2012, § 4-120)

6-6B-2 License Fee And Registration

- A. A fee, as set by the City Council, per year for every male or female dog or cat more than three months of age is hereby levied upon the owner of any such dog or cat kept or harbored within the City.
- B. The fee levied in this section shall not apply to a dog or cat only temporarily brought and kept within the City for a period less than 15 days, nor to a dog or cat brought within the City to participate in a dog or cat show, nor to a guide dog when such dog is actually being used for the purpose in which it was trained, nor to dogs or cats being kept in kennels or pet shops for sale.
- C. The owner shall pay the fee levied to the City Clerk or contracted veterinarian for every calendar year at the following times:
1. Before January 1 of each calendar year; or
 2. If the dog or cat is acquired or brought in the City after January 1 or becomes six months of age after January 1, within 15 days after acquiring or bringing the dog or cat into the City or it's becoming six

months of age. The fee for part of the year may be prorated based on the number of days left in the year, but in no instance shall the fee be less than one-half the annual rate.

- D. Before the City or contracted veterinarian accepts any money offered in payment of the fee for a dog or cat or issues a license for it, the person offering the fee shall present to the City Clerk the certificate of a veterinarian or other person legally authorized to immunize dogs or cats, showing that the dog or cat has been immunized against rabies during the calendar year, that is, since the preceding December 31.
- E. The owner of the dog or cat shall, at the time of paying the fee, register the dog or cat by giving the name and address of the owner, the name, breed, color and sex of the dog or cat, and such other reasonable information as the City Clerk or contracted veterinarian may request.
- F. The City Clerk or contracted veterinarian thereupon shall deliver an original receipt to the fee payer and also an appropriate tag to him for the dog or cat. Such tag shall constitute a license for the dog or cat.

(Code 2012, § 4-121)

6-6B-3 License Tags

- A. *Placement on collar.* The owner shall cause the tag received from the City Clerk or contracted veterinarian to be affixed to the collar of the dog or cat upon which the tax has been paid so that the tag can easily be seen by officers of the City. The owner shall see that the tag is so worn by the dog or cat at all times.
- B. *Lost tags.* In case the tag is lost before the end of the year for which it was issued, the owner may secure another by applying to the City Clerk or contracted veterinarian, presenting to him the original receipt, and paying to him a fee as set by the City Council.
- C. *Counterfeit, improper use of tags.* No person shall counterfeit or attempt to counterfeit any tag issued for a dog or cat as provided in this article or take from any dog or cat a tag legally placed upon it, or place such tag upon a dog or cat for which the tag was not specifically issued.

(Code 2012, §§ 4-122, 4-123)

6-6B-4 Nuisance, Potentially Dangerous And Dangerous Dogs

- A. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous dog means any dog that:

1. Has inflicted severe injury on a human being on public or private property without provocation;
2. 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
3. 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.

Nuisance dog means any dog that:

1. Engages in any behavior that requires a defensive action by any person to prevent bodily injury;
2. When unprovoked, chases or approaches a person, including a person on a bicycle, in an apparent attitude of attack;
3. 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;
4. 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; or
5. Engages in loud, frequent or habitual barking, howling, yelping or other noise or action that disturbs any person or neighborhood within the City limits.

Potentially dangerous dog means any dog that:

1. When unprovoked, either on public or private property, inflicts bites on a human; or
2. When unprovoked, either on public or private property, kills or severely injures a domestic animal.

B. *Prohibited.* 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 a potentially dangerous or dangerous dog.

C. *Enforcement.* A police officer or Animal Control Officer of the City, or any citizen, may initiate a Municipal Court proceeding to determine whether a dog is a nuisance, potentially dangerous or dangerous 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, dangerous or potentially dangerous, may order:

1. The payment of court costs and fines in the maximum amount allowed by law.
2. The installation of fencing, restraints, or enclosures in such a manner to provide the degree of protection warranted by the danger presented.
3. The owner to obtain a policy of liability insurance in the amount deemed necessary to protect the public from any injuries inflicted on the public by the dog.
4. The removal of the dog from the City limits.
5. The confiscation and/or destruction of the dog.

(Code 2012, § 4-414)

6-6B-5 Female Dogs Or Cats In Season

It is unlawful for the owner to fail to keep any female dog or cat which is in season under restraint.

(Code 2012, § 4-111)

6-6B-6 Kennels

- A. It is unlawful for any person to keep more than five dogs or cats, or combination of both, provided such combination does not collectively exceed five in number, over three months of age within the limits of the City, unless the property on which the dogs or cats are kept is being used as a kennel and the property has received the necessary specific use permit for the operation of said kennel.
- B. Any person who is not in compliance with subsection A of this section shall be permitted a reasonable amount of time needed to procure a zoning permit for kennels and thereafter, shall be subject to the provisions of subsection A of this section.
- C. Any person who violates subsection A of this section shall, upon conviction thereof, be punishable as provided in CCC 1-4-1. Every day's violation of any provision of this section constitutes a separate offense.
- D. For the purpose of this section, the term "person" means any natural person or sum total of individuals who occupy, in common, a dwelling located at one residential address.

(Code 2012, § 4-112; Ord. No. 847, § 1, 9-13-2021)

6-6B-7 State Sterilization Regulations Adopted

The City hereby adopts in its entirety 4 O.S. §§ 499 through 499.10, the Dog and Cat Sterilization Act, which became effective November 1, 1986, and all amendments thereto; with the exception, that deposits, fees and penalties in reference to the Act shall be set and approved by motion or resolution of the City Council.

(Code 2012, § 4-113)

CHAPTER 6-7 DISCRIMINATION IN HOUSING

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6-7-1 City Policy

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

(Code 2012, § 12-901)

6-7-2 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Discriminatory housing practice means an act that is unlawful under subsection 6-7-3B and CCC 6-7-4 and 6-7-5.

Dwelling means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

Family means and includes a single individual.

Person means and includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

To rent means and includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(Code 2012, § 12-902)

6-7-3 Discrimination In The Sale Or Rental Of Housing

A. Application of provisions; exemptions.

1. Subject to the provisions of subsection A2 of this section and CCC 6-7-6, the prohibitions against discrimination in the sale or rental of housing set forth in this section shall apply to all dwellings except as exempted by subsection A2 of this section.
2. Nothing in subsection B of this section shall apply to:
 - a. Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three such single-family houses at any one time; provided, further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection A2a shall apply only with respect to one such sale within any 24-month period; provided, further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time; provided, further, that the sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented:
 - (1) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesperson, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesperson, or person; and
 - (2) Without the publication, posting or mailing, after notice, of

any advertisement or written notice in violation of subsection B3 of this section. However, nothing in this subsection shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

- b. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his/her residence.
3. For the purpose of subsection A2 of this section, a person shall be deemed to be in the business of selling or renting dwellings if:
- a. He/she has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;
 - b. He/she has, within the preceding 12 months, participated as an agent, other than in the sales of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or
 - c. He/she is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

B. *Prohibitions.* As made applicable by subsection A of this section and except as exempted by subsection A2 of this section and CCC 6-7-6, it shall be unlawful:

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

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

(Code 2012, §§ 12-903, 12-904)

6-7-4 Discrimination In Financing

It shall be unlawful for any bank, building or loan association, insurance company or other corporation, association, firm or enterprise, whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, construction, improving, repairing, or maintaining a dwelling, or to discriminate against him/her in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, sex, color, religion, national origin, handicap, or familial status of such person or of any person associated with him in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given, provided that nothing contained in this section shall impair the scope or effectiveness of the exception contained in CCC 6-7-3A2.

(Code 2012, § 12-905)

6-7-5 Discrimination Regarding Brokerage Services

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

(Code 2012, § 12-906)

6-7-6 Exemptions

Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons,

unless membership in such religion is restricted on account of race, sex, color, national origin, handicap, or familial status; nor shall anything in this chapter prohibit a private club not in fact open to the public, which, as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(Code 2012, § 12-907)

6-7-7 Administration

- A. The authority and responsibility for administering this chapter shall be in the City Manager.
- B. The City Manager may delegate any of these functions, duties, and powers, to employees of the City or to boards of such employees, including function, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this chapter. The City Manager shall, by rule, prescribe such right of appeal from the decisions of his/her hearing examiners or to himself/herself, as shall be appropriate and in accordance with law.
- C. All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the City Manager to further such purposes.

(Code 2012, § 12-908; altered in 2023 recodification)

6-7-8 Education And Conciliation

Immediately after the effective date of the ordinance from which this section is derived, the City Manager shall commence such educational and conciliatory activities as will further the purpose of this chapter. He/she shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor, with their advice, to work out other programs of voluntary compliance and of enforcement.

(Code 2012, § 12-909; altered in 2023 recodification)

6-7-9 Enforcement: Complaints

- A. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter, person aggrieved) may file a complaint with the City Manager. Complaints shall be in writing and shall

contain such information and be in such form as the City Manager requires. Upon receipt of such complaint, the City Manager shall furnish a copy of the same to the persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within 30 days after receiving a complaint, or with 30 days after the expiration of any period of reference under subsection C of this section, the City Manager shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the City Manager decides to resolve the complaints, he/she shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the City Manager who shall make public any information in violation of this subsection shall be, upon conviction, fined not more than \$500.00.

- B. A complaint under subsection A of this section shall be filed within 180 days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the City Manager, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.
- C. If, within 30 days after a complaint is filed with the City Manager, the City Manager has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within 30 days thereafter, file a complaint with the secretary of the Department of Housing and Urban Development. The City Manager will assist in this filing.
- D. If the City Manager has been unable to obtain voluntary compliance within 30 days of the complaint, the persons aggrieved may, within 30 days thereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.
- E. In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.
- F. Whenever an action filed by an individual shall come to trial, the City Manager shall immediately terminate all efforts to obtain voluntary compliance.

(Code 2012, § 12-910)

6-7-10 Investigations; Subpoenas And Evidence

- A. In conducting an investigation, the City Manager shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation; provided, however, that the City Manager first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The City Manager may issue subpoenas to complete his access to or the production of such materials, or the appearance of such person, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations that would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The City Manager may administer oaths.
- B. Upon written application to the City Manager, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the City Manager to the same extent and subject to the same limitation as subpoenas issued by the City Manager himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were used at his request.
- C. Witnesses summoned by subpoena of the City Manager shall be entitled to the same witness and mileage fees as are witnesses in proceedings in the United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him/her.
- D. Within five days after service of a subpoena upon any person, such person may petition the City Manager to revoke or modify the subpoena. The City Manager shall grant the petition if he/she finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.
- E. In case of contumacy or refusal to obey a subpoena, the City Manager or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served or transacts business.
- F. Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the City Manager shall be fined not more than \$500.00.
- G. The City Attorney shall conduct all litigation in which the City Manager participates as a party or as amicus pursuant to this chapter.

(Code 2012, § 12-911)

6-7-11 Enforcement By Private Persons

- A. The rights granted by CCC 6-7-3, 6-7-4 and 6-7-5 may be enforced by civil action in state or local courts of general jurisdiction. A civil action shall be commenced within 180 days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue such civil case brought pursuant to this section or CCC 6-7-9D from time to time before bringing it to trial if the court believes that the conciliation efforts of the City Manager are likely to result in satisfactory settlement of the discriminatory housing practice complaint made to the City Manager are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the City Manager and which practice forms the basis for the action in court; and provided, however, that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this chapter, and involving a bona fide purchaser, encumbrancer or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this chapter shall not be affected.
- B. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than \$1,000.00 punitive damages, together with court costs and reasonable attorney fees, and in the case of a prevailing plaintiff, provided that the plaintiff, in the opinion of the court, is not financially able to assume said attorney fees.

(Code 2012, § 12-912)

6-7-12 Interference, Coercion Or Intimidation Prohibited

- A. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by CCC 6-7-3, 6-7-4, or 6-7-5. This subsection may be enforced by appropriate civil action.
- B. Within available resources, the City will assist all persons who feel they have been discriminated against because of race, color, religion, sex, national origin, disability or familial status to seek equity under federal and state laws by filing a complaint with the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Compliance Division.
- C. The City shall publicize this chapter and through this publicity shall encourage owners of real estate, developers, and builders to become aware of their

respective responsibilities and right under the Federal Fair Housing Law and amendments, and any applicable state or local laws or ordinances.

D. The program will, at a minimum, include:

1. The printing and publicizing of this policy and other applicable fair housing information through local media and community contracts;
2. Distribution of posters, flyers and other means that will bring to the attention of those affected the knowledge of their respective responsibilities and rights concerning equal opportunity in housing; and
3. Prepare an analysis of impediments to fair housing choices and actions to mitigate such impediments.

(Code 2012, §§ 12-913, 12-915; altered in 2023 recodification)

CHAPTER 6-8 UNCLAIMED PROPERTY

6-8-1 Delivery Of Property; Recordkeeping

6-8-2 Disposition Of Unclaimed Property

6-8-3 Property Found By Private Person

6-8-4 Recovery By Owner

6-8-1 Delivery Of Property; Recordkeeping

All personal property which comes into the possession of any police officer, which has been found or stolen or taken off the person or out of the possession of any prisoner or person suspected of, or charged with, being a criminal, and which is not known to belong to some person laying claim thereto, shall be, by the officer securing possession thereof, delivered into the charge of the Chief of Police. The Chief shall, in a permanent record book kept for that purpose, make a record sufficient to identify the property, with the date and circumstances of the receipt thereof, the name of the person from whom it was taken and the place where it was found; and the record shall also disclose the subsequent disposal thereof, giving the date of sale, name and address of the purchaser, and the amount for which it was sold.

(Code 2012, § 13-501)

6-8-2 Disposition Of Unclaimed Property

Any unclaimed personal property, other than animals, which remains in the possession of the Chief of Police may be disposed of in compliance with 11 O.S. § 43-104, as amended.

(Code 2012, § 13-502; altered in 2023 recodification)

6-8-3 Property Found By Private Person

Any personal property found by a person other than a public official or employee, which is delivered to any police officer for identification, if not claimed or identified within 30 days, shall, within ten additional days thereafter, if requested by the finder, be returned to him, and a record of such disposal made thereof. If the finder does not request return of the property to him within such additional ten days, then the Chief of Police shall sell the property in the manner required by law as if it had been found by a public official or employee or, on instruction by the City Manager, deliver it to some department or office of the City government for its use.

(Code 2012, § 13-503)

6-8-4 Recovery By Owner

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

(Code 2012, § 13-504)

TITLE 7 OFFENSES AND CRIMES

CHAPTER 7-1 OFFENSES AND CRIMES GENERAL PROVISIONS

CHAPTER 7-2 OFFENSES INVOLVING PROPERTY

CHAPTER 7-3 OFFENSES INVOLVING PERSONS, HEALTH AND MORALS

CHAPTER 7-4 OFFENSES AGAINST THE PEACE

CHAPTER 7-5 OFFENSES INVOLVING ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

CHAPTER 7-6 OFFENSES INVOLVING PUBLIC AUTHORITY

CHAPTER 7-7 MINORS

CHAPTER 7-8 FIREWORKS AND EXPLOSIVES

CHAPTER 7-9 WEAPONS CONTROL

CHAPTER 7-1 OFFENSES AND CRIMES GENERAL PROVISIONS

7-1-1 Attempt To Commit An Offense

7-1-2 Aiding In An Offense

7-1-3 Penalty

7-1-1 Attempt 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 punishable in the manner prescribed for the attempted offense itself.

(Code 2012, § 10-101)

7-1-2 Aiding In An Offense

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

(Code 2012, § 10-102)

7-1-3 Penalty

Any violation of the provisions of this title is punishable as provided in CCC 1-4-1.

(Code 2012, § 10-701)

CHAPTER 7-2 OFFENSES INVOLVING PROPERTY

7-2-1 Theft And Related Offenses

7-2-2 Damage To Property Generally

[7-2-3 Damage To Vehicles](#)

[7-2-4 Tampering With Or Damaging Public Utilities](#)

[7-2-5 Unlawful Use Of Or Interference With Hydrants](#)

[7-2-6 Throwing Missiles](#)

[7-2-7 Injury To Vegetation Or Other Public Or Park Property](#)

[7-2-8 Street Trees](#)

[7-2-9 Signs And Advertisements](#)

[7-2-10 Trespass](#)

[7-2-11 Parking On Property Of Another](#)

[7-2-12 Depositing Solid Waste On Property Of Another](#)

[7-2-13 Damage To Mailboxes](#)

7-2-1 Theft And Related Offenses

A. Petit larceny.

1. *Definition.* The term "petit larceny" means the taking or embezzling of personal property of a value not exceeding \$1,000.00 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.

2. *Prohibited.* Petit larceny is unlawful, and any person who commits larceny shall be guilty of a misdemeanor.

B. *Theft of pumped gasoline.* Any person who pumps gasoline and leaves the premises where the gasoline was pumped without making payment for the gasoline shall be guilty of an offense.

C. *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.

D. *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 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 because 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 provided, further, that the check or order shall be presented

for payment within 30 days after same is delivered and accepted.

(Code 2012, §§ 10-201, 10-217, 10-416, 10-417)

7-2-2 Damage To Property Generally

It is unlawful for any person to destroy, injure, or deface, any structure, building, outbuilding, fence, 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; or to interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.

(Code 2012, § 10-203; altered in 2023 recodification)

7-2-3 Damage To Vehicles

It is unlawful for any person to start, otherwise meddle with, enter, occupy, or loiter in or injure any automobile or other vehicle belonging to another without the consent of the owner or person in charge thereof.

(Code 2012, § 10-202; altered in 2023 recodification)

7-2-4 Tampering With Or Damaging Public Utilities

- A. It is unlawful for any person to connect or attach any kind of pipe, wire or other contrivance to any pipe, line, wire or other conductor carrying gas, water, electricity, telephone or cable television and belonging to a public utility (whether publicly or privately owned), in such a manner as to enable him to consume or use the gas, water, electricity, telephone or cable signals without it passing through the meter or any other way so as to evade payment therefor. It is also unlawful for any person to damage, tamper with, or destroy any pipe, line, wire, meter, or other part of any public utility, including any telephone system.
- B. If any evidence of tampering or damaging of a public utility or private premises is proven, the owner or occupant of such premises shall be presumed responsible for the damage and fine.

(Code 2012, § 10-206; altered in 2023 recodification)

7-2-5 Unlawful Use Of Or Interference With Hydrants

- A. It is unlawful for any person, except one duly authorized by the Public Works Director 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 or stopcock belonging to the City.
- B. It is unlawful for any person to obstruct access to any fire hydrant by placing

around or thereon brick, lumber, dirt, vegetation, or other thing, or in any other manner obstructing access to a fire hydrant.

(Code 2012, § 10-213; altered in 2023 recodification)

7-2-6 Throwing Missiles

It is unlawful for any person to throw or shoot any stone or other object into or across any street or alley, or in any place where he is likely to hit another person wrongfully or to injure property, or to throw or shoot any stone or other object at any person, vehicle, structure, electric light or other property of another (whether public or private), except in cases where such is done in defense of oneself, of another person or of property.

(Code 2012, § 10-205)

7-2-7 Injury To Vegetation Or Other Public Or Park Property

It is unlawful for any person to willfully and without authority cut, pull, pluck or otherwise injure any flowers, flowering plants, shrubs or trees growing in or around any park or public street within the City, or willfully or without authority to tear down, remove, cut or otherwise injure or destroy any gate or fence enclosing any such park or ground, or willfully injure or destroy any stand, bench, seat or other property situated upon such park or ground.

(Code 2012, § 10-209)

7-2-8 Street Trees

A. It is unlawful for any person to:

1. Willfully or wantonly cut, deface or in any way injure any tree or sapling standing or growing in any of the streets, alleys or public places within the City;
2. Attach any guy wires, telephone, or electric wire, or any wire to any live tree;
3. Dig any hole, ditch or trench in any public street, road, avenue or alley, or any other public premises or ground within, belonging to or under the supervision or control of the City;
4. Take or remove any dirt, earth or any substance from any street, road, alley or other public place in the City; or cut, break or otherwise injure any pavement, curb or gutter therein; or
5. Connect any driveway to any street or other public place without first securing permission from the City Inspector to do so.

- B. Any such digging, removing, or driveway connection shall be done under the supervision of the Street Superintendent or City Engineer.

(Code 2012, § 10-210; altered in 2023 recodification)

7-2-9 Signs And Advertisements

- A. *Placing on property of others.* 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.
- B. *Throwing advertising on public ways.* It is unlawful for any person to throw, leave or deposit, or cause to be thrown, left or deposited, upon any street, alley, sidewalk, or other public area, any handbill, circular, or other advertising matter.

(Code 2012, §§ 10-204, 10-207)

7-2-10 Trespass

- A. *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Private property means any property other than public property.

Public property means that property which is dedicated to public use and over which the federal, state or municipal government or any subdivision thereof exercises control.

Trespass means:

1. 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.
2. The term "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.
3. The term "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 subsection 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 subsection apply unless the hours of business operations are posted upon such premises. The term "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.

- B. *Prohibited; exemptions.* 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 the line of duty, or with the express or tacit consent of the owner or person in charge, or otherwise by authority of law or ordinance.

(Code 2012, § 10-211)

7-2-11 Parking On Property Of Another

It is unlawful for any person to park an automobile or other vehicle, or to place any structure or object on the driveway, yard, or property of another without the express or 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.

(Code 2012, § 10-212)

7-2-12 Depositing Solid Waste On Property Of Another

- A. *Prohibited.* It is unlawful for any person to dump, deposit, throw or in any manner leave or abandon any solid waste, including, but not limited to, garbage, tin cans, bottles, rubbish, refuse, or trash on property owned by another person without the written permission of the owner or occupant of such property, or on any public highway, street or road, or upon public parks or recreation areas, or upon any other public property except that designated for such use.
- B. *Presumption.* Solid waste disposed unlawfully as provided in subsection A of this section which contains two or more items bearing a common address in a form which tends to identify the latest owner of the items shall be a rebuttable presumption that all competent persons residing at such address committed the unlawful act of disposal.
- C. *Violation; penalty.* Any person who violates this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to punishment as provided in CCC 1-4-1. Each day or part of a day during which such violation is

continued or repeated shall constitute a separate offense.

(Code 2012, § 10-216; altered in 2023 recodification)

7-2-13 Damage To Mailboxes

It is unlawful for any person to destroy, damage, injure or deface any mailbox or other receptacle intended or used for the receipt or delivery of mail.

(Code 2012, § 10-215)

CHAPTER 7-3 OFFENSES INVOLVING PERSONS, HEALTH AND MORALS

7-3-1 Assault And Battery

7-3-2 Domestic Abuse

7-3-3 Prostitution And Related Offenses

7-3-4 Gambling And Related Offenses

7-3-5 Disorderly Houses

7-3-6 Nudity; Improper Dress; Indecent Exposure

7-3-7 Obscene Publications

7-3-8 Adult Bookstores

7-3-9 Throwing Injurious Substances

7-3-1 Assault And Battery

- A. *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Assault means any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another.

Battery means any willful and unlawful use of force or violence upon the person of another.

- B. *Prohibited.* It is unlawful to commit an assault or an assault and battery within the City.

(Code 2012, § 10-501)

7-3-2 Domestic Abuse

- A. *Definition.* For purposes of this section, the term "domestic abuse" means any act of physical harm, or the threat of imminent physical harm, which is committed by an adult, emancipated minor, or minor aged 13 years against another adult, emancipated minor or minor child who is a family or household member, as

defined in 22 O.S. § 60.1.

B. *Prohibited.* It shall be unlawful for any person to commit an act of domestic abuse.

C. *Authority to arrest.*

1. A police officer may arrest, without a warrant, a person anywhere, including the person's place of residence, if the police officer has probable cause to believe the person within the preceding 24 hours has committed an act of domestic abuse, as defined in subsection A of this section, although the assault did not take place in the presence of the police officer.
2. A police officer may not arrest a person pursuant to this section without first having observed a recent injury to or impairment of the physical condition of the alleged victim.

D. *Penalty.* A violation of this section shall be punishable subject to the general penalty provisions of CCC 1-4-1.

(Code 2012, § 10-502)

7-3-3 Prostitution And Related Offenses

A. *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Letting premises for prostitution means the granting of the right of use or the leasing of any premises, knowing that it is/are to be used for the practice of prostitution, or allowing the continued use of the premises with that knowledge.

Prostitution means:

1. The giving or receiving of the body for sexual intercourse, fellatio, cunnilingus, masturbation, anal intercourse or lewdness with any person not his or her spouse, in exchange for money or any other thing of value; or
2. The making of any appointment or engagement for sexual intercourse, fellatio, cunnilingus, masturbation, anal intercourse or lewdness with any person not his or her spouse, in exchange for money or any other thing of value.

Soliciting prostitutes means the soliciting, inviting, inducing, directing, or transporting to any place with the intention of promoting prostitution.

B. *Prohibitions.* 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; or
7. Be a party to an act of prostitution or solicitation of prostitution in the limits of City.

(Code 2012, § 10-404)

7-3-4 Gambling And Related Offenses

- A. Except as otherwise provided by statute, it shall be unlawful to open, cause to open, or conduct, whether for hire or not, or to carry on either poker, roulette, craps or any banking or percentage, or any gambling game place with dice, cards or any device for money, checks, credits, or any representatives of value.
- B. It is unlawful and an offense against the City for any person, as an owner or employee, whether for hire or not, deals for any such game described in this section.
- C. It is unlawful for any person to loiter about in the immediate vicinity where persons are gambling, whether by playing games, operating a slot machine or other device, or otherwise.
- D. To knowingly permit his or its premises, house, lot or other property to be used in connection with, or for, any act declared unlawful in this subsection.

(Code 2012, §§ 10-414, 10-415; altered in 2023 recodification)

7-3-5 Disorderly Houses

- A. *Definition.* When used in this section, the term "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 the City or statutes of the state regulating the sale, distribution, possession or use of alcoholic beverages;
 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.

B. Maintaining or leasing a disorderly house.

1. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining, a disorderly house.
2. No owner, lessee, lessor, or other person, partnership or corporation having control over any house, building, structure, tent, vehicle, mobile home, or recreational vehicle shall knowingly use, lease, sub-lease or otherwise permit the use of same for the purpose of keeping therein any disorderly house; and knowing or ascertaining that such house, building, structure, tent, vehicle, mobile home, or recreational vehicle is so occupied as a disorderly house, no persons, partnership or corporation shall continue to grant permission to so use such premises as a disorderly house.

C. Residents of and visitors to disorderly house. No person shall knowingly reside in, enter into, or remain in a disorderly house. In any prosecution for violation of this subsection, the City shall have the burden to prove such knowledge by direct evidence only and not by circumstantial evidence. This subsection shall not apply to physicians or officers in the discharge of their professional or official duties.

(Code 2012, §§ 10-405--10-407; altered in 2023 recodification)

7-3-6 Nudity; Improper Dress; Indecent Exposure

It is unlawful for any person to:

- A. Appear in any public place in the City in a state of nudity;
- B. Appear in any public place in the City in any offensive, indecent or lewd dress;
or
- C. Make an indecent public exposure of his or her person.

(Code 2012, § 10-408)

7-3-7 Obscene Publications

- A. *Definition.* When used in this section, the term "sexual conduct" means and includes any of the following:
1. Representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated; and
 2. Representations or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals.
- B. *Prohibited.* It is unlawful for any person to knowingly photograph, act in, pose for, print, sell, possess, offer for sale, give away, exhibit, publish, offer to publish, or otherwise distribute, display, or exhibit any obscene book, magazine, story, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, image, cast, slide, figure, instrument, drawing, presentation or other material which depicts or describes sexual conduct in a patently offensive manner.
- C. *Restrictions on enforcement.* No person shall be convicted under this section unless the material taken as a whole has, as the dominant theme, an appeal to prurient interest, as found by the average person applying contemporary community standards, and the material taken as a whole lacks serious literary, artistic, educational, political, or scientific purposes or value.
- D. *Penalty.* Any person violating any of the provisions of this section shall, upon conviction thereof in the Municipal Court, be punishable as provided in CCC 1-4-1.

(Code 2012, § 10-409)

7-3-8 Adult Bookstores

- A. *Definition.* For the purposes of this section, the term "adult bookstore" means any retail or wholesale business which sells or offers for sale any obscene material, as defined by 21 O.S. § 1024.1, or sexual paraphernalia.
- B. *Prohibited.* From and after May 20, 1985, it is unlawful for any person to establish or locate any adult bookstore within the corporate limits of the City.
- C. *Penalties.* Any person who violates the provisions of this section shall be enjoined from further operating an adult bookstore within the corporate limits of the City and shall, in addition thereto, be punishable as provided in CCC 1-4-1.

(Code 2012, § 10-410)

7-3-9 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.

(Code 2012, § 10-208)

CHAPTER 7-4 OFFENSES AGAINST THE PEACE

7-4-1 Disturbing The Peace

7-4-2 Noise

7-4-3 Assemblies

7-4-4 Insulting Signs And Literature

7-4-5 Vagrancy

7-4-1 Disturbing The Peace

- A. *Definition.* As used in this section, the term "disturbing the peace" means doing 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; or
 2. Committing any other act in such a manner as to unreasonably disturb or alarm the public.
- B. *Prohibited.* It is unlawful to disturb or alarm the peace of another or others by doing any of the acts set out in subsection A of this section.

(Code 2012, § 10-301)

7-4-2 Noise

A. Loud, unnecessary noise.

1. No person shall make or continue, or cause to be made or continued, any excessive, unnecessary or unusually loud noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
2. Permits and exceptions may be granted by the City for certain activities and events which are exempt from the provisions of this subsection.

B. Sound amplification systems.

1. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except

where the context clearly indicates a different meaning:

Plainly audible means any sound produced by a sound amplification system from within the vehicle which clearly can be heard at a distance of 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.

Sound amplification system means any radio, tape player, compact disc player, loudspeaker or other electronic device used for the amplification of the human voice.

2. Prohibitions.

- a. It is unlawful for any person to disturb the peace and quiet of any part of the City by operating, having operated, or permitting to be operated any contrivance, whether electric or not, to emit loud music, noise or words. However, this subsection shall not prohibit religious bodies from playing chimes, bells, carillons or other religious music.
- b. 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 within the vehicle so that the sound is plainly audible at a distance of 50 feet or more from the vehicle.

3. Affirmative defense. It is an affirmative defense to a charge under this subsection that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

- a. The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition.
- b. The vehicle was an emergency or public safety vehicle.
- c. The vehicle was owned and operated by the City or public or private utility company.
- d. The vehicle was used in authorized public activities, such as parades, fireworks, sports events or other activities which have been approved by the City Council or City Manager.

(Code 2012, §§ 10-307, 10-308)

7-4-3 Assemblies

A. Unlawful assemblies.

1. It is unlawful to engage in a fistic encounter.
2. It is unlawful to hold an unlawful assembly of three 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.

B. Disturbing lawful assemblies.

1. It is unlawful to interrupt any lawful assembly of people by making noise; by rude, indecent or improper behavior; by profane, improper or loud language; or in any other manner, either within the place of assembly or within hearing distance thereof.
2. It is unlawful to disturb 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.

(Code 2012, § 10-309)

7-4-4 Insulting Signs And Literature

- A. It is unlawful for any person, firm or corporation within the City to display any sign, emblem, badge, tag or device which, in its common acceptance, is insulting, profane, or abusive to the citizens of the City, and which is calculated, or of which the natural consequence is, to cause a breach of the peace or an assault.
- B. It is unlawful for any person to willfully use, utter, publish, circulate or distribute any profane, violent, abusive, or insulting language or literature where:
 1. A natural consequence of the language or literature is to cause a breach of the peace or an assault; or
 2. The language or literature, in its common acceptance, is calculated to cause a breach of the peace or an assault.

(Code 2012, § 10-302)

7-4-5 Vagrancy

It is unlawful to be a vagrant in the limits of the City. For the purposes of this section, the term "vagrant" means any person who loiters or remains in or wanders about a public or private place for any of the following purposes:

- A. For the purpose of gambling with cards, dice or other gambling paraphernalia;
- B. For the purpose of engaging in prostitution or soliciting prostitution or soliciting for an act of lewdness;
- C. For the purpose of engaging in theft, or breaking and entering any building, property or automobile of another;
- D. For the purpose of injuring, destroying, molesting or defacing any property of another;
- E. For the purpose of assaulting any person; or
- F. For the purpose of selling, purchasing, trading or otherwise exchanging, procuring or making available illegal drugs or contraband.

(Code 2012, § 10-310)

CHAPTER 7-5 OFFENSES INVOLVING ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

7-5-1 Public Intoxication And Drinking Prohibited

7-5-2 Other Offenses Involving Alcoholic Beverages

7-5-3 Drugs And Drug Paraphernalia

7-5-1 Public Intoxication And Drinking Prohibited

- A. It is unlawful for any person to be drunk or intoxicated and to disturb the peace of any person on any public or private road, or in any passenger coach, streetcar or any public place or building, or at any public gathering. Any person who violates this subsection shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$10.00 nor more than \$100.00, or by imprisonment for not less than five days nor more than 30 days, or by both such fine and imprisonment.
- B. An intoxicated person in a public place who appears to be in need of help, if the person consents to the offered help, may be assisted to his or her home, an alternative facility pursuant to the provisions of the Oklahoma Alcohol and Drug Abuse Services Act, or to an approved treatment facility by a police officer.
- C. A person who appears to be intoxicated, and as a result of such intoxication is unconscious in a public place or reasonably appears to be in danger of harming himself or herself or others, may be taken into protective custody by a peace officer and immediately brought to an approved treatment facility for medical or nonmedical detoxification.

(Code 2012, § 10-401; Ord. No. 833, § 1, 5-4-2020)

7-5-2 Other Offenses Involving Alcoholic Beverages

It is unlawful:

- A. For any person to barter, sell, give away or otherwise furnish to another any alcoholic beverage of any kind except as permitted by law;
- B. To have in possession or be under the influence of any alcoholic beverage except as permitted by law, or to transport or in any manner convey from place to place in the City any alcoholic beverage except as permitted by law;
- C. To loiter in a place where alcoholic beverages are sold, bartered, given away or otherwise furnished contrary to law; or
- D. To keep, maintain or aid, or abet in keeping or maintaining, a place where alcoholic beverages are sold, bartered, given away or otherwise furnished in violation of law.

(Code 2012, § 10-402; altered in 2023 recodification)

7-5-3 Drugs And Drug Paraphernalia

- A. No person shall use tincture of opium, tincture of opium camphorated, or any derivative thereof, by the hypodermic method, either with or without a medical prescription therefor.
- B. No person shall use or possess drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the State Uniform Controlled Dangerous Substances Act [63 O.S. § 2-101 et seq.], except those persons holding an unrevoked license in the professions of podiatry, dentistry, medicine, nursing, optometry, osteopathy, veterinary medicine or pharmacy.
- C. No person shall deliver, possess or manufacture drug paraphernalia knowing it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the State Uniform Controlled Dangerous Substances Act.
- D. 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.

(Code 2012, § 10-418)

CHAPTER 7-6 OFFENSES INVOLVING PUBLIC AUTHORITY

[7-6-1 Resisting, Assaulting, Interfering With Public Officials](#)

[7-6-2 Refusing To Assist An Officer](#)

[7-6-3 Assault Or Battery Upon A Peace Officer](#)

[7-6-4 Eluding Police](#)

[7-6-5 Escape](#)

[7-6-6 Aid In Escape](#)

[7-6-7 Impersonating An Officer Or Employee](#)

[7-6-8 False Representation To An Officer; Perjury](#)

[7-6-9 False Alarms](#)

[7-6-10 Removal Of Barricades](#)

7-6-1 Resisting, Assaulting, Interfering With Public Officials

A.

1. *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Obstruction of means:

- a. Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest;
- b. Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest or before he is under arrest; or
- c. Refusal by the arrested party to give his name and make his identity known to the arresting officer.

Resisting an officer means the intentional opposition or resistance to or obstruction of an individual acting in his official capacity and authorized by law to make a lawful arrest or seizure of property, or to serve any lawful process or court order, when the offender knows or has reason to know that the person arresting, seizing property, or serving process is acting in his official capacity.

2. *Prohibitions.*

- 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 official duties within the limits of the City.

- 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.

B. It is unlawful for any person knowingly or willfully to:

- 1. Resist, oppose or obstruct the Municipal Judge or any other officer or employee of the City in the discharge of his official duties;
- 2. Threaten or otherwise intimidate or attempt to intimidate any such officer or employee from the discharge of his official duties; or
- 3. Assault or beat, or revile or abuse, be disrespectful to, or use abusive or indecent language toward or about any such officer or employee while such officer or employee is in the discharge of his official duties.

(Code 2012, §§ 10-601, 10-610)

7-6-2 Refusing 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 any person or persons to assist him 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.

(Code 2012, § 10-602)

7-6-3 Assault Or Battery Upon A Peace Officer

- A. 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 duties.
- B. The term "assault," for purposes of this section, may be defined by way of example, but not limited to, any conduct which is abusive, disrespectful, or which results in the use of abusive or indecent language toward any police officer or other officer of law in performance of his duties.

(Code 2012, § 10-603)

7-6-4 Eluding Police

It is unlawful for any operator of a motor vehicle who has received a visual and audible signal, a red light and a siren or a siren only from a police officer driving a motor vehicle showing the same to be an official police car, directing the operator to bring his vehicle to a stop, and who willfully increases his speed or extinguishes his lights in an attempt to elude such police officer, or who does elude such police officer.

(Code 2012, § 10-611)

7-6-5 Escape

It is unlawful for any person confined in a 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 escape or attempt to escape from any such custody.

(Code 2012, § 10-605)

7-6-6 Aid In Escape

It is unlawful for any person, in any illegal manner, to set at liberty, rescue or attempt to set at liberty any prisoner or prisoners from any officer or employee of the City having legal custody of the same or from a place of confinement by the City, or to assist such prisoner in any manner to escape from such prison or custody either before or after conviction, including escape from a vehicle of confinement.

(Code 2012, § 10-604)

7-6-7 Impersonating An Officer Or Employee

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

(Code 2012, § 10-606)

7-6-8 False Representation To An Officer; Perjury

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.

(Code 2012, § 10-608)

7-6-9 False Alarms

It is unlawful for any person to turn in a false alarm of any nature or in any manner to deceive or attempt to deceive the Fire Department or Police Department or any officer or employee thereof with reference to any fire alarm or reported fire, accident or other emergency or knowingly to cause the Fire Department or Police Department or its officers or employees to make a useless run.

(Code 2012, § 10-607)

7-6-10 Removal Of Barricades

It is unlawful for any person, except by proper authority, to remove any barricade or obstruction placed by authority of the City to keep traffic off any pavement, street, curb, sidewalk or other area.

(Code 2012, § 10-609)

CHAPTER 7-7 MINORS

ARTICLE 7-7A MINORS IN GENERAL

ARTICLE 7-7B TOBACCO AND VAPOR PRODUCTS TO MINORS

ARTICLE 7-7A MINORS IN GENERAL

7-7A-1 Curfew For Minors

7-7A-2 Truancy

7-7A-3 Permitting Crimes Or Disorderly Conduct On Premises

7-7A-4 Committing A Crime In Presence Of Minors

7-7A-5 Allowing Or Encouraging A Minor To Commit An Offense

7-7A-6 Parental Responsibilities

7-7A-1 Curfew For Minors

- A. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Minor means any person under the age of 18 years.

Parent means any person having legal custody of a minor:

1. As a natural or adoptive parent;
2. As a legal guardian;
3. As a person who stands in loco parentis; or
4. As a person to whom legal custody has been given by order of the court.

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. The term "public place" includes, but is not limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

Remain means to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home.

Street means a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term "street" includes the legal right-of-way, including, but not limited to, the walkway or traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street.

Time of night is based on the prevailing standard of time, whether Central Standard Time or Central Daylight Time, generally observed at that hour by the public.

Year of age continues from one birthday, such as the 17th to, but not including the day of, the next, such as the 18th birthday, making it clear that 17 or less years of age is herein treated as equivalent to the phrase "under 18 years of age."

B. It is unlawful for any person 17 years of age or less to be or remain, in any public place, or upon the streets in the City, 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 ending at 5:00 a.m. and beginning at 12:00 midnight 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 parent, guardian or other adult person having the care and custody of the minor;
3. Where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation; or
4. The minor is in front of his home or is upon a public sidewalk or at the curb of a street or alley with the permission of the minor's parent,

guardian, custodian or other adult person having custody or control of the minor.

- 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 parent, guardian, custodian or other adult having the care and custody of the minor; or
 - 3. The parent, guardian or other adult person herein has made a missing person notification to the City Police Department.
- 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 30 days. All requests shall be filed with the City Clerk.
- 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 who shall summarily hear the same, and his judgment shall be final.
- H. Any law enforcement officer who shall witness a violation of this section may take such offender into his 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.

(Code 2012, § 10-411)

7-7A-2 Truancy

- A. It shall be unlawful for a parent of a minor who is over the age of six years and under the age of 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.
- B. It shall be unlawful for any minor who is over the age of six years 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.
- C. Provided, that this section shall not apply:
 - 1. If any 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, duly licensed and practicing physician;
 - 2. If any such minor is excused by the principal of the school in which the minor is enrolled, at the request of the parent of the minor, from attendance at school due to an emergency;
 - 3. If any such minor is excused from attending by:
 - a. The administrator of the school or district where the minor attends school; and
 - b. The parent of the minor, provided that no minor shall be excused from attending school by such joint agreement by 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 18 years.
 - 4. If any such minor is observing religious holy days prior to the absence and the parent of the minor submits a written request for the absence, the school district shall excuse the student pursuant to this subsection for the days in which the religious holy days are observed and for the days in which the student must travel to and from the site where the student will observe the holy days.

(Code 2012, § 6-207)

7-7A-3 Permitting Crimes Or Disorderly Conduct On Premises

- A. No owner, operator, proprietor, manager or employee of any place shall permit minors who have congregated on the premises to commit any offense, or to carouse, make unnecessary noises, disturb, disrupt or annoy the people residing or carrying on business in the immediate neighborhood or so as to disturb the peace.
- B. No owner, operator, proprietor, manager or employee of any place shall permit any minor to loiter, litter or cause any disturbance on the property of a neighboring resident or business.

(Code 2012, § 6-206)

7-7A-4 Committing A Crime In Presence Of Minors

It shall be unlawful for any person to commit any municipal, state or federal offense in the presence of any person under the age of 18 years.

(Code 2012, § 6-205)

7-7A-5 Allowing Or Encouraging A Minor To Commit An Offense

It shall be unlawful for any person to knowingly or willfully aid, abet, allow, encourage or, by omission of a duty, encourage or assist a minor to commit any municipal, state or federal offense.

(Code 2012, § 6-203)

7-7A-6 Parental Responsibilities

It shall be unlawful for any parent or guardian to fail to control a minor that is under the parent's or guardian's supervision by, after notification of a prior offense committed by the minor, failing to prevent the minor from committing the same offense or more than one other offense within one year of the date the minor committed the first offense.

(Code 2012, § 6-204; altered in 2023 recodification)

ARTICLE 7-7B TOBACCO AND VAPOR PRODUCTS TO MINORS

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[7-7B-12 Restrictions On Manner Of Enforcement](#)

[7-7B-13 Increase Of Fines And Fees; Fee Schedule](#)

7-7B-1 Findings And Intent

The City Council finds that youth addiction to tobacco products is a public health problem with grave health consequences. In recognition that almost 90 percent of all smokers begin smoking by the age of 18 years, action is needed to curtail the easy access of minors to cigarettes and other addictive tobacco products. Furthermore, the City Council finds that the state legislature has limited the powers granted to local governments to address the problem of youth access to tobacco. Therefore, the intent of this article is to:

- A. Implement the strictest and most enforceable system allowed under state law to prevent the illegal sale of cigarettes and other tobacco or vapor products to minors;
- B. Periodically amend and update this article as necessary to best utilize any applicable powers which may be returned to state municipalities in the future; and
- C. Educate, encourage and assist underage tobacco users in ceasing all use of addictive tobacco or vapor products, preferably before daily use of such products is initiated.

(Code 2012, § 10-419)

7-7B-2 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:

Person means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed.

Proof of age means a driver license, license for identification only, or other generally accepted means of identification that describes the individual as 18 years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid.

Sample means a tobacco product distributed to members of the public at no cost for the purpose of promoting the product.

Sampling means the distribution of samples to members of the public in a public place.

Tobacco product means any product that contains tobacco and is intended for human consumption.

Transaction scan means the process by which a seller checks, by means of a transaction scan device, the validity of a driver license or other government-issued photo identification.

Transaction scan device means any commercial device, or combination of devices, used at a point of sale or entry that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver license or other government-issued photo identification.

Vapor product means 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. The term "vapor product" 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. The term "vapor product" does not include any products regulated by the United States Food and Drug Administration under chapter V of the Food, Drug, and Cosmetic Act.

(Code 2012, § 10-419)

7-7B-3 Furnishing, Giving Or Sales To Minors

A. *Prohibitions; exceptions.* It is unlawful for any person to sell, give or furnish in any manner any tobacco, tobacco product, or vapor product to another person who is under 18 years of age, or to purchase in any manner any tobacco, tobacco product, or vapor product on behalf of any such person. Provided, however, that it shall not be unlawful for an employee under 18 years of age to handle tobacco, tobacco products or vapor products when required in the performance of the employee's duties.

B. *Proof of age.*

1. A person engaged in the sale or distribution of tobacco products or vapor products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser might be less than 18 years of age.
2. If an individual engaged in the sale or distribution of tobacco, tobacco products, or vapor products has demanded proof of age from a prospective purchaser or recipient who is not less than 18 years of age,

the failure to subsequently require proof of age shall not constitute a violation of subsection B1 of this section.

C. Violation; penalties.

1. When a person violates subsection A or B of this section, he or she shall be guilty of an offense and, upon conviction, shall be punishable by a fine as follows:
 - a. Not more than \$100.00 for the first offense.
 - b. Not more than \$200.00 for the second offense within a two-year period following the first offense.
 - c. Not more than \$300.00 for a third offense within a two-year period following the first offense. In addition to any other penalty, the store's license to sell tobacco products or the store's sales tax permit for a store that is predominantly engaged in the sale of vapor products in which the sale of other products is merely incidental may be suspended for a period not exceeding 30 days.
 - d. Not more than \$300.00 for a fourth or subsequent offense within a two-year period following the first offense. In addition to any other penalty, the store's license to sell tobacco products or the store's sales tax permit for a store that is predominantly engaged in the sale of vapor products in which the sale of other products is merely incidental may be suspended for a period not exceeding 60 days.
2. Pursuant to state law, when it has been determined by the Municipal Court that a penalty shall include a license suspension, the ABLE Commission will notify the State Tax Commission, and the Tax Commission will suspend the store's license to sell tobacco products or the store's sales tax permit for a store that is predominantly engaged in the sale of vapor products in which the sale of other products is merely incidental at the location where the offense occurred for the period of time prescribed by the ABLE Commission.

D. Defenses.

1. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this section. A person cited for violating this section shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of such violation, if such person proves that:
 - a. The individual who purchased or received the tobacco product or vapor product presented a driver license or other government-

issued photo identification purporting to establish that such individual was 18 years of age or older; and

- b. The person cited for the violation confirmed the validity of the driver license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.
2. Provided, that this defense shall not relieve from liability any person cited for a violation of this section if such person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver license or other government-issued photo identification was that of the individual who presented it. The availability of the defense described in this subsection does not affect the availability of any other defense under any other provision of law.

E. Liability of employee and owner.

1. If the sale is made by an employee of the owner of a store at which tobacco, tobacco products, or vapor products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine.
2. Each violation by any employee of an owner of a store licensed to sell tobacco products or permitted to sell vapor products shall be deemed a violation against the owner for purposes of a license suspension pursuant to subsection F of this section. Each violation by any employee of an owner of a store licensed to sell tobacco products or permitted to sell vapor products shall be deemed a violation against the owner for purposes of a license suspension pursuant to subsection C of this section. Each violation by an employee of a store predominantly engaged in the sale of vapor products in which the sale of other products is merely incidental shall be deemed a violation against the owner for purposes of a sales tax permit suspension pursuant to the provisions of subsection C of this section. An owner of a store licensed to sell tobacco products or permitted to sell vapor products shall not be deemed in violation of the provisions of the Prevention of Youth Access to Tobacco Act for any acts constituting a violation by any person, when the violation occurs prior to actual employment of the person by the store owner or the violation occurs at a location other than the owner's retail store. For purposes of determining the liability of a person controlling franchises or business operations in multiple locations, for any violations of subsection A or B of this section, each individual franchise or business location shall be deemed a separate entity.
3. An owner of a store licensed to sell tobacco products or permitted to sell vapor products shall not be deemed in violation of this section for any acts constituting a violation by any person, when the violation occurs

prior to actual employment of the person by the store owner or the violation occurs at a location other than the owner's retail store.

4. For purposes of determining the liability of a person controlling franchises or business operations in multiple locations, for any violations of subsection A or B of this section, each individual franchise or business location shall be deemed a separate entity.

F. Failure of employee or owner to pay fine.

1. Upon failure of the employee to pay the administrative fine within 90 days of the day of the assessment of such fine, the Municipal Court Clerk shall notify the Department of Public Safety and the Department will, pursuant to state law, suspend or not issue a driver license to the employee until proof of payment has been furnished to the Department of Public Safety.
2. Upon failure of a store owner to pay the administrative fine within 90 days of the assessment of the fine, the Clerk of the Municipal Court shall notify the State Tax Commission, and the Tax Commission shall suspend the store's license to sell tobacco products or the store's sales tax permit for a store that is predominantly engaged in the sale of vapor products in which the sale of other products is merely incidental until proof of payment has been furnished to the State Tax Commission.

(Code 2012, § 10-419; altered by 2023 recodification)

7-7B-4 Purchase Or Receipt Of Products By Minor; False ID

A. *Prohibitions.* It is unlawful for a person who is less than 18 years of age to purchase, receive or accept receipt of, or have in his/her possession, tobacco, tobacco products, or vapor products, or to present or offer to any person any purported proof of age which is false or fraudulent, or not actually his or her own, for the purpose of purchasing or receiving any tobacco product or vapor product. Provided, however, it shall not be unlawful for such a person who is an employee who is less than 18 years of age to handle such tobacco products or vapor products when required in the performance of the employee's duties.

B. *Violation; penalties.*

1. When a person violates subsection A of this section, he or she shall be guilty of an offense and, upon conviction, shall be punishable by a fine of:
 - a. Not to exceed \$100.00 for a first offense; and
 - b. Not to exceed \$200.00 for a second or subsequent offense within

a one-year period following the first offense.

2. Upon failure of the individual to pay the fine within 90 days of the day of the fine, the Municipal Court Clerk shall notify the Department of Public Safety, and, by operation of state law, the Department shall suspend or not issue a driver license to the individual until proof of payment has been furnished to the Department of Public Safety.

(Code 2012, § 10-419; altered in 2023 recodification)

7-7B-5 Proper Signage Required

- A. Every person who sells or displays retail tobacco, tobacco products, or vapor products shall post conspicuously and keep so posted at the place of business a sign, as specified by the Alcoholic Beverage Laws Enforcement (ABLE) Commission, stating the following: "It's The Law. We Do Not Sell Tobacco Products or Vapor Products to Persons Under 18 Years of Age." The sign shall also provide the toll-free number operated by the Alcoholic Beverage Laws Enforcement (ABLE) Commission for the purpose of reporting violations of the Prevention of Youth Access to Tobacco Act.
- B. When a person violates subsection A of this section, he or she shall be guilty of an offense and, upon conviction, shall be punishable by an administrative fine of not more than \$50.00 for each day a violation occurs. Each day a violation is continuing shall constitute a separate offense. The notice required by subsection A of this section shall be the only notice required to be posted or maintained in any store that sells tobacco, tobacco products, or vapor products at the retail level.

(Code 2012, § 10-419; altered in 2023 recodification)

7-7B-6 Notice To Retail Employees

- A. Every person engaged in the business of selling tobacco, tobacco products, or vapor products at a retail store shall notify each individual employed by that person as a retail sales clerk that state and local law:
 1. Prohibits the sale or distribution of tobacco, tobacco products, or vapor products to any person under 18 years of age and the purchase or receipt of tobacco, tobacco products, or vapor products by any person under 18 years of age; and
 2. Requires that proof of age be demanded from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be less than 18 years of age.

- B. This notice shall be provided before the individual commences work as a retail sales clerk. The individual shall signify that he or she has received the requisite notice by reading and signing a notice stating the following:

I understand that state law prohibits the sale or distribution of tobacco, tobacco products, or vapor products to persons less than 18 years of age and out-of-package sales and requires proof of age of purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be less than 18 years of age. I promise, as a condition of my employment, to obey the law. I understand that violations by me may be punishable by fines, suspension or nonissuance of my driver license. In addition, I understand that violations by me may subject the store owner to fines or license or permit suspension.

(Code 2012, § 10-419)

7-7B-7 Limited Access To Vending Machines

It shall be unlawful for any person to sell tobacco, tobacco products, or vapor products through a vending machine unless the vending machine is located:

- A. In areas of factories, businesses, offices or other places that are not open to the public; and
- B. In places that are open to the public, but to which persons under 18 years of age are not admitted.

(Code 2012, § 10-419)

7-7B-8 Distribution Of Samples

A. Prohibitions.

1. It shall be unlawful for any person or retailer to distribute tobacco, tobacco products, or vapor products or product samples to any person under 18 years of age.
2. No person shall distribute tobacco, tobacco products, or vapor products or product samples in or on any public street, sidewalk, or park that is within 300 feet of any playground, school, or other facility when the facility is being used primarily by persons under 18 years of age.

B. Violation; penalties.

1. When a person violates any provision of subsection A1 or 2 of this section, he or she shall be guilty of an offense and, upon conviction,

shall be punishable by an administrative fine of:

- a. Not more than \$100.00 for the first offense.
 - b. Not more than \$200.00 for the second offense.
 - c. Not more than \$300.00 for a third or subsequent offense.
2. Upon failure of any individual to pay an administrative fine within 90 days of the assessment of such fine, the Municipal Court Clerk shall notify the Department of Public Safety, and the Department, pursuant to state law, shall suspend or not issue a driver license to the individual until proof of payment has been furnished to the Department of Public Safety.

(Code 2012, § 10-419)

7-7B-9 Sale Of Cigarettes In Original Sealed Package

- A. *Prohibition.* It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.
- B. *Penalty.* When a person violates subsection A of this section, the Municipal Court Clerk shall assess such person an administrative fine of not more than \$200.00 for each offense.

(Code 2012, § 10-419)

7-7B-10 Access To Products

- A. *Prohibition.* It is unlawful for any person or retail store to display or offer for sale tobacco, tobacco products, or vapor products in any manner that allows public access to the tobacco product or vapor product without assistance from the person displaying the product or an employee or the owner of the store. The provisions of this subsection shall not apply to retail stores which do not admit into the store persons under 18 years of age.
- B. *Violation; penalty.* When a person violates subsection A of this section, he or she shall be guilty of an offense and, upon conviction, shall be punishable by an administrative fine of not more than \$200.00 for each offense.

(Code 2012, § 10-419)

7-7B-11 Transfer To Minors Of Any Paraphernalia

- A. *Prohibited.* It is unlawful for any person to sell, give or furnish in any manner to

another person who is under 18 years of age any material or device used in the smoking, chewing, or other method of consumption of tobacco products or vapor products, including cigarette papers, pipes, holders of smoking materials of all types, and other items designed primarily for the smoking or ingestion of tobacco products or vapor products.

- B. *Penalty.* When a person violates subsection A of this section, an administrative fine of not more than \$100.00 for each offense may be imposed upon the person.

(Code 2012, § 10-419)

7-7B-12 Restrictions On Manner Of Enforcement

- A. Any conviction for a violation of any section in this article and any negative results from compliance checks performed by a police officer pursuant to subsection C of this section shall be reported in writing to the ABLE Commission within 30 days of such conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE Commission.
- B. For the purpose of determining second or subsequent violations, both the offenses penalized by the ABLE Commission as administrative fines and the offenses penalized the municipality and reported to the ABLE Commission shall be considered together in such determination.
- C. Persons under 18 years of age may be enlisted by the City to assist in conducting compliance checks and enforcement; provided, such persons may be used to test compliance only if written parental consent has been provided, and the testing is conducted under the direct supervision of the ABLE Commission or conducted by another law enforcement agency if such agency has given written notice to the ABLE Commission in the manner prescribed by the ABLE Commission. This subsection shall not apply to the use of persons under 18 years of age to test compliance if the test is being conducted by or on behalf of a retailer of cigarettes, as defined in 68 O.S. § 301, at any location the retailer of cigarettes is authorized to sell cigarettes. Any other use of persons under 18 years of age to test compliance shall be unlawful and punishable by assessment of an administrative fine of \$100.00.

(Code 2012, § 10-419; altered in 2023 recodification)

7-7B-13 Increase Of Fines And Fees; Fee Schedule

All fines set forth within this article may be increased, to the extent allowed by state law, by resolution since it is not necessary to amend this article each time the municipality deems it timely to increase fines and fees. The Chief of Police shall maintain a current schedule of all fees allowed under this article in the Police Department.

(Code 2012, § 10-419)

CHAPTER 7-8 FIREWORKS AND EXPLOSIVES

7-8-1 Fireworks Restricted

7-8-2 Storing Or Keeping Explosives

7-8-1 Fireworks Restricted

- A. The term "fireworks," as used in this section, shall be as defined in 68 O.S. § 1622.
- B. It is unlawful for any person to sell, manufacture, deliver, offer for retail sale, or discharge fireworks within the City in violation of the provisions 68 O.S. 1621 et seq., or of this City Code.
- C. The retail sale of fireworks is permitted in the City limits, outside the downtown district, with the following restrictions:
 - 1. The sale of fireworks will be lawful only upon the issuance of a valid and current City permit for the sale of fireworks and the successful completion of all required inspections for the point of sale;
 - 2. The sale of fireworks shall only occur between the dates of June 15 through July 4 and December 15 through December 31 of each year;
 - 3. No person under the age of 16 years shall be authorized to sell fireworks;
 - 4. The permit issued by the City shall restrict the location of sales, pursuant to state law, and shall further provide that any structure used for the sale of fireworks shall be removed no later than 14 calendar days following the last day of legal sales;
 - 5. All applications for permits must be submitted to the City no later than five business days prior to the proposed date for the commencement of sales.
- D. It is unlawful to discharge, fire, explode or ignite fireworks at any time in the downtown district, or on any day except July 3, July 4, and December 31 outside of the hours of 10:00 a.m. to 12:00 midnight and January 1 outside of the hours of 12:01 a.m. and 10:00 p.m. each year.
- E. The Fire Chief, or designee, may prohibit the discharge of fireworks within the City limits due to atmospheric or prevailing local conditions that make such discharge of fireworks hazardous.
- F. Fireworks displays may be authorized by the City in accordance with the City's fire prevention code.

(Code 2012, § 10-303; Ord. No. 852, § 1, 12-6-2021)

Editor's note—See CCC 6-5.

7-8-2 Storing Or Keeping Explosives

It is unlawful for any person to store or keep within the City any nitroglycerin, dynamite, gunpowder, blasting powder, or any other highly explosive material or substance; except, that gunpowder may be kept in approved quantities if the same can be securely and safely kept and in accordance with City ordinances and state laws.

(Code 2012, § 10-304)

CHAPTER 7-9 WEAPONS CONTROL

7-9-1 Concealed Carry

7-9-2 Discharging Firearms

7-9-3 Reckless Conduct With A Firearm

7-9-4 Seizure, Destruction Or Sale Of Weapons Used In Crimes

7-9-1 Concealed Carry

It is unlawful for any person to carry concealed upon or about his person any firearm or any weapon such as a bowie knife, dirk, dagger, metal knuckle, switchblade knife or other dangerous or deadly weapon or instrument, except when doing so in the line of duty or as may be permitted by state law.

(Code 2012, § 10-305)

7-9-2 Discharging Firearms

It is unlawful for any person to discharge a firearm in the City except when doing so in the line of duty, when lawfully doing so in defense of oneself, of another person or of property, or when otherwise authorized by state law or City ordinance.

(Code 2012, § 10-305; altered in 2023 recodification)

7-9-3 Reckless Conduct With A Firearm

It is unlawful for any person to engage in reckless conduct while having in his possession any firearm, such actions consisting of creating a situation of unreasonable risk and probability of death or great bodily harm to another and demonstrating a conscious disregard for the safety of another person.

(Code 2012, § 10-306)

7-9-4 Seizure, Destruction Or Sale Of Weapons Used In Crimes

- A. In addition to the penalty provided herein for a violation of this Code, the Judge of the Municipal Court may order and adjudge any weapon or article specified in this Code to be an instrument used in violation of the public safety and in furtherance of a nuisance and may order the same to be destroyed by the Chief of Police if the article has no value for a lawful purpose; but if it has any value for a lawful purpose, it may be ordered by the Judge to be held pending a hearing on a date set by the Judge to determine whether the weapon shall be confiscated.
- B. Any person known to the Chief of Police to be claiming an interest in the weapon shall be notified in writing of the hearing at least five days prior thereto. Notice given in open court to the person in whose possession the weapon is found shall be sufficient as to that person.
- C. Upon such hearing, the court may order the weapon sold or destroyed unless it appears to the court that the owner thereof did not participate in or have knowledge of such violation or the intended use of the weapon. If the weapon is deemed unsafe, it shall not be ordered sold. The weapon, if ordered sold, shall be sold at public auction by the Chief of Police upon posting of a notice at the police station at least 14 days prior to the sale. Proceeds shall be paid into the general fund of the City.

(Code 2012, § 10-312)

TITLE 8 MOTOR VEHICLES AND TRAFFIC

CHAPTER 8-1 MOTOR VEHICLES AND TRAFFIC IN GENERAL; TRAFFIC PROVISIONS

CHAPTER 8-2 TRAFFIC CONTROL DEVICES AND MARKINGS

CHAPTER 8-3 DRIVING RULES

CHAPTER 8-4 PARKING REGULATIONS

CHAPTER 8-5 LOADING AND UNLOADING

CHAPTER 8-6 PEDESTRIANS

CHAPTER 8-7 VEHICLE EQUIPMENT AND CONDITION

CHAPTER 8-8 BICYCLES

CHAPTER 8-9 ENFORCEMENT AND PENALTY

CHAPTER 8-1 MOTOR VEHICLES AND TRAFFIC IN GENERAL; TRAFFIC PROVISIONS

8-1-1 Short Title

8-1-2 State Regulations Adopted; Scope

8-1-3 Definitions

8-1-4 Application Of Provisions; Exemptions

8-1-5 Emergency And Experimental Regulations

8-1-6 Improvements In Public Ways; Street Closures

8-1-7 Insurance Requirements; Exemptions

8-1-8 Accidents

8-1-1 Short Title

This title, and all amendments hereto, may be cited or referred to as the Traffic Code, City of Coweta, and may so appear upon all official documents, records or instruments.

(Code 2012, § 15-101)

8-1-2 State Regulations Adopted; Scope

- A. *Adoption of regulations.* The provisions of the state motor vehicle code, 47 O.S. § 1-101 et seq., and the Rules of the Road, 47 O.S. § 10-101 et seq., 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.
- B. *Scope.* Except as specifically provided by law as set forth in this title, the Traffic Code shall be controlling and apply to the use of City streets, alleys, thoroughfares, parks, parkways, public parking lots, school driveways, streets, parking lots, or any other public right-of-way or municipally-owned land, including streets and other ways that form the boundary line of the City, by pedestrians and by vehicles of every kind whether self-propelled or otherwise

and whether moving or at rest.

(Code 2012, §§ 15-102, 15-104)

8-1-3 Definitions

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means any narrow highway ordinarily located in the interior portion of platted blocks and ordinarily used for service or delivery purposes at the rear of stores, dwellings, or buildings.

Ambulance means a motor vehicle constructed, reconstructed or arranged for the purpose of transporting ill, sick, or injured persons.

Bicycle means a device having one, two or three tandem wheels, propelled by human power upon which any person may ride.

Bus means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Business district means the territory contiguous to, and including, a highway, if there are buildings within 600 feet of the highway, in use for business or industrial purposes, including, but not limited to, hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

Center lane means any clearly marked center lane. If the center lane is not marked and no cars are parked on the roadway, then the center lane is equally distanced between the curbs or traveled portion of the roadway. In the event vehicles are parked on one side of the roadway only, then the center lane is equally distanced from the side of the parked vehicles toward the street and curb on the opposite roadway.

Commercial vehicles means every vehicle designed, maintained, or used primarily for the transportation of property.

Controlled access highway means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Crosswalk means that part of a roadway at an intersection included within the

connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs; or, in the absence of curbs, from the edges of the traversable roadway. The term "crosswalk" also means any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Double park means parking or stopping a vehicle on the roadway side of another vehicle already parked adjacent to the edge or curbing of the roadway.

Driver or operator means a person who drives or is in actual physical control of a vehicle.

Emergency means an unforeseeable occurrence of temporary duration causing or resulting in an abnormal increase in traffic volume, cessation or stoppage of traffic movement, or creation of conditions hazardous to normal traffic movement, including fire, storm, accident, riot, or spontaneous assembly of large numbers of pedestrians in such a manner as to impede the flow of traffic.

Emergency vehicle means vehicles of the Fire Department, police vehicles and ambulances.

Highway. See *Street*.

Intersection means:

- A. The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadway of two streets which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets join at any other angle, may come in conflict; or
- B. Where a street includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection. In the event such intersecting street also includes two roadways 30 feet or more apart, then every crossing of two roadways of such streets shall be regarded as separate intersections.

Laned roadway means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

Limit lines means boundaries of parking areas, loading zones and nontraffic areas and lines indicating the proper place for stopping where stops are required.

Limited access highway. See *Controlled access highway*.

Loading zone means a space adjacent to a curb reserved for the exclusive use of

vehicles during the loading or unloading of passengers or material.

Freight loading zone means a loading zone for the exclusive use of vehicles during the loading or unloading of freight.

Passenger curb loading zone means a loading zone for the exclusive use of vehicles during the loading or unloading of passengers.

Motor vehicle means every vehicle which is self-propelled.

Motorcycle, motor scooter, and motor bicycle means a motor vehicle, other than a tractor, having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Official time. Whenever certain hours are named herein, they shall mean Central Standard Time or daylight saving time, as may be in current use in the City.

Official traffic control device means all signs, signals, markings, and devices, not inconsistent with this title, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

Park or parking means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers, provided such loading and unloading is in an authorized place.

Pedestrian means any person afoot.

Police officer means every officer of the Municipal Police Department, or any officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

Private road or roadway means a way or place in private ownership or leading to property in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner.

Public parking lot means a parking lot or right-of-way dedicated to public use or owned by the state or a political subdivision thereof.

Railroad means a carrier of persons or property upon cars other than streetcars operated upon stationary rails.

Railroad train means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

Residence district means the territory contiguous to and including a highway not

comprising a business district.

Right-of-way means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Roadway means that portion of a street improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulders. In the event a street includes two or more separate roadways, the term "roadway," as used herein, shall refer to any such roadway separately, but not to all such roadways collectively.

Safety zone means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

School zone means all streets or portions of streets immediately adjacent to a school, or school ground, where same is adjacent and for a distance of 300 feet in each direction.

Sidewalk means that portion of a street between the curb lines or at lateral lines of the roadway and adjacent property lines, intended for use of pedestrians.

Stand or standing means any stopping of a vehicle, whether occupied or not.

Stop, when required, means the complete cessation from movement.

Stop or stopping, when prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic signal.

Street or highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is opened to the use of the public for purposes of vehicular travel.

Through street or highway means a street, or boulevard or highway or portion thereof, at the entrances to which:

- A. Vehicular traffic from intersecting streets or highways is required by law to come to a full stop before entering or crossing; and
- B. Stop signs are erected as provided in this title.

Traffic means pedestrians, ridden or herded animals, vehicles and other conveyances, either singularly or together, while using any highway or street for purpose of travel.

Traffic control devices or signals means any device legally authorized and used for the purpose of regulating, warning or guiding traffic.

U-turn means a turn by which a vehicle reverses its course of travel on the same street.

Urban district means the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

Vehicle means every device in, upon, or by which any person or property is, or may be, transported or drawn upon a highway or street, except devices moved by human power or used exclusively upon stationary rails or tracks.

(Code 2012, § 15-103)

8-1-4 Application Of Provisions; Exemptions

A. *Pushcarts, riding animal or driving animal-drawn vehicles.* Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this title applicable to the driver of any vehicle, except those provisions of this title which, by their very nature, can have no application.

B. *Public officer and employees.*

1. The provisions of this title 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 title, except as otherwise permitted in this title by state statute.
2. This title shall not apply to the military forces of the United States and organizations of the National Guard when performing any military duty.

C. *Public works vehicles.*

1. Unless specifically made applicable, the provisions of this title, 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 flagmen.
2. The provisions of this title shall apply to any of the persons and vehicles exempted by this subsection when traveling to and from such work.

D. Authorized emergency vehicles.

1. 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 subsection, but subject to the conditions stated in this subsection.
2. 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.
 - a. Park or stand, irrespective of the provisions of this title;
 - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - c. Exceed the maximum speed limits so long as life or property is not endangered; or
 - d. Disregard regulations governing direction of movement or turning in specific directions.
3. The exemptions granted in this subsection 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.
4. The provisions of this subsection shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(Code 2012, §§ 15-206, 15-208, 15-209, 15-211)

8-1-5 Emergency And Experimental Regulations

The City Manager, subject to any directions which the City Council may give by motion or resolution, is empowered to adopt regulations necessary to make effective the provisions of the traffic ordinances of the 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 90 days.

(Code 2012, § 15-205)

8-1-6 Improvements In Public Ways; Street Closures

- 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 Manager, 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, flagmen, or other traffic control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area.

(Code 2012, § 15-210)

8-1-7 Insurance Requirements; Exemptions

- A. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Compulsory insurance law means the law requiring liability insurance in conjunction with the operation of a motor vehicle in the state as found in 47 O.S. § 7-502 et seq., and 47 O.S. § 7-606.

Operator's policy means an operator's policy of liability insurance which shall insure the named person against loss from the liability imposed upon him by law for damages arising out of the operation or use by him of any motor vehicle not owned by him, subject to the same limits of liability required in an owner's policy.

Owner's policy means an owner's policy of liability insurance which:

1. Shall designate by explicit description or by appropriate reference all

vehicles with respect to which coverage is thereby to be granted;

2. Shall insure the person named therein and insure any other person, except as provided in subsection 3 of this definition, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle;
3. May provide for exclusions from coverage in accordance with existing laws; and
4. Shall be issued by an authorized carrier providing coverage in accordance with 47 O.S. § 7-204.

Security means:

1. A policy or bond meeting the requirements of 47 O.S. § 7-204;
2. A deposit of cash or securities having the equivalency of limits required under 47 O.S. § 7-204 as acceptable limits for a policy or bond; or
3. Self-insurance, pursuant to the provisions of 47 O.S. § 7-503, having the equivalency of limits required under 47 O.S. § 7-204 as acceptable limits for a policy or bond.

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.

B. Proof of insurance required.

1. Every operator of a motor vehicle registered in the 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, provided the operator is not excluded from coverage thereon; or an equivalent form issued by the State Department of Public Safety, reflecting liability coverage.
2. The owner of a motor vehicle registered in the 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.

C. Exemptions. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the Department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:

1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;
2. Any vehicle bearing the name, symbol or logo of the business, corporation or utility on the exterior and which is in compliance with the Compulsory Insurance Law according to records of the Department of Public Safety which reflect a deposit, bond, self-insurance, or fleet policy;
3. Any vehicle authorized for operation under a permit number issued by the Interstate Commerce Commission or the Oklahoma Corporation Commission;
4. Any licensed taxicab; and
5. Any vehicle owned by a licensed motor vehicle dealer.

D. Enforcement and penalty.

1. 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 CCC 1-4-1.
2. 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.
3. Upon conviction, bond forfeiture or deferral of sentence, the Court Clerk shall forward an abstract to the State Department of Public Safety within ten days reflecting the action taken by the court.
4. A sentence imposed for any violation of this section may be suspended or deferred in whole or in part by the court.

(Code 2012, § 15-228)

8-1-8 Accidents

- A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or property shall immediately stop his vehicle at the scene of such accident, or as close thereto as possible, return to and remain at the scene of the accident until he has given his name, address and the registration of his vehicle and shall, upon request, exhibit his driver 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 \$300.00 shall, as soon as practicable, report such accident to a police officer or to the Police Department. If a driver makes out a written report of the accident in the office of the Police Department as soon as practicable after the accident, which report is to be forwarded to the State Department of Public Safety in accordance with state law, the driver shall be deemed to be in compliance with this section.
- C. Any person failing to stop or to comply with any of the requirements of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided in CCC 1-4-1.

(Code 2012, § 15-219)

CHAPTER 8-2 TRAFFIC CONTROL DEVICES AND MARKINGS

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8-2-1 Authority To Install Traffic Control Devices

The City Manager, subject to any directions given by the City Council by motion or resolution, shall have placed and maintained traffic control signs, signals, and devices when and as required under the traffic ordinances of the 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 the City or under state law or to guide or warn traffic.

(Code 2012, § 15-601)

8-2-2 Compliance With State Manual

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. 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.

(Code 2012, § 15-602)

8-2-3 Effect Of Traffic Signs For Enforcement

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.

(Code 2012, § 15-604)

8-2-4 Obedience To Devices; Avoidance Prohibited

- A. 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 title.
- B. No driver shall drive through a service station driveway or other driveway or private property so as to avoid the use of a street or traffic control device.

(Code 2012, §§ 15-603, 15-615)

Editor's note—See CCC 8-1-4D.

8-2-5 Unauthorized Signs, Signals And Markings

- A. *Imitation devices; interfering with devices.* 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. *Advertisements.* 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. *Exemptions.* 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. *Removal authorized.* Every prohibited sign, signal, marking or device may be removed without notice.

(Code 2012, § 15-609)

8-2-6 Interference With, Damage To Devices

No person shall, without lawful authority, attempt to or in fact alter, destroy, deface, molest, interfere with, tamper, injure, knock down, remove or have in his possession any traffic control device or any railroad sign or signal or an inscription, shield or insignia thereon, or any part thereof.

(Code 2012, § 15-610; altered in 2023 recodification)

8-2-7 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.

(Code 2012, § 15-605)

8-2-8 Pedestrian-Control Signals

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 crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

(Code 2012, § 15-606)

8-2-9 Flashing Signals

- A. Whenever a flashing red or yellow signal is illuminated, it shall require obedience by vehicular traffic as follows:
 - 1. *Flashing red.* When a red light is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; and
 - 2. *Flashing yellow.* When a yellow light is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or pass such signal only with caution.
- B. This section shall not apply at railroad grade crossings.

(Code 2012, § 15-607)

8-2-10 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; and
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; and

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 crossing shall proceed to the nearest sidewalk or safety island and shall be given the right-of-way by the drivers of all vehicles.

(Code 2012, § 15-608)

8-2-11 Traffic Lanes

The City Manager, subject to any directions given by the City Council, may be authorized to have traffic lanes marked upon the roadway of any street where a regular alignment of traffic is necessary. 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.

(Code 2012, § 15-614)

8-2-12 Testing Devices

The City Manager may have traffic control devices tested under actual conditions of traffic.

(Code 2012, § 15-205)

8-2-13 Exemptions From Provisions

This chapter shall not apply to any of the following persons when acting within the scope and duty of their employment:

- A. Any officer, agent, independent contractor, employee, servant or trustee of any governmental agency; or
- B. Any officer, agent, independent contractor, employee, servant or trustee of any contractor, public utility or railroad company.

(Code 2012, § 15-610)

CHAPTER 8-3 DRIVING RULES

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8-3-1 Attentive, Careful And Prudent Driving

- A. The operator of every vehicle, while driving upon the streets and highways of the City, shall devote full time and attention to such driving.
- B. Any person driving a vehicle on a public road or way shall drive the same in a careful and prudent manner and at a careful and prudent speed not greater than

nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the public way and any other conditions then existing.

(Code 2012, §§ 15-524, 15-525)

8-3-2 Authorized Emergency Vehicles

A. Operation of vehicle on approach of authorized emergency vehicle.

1. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of the 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.
2. This subsection 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.

B. Following emergency vehicles. The driver of any vehicle other than one on official business shall not follow any police vehicle, ambulance, civil defense vehicle, fire apparatus, or other emergency vehicle traveling in response to an emergency call or request closer than 500 feet, or drive into or park such vehicle within the block where the emergency vehicle has stopped in answer to an emergency call.

C. Driving over fire hose. No vehicle shall be driven over any unprotected hose of a Fire Department used at any fire or alarm of fire.

(Code 2012, §§ 15-212--15-214)

8-3-3 Right-Of-Way

A. Vehicle approaching or entering intersection.

1. When two vehicles enter or approach an uncontrolled intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right as otherwise stated in this chapter; however, the driver of a vehicle on a street which is not a state or federal highway approaching an intersection with a state or federal highway shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so

close thereto as to constitute an immediate hazard.

2. The right-of-way rule declared in subsection A1 of this section is modified at through highways as otherwise stated in this chapter.

- B. *Turning left at intersection.* The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. After so yielding and having given signal when and as required by this chapter, the driver may make the left turn, and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the vehicle making the left turn.
- C. *Approaching yield right-of-way sign.* The driver of a vehicle approaching a yield right-of-way sign shall slow to a reasonable speed for existing conditions of traffic and visibility, yielding the right-of-way to all vehicles on the intersecting street or highway which have entered the intersection or which are so close as to constitute an immediate hazard.
- D. *Entering through highway.* Except when directed to proceed by a police officer or a traffic control signal, every driver of a vehicle shall stop as required by this chapter at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway, or which are approaching so closely on the through highway as to constitute an immediate hazard.
- E. *Facing stop, slow, warning or caution signal.* If two or more vehicles face stop, slow, warning or caution signs or signals at an intersection and are approaching as to enter the intersection at the same time, the following rules shall apply: if each vehicle is required to stop, the vehicle coming from the right shall have the right-of-way; if each vehicle is required to slow, the vehicle coming from the right shall have the right-of-way; if each vehicle is required to take caution, the vehicle coming from the right shall have the right-of-way; if one vehicle is required to slow and the other to take caution, the one required to take caution shall have the right-of-way. In any event, a vehicle which has already entered the intersection shall have the right-of-way over one which has not entered the intersection.

(Code 2012, §§ 15-540--15-544)

8-3-4 Through Streets; Stop And Yield Intersections

A. Through streets.

1. *Designation.* The City Manager, subject to such direction as the City Council may give, may designate any street or part of a street a through street.

2. Signs posted.

- a. Whenever the City Manager designates and describes a through street, the stop sign, or yield sign if deemed more appropriate, shall be placed and maintained on every street intersecting a through street, or intersecting that portion thereof, unless traffic at such intersection is controlled at all times by traffic control signals.
- b. At the intersection of two such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of the streets as may be determined by the City Manager if deemed desirable.

B. Stop or yield intersections.

- 1. *Determination.* The City Manager, subject to any directions given by the City Council by motion or resolution, is hereby authorized to determine and designate intersections upon other than through streets where particular hazards exist and to determine whether:

- a. Vehicles shall stop at one or more entrances to any such stop intersection, in which event, he shall cause to be erected a stop sign at every such place a stop is required; or
- b. Vehicles shall yield the right-of-way to vehicles on a different street, as provided in this section, in which event, he shall cause to be erected a yield sign at every place where yield is required.

2. Sign construction and placement.

- a. Every stop or yield sign erected pursuant to this chapter shall bear the word "stop" or "yield" in letters not less than eight inches in height for a stop sign and not less than seven inches in height for a yield sign.
- b. Every stop or yield sign shall, at night, be rendered luminous by steady or flashing internal illumination, by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign.
- c. Every stop or yield sign shall be located as close as practicable to the nearest line of the crosswalk on the near side of the intersection, or if there is no crosswalk, then the sign shall be located at the nearest line of the intersecting roadway.

3. Procedures at stop intersections.

- a. Except when directed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop before entering the crosswalk on the near side of the intersection. In the event there is no crosswalk, the driver shall stop at a clearly marked stop line before entering the intersection. If there is no marked stop line, then the driver shall stop at the point nearest the intersecting road where the driver has a view of approaching traffic on an intersecting roadway before entering the intersection.
- b. A driver, after having stopped, shall yield the right-of-way to any vehicle which has entered the intersection from another highway or road, or which is approaching so close as to constitute an immediate hazard; but the driver, having so yielded, may then proceed, and the driver of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

4. *Procedures at yield intersections.*

- a. The driver of a vehicle approaching a yield sign shall, in observance to such sign, slow down to a speed reasonable for the existing condition or shall stop if necessary and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving and to any vehicle in the intersection or approaching on another road so closely as to constitute an immediate hazard. The driver having so yielded may then proceed, and drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding. A driver who enters a yield intersection without stopping and has or causes a collision with a pedestrian at a crosswalk or a vehicle in the intersection shall prima facie be considered not to have yielded as required herein. The provisions of this subsection shall not release the drivers of other vehicles approaching the intersection at such a distance as not to constitute immediate hazard from the duty to drive with due care to avoid a collision.
- b. The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection before entering the intersection. If there is no crosswalk, the driver shall stop at a clearly marked stop line, or if there is no stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

5. *Entering highway from private road or driveway.* The driver of a vehicle

about to enter, leave or cross a highway from or into a private road or driveway shall yield the right-of-way to all vehicles approaching on the highway.

6. *Entering traffic from parking.* Any vehicle attempting to re-enter traffic while parked at the curb shall yield the right-of-way to oncoming traffic in the street approaching from the rear. The parked vehicle shall proceed into the line of traffic only after the driver has given the appropriate signal which indicates his intention of turning from the curb and into the line of traffic. The vehicle shall in no event enter the line of traffic until the driver has ascertained that no hazard exists.
7. *Emerging from alley, driveway or building.* The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway, shall yield the right-of-way to all vehicles approaching on the roadway.

(Code 2012, §§ 15-545--15-552)

8-3-5 One-Way Roadways And Rotary Traffic Islands

- A. *Designation.* The City Manager, subject to any directions given by the City Council by motion or resolution, may designate any road, street, alley, or highway, or any separate roadway under their jurisdiction for one-way traffic, and shall cause appropriate signs giving notice thereof to be erected.
- B. *Signs posted.* Whenever the City Manager designates any street or alley or part thereof as a one-way street or alley, the City Manager shall have placed and maintained signs giving notice thereof; and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.
- C. *Operation of vehicle on one-way roadways.*
 1. Upon those streets and parts of streets and in those alleys and parts of alleys so designated as one-way streets and alleys, vehicular traffic shall move only in the direction indicated when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.
 2. Upon roadways designated and signposted for one-way traffic, a vehicle shall be driven only in the direction designated.

- D. *Passing around rotary traffic island.* A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

(Code 2012, § 15-507)

8-3-6 Crosswalks And Safety Zones

The City Manager, subject to any directions given by the City Council, may:

- A. Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, in his opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as he 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.

(Code 2012, § 15-613)

8-3-7 Speed Regulations

- A. *Reasonable and proper.* No person shall drive a vehicle at a speed greater or less than is reasonable or prudent under the conditions then existing, taking into consideration, among other things, the conditions of the vehicle, the traffic, the roadway surface or width, the amount of light or darkness, the presence of pedestrians in or near the roadways, and the obstruction of views. No person shall drive any vehicle at a speed greater than will permit him to bring it to a stop within the ensured clear distance ahead.
- B. *Speed limits established.*
 - 1. *Generally; exceptions.* No vehicle shall be driven at a greater speed than 25 miles per hour upon any street or highway within the City, except:
 - a. Emergency vehicles being lawfully driven as provided in this chapter;
 - b. When a different speed limit is otherwise designated and posted; or
 - c. When a different speed limit is established in this section.
 - 2. *School zones.* No vehicle shall be driven at a greater speed than that posted speed per hour between the hours posted on any street adjacent to any school in a designated school zone on days when school is in session, unless a different speed limit or time is otherwise designated and posted.

C. Minimum and maximum speeds.

1. No vehicle shall be driven at such an unreasonably slow speed in relation to the effective maximum speed allowed as to constitute a hazard or to interfere with the normal movement of other traffic except when the slow speed is unavoidable.
2. Where official signs and markings give notice of both maximum and minimum speed limits in effect on any street, no vehicle shall be driven at rates in excess of the maximum or slower than the minimum except as required by an authorized officer or in obedience to posted official signs.

D. Authority to increase or decrease speed limits. The City Manager, subject to such direction as the City Council may give by motion or resolution, may reduce or increase the speed limits provided in this section, and when he does so, appropriate signs shall be placed on such streets or parts of streets indicating the lower or higher speed limit.

E. Penalty. Any violation of this section is punishable as provided in CCC 1-4-1.

(Code 2012, §§ 15-401--15-406)

8-3-8 Driving On Roadways; Changing Lanes

A. General provisions.

1. Whenever any roadway has been divided into two or more clearly marked lanes for traffic, in addition to all other rules consistent with this subsection, a vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety and has signaled for a change of course.
2. Where streets or roadways do not have marked traffic lanes, vehicles shall nevertheless keep in line or follow a straight course as nearly as practical and shall not weave in and out or turn from side to side unnecessarily. Vehicles shall move to the right or left only as necessary in slowing or stopping adjacent to the curb, in passing slow moving vehicles or making a proper approach for a turn, and this only after the driver has first ascertained that such movement can be made safely and has signaled for a change of course.
3. Upon a roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the centerline of the roadway, except when authorized by official traffic control devices designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use

such lanes. However, this subsection shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road or driveway.

4. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway. Drivers of vehicles shall obey the directions of every such sign.

B. Drive on right; exceptions.

1. Upon all roadways of sufficient width, a vehicle shall be driven to the right of the center of the roadway, except as follows:
 - a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
 - b. When the right half of a roadway is closed to traffic while under construction or repair;
 - c. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; and
 - d. Upon a roadway designated and signposted for one-way traffic.
2. All vehicles shall keep to the right of the roadway on all streets or highways which are divided into two roadways.
3. Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(Code 2012, §§ 15-501, 15-502)

8-3-9 Passing, Overtaking Vehicles

A. Passing vehicle proceeding in opposite direction. Drivers of vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having a width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half the main-traveled portion of the roadway as nearly as possible.

B. Overtaking on left; limitations.

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street or roadway until safely clear of the overtaken vehicle.
2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
3. No vehicle shall be driven to the left side of the center of the street or roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the completion of the overtaking and passing without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every instance, the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.
4. No vehicle at any time shall be driven to the left side of the roadway under the following conditions:
 - a. When approaching the crest of a grade or upon a curve in the street or highway where the driver's view along the street or highway is obstructed; or
 - b. When approaching within 100 feet of any bridge, viaduct or tunnel or when approaching within 50 feet of or traversing any intersection or railroad grade crossing.

C. Overtaking on right.

1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 - a. When the vehicle overtaken is making or about to make a left turn;
 - b. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction; or
 - c. Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.
2. The driver of a vehicle may overtake and pass another vehicle upon the

right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

D. No passing zones.

1. The State Department of Transportation, as regards state and federal highways, and the City Manager, as regards all other streets, are hereby authorized to determine those portions of any highway where overtaking and passing to the left would be especially hazardous, and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver shall obey the directions thereof.
2. Where signs or markings are in place to define a no-passing zone as set forth in subsection D1 of this section, no driver shall at any time drive to the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

(Code 2012, §§ 15-503--15-506, 15-509)

8-3-10 Turning Movements

A. Turning markers or indicators.

1. *Authority to place markers or indicators.* The City Manager, subject to any directions given by the City Council by motion or resolution, is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections. The course to be traveled, as so indicated, may conform to or be other than as prescribed by law.
2. *Obedience required.*
 - a. When authorized markers, buttons, or other indicators are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indicators.
 - b. Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, the driver of a vehicle shall not disobey the directions of any such sign.

B. Designation of restricted turns. The City Manager is hereby authorized to

determine those street intersections at which drivers of vehicles shall not make right, left or U-turns, and shall have proper signs placed at the intersections. The making of the turns may be prohibited between certain hours of any day and permitted at other hours. Where turns are restricted during certain hours pursuant to this subsection, the same shall be plainly indicated on the signs, or they may be removed when turns are permitted.

C. *Method of turning.* The driver of a vehicle intending to turn at an intersection shall do as follows:

1. *Right turns.* Both the approach for a right turn and the execution of a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;
2. *Left turns on two-way roadways.* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, the approach for a left turn shall be made in that portion of the right half of the street nearest the center thereof by passing to the right of the centerline where it enters the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection; or
3. *Left turns on other than two-way roadways.* At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. After entering the intersection, the left turn shall be made so as to leave the intersection, as nearby as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

D. *Turning movements and required signals.*

1. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in subsection C of this section or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.
2. A signal of intention to turn right or left, slow or stop, when required, shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning or stopping.
3. No person shall stop or suddenly decrease the speed of a vehicle

without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give the signal.

4. Any stop or turn signal, when required herein, shall be given either by means of hand or arm, or by a signal lamp or lamps, or mechanical device of a type approved by the State Department of Public Safety, except as provided herein. A vehicle shall be equipped with, and the required signal given by, signal lamps or devices when:
 - a. The body or cab of a vehicle or the load of any vehicle projects 24 inches or more to the left of the center of the steering wheel;
 - b. Under any condition where a hand and arm signal would not be visible both to the front and rear of the vehicle; or
 - c. The rear limit of the body of a vehicle or the load of any vehicle projects 14 feet or more beyond the center top of the steering post.
5. All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:
 - a. Left turn: Hand and arm extended horizontally;
 - b. Right turn: Hand and arm extended upward; and
 - c. Stop or decrease speed: Hand and arm extended downward with palm to the rear.

E. U-turns and similar turns.

1. The driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction upon any street in the City at the following locations:
 - a. At intersections controlled by traffic control devices or signals unless such turns are specifically authorized;
 - b. Where a police officer is directing traffic except at the latter's direction; or
 - c. At any other location where an official no-U-turn has been placed and is maintained.
2. A U-turn may be made only when it can be made in safety and without interfering with other traffic. No person shall make a U-turn except in the following manner:
 - a. By approaching the intersection as closely as practical to the

right curb or edge of the roadway, the driver giving and continuing to give a signal for a left turn until the turn is completed, proceeding to make the turn across the intersection;

- b. In one continuous movement without stopping or backing the vehicle;
 - c. By yielding the right-of-way at all times to all vehicles until such turn is completed; and
 - d. Without constituting a hazard to or interfering with any other vehicle.
3. No person shall turn a vehicle left of the center of a street to park on the opposite side of such street on which the vehicle was traveling.

F. Turns into or from alleys.

- 1. No vehicles shall turn left when proceeding into or proceeding out of an alley except when necessary to enter a one-way street, and no vehicle shall cross any street or highway when proceeding into or proceeding out of any alley except as provided in subsection F2 of this section.
- 2. Left turns may be made when proceeding out of an alley if a traffic survey conducted by the traffic engineer shows that such turn may be made safely, and official signs are erected authorizing such turns.
- 3. The provisions of this subsection shall not apply to bus terminals used by licensed and authorized bus lines.

(Code 2012, §§ 15-901--15-910)

8-3-11 Restrictions On Driving

- A. *Stop when traffic obstructed.* 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 vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.
- B. *Following too closely.* The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.
- C. *Backing vehicles.* The driver of a vehicle shall not back the vehicle unless such movement can be made with reasonable safety and without interfering with any other traffic. No vehicle shall be backed into an intersection.

- D. *Driving on sidewalks.* No person shall drive any vehicle within or upon any sidewalk area except at a permanent or temporary driveway.
- E. *Driving through safety zone.* No vehicle shall at any time be driven through or within a safety zone or island.
- F. *Driving through service drives.* It is unlawful for any person to operate any vehicle through a service drive situated at a street intersection within the City unless the operator of such vehicle transacts business on the premises where such service drive is located.
- G. *Starting parked vehicle.* No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.
- H. *Opening and closing vehicle doors.* No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so; nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(Code 2012, §§ 15-508, 15-516, 15-517, 15-530--15-532, 15-537, 15-553)

8-3-12 School Zones And Buses

A. Overtaking and passing in school zones.

1. No driver of a vehicle shall pass any other vehicle which is in motion and being driven in the same direction in any school zone between the hours posted on all days when schools are in session.
2. Wherever a school zone is located on a multiple-lane street which is divided into three or more clearly marked lanes for traffic or where the right half of the roadway has been divided into two or more lanes, or on one-way streets, vehicles shall be allowed to pass slower moving vehicles being driven in the same direction where passing does not involve a change of lane movement.

B. Overtaking and passing school bus.

1. The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, shall stop his vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed past such school bus at a speed which is reasonable and with due caution for the safety of such school children and other occupants.

2. The driver of any vehicle when passing a school bus shall pass with due caution for the safety of school children and other occupants of the school bus.
3. Occupants of the school bus shall have the right-of-way when crossing the roadway immediately upon leaving the school bus.

C. Lights and signs required.

1. The provisions of subsection B of this section shall be applicable only if the school bus is painted yellow and bears upon the front and rear thereon a plainly visible sign containing the words "School Bus" in letters not less than eight inches in height which can be removed or covered when the vehicle is not in use as a school bus.
2. The school bus shall be equipped with four red alternately flashing warning signal lights, two of which shall be located high on the front and two high on the rear of the vehicle. The lights shall be a minimum of four inches in diameter and shall be widely separated.

(Code 2012, §§ 15-513--15-515)

8-3-13 Limited Access Facilities

- A. *System established.* A system of limited access facilities, consisting of the streets, avenues, boulevards and ways and parts of streets, avenues, boulevards and ways hereinafter described, is hereby established and created within the corporate limits of the City, as now existing or as the same may be hereafter extended, and in recognition of the general use of the streets, avenues, boulevards, ways and parts thereof, and of the wear and destruction of the same by heavy general traffic thereon, including passenger automobiles, buses, trucks and other vehicles, and to the extent that the costs of acquisition of rights-of-way and property necessary in the establishment of the limited access facilities exceed the benefits to property abutting thereon, such limited access facilities are hereby declared to be improvements of a general nature, and such costs, to the extent that they exceed the benefits to property abutting thereon, are hereby declared to be costs of a general nature.
- B. *Designation of facilities.* The streets, avenues, boulevards and ways and parts of streets, avenues, boulevards and ways within the corporate limits of the City, as now existing, or as the same may be hereafter extended, included in attachment A to Ordinance No. 329, are hereby designated as limited access facilities and as arterial highways. The limited access facilities and arterial highways are streets or highways especially designed for through traffic, entrance into which at intersections may be limited by requiring all entering vehicles to be brought to a complete stop, and the City Council may otherwise

protect the right-of-way of vehicles thereon.

C. Regulation and use of limited access facilities.

1. The use of limited access facilities within the City shall be regulated and controlled by the traffic ordinances of the City as now existing or hereafter enacted or amended.
2. No person shall drive a vehicle onto or from any controlled access highway except at entrances and exits established by public authority.

D. Effect on zoning regulations. Nothing herein contained shall be construed to affect any zoning ordinance or part thereof relating to the construction or use of improvements on property abutting on any limited access facility.

(Code 2012, §§ 15-521, 15-1201--15-1204)

8-3-14 Truck Routes

The City Manager, subject to such directions as the City Council may give, may prescribe routes through the City for the use of trucks in general, trucks of particular kinds or other vehicles which are not ordinary private passenger vehicles, passing through the City. Appropriate and adequate signs shall be placed along such routes so that drivers of such vehicles may follow the routes. When such signs are so erected and in place, the driver of a truck or other vehicle for which a route has been prescribed, as provided herein, while passing through the City, shall keep on such route and shall not deviate therefrom except in case of emergency. Drivers of such vehicles shall follow such routes so far as practicable also when driving within the City and not merely through the City.

(Code 2012, § 15-538)

8-3-15 Parades And Processions

- A. *Permit required.* No funeral, procession, or parade containing 200 or more persons or 50 or more vehicles, except the military forces of the United States and the military forces of the state, shall occupy, march, or proceed along any street except in accordance with a permit issued by the Chief of Police and such other regulations as are set forth herein which may apply.
- B. *Driving through processions.* No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this section. This subsection shall not apply at intersections where traffic is controlled by traffic control signals or police officers.
- C. *Drivers in a procession.* Each driver in a funeral or other procession shall drive

as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

- D. *Funeral processions to be identified.* A funeral composed of a procession of vehicles shall be identified as such by the lighting of headlights or such identifying insignia as may be determined and designated by the Police Department.

(Code 2012, §§ 15-510--15-512, 15-529)

8-3-16 Play Streets

- A. *Authority to establish.* The City Manager, subject to any directions given by the City Council, shall have authority to declare any street or part thereof a play street and to have placed appropriate signs or devices in the roadway indicating and helping to protect the same.
- B. *Use restrictions.* 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.

(Code 2012, §§ 15-611, 15-612)

8-3-17 Railroad Trains

- A. *Obedience to railroad signals.*
1. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this subsection, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall not proceed until he can do so safely. These requirements shall apply when:
 - a. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
 - b. A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
 - c. A railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance, and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or
 - d. An approaching railroad train is plainly visible and is in

hazardous proximity to such crossing.

2. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

B. Certain vehicles to stop at all railroad crossings.

1. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad, and while so stopped, shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.
2. No stop need be made at any such crossing where a police officer or traffic control signal directs traffic to proceed.

- C. Trains not to block streets.* It is unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes, except that this subsection shall not apply to trains or cars in motion other than those engaged in switching. This subsection shall not apply in case of engine failure or train accidents within the City limits.

(Code 2012, §§ 15-536, 15-554, 15-555)

8-3-18 Motorcycles, Bicycles And Motor Scooters

A. Limitation on use.

1. No driver of a two-wheel or three-wheel motor vehicle or bicycle shall carry any other person upon or within such vehicle on any street or highway, except as follows:
 - a. If any two-wheel or three-wheel motor vehicle with a wheel diameter of 12 inches or greater or any bicycle shall have either a double seating device with double footrests or a sidecar attachment providing a separate seat space within such sidecar

attachment for each person riding therein so that such person shall be seated entirely within the body of the sidecar, then it shall be permissible for an operator who has attained the age of 16 or older to carry a passenger; and

- b. A demonstration ride by a licensed dealer or his employee is permissible.
- 2. No motorcycle or motor scooter shall be ridden upon any sidewalk of the City.
- 3. No rider of a motorcycle, bicycle, or motor scooter shall hold onto any moving vehicle for the purpose of being propelled.
- 4. A person operating a motor scooter, motorcycle, motor-driven cycle, or motor bicycle shall ride only upon the permanent and regular seat attached thereto.
- 5. No driver of a motorcycle or motor scooter shall pass other vehicles in between lanes of traffic traveling in the same direction. Authorized emergency vehicles are excepted from the provisions of this subsection.
- 6. No person under the age of 16 shall operate any motorcycle, motor bicycle, or motor scooter within the City between the hours of 10:00 p.m. and 4:00 a.m.

B. Required motorcycle and motor scooter equipment; headgear.

- 1. In addition to all other requirements, motorcycles and motor scooters shall be equipped with the following:
 - a. *Handlebars.* Handlebars which do not exceed 12 inches in height, measured from the crown or point of attachment;
 - b. *Mirrors.* Two mirrors, containing a reflection surface of not less than three inches in diameter, mounted one on each side of the vehicle and positioned so as to enable the operator to clearly view the roadway for a distance of 200 feet to the rear of his vehicle;
 - c. *Brakes and brake lights.* Brakes adequate to control the movement of the vehicle, to stop and hold the vehicle, including two separate means of applying the brakes. One means for applying the brakes shall be to effectively apply the brakes to the front wheel, and one means shall be to effectively apply the brakes to the rear wheels. All such vehicles shall be equipped with a stop lamp on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than 100 feet to the rear in

normal sunlight, and which shall be activated upon application of the service brake;

- d. *Speedometer*. A properly operating speedometer capable of registering at least the maximum legal speed limit for that vehicle;
 - e. *Fenders*. A fender over each wheel. All fenders shall be of the type provided by the manufacturer;
 - f. *Lights*. One lighted headlamp and one taillamp which shall comply with the requirements of state law. The lights required by this subsection shall be burning whenever the vehicle is in motion during the period from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the streets are not clearly discernible at a distance of at least 500 feet ahead; and
 - g. *Windshield*. A windshield of sufficient quality, size and thickness to protect the operator from foreign objects. In lieu of the windshield, the operator shall wear goggles or a face shield of material and design to protect him from foreign objects.
2. *Helmets required*. No person under 18 years of age shall operate or ride upon any vehicle covered under this subsection unless the person is equipped with and wearing on the head a crash helmet of the type and design manufactured for use by the operators of such vehicles. All crash helmets shall consist of lining, padding and chinstraps and be of the type as not to distort the view of the driver.
3. *Modified exhaust system prohibited*. No person may operate a motorcycle or motor scooter with the exhaust system modified so that motor noise is increased greater than that of the original muffler equipment provided by the manufacturers of the vehicle.

(Code 2012, §§ 15-518, 15-519; altered in 2023 recodification)

Editor's note—See also CCC 8-8.

8-3-19 Roller Skates, Coasters And Toy Vehicles

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk, and when so crossing, such person shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by ordinances of the City.

(Code 2012, § 15-207)

Editor's note—See CCC 8-3-16.

8-3-20 Miscellaneous Prohibitions

- A. *Clinging to vehicles.* No person riding upon any bicycle, coaster, roller-skates, sled, or toy vehicle shall attach the same or himself to any moving vehicle upon a roadway.
- B. *Boarding or alighting from vehicles.* No person shall board or alight from any vehicle while such vehicle is in motion.
- C. *Unlawful riding.* No person shall ride on any such vehicle upon any portion thereof not designed or intended for the use of passengers. This subsection shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

(Code 2012, §§ 15-520, 15-534, 15-535)

8-3-21 Reckless, Careless, Negligent Driving

- A. *Reckless driving.* Any person who drives any vehicle in such a manner as to endanger a life, man, person, or property is guilty of reckless driving and, upon conviction thereof, shall be punishable as provided in CCC 1-4-1.
- B. *Careless driving.* It is unlawful for any person to drive, use or operate any vehicle:
 - 1. In a careless manner;
 - 2. In a negligent manner; or
 - 3. In such a manner or condition as to interfere with the lawful movement of traffic or use of the streets.
- C. *Speed contests.*
 - 1. No person shall engage in, aid or abet any motor vehicle speed contest or exhibition of speed on any street or highway.
 - 2. No person shall, for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest upon any street or highway, in any manner, obstruct or place any barricade or obstruction upon any street or highway.
 - 3. When three or more persons assemble to witness or participate in an unlawful speed contest, such assembly is an unlawful assembly, and any person who participates in such unlawful assembly is guilty of an

offense.

- D. *Squealing tires*. No driver shall either purposely or inadvertently cause his vehicle to accelerate at such an excessive or rapid rate of speed so as to spin or squeal the tires of the vehicle or cause his ability to control the vehicle to be impaired to an appreciable degree.

(Code 2012, §§ 15-522--15-523, 15-528, 15-557)

Editor's note—See CCC 7-4-3A.

8-3-22 Driving Under The Influence

A. Driving under the influence of alcohol.

1. It is unlawful for any person who is under the influence of intoxicating drugs or liquor to drive, operate or be in actual physical control of any motor vehicle in the City.
2. Any person who operates a motor vehicle while his ability to operate such motor vehicle is impaired by the consumption of alcohol shall be punishable as provided in CCC 1-4-1.
3. Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a motor vehicle while under the influence of alcohol or intoxicating liquor, or operating a motor vehicle while his ability is impaired by the consumption of alcohol, evidence of the amount of alcohol in the person's blood, as shown by a chemical analysis of his blood or breath, is admissible. For the purpose of this section:
 - a. Evidence that there was five-hundredths of one percent or less by weight of alcohol in his blood is prima facie evidence that the person was not under the influence of alcohol or intoxicating liquor;
 - b. Evidence that there was more than five-hundredths of one percent by weight of alcohol in the person's blood is relevant evidence of operating a motor vehicle while his ability to operate such motor vehicle is impaired by the consumption of alcohol or intoxicating liquor, however, no person shall be convicted while his ability to operate such vehicle is impaired by consumption of alcohol or intoxicating liquor solely because there was more than five-hundredths of one percent by weight of alcohol in the person's blood in the absence of additional evidence that such person's driving was affected by the consumption of alcohol to the extent that the public health and safety was threatened or that

- the person had violated a state statute or local ordinance in the operation of a motor vehicle;
- c. Evidence that there was ten-hundredths of one percent or more by weight of alcohol in his blood shall be admitted as prima facie evidence that the person was under the influence of alcohol or intoxicating liquor;
 - d. The percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 ml of blood.
4. The provisions of this subsection do not limit the introduction of any other competent evidence bearing on the question of whether the person was under the influence of alcohol or intoxicating liquor.

B. Driving under the influence of controlled substances.

- 1. No person shall drive, operate, or be in actual physical control of any motor vehicle upon any highway that is under the influence of any substance included in the Uniform Controlled Dangerous Substance Act [63 O.S. § 2-101 et seq.]. The fact that any person charged with a violation of this subsection is or has been lawfully entitled to use such controlled substance shall not constitute a defense.
- 2. Any person who violates this subsection shall be guilty of an offense and, upon conviction thereof, shall be punishable as provided in CCC 1-4-1.

(Code 2012, §§ 15-526, 15-527)

CHAPTER 8-4 PARKING REGULATIONS

8-4-1 Application Of Provisions

8-4-2 Method Of Parking

8-4-3 Right-Of-Way To Parallel Parking Space

8-4-4 Parking Prohibited In Specified Places

8-4-5 General Parking Restrictions

8-4-6 Parking For Persons With Disabilities

8-4-7 Parking Creating Hazardous Or Congested Conditions

8-4-8 Time Limit Or Prohibited Parking

8-4-9 Truck Parking

8-4-10 Negligent Parking

8-4-11 Illegal Parking Declared A Nuisance

8-4-1 Application Of Provisions

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.

(Code 2012, § 15-702)

8-4-2 Method Of Parking

A. *Parallel parking.* 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 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 18 inches of the left-hand curb.

B. *Angle parking.*

1. *Determination of angle parking streets.* The City Manager, subject to any directions given by the City Council by motion or resolution, shall determine upon what streets and parts of streets angle parking shall be permitted, and shall have such streets marked or signed.
2. *Obedience to 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.

C. *Park in designated spaces.* 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 thus marked off and not on or over a line delimiting a space.

(Code 2012, §§ 15-706--15-708, 15-724)

8-4-3 Right-Of-Way To Parallel Parking Space

A. The driver of any vehicle intending to occupy a parallel parking space where a backing movement is necessary and which is being vacated by another vehicle shall stop his vehicle to the rear of the parking space until the vacating vehicle has cleared and entered normal traffic. He then shall be deemed to have the right-of-way to such parking space over any other vehicle attempting to park therein.

B. The first of two 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.

(Code 2012, § 15-726)

8-4-4 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 15 feet of a fire hydrant except in a parking space officially marked;
5. On a crosswalk;
6. Within 20 feet of a crosswalk at an intersection;
7. Within 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 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 50 feet of the nearest rail of a railroad crossing;
10. Within 20 feet of the driveway entrance to any fire station, and on the side of street opposite the entrance to any fire station, within 75 feet of the entrance when properly signposted;
11. Alongside or opposite any street excavation or construction when stopping, standing, or parking would obstruct traffic;
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
14. At any place where official signs prohibit stopping.

B. No person shall move a vehicle not lawfully under his control into any prohibited area or an unlawful distance away from a curb.

(Code 2012, § 15-711)

8-4-5 General Parking Restrictions

A. *One-way roadways.*

1. 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.
2. The City Council 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.
3. 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.

B. *Private property.*

1. 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.
2. 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.

C. *Blocking intersection or crosswalk.* 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.

D. *Alleys; blocking driveways.*

1. 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 20 feet of the width of the roadway for the free movement of vehicular traffic.
2. 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.

E. *Parking for certain purposes prohibited.* No person shall park a vehicle upon any roadway for the purpose of:

1. Displaying the vehicle for sale;

2. Displaying advertising or displaying merchandise or other things for sale or selling merchandise or other things; or
3. Washing, cleaning, or repairing the vehicle, except for repairs necessitated by an emergency.

F. *Adjacent to schools.* 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 opinion, interfere with traffic or create a hazardous situation. No person shall park a vehicle in violation of any such signs.

G. *Double parking.*

1. No driver shall double park or double stop a vehicle under the following conditions:
 - a. Within 50 feet of an intersection except alley intersections, or within ten feet of an alley intersection;
 - b. Opposite a double parked or double stopped vehicle across the street;
 - c. When such double parking or double stopping would or does block or interfere materially with the normal movement of traffic;
 - d. When parking space adjacent to the curb is available;
 - e. When directed by a police officer to move on; or
 - f. In any position other than parallel to the curb and within two feet of the adjacent vehicle parked next to the curb.
2. A driver may double park or double stop a vehicle only as authorized in this subsection. There must be a licensed driver in any vehicle while it is double parked or double stopped.
3. 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.
4. 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 minutes.

H. *Extended loads.*

1. No vehicle shall be parked at an angle on a street so that it or its load will extend more than 15 feet from the curb or edge of the roadway

towards the center of the roadway.

2. No vehicle shall be parked parallel to the curb or edge of the roadway so that it or its load shall extend more than nine feet from the curb or edge toward the center of the roadway.

I. *Parking more than 48 hours.* No person shall park a vehicle on any street for a period of time longer than 48 hours. The parking of a vehicle for more than 48 hours shall constitute prima facie evidence of abandonment of the vehicle.

J. *Brakes set; motor off.*

1. Adequate brakes shall be set on all parked vehicles.
2. No driver of a motor vehicle shall leave the vehicle with the motor running while parked.

(Code 2012, §§ 15-704, 15-705, 15-712--15-716, 15-718, 15-719, 15-721, 15-723)

8-4-6 Parking For Persons With Disabilities

- 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 47 O.S. § 15-112, and such insignias are displayed as provided in said section 15-112, or regulations adopted pursuant thereto.
- B. Any person who shall violate any of the provisions of this subsection shall be guilty of an offense and, upon conviction thereof, shall be punishable as provided in CCC 1-4-1.

(Code 2012, § 15-727)

8-4-7 Parking Creating Hazardous Or Congested Conditions

- A. The City Manager 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.

(Code 2012, § 15-710)

8-4-8 Time Limit Or Prohibited Parking

The City Manager, subject to any directions given by the City Council by motion or resolution, may establish parking time limits or prohibit parking on designated streets or parts of streets and have appropriate signs placed on the streets. When the signs are in place, it is unlawful for any person to park a vehicle in violation of the sign. No such time limits shall be effective unless a sign is erected and in place at the time of the alleged violation.

(Code 2012, § 15-703)

8-4-9 Truck Parking

- A. *Prohibited in certain areas.* It is unlawful and an offense for any person, firm or corporation to park any commercial vehicle or trailer of all types, including travel, camping and hauling, in excess of 24 feet in length, on any public street in a residential district.
- B. *Trucks transporting hazardous materials.* It is unlawful to park, store or otherwise let stand a truck or other vehicle which is used for the purpose of transporting or delivering flammable and combustible liquids as defined by the City's Fire Prevention Code and trucks or other vehicles which are used for the transportation and delivery of liquefied petroleum gases in any area within the City. However, the trucks and vehicles restricted in this subsection may be temporarily parked at locations otherwise zoned for the purpose of loading and unloading flammable and combustible liquids and liquefied petroleum gases for a period not to exceed 1 1/2 hours during any 24-hour period.

(Code 2012, §§ 15-720, 15-722)

Editor's note—See CCC 6-5-1.

8-4-10 Negligent Parking

No person shall park, cause to be parked, stop or leave unattended any vehicle as follows:

- A. In a careless manner;
- B. In such a manner as to endanger a life, limb, person or property; or
- C. In such a manner as to endanger or interfere in the lawful traffic or use of the street.

(Code 2012, § 15-725)

8-4-11 Illegal Parking Declared A 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.

(Code 2012, § 15-701)

CHAPTER 8-5 LOADING AND UNLOADING

8-5-1 Definitions

8-5-2 Curb Loading Zones

8-5-3 Public Carrier Stops And Stands Designated

8-5-4 Buses And Taxicabs

8-5-5 Permit For Loading Or Unloading At An Angle

8-5-1 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial vehicle means:

- A. A truck designated for delivery purposes with the name of the owner or his business painted on both sides of the vehicle, regularly used during normal business hours for the delivery and handling of merchandise or freight and which bears a regular state commercial license tag.
- B. A passenger vehicle used regularly and actually engaged during normal business hours in the delivery and handling of merchandise or freight, and which bears a special numbered license plate issued by the City at the rear of the vehicle attached to the state license plate, together with an identically numbered decal, issued vehicle.

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 resale.

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.

(Code 2012, § 15-801)

8-5-2 Curb Loading Zones

A. Designation; signage.

1. The City Manager, subject to any directions given by the City Council by motion or resolution, may determine the location of passenger and freight curb loading zones and shall have placed and maintained appropriate signs indicating the zones and stating the hours during which the provisions of this subsection are applicable.
2. No person shall stand or park a vehicle in violation of signs erected in accordance with this subsection.
3. If any loading zone is established on request of any person, the signs shall not be placed until the applicant pays to the City an amount of money estimated by the City Council to be adequate to reimburse the City for all costs of establishing and signing the same.

B. Use 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.

C. Stopping, standing or parking.

1. *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.
2. *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 pick up 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 30 minutes.
 - b. Vehicles using any commercial loading zone shall be subject to the licensing requirements and regulations provided by this chapter.
 - c. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any commercial vehicle which is waiting to enter the zone.

(Code 2012, §§ 15-802--15-805)

8-5-3 Public Carrier Stops And Stands Designated

The City Manager 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.

(Code 2012, § 15-806)

8-5-4 Buses And Taxicabs

- A. 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.
- B. 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.
- C. *Stopping, standing and parking.*
 - 1. *Buses.*
 - a. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.
 - b. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage except in a bus stop, stand or loading zone designated as provided herein, except in case of an emergency.
 - c. The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not farther than 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.
 - 2. *Taxicabs.* 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 subsection 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.

(Code 2012, §§ 15-807, 15-808)

8-5-5 Permit For Loading Or Unloading At An Angle

- 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.
- B. The 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.
- C. The City Manager may revoke such permits at any time.
- D. It is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

(Code 2012, § 15-709)

CHAPTER 8-6 PEDESTRIANS

8-6-1 Application Of Traffic Regulations

8-6-2 Driver Duties

8-6-3 Pedestrians Crossing Roadways

8-6-4 Pedestrians Walking Along Roadways

8-6-5 Soliciting Prohibited

8-6-6 Obedience To Railroad Signals

8-6-1 Application Of Traffic Regulations

Pedestrians shall be subject to traffic control signals as provided in this title, but at all other places, pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter.

(Code 2012, § 15-1001)

8-6-2 Driver Duties

A. Pedestrian right-of-way at crosswalks.

1. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way slowing down or stopping, if need be, to so yield to a pedestrian crossing the roadway within a crosswalk when:

- a. The pedestrian is upon the half of the roadway upon which the vehicle is traveling; or
 - b. The pedestrian is approaching so closely from the opposite edge of the roadway as to be in danger.
- 2. The provisions of this subsection are not applicable under conditions where pedestrians are required to yield pursuant to this chapter.
- B. Whenever any vehicle is stopped at a marked crosswalk, or any unmarked crosswalk, or at an intersection to permit a pedestrian to cross a roadway, the driver of any other vehicle approaching from the rear shall not overtake to pass such stopped vehicle.
- C. Notwithstanding other provisions of this chapter, every driver shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person on the roadway.

(Code 2012, §§ 15-1002, 15-1008)

8-6-3 Pedestrians Crossing Roadways

A. Prohibited crossings.

- 1. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.
- 2. Pedestrians shall not cross any divided highway having a median in the center thereof, except in a crosswalk.

B. *Leaving curb suddenly.* No pedestrian shall suddenly leave a curb or other place of safety or walk or run into the path of the vehicle which is so close that it is impossible for the driver to yield.

C. *Use right half of crosswalk.* Pedestrians, when crossing the street at a crosswalk, shall move, whenever practicable, upon the right half of the crosswalk.

D. *Crossing at right angles.* No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk.

E. When pedestrians shall yield.

- 1. Every pedestrian crossing a roadway at any point other than within a

marked or unmarked crosswalk at any intersection shall yield the right-of-way to all vehicles upon the roadway.

2. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
3. The provisions of this subsection are not applicable where pedestrian crossings are prohibited.

(Code 2012, §§ 15-1002--15-1005, 15-1009)

8-6-4 Pedestrians Walking Along Roadways

- A. Where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.
- B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practical, walk only on the left side of the roadway, or its shoulder, facing traffic which may approach from the opposite direction, and shall yield to approaching vehicles.

(Code 2012, § 15-1006)

8-6-5 Soliciting Prohibited

- A. No person shall stand in a roadway for the purpose of soliciting a ride, donations, employment or business from the occupant of any vehicle.
- B. No person shall:
 1. Stand in any street, roadway or park and stop or attempt to stop and engage any person in any vehicle for the purpose of soliciting contributions or the watching or guarding of any vehicle while parked or about to be parked on a street;
 2. Sell or attempt to sell anything to any person in any vehicle;
 3. Hand or attempt to hand to any person in any vehicle any circular, advertisement, handbill or any political campaign literature, or any sample, souvenir or gift; or
 4. In any other manner, while standing in the street or roadway, attempt to interfere with the normal flow of traffic for any other similar purpose.

(Code 2012, § 15-1007)

8-6-6 Obedience To Railroad Signals

No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

(Code 2012, § 15-1010)

CHAPTER 8-7 VEHICLE EQUIPMENT AND CONDITION

8-7-1 Compliance With State Law

8-7-2 Safe Mechanical Condition

8-7-3 Obstruction To Driver's View Or Driving Mechanism

8-7-4 Noise Control

8-7-5 Oversized Loads; Mover Permits

8-7-6 Spilling Loads; Covers Required

8-7-7 Certain Vehicles Prohibited Or Restricted

8-7-1 Compliance With State Law

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.

(Code 2012, § 15-303)

8-7-2 Safe Mechanical Condition

- A. No person shall drive or move on any road, street, or highway of the City any motor vehicle, including motorcycles, trailers, semi-trailers, or pole trailers, which are licensed by the State Tax Commission and operated on the streets or highways of the City, or any combination thereof, unless the vehicle is in good working order and adjustment and is in such safe mechanical condition as not to endanger the driver or other occupants.
- B. Any person who violates the provisions of this section shall, upon conviction thereof, be subject to a fine as provided in CCC 1-4-1.

(Code 2012, § 15-306)

8-7-3 Obstruction To Driver's View Or Driving Mechanism

- A. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

- B. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle.

(Code 2012, § 15-533)

8-7-4 Noise Control

A. Mufflers required; cutouts prohibited.

1. No motor vehicle 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.
2. No muffler cutout 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.
3. It is unlawful for any person to operate a motorcycle or motor scooter which is not equipped with a muffler or other noise reduction control device.

B. Jake brakes.

1. It shall be unlawful, except to avert an imminent danger, for any person to use compression release type engine brakes, commonly known as "jake brakes," unless the blow down from the compression release and the exhaust of any internal combustion engine is discharged through an appropriate muffler system before entering the ambient air.
2. For the purpose of this subsection, the term "compression release type engine brake" or "jake brake" means a device which, when activated, retards one or more pistons on the engine of the motor vehicle in order to assist the motor vehicle in braking, and in the process of doing so, creates a loud and offensive noise from the motor vehicle when inadequately or improperly muffled.

(Code 2012, §§ 15-304, 15-307)

8-7-5 Oversized Loads; Mover Permits

- A. *Compliance required.* No structure or object greater than 14 feet in overall width or 15.9 feet in overall height, including equipment utilized in moving same, or greater than 90 feet in overall length as a single unit, shall be moved upon a public street of the City according to the provisions contained herein.

- B. *Permit required.*

1. No structure or object requiring a mover's permit shall be moved upon a public street of the City during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., Monday through Friday, and at any time on holidays recognized by the City, unless granted specific written permission by the City Manager, Chief of Police, or designees as part of the mover's permit.
2. In addition, no structure or object requiring a mover's permit shall be moved at any time upon North Broadway between Chestnut and Highway 51, unless granted specific written permission by the City Manager, Chief of Police, Building Inspector or designees, as part of the mover's permit.

C. *Per load permit.* Mover's permits may be issued on a per load basis by the City as provided herein.

1. *Application for permit.*

- a. All applications for a per load mover's permit shall be made to the City Police Department and 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 \$500,000.00 per occurrence, to be placed on file with the Community Development Department.
- b. Any application for a mover's permit to be issued on a per load basis shall also provide an accurate record of the overall width, height, and length of the structure or object to be moved, as well as the equipment utilized in moving same, and shall also set forth an approved route from the state along with the state oversized load permit and approximate time of movement.

2. *Issuance of permit; fee; display.* Within 24 hours of receiving a completed application for a mover's permit on a per load basis, the Police Department shall, if appropriate, issue a mover's permit to the applicant upon receipt of a \$25.00 permit fee. 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.

3. *Notice of intent to move.* Prior to commencing movement upon a public street, the applicant shall notify the Chief of Police or designee of the intention to commence moving at least one hour prior to movement through the municipal limits. No movement granted by a mover's permit shall commence until clearance is granted to do so by the Chief of Police

or designee.

D. *Annual permit.* Mover's permits may also be issued on an annual basis by the City as provided herein.

1. *Application for permit.*

- a. All applications for an annual mover's permit shall be made to the Community Development Department of the City and shall include a current and valid certificate of liability insurance, in effect for the annual term applied for, 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 Development Department.
- b. Any application for a mover's permit to be issued on an annual basis shall also provide a general description of the overall width, height and length of structures or objects to be moved, as well as the equipment utilized in moving same, and shall set forth the contemplated route and approximate times of movement.
- c. A copy of the state oversized load permit must also be submitted and on file.

2. *Issuance of permit fees; display.* Within seven days of receiving a completed application for a mover's permit on an annual basis, the Community Development Department shall, if appropriate, issue a mover's permit to the applicant upon receipt of a \$200.00 annual permit fee. The issued annual 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.

3. *Notice of intent to move.* Prior to commencing movement upon a public street within the City, the applicant shall notify the Chief of Police or designee of the intention to commence moving at least one hour prior to movement through the municipal limits. No movement granted by a mover's permit shall commence until clearance is granted to do so by the City Chief of Police or designee.

E. *Violation; penalty.* Any person, firm or corporation violating any provisions of this section or failing to comply with any of its requirements shall be deemed guilty of an offense punishable as provided by CCC 8-9-7.

(Code 2012, § 15-305)

Editor's note—See also CCC 11-8.

8-7-6 Spilling Loads; Covers Required

- A. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing or otherwise escaping therefrom; except, that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.
- B. No person shall operate on any highway any vehicle with any load unless the load, and any covering thereon, is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. Any vehicle loaded with sand, cinders, or other loose material susceptible to blowing or escaping by reason of wind shall have the load covered or dampened so as to prevent the blowing or escaping of the load from the vehicle.
- C. This section shall apply to trucks loaded with livestock, poultry or agricultural products only, except baled agricultural products, provided that any such truck shall be so constructed or loaded as to prevent such livestock or poultry from escaping therefrom.

(Code 2012, § 15-539; altered in 2023 recodification)

8-7-7 Certain Vehicles Prohibited Or Restricted

- A. No vehicle or object which injures or is likely to injure the surface of a street shall be driven or moved on any street.
- B. No person shall drive any vehicle in such condition, so constructed, or so loaded as to cause delay or be likely to cause delay in traffic, or as to constitute a hazard to persons or property, except by permit issued by the Chief of Police and in accordance with the terms of such permit.

(Code 2012, §§ 15-301, 15-302)

CHAPTER 8-8 BICYCLES

[8-8-1 Application Of Provisions](#)

[8-8-2 Obedience To Traffic Control Devices](#)

[8-8-3 Rules Of Operation](#)

[8-8-4 Parking Bicycles](#)

[8-8-5 Equipment Required](#)

Editor's note—See also CCC 8-3-18.

8-8-1 Application Of Provisions

- A. The provisions of this chapter shall apply whenever a bicycle is operated upon any street, or upon any public way, or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated in this chapter.
- B. Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of the state and the traffic provisions of this title applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which, by their nature, are inapplicable to such persons.

(Code 2012, §§ 15-1101, 15-1102)

8-8-2 Obedience To Traffic Control Devices

- A. Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles unless otherwise directed by a police officer.
- B. Whenever authorized signs are erected indicating no right turn or left turn or U-turn is permitted, no person operating a bicycle shall disobey the directions of such sign, except where such person dismounts from the bicycle to make any such turn, in which event, such person shall then obey the regulations applicable to pedestrians.

(Code 2012, § 15-1103)

8-8-3 Rules Of Operation

A. Riding on bicycles.

1. No person operating a bicycle shall ride other than astride a permanent and regular seat attached thereto.
2. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

B. Riding on roadways and bicycle paths.

1. Roadways.

- a. *Riding on right.* Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or a vehicle proceeding in the same direction.
- b. *Riding side-by-side.* Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of

roadways set aside for the exclusive use of bicycles.

2. *Available paths.* If usable paths for bicycles are provided adjacent to a roadway, bicycle riders shall use such paths and shall not use the roadway.
- C. *Speed limit.* No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.
- D. *Riding on sidewalks.*
1. *Prohibited.* No person shall ride a bicycle upon a sidewalk within a business district.
 2. *Yield to pedestrians.* Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.
 3. *Signs posted.* The City Council, by motion or resolution, is authorized to have erected signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, and when such signs are in place, no person shall disobey the same.
- E. *Emerging from alley or driveway.* The operator of a bicycle emerging from an alley or driveway shall, upon approaching a sidewalk or sidewalk area extending across the alley or driveway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area. Upon entering the roadway, the bicycle operator shall yield the right-of-way to all vehicles approaching on the roadways.
- F. *Carrying articles.* No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand on the handlebars.

(Code 2012, §§ 15-1104--15-1108, 15-1110)

8-8-4 Parking Bicycles

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against the building or at the curb in such a manner as to afford the least obstruction to pedestrian traffic.

(Code 2012, § 15-1109)

8-8-5 Equipment Required

- A. *Lights and reflector.* Bicycles in use at nighttime shall be equipped with a lamp

on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type which shall be visible from 500 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

B. *Brake.* Bicycles shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

C. *Audible signal.*

1. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet.

2. A bicycle shall not be equipped with, nor shall any person use, any siren or whistle.

(Code 2012, § 15-1111)

CHAPTER 8-9 ENFORCEMENT AND PENALTY

ARTICLE 8-9A ENFORCEMENT AND PENALTY GENERALLY

ARTICLE 8-9B IMPOUNDMENT OF VEHICLES

ARTICLE 8-9A ENFORCEMENT AND PENALTY GENERALLY

8-9A-1 Enforcement Officials

8-9A-2 Direction Of Traffic; Obedience Required

8-9A-3 Violations

8-9A-4 Citations, Complaints And Warrants

8-9A-5 Prima Facie Presumption Of Illegal Parking

8-9A-6 Court Records; Abstract Sent To State

8-9A-7 Penalty

8-9A-1 Enforcement Officials

A. 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 the City and all the state vehicle laws applicable to street traffic in the City.

B. 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 title and any other traffic ordinances of the City.

C. Officers may issue a written notice to appear to any driver of a vehicle involved in an accident when, based on personal investigation, the officer has

reasonable and probable grounds to believe that the person has committed an offense under the provisions of the traffic code in connection with the accident.

(Code 2012, § 15-201)

8-9A-2 Direction Of Traffic; Obedience Required

- 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.
- C. No unauthorized person shall direct or attempt to direct traffic, except in case of emergency where no officer is present.
- D. No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or Fire Department official.

(Code 2012, §§ 15-202--15-204)

8-9A-3 Violations

- A. No person shall operate any motor vehicle on the highways without having in his possession at all times, when operating such motor vehicle, an unrevoked or unsuspended operator or chauffeur 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 subsection shall be convicted if he produces in court an operator or chauffeur's license issued to him and valid at the time of his arrest.
- B. No person shall operate a motor vehicle in any manner in violation of any restriction that may be imposed in a restricted license issued to him 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.
- C. No person shall operate a motor vehicle when his privilege to do so is canceled, suspended, revoked or denied. Any person convicted of violating this subsection shall be punishable by a fine as provided in CCC 8-9A-7. Each act of driving on the streets or highways as prohibited by this subsection shall constitute a separate offense.
- D. 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.

- E. No person shall authorize or knowingly permit any vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under the provisions of the laws of the state to operate such vehicle.
- F. 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 title.
- G. 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 title.
- H. 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.

(Code 2012, §§ 15-215--15-218, 15-1401)

8-9A-4 Citations, Complaints And Warrants

A. Issuance of citation tags.

1. Police officers are hereby authorized to give notice to persons violating provisions of this title by delivering citation tags to violators or, in cases where vehicles without drivers are parked or stopped in violation of this title, by affixing such tags to the vehicles by means of which the violation occurred. Such citation tags, among other things, shall bear briefly the charge, shall bear the registration number of the vehicle, and shall direct the violator to present the tag at the police station or other designated place within the time as may be specified thereon.
2. Nothing in this subsection shall be construed to abridge the power of a police officer to arrest any violator and take him into custody.
3. The City Manager may require that the police officers use citation tags furnished by the City Clerk and that such tags are serially numbered and may regulate the use and handling of the citation tags.

B. Disposition and records of traffic citations and complaints.

1. Every police officer, upon issuing a traffic citation to an alleged violator of any provision of this title, shall deposit the original and a duplicate copy of the citation to an immediate superior officer who shall cause the original to be delivered to the Municipal Court of the City and the duplicate copy to the central records section of Police Department. The second duplicate copy of the citation shall be retained in the traffic citation book and shall be delivered by such superior officer to the City Clerk, together with such book, when all traffic citations therein have

been issued.

2. Upon the filing of the original citation in the Municipal Court, the citation may be disposed of by the City Attorney, by trial in the court or by other official action by the Judge of the Court, including the settlement of bail or the payment of a fine, or may be dismissed by the Judge if, in his opinion, the actions complained of do not constitute a violation of traffic ordinances.
 3. The Chief of Police shall require the return to him of each traffic citation and all copies thereof except that copy required to be retained in the book as provided herein, which has been spoiled or upon which an entry has been made and has not been issued to an alleged violator.
 4. The Chief of Police shall also maintain or cause to be maintained in connection with every traffic citation issued by a member of the Police Department, a record of the disposition of the charge by the Municipal Court of the City.
 5. The Chief of Police shall also maintain or cause to be maintained a record of all warrants issued by the Municipal Court of the City, all the traffic fines which are delivered to the Police Department for service and of the final disposition of the warrant.
 6. It is unlawful and official misconduct for any member of the Police Department or other officer of public employ to dispose of, alter, or deface any traffic citation or any copy thereof or the record of issuance of any traffic citation, complaint or warrant in any manner other than is required in this subsection.
- C. *Copies of citations a lawful complaint.* In the event the form of citation provided herein includes information and is sworn to, then such citation, when filed with the Municipal Court, shall be deemed to be a lawful complaint for the purpose of prosecution under this chapter.
- D. *Failure to obey citation.* It is unlawful and an offense for any person to violate his written promise to appear, given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which citation was originally issued.
- E. *Failure to comply with citation attached to parked vehicle.* If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of days as specified on the citation, the Clerk of the Municipal Court may send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for the specified period of days, a warrant of arrest may be issued. On any occasion where two 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 subsection.

- F. *Illegal cancellation of citation.* 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 section.

(Code 2012, §§ 15-220--15-224, 15-226)

8-9A-5 Prima Facie Presumption Of 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.

(Code 2012, § 15-225)

8-9A-6 Court Records; Abstract Sent To State

- 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 days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this title or other law regulating the operation of vehicles on highways, the Municipal Judge or Clerk of the Court in which the conviction was had or bail was forfeited shall prepare and immediately forward to the State Department of Public Safety a certified abstract of the court's record of the case. An abstract need not be made of any conviction involving the illegal parking or standing of a vehicle.
- C. The abstract must be made upon a form furnished by the State Department of Public Safety and shall include the name and address of the party charged, the number of his operator or chauffeur 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.

(Code 2012, § 15-227)

8-9A-7 Penalty

Except as otherwise provided in this title, any person violating any of the provisions of this title containing the traffic laws of the City, or who performs any unlawful act as defined in this title, or who fails to perform any act required by this title, shall be guilty of an offense and, upon conviction thereof, shall be punishable as provided in CCC 1-4-1.

(Code 2012, § 15-1402)

ARTICLE 8-9B IMPOUNDMENT OF VEHICLES

[8-9B-1 Purpose And Effect](#)

[8-9B-2 Authority To Impound](#)

[8-9B-3 Place Of Impoundment](#)

[8-9B-4 Duration Of Impoundment; Release Of Vehicle](#)

8-9B-1 Purpose And Effect

The impoundment of vehicles under authority of the provisions of this article shall be construed as an enforcement procedure for protection of the public peace, safety and welfare and the safeguarding of property and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations, protection of the public rights in the use of streets and thoroughfares from obstructions placed and left in derogation of those rights, and for safeguarding and protecting recovered stolen vehicles.

(Code 2012, § 15-1301)

8-9B-2 Authority To Impound

Members of the Police Department are hereby authorized within the limits set forth in this article to impound vehicles under the circumstances hereinafter enumerated. No impoundment shall be valid unless made under order of an authorized police officer and in strict adherence with the procedures required in this article.

A. *Disabled vehicle.* A disabled vehicle upon a street or highway may be impounded under the following circumstances:

1. If left unattended and improperly parked on a street or highway and constitutes a definite hazard or obstruction to the normal movement of traffic; or
2. If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal, and the vehicle is so disabled as to constitute an obstruction to traffic or a

hazard.

- B. *Vehicle on bridge or causeway.* 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 a hazard may be impounded.
- C. *Arrest and detention of driver.* 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.
- D. *Creating 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.
- E. *Illegal trespass.*
 - 1. An unattended vehicle found to be in violation of this title may be impounded when the required complaint has been properly made and filed as provided in this subsection E.
 - 2. If a violation of the provisions of this title occurs, the owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner's or legal occupant's property, or if the identity of the person parking the vehicle is unknown, then the complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing.
 - 3. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe the provisions of this title have been violated, the Police Department shall cause the vehicle to be impounded from the property and placed in storage.
- F. *Parked overtime.* Any unattended vehicle which has been parked for more than one hour in excess of the time allowed for parking in any place shall be impounded, and any vehicle parked in violation of this title, regarding more than 48 hours, shall be impounded.
- G. *Blocking fire exit or hydrant.* 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.
- H. *Parked in intersection.*
 - 1. Any unattended vehicle illegally parked in any street intersection shall be impounded.

2. 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.

I. Stolen vehicle.

1. Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time not exceeding one hour, or cannot be determined from the registration papers or other identifying media in the vehicle or from records or information available from reports of stolen cars, the vehicle shall be removed to the nearest authorized place of impoundment, and the registered owner of the vehicle shall be notified of the location of the place of impoundment as soon as possible by the Police Department.
2. If the registered owner is identified, located and notified of the recovery of the stolen vehicle, the owner shall be given the right to make his own arrangement for the removal of the vehicle within the period of one hour from the time he is actually notified of its recovery, and if the owner is unable or unwilling to effect the removal within the time specified, the vehicle shall be impounded.

J. Outstanding traffic citations. Any vehicle for which two or more citations have been issued for violation of an ordinance and have not been presented as required, may be impounded if parked in violation of any provision of this title.

(Code 2012, §§ 15-1304--15-1314)

8-9B-3 Place Of Impoundment

Every vehicle that is impounded under the provisions of this article shall be removed to the nearest garage or place of safekeeping designated by the City and to no other place.

8-9B-4 Duration Of Impoundment; Release Of Vehicle

Except as otherwise provided, any vehicle impounded under the authority of this article 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. 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.

(Code 2012, §§ 15-1302, 15-1303)

TITLE 9 PUBLIC WAYS AND PROPERTY

CHAPTER 9-1 PUBLIC WAYS AND PROPERTY IN GENERAL; STREETS, SIDEWALKS AND PUBLIC WAYS

CHAPTER 9-2 EXCAVATIONS

CHAPTER 9-3 NATURAL GAS PIPELINE CAPACITY LEASE PERMIT

CHAPTER 9-4 PARKS AND RECREATION FACILITIES

CHAPTER 9-5 COWETA PUBLIC LIBRARY

CHAPTER 9-6 CITY CEMETERY

CHAPTER 9-7 TREES AND SHRUBS

CHAPTER 9-1 PUBLIC WAYS AND PROPERTY IN GENERAL; STREETS, SIDEWALKS AND PUBLIC WAYS

9-1-1 Street And Highway Plan Adopted

9-1-1.5 Ceremonial Street Signs And Naming

9-1-2 Intersection Visibility Triangles

9-1-3 Obstructing Public Ways Prohibited

9-1-4 Signs On Public Ways And Property Prohibited

9-1-5 Unlawful Deposits On Rights-Of-Way

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9-1-7 Drainage Ditches, Obstacles Impeding Drainage In Streets, Notice, Correction

9-1-8 Maintenance Of Sidewalks And Abutting Rights-Of-Way

9-1-9 Open Gratings Prohibited

9-1-10 Playing On Public Ways

9-1-11 Snow Removal Requirements

9-1-12 Violation; Penalty

9-1-1 Street And Highway Plan Adopted

The City hereby adopts and incorporates the City's major street and highway plan (Ordinance No. 414, passed August 19, 1991), and all amendments thereto, which shall be applicable as fully as if set out at length herein. A copy is on file with the City Clerk.

(Code 2012, § 14-301)

Editor's note—See also CCC 12-5-14.

9-1-1.5 Ceremonial Street Signs And Naming

A. Criteria.

1. Prospective honorees should have a minimum of ten years community involvement and have demonstrated an extraordinary and consistent commitment and dedication to the community.

2. Consideration may be given to prospective honorees who have demonstrated commitment and dedication to service on a statewide or national level.
3. Prospective honorees must have been deceased for at least two years prior to consideration.
4. Individuals must not have a history that could be construed as a blemish on the City or its citizens.
5. Individuals may only be honored with a ceremonial street name on one roadway at a time.

B. General provisions.

1. No more than two intersecting ceremonial street toppers are allowed on a single street sign pole.
2. A street, or portion of the street, may only have one ceremonial street name.
3. Ceremonial street names cannot contain a product name or be used for commercial purposes.
4. Ceremonial street names may be used to designate special areas or districts within the City.
5. Ceremonial street naming toppers can be installed only at locations with existing street signs.
6. Street topper design will limit the number of characters allowed on the ceremonial street sign based on the topper design designated by the City.
7. Ceremonial street name toppers will have a sunset/termination date ten years after date of installation.

C. Application.

1. A ceremonial street naming application may be initiated by:
 - a. An owner of property abutting the street proposed for ceremonial naming by submitting a petition of at least 51 percent of the owners of all lots abutting the street supporting the ceremonial street naming.
 - b. A City citizen by submitting a petition of at least 51 percent of the owners of all lots abutting the street supporting the ceremonial street naming.
 - c. A three-fifths vote of the City Council.

2. An application for a ceremonial street naming must be filed with the Community Development Department on an application form to be furnished by the Department. The application must include:
 - a. Application fee per the then-current City fee schedule.
 - b. Site plan showing location and boundaries of street proposed for ceremonial renaming.
 - c. Supporting documents showing significant contributions made by the prospective honoree.
 - d. Written statement meeting the ceremonial street naming criteria in accordance with this chapter.
 - e. Document affirming the integrity and character of the prospective honoree.
 - f. Roadway's functional classification within the City major streets and highways plan.
 - g. Proposed ceremonial street name.
3. Ceremonial street naming can be changed or removed by an application process following the same steps as for ceremonial street naming.
4. Ceremonial street names will be removed by the City if honoree is determined to have a dishonorable history. Note: If so determined, no refunds will be issued if sign has been manufactured and/or installed.

D. Approval process.

1. The City Council shall hold a public hearing to accept public comment prior to approving any ceremonial street naming under this chapter.
2. Notice of the public hearing before the City Council must be advertised at least 15 days prior to the hearing in a newspaper of general circulation within the City and a copy of the notice shall be mailed to the last known mailing address of the prospective honoree.
3. City Council may approve, make modifications, or deny the application based on the testimony presented at the public hearing, the length of the proposed street for ceremonial naming, and the application meeting the ceremonial street naming criteria standards in this chapter.
4. The favorable vote of four-fifths of all members of the City Council to approve an application is required if a written protest against the ceremonial street naming has been signed by the owners of at least 20 percent of all lots abutting the street.

E. *Implementation and maintenance.*

1. After City Council's approval, City staff will be responsible for the installation and implementation of the ceremonial street naming sign toppers. They will provide the dimension, design, and color schemes that uniquely identify the ceremonial street naming sign toppers.
2. An additional fee will be charged to cover the cost of the ceremonial street name sign toppers for fabrication, mounting brackets, and installation.
3. The City shall determine the location and number of toppers to be installed along a length of street. Attention will be given to the suggestions of the applicant regarding locations for toppers.
4. The City is not responsible for replacing ceremonial street name toppers due to vandalism, theft, damage, or normal wear and tear. The City may remove any ceremonial street naming sign toppers that have become unsightly without replacing them.
5. The City is responsible for removing ceremonial street naming toppers ten years after their installation date.

(Ord. No. 823, § I(14-401--14-405), 11-14-2019)

9-1-2 Intersection Visibility Triangles

- A. On any corner lot, no wall, fence, vehicle, structure, sign, or vegetation that obstructs sight visibility at elevations between 30 inches and six feet above any portion of the crown of the adjacent roadway is allowed in a triangle formed by measuring 25 feet along the front and side curb or pavement edge and connecting the points to form a triangle on the area of the lot adjacent to the street intersection.
- B. At all intersections of alleys, driveways, and streets, a ten-foot site triangle shall remain free and clear of all obstructions as stated in subsection A of this section.

(Code 2012, § 14-119)

Editor's note—See also CCC 13-2-2, definition of "sight triangle."

9-1-3 Obstructing Public Ways Prohibited

- A. *Generally.* It is unlawful for any person, firm or corporation to use or obstruct the sidewalks of the City in any manner so as to interfere unduly with pedestrian traffic thereon, or to use or obstruct the streets and alleys of the City in any manner so as to interfere unduly with lawful traffic and parking thereon.

- B. *Merchandise*. It is unlawful for any person, firm or corporation to place upon, or permit to be placed upon, the sidewalks, parkways, streets and alleys of the City any goods, wares, articles of merchandise or any other obstruction, and leave same thereon; or to use the same as a place to carry on a business or trade.
- C. *Business use*. It is unlawful for any person, firm or corporation to construct, erect, place, operate, maintain, or permit to exist any icebox, ice dock, gasoline pump, gasoline storage reservoir, tire rack, tire tools or equipment, water hose connection, or mercantile business, or any tools, stand, equipment, merchandise, or appurtenances thereof, aerials, poles, or wires therefor, whether permanent or temporary, or any other obstruction, upon any part of any street, alley, boulevard, parkway, curbing, or parking within the City.
- D. *Interfering with drainage*. It is unlawful for any person, firm, or corporation to obstruct any street, sidewalk, or alley by placing any approach driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water into the storm sewers or drains or dam the same so as to back any water upon the streets, alleys, sidewalks, or gutters.

(Code 2012, §§ 14-103, 14-104, 14-107, 14-111)

9-1-4 Signs On Public Ways And Property Prohibited

A. Prohibited generally.

1. No sign shall be permitted on the right-of-way of a street under any circumstances.
2. Any sign situated in the right-of-way of a public street is hereby declared a public nuisance endangering public safety and may be impounded by the Code Official or any police officer of the City. If impounded, a reasonable effort shall be made to determine the identity of the sign's owner and, if identified, notice shall be sent by certified mail, return receipt requested, that such sign may be redeemed upon the payment of the charges incurred for the impoundment, including, but not limited to, removal, transportation, storage, safeguarding and bookkeeping expenses in connection therewith. Such notice shall provide that signs not redeemed within 30 days may be sold or destroyed. A reasonable effort shall be made by the Code Official to sell those signs which, in his judgment, have salvage value. Any proceeds from the sale, after satisfying the charges incurred for the impoundment, shall be sent to the owner, if known.

B. Political advertising.

1. *Definition*. The term "political advertising sign" means 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 or may be a candidate for the election to any public office, whether such public office is in the local, state or federal government, or any subdivision thereof.

2. Prohibited.

- a. No person, firm or corporation shall erect or display any political advertising sign on any street or alley right-of-way, or upon any public utility easement within the City.
 - b. No person, firm or corporation shall place, tack, nail, staple or glue any political advertising sign on any telephone, telegraph, electric or street lighting pole within the City.
- 3. Nuisance declared.* Any political advertising sign erected, placed or displayed in violation of the provisions hereof shall be a public nuisance.
- 4. Property rights superseded.* No property right shall exist in such sign erected, placed or displayed in violation of the provisions of this subsection.

(Code 2012, §§ 8-111, 8-113, 10-311; altered in 2023 recodification)

9-1-5 Unlawful Deposits On Rights-Of-Way

It is unlawful for any person, firm or corporation to deposit, throw or sweep into or upon the streets, alleys, parking lots or sidewalks of the City any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes or other refuse of any kind.

(Code 2012, § 14-105; altered in 2023 recodification)

9-1-6 Drainage Of Water And Other Substances Onto Rights-Of-Way

- A. No automobile or other vehicle shall be washed at any place within the City where the water, dirt, mud or other substances removed therefrom by or during the washing thereof shall drain into or upon any street or sidewalk of the City.
- B. It is unlawful for any owner or operator of a filling station or other place of business, or any agent or employee thereof, to cause or allow water, grease or other fluid to flow or drain into, upon, over or across any sidewalk, parking, street, alley or other public way.
- C. It is unlawful for any residence or business to allow drainage of a pollution or wastes, as defined in 82 O.S. § 1084.2.

(Code 2012, §§ 14-108, 14-109, 14-116; altered in 2023 recodification)

9-1-7 Drainage Ditches, Obstacles Impeding Drainage In Streets, Notice, Correction

- A. *Generally.* It is the duty of the owner of any lot or piece of ground abutting any street to keep the area clean and to remove all materials, snow or ice, trash, weeds, refuse, rubbish or hazards of any kind and to keep the area in good repair and to maintain complete vegetative coverage of a common grass species or other ground cover plantings on the unpaved public right-of-way abutting their property to prevent mud and other debris from running into the street. This maintenance responsibility includes the maintenance of grass, trees, shrubs, hedges, and/or any other approved landscape plantings; the replacement of dead plantings or grass; and the maintenance of the swale or ditch grading, including the filling of holes.
- B. *Nuisance declared.* Any culvert, driveway, pipe, or other obstacle upon or in the dedicated streets, alleys or ways of the City which impedes the flow of water through drainage ditches now constructed or which might hereafter be constructed by the City for the purpose of proper drainage of water falling from any rainfalls, which might reasonably be anticipated, shall be and are hereby declared to be public nuisances endangering and interfering with travel upon and the repair and maintenance of City streets and annoying, and injuring and endangering the comfort, repose, health and safety of the citizens of the City.
- C. *Abatement of nuisance.* All public nuisances existing contrary to the provisions of this section not abated by the owners or occupants of adjoining premises or their agents within ten days after being given notice as provided herein, shall be abated by the City Manager or other officer or employee of the City by digging up, breaking, if necessary or not reasonably avoidable, and removing such culvert, driveway, pipe, or other obstacle and opening up such drainage ditch, and leaving the same open.
- D. *Notice to abate.* The notice herein mentioned shall be in writing directing the owner or occupant of premises adjoining such nuisance to abate the same by removing such obstacle impeding drainage, and shall be given by mailing to the owner or occupant of such adjoining premises at his or their last known address, or to both, if their names and post office addresses can be ascertained with reasonable diligence, by certified mail or by delivery of such notice to such owner or occupant personally by any officer, employee or agent of the City, or by posting such notice at some conspicuous place upon such premises if the name or mailing address of the owner or occupant of the premises cannot be ascertained with reasonable diligence.

(Code 2012, § 14-117; Ord. No. 834, § 1, 6-1-2020)

9-1-8 Maintenance Of Sidewalks And Abutting Rights-Of-Way

- A. It is unlawful for the owner or occupant of property abutting upon a sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk or sidewalk area.
- B. It is the duty of the owner of any lot or piece of ground abutting upon any street to keep the area clean and to remove all materials, snow or ice, trash, weeds, refuse, rubbish or hazards of any kind and to keep the area in good repair and to maintain complete vegetative coverage of an approved grass species or other ground cover plantings on the unpaved public right-of-way abutting the property. This maintenance responsibility includes the maintenance of grass, trees, shrubs, hedges, and/or any other approved landscape plantings; the replacement of dead plantings or grass; and the maintenance of the swale or ditch grading, including the filling of holes.

(Code 2012, §§ 8-101(B), 8-113, 14-110, 14-112; altered in 2023 recodification)

9-1-9 Open Gratings Prohibited

It is unlawful and an offense for any person to permit to be open or leave open any cellar door, manhole or grating of any kind in or upon any street, sidewalk or alley of the City.

(Code 2012, § 14-114)

9-1-10 Playing On Public Ways

It is unlawful for any person to play on the sidewalks, alleys, or the main-traveled portion of the streets and alleys of the City, except as may be authorized by ordinance.

(Code 2012, § 14-106)

Editor's note—See CCC 8-3-16.

9-1-11 Snow Removal Requirements

It is the duty of every owner of property in the City, within 24 hours after any snowfall, sleet or ice storm, to clear the sidewalks abutting such property. The snow, ice, sleet or other element of nature shall be cleared from the sidewalk and piled along the outer edge, or removed entirely, but in no case shall it be piled in the streets or gutter. Piling of the snow, ice or sleet in the gutter where the snow, ice or sleet is of a thickness of more than two inches is hereby declared to be unlawful.

(Code 2012, § 14-115)

9-1-12 Violation; Penalty

Any person, firm, or corporation who violates any provision of this chapter shall be

guilty of an offense and, upon conviction thereof, shall be punishable as provided in CCC 1-4-1.

(Code 2012, § 14-118)

CHAPTER 9-2 EXCAVATIONS

9-2-1 Authorization Required

9-2-2 Permit Requirements

9-2-3 Cutting Pavement

9-2-4 Backfill Of Trenches

9-2-5 Safety And Warning Devices

9-2-6 Protection Of New Pavement

9-2-7 Removal Of Cement, Earth, Sod, Trees Or Shrubs

9-2-8 Violation; Penalty

9-2-1 Authorization Required

It is unlawful for any person to make any excavation or cutting in any street, sidewalk, alley or public ground, or to remove any earth or construction material therefrom, except when so authorized by the City.

(Code 2012, § 14-113)

9-2-2 Permit Requirements

A. *Permit required; exemptions.* It is unlawful for any person to cut, alter, mutilate, or change in any manner for any purpose, any paved or traveled portion of any street or alley, or any curb, gutter, catch basin, or any other appurtenance of any street or alley, or any sidewalk in the City without first securing a permit from the City Clerk to make such cut, alteration, or change, provided that this requirement shall not apply to any person repairing or replacing a sidewalk under a sidewalk permit, provided such person changes only the sidewalk.

B. *Application for permit; fee required; issuance.*

1. Any person desiring to cut, alter, mutilate, or change in any manner, for any purpose, any paved or traveled portion of any street or alley, or any curb, gutter, catch basin, or any other appurtenance of any street or alley, shall apply to the City Clerk for a permit therefor, and pay to the City Clerk the permit fee required as set by the City Council by motion or resolution:

- a. For concrete street;
- b. For asphalt, oil or blacktop street; or
- c. For dirt or gravel street.

2. Upon the payment of the fee, the City Clerk shall issue to the applicant a permit in accordance with the application therefor.

C. *Maintenance bond.* Prior to the issuance of a permit to any person to cut any street or roadway within the City limits, the person shall post with the City a three-year maintenance bond running to the City, and to be in full force and effect beginning with the day the road or street shall have been restored to its original condition by the applicant in the manner required by ordinance, and the bond continuing in force for three years after the street has been accepted by the City.

(Code 2012, §§ 14-201--14-203)

9-2-3 Cutting Pavement

Previous to the removal of pavement for the installation or repair of subsurface utilities, all sides of the proposed cut shall be sawed with an approved concrete saw to a depth of not less than 1 1/2 inches. Where it is necessary to cut paving for emergency repairs, paving may be removed without sawing, provided any damaged sections of paving are removed prior to making the repair. If it is further necessary to remove additional paving, the sawing process shall be repeated, covering the outer edges of the pavement to be replaced, and the replacement of all paving cut shall be done by the applicant at his cost, but under the direct supervision of the City Manager.

(Code 2012, § 14-204)

9-2-4 Backfill Of Trenches

- A. All trenches excavated across or along any paved street or alley and across any traveled portion of unpaved streets or alleys shall be backfilled and compacted to the same density as the existing soil adjacent to the side of the trench but shall not be less than 90 percent standard proctor density; provided, the excavated materials consist of soil that can be readily compacted at the optimum moisture.
- B. If the excavated material consists of a majority of clay or silt and contains an excess of moisture, such excavated material shall be removed from the site of the work and the trench filled with sand or other materials that will meet the soil classification of A-2 or better.
- C. In the backfilling compaction, all of the material shall be removed and hauled from the job site and the trenches refilled with material as specified above.
- D. All trenches excavated along unpaved streets may be backfilled and compacted by flooding, provided that an excessive water pressure is not used and that the method of flooding to be used meets with the approval of the City Manager.

- E. All service lines on the opposite side of the street from the main must be in place, backfilled and compacted before street surfacing is laid.

(Code 2012, § 14-205)

9-2-5 Safety And Warning Devices

- A. *Safety devices.* It is the duty of any person doing any type of constructing or excavating work upon or adjacent to any street, alley, sidewalk, or public ground in the City to maintain substantial guardrails and barriers around such work or excavation in a manner as to protect pedestrians, animals, and vehicles using the street, alley, or walk. Similar barriers shall be placed around any materials or equipment with which contact would be dangerous to pedestrians, animals or vehicles.
- B. *Warning signals.* It shall be the duty of all such persons to display and maintain lighted lanterns with warning lights, or lighted signal flares from sundown to sunup during the time such work, excavation or obstruction exists. Such lanterns, flares, or lights shall be of a type approved by the City Manager and shall be placed on or sufficiently near such place in a number and manner sufficient to warn the traveling public from any direction. If such obstruction is more than ten feet long, one of such danger signals shall be placed at each end and additional ones placed along such obstruction not more than 20 feet apart.
- C. *Failure to provide.* It is an offense for any person to fail to provide such safeguards, and each day of omission shall constitute a separate offense.
- D. *Removal of or tampering with devices.* It is unlawful for any person to remove or destroy any barrier or danger signal placed or erected under the provisions of this section unless such act is done at the direction of the person in charge of such work or the City Manager.

(Code 2012, §§ 14-206, 14-207)

9-2-6 Protection Of New Pavement

- A. *Protection required.* It is the duty of any person constructing a sidewalk, curb, or street or alley pavement in the City to place barriers around such work sufficient to prevent any traveling upon the same until it is ready to use.
- B. *Prohibited acts.*
 - 1. It is unlawful for any person to remove, displace, tear down or destroy any barricades placed upon or along the streets, alleys, or sidewalks of the City for the protection of any pavements or sidewalks while they are in the course of construction and before they are opened for traffic.

2. It is unlawful for any person to enter into or upon such street, pavement or sidewalk, or to permit any person or thing under their control to do so before the pavement, street, or sidewalk is opened for general traffic.

(Code 2012, § 14-208)

9-2-7 Removal Of Cement, Earth, Sod, Trees Or Shrubs

It is unlawful for any person to dig, remove, or carry away any earth, sand, rock, gravel or sod, or cut out any tree or bush from any street, alley, land, or other public thoroughfare, to remove any portion of any sidewalk or any support from any sidewalk or crossing, or to loosen or remove any plank, stringer, or other support from any culvert or bridge, without permission of the City Manager.

(Code 2012, § 14-209)

9-2-8 Violation; Penalty

Any violation of this chapter shall be deemed a misdemeanor and, upon conviction thereof, shall be punishable by a fine as provided in CCC 1-4-1.

(Code 2012, § 14-210)

CHAPTER 9-3 NATURAL GAS PIPELINE CAPACITY LEASE PERMIT

9-3-1 Definitions

9-3-2 Permit Required

9-3-3 Permit Fees

9-3-4 Terms Of Permit

9-3-5 Revocation Of Permit

9-3-6 Violation; Penalty

9-3-1 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Coweta.

Consumer means any individual person, corporation, company, partnership, firm, unincorporated association, trust or public corporation that uses or consumes natural gas in the City.

Lease means a lease, a transportation agreement or other agreement, whether for compensation or not, to use or have access to part of the capacity of a pipeline system by a consumer or to transport or to have gas transported to a consumer through a

pipeline system.

Permit means the right, license, and privilege granted by the City to a consumer to use the public ways for a lease.

Permittee means a consumer granted a permit under 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 as now constituted or may be added hereafter.

(Code 2012, § 7-701)

9-3-2 Permit Required

No consumer shall receive or deliver gas within the City pursuant to a lease 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.

(Code 2012, § 7-702)

9-3-3 Permit Fees

In consideration of the issuance of a permit by the City, the permittee shall pay to the City a fee for the use of the public ways as follows:

- A. An amount equal to three percent of the purchase price of gas transported and received or delivered within the City under the lease; plus
- B. For all permittees not otherwise exempt from the payment of municipal sales taxes, an amount equal to three percent of the purchase price of the gas transported and received or delivered within the City under the lease.

(Code 2012, § 7-703)

9-3-4 Terms Of Permit

Any permit issued shall contain the following material terms:

- A. The permittee shall pay the fee set forth in CCC 9-3-3 to either the City or its designated agent on a monthly basis, as directed by the City.

- B. The permittee shall subordinate its lease 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 CCC 9-3-3.
- D. The permittee shall assume, conjointly with the franchise holder or other party allowed use of the public ways for pipeline installation, the indemnification terms of the franchise or other agreement insofar as the terms apply to the lease.

(Code 2012, § 7-704)

9-3-5 Revocation Of Permit

A permit shall be revocable by the City Council at any time upon a ten days' prior written notice to the permittee.

(Code 2012, § 7-705)

9-3-6 Violation; Penalty

Any violation of this chapter shall be an offense. Any consumer adjudged guilty of violating this chapter shall be punishable by a fine of \$200.00, plus costs, for each offense, and each day of a continuing violation shall be deemed a separate offense.

(Code 2012, § 7-705)

CHAPTER 9-4 PARKS AND RECREATION FACILITIES

[9-4-1 Rules And Regulations](#)

[9-4-2 Fees](#)

[9-4-3 Park Curfew](#)

[9-4-4 Prohibited Acts](#)

[9-4-5 Violations; Penalty](#)

Editor's note—See CCC 2-3 for Parks and Recreation Board.

9-4-1 Rules And Regulations

The City Council shall promulgate, invoke, create, amend and enforce such rules, regulations, and other requirements as it deems necessary or expedient in connection with the use of all recreational and park facilities owned or operated by the City.

(Code 2012, § 11-101)

9-4-2 Fees

The City shall provide by rules, from time to time, the fees charged for any park or recreational facility on any property or facility for recreational purposes owned or operated by the City.

(Code 2012, § 11-102)

9-4-3 Park Curfew

The curfew time for all City parks is 11:00 p.m. No person shall enter upon or remain upon or leave any vehicle upon any park between the hours of 11:00 p.m. and 6:00 a.m.

(Code 2012, § 11-103)

9-4-4 Prohibited Acts

It is hereby declared to be unlawful and an offense for any person to do or cause to be done any of the following acts within a public park owned or maintained by the City:

- A. To write upon, cut, break, remove, mutilate or deface or in any way injure any building, fence, restroom facility, bench, monument, statue, ornament or lighting unit;
- B. To remove, take, cut, break, injure or destroy any trees, shrubs, flowers or flowering plants in or around the park area;
- C. To make a fire, except at designated places or ovens or grills provided in the park facility;
- D. To put any paper, containers, bottles, wrappers, garbage, refuse or trash of any kind at any place except in a place designated for the disposal of trash;
- E. For any person, except law enforcement officials, to carry upon any park any firearm, BB gun, pellet gun or other weapon capable of inflicting injury to persons or animals, whether or not such weapons are loaded, unless otherwise specifically authorized by law;
- F. To operate any motorized vehicle, including automobiles, motorcycles, go-carts, or all-terrain vehicles, in any park area except over and upon public parking lots and clearly designated roadways;
- G. To remain upon the property and refuse to leave the property forthwith after demand by a peace officer;
- H. To be drunk or intoxicated in or upon the property;
- I. To possess any alcoholic beverage as defined by state law at 37A O.S. § 1-103.

(Code 2012, § 11-104; altered in 2023 recodification)

9-4-5 Violations; Penalty

- A. It is unlawful for any person to use any of the park or recreational facilities without having complied with the rules and regulations promulgated by the City Council in connection therewith.
- B. Anyone violating any of the rules and regulations, or failing to comply with such, or failing to comply with the regulations set forth herein, shall be guilty of an offense and, on conviction thereof, shall be punishable as provided in CCC 1-4-1.

(Code 2012, § 11-105)

CHAPTER 9-5 COWETA PUBLIC LIBRARY

9-5-1 Intent

9-5-2 Library Established

9-5-3 Disposition Of Funds

9-5-4 Annual Appropriations

Editor's note—See CCC 2-4 for Library Board.

9-5-1 Intent

It is the desire and intent of the City Council to provide free public library service to the residents of the county for the benefit of the citizens.

(Ord. No. 795, 2-5-2018)

9-5-2 Library Established

The Coweta Public Library is hereby established.

(Code 2012, § 11-202)

9-5-3 Disposition Of Funds

All monies received on account of the library shall be paid to the City Clerk, who shall deposit the same in the City Treasury in a special and separate account designated the "library fund." Such monies shall be paid out only upon claims requests received from the Board of Directors, submitted to the City Council for approval, with warrants to be disbursed per policies as set for all City funds.

(Code 2012, § 11-205)

9-5-4 Annual Appropriations

The Mayor and City Council shall annually appropriate funds as are deemed necessary

to operate and maintain the Coweta Public Library for the education and cultural enrichment of the citizens of the county.

(Code 2012, § 11-207; Ord. No. 795, 2-5-2018)

CHAPTER 9-6 CITY CEMETERY

9-6-1 Rates For Services And Lots

Editor's note—See CCC 3-1-2D for Cemetery Fund.

9-6-1 Rates For Services And Lots

Rates are hereby established in regard to costs associated with the cemetery for:

- A. Cemetery lot;
- B. Interments as follows:
 - 1. Monday through Friday, 8:00 a.m. to 4:00 p.m.
 - 2. Weekends and holidays.
 - 3. Cremations.

(Code 2012, § 11-302)

CHAPTER 9-7 TREES AND SHRUBS

[9-7-1 Trimming Required](#)
[9-7-2 Damage To Prohibited](#)
[9-7-3 Violation: Penalty](#)

9-7-1 Trimming Required

- A. The owner of any premises abutting on any street of the City shall trim all trees and shrubbery growing in the parking area, between the sidewalks and the roadway, of any such street, and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks or any street or alley, in such manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along the streets, sidewalks, and alleys. When such premises is occupied by some person other than the owner, the occupant shall trim the trees and shrubbery in the same manner as hereinafter required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten feet above the roadway of a street or alley, nor lower than eight feet above the sidewalk.
- B. Any owner or occupant who shall fail, refuse or neglect to trim trees and shrubbery as provided in this section, after receiving five days' notice from the head of the department in charge of streets to do so, shall be guilty of an offense against the City. Every day that the owner or occupant shall fail, refuse or neglect to trim the trees or shrubbery, after the expiration of the five days' notice, shall be a separate offense.

(Code 2012, § 14-101)

9-7-2 Damage To Prohibited

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the City, provided that this section shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

(Code 2012, § 14-102)

9-7-3 Violation: Penalty

Any person, firm, or corporation who violates any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be punishable as provided in CCC 1-4-1.

(Code 2012, § 14-118)

TITLE 10 PUBLIC SERVICES

CHAPTER 10-1 PUBLIC SERVICES IN GENERAL; LEASE OF SYSTEMS;

GENERAL REQUIREMENTS

CHAPTER 10-2 INDUSTRIAL USERS OF SANITARY SEWER SYSTEMS

CHAPTER 10-3 SOLID WASTE COLLECTION AND DISPOSAL

CHAPTER 10-1 PUBLIC SERVICES IN GENERAL; LEASE OF SYSTEMS;

GENERAL REQUIREMENTS

10-1-1 Lease Of Utilities To Coweta Public Works Authority

10-1-2 Rules Of Authority And Other Ordinances Adopted

10-1-3 Cross Connection Control

10-1-1 Lease Of Utilities To Coweta Public Works Authority

The City has leased the operation of its water, sewer and refuse systems to the Coweta Public Works Authority, including setting rates for use of the systems and all regulations governing them.

(Code 2012, § 17-101)

10-1-2 Rules Of Authority And Other Ordinances Adopted

- A. The rates and rules of the Coweta Public Works Authority are adopted and incorporated herein by reference, fully applicable as if set out at length herein. Violations are punishable as provided in CCC 1-4-1.
- B. Ordinance No. 457, adopted September 19, 1994, and all amendments thereto, providing standards for and regulating the construction, extension or repair of any water supply system, is hereby adopted and incorporated herein by reference, applicable as if fully set out at length herein. Any violation of the standards adopted in this subsection is punishable as provided in CCC 1-4-1.

(Code 2012, §§ 17-102, 17-201, 17-202)

10-1-3 Cross Connection Control

All private service lines connected to the City public sewer system shall include a pop-off device, or other City-approved backflow prevention device, connected to the sanitary sewer clean out to protect against backflow. Said device shall be of sufficient size and quality to prevent backflow to individual residences or businesses. All installed pop-off devices shall be registered with the City and properly maintained and secured by the property owner.

(Code 2012, § 17-214)

CHAPTER 10-2 INDUSTRIAL USERS OF SANITARY SEWER SYSTEMS

10-2-1 Scope

10-2-2 Definitions

10-2-3 Standards For Discharge

10-2-4 Discharge Procedures

10-2-5 Prohibited Discharges

10-2-6 Permit Requirements

10-2-7 Report Summary Required

10-2-8 Samples And Analyses

10-2-9 Volume And Sampling Of Industrial Waste

10-2-10 Control Chambers For Industrial Wastes

10-2-11 Information Available; Confidentiality

10-2-12 Enforcement, Hearings And Appeals

10-2-13 Removal Credits

10-2-14 Rules And Regulations

10-2-1 Scope

This chapter shall limit the discharge from industrial users of all wastes into the sanitary sewer system which could or would cause damage or obstruction of the sewage collection system, cause damage or interfere with the operation of the sewage treatment plants, or be detrimental to the quality of the effluent or sludge, or create toxic gases, vapors or fumes causing a health and safety problem for the sanitary sewer workers, or cause unreasonable maintenance, attention and expense to either the collection system or the treatment facilities; and this chapter shall provide penalties for violations.

(Code 2012, § 17-301)

10-2-2 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act or the Act means the Federal Water Pollution Control Act, also known as the Clean Water Act of 1977, as amended, 33 USC 1251 et seq.

Authorized representative of industrial user may be:

- A. A principal executive officer, president, secretary, treasurer, or vice-president or any other person who performs similar policy- or decision-making functions;
- B. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- C. A manager of one or more manufacturing, production, or operational facilities

employing more than 250 persons or having gross annual sales or expenditures exceeding \$26,000,000.00, in second quarter 1980 dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures or such manager has overall responsibility for environmental matters for the company, and the written authorization for such manager's responsibility is submitted to the Trust Manager; or

- D. A duly authorized representative of an individual designated above if authorization is made in writing by such individual specifying either a named person or a position having responsibility for the overall regulation of the facilities from which the indirect discharge originates.

BOD (biochemical oxygen demand) means the quantity of oxygen expressed in milligrams per liter, utilized in the biochemical oxidation of conditions for five days at a temperature of 20 degrees centigrade. The laboratory determinations of BOD shall be made in accordance with procedures set forth in 40 CFR 136.

City means the City of Coweta, Oklahoma, a municipal corporation, acting through the duly authorized officers or agents of the City.

Closed cup flashpoint means the test methods specified in 40 CFR 261.21.

Code of Federal Regulations (CFR) means and refers to documents published by the office of the Federal Register, National Archives and Records Service, General Services Administration, codifying general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

Domestic sewage means water-carried wastes normally discharging into the sanitary sewers of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free from storm surface water and industrial wastes.

Federal Categorical Pretreatment or categorical standard means any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with section 307(b) and (c) of the Act (33 USC 1317) which applies to specific industrial users.

Flow-proportional composite sample means a sample of wastewater composed of samples collected at equal intervals, not exceeding one hour, throughout the operational day of a user, with the volume of each sample being proportional to the flow rate of the discharge. A minimum of four samples must be taken. The samples must be representative of the discharge of the facility.

Garbage means solid wastes and residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.

Grab samples means an individual sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not exceeding 15 minutes.

Industrial user or industry means:

A. Any user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the latest edition of Standard Industrial Classification Manual, Office of Management and Budget, as amended and supplemented under one of the following divisions:

1. Division A: Agriculture, Forestry, and fishing;
2. Division B: Mining;
3. Division D: Manufacturing;
4. Division E: Transportation, communications, electric, gas and sanitary services; or
5. Division I: Services;

provided, however, that a user in the divisions listed herein shall be excluded if it is determined by the City Council that such user will introduce only segregated domestic wastes or wastes from sanitary conveniences;

B. Any user of a publicly owned treatment works which discharges into the treatment works wastewater which contains toxic pollutants, poisonous solids, liquids or gases in sufficient quantity, either singularly or by interaction with other wastes, to contaminate the sludge of any sewage treatment process, or which constitutes a hazard to humans or animals, or creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works; and

C. Any user for which federal categorical standards apply.

Industrial waste means all water-carried solids, liquids, and gaseous wastes resulting from any industrial, manufacturing or food processing operation or process, or from the development of any natural resource, or any mixture of these with water or domestic sewage and which is distinct from normal domestic sewage.

Interference means a discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the City's treatment process or operations and which contributes to a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of the violation. The term "interference" includes prevention of sewage sludge use or disposal by the City in accordance with section 405 of Act, (33 USC 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Action (SWDA), the Clean Water Act, the Toxic

Substance Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title VI of SWDA) applicable to the method of disposal or use employed by the City.

Milligrams per liter (mg/L) means a weight-to-volume ratio. The milligrams per liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

Monitoring means the performance of wastewater flow measurements, wastewater sampling, sample analysis, and like procedures necessary to determine wastewater discharge compliance and/or to verify the flow or strength of wastewater.

New source means the same as that term is defined in 40 CFR 403.3(k).

Normal domestic sewage means sewage of the City in which the average concentration of suspended materials and five-day (BOD) is established at 250 mg/L.

Operational day means that period of time during a 24-hour period during which the facility is operating and consequently discharging wastewater.

Pass-through means a discharge which exits the treatment plant into waters of the United States in quantities or concentration which, either from one user or in conjunction with several users of the sewer system, is a cause of violation of any requirement of the treatment plant's NPDES permit, including an increase in the magnitude or duration of the violation.

Person, establishment, or owner means any individual, firm, company, association, society, corporation, partnership, government entity or any other legal entity or group, its agents, servants or employees.

pH means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in 40 CFR 136.

Premises means any plot or tract of ground, regardless of size or plat, under individual ownership and/or individual use and occupancy where the water service is metered independently of any other use.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the public sanitary sewer. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited herein.

Properly shredded garbage means the wastes from the preparation, cooking and

dispensing of foods, exclusive of eggshells, bones and like objects, that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sanitary sewers, with no particles greater than one-half inch in any dimension.

Public sanitary sewer means:

- A. All sanitary sewers, of whatever size or extent, for which the City is responsible for operation, repair and maintenance;
- B. Any sanitary sewer, of whatever size or extent, the construction cost of which has been paid from public funds in accordance with title 11 O.S.;
- C. An assessment district sewer, which is any sanitary sewer constructed within a legally constituted district as provided in 11 O.S.;
- D. A nonassessment district sewer, which is any sanitary sewer constructed within a legally constituted district as provided by special ordinance wherein the property owners petition to construct same by cash as provided in 11 O.S.; and
- E. An outside sewer district, which is any system of one or more sanitary sewers other than house sewers constructed outside the corporate limits of the City and connected to the sewerage system of the City, the physical boundaries of which shall be established and defined by legal description, platted or unplatted. Upon annexation to the City, such tracts of land as described shall be exempt from subsequent assessment for sanitary sewer construction, except as may be provided by state statutes.

Sanitary sewer means a sewer that conveys sewage or wastewater, and into which stormwater, surface water and groundwater are not intentionally admitted.

Sewer service charge means the charge made on all users of the sanitary sewer system whose wastes do not exceed in strength the concentration values established in this chapter.

Sewer system means all facilities for collecting, pumping, treating, and disposing of wastewaters and shall include wastewater treatment facilities.

Significant industrial user means:

- A. All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N;
- B. Any industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the sanitary sewer (excluding domestic sewage, and noncontact cooling and boiler blowdown wastewater) that has reasonable potential for adversely affecting the sewer system or violating the discharge

limitations as defined in this chapter;

- C. Any industrial user that discharges a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the sewer system and has reasonable potential for adversely affecting the sewer system or violating the discharge limitations as defined in this chapter; or
- D. Any other industrial user designated by the Trust Manager on the basis that the industrial user has a reasonable potential for adversely affecting the sewer system or violating the discharge limitations as defined in this chapter;

provided, however, that upon a finding that an industrial user meeting the criteria in the above subsections for significant industrial user has no reasonable potential for adversely affecting the sewer system or for violating any pretreatment standard and requirement, the Trust Manager may determine that such an industrial user is not a significant industrial user.

Sludge means any discharge of water, sewage or industrial waste, other than toxic materials, which, in concentration of any given constituent or in quantity or flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation.

Standard methods means the examination and analytical procedures set forth, at the time of analysis, in the latest edition of Standard Methods for the Examination of Water and Wastewater as prepared, approved and published jointly by the American Waterworks Association, the American Public Health Association, and the Water Pollution Control Federation.

Stormwater runoff means the portion of the rainfall that is drained into the storm sewers.

Surcharge means the charge, in addition to the sewer service charge, which is made on those persons whose wastes are greater in strength than the concentration values established as representative of normal discharges.

Suspended solids means solids that either float on the surface of, or are in suspension in, water, removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in 40 CFR 136.

Time-proportional composite sample means a sample of wastewater composed of samples collected at equal intervals, not exceeding one hour, throughout the operational day of a user. The volume of each sample so collected must be equal. A minimum of four samples must be taken. The samples must be representative of the discharge of the facility.

Trust Manager means the Manager of the Coweta Public Works Authority, or the person succeeding to his duties and functions by whatever name known, or duly authorized

deputy, agent or representative.

Wastewater or sewage means a combination of the water-carried wastes from residences, business establishments, institutions and industrial establishments present.

Wastewater plant means any City-owned facility, device, and structure used for receiving and treating wastewater from the City's sanitary sewer system.

(Code 2012, § 17-302)

10-2-3 Standards For Discharge

It shall be unlawful to discharge wastewater to the public sanitary sewer except as authorized by the Trust Manager in accordance with the provisions of this chapter. Upon promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, if the discharge limitations defined in those regulations are more stringent than imposed under this chapter, the categorical standards shall govern.

(Code 2012, § 17-305)

10-2-4 Discharge Procedures

- A. *Approval required.* The Trust Manager may require review and acceptance prior to the discharge into the public sanitary sewers of any wastes or waters having:
 - 1. A five-day, 20 degree centigrade biochemical oxygen demand (BOD) greater than 250 mg/L;
 - 2. Suspended solids containing greater than 250 mg/L; or
 - 3. The potential to be a prohibited discharge.
- B. *Pretreatment.* When any person is required, as herein specified, to modify or eliminate wastes that are harmful to the structures, process or operation of the sewage works, or are detrimental to the quality of the effluent or sludge, such person shall provide, at his expense, such pretreatment as the Trust Manager shall determine is necessary to render the wastes acceptable for admission to the public sanitary sewers; and such person shall comply with the limitations specified herein.
- C. *Industrial waste with excessive BOD or suspended solids.* Persons or owners discharging industrial wastes which exhibit none of the characteristics of wastes prohibited in this chapter, other than excessive BOD or suspended solids, but have an average concentration during a 24-hour period in excess of normal domestic sewage may be required to pretreat the industrial wastes to meet the requirements of normal domestic sewage; however, such wastes may be accepted for treatment if all the following requirements are met:

1. The wastes will not cause damage to the sanitary sewer collection system;
2. The wastes will not impair the wastewater treatment process; and
3. The discharger of the wastes is assessed a surcharge over and above the published sewer rates, if deemed appropriate by the Trust Manager.

D. Interceptors.

1. Grease, oil and sand traps or interceptors shall be provided for the proper handling of liquid wastes containing grease in excessive amounts, flammable wastes, sand or other harmful ingredients; except, that such interceptors shall not be required for private living quarters or dwellings.
2. All interceptors shall be of a type and capacity approved by the Trust Manager and shall be located so as to be readily and easily accessible for cleaning and inspection.
3. Grease and oil interceptors shall be constructed of impervious materials, capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.
4. All installed grease, oil and sand interceptors shall be maintained in continuously efficient operation by the owner at his expense.
5. The use of hot water, enzymes, chemicals, other agents or devices for the purpose of causing the oil, grease or sand to pass through the interceptor and/or the facility so provided is prohibited.
6. Materials removed from these facilities shall be either utilized by the industry or disposed of at designated and approved locations.

E. Submission of information. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment, processing, or flow-equalization facilities, shall be submitted to the Trust Manager for approval prior to the start of construction if the effluent from such facilities is to be discharged into the public sanitary sewers.

F. Mass limitation. Mass limitation may be imposed in lieu of concentration limits where applicable and/or appropriate.

G. Required notices to Trust Manager.

1. All industrial users shall notify the Trust Manager immediately of all discharges that could cause problems to the sanitary sewer system, including any slug loading by the industrial user.

2. All industrial users shall promptly notify the Trust Manager in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous waste for which the industrial user has submitted initial notification under subsection G3 of this section.
3. All industrial users who discharge into the sewer system more than 15 kilograms per calendar month of nonacute hazardous waste in accordance with 40 CFR 261 or who discharges acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e) must notify the Trust Manager in writing. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, the type of discharge (continuous, batch, or other), and an estimate of the quantity of hazardous waste discharged in a calendar month. If the estimated quantity of hazardous waste discharged in a calendar month is more than 100 kg, then 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 hazardous constituents contained in the wastes; an estimate of the concentration of such constituents in the waste stream discharged during the calendar month; and an estimate of the mass of constituents in the waste stream expected to be discharged during the following 12 months. With the notification, 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. Notification for each of the hazardous wastes needs to be made only once.

(Code 2012, § 17-303)

10-2-5 Prohibited Discharges

- A. No person shall discharge, or cause to be discharged, any stormwater, groundwater, roof runoff, subsurface drainage or any water from downspouts, yard drains, yard fountains, ponds, septic tanks or lawn sprays into any sanitary sewer unless prior approval of the Trust Manager is given. Water from swimming pools, boiler drains, blow-off pipes or cooling water from various equipment may be discharged into the sanitary sewer by an indirect connection whereby such discharge is cooled, if required, and flows into the sanitary sewer at a rate not to exceed the capacity of the sanitary sewer, provided that such waste does not contain materials or substances in suspension or solution in violation of the limits prescribed by this chapter; and provided, further, that water from an air conditioning or cooling unit shall in no event exceed 0.1 gallon per minute per ton capacity of the unit. Dilution of any waste discharged to the sanitary sewer system is prohibited, whether accomplished by the combination of two or more waste streams or by the addition of other liquids solely for the purpose of diluting

the quality of the waste discharge.

B. No person shall introduce into the sanitary sewer any pollutant which causes pass-through or interference.

C. No person shall discharge, or cause to be discharged, into any public sanitary sewer any of the following described substances, materials, waters or wastes:

1. Any liquid or vapor having heat in amounts which will inhibit biological activity, or which would cause the wastewater treatment plant influent to exceed 104 degrees Fahrenheit or 40 degrees centigrade;
2. Any water or wastes which contain wax, grease, oil, plastic, or other substances that will solidify or become discernibly viscous at temperatures between 32 degrees to 150 degrees Fahrenheit;
3. Flammable or explosive liquids, solids or gases which create a fire or explosion hazard in the sewer system, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees centigrade using test methods specified in 40 CFR 261.21;
4. Solids or viscous substances in quantities capable of causing obstruction to the flow in sanitary sewers or otherwise interfering with the proper operation of the sewerage works, such as ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, whole blood, paunch, manure, hair and fleshings, entrails, lime slurry, lime residue, slops, chemical residues, paint residues, fiberglass or bulk solids;
5. Any garbage that has not been properly pulverized or shredded;
6. Any noxious or malodorous substance which can form a gas which, either singly or by interaction with other wastes, is capable of causing objectionable odors, acute worker health and safety problems, or hazards to life and property, or which forms solids in concentrations exceeding limits established herein, or which creates any other condition deleterious to structures or treatment processes, or which requires unusual facilities, attention or expense to handle; or
7. Any trucked or hauled waste pollutants, except at discharge points designated by the Trust Manager.

D. Except in such quantities or concentrations or with such conditions as are provided herein, it shall be unlawful for any person, corporation, or individual to discharge into the public sanitary sewers waters or wastes containing:

1. Free or emulsified oil and grease exceeding, on analysis, an average of mg/L or 834 pounds per million gallons of either free or emulsified oil and grease, or both, or a combination of same, if, in the opinion of the Trust

Manager, it appears probable that such wastes:

- a. Can deposit grease or oil in the sanitary sewer lines in such manner as to clog the sanitary sewers;
 - b. Can overload the discharge's skimming and grease handling equipment;
 - c. Are not amenable to biological oxidation and will therefore pass to the receiving waters without being affected by normal wastewater treatment processes; or
 - d. Can have deleterious effects on the treatment process due to the excessive quantities;
2. Acids or alkalis which attack or corrode sanitary sewers or wastewater disposal structures or which have a pH value lower than 6.0 or higher than 10.5 if, in the opinion of the Trust Manager, they are deleterious or damaging to the sewer system, treatment plant and/or processes;
3. Salts of the heavy metals, in solution or suspension, in concentrations which are toxic to biological wastewater treatment processes or which adversely affect sludge digestion or any other biochemical, biological or other wastewater treatment processes or which adversely affect the biota of the stream to which the effluent of the wastewater treatment facility discharges or which exceed the following limits, with the analytical results to be expressed in terms of the elements indicated:

<i>Toxic Substance</i>	<i>mg/L</i>
Arsenic	1.00
Cadmium	0.50
Chromium	3.45
Copper	1.45
Lead	0.90
Mercury	0.10
Nickel	2.90
Silver	0.30
Zinc	3.00

or other elements which will damage collection facilities or are detrimental to treatment processes or are detrimental to the biota of the stream to which the effluent of the wastewater treatment facility

discharges;

4. Cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidification in excess of 0.75 milligrams per liter as CR on an average in the wastes from any outlet;
5. Radioactive materials exceeding the existing standard of the State Department of Health, unless they comply with the Atomic Energy Commission Act of 1954 (68 O.D. 919), as amended, and part 20, subpart D, waste disposal, section 20.303, of the regulations issued by the Atomic Energy Commission, or amendments thereto;
6. Materials which exert or cause:
 - a. Unusual concentrations of solids or composition, such as total suspended solids of an inert nature (such as Fuller's earth) and/or total dissolved solids (such as sodium chloride, calcium chloride, or sodium sulfate);
 - b. Excessive discoloration;
 - c. Unusual biochemical oxygen demand or an immediate oxygen demand;
 - d. High hydrogen sulfide content;
 - e. Unusual flow and concentration; or
 - f. Toxic substances which are not amendable to treatment or reduction by the wastewater treatment process employed or are amenable to treatment only to such degree that the wastewater treatment plant cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters, unless they are pretreated to a concentration acceptable to the City.

E. When the volume of a single toxic industrial waste discharge, or the combined toxic industrial waste discharges of a group of industries within a single contributory area, is so large as to raise a question of the ultimate concentration of toxic substances entering a treatment plant or a receiving stream, the Trust Manager shall impose separate or special concentration limits upon the discharge to ensure:

1. That the concentration of any toxic substance in wastewater shall not exceed those concentrations in the influent of any wastewater treatment plant which are toxic to biological wastewater treatment processes, or which adversely affect sludge digestion, or sludge quality, or any biological or other wastewater treatment process; and
2. That in no instance will the combined concentrations of any toxic substances in the effluent of any wastewater treatment plant exceed the

discharge stream limitations as published by the state's regulatory agency.

- F. Beginning January 1, 2006, no official of the City or Trust shall be authorized to allow any septic tank discharge into the sewer system of the City, unless an eminent public health emergency exists as determined by the Manager and the Public Works Director, and the Manager or designee shall take those steps necessary to secure the system to preclude said discharges.
- G. Unless expressly authorized by the Trust Manager to do so by an applicable categorical pretreatment standard, no industrial user shall ever increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with discharge limitations.

(Code 2012, § 17-304)

10-2-6 Permit Requirements

A. Permit required.

- 1. After the effective date of the ordinance from which this section is derived, no significant industrial user shall discharge wastewater to the public sanitary sewer without a valid wastewater discharge permit issued by the Trust Manager.
- 2. All significant industrial users proposing to connect to or to discharge sewage, industrial waste, and other waste to the public sanitary sewer shall obtain a wastewater discharge permit before connecting to or discharging into the public sanitary sewer.

B. Applications for permits.

- 1. *New establishment.* Permits for new establishments, constructed after the effective date of the ordinance from which this section is derived, shall be issued only after the following conditions are met:
 - a. Formal application shall have been submitted on a form issued by the Trust Manager prior to discharge;
 - b. Where applicable, pretreatment facilities and/or flow regulating devices or inspection chambers approved by the Trust Manager shall have been installed;
 - c. Estimated amounts and strengths of industrial wastes shall have been agreed upon by both parties; and
 - d. A control chamber or inspection chamber approved by the Trust

Manager shall be provided, if required.

2. *Existing establishments.* Permits for existing establishments, after the effective date of the ordinance from which this section is derived, shall be issued only after the following conditions are met:

- a. Formal application shall have been submitted on a form provided by the Trust Manager within 120 days after the effective date of the ordinance from which this section is derived;
- b. Where applicable, plans and specifications for pretreatment facilities and/or control or inspection chambers shall have been approved by the Trust Manager; and
- c. Estimated amounts and strengths of industrial wastes shall have been agreed upon by both parties; provided, however, that when a discharger discharges 20,000 gallons or more daily, strength shall be based on actual samples from the point or points of discharge.

C. *Compliance with prohibited discharge; new source.* All new sources must meet the discharge limitations of this chapter within the shortest feasible time. All new sources shall install, shall have in operating condition, and shall start up all pretreatment equipment required to meet applicable categorical standards prior to discharge. Within a specified time after receiving a new establishment permit, the industrial user that discharges to the sanitary sewer system must submit amounts and strengths of industrial wastes based on actual samples from approved monitoring point location. The specified time shall be established by the Trust Manager.

D. *Conditions of permit.* Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations and to user charges and fees established by the City. Permits may contain the following:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a public sewer;
2. Limits on the average and maximum wastewater and constituents and characteristics;
3. Limits on the average and maximum rates and times of discharge or requirements for flow regulations and equalization;
4. Requirements for installation and maintenance of inspection and sampling facilities;
5. Specifications for monitoring programs, which may include monitoring locations; frequency of sampling; number, types, and standards for

testing; identification of the pollutants to be monitored; and reporting schedules;

6. Compliance schedules, including schedules for the installation of technology;
7. Requirements for submission of technical reports or discharge reports;
8. Requirements for maintaining and retaining plant records relating to wastewater discharge for a minimum of three years and affording the City access thereto. Such records shall include, for all samples, the date, exact place, method and time of sampling, names of the persons taking the samples, the date analyses were performed, the name of the person performing the analyses, the analytical methods used, and the result of such analyses;
9. Requirements for notification of the City of any introduction of new wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
10. Requirements for notification of slug discharges;
11. Restrictions of bypass of waste streams from an industrial user's pretreatment facility;
12. A statement of applicable civil and criminal penalties for violation of permit conditions;
13. Requirements to have a plan to control slug discharges; and
14. Other requirements or conditions deemed appropriate by the Trust Manager to ensure compliance with this chapter.

E. *Issuance and renewal fees.* The Trust Manager shall charge fees for the issuance and renewal of permits based on the following schedules.

1. For any person, firm or establishment discharging any industrial waste into any sanitary sewer which leads to any of the City's wastewater treatment plants:
 - a. Inside corporate limits of City:
 - (1) Initial one-year permit: \$500.00.
 - (2) Annual renewal: \$250.00.
 - b. Outside corporate limits of City:
 - (1) Initial one-year permit: \$750.00.
 - (2) Annual renewal: \$375.00.

2. For any industry discharging only normal domestic waste and having no process or manufacturing operation that discharges industrial waste into any sanitary sewer which leads to any of the City's wastewater treatment plants:

a. Inside corporate limits of City:

(1) Initial one-year permit: \$200.00.

(2) Annual renewal: \$100.00.

b. Outside corporate limits of City:

(1) Initial one-year permit: \$300.00.

(2) Annual renewal: \$150.00.

3. For any nonresidential establishment discharging wastewater not otherwise classified, and of a noncategorical nature, and not discharging a quantity of 20,000 gallons or more daily, unless the Trust Manager deems it necessary to classify the establishment differently:

a. Inside corporate limits of City:

(1) Initial one-year permit: \$100.00.

(2) Annual renewal: \$50.00.

b. Outside corporate limits of City:

(1) Initial one-year permit: \$150.00.

(2) Annual renewal: \$75.00.

F. *Nontransferability of permit.* Wastewater discharge permits shall be issued to an industrial user for a designated premises. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner or new user, nor may it be used on different premises or for new or changed operations, unless approval is specifically given by the Trust Manager.

G. *Modifications to permit.*

1. Upon promulgation of federal categorical standards, the wastewater discharge permit of applicable users shall be modified to require compliance with such regulations and compliance with applicable requirements under 40 CFR 403.12.

2. The City may modify the permit any time it is determined necessary to

more efficiently enforce the requirements of this chapter or to comply with federal law.

(Code 2012, § 17-305)

10-2-7 Report Summary Required

- A. All significant industrial users shall submit a report semi-annually including a certification statement in accordance with 40 CFR 403.6(a)(2)(ii), and all other permitted industrial users shall submit a report annually to the Trust Manager certifying that there have been no changes in operational procedures, flow rates, pretreatment systems, plumbing, use and storage of chemicals, BOD, and suspended solids values or, if such changes have occurred, the information shall be in such detail as required by the Trust Manager.
- B. The report shall include sample analyses for all significant industrial users or the permitted industrial users that discharge into the sewer system. The monitoring points used to obtain the samples for analyses shall be at locations approved by the Trust Manager. The industrial user may change monitoring points only after receiving approval from the Trust Manager.
- C. Failure to submit the report shall constitute cause for enforcement of this chapter in any combination of means as specified in CCC 10-2-12. All reports must be signed by an authorized representative of the industrial user.
- D. If the industrial user monitors any pollutant more frequently than required by the Trust Manager, using the procedures specified in 40 CFR 136 and amendments, the results of this monitoring shall be included in the report. In addition, where the City collects all the information required for the report, including flow data, the industrial user, with the approval of the Trust Manager, may not be required to submit the report.

(Code 2012, § 17-305)

10-2-8 Samples And Analyses

- A. All sampling and analyses shall be in conformance with 40 CFR 136. The Trust Manager will specify which analysis shall be obtained by grab sampling and which analysis shall be obtained by flow-proportional composite sampling techniques where feasible. The Trust Manager may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional composite sampling is not feasible. In such cases, samples may be obtained through time-proportional composite sampling techniques.
- B. If sampling performed by an industrial user indicates a violation, the user shall notify the Trust Manager within 24 hours of becoming aware of the violation. The

industrial user shall also repeat the sampling and analyses and submit the results of same to the Trust Manager within 30 days after becoming aware of the violation.

(Code 2012, § 17-305)

10-2-9 Volume And Sampling Of Industrial Waste

- A. The volume of wastes may be determined by the same methods used to calculate the regular sewer service charge. For establishments discharging less than 20,000 gallons per day, the BOD and suspended solids values may be determined from standard values for various industries established by the Trust Manager. In cases where the discharger desires to determine accurate values of BOD and suspended solids, the discharger shall install, at his expense, a control chamber or inspection chamber at a location near the outlet of each building drain or connection with any sanitary sewer of the City as approved by the Trust Manager. BOD and suspended solids values determined from samples collected from any establishment shall be determined by the Trust Manager, by the discharger's laboratory approved by the Trust Manager, or by an independent laboratory employed by the discharger and approved by the Trust Manager. Such report shall contain a statement that the sample collected and values determined are based on a 24-hour composite sample, representative of the establishment's flow.
- B. Each industrial user is subject to being monitored and assessed a monitoring charge annually at a minimum. Any industrial user found in violation of its permit may be assessed monitoring charges until the industrial user demonstrates compliance with the permit.

(Code 2012, § 17-307)

10-2-10 Control Chambers For Industrial Wastes

- A. *Required; location.* An industrial user discharging industrial waste into or desiring to discharge any industrial waste into the sanitary sewer which leads to any of the City's wastewater treatment plants shall, in a timely manner, if the Trust Manager determines that such industrial waste needs to be more effectively monitored, provide and maintain an accessible place on his premises or on the premises occupied by him, an inspection chamber or manhole near the outlets of each building sewer, drain, pipe, channel, or connection which discharges industrial waste into any sanitary sewer or any sewer connected therewith.
- B. *Design and construction.* Every such manhole or inspection chamber shall be of such design and construction so as to prevent infiltration by groundwater and surface water or the introduction of slugs or solids by the installation of screens

with maximum openings of one inch, but of sufficient fineness to prevent the entrance of objectionable slugs or solids to the sanitary sewer systems.

- C. *Maintenance.* Control manholes or inspection chambers shall be maintained by the person discharging wastes so that any authorized representative or employee of the City may readily and safely measure the volume and obtain samples of the flow at all times.
- D. *Approval required.* Plans for the construction of control manholes or inspection chambers, including such flow measuring devices as may be required by this chapter, shall be approved by the Trust Manager prior to the beginning of construction.

(Code 2012, § 17-308)

10-2-11 Information Available; Confidentiality

- A. Information and data furnished to the Trust Manager with respect to the nature and frequency of discharge may be available to the public or another governmental agency.
- B. When requested by the industrial user furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available, upon written request, to governmental agencies for use related to this chapter, the National Pollutant Discharge Elimination System (NPDES) permits, state disposal system permits and/or the pretreatment program. Effluent data as defined in 40 CFR 2.302 shall not be recognized as confidential information.
- C. Information accepted by the Trust Manager as confidential shall not be transmitted to the general public by the Trust Manager until and unless a ten-day notification is given to the industrial user.

(Code 2012, § 17-306)

10-2-12 Enforcement, Hearings And Appeals

A. Right of access; inspections.

1. The Trust Manager or duly authorized agent, bearing credentials and identification, shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling, and testing to determine compliance of provisions of the permit and of this chapter.
2. The Trust Manager or duly authorized agent shall have authority to inspect and copy any industrial user's records to ensure compliance with

the industrial discharge permit or with the provisions of this chapter.

3. The authority for right of access shall be at least as extensive as the authority provided under section 308 of the Act.

- B. *Notice of violation; action by permittee.* Should a violation of the permit be found, the Trust Manager may serve the person a written notice of violation, stating the nature of the violation and providing a reasonable time for the correction thereof. The permittee shall, within 15 days after receipt of such notice and order, furnish the Trust Manager a written report or plan of the specific required actions which have been taken or will be taken to correct such violation. Submission of such report or plan in no way relieves the industrial user of liability for any violations occurring before or after receipt of the notice of violation.
- C. *Consent order.* The Trust Manager or designee is hereby empowered to enter into a consent order, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders or agreements will include the specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order or agreement. Consent orders shall have the same force and effect as administrative orders issued pursuant to subsection D of this section.
- D. *Administrative order.* When the Trust Manager finds that an industrial user has violated or continues to violate this chapter or a permit or order issued hereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operating. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and appropriate management practices.
- E. *Administrative fines.* Notwithstanding any other provision of this chapter, any industrial user who is found to have violated any provision of this chapter or the industrial discharge permit or orders issued hereunder, shall be fined in an amount in accordance with the provisions of subsection R of this section. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments must be paid within 15 days from receipt of the notice of fine, and the Trust Manager shall have such remedies as are available to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property.
- F. *Emergency suspensions.*
 1. The Trust Manager may suspend the wastewater treatment service

and/or industrial discharge permit of an industrial user whenever such suspension is necessary to stop an actual or threatened discharge presenting or causing an imminent or substantial danger to the health or welfare of persons, the sewer system, or the environment.

2. Any industrial user notified of a suspension of the wastewater treatment service and/or the industrial discharge permit shall immediately stop or eliminate its discharge. In the event of an industrial user's failure to immediately comply voluntarily with the suspension order, the Trust Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the sewer system, its receiving stream, or danger to persons.
3. The Trust Manager shall allow the industrial user to recommence its discharge when the danger has passed, unless the termination proceedings set forth in subsection G of this section are initiated against the industrial user.

G. Termination of permit.

1. Significant industrial users proposing to discharge into a public sanitary sewer must first obtain an industrial discharge permit from the City. Any industrial user who violates any industrial discharge permit or order, or any applicable state or federal law, or the following conditions is subject to permit termination:
 - a. Violation of permit conditions;
 - b. Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - c. Failure to report significant changes in operations or wastewater constituents and characteristics; or
 - d. Refusal of reasonable access to the industrial user's premises for the purpose of inspection, monitoring, or sampling.
2. Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity for a hearing under subsection I of this section.

H. Water service termination. Whenever an industrial user has violated or continues to violate the provisions of this chapter or an order or permit issued hereunder, water service to the industrial user may be terminated, and service will only be reinstated at the industrial user's expense after it has satisfactorily demonstrated its ability to comply with such provisions.

I. Hearing granted on petition. Any person affected or aggrieved by any notice or

order which has been entered in connection with the enforcement of any provision of this chapter or of any rule or regulation adopted pursuant hereto, shall be granted a hearing before the Trust Manager. Such person shall file with the office of the Trust Manager a request, stating the grounds for the hearing, within 15 days after the notice or order was served upon the person. Upon receipt of the request, the Trust Manager shall set a time and place for hearing and shall give the petitioner written notice. At such hearing, the petitioner shall be given an opportunity to show why the Trust Manager's notice or order should be modified or withdrawn. The hearing shall be held within 15 days after the request is filed in the Trust Manager's office unless the petitioner requests and shows good cause for a postponement. The Trust Manager shall be the sole judge of whether good cause is shown.

- J. *Revocation of permit.* Any permit required by this chapter which has been suspended by notice and order shall be deemed to be revoked if a petition for a hearing before the Trust Manager is not filed in the office of the Trust Manager within 15 days after such notice and order is served. If such a petition for hearing is timely filed and if, after such hearing, the suspension has been sustained by the Trust Manager, the permit shall be deemed to have been revoked upon written notice by the Trust Manager.
- K. *Proceedings made public records.* The proceedings of any hearing held pursuant to this section, including the findings and decision of the Trust Manager, shall be summarized in writing and entered as a matter of public record in the office of the Trust Manager. Such record shall include a copy of every notice or order issued in connection with the matter.
- L. *Appeals.* Appeals from any final order of the Trust Manager may be made to the City Council within 15 days after a copy of the final order of the Trust Manager has been served upon the petitioner. All such appeals shall be perfected when a notice thereof specifying the grounds of the appeal shall have been timely filed in the office of the City Clerk. Hearing on appeal shall be de novo before the City Council at its second regular meeting following filing of the notice of appeal.
- M. *Injunctive relief.* Whenever an industrial user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the Trust Manager, through counsel, may petition the court for the issuance of a preliminary or permanent injunction, or both (as may be appropriate), which restrains or compels the activities on the part of the industrial user. The Trust Manager shall have such remedies to collect fees as he has to collect other sewer service charges.
- N. *Liability for costs.* Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.
- O. *Significant noncompliant industrial users.* The City shall publish annually in a local newspaper of general circulation all industrial users which, at any time

during the previous 12 months, were in significant noncompliance with the discharge limitations of this chapter or of the categorical standards. An industrial user is in significant noncompliance if its violation meets one of the following criteria:

1. Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
2. Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
3. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Trust Manager determines has caused, alone or in combination with other discharges, interferences or pass-through (including endangering the health of sanitary sewer personnel or the general public);
4. Any discharge of a pollutant that has caused imminent danger to human health, welfare or to the environment or has resulted in the Trust Manager's exercise of emergency authority;
5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide, within 30 days after the due date, required reports, such as baseline, monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance; or
8. Any other violation or combination of violations which the Trust Manager determines will adversely affect the operation or implementation of this chapter.

P. *Fraud and false statements.* The reports and other documents required which are submitted or maintained by local, state or federal law 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.

- Q. *Agreement to comply.* Any industrial user desiring to utilize the sewer system, whether within or outside the corporate limits of the City, by use of or discharge into the system, shall agree to the provisions set forth in this chapter and shall agree to accept any and all penalty provisions and enforcement actions provided herein.
- R. *Penalty provisions.* Any violation of this chapter shall be subject to the penalty provisions provided in CCC 1-4-1.

(Code 2012, § 17-309; altered in 2023 recodification)

10-2-13 Removal Credits

The City may, pursuant to 40 CFR 403.9, apply for removal credits if requested by affected industries, with the following conditions:

- A. The requesting industry shall agree in writing to pay the City's cost of seeking such credits, and shall escrow an estimated cost as determined by the Trust Manager;
- B. At present, there is only one sewage treatment plant discharge. Any study or application for removal credits shall be the most conservative credits for each parameter considered; and
- C. Removal credits shall not be sought for any parameter which is presently adversely affecting the sanitary sewer system of the City or which is adversely affecting the sludge disposal alternatives pursued by the City.

(Code 2012, § 17-311)

10-2-14 Rules And Regulations

The Trust Manager shall prepare standards, rules, and regulations for the administration and enforcement of this chapter to protect the public health and safety. Such standards, rules and regulations shall be recommended to the City Council, Board of Trustees of the Coweta Public Works Authority, and the Mayor for adoption.

(Code 2012, § 17-310; altered in 2023 recodification)

CHAPTER 10-3 SOLID WASTE COLLECTION AND DISPOSAL

10-3-1 Definitions

10-3-2 City Powers

10-3-3 Duty To Request Garbage And Trash Service

10-3-4 Security Deposit

10-3-5 Accumulation Of Garbage, Trash And Rubbish; Foul Substances

10-3-6 Container Requirements

10-3-7 Frequency Of Collection

[10-3-8 Uncollected Garbage And Trash A Nuisance](#)
[10-3-9 Collection Vehicles](#)
[10-3-10 Unlawful Removal Of Trash And Refuse; Scavenging](#)
[10-3-11 Removal And Disposal Fees](#)
[10-3-12 Bills For Service; Delinquencies](#)
[10-3-13 Violation; Penalty](#)

10-3-1 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Collectible residential solid waste means solid waste generated within or emanating from a residential dwelling unit and placed in one or more solid waste collection containers serviced mechanically or semi-mechanically for loading into a solid waste collection vehicle, the usage of which is exclusive to and under the direct control of the occupants of the residential dwelling unit.

Commercial solid waste and nonresidential solid waste means all solid waste generated within or emanating from any structure which is not a residential dwelling unit where the usage of the structure may be characterized as commercial, industrial or institutional in nature. Structures generating commercial solid waste shall include, but are not limited to, office buildings, government offices, retail establishments, manufacturing plants, grocery stores, shopping centers, hotels and motels, warehouse facilities, schools, colleges, places of worship, medical facilities and nursing homes, food services including full service and fast food restaurants, taverns and bars, entertainment, recreation, leisure, sports and convention facilities; and shall also include apartment buildings, condominiums, rooming houses, mobile home parks, and other multifamily structures having four or more units where the solid waste collection containers are used jointly by the occupants of such structures so that no single occupant has exclusive use thereof, and where such containers are serviced mechanically or semi-mechanically for loading into the solid waste collection vehicle, and where each unit within the multifamily structure is not serviced or billed directly through an individual water meter.

Garbage and trash means refuse consisting of wastepaper, broken ware, discarded shoes and clothing, tin cans, bottles, grass cuttings, shrub trimmings, paper boxes and cartons, and floor sweepings from dwellings, businesses or industrial establishments. The term "garbage and trash" shall also mean a normal accumulation by resident families or commercial establishments of matter, the accumulation of which may create a nuisance or be offensive to sight or smell. The term "garbage and trash" shall not include noncollectible residential solid waste.

Noncollectible residential solid waste means shall include poisons, acids, explosives, body waste, automobile frames, large bulky objects such as stoves, refrigerators,

furniture, large trees or limbs, and materials which may cause damage to collection equipment or personal injury to collectors, dirt, rocks or debris resulting from construction or repairs of premises, animal excreta or any article or substance that is soiled by human or animal excreta that has not been wrapped and tightly sealed in moisture-proof paper prior to placement for collection; refuse which has been combined or mixed with any of the above-mentioned items; and hazardous waste of any kind which can include, but is not limited to, oil, gas or diesel fuels, car batteries, tires, medical waste, paint, and roofing material.

Person means every natural person, firm, partnership, association or corporation.

Residential dwelling unit means any structure used principally as a place of habitation with facilities for living, sleeping, eating, cooking and off-street parking, whether owned or rented by the occupants thereof, and shall include any single-family house as one unit, and duplex as two units, and any triplex as three units. Any garage apartment, and any mobile home, apartment, townhouse or condominium unit shall be included as one unit so long as each is serviced and billed for water through an individual water meter for each unit, and the occupants have available one or more solid waste collection containers associated with each unit and maintained by or intended for the exclusive use of the occupants thereof.

(Code 2012, § 17-401)

10-3-2 City Powers

The City hereby reserves to itself the exclusive right and privilege for the collection, removal and disposition of all garbage and trash within the corporate limits of the City, either by contract with a suitable person for the collection and removal thereof, or by the collection and removal thereof by the employees of the City, said method to be at the discretion of the City.

(Code 2012, § 17-402)

10-3-3 Duty To Request Garbage And Trash Service

To assist in maintaining the general sanitation and health of the City, it shall be the duty of every person occupying or having control of the occupancy of any premises located in the City to notify the City Clerk at the beginning of such occupancy and request, accept and use the garbage pick-up collection service. By such request, and/or accepted use, the applicant shall grant to the City permission to go upon the premises for the purpose of removal of garbage and trash; provided, however, the failure of any owner, rental agent, or occupant of such premises to make such request shall not prevent nor in any way impair or impede the City from adding the address of such premises to the proper garbage collection records and providing such service and otherwise enforcing by appropriate actions the regulatory measures herein prescribed in causing the fee or charge thereof to be paid.

(Code 2012, § 17-403; altered in 2023 recodification)

10-3-4 Security Deposit

A security deposit an amount set by the City Council by resolution shall be assessed and collected at the time of initiation of service for any new customer of the refuse service. Said amount shall be held as security for payment of charges accrued and shall be reimbursed upon termination of the service if all amounts due and owing have been paid.

(Code 2012, § 17-411)

10-3-5 Accumulation Of Garbage, Trash And Rubbish; Foul Substances

- A. No person shall deposit or place any garbage, trash or rubbish in any alley, street, or other public place within the City, nor shall any owner, occupant, or other person having control of any building, private way, yard, or other private premises within the corporate limits of the City allow or permit any accumulation of old newspaper, rags, broken boxes, weeds, grass or other inflammable rubbish or waste, to be or remain in or upon such building, private way, or other place connected therewith or adjacent thereto, unless the same shall be enclosed in suitable containers.
- B. No person shall be allowed to permit water or other putrid substances, whether animal or vegetable, to accumulate as to cause an offensive odor to be emitted therefrom or to cause a condition dangerous to the health of any person.

(Code 2012, § 17-404)

10-3-6 Container Requirements

- A. Refuse deposited for collection shall be placed in a container or securely fastened garbage bag. Approved containers shall be constructed of some substantial material, with a tightfitting lid or cover, not more than 30 gallons' capacity, equipped with two handles properly place to facilitate handling. Garbage deposited in containers must also be contained in a securely fastened garbage bag within the container.
- B. Up to a maximum of 14 bags of residential trash will be picked up as part of the normal trash service. A "bag," as that term is used herein, shall be no larger than 30 gallons' capacity and filled to a level allowing the bag to be tied shut. The term "bag of garbage" means and includes a bundle of limbs or other such brush, tied together so as not to exceed one foot in diameter for the bundle and cut into lengths not to exceed four feet and 30 pounds in weight.
- C. Items such as furniture, appliances and other household items that will not fit into a 30-gallon bag will be picked up by special request of the owner/occupant

and will be scheduled for collection with such frequency as prescribed by the City Manager, and will be billed at rates approved by the City Council by resolution.

- D. Garbage and trash containers shall be located at a single place on each premises, which shall be easily accessible to the street or alley from which the collections are made. Residential trash shall be placed in said location before 7:00 a.m. on the regularly scheduled collection day as set forth by the City. Garbage containers, solid waste or other collection debris shall not be placed at the collection point more than 24 hours prior to the scheduled collection day. All containers must be removed from the collection point no later than 12 hours after collection by the City.

(Code 2012, §§ 17-405, 17-406)

10-3-7 Frequency Of Collection

Garbage and trash shall be collected from the residents and each business, commercial, or nonresidential site at such intervals and with such frequency as prescribed by the City Manager and approved by the City Council.

(Code 2012, § 17-407)

10-3-8 Uncollected Garbage And Trash A Nuisance

Fermenting, putrefying or odoriferous garbage in containers uncollected or dumped in the open due to failure to provide adequate containers or pay the garbage service fee as provided herein, or to improve type, placement, or maintenance of containers, shall be declared a nuisance and a violation of the ordinances of the City.

(Code 2012, § 17-408)

10-3-9 Collection Vehicles

All vehicles used in collection, removal or disposal of garbage and trash shall be so constructed as to prevent such waste matter from spilling, blowing or falling off while being transported in such vehicles, shall at all times be subject to inspection by any person duly authorized to enforce the provisions of this chapter and if found to be defective or unsatisfactory for such service, shall not be used therefor until such defect is rectified and the use of the vehicle approved by such official.

(Code 2012, § 17-409)

10-3-10 Unlawful Removal Of Trash And Refuse; Scavenging

It shall be unlawful for any person other than a City refuse collector or private contractor with the City, properly appointed by the City, to remove, displace, uncover or otherwise

disturb any refuse container or the contents thereof.

(Code 2012, § 17-410)

10-3-11 Removal And Disposal Fees

All refuse customers shall be assessed a monthly fee as set by the City Council by resolution. Charges will be billed monthly on the customers' City utility bill and shall be subject to all of the provisions governing the payment and collection of water bills.

(Code 2012, § 17-413)

10-3-12 Bills For Service; Delinquencies

- A. The charges established by the collection of residential and/or commercial solid waste shall be billed to each user monthly, along with a bill for water and other utility services and penalties as are now or may hereinafter be established for utilities. No charge shall be made for collection service during periods when the premises is disconnected from water service; provided, however, that in those cases where water service is obtained from a source other than directly from the City, no allowance shall be made for vacancy or nonuse until written notification of such vacancy is given to the City Clerk and then and only when such vacancy is longer than one full bill period.
- B. In the event that any person, firm or corporation shall tender its payment for utility services provided by the City, and the amount tendered is insufficient to pay in full all of the charges so billed, credit shall be given first to water charges, second to charges for sanitary sewer service, third to ambulance fees, and fourth to refuse collection service.
- C. In the event any utility account shall become delinquent, water services may be terminated by the City until all delinquent charges are paid in full.
- D. The provisions for collection provided herein shall be in addition to any rights and remedies which the City may have under the laws of the state.
- E. The person, firm or corporation responsible for payment of other utility service charges for any place or establishment shall be billed and be responsible for payment of all refuse service charges/fees to the premises, whether such service be for residential or commercial/industrial trash services.
- F. The refuse charges assessed by the City on the City utility statement will become delinquent as stated on the utility bill.

(Code 2012, § 17-412)

10-3-13 Violation; Penalty

Any person who violates the provisions of this chapter shall be guilty of an offense and, upon conviction, shall be fined as provided in CCC 1-4-1.

(Code 2012, § 17-414)

TITLE 11 BUILDING REGULATIONS

CHAPTER 11-1 BUILDING CODES AND REGULATIONS IN GENERAL

CHAPTER 11-2 RESIDENTIAL CODE

CHAPTER 11-3 PLUMBING CODE AND REGULATIONS

CHAPTER 11-4 ELECTRICAL CODE AND REGULATIONS

CHAPTER 11-5 MECHANICAL CODE AND REGULATIONS

CHAPTER 11-6 GAS CODES

CHAPTER 11-7 BUILDING NUMBERING AND ADDRESSES

CHAPTER 11-8 MOVING BUILDINGS

CHAPTER 11-9 PENALTIES

CHAPTER 11-1 BUILDING CODES AND REGULATIONS IN GENERAL

11-1-1 Building Codes

11-1-2 Building Official

11-1-3 Building Permits

11-1-1 Building Codes

A. Codes adopted.

1. *International Building Code.* The latest International Building Code as recommended by the Oklahoma Uniform Building Code Commission (OUBCC) and adopted by the state legislature, as such may from time to time be amended, is hereby adopted by reference as the applicable standards for construction in the City.
2. *International Existing Building Code.* The latest International Existing Building Code as recommended by the Oklahoma Uniform Building Code Commission (OUBCC) and adopted by the state legislature, as such may from time to time be amended, is hereby adopted by reference as the applicable standards for construction in the City.

- B. *Violation; penalty.* A person who violates any provision of the Building Codes adopted in subsection A of this section or fails to comply therewith or with any of the requirements thereof, or who erects, constructs, alters, repairs or removes, or has erected, constructed, altered, repaired, or removed a building or structure in violation of a detailed statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor and, upon conviction, shall be punishable as provided in CCC 1-4-1, including costs. Each day upon which a violation continues shall be deemed a separate offense.

(Code 2012, §§ 5-101, 5-102; Ord. No. 837, §§ 1, 2, 9-14-2020)

11-1-2 Building Official

The Building Official of the City shall be appointed by the City Manager and shall have the powers and duties prescribed for the Building Official by the City's Building Codes, provided that his powers and duties may be exercised by authorized representatives under his supervision and control. The term "Building Inspector," whenever used in the ordinances of the City, means the Building Official. The terms "Electrical Inspector," "Plumbing Inspector," and "Gas Inspector," wherever used in the ordinances of the City, also each refer to and mean the Building Official, unless a separate Electrical Inspector, Plumbing Inspector, or Gas Inspector is appointed by the City Manager.

(Code 2012, § 5-103)

11-1-3 Building Permits

- A. *Permit required.* No building or other structure, including a mobile home, shall be built, enlarged, altered, repaired, demolished, moved or placed without a building permit issued by the City as required by the City Building Code and as follows:
1. Whenever changes to a building or other structure alter the outside appearance; alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this Code;
 2. Whenever changes will amount to more than \$1,000.00 in cost; and
 3. Whenever a building or structure is to be moved from outside the City to a location within the City or from one location in the City to another location within the City.
- B. *Application for permit.* A person desiring a building permit shall submit an application therefor to the City. The applicant shall submit with the application such reasonable information as the Building Official may require enabling him to determine whether granting the permit would be in accordance with the requirements of the ordinances of the City.
- C. *Issuance of permit; fee.* If the application is in accordance with the requirements of the ordinances and laws, the permit may be issued upon the payment by the applicant of a building permit fee, which fee shall be set by motion or resolution of the City Council. A current copy of the fee schedule shall be kept in the office of the City Clerk.
- D. *Disposition of funds.* All monies received by the City as a result of the sale of building permits shall be paid to the City Treasurer, who shall deposit the same into the general fund of the City Treasury.

(Code 2012, § 5-105)

CHAPTER 11-2 RESIDENTIAL CODE

11-2-1 Residential Code Adopted

11-2-1 Residential Code Adopted

The latest International Residential Code as recommended by the Oklahoma Uniform Building Code Commission (OUBCC) and adopted by the state legislature, as such may from time to time be amended, is hereby adopted by reference as the applicable standards for construction in the City.

(Code 2012, § 5-701; Ord. No. 837, §§ 1, 2, 9-14-2020)

CHAPTER 11-3 PLUMBING CODE AND REGULATIONS

11-3-1 Plumbing Code Adopted

11-3-2 Plumbing Inspector

11-3-3 Plumbers, Registration, Permits And Fees, Bond

11-3-4 Plumbing Permits And Inspections

11-3-1 Plumbing Code Adopted

The latest International Plumbing Code as recommended by the Oklahoma Uniform Building Code Commission (OUBCC) and adopted by the state legislature, as such may from time to time be amended, is hereby adopted by reference as the applicable standards for construction in the City.

(Code 2012, § 5-201; Ord. No. 837, §§ 1, 2, 9-14-2020)

11-3-2 Plumbing Inspector

The office of Inspector of Plumbing shall be filled and the duties of the office performed by some person appointed by the City Manager. Such Inspector shall make inspection and testing of all plumbing and sewer connections done within the City and shall have the right to deputize any person equally qualified to make the actual inspections and report. He shall carry out the requirements of this chapter.

(Code 2012, § 5-204; altered in 2023 recodification)

11-3-3 Plumbers, Registration, Permits And Fees, Bond

- A. *Definitions.* The terms "journeyman plumber," "plumber's apprentice," "plumbing contractor," and "plumbing" when used in the ordinances, regulations and other official acts and communications of this City, shall have the meanings respectively prescribed for them by 59 O.S. § 1001 et seq., the State Plumbing License Law, unless the context clearly indicates a different meaning.

- B. *Registration required.* It is unlawful for any person to engage in the business, trade, or occupation of a plumbing contractor in this City unless he is registered with the City and has a current and valid certificate of registration issued by the City.
- C. *Qualifications.* Only persons who have current and valid licenses as plumbing contractors issued by the State Construction Industries Board as provided by the State Plumbing License Law may register as such with the City. Journeyman plumbers who have current and valid licenses or apprentice plumbers who have a current and valid apprentice registration issued by the State Construction Industries Board may perform plumbing work in this City under the employment of a licensed and registered plumbing contractor.
- D. *Certificates of registration.* Upon application to the City, the City shall register such plumbing contractor applicants and issue to them certificates of registration. An applicant for registration as a plumbing contractor shall also furnish proof of bonding as provided for in 59 O.S. § 1002(B). Such City certificates shall not be valid after the termination or expiration of the state license or certificates. Registration certificates for plumbing contractors shall expire annually.
- E. *Registration by City.* An applicant for a plumbing contractor's certificate of registration, after complying with the laws of the state and with the established City Code, and after payment of the fee hereinafter specified, shall be registered by the City. Plumbing contractors desiring to renew their registration shall furnish the same evidence of compliance with the state licensing laws.
- F. *Renewals.* All plumbing contractor registrations not renewed within 90 days after the date of expiration thereof shall be cancelled, and a new application of registration must be made and the fee for a new registration paid.
- G. *Registration and renewal fee.* The fee for registration and renewal shall be as set by the City Council by motion or resolution.
- H. *Surety bond.* In addition to the registration fee and before the registration certificate for a plumbing contractor is issued, each plumbing contractor shall possess a current and valid surety bond as required by state law.
- I. *Revocation of registration.* The City Council, upon at least ten days' notice and adequate opportunity for a public hearing, may revoke the City registration of any plumbing contractor for violating any provisions of the ordinances or regulations of the City relating to the installation of plumbing or for any other cause specified in the State Plumbing License Law.

(Code 2012, § 5-202; Ord. No. 838, § 2, 12-7-2020; altered in 2023 recodification)

11-3-4 Plumbing Permits And Inspections

- A. *Permit required.* No plumbing work shall be undertaken without a permit from the Community Development Department.
- B. *Application for permit.* The application for such work must follow this City Code.
- C. *Permit fees.* The schedule of permit fees may be set forth by resolution or motion of the City Council. Such payment will be made upon application.
- D. *Inspections.* Inspection of such work must conform to the guidelines set forth in this City Code.

(Code 2012, § 5-203)

CHAPTER 11-4 ELECTRICAL CODE AND REGULATIONS

11-4-1 Electrical Code Adopted

11-4-2 Electrical Inspector

11-4-3 Electrician's Registration Required, Bond

11-4-4 Electrical Equipment Defined

11-4-5 Conformity With Electrical Equipment Testing Standards

11-4-6 Permit Requirements

11-4-7 Inspection Fee

11-4-8 Installation Approval Required

11-4-9 Special Rulings

11-4-10 Noncompliance With Provisions

11-4-11 Penalty

11-4-1 Electrical Code Adopted

The latest National Electrical Code as recommended by the Oklahoma Uniform Building Code Commission (OUBCC) and adopted by the state legislature, as such may from time to time be amended, is hereby adopted by reference as the applicable standards for construction in the City.

(Code 2012, § 5-302; Ord. No. 837, §§ 1, 2, 9-14-2020)

11-4-2 Electrical Inspector

The Electrical Inspector is appointed and removed by the City Manager. Deputy or assistant inspectors may also be appointed and removed by the City Manager. They shall assist the Electrical Inspector with inspections or enforcement and administration of this chapter.

(Code 2012, § 5-311; altered in 2023 recodification)

11-4-3 Electrician's Registration Required, Bond

- A. The terms "journeyman electrician," "electrician's apprentice," and "electrical

contractor" when used in the ordinances, regulations and other official acts and communications of this City, shall have the meanings respectively prescribed for them by 59 O.S. § 1680 et seq., the Oklahoma Electrical License Act, unless the context clearly indicates a different meaning.

- B. It is unlawful for any person to engage in the business, trade, or occupation of an electrical contractor in this City unless he is registered with the City and has a current and valid certificate of registration issued by the City.
- C. Only persons who have current and valid licenses as electrical contractors issued by the State Construction Industries Board as provided by the State Electrical License Act may register as such with the City. Journeyman electricians who have current and valid licenses or apprentice electricians who have a current and valid apprentice registration issued by the State Construction Industries Board may perform electrical work in this City under the employment of a licensed and registered electrical contractor.
- D. Upon application to the City, the City shall register such electrical contractor applicants and issue to them certificates of registration. An applicant for registration as an electrical contractor shall also furnish a bond as required by the City. Such City certificates shall not be valid after the termination or expiration of the state license or certificates. Registration certificates for electrical contractors shall expire annually.
- E. An applicant for an electrical contractor's certificate of registration, after complying with the laws of the state and with the established City Code, and after payment of the fee hereinafter specified, and showing proof of bonds shall be registered by the City. Electrical contractors desiring to renew their registration shall furnish the same evidence of compliance with the state licensing laws and the bond is required as set forth by the City Code.
- F. All electrical contractor registrations not renewed within 90 days after the date of expiration thereof shall be cancelled, and a new application of registration must be made and the fee for a new registration paid.
- G. The fee for registration and renewal shall be as set by the City Council by motion or resolution.
- H. In addition to the registration fee and before the registration certificate for an electrical contractor is issued, each electrical contractor shall possess a current and valid surety bond as required by state law.
- I. The City Council, upon at least ten days' notice and adequate opportunity for a public hearing, may revoke the City registration of any electrical contractor for violating any provisions of the ordinances or regulations of the City relating to the installation of electrical work or for any other cause specified in the Oklahoma Electrical License Act.
- J. For the installing of communications, remote control, or signaling circuits not

rated over 12 volts, no registration certificates or bond will be required. The installation of same must comply with all other requirements of the ordinances of the City.

(Code 2012, § 5-310; Ord. No. 838, § 3, 12-7-2020)

11-4-4 Electrical Equipment Defined

The term "electrical equipment," as used in this chapter, means and refers to electrical conductors, metallic raceways, fittings, devices, fixtures, appliances, apparatus, and any electrical material of any nature, kind, or description, to be installed within or on any building or structure.

(Code 2012, § 5-301)

11-4-5 Conformity With Electrical Equipment Testing Standards

All electrical equipment required to be listed and/or labeled by the latest adopted edition of the National Electrical Code® shall be evaluated as required by an established electrical standard through testing by a Nationally Recognized Testing laboratory (NRTL). Any NRTL that evaluates and tests electrical equipment shall be recognized as a NRTL by the Occupational Safety and Health Administration, a division of the United States Department of Labor. Before any electrical equipment that is reused, reconditioned, or repaired due to damage from flooding, fire, or any other natural or manmade event is put into service, such equipment shall be field evaluated and field labeled by an authorized representative of a NRTL.

(Code 2012, § 5-303; Ord. No. 837, § 3, 9-14-2020)

11-4-6 Permit Requirements

- A. *Permit required.* It is unlawful for any person to install any electrical wiring, fixtures, or apparatus in or on any building or structure in the corporate limits of the City or make extensions to any existing electrical installations without first securing a permit from the City.
- B. *Application for permit.* Applications for electrical permits shall be made to the City. The applicant shall provide such plans, specifications, and other data as may be reasonably required.
- C. *Permit fee.* The fee for an electrical permit shall be as prescribed by motion or resolution of the City Council.

(Code 2012, § 5-305)

11-4-7 Inspection Fee

The City Council, by motion or resolution, shall prescribe an inspection fee to be paid to the City when electrical installations are inspected by the Electrical Inspector.

(Code 2012, § 5-306)

11-4-8 Installation Approval Required

- A. It is unlawful for any person, firm, partnership, corporation or individual to conceal or cause to be concealed any electrical equipment used for electrical light, heat or power, until they know the installation has been approved by the Electrical Inspector, and a tag in the switch cabinet or attached to the service equipment, properly signed and dated, will be sufficient notice.
- B. After making inspection of new work roughed in, the Electrical Inspector shall leave a tag or notice in the switch cabinet or attached to the service equipment, plainly indicating whether the work has been approved and is ready to conceal, or that the installation is not standard and must not be covered until approved by the Electrical Inspector.
- C. It is unlawful for any person, firm or corporation to connect, or cause to be connected, any service or building for the supply of electrical current for light, heat or power until said person, firm or corporation has been notified by the Electrical Inspector that electric work has been inspected and approved and is ready for electric service.

(Code 2012, §§ 5-307--5-309)

11-4-9 Special Rulings

The City Council, by motion or resolution, shall have the authority to make special rulings, when circumstances warrant, for the safeguarding of life and property and the improvement of electrical installations. In all cases, persons engaged in the installing of electrical equipment and holding an electrical license must be notified by letter of these decisions.

(Code 2012, § 5-304)

11-4-10 Noncompliance With Provisions

- A. Any person, firm, or corporation who shall fail to correct any defects in his or her work or to meet the required standards after having been given notice of the unfit condition by the Electrical Inspector within a reasonable time, shall be refused any other permit until such defect or defects have been corrected, and shall be subject to revocation of license for continual defective work, or either, upon conviction for violation of the provisions of this chapter.
- B. Upon failure to comply with this chapter, the Electrical Inspector shall have

authority, after due notice, to eliminate electrical service to any defective installation in the locality concerned.

(Code 2012, § 5-312; altered in 2023 recodification)

11-4-11 Penalty

Any person, firm, or corporation found guilty of violating any of the provisions of this chapter shall be subject to punishment as provided in CCC 1-4-1.

(Code 2012, § 5-313)

CHAPTER 11-5 MECHANICAL CODE AND REGULATIONS

[11-5-1 Mechanical Code Adopted](#)

[11-5-2 Mechanical Inspector](#)

[11-5-3 Mechanical Contractors, Registration, Permits And Fees](#)

[11-5-4 Permit Requirements](#)

11-5-1 Mechanical Code Adopted

The latest International Mechanical Code as recommended by the Oklahoma Uniform Building Code Commission (OUBCC) and adopted by the state legislature, as such may from time to time be amended, is hereby adopted by reference as the applicable standards for construction in the City.

(Code 2012, § 5-801; Ord. No. 837, §§ 1, 2, 9-14-2020)

11-5-2 Mechanical Inspector

The Inspector of Mechanical Contractors is appointed and removed by the City Manager. Deputy or assistant inspectors may also be appointed and removed by the City Manager. They shall assist the Inspector of Mechanical Contractors with inspections or enforcement and administration of this chapter.

(Code 2012, § 5-804)

11-5-3 Mechanical Contractors, Registration, Permits And Fees

- A. The terms "mechanical journeyman," "mechanical apprentice," and "mechanical contractor" when used in the ordinances, regulations and other official acts and communications of this City, shall have the meanings respectively prescribed for them by 59 O.S. § 1850.2 et seq., the State Mechanical Licensing Law, unless the context clearly indicates a different meaning.
- B. It is unlawful for any person to engage in the business, trade, or occupation of a mechanical contractor in this City unless he is registered with the City and has a current and valid registration issued by the City. Any mechanical contractor

registered in this City shall only be permitted to engage in or contract to engage in the scope of mechanical work that is listed as an endorsement on his currently valid mechanical contractor's license issued by the State Construction Industries Board, as provided for in 59 O.S. § 1850.8(C).

- C. Per section 158:50-5-I of the Oklahoma Administrative Code, Mechanical Industry Regulations, mechanical licenses shall be issued as journeyman, contractor, or inactive contractor. Licenses shall be issued for the following categories, and each category shall be listed as an endorsement on the license:
1. HVAC limited or unlimited.
 2. Natural gas piping.
 3. Process piping.
 4. Refrigeration.
 5. Sheet metal.
 6. Ground source piping.
 7. Limited residential (journeyman only).
 8. Limited residential installer (journeyman license type).
 9. Petroleum refinery process piping (journeyman only).
 10. Medical gas (journeyman only).
- D. Only persons who have current and valid licenses as mechanical contractors issued by the State Construction Industries Board as provided by the State Mechanical Licensing Law may register as such with the City. Mechanical journeymen who have current and valid licenses and the appropriate endorsement for the type of mechanical work being performed, and mechanical apprentices who have current and valid registrations as issued by the State Construction Industries Board may perform mechanical work in this City under the employment of a licensed and registered mechanical contractor.
- E. Upon application to the City, the City shall register such applicants and issue to them certificates of registration as mechanical contractors. An applicant for registration shall also furnish a bond as required by the City. Such City certificates shall not be valid after the termination or expiration of the state license or certificates. Registration certificates for mechanical contractors shall expire annually.
- F. An applicant for a mechanical contractor's certificate of registration, after complying with the laws of the state and with the established City Code, and after payment of the fee hereinafter specified, and showing proof of bonds shall be registered by the City. Mechanical contractors desiring to renew their registration shall furnish the same evidence of compliance with the state

licensing laws and the bond is required as set forth by the City Code.

- G. All mechanical contractor registrations not renewed within 90 days after the date of expiration thereof shall be cancelled, and a new application of registration must be made and the fee for a new registration paid.
- H. The fee for registration and renewal shall be as set by the City Council by motion or resolution.
- I. In addition to the registration fee and before the registration certificate for a mechanical contractor is issued, each electrical contractor shall possess a current and valid surety bond as required by state law.
- J. The City Council, upon at least ten days' notice and adequate opportunity for a public hearing, may revoke the City registration of any mechanical contractor for violating any provisions of the ordinances or regulations of the City relating to the installation of mechanical equipment or for any other cause specified in the State Mechanical License Law.

(Code 2012, § 5-802; Ord. No. 838, § 4, 12-7-2020)

11-5-4 Permit Requirements

- A. *Permit required.* No mechanical contracting work shall be undertaken without a permit from the Community Development Department.
- B. *Application for permit.* The application for such work must follow this City Code.
- C. *Permit fees.* The schedule of permit fees shall be as set forth by resolution or motion of the City Council. Such payment will be made upon application.
- D. *Inspections.* Inspection of work must conform to the guidelines set forth in this City Code.

(Code 2012, § 5-803)

CHAPTER 11-6 GAS CODES

11-6-1 Liquefied Petroleum Gas Code Adopted

11-6-2 Fuel Gas Code Adopted

11-6-1 Liquefied Petroleum Gas Code Adopted

It is unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install, or repair any system, container, apparatus, or appliance to be used for the transportation, storage, dispensing, or utilization of liquefied petroleum gas, or to transport, handle, or store such gas, unless such person has complied with and complies with all provisions of the law and ordinances relating thereto, and has any license or permit which may be required by state law. The pamphlet, Storage and

Handling of Liquefied Petroleum Gases, as contained in Pamphlet No. 58, issued by the National Fire Protection Association, the latest edition thereof, adopted by the Oklahoma Liquefied Petroleum Gas Board, is hereby adopted by the City and shall have full force and effect within the City. Any violation of these rules and regulations shall be deemed a violation of the ordinances of the City and shall be punishable accordingly.

(Code 2012, § 5-401; altered in 2023 recodification)

11-6-2 Fuel Gas Code Adopted

The latest International Fuel Gas Code as recommended by the Oklahoma Uniform Building Code Commission (OUBCC) and adopted by the state legislature, as such may from time to time be amended, is hereby adopted by reference as the applicable standards for construction in the City.

(Code 2012, § 5-501; Ord. No. 837, §§ 1, 2, 9-14-2020)

CHAPTER 11-7 BUILDING NUMBERING AND ADDRESSES

[11-7-1 Metropolitan Area Addressing System Adopted; Existing System Retained For Certain Areas](#)

[11-7-2 Location And Display Of Numbers](#)

[11-7-3 Number Specifications](#)

[11-7-4 Application To New And Changed Structures](#)

[11-7-5 Violation; Penalty](#)

11-7-1 Metropolitan Area Addressing System Adopted; Existing System Retained For Certain Areas

- A. The metropolitan area addressing system is hereby adopted as the official addressing system of the City within the areas described in exhibit A attached to Ordinance No. 428, passed May 3, 1993, and all amendments thereto.
- B. The original City addressing system shall be preserved and continued in effect for those areas so identified in exhibit A attached to Ordinance No. 428, passed May 3, 1993, and any amendments thereto.

(Code 2012, § 5-106)

11-7-2 Location And Display Of Numbers

The owners and occupants of all buildings within the City limits shall install and maintain the numbers of the street address of that building upon the outside of the building. These numbers shall be displayed in a manner and have sufficient size as to be easily seen from the public roadways by police, fire and other emergency personnel. However, areas of a development operated as a unit having private, but common,

roadway areas shall have such a display which can be easily seen from the common roadway area.

(Code 2012, § 5-106)

11-7-3 Number Specifications

The identifying numbers shall be not less than four inches in height with a minimum stroke width of one-half inch and shall be made of a reflective material, or may be lighted, or have a contrasting color, so that they can easily be seen during the day and night.

(Code 2012, § 5-106)

Editor's note—See also CCC 12-13-8D11.

11-7-4 Application To New And Changed Structures

- A. Owners and general contractors of new construction or structures being substantially altered and requiring building permits shall provide and maintain the numbering system established herein commencing at the start of construction. The structures shall be deemed to have failed to pass any inspection by the City which may be being conducted, unless the numbers exist and are properly maintained at the time of each inspection. Further, the Community Development Department is authorized to refuse to conduct any further inspections or to grant any further permits until such time as the structure comes into compliance with these provisions.
- B. The Community Development Department is authorized to require proof that these numbers are being maintained as to any building concerning an application that is made for zoning changes, variance, special exception or any other request under the jurisdiction and authority of the Planning Department, Planning Commission, or Board of Adjustment. Proof of compliance is an absolute precondition for proceeding with these applications.

(Code 2012, § 5-106)

11-7-5 Violation; Penalty

Failure of the owner or occupant to install or to maintain the numbering systems required herein shall be an offense, punishable as provided in CCC 1-4-1.

(Code 2012, § 5-106)

CHAPTER 11-8 MOVING BUILDINGS

[11-8-1 Permit Requirements](#)

[11-8-2 Restrictions On Issuance Of Permit](#)

[11-8-3 Protection Of Trees And Overhead Structures](#)

[11-8-4 Warning Lights And Guards](#)

[11-8-5 Time For Moving](#)

[11-8-6 Notice To Fire And Police Departments](#)

[11-8-7 Liability For Damages](#)

Editor's note—See also CCC 8-7-5.

11-8-1 Permit Requirements

A. Permit required; fee.

1. It is unlawful for any person, firm, corporation, partnership or individual to move or cause to be moved on the streets or alleys of the City any house or building, or part thereof, or any similar structure, without having first obtained from the Building Official a permit therefor. The applicant for a permit shall pay the City Clerk a sum as set by the City Council for each such permit and shall deposit with the City Clerk a good and sufficient bond as required in this section.
2. It is unlawful for any person, firm, corporation, partnership or individual to move or cause to be moved any house or building, or part thereof, or any similar structure, on the streets or alleys of the City without having first obtained such permit, paid such permit fee, and deposited such bond with the City, and without first obtaining the appropriate state license as required by law.

B. Application for permit. The permit shall be obtained by making application therefor in writing. The written application shall recite the character of the thing or object to be moved and transported along or through and upon the streets and avenues, the proposed route of such transportation, proposed escorts and warning signs or lights, and the place where any equipment used in effecting such transportation shall be placed and secured.

C. Bond requirements.

1. No permit shall be issued by the terms of this chapter until such time as the applicant shall have deposited with the officer issuing the permit a cash bond in such sum as may be reasonably necessary to protect the City and cover all loss from damage accruing to it or its citizens by reason of any negligence or improper occupancy of the streets, sidewalks and any and all property therein. Any negligence or improper occupancy of the streets, sidewalks or other public places shall be provided against in the bond, and such bond shall be deposited upon the understanding that it is to cover all of the conditions as set forth in this subsection.

2. All such persons, as described herein, engaged as principals in the business herein described shall file a surety bond to be approved by the City in the sum of \$10,000.00, conditioned that such person shall save, indemnify, and keep harmless the City against any and all liabilities, judgments, damages, costs and expenses which may, in any way, accrue against the City, in consequence of the granting of such permit or while acting under the same, and will, under all circumstances, strictly comply with the terms of such permit. Any such surety bond shall not be in any manner affected by the fact of the cash deposit and bond required hereunder.
3. Any such person as referred to herein, or laborer, servant or agent or employee, shall cause a sufficient passageway to be kept open for vehicles to pass on one side or both sides of any building, structure, edifice, object or thing, while the same is being moved upon any street, avenue or alley, and when possible, the same shall be kept moving each day unless the actual elements render this impossible.

(Code 2012, §§ 5-601--5-603; altered in 2023 recodification)

11-8-2 Restrictions On Issuance Of Permit

- A. No permit shall be issued to move any building which, in the judgment of the Building Official, might by any chance result in an injury to the pavements, bridges, conduits or other street improvements within the City.
- B. No permit may be issued by the Building Official without advance approval from the Police Chief, particularly with reference to the moving times, proposed route, escorts and traffic coordination with all of the above.
- C. The City shall not issue any permit on any day which, according to the estimated number of days required to move the building or structure, shall, when counted from the date of the permit, include a Sunday or legal holiday, provided that this shall apply where the permit includes and provides that the persons moving such house shall begin on the day of the permit. When a day is set on which the person moving the building shall begin to move the same and the day is different from the date of issuing the permit, then no permit shall be issued for such a day to include a Sunday or holiday within the time allowed for moving the building. Where the number of days shall exceed five, the provisions of this subsection shall not apply.

(Code 2012, §§ 5-607, 5-609)

11-8-3 Protection Of Trees And Overhead Structures

- A. The person who may have a permit to move a building or structure over any street within the City shall, by virtue of such permit, derive no right to injure or impair the condition or usefulness of any shade tree, electric light, or telephone poles or lines.
- B. No tree of any kind shall be cut, bruised, or scarred under any circumstances without the express permission, in writing, of the owner of the same and with the permission of the Building Official or Public Works Director.
- C. In all cases where it is necessary to remove any electric light, or telephone construction, it shall be the duty of the person moving such building or structure to give not less than 24 hours' notice to the public utility company or person owning or operating the same, which notice shall state the place, the construction which is necessary to be removed, or temporarily changed or altered, and the day on which it is desired to have such clearance made, as well as the amount of time that will be necessary to keep such space clear.
- D. It is the duty of the person moving the building or structure to deposit an amount of money estimated necessary to cover the cost of the changing or moving of public utility overhead construction and replacing the same in its former condition with the City Clerk in a sum as set by the City.
- E. Upon such deposit being made with the City Clerk and such notice being delivered to the owner or operator of the telephone line construction, it is the duty of the person owning or operating the overhead construction to make such temporary changes as are reasonably necessary to comply with the representations set forth in the notice made and delivered thereto.

(Code 2012, § 5-605; altered in 2023 recodification)

11-8-4 Warning Lights And Guards

- A. *Warning lights.* It is the duty of the permittee to place warning lights plainly visible for not less than 200 feet on each and every side of the building or structure which is being moved at the close of day and to keep same on throughout the entire night and until one hour after sunrise on the morning following. Such lights shall be so placed and maintained that the view of same will not be, in any sense, obstructed. If necessary, as many additional lights as may be necessary shall be placed at such other points on the building or structure as will enable any person of reasonable and ordinary prudence to take notice of the obstruction.
- B. *Guards required.* It is the duty of the house mover to station sufficient persons on guard and to establish such notices by placards or boards or other means in the immediate vicinity of the moving activities as will be necessary to apprise any reasonable person of any potential danger that might be incurred by coming closer to the moving operations or buildings being moved or the instruments or

agencies used in the moving of the same.

(Code 2012, §§ 5-604, 5-606)

11-8-5 Time For Moving

At the time of application for a permit, it is the duty of the mover of any building or structure to estimate the reasonable time required for the moving of the building from its present location to its proposed location and shall state in his application for permit what he deems to be such reasonable time. The mover shall bind himself to pay a sum as set by the City, per day, for each and every day, all or any part of which the building or structure remains on the street in excess of the number of days allowed in the permit, and his cash deposit, in addition to his bond, shall be made liable for the payment of the amount. Nothing but the act of nature shall be a defense against the payment of the sums.

(Code 2012, § 5-608; altered in 2023 recodification)

11-8-6 Notice To Fire And Police Departments

Any person desiring to move any building shall show his permit to the Chiefs of the Fire and Police Departments. If for any reason any delay is occasioned by any unforeseen contingency, it is his duty to inform the Fire and Police Chiefs of such facts, to the end that the Fire and Police Chiefs may keep accurate and recent information on the true conditions of the streets and alleys for fire prevention purposes.

(Code 2012, § 5-610)

11-8-7 Liability For Damages

No provision or condition of this chapter shall be construed so as to limit the liability civilly of any person moving any house on or over the City streets, avenues and alleys from any and all damages which may result as the proximate cause of such acts to any person or his property or to the City.

(Code 2012, § 5-611)

CHAPTER 11-9 PENALTIES

[11-9-1 Violation; Penalty](#)
[11-9-2 Relief In Courts](#)

11-9-1 Violation; Penalty

Any person, firm or corporation who shall engage in any business, trade or vocation for which a license, permit, certificate or registration is required by this title, without having a valid license, permit, certificate, or registration as required, or who shall fail to do anything required by this title or by any code adopted by this title, or who shall otherwise violate any provision of this title or of any code adopted by this title, or who shall violate any lawful regulation or order made by any of the officers provided in this title, shall be guilty of an offense and, upon conviction thereof, shall be punishable as provided in CCC 1-4-1.

(Code 2012, § 5-1001; altered in 2023 recodification)

11-9-2 Relief In Courts

No penalty imposed by and pursuant to this title shall interfere with the right of the City also to apply to the proper courts of the state for a mandamus, an injunction or other appropriate action against such person, firm or corporation.

(Code 2012, § 5-1002)

TITLE 12 ZONING

CHAPTER 12-1 ZONING IN GENERAL; PURPOSE, INTERPRETATION AND APPLICATION, JURISDICTION

CHAPTER 12-2 RULES AND DEFINITIONS

CHAPTER 12-3 ADMINISTRATION AND ENFORCEMENT

CHAPTER 12-4 ZONING DISTRICTS AND MAP

CHAPTER 12-5 GENERAL ZONING REGULATIONS

CHAPTER 12-6 AG AGRICULTURE DISTRICT

CHAPTER 12-7 RESIDENTIAL DISTRICTS

CHAPTER 12-8 O OFFICE AND INSTITUTIONAL DISTRICT

CHAPTER 12-9 COMMERCIAL DISTRICTS

CHAPTER 12-10 INDUSTRIAL DISTRICTS

CHAPTER 12-11 PUD PLANNED UNIT DEVELOPMENT DISTRICTS

CHAPTER 12-12 OFF-STREET PARKING AND LOADING

CHAPTER 12-13 SIGNS

CHAPTER 12-14 LANDSCAPE REQUIREMENTS

CHAPTER 12-15 TOWERS AND ANTENNAS

CHAPTER 12-16 NONCONFORMITIES

CHAPTER 12-1 ZONING IN GENERAL; PURPOSE, INTERPRETATION AND APPLICATION, JURISDICTION

12-1-1 Short Title

12-1-2 Purpose

12-1-3 Interpretation

12-1-4 Application Of Provisions

12-1-5 Jurisdiction

12-1-1 Short Title

This title shall be known and may be cited as the Coweta Zoning Code.

(Ord. No. 716, 4-4-2011)

12-1-2 Purpose

This title is enacted for the purpose of promoting the health, safety, peace, morals, comfort, convenience, prosperity, order, and general welfare; lessening danger and congestion of public transportation and travel; securing safety from fire and other dangers; preventing overcrowding of land; avoiding undue concentration of population; providing adequate light and air, police protection, transportation, water, sewerage, schools, parks, forests, recreational facilities, military and naval facilities, and other public requirements, and preventing undue encroachment thereon; conserving the value of buildings and encouraging the most appropriate use of land; encouraging the

industrial, commercial and residential growth of the community; and promoting the development of the community in accordance with a comprehensive plan.

(Ord. No. 716, 4-4-2011)

12-1-3 Interpretation

- A. *Validity of other laws.* Where this title imposes a greater restriction upon the use of structures or land or upon height or bulk of structures or requires larger open spaces or yards than are imposed by other ordinances, laws, or regulations, the provisions of this title shall govern. However, nothing in this title shall be construed to prevent the enforcement of other ordinances, laws, or regulations which prescribe more restrictive limitations.
- B. *Severability.* In case any portion of this title shall be invalid or unconstitutional, as declared by a court of competent jurisdiction, the remainder of this title shall not thereby be invalid but shall remain in full force and effect.

(Ord. No. 716, 4-4-2011)

12-1-4 Application Of Provisions

- A. No person, firm or corporation shall use or permit to be used any land or buildings, nor shall any person, firm or corporation make, erect, construct, move, alter, enlarge or rebuild or permit the making, erection, construction, moving, altering, enlarging or rebuilding of any building, structure or improvement, which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in accordance with the use, height, area, yard, space, and other requirements established in the district in which such land, building, structure or improvement is located except as provided by CCC 12-16.
- B. Nothing in this title shall be deemed to require a change in the plans, construction, or designated use of any building, where a building permit has been lawfully issued prior to the effective date of the ordinance from which this title is derived, and pursuant to such permit, construction is diligently carried to completion. Upon completion, such building or use shall be deemed nonconforming and may continue as regulated by CCC 12-16.

(Ord. No. 716, 4-4-2011)

12-1-5 Jurisdiction

This title shall be in full force and effect in the corporate limits of the City. Property owned, leased, or operated by the City or any other public or governmental body or agency shall be subject to the terms of this title.

(Ord. No. 716, 4-4-2011)

CHAPTER 12-2 RULES AND DEFINITIONS

12-2-1 Rules Of Word Construction

12-2-2 Definitions

12-2-1 Rules Of Word Construction

For the purpose of this title, words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory.

(Ord. No. 716, 4-4-2011)

12-2-2 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abutting, in the context of notice, or of a screening or enclosure requirement, means contiguous or separated therefrom only by a nonarterial street, alley or railroad right-of-way. In other instances, the term "abutting" shall mean contiguous.

Accessory use bar means a commercial establishment open to the public which sells and serves alcoholic beverages, as defined herein, for consumption on the premises, but which is incidental and subordinate to a principal use restaurant, hotel or motel, and bars which are accessory to not-for-profit, bona fide lodges, posts, clubs, and fraternal, benevolent or charitable organizations.

Accessory use or structure means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Alcoholic beverages means all beverages as so defined in 37 O.S.

All-weather material means a hard surface, dust-free material capable, during ordinary use, of withstanding, without substantial deterioration, normal weather conditions. Gravel, rock, or screenings alone, without the use of a petroleum or cement binder, does not meet the definition of an all-weather, dust-free material.

Alley means a permanent public way providing a secondary means of access for service or emergency vehicles.

Anchoring systems means a combination of ties, anchoring equipment and/or anchoring devices that are designed to resist overturning, uplift and lateral movement of

a manufactured home from wind and water forces.

Antenna means a transmitting and/or receiving device used in telecommunications that radiates or captures a signal. The term "antennas" also includes antenna-supporting structures.

Antenna supporting structure means a telecommunications facility that consists of a stand-alone support structure which has, as its principal use, the support of antenna and associated equipment and improvements. The term "antenna-supporting structures" also includes antennas.

Anticipated development means full potential urbanization of the contributing watershed, considering the comprehensive plan and the reasonable assumption that, in considering the effects of a proposed development in a floodplain area, there will be an equal degree of encroachment extending for a significant reach on both sides of the stream or watercourse.

Arterial means a street designated on the major street plan as a primary arterial or secondary arterial.

Assisted living center means a residential facility designed to meet housing and care needs of older persons and individuals with disabilities in a residential rather than institutional environment, while maximizing independence, choice, and privacy. Assisted living centers provide personal care for persons with needs for assistance in the activities of daily living and can respond to unscheduled needs for assistance. Services typically provided include: meals, housekeeping, laundry and linen service, medication monitoring, transportation and activities. Assisted living centers also typically provide features that enhance the resident's autonomy, such as lockable doors, full bathrooms, temperature control, and single occupancy, and may provide limited cooking facilities in individual units. Assisted living centers exclude nursing homes and other special housing facilities as elsewhere defined.

Average ground elevation means the midpoint between the highest and lowest ground elevations at the building wall.

Bar/tavern means a commercial establishment open to the general public which sells and serves alcoholic beverages for consumption on the premises.

Beer bar means a commercial establishment open to the general public which sells and serves beer for consumption on the premises.

Billiard center, family, means a principal use billiard facility which caters to families and which excludes the sale and consumption of alcoholic beverages on the premises.

Billiard hall/pool hall means a principal use billiard facility, open to the general public, and which sells and serves alcoholic beverages on the premises.

Board of Adjustment (BOA) means the Board of Adjustment of the City.

Editor's note—See CCC 12-3A.

Building means a structure which is permanently affixed to the land, and has one or more floors and a roof, and is bounded by either another building with a common party wall, open air, or the lot lines of a lot.

Building code means those codes and regulations adopted by the City pertaining to requirements for construction of buildings and structures.

Editor's note—See CCC 11-1-1.

Building setback means the horizontal distance, from the point of measurement, such as the centerline of an abutting street or the boundary line of an abutting zoning district to the nearest building wall.

Caliper means the diameter of the tree trunk measured at six inches above ground level for a tree trunk having a diameter of four inches or less, and the diameter of the tree trunk measured at 12 inches above ground level for a tree trunk having a diameter exceeding four inches.

Cannabis, also known as "marijuana" among other names, means a psychoactive drug from the cannabis plant intended for medical or recreational use.

Cannabis business means an entity engaged in the cultivation, possession, manufacture, distribution, processing, storage, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products for commercial purposes.

Cannabis cultivation means any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis.

Cannabis retail means a facility where medical or adult use cannabis or adult use cannabis products are offered, either individually or in combination, for retail sale, including an establishment that delivers cannabis or cannabis products as part of a retail sale; also known as a "cannabis dispensary."

Care home means premises used for the housing and caring for the aged or infirmed, and includes convalescent homes, homes for the aged, and nursing homes.

Character means any letter of the alphabet or any numeral.

City Council means the City Council of the City of Coweta.

Code Enforcement Officer/Building Inspector means the enforcement officer designated

by the City Manager of the City of Coweta to enforce this title and related ordinances.

Commercial mixed-use development means any development containing a combination of uses permitted by right, special exception, planned unit development (PUD) or specific use permit.

Community group home means a community-based residential facility for independent living that provides room and board, personal care, and rehabilitation services in a family environment as a single housekeeping unit for six to 12 resident mentally ill or intellectually disabled and/or physically limited persons with at least one, but not more than three, resident staff persons. Personal care and rehabilitation services excludes on-site institutional-type educational training, medical or nursing care.

Comprehensive plan means the official plan for the physical development of the City as originally adopted in 1994 and as amended thereafter.

Copy area means the net geometric area enclosed by the smallest rectangles encompassing the outer extremities of all letters, figures, characters and delineations contained in a sign.

Curb level means the mean level of the established curb at the frontage of a lot. Where no curb has been established, the City Engineer shall establish such curb level or its equivalent for the purposes of this title.

Customary residential exterior finishing materials means roof and siding materials traditionally used to provide the finished exterior of single-family dwellings. Customary roofing materials include composition shingles, fiberglass shingles, wood shingles (shakes), and clay tile applied according to the manufacturer's specifications. Customary siding materials include aluminum lap or vinyl lap siding, cedar or other wood siding, masonry (stucco, brick, stone, block, tilt-up panel) and woodgrain, weather-resistant pressboard siding.

Dance hall means a commercial establishment open to the general public which provides a dance area of 1,000 square feet or more.

Day nursery means any agency, institution, center, home, nursery, nursery school, kindergarten, play school, or other place, however styled and whether operated under public auspices, as a private business or by an established religious denomination, in which are received, for temporary custodial care, apart from their parents part of the day or all of the day or night, and upon any number of successive days, one or more children not related to the persons providing such temporary custodial care, and which comply with the licensing requirements of the State Health Department, but excluding family daycare homes.

Designated residential development area means an area specifically designated for residential development by conditions imposed in a planned unit development (PUD)

supplemental district.

Detention/correctional facility means a facility for the detention, confinement, treatment and/or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, pre-release center, correctional community treatment center, jail and prison.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Display surface means the surface of a sign upon, against or through which the message is displayed or illustrated.

Display surface area means the net geometric area enclosed by the display surface of a sign including the outer extremities of all letters, figures, characters, and delineations, but not including the structural supports for freestanding signs if said structural supports are not arranged to become a part of the attention-attracting aspects of a sign, provided that as applied to wall or canopy signs having a nonilluminated background, the term "display surface area" shall mean copy area.

Dripline means the periphery of the area underneath a tree which would be encompassed by perpendicular lines extending from the exterior edges of the crown of the tree.

Dwelling means a building or structure used in whole or in part for human habitation.

Dwelling, duplex, means a building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling, manufactured home, means a residential manufactured dwelling, built in accordance with the Federal Manufactured Home Construction and Safety Standards which is either:

- A. Fully assembled into one unit or one expandable/telescoping unit of more than 35 feet in length and is fully habitable upon arrival at a site, except for minor and incidental installation activities and utility connections, and is installed on either temporary or permanent foundations;
- B. A dwelling manufactured in two or more units, but either fails to utilize customary siding materials, or retains chassis or other equipment related to being towed, or is not placed on a permanent foundation; or
- C. Any combination of subsections A or B of this definition which does not meet all of the local building codes as adopted by the City.

Dwelling, mobile home, See definition of *Dwelling, manufactured home*.

Dwelling, modular, means a manufactured dwelling partially preassembled into two or more sections, none of which is habitable individually, permanently joined together and utilize customary residential siding and roofing materials, built to Building Code standards as adopted by the City, and are either units designed to be transported and installed on permanent foundations; or chassis/under-carriage units designed to be towed or structurally capable of being towed on wheels and installed on permanent foundations after all hitches, running gear and chassis have been removed. The term, "sections" in the phrase "two or more sections" in this definition shall mean sections of wall framing, roof framing, or floor framing. Porches and fixtures do not constitute a section for purposes of this definition.

Editor's note—See CCC 11-1-1.

Dwelling, multifamily, means a building containing three or more dwelling units.

Dwelling, row house means:

- A. One of a row of houses having uniform, or nearly uniform, plans and fenestration and usually having a uniform architectural treatment, as in certain housing developments.
- B. A house having at least one sidewall in common with a neighboring dwelling.

Dwelling, single-family, means a building, other than a mobile/manufactured/modular home dwelling, containing one dwelling unit designed for occupancy by not more than one family.

Dwelling, townhouse, means a building containing two or more attached dwelling units with no unit above another unit and each unit located on a separate lot within a townhouse development.

Dwelling unit means a room or group of rooms arranged, intended, or designed as a habitable unit, containing kitchen, bath and sleeping facilities, for not more than one family living independently of any other family.

Elderly/retirement housing means a residential complex containing multifamily dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area but exclude institutional care such as medical or nursing care and are distinguished from a life care retirement center, as defined in this section.

Emergency and protective shelter means a residential facility which provides room and board for a temporary (30 days or less) period, protection counseling, and pre-placement screening for abused, displaced, or transient children or adults.

Family means one or more persons occupying a single dwelling unit, provided that, unless all members are related by blood, marriage, or adoption, no such family shall contain over six persons; but further provided that domestic servants may be housed on the premises without being designated as a family.

Family daycare home means a dwelling used to house and provide supervision and care for five children, said total to include those preschool children under five years of age who reside in the residence.

Flashing illumination means a light source or other image which, in whole or in part, physically changes in light intensity or gives the appearance of such change.

Flood means a temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Flood, regulatory, means a 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 considering the comprehensive plan, adopted floodplain management policies and the watershed master drainage plan where adopted.

Floodway means the channel of a river or other watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regulatory flood.

Floor area means the sum of the gross horizontal areas of the several floors, including basements, of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Provided, that for the purpose of determining compliance with the permitted floor area, the floor area of enclosed required off-street parking areas shall not be included.

Floor area ratio means the floor area of a building or buildings on a lot divided by the lot area.

Foster home means a dwelling used in whole or in part as living quarters for a household, including one or more minor children placed by a licensed child placement agency who are not members of the family occupying said dwelling but are under their supervision. Further provided, that a maximum of five children are allowed to reside in the home including any natural children living in the home, if any children in the home are age two or younger. If no children are under two years, the maximum number of children residing in the home is six.

Freeway means a street designated as a freeway on the major street plan.

Freeway sign corridor means an area 40 feet in width on each side of and adjacent to the publicly acquired right-of-way of a freeway.

Frontage means the linear measurement of a lot boundary which abuts a public street or the linear measurement of the building setback line when the boundary of the lot abuts a curved nonarterial street or cul-de-sac.

Habitable floor means any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used for storage purposes only is not a habitable floor.

Halfway house means a building used in whole or in part as a treatment center and dwelling quarters for persons unrelated by blood or marriage who are undergoing care or rehabilitation for alcoholism or other forms of drug abuse.

Height, building, means the vertical distance measured from the average ground elevation at the building wall to the highest horizontal point of the structure, provided that height exceptions listed under CCC 12-5-8 shall apply.

Home occupation means any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings, provided that no trading in merchandise is carried on and in conjunction with which there is no advertising or display of merchandise. There shall be no mechanical equipment used or activity conducted which creates any noise, dust, or odor or electrical disturbance beyond the confines of the lot on which said occupation is conducted.

Homeowners' or property owners' association means an incorporated nonprofit organization, to include nonresidential property owners, operating under recorded land agreements through which:

- A. Each lot and/or homeowner in a planned unit development or other described land area is automatically a member;
- B. Each lot is automatically subject to a charge for a proportionate share of the organization's activities, such as maintaining a common property; and
- C. The charge, if unpaid, becomes a lien against the property.

Junkyards and salvage yards means open areas, lots, land, parcels, buildings or structures, or parts thereof, where wastes or used or secondhand materials are bought, collected, abandoned, sold, exchanged, stored, processed, crushed or handled. Materials shall include, but are not limited to, the following: used lumber, scrap iron and other metals, paper, plastic, rags, rubber tires, salvaged or dismantled vehicles, machinery, vehicular parts, bottles and cans and discarded goods.

Kennel means any premises operated for profit where there is being maintained or harbored more than five dogs or cats, or combination of both, aged over three months,

except veterinary hospitals.

Land area means the area of a lot plus one-half or 30 feet, whichever is less, of the right-of-way of any abutting street to which the lot has access.

Land coverage means the land area of a lot covered by buildings, except structural parking.

Landscaped area means the unpaved area within a lot which contains grass, shrubs, flowers, ground cover, trees or native plant materials and which may include decorative fixtures such as rock, pools and planters.

Life care retirement center means a residential facility containing dwellings designed for and principally occupied by senior citizens in a planned retirement community which includes a residential complex, an activity or community center, and a medical or nursing facility which is licensed by the state as an intermediate care facility or a skilled nursing center.

Livability space means the open space of a lot which is not allocated to or used for off-street parking or loading areas or for paved access to an off-street parking or loading area.

Loading berth, off-street, means a space of at least ten feet in width and 30 feet in length and having a vertical clearance of at least 14 feet, designed and located on a lot for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Lot means a lot of record.

Lot area means the total horizontal area included within lot lines.

Lot, corner, means a lot of which at least two adjacent sides abut for their full lengths on a street.

Lot depth means the average distance from the street line of the lot to its rear line, measured in the general direction of the sidelines of the lot.

Lot, double frontage, means a lot other than a corner lot with frontage on more than one street other than an alley.

Lot, interior, means a lot other than a corner lot with only one frontage on a street.

Lot line means any boundary of a lot.

Lot line, front, means the boundary of a lot which abuts a public street. Where the lot abuts more than one street, the owner may select the front lot line.

Lot line, rear, means the boundary of a lot which is most distant from and most nearly parallel to the front lot line.

Lot line, side, means any boundary of a lot which is not a front lot line or a rear lot line.

Lot of record means a lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Wagoner County or a parcel of land, the deed of which is recorded in the office of the County Clerk of Wagoner County.

Lot width means the average horizontal distance between the side lot lines.

Major street plan means the City major street and highway plan, as adopted by the City Council, or as it may hereafter be amended by ordinance. See CCC 9-1-1.

Manufactured home. See *Dwelling, manufactured home*.

Manufactured home park means land or property which is used or intended to be used or rented for occupancy by one or more manufactured homes or movable sleeping quarters of any kind.

Marijuana. See *Cannabis*.

Marijuana growing facility. See *Cannabis cultivation*.

Marijuana processing facility. See *Cannabis business*.

Marijuana retail. See *Cannabis retail*.

Massage parlor, nontherapeutic, means any place where, for any form of consideration or gratuity, nontherapeutic massage, alcohol rub, administration of fomentation, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as a part of or in connection with sexual conduct or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas.

Massage, therapeutic, means systems of activity applied to the soft tissue of the body for therapeutic, educational, or relaxation purposes. Any person administering such systems shall be certified as having successfully completed the National Board of Massage Therapists and Body Work program, or in the alternative, certified as having completed such a program as offered by a school licensed by the Oklahoma Board of Private Vocational Schools.

Mini-storage means a building containing small-partitioned storage spaces, which are separately and individually rented or leased, for the storage of personal goods or merchandise, but excluding commercial warehousing.

Mobile home. See *Dwelling, manufactured home.*

Modular home. See *Dwelling, modular.*

N/A means not applicable.

NEC means not elsewhere classified.

Nameplate means a sign attached flush against a building identifying the name of the building or the name of an occupant thereof.

Neighborhood group home means a home for independent living with support personnel that provides room and board, personal care and habilitation services in a family environment as a single-housekeeping unit for not more than five resident mentally ill or intellectually disabled and/or physically limited persons with at least one, but not more than two, resident staff persons. Personal care and habilitation services excludes on-site institutional-type educational training, medical or nursing care.

Nightclub means a commercial establishment open to the general public, usually serving alcoholic beverages, usually having a floor show and usually providing music and a space for dancing.

Nonconformance means a lawful condition of a structure or land which does not conform to the regulations of the district in which it is situated. This may include, but is not limited to, failure to conform to use, height, area, coverage or off-street parking requirements.

Nonconforming use means a structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

Nursing home means a residential healthcare facility, licensed and regulated by the state, which provides lodging, personal care and supervision for aged, chronically ill, physically infirm or convalescent patients.

Obstruction means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

One hundred year frequency flood means a flood having an average frequency of occurrence once in 100 years, although the flood may occur in any year, based on statistical analyses of stream flow records available for the watershed and analyses of rainfall and run-off characteristics in the general region of the watershed, as predicted

by the City Engineer, or as predicted by the U.S. Army Corps of Engineers and confirmed by the City Engineer.

Parking space, off-street, means a space on a lot intended and reserved for the parking of an automobile. Such space shall be at least nine feet in width and at least 20 feet in length, exclusive of access drives or aisles. Such space shall have a vertical clearance of at least six feet six inches.

Parking space, required off-street, means a space on a lot reserved for parking required by this title.

Permanent foundation means a foundation which meets the Building Codes of the City.

Personal care means assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision of the physical and mental well-being of a person who is incapable of maintaining a private, independent residence, or who is incapable of managing his person, whether or not a guardian has been appointed for such person.

Planned unit development (PUD) means a discretionary type of development for a tract of land under single ownership or control, based upon an approved development plan permitting flexibility of principal land uses, lot sizes, and accessory uses not otherwise available under conventional development standards.

Planning Commission means the City Planning Commission.

Editor's note—See CCC 2-1.

Pole barn means an accessory agricultural building which may be enclosed on not more than three sides used for the storage of farm machinery and implements, feed or such other agricultural materials and supplies.

Principal use restaurant means an eating establishment which employs at least one full-time cook, has a menu, has a fully equipped kitchen for cooking and preparation of meals and which eating establishment, including the kitchen area but excluding the bar area, occupies at least 75 percent of the total floor area of the business.

Private club means a private commercial establishment open to members and their guests only and not open to the general public which is operated for profit and which sells and serves alcoholic beverages for consumption on the premises.

Recreational vehicle (RV) means a trailer, boat trailer, travel trailer, camping trailer, truck camper, camper shell, motor home, tent trailer, boat, houseboat, or similar vehicle or unit. Camper shells which are attached to a pickup truck are not considered a recreational vehicle.

Residential treatment center means a facility providing diagnostic or therapeutic services, counseling, or treatment and long-term room and board in a highly structured environment for its residents for substance abuse or dependency, or behavioral disorders.

Rest home. See *Care home*.

Rooming and boarding house means a facility wherein congregate meals and lodging are provided for its residents, limited to a maximum of six or fewer guests, providing overnight accommodations and meals, excluding such supervised living or residential care facilities as elsewhere defined (e.g., nursing home, group home, transitional living center, residential treatment center, etc.), and exclusive of a hotel or motel.

Sanitarium means an institution providing health facilities for inpatient medical treatment or treatment and recuperation using natural therapeutic agents.

Service organizations, clubs or lodges means organizations, clubs or lodges wherein the chief activity is providing a service and which is not operated as a business for profit, and which holds and maintains an income tax exempt status.

Setback means a horizontal distance determining the location of a building with respect to a street, use district boundary line, or another use. Where the term "setback" is used in conjunction with a modifying word such as parking area, the setback shall, in its application, include, but not be limited to, buildings.

Sexually oriented business means amusement or entertainment which is distinguished or characterized by an emphasis on acts depicting, describing or relating to sexual conduct or specified anatomical areas, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment; or on display or for sale any materials, devices, novelties, or paraphernalia designed or marketed primarily for use to stimulate human genital organs or for use in connection with sadomasochistic practices.

Site development plan means a plan, drawn at a scale of not less than one inch equals 100 feet, which shows the topographic characteristics of the site; the location and dimensions of buildings, yards, courts, parking spaces and other features; the use of each building and area; adjacent streets, alleys, utility drainage and other easements; and the relationship of the development of adjacent areas which it may affect.

Small brewer means a brewer who manufactures less than 25,000 barrels of beer annually pursuant to a validly issued small brewer license.

Editor's note—See CCC 4-2.

Special exception means a use or a design element of a use which is not permitted by right in a particular district because of potential adverse effect, but which, if controlled in

the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the Board of Adjustment, where specifically authorized by this title, and in accordance with the substantive and procedural standards of this title.

Specific use permit (SUP) means a classification assigned to a particular use that requires such use to be subject to a public hearing and review by the Planning Commission. Final approval is required by the City Council as specified in CCC 12-3D. Specific use permit uses are not permitted by right or special exception in any zoning district because of the potential adverse effects. However, if such adverse effects are controlled in that particular instance as to its relationship to the surrounding area and to the general welfare, a specific use permit may be permitted in accordance with the substantive and procedural standards of this title.

Story means a room or set of rooms on one floor level of a building.

Street means a public thoroughfare designed to provide the principal means of access to abutting property or designed to serve as a roadway for vehicular travel, or both, but excluding alleys.

Street wall means the wall or part of the building nearest to the street line.

Structure means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, and includes buildings, walks, fences, and signs.

Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started; or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition the term "substantial improvement" is considered to occur when the first alteration affects the external dimensions of the structure. The term "substantial improvement" does not, however, include either any project for improvement of a structure to comply with the existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or the state inventory of historic places.

Supplemental district means a zoning district to be mapped as an overlay to a use district and which modifies or supplements the regulations of the general district in recognition of distinguishing circumstances such as unit development or flooding propensity while maintaining the character and purposes of the general use district area over which it is superimposed.

Top plate means the horizontal timber directly carrying the trusses of a roof or the rafters.

Townhouse. See *Dwelling, townhouse.*

Townhouse development means a row of at least three attached dwelling units, each separated by a party wall on individual lots and designed for separate ownership of the individual dwelling units, with no separate dwelling unit constructed above another dwelling unit, provided that in a development of six or more units, a row of two attached dwelling units may be constructed thereon.

Transitional living center means a noninstitutional neighborhood-based residential facility that provides short-term (120 days or less) room and board in a supervised living environment utilizing counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, alcoholism or substance abuse.

Tree means a woody plant as set forth within a list of trees adopted by resolution and as included in CCC 12-14.

Variance means a relaxation of a restriction of this title, granted by the Board of Adjustment, where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition or circumstance of a particular property, the literal enforcement of this title restriction would result in unnecessary hardship.

Veterinarian clinic means a building used exclusively for the care and treatment of small animals, including incidental boarding of animals within the enclosed building, but excluding outside animal runs.

Veterinarian hospital means a building or portion of a building used for the care and treatment of animals, primarily in the livestock classification, which may include outside animal runs and boarding services.

Yard means an open, unoccupied space on a lot between a building and a lot line.

Yard, exterior side, means the side yard of a corner lot which abuts a street.

Yard, front, means a yard extending along the full length of the front lot lines between the side lot lines.

Yard, interior side, means the side yard of a lot which does not abut a street.

Yard, rear, means a yard extending along the full length of the rear lot line between the side lot lines.

Yard, required, means the minimum permitted distance of open unoccupied space between a building and a lot line.

Yard, side, means a yard extending along a side lot line between the front yard and the

rear yard.

Zoning code means the Zoning code of the City, and referred to herein as "this title" unless the text clearly indicates otherwise.

(Ord. No. 716, 4-4-2011; Ord. No. 806, 8-6-2018; Ord. No. 809, 9-10-2018; altered in 2023 recodification)

Editor's note—See also CCC 12-13-3 for sign definitions.

CHAPTER 12-3 ADMINISTRATION AND ENFORCEMENT

ARTICLE 12-3A ADMINISTRATION AND ENFORCEMENT IN GENERAL

ARTICLE 12-3B BOARD OF ADJUSTMENT; APPEALS

ARTICLE 12-3C AMENDMENTS

ARTICLE 12-3D SITE PLAN REVIEW

ARTICLE 12-3E SPECIFIC USE PERMITS

ARTICLE 12-3A ADMINISTRATION AND ENFORCEMENT IN GENERAL

12-3A-1 Enforcement And Administrative Officials; Duties Regarding Violations

12-3A-2 Zoning Clearance Permit

12-3A-3 Permits, Variances And Special Exception Uses To Comply

12-3A-4 Code Of Ethics

12-3A-5 Violation; Penalties

12-3A-1 Enforcement And Administrative Officials; Duties Regarding Violations

- A. It shall be the duty of the City Manager or designee to enforce this title. If the City Manager or designee shall find that any of the provisions of this title are being violated, he/she shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, and shall take such action to ensure compliance with or to prevent violation of its provisions as is authorized by law.
- B. All departments, officials, and employees of the City vested with the duty or authority to issue permits or licenses shall comply with the provisions of this title and shall issue no permit or license for any use, purpose, excavation, construction, structure, building, or sign in conflict with the provisions of this title.

(Ord. No. 716, 4-4-2011)

12-3A-2 Zoning Clearance Permit

- A. *Permit required.* It shall be unlawful for any person, firm or corporation to erect, move, add to or structurally alter any building, or to use or change the use of any building or land, or to permit the aforementioned actions, until a zoning clearance permit has been issued by the City Manager or designee.

- B. *Application for permit.* Application for a zoning clearance permit shall be accompanied by a legal description of the lot and plans in duplicate, drawn to scale in black line or blueprint, showing the actual shape and dimensions of the lot; the location and dimensions of all easements; the location, size and height of any existing buildings or structures to be erected or altered; the existing and intended use of each building or structure and portion of the lot; the number of dwellings and buildings it is intended to accommodate, if any; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this title.
- C. *Permit fees.* No zoning clearance permit shall be issued until a fee shall have been paid in accordance with the schedule of fees adopted by resolution of the City Council. A group zoning clearance permit may be issued covering five or more residential lots in the same subdivision upon payment of a fee in accordance with the adopted schedule of fees.
- D. *Issuance or denial of permit.* After an application for a zoning clearance permit is filed in compliance with the provisions herein, the City Manager or designee shall issue a zoning clearance permit and copy of submitted plans, or shall notify the applicant, in writing, of his refusal to issue a permit setting forth the reasons therefor.

(Ord. No. 716, 4-4-2011)

12-3A-3 Permits, Variances And Special Exception Uses To Comply

Zoning permits, variances, or special exception uses issued on the basis of approved plans and applications authorize only the uses, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this title and punishable as provided in CCC 12-3A-5.

(Ord. No. 716, 4-4-2011)

12-3A-4 Code Of Ethics

The Mayor or any member of the City Council, the Planning Commission, or the Board of Adjustment to whom some private benefit, direct or indirect, financial or otherwise, may come as a result of a public action concerning this title should not be a participant in that action. The possibility, not the actuality, of a conflict should govern. The individual experiencing a conflict of interest should declare his interest, abstain from voting on the matter, and refrain from any deliberations on the matter. The individual should not discuss the matter with a fellow official for the purpose of influencing a decision thereon.

(Ord. No. 716, 4-4-2011)

12-3A-5 Violation; Penalties

- A. Any person, firm or corporation violating any provisions of this title or failing to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variance or special exceptions, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than \$500.00. Each day that a violation continues shall be deemed a separate offense.
- B. Nothing herein contained shall prevent the City or its authorized officials from taking other action, authorized by law, to remedy violations.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

ARTICLE 12-3B BOARD OF ADJUSTMENT; APPEALS

[12-3B-1 Board Established; Members; Appointment; Term](#)

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12-3B-1 Board Established; Members; Appointment; Term

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 nominated by the Mayor and confirmed by the City Council and shall serve without pay for a term of three years.

(Ord. No. 716, 4-4-2011)

12-3B-2 Vacancies And Removals

- A. 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 may be removed for cause by the appointing authority, after notice, written charges and public hearing.

(Ord. No. 716, 4-4-2011)

12-3B-3 Organization

- A. The Board shall organize, elect its Chair, and appoint a secretary and adopt rules necessary to the conduct of its affairs.
- B. Meetings shall be held at the call of the Chair and at such other times as the Board may determine. The Chair, or in his absence, the Acting Chair, may administer oaths and compel the attendance of witnesses. All meetings, deliberations, and voting of the Board shall be open to the public.
- C. 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 Board and shall be a public record.
- D. In all matters, the Board shall decide within 90 days after the filing of an application for relief.
- E. The quorum, notice, filing and substantive requirements of the Board shall be set forth in this article concerning the board's exercise of a particular power.

(Ord. No. 716, 4-4-2011)

12-3B-4 Powers

The Board shall have the power to hear appeals from the determinations of the City Manager or designee in enforcing this title, 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 herein set forth.

(Ord. No. 716, 4-4-2011)

12-3B-5 Notice Of Public Hearings

The Board of Adjustment shall give notice and conduct a public hearing before acting on any appeal from a determination of the City Manager or designee, or before granting any special exception, or variance, or minor variance, or exception. The Board shall set forth, in an adopted statement of policy, a list of variances and exceptions which constitute minor variances or exceptions, and such statement of policy shall be approved by the City Council

- A. Ten days' notice of public hearing shall be given as follows:
 - 1. For special exception, variance or appeal from a determination of the City Manager or his designee:
 - a. By publication in a newspaper of general circulation; and
 - b. By mailing written notice to all owners of property within a 300-

foot radius of the exterior boundary of the subject property, where applicable.

2. For minor variance or exception, by mailing written notice to all owners of abutting property of the subject property. Nothing herein shall preclude the Board of Adjustment from requiring the giving of public notice of hearings to all owners of property within a 300-foot radius of the exterior boundary of the subject property for consideration of a minor variance or exception.

B. 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.
3. The date, time and place of the hearing.

- C. The applicant shall furnish the names and mailing addresses of all owners of property within a 300-foot radius of the exterior boundary of the subject property or, in the case of a minor variance or exception, the owners of abutting property of the subject property. Costs of publication shall be billed to the applicant.

(Ord. No. 716, 4-4-2011)

12-3B-6 Fees

An application for an appeal from the Building Inspector, City Manager or his designee, or any variance or special exception shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by resolution of the City Council.

(Ord. No. 716, 4-4-2011)

12-3B-7 Appeals From City Manager Or Designee

- A. *Right to appeal.* An appeal to the Board of Adjustment may be filed by any person aggrieved or by any officer, department, board or bureau of the City affected, where it is alleged there is error in any order, requirement, decision or determination of the City Manager or his designee in the enforcement of this title.
- B. *Notice of appeal.* An appeal shall be filed within ten days from the determination by filing with the City Manager or his designee and with the Board of Adjustment a notice of appeal, specifying the grounds thereof. The City Manager or his designee shall forthwith transmit to the Secretary of the Board certified copies of

all the papers constituting the record of said matter together with a copy of the ruling or order from which the appeal is taken. Upon receipt of the record, the secretary shall set the matter for public hearing.

- C. *Hearing; Board action.* The Board shall hold the public hearing. The Board may reverse or affirm, wholly or partly, 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 concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the City Manager or his designee.
- D. *Stay of proceedings.* An appeal stays all proceedings in furtherance of the action appealed from, unless the City Manager or his designee, from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the Board or by a court of record upon application or notice to the City Manager or his designee on due and sufficient cause shown.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-3B-8 Interpretation Of Zoning Regulations And Map

- A. The Board shall interpret the text of this title or the official zoning map upon an appeal from a determination of the City Manager or his designee after compliance with the procedural standards of CCC 12-3A-7.
- B. Where a question arises as to the zoning district classification of a particular use, the Board of Adjustment, upon written request of the City Manager or his designee, may find and determine the classification of the use in question and may, prior to such determination, order the giving of notice and holding of public hearing.

(Ord. No. 716, 4-4-2011)

12-3B-9 Variances

- A. *Grounds for variance.* The Board of Adjustment, upon application, and after hearing, and subject to the procedural and substantive standards hereinafter set forth, may grant such variance from the terms of this title as will not cause substantial detriment to the public good or impair the spirit, purposes and intent of this title 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 this title will result in unnecessary hardship. The Board shall not vary any jurisdictional requirement, such as notice.

- B. *Application for variance.* A request for a variance shall be initiated by the filing of an application with the City Manager or his designee and shall be set for public hearing in accordance with the rules established by the Board. The application for a principal use variance shall include information necessary to evaluate such request as the Board of Adjustment may adopt as rules of procedure for granting principal use variances.
- C. *Hearing; Board action.* The Board shall hold the 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 this title 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.
 3. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this title or the comprehensive plan.
 4. That the variance, if granted, would be the minimum necessary to alleviate the necessary hardship.

Provided, that 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.

- D. *Time limitation.* A variance which has not been utilized within one year from date of the order granting the variance shall thereafter be void, provided that the Board has not extended the time for utilization. For the purpose of this subsection, the term "utilization" means actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-3B-10 Special Exceptions

- A. *Enumeration.* The Board of Adjustment, upon application and after hearing, 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 zoning

district's "uses permitted by special exception" section.

2. The change of a nonconforming use as provided in CCC 12-16-3F.
3. The restoration of a partially destroyed structure, containing a nonconforming use as provided in CCC 12-16-3G.
4. The restoration of a partially destroyed nonconforming structure as provided in CCC 12-16-6.
5. The modification of a screening requirement as provided in CCC 12-5-10B and CCC 12-5-12.
6. The modification of the parking and loading requirements as provided in CCC 12-16-8C.
7. Satellite antennas which do not meet all of the standards as set forth in CCC 12-15B.

B. *Application for special exception.* A request for a special exception shall be initiated by the filing of an application with the City Manager or his designee and shall be set for public hearing in accordance with the rules established by the Board.

C. *Hearing; Board action.* The Board of Adjustment shall hold the 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 this title and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, provided that the Board, in granting special exception, 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.

D. *Time limitation.* A special exception which has not been utilized within one year from the date of the order granting same shall thereafter be void, provided that the Board has not extended the time for utilization. For the purposes of this subsection, the term "utilization" means actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

(Ord. No. 716, 4-4-2011)

12-3B-11 Appeals To District Court

A. An appeal from any action, decision, ruling, judgment or order of the Board of Adjustment may be taken by any person or persons who were entitled, pursuant to 11 O.S. § 44-108, to mailed notice of the public hearing before the Board of Adjustment, by any person whose property interests are directly affected by

such action, decision, ruling, judgment or order of the Board of Adjustment, or by the governing body of the municipality to the district court in the county in which the situs of the municipality is located.

- B. The appeal shall be taken by filing with the Municipal Clerk and with the Clerk of the Board of Adjustment, within the time limits which may be fixed by ordinance, a notice of appeal. The notice shall specify the grounds for the appeal. No bond or deposit for costs shall be required for such appeal.
- C. Upon filing the notice of appeal, the Board of Adjustment shall forthwith transmit to the Court Clerk the original, or certified copies, of all papers constituting the record in the case, together with the order, decision or ruling of the Board.
- D. The appeal shall be heard and tried de novo in the district court. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.
- E. During the pendency of such an appeal, the effectiveness of a decision of the Board of Adjustment shall not be suspended unless a party applies to the district court for a stay pending the district court's determination of the merits of the appeal. Notice of such application shall be given by first class mail to all parties, to the district court appeal and to any applicant before the Board of Adjustment. Upon filing of an application for stay in the district court, all proceedings in furtherance of the action appealed from shall be temporarily stayed pending the outcome of a hearing regarding the stay, which shall be conducted within 30 days of application. The court shall determine whether to impose a stay by considering the following factors:
 - 1. The likelihood of success on the merits by the party seeking to impose the stay;
 - 2. Irreparable harm to the property interests of the party seeking to impose the stay if the stay is not imposed;
 - 3. Relative effect on the other interested parties; and
 - 4. Public policy concerns arising out of the imposition of the stay.

If the court determines to impose a stay, the court shall require a bond or other security and such other terms as it deems proper to secure the rights of the parties and compensate for costs of delay. A bond or other security shall be posted within ten business days of the court's determination, provided that a municipal governing body shall not be required to post a bond. Subject to 12 O.S. § 990.3A, a stay pursuant to this subsection shall automatically dissolve after a judgment, decree or final order resolving the merits of the appeal is filed with the Court Clerk. Notwithstanding any provision of law to the contrary, stays in appeals from the Board of Adjustment to the district court shall be obtained only as set forth in this section.

- F. The district court may reverse or affirm, wholly or partly, or modify the decision

brought up for review. Costs shall not be allowed against the Board of Adjustment unless it shall appear to the district court that the Board acted with gross negligence or in bad faith or with malice in making the decision appealed from. An appeal shall lie from the action of the district court as in all other civil actions. A party may obtain a stay of the enforcement of the district court's judgment, decree or final order as provided by 12 O.S. § 990.4.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

ARTICLE 12-3C AMENDMENTS

[Division 12-3C-1 Amendments Generally](#)

[Division 12-3C-2 Zoning Map Amendments](#)

Division 12-3C-1 Amendments Generally

[12-3C-1-1 City Policy](#)

[12-3C-1-2 Amendments By Ordinance: Notice, Hearing And Recommendation Required](#)

[12-3C-1-3 Zoning Text Amendments](#)

12-3C-1-1 City Policy

It is the policy of the City that in the consideration of proposed amendments to this title:

Amendments will be adopted to recognize changes in the comprehensive plan, to correct error, or to recognize changed or changing conditions in a particular area or in the jurisdictional area generally.

(Ord. No. 716, 4-4-2011)

12-3C-1-2 Amendments By Ordinance: Notice, Hearing And Recommendation Required

The regulations, restrictions, prohibitions and limitations imposed, and the districts created may, from time to time, be amended, supplemented, changed, modified or repealed by ordinance, but no change shall be made until the Planning Commission, after notice and public hearing, files with the City a report and recommendation on the proposed change. In addition to the procedural provisions hereinafter set out, the Planning Commission shall adopt procedural rules for the conduct of zoning public hearings.

(Ord. No. 716, 4-4-2011)

12-3C-1-3 Zoning Text Amendments

The Planning Commission, upon its own motion, may, or at the direction of the City Council, shall, hold a public hearing, giving notice thereof, of a proposed text

amendment. After holding the public hearing, the Planning Commission, shall, within 30 days, transmit its report and recommendation to the City Council.

(Ord. No. 716, 4-4-2011)

Division 12-3C-2 Zoning Map Amendments

[12-3C-2-1 Initiation Of Map Amendments](#)

[12-3C-2-2 Notice Requirements](#)

[12-3C-2-3 Planning Commission Action](#)

[12-3C-2-4 City Council Action](#)

[12-3C-2-5 Time Limit For Resubmittal Of Denied Applications](#)

12-3C-2-1 Initiation Of Map Amendments

A. Individuals, corporations, associations, etc.

1. Any person, corporation, partnership, association, or combination thereof, having a legal or equitable interest in or to real property may file an application for a change in the zoning classification of such property by amendment of the zoning map. An application shall be filed with the City Manager or his designee, shall be in such form and content as the Planning Commission may, by resolution, establish, and shall be accompanied by payment of a fee, the amount of which shall be established by resolution adopted by the City Council. Cost of notice and posting of signs shall be billed to the applicant.
2. An application shall be filed with the City Manager or his designee at least 30 days prior to the date of public hearing and shall be set for public hearing.

B. Planning Commission. In any instance, the Planning Commission, upon its own motion may, or on the written request of any person may, or at the direction of the City Council shall, hold a public hearing, giving notice thereof, of a proposed map amendment. After holding the public hearing, the Planning Commission shall, within 15 days, transmit its report and recommendation to the City Council.

(Ord. No. 716, 4-4-2011)

12-3C-2-2 Notice Requirements

A. Planning Commission procedure.

1. The Planning Commission shall give notice of public hearing on any proposed zoning changes as follows:
 - a. *Notice and public hearing of proposed regulations.*

- (1) Parties in interest and citizens shall have an opportunity to be heard at a public hearing before any district regulation, restriction, or boundary shall become effective. At least 15 days' notice of the date, time, and place of the hearing shall be published in a newspaper of general circulation in the municipality. The notice shall include a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in the area.
- (2) In addition to the notice required in subsection A1a of this section, if the zoning change requested permits the use of treatment facilities, multiple-family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification as these terms are defined pursuant to 43A O.S. § 3-403, the entity proposing the change in district regulation, restriction, or boundary shall mail a written notice within 30 days of the hearing to all real property owners within one-quarter of a mile where the area to be affected is located and shall be responsible for all costs incurred in mailing this notice.
- (3) For purposes of this subsection, the term "entity" means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, incorporated municipality or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized.

b. Additional notice requirements for proposed zoning changes and reclassifications.

- (1) Except as authorized in subsection A2 of this section, in addition to the notice requirements provided for in 11 O. S. § 43-104, notice of a public hearing on any proposed zoning change, except by a municipality acting pursuant to subsection A2 of this section, shall be given 20 days prior to the hearing by mailing written notice by the secretary of the Planning Commission, or by the Municipal Clerk if there is no Planning Commission, to all the owners of real property as provided for in 11 O.S. § 43-105. In addition to the notice required in this subsection, if the zoning change requested permits the use of treatment facilities, multiple-family facilities,

transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification as these terms are defined pursuant to 43A O.S. § 3-403, the entity proposing the zoning change shall mail a written notice within 30 days of the hearing to all real property owners within one-quarter of a mile where the area to be affected is located and shall be responsible for all costs incurred in mailing this notice. The notice shall contain the:

- (A) Legal description of the property and the street address or approximate location in the municipality;
- (B) Present zoning of the property and the zoning sought by the applicant; and
- (C) Date, time, and place of the public hearing.

In addition to written notice requirements, notice may also be given by posting notice of the hearing on the affected property at least 20 days before the date of the hearing.

For purposes of this subsection, the term "entity" means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, incorporated municipality or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized.

- (2) If a municipality proposes zoning reclassifications in order to revise its comprehensive plan or official map or to identify areas which require specific land use development due to topography, geography, or other distinguishing features, including but not limited to floodplain, drainage, historic preservation, and blighted areas, the governing body may require, in addition to the notice requirements provided for in 11 O.S. § 43-104, a sign to be posted on designated properties within the area affected by the proposed zoning reclassification. The sign and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street or streets toward which it faces. The notice shall state:

- (A) The date, time, and place of the public hearing;
- (B) Who will conduct the public hearing;

- (C) The desired zoning classification;
- (D) The proposed use of the property; and
- (E) Other information as may be necessary to provide adequate and timely public notice.

2. Notice of rezoning shall confer jurisdiction.

- a. Notice of the proposed RM-1 rezoning shall confer jurisdiction on the Planning Commission and City Council to consider and act upon RM-1, RD, RS-3, RS-2 and RS-1, or combination thereof, in the disposition of the application, and in like manner, notice of any R district, including RMHS, and RMHP shall confer jurisdiction to consider any less dense R district, except RMHS and RMHP. However, notice of a RMHP shall confer jurisdiction to consider the RMHS District.
- b. Notice of a proposed CH rezoning shall confer jurisdiction on the Planning Commission and City Council to consider and act upon CH, CG, CN, and O districts, or combination thereof, in the disposition of the application, and in like manner, notice of any C district shall confer jurisdiction to consider any less intense C or O district.
- c. Notice of a proposed IH rezoning shall confer jurisdiction on the Planning Commission and City Council to consider and act upon IH, IM, IL, and combinations thereof, in the disposition of the application.
- d. Specific notice of a proposed AG, PUD or RMHS District shall be required to confer jurisdiction on the Planning Commission and City Council to consider such AG, PUD or RMHS District.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-3C-2-3 Planning Commission Action

- A. After notice and public hearing, the Planning Commission shall vote to:
 - 1. Recommend to the City Council that the application be approved as submitted, or as amended, or be approved subject to modification; or
 - 2. Recommend to the City Council that the application be denied.
- B. An application recommended for approval, or approval subject to modification,

shall be transmitted, with the report and recommendation of the Planning Commission, to the City Council within 15 days from the date of Planning Commission action.

- C. An application recommended for denial from the Planning Commission shall not be considered further unless the applicant, within 15 days from the date of the Planning Commission action, files a written request with the City Clerk for a hearing by the City Council. The request for hearing shall be accompanied by the payment of a fee as set by resolution. Upon notice of such request, the Planning Commission shall forthwith transmit the application and its report and recommendations to the City Council.
- D. In the event the Planning Commission arrives at a tie vote, the application shall be transmitted, with a report and notation of the tie vote, to the City Council within 15 days from the date of Planning Commission action.

(Ord. No. 716, 4-4-2011)

12-3C-2-4 City Council Action

- A. The City Council shall hold a hearing on each application transmitted from the Planning Commission and on any proposed zoning map amendment initiated pursuant to CCC 12-3B-5A2. The City Council shall approve the application as submitted, or as amended, or approve the application subject to modification, or deny the application.
- B. Prior to the hearing on the proposed rezoning ordinance before the City Council, the applicant shall remit to the office of the City Clerk the application fee as set by resolution.
- C. In case of a protest against such zoning change filed at least three days prior to the public hearing before the Planning Commission by the owners of 20 percent or more of the area of the lots included in such proposed change, or by the owners of 50 percent or more of the area of the lots within a 300-foot radius of the exterior boundary of the territory included in a proposed change, such amendment shall not become effective except by the favorable vote of three-fifths of all the members of the City Council.

(Ord. No. 716, 4-4-2011)

12-3C-2-5 Time Limit For Resubmittal Of Denied Applications

When the City Council has denied an application to amend the zoning classification of a particular tract of land, or when the Planning Commission has denied such application and no appeal was made to the City Council, no subsequent application on such tract or portion thereof shall be set for public hearing by the Planning Commission until 180 days have elapsed from the date of the Planning Commission action on the

original application.

(Ord. No. 716, 4-4-2011)

ARTICLE 12-3D SITE PLAN REVIEW

[12-3D-1 Introduction](#)

[12-3D-2 Purpose](#)

[12-3D-3 Authority Of Community Development Director](#)

[12-3D-4 Application Of Provisions](#)

[12-3D-5 Initiation Of Plan Approval](#)

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[12-3D-7 Notice Requirements](#)

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[12-3D-9 Standards For Plan](#)

[12-3D-10 Conditions On Plan](#)

[12-3D-11 Modifications Of Plan](#)

[12-3D-12 Retention Of Outside Professional Services](#)

12-3D-1 Introduction

The petitioner or developer shall submit to the Community Development Department or its designated authority a site plan for any building to be constructed in the CN, CG, CH, IL, IH, RD or RM-1 District showing a unified and organized arrangement of the building and/or buildings, off-street parking, points of egress or ingress, internal traffic circulation, advertising signs, service facilities, utility locations, curb lines, neighboring curb cuts, and utility poles, if any, which are feasible with the property on which the building or buildings are proposed and which planned development shall minimize any adverse effect of the development on the property surrounding the development. The plan must contain information showing compliance with requirements of this article and all other applicable City codes and ordinances. The Community Development Director may delegate and assign the review and approval of said site plan to staff, with an appeal from denial by staff to be made to the City Manager and thence to the City Council.

(Ord. No. 716, 4-4-2011)

12-3D-2 Purpose

- A. Plan review and approval is required to ensure that the use and development of land as authorized under this title is undertaken in an orderly and proper manner that furthers the public health, safety and welfare and makes adequate provision for assuring the availability of appropriate public and private services and amenities and for minimizing the adverse effects of such development.
- B. The design, orientation and location of open spaces, buildings, structures and signs visible from public streets, places and ways has a material and substantial

relationship to property values and the taxable values of property in the City and the cost of the municipal services provided thereto. Further, the lack of planning, neglect of proper maintenance standards and the erection of buildings and structures unsuitable to and incompatible with the character of the neighborhood or area results in the deterioration of property values.

- C. Therefore, it is the policy of the City that these regulations be adopted to avoid and prevent deterioration of the function, character and appearance of the City and provide a favorable environment for residents and businesses, and to preserve and enhance the property values and the general public welfare.

(Ord. No. 716, 4-4-2011)

12-3D-3 Authority Of Community Development Director

The Community Development Director of the City has the authority to approve, approve with conditions, or deny site plans required to be submitted for approval under this article. A denial of a site plan can be appealed to the City Council upon written letter of appeal filed with the City Manager's office within ten days of the decision of denial.

(Ord. No. 716, 4-4-2011)

12-3D-4 Application Of Provisions

- A. Site plan approval shall be required for multiple-family and nonresidential development under the following intended situations:
1. Any new principal structure intended and designed for nonresidential or multifamily occupancy (or complete redevelopment of any site for nonresidential or multiple-family uses) or the use of land for nonresidential purposes.
 2. Where an existing principal structure erected prior to the effective date of the ordinance from which this section is derived is proposed to be expanded, for which the sum total of gross floor area expansion since said effective date is equal to or greater than 25 percent of the total gross floor area of said structure.
 3. Any new or modified building and/or site improvements for a zoning lot that has previously received site plan approval under this title, re-approval of the plan is required for components of the plan which depart from the approved site plan. The extent of changes to be incorporated in the submittal for re-approval shall be determined by the Director of Community Development.
 4. A site plan shall not be required exclusively as a change of use except where such change of use results in increased off-street parking requirements which cannot currently be met on the site.

5. These requirements exclude the legal reconstruction of legally nonconforming buildings, when such buildings and related improvements are substantially restored to their prior condition.

B. Site plan review is not required as part of a planned unit development approval but may apply to development of individual sites within the planned unit development if the lot has been sold to another owner for development, as controlled by the ordinance granting planned unit development approval.

(Ord. No. 716, 4-4-2011)

12-3D-5 Initiation Of Plan Approval

A. *Authority to initiate.* Plan approval shall be initiated by the owner of the property, or the owner's agent, for which plan approval is sought.

B. *Procedure.*

1. The owner of the property for which a zoning amendment or special exception permit is sought (requiring site plan approval above) shall file an application for site plan approval along with such application for a zoning amendment or special exception permit.
2. The owner of the property for which a building permit is sought (requiring site plan approval above) and which development has not been approved under the requirements of this article, shall file an application for site plan approval along with an application for zoning approval or building permit.
3. The owner of the property, or a duly authorized representative of the owner, shall file an application for site plan approval with the Community Development Department. It shall be accompanied by a nonrefundable fee established from time to time by the City Council and shall contain the following information:
 - a. A completed application form provided by the Community Development Department.
 - b. Three copies of all full-sized documents and drawings. For all graphic and plan drawings, a scale of not less than one inch equals one hundred feet shall be used. In no event shall individual sheets or drawings exceed 30 inches by 42 inches. In addition, 20 sets of reduced copies sized 11 inches by 17 inches shall be submitted. All sets of drawings submitted shall be folded.
 - c. The names and addresses of the persons responsible for preparing the plan.

- d. The present zoning of the site and abutting property.
- e. An existing conditions map which shall show the location, dimensions, size and height of the following, as applicable:
 - (1) Sidewalks, streets, alleys, easements and utilities, including street lighting and underground conduits for street lighting.
 - (2) Buildings and structures.
 - (3) Septic fields, wells and public sewer and water systems.
 - (4) Slopes, particularly slopes in excess of 15 percent, and terraces and retaining walls.
 - (5) Driveways, entrances, exits, parking areas and sidewalks.
 - (6) Fire hydrants.
 - (7) Recreation areas and public use space.
 - (8) Natural and artificial watercourses and bodies of water and wetlands.
 - (9) Limits of floodplains.
 - (10) Significant geological features.
 - (11) Underground storage tanks.
 - (12) Oil wells, active or abandoned.
 - (13) General alignment and lengths of all streets and all property lines.
 - (14) All building restrictions: highway setback lines, easements, covenants, reservations and rights-of-way.
 - (15) Date, scale and north arrow.
 - (16) Existing development on the site including off-street parking and loading areas and other improvements, as applicable.
 - (17) Distances between buildings.
 - (18) Calculations of the following: number of dwelling units or square footage of nonresidential uses; number and location of parking spaces; number and location of loading spaces; total land area; total landscaped area; total open space; and total impervious surface.
 - (19) Plans for collecting and depositing stormwater and the

method of treatment of natural and artificial watercourses.

- (20) Indication of proposed grading, surface drainage, terraces, retaining wall heights, grades on paved areas and ground floor elevations and structures. Filing of an earth change permit is required prior to engaging in earth moving activities.
- (21) A landscape plan showing the location, names and area coverage of trees, shrubs and ground cover to be planted and the areas to be retained in natural vegetation, in accordance with CCC 12-14.
- (22) Any locations intended for the outdoor display or storage of goods and merchandise.
- (23) A lighting plan indicating all exterior building mounted and freestanding lights and structures including overall height, type of lamp, and luminaries.
- (24) Elevations and compliance with CCC 12-13 regarding signage.
- (25) Architectural elevations of all buildings proposed for the site demonstrating building material and color scheme.

(Ord. No. 716, 4-4-2011)

12-3D-6 Agreement Of Owner

All documents and information submitted as part of an application for site plan approval constitute a statement by the applicant that he/she intends and agrees to be bound to develop in accord with such information upon approval.

(Ord. No. 716, 4-4-2011)

12-3D-7 Notice Requirements

Site plans do not require any form of public notice, however, a site plan application concurrently filed with an application for a zoning amendment or an application for a Board of Adjustment public hearing shall state that site plan approval is sought as part of the public notice of the zoning amendment and/or special exception/variance amendments.

(Ord. No. 716, 4-4-2011)

12-3D-8 Decision Procedure

Plans which are filed with an application for zoning amendment or with an application to the Board of Adjustment shall be processed as a part of the zoning amendment or Board of Adjustment application. All other site plans shall be approved under the following procedure:

- A. *Community Development Director recommendation.* Within 60 days of the date the site plan is first filed at the Community Development Office for action, the Community Development Director may recommend approval, approval with conditions, or denial of the site plan. If the Community Development Director fails to approve the site plan within 90 days after the site plan is first filed at the Community Development Office, the Community Development Director shall be deemed to have recommended denial, unless such date is extended as mutually agreed upon by the applicant and the Community Development Director.
- B. *City Council action.* Recommendations of denial by the Community Development Director may be appealed by the applicant to the City Council within ten days of the denial recommendation. A written letter of appeal shall be filed with the City Manager. The appeal will be placed on the next available City Council agenda for discussion.

(Ord. No. 716, 4-4-2011)

12-3D-9 Standards For Plan

In reviewing and determining whether to approve or disapprove a plan, the Community Development Department, City Manager and City Council, if necessary, shall consider those factors listed below which it determines to be applicable to a given plan:

- A. The application shall comply with the provisions of this title and other ordinances of the City and of any other applicable laws.
- B. The plan shall be in reasonable conformity with the comprehensive plan.
- C. Reasonable provision shall be made to ensure that development will be served by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers.
- D. Any building or structure shall be reasonably accessible to fire, police, emergency and service vehicles. When deemed necessary for access, emergency vehicle easements shall be provided. The access for fire, police and emergency vehicles shall be unobstructed at all times.
- E. Adequate provision shall be made to ensure the compatibility of the proposed development, including mass, scale, site layout and site design, with the character of the surrounding property and the neighborhood, including:

1. *Relationships of buildings to sites.*

- a. The site shall be planned to achieve a desirable transition to the street, provide for adequate planting, safe pedestrian movement, and off-street parking areas.
- b. Parking areas should include innovative ways to significantly screen the parking areas from views from public rights-of-way.
- c. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.

2. *Building design.*

- a. Structures shall be in scale and harmonious with adjoining buildings.
- b. Materials shall be selected for their harmony of the building and adjoining buildings. Materials shall also be selected for suitability to the type buildings and the design in which they are used.
- c. Materials shall be of durable quality.
- d. Exterior lighting shall be part of the architectural concept, and fixtures, standards and exposed accessories shall be harmonious with the building design.

3. *Signs.*

- a. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- b. The colors, material and illumination of every sign shall be compatible and harmonious with the building and site to which it principally relates.
- c. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
- d. All signs shall comply with CCC 12-13.

F. Open space provided shall be configured to make that open space usable, functional and appropriate to the development proposed.

G. Streets and sidewalks shall, insofar as reasonably practicable, provide access and good traffic circulation to and from adjacent lands, existing streets and sidewalks.

H. Provision shall be made to ensure that adequate access roads or entrance or

exit drives will be provided and will be designed and improved so as to prevent traffic hazards or problems and to minimize traffic congestion in public streets. Curb cut permits are required as additional approval processes.

- I. Adequate provision shall be made to ensure that the vehicular circulation elements of the plan are feasible.

(Ord. No. 716, 4-4-2011)

12-3D-10 Conditions On Plan

The Community Development Director or City Council, if necessary in consideration of any site plan, may impose certain conditions in granting plan approval to minimize any negative impacts or minimize any adverse impacts due to the development.

(Ord. No. 716, 4-4-2011)

12-3D-11 Modifications Of Plan

Changes to site plans require reconsideration and re-approval by the Community Development Director as provided in this article.

(Ord. No. 716, 4-4-2011)

12-3D-12 Retention Of Outside Professional Services

In accordance with applicable state and local law, the City may retain professional assistance from outside the City staff in the review of information submitted pursuant to this article, or as otherwise required by the Director of Community Development, to carry out the purpose of the same. All reasonable costs incurred as a result of such professional assistance shall be borne by the applicant.

(Ord. No. 716, 4-4-2011)

ARTICLE 12-3E SPECIFIC USE PERMITS

[12-3E-1 Introduction](#)

[12-3E-2 Conditions For Approval](#)

[12-3E-3 Specific Use List](#)

[12-3E-4 Use Conditions](#)

[12-3E-5 Administration](#)

12-3E-1 Introduction

- A. The City Council may, after a public hearing and recommendation by the Planning Commission and after conducting a public hearing as is required in accordance with the provisions of this article, authorize for specific parcels of land the issuance of a specific use permit.

- B. The uses listed in CCC 12-3D-3 are so clarified because of the size of the land they require, or the specialized nature of the use, or they may more intensely dominate the area in which they are located or their effects on the general public are broader in scope than other types of uses permitted in the district.
- C. The designation of a specific use permit as possible in CCC 12-3D-3 does not constitute an authorization or an assurance that such use will be permitted. Rather, each specific use permit application shall be valued as to its probable effect on the adjacent property and community welfare and may be approved or denied as the findings indicate appropriate.

(Ord. No. 716, 4-4-2011)

12-3E-2 Conditions For Approval

- A. *Submission of plans, data and deposit.* Prior to submission of a request for a specific use permit, the City Planner may require one or more pre-application conferences with the potential applicant. In considering and determining its recommendation to the City Council relative to any application for a specific use permit, the Planning Commission will establish the requirements necessary for consideration of the application. The Commission shall also set a deposit amount from the applicant sufficient for payment of the application and permit expenses. The requirements and amount of deposit may be adjusted by the Planning Commission as necessary during the application process. The Planning Commission may require that the applicant furnish preliminary site plans and data concerning the operation, location, function and characteristics of any use of land or building proposed. For uses in which the land use has possible environmental impact, the Commission may require those engineering and/or environmental impact studies necessary for evaluation of the proposed use.
- B. *Planning Commission requirements.* The Planning Commission may recommend to the City Council that certain safeguards and conditions concerning bonding, insurance, setbacks, ingress and egress, off-street parking and loading arrangements and location or construction of buildings and uses and operation be required. If the Planning Commission fails to review and make a recommendation within 45 days from the date the application is accepted for processing, the City Council can take action on the application.
- C. *City Council requirements.* The City Council may, in the interest of the public welfare and to ensure compliance with the intent of this title and the City comprehensive plan, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole and be compatible with the natural environment and the planned capacities of public services and facilities affected by the land use. This may include the

requirement of having the property platted and/or the requirement of the dedication of sufficient right-of-way or easement as necessary to further the public good. The City Council may impose conditions, including, but not limited to, bonding, insurance, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, lighting, noise levels, signage, landscaping, parking and loading, compatibility, and land use density as may be indicated depending upon the proposed use and its potential effect on adjacent areas or the community.

- D. *Site plan.* A site plan (plot plan) setting forth the conditions specified may be required of the applicant, and such plan, when accepted, shall be made a part of the permit issued for the specific use.
- E. *Designation on zoning map.* A specific use permit approved under the provisions of this title shall not be considered as an amendment to the zoning ordinance; however, the specific use permit shall be noted on the zoning map as follows: SUP (the number of the request for a specific use permit). Any of the conditions contained in a specific use permit approval shall be considered as conditions precedent to the granting of a building permit for the specific use provided.
- F. *Time limits for implementation.* If for any reason the approved specific use ceases operation for a period of two years, then the approval of said specific use shall be considered void and will require another public hearing review by the Planning Commission and City Council. This shall also apply to any approved specific use that does not begin operation within two years of approval. This voiding of approval shall not apply if orderly progress toward completion of construction is taking place. Uses existing before the adoption of the specific use permit ordinance, including nonconforming uses and their incidental and accessory uses, must receive a specific use permit before any expansion of the use is permitted.

(Ord. No. 716, 4-4-2011)

12-3E-3 Specific Use List

The following uses may be allowed in the applicable zoning districts by specific use permit as granted by the City Council:

Adult detention center/correctional facility.

Adult entertainment establishments.

Adult novelty shop.

Airport/heliport.

Antenna and antenna supporting structure.

Auto pool.

Bar/tavern.

Bed and breakfast.

Billiard parlor/pool hall.

Casino.

Cement, Portland manufacture.

Cemetery.

Churches.

College or university hospital.

Commercial recreation, intensive.

Commercial resort facilities when located on a 40-acre or larger tract.

Commercial theme parks.

Convalescent homes.

Convict pre-release center.

Correctional community treatment center.

Crematory.

Detention center, juvenile/adult.

Electric generation plant and/or substation.

Electric regulating station, excluding storage or service yards or service garages and yards.

Emergency protective shelter.

Extraction operations, mining and mineral processing.

Garages and yards.

Garbage dump.

Garbage, offal, or dead animal reduction or dumping.

Golf course.

Golf driving range.

Gravel operations.

Gun club.

Halfway house.

Homeless center.

Industrial uses, when located on a 40-acre or larger tract.

Jail.

Junkyards or salvage yards.

Juvenile delinquency center.

Kennel.

Medical marijuana businesses.

Medical marijuana dispensary.

Mini-storage.

Mining and quarrying, mineral products processing, as described in this title.

Editor's note—See CCC 12-10C-5.

Mixed use.

Museum.

Nightclub.

Nursing homes.

Offices, when located on a 40-acre or larger tract.

Prisons.

Private club.

Public or private attractions.

Public or private schools with a compulsory education curriculum.

Recycling center.

Refuse dump.

Refuse transfer station.

Rehabilitation centers.

Residential treatment center.

Rifle and skeet range.

Sand operations.

Sanitary landfill.

Sewage disposal facility.

Sexually oriented business.

Single family.

Small brewer.

Tavern

Trade schools.

Transitional living center.

Transmitting tower (excluding amateur radio tower).

Trash or refuse transfer station, all processing and storage within building or containers.

Water storage facility.

Water treatment facility.

(Ord. No. 780, 2-6-2017; Ord. No. 807, 8-6-2018; Ord. No. 821, § I, 10-7-2019; Ord. No. 822, § I, 10-7-2019)

12-3E-4 Use Conditions

Specific uses permitted shall comply with the most restrictive yard and height requirements of the district in which located and, in addition, shall comply with the requirements, especially for parking and loading, as required per the related use unit in

this title, except as may be modified by City Council as provided in CCC 12-12-7.

(Ord. No. 716, 4-4-2011)

12-3E-5 Administration

A. Petition for specific use permit.

1. *Filing petition.* A petition for a specific use permit may be filed with the Planning Commission by the owner of the property concerned, by the duly authorized representative thereof, by the holder of an option to purchase the affected real estate or by the purchaser in a contract to purchase realty. Such petition shall be on a standard form furnished by the City Planning Department. All petitions for a specific use permit shall be accompanied by a site plan of the proposed area showing the location of buildings, parking, and other pertinent data concerning the operation of the proposed use. Reasonable conditions may be required in conjunction with the approval of a specific use permit. Conditions imposed shall meet the following requirements:
 - a. Be designed to take into consideration natural environment, the health, safety, and welfare of the residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
 - b. Be related to the valid exercise of the police power, and to the proposed use or activity;
 - c. Be necessary to meet the intent and purpose of the zoning requirements;
 - d. Be related to the standards established in the ordinance for the land use or activity under consideration; and
 - e. Be necessary to ensure compliance with those standards.
2. *Fee.* A fee as established by the City Council shall be required with the specific use permit application, and such other fee as the City Council may from time to time specify by resolution.

B. Notice of hearing.

1. Except as authorized in subsection A2 of this section, in addition to the notice requirements provided for in 11 O.S. § 43-104, notice of a public hearing on any proposed zoning change, except by a municipality acting pursuant to subsection A2 of this section, shall be given 20 days prior to the hearing by mailing written notice by the Secretary of the Planning Commission, or by the City Clerk if there is no Planning Commission, to

all the owners of real property as provided for in 11 O.S. § 43-105. In addition to the notice required in this subsection, if the zoning change requested permits the use of treatment facilities, multiple-family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification as these terms are defined pursuant to 43A O.S. § 3-403, the entity proposing the zoning change shall mail a written notice within 30 days of the hearing to all real property owners within one-quarter of a mile where the area to be affected is located and shall be responsible for all costs incurred in mailing this notice. The notice shall contain the:

- a. Legal description of the property and the street address or approximate location in the municipality;
- b. Present zoning of the property and the zoning sought by the applicant; and
- c. Date, time, and place of the public hearing.

(1) In addition to written notice requirements, notice may also be given by posting notice of the hearing on the affected property at least 20 days before the date of the hearing.

(2) For purposes of this subsection, the term "entity" means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, incorporated municipality or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized.

2. If a municipality proposes zoning reclassifications in order to revise its comprehensive plan or official map or to identify areas which require specific land use development due to topography, geography, or other distinguishing features, including but not limited to floodplain, drainage, historic preservation, and blighted areas, the governing body may require, in addition to the notice requirements provided for in 11 O.S. § 43-104, a sign to be posted on designated properties within the area affected by the proposed zoning reclassification. The sign and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street or streets toward which it faces. The notice shall state:

- a. The date, time, and place of the public hearing;
- b. Who will conduct the public hearing;
- c. The desired zoning classification;

- d. The proposed use of the property; and
- e. Other information as may be necessary to provide adequate and timely public notice.

C. Appeals and confirmation by City Council.

1. An applicant, or any adversely affected person, may appeal a recommendation of denial by the Planning Commission to the City Council within ten days of the Planning Commission decision by:
 - a. Completing a notice of appeal form that shall be available from the City Planner; and
 - b. Paying an appeal fee in the amount as set by City Council resolution.
2. If an appeal is not timely filed, the recommendation of the Planning Commission shall be included on a City Council consent agenda for consideration, and may be removed from the consent agenda by the Council pursuant to Council rules, whereupon the Council may either accept the recommendation of the Planning Commission, reverse the recommendation of the Planning Commission, modify the decision of the Planning Commission, or remand the matter for further consideration by the Planning Commission.
3. If an appeal is timely filed, the City Council shall establish a date specific for its decision and may affirm, reverse or remand the decision of the Planning Commission.

D. Reapplication or reconsideration of mining and quarrying and mineral products processing. The City is not required to reconsider requests denied by the municipality related to mining and quarrying or mineral products processing for the same site unless the municipality determines there has been a material change in the application. A mining application for any portion of a site previously denied by the City Council will be reviewed by the City Planner first to determine if there has been a material change in the application. A material change is a substantial change in the application as compared with prior applications such that it warrants consideration as a new application. The City Planner will establish the requirements necessary for consideration of the application. The City Planner shall also set a deposit amount from the applicant sufficient for payment of the application and permit expenses. The requirements and amount of deposit may be adjusted by the City Planner as necessary during the application process. The City Planner will notify the applicant of the decision. The determination of the City Planner may be appealed to the City Manager within 15 days of the rendering of the decision.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

CHAPTER 12-4 ZONING DISTRICTS AND MAP

[12-4-1 Zoning And Supplemental Zoning Districts Established](#)

[12-4-2 Official Zoning Map](#)

[12-4-3 District Boundary Description And Interpretation](#)

[12-4-4 Zoning Of Annexed Territory](#)

12-4-1 Zoning And Supplemental Zoning Districts Established

The zoning districts and supplemental zoning districts set forth below are hereby established. The district symbol is in the column to the left.

AG	Agriculture District
RS-1	Residential Single-Family District
RS-2	Residential Single-Family District
RS-3	Residential Single-Family District
RD	Residential Two-Family District
RM-1	Residential Multifamily District
RMHP	Residential Manufactured Home Park District
RMHS	Residential Manufactured Home Subdivision District
O	Office and Institutional District
CN	Neighborhood Commercial District
CG	General Commercial District
CH	High Intensity Commercial District
DT	Downtown District
IL	Light Industrial District
IM	Industrial Moderate Manufacturing and Industry District
IH	Heavy Industrial District
PUD	Planned Unit Development District

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-4-2 Official Zoning Map

The locations and boundaries of the various districts as defined herein shall be established by ordinance and shall be shown and delineated on the official zoning map

of the City. The official zoning map shall be maintained by the City Manager, and may be divided into parts, and such parts may be separately employed for identification purposes when adopting or amending the official zoning map or for any reference to the official zoning map.

(Ord. No. 716, 4-4-2011)

12-4-3 District Boundary Description And Interpretation

District boundary lines shall be described by legal description or by a map. When a legal description is used, the boundary line shall be deemed to extend to the centerline of abutting streets and shall be so designated on the official zoning map. When a map is used, district boundary lines shall be established by dimensions, property lines, recorded lot lines, or the centerline of the abutting street, alley, or railroad right-of-way, as the same were of record at the time of adoption. In all cases where there is doubt as to the exact location of district boundary lines, the same shall be determined by the Board of Adjustment.

(Ord. No. 716, 4-4-2011)

12-4-4 Zoning Of Annexed Territory

- A. When a territory shall be brought into the City limits by annexation, such territory shall be assigned the zoning district under the Coweta Zoning Code corresponding to that which existed on the territory prior to annexation.
- B. This section shall not operate to preclude subsequent rezoning of such property by amendment in the manner set forth in CCC 12-3B.

(Ord. No. 716, 4-4-2011)

CHAPTER 12-5 GENERAL ZONING REGULATIONS

[12-5-1 Division Of Lots](#)

[12-5-2 Street Frontage For Residential Lots](#)

[12-5-3 One Single-Family Dwelling Per Lot](#)

[12-5-4 Home Occupations](#)

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[12-5-8 Height Exceptions](#)

[12-5-9 Lot Area And Width Exceptions](#)

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[12-5-13 Platting Requirement](#)

[12-5-14 Major Street Plan](#)

[12-5-15 Structure Setback From Abutting Streets](#)

[12-5-16 Floodplain Regulations](#)

[12-5-17 Specific Use Permit](#)

12-5-1 Division Of Lots

A lot shall not hereafter be divided into two or more lots unless all lots resulting from such division conform to all the applicable regulations of the zoning district in which located.

(Ord. No. 716, 4-4-2011)

12-5-2 Street Frontage For Residential Lots

No lot shall contain any building used in whole or in part for residential purposes unless such lot has a minimum of 30 feet of frontage on a public street or dedicated right-of-way, except a substandard lot of record or lot within an approved planned unit development.

(Ord. No. 716, 4-4-2011)

12-5-3 One Single-Family Dwelling Per Lot

Not more than one single-family dwelling may be constructed on a lot, except in the case of a lot which is within an approved planned unit development.

(Ord. No. 716, 4-4-2011)

12-5-4 Home Occupations

Occupations, professions, or trades customarily carried on by occupants of dwelling units as secondary uses which are clearly incidental to the use of dwelling units for residential purposes are allowed as accessory uses in districts where dwelling units are permitted or permissible, subject to the following provisions:

- A. *Location.* Home occupations shall be conducted only within the principal structures.
- B. *Area.* An area equal to not more than 25 percent of the floor area of the principal structure may be utilized for home occupational purposes.
- C. *Employees.* Only residents of the premises may be employed.
- D. *Merchandise.*
 - 1. The home occupation shall not involve the retail sale of merchandise manufactured off the premises.

2. No merchandise shall be displayed in such a manner as to be visible from off the premises.
- E. *Outdoor storage.* No outdoor storage shall be allowed in connection with any home occupation.
- F. *Residential character maintained.* No alteration of the residential character of the premises may be made.
- G. *Advertising signs restricted.* No signs visible from outside the lot relating to home occupations shall be allowed.
- H. *Parking.* Off-street parking shall be provided in accordance with requirements of CCC 12-12.
- I. *Mechanical equipment disturbances.* No mechanical equipment shall be used which creates a noise, dust, odor or electrical disturbance.

(Ord. No. 716, 4-4-2011)

12-5-5 Neighborhood Group Homes

The following apply to neighborhood group homes:

- A. *State license required.* Must be licensed by the State Health Department, and meet contracting standards of the State Department of Human Services, for group homes for mentally ill or intellectually disabled persons.
- B. *Zoning clearance permit required.* No building may be occupied after the effective date of the ordinance from which this section is derived until a zoning clearance permit is obtained. This permit will be revoked automatically upon revocation of the state license.
- C. *Advertising signs prohibited.* No signs advertising the neighborhood group home shall be permitted on the lot.
- D. *Residential character maintained.* No exterior alterations of the dwelling or any customary accessory structure shall be made which would detract from the residential character of the structure. Fire escapes, if required, must be located on the rear of the structure if architecturally feasible or on the side of the structure and screened.
- E. *Location to avoid clustering.* To avoid clustering, a neighborhood group home shall not be located on a lot within one-half mile (2,640 feet) of any other lot containing a neighborhood group home, a community group home, a residential treatment center, a transitional living center, an emergency or protective shelter, or a detention/correctional facility.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-5-6 Family Daycare Homes

The following apply to family daycare homes:

- A. *State license required.* Must be licensed by the State Department of Human Services.
- B. *Zoning clearance permit required.* Must obtain a zoning clearance permit from the Building Inspector if established after the effective date of the ordinance from which this section is derived.
- C. *Number of children.* A maximum of five children, including those pre-school children under five years of age who reside in the residence, may be cared for in the home.
- D. *Employees.* No person shall be employed other than a member of the immediate family residing on the premises or a substitute caregiver as required by the standards for family daycare homes adopted by the State Department of Human Services.
- E. *Advertising signs prohibited.* No signs advertising the family daycare home shall be permitted on the lot.
- F. *Residential character maintained.* No exterior alterations of the dwelling or any customary accessory structure shall be made which would detract from the residential character of the structures.

(Ord. No. 716, 4-4-2011)

12-5-7 Community Group Homes

The following apply to community group homes:

- A. *State license required.* Must be licensed by the State Health Department, and meet contracting standards of the State Department of Human Services, for group homes for mentally ill or intellectually disabled persons.
- B. *Zoning clearance permit required.* No building may be occupied after the effective date hereof until a zoning clearance permit is obtained. This permit will be revoked automatically upon revocation of the state license.
- C. *Advertising signs prohibited.* No signs advertising the community group home shall be permitted on the lot.
- D. *Residential character maintained.* No exterior alterations of the dwelling or any customary accessory structure shall be made which would detract from the

residential character of the structure. Fire escapes, if required, must be located on the rear of the structure if architecturally feasible or on the side of the structure and screened.

- E. *Location to avoid clustering.* To avoid clustering, a community group home shall not be located on a lot within one mile (5,280 feet) of any other lot containing a neighborhood group home, a community group home, a residential treatment center, a transitional living center, an emergency or protective shelter, or a detention/correctional facility.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-5-8 Height Exceptions

The following structures shall not be subject to the height limitations of the district in which they are located:

- A. Farm buildings and structures.
- B. Belfries, chimneys, cupolas, domes, elevators, penthouses, flagpoles, monitors, smokestacks, spires, cooling towers and ventilators, provided they are not intended for human occupancy.
- C. Ground- and structure-supported antennas and aerials, including elevating structures (poles and towers), which do not exceed a total aggregate height of 65 above the natural land grade and which meet the following requirements:
 - 1. No portion of the antenna, aerial, elevating structure or any anchor or guy line may encroach upon the land area or airspace of any adjoining or abutting property;
 - 2. In RS districts, no portion of an amateur radio antenna, aerial, elevating structure, or any anchor or guy line may extend beyond the front yard building setback line or extend into any established front yard or into any established side yard;
 - 3. In I Districts, towers must be set back a distance equal to at least 110 percent of the height of the tower from any adjoining lot line of any AG, RS, or O district, excluding expressway rights-of-way zoned residential. Provided, that:
 - a. Height and location restrictions shall not be applicable to radio communication facilities owned, operated and maintained by any City, county, state, or federal government entity;
 - b. Non-guyed, omni-directional, single element, vertical antennas not exceeding 112 inches in height and not exceeding 1 3/4 inches outside diameter shall be permitted in addition to the 65-foot aggregate height limitation;

- c. The restrictions established by this subsection C3 may be modified by Board of Adjustment special exception approval, subject to the minimum requirements for special exception approvals and such additional safeguards and conditions as may be imposed by the Board of Adjustment.

(Ord. No. 716, 4-4-2011)

12-5-9 Lot Area And Width Exceptions

The lot area and width requirements of the zoning districts shall not apply to public protection and utility facilities, other than fire protection and ambulance services.

(Ord. No. 716, 4-4-2011)

12-5-10 Yards

- A. *Compliance with requirements.* Except as otherwise provided, required yards shall be open and unobstructed from the ground to the sky. Yards provided for a building, for the purpose of complying with the provisions of this title, shall not be considered the yard for any other building, and yards provided for a lot shall not be considered the yard of any other lot.
- B. *Permitted obstructions.* Obstructions are permitted in required yards as follows:
 1. Cornices, canopies, eaves, fireplaces, and similar architectural features may project not more than two feet into a required yard.
 2. Fire escapes may project not more than 4 1/2 feet into a required yard.
 3. Fences, hedges, plant materials and walls may be located in any yard, provided that corner traffic visibility is maintained in accordance with this Code. Fences and walls within yards shall not exceed a height of eight feet. Any fence or wall which projects into or encloses a required front yard shall not exceed a height of four feet. The Board of Adjustment, as a special exception, may modify these limitations.

Editor's note—See CCC 9-1-2.

4. Signs which are permitted as accessory uses in residential districts may be located within any yard which is bounded by a public street.
5. Detached accessory buildings may be located in the rear yards of RS districts and shall be regulated as follows:
 - a. On RS lots containing less than one-half acre of lot area, detached accessory buildings may be located in a rear yard,

provided that the accessory buildings, in aggregate, do not exceed 768 square feet of floor area or cover more than 20 percent of the rear yard, whichever is smaller.

- b. On RS lots containing one-half acre of lot area or greater, detached accessory buildings may be located in the rear yard, provided that the accessory buildings, in aggregate, do not exceed the following:
 - (1) RS lots containing a minimum of one-half acre but less than one acre of lot area: An aggregate maximum floor area of 1,000 square feet; or
 - (2) RS lots containing one acre or more of lot area: An aggregate maximum floor area of 1,500 square feet.
 - c. Accessory buildings over 750 square feet in size located upon a property site, or an adjacent property if under same ownership, shall be designed to relate in materials, color, character and detail to the principal building located upon the site and/or adjacent lots.
 - d. In no case shall the aggregate area of accessory buildings on a lot be permitted to exceed the floor area of the principal residential structure located upon the lot.
 - e. All accessory buildings not meeting the minimum requirements in subsections B5a and b of this section shall require Board of Adjustment action in the form of a special exception. The following factors, at a minimum, shall be considered by the Board of Adjustment in granting special exception approval of detached accessory buildings as referenced above: The accessory building height; building construction materials; building color scheme; building location and setbacks; proposed or existing landscaping and/or screening fence, roof types, surface texture, style, details and building form.
- 6. Swimming pools, tennis courts, and fallout shelters.
 - 7. Mobile home hitches where mobile homes are permitted.
 - 8. Customary accessory structures, such as clotheslines, barbecue pits, and playground equipment.
 - 9. Carports 12 feet or higher shall require Board of Adjustment special exception approval prior to construction. All other carport requests require building permit review and approval. All carports are to match in color and character to the primary structure on the lot. The setbacks for carports shall comply with the corresponding zoning district setback and

bulk and area requirements. Carports shall be constructed on a hard surface area of an all-weather material, asphalt or concrete parking.

C. Use of yards.

1. No inoperative motor vehicles shall be parked or stored within the front or exterior side yard in an R district. No vehicle and/or recreational vehicles including RVs, boats, boat trailers, and other recreational trailers shall be parked except on a hard surface area constructed of an all-weather material. Gravel may be used in R districts for recreational vehicles. The gravel parking space must be maintained in good condition and remain dust-free in compliance with subsection C2 of this section.
2. When an existing home (as of the effective date of the ordinance from which this section is derived) has no garage or a one-car garage, one gravel parking space may be located on the property. Access to such designated parking space shall be by way of the property's paved driveway. The gravel parking space must be maintained in good condition and remain dust-free as determined by City Code Enforcement Officer, or the property owner shall return such area to a landscaped area/grass, or an all-weather hard surface. Designed parking spaces will be subject to the following conditions:
 - a. Permit must be applied for and approved before the work is done.
 - b. The majority of the front yard must be landscaped/grass.
 - c. Gravel parking space must be installed in a way to prevent gravel runoff to the street i.e., border space with large rocks, bricks, etc.
3. Portable storage containers are permitted in residential zoning districts on a temporary basis (maximum ten days) and only permitted once a year per property. If a storage container is proposed to be placed on the property permanently (more than ten days), it must conform to the detached accessory building requirements of this title per subsection B5 of this section. Storage containers, accessory buildings and other accessory structures greater than 200 square feet proposed to be permanently located on a property within the City must be affixed to the land with footings, anchors or other tie down approved by the City and must meet the setback requirements as stated in this title. No container, accessory building or structure is permitted to be higher than the primary structure. In all other districts, storage containers, accessory buildings and accessory structures should be similar in material, color, character and detail to the principal structure and screened from view from the public per CCC 12-5-12. All storage containers, whether permanent or temporary, greater than 120 square feet, require a permit through the

City.

Exemption. Construction containers associated with new construction or remodel in conjunction with a building permit. All containers to be maintained so litter may not accumulate on the property per CCC 5-4A-4D.

(Ord. No. 716, 4-4-2011)

12-5-11 Existing Building Encroachment On Front Yards Or Building Setbacks

- A. Where an existing building or buildings on the same side of the street and within the same block encroach on the required front yard or building setback, the required front yard or building setback for new construction shall be established as follows:
1. If the proposed building is to be located more than 200 feet from an encroaching building, the proposed building shall conform to the front yard or setback established for the district in which the proposed building is to be located.
 2. If the proposed building is to be located between adjacent buildings which conform to the required front yard or building setback, or between a conforming building and an intersecting street, the proposed building shall conform to the front yard or setback established for the district in which the proposed building is to be located.
 3. If the proposed building is to be located within 200 feet of encroaching buildings on both sides and there are no intervening buildings, the front yard or building setback shall be the average of the front yard or setback of the two nearest front corners of the encroaching buildings.
 4. If the proposed building is to be located within 200 feet of an encroaching building on one side, but not both sides, and there are no intervening buildings, the front yard or building setback shall be the average of the otherwise required front yard or setback and the setback of the nearest front corner of the encroaching building.
- B. Provided, however, that in the application of subsection A3 or 4 of this section, the front yard or building setback shall not be reduced to less than five feet, plus one-half of the right-of-way width designated on the major street plan for the abutting street, or five feet, plus 25 feet if the street is not designated on the major street plan.

(Ord. No. 716, 4-4-2011)

12-5-12 Screening Wall Or Fence

A. Specifications.

1. For the purpose of maintaining a compatible relationship between certain land uses, a screening requirement is hereby established for the initiation and continuance of particular uses in such instances as may be hereinafter designated.
2. When the provisions of this title require the construction of a screening wall or fence as a condition for the initiation and subsequent continuance of a use, the screening wall or fence:
 - a. Shall be constructed with customarily used fencing materials which are compatible with the surrounding area and shall be designed and arranged to provide visual separation of uses irrespective of vegetation.
 - b. Shall not be less than six feet in height.
 - c. Shall be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance.
 - d. Shall be erected prior to the occupancy of the building or initiation of the use required to be screened.

B. *Maintenance.* The screening wall or fence shall be maintained by the owner of the lot containing the use required to construct the screening. Failure to maintain after notice by the Building Inspector shall constitute an offense hereunder.

C. *Modification of requirements.* The Board of Adjustment, as a special exception, may:

1. Modify or remove the screening requirement where existing physical features provide visual separation of uses;
2. Modify the screening requirement where an alternative screening will provide visual separation of uses;
3. Grant an extension of time to erect a screen where properties which are to be benefited by the screen are undeveloped; and
4. Remove the screening requirement where the purposes of the screening requirement cannot be achieved or is prohibited by other ordinances and/or regulations.

D. *Location.* Any use in a zoning district in column A is required to have an erected and maintained screening wall or fence along the lot line or lines abutting any district in column B if the use is not allowed as a permitted principal use in the

districts in column B.

<i>Column A</i>	<i>Column B</i>
Any use in RM-1, RMHS, RMHP, O, CN, CG, CH, IL, IH and PUD	RS-1, RS-2, RS-3 and RD
Any use in O, CN, CG, CH, IL, IH and PUD	RM-1, RMHS and RMHP

(Ord. No. 716, 4-4-2011)

12-5-13 Platting Requirement

For the purposes of providing a proper arrangement of streets and assuring the adequacy of open spaces for traffic, utilities, and access of emergency vehicles, commensurate with the intensification of land use customarily incident to a change of zoning, a platting requirement is established as follows: For any land which has been rezoned upon application of a private party, no building permit or zoning clearance permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat, as the case may be, submitted to and approved by the Planning Commission and City Council and filed of record in the office of the County Clerk where the property is situated, provided that the City Council, pursuant to their jurisdiction over subdivision plats, may remove the platting requirement upon a determination that the above-stated purposes have been achieved by previous platting or could not be achieved by a plat or replat.

(Ord. No. 716, 4-4-2011)

12-5-14 Major Street Plan

The City major street and highway plan, hereinafter referred to as the major street plan, as adopted by the City Council on August 19, 1991, or as it may hereinafter be amended by ordinance, is hereby adopted by reference and made a part hereof.

(Ord. No. 716, 4-4-2011)

Editor's note—See also CCC 9-1-1.

12-5-15 Structure Setback From Abutting Streets

The structure setback from abutting streets shall be as provided for each zoning district. However, every structure shall be set back from the centerline of an abutting street a horizontal distance of not less than one-half of the right-of-way designated on the major street plan.

(Ord. No. 716, 4-4-2011)

12-5-16 Floodplain Regulations

No zoning clearance permit shall be issued for any activity regulated under this title unless that activity complies with CCC 14-1.

(Ord. No. 716, 4-4-2011)

12-5-17 Specific Use Permit

Certain uses require approval of a specific use permit as set out in CCC 12-3D.

(Ord. No. 716, 4-4-2011)

CHAPTER 12-6 AG AGRICULTURE DISTRICT

12-6-1 Description

12-6-2 Permitted Principal Uses

12-6-3 Permitted Accessory Uses And Structures

12-6-4 Uses Permitted By Special Exception

12-6-5 Uses Permitted By Specific Use Permit

12-6-6 Minimum Yard Requirements

12-6-7 Minimum Lot Area

12-6-8 Minimum Lot Width And Frontage

12-6-9 Maximum Height Of Structures

12-6-1 Description

The AG Agriculture District is intended to offer protection to agricultural land within the City limits from the depreciating effects of objectionable, hazardous, and unsightly uses and, at the same time, prevent untimely scattering of more dense urban development. The types of uses and intensity of use of lands which are authorized in this district are designed to encourage and protect all agricultural uses until urbanization is warranted and the appropriate changes in district classification are made.

(Ord. No. 716, 4-4-2011)

12-6-2 Permitted Principal Uses

Property and buildings in an AG Agriculture District shall be used only for the following purposes:

A. Included uses.

1. Agricultural uses and services and certain other uses suitable for location in an agricultural environment.

2. Any use permitted in the RS-1 or RS-2 Residential Single-Family District.
3. Animal and poultry raising.
4. Business signs or outdoor advertising subject to the provisions of CCC 12-13.
5. Chick hatchery.
6. Dairy farming.
7. Farming.
8. Fishery.
9. Foster home.
10. Guest or dude ranch.
11. Horticultural nursery.
12. Municipal use, public building, and public utility.
13. Neighborhood group home subject to the provisions of CCC 12-5-5.
14. Oil well or gas well, including the drilling thereof.
15. Public park or playground.
16. Ranching.
17. Riding stable or academy.
18. Roadside sales stands.
19. Servant or caretaker quarters.
20. Veterinary hospital (large animals).
21. Water reservoir.

B. Use conditions.

1. Dairy farming, fishery, guest or dude ranch and riding stable or academy requires a minimum lot area of five acres.
2. Horticultural nursery permits the growing of plant stocks only, and no retail sales are permitted on the site.
3. Roadside sales stands, provided:
 - a. Only products raised on the premises shall be sold in such stand.
 - b. Such stands shall be of a temporary nature and shall not be constructed as a permanent structure.

- c. The stand shall be set back from the front property line an adequate distance to permit parking and ingress and egress; and shall not be constructed in such a location as to create an undue traffic hazard.
- d. The stand shall be removed during winter months. Veterinary hospital (large animals) requires a minimum lot area of five acres.

(Ord. No. 716, 4-4-2011)

12-6-3 Permitted Accessory Uses And Structures

Accessory uses and structures customarily incident to a permitted principal use in the AG Agriculture District are permitted in such districts. In addition, the following uses are permitted as accessory uses:

- A. Children's day nursery.
- B. Fallout and/or storm shelter.
- C. Family daycare home, subject to the provisions of CCC 12-5-6.
- D. Home occupation subject to the provisions of CCC 12-5-4.
- E. Mausoleums in existing or approved cemeteries.
- F. Signs subject to the provisions of CCC 12-13.

(Ord. No. 716, 4-4-2011)

12-6-4 Uses Permitted By Special Exception

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in CCC 12-3A:

- A. Advertising signs.
- B. Community group home subject to the provisions of CCC 12-5-7.
- C. Sewer lagoon.

(Ord. No. 716, 4-4-2011)

12-6-5 Uses Permitted By Specific Use Permit

The following uses may be permitted upon the issuance of a specific use permit by the Planning Commission and City Council in accordance with the provisions contained in CCC 12-3D:

- A. Cemetery.
- B. Churches, rectories, convents, parish houses, halls, and other religious uses.
- C. Country clubs and golf courses, excluding miniature golf courses and driving ranges.
- D. Kennel.
- E. Public school or school offering general education courses the same as ordinarily given in the public schools and having no rooms regularly used for housing and/or shopping.
- F. Sewage disposal facility.
- G. Water treatment facility and/or water storage facility.

(Ord. No. 716, 4-4-2011)

12-6-6 Minimum Yard Requirements

- A. *Front yard.* The depth of the required front yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated on the City major street and highway plan or 25 feet if not designated on the street and highway plan, to a setback of 35 feet.
- B. *Side yards.* All buildings shall be set back from the side lot line to comply with the following side yard requirements:
 - 1. For principal buildings on interior lots, there shall be a minimum side yard of 20 feet.
 - 2. For unattached accessory buildings on an interior lot, there shall be a minimum side yard of ten feet.
 - 3. On any corner lot, the depth of the required exterior side yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated in the City major street and highway plan, or 25 feet if not designated on the street plan, to a setback distance of 25 feet. The interior side yard requirements shall be the same as in subsections B1 and 2 of this section.
- C. *Rear yard.* There shall be a rear yard for principal buildings of not less than 25 feet. Unattached accessory buildings may be located in the rear yard but shall be set back at least ten feet from the rear property line or outside any utility easement, whichever is greater.

(Ord. No. 716, 4-4-2011)

12-6-7 Minimum Lot Area

The minimum lot area for uses permitted by right or special exception is two acres or the land area required by the County Health Department, whichever is greater.

(Ord. No. 716, 4-4-2011)

12-6-8 Minimum Lot Width And Frontage

A. The minimum lot width for uses allowed in the agriculture district is 200 feet.

B. All lots shall abut on a street for a distance of not less than 30 feet.

(Ord. No. 716, 4-4-2011)

12-6-9 Maximum Height Of Structures

Except as provided in CCC 12-5-8, no structure shall exceed 40 feet in height.

(Ord. No. 716, 4-4-2011)

CHAPTER 12-7 RESIDENTIAL DISTRICTS

[ARTICLE 12-7A RS-1, RS-2 AND RS-3 RESIDENTIAL SINGLE-FAMILY DISTRICTS](#)

[ARTICLE 12-7B RD RESIDENTIAL TWO-FAMILY DISTRICT](#)

[ARTICLE 12-7C RM-1 RESIDENTIAL MULTIFAMILY DISTRICT](#)

[ARTICLE 12-7D RMHP RESIDENTIAL MANUFACTURED HOME PARK AND RMHS](#)

[RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICTS](#)

[ARTICLE 12-7E RMH-1 RESIDENTIAL MODULAR HOME DISTRICT](#)

ARTICLE 12-7A RS-1, RS-2 AND RS-3 RESIDENTIAL SINGLE-FAMILY DISTRICTS

[12-7A-1 Description](#)

[12-7A-2 Permitted Principal Uses](#)

[12-7A-3 Permitted Accessory Uses And Structures](#)

[12-7A-4 Uses Permitted By Special Exception](#)

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[12-7A-6 Minimum Yard Requirements](#)

[12-7A-7 Minimum Lot Area](#)

[12-7A-8 Minimum Lot Width And Frontage](#)

[12-7A-9 Maximum Height Of Structures](#)

12-7A-1 Description

In the RS-1, RS-2 and RS-3 Residential Single-Family Districts, the principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the

encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency is encouraged by providing for adequate light, air and open space for dwelling and related facilities and thorough consideration of the proper functional relationship of each element.

(Ord. No. 716, 4-4-2011)

12-7A-2 Permitted Principal Uses

A. *Included uses.* Principal uses permitted in the RS-1, RS-2 and RS-3 Residential Single-Family Districts are as follows:

1. Detached single-family dwellings.
2. Fire stations.
3. Foster home.
4. General purpose farm or garden, but not the raising of livestock or poultry.
5. Neighborhood group home subject to the provisions of CCC 12-5-5.
6. Public park or playground.
7. Temporary buildings used specifically for construction purposes only (not for living purposes), which shall be removed upon completion or abandonment of construction work.

B. *Use conditions.* Single-family detached dwelling and foster home shall:

1. Be affixed to a permanent foundation as defined herein;
2. Utilize customary residential exterior finishing materials as defined herein;
3. Have a core area of living space at least 20 feet by 20 feet in size, exclusive of an attached garage; and
4. Meet all other City codes and ordinances.

(Ord. No. 716, 4-4-2011)

12-7A-3 Permitted Accessory Uses And Structures

Accessory uses and structures customarily incident to a permitted principal use in residential single-family districts are permitted in such districts. In addition, the following uses are permitted as accessory uses:

- A. Fallout and/or storm shelter.

- B. Family daycare home, subject to the provisions of CCC 12-5-6.
- C. Home occupation, subject to the provisions of CCC 12-5-4.
- D. Mausoleums in existing or approved cemeteries.
- E. Signs, subject to the provisions of CCC 12-13.

(Ord. No. 716, 4-4-2011)

12-7A-4 Uses Permitted By Special Exception

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in CCC 12-3A:

- A. Accessory buildings in accordance with CCC 12-5-10B5.
- B. Adult daycare.
- C. Care home.
- D. Children's day nursery.
- E. Children's home (i.e., orphanage).
- F. Community group home subject to the provisions of CCC 12-5-7.
- G. Miniature golf courses.
- H. Municipal use, public building or public utility which holds the right of eminent domain.
- I. Private recreational clubs and recreational areas operated by membership organizations for the benefit of their members and not for gain or profit.
- J. Public library.

(Ord. No. 716, 4-4-2011)

12-7A-5 Uses Permitted By Specific Use Permit

- A. The following uses may be permitted as specific use permit by the Planning Commission and City Council in accordance with the provisions contained in CCC 12-3D:
 - 1. Cemetery, not including animal cemeteries.
 - 2. Church.
 - 3. Golf course and driving ranges.
 - 4. Public school or school offering general educational courses, the same

as ordinarily given in a public school and having no rooms regularly used for housing or sleeping.

B. Use conditions. Marijuana growing facility for personal medical use:

1. Any access or entry point to single-family residential facilities for marijuana cultivation for personal medical use must be secured by lock and key or equivalent, at all times, except when the residential facility is actively being supervised in person by the permit holder or licensed caregiver.
2. Growing marijuana for personal medical use shall be limited to the interior of a single-family private residence, unless otherwise provided by state or federal law.
3. Growing marijuana shall not be visible from the public right-of-way.
4. The growing area, including any lighting, plumbing or electrical components used, shall comply with municipal building and fire codes. The growing area must be properly ventilated so as not to create humidity, mold or other related problems so that no noxious odors are detectable off-premises. Lighting shall not exceed 1,000 watts per light. The use of gas products (CO₂, butane, etc.) or CO₂ and ozone generators in the growing area is prohibited.
5. Growing marijuana shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if growing marijuana produces light, glare, heat, noise, noxious odor, or vibration that is detrimental to public health, safety or welfare or interferes with reasonable enjoyment of life and property.
6. The primary use of the residential property in which marijuana is grown shall remain at all times a residence, with legal and functioning cooking, eating, sleeping and sanitation/bathing facilities with proper ingress and egress. No room shall be used for growing marijuana where such cultivation will impair or prevent the primary uses of cooking, eating, sleeping or sanitation/bathing.
7. If the residence is rented, consent of the property owners shall be obtained prior to any cultivation commencing. This consent must be evidenced by a signed and notarized statement from the property owner permitting the growth of marijuana in the residence and is to be submitted with the specific use permit application.

(Ord. No. 716, 4-4-2011; Ord. No. 809, 9-10-2018; Ord. No. 820, § I, 10-7-2019)

12-7A-6 Minimum Yard Requirements

A. *Front yard.*

1. The depth of the required front yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated on the City major street and highway plan or 25 feet if not designated on the street and highway plan, to the appropriate distance shown below:

<i>District</i>	<i>Arterial Streets</i>	<i>Nonarterial Streets</i>
RS-1	35 feet	35 feet
RS-2	35 feet	25 feet
RS-3	35 feet	25 feet

2. When a lot has double frontage, the front yard requirements shall be provided on both streets.

B. *Side yards.* All buildings shall be set back from the side lot line to comply with the following side yard requirements:

1. For dwellings located on an interior lot, there shall be a minimum side yard as follows:
 - a. RS-1: Ten feet.
 - b. RS-2: Five feet.
 - c. RS-3: Five feet.
2. For unattached buildings accessory to residential uses on an interior lot, there shall be a minimum side yard of five feet.
3. On any corner lot, the depth of the required exterior side yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated in the City major street and highway plan, or 25 feet if not designated on the street plan, to the appropriate distance shown below:

<i>District</i>	<i>Arterial Streets</i>	<i>Nonarterial Streets</i>
RS-1	35 feet	20 feet
RS-2	20 feet	15 feet
RS-3	20 feet	15 feet

The interior side yard requirements shall be:

- a. For dwellings and accessory buildings, the same as in subsections B1 and 2 of this section; and
 - b. For all other principal or accessory buildings, the same as in subsection B4 of this section.
4. For all other principal or accessory buildings on an interior lot, there shall be a minimum setback as follows:
 - a. RS-1: 25 feet.
 - b. RS-2: 20 feet.
 - c. RS-3: 15 feet.

C. Rear yard.

1. There shall be a rear yard for principal buildings of not less than the following:
 - a. RS-1: 25 feet.
 - b. RS-2: 20 feet.
 - c. RS-3: 15 feet.
2. Unattached buildings of accessory uses may be located in the rear yard but shall be set back at least ten feet from the rear property line or outside any utility easement, whichever is greater.

(Ord. No. 716, 4-4-2011)

12-7A-7 Minimum Lot Area

- A. For each dwelling and buildings accessory thereto, there shall be a lot area of not less than:
 1. RS-1: 11,400 square feet.
 2. RS-2: 6,600 square feet.
 3. RS-3: 5,000 square feet.
- B. Where a lot has less area than herein required and all the boundary lines of that lot touch lands under other ownership on the effective date of the ordinance from which this section is derived, that lot may be used for any of the uses, except churches, permitted by this article.
- C. For churches and main accessory buildings, other than a dwelling and buildings

accessory to the dwelling, the lot area shall be adequate to provide the minimum yards required by this article and the off-street parking areas required in CCC 12-12.

- D. There shall be no more than one dwelling unit and one use per lot in the residential single-family districts.

(Ord. No. 716, 4-4-2011)

12-7A-8 Minimum Lot Width And Frontage

- A. For dwellings, there shall be a minimum lot width at the front building line of the following:

1. RS-1: 85 feet.
2. RS-2: 60 feet.
3. RS-3: 50 feet.

- B. For uses other than dwellings, the lot width shall be adequate to provide the setbacks required in the residential single-family districts.

- C. All lots shall abut on a street for a distance of not less than the following:

1. RS-1: 45 feet.
2. RS-2: 35 feet.
3. RS-3: 30 feet.

(Ord. No. 716, 4-4-2011)

12-7A-9 Maximum Height Of Structures

No structures shall exceed 2 1/2 stories or 35 feet in height.

(Ord. No. 716, 4-4-2011)

ARTICLE 12-7B RD RESIDENTIAL TWO-FAMILY DISTRICT

[12-7B-1 Description](#)

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12-7B-1 Description

The RD Residential Two-Family District is a residential district designed to provide for a slightly higher population density than the RS districts, yet be compatible near single-family uses. This district provides a transition from the high-density land uses to single-family uses.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-7B-2 Permitted Principal Uses

A. *Included uses.* Principal uses permitted in the RD Residential Two-Family Districts are as follows:

1. Any principal use permitted, other than by special exception, in the RS-3 Residential Single-Family District.
2. Two-family dwellings.

B. *Use conditions.* Duplex dwellings shall:

1. Be attached to a permanent foundation as defined in CCC 12-2-2;
2. Utilize customary residential exterior finishing materials as defined in CCC 12-2-2;
3. Have a core area of living space in each dwelling unit at least 20 feet by 20 feet in size, exclusive of an attached garage; and
4. Meet all other City codes and ordinances.

(Ord. No. 716, 4-4-2011)

12-7B-3 Permitted Accessory Uses And Structures

Accessory uses and structures customarily incident to a permitted principal use in residential two-family districts are permitted in such districts. In addition, the following uses are permitted as accessory uses:

- A. Fallout and/or storm shelter.
- B. Family daycare home, subject to the provisions of CCC 12-5-6.
- C. Home occupation, subject to the provisions of CCC 12-5-4.
- D. Signs, subject to the provisions of CCC 12-13.

(Ord. No. 716, 4-4-2011)

12-7B-4 Uses Permitted By Special Exception

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in CCC 12-3A. Any uses permitted by special exception in the RS-3 Residential Single-Family District.

(Ord. No. 716, 4-4-2011)

12-7B-5 Uses Permitted By Specific Use Permit

The following uses may be permitted as specific uses by the Planning Commission and City Council in accordance with the provisions contained in CCC 12-3D. Any uses permitted by specific use permit in the RS-3 Residential Single-Family District.

(Ord. No. 716, 4-4-2011)

12-7B-6 Minimum Yard Requirements

- A. *Front yard.* The depth of the required front yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated on the City major street and highway plan or 25 feet if not designated on the street and highway plan, to a setback of 35 feet on arterial streets and 25 feet on nonarterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.
- B. *Side yards.* All buildings shall be set back from the side lot line to comply with the following side yard requirements:
 - 1. For dwellings located on an interior lot, there shall be a minimum side yard of five feet.
 - 2. For unattached buildings accessory to residential uses on an interior lot, there shall be a minimum side yard of five feet.
 - 3. On any corner lot, the depth of the required exterior side yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated in the Coweta major street and highway plan, or 25 feet if not designated on the street plan, to a setback of 20 feet on arterial streets and 15 feet on nonarterial streets. The interior side yard requirements shall be, for dwellings and accessory buildings, the same as in subsections B1 and 2 of this section; for all other principal or accessory buildings, the same as subsection B4 of this section.
 - 4. For all other principal or accessory buildings on an interior lot, there shall be a minimum setback of 15 feet.

C. *Rear yard.*

1. There shall be a rear yard for principal buildings of not less than 15 feet.
2. Unattached buildings of accessory uses may be located in the rear yard but shall be set back at least five feet from the rear property line or outside any utility easement, whichever is greater.

(Ord. No. 716, 4-4-2011)

12-7B-7 Minimum Lot Area

- A. For each residential structure and buildings accessory thereto, there shall be a lot area of not less than:
 1. For single-family dwellings: 5,000 square feet.
 2. For two-family dwellings: 8,000 square feet.
- B. Where a lot has less area than herein required and all the boundary lines of that lot touch lands under other ownership on the effective date hereof, that lot may be used for any of the uses, except churches, permitted in the RS-1 district.
- C. For churches and main accessory buildings, other than a dwelling and buildings accessory to the dwelling, the lot area shall be adequate to provide the minimum yard areas required by this section and the off-street parking areas required in CCC 12-12.

(Ord. No. 716, 4-4-2011)

12-7B-8 Minimum Lot Width And Frontage

- A. For residential structures, there shall be a minimum lot width at the front building line of the following:
 1. For single-family dwellings: 50 feet.
 2. For two-family dwellings: 80 feet.
- B. For uses other than dwellings, the lot width shall be adequate to provide the minimum side yards required in the residential two-family district.
- C. All lots shall abut on a street for a distance of not less than the following:
 1. For single-family dwellings: 30 feet.
 2. For two-family dwellings: 40 feet.

(Ord. No. 716, 4-4-2011)

12-7B-9 Maximum Height Of Structures

No structures shall exceed 2 1/2 stories or 35 feet in height.

(Ord. No. 716, 4-4-2011)

ARTICLE 12-7C RM-1 RESIDENTIAL MULTIFAMILY DISTRICT

12-7C-1 Description

12-7C-2 Permitted Principal Uses

12-7C-3 Permitted Accessory Uses And Structures

12-7C-4 Uses Permitted By Special Exception

12-7C-5 Uses Permitted By Specific Use Permit

12-7C-6 Minimum Yard Requirements

12-7C-7 Minimum Lot Area

12-7C-8 Minimum Lot Width And Frontage

12-7C-9 Maximum Height Of Structures

12-7C-1 Description

The RM-1 Residential Multifamily District is provided to allow medium to high population density along with religious, recreational and educational facilities. The district is generally located adjacent to the commercial districts and permits a transition to the residential single-family districts.

(Ord. No. 716, 4-4-2011)

12-7C-2 Permitted Principal Uses

Principal uses permitted in the RM-1 Residential Multifamily District are as follows:

- A. Any principal use permitted, other than by special exception, in RS-3 or RD 2 residential districts.
- B. Adult daycare.
- C. Community group home, subject to the provisions of CCC 12-5-7.
- D. Elderly/retirement housing and life care retirement center licensed by the state.
- E. Multifamily dwellings, apartments, boardinghouses or roominghouses.
- F. Row houses and townhouses within a planned unit development.

(Ord. No. 716, 4-4-2011)

12-7C-3 Permitted Accessory Uses And Structures

- A. *Included uses.* Accessory uses and structures customarily incident to a

permitted principal use in the Residential Single-Family Districts are permitted in this district. In addition, the following uses are permitted as accessory uses:

1. Care home.
2. Children's day nursery.
3. Children's home (i.e., orphanage).
4. Fallout and/or storm shelter.
5. Family daycare home, subject to the provisions of CCC 12-5-6.
6. Fraternity or sorority house.
7. Home occupations, subject to the provisions of CCC 12-5-4.
8. Roomers and boarders.
9. Signs, subject to the provisions of CCC 12-13.

B. Use conditions.

1. *Fraternity, sorority, or rooming/boarding house.* In the determination of the applicable bulk and area requirements, a fraternity, sorority, or roominghouse/boardinghouse shall be considered a multifamily dwelling, with each 600 square feet of floor area constituting a one-bedroom dwelling unit.
2. *Roomers and boarders.* In a dwelling unit occupied as a private residence, one or more rooms may be rented or table board furnished to not more than two persons who are nonmembers of the family occupying the premises as a permitted accessory use; or more than two persons by special exception requiring Board of Adjustment approval. However, in either case, no window display or sign board shall be used to advertise such use.

(Ord. No. 716, 4-4-2011)

12-7C-4 Uses Permitted By Special Exception

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in CCC 12-3A:

- A. Any use permitted by special exception in the RS-1, RS-2, RS-3, or RD Residential District.
- B. Any public building erected and used by any department of City, county, state or federal government.

- C. Assisted living center.
- D. Fraternal organization facilities.
- E. High rise apartments.
- F. Medical facilities, other than those allowed as permitted uses in the district.
- G. Monastery or novitiate.
- H. Social services facilities.

(Ord. No. 716, 4-4-2011)

12-7C-5 Uses Permitted By Specific Use Permit

The following uses may be permitted as specific uses by the Planning Commission and City Council in accordance with the provisions contained in CCC 12-3D:

- A. Any use permitted by specific use permit in the RS-1, RS-2, RS-3, or RD District.
- B. Emergency and protective shelter.
- C. Institutions of a religious, educational or philanthropic nature.
- D. Nursing home or convalescent home licensed by the state.

(Ord. No. 716, 4-4-2011)

12-7C-6 Minimum Yard Requirements

- A. *Front yard.* The depth of the required front yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated on the City major street and highway plan or 25 feet if not designated on the street and highway plan, to a setback of 35 feet on arterial streets and 25 feet on nonarterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.
- B. *Side yards.* All buildings shall be set back from the side lot line to comply with the following side yard requirements:
 - 1. For buildings located on an interior lot, there shall be a minimum side yard on both sides of the building of five feet for single-and two-family dwellings and ten feet, plus five feet for each additional story or part thereof over one for all other principal structures.
 - 2. For unattached buildings of accessory use, there shall be a side yard of not less than five feet.
 - 3. On any corner lot, the depth of the required exterior side yard shall be

determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated in the City major street and highway plan, or 25 feet if not designated on the street plan, to a setback of 20 feet on arterial streets and 15 feet on nonarterial streets. The interior side yard shall be the same as for structures on interior lots.

- C. *Rear yard.* There shall be a rear yard for principal buildings of not less than 20 feet and for garage apartments or detached accessory buildings, five feet from the utility easement or ten feet from the rear property line, whichever is greater.

(Ord. No. 716, 4-4-2011)

12-7C-7 Minimum Lot Area

- A. For each dwelling and buildings accessory thereto, there shall be a lot area of not less than:
1. Five thousand square feet for single-family dwellings.
 2. Seven thousand square feet for two-family dwellings.
 3. Two thousand five hundred square feet for each dwelling in a multifamily dwelling.
- B. For other principle uses except dwellings, the lot area shall be adequate to provide the minimum yard requirements of CCC 12-7C-6 and the off-street parking required in CCC 12-2.

(Ord. No. 716, 4-4-2011)

12-7C-8 Minimum Lot Width And Frontage

- A. For dwellings, there shall be a minimum lot width at the front building line of the following:
1. Fifty feet for single-family dwellings on individual lots.
 2. Seventy feet for two-family dwellings on individual lots.
 3. Seventy-five feet, plus an additional five feet, for each additional dwelling over three, but in no case greater than 200 feet for multifamily dwellings or group developments other than townhouses or row houses.
- B. For uses other than dwellings, the lot width shall be adequate to provide the minimum side yards required in this district.
- C. All lots shall abut on a street for a distance of not less than the following:

1. Thirty feet for single-family dwellings on individual lots.
2. Thirty-five feet for two-family dwellings on individual lots.
3. Thirty-five feet, plus an additional two feet, for each additional dwelling over three, but in no case greater than 100 feet for multifamily dwellings or group developments including townhouses and row house developments.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-7C-9 Maximum Height Of Structures

No structures shall exceed three stories or 40 feet in height.

(Ord. No. 716, 4-4-2011)

ARTICLE 12-7D RMHP RESIDENTIAL MANUFACTURED HOME PARK AND RMHS RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICTS

[Division 12-7D-1 RMHP Residential Manufactured Home Park And RMHS Residential Manufactured Home Subdivision Districts Generally](#)

[Division 12-7D-2 RMHP Residential Manufactured Home Park District](#)

[Division 12-7D-3 RMHS Residential Manufactured Home Subdivision District](#)

Division 12-7D-1 RMHP Residential Manufactured Home Park And RMHS Residential Manufactured Home Subdivision Districts Generally

[12-7D-1-1 Definitions](#)

12-7D-1-1 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:

Manufactured home means homes built entirely in the factory under a Federal Building Code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. Manufactured homes may be single-or multi-section and are transported to the site and installed. The federal standards regulate manufactured housing design and construction, strength and durability, transportability, fire resistance, energy efficiency and quality. The HUD Code also sets performance standards for the heating, plumbing, air conditioning, thermal and electrical systems. It is the only federally regulated National Building Code. On-site additions, such as garages, decks and porches, often add to the attractiveness of manufactured homes and must be built to local, state or regional building codes.

Mobile home means factory-built homes produced prior to June 15, 1976, when the HUD Code went into effect. By 1970, these homes were built to voluntary industry standards that were eventually enforced by 45 states.

Modular home means factory-built homes built to state, local or regional code where the home will be located. Modules are transported to the site and installed.

Panelized home means factory-built homes in which panels (a whole wall with windows, doors, wiring and outside siding) are transported to the site and assembled. The homes must meet state or local building codes where they are sited.

Pre-cut homes means factory-built housing in which building materials are factory cut to design specifications, transported to the site and assembled. The term "pre-cut homes" includes kit, log and dome homes. These homes must meet local, state or regional building codes.

(Ord. No. 716, 4-4-2011)

Division 12-7D-2 RMHP Residential Manufactured Home Park District

[12-7D-2-1 Description](#)

[12-7D-2-2 Permitted Principal Uses](#)

[12-7D-2-3 Permitted Accessory Uses And Structures](#)

[12-7D-2-4 Uses Permitted By Special Exception](#)

[12-7D-2-5 General Requirements](#)

[12-7D-2-6 Tract Development Standards](#)

[12-7D-2-7 Internal Space Requirements](#)

12-7D-2-1 Description

Manufactured homes within the City shall be limited to either residential manufactured home park developments in which there is one landowner, or residential manufactured home subdivisions, as set forth in CCC 12-7D-3. This zoning district is intended to provide for manufactured homes in a manufactured home park as an alternate living style and dwelling type to conventional multifamily housing. The purpose of this district is to provide a grouping of manufactured home sites within the setting of a manufactured home park which has the necessary improvements and amenities to provide a suitable living environment for its residents. A minimum size for individual manufactured home space is required so that overcrowding is prevented and minimum levels of privacy are maintained. A minimum manufactured home park size is established to ensure a desirable residential environment and is created and to provide separation from neighboring conventional housing areas.

(Ord. No. 716, 4-4-2011)

12-7D-2-2 Permitted Principal Uses

Principal uses permitted in the RMHP Residential Manufactured Home Park District are as follows:

- A. One-family single wide, doublewide or triple wide manufactured homes or modular home development that consists of two or more tracts under common ownership or control which shall be contiguous or separated only by nonarterial streets or alleys, each placed on permanent foundations, tied down according to City regulations, with all hitches, wheels and axles removed and the area under the home completely enclosed.
- B. Public park or playground.

(Ord. No. 716, 4-4-2011)

12-7D-2-3 Permitted Accessory Uses And Structures

- A. Accessory uses and structures customarily incident to a permitted principal use in this district are permitted.
- B. Accessory buildings:

Minimum area	36 square feet
Maximum area	100 square feet
Minimum setback from space boundary	5 feet
Minimum separation from adjacent dwelling	10 feet
Maximum area under roof	45% of the space

Note: The area under the roof is the sum of the square footages of the dwelling, plus any carport approved by the Board of Adjustment and outdoor shelters, plus any independent accessory buildings.

12-7D-2-4 Uses Permitted By Special Exception

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in CCC 12-3A:

- A. Those uses allowed as permitted principal uses in the RS-1 Residential Single-Family District.
- B. Those uses permitted as special exceptions in the RS-1 Residential Single-Family District.

(Ord. No. 716, 4-4-2011)

12-7D-2-5 General Requirements

- A. Minimum internal private street surfacing width: 24 feet.
- B. All dwellings shall be placed on permanent foundation and all wheels and axles removed. All dwellings shall be certified and display such certification that they have been constructed and comply with the National Mobile Home Construction and Safety Standards.
- C. One identification sign may be erected on each perimeter street frontage of a manufactured home park. The sign shall not exceed two-tenths of a square foot of display surface area per linear foot of street frontage; provided, however, that in no event shall the sign be restricted to less than 32 square feet nor permitted to exceed 150 square feet of display surface area. The sign shall not exceed 20 feet in height, and illumination, if any, shall be by constant light.

(Ord. No. 716, 4-4-2011)

12-7D-2-6 Tract Development Standards

Tract area (minimum)	5 acres
Land area per dwelling unit (minimum)	6,000 square feet
Tract width (minimum)	200 feet
Setback abutting a public street (minimum)	Measured from the centerline; add to the distance 1/2 of the right-of-way width designated on the major street plan, plus the designated distance below, or 25 feet, if not designated on the major street plan
Abutting an arterial or a freeway service road	35 feet
Not abutting an arterial or freeway service road	25 feet
Height of structures	20 feet maximum (one story)
Common park/recreational open space and facilities (which may include trails, playgrounds, community buildings and tot-lots) shall be delineated and provided on each development established under these regulations equal to at least six percent of the total gross tract area, exclusive of open area on each space.	

(Ord. No. 716, 4-4-2011)

12-7D-2-7 Internal Space Requirements

The following internal space requirements are exclusive of streets and required open space:

Minimum space width	20 feet
Minimum space area	1,500 square feet
Side yards (minimum):	
One side yard	5 feet
Other side yard	10 feet
Rear yard	10 feet
Front yard	As figured above
Minimum separation between dwellings	15 feet
Minimum paved off-street parking spaces per dwelling unit	2
A paved outdoor living area shall be provided on each space and shall be a minimum of 10 square feet and shall have an average dimension of not less than 10 feet. This area may be covered with a roof, subject to limitations imposed by the maximum area under the roof. Required parking areas and driveways shall not be included as part of this outdoor living area. Parking areas and driveways shall be of all-weather, all-purpose material such as concrete or asphalt.	

(Ord. No. 716, 4-4-2011)

Division 12-7D-3 RMHS Residential Manufactured Home Subdivision District

[12-7D-3-1 Description](#)

[12-7D-3-2 Permitted Principal Uses](#)

[12-7D-3-3 Permitted Accessory Uses And Structures](#)

[12-7D-3-4 Uses Permitted By Special Exception](#)

[12-7D-3-5 General Requirements](#)

[12-7D-3-6 Tract Development Standards](#)

12-7D-3-1 Description

Manufactured homes within the City shall be limited to either residential manufactured home park developments, in which there is one landowner, or residential manufactured home subdivisions, as set forth in this division. A subdivision designed for the sale of lots for the purpose of siting manufactured homes on individual lots, provided that such a development and lots therein shall comply with the requirements set out in this division as well as the City subdivision regulations requiring submittal of a subdivision plat incorporating said requirements submitted to and approved by the Planning Commission, City Council and filed of record in the office of the County Clerk.

(Ord. No. 716, 4-4-2011)

Editor's note—See CCC 13.

12-7D-3-2 Permitted Principal Uses

Principal uses permitted in the RMHS Residential Manufactured Home Subdivision District are as follows:

- A. Any principal use permitted, other than by special exception, in the RS-3 Residential Single-Family District.
- B. One-family single wide, doublewide or triple-wide mobile homes or modular homes located on individual lots, placed on permanent foundations, tied down according to City regulations, with all hitches, wheels and axles removed and the area under the home completely enclosed.

(Ord. No. 716, 4-4-2011)

12-7D-3-3 Permitted Accessory Uses And Structures

Accessory uses and structures customarily incidental to a permitted principal use in this district are permitted in this district. In addition, the following uses are permitted as accessory uses:

Accessory buildings:

Minimum area	36 square feet
Maximum area	100 square feet
Minimum setback from space boundary	5 feet
Minimum separation from the adjacent dwelling	10 feet
Maximum area under the roof	45% of the space

Note: The area under the roof is the sum of the square footages of the dwelling, plus any carport approved by the Board of Adjustment and outdoor shelters, plus any independent accessory buildings.

(Ord. No. 716, 4-4-2011)

12-7D-3-4 Uses Permitted By Special Exception

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in CCC 12-3A: Those uses permitted as special exceptions in the RS-1 Residential Single-Family District.

(Ord. No. 716, 4-4-2011)

12-7D-3-5 General Requirements

- A. All dwellings shall be attached to a conventional permanent foundation.
- B. All manufactured homes placed shall be certified and shall conspicuously display such certification that they have been constructed and comply with the National Mobile Home Construction and Safety Standards or were constructed after the first edition of said code.
- C. The tract to be subdivided shall consist of one or more tracts under individual ownership or control which shall be contiguous or separated only by nonarterial streets or alleys and have an area of at least five acres.
- D. One identification sign may be erected on each perimeter street frontage of a manufactured home subdivision. The sign shall not exceed two-tenths of a square foot of display surface area per linear foot of street frontage; provided, however, that in no event shall the sign be restricted to less than 32 square feet nor permitted to exceed 150 square feet of display surface area. The sign shall not exceed 20 feet in height, and illumination, if any, shall be by constant light.

(Ord. No. 716, 4-4-2011)

12-7D-3-6 Tract Development Standards

Tract area	5 acres
Lot area	5,500 square feet
Structure height	35 feet (maximum)
Livability space per dwelling unit	2,500 square feet
Setback abutting a public street (minimum)	Measured from the centerline; add to the distance of the right-of-way width designated on the major street plan, plus the designated distance below, or 25 feet, if not designated on the major street plan
Abutting an arterial or a freeway service road	35 feet
Not abutting an arterial or a freeway service road	20 feet
Side yards	5 feet (minimum)
Rear yard	15 feet (minimum)
Accessory building setback from side or rear yard	3 feet (not permitted in front yard)
Minimum paved off-street parking spaces per dwelling unit	2 spaces; the pavement must be all-purpose and all-weather such as concrete or asphalt

(Ord. No. 716, 4-4-2011)

ARTICLE 12-7E RMH-1 RESIDENTIAL MODULAR HOME DISTRICT

[12-7E-1 Description](#)

[12-7E-2 Permitted Principal Uses](#)

[12-7E-3 Permitted Accessory Uses And Structures](#)

[12-7E-4 Uses Permitted By Special Exception](#)

[12-7E-5 Uses Permitted By Specific Use Permit](#)

[12-7E-6 Minimum Yard Requirements](#)

[12-7E-7 Minimum Lot Area](#)

[12-7E-8 Minimum Lot Width And Frontage](#)

[12-7E-9 Maximum Height Of Structures](#)

12-7E-1 Description

Modular homes within the City shall be limited to residential modular home developments in which there is one landowner, or residential modular home subdivisions, as set forth in this article. The RMH-1 district is intended to provide for modular homes in a modular home subdivision as an alternate living style and dwelling type to conventional residential single-family housing. The purpose of this district is to provide a grouping of modular home sites within the setting of a modular home development which has the necessary improvements and amenities to provide a suitable living environment for its residents. A minimum size for individual modular home lots is required so that overcrowding is prevented and minimum levels of privacy are maintained. The principal use of land is for modular single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency is encouraged by providing for adequate light, air and open space for dwelling and related facilities and through consideration of the proper functional relationship of each element.

(Ord. No. 716, 4-4-2011)

12-7E-2 Permitted Principal Uses

A. *Included uses.* Principal uses permitted in the RMH-1 Residential Modular Home Districts are as follows:

1. Detached single-family modular homes. These factory-built homes are built to state, local or regional code where the home will be located. Modules are transported to the site and installed.
2. Fire stations.
3. Foster home.

4. General purpose farm or garden, but not the raising of livestock or poultry.
5. Neighborhood group home, subject to the provisions of CCC 12-5-5.
6. Public park or playground.
7. Temporary buildings used specifically for construction purposes only (not for living purposes), which shall be removed upon completion or abandonment of construction work.

B. *Use conditions.* Single-family detached dwellings and foster homes shall:

1. Be attached to a conventional permanent foundation;
2. Utilize customary residential exterior finishing materials as defined herein;
3. Have a core area of living space at least 20 feet by 20 feet in size, exclusive of an attached garage; and
4. Meet all other City codes and ordinances.

(Ord. No. 716, 4-4-2011)

12-7E-3 Permitted Accessory Uses And Structures

Accessory uses and structures customarily incident to a permitted principal use in residential modular home districts are permitted in such districts. In addition, the following uses are permitted as accessory uses:

- A. Fallout and/or storm shelter.
- B. Family daycare home, subject to the provisions of CCC 12-5-6.
- C. Home occupation, subject to the provisions of CCC 12-5-4.
- D. Signs, subject to the provisions of CCC 12-13.

(Ord. No. 716, 4-4-2011)

12-7E-4 Uses Permitted By Special Exception

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in CCC 12-3A:

- A. Accessory buildings in accordance with CCC 12-5-10B5.
- B. Adult daycare.

- C. Care home.
- D. Children's day nursery.
- E. Children's home (i.e., orphanage).
- F. Community group home, subject to the provisions of CCC 12-5-7.
- G. Miniature golf courses.
- H. Municipal use, public building or public utility which holds the right of eminent domain.
- I. Private recreational clubs and recreational areas operated by membership organizations for the benefit of their members and not for gain or profit.
- J. Public library.

(Ord. No. 716, 4-4-2011)

12-7E-5 Uses Permitted By Specific Use Permit

The following uses may be permitted by a specific use permit granted by the Planning Commission and City Council in accordance with the provisions contained in CCC 12-3D:

- A. Cemetery, not including animal cemeteries.
- B. Church.
- C. Golf course and driving ranges.
- D. Public school or school offering general educational courses, the same as ordinarily given in a public school and having no rooms regularly used for housing or sleeping.

(Ord. No. 716, 4-4-2011)

12-7E-6 Minimum Yard Requirements

A. Front yard.

1. The depth of the required front yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated on the City major street and highway plan or 25 feet if not designated on the street and highway plan, to the appropriate distance shown below:

<i>Arterial Streets</i>	<i>Nonarterial Streets</i>

35 feet	25 feet
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2. When a lot has double frontage, the front yard requirements shall be provided on both streets.

B. *Side yards.* All buildings shall be set back from the side lot line to comply with the following side yard requirements:

1. For dwellings located on an interior lot, there shall be a minimum side yard of five feet.
2. For unattached buildings accessory to residential uses on an interior lot, there shall be a minimum side yard of five feet.
3. On any corner lot, the depth of the required exterior side yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated in the City major street and highway plan, or 25 feet if not designated on the street plan, to the appropriate distance shown below:

<i>Arterial Streets</i>	<i>Nonarterial Streets</i>
20 feet	15 feet

The interior side yard requirements shall be for dwellings and accessory buildings, the same as in subsections B1 and 2 of this section; and for all other principal or accessory buildings, the same as in subsection B4 of this section.

4. For all other principal or accessory buildings on an interior lot, there shall be a minimum setback of 15 feet.

C. *Rear yard.*

1. There shall be a rear yard for principal buildings of not less than 15 feet.
2. Unattached buildings of accessory uses may be located in the rear yard but shall be set back at least ten feet from the rear property line or outside any utility easement, whichever is greater.

(Ord. No. 716, 4-4-2011)

12-7E-7 Minimum Lot Area

- A. For each dwelling and buildings accessory thereto, there shall be a lot area of not less than 5,000 square feet.

- B. Where a lot has less area than herein required and all the boundary lines of that lot touch lands under other ownership on the effective date hereof, that lot may be used for any of the uses, except churches, permitted by this article.
- C. For churches and main accessory buildings, other than a dwelling and buildings accessory to the dwelling, the lot area shall be adequate to provide the minimum yards required by this article and the off-street parking areas required in CCC 12-12.
- D. There shall be no more than one dwelling unit and one use per lot in this district.

(Ord. No. 716, 4-4-2011)

12-7E-8 Minimum Lot Width And Frontage

A. Width.

1. For dwellings, there shall be a minimum lot width at the front building line of 50 feet.
2. For uses other than dwellings, the lot width shall be adequate to provide the setbacks required in this district.

B. Frontage. All lots shall abut on a street for a distance of not less than 30 feet.

(Ord. No. 716, 4-4-2011)

12-7E-9 Maximum Height Of Structures

No structures shall exceed two and one-half stories or 35 feet in height.

(Ord. No. 716, 4-4-2011)

CHAPTER 12-8 O OFFICE AND INSTITUTIONAL DISTRICT

12-8-1 Description

12-8-2 Permitted Principal Uses

12-8-3 Permitted Accessory Uses And Structures

12-8-4 Uses Permitted By Special Exception

12-8-5 Uses Permitted By Specific Use Permit

12-8-6 Minimum Yard Requirements

12-8-7 Minimum Lot Area And Intensity Of Use

12-8-8 Minimum Lot Width And Frontage

12-8-9 Maximum Height Of Structures

12-8-1 Description

The O Office and Institutional District is intended to accommodate office, institutional,

and certain types of residential uses in areas whose characteristics are neither general commercial nor exclusively residential in nature. Certain related structures and uses required to serve the needs of such areas are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to best fulfill the intent of this title.

(Ord. No. 716, 4-4-2011)

12-8-2 Permitted Principal Uses

- A. Adult daycare.
- B. Auditoriums, legitimate theaters.
- C. Children's day nursery.
- D. Colleges and universities.
- E. Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural, or recreational uses.
- F. Ethical pharmacies, medical and dental laboratories, establishments for the fitting and sale of prosthetic devices.
- G. Funeral homes.
- H. Hospitals, medical and health related clinics.
 - I. Lodges, fraternity or sorority houses, denominational student centers.
- J. Offices.
- K. Photography studios, art studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops, establishments for the teaching of music, dancing or other performing arts.
- L. Post office.
- M. Public library.
- N. Public park or playground.
- O. Rooming and boarding houses.
- P. Veterinary establishments, provided that all animals are kept within suitably designed soundproof, air conditioned buildings.

(Ord. No. 716, 4-4-2011)

12-8-3 Permitted Accessory Uses And Structures

- A. Home occupations, subject to the provisions of CCC 12-5-4.

- B. Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, private swimming pools and the like.
- C. Signs, subject to the provisions of CCC 12-13.
- D. Uses and structures which:
 - 1. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;
 - 2. Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership; and
 - 3. Are in keeping with the character of the district.

(Ord. No. 716, 4-4-2011)

12-8-4 Uses Permitted By Special Exception

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in CCC 12-3A:

- A. Any use permitted in the RM-1 Residential Multifamily District which is not a permitted use in this district.
- B. As accessory uses to permitted principal uses and structures, barbershops, beauty shops, restaurants, drugstores, newsstands and similar uses not enumerated as permitted principal uses, designed primarily to serve the convenience of persons living or working in the building in which such accessory uses are located. No accessory uses shall be permitted unless the Board finds that:
 - 1. It is reasonably necessary to serve the needs of the persons involved;
 - 2. It is accessory and clearly incidental to the permitted principal use;
 - 3. It is not designed or intended to attract clientele from outside the district; and
 - 4. It will not adversely affect neighboring uses or the district as a whole.
- C. Structures exceeding the maximum height requirements of CCC 12-8-9.
- D. Temporary borrow pits for fill dirt and topsoil.
- E. Utility substations, provided that the Board of Adjustment shall impose appropriate conditions and safeguards regarding siting or characteristics of use potentially incompatible with nearby uses.

(Ord. No. 716, 4-4-2011)

12-8-5 Uses Permitted By Specific Use Permit

The following uses may be permitted as specific uses by the Planning Commission and City Council in accordance with the provisions contained in CCC 12-3D:

- A. Cemeteries.
- B. Churches and other places of worship, including educational buildings related thereto.
- C. Elementary schools, high schools, and business and vocational schools not involving operations of an industrial or retail nature.
- D. Emergency and protective shelter.
- E. Museums.
- F. Nursing homes, rest homes, convalescent homes, and homes for orphans licensed by the state.
- G. Private clubs and lodges.
- H. Rehabilitation centers or halfway houses with a lot area of at least 10,000 square feet.

(Ord. No. 716, 4-4-2011)

12-8-6 Minimum Yard Requirements

- A. *Front yard.* The depth of the required front yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated on the Coweta major street and highway plan or 25 feet if not designated on the street and highway plan, to a setback of 35 feet on arterial streets and 25 feet on nonarterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.
- B. *Side yards.*
 - 1. On the side of an interior lot or the interior side of a corner lot abutting a residential district, there shall be a side yard of not less than ten feet.
 - 2. On any corner lot, the depth of the required exterior side yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated in the Coweta major street and highway plan, or 25 feet if not designated on the street plan, to a setback distance of 35 feet on arterial streets and 20 feet for nonarterial streets.
 - 3. In all other cases, no side yard is required if the buildings are built to the side lot line; otherwise, at least three feet of side yard width shall be

provided.

- C. *Rear yard.* For dwellings in the O district, the rear yard requirements shall be the same as the RM-1 Multifamily Residential District. When the O zoned property abuts residentially zoned property, or the properties are separated therefrom only by an alley or easement, there shall be a rear yard for principal buildings of not less than 15 feet. Unattached buildings of accessory use shall be set back five feet from the utility easement or alley line, whichever is greater.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-8-7 Minimum Lot Area And Intensity Of Use

- A. The lot area requirements for dwellings shall be the same as those in the RM-1 Multifamily Residential District.
- B. For all other uses allowed, there shall be a lot area of not less than 6,600 square feet and a maximum floor area ratio of 0.35.
- C. For main and accessory buildings other than dwellings, and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this chapter.
- D. Where a lot has less area than herein required and all boundary lines of that lot touch land under other ownership on the effective date of the ordinance from which this section is derived, that lot may be used for any use permitted in this district as long as all setback requirements are carried out.

(Ord. No. 716, 4-4-2011)

12-8-8 Minimum Lot Width And Frontage

There shall be a minimum lot width of 60 feet at the front building line, and such lot shall abut on a street for a distance of not less than 40 feet.

(Ord. No. 716, 4-4-2011)

12-8-9 Maximum Height Of Structures

No building shall exceed a height of three stories or 40 feet.

(Ord. No. 716, 4-4-2011)

CHAPTER 12-9 COMMERCIAL DISTRICTS

[ARTICLE 12-9A CN NEIGHBORHOOD COMMERCIAL DISTRICT](#)

[ARTICLE 12-9B CG GENERAL COMMERCIAL DISTRICT](#)

[ARTICLE 12-9C CH HIGH INTENSITY COMMERCIAL DISTRICT](#)

ARTICLE 12-9D DT DOWNTOWN DISTRICT

ARTICLE 12-9A CN NEIGHBORHOOD COMMERCIAL DISTRICT

12-9A-1 Description

12-9A-2 Permitted Principal Uses

12-9A-3 Permitted Accessory Uses And Structures

12-9A-4 Uses Permitted By Special Exception

12-9A-5 Uses Permitted By Specific Use Permit

12-9A-6 Minimum Yard Requirements

12-9A-7 Minimum Lot Width

12-9A-8 Minimum Lot Area; Maximum Intensity Of Use

12-9A-9 Maximum Height Of Structures

12-9A-1 Description

The CN Neighborhood Commercial District is intended to accommodate commercial and service uses oriented primarily to serving the needs of persons who live or work in nearby areas. Certain related structures and uses required to serve the needs of such areas are permitted outright or are permissible as special exceptions, subject to restrictions and requirements intended to best fulfill the intent of this title.

(Ord. No. 716, 4-4-2011)

12-9A-2 Permitted Principal Uses

- A. Adult daycare.
- B. Children's day nursery.
- C. Community services structures and uses, such as community service centers, libraries, fire stations and cultural or recreational uses.
- D. Lodges, denominational student centers, civic or fraternal uses, excluding residential uses.
- E. Parks, playgrounds, playfields, tennis courts and miniature golf.
- F. Personal service establishments limited to the following uses:
 - 1. Hair salons and barbershops.
 - 2. Laundering and dry cleaning (self-service).
 - 3. Pressing, alteration and garment repair; laundry and dry cleaning pick-up services (only).
 - 4. Shoe repair shops.
 - 5. Tailoring and dressmaking shops limited to not more than 3,000 square feet of floor area.

G. Professional services establishments limited to the following:

1. Art studios.
2. Craft studios.
3. Doctor and dentist offices.
4. Establishments for the teaching of music, dancing or other performing arts.
5. Interior design studios.
6. Photography.

H. Retail establishments limited to the following uses:

1. Antique shops.
2. Art galleries and sales.
3. Arts and crafts supply stores.
4. Book stores.
5. Cigar and cigarette stores.
6. Drugstores limited to 5,000 square feet of floor area.
7. Florists.
8. Garden and supply stores.
9. Gift, novelty and souvenir stores.
10. Hardware stores limited to 5,000 square feet of floor area.
11. Liquor stores.
12. Newspaper and magazine stores.
13. Retail food stores limited to 10,000 square feet of floor area.
14. Retail merchandise vending machine operations (not including motor fuel).
15. Sporting goods and bicycle stores limited to 5,000 square feet of floor area.
16. Stationery stores.
17. Variety stores limited to 5,000 square feet of floor area.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-9A-3 Permitted Accessory Uses And Structures

- A. Dwelling units in connection with permitted or permissible uses or structures, located on the same premises therewith, for occupancy only by owners or employees thereof.
- B. Signs, subject to the provisions of CCC 12-13.
- C. Other structures and uses which:
 - 1. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.
 - 2. Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.
 - 3. Do not involve operations not in keeping with the character of the area.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-9A-4 Uses Permitted By Special Exception

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in CCC 12-3A:

- A. Commercial recreational and entertainment structures and uses such as theaters and bowling alleys, provided that such uses are housed in structures and are of such a size and situation that they are not likely to be incompatible with nearby residential zoning districts; and further provided, that the Board shall specifically determine that the characteristics of such establishments will be compatible with nearby zoning districts, and that appropriate conditions and safeguards as deemed necessary may be placed upon the characteristics of the operation of such establishments.
- B. Eating and drinking establishments, including drive-in eating and drinking establishments, provided that it shall be determined that the characteristics of such establishments will be compatible with nearby uses, and that appropriate conditions and safeguards as deemed necessary may be placed upon the characteristics of the operation of such establishments.
- C. Personal and professional service establishments not permitted outright.
- D. Retail establishments not exceeding 5,000 square feet of gross floor area, which are not permitted outright, but excluding establishments dealing in salvaged merchandise, automobile service stations, or establishments selling automobiles or automotive equipment and supplies.
- E. Stores and shops which are permitted outright in CCC 12-9A-2; except, that they exceed the maximum size requirement set for in that section, if the Board of

Adjustment determines that the characteristics of such establishments will be compatible with nearby zoning districts, and that the Board may place appropriate conditions and safeguards as it deems necessary upon the characteristics of the operation or construction of such establishments to ensure the compatibility of these uses.

- F. Utility substations, provided that the Board of Adjustment shall impose appropriate conditions and safeguards regarding siting or characteristics of use potentially incompatible with nearby uses.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-9A-5 Uses Permitted By Specific Use Permit

The following uses may be permitted as specific uses by the Planning Commission and City Council in accordance with the provisions contained in CCC 12-3D:

- A. Cemeteries.
- B. Churches and other places of worship, including educational buildings related thereto.
- C. Elementary, middle and high schools, business and vocational schools not involving operations of an industrial nature.
- D. Golf courses.
- E. Mini-storage.
- F. Private clubs.

(Ord. No. 716, 4-4-2011)

12-9A-6 Minimum Yard Requirements

The minimum yard requirements for the CN Neighborhood Commercial District are as follows:

- A. *Front yard.* The depth of the required front yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated on the Coweta major street and highway plan or 25 feet if not designated on the street and highway plan, to a setback of 35 feet on arterial streets and 25 feet on nonarterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.
- B. *Side yards.*
 - 1. On the side of an interior lot or the interior side of a lot which abuts a residential district, a side yard less than 20 feet shall be provided.

2. On any corner lot, the depth of the required exterior side yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated in the Coweta major street and highway plan, or 25 feet if not designated on the street and highway plan, to a setback distance of 35 feet on arterial streets and 20 feet for nonarterial streets.
3. In all other cases, no side yard is required if the buildings are built to the side lot line, otherwise at least three feet of side yard width shall be provided.

C. *Rear yard.* For dwellings in the CN District, the rear yard requirements shall be the same as the RM-1 Multifamily Residential District. When the CN zoned property abuts residentially zoned property, or the properties are separated only therefrom by an alley or easement, there shall be a rear yard of not less than 15 feet, and if the building is to be serviced from the rear, then there shall be a rear yard requirement of 30 feet. Unattached buildings of accessory use shall be set back five feet from the utility easement or alley line, whichever is greater.

(Ord. No. 716, 4-4-2011)

12-9A-7 Minimum Lot Width

No minimum required except as needed to meet other requirements of this title.

(Ord. No. 716, 4-4-2011)

12-9A-8 Minimum Lot Area; Maximum Intensity Of Use

There is no minimum lot area, but the floor area ratio for any lot must not exceed 0.35.

(Ord. No. 716, 4-4-2011)

12-9A-9 Maximum Height Of Structures

No building shall exceed 2 1/2 stories or 35 feet in height.

(Ord. No. 716, 4-4-2011)

ARTICLE 12-9B CG GENERAL COMMERCIAL DISTRICT

[12-9B-1 Description](#)

[12-9B-2 Permitted Principal Uses](#)

[12-9B-3 Permitted Accessory Uses And Structures](#)

[12-9B-4 Uses Permitted By Special Exception](#)

[12-9B-5 Uses Permitted By Specific Use Permit](#)

[12-9B-6 Minimum Yard Requirements](#)

[12-9B-7 Minimum Lot Width](#)

[12-9B-8 Minimum Lot Area; Maximum Intensity Of Use](#)

[12-9B-9 Maximum Height Of Structures](#)

12-9B-1 Description

The CG General Commercial District is intended to accommodate a variety of general commercial and nonresidential uses characterized primarily by retail, office and service establishments and oriented primarily to major traffic arteries or extensive areas of predominantly commercial usage and characteristics. Certain related structures and uses are permitted outright or are permissible as a special exception, subject to the restrictions and requirements intended to best fulfill the intent of this title.

(Ord. No. 716, 4-4-2011)

12-9B-2 Permitted Principal Uses

A. Included uses.

1. Adult daycare.

2. Automotive and allied activities.

a. Sales.

(1) Agricultural implement.

(2) Aircraft sales.

(3) Automobile sales, new and used.

(4) Boat sales.

(5) Camper sales.

(6) Manufactured home.

(7) Motorcycle sales.

(8) Recreational vehicle (RV) sales.

(9) Truck sales.

b. Services.

(1) Auto wash.

(2) Automobile rental.

(3) Vehicle repair and service, wheel alignment and brake (except painting).

3. Children's day nursery.
4. Commercial parking lots and parking garages.
5. Community services, cultural and recreational facilities.
 - a. *Description.* Community services, cultural and recreational facilities which are needed in residential areas to serve the residents or need a residential environment, but which are or can be objectionable to nearby residential uses.
 - b. *Included uses.*
 - (1) Civic centers.
 - (2) Community center.
 - (3) Fire stations.
 - (4) Hospital.
 - (5) Libraries.
 - (6) Parks, playgrounds and playfields.
 - (7) Police Department.
 - (8) Public tennis courts.
 - (9) Recreational facility.
6. Convenience goods and services.
 - a. *Description.* Retail trade and service establishments which are desirable conveniences in commercial districts. Is established to permit the location of convenience goods and services in certain environments in which commercial facilities of higher use intensity would be objectionable.
 - b. *Included uses.*
 - (1) Retail trade establishments:
 - (A) Bakery.
 - (B) Candy and confection and/or nut store.
 - (C) Dairy store.
 - (D) Drugstore.
 - (E) Florist.
 - (F) Food.

- (G) Food specialty store, grocery.
- (H) Gift, novelty, souvenir shop.
- (I) Health food store.
- (J) Ice cream store.
- (K) Liquor store.
- (L) Meat market.
- (M) Newsstand.
- (N) Souvenir shop.
- (O) Tobacco store.

(2) Service establishments:

- (A) Barbershop.
- (B) Hair salon.
- (C) Courier.
- (D) Dry cleaning and pick up.
- (E) Florist.
- (F) Laundry service and pick up.
- (G) Tanning salon.

7. Drive-in restaurants.

- a. *Description.* Eating establishments providing curb service or offering food or drink for on-premises consumption within parked motor vehicles or permitting the on-premises consumption of food or drink within a parked motor vehicle or outside the principal structure.
- b. *Use conditions.* The uses included, when located within this district and located on a lot which is abutting an R district, shall be screened from the abutting R district by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R district.

8. Eating and drinking establishments, other than drive-ins.

- a. *Description.* Eating places offering on-premises consumption of food and drink within the principal structure and/or providing carry

out service if no curb service is provided and if no in-car on-premises consumption is permitted. Use is established in recognition of the desirability of providing dining facilities in certain environments in which commercial facilities of a higher use intensity would be objectionable.

b. *Included uses.*

- (1) Cafe.
- (2) Cafeteria.
- (3) Coffee shop.
- (4) Delicatessen.
- (5) Restaurant, and other similar eating establishments. An accessory use bar which is customarily incidental and subordinate to a principal use restaurant is included in this use.

c. *Use conditions.*

- (1) The uses included, when located within this district and located on a lot which is abutting an R district, shall be screened from the abutting R district by the erection and maintenance of a screening wall or fence along the lot lines in common with the R district.
- (2) The uses shall take place within a completely enclosed building; except outdoor customer seating is permitted, whether uncovered or covered by a tent or canopy, provided:
 - (A) The outdoor customer seating area shall abut the building wall of the business, but extend no closer to the street than the building setback requirements;
 - (B) The outdoor customer seating area shall not occupy or use required parking spaces and access aisles;
 - (C) The outdoor customer seating area exceeding ten percent of the indoor building floor area of the principal use shall be considered floor area for purposes of determining off-street parking and loading requirements as set forth in this title; and
 - (D) Noise from any outdoor entertainment activity shall not be audible from any abutting R district.

9. Hotel, motel and recreation facilities.

a. *Description.* Hotels, motels and commercial amusement establishments ordinarily not requiring large sites and which have use characteristics permitting their location in or near developed commercial trade areas.

b. *Included uses.*

- (1) Billiard center, family.
- (2) Bingo facility, commercial.
- (3) Bowling alley.
- (4) Country clubs and golf courses, miniature golf courses and driving ranges.
- (5) Dance hall.
- (6) Enclosed commercial recreation establishments, gymnasium.
- (7) Health and fitness center.
- (8) Hotel.*
- (9) Ice skating rink.
- (10) Motel.*
- (11) Motion picture theater, enclosed.
- (12) Racquetball club.
- (13) Skating rink, enclosed.
- (14) Slot car track.
- (15) Swimming pool, enclosed.
- (16) Tennis club.
- (17) Video games.

*An accessory use bar which is customarily incidental and subordinate to a principal use hotel or motel is included in this use unit.

10. Offices.

a. *Description.* Offices, studios, medical and dental laboratories,

and certain other compatible or supporting services. The office uses included, when located on a forty-acre tract or larger, may be approved as a specific use permit. See CCC 12-3D.

b. *Included uses.*

- (1) Abstract company.
- (2) Advertising agency.
- (3) Artist studio.
- (4) Bank.
- (5) Broadcasting or recording studio.
- (6) Bus station.
- (7) Business school.
- (8) Computing service.
- (9) Copying service.
- (10) Data processing service.
- (11) Dental office, clinic, laboratory.
- (12) Doctor's office.
- (13) Drafting service.
- (14) Employment agency.
- (15) Financial institution, other than a pawnshop.
- (16) Funeral home.
- (17) General business offices, excluding on-premises sales of merchandise.
- (18) Interior design consultant.
- (19) Medical office, clinic, laboratory.
- (20) Office and studio.
- (21) Office building.
- (22) Optician or optical laboratory.
- (23) Photography studio.
- (24) Prescription pharmacy, provided that no sundry or other merchandise is sold or offered for sale.
- (25) Professional services, such as accountant, architect,

attorney, engineer, planner or realtor.

(26) Studio or school for teaching ballet, dance, drama, fine arts, music, language, business or modeling.

(27) Therapeutic massage, licensed or certified. Certification is required from the National Certification for Therapeutic Massage Body Work or certification of completion of a program of therapeutic massage from a school licensed by the Oklahoma Board of Private Vocational Schools.

(28) Ticket office.

(29) Transportation ticket office.

(30) Travel agency.

(31) Veterinary establishments, provided that all animals are kept within suitably designed soundproof, air conditioned buildings, excluding boarding services.

11. Passenger terminals.

12. Shopping goods and services.

a. *Description.* Retail establishments engaged in the merchandising of shopping goods and services.

b. *Included uses.*

(1) Retail building material establishments, exclusive of fabrication or repair:

(A) Air conditioning and heating sales.

(B) Building materials.

(C) Electrical supply.

(D) Plumbing fixtures.

(2) Retail trade establishments:

(A) Antique shop.

(B) Appliance repair.

(C) Appliance store.

(D) Art gallery, commercial.

(E) Artist supply store.

(F) Automobile parts and accessories store.

- (G) Bait shop and fishing tackle sales.
- (H) Bicycle shop.
- (I) Book store.
- (J) Business and office machine sales.
- (K) Camera and photographic supply store.
- (L) Christmas tree sales (open air activities sales).
- (M) Clothing and accessories store.
- (N) Computer sales.
- (O) Cosmetic shop.
- (P) Department store.
- (Q) Dressmaking shop.
- (R) Dry goods store.
- (S) Feed store.
- (T) Fruit and vegetable sales (open air sales).
- (U) Fur storage.
- (V) Furrier and fur shop.
- (W) Garden supply store (open air sales).
- (X) Hardware store.
- (Y) Hobby shop.
- (Z) Home furnishings establishment selling such items as: appliances, china, glassware and metal ware, draperies, carpets, curtains, upholstery, floor coverings and furniture.
- (AA) Jewelry store and jewelry repair.
- (AB) Laundry, not self-service.
- (AC) Leather goods and luggage store.
- (AD) Medical, dental and orthopedic appliances and supply store.
- (AE) Monument sales and engraving, excluding shaping.
- (AF) Musical instrument and supply store.

- (AG) Office furnishing establishment.
- (AH) Office machine sales.
- (AI) Office supplies store.
- (AJ) Paint store.
- (AK) Pawnshop.
- (AL) Pet shop.
- (AM) Photography supply store.
- (AN) Plant sales (open air activities and sales).
- (AO) Radio and television sales.
- (AP) Reducing salon.
- (AQ) Shoe repair shop.
- (AR) Shoe store.
- (AS) Shopping goods and services.
- (AT) Sporting goods store.
- (AU) Stationery store.
- (AV) Tailor shop.
- (AW) Toy shop.
- (AX) Variety store.
- (AY) Wallpaper store.
- (AZ) Wig shop.

(3) Service establishments:

- (A) Automobile service station and repair garages (tires sales and repair).
- (B) Automotive service and repair garages (except painting).
- (C) Caterer.
- (D) Costume rental service.
- (E) Dry cleaning establishment limited to 3,000 square feet maximum floor area.
- (F) Gunsmith.

- (G) Household appliance repair.
- (H) Interior decorating.
- (I) Laundromat, self-service.
- (J) Locksmith.
- (K) Oil and lubrication service (three bay maximum).
- (L) Photo finishing.
- (M) Picture framing.
- (N) Printing and publishing services.
- (O) Appliance repair.
- (P) Reproduction sales, services and bindery.
- (Q) Tire sales, service and repair.
- (R) Tune-up service (three-bay maximum).
- (S) Veterinarian clinic, small animals and excluding outside animal runs.
- (T) Watch and jewelry repair.
- (U) Wedding chapel.

13. Signs subject to the provisions of CCC 12-13.

14. Uses which utilize open air activities and sales. Open air activities shall include sales from trucks, trailers, pickups and other vehicles and require an itinerant vendor license.

Editor's note—See CCC 4-4.

- a. Christmas tree sales.
- b. Fruit and vegetable sales.
- c. Plant sales.
- d. Other.

15. Utility substations.

16. Other trades and services.

- a. *Description.* Trade establishments primarily providing business and household maintenance goods and services ordinarily not found in the primary retail districts because of differing market and site requirements.

b. *Included uses.*

(1) Business service:

- (A) Armored car service.
- (B) Courier.
- (C) Limousine service.

(2) Contract construction service:

- (A) Air conditioning.
- (B) Carpentry decorating.
- (C) Electrical.
- (D) Exterminating service.
- (E) Furnace cleaning.
- (F) Landscaping.
- (G) Painting.
- (H) Paper hanging.
- (I) Plastering.
- (J) Plumbing.
- (K) Sign painting.
- (L) Tile setting.

(3) Personal services:

- (A) Auctioneer.
- (B) Bindery.
- (C) Cabinet maker.
- (D) Drapery service.
- (E) Frozen food locker.
- (F) Linen supply.
- (G) Packing and crating of household and other similar goods.
- (H) Rug cleaning and repair.
- (I) Tattoo parlor.

- (J) Taxidermist.
- (K) Veterinarian hospital, livestock.
- (L) Woodworking shop.

(4) Repair services:

- (A) Armature rewinding service.
- (B) Business machine repair.
- (C) Computer repair.
- (D) Data processing machine repair.
- (E) Electrical repair service.
- (F) Furniture.
- (G) Household appliances.
- (H) Mattresses and pillows.
- (I) Re-upholstery.
- (J) Rug repair.

(5) Service establishments:

- (A) Disinfecting and exterminating services.
- (B) Janitorial service.
- (C) Newspaper publishing.
- (D) Window cleaning.

(6) Trade establishments, including incidental fabricating, processing, installation and repair:

- (A) Air conditioning and heating.
- (B) Bakery, wholesale.
- (C) Bottled gas.
- (D) Carpeting.
- (E) Decorating, interior.
- (F) Fence.
- (G) Fuel oil sales.
- (H) Furniture repair.

- (I) General merchandising establishment, NEC.
- (J) Glass.
- (K) Greenhouse, retail sales.
- (L) Heating equipment, fabrication, installation.
- (M) Ice plant.
- (N) Lumberyard.
- (O) Model homes (for display only).
- (P) Plastic materials.
- (Q) Plumbing shop.
- (R) Portable storage building sales.
- (S) Vending machines sales and services.

(7) Other services:

- (A) Dry cleaning/laundry, 7,000 square feet maximum floor area.

B. Use conditions.

1. Change in use of an existing establishment shall effectively void any nonconforming use status and compliance with site plan review is therefore required.
2. The uses, when located on a lot which is abutting an R district, shall be screened from the abutting R district by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R district.
3. The permitted uses shall not interfere with or detrimentally affect any adjoining or nearby residential properties.
4. Traffic circulation shall be reviewed and approved by the City Engineer, including the location of ingress and egress points.
5. The subject tract of land (proposed development site) shall have either a minimum of 150 feet of frontage on a designated major arterial street or a minimum of 50 feet of frontage on a nonarterial street.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-9B-3 Permitted Accessory Uses And Structures

- A. Signs, subject to the provisions of CCC 12-13.
- B. Structures and uses which:
 - 1. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.
 - 2. Are located wholly on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.
 - 3. Do not involve operations not in keeping with the character of the area.

(Ord. No. 716, 4-4-2011)

12-9B-4 Uses Permitted By Special Exception

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in CCC 12-3A:

- A. Community services, cultural and recreational facilities:
 - 1. *Description.* Community services, cultural and recreational facilities which are needed in residential areas to serve the residents or need a residential environment, but which are or can be objectionable to nearby residential uses. These uses are permitted by special exception.
 - 2. *Included uses.*
 - a. Aquarium.
 - b. Art gallery (not operated for profit).
 - c. Assisted living center.
 - d. Care home.
 - e. Children's home (i.e., orphanage).
 - f. College.
 - g. Community group home subject to the provisions of CCC 12-5-7.
 - h. Day camp.
 - i. Daycare home.
 - j. Elderly/retirement housing.
 - k. Extended care facility.
 - l. Hospital.

- m. Life care retirement center.
- n. Marina.
- o. Monastery.
- p. Novitiate.
- q. Planetarium.
- r. University.
- s. Governmental services, post office.
- t. Lodges, denominational student centers, civic or fraternal uses, excluding residential uses.
- u. Sanitarium.
- v. Temporary borrow pits for fill dirt and topsoil.
- w. Wholesaling and distribution establishments not containing over 20,000 square feet of area for storage of wares to be wholesaled or distributed.

(Ord. No. 716, 4-4-2011)

12-9B-5 Uses Permitted By Specific Use Permit

The following uses may be permitted as specific uses by the Planning Commission and City Council in accordance with the provisions contained in CCC 12-3D:

A. Adult detention center/correctional facility.

B. Adult entertainment establishments:

1. *Description.* Businesses which cater primarily to adults 21 years of age and above and which sell and serve alcoholic beverages (as defined by state statutes) on the premises and all sexually oriented businesses.
2. *Included uses.*
 - a. Bar/tavern.
 - b. Beer bar.
 - c. Billiard parlor/pool hall.
 - d. Nightclub.
 - e. Private club.
 - f. Sexually oriented business.

3. *Use conditions.*

- a. Bottle club, mixed beverage or beer and wine establishments and sexually oriented businesses.
- b. The uses included, when located on a lot which is abutting an R district shall be screened from the abutting R district by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R district.
- c. Bottle club, mixed beverage or beer and wine establishments, other than sexually oriented businesses, shall meet the following spacing standards; provided, however, that the spacing standards shall not apply to accessory use bars. The minimum distance from schools or churches is as follows:
 - (1) Public entrance doors shall be located at least 50 feet from an R district, which shall be measured in a straight line from the nearest point on a residential zoning district boundary line (not including residentially zoned expressway right-of-way) to the nearest public entrance door of the adult entertainment establishment;
 - (2) It shall be unlawful for any mixed beverage establishment, beer and wine establishment or bottle club which has been licensed by the ABLE Commission and which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, or package store, to be located within 300 feet of any public or private school or church property primarily and regularly used for worship services and religious activities;
 - (3) The distance indicated in this subsection c3 shall be measured from the nearest property line of such public or private school or church to the nearest perimeter wall of the premises of any such mixed beverage establishment, beer and wine establishment, bottle club or package store which has been licensed to sell alcoholic beverages;
 - (4) The provisions of this subsection c4 shall not apply to mixed beverage establishments, beer and wine establishments, or bottle clubs, which have been licensed to sell alcoholic beverages for on-premises consumption or retail package stores prior to November 1, 2000; provided, if, at the time of application for license renewal, the licensed location has not been in actual operation for a continuous period of more than 60 days, the license

shall not be renewed;

(5) The term "church," as used herein, means all contiguous property owned or leased by a church upon which is located the principal church building or structure, irrespective of any interior lot lines.

(6) The term "school, of the type which offers a compulsory education curriculum," as used herein, means all contiguous property owned or leased by a school upon which is located the principal school buildings irrespective of any interior lot lines.

C. Airport/heliport.

D. Bed and breakfast.

E. Cemeteries.

F. Commercial recreation, intensive:

1. *Description.* Commercial recreation facilities, the principal activities of which are usually open air and located in undeveloped, outlying sections of the City. All uses in this category require approval of a specific use permit. See also CCC 12-3A.

2. *Included uses.*

- a. Amphitheater.
- b. Amusement activities, NEC.
- c. Arena.
- d. BMX track.
- e. Drag strip.
- f. Drive-in theater.
- g. Fairground.
- h. Frisbee golf course.
- i. Go-cart track.
- j. Golf driving range.
- k. Miniature auto track.
- l. Outdoor recreation, NEC.
- m. Overnight camping for recreational vehicles.

- n. Paintball.
- o. Racetracks, auto, boat, dog, horse rodeo grounds.
- p. Skateboard track.
- q. Stadium, NEC.
- r. Tennis courts, commercial.
- s. Water slide.

3. *Use conditions.*

- a. The uses included, when located on a lot which is abutting an R district, shall be screened from the abutting R district by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R district.
- b. Overnight camping for recreational vehicles requires a minimum lot area of three acres.
- c. All uses require approval of a specific use permit (see also CCC 12-3A), and are subject to the following requirements:
 - (1) The permitted uses shall not interfere with or detrimentally affect any adjoining or nearby residential properties.
 - (2) Traffic circulation shall be reviewed and approved by the City Engineer, including the location of ingress and egress points.
 - (3) The subject tract of land (proposed development site) shall have either a minimum of 150 feet of frontage on a designated major arterial street or a minimum of 50 feet of frontage on a nonarterial street.

G. *Community services, cultural and recreational facilities.*

- 1. *Description.* Community services, cultural and recreational facilities which are needed in residential areas to serve the residents or need a residential environment, but which are or can be objectionable to nearby residential uses. These uses are permitted by specific use permits. See also CCC 12-3D.
- 2. *Included uses.*
 - a. Churches and other places of worship, including educational buildings related thereto.
 - b. College or university hospital.

- c. Commercial resort facilities (minimum acreage requirement of 40 acres).
- d. Commercial theme parks.
- e. Convalescent home.
- f. Cultural or heritage centers.
- g. Emergency and protective shelter.
- h. Golf course.
- i. Golf driving range.
- j. Gun club, enclosed.
- k. Halfway house.
- l. Homeless center.
- m. Museum.
- n. Nursing home.
- o. Private schools with comprehensive education curriculum.
- p. Public or private attractions.
- q. Public schools.
- r. Rehabilitation centers.
- s. Residential treatment center.
- t. Rifle and skeet range.
- u. Transitional living center.
- v. Convict pre-release center.
- w. Correctional community treatment center.
- x. Crematory.
- y. Detention center juvenile/adult.
- z. Electric generation plant and/or substation.
- aa. Juvenile delinquency center.
- ab. Kennel.

H. Marijuana retail establishments.

- 1. Use conditions.*

- a. The uses included when located on a lot which is abutting an R district shall be screened from the abutting R district by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R district;
- b. All parking areas and drives shall be paved with an all-weather surface as otherwise required by this title;
- c. Marijuana retail establishments shall be conducted within enclosed buildings. Buildings must be equipped with a security system. Buildings where marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no noxious odors are detectable off the premises;
- d. Dispensing marijuana shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if dispensing marijuana produces light, glare, heat, noise, noxious odor, or vibration that is detrimental to public health, safety or welfare or interferes with reasonable enjoyment of life and property;
- e. Marijuana retail establishments are specifically prohibited within 1,000 feet of any public or private school; or within 1,000 feet of another medical marijuana or marijuana retail establishment; and
- f. The distance indicated shall be measured from the nearest property line of such public or private school to the nearest perimeter wall of the premises of any such marijuana retail establishment, or within one 1,000 feet of another medical marijuana or marijuana retail establishment.

I. Medical marijuana dispensary.

1. Use conditions.

- a. The uses included, when located on a lot which is abutting an R district, shall be screened from the abutting R district by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R district.
- b. All parking areas and drives shall be paved with an all-weather surface as otherwise required by this Code.
- c. Medical marijuana dispensary shall be conducted within enclosed buildings; buildings must be equipped with security system; buildings where marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no noxious odors are detectable off premises.

- d. Medical marijuana dispensary shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if dispensing medical marijuana produces light, glare, heat, noise, noxious odor, or vibration that is detrimental to public health, safety or welfare or interferes with reasonable enjoyment of life and property.
- e. Medical marijuana dispensaries are specifically prohibited within 1,000 feet of any public or private school or within 1,000 feet of another medical marijuana dispensary.
- f. The distance indicated shall be measured in accordance with rules promulgated by the State Medical Marijuana Authority and the State Department of Health.

J. Mini-storage.

K. Mixed use.

L. Office uses when located on a 40-acre or larger tract.

M. Prison.

N. Recycling center.

O. Refuse transfer station.

P. Small brewer.

Q. Trade schools:

- 1. Barber.

- 2. Beauty.

- 3. Transmitting tower (excluding amateur radio tower).

(Ord. No. 716, 4-4-2011; Ord. No. 806, 8-6-2018; Ord. No. 809, 9-10-2018; Ord. No. 824, § I, 11-4-2019; altered in 2023 recodification)

12-9B-6 Minimum Yard Requirements

The minimum yard requirements for the CG General Commercial District are as follows:

- A. *Front yard.* The depth of the required front yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated on the Coweta major street and highway plan or 25 feet if not designated on the street and highway plan, to a setback of 35 feet on arterial streets and 25 feet on nonarterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.

B. Side yards.

1. On the side of an interior lot or the interior side of a corner lot which abuts a residential district, a side yard of not less than 20 feet shall be provided.
2. On any corner lot, the depth of the required exterior side yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated in the Coweta major street and highway plan, or 25 feet if not designated on the street plan, to a setback distance of 35 feet on arterial streets and 20 feet for nonarterial streets.
3. In all other cases, no side yard is required if the buildings are built to the side lot line, otherwise, at least three feet of side yard width shall be provided.

C. Rear yard. When the property abuts residentially zoned property, or the properties are separated only therefrom by an alley or easement, there shall be a rear yard of not less than 15 feet, and if the building is to be serviced from the rear, then there shall be a rear yard requirement of 30 feet. Unattached buildings of accessory use shall be set back five feet from the utility easement or alley line, whichever is greater.

(Ord. No. 716, 4-4-2011)

12-9B-7 Minimum Lot Width

No minimum lot width is required except as needed to meet other requirements of this title.

(Ord. No. 716, 4-4-2011)

12-9B-8 Minimum Lot Area; Maximum Intensity Of Use

There is no minimum lot area, but the floor area ratio for any lot must not exceed 0.75.

(Ord. No. 716, 4-4-2011)

12-9B-9 Maximum Height Of Structures

No building shall exceed 2 1/2 stories or 35 feet in height.

(Ord. No. 716, 4-4-2011)

ARTICLE 12-9C CH HIGH INTENSITY COMMERCIAL DISTRICT

[12-9C-1 Description](#)

[12-9C-2 Permitted Principal Uses](#)
[12-9C-3 Permitted Accessory Uses And Structures](#)
[12-9C-4 Uses Permitted By Special Exception](#)
[12-9C-5 Uses Permitted By Specific Use Permit](#)
[12-9C-6 Minimum Yard Requirements](#)
[12-9C-7 Minimum Lot Width](#)
[12-9C-8 Minimum Lot Size; Maximum Intensity Of Use](#)
[12-9C-9 Maximum Height Of Structures](#)

12-9C-1 Description

The CH High Intensity Commercial District is intended to accommodate those uses which, taken together, form the central business district, characterized by retail core uses, intensive office employment, and complimentary uses intended to serve persons who shop or work in the central business district. Certain related structures and uses required to serve the needs of the area are permitted outright or are permissible as special exceptions, subject to restrictions and requirements intended to best fulfill the intent of this chapter. Since the central business district of the City serves a unique and special function, it is the intent of this chapter that the CH district classification be applied to one contiguous and continuous area, and that before additional areas contiguous to those already classified CH are considered for inclusion within the CH district, consideration should be given to the appropriateness of the CG General Commercial District as an alternate designation intended to create a less congested character than that of the CH district.

(Ord. No. 716, 4-4-2011)

12-9C-2 Permitted Principal Uses

Any use permitted in the CG General Commercial District, as listed herein.

Amusement, recreational and entertainment establishments.

Business schools and vocational schools not involving uses of an industrial nature which would not otherwise be permitted in this district.

Business service establishments.

Children's day nursery.

Commercial printing and job printing.

Community service structures and uses such as community service centers and civic centers.

Eating and drinking establishments, including drive-in eating and drinking establishments.

Financial institutions.

Fire stations.

Hotels and motels.

Laboratories and establishments for fitting, repair or production of eyeglasses, hearing aids or prosthetic devices.

Libraries.

Lodges, civic and fraternal organizations.

Offices.

Parking lots and parking garages.

Parks, playgrounds and playfields.

Personal service establishments.

Photography studios, art studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops, establishments for the teaching of music, dancing or other performing arts.

Radio and television stations.

Retail establishments, sales and display rooms.

Service and repair establishments including automobile service stations and repair garages.

Uses which utilize open air activities and sales. Open air activities shall include sales from trucks, trailers, pickups and other vehicles and require an itinerant vendor license. (See 4-4.)

Christmas tree sales.

Fruit and vegetable sales.

Plant sales.

Other.

Utilities substations.

Veterinary establishments.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-9C-3 Permitted Accessory Uses And Structures

Any accessory use or structure permitted in the CG General Commercial District.

(Ord. No. 716, 4-4-2011)

12-9C-4 Uses Permitted By Special Exception

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in CCC 12-3A:

- A. Any use permitted by special exception in the CG General Commercial District.
- B. Wholesaling and distribution establishments not containing over 20,000 square feet of area for storage of wares to be wholesaled or distributed.

(Ord. No. 716, 4-4-2011)

12-9C-5 Uses Permitted By Specific Use Permit

The following uses may be permitted as specific uses by the Planning Commission and City Council in accordance with the provisions contained in CCC 12-3D:

- A. Any uses permitted by specific use permit in the CG General Commercial District.
- B. Churches and other places of worship, including educational buildings related thereto.
- C. Mini-storage.

(Ord. No. 716, 4-4-2011)

12-9C-6 Minimum Yard Requirements

No minimum yards are required except as needed to meet other requirements of this title.

(Ord. No. 716, 4-4-2011)

12-9C-7 Minimum Lot Width

No minimum lot width is required except as needed to meet other requirements of this title.

(Ord. No. 716, 4-4-2011)

12-9C-8 Minimum Lot Size; Maximum Intensity Of Use

No minimum lot size or maximum intensity of use is required except as needed to meet other requirements of this title.

(Ord. No. 716, 4-4-2011)

12-9C-9 Maximum Height Of Structures

No building shall exceed three stories or 40 feet in height.

(Ord. No. 716, 4-4-2011)

ARTICLE 12-9D DT DOWNTOWN DISTRICT

[12-9D-1 Description And Purpose](#)

[12-9D-2 Permitted Principal Uses](#)

[12-9D-3 Permitted Accessory Uses And Structures](#)

[12-9D-4 Uses Permitted By Special Exception](#)

[12-9D-5 Minimum Yard Requirements](#)

[12-9D-6 Minimum Lot Width](#)

[12-9D-7 Maximum Intensity Of Use](#)

[12-9D-8 Maximum Height Of Structures](#)

[12-9D-9 Design Criteria](#)

[12-9D-10 Landscaping And Aesthetics](#)

12-9D-1 Description And Purpose

- A. The DT Downtown District is defined as all properties fronting on Broadway Street from State Highway 51 to 151st Street, and Lot Ten Less the West Ten Feet, Block 52, New Coweta.
- B. The downtown district is intended primarily to provide areas for commercial development compatible with the scale, character and streetscape of the traditional downtown area of the City. Appropriate land uses include public facilities, commercial retail, primarily on the street and pedestrian level, with office and/or residential uses above or below the street level. Portions of the area may be appropriate for inclusion in a local or other cultural resource designation. The uses, structures, and project design should focus on providing an interesting pedestrian experience that has variety and vitality and that is not dependent upon direct vehicular access or immediately adjacent parking.

(Ord. No. 716, 4-4-2011)

12-9D-2 Permitted Principal Uses

- A. Any use permitted in the respective CG General Commercial and CH High

Intensity Commercial Districts that exist within the defined DT district.

- B. The term "mixed-use," means commercial uses that comply with above entry on the street and pedestrian level, with residential use allowed above or below the street and pedestrian level. In the case of a single-story building, residential use is allowed in the back or side within the building.

(Ord. No. 716, 4-4-2011)

12-9D-3 Permitted Accessory Uses And Structures

Any accessory use or structure permitted in the respective CG General Commercial and CH High Intensity Commercial Districts that exist within the defined DT district.

(Ord. No. 716, 4-4-2011)

12-9D-4 Uses Permitted By Special Exception

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in CCC 12-3A:

- A. Day nursery.
- B. Hospitals, sanitariums, nursing homes, rest homes, convalescent homes, homes for orphans, and homes for the aged, provided that no such facility shall have a lot area of less than one acre, and that no building in connection with such facility shall be closer than 25 feet to any lot residentially zoned.

(Ord. No. 716, 4-4-2011)

12-9D-5 Minimum Yard Requirements

No minimum required except as needed to meet other requirements of the City.

(Ord. No. 716, 4-4-2011)

12-9D-6 Minimum Lot Width

No minimum required except as needed to meet other requirements of the City.

(Ord. No. 716, 4-4-2011)

12-9D-7 Maximum Intensity Of Use

No minimum required except as needed to meet other requirements of the City.

(Ord. No. 716, 4-4-2011)

12-9D-8 Maximum Height Of Structures

No minimum required except as needed to meet other requirements of the City.

(Ord. No. 716, 4-4-2011)

12-9D-9 Design Criteria

A. Exterior requirements and restrictions.

1. Building materials that are similar to those used traditionally shall be used. Brick, stone, and painted wood are appropriate as primary materials. New products that convey a scale, finish, and character similar to traditional materials that have a proven durability in the City climate also may be considered.
2. A large featureless surface or panelized products that lack a sense of scale are prohibited.
3. A plaster finish may be used when its detail expresses visual interest and conveys a sense of human scale.
4. Coverage shall not exceed 40 percent of any exposed wall surface.

B. Site plan review required. Site plan review is required for all development in the downtown district. The applicant shall submit a complete site plan application pursuant to CCC 12-3C.

(Ord. No. 716, 4-4-2011)

12-9D-10 Landscaping And Aesthetics

In the downtown area (Broadway from Highway 51 to 151st Street), streetscaping is required. For every 25 feet of road frontage, one of the following items is required:

- A. One bench.
- B. Two chairs.
- C. Two potted plants.
- D. Two window boxes with plants/flowers.

(Ord. No. 716, 4-4-2011)

CHAPTER 12-10 INDUSTRIAL DISTRICTS

ARTICLE 12-10A INDUSTRIAL DISTRICTS IL LIGHT INDUSTRIAL DISTRICT

ARTICLE 12-10B IM INDUSTRIAL MODERATE MANUFACTURING AND INDUSTRY

[DISTRICT](#)
[ARTICLE 12-10C IH HEAVY INDUSTRIAL DISTRICT](#)

ARTICLE 12-10A INDUSTRIAL DISTRICTS IL LIGHT INDUSTRIAL DISTRICT

- [12-10A-1 Description](#)
- [12-10A-2 Permitted Principal Uses](#)
- [12-10A-3 Permitted Accessory Uses And Structures](#)
- [12-10A-4 Uses Permitted By Special Exception](#)
- [12-10A-5 Uses Permitted By Specific Use Permit](#)
- [12-10A-6 Minimum Yard Requirements](#)
- [12-10A-7 Minimum Lot Area](#)
- [12-10A-8 Minimum Lot Width](#)
- [12-10A-9 Maximum Intensity Of Use](#)
- [12-10A-10 Maximum Height Of Structures](#)

12-10A-1 Description

The IL Light Industrial District is intended to accommodate wholesaling, distribution, storage, processing and light manufacturing. Certain related structures and uses required to serve the needs of such uses are permitted outright or are permissible as special exceptions, subject to restrictions and requirements intended to best fulfill the intent of this title. This district does not allow any industry or use which creates corrosive, toxic or noisome fumes, gas, smoke or odor, or obnoxious dust, vapor or offensive noise or vibration. The uses included may be approved as a specific use permit when located on a 40-acre or larger tract. See CCC 12-3D.

(Ord. No. 716, 4-4-2011)

12-10A-2 Permitted Principal Uses

A. Included uses.

1. Commercial printing and job printing.
2. Light manufacturing and industry:
 - a. Aircraft assembly and sub-assembly.
 - b. Aircraft repairs, maintenance instruction and training.
 - c. Apparel and other finished products made from fabrics, leather, and similar materials.
 - d. Automotive painting.
 - e. Bakery products manufacturing.
 - f. Blacksmithing.

- g. Bottling plant.
- h. Brooms and brushes manufacturing.
- i. Building contract construction service and storage.
- j. Bus maintenance shop.
- k. Candle manufacturing.
- l. Candling or processing plant.
- m. Cesspool cleaning.
- n. Clothes manufacturing.
- o. Cold storage plants.
- p. Communication equipment, including radio and television receiving sets.
- q. Concrete construction service.
- r. Costume jewelry, costume novelties, buttons and miscellaneous notions (except precious materials) manufacturing.
- s. Drug manufacturing.
- t. Dry cleaning, industrial.
- u. Dry cleaning/laundry, industrial.
- v. Freight terminals.
- w. Furniture packing and crating.
- x. Garment manufacturing.
- y. Goods, watches and clocks manufacturing.
- z. Heating, contracting and construction service.
- aa. Heavy construction, equipment storage/parking.
- ab. Ice manufacturing.
- ac. Insulation contractor.
- ad. Laundry, industrial.
- ae. Laundry service (nonpersonal goods).
- af. Machine shop.
- ag. Masonry.
- ah. Mattress and bedding renovator.

- ai. Mattress manufacturing.
- aj. Motion picture production.
- ak. Motor freight depot/terminal.
 - al. Musical instruments and parts manufacturing.
- am. Office, computing and accounting machines manufacturing.
- an. Oil well drilling and cleaning contracting service.
- ao. Paint and other solvent use.
- ap. Pens, pencils, and other office and artist materials manufacturing.
- aq. Pharmaceutical manufacturing.
- ar. Pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- as. Printing, publishing and allied industries.
 - at. Produce markets, wholesale.
- au. Professional, scientific and controlling instruments, photographic and optical.
- av. Roasting coffee and coffee products manufacturing.
- aw. Roofing.
 - ax. Sheet metal.
 - ay. Spray painting.
 - az. Stonework.
- ba. Truck freight terminal (repair and storage of commercial contract carriers).
- bb. Umbrellas, parasols and canes manufacturing.
- bc. Water well drilling and cleaning.
- bd. Welding equipment and supply manufacturing.
- be. Welding shop.
 - bf. Wrecker service and storage of abandoned or inoperative vehicles reclaimed from highways/streets for 60 days or less (excludes salvaged or dismantled vehicles).
- bg. Outdoor storage lots and yards, except automobile junkyards, scrap yards, salvage yards, or yards used in whole or in part for

scrap or salvage operations or for processing, storage, display or sales of junk, scrap or salvaged materials.

bh. Parking lots and parking garages.

bi. Radio and television stations.

bj. Signs, subject to the provisions of CCC 12-13.

bk. Truck terminals, freight terminals and passenger terminals.

bl. Utilities substations.

bm. Wholesaling, warehousing, storage, supply and distribution.

B. Use conditions.

1. The uses included, when located on a lot which is abutting an R district, shall be screened from the abutting R district by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R district.
2. For wrecker service and storage of abandoned or inoperative vehicles reclaimed from highways/streets for 60 days or less, the vehicles shall have a screening wall or fence a minimum of eight feet in height.
3. All parking areas and drives shall be paved with an all-weather surface as otherwise required by this title.

(Ord. No. 716, 4-4-2011)

12-10A-3 Permitted Accessory Uses And Structures

A. Dwelling units in connection with permitted or permissible uses or structures located on the same premises therewith, provided that such dwelling units shall be occupied only by owners or employees of such uses.

B. Fire stations.

C. Signs, subject to the provisions of CCC 12-13.

D. Other structures and uses which:

1. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;
2. Are located wholly on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership;
3. Do not involve operations not in keeping with the character of the area.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-10A-4 Uses Permitted By Special Exception

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in CCC 12-3A:

- A. Business schools and vocational schools not involving uses of an industrial nature which would not otherwise be permitted in this district.
- B. Dwelling units with densities and building placements which are compatible with the character of the surrounding area.
- C. Temporary borrow pits for fill dirt and topsoil.

(Ord. No. 716, 4-4-2011)

12-10A-5 Uses Permitted By Specific Use Permit

The following uses may be permitted as specific uses by the Planning Commission and City Council in accordance with the provisions contained in CCC 12-3D:

A. Medical marijuana business. Use conditions:

1. The uses included, when located on a lot which is abutting an R district, shall be screened from the abutting R district by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R district.
2. All parking areas and drives shall be paved with an all-weather surface as otherwise required by this Code.
3. Medical marijuana business shall be conducted within enclosed buildings; buildings must be equipped with security system; buildings where marijuana grown, stored, or processed must be equipped with ventilation/air filtration systems so that no noxious odors are detectable off premises.
4. Medical marijuana business shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if dispensing medical marijuana produces light, glare, heat, noise, noxious odor, or vibration that is detrimental to public health, safety or welfare or interferes with reasonable enjoyment of life and property.
5. Medical marijuana businesses are specifically prohibited within 1,000 feet of any public or private school.
6. The distance indicated shall be measured in accordance with rules promulgated by the Oklahoma Medical Marijuana Authority and the State

Department of Health.

B. Mini-storage.

(Ord. No. 716, 4-4-2011; Ord. No. 809, 9-10-2018; Ord. No. 824, § II, 11-4-2019)

12-10A-6 Minimum Yard Requirements

A. *Front yard.* The depth of the required front yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated on the Coweta major street and highway plan, or 25 feet if not designated on the street and highway plan, to a setback of 35 feet on arterial streets and 25 feet on nonarterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.

B. *Side yards.*

1. On the side of an interior lot or the interior side of a corner lot which abuts a residential district, a side yard of not less than 20 feet shall be provided.
2. On any corner lot, the depth of the required exterior side yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated in the Coweta major street and highway plan, or 25 feet if not designated on the street plan, to a setback distance of 35 feet on arterial streets and 20 feet for nonarterial streets.
3. In all other cases, no side yard is required if the buildings are built to the side lot line; otherwise, at least three feet of side yard width shall be provided.

C. *Rear yard.* When the IL zoned property abuts residentially zoned property, or the properties are separated only therefrom by an alley or easement, there shall be a rear yard of not less than 15 feet, and if the building is to be serviced from the rear, then there shall be a rear yard requirement of 30 feet. Unattached buildings of accessory use shall be set back five feet from the utility easement or alley line, whichever is greater.

(Ord. No. 716, 4-4-2011)

12-10A-7 Minimum Lot Area

No minimum lot area required except as needed to meet other requirements herein.

(Ord. No. 716, 4-4-2011)

12-10A-8 Minimum Lot Width

No minimum lot width required except as needed to meet other requirements herein.

(Ord. No. 716, 4-4-2011)

12-10A-9 Maximum Intensity Of Use

No limitation on intensity of use except as needed to meet other requirements herein.

(Ord. No. 716, 4-4-2011)

12-10A-10 Maximum Height Of Structures

No building shall exceed 40 feet in height.

(Ord. No. 716, 4-4-2011)

ARTICLE 12-10B IM INDUSTRIAL MODERATE MANUFACTURING AND INDUSTRY DISTRICT

[12-10B-1 Description](#)

[12-10B-2 Permitted Principal Uses](#)

[12-10B-3 Permitted Accessory Uses And Structures](#)

[12-10B-4 Uses Permitted By Special Exception](#)

[12-10B-5 Uses Permitted By Specific Use Permit](#)

[12-10B-6 Minimum Yard Requirements](#)

[12-10B-7 Minimum Lot Area](#)

[12-10B-8 Minimum Lot Width](#)

[12-10B-9 Maximum Intensity Of Use](#)

[12-10B-10 Maximum Height Of Structures](#)

12-10B-1 Description

The IM Industrial Moderate Manufacturing and Industry District is intended to accommodate wholesaling, distribution, storage, processing, moderate manufacturing and industry and light manufacturing. Certain related structures and uses required to serve the needs of such uses are permitted outright or are permissible as special exceptions, subject to restrictions and requirements intended to best fulfill the intent of this title. This district allows manufacturing and industrial uses having moderately objectionable environmental influences by reason of the emission of odor, heat, smoke, noise, or vibration. The uses included may be approved as specific uses when located on a 40-acre or larger tract. See CCC 12-3D.

(Ord. No. 716, 4-4-2011)

12-10B-2 Permitted Principal Uses

A. Included uses.

1. Any use permitted in the IL Light Industrial District, including the following:
 - a. Aircraft assembly and sub-assembly.
 - b. Aircraft repairs, maintenance instruction and training.
 - c. Apparel and other finished products made from fabrics, leather, similar materials.
 - d. Automotive painting.
 - e. Bakery products, manufacturing.
 - f. Blacksmithing.
 - g. Bottling plant.
 - h. Brooms and brushes manufacturing.
 - i. Building contract construction service and storage.
 - j. Bus maintenance shop.
 - k. Candle manufacturing.
 - l. Candling or processing plant.
 - m. Cesspool cleaning.
 - n. Clothes manufacturing.
 - o. Cold storage plants.
 - p. Communication equipment, including radio and television receiving sets.
 - q. Concrete construction service.
 - r. Costume jewelry, costume novelties, buttons and miscellaneous notions (except precious materials) manufacturing.
 - s. Drug manufacturing.
 - t. Dry cleaning, industrial.
 - u. Dry cleaning/laundry, industrial.
 - v. Freight terminals.
 - w. Furniture packing and crating.
 - x. Garment manufacturing.
 - y. Goods, watches and clocks manufacturing.

- z. Heating, contracting construction service.
- aa. Heavy construction, equipment storage/parking.
- ab. Ice manufacturing.
- ac. Insulation contractor.
- ad. Laundry, industrial.
- ae. Laundry service (nonpersonal goods).
- af. Machine shop.
- ag. Masonry.
- ah. Mattress and bedding renovator.
- ai. Mattress manufacturing.
- aj. Motion picture production.
- ak. Motor freight depot/terminal.
 - al. Musical instruments and parts manufacturing.
- am. Office, computing and accounting machines manufacturing.
- an. Oil well drilling and cleaning contracting service.
- ao. Paint and other solvent use.
- ap. Pens, pencils, and other office and artist materials manufacturing.
- aq. Pharmaceutical manufacturing.
- ar. Pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- as. Printing, publishing and allied industries.
 - at. Produce markets, wholesale.
- au. Professional, scientific and controlling instruments, photographic and optical.
- av. Roasting coffee and coffee products manufacturing.
- aw. Roofing.
- ax. Sheet metal.
- ay. Spray painting.
- az. Stonework.
- ba. Truck freight terminal (repair and storage of commercial contract

- carriers).
- bb. Umbrellas, parasols and canes manufacturing.
- bc. Water well drilling and cleaning.
- bd. Welding equipment and supply manufacturing.
- be. Welding shop.
- bf. Wrecker service and storage of abandoned or inoperative vehicles reclaimed from highways/streets for 60 days or less (excludes salvaged or dismantled vehicles).

2. Moderate manufacturing and industry:

- a. Aircraft and aerospace parts manufacturing and remanufacturing.
- b. Alcohol manufacturing.
- c. Aluminum, brass, copper foundry.
- d. Batch plant.
- e. Beverage manufacturing.
- f. Boiler or forage works.
- g. Brewery.
- h. Canning and preserving of fruits/vegetables.
- i. Cellophane manufacturing.
- j. Celluloid manufacturing.
- k. Cheese manufacturing.
- l. Chipping of trees and shrubs.
- m. Chrome plating.
- n. Concrete ready-mix plant.
- o. Confectionery and related products manufacturing.
- p. Cooperage works.
- q. Corrugated metal manufacturing.
- r. Cotton baling, compressing and ginning.
- s. Cotton storage, open.
- t. Cottonseed oil milling.
- u. Cultured marble manufacturing.

- v. Cutlery, hand tools, general hardware manufacturing.
- w. Dairy products manufacturing.
- x. Die casting manufacturing.
- y. Diesel engine repairs.
- z. Dyestuff manufacturing.
- aa. Electrical lighting and wiring equipment manufacturing.
- ab. Electrical machinery, equipment and supplies manufacturing.
- ac. Electronic components and accessories manufacturing.
- ad. Electroplating.
- ae. Equipment manufacturing.
 - af. Fabricated metal products, NEC, manufacturing.
- ag. Feed grinding and processing.
- ah. Fiberglass products manufacturing.
- ai. Flat glass manufacturing.
- aj. Flavor extracts and flavoring syrups manufacturing, NEC.
- ak. Flour mills.
 - al. Food products manufacturing.
- am. Foundry, nonferrous metals.
- an. Fur goods manufacturing.
- ao. Furniture and fixtures manufacturing.
- ap. Galvanizing.
- aq. Gas (heating or illuminating) manufacturing or storage, except where such gas is to be entirely consumed on the same premises.
- ar. Glass and glassware (pressed and blown) manufacturing.
- as. Grain elevators.
- at. Grain mill products manufacturing.
- au. Heat exchangers, fabrication.
- av. Household appliance manufacturing.
- aw. Ice cream manufacturing.

- ax. Indoor recycling center for metal, paper, glass and plastic products.
- ay. Industrial spray painting and other solvent use.
- az. Jewelry, silverware and plated ware manufacturing.
- ba. Lamp black manufacturing.
- bb. Lamp shades manufacturing.
- bc. Leather and leather products manufacturing.
- bd. Liquefied petroleum gas sales and service, wholesale.
- be. Livestock auction sales.
 - bf. Lumber and wood products manufacturing, NEC.
- bg. Machinery manufacturing.
- bh. Meat products manufacturing.
 - bi. Milling, custom.
 - bj. Moderate manufacturing, NEC.
- bk. Monument manufacturing.
 - bl. Mortician goods manufacturing.
- bm. Noodle manufacturing.
- bn. Oil compounding and barreling.
- bo. Oil well equipment storage.
- bp. Oilcloth manufacturing.
- bq. Paper products manufacturing, not using sulfide processes.
 - br. Pickle, sausage, sauerkraut or vinegar manufacturing.
- bs. Pickling fruits and vegetables; salad dressings manufacturing.
 - bt. Planing mill.
- bu. Plastics, blow molding and injection molding.
- bv. Pottery and related products manufacturing.
- bw. Prefabricated house manufacturing.
- bx. Prestressed and pretensioned concrete products.
- by. Printing ink manufacturing.
- bz. Radioactive service company.

- ca. Rayon or cellophane manufacturing.
- cb. Ready built house manufacturing.
- cc. Refrigerator manufacturing.
- cd. Sandblasting (indoor).
- ce. Sash and door manufacturing.
- cf. Sausage manufacturing.
- cg. Shoddy manufacturing (low grade cotton or wool).
- ch. Shoe polish manufacturing.
- ci. Sighting and fire control equipment manufacturing.
- cj. Signs and advertising displays manufacturing.
- ck. Small arms manufacturing.
- cl. Soybean oil milling.
- cm. Space vehicle manufacturing.
- cn. Starch, glucose, dextrin manufacturing.
- co. Store fixture manufacturing.
- cp. Tank and tank components manufacturing.
- cq. Textile mill manufacturing.
- cr. Tire recapping.
- cs. Tobacco manufacturing.
- ct. Toy, amusement, sporting and athletic goods manufacturing.
- cu. Vegetable oil milling.
- cv. Vinegar manufacturing.
- cw. Wastepaper salvage and reclamation.
- cx. Wool scouring, hair manufacturing.
- cy. Wrecker service and storage of abandoned or inoperative vehicles reclaimed from highways/streets for 60 days or less (excludes salvaged or dismantled vehicles).
- cz. Yeast manufacturing.
- da. Other fabricated metals products manufacturing.
- db. Outdoor storage lots and yards, except automobile junkyards, scrap yards, salvage yards, or yards used in whole or in part for

scrap or salvage operations or for processing, storage, display or sales of junk, scrap or salvaged materials.

dc. Radio and television stations.

dd. Signs, subject to the provisions of CCC 12-13.

de. Truck terminals, freight terminals and passenger terminals.

df. Utilities substations.

dg. Wholesaling, warehousing, storage, supply and distribution.

B. Use conditions.

1. The uses included, when located on a lot which is abutting an R district, shall be screened from the abutting R district by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R district.
2. For wrecker service and storage of abandoned or inoperative vehicles reclaimed from highways/streets for 60 days or less, the vehicles shall have a screening wall or fence with a minimum of eight feet in height.
3. All parking areas and drives shall be paved with an all-weather surface as otherwise required by this title.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-10B-3 Permitted Accessory Uses And Structures

A. Signs, subject to the provisions of CCC 12-13.

B. Other structures and uses which:

1. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.
2. Are located wholly on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.
3. Do not involve operations not in keeping with the character of the area.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-10B-4 Uses Permitted By Special Exception

The following uses may be permitted special exceptions by the Board of Adjustment in accordance with the provisions contained in CCC 12-3A: Temporary borrow pits for fill

dirt and topsoil.

(Ord. No. 716, 4-4-2011)

12-10B-5 Uses Permitted By Specific Use Permit

The following uses may be permitted as specific uses by the Planning Commission and City Council in accordance with the provisions contained in CCC 12-3D: Mini-storage.

(Ord. No. 716, 4-4-2011)

12-10B-6 Minimum Yard Requirements

- A. *Front yard.* The depth of the required front yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated on the Coweta major street and highway plan, or 25 feet if not designated on the street and highway plan, to a setback of 35 feet on arterial streets and 25 feet on nonarterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.
- B. *Side yards.*
1. On the side of an interior lot or the interior side of a corner lot which abuts a residential district, a side yard of not less than 20 feet shall be provided.
 2. On any corner lot, the depth of the required exterior side yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated in the Coweta major street and highway plan, or 25 feet if not designated on the street plan, to a setback distance of 35 feet on arterial streets and 20 feet for nonarterial streets.
 3. In all other cases, no side yard is required if the buildings are built to the side lot line; otherwise, at least three feet of side yard width shall be provided.
- C. *Rear yard.* When the IM zoned property abuts residentially zoned property, or the properties are separated only therefrom by an alley or easement, there shall be a rear yard of not less than 15 feet, and if the building is to be serviced from the rear, then there shall be a rear yard requirement of 30 feet. Unattached buildings of accessory use shall be set back five feet from the utility easement or alley line, whichever is greater.

(Ord. No. 716, 4-4-2011)

12-10B-7 Minimum Lot Area

No minimum lot area required except as needed to meet other requirements herein.

(Ord. No. 716, 4-4-2011)

12-10B-8 Minimum Lot Width

No minimum lot width required except as needed to meet other requirements herein.

(Ord. No. 716, 4-4-2011)

12-10B-9 Maximum Intensity Of Use

No limitation on intensity of use except as needed to meet other requirements herein.

(Ord. No. 716, 4-4-2011)

12-10B-10 Maximum Height Of Structures

No building shall exceed 40 feet in height.

(Ord. No. 716, 4-4-2011)

ARTICLE 12-10C IH HEAVY INDUSTRIAL DISTRICT

[12-10C-1 Description](#)

[12-10C-2 Permitted Principal Uses](#)

[12-10C-3 Permitted Accessory Uses And Structures](#)

[12-10C-4 Uses Permitted By Special Exception](#)

[12-10C-5 Uses Permitted By Specific Use Permit](#)

[12-10C-6 Minimum Yard Requirements](#)

[12-10C-7 Minimum Lot Area](#)

[12-10C-8 Minimum Lot Width](#)

[12-10C-9 Maximum Intensity Of Use](#)

[12-10C-10 Maximum Height Of Structures](#)

12-10C-1 Description

The IH Heavy Industrial District is intended to accommodate primarily those uses of a manufacturing and industrial nature and secondarily uses which are functionally related thereto such as distribution, storage and processing. Manufacturing and industrial uses having substantial objectionable environmental influences by reason of the emission of odor, heat, smoke, noise or vibration are included. Light industrial uses are allowed but are considered incidental to the predominantly heavy industrial nature of the district. Certain related structures and uses required to serve the needs of the primary uses are permitted outright or are permissible as special exceptions or specific uses, subject to restrictions and requirements intended to best fulfill the intent of this title. In addition, certain uses are permitted only as special exceptions or specific uses or are prohibited in order to protect such uses from the potentially incompatible characteristics of

industrial areas. The uses included may be approved as specific uses when located on a 40-acre or larger tract. See CCC 12-3D.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-10C-2 Permitted Principal Uses

A. Included uses.

1. Any use permitted in the IL Light Industrial District, including the following:
 - a. Aircraft assembly and sub-assembly.
 - b. Aircraft repairs, maintenance instruction and training.
 - c. Apparel and other finished products made from fabrics, leather, and similar materials.
 - d. Automotive painting.
 - e. Bakery products manufacturing.
 - f. Blacksmithing.
 - g. Bottling plant.
 - h. Brooms and brushes manufacturing.
 - i. Building contract construction service and storage.
 - j. Bus maintenance shop.
 - k. Candle manufacturing.
 - l. Candling or processing plant.
 - m. Cesspool cleaning.
 - n. Clothes manufacturing.
 - o. Cold storage plants.
 - p. Communication equipment, including radio and television receiving sets.
 - q. Concrete construction service.
 - r. Costume jewelry, costume novelties, buttons and miscellaneous notions (except precious materials) manufacturing.
 - s. Drug manufacturing.
 - t. Dry cleaning, industrial.
 - u. Dry cleaning/laundry, industrial.

- v. Freight terminals.
- w. Furniture packing and crating.
- x. Garment manufacturing.
- y. Goods, watches and clocks manufacturing.
- z. Heating, contracting construction service.
- aa. Heavy construction equipment storage/parking.
- ab. Ice manufacturing.
- ac. Insulation contractor.
- ad. Laundry, industrial.
- ae. Laundry service (nonpersonal goods).
- af. Machine shop.
- ag. Masonry.
- ah. Mattress and bedding renovator.
- ai. Mattress manufacturing.
- aj. Motion picture production.
- ak. Motor freight depot/terminal.
- al. Musical instruments and parts manufacturing.
- am. Office, computing and accounting machines manufacturing.
- an. Oil well drilling and cleaning contracting service.
- ao. Paint and other solvent use.
- ap. Pens, pencils, and other office and artist materials manufacturing.
- aq. Pharmaceutical manufacturing.
- ar. Pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
- as. Printing, publishing and allied industries.
- at. Produce markets, wholesale.
- au. Professional, scientific and controlling instruments, photographic and optical.
- av. Roasting coffee and coffee products manufacturing.

- aw. Roofing.
- ax. Sheet metal.
- ay. Spray painting.
- az. Stonework.
- ba. Truck freight terminal (repair and storage of commercial contract carriers).
- bb. Umbrellas, parasols and canes manufacturing.
- bc. Water well drilling and cleaning.
- bd. Welding equipment and supply manufacturing.
- be. Welding shop.
- bf. Wrecker service and storage of abandoned or inoperative vehicles reclaimed from highways/streets for 60 days or less (excludes salvaged or dismantled vehicles).

2. Any use permitted in the IM Moderate Manufacturing and Industry District, including the following:

- a. Aircraft and aerospace parts manufacturing and remanufacturing.
- b. Alcohol manufacturing.
- c. Aluminum, brass, copper foundry.
- d. Batch plant.
- e. Beverage manufacturing.
- f. Boiler or forage works.
- g. Brewery.
- h. Canning and preserving of fruits/vegetables.
- i. Cellophane manufacturing.
- j. Celluloid manufacturing.
- k. Cheese manufacturing.
- l. Chipping of trees and shrubs.
- m. Chrome plating.
- n. Concrete ready-mix plant.
- o. Confectionery and related products manufacturing.
- p. Cooperage works.

- q. Corrugated metal manufacturing.
- r. Cotton baling, compressing and ginning.
- s. Cotton storage, open.
- t. Cottonseed oil milling.
- u. Cultured marble manufacturing.
- v. Cutlery, hand tools, general hardware manufacturing.
- w. Dairy products manufacturing.
- x. Die casting manufacturing.
- y. Diesel engine repairs.
- z. Dyestuff manufacturing.
- aa. Electronic components and accessories manufacturing.
- ab. Electrical lighting and wiring equipment manufacturing.
- ac. Electrical machinery, equipment and supplies manufacturing.
- ad. Electroplating.
- ae. Equipment manufacturing.
- af. Fabricated metal products manufacturing, NEC, manufacturing.
- ag. Feed grinding and processing.
- ah. Fiberglass products manufacturing.
- ai. Flat glass manufacturing.
- aj. Flavor extracts and flavoring syrups manufacturing, NEC.
- ak. Flour mills.
- al. Food products manufacturing.
- am. Foundry, nonferrous metals.
- an. Fur goods manufacturing.
- ao. Furniture and fixtures manufacturing.
- ap. Galvanizing.
- aq. Gas (heating or illuminating) manufacturing or storage, except where such gas is to be entirely consumed on the same premises.
- ar. Glass and glassware (pressed and blown) manufacturing.

- as. Grain elevators.
- at. Grain mill products manufacturing.
- au. Heat exchangers fabrication.
- av. Household appliance manufacturing.
- aw. Ice cream manufacturing.
- ax. Indoor recycling center for metal, paper, glass and plastic products.
- ay. Industrial spray painting and other solvent use.
- az. Jewelry, silverware and plated ware manufacturing.
- ba. Lamp black manufacturing.
- bb. Lamp shades manufacturing.
- bc. Leather and leather products manufacturing.
- bd. Liquefied petroleum gas sales and service, wholesale.
- be. Livestock auction sales.
 - bf. Lumber and wood products manufacturing, NEC.
- bg. Machinery manufacturing.
- bh. Moderate manufacturing, NEC.
 - bi. Meat products manufacturing.
 - bj. Milling, custom.
- bk. Monument manufacturing.
 - bl. Mortician goods manufacturing.
- bm. Noodle manufacturing.
- bn. Oil compounding and barreling.
- bo. Oil well equipment storage.
- bp. Oilcloth manufacturing.
- bq. Paper products manufacturing, not using sulphide processes.
- br. Pickle, sausage, sauerkraut or vinegar manufacturing.
- bs. Pickling fruits and vegetables; salad dressings manufacturing.
- bt. Planing mill.
- bu. Plastics, blow molding and injection molding.

- bv. Pottery and related products manufacturing.
- bw. Prefabricated house manufacturing.
- bx. Prestressed and pretensioned concrete products.
- by. Printing ink manufacturing.
- bz. Radioactive service company.
- ca. Rayon or cellophane manufacturing.
- cb. Ready built house manufacturing.
- cc. Refrigerator manufacturing.
- cd. Sandblasting (indoor).
- ce. Sash and door manufacturing.
 - cf. Sausage manufacturing.
- cg. Shoddy manufacturing (low grade cotton or wool).
- ch. Shoe polish manufacturing.
 - ci. Sighting and fire control equipment manufacturing.
 - cj. Signs and advertising displays manufacturing.
- ck. Small arms manufacturing.
 - cl. Soybean oil milling.
- cm. Space vehicle manufacturing.
 - cn. Starch, glucose, and dextrin manufacturing.
- co. Wrecker service and storage of abandoned or inoperative vehicles reclaimed from highways/streets for 60 days or less (excludes salvaged or dismantled vehicles).
- cp. Store fixture manufacturing.
- cq. Tank and tank components manufacturing.
 - cr. Textile mill manufacturing.
- cs. Tire recapping.
 - ct. Tobacco manufacturing.
- cu. Toy, amusement, sporting and athletic goods manufacturing.
- cv. Vegetable oil milling.
- cw. Vinegar manufacturing.

- cx. Wastepaper salvage and reclamation.
- cy. Wool scouring, hair manufacturing.
- cz. Yeast manufacturing.
- da. Other fabricated metals products manufacturing.
- db. Outdoor storage lots and yards, except automobile junkyards, scrap yards, salvage yards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display or sales of junk, scrap or salvaged materials.
- dc. Radio and television stations.
- dd. Signs, subject to the provisions of CCC 12-13.
- de. Truck terminals, freight terminals and passenger terminals.
- df. Utilities substations.
- dg. Wholesaling, warehousing, storage, supply and distribution.

B. Use conditions.

1. The uses included, when located on a lot which is abutting an R district, shall be screened from the abutting R district by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R district.
2. For wrecker service and storage of abandoned or inoperative vehicles reclaimed from highways/streets for 60 days or less, the vehicles shall have a screening wall or fence with a minimum of eight feet in height.
3. All parking areas and drives shall be paved with an all-weather surface as otherwise required by this title.

(Ord. No. 716, 4-4-2011)

12-10C-3 Permitted Accessory Uses And Structures

A. Dwelling units in connection with permitted or permissible uses or structures, provided that:

1. The residential occupation of the premises is specifically required because of the nature of the operations being conducted thereon or for the safekeeping thereof.
2. The dwelling unit is located on the same premises with the use for which it is required.

B. Signs, subject to the provisions of CCC 12-13.

C. Other structures and uses which:

1. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.
2. Are located wholly on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.
3. Do not involve operations not in keeping with the character of the area.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-10C-4 Uses Permitted By Special Exception

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in CCC 12-3A: Temporary borrow pits for fill dirt and topsoil.

(Ord. No. 716, 4-4-2011)

12-10C-5 Uses Permitted By Specific Use Permit

The following uses may be permitted as specific uses by the Planning Commission and City Council in accordance with the provisions contained in CCC 12-3D:

A. Extraction operations, mining and mineral processing.

1. *Description.* Use requires approval of a specific use permit in accordance with CCC 12-3D. Extractive operations, mineral processing operations and manufacturing operations which directly utilize minerals at or near the source, include:
 - a. *Mining and quarrying.* Mining, quarrying or extraction of coal, ores, stone, sand or gravel.
 - b. *Processing of mineral products.* Crushing, washing, and grading of coal, ore, stone, sand or gravel; manufacture of Portland cement concrete or asphaltic concrete, at the source of supply of crushed rock, sand, or gravel, for utilization off the premises.
2. *Use conditions.* In granting approval of a specific use permit in accordance with CCC 12-3D for extraction operations, mining and mineral processing uses, the Planning Commission and City Council shall consider potential environmental influences, such as dust and vibration, and shall establish, in the particular instance, appropriate protective conditions such as setbacks, screening, and method of

operation, as will mitigate the adverse effect on proximate land uses.

B. Junkyards and salvage yards.

1. *Description.* Establishments primarily providing an open area where wastes or used or secondhand materials are bought, sold, exchanged, stored, processed, crushed or handled. Materials shall include, but are not limited to, scrap iron and other metals, paper, plastic, rags, rubber tires, salvaged or dismantled vehicles, vehicular parts, wrecked vehicles, bottles and cans.

2. *Use conditions.*

- a. All uses require approval of a specific use permit (see CCC 12-3D).
- b. The use, when located on a lot abutting any AG, R, O, CG, IL or IM district, shall be screened by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the district to be screened.
- c. The use, when located on a lot abutting a street, highway or thoroughfare, shall be screened by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the district to be screened.
- d. The piling of junk or salvage materials shall not exceed the height of the required screening wall or fence within 150 feet of the boundary required to be screened.
- e. Storage racks which are designed for the stacking of materials, including, but not limited to, automotive front ends, hoods, doors, quarter panels, etc., which exceed the height of the screening fence, shall be set back a minimum of 25 feet from another abutting zoning district, with the exception of the IH District and from a street, highway or thoroughfare along the lot line or lines in common with another district other than the IH District, street, highway or thoroughfare, plus two additional feet of setback for every one foot of rack height above 15 feet.
- f. Wrecked or damaged vehicles stored in an auto pool facility until insurance or other settlements are made shall not be parted or salvaged, however, they may be sold or offered for sale on the premises within the screened areas, No display of such vehicles is permitted along street frontages. All parking areas and drives shall be paved with an all-weather surface as otherwise required by this title.

C. Manufacturing, heavy.

1. Included uses.

- a. Abattoir (slaughterhouse).
- b. Acetylene gas manufacturing in excess of 15 pounds' pressure per square inch.
- c. Acid manufacturing.
- d. Agricultural chemicals manufacturing.
- e. Ammonia, bleaching powder or chlorine manufacturing.
- f. Animal rendering.
- g. Arsenals.
- h. Asphalt manufacturing or refining.
- i. Blast furnace.
- j. Bleaching powder manufacturing.
- k. Brick, tile or terra cotta manufacturing.
- l. Butane and propane manufacturing/storage.
- m. Cement, lime, gypsum, Plaster of Paris manufacturing.
- n. Chlorine or hydrochloric, nitric, picric, sulphurous or sulphuric acid manufacturing.
- o. Coal yard.
- p. Coke manufacturing.
- q. Compost yard.
- r. Concrete brick and block manufacturing.
- s. Creosote manufacturing or treatment.
- t. Disinfectant or insecticide manufacturing.
- u. Distillation of bones, coal, tar or wood.
- v. Emery cloth and sandpaper manufacturing.
- w. Explosive manufacturing or storage.
- x. Fat rendering.
- y. Fertilizer manufacturing from mineral or organic materials.
- z. Fireworks manufacturing or storage.

- aa. Garbage dump.
- ab. Garbage, offal, or dead animal reduction or dumping.
- ac. Glue, gelatin or size manufacturing.
- ad. Guided missile manufacturing.
- ae. Gum and wood chemicals manufacturing.
 - af. Guns, howitzers, mortars, and related equipment manufacturing.
- ag. Incineration, reduction of dead animals, garbage or refuse, offal.
- ah. Insecticide manufacturing.
 - ai. Iron or steel foundry.
 - aj. Lime, cement, plaster of Paris manufacturing.
- ak. Linoleum, asphaltic-felt base, and other hard surface floor cover manufacturing.
 - al. Lubricating oils and grease manufacturing.
- am. Match manufacturing.
 - an. Oil reclamation plants.
 - ao. Oil refinery.
 - ap. Paint, oil, varnish or turpentine manufacturing.
- aq. Paper or pulp manufacturing by sulfide processes emitting noxious gases or odors.
- ar. Paving plants.
- as. Petroleum bulk storage for wholesale.
 - at. Plastics/rubber manufacturing.
- au. Primary metal industries, NEC.
- av. Radioactive service company.
- aw. Railroad freight terminal.
- ax. Railroad roundhouse or shop.
- ay. Railroad yard.
- az. Refining of petroleum or other crude materials.
- ba. Refuse dump.
- bb. Refuse or trash transfer station. All processing and storage shall be within a building or container.

- bc. Rendering plant.
- bd. Resource recovery facility (all storage and processing within the building).
- be. Rolling/steel mill.
 - bf. Rubber manufacturing from crude materials.
- bg. Salt works.
- bh. Sandblasting (outdoor).
 - bi. Sawmill.
 - bj. Slaughtering of animals.
- bk. Smelting.
 - bl. Soap manufacturing.
- bm. Soda ash, caustic soda and washing compound manufacturing.
- bn. Steel works or fabrication plant.
- bo. Stockyard.
- bp. Stone cutting and stone products manufacturing.
- bq. Structural clay products manufacturing.
 - br. Structural steel plants.
- bs. Sugar refining.
 - bt. Sulfuric acid manufacturing.
- bu. Tallow, grease or lard manufacturing or refining.
- bv. Tank farm, petroleum.
- bw. Tanning, curing or storing of leather and rawhides or skins.
- bx. Tar distillation or manufacturing.
- by. Tar roofing or tar waterproofing manufacturing.
- bz. Tile roofing manufacturing.
- ca. Trades, industries, or uses that have heavily objectionable environmental influences by reason of the emission of odor, heat, smoke, noise, or vibration.
- cb. Trash or refuse transfer station. All processing and storage within a building or containers.
- cc. Turpentine manufacturing.

- cd. Varnish manufacturing.
- ce. Washing compound manufacturing.
- cf. Wood preserving.

2. *Use conditions.*

- a. The uses, when located on a lot which is abutting an R district, shall be screened from the abutting R district by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R district.
- b. All uses require approval of a specific use permit (see also CCC 12-3D), and are subject to the following requirements:
 - (1) The permitted uses shall not interfere with or detrimentally affect any adjoining or nearby residential properties.
 - (2) Traffic circulation shall be reviewed and approved by the City Engineer, including the location of ingress and egress points.
 - (3) The subject tract of land (proposed development site) shall have either a minimum of 150 feet of frontage on a designated major arterial street or a minimum of 50 feet of frontage on a nonarterial street.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-10C-6 Minimum Yard Requirements

A. *Front yard.* The depth of the required front yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated on the City's major street and highway plan, or 25 feet if not designated on the street and highway plan, to a setback of 35 feet on arterial streets and 25 feet on nonarterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.

B. *Side yards.*

- 1. On the side of an interior lot or the interior side of a corner lot, no side yard is required if the buildings are built to the side lot line; otherwise, at least three feet of side yard width is required.
- 2. On any corner lot, the depth of the required exterior side yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated in the Coweta

major street and highway plan, or 25 feet if not designated on the street plan, to a setback of 35 feet on arterial streets and 25 feet on nonarterial streets.

- C. *Rear yard.* No rear yard is required if buildings are built to the rear lot line; otherwise, at least three feet of rear yard depth is required.
- D. *Buildings adjacent to residential districts.* The side and rear yard requirements in subsections B and C of this section do not apply when the building is adjacent to a residential district. In this case, all buildings constructed in an IH Zone shall be at least 50 feet from the boundary of any residential district.

(Ord. No. 716, 4-4-2011)

12-10C-7 Minimum Lot Area

No minimum lot area required except as needed to meet other requirements herein.

(Ord. No. 716, 4-4-2011)

12-10C-8 Minimum Lot Width

No minimum lot width required except as needed to meet other requirements herein.

(Ord. No. 716, 4-4-2011)

12-10C-9 Maximum Intensity Of Use

No limitation on intensity of use except as needed to meet other requirements herein.

(Ord. No. 716, 4-4-2011)

12-10C-10 Maximum Height Of Structures

- A. Buildings up to 40 feet in height are permitted outright.
- B. Buildings in excess of 40 feet in height are permitted, provided there is an increase of one foot inside, front and rear yards over the minimum front, rear and side yard requirements for each additional three feet of height.

(Ord. No. 716, 4-4-2011)

CHAPTER 12-11 PUD PLANNED UNIT DEVELOPMENT DISTRICTS

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12-11-1 Intent

The intent of the PUD Planned Unit Development District is to derive the benefits of efficiency, economy and flexibility by encouraging unified developments of a site, while also obtaining the advantages of creative site design, improved appearance, compatibility of uses, optimum service by community facilities, and better functioning of vehicular access and circulation. It is the intent of this title to allow development of sites subject to specific regulations concerning permitted uses, but only subject to regulations concerning lot area, building coverage, yard spaces, and building height insofar as the City Council shall deem appropriate to fulfill the intent of this title and the comprehensive plan.

(Ord. No. 716, 4-4-2011)

12-11-2 Types Of Planned Unit Developments

Two types of planned unit developments accommodating primarily residential or nonresidential uses are allowed as follows:

- A. *PUD-R Planned Unit Development, Residential.* The PUD-R district is intended to accommodate primarily residential uses, with nonresidential uses integrated into the design of such districts as secondary uses.
- B. *PUD-C Planned Unit Development, Commercial.* The PUD-C district is intended to accommodate primarily nonresidential uses, with residential uses integrated into the design of such districts as secondary uses.

(Ord. No. 716, 4-4-2011)

12-11-3 Uses Permitted Generally

- A. The types of residential dwelling units, and the types of nonresidential uses allowed to be established in these districts increase with increasing site size, based upon the premise that increased site size will allow proper design including functional interrelations, buffer treatments, separating uses with potentially incompatible characteristics of use, design of access pattern:, and relationship of uses within such planned unit developments with uses in adjacent districts. It is the intent of this article that such design and planning features be incorporated properly into any PUD district hereafter created, and

that the Planning Commission and City Council may consider the existence and appropriateness of such features before any amendment to the zoning map is adopted to create such a district. The permitted principal uses for various site sizes and types of PUD districts are the uses enumerated for the zoning districts listed below.

<i>Site Size in Acres</i>	<i>PUD-R</i>	<i>PUD-C</i>
Less than 20	RM-I	CG, IL
20 to less than 50	RM-I, CN	CG, IL
50 to less than 80	RM-I, CG	CG, IL
80 or more	RM-I, CG	CG, IH

- B. When uses for more than one district are permitted, the uses of the less restrictive district be permitted.
- C. Accessory uses and structures may be permitted as for the least restrictive districts indicated in above for any specific site size.

(Ord. No. 716, 4-4-2011; Ord. No. 832, § 1, 5-4-2020)

12-11-4 Uses Permitted By Special Exception

No special exception actions are required to establish any specific use. Uses normally by special exception in the least restrictive districts indicated in CCC 12-11-3 for any specific site size may be permitted; provided, however, that the Planning Commission and City Council shall ascertain that the effects and benefits usually derived from safeguards and conditions normally imposed upon special exceptions will substantially be met by the terms of the proposed planned unit development.

(Ord. No. 716, 4-4-2011)

12-11-5 Prohibited Uses

All uses not specifically permitted as principal or accessory uses or special exceptions for the least restrictive districts indicated in CCC 12-11-3 for any specific site size are prohibited in a PUD district.

(Ord. No. 716, 4-4-2011)

12-11-6 Area Regulations And Setbacks

No minimum lot area is required for any specific structure, however, minimum site size to accommodate specific uses shall be established within 25 feet of any external lot line

of any planned unit development, except for a PUD of one or less where a ten-foot setback from external lot lines shall be observed. Minimum lot width, yard sizes, floor area ratio, and maximum height are not otherwise regulated within PUD districts; provided, however, that the Planning Commission and City Council may ascertain that the characteristics of the building sites shall be appropriate as related to structures within the planned unit development and otherwise fulfill the intent of this title and the comprehensive plan.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-11-7 Intensity Of Use

All PUDs should be of an intensity of development which does not exceed that set forth for the site in the City's comprehensive plan.

(Ord. No. 716, 4-4-2011)

12-11-8 Maximum Area Of Commercial Uses In PUD-R Districts

In the PUD-R districts in which commercial uses are permitted, the site area and total gross area of such commercial uses shall not exceed the percentages listed below as related to gross floor area of all structures within the PUD at any time:

<i>Total PUD Site Size in Acres</i>	<i>Maximum Percentage of Site Area for Commercial and Office Structures or Uses</i>	<i>Maximum Allowable Gross Floor Area for Commercial and Office Structures or Uses</i>
Less than 20	0	0
20 but less than 50	20	50%
50 but less than 80	30	50%
80 or more	40	50%

(Ord. No. 716, 4-4-2011)

12-11-9 Off-Street Parking And Loading Requirements

Off-street parking and loading spaces for any specific use shall be provided in conformance with the requirements of CCC 12-12. Required spaces may be provided on the lot containing the dwelling units or other uses for which it is designed and located so as to be accessible to the use it is intended to serve. Provisions for the ownership and maintenance of common parking areas as will ensure its continuity and conservation shall be incorporated in the subdivision plat in compliance with the provisions of CCC 12-11-10C5.

12-11-10 Administrative Application And Review Procedures

A. General requirements.

1. The establishment of a PUD district shall be by amendment to the zoning map accompanied by certain sureties that the development will be in harmony with the intent of this title and that the public interest in adequate site design, access, and community facilities and amenities will be defended.
2. Application for amendment to establish a PUD district shall be subject to the provisions of CCC 12-3B, and, in addition, the procedures described in this section shall apply.
3. It is the intent of this title that the public interest will be served not only by consideration of those specific criteria set forth herein, but also by consideration of the total anticipated effect of the planned unit development upon the community at large.
4. The provisions of the PUD district represent an option for appropriate quality design, and in return for a degree of design flexibility granted thereby, the applicant for amendment to PUD district classification, by requesting the PUD designation and making application therefor, shall agree to furnish information about the proposed development, and later to abide by certain conditions and safeguards as may be imposed by the City Council in establishing such developments.
5. To that end, the regulations set forth herein are minimum requirements, and it is the intent of this title that the City Council may impose conditions and safeguards in excess of or in addition to the specific requirements set forth herein, and that guarantee of meeting the minimum requirements set forth herein does not, per se, create an indication that an applicant should be entitled to such an amendment, and notice is hereby given to that effect.

B. *Pre-application conference.* The applicant is encouraged to communicate his intentions to establish a planned unit development, and the proposed characteristics thereof, to the Planning Commission and its staff prior to initiating an application for amendment in order to avoid undue delay in the review process after initiating such an application, and in order to facilitate review of materials which may be in preliminary form, and in order to avoid unnecessary expense in pre-application of materials in final form which may later be found to be unacceptable or incomplete.

C. *Site development plan.* The applicant shall submit a site development plan to the Planning Commission and its staff for review which shall be similar in

content and format to a preliminary plat required for review by the subdivision regulations of the City. In addition, the site development plan shall provide the following graphic and written information:

1. *Contents.* The site plan shall show:

- a. Proposed location of uses, including off-street parking, open spaces and public uses.
- b. Public and private vehicular and pedestrian circulation.
- c. The approximate intensity of residential uses expressed in number of dwelling units, and the approximate intensity of nonresidential uses expressed in floor area, allocated to each identifiable segment of the planned unit development.
- d. Proposed screening and landscaping.
- e. Proposed location, height and size of any ground sign.
- f. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed.
- g. Other information the Planning Commission or its staff may deem necessary to properly evaluate the proposal.

2. *Required information.* Written information shall include:

- a. An explanation of the character of the PUD.
- b. The expected schedule of development, including all phasing.
- c. In a proposed PUD-R, the number of acres devoted to residential, commercial, industrial and other nonresidential uses to ensure compliance with CCC 12-11-8.
- d. If applicable, an indication of how a homeowners' association or other group maintenance or group ownership arrangement will operate.
- e. Development standards for the location, height, setback and size of buildings and other structures.
- f. Other information the Planning Commission or its staff may deem necessary to properly evaluate the proposal.

3. *Planning Commission action.* After the public hearing as provided in CCC 12-3B, the Planning Commission shall make its recommendation to the City Council. In making this recommendation, the Planning Commission shall consider at least the following factors:

- a. Whether the PUD is consistent with the comprehensive plan.

- b. Whether the PUD harmonizes with the existing and expected development of surrounding areas.
 - c. Whether the PUD is a unified treatment of the development possibilities of the project site.
 - d. Whether the PUD is consistent with the stated purposes and standards of this section.
- 4. *City Council action.* Upon receipt of the application, the site development plan, with specific information as required under subsection C3 of this section, and Planning Commission recommendation, the City Council shall hold a hearing and review the proposal according to the procedures outlined. Upon approval of the application by the City Council, the zoning map shall be amended to reflect the zoning designation PUD-R as appropriate, and the applicant shall be authorized to process a subdivision plat incorporating the provisions of the approved specific site development plan.
- 5. *Planned unit development plat.* A planned unit development subdivision plat shall be filed with the Planning Commission and shall be processed in accordance with the subdivision regulations, and, in addition to the requirements of the subdivision regulations, shall include:
 - a. Details as to the location of uses and street arrangement.
 - b. Provisions for the ownership and maintenance of the common open space as will reasonably ensure is continuity and conservation. Open space may be dedicated to a private association or to the public, provided that a dedication to the public shall not be accepted without the approval of the City Council after the recommendation of the Planning Commission.
 - c. Such covenants as will reasonably ensure continued compliance with the approved site development plan. The Planning Commission and the City Council may require covenants which provide for detailed site plan review and approval by the Council prior to the issuance of any building permits within the PUD. In order that the public interest may be protected, the City shall be made beneficiary of covenants pertaining to such matters as location of uses, height of structures, setbacks, screening and access. Such covenants shall provide that the City may enforce compliance therewith and shall further provide the amendment of such covenants shall require the filing of a record of written amendment to the covenants approved by the Planning Commission and the City Council.

6. *Issuance of building permits.* After the filing of an approved PUD subdivision plat and the submittal of a detailed development schedule including specifics about the phasing of development and the percentage of construction to be completed before the platting of a particular phase, to be at the discretion of the City Council, and notice to the Building Inspector, no building permits shall be issued on lands within the PUD except in accordance with the approved plat and development schedule.
7. *Amendments of a PUD.* Minor changes in the PUD may be authorized by the Planning Commission and the City Council which may direct the processing of an amended subdivision plat incorporating such changes so long as substantial compliance is maintained with the site development plan and the progress and standards of the PUD provisions hereof. Changes which would represent a significant departure from the site development plan shall require compliance with the notice and procedural requirements of an original planned unit development. It shall be the duty of the City Manager to determine whether any specific request shall be considered a major or minor change, but this decision may be reversed when reviewed by the Planning Commission and the City Council. If it is determined that a major change is requested, then a new application will be processed in accordance with the provisions of CCC 12-3B.
8. *Failure to begin, complete or make adequate progress.* If there is failure to begin, complete, or make adequate progress as agreed upon in the approved site development plan, detailed development schedule and subdivision plat, after the recommendation of the Planning Commission, the City Council may change the zoning classification of the planned unit development in accordance with the provisions of CCC 12-3B, and thus terminating the right of the applicant to continue development, or may initiate action to charge the developers with specific violation of this title subject to the penalties set forth, or any appropriate combination of the above.
9. *Abandonment.* Abandonment of a planned unit development shall require the City Council approval, after recommendation by the Planning Commission, of an application for amendment to the zoning map repealing the zoning designation of a PUD-R or PUD-C, as appropriate. At the same time, the City Council, after recommendation by the Planning Commission and appropriate public notice and hearing, shall design a new zoning district designation to the land previously in the PUD.
10. *Fee.* At the time application is made to the Zoning Official or the Planning Commission, such application will be accompanied by a fee as established by the City Council.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

Editor's note—See CCC 13-4-3.

CHAPTER 12-12 OFF-STREET PARKING AND LOADING

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12-12-1 Application Of Provisions

The off-street parking and off-street loading facilities, whether they are principal uses, accessory uses, or a minimum requirement of the initiation, enlargement, or change of use, shall meet the requirements of this chapter as follows:

- A. For all buildings and structures erected and all uses of land established after the effective date of the ordinance from which this chapter is derived, parking and loading facilities shall be provided by this chapter as required for the particular use.
- B. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.
- C. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking and loading facilities shall be provided as required for such new use. However, if the existing use is nonconforming as to parking requirements, then parking requirements for a change in use shall be governed by CCC 12-16.
- D. Accessory off-street parking and loading facilities in existence on the effective date of the ordinance from which this chapter is derived and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirements for a similar new building or use under the provisions of this title.

(Ord. No. 716, 4-4-2011)

12-12-2 General Requirements

- A. Space allocated to any required off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities. Space allocated to any required off-street parking facilities shall not be used to satisfy the space requirements for any off-street loading facilities.
- B. Within the front and exterior side yards in the RM districts, not more than one vehicle shall be parked for each 600 square feet of area contained in the front or exterior side yards.
- C. Required off-street parking spaces and required off-street loading berths shall not be used for the storage, sale, dismantling, or servicing of any vehicle, equipment, materials, or supplies.
- D. Required off-street parking spaces and required off-street loading berths shall be located on the lot containing the use for which the required spaces or berths are to be provided.
- E. Required enclosed off-street parking and loading areas shall meet the minimum yard requirements of the zoning district in which located; except, that enclosed off-street parking and loading areas which are required shall not be included in the computation of permitted floor area.
- F. The capacity of an off-street parking area shall be the number of parking spaces, having minimum required dimensions, that are located thereon in such a manner that each space can be entered without passing through another space, except in the RS, RD, RMHS and AG districts, where access may be obtained through another parking space.
- G. Required off-street parking surfacing shall be completed prior to the initiation of the use.

(Ord. No. 716, 4-4-2011)

12-12-3 Setbacks

- A. Off-street loading areas shall not be located within 50 feet of any abutting property which is within an R district unless it is wholly within an enclosed building or screened on all sides abutting the R district by a screening wall or fence.
- B. Unenclosed off-street parking and loading areas shall be set back from abutting streets as set forth in Table 1 below.

Table 1. Off-Street Parking and Loading Area Setbacks from Centerline of Abutting Streets¹

	<i>Parking Area 1</i>	<i>Parking Area 6 or</i>	<i>Loading</i>

	<i>to 5 Spaces</i>	<i>More Spaces</i>	<i>Area</i>
In an R district:			
Accessory to a dwelling	28 feet	35 feet	NA
Accessory to another use	40 feet	50 feet	50 feet
Not in an R district, but within 50 feet on an R district	40 feet	50 feet	50 feet

¹If the right-of-way width designated on the major street plan exceeds 50 feet, add one-half of the amount by which the designated right-of-way exceeds 50 feet.

(Ord. No. 716, 4-4-2011)

12-12-4 Design Standards For Off-Street Parking Areas

- A. *Size of space.* A required off-street parking space shall be at least nine feet in width and at least 20 feet in length, exclusive of access drives or aisles. Such space shall have a vertical clearance of at least six feet six inches.
- B. *Access.* Each required parking space shall be accessible from a public street without passing through another required space, and no maneuvering incidental to parking shall be on any public street, except the RS, RD and AG districts.
- C. *Lighting.* Lighting used to illuminate an off-street parking area shall be so arranged as to direct the light away from properties within an R district which do not contain uses for which the parking is being provided.
- D. *Surface of unenclosed parking areas.* Unenclosed off-street parking areas shall be surfaced with an all-weather asphalt or concrete material, or its equivalent material, designed to carry the maximum load normally expected on that surface.
- E. *Screening of unenclosed parking areas.* Unenclosed off-street parking areas which are principal uses shall be screened by the erection of a screening wall or fence on the lot line in common with an R district. Unenclosed off-street parking areas containing six or more spaces which are accessory to uses not required to provide screening shall be screened by the erection of a screening wall or fence on the lot line in common with an RS district, provided that if the parking area is located more than 50 feet from the RS lot line or lines, the screening requirement shall not apply.

(Ord. No. 716, 4-4-2011)

12-12-5 Design Standards For Off-Street Loading Areas

- A. *Size of berth.* Unless otherwise specified, a required off-street loading berth shall be at least ten feet in width, 30 feet in length, exclusive of aisles, and shall have a vertical clearance of at least 14 feet.
- B. *Access.* Required off-street loading berths shall be provided access to and from a public street or alley by an access drive of at least 12 feet in width designed to permit convenient access by semi-trailer trucks.
- C. *Unenclosed berths.*
1. Unenclosed off-street loading areas shall be surfaced with an all-weather material.
 2. Unenclosed off-street loading berths shall not be located within 50 feet of any property in an R district unless it is screened on all sides abutting the R district by a screening wall or fence.
- D. *Lighting.* Lighting used to illuminate an off-street loading area shall be so arranged as to direct the light away from the properties within an R district which do not contain uses for which the loading area is being provided.

(Ord. No. 716, 4-4-2011)

12-12-6 Prohibited Off-Street Parking And Loading

Off-street parking and loading is prohibited except in properly prepared off-street parking and loading spaces meeting the requirements of this chapter.

(Ord. No. 716, 4-4-2011)

12-12-7 Number Of Parking Spaces And Loading Berths

<i>Uses</i>	<i>Parking Spaces</i>	<i>Loading Berths</i>
Agriculture implements, automotive, camper, mobile home, motorcycle and truck sales	1 per 600 sq. ft. of floor area, plus 1 per 1,000 sq. ft. of open air display or service area	1 per 5,000 to 10,000 sq. ft., plus 1 per each additional 15,000 sq. ft. of floor area
Airport	1 per each 500 sq. ft. of enclosed passenger terminal area	1 per 2,000 to 40,000 sq. ft. of floor area, plus 1 per each additional 100,000 sq. ft.
Antique and furniture stores	1 per 300 sq. ft. of floor area	1 per 5,000 to 25,000 sq. ft., plus 1 per each additional 25,000 sq. ft. of floor area

Aquarium, art gallery, museum planetarium, and cultural facility NEC	1 per 800 sq. ft. of floor area	1 per 10,000 to 200,000 sq. ft., plus 1 per each 200,000 sq. ft. of floor area
Auto wash	None	None
Automobile rental and vehicle repair	1 per 600 sq. ft. of floor area	None
Billiard parlor, bowling alley, gymnasium, health	1 per 225 sq. ft. of floor area	1 per 5,000 to 25,000 sq. ft., plus 1 per each additional 25,000 sq. ft. of floor area
Children's nursery	1 per 1,000 sq. ft. of floor area	None
Church	1 per 40 sq. ft. of chapel or sanctuary floor area	1 per 10,000 to 200,000 sq. ft., plus 1 per each additional 200,000 sq. ft. of floor area
Club, racquetball club, rifle range (enclosed), skating rink, slot car track, swimming pool (enclosed)		
College, university	1 per 600 sq. ft. of classroom floor area, plus 1 per 4 dormitory beds, plus 1 per 4 stadium seats	1 per 10,000 to 200,000 sq. ft., plus 1 per each additional 200,000 sq. ft. of floor area
Community center	1 per 500 sq. ft. of floor area	1 per 10,000 to 100,000 sq. ft., plus 1 per each additional 100,000 sq. ft. of floor area
Community group home	1 per 900 sq. ft. of floor area	None
Convent, monastery and novitiate	1 per 1,000 sq. ft. of floor area	1 per 10,000 to 200,000 sq. ft., plus 1 per each additional 200,000 sq. ft. of floor area
Drive-in restaurants	None	1 per 5,000 to 25,000 sq. ft. of floor area, plus 1 per each additional 25,000 sq. ft. of floor area
Drive-in theater	None	None

Duplex dwelling	2 per dwelling unit	None
Eating establishments	1 per 100 sq. ft. of floor area	1 per 5,000 to 10,000 sq. ft., plus 1 per each additional 15,000 sq. ft. of floor area
Elderly/retirement	0.75 per dwelling unit	None
Emergency and protective shelter	1 per 1,000 sq. ft. of floor area	1 per 10,000 to 100,000 sq. ft., plus 1 per each additional 100,000 sq. ft. of floor area
Entertainment and/or drinking establishments other than theater	1 per 75 sq. ft. of floor area	1 per 5,000 to 10,000 sq. ft., plus 1 per each additional sq. ft. of floor area
Fraternity or sorority house	1 per 2 beds	1 per 10,000 to 200,000 sq. ft., plus 1 per each additional 200,000 sq. ft. of floor area
Funeral home	1 per 40 sq. ft. of assembly floor area, plus 1 per 300 sq. ft. of nonassembly floor area	1 per 10,000 to 100,000 sq. ft., plus 1 per each additional 100,000 sq. ft. of floor area
Gasoline service station	None	None
Golf course	5 per green, plus 1 per 400 sq. ft. of clubhouse floor area	1 per 10,000 to 100,000, plus 1 per each additional 100,000 sq. ft. of floor area
Golf driving range	1 per tee	None
Hospital	1 per bed	1 per 10,000 to 100,000 sq. ft., plus 1 per each additional 100,000 sq. ft. of floor area
Hotel, motel	1 per sleeping room, plus 1 per 225 sq. ft. of accessory facilities such as card shop, flower shop, barbershop and beauty shop, etc., and 1 per 100 sq. ft. for accessory facilities such as restaurants and taverns	1 per 40,000 to 150,000 sq. ft., plus 1 per each additional 150,000 sq. ft. of floor area, plus 1 per 5,000 to 25,000 sq. ft., plus 1 per each 25,000 sq. ft. of accessory facilities
		1 per 10,000 to 200,000

Library	1 per 500 sq. ft. of floor area	sq. ft., plus 1 per each additional 200,000 sq. ft. of floor area
Life care retirement center	0.75 per dwelling unit and 0.35 per nursing center bed	1 per 10,000 to 200,000 sq. ft., plus 1 per each additional 200,000 sq. ft. of floor area
Manufacturing and industry, NEC	1 per 1,000 sq. ft. of floor area	1 per 2,000 to 40,000 sq. ft. of floor area, plus 1 per 40,000 to 100,000 sq. ft., plus 1 per each additional 100,000 sq. ft. of floor area
Medical and dental offices, clinics and laboratories	1 per 250 sq. ft. of floor area	1 per 10,000 to 100,000 sq. ft., plus 1 per each additional 100,000 sq. ft. of floor area
Mini-storage	1 per 5,000 sq. ft. of floor area	None
Mining and quarrying; processing of mineral products i.e., washing, crushing, grading or manufacture of Portland cement concrete, or asphaltic concrete	1 per 1,000 sq. ft. of floor area	None
Mobile home	2 per each mobile home dwelling unit	None
Motion picture theater	1 per 4 seats	1 per 5,000 to 10,000 sq. ft., plus 1 per each additional 15,000 sq. ft. of floor area
Multifamily dwelling	1.5 per efficiency or 1 bedroom dwelling unit; 2 per 2 or more bedroom dwelling units	None
Nursing home	0.35 per nursing center bed	1 per 10,000 to 100,000 sq. ft., plus 1 per each additional 100,000 sq. ft. of floor area
Office, NEC	1 per 300 sq. ft. of floor area	1 per 10,000 to 100,000 sq. ft., plus 1 per each additional 100,000 sq. ft. of

		floor area
Private club	1 per 400 sq. ft. of floor area	1 per 10,000 to 100,000 sq. ft., plus 1 per each additional 100,000 sq. ft. of floor area
Public park	1 per 4 stadium seats, plus 1 per 500 sq. ft. of community center or recreation building, plus 1 per 300 sq. ft. of pool area	1 per 10,000 to 100,000 sq. ft., plus 1 per each additional 100,000 sq. ft. of floor area
Public protection and utility facilities	None	None
Public tennis court	2 per court, plus 1 per 400 sq. ft. of clubhouse area	1 per 10,000 to 100,000 sq. ft., plus 1 per each additional 100,000 sq. ft. of floor area
Residential treatment center and transitional living center	1 per each 1,000 sq. ft. of floor area	1 per 10,000 to 100,000 sq. ft., plus 1 per each additional 100,000 sq. ft. of floor area
Retail trade and service establishments	1 per 225 sq. ft. of floor area	1 per 5,000 to 25,000 sq. ft., plus 1 per each additional 25,000 sq. ft. of floor area
Rooming/boarding house	1 per 2 beds	1 per 10,000 to 200,000 sq. ft., plus 1 per each additional 200,000 sq. ft. of floor area
Schools		
Elementary and junior high	1 per 1,200 sq. ft. of floor area	1 per 10,000 to 200,000 sq. ft., plus 1 per each additional 200,000 sq. ft. of floor area
Senior high	1 per 800 sq. ft. of floor area, plus 1 per 4 stadium seats	1 per 10,000 to 200,000 sq. ft., plus 1 per each additional 200,000 sq. ft. of floor area
Single-family detached dwelling, neighborhood group home and foster home	2 per dwelling unit	None

Tennis club, video games, enclosed commercial recreation establishments, NEC		
Townhouses	1.5 per efficiency or 1 bedroom dwelling unit. 2 per 2 or more bedroom dwelling units	None
Trade or service establishments	1 per 400 sq. ft. of floor area	1 per 5,000 to 25,000 sq. ft., plus 1 per each additional 25,000 sq. ft. of floor area
Uses providing spectator seating such as stadiums, arenas, rodeo grounds	1 per 4 seats	1 per 5,000 to 25,000 sq. ft., plus 1 per each additional 25,000 sq. ft. of floor area
Warehousing, NEC; wholesale establishments, NEC; trucking establishments; truck rentals	1 per 5,000 sq. ft. of floor area	1 per 5,000 to 25,000 sq. ft., plus 1 per each additional 5,000 sq. ft. of floor area
Other uses	1 per 800 sq. ft. of site area	1 per 5,000 to 25,000 sq. ft., plus 1 per each additional 25,000 sq. ft. of floor area

(Ord. No. 716, 4-4-2011)

CHAPTER 12-13 SIGNS

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12-13-1 Short Title

This chapter, together with future amendments thereof, shall be known and may be cited as the City of Coweta Sign Code.

(Ord. No. 716, 4-4-2011)

12-13-2 Purpose And Intent

The purpose and general intent of this chapter is as follows:

- A. To provide for the appropriate use and location of signs in a manner that will not adversely affect or impact property values, compatibility of land use, community appearance and identity, and to otherwise promote the general welfare, public safety, convenience and order to the City.
- B. To establish standards and guidelines for the design, erection and installation of signs and other visual communication devices so that the City may appear orderly and to prevent the needless clutter in appearance within the City by signs unreasonable in number, location, area and illumination.
- C. To provide for the issuance, revocation, inspection and identification of signs within the City.
- D. To provide for the removal of any sign that is in violation of or in nonconformance with the intent and purpose of this chapter.

(Ord. No. 716, 4-4-2011)

12-13-3 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-frame sign means any sign of a structural framework with steeply angled sides meeting at the top like the sides of the letter A. Such signs may also be known as

sandwich board signs. There shall be a one-time permit fee per the fee schedule.

Abandoned sign means any sign that advertises a business, lessor, owner, product, service or activity that is no longer located on the premises where the sign is displayed.

Advertising devices means banners, streamers, wires, rope, wind-operated devices, flashing lights or other similar contrivances affixed to poles to highlight a sign.

Area marker means a sign that designates or identifies a subdivision or development.

Awnings means any structure made of cloth or metal with a metal frame attached to a building and not projecting over a public right-of-way when so constructed to permit its being lowered to a position not over the public right-of-way and to permit its being raised to a position flat against a building when not in use.

Billboard means a sign that is designed for changeable messages which advertises or directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises upon which the sign is located or to impart a public service message. The billboard sign is usually larger than eight feet by four feet in dimensions and may be owned by a commercial company that leases or rents the billboard space for advertising purposes.

Business sign means any display, device, figure, plaque, poster or sign maintained or used to advertise or to inform or to direct the attention of the public to a business or activity conducted upon the premises upon which such sign is located or to a product or service sold or rendered thereon.

Changeable copy sign means a sign designed to allow changing of copy manually.

Community kiosk sign means a City-provided informational sign structure with leased sign panels for the purpose of providing directional information for: single-unit and multi-unit residential developments, commercial developments, local businesses, not-for-profit agencies, and community facilities. The community kiosk sign is classified as an exempt sign in CCC 12-13-21.

Contractor sign means a sign that denotes the architect, engineer, contractor, lending institution or other related business when placed upon work under construction.

Copy means words, letters, numbers, figures, designs or other symbolic representations incorporated into a sign.

Double-face sign means an advertising structure with faces in opposing directions and using the same supports, hardware and frame.

Face means that area of a business sign containing the advertising information, painting, drawing or message intended or used to advise or inform and excludes trim

and supports.

Face of building means the total area of the main wall of a building, including windows, doors and openings, that abuts the front yard of a building or walls that are located on the front property line. On corner lots, the face of the building shall include main walls facing the front yard and side yard or main walls fronting on all front and side property lines.

Flashing sign means any sign, the illumination of which is not constant in intensity when in use, except that illuminated signs, which indicate the date, time or temperature, or other public service information, shall not be considered flashing signs. Flashing signs are not permitted inside the City limits.

Garage sale sign means signs advertising garage sales or the sale of tangible personal property and include lawn sales, attic sales, flea market sales and similar sales of personal property. Said signs are allowed on-site only.

Ground sign means any business sign which is not attached to a building but is supported by braces, post, or by any other means than by attachment to a building support.

Height of sign means the vertical distance from ground level to the uppermost point of the sign.

Illegal sign means any of the following:

- A. A sign erected without first obtaining a permit and complying with all regulations in effect at the time of its construction or use;
- B. A sign that was legally erected but the use of which has ceased because the business it identifies is no longer conducted on the premises;
- C. A nonconforming sign for which the amortization period has expired;
- D. A sign that was legally erected which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value;
- E. A sign that is a danger to the public or is unsafe; or
- F. A sign that pertains to a specific event that has not been removed within five days after the occurrence of the event. This sign is subject to a fine per the fee schedule.

Inflatable means any sign or inflatable device of more than two cubic feet in capacity, designed to be filled with air or a gas lighter than air, used singly or in cluster, displayed to attract the attention of the public. This definition shall include balloons and balloon signs.

Marquee means a roof-like structure of a permanent nature that projects from the wall of a building and may overhang the public way. Changeable lettering may be a part thereof.

Maximum display surface means the area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprises the face of the sign. The area of any double-sided or V-shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

Menu board sign means any sign which directs attention to a restaurant menu as an accessory structure to the restaurant with drive-through facilities. Such a sign may be illuminated and freestanding and contain a two-way communication system for the purpose of food ordering only.

Monument sign means a freestanding sign with a base affixed to the ground, where the length of the base is at least two-thirds the horizontal length of the monument.

Moving sign means any sign which moves or has moving parts other than parts which indicate time, temperature or other moving devices which provide needed public service information.

Nonconforming sign means an advertising structure or sign which was lawfully erected and maintained prior to the effective date of the ordinance from which this chapter is derived, and which has subsequently come under the requirements of this title but does not now completely comply.

Off-site advertising sign means any sign which directs the attention of the public, the business or activity conducted or product or service sold or offered at a location not on the same premises where such outdoor advertising sign is located.

Pole sign means a freestanding sign with a base supported from the ground by a pole or a similar support structure of narrow width.

Premises means an area under a single ownership or a single lease, no part of which is separated from the other by any land under a different ownership or lease agreement.

Projecting sign means any sign which is firmly attached to a building and extends outward therefrom.

Right-of-way means defined by the Coweta major street and highway plan. The actual street pavement, plus the defined distance for future expansion of individual streets and highways located within the City corporate limits.

Roof sign means any sign erected, constructed, or maintained upon the roof of any

building.

Sign means an identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution or business.

Sign area means the entire area of the actual message or copy area. It shall include decorative trim or embellishments but shall not include structural elements outside the limits of such display surface and not forming an integral part of the display. On all signs, all faces shall be counted in computing the sign area.

Special event means an event, activity, sale or service, or other occasion that is temporary or seasonal in nature, is limited in duration, and is not regularly repeated within the same calendar year. For the purposes of this definition, a special promotion or other similar occasion shall be deemed to be synonymous. A slogan (e.g., the store with the best bargains) shall not be deemed a special event. This shall be defined as once a year for less than 30 days at a time.

Street or highway frontage means the distance along any one side of any public street or highway, street or alley, measured along the right-of-way line or parallel to the normal right-of-way line where the right-of-way line is not affixed.

Temporary sign means any sign intended to be displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area or neighboring property. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure are considered temporary signs. 30 days or less.

Vehicle sign means a sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

Wall sign means any sign which is painted on or firmly attached to a wall of any building and which does not extend beyond the building more than 12 inches.

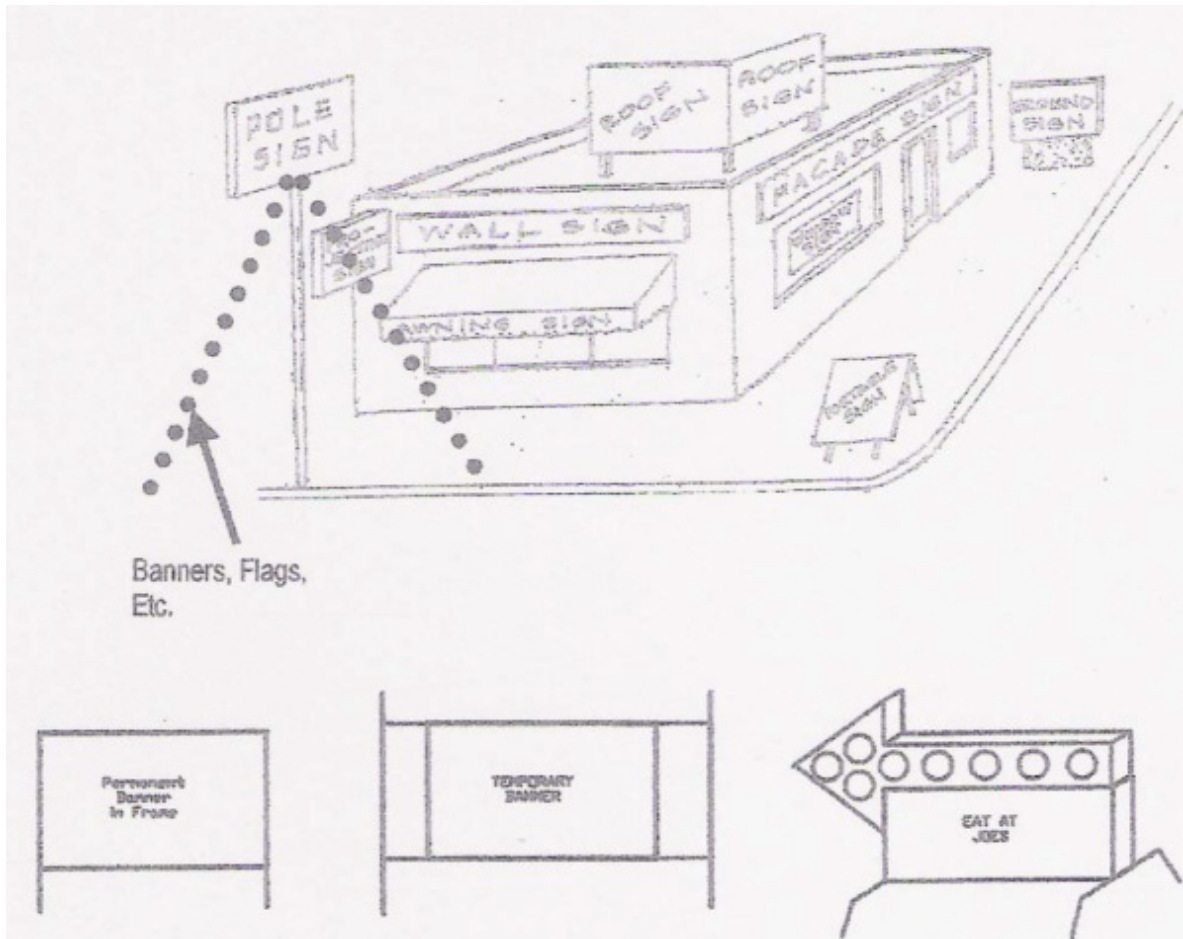
Window sign means a sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view that is located within three feet of the window is also considered a window sign.

(Ord. No. 716, 4-4-2011; Ord. No. 830, § 2, 2-3-2020)

Editor's note—See also CCC 12-2-2.

12-13-4 Figures Of Sign Types

Sign Types



12-13-5 Permit Requirements

A. Permits required; exemptions.

1. No signs, except for temporary real estate signs located on and offering property for sale or for rent, having six square feet or less of display surface, may be constructed or erected within the City without first receiving a sign permit.
2. Regarding permits for banners, portable and promotional signs, see CCC 12-13-15.
3. A sign permitted for use shall not be changed at a later time to a different use without receipt of a permit for the new intended use.

B. Application for permit. Applications for sign permits must include, but are not limited to, the following information:

1. Proof of ownership or written permission of the owner of the lot upon which the proposed sign will be constructed.

2. A detailed site plan of the property showing the proposed sign location and all structures and easements and driveways.
3. The proposed dimensions of the sign and a description of the method of supporting the sign.
4. The measurement of distances from the proposed signs to the designated state or federal highway, turnpike, street or relevant boundary of different zoning districts from the district in which the proposed sign is to be located.
5. The name and business address of the licensed sign contractor and the licensed electrical contractor or licensed electrical sign contractor if the sign is electrically powered.
6. The name and contact information of the sign owner.
7. Type of sign requested: Ground/wall/projecting etc., permanent or temporary, illuminated or not illuminated.

C. Permit fees.

1. Sign permit fees are as per the fee schedule as approved by the Coweta City Council.
2. Included in the permit fee is an inspection that is required by the City. It is the responsibility of the owner/erector of the sign to contact the Community Development Department for an inspection upon completion of the installation of the sign.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-13-6 Licensed Contractors To Install Signs

All permanent signs which are permitted under this chapter, or any future amendments hereto, shall be installed by licensed sign contractors in accord with the locations and plans approved at the time of application for a sign permit.

(Ord. No. 716, 4-4-2011)

12-13-7 General Location Requirements

- A. *Street setback.* No sign or portion thereof shall be permitted in the right-of-way of any street or area designated in the most recently adopted Coweta major street and highway plan as a future street under any circumstances except authorized traffic signals, signs or devices.
- B. *Intersection setback.* No sign shall be located less than 35 feet from the

intersection of the pavement of two streets or from the intersection of street pavement and a railroad track. The point of intersection shall be measured from the edge of the paving.

- C. *Traffic signal clearance.* No sign shall be located in such a manner as to obstruct or obscure or in any manner interfere with any traffic signal light or public warning sign.
- D. *Obstruction of view.* Signs, when located in such a manner so as to prevent any motorists from obtaining a clear view of approaching vehicles for a distance of 500 feet along any public right-of-way, are prohibited.
- E. *Business signs near residential districts or City parks.* No business sign shall be located within 50 feet of an R district or City park if visible from such district or park.
- F. *Permanent ground signs.*
 - 1. All permanent ground signs shall maintain a separation of 50 feet from any other ground sign.
 - 2. All permanent ground signs shall have a landscaped area at the base of the sign equal to the area of the sign if located outside the downtown historical district.
- G. *Signs attached to utilities and structures.* No signage of any kind shall be affixed to any type of utility pole, line, fence, tree, wire, transformer, mailbox or similar device or structure.

(Ord. No. 716, 4-4-2011)

12-13-8 General Use Conditions

- A. For the purpose of display surface area calculations, where a lot abuts more than one public street, that street frontage which is the larger shall be used.
- B. Only one side of a double-faced sign shall be included in the computation of display surface area. Double-sided signs may be separated, as long as the interior angle formed by the intersection of the two display surfaces does not exceed 30 degrees.
- C. Illumination, if any, shall be by constant light. No signs with flashing lights/strobes or similar features are permitted.
- D. The following signs shall not be prohibited by this chapter if located outside the right-of-way, and further, will not be included in the computation of display surface area for other permitted signs:
 - 1. Nameplates attached to the face of the wall and not exceeding two

square feet in surface area.

2. On-site temporary real estate signs on the property, indicating that said property is for sale or rent.
3. On-site temporary construction signs, which are faced to display along arterial street frontages, and not exceeding one-half square foot per linear foot of arterial street frontage; however, such temporary construction signs shall be restricted to 32 square feet of display area.
4. Signs which are not visible from a public street.
5. Tablets built into the wall of a building or other structure being used for inscriptions, memorials, or similar historic or dedicatory purposes.
6. Noncommercial signs of warning, directive, or instructional nature erected by a public agency, franchised transportation, utility company, or governmental agency.
7. Legal notices required by law to be posted.
8. Election campaign signs may not exceed 16 square feet of display surface area.
9. Signs which are attached by the manufacturer and function as labels.
10. Signs located on accessory equipment or structures which identify the manufacturer, make or model, and which are limited to 15 square inches or less for each piece of equipment or structure. By way of example, such equipment may include, but not be limited to, satellite dishes, air conditioners, fence components and similar items.
11. Street address numbers painted on the structure or curb at the property owners' discretion, not less than four inches in height with a minimum stroke width of one-half inch and shall be made of a reflective material, or may be lighted, or have a contrasting color, so that they can easily be seen during the day and readable from the abutting street.

Editor's note—See also CCC 11-7-3.

12. Sign painted or posted on the glass surface of windows or doors and pertaining to the business conducted therein.
13. Signs containing facsimiles of traffic control devices of any sort within 100 feet of the point of intersection of two or more public streets.
14. Revolving red or blue lights.
15. Signs containing light exceeding an illumination of seventy 70 footcandles as measured at a two-foot distance from the source of illumination.

(Ord. No. 716, 4-4-2011; Ord. No. 840, § 1, 12-7-2020)

12-13-9 Agriculture District Use Conditions

The following are use conditions for the agriculture district.

- A. *Principal use signs.* Signs as a principal use are not allowed in the agriculture district.
- B. *Accessory use signs.* Signs as an accessory use are subject to the following conditions:
 - 1. Business signs may only be erected on a lot upon which a business is located, advertising products or services available on the property where the sign is located. All signs erected on such lots shall be oriented to be read from such highways and meet all state and federal regulations.
 - 2. The maximum display surface of ground signs shall be limited to an aggregate of one square foot of display area per each linear foot of street frontage, provided that no single sign shall exceed 300 square feet.
 - 3. A minimum of 500 feet spacing shall be maintained between signs except in the case of back-to-back signs, V-shaped signs subject to CCC 12-13-8B, or signs separated by a building or other obstruction.
 - 4.
 - a. A ground sign shall not exceed three feet in height, measured from the mean curb level of the lot upon which it is erected, unless, in addition to the minimum setbacks prescribed in CCC 12-13-7, the sign is set back one foot for each foot of height exceeding 30 feet, provided the sign shall not exceed 50 feet regardless of setback.
 - b. Within 100 feet of the right-of-way of an abutting elevated street, a ground sign may be erected to a height 15 feet above the elevation of the street if the sign is designed to be viewed primarily from the elevated street and the sign does not exceed 60 feet.
 - 5. One bulletin board may be erected on each street frontage of an educational, religious, institutional, or similar use requiring announcement of its activities. The bulletin board shall not exceed 20 square feet in area nor ten feet in height.
 - 6. One identification sign may be erected on each street frontage of a permitted nonresidential use. The sign shall not exceed 32 square feet in surface area or 15 feet in height.

7. A real estate sign advertising the sale, rental, or lease of the premises may be erected on each street frontage of the premises. The sign shall not exceed 80 square feet in surface area or 15 feet in height.

(Ord. No. 716, 4-4-2011)

12-13-10 Residential District Use Conditions

The following are use conditions for the residential district.

- A. *Principal use signs.* Signs as principal uses are not allowed in residential districts.
- B. *Accessory use signs.* Signs as accessory uses are subject to the following conditions:
 1. One bulletin board may be erected on each street frontage of an educational, religious, institutional, or similar use requiring announcement of its activities. The bulletin board shall not exceed 12 square feet in area nor ten feet in height.
 2. One subdivision identification sign may be erected on each street frontage of a permitted nonresidential use. The sign shall not exceed 32 square feet in surface area nor ten feet in height.
 3. During the period of construction, a temporary sign advertising the construction of improvements on the premises may be erected on each perimeter street frontage of the development. The sign shall not exceed 64 square feet in surface area nor 15 feet in height, and illumination, if any, shall be by constant light. All such signs must be removed upon completion of construction or revocation of the building permits being issued on more than 75 percent of the lots in the subdivision will occur.
 4. A temporary real estate sign advertising the sale, rental, or lease of the premises may be erected on each street frontage of a lot. The sign shall not exceed six square feet in surface area and shall not be illuminated in any way.
 5. No signs are permitted for home occupations per CCC 12-5-4G or neighborhood group homes per CCC 12-5-5C.
- C. *Temporary directional real estate signs.* No signage shall be placed or maintained on any public right-of-way or easements. In addition to other allowed signage, one temporary direction sign may be placed on private property, with the consent of the property owner, provided that:
 1. Such sign shall not exceed four square feet in area per side and 42 inches in height;

2. Such sign shall remain in place only from 9:00 a.m. Friday until 9:00 a.m. Monday;
3. Such sign directs traffic to property in the district.

D. *Garage/yard sale signs.* Garage/yard sale signs shall be exempt, provided that:

1. The sign shall not exceed four square feet in surface area if the sign is single-faced or eight square feet in surface area if the sign is double-faced.
2. Only one sign shall be permitted for each lot where the garage/yard sale is being held; provided, however, that one sign shall be permitted along each side of a lot abutting a public street up to a maximum of two signs per lot.
3. The sign shall not exceed five feet in height from grade.
4. The sign shall be placed on private property on the premises of the sale and set back from any public right-of-way.
5. Any garage sale sign not picked up by the operator of the garage sale, the City Code Enforcement Officer will consider it a nuisance and will follow that procedure.
6. Two temporary off-site garage sale signs are permitted at the closest major intersections to the site of the garage sale, provided the follow conditions are met:
 - a. A sign permit application is submitted and approved by the Community Development Department.
 - b. Written permission is obtained and submitted with the sign application to the Community Development Department from the landowner of the property on which the off-site sign is placed.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

Editor's note—See also CCC 4-7-3C.

12-13-11 Office District Use Conditions

The following are use conditions for the office district.

- A. *Principal use signs.* Signs as a principal use are not allowed in the office district.
- B. *Accessory use signs.* Signs as accessory uses are subject to the following conditions:

1. One business sign not exceeding 32 square feet in surface area may be erected on each street frontage of a lot. Ground signs shall not exceed the height of the building in which the principal use is located or 15 feet in height, whichever is lower.
2. During the period of construction, a temporary sign advertising the construction of improvements on the premises may be located on each street frontage of the development. The sign shall not exceed 32 square feet in surface area nor 15 feet in height.
3. A temporary real estate sign advertising the sale, rental or lease of the premises may be erected on each street frontage of a lot. The sign shall not exceed 32 square feet in surface area nor ten feet in height.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-13-12 Commercial And Industrial Districts Use Conditions

The following are use conditions for the commercial and industrial districts:

- A. *Principal use signs.* Signs as a principal use are not allowed in the commercial and industrial districts.
- B. *Accessory use signs.* Signs as accessory uses are subject to the following conditions:
 1. *Height requirements.*
 - a.
 - (1) A ground sign shall not exceed 20 feet in height, measured from the mean curb level of the lot upon which it is erected, unless, in addition to the minimum setback prescribed in CCC 12-13-7, the sign is set back one foot for each foot of height exceeding 20 feet, provided the sign shall not exceed 50 feet regardless of setback.
 - (2) Within 100 feet of the right-of-way of an abutting elevated street, a ground sign may be erected to a height of 15 feet above the elevation of the street if the sign is designed to be viewed primarily from the elevated street and the sign does not exceed 60 feet.
 - b. A roof sign shall not extend more than 12 feet above the mean roof level of the structure to which it is affixed.
 - c. A projecting sign shall not extend more than nine feet above the mean roof level of the structure to which it is affixed.

2. Display surface area requirements.

- a. The maximum display surface area of ground signs shall be limited to an aggregate of one square foot of display area per each linear foot of street frontage.
- b. The maximum display surface area for wall, canopy, roof and projecting signs shall be limited to one square foot per each linear foot of building wall to which the sign or signs are attached.
- c. Signs are permitted as accessory uses in the CN Neighborhood Commercial District, subject to the following conditions:
 - (1) All business signs shall not exceed an aggregate display surface area of one square foot of display area per each linear foot of street frontage.
 - (2) A ground sign shall not exceed 20 feet in height, measured from the mean curb level of the lot upon which erected.
- d. During the period of subdivision construction, a temporary sign advertising the construction of improvements on the premises may be located on each street frontage of the development. The sign shall not exceed 32 square feet in surface area nor ten feet in height.
- e. A temporary real estate sign advertising the sale, rental or lease of the premises may be erected on each street frontage of a lot. The sign shall not exceed 32 square feet in surface nor ten feet in height.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-13-13 PUD District Use Conditions

Signs in planned unit developments (PUD) shall be governed by this chapter but may be modified by the express terms of the PUD.

(Ord. No. 716, 4-4-2011)

12-13-14 Political Signs

Political campaign signs are allowed in any zoning district. No political campaign signs shall be permitted on public property, and they shall be permitted on private property only with the consent of the property owner; the display surface area of each political campaign sign located in R or O zoning districts shall not exceed 16 square feet in

surface area; only one side of a double-faced sign shall be computed in the computation of display area. These signs shall not to be located in any public park or City-owned property.

(Ord. No. 716, 4-4-2011; Ord. No. 840, § 2, 12-7-2020)

12-13-15 Banners, Portable And Promotional Signs

- A. A banner, portable or promotional sign shall be permitted only as provided herein, and such permits will be limited to not more than four per year for any single business. The banners, portable or promotional signs shall be used for a period of not more than 30 days on any one occasion. Permits issued under this chapter must be used within 12 months from the date the first permit is issued, are not transferable, and may not be renewed by the permit holder or by others for that location within one year.
- B. Signs previously permitted or allowed shall not be exempt from this section.
- C. All banners, portable or promotional signs shall conform to the zoning requirements for the location in which they are used, as well as those in CCC 12-13-5B, 12-13-7, 12-13-8, 12-13-13 and 12-13-16 through 12-13-19.
- D. Banners, portable and promotional signs shall be located only on privately owned or leased property, advertising products or services available on the property where the sign is located.
- E. The banner, portable or promotional sign designation does not apply to business identification signs on company vehicles used in the daily operation of the business.
- F. Vehicles with signage may not be parked off-site or on-site for the principal use of advertising.
- G. No portable sign shall be placed unless such sign is anchored at each support by a steel rod driven at least 18 inches into the ground, or unless said sign is attached by a steel chain having at least three-fourths inch links or by a steel cable of at least one-half inch diameter to a building or to a permanent ground sign, or similar upright supporting structure. Regardless of any other provisions to the contrary, all signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than 40 pounds per square foot of area or of materials which are unlikely to become dangerous projectiles when propelled by windstorms.
- H. Real estate signs are regulated in the usage guidelines for the zoning district in which they are located.
- I. The permit fee for banners, portable and promotional signs shall be per the fee schedule per a 30-day permitted time period, plus an additional fee per the fee schedule if the sign requires an electrical connection. If electricity is required,

the installation shall conform to the current building and electrical codes and be installed by a licensed electrical contractor who holds a current City contractor's license. See CCC 11-1-1 and 11-4-1, respectively, of this Code.

- J. Signs for temporary fireworks stands must follow the same permit procedure as a permanent sign.
- K. Permanent banner signs are permitted in nonresidential zoning districts. One sign is permitted per street frontage, per lot of record.

(Ord. No. 716, 4-4-2011)

12-13-16 Maintenance Required

All signs, together with all their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of preservation. The Code Enforcement Officer may order the removal of any sign that is not maintained in accordance with the provisions of this chapter.

(Ord. No. 716, 4-4-2011)

12-13-17 Existing And Nonconforming Signs

- A. Signs that have not been issued a sign permit by the City shall not be located in any zoning district of the City, provided that signs which were legally permitted by the previous sign regulations prior to the effective date of the ordinance from which this chapter is derived, or signs which were permitted by the county under previous regulations prior to annexation may continue to exist and receive ordinary maintenance unless and until the use of the sign is discontinued for a period of two years, or the structure of the sign is damaged or destroyed in excess of 50 percent of its value, at which time, such sign must fully comply with the requirements of this chapter. Banners, portable and promotional signs are covered in CCC 12-13-15.
- B. A lawful sign that was erected with a sign permit before the effective date of the ordinance from which this chapter is derived shall not be rebuilt, refurbished, revised or relocated without conforming to the requirements set forth herein.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-13-18 Prohibited Signs

- A. The following signs shall be prohibited within the City:
 - 1. Off-site advertising signs.
 - 2. Billboard signs regulated by other sections of this chapter.

3. Signs erected in violation of this chapter, the City's Building and Electrical Codes, or other applicable local regulations.

Editor's note—See CCC 11-1-1 and 11-4-1, respectively.

4. Illuminated signs being powered by extension cords.
5. Signs erected in violation of federal or state law.
6. Portable signs and plastic arrow signs, except as allowed as temporary signage or in the downtown district.
7. Animated flashing, rotating or revolving signs. Nothing contained herein shall be construed to prohibit time and temperature or other public interest electronic message signs which otherwise conform to the provisions of this chapter.
8. Signs on vehicles used or intended to be used as an on-premises sign. It shall be prima facie evidence that a sign is used as an on-premises sign if a vehicle is parked on site for a continuous period exceeding 48 hours.
9. Temporary off-site signs including portable and portable flashing arrow signs and banners.
10. Any inflatable sign.
11. Any advertising flag, except as provide for special events.
12. Any obsolete sign, if not deemed historical by the City Council.

B. Additional prohibitions.

1. It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent or immoral matter.
2. No placards, leaflets, handbills or other similar signs shall be placed on the exterior wall or window of any building or public property in any district. All persons placing such materials, and all occupants and owners of buildings upon which such materials are placed, shall be responsible for violation of this chapter and punishable as per CCC 12-13-23.
3. Permanent use of a temporary portable sign shall not be allowed in any zoning district.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-13-19 Removal Of Certain Signs

- A. Any unlawful sign (without a sign permit) in the City and those signs which no

longer advertise a bona fide business being conducted or a product being sold shall, within 30 days after written notification from the Code Enforcement Officer, be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found. See CCC 12-13-23D for penalty provisions.

- B. For unlawful signs located on City property, the right-of-way shown on the Coweta major street and highway plan and/or City easements, including signs in violation of this chapter, the City Code Enforcement Officer, or other employee designated by the City Manager, shall have the authority to immediately remove such signs. In addition to the penalty provisions set forth in CCC 12-13-23D, any person seeking to retain custody of an unlawful sign removed from City property, City right-of-way, or City easements, shall pay to the City an administrative storage fee per the fee schedule. After at least ten days of storage, the City shall have the sign either recycled or otherwise properly disposed.

(Ord. No. 716, 4-4-2011)

12-13-20 Variances

- A. *General criteria.* The City Board of Adjustment may grant a variance to the requirements of this chapter only if the applicant demonstrates compliance with the following criteria:
1. That the variance is necessary due to extraordinary or peculiar circumstances related to the size, shape, topography, or location of the subject property.
 2. That the extraordinary or exceptional conditions of the subject property are not a direct result of the actions of the applicant.
 3. That the variance, as granted, represents the least deviation from the prescribed regulations necessary to accomplish the purpose for which the variance is sought and which is consistent with the stated intent of this chapter.
 4. That the granting of the variance shall result in greater convenience to the public in identifying the business location for which a variance from this chapter is sought.
 5. That the granting of the variance will not be detrimental to the public welfare, will not constitute a public nuisance or adversely affect public safety.
 6. That the granting of the variance will not interfere with the location and identification of adjacent businesses, buildings or activities.
- B. *Variance for off-site advertising.* The City Board of Adjustment may grant a

variance to the regulations of this chapter only if the applicant demonstrates complete compliance with the following criteria:

1. All requests for off-site advertising shall be submitted to the Board of Adjustment for approval. The request must contain a detailed drawing of the sign, the requested location for the sign and a statement of hardship as to why off-site signage is a must for the business. Any sign approved for off-site advertising must meet the following requirements:
 - a. No off-site advertisement will be allowed that is not approved by the City Board of Adjustment. For any sign that is constructed off-site from the business without prior approval granted by the Board of Adjustment, there will be assessed a \$200.00 fine.
 - b. There will be a minimum separation of 400 feet between all off-site signs.
 - c. No sign will be placed closer than 65 feet from centerline of the roadway and no closer than 25 feet from any railroad tracks and not within the public right-of-way.
 - d. No sign shall be placed closer than 125 feet from the corner of any intersection.
 - e. Any sign to be placed on private property must have a lease agreement from the property owner submitted with the request package.
 - f. All signs will be permitted for 12 months and, at the end of the permit period, a reapplication and issuance of a permit, without costs, will be required to ensure compliance. For any sign that is deemed out of compliance, there will be given 14 business days to fix any and all problems or the sign will be removed. For any sign that is removed by the City for failure of compliance, there will be assessed a \$50.00 fine for removal.
2. Design and construction requirements are as follows:
 - a. Signs shall be professionally designed and constructed to compliment the community.
 - b. Signs placed near intersections will be no larger than eight feet by eight feet.
 - c. Signs placed in between intersections will be one of three sizes, but no larger than four feet by eight feet or four feet by six feet and no smaller than four feet by four feet.
 - d. All signs may be two-sided advertising and may be shared by separate businesses. If not, then the back side must be encased

with MDO board, white in color. No other color will be allowed.

- e. All signs must be built to withstand wind loads and cannot have any braces placed to support the sign other than the poles used to place the sign in the ground.
- f. No sign will have metal poles to support the sign in order to prevent breakaway ability.
- g. All signs shall be made of one-half inch, pre-finished MDO board and framed with four-inch by four-inch, five-inch by five-inch or six-inch by six-inch treated lumber, which must be encased with finished white MDO board. No other color for encasement will be allowed.
- h. The bottom of all signs will be no higher than 24 inches and no lower than 12 inches from the ground surface.

3. Side street directional off-site sign requirements are as follows:

- a. Any side street business may request directional signs by submitting a request through the Board of Adjustment and must follow the same requirements as outlined above.
- b. Directional signs placed on buildings, at an alley or intersection to direct traffic to businesses down a side street and/or alleys may be permitted if permission is granted by the building owner. This permission must be in writing and submitted with the request.
- c. All signs shall be two feet by three feet and shall be professionally designed and constructed and must compliment the colors and material of the building to which it is applied.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-13-21 Exempt Signs

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

- A. Official notices authorized by a court, public body or public safety official.
- B. Directional, warning or informational signs authorized by the federal, state, or municipal government.
- C. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.

- D. The flag of a government or noncommercial institution such as a school.
- E. Religious symbols and seasonal decorations within the appropriate public holiday season.
- F. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
- G. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed four square feet in area.
- H. Community kiosk sign, as further discussed in CCC 12-13-22.

(Ord. No. 716, 4-4-2011; Ord. No. 830, § 3, 2-3-2020)

12-13-22 Community Kiosk Signs

- A. City community kiosk signs, with sign panels for annual lease, may be authorized for the purpose of providing directional information for single-unit and multiple-unit residential developments, commercial developments, local businesses, not-for-profit agencies, and community facilities. A community kiosk sign may be single or double faced.
- B. Maximum sign height for a kiosk sign structure shall be 12 feet, maximum sign width shall be six feet. Leasable sign panels shall be 19.5 inches by 50 inches.
- C. Sign panels shall be located on designated City-owned kiosk structures within the public right-of-way, or, upon finding that such location will not permit adequate directional information, kiosk structures may be approved on private property (with a sign easement designating the City as a third party beneficiary) with the written permission of the property owner. Such permission shall include the consent of the property owners to allow the City, in the event of noncompliance, to enter said property and remove the sign.
 - 1. Each City community kiosk sign panel may contain only the name of the subdivision or builder or new multifamily development, commercial development, local business, not-for-profit agency, community facility, the corporate logo, and a directional arrow.
 - 2. No kiosk sign shall be placed within 100 feet of another except when they are on opposite sides of the same street.
 - 3. Any directional sign panels shall conform to colors and design standards (set forth or approved) by the City.
 - 4. Any sign panel approved for a particular development project within the City shall not be changed to another project without prior approval of the City.
- D. *Community kiosk sign submittal and permit requirements.*

1. Community kiosk sign panel permit is required for inclusion in the kiosk program. Permit applications shall be made in writing on forms provided by the City. The following information shall be required as part of the community kiosk sign panel permit application and approval process:
 - a. Copy/wording/logo for sign panel.
 - b. Location of project, for directional purposes.
 - c. Designation of community kiosk sign location.
2. One copy of all information listed above shall be submitted with the application for each sign panel. One application per applicant, for more than one sign panel to be located on the same kiosk structure is allowed.
3. Before issuing any the permit required by this code, the City shall collect fees in accordance with a current fee schedule established by the City Council.
4. Once reviewed and approved, the City will order the sign panel and have them installed per the approved permit.

(Ord. No. 830, § 4(18.17), 2-3-2020)

12-13-23 Enforcement And Penalties

- A. The installation of any sign without obtaining the required permit is punishable under CCC 1-4-1 and shall be subject to double the permit fees per the fee schedule.
- B. In addition to available penalties, violation of any portion of the zoning title may be abated as a public nuisance upon the order of the City Manager or designees. However, the City Manager shall provide an appropriate hearing after contacting the sign owner no later than 14 days following the abatement, and the sign shall be preserved by the City until after the hearing. In the event the abatement of a sign is determined to be proper at the hearing, or if the hearing is waived, the costs of abatement may be assessed in accordance with state law.
- C. Based upon the determination of the Community Development Department, if a sign was erected inside the City limits without a sign permit, after the effective date of the ordinance from which this chapter is derived, the owner shall pay twice the normal sign permit fee.
- D.
 1. The violation of any provision of this chapter shall be a municipal offense and shall be subject to a minimum \$500.00 fine. Every day of violation

shall be a separate and distinct offense.

2. If a City Code Enforcement Officer, or other employee designated by the City Manager to enforce provisions of this chapter, shall find that any sign or other advertising structure regulated by this chapter is unsafe or insecure, or is a nuisance to the public or has been constructed or erected or is being maintained in violation of this chapter, he or she shall have the authority to issue a notice to appear citation.
3. In addition to the issuance of a notice to appear citation, the City shall have the authority to cause the removal of the unlawful sign and to have the reasonable costs of such removal, and related administrative cost, assessed against the property where the unlawful sign was located.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

CHAPTER 12-14 LANDSCAPE REQUIREMENTS

12-14-1 Purpose

12-14-2 Definitions

12-14-3 Applicability And Exemptions

12-14-4 Requirements

12-14-5 Administration

12-14-1 Purpose

- A. The landscaping and screening requirements specified in this chapter are intended to foster aesthetically pleasing and functional development. The regulations are intended to increase the compatibility between adjacent land uses and accessory structures and uses within and between developments. It is also the intent of this chapter to establish regulations limiting the removal and ensuring the replacement of trees within the City to safeguard the ecological and aesthetic environment of the community.
- B. These requirements serve to minimize impacts from noise, dust, debris and motor vehicle emissions to surrounding land uses, therefore, preserving property values and the character of neighborhoods.

(Ord. No. 716, 4-4-2011)

12-14-2 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Caliper means the diameter of the tree trunk measured at six inches above ground level

for a tree trunk having a diameter of four inches or less, and the diameter of the tree trunk measured at 12 inches above ground level for a tree trunk having a diameter exceeding four inches.

Dripline means the periphery of the area underneath a tree which would be encompassed by perpendicular lines extending from the exterior edges of the crown of the tree.

Landscaped area means the unpaved area within a lot which contains grass, shrubs, flowers, ground cover, trees or native plant materials and which may include decorative fixtures such as rock, pools and planters.

Street yard means the minimum required yard (residential) abutting a public street or the area of a lot contained between the minimum required building setback line (nonresidential) and an abutting public street.

Tree means a woody plant having one or more defined stems or trunks and having a defined crown and customarily attains a mature height of eight feet or greater, or a woody plant set forth within a list of trees recommended by the OSU Extension office in the document titled "Oklahoma Proven: Plant Selections for Oklahoma" published April 2022, or latest update.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-14-3 Applicability And Exemptions

A. The landscape requirements herein established shall be applicable to all land for which a building permit is sought, including new development and expansion of existing uses, as follows:

1. *New development.* New tentative plans and development plans submitted after the effective date of the ordinance from which this chapter is derived.
2. *Expansion of existing uses.* Approved plans and development existing prior to the effective date of the ordinance from which this chapter is derived shall comply with the regulations under which approval was given and shall be subject to the provisions of this chapter if proposed expansion will exceed 25 percent of the gross floor or lot area of the existing development. The area and type of landscaping required shall be determined relative to the entire area of the development.

B. The landscape requirements shall not be applicable to the following:

1. Land used for single-family or duplex dwellings where only one such structure is to be constructed on the lot.

2. Restoration of a building constructed prior to September 6, 2002, which is damaged by fire, explosion, flood or other catastrophe.
3. Interior remodeling.
4. Land for which a detailed landscape plan has been recommended by the Planning Commission prior to the date of approval by the City Council, pursuant to its review of a planned unit development.
5. Construction of a structure, other than a building, which does not increase the developed area of a lot more than 30 square feet.
6. Barns and similar types of structures on AG (agriculture) zoned property.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-14-4 Requirements

A. Frontage and perimeter.

1. Not less than 15 percent of the street yard shall be established and maintained as landscaped area.
2. Within the lot, a landscaped area shall be established and maintained which is not less than ten feet in width and which extends along the entirety of the abutting street right-of-way, except at points of vehicular access.
3. Within the lot, off-street parking areas shall be separated from an abutting residential district or residential development area in a PUD by a landscaped area which is not less than ten feet in width.
4. In computing the landscaped area required in subsection A1 of this section, landscaped areas established as required by subsections A1 and 2 of this section, if located within the street yard, shall be included in the computation.
5. The requirements set forth in this subsection shall not be applicable to properties where no street yard exists or is required.

B. Parking areas. Within surface off-street parking areas, landscaped areas shall be established and maintained as follows:

1. For lots 2.5 acres or less in size, no parking space shall be located more than 50 feet from a landscaped area containing at least 30 square feet, with a minimum width or diameter of three feet.
2. For lots greater than 2.5 acres in size, no parking space shall be located more than 75 feet from a landscaped area containing at least 100 square

feet, with a minimum width or diameter of seven feet.

C. Trees.

1. Within the street yard, trees shall be preserved or planted and maintained or replaced as follows: One tree for each 1,500 square feet, or fraction thereof, of street yard.
2. For surface parking areas located outside the street yard, one tree for each ten parking spaces, with at least one tree in each required landscaped area, shall be preserved or planted and maintained or replaced.
3. An existing or planted tree which is at least six inches in caliper shall be considered as two trees for the purpose of determining compliance with the requirement of subsection C1 of this section, provided there is no alteration of the soil grade under an existing tree's dripline.
4. Planted trees shall be planted in a pervious area not less than three feet in diameter.
5. Minimum tree sizes at the time of planting shall be as follows:
 - a. Ornamental trees shall be not less than six feet in height and one inch in caliper;
 - b. Conifers and evergreen trees, such as pine, spruce or cedar, shall be not less than five feet in height; and
 - c. Canopy trees shall not be less than eight feet in height and 1 1/2 inches in caliper.
6. To encourage preservation of existing mature trees and/or the planting of larger trees, for each tree on-site prior to new construction which is retained and/or the planting of a six-inch caliper tree or greater within the front or side yard building setback will count towards 2.5 trees for each 1,500 square feet of street yard required in subsection C1 of this section. In addition, for each tree preserved on-site 12 inches in caliper or greater shall constitute 1.5 square feet of landscaped area for the purpose of meeting the requirement of 15 percent street yard landscaping and/or parking area landscaping.
7. In order to encourage the preservation of trees that are already established and growing, an additional credit for existing trees that are preserved rather than planted will reduce the required number of off-street parking spaces by one space for each tree in good condition which is greater than 12 inches in caliper and is located within the front or side yard setback of the site.

D. *Outdoor storage areas.* Outdoor storage is used for the storage of garbage, equipment and other materials. The screening of outdoor storage shall consist of a decorative sight-obscuring or screening fence and/or a solid planting screen predominantly of evergreens to be not less than five feet in height at maturity.

E. *Miscellaneous requirements.*

1. Required landscaping shall not include artificial plants, trees or other artificial vegetation.
2. Required landscaping shall be irrigated by one of the following methods:
 - a. An underground sprinkling system;
 - b. A drip system; or
 - c. A hose attachment within 100 feet of all landscaped areas.
3. All landscaped areas which are adjacent to pavement shall be protected with curbs or equivalent barriers.
4. Required landscaping shall be maintained in a live and healthy condition and shall be replaced as necessary to comply therewith.
5. Required landscaped areas shall be maintained free of debris and litter.
6. Required landscaping shall be installed in accordance with an approved landscape plan.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

12-14-5 Administration

A. *Landscape plan.* An application for a building permit for uses requiring landscaping, as set forth in CCC 12-14-3, shall include a landscape plan which provides the following:

1. Ten copies of all full-sized documents and drawings folded, not rolled. For all graphic and plan drawings, a scale of not less than one inch equals 100 feet shall be used.
2. The date, scale, north arrow, project name and name of the owner.
3. The locations and dimensions of all existing and/or proposed parking lots, drives, roadways, and rights-of-way, sidewalks, bicycle paths, freestanding signs, refuse disposal areas, freestanding electrical equipment, building mounted heating, ventilating and air circulation equipment, and all fences.
4. The location of property lines and dimensions of the tract.

5. The approximate location of significant drainage features, the location and size of existing and proposed utility easements and overhead utility lines on or adjacent to the lot.
 6. Species, planting size and location of proposed plant material required under this chapter and location and size of the proposed landscaped areas.
 7. Planting details and/or specifications.
 8. Method of protecting the existing trees which are to be retained from damage during construction.
 9. Location of hose connections and other water system sources or devices and the location and placement of all proposed water lines and sprinkler heads of irrigation systems proposed.
 10. The following calculations, in square feet, displayed on the landscape plan:
 - a. Total site area.
 - b. Total area devoted to off-street parking (including access drives).
 - c. Total area devoted to impervious surfaces.
 - d. Total landscaped area.
 - e. Total parking lot landscaped area.
 - f. Total internal landscaping.
 11. The delineation of the sight distance triangle where applicable.
 12. The schedule of installation of required landscaping and appurtenances, which shall satisfy installation of all required landscaping and appurtenances, except trees, prior to the issuance of a certificate of occupancy and further specify installation of required trees within the landscape plan within 120 days after issuance of the occupancy permit.
- B. *Certification of installation.* Prior to the issuance of a certificate of occupancy, written certification shall be submitted to the City by an architect, landscape architect or engineer authorized to do business in the state that the installation of the landscaping and appurtenances, except trees, are in accordance with the approved landscape plan. Prior to or within 120 days of the issuance of the occupancy permit, written certification of an architect, landscape architect or engineer authorized for business in the state that all trees have been installed in accordance with the approved landscape plan shall be submitted to the City.
- C. *Administrative review.* After receipt of a landscape plan, the designated administrative official shall:

1. Approve the landscape plan as complying with the requirements of this chapter;
2. Approve the landscape plan with conditions which bring it into compliance with the requirements of this chapter; or
3. Reject the landscape plan as failing to comply with the requirements of this chapter.

D. *Appeal process.* In accordance with the provisions of CCC 12-3A, an appeal to the Board of Adjustment may be taken by any person aggrieved by a determination.

E. *Alternate landscape plan.*

1. For a filing fee established by the City Council, an applicant may present to the Board of Adjustment an alternate landscape plan with a narrative explaining the reasons for proposing the alternative plan. Submittal requirements of subsection A1 of this section will still apply to any alternate landscape plan submitted. Items not in compliance with this chapter must clearly be marked on the plan and discussed in the narrative. The Board of Adjustment will act accordingly under CCC 12-3A, and hardship must be proven in order to approve the alternative plan. Financial reasons are not valid hardships. Appeals to any ruling by the Board of Adjustment can be filed in district court according to CCC 12-3A.
2. There shall be compliance with Board of Adjustment filing procedures and property owner notification according to CCC 12-3A.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

CHAPTER 12-15 TOWERS AND ANTENNAS

ARTICLE 12-15A TELECOMMUNICATION TOWERS AND ANTENNAS

ARTICLE 12-15B SATELLITE COMMUNICATION ANTENNAS

ARTICLE 12-15A TELECOMMUNICATION TOWERS AND ANTENNAS

12-15A-1 Findings And Compliance

12-15A-2 Purpose

12-15A-3 Definitions

12-15A-4 General Requirements

12-15A-5 Administrative Approval Of New Antennas

12-15A-6 Special Exceptions

12-15A-7 Abandoned Antennas And Towers

12-15A-8 Nonconforming Antennas And Towers

12-15A-9 Exemptions From Provisions

12-15A-1 Findings And Compliance

The City finds that telecommunication towers and antennas and other supporting structures present unique land use concerns. Telecommunication towers and antennas and their supporting structures shall meet the requirements of this article and adequately consider the purposes as set forth in CCC 12-15A-2.

(Ord. No. 716, 4-4-2011)

12-15A-2 Purpose

The purpose of this article is to establish requirements for the location of wireless communications towers and antennas as follows:

- A. Protect residential areas and land uses from potentially adverse impacts of towers and antennas;
- B. Encourage the location of towers in nonresidential areas;
- C. Minimize the total number of towers throughout the community;
- D. Strongly encourage co-location of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- E. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- F. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- G. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- H. Consider the public health and safety of communications towers;
 - I. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures; and in furtherance of these purposes, the City shall give due consideration to the City's comprehensive plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

(Ord. No. 716, 4-4-2011)

12-15A-3 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use tower means a tower situated on a lot or parcel which is subordinate to the principal or primary use of said lot or parcel.

Antenna means any exterior transmitting or receiving device used in communications to radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communications signals.

Co-location means construction of antenna towers which provides space for multiple wireless service providers to locate on one tower. The term "co-location" is used when multiple service providers are located on one tower.

Comprehensive plan means the official plan for the growth and development of the City, adopted by the City Council on December 5, 1994.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Guyed tower means a communication tower that is supported, in whole or in part, by guy wires and ground anchors.

Height means when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad.

PUD means planned unit development.

Pre-existing towers and pre-existing antennas means any tower or antenna which lawfully existed prior to the effective date of the ordinance from which this chapter is derived, including permitted towers or antennas that have not yet been constructed so long as such approval is current and has not expired.

Principal use tower means a tower situated on a lot or parcel of land which is the primary use of said lot or parcel.

Tower means any principal use antenna that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term "tower" includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers and the like, and also includes the structure and any support thereto.

(Ord. No. 716, 4-4-2011)

12-15A-4 General Requirements

A. *Use restrictions.*

E: Special exception						
R: Use by right						
X: Not allowed by right or exception						
	AG	RS	O	C	I	PUD
Principal use	E	X	X	R ¹	R ¹	R ¹
Accessory use	E	X	E	R ¹	R ¹	R ¹
Notes:						
1Antenna towers and accessory structures are allowed by right in the above designated zoning districts as long as compliance with all general requirements of this article are met at time of building permit issuance.						

B. *Principal or accessory use.* Towers may be considered either principal or accessory uses. A different existing use on the same lot shall not preclude the installation of a tower on such lot. Reference the chart in subsection A of this section for applicability of siting new principal or accessory use towers.

C. *Towers and antennas.* Towers and antennas shall meet the following requirements:

1. Towers and antennas shall be designed to blend into the surrounding environment through the use of color, galvanizing, or camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
2. Other than in industrial zoning districts and PUDs, antennas and towers shall be a monopole design unless the Board of Adjustment determines, by special exception, that an alternative design would adequately blend into the surrounding environment, or that such antenna cannot be supported by a monopole.
3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

D. *Nonessential services.* Towers and antennas shall be regulated and permitted pursuant to this article and shall not be regulated or permitted as essential services, public utilities, or private utilities.

- E. *Tower lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the FAA or federal or state authority. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
- F. *Signs and advertising.* The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
- G. *Accessory utility buildings.* All utility buildings and structures accessory to a tower shall meet all the requirements of the underlying zoning district. Exterior ground-mounted equipment occupying more than 50 square feet, if visible from ground level, shall be screened from view from property within 300 feet used for residential purposes.
- H. *Setbacks.* The following setback requirements shall apply to all towers; provided, however, that the Board of Adjustment may modify the requirements by special exception:
1. Towers must be set back a distance equal to at least 110 percent of the height of the tower from any adjoining lot line of a residential, office or agricultural zoned lot, excluding expressway right-of-way zoned residential, office or agricultural.
 2. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- I. *Security fencing.* Towers shall be enclosed by security fencing not less than six feet in height or shall be equipped with an appropriate anticlimbing device; provided, however, the Board of Adjustment may modify or waive such requirements by special exception.
- J. *Minimum spacing.*
1. Antennas and towers constructed for a single-use provider or for co-location shall be spaced a minimum distance of one mile from any other tower or antenna.
 2. Each applicant for a permit to build a tower shall provide to the City Community Development Department, an inventory of all the existing towers or permits for other locations that are within one mile of the site for which applied. Said inventory shall include specific information about the location, height, and design of each tower. If the towers within the applicant's inventory have been designed for co-location, a description of the facilities and heights for the possibility of co-location shall be included within the inventory. Said inventories may be shared with other applicants applying for any approvals under these regulations, provided that the City does not warrant the accuracy of any such information. The

applicant for a permit shall also provide the description, identity and contact for the backhaul network provided who will serve that site.

- K. *Height.* No tower shall exceed 65 feet in height without Board of Adjustment approval.

(Ord. No. 716, 4-4-2011)

12-15A-5 Administrative Approval Of New Antennas

The City Community Development Department may administratively approve the installation of a new antenna on the following:

- A. An existing structure other than a tower (such as a building, sign, light pole, water tower, or other freestanding, nonresidential structure) which is 55 feet or less in height, so long as such addition does not add more than ten feet to the height of the existing structure.
- B. An existing tower of any height, including a pre-existing tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than ten feet to the height of the existing tower, and the tower remains set back from any existing adjacent residential lot boundary equal to 110 percent of the total new height of the tower.
- C. Certain developed public properties, including, but not limited to, water towers, water treatment plants, sewer treatment facilities, police stations, fire stations, ambulance stations, equipment maintenance facilities, and lighted and enclosed sports facilities such as football stadiums and baseball and softball parks, but not practice facilities at unlighted or unsecured locations which may be temporarily used for sporting events, nor on or in any park or greenbelt.
- D. Top of high schools, intermediate high schools, and commercial or office buildings, so long as such addition does not add more than ten feet to the height of the existing structure.
- E. An existing tower or supporting structure as a co-location.
- F. An accessory or principal use tower or antenna in an I district 65 feet tall or less, provided such tower is set back 110 percent of the total height from an abutting AG, RS, or O district.

(Ord. No. 716, 4-4-2011)

12-15A-6 Special Exceptions

- A. *When required.* If a tower or antenna is not permitted pursuant to CCC 12-5-8 or

12-15A-4, a special exception shall be required for the construction of such tower.

B. *General regulations.* In order to obtain approval of a special exception for an antenna and antenna-support structure, the Board of Adjustment shall require, subject to modification and additional requirements as deemed necessary by the Board as a part of the review process, that the antenna and antenna support structure satisfy the following:

1. Height of the proposed tower.
2. Proximity of the tower to residential structures.
3. Nature of uses on adjacent and nearby properties.
4. Surrounding topography.
5. Surrounding tree coverage and foliage.
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
7. The total number and size of antennas proposed and the ability of the proposed tower to accommodate co-location.
8. Architectural design of utility buildings and accessory structures to blend with the surrounding environment.
9. Proposed ingress and egress.
10. The need of the applicant for a communications tower within the immediate geographic area to provide an acceptable level of communications service to the area.
11. The size of the tract and the most likely future development as indicated by the comprehensive plan, planned infrastructure, topography and other physical facts.

C. *Co-location.* Co-location of facilities is encouraged.

1. All towers requiring special exception approval from the City Board of Adjustment shall be designed and constructed in such a manner as to accommodate co-location of a minimum of two additional wireless telecommunication system providers unless it can be demonstrated by the applicant to the satisfaction of the Board that such co-location is not technically feasible or that it would unreasonably impede or otherwise impair the operation of the initial or subsequently located facilities.
2. Certification from a professional engineer licensed to practice in the state shall be submitted with the Board of Adjustment application that the antenna and antenna support structure is designed and constructed in

such a manner as to accommodate the co-location of a minimum of two wireless telecommunication system providers.

3. Written evidence of compliance with the standards of the Federal Communications Commission and the Federal Aviation Administration.
4. No new tower should be permitted by the City Board of Adjustment unless the applicant demonstrates to the Board reasonable satisfaction that no existing tower or other structure can accommodate the applicant's proposed antenna. Evidence of this unavailability may consist of the following:
 - a. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements;
 - b. Existing towers or structures are not of sufficient height or structural strength to meet the applicant's engineering requirements;
 - c. Applicant's proposed antenna would cause electromagnetic interference with existing antennas on existing towers or structures, or the existing antennas on the existing towers or structures would cause electromagnetic interference with the applicant's proposed antenna;
 - d. Fees, costs, or contractual provisions required by the owner of the existing tower in order to share said tower structure are unreasonable. In this regard, rental costs exceeding the costs of site acquisition and tower construction, including engineering and design fees, are presumptively unreasonable; and
 - e. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable to the satisfaction of the Board.

D. *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a special exception is required; provided, however, that the Board of Adjustment may modify or waive such requirements by special exception:

1. Tower facilities shall be landscaped with a continuously maintained buffer of plant materials that effectively screens the view of the tower compound from property within 300 feet used for residential purposes. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
2. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property

perimeter may be sufficient buffer.

- E. *Record of findings.* The findings of the Board of Adjustment as to each of these factors shall be made on the record and contained in the written minutes of the meeting.

(Ord. No. 716, 4-4-2011)

12-15A-7 Abandoned Antennas And Towers

Any antenna or tower that is not operated for a continuous period of six months shall be considered abandoned, and the owner of such antenna or tower, or the property owner, shall remove the same within 90 days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove the abandoned antenna or tower within said 90 days shall be grounds for the City to issue penalties for violations in accordance with this title and/or to remove the antenna or tower at the tower owner's or property owner's expense. Additionally, any abandoned tower that is not current in the structural safety inspection required by the City Building Code may be subject to nuisance abatement procedures as set forth by the City.

(Ord. No. 716, 4-4-2011)

Editor's note—See CCC 5-3.

12-15A-8 Nonconforming Antennas And Towers

Antennas and towers lawfully existing on or before the effective date of the ordinance from which this chapter is derived shall be considered nonconforming uses as specified in these regulations. Routine maintenance, including antenna replacement, shall be permitted on such existing towers. New construction other than routine maintenance shall require compliance with all provisions of these regulations.

(Ord. No. 716, 4-4-2011)

12-15A-9 Exemptions From Provisions

The following shall be exempt from these regulations:

- A. Microwave reflectors and parabolic antennas.
- B. Antennas and equipment completely located inside of buildings.
- C. Minor modifications of existing wireless communications facilities and attached wireless communications facilities, whether emergency or routine, provided there is little or no change in the visual appearance. Minor modifications are those modifications, including the addition of antennas, to conforming wireless and attached wireless communications facilities that meet the general

requirements set forth in this article.

(Ord. No. 716, 4-4-2011)

ARTICLE 12-15B SATELLITE COMMUNICATION ANTENNAS

12-15B-1 Regulations

12-15B-2 Permitted Use Standards In Certain Districts

12-15B-3 Permitted As A Matter Of Right In Certain Districts

12-15B-4 When A Special Exception Is Required

12-15B-5 Existing Antennas

12-15B-1 Regulations

Satellite antennas are regulated as provided in this article.

(Ord. No. 716, 4-4-2011)

12-15B-2 Permitted Use Standards In Certain Districts

Satellite antennas are a permitted use in an AG, RS, RD, RMHS, RMHP or RM-1 district, provided they meet the following standards:

- A. Shall be ground mounted.
- B. Shall be located in the rear yard only and shall be set back from the property line one foot for every foot of height.
- C. Shall not exceed 13 feet in height at the grade where they are mounted.
- D. Not permitted as a principal use on the lot.

(Ord. No. 716, 4-4-2011)

12-15B-3 Permitted As A Matter Of Right In Certain Districts

Satellite antennas are permitted as a matter of right in all other O, C, and I districts, provided that if the antenna is to be located on a lot which abuts a residential district, the antenna shall be set back from the common property boundary two feet for every one foot of height above grade.

(Ord. No. 716, 4-4-2011)

12-15B-4 When A Special Exception Is Required

Satellite antennas which do not meet the standards as set forth in this article shall require approval of a special exception by the Board of Adjustment.

(Ord. No. 716, 4-4-2011)

12-15B-5 Existing Antennas

Satellite antennas which have been installed prior to the effective date of the ordinance from which this chapter is derived shall be permitted to continue notwithstanding any provision herein to the contrary.

(Ord. No. 716, 4-4-2011)

CHAPTER 12-16 NONCONFORMITIES

[12-16-1 Continuance Of Certain Uses](#)

[12-16-2 Nonconforming Uses Of Unimproved Land](#)

[12-16-3 Nonconforming Use Of Buildings Or Buildings And Land In Combination](#)

[12-16-4 Nonconforming Signs](#)

[12-16-5 Nonconforming Lots](#)

[12-16-6 Structural Nonconformities](#)

[12-16-7 Repairs](#)

[12-16-8 Parking, Loading And Screening Nonconformities](#)

12-16-1 Continuance Of Certain Uses

Within the districts established by this title, or amendments that may later be adopted, there exist uses, structures, and lots which were lawful before the effective date of the ordinance from which this chapter is derived, or amendment hereto, but which would be prohibited under the terms of this title or future amendments to this title. These uses, structures, and lots, herein referred to as nonconformities, may continue as regulated by this chapter. A use lawfully existing prior to the effective date of the ordinance from which this chapter is derived, or amendment hereto, which does not comply with a parking, loading, screening, bulk and area, sign, or enclosure requirement or requirements, but which is otherwise lawful, shall be deemed nonconforming and may continue as regulated by this chapter.

(Ord. No. 716, 4-4-2011)

12-16-2 Nonconforming Uses Of Unimproved Land

A. When, at the effective date of the ordinance from which this chapter is derived, or amendment hereto, a lawful use of land exists which would not be permitted by the terms of this title, or amendments hereto, and the only structures employed in connection with such uses are all accessory or incidental to such use and, in the aggregate, do not cover more than ten percent of the lot area devoted to the nonconforming use, such use shall be deemed a nonconforming use of unimproved land and shall terminate as follows:

1. If the replacement cost of the accessory structures, other than fences, is less than \$1,000.00, the nonconforming use shall terminate within five years from the effective date of the ordinance from which this chapter is

derived or from the date the use became nonconforming, whichever is later.

2. If the replacement cost of the structures, other than fences, is \$1,000.00 or more, the nonconforming use shall be terminated on the basis of amortization of the replacement cost of the accessory structures at a rate of \$200.00 per year from the effective date of the ordinance from which this chapter is derived or from the date the use became nonconforming, whichever is later.

B. Pending termination, the nonconforming use of land may be continued, provided:

1. No such nonconforming use shall be changed to another nonconforming use, nor enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the ordinance from which this chapter is derived, or amendment hereto.
2. No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use at the effective date of the ordinance from which this chapter is derived, or amendment thereto.
3. No additional structure (other than fences) shall be erected in connection with such nonconforming use of land.
4. If any such nonconforming use of land ceases for any reason for a period of more than 90 days (except when government action impedes access to or use of the premises), any subsequent use of such land shall conform in all respects to the regulations of the district in which located.

(Ord. No. 716, 4-4-2011)

12-16-3 Nonconforming Use Of Buildings Or Buildings And Land In Combination

When, at the effective date of the ordinance from which this chapter is derived, or amendment thereto, there exists a lawful use of a building, or use of a principal building and land, or use of land and accessory structures, such structures covering more than ten percent of the lot area, and such use would not be permitted by right under the terms of this title, or amendment hereto, such use shall be deemed nonconforming and may continue subject to the following provisions:

- A. No building devoted to a nonconforming use shall be enlarged or extended, except in changing the use of the building to a use permitted in the district in which it is located.
- B. A nonconforming use of a portion of a building may be extended to the

remaining portions of the building if such portions were manifestly arranged and designed for such use, but such use shall not be extended to occupy any land outside the building.

- C. A nonconforming use of a building, or building and land in combination, if superseded by a permitted use, shall not thereafter be resumed.
- D. A nonconforming use of a building, or building and land in combination, if discontinued for 24 consecutive months or for 24 months during any three-year period (except when governmental action impedes access to or the use of the premises), shall not thereafter be resumed.
- E. Where nonconforming use status applies to a building and land in combination, termination of use of the building within the meaning of subsection D of this section shall eliminate the nonconforming status of the use of the land.
- F. A nonconforming use of a building, or of a building and land in combination, when located within a residential district, shall not be changed unless changed to a use permitted in the district in which located. A nonconforming use of a building, or of a building and land in combination, when located within a district other than a residential district, may, as a special exception, be changed upon approval of the Board of Adjustment after a finding that the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties.
- G. Should the structure containing a nonconforming use be damaged or partially destroyed to the extent of more than 50 percent but less than 75 percent of its current replacement cost at the time of damage, the restoration of the structure shall be subject to the Board of Adjustment's finding, after adherence to the procedural requirements for a special exception, that the contemplated restoration is necessary for the continuance of the nonconforming use, and will not result in any increase of incompatibility with the present or future use of proximate properties. Should the structure containing a nonconforming use be damaged or destroyed to the extent of more than 75 percent of its replacement cost at time of damage, the nonconforming use shall not thereafter continue or be resumed.

(Ord. No. 716, 4-4-2011)

12-16-4 Nonconforming Signs

- A. *Outdoor advertising signs.* Outdoor advertising signs lawfully existing on the effective date of the ordinance from which this chapter is derived but which would be prohibited by its terms, shall be removed, or made to conform if possible, on or before January 1, 1997. In addition, said sign shall be subject to the following regulations:

- 1. The sign shall be maintained in good repair and visual appearance.

2. Should the sign be damaged or partially destroyed to the extent of more than 50 percent of its current replacement cost at the time of damage, the sign shall be removed, or made to conform if possible.
3. If the sign is not used for advertising purposes for a period of two years, the sign shall be deemed abandoned and shall be removed.

B. Business signs.

1. Business signs lawfully existing on the effective date of the ordinance from which this chapter is derived, or amendment thereto, but which would be prohibited by its terms, shall be removed, or made to conform if possible, on or before January 1, 1997.
2. Signs with flashing lights lawfully existing on the effective date of the ordinance from which this chapter is derived, or amendment thereto, but which would be prohibited by its terms, shall be removed, or made to conform to the provisions of this chapter, within one year from the effective date of the ordinance from which this chapter is derived; provided, however, that promotional business signs shall comply with this title immediately, from and after the effective date of the ordinance from which it is derived.

(Ord. No. 716, 4-4-2011; altered in 2023 recodification)

Editor's note—See also CCC 12-13-17.

12-16-5 Nonconforming Lots

- A. In residential districts, on any lot or subdivision of record on or before a single-family detached dwelling may be erected without complying with the required area or width of the required side yard which abuts a public street, provided that no side yard shall be less than five feet, and there is compliance with all other requirements of the district.
- B. In nonresidential districts, on any lot or subdivision filed of record on or before the permitted use may be located on such lot irrespective of its area or width provided that there is compliance with other requirements of the district.

(Ord. No. 716, 4-4-2011)

12-16-6 Structural Nonconformities

A structure lawfully existing at the effective date of the ordinance from which this chapter is derived, or amendment hereto, but which would be prohibited by the terms of this title by reason of restriction on floor area, density, intensity, height, yards, its

location on the lot, or other requirements concerning the structure, shall be deemed nonconforming and may continue, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in any manner which increases its nonconformity, provided that the addition of a mezzanine or similar alteration which does not increase the cubic content of the structure shall not constitute an increase in nonconformity.
- B. Should such structure be damaged or partially destroyed by any means to the extent of more than 50 percent of its current replacement cost at time of damage, the restoration as a nonconforming structure shall be subject to the Board of Adjustment's finding, after adherence to the procedural requirements for a special exception, that its restoration to a conforming structure cannot reasonably be made in view of the nature and extent of the nonconformity and the nature and extent of the damages.
- C. Should such structure be moved for any distance whatever, it shall thereafter conform to the provisions of the district in which located.
- D. A mobile home or a mobile home park which lawfully existed at the effective date of the ordinance from which this section is derived, but which would be prohibited by the terms of this title is classified as a structural nonconformity and may continue, except for the following conditions and the other provisions of this section:
 - 1. A nonconforming mobile home outside of a licensed mobile home park, if removed from the site, shall not be thereafter re-established, or if said mobile home remains unoccupied for a period of 12 months during any 18-month period, the mobile home shall be removed from the site at the owner's expense.
 - 2. If a nonconforming mobile home park discontinues operations for 12 months during any 18-month period, the mobile home park shall not thereafter resume operations.

(Ord. No. 716, 4-4-2011)

12-16-7 Repairs

- A. On any building containing a nonconforming use or any nonconforming structure, ordinary repairs and maintenance may be made, provided that the cubic content of the building is not increased, and structural nonconformity is not increased.
- B. If a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and a final order of vacation or demolition is entered by any duly authorized

official by reason of physical condition, it shall not thereafter be used, restored, repaired, or rebuilt except in conformity with the provisions of the district in which located.

(Ord. No. 716, 4-4-2011)

12-16-8 Parking, Loading And Screening Nonconformities

A use lawfully existing at the effective date of the ordinance from which this chapter is derived, or amendment thereto, but which does not comply with a parking, loading or screening requirement or requirements of this title, shall be deemed nonconforming and may continue, subject to the following provisions:

- A. No such use may be enlarged or extended unless parking and loading is provided as required for the enlargement or extension.
- B. No such use may be enlarged or extended unless screening is provided as required for the use.
- C. No such use may be changed unless parking, loading and screening is provided as required for such use; provided, however, that the Board of Adjustment may modify such parking and loading requirements as a special exception after finding that the proposed use meets the standards contained in CCC 12-3A-10C, and the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties.

(Ord. No. 716, 4-4-2011)

TITLE 13 SUBDIVISIONS

CHAPTER 13-1 SUBDIVISIONS IN GENERAL; STATUTE AUTHORITY; PURPOSE; JURISDICTION; APPLICATION; INTERPRETATION

CHAPTER 13-2 RULES AND DEFINITIONS

CHAPTER 13-3 ADMINISTRATION AND ENFORCEMENT; GENERAL PROVISIONS

CHAPTER 13-4 SUBDIVISION APPLICATION PROCEDURES

CHAPTER 13-5 MINOR SUBDIVISIONS

CHAPTER 13-6 DESIGN STANDARDS

CHAPTER 13-7 REQUIRED IMPROVEMENTS AND IMPROVEMENT STANDARDS

CHAPTER 13-8 STREET SPECIFICATIONS FOR CITY MAINTENANCE; STORM SEWER AND STORMWATER RUNOFF AND DETENTION CRITERIA

CHAPTER 13-9 DESIGN CRITERIA FOR DRAINAGE, DETENTION, STREETS AND EARTH CHANGE

CHAPTER 13-1 SUBDIVISIONS IN GENERAL; STATUTE AUTHORITY; PURPOSE; JURISDICTION; APPLICATION; INTERPRETATION

13-1-1 Short Title

13-1-2 Statute Authority

13-1-3 Intent And Purpose

13-1-4 Jurisdiction

13-1-5 Compliance; Application; Interpretation

13-1-1 Short Title

This title, and all amendments hereto, shall be known and may be cited as the Subdivision Regulations of the City of Coweta, Oklahoma, and shall be separately codified by the City.

(Ord. No. 717, 4-4-2011)

13-1-2 Statute Authority

These regulations for land subdivisions are adopted under the authority granted by state statutes.

(Ord. No. 717, 4-4-2011)

13-1-3 Intent And Purpose

- A. *Intent.* The arrangement of parcels of land in the City for residential, office, commercial and industrial uses and for public needs, such as streets and easements, will, to a large degree, determine the health, safety, economy and quality of life in the City. Such amenities are a public concern. These regulations

and standards for the subdivision of land are intended to ensure the development and maintenance of a safe, healthy, attractive and efficient community and provide for the conservation of its human and physical resources.

B. *Purposes.* These regulations are adopted for the following purposes:

1. To provide for the physical development of the City in accordance with the comprehensive land use plan and the major street and highway plan, engineering standards, and stormwater design criteria.
2. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
3. To secure and provide for the proper arrangement of streets or other highways in relation to the existing or planned streets or highways or to the comprehensive land use plan or plans of the area; for adequate and convenient open spaces for traffic, utilities, access of firefighting apparatus, parking lots, parks, playgrounds, light and air; and for the avoidance of congestion of populations.
4. To establish a subdivision process that is expeditious and as efficient as possible while providing for public health, safety and general welfare.
5. To provide for neighborhood conservation and prevent the development of slums and blight.
6. To harmoniously relate development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts.
7. To provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract, and that cost of improvements which primarily benefit the whole community be borne by the whole community.
8. To provide the best possible design for the tract.
9. To ensure proper legal descriptions, monumenting of land, and adequate and accurate platting records of subdivided land.
10. To ensure that public facilities and utilities are available and that they will have sufficient capacity to service the proposed subdivision and the general community.

(Ord. No. 717, 4-4-2011)

13-1-4 Jurisdiction

This title shall apply to all subdivision of land located within the corporate limits of the City.

(Ord. No. 717, 4-4-2011)

13-1-5 Compliance; Application; Interpretation

- A. *Compliance required.* Except as provided in this title, no person shall subdivide any tract of land which is located within the City nor shall any person create a minor subdivision for any tract of which is located within the City, except in conformity with the provisions of this title.
- B. *Separability.* If any section, clause, paragraph, provision or portion of this title shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this title.
- C. *Catchlines.* Headings are provided for reference purposes and are not to be used as interpretive guides.
- D. *Effect of provisions; abrogation and greater restrictions.* This title shall not apply to any lot forming a part of a subdivision created and recorded prior to April 4, 2011. Provided, that if such land is re-platted, the re-plat will comply with this title. Nor is it intended by this title to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed, or with private restriction placed upon property by deed, covenants, or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where this title poses a greater restriction than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this title shall control.

(Ord. No. 717, 4-4-2011)

CHAPTER 13-2 RULES AND DEFINITIONS

13-2-1 Rules Of Word Construction

13-2-2 Definitions

13-2-1 Rules Of Word Construction

- A. For the purpose of this chapter, certain terms and words are to be used and interpreted as defined in this chapter. Where terms are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.
- B. Words used in the present tense shall include the future tense, words in the

singular number shall include the plural and words in the plural number shall include the singular, except where the natural construction of the writing indicates otherwise. The words "should" and "may" are directory and not mandatory. The word "shall" is mandatory and directory.

- C. The term "person" includes an individual, corporation, partnership and incorporated association of persons such as a club. The word "herein" means "in this title." The words "this title" means these subdivision regulations for the City of Coweta, Oklahoma.

(Ord. No. 717, 4-4-2011; altered in 2023 recodification)

13-2-2 Definitions

For the purpose of this title, the following terms, phrases, words, and their derivations shall have the meanings given in this section:

Acceptance by the City means acceptance by the City Council in a public meeting.

All-weather material means a hard surface, dust-free material capable, during ordinary use, of withstanding, without substantial deterioration, any normal weather conditions. Gravel, rock, or screenings done without the use of a petroleum or cement binder does not meet the definition of an all-weather, dust-free material.

Alley means a minor public or private right-of-way which gives a secondary means of access to the rear or side of a property that has primary access to some other street. Alleys may be used for public or private utilities and public service, emergency or private vehicles.

As-built construction plan means those subdivision construction plans of completed paving, drainage, water, sewer or other public improvements.

Block means a parcel of land intended for urban purposes, bounded by streets or by a combination of streets, and public parks, cemeteries, railroad rights-of-way, shorelines, waterways or municipal boundaries.

Board of adjustment means the Board of Adjustment of the City established in accordance with state law by City ordinance.

Editor's note—See CCC 12-3A.

Bond means any form of security for surety of performance or maintenance including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Council.

Buffer means an area of land or open area used to provide a physical separation between, and enhance the compatibility of, different types of land use. Such areas may

be devoted to landscaping and fencing.

Building means a structure which is permanently affixed to the land, has one or more floors and a roof, and bounded by either another building with a common wall, open air, or the lot lines of a lot.

Building line or setback line means:

- A. A line designating the area outside of which buildings may not be erected.
- B. The horizontal distance, from the point measured, from the right-of-way of an abutting street or the boundary line of an abutting zoning district nearest to the building wall.

Building permit means a permit required by the City before any building construction is commenced.

City means the City of Coweta, Oklahoma.

City Clerk means the office of the Clerk for the City of Coweta.

City Council means the governing and approval body for the City of Coweta consisting of a five-member Council, which shall consist of one Council member elected from each of the four wards of the City and one member at large in which resides all powers provided by the Code of Ordinances subject to the state constitution and state law.

City Engineer means the office of the Engineer of the City of Coweta.

City Manager means the Chief Executive Officer of the City of Coweta, Oklahoma.

City Planner means the office of the City Planner of the City of Coweta.

City (officer). The term "City" followed by the name of any officer means any officer or designee of such officer employed by the City to fulfill any of the duties of the office named.

Collector street means a street intended to move traffic from minor to arterial streets, including the principal entrance and circulation street or streets of a development.

Comprehensive land use plan means a general development plan based upon the present and the projected future needs of the City as currently adopted or as may be hereafter adopted by the City Council. The comprehensive land use plan may also be referred to as the master plan or the plan and constitutes a plan which indicates the general locations recommended for the various functional classes of works, places, and structures, and for the general physical development of the City. Such designation includes the entire body of such documents, or any unit or part thereof as may be

separately adopted, including amendments to such plan or parts thereof.

Construction means any activity at the proposed subdivision which includes, but is not limited to, earthwork, digging, trenching, backfilling, clearing and grubbing, street work, and/or utility installation.

Construction plan means the maps or drawings prepared by a registered professional engineer accompanying a 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 Engineer, Planning Commission and City Council as a condition of the approval of the plat.

Contractor means a person, firm or corporation having entered into a contractual agreement with the City, engaged in any aspect of the construction of improvements, including, but not limited to, street paving.

County means the County of Wagoner, Oklahoma.

County Clerk means the office of the Clerk for Wagoner County, Oklahoma.

County Health Department means the Health Department for Wagoner County Oklahoma.

Cul-de-sac street means a minor street with only one outlet and having a terminal for the safe and convenient reversal of traffic movement including all emergency and service vehicles.

Dedication means to set apart a portion of the area of a subdivision to a specific use or to the public or to a specific group.

Deed of dedication means that portion of a plat that dedicates an area of a subdivision.

Design criteria and technical specifications means engineering standards used in the design of subdivision improvements.

Developer means the owner of land proposed to be subdivided or his representative.

Development means a tract of land which is subdivided for urban use and provided with all necessary utilities and public improvements.

District court means the district court of Wagoner County, Oklahoma.

Double frontage means a situation in which a lot has access on two streets so they do not intersect.

Easement means authorization by a property owner for the use by another, and for a specific purpose, of any designated part of his property.

Engineer means a registered, professional engineer in good standing with the State Board of Registration for Professional Engineers and Land Surveyors.

Engineering design standards means the standard drawings and written technical requirements concerning public improvements as adopted by separate ordinance by the City.

Final plat means the final map or record of a subdivision and any accompanying material, as described in this title, based on a preliminary plat with revisions, if any, to be submitted to the Planning Commission and City Council for approval, denial, or approval with conditions.

Flood hazard area means the area which is subject to inundation by the regulatory flood. This includes areas of shallow flooding, which occurs where a clearly defined channel does not exist, and where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. This also includes manmade sumps in the streets as well as areas which, although not presently in a flood area, may be flooded in the future by increased runoff due to urbanization. The flood hazard also exists in diminishing degree with increasing elevation on higher adjacent lands. The flood hazard area shall be determined from the flood insurance rate map as provided by the Federal Emergency Management Agency.

Flood-prone area means that area which has been determined by the best available information to be susceptible to the threat of flooding to the level of probability of one percent in any given year under ultimate urbanization and conditions in the watershed. The term "flood-prone area" also known as the 100-year floodplain area.

Floodplain means that area which has been determined by the best available information to be susceptible to the threat of flooding to the level of probability of one percent in any given year. The term "floodplain" is also known as the 100-year floodplain area. Floodplain areas shall be those as described and delineated on maps maintained by the Federal Emergency Management Agency.

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.

Frontage means that side of a lot abutting on a street or way to which access is available for the lot.

Grade means the slope of a drainage facility, sanitary sewer, street or other public way specified in percent of vertical to horizontal measurement.

Highways. See Streets and alleys.

Improvements means street pavements, with curbs and sidewalks, pedestrian ways,

water mains, sanitary and storm sewers, permanent street monuments, and other appropriate items.

Limits of no access means areas as defined by the City on the plat in which no access is allowed.

Local street. See *Street, local or minor*.

Lot means a parcel or portion of land in a subdivision or plat of land, separated by other parcels or portions by description as on a subdivision plat or record of survey map or by metes and bounds, for the purpose of sale or lease to or separate use of another.

Lot area means the total area measured on a horizontal plane included within the lot boundaries.

Lot, corner, means a lot which has at least two adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

Lot depth means the mean horizontal distance between the front and rear lot lines.

Lot, double-frontage, means a lot having frontage on two nonintersecting streets, as distinguished from a corner lot. This shall be the same as a backing lot.

Lot, reverse frontage, means a double frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor or collector street.

Major street and highway plan means the map established by the City Council by ordinance showing the area of major streets and highways, their required rights-of-way and any amendments or additions adopted by the City Council.

Editor's note—See CCC 9-1-1.

Major subdivision means a subdivision of land into five or more lots.

Master plan means the comprehensive plan for the City of Coweta, Oklahoma.

Mayor means the chief elected official of the City.

Minor subdivision means a minor subdivision containing not more than three lots fronting on an existing street, not involving any new street, not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the major street and highway plan, zoning ordinance (unless approved by the Board of Adjustment) or this title.

Monument means permanent markers properly located as required in this title 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 radii for street curvature.

Off-site improvements means any utility, structure, or modification of topography located outside the property to be subdivided.

Official map means the map established by the City Council showing the streets and highways heretofore laid out, adopted and established by law, and any amendments or additions thereto, adopted by the City Council resulting from the approval of subdivision plats and the subsequent filing of such plats.

Open space, public, means land which may be dedicated to or reserved for or acquired for general use by the public, including parks, recreation areas, school sites, community and public building sites and other similar lands. The term "public open space" specifically does not include floodway drainage-courses, public lakes and ponds or any area within the fully urbanized floodway but may include other areas in the 100-year fully urbanized floodplain.

Owner means a person or any other legal entity having legal title to or sufficient propriety interest in the land sought to be subdivided under this title.

Parking, off-street, means an area, enclosed or unenclosed, together with a driveway, permitting ingress and egress of an automobile of standard size to a street or alley, affording access thereto.

Permit to construct means a permit required by the City before any subdivision improvement construction is commenced.

Planned unit development (PUD) means a discretionary type of development for a tract of land under single ownership or control, based upon an approved development plan permitting flexibility of principal land uses, lot sizes and accessory uses not otherwise available under conventional development standards.

Planning Commission means the City Planning Commission established in accordance with state law by City ordinance.

Editor's note—See CCC 2-1.

Pre-platting conference means a meeting between the subdivider and the City Planner to discuss the procedure for approval of a subdivision plat, provisions of the zoning regulations, requirements as to general layout of streets, reservations of land, street improvements, drainage, sewerage, fire protection, availability of existing services and utilities and similar matters.

Preliminary engineering plans means preliminary drawings (plan view) illustrating the

locations of water distribution system, wastewater system, stormwater system, streets and other proposed improvements.

Preliminary plat means the drawing or drawings described in this title, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

Primary arterial street means a thoroughfare designated on the major street and highway plan that carries a portion of both intraurban and interurban vehicle traffic at a moderate rate of speed with some traffic stops and having a planned right-of-way width of at least 120 feet.

Privately financed public improvements (PFPI) means the construction, reconstruction, replacement or alteration of any street, alley, curb, gutter, ditch, drainageway, channel, detention facility, storm sewer or other similar public works thereto, including sedimentation and erosion control measures, street and sidewalk cuts, sanitary sewers and water mains, located or to be located upon land owned in fee simple by the City or upon easements or rights-of-way owned or controlled by or to be dedicated to the City.

Public improvement means any street, sidewalk, utility line, drainageway or other facility for which the City may ultimately assume the responsibility for maintenance and operation. See *Improvements*.

Registered engineer means an engineer properly registered and licensed in the state.

Registered land surveyor means a land surveyor properly registered and licensed in the state.

Required improvement means any improvement required by the Planning Commission and City Council as a condition of approval of a subdivision plat. See *Improvement*.

Restrictive covenant means agreements binding the owners of the lots of a subdivision as shown on the face of a recorded subdivision plat.

Resubdivision means subdivision of land previously subdivided.

Right-of-way means a parcel of land, usually a strip, occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water line, sanitary or storm sewer facility, or other special use. The use of the term "right-of-way" for land platting purposes in connection with this title shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots and parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to public use by the owner of the land which is being subdivided.

Roadway means that portion of any street so designated for vehicular traffic; and where curbs are normally placed, means that portion of the street between the curbs.

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 traffic stops and a planned right-of-way width of 100 feet.

Separate instrument means a document that dedicates land or accomplishes some other task and is filed of record separately from the original subdivision plat documents.

Service road or street means a minor street which is parallel and adjacent to major streets, trafficways, highways or railroad rights-of-way and which provides access to abutting properties and protection from through traffic.

Setback means the distance between a building and the nearest street right-of-way line or property line. See *Building line* or *Setback line*.

Sight triangle means on a corner lot, a triangle formed by measuring 25 feet along the front and side curb or pavement edge and connecting the points to form a triangle on the area of the lot adjacent to the street intersection. At all intersections of alleys, driveways, and streets, a site triangle is formed by measuring ten feet along the curb or pavement edge.

Editor's note—See also CCC 9-1-2.

Sketch plat means a sketch of a subdivision prepared as the first step in the subdivision process to enable the subdivider to illustrate the nature of the proposed subdivision and save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of this title and other City ordinances and plans.

Stop work order means a written order to the contractor or to the owner to stop work and stating therein the nature of the reason for the issuance of such an order. Such orders may only be signed by the Building Official or the City Manager or designee.

Stormwater drainage criteria means all stormwater drainage improvements, facilities, structures, and/or conveyance systems, both private and public, shall be designed in accordance with the stormwater drainage criteria adopted by separate ordinance by the City.

Editor's note—See CCC 13-8 and 13-9 and CCC 14-2.

Street means a public or private right-of-way which affords the primary means of access to abutting property or serves as a thoroughfare for vehicular traffic, or both, but excluding alleys.

Subdivider means a person undertaking the subdivision or resubdivision of a lot, tract or parcel of land into two or more lots, or other subdivision of land for the purpose of transfer of ownership or development, whether immediate or future, or any resubdivision of land.

Subdivision means:

- A. The division of a parcel of land shown as a unit or contiguous units on the last preceding tax roll into four or more lots or parcels for the purpose of transfer of ownership or building development.
- B. If a new public street is involved, any division of a parcel of land.
- C. The improvement of one or more parcels of land for residential, commercial, office, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets (except internal private streets); the division or allocation of land as open spaces for common use by owners, occupiers or lease holders; or as easements for the extension and maintenance of public utilities or facilities.
- D. Provided, that a division of land which may be ordered or approved by a court or effected by testamentary or interstate provisions, or a division of land for agricultural purposes into lots or parcels, or the exchange of parcels of land between owners of adjacent property to resolve common boundary disputes, where new lots are not thereby created and where neither of the lots resulting are reduced below the minimum size of a lot required by law shall not be deemed a subdivision. The term "subdivision" includes resubdivision and, when appropriate in context, shall relate to the process of subdividing land or to the land so subdivided.

Surveyor means a registered land surveyor in good standing with the State Board of Registration for Professional Engineers and Land Surveyors.

Technical Advisory Committee (TAC) means a committee composed of public officials and utility company representatives to review and study all plats and minor subdivision proposals and make recommendations concerning those subdivisions to the Planning Commission.

Zoning regulations means a City ordinance regulating land use in the City.

(Ord. No. 717, 4-4-2011)

Editor's note—See CCC 12.

CHAPTER 13-3 ADMINISTRATION AND ENFORCEMENT; GENERAL PROVISIONS

13-3-1 Technical Advisory Committee On Plats

[13-3-2 Subdivision Plat Requirement When Rezoning: Waiver](#)

[13-3-3 Plat Vacation And Alterations](#)

[13-3-4 Minimum Design Standards Generally](#)

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[13-3-6 Amendments](#)

[13-3-7 Enforcement Of Provisions](#)

[13-3-8 Violation; Penalty](#)

13-3-1 Technical Advisory Committee On Plats

A. *Committee created; membership.* There is hereby created a technical advisory committee on plats, the membership of which is composed of, but not limited to, a representative of each of the following agencies and companies and such other public officials as the City Manager may designate:

1. The City Manager.
2. The City Engineer.
3. The City Fire Chief.
4. The Director of Public Works.
5. The County Health Department.
6. The natural gas company.
7. The electric company.
8. The telephone company.
9. The cable television company.

B. *Duties.* It shall be the responsibility of the technical advisory committee to meet together on the call of the City Planner, who shall serve as Chair, to review and study all sketch-plats, preliminary plats, and final plats and to submit its findings and recommendations to the Planning Commission.

(Ord. No. 717, 4-4-2011)

13-3-2 Subdivision Plat Requirement When Rezoning: Waiver

For any land which has been rezoned upon application of a private party, 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. The City Council, upon a showing that the purposes of this title have already been achieved by previous platting, or could not be achieved by a plat or replat, may waive the subdivision plat requirement.

(Ord. No. 717, 4-4-2011; altered in 2023 recodification)

13-3-3 Plat Vacation And Alterations

- A. No vacation of a plat or any parts thereof, except by action of the district court, shall be valid or impart notice until after the consent of all of the owners of such platted area is presented to the City Council and the approval of the Council is entered thereon.
- B. All vacations or alterations of a final approved filed plat shall require the approval of the Planning Commission and City Council and the filing of a corrected plat, approved deed or accepted easement.
- C. Alterations of a plat without approval shall constitute a violation of this title.

(Ord. No. 717, 4-4-2011)

13-3-4 Minimum Design Standards Generally

In enacting various provisions of this title, and in promulgating any rules or regulations which may be made necessary in order to carry out the purpose of this title, the City sets forth certain minimum standards for construction which may not be violated in the construction of any public improvements. By setting forth these minimum design standards, neither the City as an entity nor any of its staff makes any representations, warranties or assurances that these minimum designs are sufficient. Any subdivider within the City limits must rely upon his own design professionals to design facilities, whether public or private, which are capable of providing services required of such public or private facilities and which are adequate under all reasonably foreseeable circumstances for the purposes intended. When the City staff examines proposals or construction plans for conformity with this title, such review by City staff is to determine whether or not the minimum standards will be met. The approval of these plans does not represent, warrant, or ensure any person that the designs are adequate for the purposes intended. Neither the enactment of this title nor review of improvements to be constructed or proposed under this title shall in any manner create liability for the City to the subdivider, nor to any person affected by the activities of such subdivider.

(Ord. No. 717, 4-4-2011)

13-3-5 Variances

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this title result in substantial hardship or inequity, the Planning Commission may vary or modify, except as otherwise indicated, such requirements of design but not of procedure or improvements so that the subdivider may develop his property in a reasonable manner, but so that at the same time, the public welfare and interests of the City are protected and the general intent and spirit of

this title are preserved. Such modification may be granted upon written request of the subdivider stating the reason for each modification such requirement may be waived by a three-fourths vote of the quorum of the Planning Commission, subject to the acceptance of the plat and the dedications thereon by the City Council. A variance of the zoning regulations must be granted by the City Board of Adjustment.

(Ord. No. 717, 4-4-2011; altered in 2023 recodification)

13-3-6 Amendments

For the purpose of providing the public health, safety and general welfare, the City Council may from time to time amend the provisions imposed by this title. Public hearings on all proposed amendments shall be held by the City Council in the manner prescribed by law.

(Ord. No. 717, 4-4-2011)

13-3-7 Enforcement Of Provisions

- A. *Recording plat.* No plat of any subdivision shall be entitled to be recorded in the County Clerk's office or otherwise have any validity until it shall have been approved in the manner prescribed herein. In the event any such unapproved plat is recorded, it shall be considered invalid, and the City Council may institute legal proceedings to have the plat stricken from the records.
- B. *Sale of land in subdivision.* No owner or agent of the owner of any land located within any actual or proposed subdivision shall offer, transfer, sell, or agree to sell any land by reference to, by exhibit of, or by the use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein; unless such agreement to sell is expressly made contingent upon the proper filing of the plat in question in advance of closing. Any sale or transfer contrary to the provisions of this subsection is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the provisions of this title.
- C. *Construction of improvements.*
 - 1. Upon approval of the preliminary plat by the Planning Commission, the subdivider of any land located within the City can proceed with the submission of all documents and fees for compliance with the PFPI, stormwater design criteria, earth change and all other pertinent ordinances necessary for obtaining construction permits. Upon City staff approval of an earth change permit and/or building permit, the subdivider may proceed with any construction work on such proposed subdivision.
 - 2. Permits can be issued based upon individual scopes of work for each

improvement (i.e., complete sanitary sewers, water distribution system, storm sewers, earthwork and detention facility); however, the final plat cannot be filed of record until the final plat has been submitted and approval by the City Council and:

- a. All improvements are complete and accepted or approved by the City Council; and/or
 - b. Security has been provided and approved by the City staff for all of the improvements.
3. If the subdivider wishes to file the final plat prior to the completion and acceptance or approval of all construction improvements, the final plat must have been approved by the City Council, and the security for all improvements must be submitted and approved by the City staff.
 4. The Building Official shall not issue building permits for any structure on a lot in a subdivision for which a final plat has not been approved and recorded in the manner prescribed herein, and for which all proposed public improvements have not been accepted by the City Council.
 5. The City staff shall not sell or authorize to be installed any taps to public water or sewer systems on any lot of a subdivision for which a plat has not been approved and recorded in the manner prescribed herein, and for which all improvements have not been constructed. Provided, that all public improvements must be constructed, dedicated, and accepted by the City prior to the sale or authorization.

D. *Public services.* The City will withhold all public services of whatsoever nature, other than police and fire protection, but including the maintenance of streets and the furnishing of water or sewer facilities, from all subdivisions which have not been approved, and from all areas dedicated to the public which have not been accepted in the manner prescribed herein. It is further the policy of the City to require the owner to comply with the general principles of design and requirements for subdivisions as set forth herein.

E. *Revision of plat after approval.* No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the City Council, and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Commission and to the City Council and receives approval for the changes.

(Ord. No. 717, 4-4-2011)

13-3-8 Violation; Penalty

Any person or persons, firm, or corporation who violates any of the provisions of this

title or fails to comply herewith or with any of the requirements hereof shall be deemed guilty of an offense and be liable for a fine as provided by City ordinance. Each day such violation is permitted to exist shall constitute a separate offense. In addition to the other remedies provided herein, the City may institute any proper act on or proceedings to enforce the provisions of this title.

(Ord. No. 717, 4-4-2011)

Editor's note—See CCC 1-4-1.

CHAPTER 13-4 SUBDIVISION APPLICATION PROCEDURES

13-4-1 Summary Of Process

13-4-2 Sketch Plan

13-4-3 Preliminary Plat

13-4-4 Final Plat

13-4-5 Planned Unit Developments

13-4-1 Summary Of Process

A. Approval and compliance required.

1. Whenever any subdivision of land is proposed, before any contract is made for the sale of any part of the land and before any permit for the erection of a structure in such proposed subdivision shall be granted, the owner of the land or his agent shall apply for and secure Planning Commission and City Council approval of such proposed subdivision.
2. In planning, platting, and developing a subdivision, the subdivider shall comply with the design standards and the minimum requirements set forth in this title, City ordinances, and state statutes.

B. Procedure. A proposed subdivision shall be processed as follows:

1. Pre-plat conference and submission of a sketch plan.
2. Technical Advisory Committee (TAC) review of the sketch plan.
3. Application for preliminary plat to the City Planner and submission of construction plans to the City Engineer.
4. TAC review of the preliminary plat and construction plans.
5. Planning Commission review of the preliminary plat and construction plans.
6. Revision of the preliminary plat and construction plans as required.
7. Application for the final plat and construction plans.
8. TAC review of the final plat and construction plans.

9. Planning Commission review of the final plat.
10. City Council review and approval of the final plat and construction plans.
11. Construction of subdivision improvements in accordance with the approved construction plans, or submission of performance bonds in lieu of construction, and submission of street and public utility as-built construction plans.
12. Certification of the final plat.
13. Record the certified final plat with the appropriate county officials.
14. Application for building permits on the lots in the subdivision.

(Ord. No. 717, 4-4-2011)

13-4-2 Sketch Plan

A. Purpose.

1. The purpose of the sketch plan is to provide the subdivider, the Planning Commission, and City officials an opportunity to identify some of the potential problems concerning the land use, general design and overall approaches to installation of improvements before the preparation of more detailed platting documents. This step in the overall subdivision process is very important because it is at the initial part of the process when decisions are to be made that can have a great impact on the subdivider and the community.
2. It is important that all of the land to be included in the proposed subdivision shall be included in the sketch plan so that an overview of an entire area can be accomplished.

B. Sketch plan conference. A conference shall be held between the subdivider and the City Planner to discuss zoning regulation requirements, subdivision design requirements, platting procedures and improvements construction. At the conference, the subdivider shall submit to the City Planner 15 copies of the sketch plan. The sketch plan may be submitted in the form of a freehand pencil sketch but shall be a clear and legible product drawn approximately to scale. It need not be certified by a registered engineer or surveyor. A review of the sketch plan will be conducted by the City Planner, TAC, and the subdivider at a meeting scheduled by the City Planner (CCC 13-3-1B). The comments of the review group shall not be binding on the subdivider, the City Planner, or TAC. This step is to be used as a guide to inform the subdivider of the possible conditions that may be imposed upon his development. Comments concerning the sketch plan shall be forwarded to the subdivider or his representative within

15 working days following the meeting of TAC.

C. *Contents of sketch plan.* The sketch plan shall contain the following information:

1. The general topography of the tract.
2. Existing adjoining development.
3. Existing streams, floodplains, and storm drainage, if any.
4. Existing public and private utilities and easements.
5. The proposed land use such as residential, commercial, parks, schools, or drainage detention facilities.
6. The proposed layout of streets, lots and blocks.
7. The proposed subdivision name.
8. The proposed layout of public utilities.
9. The location of every existing or abandoned oil or gas well or dry hole drilled in search of oil or gas as shown by the records of the State Corporation Commission.
10. The name, address and telephone number of the property owner and subdivider.
11. Any other pertinent information.

(Ord. No. 717, 4-4-2011)

13-4-3 Preliminary Plat

A. *Purpose.* The purpose of the preliminary plat is to provide an interim step in the procedure when the subdivider shall present drawings of the detail features of the subdivision. It is at this point that the items discussed at the sketch plan stage are shown and the development is examined to see if it is technically functional.

B. *Application for preliminary plat.* The subdivider shall submit two copies, black line or blue line prints, and one electronic copy of the preliminary plat which have been prepared by a licensed surveyor or registered engineer to the City Planner no later than 30 calendar days prior to the Planning Commission meeting at which the preliminary plat will be reviewed. The preliminary plat shall show all the features needed to enable the Planning Commission to determine whether or not the proposed subdivision layout is satisfactory from the standpoint of public interest. The preliminary plat size shall not be less than 22 inches by 34 inches and folded to 8 1/2 inches by 11 inches, the forms for which shall be supplied by the City Planner and pay an application fee as established

by ordinance.

- C. *Preliminary engineering construction plans.* The subdivider shall submit with the preliminary plat five sets, each prepared by an engineer, illustrating the locations of the detention, sanitary sewer and water systems, including off-site systems. The preliminary construction plans shall show horizontal configurations, connections to existing utilities, sizes and locations of proposed lines, proposed sewers, detention or retention facilities, construction details, calculations, and profiles.
- D. *Contents of preliminary plat.* The preliminary plat shall be drawn at a scale of 100 feet to one inch or larger and shall contain or be accompanied by the following information:
1. The proposed name of the subdivision. The name shall not duplicate or too closely resemble names of existing subdivisions.
 2. The names and addresses of the owner of record, the subdivider, and the registered engineer or land surveyor preparing the plat.
 3. An accurate legal description of the property and a complete boundary survey showing the dimensions, distances to the nearest one-hundredth foot, bearings to the nearest second and acreage to the nearest one-hundredth acre.
 4. The scale, north arrow and date.
 5. The key or location map, at a legible scale, showing the locations of subdivisions within the mile section.
 6. The location of adjoining unplatted land and the names of adjoining subdivisions and the location of City limits boundaries if adjoining the subdivision.
 7. The topography, with contour intervals of not more than two feet, based on United States and Geodetic Survey data and all floodplain information.
 8. The location and description of all existing structures.
 9. The locations of all ponds, lakes and streams and the areas subject to flooding based upon the regulatory flood.
 10. The location, width and name of each existing or proposed street or other public way, railroad, and utility right-of-way, bridge, park and other public open space within or adjacent to the proposed subdivision.
 11. The location, pipe size and grades of all existing sewers, water mains, gas mains, or other underground installations within or immediately adjacent to the proposed subdivision.
 12. The locations and widths of easements of all oil, gas and petroleum

product pipelines within or adjacent to the proposed subdivision.

13. The location of every existing or abandoned oil or gas well or dry hole drilled in search of oil or gas as shown by the records of the State Corporation Commission.
14. The location of facilities and land to be considered for dedication to public use, or to be reserved for use of all property owners in the subdivision and any conditions of such dedications or reservations.
15. All proposed lots consecutively numbered, their dimensions, and building setback lines.
16. All blocks consecutively numbered.
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.
18. If the subject property has been rezoned in the last 12 months, no notice of the abutting owners is required. If not, the subdivider shall furnish the name and address of the property owner which abuts the subject tract to the City Planner. This list is to be furnished by an abstracting company.

E. Review of preliminary plat.

1. Upon filing application, the owner shall pay all fees to the City as defined herein and as established by ordinance.
2. The City Planner, upon receipt of the required plats, construction plans and fees, shall:
 - a. Distribute copies of the preliminary plat and construction plans to TAC.
 - b. Set the plat on the TAC and Planning Commission agendas.
 - c. Review the plat for conformance with the zoning regulations and this title.
 - d. Prepare recommendations for submission to the TAC and Planning Commission.
3. TAC shall review the preliminary plat and construction plans and make recommendations to the Planning Commission.
4.
 - a. After receipt of the recommendations of staff, TAC, other agencies and utility companies, the Planning Commission may tentatively approve the preliminary plat with any modifications or

conditions, noting all such modifications on the plat.

- b. Upon rejection, or on approval subject to modifications or conditions, the Planning Commission will require the subdivider to submit a revised preliminary plat. Tentative approval of the preliminary plat shall be deemed to be an approval only of design features of the tract. The City Engineer or other officials having justification to modify engineering and construction details, may require modifications as necessary for the protection of the public interest.

5. The Planning Commission shall:

- a. Hold a public hearing on the preliminary plat.
- b. Review the preliminary plat for conformity with the comprehensive land use plan of the City and for compliance with the standards requirements and principles hereinafter prescribed; and shall be reviewed by the Planning Commission staff for compliance with all applicable additional requirements of all governmental authorities and agencies, and with all applicable regulations of public utilities.
- c. Approve, conditionally approve, or disapprove the preliminary plat at such meeting. If the preliminary plat is approved with conditions, the Planning Commission may require the subdivider to submit a revised preliminary plat. The subdivider shall be advised of any amendments required by the Planning Commission to comply with this title. If the preliminary plat is disapproved, the reasons for that action shall be stated.

F. *Phased developments.* The preliminary plat representing the entire proposed development (all phases) must be submitted with the preliminary plat submission for review and approval. Actual phased construction and final platting may be part of the construction plans and final plat reviews.

G. *Expiration of preliminary plat.* The approval of a preliminary plat shall be effective for a period of one year from the date of approval by the Planning Commission, at the end of which time, approval of the final plat must have been obtained from the City Council. Any preliminary plat not receiving final plat approval within one year shall be null and void. Every plat shall conform to existing subdivision regulations applicable at the time of approval of the preliminary plat unless modifications have been granted.

(Ord. No. 717, 4-4-2011)

13-4-4 Final Plat

A. Application for final plat.

1. The subdivider shall submit 22 full size copies, black line or blue line prints, one half size 11 inches by 17 inches, and one 8 1/2 inches by 11 inches of the final plat and restrictive covenants. The final plat size shall not be less than 22 inches by 34 inches and folded to 8 1/2 inches by 11 inches, and five sets of the final proposed construction plans prepared by a licensed engineer, registered in the state, shall be submitted along with all other documents required by this title, to the City Planner no later than 30 calendar days prior to the Planning Commission meeting at which the plat will be reviewed. The plans shall reflect any corrections from the preliminary plat review.
2. These construction plans shall include the final information (plans, profiles, details, etc.) concerning hydrology, hydraulics, topography, water distribution systems, wastewater systems, grading (existing and proposed), stormwater drainage systems and paving which comply with the requirements of this title.
3. The final plat shall be accompanied by an application, the forms for which shall be supplied by the City Planner, and a fee as established by ordinance.
4. Requests for exceptions to this title or requirements of the preliminary plat shall be submitted in accordance with this title.
5. Upon final approval of the construction plans by the City Engineer, the developer shall furnish five copies of all water and sewer plans for submittal to the State Department of Environmental Quality for approval, along with the application for permit to construct the facilities, the engineer's report and the appropriate application fee for the Department of Environmental Quality review.

B. Contents of final plat. The final plat shall contain the following information:

1. The name of the subdivision, City, county and state. The subdivision name shall not duplicate or too closely approximate the name of any existing subdivision.
2. The name and address of the owner of record, the subdivider and the registered engineer or land surveyor preparing the plat. Official seals of the engineer or surveyor are required.
3. The accurate legal description of the subdivision referenced to section, range and township, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a final plat shall be one foot in 5,000.
4. The date of preparation of the plat, north arrow and scale (written and

graphic presentation).

5. The key or location map showing location and name of subdivisions within the mile section.
6. The total acreage and total number of lots of the subdivision shown near the key or location map.
7. The names of all adjacent subdivisions and the names, locations and widths of all existing and proposed streets, easements, drainageways, and other public ways adjacent to the property.
8. The location of monuments showing reference to existing United States Coastal and Geodetic Survey data or the nearest established street lines, including true angles and distances to such reference points or monuments.
9. Location of lots, streets, public highways, alleys, parks, building lines, limits of no access and other features, with accurate dimensions in feet and decimals of feet and distance, angles and/or bearings. Where these lines follow a curve, the central angle, the radius, point of curvature, length of curve and length of intermediate tangents shall be shown.
10. The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively through each block.
11. Locations and accurate dimensions of all property to be offered for dedication for public use, and all property reserved for the common use of the property owners within the subdivision, with purpose indicated. This includes, but is not limited to, dedication of streets and alleys, parks, drainageways, or other areas dedicated or reserved for public use.
12. The names of all streets to be dedicated.
13. The dimensions of all lots and lot lines, and the bearings of those lot lines not parallel or perpendicular to the street right-of-way line.
14. Location and dimensions of all easements to be dedicated. All easements shall be denoted by fine dashed lines, clearly identified, and if already on record, the recorded reference of such easements. The width of an easement with sufficient ties to locate it definitely with respect to the subdivision must be shown.
15. Easements located outside of the boundaries of the plat are required for plat approval. Proof of executed easements shall be provided to the City upon request of a permit to construct.
16. The deeds of dedication for all rights-of-way, easements and other properties and any deed restrictions applicable to the subdivision shall be shown.

17. The location of every existing or abandoned oil or gas well or dry hole drilled in search of oil or gas as shown by the records of the State Corporation Commission.
 18. All lots located in a flood prone area of special flood hazard including the 100-year flood zone shall have the building pad elevation provided on each lot on a copy of the final plat prior to recording the final plat.
 19. A copy of any private restrictions affecting the subdivision or any part thereof attached to each plat.
 20. Reference to any separate instrument which directly affects the land being subdivided, including restrictive covenants, filed in the office of the County Recorder of Deeds.
 21. Any other information as may be deemed by the Planning Commission as reasonably necessary for the full and proper consideration of the proposed subdivision.
 22. When individual sewage disposal devices have been installed, the certificate of the County Health Department shall accompany the record plat, and the developer must install City sewer lines when the sewer is extended to this area. Only a connection to the main sewer line is required.
- C. *Planning Commission action.* The Planning Commission shall act upon the final plat after it has been submitted for final approval unless a stipulation for additional time is agreed to by the developer. If the final plat is disapproved, grounds for the refusal shall be stated in writing, a copy of which shall be transmitted to the applicant.
- D. *City Council action.* The City Council shall act upon the final plat for approval and for acceptance of public ways and service and utility easements and land dedicated to public use. Approval of the final plat shall in no way be construed as acceptance of the public works improvements. The disapproval of any plat or plan by the City Council shall be deemed a refusal of the proposed dedication shown thereon.
- E. *Plat specifications.* The final plat prepared for recording purposes shall be drawn at a scale of at least one inch equals 100 feet. The size of sheets on which such final plats are submitted shall be a maximum of 24 inches by 36 inches or a size that can be properly and conveniently folded to said dimensions. The drawing surface of any such plat shall have a binding margin of two inches at the left side of the plat, a margin not less than one inch at the right side and a margin of not less than 1 1/2 inches at the top and bottom. Where the proposed plat is of unusual size, the final plat may be submitted on two or more sheets of the same dimensions. If more than two sheets are required, an index sheet of the same dimensions shall be filed showing the

entire development at a smaller scale.

F. *Required certifications.* The following certifications shall be required on the final plat filed of record in the office of the County Clerk:

1. Certification signed and acknowledged by all parties having any title interest in the land subdivided, consenting to the preparation and recording of the plat as submitted. All copies of the plat shall carry the original signatures of the owner or owners and notary public.
2. Certification by the registered land surveyor or registered engineer as to the accuracy of the survey and of the plat, and that the monuments and benchmarks are accurate as to the location shown.
3. Certification by the Planning Commission, Mayor and City Clerk, or Deputy City Clerk, of the approval of the plat by the City Council.

G. *Prints furnished after final approval.*

1. A minimum of eleven copies of the approved final plat shall be furnished for endorsement by the appropriate City officials. Two of these eleven copies shall be on linen, cloth, Cronoflex, Mylar or other similar durable material suitable for filing at the office of the County Clerk.
2. After the approved final plat is filed of record in the office of the County Clerk, the subdivider shall return eight certified plats, one original and seven copies, black line or blue line, all with the appropriate stamps, signatures and plat number from the County Clerk's office to the City Planner.
3. After the final plat has been endorsed by all required officials, the City Planner shall distribute copies to appropriate officials, agencies or departments and retain file copies in the offices of the City Clerk and City Planner.

H. *Approval and recording of plats required.* No plat or other land subdivision instrument shall be filed in the office of the County Clerk until it shall have been given final plat approval by the Planning Commission and by the City Council as required. The approved final plat shall remain with the City planning office until the completion of, and acceptance or approval by, the City Council on all improvements or all security requirements have been submitted and approved. After acceptance, the plat will be released for filing/recording by the subdivider. The subdivider shall return a copy of the recorded plat with copies as defined herein. All final plats shall be filed within one year of the approval of the City Council, and no lots shall be sold from any plat until recorded. Failure to record the plat within one year of the date of the City Council approval shall void all approvals thereto.

- I. *Letters of release.* Letters of release from the utility companies, corporation commission or other agencies must accompany the filing of the final plat.
- J. *Permit to construct improvements.* Permits to construct any improvements shall be approved by the City Engineer prior to construction. Building permits shall be approved by the Building Inspector for any structure prior to construction.

(Ord. No. 717, 4-4-2011; altered in 2023 recodification)

13-4-5 Planned Unit Developments

The platting of planned unit developments shall proceed in accordance with this chapter and CCC 13-1--13-3 upon approval of a PUD by the Planning Commission and City Council in accordance with the applicable sections of the zoning regulations.

(Ord. No. 717, 4-4-2011)

CHAPTER 13-5 MINOR SUBDIVISIONS

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13-5-1 Intent

This chapter is intended to provide for a simplified method of regulation and subdivision of small numbers of lots while still requiring that such subdivision meets all the requirements of applicable ordinances and regulations.

(Ord. No. 717, 4-4-2011)

13-5-2 Jurisdiction

Any resubdivision, reorganization, lot combination, or division of land which shall contain not more than three lots and further shall not adversely affect the development of the remainder of the parcel or adjoining property and shall not be in conflict with any provision or portion of the comprehensive plan, zoning ordinance, or other applicable ordinance or regulation of the City.

(Ord. No. 717, 4-4-2011)

13-5-3 Application Procedure

- A. *Submission of application and drawings; payment of fee.* The subdivider shall submit the minor subdivision application to the City Planner on forms provided by the planner, pay the application fee in an amount as provided by ordinance, and submit drawings of the proposal in accordance with the requirements of this section.
- B. *Copies.* Twelve copies of a scaled drawing shall accompany the application.
- C. *Specifications.* The drawings shall include all existing and proposed lot lines, all existing buildings and improvements and their distances from lot lines, adjacent streets and their widths, and a north arrow and scale.
- D. *Size.* The subdivider is encouraged to limit drawing sizes to 8 1/2 inches by 14 inches.
- E. *Legal description.* A complete legal description of the entire property and properties including original/existing and after minor subdivision shall be provided.

(Ord. No. 717, 4-4-2011)

13-5-4 City Planner Review

The City Planner, upon receiving the minor subdivision application, shall:

- A. Distribute copies of the application form and drawings to the technical advisory committee.
- B. Visually inspect the lots proposed to be subdivided.
- C. Review the application for conformance with the zoning regulations, PUD conditions, Board of Adjustment actions, this title, and other City ordinances.
- D. Prepare recommendations including comments of officials, agencies and departments having an interest in the proposal.
- E. Schedule the minor subdivision to be heard before the technical advisory committee.

(Ord. No. 717, 4-4-2011)

13-5-5 Technical Advisory Committee Review

The City Planner shall present the application at a regular technical advisory committee meeting where the minor subdivision may be reviewed by the total membership of that committee, including all utility companies, the County Health Department, the Public Works Director and the City Engineer.

(Ord. No. 717, 4-4-2011)

13-5-6 Administrative Review

Minor subdivisions meeting all bulk and area requirements of the corresponding zoning district can be administratively approved by staff.

(Ord. No. 717, 4-4-2011)

13-5-7 Approval Guidelines

- A. *Compliance with design standards.* The minor subdivision applications must meet the minimum design standards that are contained in CCC 13-6.
- B. *Lots.*
 - 1. Lot dimensions shall conform to zoning regulation standards. In the event that the proposed tract to be subdivided does not lie within the force and effect of the zoning regulations, it is deemed desirable that single-family residential lots be a minimum of 60 feet in width and 6,000 square feet in area.
 - 2. If the property to be subdivided is not served by public sanitary sewers and/or public water, such lots to be subdivided shall exceed the requirements set forth in subsection B1 of this section with sufficient additional area to properly accommodate a suitable private sewage disposal devices and have access to a suitable water source. Tests shall be made accordingly, with the determination to be made by the County Health Department and reported thereby to the City Planner.
 - 3. Corner lots should have such extra width and area as may be necessary to permit appropriate setbacks on both streets while ensuring that adequate buildable space remains.
- C. *Easements and utilities.* Where a minor subdivision will result in a lot having inadequate access to utilities, dedication of easements shall be required in accordance with the recommendations of the technical advisory committee.
- D. *Access and streets.* Where a property to be subdivided is controlled by nonaccess provisions, no lot shall be approved where such provision will preclude access for said lot. An amendment of limits of no access on a recorded plat must be approved by the Planning Commission and City Council and filed of record if there is a restricted access provision on a street of the recorded plat on which the property has access. A denial of access change constitutes a denial of the requested minor subdivision.
- E. *Sewage disposal; water supply.*
 - 1. *Sewage disposal.*
 - a. Where a tract to be subdivided abuts a public sanitary sewer, no

subdivision should create a lot which is cut off from said sewer unless the approval of the Water and Sewer Department of the City is obtained.

- b. Where no sewers are reasonably accessible, each lot shall meet the minimum standards as set forth by the County Health Department. The minor subdivision may be approved by the Planning Commission, subject to the approval of a passing perk test by the County Health Department.

2. *Water supply.* A public water supply serving each lot is required.

3. *Soil circulation test.* A passing soil percolation test shall be required for each lot created as required for subdivisions.

F. *Certificate of approval.* Approval shall be shown by certificate on the instrument of transfer as required by state statute. The certification shall be signed by the City Clerk. The subdivider may then file the instrument with the County Clerk, the approval being an official document that will be contained in the abstract of the property being subdivided.

(Ord. No. 717, 4-4-2011)

CHAPTER 13-6 DESIGN STANDARDS

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[13-6-2 General Design Standards](#)

[13-6-3 Streets](#)

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[13-6-15 Hillside Developments](#)

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13-6-1 Compliance With Master Plan And Official Maps

The proposed subdivision shall conform with the comprehensive master plan and all official maps of the City.

(Ord. No. 717, 4-4-2011)

13-6-2 General Design Standards

Subdivision design shall reflect the provisions of the zoning regulations, the City major street and highway plan, other City ordinances and this title to the end that each subdivision will relate harmoniously with adjacent areas and the community in an orderly, safe, efficient and attractive manner.

(Ord. No. 717, 4-4-2011)

13-6-3 Streets

The arrangement, character, extent, width, grade, names, and location of all streets shall conform to the major street and highway plan and shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the comprehensive land use plan, the arrangement and other design standards of the street shall conform to the provisions of this section.

A. *Compliance with City street plan.* Major streets shall be planned to conform to the Coweta major street and highway plan.

B. *Access.*

1. The subdivider shall provide access to public streets, including necessary crossings of ditches and creeks, in a standard method approved by the City Engineer.
2. Each lot of a subdivision shall have frontage on a public street or approved private street or highway meeting the zoning regulations in order to ensure convenience of the lot owner as well as to provide for the layout of utilities, waste removal, deliveries and emergency services.
3. Lots shall not generally derive access from major streets. Provisions restricting ingress and egress to streets may be required by the Planning Commission and City Council to ensure traffic safety and to relieve congestion at intersections.
4. Double-frontage lots and reversed-frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography or orientation.
5. Commercial and industrial developments shall have access to arterial or collector streets, but access to minor residential streets may be prohibited by the City.
6. The street arrangements shall not be such as to cause hardship to

owners of adjoining property in platting their own land and providing convenient access to it.

- C. *Abutting railroad or highway right-of-way.* Where a subdivision abuts or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission and City Council may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with regard for the requirements of approach grades and grade separation.
- D. *Adjacent properties.* Where adjoining areas are not subdivided, the proposed streets shall be constructed to the boundary of the proposed subdivision with provisions made for a temporary right-of-way and the construction of a turn-around of a size acceptable to the City Engineer. Permanent barricades shall be installed at dead-end streets. Alignments, grades, drainage, and other appropriate design criteria of all streets within and bordering new subdivisions shall be governed by this title, where applicable, and by the engineering design standards of the City.
- E. *Dedication of rights-of-way.* Whenever a major street is located adjacent to the outer edge of a subdivision, one-half of the right-of-way shown on the Coweta major street and highway plan shall be dedicated if it is determined by the Planning Commission and City Council that an equal such dedication is equitable and feasible for the other half of the right-of-way from the adjacent property. Half-street dedications on minor streets are prohibited.
- F. *Future developments.* Where a tract to be subdivided includes only a portion of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided remainder of the property shall be prepared and submitted by the subdivider.
- G. *Large lots.* When a property is subdivided into larger than normal lots, such lots shall be so arranged as to permit the logical location and opening of future streets and easements should the property be resubdivided.
- H. *Street interval.* In general, provisions should be made for a collector street at intervals not exceeding one-half mile.
- I. *Abutting arterial streets.* Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require service streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- J. *Through traffic.* Minor streets shall be arranged so that their use by through traffic will be discouraged. Industrial and commercial streets shall not inject nonresidential traffic into a residential area. The arrangement of streets within a

subdivision shall, except for cul-de-sacs, connect with streets already dedicated in adjoining subdivisions or provide for future connections to adjoining unplatted tracts.

- K. *Cul-de-sac streets.* All dead-end streets having a length of more than 150 feet shall terminate in a cul-de-sac which has a circular turnaround having a minimum radius of 40 feet. No such cul-de-sac street shall be more than 600 feet in length measured from the entrance to the center of the turnaround.
- L. *Intersections.* Streets shall be designed to intersect at right angles or as near to right angles as possible. Within subdivisions, three-way intersections are preferable to four-way intersections. Right-of-way corners at minor street intersections shall have a minimum radius of 25 feet. Right-of-way corners involving a major street or highway shall have a minimum radius of 30 feet.
- M. *Right-of-way widths.* Minimum right-of-way of all proposed streets shall be of the width specified in the Coweta major street and highway plan, or if no width is specified therein, the minimum width shall be as follows:

<i>Type of Street</i>	<i>Minimum Right-of-Way Width</i>
Highway	As required by the standards of the State Department of Transportation
Primary arterial	120 feet
Secondary arterial	100 feet
Commercial or industrial collector	80 feet
Residential collector	60 feet
Residential	50 feet
Frontage or service	40 feet
Alleys	20 feet
Cul-de-sac radius	50 feet

- N. *Paving width.* The minimum paving width for all streets measured from curb face to curb face shall be as follows:

<i>Type of Street</i>	<i>Minimum Paving Width</i>
Highway	As required by the standards of the State Department of Transportation
Primary arterial	76 feet (6 lanes)

Secondary arterial	50 feet (4 lanes)
Commercial or industrial collector	40 feet (without parking)
Residential collector	36 feet
Residential	26 feet
Frontage or service	26 feet
Alleys	15 feet
Cul-de-sac radius	40 feet

O. *Grades.*

1. The grades of streets shall not exceed the following, except by variance approved by the Planning Commission and City Council as specified in CCC 13-3-5:

<i>Type of Street</i>	<i>Maximum Grade</i>
Highway	As required by the standards of the State Department of Transportation
All arterials	5.0 percent
All collectors	8.0 percent
All residential	10.0 percent

2. All streets shall have a minimum allowable grade of one-half of one percent if composed of Portland cement and one percent if composed of asphalt. At intersections, the maximum grade shall be four percent for a distance of not less than 100 feet from the curb line of the intersecting street.
3. All changes in grade in excess of one percent shall be connected by a vertical curve of reasonable length assuring adequate visibility. The length of the vertical curve shall be determined by using the latest AASHTO criteria for the stopping sight distance.
4. Whenever practical, street grades shall be established in such a manner to avoid excessive grading or removal of trees.

- P. *Street alignment.* The horizontal and vertical alignment of streets shall not exceed the following, except by variance approved by the Planning Commission and City Council as specified in CCC 13-3-5:

1. *Horizontal, minimum radii of centerline.*

<i>Type of Street</i>	<i>Minimum Horizontal</i>
Highway	As required by the standards of the State Department of Transportation
Primary arterial	600 feet
Secondary arterial	400 feet
Commercial collector	400 feet
Residential collector	200 feet
Residential	100 feet

There shall be a tangent between all reversed curves of a length in relation to the radii of the curves so as to provide for a smooth flow of traffic.

2. *Vertical, sight distances.* All changes in street grade shall be connected by vertical curves of such length as to provide for the minimum sight distance required.

<i>Type of Street</i>	<i>Minimum Sight Distance</i>
Highway	As required by the standards of the State Department of Transportation
Primary arterial	750 feet
Secondary arterial	500 feet
Commercial collector	500 feet
Residential collector	200 feet
Residential	100 feet

Q. *Restricted and prohibited streets.*

1. *Half streets.* Whenever a half street is adjacent to a tract to be subdivided, the opposite half of the street shall be platted within said tract. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with other requirements of this title, and where the Planning Commission finds it

will be practical to require the dedication of the other half when the adjoining property is subdivided.

2. *Private streets.* Private streets shall not be approved except when required by state law, or in connection with a planned unit development having appropriate controls.
3. *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except where approved by the Planning Commission and City Council.
4. *Street jogs.* Street jogs with centerline offsets of less than 150 feet shall be avoided.

R. *Street names.*

1. The arrangement for streets and new subdivisions shall make provisions for the continuation of the existing and adjoining areas, and street names shall not duplicate or closely approximate existing street names except where the new streets are extensions of existing streets.
2. All streets shall be platted in such a manner that all resulting lots will conform to the zoning regulations of the City.
3. House numbers shall be assigned in accordance with the house numbering system now in effect in the City.

Editor's note—See CCC 11-7.

4. All north and south thoroughfares shall be designated "Avenue." All east and west thoroughfares shall be designated "Street."
5. Street name signs shall be placed at all street intersections within or abutting the subdivision. Such signs shall be approved by the City and shall be placed in accordance with the engineering design standards of the City. The City may withhold building permits until street signs are in place.

(Ord. No. 717, 4-4-2011)

13-6-4 Curb And Gutter Streets

- A. Curb and gutter streets are required. Curbs, gutters, drainage and drainage structures shall be provided in accordance with the engineering design standards of the City. Such construction shall be subject to inspection and approval of the City Engineer or his designee.
- B. Curb corners shall be wheelchair accessible according to the requirements of

the ADA.

- C. The grade of the curb returns will continue for the full arc on all intersections where a midway opposing break is not provided.
- D. The minimum grade set along the curb shall be 0.5 percent. The maximum desirable grade for nonarterial streets shall be limited to eight percent. For situations where topography is unusually hilly, grades will be permitted up to a maximum of 12 percent, provided they do not exceed 500 feet from point of tangent to point of curve.

(Ord. No. 717, 4-4-2011)

13-6-5 Sidewalks

A. Design criteria.

- 1. Sidewalks shall be required on both sides of local and collector streets serving a residential subdivision, except where zoned agriculture.
- 2. All sidewalks shall be Portland cement concrete. Sidewalks shall include pedestrian bridges across creeks and streams where applicable.
- 3. The finished thickness of Portland cement concrete sidewalks shall not be less than four inches and the width shall not be less than four feet.
- 4. In general, sidewalks shall be constructed within the dedicated right-of-way at a distance no less than one foot from the abutting property lines and a green belt of no less than two feet between the street pavement and the sidewalk, and except at intersections or as approved by the City, shall be no less than three feet from the outside curb line of the street pavement.
- 5. Sidewalks must provide personal access for safe and convenient movement across curbs of physically disabled persons, including those persons in wheelchairs. All sidewalks must conform to the Americans with Disabilities Act (ADA) requirements.
- 6. Sidewalks shall be built so that no obstructions block the safe and convenient movement of residents and to facilitate pedestrian access to schools, parks, playgrounds, churches, shopping centers, etc.

B. Concrete base preparation.

- 1. When constructing sidewalks, the concrete shall be laid on a firm, compacted, smooth surface at an average depth below finish grade equal to the thickness of the sidewalk.
- 2. All soft and yielding or other unsuitable materials shall be removed and

replaced with suitable material before construction of the sidewalk.

C. Finish and joints.

1. Sidewalks shall have a nonslip, broomed surface.
2. Expansion joints shall be placed at all intersections with curbs and not more than 30 feet apart.
3. Transverse cracking joints will normally be tooled or sawed into the finished sidewalk to a depth of one inch.
4. Transverse cracking joints shall be placed at intervals not to exceed every six feet.

(Ord. No. 717, 4-4-2011; altered in 2023 recodification)

13-6-6 Alleys

- A. *Commercial and industrial districts.* Alleys may be required by the Planning Commission and City Council in commercial and industrial zoned districts to provide service access, off-street loading and unloading, parking and access for police and firefighting services. Such alleys shall be not less than 30 feet in width of right-of-way.
- B. *Residential districts.* Alleys are not required for residential zoned properties but when provided, shall not be less than 20 feet in width of right-of-way.
- C. *Dead-end alleys.* Dead-end alleys shall be avoided where possible, but where unavoidable, shall be provided with an adequate vehicle turn-around at the terminus as determined by the City Engineer, Planning Commission and City Council.
- D. *Obstructions.* No obstructions shall be permitted in areas reserved for alleys.

(Ord. No. 717, 4-4-2011)

13-6-7 Easements

- A. *Width.* The Planning Commission may require easements of a minimum width of 22 feet, 11 feet on each rear lot line and along each side lot line, and 17 1/2 feet on the subdivision perimeter, or of a width as specified by the technical advisory committee for poles, wires, conduits, drainage, sanitary sewer, gas, water, power, cable television and other utility lines.
- B. *Continuity.* Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council, by ordinance, after review and

recommendation by the Planning Commission.

- C. *Drainage easements.* Drainage easements for storm sewers may be required. Easements for open channel drainage may be required where the cost for the installation of storm sewers is considered to be prohibitive. These easements may be along the side lot lines, but usually the design should be such that the drainage will be carried along the rear of the lots. If open channel is to be carried in the street right-of-way, additional right-of-way width shall be provided. All drainage easements shall be of a size to allow equipment access for construction and maintenance of the facility.
- D. *City approval.* The location, width, and alignment of all easements shall be subject to review by the technical advisory committee prior to approval by the Planning Commission and City Council.

(Ord. No. 717, 4-4-2011)

13-6-8 Lots

- A. *Compliance with zoning requirements.* Lot dimensions, yard sizes, lot frontage, building setback line dimensions, and lot area shall conform to the minimum requirements of the zoning regulations.
- B. *Access.* Every lot shall abut a street dedicated to the public or a private street of an approved planned unit development or other approved access.
Editor's note—See CCC 13-6-3B2.
- C. *Double-frontage lots.* Subdivisions should be designed so that lots do not front on two parallel streets except where a row of lots is designed to separate residential development from through traffic or overcome specific disadvantages of terrain and orientation.

Editor's note—See CCC 13-6-3B4.

- D. *Corner lots.* Lots at the intersections of streets should exceed minimum area and width requirements of zoning regulations to provide adequate building areas and required building setbacks from intersecting streets.
- E. *Large lots.* When a tract is subdivided into lots larger than one acre, such subdivision shall be designed so as to permit the opening of future streets and the establishment of additional utility easements should the land be resubdivided.

Editor's note—See CCC 13-6-3F.

- F. *Long lots.* Excessive lot depth in relation to lot width is prohibited. The maximum lot depth shall not be greater than the quotient of the lot width divided by 45 percent. In other words, the maximum lot depth equals lot width divided by 0.45.

- G. *Lot lines.* Side lot lines should be approximately at 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 so as to provide for adequate off-street parking and loading facilities.

(Ord. No. 717, 4-4-2011)

13-6-9 Blocks

The length, width and shape of blocks shall be suited for the planned use of land, consistent with zoning requirements and the need for convenient access, control and safety of street traffic and the limitations of terrain.

- A. *Length.* Blocks for residential use shall normally not exceed 1,320 feet in length. When such a block exceeds 800 feet, the Planning Commission and City Council may require a dedicated easement not less than 15 feet in width and a paved crosswalk not less than four feet in width to provide pedestrian access across the block.
- B. *Width.*
 - 1. Blocks for residential use shall have sufficient width to provide for two tiers of lots of appropriate depth, except on the boundaries of a proposed subdivision or where it is important to separate residential development from other types of development or through traffic.
 - 2. Blocks intended for commercial, office 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 normally not exceed 600 feet in length.

(Ord. No. 717, 4-4-2011)

13-6-10 Building Lines

- A. *Compliance with zoning regulations.* Building lines shall be provided for all subdivision plats in accordance with the requirements of the zoning district in which the subdivision is located unless varied by the Board of Adjustment.
- B. *Restrictions on plats.* Restrictions requiring buildings to be located within the building lines shown on the plat shall be set forth on the plat or on a separate recorded instrument.

(Ord. No. 717, 4-4-2011)

13-6-11 Sewage Disposal And Water Supply

- A. *Public sewer system.* The subdivider within the City limits, at his/her expense, shall provide an internal sanitary sewer collection system available to each lot within the subdivision. Said system shall be designed and constructed as approved by the State Department of Health and in accordance with ordinances of the City and duly adopted standards and specifications of the City Water and Sewer Department.
- B. *Central sewage treatment plant.* Where an approved public sanitary sewer system is not reasonably accessible to the subdivision and in order to allow development during the time required to extend the public sanitary sewer system into those areas without such system, the following shall apply. A central treatment plant may be utilized on a temporary basis, provided that said treatment system meets all applicable water quality criteria and is designed and constructed as approved by the State Department of Health and in accordance with ordinances of the City and duly adopted standards and specifications of the City Water and Sewer Department.
- C. *Septic tanks.*
 - 1. Developers of subdivisions within the City limits, where it is planned to initially utilize septic tank sewage disposal systems must:
 - a. Submit a soil percolation test to the County Health Department for each lot in the subdivision to be served by septic tank systems, establishing a percolation test rate of not less than one inch in 60 minutes and providing minimum lot sizes as follows:
 - (1) Minimum lot size of 22,500 square feet, including roadway easements, with a minimum width of 100 feet when the percolation test rate is at least one inch in 30 minutes or less time.
 - (2) Minimum lot size of 43,560 square feet, excluding roadway easements, with a minimum width of 100 feet when the percolation test rate is at least one inch in 31 to 60 minutes.
 - b. Dig two core test pits a minimum of six feet deep and two feet in diameter for each ten acres in the subdivision as samples for the County Health Department.
 - c. Provide and file with the subdivision plat, restrictive covenants relative to the installation and use of individual septic systems.
 - 2. The approval and release of the plat of the subdivision does not constitute a guaranty or warranty that each septic tank system will

function properly.

3. If sewerage is intended to be disposed of by individual septic tank disposal systems, the system shall be subject to the regulations of the County Health Department. Each lot owner is responsible for the installation and maintenance of the septic system serving the lot, and the lot area containing the lateral lines shall be maintained free of paving, surfacing, swimming pools, lawn sprinkler systems, or any building or other structure which would interfere with the functioning of the lateral lines.

(Ord. No. 717, 4-4-2011)

13-6-12 Floodplain Areas

Areas identified by the official floodplain maps of the City which are subject to flooding hazards and periodic inundations, shall not be subdivided into lots, tracts or parcels for any use which would be incompatible with such flooding hazards unless:

- A. Improvements meeting the standards and requirements of the City Engineer are designed so as to render such land safe for residential or other uses; or
- B. The intended use of the land is permitted by City ordinances or permitted by variance or special exception as outlined by City ordinance.

(Ord. No. 717, 4-4-2011)

13-6-13 Oil And Gas Wells

- A. *Setback from producing wells.* Where there is found to be a producing oil or gas well which is in or within 150 feet of the boundaries of a proposed subdivision, there shall be a building setback line so placed on the plat so as to prevent the erection of a building within 150 feet of such well.
- B. *Abandoned, unplugged wells.* Where there is found to be an abandoned oil or gas well which is not adequately plugged according to the standards established by state law and the State Corporation Commission, which well is within the boundaries of a proposed subdivision or within 150 feet of said subdivision, said well shall be adequately plugged according to the standards so certified by the State Corporation Commission, before the plat of such addition is given final approval. In lieu of plugging such wells, a building setback line shall be so placed on the plat so as to prevent the erection of a building within 150 feet of such well. In any event, a certificate of clearance shall be obtained from the State Corporation Commission as to the existence of any wells reflected in their records.

(Ord. No. 717, 4-4-2011)

13-6-14 Public Area And Open Space Dedication

In the subdivision of land or resubdivision of an existing plat, due consideration shall be given by the subdivider to the dedication or reservation of suitable sites for parks, playgrounds or other public recreational areas or open spaces. All areas to be reserved for or dedicated to public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated or conveyed to the City. Such land must be free and clear of mortgage or liens at the time of such dedication or conveyance.

(Ord. No. 717, 4-4-2011)

13-6-15 Hillside Developments

The development of hillside areas or any area with a slope of greater than ten percent shall be designed to minimize grading and filling and retain natural ground cover. Areas with a slope in excess of 20 percent shall be utilized as open space or developed in accordance with a planned unit development as defined by the zoning regulations.

(Ord. No. 717, 4-4-2011)

13-6-16 Planned Unit Developments

When a subdivision is developed as a planned unit development in accordance with applicable provisions of the zoning regulations, the Planning Commission and City Council may vary the requirements of this title in order to allow the subdivider more freedom in the arrangements of the subdivision but at the same time protect the convenience, health, safety, and welfare of the probable future residents of the subdivision as well as the character of the surrounding property and the general welfare of the entire community.

(Ord. No. 717, 4-4-2011)

CHAPTER 13-7 REQUIRED IMPROVEMENTS AND IMPROVEMENT STANDARDS

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13-7-1 Compliance With Established Standards

All improvements shall be designed and installed in accordance with the City design criteria and technical specifications established by the City Engineer and approved by the City Council. The City Engineer may establish special standards in excess of the design criteria and technical specifications which are generally applicable to safety to accommodate the heavy commercial and industrial use of streets, utilities, water, sewer and other public improvements.

(Ord. No. 717, 4-4-2011)

13-7-2 Required Improvements

- A. *Street improvements.* The subdivider shall design, grade, inspect, test and otherwise improve all streets that are designated on the approved plat or that directly serve the subdivision in accordance with the design criteria and technical specifications as directed by the City Engineer.
- B. *Street signs and names.* The subdivider shall install street name signs in the subdivision to the specifications of the City Engineer. Street names shall be approved by the Planning Commission and City Council.
- C. *Streetlights.* The subdivider shall provide adequate street lighting in the subdivision to the specifications of the City Engineer and technical advisory committee.
- D. *Monuments and markers.*
 - 1. Permanent reference markers shall be placed at the intersections of the centerlines of rights-of-way. There shall be in each subdivision a minimum of two such monuments. If no two of the intersection monuments are within line-of-sight of each other, an additional marker shall be placed on a right-of-way centerline so as to establish a straight line which can be seen line-of-sight from one end to the other. An additional such marker shall be placed at the center point of the turn-around in each cul-de-sac. These markers shall be in the form of a noncorrosive metal plate, and each shall be stamped with a cross at the point of the intersection and the elevation to the tenth of a foot.
 - 2. Permanent reference markers shall be placed at each turning point in the boundary of the subdivision. Markers shall be a 24-inch-long iron pipe or bar of at least one-half inch diameter, to be set in concrete.
 - 3. Permanent reference markers shall be placed at a minimum of two corners of each lot in an addition. The markers shall be at least 24 inches long and at least one-half inch in diameter, made of iron pipe or bar and driven into unexcavated soil.

4. Permanent reference markers shall be placed at the points of curvature and points of tangency of all inside and outside right-of-way lines, and at the point of intersection of the outside line of a curve in street right-of-way. These markers shall be a 24-inch diameter to be driven into unexcavated soil.
 5. The location of all permanent markers shall be shown on the face of the final plat.
- E. *Stormwater drainage system.* The subdivider shall provide a stormwater drainage system that is designed and constructed in accordance with the design criteria and technical specifications.
- F. *Utilities.* Electric cable, television cable and telephone lines shall be installed as specified by the technical advisory committee in the easements specified on the subdivision plat.

(Ord. No. 717, 4-4-2011; altered in 2023 recodification)

13-7-3 Plans Required

- A. Five sets of prints of the proposed plans and specifications for all improvements required by this title shall be submitted to the City Engineer. The City Engineer shall approve or require modification of those construction plans. Following the approval of the construction plans, the subdivider shall complete, in a manner satisfactory with the engineer, all required improvements, and said improvements shall be free and clear of all liens, claims and encumbrances. The final plat may then be released by the City for filing at the office of the County Clerk.
- B. In lieu of the installation of the required improvements prior to the final plat approval, street paving and public water and sewer utility improvements will not commence until performance bonds are received and on file with the City, construction plans are received and approved by the City Engineer, and Department of Environmental Quality (ODEQ) approval is received and recognized by the City Council.

(Ord. No. 717, 4-4-2011; altered in 2023 recodification)

13-7-4 Contractor Bond And Insurance

The subdivider shall guarantee to complete all improvements required by this title and other ordinances in a manner satisfactory to the City Engineer. To secure this surety, the subdivider shall provide one of the following guarantees:

- A. *Commercial surety performance and payment bond.* The subdivider shall obtain

a security bond from a surety bonding company authorized to do business in the state. The bond shall be filed with the City Clerk and shall be payable to the City. The amount of the bond shall be at 100 percent of the entire cost of the work, as estimated by the subdivider and approved by the City Engineer, of installing all specified improvements. The duration of the bond shall be until such time as the improvements are accepted by the City in accordance with CCC 13-7-2.

- B. *Cash escrow account.* The subdivider shall deposit cash, or other instrument readily convertible into cash at face value, either with the City or in escrow with a bank. The use of any instrument other than cash, and in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the City Council. The amount of the deposit shall be at 100 percent of the entire cost of the work, as estimated by the subdivider and approved by the City Engineer, of installing all required improvements. If a bank escrow account is used, the subdivider shall file with the City Clerk an agreement between the financial bank and himself guaranteeing the following:
1. That the funds of said escrow account shall be held in trust until released by the City Council when the obligation is complete and may not be used or pledged by the subdivider as security in any other matter during that period; and
 2. That in the case of a failure, as determined by the City Council, on the part of the subdivider to complete said improvements, the bank shall immediately make the funds in said account available to the City for use in the completion of those improvements.

(Ord. No. 717, 4-4-2011)

13-7-5 Inspections And Certifications

The City Engineer, or other knowledgeable official appointed by the City Manager, shall inspect for defects the construction of the required improvements. 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 the City design criteria and technical specifications or the improvements are defective, listing the defects. Upon completion of the improvements, the subdivider and his engineer shall file with the City Council as-built construction plans and a statement stipulating the following:

- A. That all required improvements are complete.
- B. That the subdivision improvements are in compliance with this title and the City design criteria and technical specifications.
- C. That the subdivider knows of no defects in the improvements.

- D. That the subdivision improvements are free and clear of any encumbrance or lien.

(Ord. No. 717, 4-4-2011)

13-7-6 As-Built Construction Plans

Five sets of as-built construction plans, certified and signed by a registered engineer, shall be filed with the City Planner prior to the acceptance by the City Council of any improvement installed by the subdivider.

(Ord. No. 717, 4-4-2011)

13-7-7 Improvements Acceptance Or Forfeiture

- A. The City Council shall formally accept, by resolution or ordinance, any or all improvements before such improvements become public property, provided that all statements and agreements specified above have been received and that as-built construction plans have been submitted. The two-year maintenance bond shall begin with the approval by the City Council, and the approval of the as-built plans 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 in accordance with the provisions of this title, and no municipal utility service will be furnished to such lot.
- B. If any portion of the required improvements shall fail to be accepted for dedication, as outlined above, within two years of the recording of the final plat with the County Clerk, either for reasons of incompleteness or for substandard construction, the City Council shall declare whatever security has been pledged as a guarantee to be forfeited. Where the Council is not already in possession of said guarantee, it shall immediately take the actions necessary to obtain it. Upon receipt of the securities, the Council shall use them, or the proceeds from their sale, to finance the completion of the subdivision improvements or the rebuilding of such improvements to the proper specifications. Any unused portion of these securities shall be returned to the subdivider, the bonding company, or crediting institution as is appropriate.

(Ord. No. 717, 4-4-2011)

13-7-8 Maintenance Bond

Regardless of the guarantee chosen by the subdivider to secure the contract to make the subdivision improvements, prior to acceptance of those improvements by the City Council, the subdivider shall obtain a maintenance bond from a surety bonding company authorized to do business in the state. 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 50

percent of the entire cost of construction for improvements or public improvements, as further defined in CCC 13-2-2, that shall be dedicated to the public. The duration of the maintenance bond shall be two years from the date of acceptance of said improvements by the City Council.

(Ord. No. 717, 4-4-2011; Ord. No. 853, § 1, 1-3-2022)

13-7-9 Time Limit For Completion

The required improvements shall be completed within two years from the filing of the subdivision plat with the County Clerk unless extended by the City Council for cause.

(Ord. No. 717, 4-4-2011)

13-7-10 Vacated Plats

The vacation of a plat by district court action as provided by state statute shall remove the obligation to construct subdivision improvements.

(Ord. No. 717, 4-4-2011)

CHAPTER 13-8 STREET SPECIFICATIONS FOR CITY MAINTENANCE; STORM SEWER AND STORMWATER RUNOFF AND DETENTION CRITERIA

13-8-1 Summary Of Procedures

13-8-2 Road Specifications

13-8-3 Runoff And Detention Criteria Designated

13-8-1 Summary Of Procedures

- A. Engineering plans showing all grades and drainage must be submitted to the City before construction.
- B. Road is built according to approved methods and under the supervision of the consulting engineer.
- C. Road is accepted subject to a two-year maintenance bond in the amount of half the construction costs.
- D. At the end of the two-year period, the road is inspected again. If it meets inspection, it is accepted for maintenance.
- E. Traffic control signs and mailboxes to be placed according to applicable statutes and regulations.
- F. Roads are to be constructed in compliance with the minimum requirements for the City as outlined in this chapter.
- G. Storm sewer and stormwater runoff and detention criteria for the City are set forth in CCC 13-8-3.

(Ord. No. 717, 4-4-2011)

13-8-2 Road Specifications

- A. All new subdivisions in the City must be surveyed, and drainage of streets or roadways approved by a certified consulting engineer. Report from engineer shall show size and type of drainage at all approaches. Ditch size, width, and depth must be shown, also the area map must be attached to show to where water will drain.
- B. Subgrade or road base must be a material accepted to state highway standards. This can be no less than six inches after compaction to meet state road specifications. This base material can have no less than three inches of 1 1/2-inch rock and three-inch crusher run. These two layers, after compaction, shall constitute the road base or bed. Additional asphalt or concrete cover shall be in addition to the base.
- C. Cover material shall be no less than the following specifications:
 - 1. Asphalt: Three-inch minimum.
 - 2. Concrete: Six-inch minimum.
- D. The developer shall pay, in advance, for and the City will install all street signs and stop signs.
- E. All mailboxes shall be installed in compliance with federal regulations and are not to obstruct maintenance of roads or ditches. The stand for a mailbox shall be installed on the owner's property and installed on a swivel so the mailbox can be removed from stand or swivel out of way for maintenance of the road or street.
- F. At the end of the two-year period from the date of completion, developers shall repair any defects that might have occurred in the streets. This is to be done before City inspection for acceptance into the City road system.

(Ord. No. 717, 4-4-2011; altered in 2023 recodification)

13-8-3 Runoff And Detention Criteria Designated

A. Purpose and intent.

- 1. *Purpose.* It is the purpose of these criteria to establish public policy for the control of stormwater runoff and detention.
- 2. *Intent.* It is the City's intent to implement the best and most equitable methods of stormwater runoff control so that land development within any drainage area will not adversely affect upstream or downstream

properties within the drainage basin. The formula for determining the hydrological parameters will be those as established by the City Council.

B. Required criteria.

1.
 - a. All stormwater runoff shall be subject to review and approval by the appropriate public authority with regard to analysis, design and construction of drainageway facilities, and the appropriate public authority shall have the right to maintain or to cause to be maintained the drainageway system for its intended purposes.
 - b. Drainageway facilities, both public and private, shall consist of all elements necessary to convey stormwater runoff from its initial contact with the earth to its disposition.
2. All public stormwater drainageway systems shall be on dedicated easements or rights-of-way; privately owned systems may consist of roof drains, building drains, and parking lot drainageways.
3. The easement width required for a closed storm sewer shall be that necessary for proper maintenance with a minimum width being the width of the structure, plus five feet on either side.
4. The easement width for an improved channel shall be that width necessary for the construction of the facility, combined with the width which is necessary for proper access and maintenance. The minimum width shall be as shown on adopted City standards.
5. The easement for an unimproved drainageway left in a natural state shall be equal to the floodway width or that width required to pass a 100-year frequency rainstorm under full urbanization, whichever is greater, together with adequate vehicular ingress or egress to said easement for maintenance purposes. A permanently visible monument shall be set on each property line at its intersection with the easement or floodway line to identify the limits of the drainageway; said monuments to conform to adopted City standards.
6. Stormwater drainageway systems shall consist of trunk and collector systems. The term "trunk systems" means any part of the system having a capacity of 400 cfs or greater. All stormwater drainageway systems with a capacity of less than 400 cfs shall be defined as a collector system.
7. The trunk stormwater drainageway system shall be designed to pass the runoff from a 100-year frequency rainstorm under existent urbanization conditions. The entire flow shall be confined within the stormwater drainageway system.

8. Fencing shall be required where necessary for safety.
9.
 - a. The discharge velocity of a stormwater drainageway system constructed for the development of a tract of land will not be greater than the velocity that existed in the drainageway at that point under natural conditions, nor will the velocity of the discharging water exceed the erodible limit of the soil in place at the point of discharge. Whichever velocity of the least shall govern.
 - b. If the discharge from the stormwater drainageway system is being made into a concrete lined channel, then the velocity of the discharging water shall not exceed the normal velocity of the channel.
10. Detention facilities will be required for all land developments where the impervious area will amount to more than 20 percent of the gross area.
11. The requirements for the storage and controlled release of stormwater runoff shall be as follows:
 - a. The peak release rate of stormwater runoff from the development shall not exceed the peak stormwater runoff rate from the area in its natural, undeveloped state for all rainstorm intensities up to and including the 100-year frequency for all durations of rainfall.
 - b. The required volume for stormwater detention shall be calculated on the basis of the runoff from a 100-year frequency rainstorm. The detention volume required shall be that necessary to handle the runoff from a 100-year frequency rainstorm to fully urbanized conditions, for any and all durations, less that volume discharged during the same duration at the release rate as specified above.
12. The ownership and maintenance responsibility for detention facilities shall remain with the private sector if the facility is an integral usable part of the development. In all other cases, the detention facility will be dedicated to the public, and the public will be responsible for the maintenance thereof. In the event the detention facility, as a result of drainageway improvements, becomes unnecessary, the facility, by action of the City Council, shall revert to the person, firm or corporation making such dedication or his heirs, successors or assignees.
13. The City Council may grant, in a particular instance, such variance or modification of the foregoing criteria as will not cause detriments to the public good or impair the spirit, purposes, and intent of the criteria.

(Ord. No. 717, 4-4-2011; altered in 2023 recodification)

CHAPTER 13-9 DESIGN CRITERIA FOR DRAINAGE, DETENTION, STREETS AND EARTH CHANGE

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13-9-1 Derivation Of Criteria

The design criteria in this chapter was taken from the Criteria, Standards and Specifications for Storm Drainage, Streets and Earth Change, Engineering Department of the City. These provisions of that document have been included within this title for information purposes only. The Engineering Department should be consulted for possible changes to this chapter and for detailed design standards and specifications.

(Ord. No. 717, 4-4-2011)

13-9-2 General Provisions

- A. Where, on a particular tract, the standards and specifications set forth herein are not necessary or applicable by reason of topography, soils or other conditions peculiar to such tract, other standards may be used with the prior approval of the City Engineer.
- B. For any item of work not covered by the adopted standards and specifications of the City, the consulting engineer shall include two copies of the design, specifications and/or special provision with his first submittal for review and approval by the City Engineer.
- C. Approval of the plans by the City Engineer does not release the consulting engineer from his responsibility to meet the planning and design of the project as required by the City Engineer and/or other departments of the City.
- D. All of the plan sheets and the cover sheet of the calculation report shall be

signed, sealed and dated by a professional engineer, registered in the state, prior to submitting the plans to the City Engineer for review.

- E. Directly above the title block and signature of the professional engineer, registered in the state, the first sheet of the plans shall contain the following statement:

I hereby certify that I am familiar with the adopted ordinances and regulations of the City of Coweta governing drainage, detention and earth change; that these plans have been prepared under my direct supervision; the above and foregoing drainage plans comply with all governing ordinances and the adopted standards of the City of Coweta pertaining to drainage, detention and earth change to the best of my knowledge, information and belief.

- F. All developments with private streets and drainage facilities shall contain the following statement on the first sheet of the plans directly above the title block and signature of the professional engineer, registered in the state:

These plans comply with all governing ordinances and the adopted criteria of the City of Coweta pertaining to drainage, detention and earth change to the best of my knowledge, and information and belief.

- G. Construction pay items and engineer's cost estimate for each item of work covered by the standard specifications and/or special provisions shall be rounded off to the nearest unit and listed in the proposal clearly indicating the basis for payment.

(Ord. No. 717, 4-4-2011)

13-9-3 Drafting

- A. Construction plans shall be drawn on a transparent reproducible medium (paper velum, linen or Mylar).
- B. Standard sheets shall be 34 inches wide by 22 inches high having a margin of 1 1/2 inches along the left border and one-half inch along the top, bottom and right borders.
- C. North shall be oriented to the top or right-hand side of all sheets.
- D. A City standard title block shall be located in the lower right-hand corner of each sheet.
- E. All plan sheets shall use the City standard title block for all privately financed public improvement projects.
- F. All plan sheets for private streets and/or storm sewer design will use the City standard title block for private paving and storm sewer plans.

- G. All line work shall be of sufficient density to be reproducible by current division reproduction processes. Any line work which does not reproduce satisfactorily may be cause for rejection of the plans by the City engineering division.
- H. Freehand lettering shall be no smaller than the No. 4 setting on the Ames lettering guide (0.12-inch minimum height). Mechanical lettering shall be at least comparable to the 100 Leroy guide (0.10-inch minimum height), except mechanical lettering on plats or records reproduced in the plans may be comparable to the 80 Leroy guide (0.08 inch minimum height). Typing shall be at least 0.10-inch minimum height. Adhesive or transfer lettering shall have a minimum height of 0.10 inch. These lettering sizes are minimum. Sizes greater than these are desirable and suggested.
- I. Record drawings shall be either India ink or linen or 0.003 Mylar base black line autopositive matte both sides not reversed. (Diaz processes will be acceptable.) Stick-on will not be acceptable.
- J. The sheets shall be arranged in the following order:
 - 1. The front sheet shall contain existing topography (maximum two-foot contour intervals), City of Coweta title block, north arrow, index to sheets, street layout, lot layout, off-site adjacent structures, location map, project number, description, symbol legend, owner's and engineer's names, addresses and telephone numbers, benchmark, PE seal and signature, certified statement and PFPI description.
 - 2. Preliminary clearing, leveling and grading plan identifying areas where erosion and sediment control is needed.
 - 3. Soils map, type of erosion and sediment control measures are needed; a timing schedule indicating the anticipated starting and completion dates of the development's construction sequence is needed.
 - 4. Drainage areas for inlet design with flow arrows indicating areas, Q100, Q15 and time of concentration. Summation tabular column of drainage areas and flows to respective inlet.
 - 5. Layout of streets with stations, cul-de-sacs, elbows and intersections numbered with cross reference to plan detail.
 - 6. Storm sewer layout (may be included with paving plans).
 - 7. Final grading plan showing final grades and minimum pad elevations for lots close to sump areas, for areas where the pad is lower than the curb, and for lots adjacent to floodplain areas, permanent erosion and sediment control practices.
 - 8. Large scale drawing of cul-de-sacs, intersections, and elbows showing drainage system.
 - 9. Detention pond showing existing and proposed topography cross

sections through the pond including five- and 100-year water levels, details of inlet and outlet structures, a backwater profile for the existing and proposed topography if located in a floodplain area subject to mapping and indicate if privately or publicly maintained.

10. Details of structures, both standard and special.
11. Drawings of all dam structures.

(Ord. No. 717, 4-4-2011)

13-9-4 Benchmarks

- A. All elevations shown on the plans shall be based on USGS or USC&GS datum.
- B. The permanent benchmark location and description used to extend level datum to the projects shall be noted on the front sheet of the plans.
- C. All temporary benchmarks used for control of the project shall be designated on the plans stating elevation, location and description. The nearest such benchmark shall be shown on each sheet.
- D. Prior to commencement of construction, a permanent benchmark shall be established on the project. This permanent benchmark will be a brass cap set in concrete. The cap shall read "City of Coweta Benchmark," together with a letter and/or numerical designation assigned it by the City Engineer from the master file of benchmarks maintained by the City Engineer. The location, description and elevation of the permanent benchmark shall be shown on the front sheet of the plans.
- E. Level notes shall be provided to the City Engineer for all permanent and temporary benchmarks. All level notes shall be of closed loop survey.

(Ord. No. 717, 4-4-2011)

13-9-5 Typical Sections

- A. Typical sections shall be drawn at the same horizontal and vertical scale.
- B. Typical sections shall show dimensions, type of materials, layer details, reserve topsoil, temporary and permanent erosion control, compacted thickness, etc.
- C. All typical sections or notes that are necessary to clearly reflect the design shall be included.

(Ord. No. 717, 4-4-2011)

13-9-6 Cross Sections

- A. Cross sections may be required by the City Engineer as a part of the construction plans when necessary to reflect more clearly the intent of the design.
- B. All cross sections for street rights-of-way shall be drawn to scale showing existing ground and proposed construction from building line to building line.
- C. Typical cross sections shall be shown for each street if the slope to the property line exceeds one-fourth inch per foot.
- D. Each section shall be stationed clearly.
- E. The beginning and ending points of a project shall be stationed, and cross sections for both the stations shall be drawn.
- F. Maximum distance between cross sections shall be 100 feet when one-fourth inch per foot of slope to the right-of-way is exceeded.
- G. Sufficient information shall be furnished to show that water is not ponded behind curbs or in ditches.
- H. Scale for cross sections shall not be less than:
 - 1. Channels: one inch equals ten feet horizontal, one inch equals five feet vertical.
 - 2. Streets: one inch equals five feet horizontal, one inch equals five feet vertical.
- I. Cross section will be required on plans at the centerline of each lot when the slope to the right-of-way exceeds 12 percent.

(Ord. No. 717, 4-4-2011)

13-9-7 Plan Sheets And Profiles

- A. All property lines shall be shown, dimensioned and locations referenced thereto. This includes rights-of-way, easements, building lines, etc.
- B. All intersections, cul-de-sacs, and other critical locations shall be shown in large plan detail, including direction of drainage, top of curb elevation at PCs, PTs and high or low points. All curve information shall be shown in detail.
- C. All drainage areas shall be clearly marked on the drainage area plan sheet, showing acreage, runoff and off-site pick up points.
- D. A site plan, showing proposed locations and elevations of all utilities, shall accompany the street and storm sewer plans.
- E. The profile may be either three separate profiles or one single profile.

1. *Three separate profiles.* When using three separate profiles, the top and bottom shall show the existing property line and the proposed top of curb. The middle profile shall show only the existing centerline profile. Stationing shall be along the centerline.
 2. *One single profile.* When using one single profile, both property lines shall be shown along with the proposed top of curb. The centerline profile shall not be shown. Stationing shall be along the centerline.
- F. All fill areas within the street right-of-way and beneath storm drainage structures shall be cross hatched on the profile, and a notation shall be made that the fill area shall be compacted to a minimum of 95 percent standard proctor density.
- G. A list of construction pay items and estimate of quantities shall be shown on the plans.
- H. Curb returns with elevations shall be clearly labeled on the profile.
- I. Vertical curves in the profile shall give the top of curb elevations at the PC, PI, PT and high or low point, at a minimum of 50-foot intervals.
- J. All structures (manholes, junction boxes, inlets, headwalls, etc.) shall be numbered and labeled, both in the plan and in the profile, and detailed on the plans.
- K. Scale shall not be less than one inch equals 50 feet horizontal and one inch equals five feet vertical on profile sheets. Minimum scales shall be one inch equals 100 feet on plan sheets.
- L. Storm sewer lines shall be identified on both plan and profile sheets by letter or number.
- M. Storm sewers shall be located along the centerline of streets unless otherwise approved by the City Engineer.

(Ord. No. 717, 4-4-2011)

13-9-8 Streets

- A. All arterial street designs shall be furnished by the City Engineering Division.
- B. The centerline of paving shall be the centerline of the right-of-way where dedication has been made according to the major street plan. All other cases shall be determined by the City Engineering Division.
- C. The minimum grade set along the curb shall be one-half of one percent. The maximum desirable grade for nonarterial streets shall be limited to eight percent. For situations where the topography is unusually hilly, grades will be permitted up to a maximum of 12 percent, provided they do not exceed 500 feet in length

from PT to PC.

- D. The grade of the curb returns will continue for the full arc on all intersections where a midway opposing break is not provided.
- E. Sag vertical curves shall be designed according to AASHTO specifications using the criteria of headlight site distance and drainage control. Crest vertical curves shall be designed according to the current AASHTO specifications using the criteria of safe stopping sight distances.
- F. Vertical curves shall be the minimum length available for the two grades entering into a sump area as defined by the AASHTO publication titled "A Policy on Design of Urban Highways and Arterial Streets."
- G. Design speed shall be 25 miles per hour on all residential streets and 30 miles per hour on all collector streets.
- H. The minimum centerline radius on street alignment shall be 125 feet.
 - I. The minimum radius on returns at residential intersections shall be 25 feet. At intersections of a residential and arterial streets, the minimum radius on returns shall be 30 feet. The minimum radius on the returns for industrial districts shall be 40 feet.
- J. Soil tests will be required for all areas to be paved. Soil tests will be submitted to the City Engineering Division for approval. If soil tests indicate that the soil has a plasticity index of ten or greater, a minimum of six inches of subgrade shall be modified with a minimum of five percent lime by weight. If the soil tests indicate that the soil is granular and unstable, the method of stabilization shall be approved by the City Engineering Division. If desired, subgrade may be built of an approved borrow material.
- K. The maximum grade of a residential street when intersecting an arterial shall be two percent for a minimum of 100 feet from the curb line of the arterial. No vertical curve shall begin any closer than 50 feet from the curb line of the arterial. The maximum grade of residential streets at intersections shall be four percent.
- L. Industrial pavement sections shall be a minimum of ten inches asphaltic concrete or eight inches PC concrete. Residential pavement sections shall be a minimum of 6 1/2 inches asphaltic concrete or six inches PC concrete.
- M. A proposed and existing profile shall be shown beyond the end of all dead-end streets for a minimum of 200 feet to determine a satisfactory grade for future development.
- N. Cross slope may be one-fourth inch or three-eighths inch per foot; however, the crown will be flattened off so that the crown never exceeds curb height.

(Ord. No. 717, 4-4-2011)

13-9-9 Structures And Specific Details

- A. All special structures will be detailed.
- B. When standards are used, standard sheets shall be included as part of the project plans.
- C. Special structures shall be drawn to scale, unless noted otherwise.
- D. Sufficient details, dimensions and related notes shall be provided for all structures.
- E. All structures subject to vehicular traffic shall be designed for H-20 loading.
- F. All bridge design shall meet the requirements in the latest edition of Standard Specifications for Highway Bridges prepared by AASHTO.

(Ord. No. 717, 4-4-2011)

13-9-10 Easements And Rights-Of-Way

- A. Easements and rights-of-way shall be clearly dimensioned in the plans.
- B. All overland restricted drainage easements will be shown detailed on the plans and final plat, as well as described in the conditions and restrictions of the plat.
- C. Additional overland drainage easements may require separate instruments as shown in Appendix 1 of this Code.
- D. An unimproved drainageway left in a natural state shall be dedicated to the public, either by title or easement, and platted with a minimum width equal to the floodplain width required to pass the regulatory flood. Dedicated drainageway shall be provided with adequate vehicular ingress and egress for maintenance purposes. If said drainageway width is less than 150 feet, the minimum width required will be the floodplain, plus an additional width of 15 feet on each side of the floodplain. A permanently visible monument shall be set on each property line at its intersection with the easement of the right-of-way line to identify the limits of the drainageway; said monuments to conform to adopted City standards. Said dedication may have an ownership reverter provision.
- E. The City may accept dedication of the entire floodplain area for an unimproved channel.
- F. Adequate restrictive easements for a dedicated right-of-way must be provided for access and maintenance.
- G. The minimum width for all storm sewer easements shall be the outside diameter of the pipe, plus ten feet, and the pipe shall be laid in the center of the easement.

13-9-11 Drainage

A.

1. All stormwater runoff shall be subject to review and approval by the appropriate public authority with regard to analysis, design and construction of drainageway facilities, and the appropriate public authority shall have the right to maintain or to cause to be maintained the drainageway system for its intended purposes.
2. Drainageway facilities, both public and private, shall consist of all elements necessary to convey stormwater runoff from its initial contact with the earth to its disposition in either the Arkansas River or Coweta Creek. The drainageway system, both public and private, shall consist of storm sewers (which are closed conduits); improved channels constructed in conformity with adopted City Standards; unimproved drainageways left in their natural condition; the areas covered by restricted drainageway easements for the purpose of providing overland flow; and all appurtenances to the above including inlets, manholes, junction boxes, headwalls, dissipators, culverts, etc. All portions of the drainageway system that exist on dedicated rights-of-way or restricted drainageway easements shall be owned and maintained by the City.

B. The stormwater drainageway system shall be designed to receive and pass the runoff from a 100-year frequency rainstorm with full urbanization. The collector system shall be designed either:

1. To pass a minimum of 15-year frequency storm in a pipe network with overland flow capacities so that the combination of the two will pass the runoff from a 100-year frequency rainstorm under fully urbanized conditions; or
2. Pass the entire 100-year flood in the pipe network. The overland flow portion of the collector system shall be continued to the dedicated right-of-way or restricted drainage easements to ensure that stormwater can pass through the development without inundating the lowest level of any building, dwelling or structure.

C. The stormwater drainageway system shall be designed to pass the runoff from a 100-year frequency rainstorm under full urbanization. The entire flow shall be confined within the stormwater drainageway system.

D. The rational method of runoff analysis shall be used for the design of the closed pipe networks of the storm sewer system up to discharge of 400 cfs. For discharges over 400 cfs, a hydrograph method will be used.

- E. The rainfall intensity curves prepared from TP-40 and National Weather Service HYDRO-35 (June 1977) shall be used for design when using the rational method (refer to Appendix).
- F. The Oklahoma Department of Highways Technical Manual, dated April 1970, shall be used for determining the basic "C" values. (refer to Appendix). A weighted "C" value shall be determined with minimum values of 0.45 for residential (RS and RD), 0.65 for multifamily (RM) and 0.90 for industrial and commercial areas. Unplatted areas within considered commercial or shall be in accordance with the comprehensive plan in estimating runoff coefficients.
- G. The time of concentration (Tc) shall be determined by first reading the velocity from the slope-velocity graph included in the Appendix and computing by the formula:

Tc	=	Length of Reach (ft.)	
		(60 (Sec./Min.) X)	Minutes
		Velocity (Ft./Sec.)	

- H. A maximum time of concentration of ten minutes to the first inlet shall be used for single-family and multifamily residential areas.
- I. A maximum time of concentration of five minutes to the first inlet shall be used for commercial and industrial areas.
- J. The distance between inlets shall be determined so that gutter flow for the 15-year storm will not exceed gutter capacity. The water depth in the street on slopes shall not be deeper than the curb of the street for the 100-year design rainfall. Distance between inlets shall not exceed 600 feet. The water depth at sump locations shall not exceed more than one foot above the top of curb for the 100-year design rainfall.
- K. Inlets at intersections shall be located in such a manner that no part of the inlet will encroach upon the return. The flowing and top of curb elevations shall be on all inlets. Inlets shall not be placed on main storm sewer lines.
- L. Where possible, runoff from large areas outside the roadway shall be collected before it reaches the roadway. Parking lots shall have internal drainage systems so as to reduce concentrated flow into streets.
- M. Drainage areas and the 15-year and 100-year flows to the respective inlets shall be summarized and tabulated on the plans as shown in Appendix 1 of this Code. The summary table shall also be a part of the calculations.
- N. Grates and curb inlets shall be sized in accordance with the grate throat chart on file with the City Engineer.

- O. Gutter flow shall be computed by using the "Nomograph for flow in triangular channels."
- P. Calculations for inlets, pipes and gutter flow shall be summarized as illustrated in this chapter.
- Q. Calculations for inlets, pipes and gutter flow shall be summarized as illustrated in this chapter.
- R. Borrow ditches along arterial streets shall not exceed three feet in depth. Culverts shall be sized to handle the 15-year or larger storm.
- S. All off-roadway inlets up to 24 inches will be of the standard drop inlet design. The standard inlets larger than 24 inches may be used upon special review and approval by the City Engineer.
- T. Manholes and catch basins shall be stationed on the plan sheet using the centerline of street stationing. Inlets with grates shall be stationed at the centerline of the grated section. Inlets without grates shall be stationed at the centerline of the throats.
- U.
 - 1. Storm sewer systems shall be closed conduit up to a 60-inch diameter pipe or its hydraulic equivalent. Exceptions may be made to this requirement for lands being developed for park purposes which will be under the jurisdiction of the City Council.
 - 2. Stormwater drainageway systems that must carry a flow greater than the capabilities of a 60-inch closed conduit system may be a closed system, an improved channel constructed in accordance with adopted City standards and adopted floodplain policies, or in accordance with adopted floodplain zoning ordinances.
- V. Roughness coefficient for drainage design will be as listed in tables 5-5 and 5-6, figure 5-5, pages 109 through 123, of Open Channel Hydraulics by Ven Te Chow, published by McGraw-Hill Book Company, 1959.
- W. Minimum velocity in a drainageway system, having a roughness coefficient less than or equal to 0.015, shall be 2.5 fps to avoid sedimentation.
- X. Pipes shall be sized using either Kutters or Mannings charts for design flow. The slope used for design shall be the slope of the invert of the pipe.
- Y. No pipe shall be installed downstream having a diameter smaller than the pipe from which it is receiving water.
- Z. Concrete pipe shall not be less than C-76 Class III. Corrugated metal pipes shall meet State Highway Department gauge requirements for fill heights.
- AA. Junctions between different pipe sizes shall be made with the top inside of the

downstream pipe no higher than the top inside of the upstream pipe.

- AB. A manhole or junction box shall be required at all changes of grade, changes in alignment, and junctions between two or more different size pipes.
- AC. The horizontal distance between pipes being placed in the same trench shall be a minimum of two feet or one-third the diameter of the largest pipe, whichever is greater. This would include multiple pipe crossings for culvert purposes.
- AD. Radius pipes will not be used on storm sewers having a diameter less than 36 inches. Radius pipes will be used on storm sewers larger than 36 inches. The radius of the curve shall be no less than five times the diameter of the pipe. The degree of deflection shall be no more than 7 1/2 degrees per joint of radius pipe.
- AE. Manholes of four feet inside diameter shall be used whenever possible. If the diameter of the manhole exceeds four feet, junction boxes will be used. Junction boxes must be used whenever manholes cannot be used. The rim elevation shall be indicated on all manholes and junction boxes. Manhole and junction boxes may be precast or cast in place.
- AF. Drainage pipes shall not enter manholes with four feet inside diameter in the Corbel (neckdown) section. The size of pipe entering or leaving a four-foot diameter manhole shall not exceed 24 inches.
- AG. A minimum of six inches cover shall be provided over pipes and box culverts to the bottom of the subgrade, except when box culverts are built with the top at grade.
- AH. All storm sewers shall be shown in profile, showing flowline, size, type, grade and the design discharge. Profiles shall show the natural and proposed ground line at the centerline of the storm sewer.
- AI. The radius of curve for a culvert shall be a minimum of three times the maximum width of the culvert.
- AJ. Box culverts and bridges shall have adequate capacity to pass 100-year fully urbanized flows with one foot freeboard. Backwater analysis shall be provided by the consulting engineer to illustrate compliance with this requirement.
- AK. All headwalls shall be broken back design except for culverts; under the roadway embankment where the purpose of the headwall is primarily to retain earth.
- AL. Pipes discharging at a steep gradient into drainageways and detention facilities shall be provided with a slope wall of three times the maximum top width at the design flow depth.
- AM. All improved channels shall be provided with a minimum of one foot of freeboard.
- AN. When storm sewers are constructed in fill areas, all materials in fill areas shall

be compacted to a 95 percent standard proctor density prior to the laying of the pipe.

- AO. Maximum spacing between manholes or junction boxes shall not exceed 300 feet.

(Ord. No. 717, 4-4-2011; altered in 2023 recodification)

13-9-12 Detention Facilities

- A. Detention is required for all RS developments of ten acres or more and for all other developments of two acres or more, except as provided in subsections B and C of this section. Peak release rates from the developments should not exceed the natural runoff that occurred before developments for all storms up to and including the 100-year storm. Subsection K of this section will be used to determine the peak release rate.
- B. RS developments less than ten acres and all other developments less than two acres may also be required by the City Engineer to have detention if the location of the developmental site with respect to the watershed and its inherent flooding problems warrants it.
- C. Detention will not be required for a developmental site that has a 100-year full urbanization drainageway capacity to either the Arkansas River or Coweta Creek.
- D. The detention storage requirements shall be that excess runoff generated due to urbanization resulting in less impervious area and alteration of times of concentration due to storm sewerage of the area, overland flows on rights-of-way and alteration of the drainage patterns as a result of earth change, etc., for a 100-year frequency storm.
- E. Snyder synthetic unit hydrograph method, the soil conservation service derivative thereof, the stormwater management model, the Stanford Watershed Model, or Massachusetts Institute of Technology Catchment Model shall be used for the design of all detention facilities.
- F. U.S. Weather Bureau Technical Paper No. 40 and National Weather Service HYDRO-35 (June 1977) shall be used for rainfall information.
- G. The duration of the storm used for design shall not be less than two times the time of concentration. The term "time of concentration" means the time for runoff to travel from the furthestmost point in the watershed to the point in question.
- H. The time increment used in developing the rainfall distribution and in reading off the ordinates of the unit hydrograph may be rounded off to the nearest whole time interval or to the nearest time increment.
- I. The rainfall excess shall be critically arranged in such a way that the largest

increment is located one time interval past the center of the duration of the rainfall excess.

- J. The loss rates in determining the runoff hydrograph shall be an initial loss of 0.5 inch and a uniform loss of 0.08 inch per hour for the subsequent hours once the initial losses are satisfied.
- K. To determine the peak release rate, a minimum of five- and 100-year storm frequencies under natural site conditions shall be investigated.
- L. All calculations for detention facilities shall be submitted for review by the City Engineering Division to include hydrographs, outflow structures and time phase analysis through the facility.
- M. Floodplain areas and detention pond locations shall be identified at the preliminary plat stage to illustrate how these areas will be managed during and after construction.
- N. If a tract of land under development as a floodplain area within its boundary, the information that must be furnished before the final plat is filed shall include:
 - 1. A backwater analysis on the existing drainageway system.
 - 2. A backwater analysis on the proposed drainageway system.
- O. Detention facilities should not be located in undesirable, nonreusable areas that would demand continued high maintenance costs to the City. Each facility shall incorporate methods to minimize erosion and other maintenance reducing designs.
- P. Detention facilities located in nonreusable locations where soil or other conditions exist that would require continued high maintenance costs after the facility may no longer be needed will be required to have a dual storm sewer system.
- Q. A dual storm sewer system will not be required for a detention facility. However, the developer should carefully consider any advantages to him that would result from the immediate installation of a dual storm sewer system which would be realized by him upon reversion of ownership.
- R. Detention facilities may be located in the floodplain area or floodway area when the elimination of the facility could be easily accomplished, thereby returning the site to its natural state, provided the floodplain area and the floodway area are determined with the facility in place and that no rise in the water surface off-site of the development results from the installation of the facility except that permitted by the adopted floodplain development permit ordinance or adopted floodplain zoning ordinance.
- S. A dual stormwater drainageway system may be required for the development of a tract of land lying within an area where a master drainage plan exists and a

regional detention facility is being implemented until the regional detention facility is completed and in operation.

- T. Additional detention storage, in excess of the required storage for a drainage area, can be provided to satisfy the detention requirements for a tract of land downstream of the detention facility, provided the detention facility is constructed prior to the development of the downstream tract.
- U. All detention facilities will be designed "dry" unless a special maintenance agreement, in writing, has been negotiated with the City.
- V. A minimum number of detention facilities is encouraged for each development.
- W. If runoff has a natural tendency to drain in several directions for a given developmental tract of land where detention is required, then detention storage shall be provided for the biggest drainage area. Additional detention storage may be provided at the same facility to satisfy detention requirements for a separate drainage area on the same development, provided that:
 - 1. The whole development tract of land is in the same watershed.
 - 2. The smaller drainage area that has/have been compensated for does/do not, either singly or in combination, adversely impact the health, welfare and safety of the general public downstream.
- X. If a tract of land being developed is located in more than one watershed, grading work to divert flows from one watershed to another will not be permitted, and compensatory storage will not be permitted in one watershed for that required in another.
- Y. Detention facilities may be used for compensatory storage when encroaching into the floodplain area, provided that the overall drainageway system does not:
 - 1. Cause a rise in the water surface elevation beyond the extent of the developmental tract of land.
 - 2. Adversely impact adjacent properties by an increase in velocity.
- Z. All dikes and spillways on detention facilities will show typical cross sections on plans.
- AA. Access road, with grade of ten percent or less, shall be provided to the detention areas for maintenance purposes.
- AB. Side slopes on detention facilities shall not be steeper than four to one (4:1).
- AC. Detention facilities shall be provided with a trickle channel from the inlet to the outlet structure to transmit low flows, and the trickle channel shall be constructed in accordance with City standards.
- AD. Storm sewer outlets in the slope of the detention pond shall be protected by a

standard slopewall.

- AE. Erosion and sediment control practices in and around detention facilities shall be in conformance with the earth change criteria.
- AF. The detention area shall be identified as a separate platted area. As appropriate, it may consist of one or more platted lots, a separate block, or it may be identified as a reserve area.
- AG. Dedication of the detention facility shall not appear among the plat's restrictive covenants. The format of the dedication shall be consistent with the dedication of public streets.
- AH. Every plat dedication shall contain an ownership reverter provision. Whether the reverter shall run in favor of the subdivider, an identified third party, or to a designated abutting property shall be determined as follows:
 - 1. If the detention area meets all applicable subdivision regulation/zoning requirements (area, street frontage, etc.), so as to permit its subsequent redevelopment upon reverter of ownership, at the option of the subdivider, reverter may be in favor of any designated party or one or more abutting properties.
 - 2. If the detention area fails to meet all applicable subdivision regulation/zoning requirements and appropriate variances/special exceptions are not approved by the City Board of Adjustment which would permit its proper redevelopment upon reverter of ownership, reverter shall run only in favor of an identified abutting property or properties. If all deficiencies receive variance/special exception approval, reverter shall be governed by subsection HH1 of this section.
- AI. Every plat shall provide an accessway at least 20 feet wide to any required detention area. Access may be provided by frontage on a dedicated public street or by the platting of an access easement from a dedicated public street to the detention area.
- AJ. If the detention facility is approved by the City to serve areas outside the subdivision in which it is located, such additional areas shall be specifically identified in the dedication.
- AK. In designing the dams for detention facilities, the book titled "Design of Small Dams," by the U.S. Department of the Interior, Bureau of Reclamation, shall be used. An analysis shall be furnished of any proposed earthen dam construction soil. A boring of the foundation for the earthen dam may be requested.
- AL. The ownership and maintenance responsibility for detention facilities shall remain with the private sector if the facility is an integral usable part of the development. In all other cases, the detention facility will be dedicated to the public, and the public will be responsible for the maintenance thereof. In the

event the detention facility, as a result of drainageway improvements, becomes unnecessary, the facility, by action of the City Council, shall revert to the person, firm or corporation making such dedication or his heirs, successors or assignees.

(Ord. No. 717, 4-4-2011)

13-9-13 Earth Change, Soil Erosion And Sedimentation

A. Introduction.

1. The principles of erosion and sedimentation control can be successfully formulated and implemented by understanding the basic processes of soil erosion and sedimentation.
2. There is a certain amount of erosion and sedimentation that occurs in nature. The process of natural erosion and sedimentation is greatly accelerated due to construction activity. If the accelerated process is not accounted for at the time of construction, the adverse effects possible are:
 - a. A large increase in area exposed to stormwater runoff and soil erosion.
 - b. Increased volumes of stormwater runoff, accelerated soil erosion and sediment yield and higher peak flows caused by:
 - (1) Removal of protective vegetative cover.
 - (2) Exposure of underlying soil or geologic formations less pervious and/or more erodible than the original soil surface.
 - (3) Reduced capacity of exposed soils to absorb rainfall due to compaction caused by heavy equipment.
 - (4) Enlarged drainage areas caused by grading operations, diversions and street construction.
 - (5) Shortened times of concentration of surface runoff caused by altering steepness, distance and surface roughness and installation of improved storm drainage facilities.
 - (6) Increased impervious surfaces associated with the construction of streets, buildings, sidewalks and paved driveways and parking lots.
 - c. Alteration of the groundwater regime that may adversely affect drainage systems, slope stability and survival of existing and/or newly established vegetation.

- d. Creation of exposures facing south and west that may hinder plant growth due to adverse temperature and moisture conditions.
- e. Exposure of subsurface materials that are rocky, acidic, droughty or otherwise unfavorable to the establishment of vegetation.
- f. Adverse alteration of surface runoff patterns by construction and development.

B. *General applicability.* Earth change permit applications shall be required for areas as determined by the City Engineer.

C. *Minimum approval requirements.* The plans and specifications accompanying the permit application shall contain the following data as deemed applicable by the City Engineer:

- 1. A vicinity sketch at the scale of one inch to 200 feet indicating the site location as well as the adjacent properties within 500 feet of the site boundaries.
- 2. A boundary line survey of the site on which the work is to be performed.
- 3. A plan of the site at a minimum scale of one inch to 100 feet showing:
 - a. Names, addresses and telephone numbers of the legal landowner, developer and petitioner.
 - b. A timing schedule indicating the anticipated starting and completion dates of the development's construction sequence and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.
 - c. Estimate of the quantity of excavation and fill involved.
 - d. Existing topography at a maximum of two-foot contour intervals.
 - e. Proposed topography at a maximum of two-foot contour intervals of location of any structure or natural feature on the site.
 - f. Location of any structure or natural feature on the land adjacent to the site and within 50 feet of the site boundary line.
 - g. Location of any proposed additional structures or development on the site.
 - h. Plans of all drainage provisions, retaining walls, cribbing, planting erosion control measures, or other temporary or permanent soil erosion control measures to be constructed in connection with, or as a part of, the proposed work, together with

a map showing the drainage area of land tributary to the site and estimated runoff of the area served by any drains.

4. The estimated total cost of the required temporary and permanent soil erosion control measures shall be provided.
5. Other information or data that may be required by the City Engineer such as a soil investigation report which shall include, but not be limited to, data regarding the nature, distribution and supporting ability of existing soils and rock on the site.

D. Principles of applying erosion and sediment control criteria.

1. Plan the development to fit the particular topography, soils, waterways and natural vegetation at a site.
2. Expose the smallest practical area of land for the shortest possible time.
3. Apply soil erosion control practices as a first line of defense against on-site damage.
4. Apply sediment control practices as a perimeter protection to prevent off-site damage.
5. Implement a thorough maintenance and follow-up operation.

E. Temporary structural practices.

1. Dikes:
 - a. Diversion dike.
 - b. Interceptor dike.
 - c. Perimeter dike.
2. The design drainage area for dikes shall not exceed five acres.
3. The minimum dimensions shall be in accordance with the adopted standards.
4. Swales:
 - a. Interceptor swale.
 - b. Perimeter swale.
5. The design drainage area for swales shall not exceed five acres.
6. The minimum dimensions shall be in accordance with the adopted standards.

7. Straw bale dike. Where no other practice is feasible, a temporary barrier with a life expectancy of three months or less can be installed across or at the toe of a slope for contributing drainage areas less than half an acre, in accordance with the adopted standards.
8. A stabilized construction entrance shall be built in accordance with the adopted standards to reduce or eliminate the tracking or flowing of sediment onto public rights-of-way.
9. A stone outlet structure shall be constructed in areas where the entire drainage area to the structure is not stabilized or where there is a need to dispose runoff at a protected outlet or where concentrated flow for the duration of the period of construction needs to be diffused. The structure shall be in accordance with adopted standards.
10. A grade stabilization structure in the form of a paved chute or flume shall be constructed to prevent erosion, where concentrated flow of surface runoff to be conveyed down a slope, in accordance with the adopted standards. The maximum allowable drainage area upstream of such a structure shall not exceed 36 acres.
11. A grade stabilization structure in the form of a pipe slope drain shall be constructed to prevent erosion, where concentrated flow of surface runoff is to be conveyed down a slope, in accordance with the adopted standards. The maximum allowable drainage area upstream of such a structure shall not exceed five acres.
12. Stormwater detention facilities may be used temporarily as sediment basins. A temporary outlet structure for the stormwater detention facility to work as a sediment pond shall be constructed. At the end of the construction activity, the developer shall make sure that the outlet structure shall meet the design requirements of a stormwater detention facility.
13. Condition of the detention facility that is used as a sediment pond during construction shall meet the following requirements at the time of acceptance:
 - a. It shall be completely cleaned by the developer and be rid of any immediate maintenance.
 - b. It shall meet all design standards.

F. Permanent structural practices.

1. Depending on the development layout, a diversion shall be constructed across a slope less than 15 percent to:
 - a. Prevent runoff from higher areas which have a potential for

causing erosion and thereby interfere with the establishment of vegetation on lower areas.

- b. Reduce the length of slopes to minimize soil loss.
2. Diversions need to be constructed only below stabilized or protected areas in conformance with standards.
3. Outlets from diversions shall be constructed to discharge in such a manner as not to cause erosion.
4. Outlets shall be constructed and stabilized prior to the operation of diversion.
5. Storm drain outlet protection shall be provided when converting pipe flow to channel flow. The reduction in velocity shall be consistent with the roughness co-efficient of the receiving waterway. The reduction in velocity may be accomplished by:
 - a. Providing mortared riprap for stabilization.
 - b. Providing energy dissipaters.
 - c. Providing permanent vegetation, depending on the site-specific needs.

G. *Vegetative practices.* Vegetative practices can be applied very effectively to control erosion. The practice can be either temporary or permanent depending on the site-specific needs. The specifications for establishing vegetation, both temporary and permanent, are briefly outlined as follows:

1. *Temporary practices.*

- a. Small grains like oats, rye and wheat, and sudans and sorghums are the most feasible temporary vegetation to control erosion for the Coweta area. This practice is effective for areas where soil is left exposed for a period of six to 12 months. The time period may be shorter during periods of erosion rainfall.
- b. Prior to seeding, needed erosion control practices such as diversions, grade stabilization structures, berms, dikes, etc., shall be installed.
- c. Temporary vegetative practice is usually applied prior to the completion of final grading of the site.
- d. If the area to be seeded has been recently loosened to the extent that an adequate seedbed exists, no additional treatment is required. However, if the area to be seeded is packed, crusted and hard, the top layer of soil shall be loosened by other suitable

means.

- e. Fertilizer shall be applied at a rate of 600 pounds per acre or 15 pounds per 1,000 square feet using 10-20-10 or equivalent.
- f. Soils known to be highly acidic shall be lime treated.
- g. Seeding requirements shall be as specified in the following table:

<i>Plant</i>	<i>Per Acre</i>	<i>Per 1,000 Sq. Ft.</i>	<i>Planting Date</i>	<i>Depth of Seeding</i>
Annual ryegrass	40 lbs.	0.9 lbs.	9/15--11/30	1/4 inch
Elbon rye	2 bu.	3.0 lbs.	8/15--11/30	2 inches
Wheat	2 bu.	3.0 lbs.	8/15--11/30	2 inches
Oats	3 bu.	2.5 lbs.	8/15--11/30	2 inches
Sorghum	60 lbs.	1.4 lbs.	3/1--9/15	2 inches
Sudan grass	40 lbs.	0.9 lbs.	4/1--9/15	2 inches

- h. Seeds shall be drilled uniformly.
- i. Seeding implements should be used at right angles to the general slope to minimize erosion.
- j. After two to three months of planting, the seeded site shall be top dressed with eight pounds per 1,000 square feet or 350 pounds per acre of 33-0-0.
- k. Areas that are not well covered shall be replanted.
 - (1) The seeded area shall be watered when feasible and needed.
 - (2) Permanent practices.
 - (A) Bermuda grass, Kentucky 31 tall fescue and weeping lovegrass are some of the types of permanent vegetation that could be effectively used to control erosion.
 - (B) Prior to seeding, needed erosion control practices such as dikes, swales, diversions, etc., shall be installed.
 - (C) The subgrade shall be loosened evenly to a depth of two inches to three inches and 10-20-10

fertilizer (ten pounds per 1,000 square feet or 450 pounds per acre) shall be mixed with the loosened surface soil by discing or other suitable means.

- (D) Soils known to be high acidic shall be lime treated.
- (E) Planting rate requirements shall be as specified in the following table:

<i>Plant</i>	<i>Per Acre</i>	<i>Per 1,000 Sq. Ft.</i>	<i>Planting Date</i>	<i>Depth of Seeding</i>
Bermuda grass	10 lbs.	0.25 lbs.	4/1-8/15	0--1/2 inch
Fescue	40 lbs.	0.90 lbs.	9/1-11/1	0--1/2 inch
Lovegrass	5 lbs.	0.10 lbs.	4/1-6/30	0--1/2 inch

- (F) Seeds shall be drilled uniformly.
- (G) Seeding implements should be used at right angles to the general slope to minimize erosion.
- (H) Mulch will be used where needed.
- (I) The area shall be watered daily or as often as necessary to maintain adequate soil moisture until the plants grow about 1/2 inch to one inch.

(Ord. No. 717, 4-4-2011; altered in 2023 recodification)

13-9-14 Floodplain Area Maps

A. Initial maps.

1. The City Council shall adopt initial floodplain area maps, developed by the City Engineer, identifying lands subject to flooding hazards and periodic inundation, based on the best available information.
2. Sources of available information include, but are not limited to:
 - a. Federal Insurance Administration (FIA) Zone A designated areas

- with and without flood elevation;
- b. High water marks from previous floods;
- c. Engineering studies; and
- d. Flood prone soils maps.

B. Map revisions.

1. As new information becomes available, maps will be updated by the City Engineer and adopted by the City Council.
2. The regulatory flood will be used in engineering analyses to determine the floodplain area. Analyses will also include delineation of the floodway.
3. The regulatory flood will be computed based upon full potential urbanization of the contributing watershed, considering the comprehensive plan, adopted floodplain management policies and the watershed drainage plan where adopted.
4. In calculations of the degrees of watershed urbanization to be considered in flood flow routing:
 - a. Natural floodplains and those which can be reasonably expected to remain unaltered by manmade changes may be considered as remaining in their natural states.
 - b. Floodplains altered by existing or anticipated manmade changes shall be considered as having the natural channel eliminated.
 - c. Where an adopted watershed drainage plan exists, the effects of urbanization shall be determined in accordance with that plan's floodplain development guidelines.
5. Floodplain area maps shall be limited to delineating those floodplains where the contributing drainage area is approximately 0.40 acre or more.
6. Mapping of floodway zoning districts (FD) shall be limited to delineating those floodplains where the contributing drainage area is approximately 640 acres or more.

(Ord. No. 717, 4-4-2011; altered in 2023 recodification)

13-9-15 Determination Of Floodway

- A. The floodway is comprised of the channel of a watercourse, plus those portions of the adjoining floodplain which are reasonably required to carry and discharge

the regulatory flood.

B. A floodplain has two basic functions:

1. Carrying and discharging the flood flows (floodway).
2. Temporarily storing floodwater (floodplain).

C. Any appreciable change in either function of the floodplain can result in an increase in flood heights and/or an increase in velocity.

D. Floodway boundaries shall be determined so that:

1. Sufficient area is reserved to carry and convey the regulatory flood.
2. Existing floodplain storage capacity is maintained.
3. No measurable increase occurs in flood flows, flood heights or potential flood damage and danger to off-site properties.

(Ord. No. 717, 4-4-2011)

TITLE 14 FLOOD CONTROL AND STORMWATER MANAGEMENT

CHAPTER 14-1 FLOOD HAZARD PREVENTION

CHAPTER 14-2 STORMWATER MANAGEMENT

CHAPTER 14-1 FLOOD HAZARD PREVENTION

14-1-1 Statute Authority

14-1-2 Findings Of Fact

14-1-3 Purpose

14-1-4 Methods Of Accomplishing Purpose

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14-1-13 Warning And Disclaimer Of Liability

14-1-14 Violations; Penalties

14-1-1 Statute Authority

The state legislature has, in 11 O.S. § 41-47, as amended, delegated the responsibility to local governmental units to adopt ordinances designed to minimize flood losses. Therefore, the City ordains the provisions of this chapter to become effective immediately.

(Code 2012, § 12-501)

14-1-2 Findings Of Fact

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

(Code 2012, § 12-502)

14-1-3 Purpose

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

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

(Code 2012, § 12-503)

14-1-4 Methods Of Accomplishing Purpose

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

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

(Code 2012, § 12-504)

14-1-5 Definitions

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structure means a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of accessory structures include, but are not limited to, garages and storage sheds.

Area of special flood hazard means the land in the floodplain within the City subject to a one percent or greater chance of flooding in any given year.

BFE means base flood elevation.

Base flood means the flood having a one 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 one percent chance flood.

Basement means any area of the building having its floor sub-grade (below ground level) on all sides.

CFR means Code of Federal Regulations.

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 manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Development permit means a permit issued by the City Floodplain Administrator which authorizes development in a special flood hazard area in accordance with this chapter.

Elevated building means a nonbasement building built, in the case of a building in Zones AE, A, and X, to have the top of the elevated floor adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of Zones AE, A, and X, the term "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 floodwaters.

Existing construction, for the purposes of determining rates, means 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. The term "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 August 4, 1972.

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).

FEMA means the Federal Emergency Management Agency.

FIRM means flood insurance rate map.

Flood insurance rate map means an official map of the City on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

Flood insurance study means the official report provided by FEMA for the City which contains flood profiles, water surface elevation of the base flood, as well as the floodway width, section area and mean velocity.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland waters; or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within the City subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain administrator means a person accredited by the OWRB and designated by the City Council to administer and implement laws, ordinances and regulations relating to the management of floodplains.

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 codes and ordinances, subdivision regulations, building codes, health regulations, special purpose regulations and ordinances (such as floodplain, grading and erosion control regulations and ordinances) and other applications of police power. The term "floodplain management regulations" describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodplain or flood prone area means any land area susceptible to being inundated by water from any source. (See *Flood*.)

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. A floodway is located within areas of special flood hazard established in CCC 14-1-8. A floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles.

Functionally dependent use means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term "functionally dependent use" includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on the State Inventory of Historic Places by the State Historic Preservation Office of the Oklahoma Historical Society.

Levee means a manmade 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 of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of 44 CFR 60.3.

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, for purposes of the National Flood Insurance Program, means the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on the City's flood insurance rate map are referenced.

New construction, for the purpose of determining insurance rates, means 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, the term "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the City Council 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 the ordinance from which this chapter is derived.

OWRB means the Oklahoma Water Resources Board.

Recreational vehicle means a vehicle which is:

- A. Built on a single chassis;

- B. Four hundred square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Public Law 97-348), means and 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 a walled and roofed building, including a gas or liquid storage tank that is principally aboveground, 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 its before damaged condition would equal or exceed 50 percent of the market value of the structure 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 market value of the structure before start of construction of the improvement. This includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary conditions; or
- B. Any alteration of a historic structure, provided that the alteration would not preclude the structure's continued designation as a historic structure.

Variance means a grant of relief by the City Council to a person from the terms of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements see 44 CFR 60.6.)

Violation means the failure of a structure or other development to be fully compliant with this chapter.

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 riverine areas.

(Code 2012, § 12-505; altered in 2023 recodification)

14-1-6 Application; Interpretation; Compliance

- A. *Application of provisions.* This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City.
- B. *Interpretation.* In the interpretation and application of this chapter, 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.
- C. *Abrogation and greater restrictions.* This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- D. *Compliance required.* No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

(Code 2012, §§ 12-509--12-511)

14-1-7 Floodplain Administrator

- A. *Designation.* The City Council designates the City Manager or designee as the Floodplain Administrator to administer and implement the provisions of this chapter and other appropriate sections of the National Flood Insurance Program regulations in title 44 CFR pertaining to floodplain management.

B. *Duties and responsibilities.* The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Become accredited by the OWRB in accordance with 82 O.S. §§ 1601-1618, as amended.
2. Review permit applications to determine whether the proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by this chapter.
4. Review proposed development to ensure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
5. Make the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
6. Notify, in riverine situations, adjacent communities and the OWRB prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
7. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. Require the developer/applicant to determine and provide the base flood elevation on a FEMA elevation certificate as well as other data as required in order to administer the provisions of CCC 14-1-10.
9. When a floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE as delineated on the Wagoner County FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.
10. After a disaster or other type of damage occurrence to structures in the City, determine if the residential and nonresidential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement.
11. Maintain a record of all actions involving an appeal from a decision of the City Council.
12. Maintain and hold open for public inspection all records pertaining to the

provisions of this chapter.

(Code 2012, §§ 12-513, 12-514; altered in 2023 recodification)

14-1-8 Basis For Establishing Areas Of Special Flood Hazard

- A. The areas of special flood hazard identified by FEMA in the scientific and engineering report entitled "Flood Insurance Study for Wagoner County, Oklahoma and Incorporated Areas," dated September 30, 2016, with the accompanying Flood Insurance Rate Map (FIRM), including the following FIRM Panels: 40145IND0B, 40145C0115J, 40145C0120H, 40145C0235J, 40145C0260H, 40145C0275H, and 40145C0300H, are hereby adopted by reference and declared to be a part of these regulations, effective September 30, 2016.
- B. However, the flood prone areas identified by FEMA in the scientific and engineering report entitled "Flood Insurance Study of Wagoner County, Oklahoma and Incorporated Areas," dated April 17, 2012 and subsequent published updates, with the accompanying flood insurance rate map (FIRM), including the following FIRM Panels; 40145IND0A, 40145C0115H, 40145C0120H, 40145C0235H, 40145C0260H, 40145C0275H, and 40145C0300H, are hereby adopted by reference and declared to be a part of these regulations.

(Code 2012, § 12-507)

14-1-9 Development Permit

- A. *Permit required.* A development permit shall be required to ensure conformance with the provisions of this chapter.
- B. *Application for permit.* An application for a development permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - 1. Elevation in relation to mean sea level of the lowest floor (including basement) of all new and substantially improved structures; and
 - 2. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
- C. *Approval or denial of permit.* Approval or denial of a development permit by the

Floodplain Administrator shall be based on all of the provisions of this chapter and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
10. The relationship of the proposed use to the comprehensive plan for that area.

D. *Developments in certain flood hazard areas.* The Floodplain Administrator or City Council, as applicable, may approve certain development in Zone A or AE delineated on the Wagoner County FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the applicant for the development permit in that case first complies with 44 CFR 65.12.

(Code 2012, §§ 12-508, 12-515)

14-1-10 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 floodwaters into the system;
 6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; 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, the following provisions are required:

1. *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection is satisfied.
2. *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement) elevated at least one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection is satisfied.
3. *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one foot above grade; and
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
4. *Manufactured homes.* Require that all manufactured homes to be placed anywhere within the community in Flood Zones A and/or AE on the Wagoner FIRM shall be installed using methods and practices that minimize flood damage and have the bottom of the I-beam elevated at least one foot above the base flood elevation. For the purposes of this requirement, manufactured homes must be elevated and anchored to a permanent foundation to resist flotation, collapse, or lateral movement. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. The home shall be installed by a licensed installer according to state law, and compliance herewith shall be certified in writing to the Floodplain Administrator by said installer prior to habitation of the manufactured home.
5. *Recreational vehicles.* Require that recreational vehicles placed on sites within Zones A and AE on the Wagoner County FIRM either:
- a. Be on the site for fewer than 180 consecutive days;
 - b. Be fully licensed and ready for highway use; or
 - c. Meet the permit requirements of CCC 14-1-9, and the elevation and anchoring requirements for manufactured homes in subsection B4 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 structures.* Accessory structures to be placed on sites within Zones A and AE on the Wagoner County FIRM shall comply with the following:
- a. The structure shall be unfinished on the interior;
 - b. The structure shall be used only for parking and limited storage;
 - c. The structure shall not be used for human habitation. Prohibited activities or uses include, but are not limited to, working, sleeping, living, cooking, or restroom use;

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

C. Subdivisions.

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

D. Floodways. The following provisions shall apply to floodways:

- 1. Encroachments, including, but not limited to, fill, new construction, substantial improvements and other development are prohibited within the adopted floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the City during the occurrence of the base flood discharge.
- 2. If subsection D1 of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

3. The City may permit encroachments within the adopted floodway that would result in an increase in base flood elevations, provided that the applicant for the development permit complies with all of 44 CFR 65.12.

(Code 2012, §§ 12-517--12-520)

14-1-11 Variances

A. General provisions.

1. The City Council may grant variances for uses which do not satisfy the requirements of the Oklahoma Floodplain Management Act [OS § 1601 et seq.] or this chapter if the applicant for the variance presents adequate proof that compliance with this chapter will result in an arbitrary and unreasonable taking of property without sufficient benefit or advantage to the people; and satisfies the pertinent provisions of this section. However, no variance shall be granted where the effect of the variance will be to permit the continuance of a condition which unreasonably creates flooding hazards.
2. Any variance so granted shall not be construed as to relieve any person who receives it from any liability imposed by the Oklahoma Floodplain Management Act or by other laws of the state.
3. In no case shall variances be effective for a period longer than 20 years.
4. Any person seeking a variance shall file a petition with the City Council, accompanied by a filing fee as set in the fee schedule.
5. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level; provided the relevant factors in CCC 14-1-9C and provisions of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
6. Any person seeking a variance to build a structure below the base flood elevation will be issued a notice, signed by the Mayor, which states that the cost of flood insurance will be commensurate with the increased risk resulting from permitting the structure to be built lower than the base flood elevation; and such construction below the base flood level increases risks to life and property.
7. At such time as the City Council deems the petition ready for notification to the public, the City Council shall schedule a hearing and direct the applicant to publish notice thereof in a newspaper of general circulation in the county at least 30 days prior to the hearing.

8. The City Council shall conduct the hearing and make determinations in accordance with the applicable provisions of this section. The City Council shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to the public at large when determining whether the variance shall be granted.
9. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
10. Upon consideration of the factors stated in this section and the intent of this chapter, the City Council may attach such conditions to the granting of a variance as it deems necessary to further the purposes and objectives stated in CCC 14-1-3.
11. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance; and a copy of any variance issued by the City Council shall be sent by the Floodplain Administrator to the OWRB and FEMA within 15 days after issuance of the variance.

B. Certain variances permitted; conditions.

1. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in CCC 14-1-10, 14-1-12 and 14-1-14.
2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
3. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
4. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
 - a. The criteria of subsections A5, A9, B2 and B3 of this section are met; and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no

additional threats to public safety.

(Code 2012, § 12-516; altered in 2023 recodification)

14-1-12 Fee Schedule

The City Council establishes a fee schedule for the following services by separate instrument (see latest fee schedule adopted by the City Council):

- A. Notice of intent fee.
- B. Floodplain development permit application review.
- C. Floodplain development permit fee.
- D. Inspection fee, per inspection.

(Code 2012, § 12-522)

14-1-13 Warning And Disclaimer Of Liability

The degree of flood protection required by this chapter 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 manmade or natural causes. This chapter 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 chapter shall not create liability on the part of the City or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Code 2012, § 12-512)

14-1-14 Violations; Penalties

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. A structure or other development without the elevation certificate or other certifications required in this chapter is presumed to be in violation until such time as that documentation is provided. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined a fee set forth by the City Council for each violation, and in addition, shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City Council or its City Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.

(Code 2012, § 12-523)

CHAPTER 14-2 STORMWATER MANAGEMENT

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14-2-1 Scope And Objectives

This chapter establishes methods to regulate the introduction of pollutants to the municipal separate storm sewer system and enables the City to comply with all applicable state and federal laws and regulations, including the Federal Clean Water Act, 33 USC 1251 et seq., the Oklahoma Environmental Quality Act [27A O.S. § 1-1-101 et seq.], and stormwater contained in 40 CFR 122, EPA Administered Permit Programs: the National Pollutant Discharge Elimination System (NPDES). The objectives of this chapter shall permit the City to:

- A. Regulate the contribution of pollutants into the municipal separate storm sewer system through the stormwater discharges of any user;
- B. Control the introduction into the municipal separate storm sewer system of spills, dumping, or the disposal of materials other than stormwater;
- C. Prohibit illicit discharges into the municipal separate storm sewer system;
- D. Carry out inspections, surveillance and monitoring procedures necessary to determine compliance and noncompliance with this chapter; and
- E. Comply with its OPDES municipal stormwater discharge permit conditions and any other federal or state law or regulation pertaining to stormwater quality.

(Code 2012, § 12-525)

14-2-2 Definitions And Abbreviations

A. *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act or the Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Administrative officer means the Mayor or other person so designated by the Mayor.

Best management practice or BMP means the best available practices or devices that, when used singly or in combination, eliminate or reduce the contamination of surface waters, groundwaters, or both. BMPs shall be divided into the following categories:

1. *Nonstructural best management practices* means those which require modified or additional operational or behavior practices, such as sweeping a parking lot or having spill response equipment on-site; and
2. *Structural best management practices* means those which require the construction of a structure or other physical modification on the site.

City means the City of Coweta Oklahoma, a municipal corporation, and its duly authorized officers, agents and employees.

Composite sample means 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.

Discharge means any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the Municipal separate storm sewer system (MS4) or into waters of the United States.

Environmental Protection Agency or EPA means the United States Environmental Protection Agency or, where appropriate, the term "environmental protection agency" or "EPA" may also be used as a designation for the Regional Water Management Division Director or other duly authorized official of the EPA.

Floatable means any buoyant or semi-buoyant, organic or inorganic, waterborne waste material such as litter, paper, Styrofoam, grass, leaf litter, cigarette butts and other debris.

Garbage means trash, with reference to collections of pollutants at floatable collection sites.

Grab sample means a sample of stormwater runoff which is taken on a one-time basis, without regard to the flow and consideration of time.

Illicit discharge means any intentional discharge to the municipal separate storm sewer system (MS4) that is not composed entirely of stormwater, except discharges pursuant to CCC 14-2-3, or discharges resulting from firefighting activities.

Industrial activity means any activity which is directly related to manufacturing, processing or raw materials storage areas at an industrial facility. The term "industrial activity" 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 byproducts 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 wastewaters; 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 means any premises whose function is classified in the latest edition of the standard industrial classification manual, also known as the SIC code manual, prepared by the Executive Office of the President, Office of Management and Budget.

Material handling activities means the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product.

Monitoring means the performance of stormwater flow measurements, stormwater sampling, sample analyses, and like procedures necessary to determine compliance with stormwater discharge activity.

Municipal separate storm sewer system or MS4 means a conveyance or system of conveyances, including roads with drainage systems, Municipal streets, catch basins, curbs, gutters, ditches, manmade channels, and storm drains that are owned or operated by the City and are designed or used for collecting or conveying stormwater.

OPDES stormwater discharge permit means the most current Multi-Sector General Permit for Stormwater Discharge Associated with Industrial Activities for the State of Oklahoma, or the most current General Permit for Stormwater Discharge Associates with Construction Activities within the State of Oklahoma, with provisions under the Oklahoma Administrative Code (OAC) section 252:606, incorporating by reference 40 CFR 122.26, as issued by the Oklahoma

Department of Environmental Quality (ODEQ).

Outfall means a point source, as defined in this section, from which pollutants are or may be discharged, or as defined in 27A O.S. § 1-1-101 et seq., as amended.

Person means an individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or lawful representatives, agents or assignees. This definition shall include all federal, state, and local governments.

Point source means 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 means 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, agriculture waste, industrial 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 means any plot or tract of ground, regardless of size of plat, owned by a person or used by a person and any contiguous plots.

Significant materials means 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, and/or hazardous substances.

Spills means any release that has negatively or has the potential to negatively impact the quality of water within, or discharges from, the municipal separate storm sewer system (MS4) or causes damaging or deleterious effects to the MS4, including all structures or appurtenances, or creates any violation of this chapter.

Stormwater means any rainwater runoff, surface runoff, and drainage related to storm events or snowmelt.

Stormwater discharge associated with industrial activity means 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 means any source of direct or indirect discharge into the municipal separate storm sewer system (MS4).

- B. As used in this chapter, the following abbreviations shall have the meanings given in this subsection:

BAT means best available technology.

BMP means best management practices.

BOD means biochemical oxygen demand.

CFR means Code of Federal Regulations.

COD means chemical oxygen demand.

EPA means United States Environmental Protection Agency.

Gpd means gallons per day.

L means liter.

Mg means milligrams.

mg/L means milligrams per liter.

MS4 means municipal separate storm sewer system.

OAC means Oklahoma Administrative Code.

NOI means notice of intent.

NOV means notice of violation.

NPDES means National Pollutant Discharge Elimination System.

ODEQ means Oklahoma Department of Environmental Quality.

OPDES means state pollutant discharge elimination system, Oklahoma Administrative Code (OAC), title 252, chapter 606, sections 252:606-1-1 et seq., as amended.

POTW means publicly owned treatment works.

RCRA means Resource Conservation and Recovery Act of 1976 (Pub.L. 94-

580, Oct. 21, 1976, 90 Stat. 2795, as amended).

RQ means reportable quantities.

SARA means Superfund Amendments and Reauthorization Act of 1986 (Pub.L. 99-499, Oct. 17, 1986, 100 Stat. 1613, as amended).

SWDA means Solid Waste Disposal Act (Pub.L. 89-272, Title II, Oct. 20, 1965, 79 Stat. 997, 42 USC 6901 et seq., as amended).

TSD means treatment, storage, and disposal facilities.

TSS means total suspended solids.

USC means United States Code.

(Code 2012, § 12-525; altered in 2023 recodification)

14-2-3 Permitted And Prohibited Discharges

A. Allowable discharges.

1. The following types of discharges shall not be prohibited discharges unless the Administrative Officer determines that the type of discharge, whether singly or in combination with others, causes contamination of surface water, stormwater or groundwater; causes overload or damage to the MS4 or has the potential to endanger public health and safety; or causes the City to violate its OPDES municipal stormwater discharge permit:
 - a. Water line flushing.
 - b. Landscape irrigation.
 - c. Diverted stream flows.
 - d. Rising groundwaters.
 - e. Residential building wash water without detergents.
 - f. Uncontaminated pumped groundwater.
 - g. Uncontaminated groundwater infiltration.
 - h. Discharges from potable water sources.
 - i. Foundation drains.
 - j. Air conditioning condensate.
 - k. Irrigation water.

- l. Springs.
 - m. Water from crawl space pumps.
 - n. Footing drains.
 - o. Lawn watering.
 - p. Individual residential car washing.
 - q. De-chlorinated swimming pool discharges.
 - r. Street wash water.
 - s. Fire hydrant flushings.
 - t. Noncommercial or charity car washes.
 - u. Discharges from riparian areas and wetlands.
 - v. Discharges in compliance with a separate state pollutant discharge elimination system (OPDES) or national pollutant discharge elimination system (NPDES) permit.
 - w. 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 the hazardous materials team if pollutants are suspected. Discharges or flows from firefighting training activities are not authorized by OKR04 as allowable discharges.
2. Dye testing shall be an allowable discharge but shall require verbal notification to the Administrative Officer prior to testing. The City shall be exempt from this notification requirement.
 3. 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:
 - a. A discharge that results in the City violating its OPDES municipal stormwater discharge permit;
 - b. A discharge the Administrative Officer determines causes contamination of surface water, stormwater or groundwater within the City; or
 - c. A discharge that could block or damage the MS4.
 4. Stormwater that is associated with and/or intermingled with stormwater from an industrial activity that is allowed under an industrial NPDES

stormwater discharge permit, as defined in 40 CFR 122, is an allowable discharge.

5. 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 Administrative Officer is an allowable discharge.

B. Prohibited discharges.

1. It shall be unlawful and a misdemeanor offense to discharge or allow the discharge of any of the following into the MS4:
 - a. All nonstormwaters, except those classified as an allowable discharge in subsection A of this section;
 - b. Any stormwater from any activity required to obtain an NPDES stormwater discharge permit, as defined in 40 CFR 122.26(b) (14), unless the discharge is authorized by a valid NPDES stormwater discharge permit;
 - c. 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 life, health, welfare, or safety of the public; or
 - d. Any material that is disposed of or dumped in such a manner that causes pollutants to be discharged.
2. It is a violation of this chapter for any person to place, store or locate any material in such a manner that causes pollutants to be transported by wind, rain or other atmospheric conditions into the MS4.
3. Any point source discharge into the MS4 that either singly or in conjunction with other discharges causes the City to violate its OPDES municipal stormwater discharge permit shall be prohibited.
4. It shall be unlawful and a misdemeanor offense for any person to dispose of grass, dirt, leaves, trash or other pollutants into the MS4.
5. It shall be unlawful to allow an animal to defecate (without the owner, keeper or harborer removing the excreta deposited) on public or private property other than that of the owner.
6. No person shall deposit, drain or divert, whether directly or through an agent, 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, or water, or any 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,

lease or controlled by such person; nor shall any person allow such substances to flow or be carried upon any public highway, street, sidewalk, alley, parking lot, paving, drainage ditch, storm drain, sewer, gutter, creek, stream, river, pond or lagoon within the City.

7. Any illicit discharge, except those allowable pursuant to subsection A of this section, shall be prohibited.

(Code 2012, § 12-525)

14-2-4 Spills

Spills that have the potential to enter or have entered the MS4 shall be contained, and remediation activity shall be commenced, as soon as possible. Any person identified as the source of any spill into the MS4 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 Administrative Officer. The required reporting or notification for such spills shall be completed as specified in CCC 14-2-10.

(Code 2012, § 12-525)

14-2-5 Pavement Wash Waters

Discharges to the MS4, 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 OPDES municipal stormwater discharge permit; and
- D. The discharge, based upon the determination of the Administrative Officer, shall not cause contamination of surface water, stormwater or groundwater within the City.

(Code 2012, § 12-525)

14-2-6 Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of

trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures adjacent to the watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(Code 2012, § 12-525)

14-2-7 Illicit Connections

- A. The construction, use, maintenance or continued existence of illicit connections to the stormwater drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- B. A person is in violation of this section if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.

(Code 2012, § 12-525)

14-2-8 Construction Activities

A. Best management practices.

- 1. All construction activities, including the development, excavation, grading, regrading, paving, land filling, burning, 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 MS4. 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 acres or more draining to one discharge point, a sediment basin or adequate alternate measures shall be implemented.
- 2. The adequacy of any BMP shall be based upon the fulfillment of the following requirements:
 - a. The discharge shall not result in a violation of the OPDES municipal stormwater discharge permit;
 - b. The discharge, based upon the determination of the Administrative Officer, shall not cause contamination of surface water, stormwater or groundwater within the City; and
 - c. The discharge, based upon the determination of the Administrative Officer, does not transport sediment into the MS4.

B. Responsible person.

1. Any person with overall responsibility for the construction, such as the general contractor, shall be jointly responsible with the person at whose direction the construction is conducted, for the purpose of compliance with this chapter.
2. If construction on a particular site requires that a notice of intent (NOI) for stormwater discharges associated with construction activity under the OPDES general permit be filed with the Oklahoma Department of Environmental Quality (ODEQ), then the facility operator listed on the notice shall be responsible for compliance with this chapter.

C. Erosion control.

1. Erosion control shall be provided during the construction phase on all construction sites as necessary to prevent impacts to off-site areas and/or public rights-of-way. The primary goal of erosion control and best management practices is to minimize erosion and sedimentation during construction activities until final grading, landscaping and storm sewer structures are in place. Best management practices include, but are not limited to, seeding, laying sod, sprigging, silt fences, straw bale dikes, earth dikes or swales, temporary stream crossings, storm sewer inlet protection, temporary sediment basins and stabilized construction entrances.
2. Failure to provide sediment and erosion control protection can result in suspension of building permits. A violation of this subsection by failure to comply with any of its requirements shall constitute an offense, and any person or entity convicted thereof shall be punishable as set forth in this Code. Provided, that 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 criminal sanctions, pursuant to CCC 14-2-16, shall not prevent the City from taking any lawful action as is necessary to prevent or remedy a violation.

Editor's note—See CCC 1-4-1.

3. Construction sites shall adhere to the standards set out in the City subdivision regulations and design criteria for stormwater, erosion control, streets, water, and sewers.

Editor's note—See CCC 13 for the City subdivision regulations. See CCC 13-9 for the design criteria for stormwater, erosion control, streets, water, and sewers.

D. *Construction materials on public ways.* 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.

E. *Construction debris.*

1. Construction debris shall be contained in a manner that the debris cannot be carried off-site by wind.
2. Trash containers of sufficient size shall be located on each construction site no later than the time the rough plumbing is ready for inspection and adequately maintained throughout active construction.

(Code 2012, § 12-525; altered in 2023 recodification)

14-2-9 Recordkeeping

- A. *Duration.* Every person and industry shall retain and make available to the Administrative Officer, for inspection and copying, all records and information required to be retained under this chapter, or order issued hereunder. The person or industry shall retain these records for a period of no less than five years after an initial request by the Administrative Officer. This retention period shall be automatically extended for the duration of any litigation concerning compliance with this chapter, or where the industry or person has been specifically notified of a longer retention period by the Administrative Officer.
- B. *Fraud and false statements.* Reports and other documents required to be submitted or maintained under this chapter, or order issued hereunder, shall be subject to the provisions of 18 USC 1001, regarding fraud or false statements and the provisions of section 309c(4) of the Act, as amended, governing false statements, representations, or certifications.

(Code 2012, § 12-525)

14-2-10 Reporting Requirements

- A. *Submission of correspondence.* Any industry that performs an industrial activity that is required by 40 CFR 122.26 to obtain an NPDES stormwater discharge permit from the EPA must submit a copy of that application and permit, as well as any written correspondence with any federal, state or local agency regarding the aforementioned permit, to the Administrative Officer within 15 days of request. For construction sites, submission of the stormwater pollution prevention plan, notice of intent for stormwater discharges, and authorizations for stormwater discharges to be submitted to the City are required prior to the start of construction.

- B. *Availability.* Any permits, pollution prevention plans, or other documents regarding an industry's or construction site's OPDES stormwater discharge permit shall be made available to the Administrative Officer upon request.
- C. *Spills.* Any person or industry shall, at the earliest possible time but, in any case, no later than one hour from discovery, orally report to the Administrative Officer a spill, release, dumping, or other situation that has contributed or is likely to contribute pollutants into the MS4. This notification shall include the location, type, concentration and volume, if known, and corrective actions taken for each spill, release, etc. Written notification shall also be made to the Stormwater Department of the City within five days of the discovery of the spill. If the spill is contained, notification to the Administrative Officer shall be the next business day. This notification shall include all the notification requirements specified within this section. These reporting requirements shall be in addition to and not in lieu of any other reporting requirements imposed under federal, state and local laws or regulations.
- D. *Other reports.* All persons or industrial facilities may be required to provide other reports deemed necessary by the Administrative Officer to monitor, maintain and ensure compliance with this chapter.

(Code 2012, § 12-525; altered in 2023 recodification)

14-2-11 Compliance Monitoring Requirements

- A. *Stormwater sampling event criteria.* For the purpose of routine sampling of storm events, the following criteria must be met:
 - 1. The depth of the rainfall must be greater than one-tenth inch or its equivalent;
 - 2. The sample storm event must be preceded by at least 72 hours of less than one-tenth inch of rainfall; and
 - 3. All outfalls from the premises or industry must be sampled, unless otherwise specified.
- B. *Sampling required.* When the Administrative Officer has reason to believe that any person or industrial facility is violating this chapter, 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 and provide a copy of the analysis to the Administrative Officer for review.
- C. *Illicit discharge sampling.* When the Administrative Officer has cause to believe that any discharge is an illicit discharge, the Administrative Officer may obtain either a grab or composite sample and analyze the discharge. If it is determined that the discharge is an illicit discharge, then the Administrative Officer may fully

recover all cost of the sampling and analysis from the person or industrial facility, including all reasonable and customary administrative costs. When the discharge is likely to contain illicit discharges on a recurring basis, the person or industrial facility may be required by the Administrative Officer to conduct monitoring activities at its expense. This may be in addition to monitoring activities performed by the City.

D. *Chain-of-custody.*

1. 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:
 - a. Name of the person collecting the sample;
 - b. Sample ID numbers;
 - c. Date and time of sample collection;
 - d. Location of sample collection;
 - e. Name and signature of all persons, in sequence of ownership, handling the sample in the field and in the laboratory; and
 - f. Type of preservation.
2. A copy of the chain-of-custody will remain with all sample analyses sent to the City for review.

E. *Substitution of substantially identical effluents.* 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 Administrative Officer to allow the sampling of only one point source and report that the data apply to the substantially identical point source.

F. *Monitoring methods.* Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless other test procedures have been specified by the Administrative Officer.

(Code 2012, § 12-525)

14-2-12 Best Management Practices

A. *Implementation.* If the Administrative Officer determines that a stormwater discharge into the MS4 is, or has the potential of, contributing to water quality degradation, has the potential to cause any violation of this chapter or causes a violation of the OPDES municipal stormwater discharge permit, one or more BMPs 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 Administrative Officer may require additional BMPs to be implemented for any discharge from a commercial, residential and industrial source.

- B. *Spill BMPs*. All persons and industrial facilities shall take measures to prevent spills or any other accidental introduction of pollutants into the MS4.

(Code 2012, § 12-525)

14-2-13 Inspections And Sampling

- A. *Right of access*. The Administrative Officer, 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 chapter.
- B. *Inspections*. The Administrative Officer, bearing credentials, retains the right to perform inspections at any industrial facility or any other premises that discharges or has the potential to discharge stormwater into the MS4. 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.

(Code 2012, § 12-525)

14-2-14 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. § 24A.1 et seq.] or to other government agencies unless the industrial facility or industrial activity can demonstrate to the Administrative Officer's satisfaction that the release of such information would divulge information regarding trade secrets which is entitled to protection under applicable state law. If, in the opinion of the Administrative Officer, that information and data requested may disclose trade secrets or secret processes, then the information or data will not be made available.

(Code 2012, § 12-525)

14-2-15 Administrative Enforcement Remedies

The following enforcement provisions are intended to encourage compliance with this chapter:

- A. *Investigation.* The Administrative Officer may investigate any premises where there is reason to believe that there may be a failure to comply with the requirements of this chapter.
- B. *Notice of violations.* Whenever the Administrative Officer determines that a violation of this chapter has occurred or is occurring, the Administrative Officer 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 Administrative Officer may require, within 15 days of the receipt of this NOV, an explanation of the violation and a plan for the satisfactory correction and prevention, including specific required actions. The explanation and plan shall be submitted by the violator to the Administrative Officer in writing. Submission of this plan shall in no way relieve the person or industry of liability for any violation occurring before or after receipt of the NOV. Issuance of an NOV shall not preclude any other enforcement action.
- C. *Administrative orders.*
1. *Consent orders.* The Administrative Officer is empowered to enter 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 Administrative Officer finds that a person or industry has violated or continues to violate this chapter or orders issued hereunder, the Administrative Officer 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, or a stop work order issued, 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 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.*
 - a. When the Administrative Officer finds that a person or industry is violating provisions of this chapter, or any order issued hereunder, or that past violations are likely to recur, the Administrative Officer may issue an order directing the violator to cease and desist all such violations or activities likely to cause a recurrence, and to:

- (1) Immediately comply with all requirements; and
- (2) 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.

b. Issuance of a cease and desist order shall not preclude other action against the violator.

4. *Revision of orders.* Administrative orders may be revised by the Administrative Officer at any time in order to ensure compliance with this chapter.

D. *Administrative fines.*

1. When the Administrative Officer finds that a user has violated or continues to violate any provision of this chapter, or order issued hereunder, the Administrative Officer, upon good cause shown, may impose an administrative fine against such user in an amount not to exceed \$1,000.00. Such fine may be assessed on a per violation, per day basis.
2. Notice of an administrative fine shall be served personally on the user or by certified mail, return receipt requested. Payment of the fine shall be received by the Administrative Officer within 15 days after such notice is served.
3. Failure to submit payment for an administrative fine within 15 days shall be considered a violation of this chapter, subject to penalties under CCC 4-2-16.
4. Issuance of an administrative fine shall not preclude any other action against the user.

E. *Cost recovery.* Notwithstanding any other provision of this chapter, the Administrative Officer may require any person and/or industry found to have violated any provision of this chapter, or orders issued hereunder, to reimburse the City for any goods or services, including administrative costs, used to remove pollutants from the MS4 and prevent further discharge of pollutants into the MS4. Said person and/or industry shall become liable to the City for any expense, loss, or damages experienced by the City as a result of a violation.

F. *Water supply severance.* Whenever a person has violated or continues to violate any provision of this chapter, or orders issued hereunder, water service may be severed. Service shall only recommence at the violator's expense, after the violator has satisfactorily demonstrated an ability to comply, and actual

compliance.

G. *Appeals.* Any person aggrieved by any NOV, administrative fine or order issued by the Administrative Officer pursuant to this section may appeal the action as provided in this subsection.

1. The initiation of an appeal shall be in writing and filed with the Administrative Officer no later than 15 days after service of notice of the action appealed from. The written notice of appeal shall specify the action appealed, detail why the action is in error, and specify provision of ordinances or statutes supporting the person's appeal.
2. Upon receipt of a notice of appeal by the Administrative Officer, the Administrative Officer shall conduct any necessary investigation into the basis of the appeal and hold a hearing within 30 days of receipt. However, upon review of the notice of appeal, if the Administrative Officer determines that the basis of the appeal is patently frivolous or filed only for purposes of delay, the Administrative Officer may deny the appeal without a hearing. Upon the Administrative Officer's denial without a hearing, the appellant shall be notified in writing of the denial and the grounds for denial.
3. At the conclusion of a hearing on an appeal, if the appeal is sustained in favor of the appellant, the Administrative Officer may modify or withdraw the notice, fine or order. If the Administrative Officer fails to act on the appeal within 30 days of concluding the hearing, the appeal shall be deemed denied. Any ruling, requirements, decisions or actions of the Administrative Officer on appeal shall be final and binding, unless appealed to the City Council.
4. Any person aggrieved by an appeal decision of the Administrative Officer may perfect an appeal to the City Council by filing a written notice of appeal with the City Clerk and the Administrative Officer within 15 days from the date of the action by the Administrative Officer. Such notice shall specify grounds for the appeal. A hearing on the appeal shall be commenced by the Council no later than 30 days from the date the notice of appeal was filed with the City Clerk. The City Council shall have jurisdiction to affirm, modify, reverse or remand the action of the Administrative Officer upon good cause shown. Any rulings, requirements, or decision of the Council shall be final and binding, provided that any right of appeal to the courts shall not be abrogated.

(Code 2012, § 12-525)

14-2-16 Violations, Injunction And Criminal Prosecution

A. *Injunctive relief.* Whenever a person or entity has violated or continues to violate

the provisions of this chapter, or orders issued hereunder, the Administrative Officer, with the advice and counsel of the City Attorney and the approval of the Administrative Officer, may petition the district court for the issuance of an injunction which restrains or compels the activities on the part of the person or industry. A petition for injunctive relief shall not preclude any other action against a person or industrial facility.

B. *Criminal prosecution.* It shall be unlawful and a misdemeanor offense for any person to violate any of the provisions of this chapter, or any order issued hereunder. Any person convicted of a violation of this chapter, or any order issued pursuant to this chapter, shall be guilty of a misdemeanor offense and shall be punishable by a fine of not more than \$1,000.00, excluding costs, fees and assessments, or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment. Each day, or portion thereof, during which a violation is committed, continued or permitted shall be deemed a separate offense.

C. *Remedies nonexclusive.*

1. The provisions of subsections A and B of this section shall not be exclusive remedies. The City reserves the right to take any combination of actions against a violator of this chapter. These actions may be taken concurrently.
2. The City may recover reasonable attorney fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, administrative costs, and the cost of any actual damages incurred by the City.

(Code 2012, § 12-525)

APPENDIX 1 CABLE TELEVISION

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Editor's note--Printed herein is the Coweta Cable Television Permit Ordinance, Ordinance No. 459, as adopted by the City Council on October 13, 1994. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Any provisions regarding the enactment date, repealer, transitional language, ratification date, publication date or effective date of the ordinance have been omitted. Obvious misspellings and punctuation errors have been corrected without notation. Additions made for clarity, such as consistent state statute citations and catchline modifications, are indicated by brackets.

1: SHORT TITLE

This appendix shall be known and may be cited as the COWETA CABLE TELEVISION

PERMIT ORDINANCE.

2: DEFINITIONS

For the purposes of this permit, 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 tense, words in plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not directory.

Affiliate. Any person who owns or controls, is owned or controlled by, or is under common ownership or control with the grantee.

Basic cable service. Any service tier which includes the retransmission of local television broadcast signals and includes educational and government access channels.

Cable act. The Communications Act of 1934, as amended by the Cable Television Consumer Protection and Competition Act (Pub.L. No. 102-385, 1992), and as the same may hereafter be amended.

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.

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 service provided through electric or electronic signals, or which utilizes any facility or equipment of the cable system.

Cable television system or cable system or system. The facilities consisting of antennas, coaxial cables, fiber optic cables, wave guides, conductors of other closed transmission paths and associated signal generation, reception and control equipment, and other equipment designed to provide cable services or other lawful service to subscribers and users.

City. The City of Coweta, Oklahoma, a municipal corporation in its present incorporated form or in any other reorganized or changed form.

Completion of system rebuild. The reconstruction and upgrade of the cable system or part thereof as required by section 14 of this appendix, including aboveground and underground trunk and feeder cables, amplifiers, power supplies, connectors, splitters and tap installations, head end 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.

Council. The City Council of the City or any body constituting in the future the legislative body of the City.

FCC. The Federal Communications Commission or its successor.

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.

Grantee. The TCI Cablevision of Oklahoma, Inc., or its lawful successor, transferee or assignee.

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 the grantee, its affiliates, subsidiaries, parents, or arising from or attributable to the operation of the cable television system; except, that the term shall not include:

- A. The amount of any refunds, corrective billing credits or other repayments made to subscribers or users;
- B. Any taxes on service furnished by the grantee, imposed directly or indirectly on any subscriber or user by any municipal corporation, political subdivision, state or other governmental unit and collected by the grantee for the governmental unit;
- C. Receipts for the sale or transfer of tangible property;
- D. Receipts for the sale or transfer of the system;
- E. Receipts from the installation or reconnection of cable service, the transfer of an existing connection, the moving of a cable television outlet, or other nonrecurring charges to a subscriber or user for technical or installation services; and
- F. Charges, credits, compensation, or payments on a commercially reasonable basis to an affiliate, subsidiary or parent for services rendered to the grantee.

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.

Permit. The rights and privileges granted by the City to the grantee to construct, operate, maintain and upgrade a cable television system utilizing public ways within the corporate limits of the City, for the purpose of offering cable service or other lawful service to subscribers.

Person. An individual, corporation, partnership, association, joint stock company, trust corporation or governmental entity.

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, utility strips or rights-of-way dedicated for compatible public uses, and any temporary or permanent fixtures or improvements located within or held by the City in the service area which entitles the City or the grantee to its use for the purpose of installing, operating, repairing and maintaining the cable television system.

Service area. The present corporate limits of the City and any additions caused by annexation or other lawful means.

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 of comparable size.

Subscriber. Any person lawfully receiving cable service or other lawful service from the cable television system.

System rebuild. The reconstruction and upgrade, as required by section 13 of this appendix, to 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.

3: GRANT OF PERMIT

- A. The City hereby grants to the 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 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 the 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 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 the City of its control and regulation of the public ways.

4: 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 the 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 the 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.

5: SERVICE STANDARDS

The 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, the grantee shall do so at such time as will cause the least inconvenience to subscribers, and unless such interruption is unforeseen and immediately necessary, the grantee shall give reasonable notice to subscribers.

6: REGULATION BY CITY

- A. The grantee, in the installation, maintenance and operation of the cable television system, shall, at all times, be subject to the terms and provisions of the general ordinances of the City and to the lawful exercise of the police power of the City.
- B. The grantee shall be subject to the lawful exercise by the 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 the City by the Constitution and laws of Oklahoma or the laws and regulations of the United States of America.

7: USE OF SYSTEM BY CITY

- A. The City shall have the right, at no cost, to locate equipment upon and make attachments to the cable television system owned by the grantee in connection with City systems. Attachments shall be installed and maintained in accordance with the requirements of the Electrical Code of the City and only after written notice to the grantee. Upon request by the City, the 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 for the operation of a cable television system, at the incremental cost of such attachments at the time of construction. The grantee shall assume no liability or expense in connection with any City attachment to or use of the cable television system. The 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. The City, in its use and maintenance of such equipment and fixtures, shall at all times comply with the rules and regulations of the grantee in order that there be a minimum danger of contact or conflict between the equipment and fixtures of the grantee and the equipment and fixtures used by the City.
- C. The City shall be solely responsible and save the grantee harmless for all claims and demands to persons or property arising out of the use by the City of the cable television system.

8: CONDITIONS OF USE OF PUBLIC WAYS

- A. All transmission and distribution structures, lines and equipment erected by the grantee within the service area shall be located so as not to obstruct or interfere with the proper 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 area where all cables, wires or other like facilities of public utilities are placed underground, the grantee shall place its cables, wires, or other like facilities underground to the maximum extent existing technology reasonably permits and shall mark such facilities, indicating their location by a method approved by the City's Department of Public Works. Upon request, the grantee shall furnish to and file with the 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 the City.
- B. In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the 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, the City shall elect to alter or change the grade or location of any water line, sewer line, street, alley or other public way, the grantee shall, upon reasonable notice by the City, remove and relocate its poles, wires, cables, conduits, manholes and any other surface or subsurface infrastructure in any affected public right-of-way in accordance with the standards of specifications of the City.
- D. The grantee shall not place poles, conduits, or other fixtures aboveground or belowground where the same will interfere with any gas, electric, or 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. The 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. The grantee shall be given not less than forty-eight (48) hours' advance notice to arrange for such temporary changes.

- F. The 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 the grantee; except, that at the option of the City, such trimming may be done by the City, or under its supervision and direction, at the expense and liability of the grantee and other franchise and permit grantees.
- G. The City shall not be liable to the grantee for any damage to the 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 damage the grantee's cable system, the City shall only be liable to the grantee for the grantee's actual cost of materials, equipment and labor necessary to effect repairs, with no allowance for interruptions to service or loss of revenues, subject to any applicable limits of liability established by the Oklahoma Governmental Tort Liability Act. The 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.

9: ERECTION, REMOVAL AND JOINT USE OF POLES

- A. No poles, conduits or other structures shall be erected or installed by the grantee without prior approval of the City with regard to location, height, type and other pertinent aspects. The grantee shall not have a vested right to retain the location of any pole, conduit or structure installed by the grantee. Such poles, conduits or structures shall be removed or modified by the grantee at its own expense when necessary for the convenience of the City.
- B. Where poles, conduits or other structures of any public utility company are available for use by the grantee, the City may require the grantee to use such poles, conduits and structures if the permission and consent of such public utility company may be obtained by the grantee and if the terms of the use available to the grantee are just and reasonable.
- C. Where a public utility serving the City desires to make use of the poles, conduits or other structures of the grantee but an agreement with the grantee cannot be reached, the City may require the 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 the use of the cable television system.
- D. Where City owned utility poles are available for use by the grantee, the grantee shall pay the City the same pole rental per annum as paid by the grantee for the use of poles owned by public utilities.

10: PERMIT FEE

- A. The grantee shall pay to the 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 received by the grantee from the operation of the cable system in the service area. The fee, together with any accumulated interest, shall be payable annually on or before the sixtieth day after the end of the preceding calendar year on gross operating revenues received for that year. If the payment is not timely made, interest upon any unpaid portion shall accrue at the rate of one and one-half percent (1.5%) per year until paid. The grantee shall file annually with the City, within 60 days after the end of each calendar year, a complete and accurate statement, verified by an officer of the grantee, of all gross operating revenues received by the grantee from the operation of the cable television system within the service area for the preceding calendar year for which such permit fee is based. If the grantee fails or refuses to pay such fee, the City may maintain an action against the grantee for the amount of such fee and interest and all expenses of collecting same, including reasonable attorney fees.
- B. If permitted by Federal law, in the event the 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 Wagoner 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 the cable system in that municipal corporation or other 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 the grantee shall thereafter pay to the City, as compensation for the rights and privileges enjoyed thereunder, an annual fee equal to the same percentage of gross operating revenues in the service area as is paid by the grantee under such other franchise, permit, license, authorization or other agreement.

11: RATES TO SUBSCRIBERS

Subject to the provisions of the Constitution and laws of the United States of America, the Cable Act and the Constitution and laws of Oklahoma, the Council may regulate the rates of the grantee for the basic cable service to be furnished by the grantee under this permit. No rates shall be adopted or changed by the Council except after notice to the public and to the grantee and after a public hearing.

12: LIABILITY OF GRANTEE; INSURANCE AND INDEMNIFICATION

The grantee shall defend and hold the City harmless from all loss sustained by the City

by reason of any suit, judgment, execution, claim or demand resulting from the construction, operation or maintenance by the grantee of a cable television system in the service area. The grantee shall maintain in full force and effect for the term of this permit, at the grantee's sole expense, a general comprehensive liability insurance policy, in protection of the City, the Council, and City officers, boards, commissions, agents and employees, issued by a company authorized to do business in the State of Oklahoma, protecting the City and all persons against liability for loss or damage for personal injury, death and property damage occasioned by the operations of the grantee under this permit in the minimum amount of one million dollars (\$1,000,000.00); provided, if the maximum liability of the City under the Oklahoma Governmental Tort Liability Act should be increased to more than one million dollars (\$1,000,000.00), the amount of liability insurance required hereunder shall be increased to that amount. The grantee shall file with the City Clerk certificates of the insurance required hereunder in a form satisfactory to the City Attorney. (On 459, 10-31-1994)

13: SYSTEM REBUILD

- A. The cable television system now owned and operated by the grantee within the City of Tulsa 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, the grantee, in accordance with section 14 of this appendix, 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; additionally upon completion, the City shall be provided service as a part of the City of Tulsa system.
- B. The 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.

14: SYSTEM REBUILD SCHEDULE AND EXTENSION

- A. The grantee shall review the system rebuild's design and schedule with the City in order that the City may elect to make attachments to the system during construction. Construction of the system rebuild shall commence within one hundred eighty (180) days after the acceptance of this permit. The grantee shall maintain a construction schedule of the system rebuild as follows: 18 months after commencement of construction, the system rebuild shall have been completed.
- 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 mile of the existing cable system. In other areas, the 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 City Council for any period during which the grantee experiences delays or interruptions due to circumstances reasonably beyond its control including, but not limited to, necessary utility changes or rearrangements, governmental or regulatory restrictions or requirements, major strikes, litigation, lock-outs, war (declared or undeclared), national emergency, economic conditions, fire, earthquakes and acts of nature.

15: OPERATIONAL STANDARDS

- A. The 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. The 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, the grantee shall provide the City a report of the results of any FCC required proof of performance test conducted by the grantee.
- B. The grantee shall maintain equipment capable of providing standby battery power for trunk amplifiers for a minimum period of two hours.
- C. The grantee shall, as a 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. The grantee may interconnect the cable television system within the service area with cable television systems owned or operated by the grantee within adjacent cities.
- E. Upon request, the 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 the 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 business days after an order has been placed; and
 - 2. Except when beyond the control of the grantee, the grantee shall respond to cable service interruptions promptly and in no event later than twenty-four (24) hours.

- G. The grantee shall establish procedures for receiving, acting upon and resolving subscriber complaints which shall be subject to the approval of the City Manager.
- H. The City shall notify the grantee in writing of any complaint from subscribers or of any failure of the grantee to comply with the terms and conditions of this permit. The 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.

16: SERVICES TO SUBSCRIBERS

- A. The 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, the grantee shall have the capacity to offer to subscribers programming on at least fifty (50) video channels including the video channels offered as a part of basic cable service, premium, pay-per-view, a la carte, etc.
- C. The grantee shall provide audio services.
- D. Upon request, and at a reasonable charge, the grantee shall provide to subscribers an input selector switch to permit broadcast television reception from an antenna.

17: GOVERNMENTAL AND EDUCATIONAL USES

- A. Until the completion of the system rebuild, the 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, at least the following:
 - 1. One 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; and
 - 2. The grantee shall provide maintenance, at no cost, of cables, amplifiers and other distribution equipment owned by the 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, the 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 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, Tulsa Community 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 and/or Wagoner County, which develop, staff and operate facilities and equipment to provide programming on a continuing basis; and
 2. Three 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, the service areas of other cable television systems owned by the grantee and interconnected with the cable system.
- C. The grantee shall provide one 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. The grantee shall provide, at no cost, connections for video originations from the Tulsa Education Service Center and, upon completion of the system rebuild, from one point at each institution of higher learning. Upon request from the City, the grantee shall provide, at the direct cost to the grantee, of labor and materials, connections for video originations from other points designated by the City. The 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. The grantee shall have the right to temporarily use any unused portion of a channel located under this subsection and subsection B 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, the 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, the

grantee shall provide, at no cost to the user for governmental and educational use, the first channel added to the cable television system above eighty-four (84) channels, above ninety-six (96) channels, above one hundred eight (108) channels, and additional channels in a like progression as channels are added to the cable television system. Use of such additional channels shall be allocated as provided in subsection B 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 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 for governmental or educational use is being temporarily used by the grantee, the governmental or educational institution for which the channel has been allocated shall have the right to require the return of the channel or portion thereof by a written statement to the 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 months after receipt by the grantee of the statement.

- E. The 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 months' written notice has been given to the user of such channel.

18: SERVICES TO CITY

The grantee shall provide the following services to the City:

- A. Channel space as provided in section 17 of this appendix at no charge for the dissemination of information to the public;
- B. A service outlet, at no cost to the City, to each City facility within the service area including, but not limited to, the City Hall, the Police Department, fire stations, public libraries, government office of Wagoner County located in the service area, the senior citizens center, WA-RO-MA Community Action Center, 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 nonpremium services; and

- C. A means of simultaneously interrupting all channels other than local broadcast channels on the cable television system to prevent emergency audio and, upon completion of the system rebuild, moving character generated video messages by local public safety, civil defense and other public officials. The emergency override system receives as a result of the tie-in with Tulsa satisfies this section.

19: COMPLIANCE AND MONITORING

- A. The grantee will provide written notification to the City prior to offering any other lawful service, and the grantee shall file with the City a copy of its authority to provide such service, if any has been obtained.
- B. The 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 the grantee or the cable system in order to determine whether or not the 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 the grantee reasonable notice thereof and providing a representative of the grantee an opportunity to be present during such test. In the event that such testing demonstrates that the grantee has substantially failed to comply with a material requirement hereof, the reasonable costs of such tests shall be borne by the grantee. In the event that such testing demonstrates that the grantee has substantially complied with such material provisions hereof, the cost of such testing shall be borne by the City. Except in emergency circumstances, such testing shall be undertaken no more than two times in a calendar year, and the results thereof shall be made available to the grantee. Upon request, the grantee shall furnish to and file with the City the results of technical tests that the grantee conducts for itself or others.
- C. On or after September 1, 1998, and every five years thereafter, the City Council may commence proceedings which afford public notice, public participation and open meetings for the purpose of identifying future cable system community needs and interests, including channel capacity and customer service, and reviewing the grantee's performance during the preceding five years. Upon request by the Council, the grantee shall cause to be conducted a survey, as approved by the Council, to determine community needs, desires and ratings of the 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-year review provided in this section, the grantee and the City shall meet, confer and, if deemed necessary by either, renegotiate in good faith any terms and conditions of this permit relating to community needs, channel capacity and customer service.

20: DEFAULT OF GRANTEE; PENALTIES AND REVOCATION

- A. The rights and privileges granted by the City to the grantee under this permit shall continue and remain in full force and effect until revoked by the City Council. In the event that the City or the Council believes that the grantee has not complied with the terms of this permit, the City or the Council shall notify the grantee in writing of the exact nature of the alleged default.
- B. The grantee shall have 30 days from receipt of a written notice of default to:
 - 1. Respond contesting the alleged assertion of a default; or
 - 2. Cure such default or in the event that, by the nature of default, such default cannot be cured within the 30-day period, initiate reasonable steps to remedy such default completed.
- C. In the event that the grantee contests the assertion of a default or fails to respond to a notice of default or the alleged default is not remedied within 30 days after the grantee is notified thereof, the City Council shall schedule a hearing to investigate the default. The Council shall notify the grantee of the time and place of such hearing and provide the grantee with an opportunity to be heard.
- D. In the event the Council, after such hearing, determines that the grantee is in default of any provision of this permit, the Council may:
 - 1. Assess liquidated damages to the City caused by the default by the grantee as follows:
 - a. For default in the completion of the system rebuild as required by sections 13 and 14 of this appendix, the sum of one thousand dollars (\$1,000.00) per day for the first 30 days after the expiration of the time for the completion of the system rebuild or part thereof as required by sections 13 and 14 of this appendix, two thousand five hundred dollars (\$2,500.00) per day for each day more than 30 days past the expiration of the time for completion of the system rebuild or part thereof as required by sections 13 and 14 of this appendix, and three thousand five hundred dollars (\$3,500.00) per day for each day more than 60 days past the expiration of the time for completion of the system rebuild or part thereof as required by sections 13 and 14 of this appendix; provided, that the total amount of liquidated damages assessed under this subsection D1a 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 operational standards of this permit, five hundred dollars (\$500.00) per day for each day the failure occurs or continues.
 - d. Amounts of liquidated damages in this subsection D1 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 subsection D1 shall be adjusted in accordance with changes in the United States Department of Labor; Bureau of Statistics Consumer Price Index City Average for Urban Wage Earners and Clerical Workers (CPI) 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 CPI or the CPI or successor is not available, a reliable governmental or other independently determined publication evaluating information used in determining the CPI shall be used in lieu of the CPI;
- 2. In the case of a default of a provision of this permit which is not cured by the grantee or the subject of damages assessed as provided herein, the City Council may revoke this permit in its 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.
 - 4. The 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 the City to enforce prompt compliance.
- E. The grantee shall not be held in default with the provisions of this permit, nor suffer any enforcement or penalty relating thereto, where such alleged default is caused by strikes, acts of nature, power outages or other events reasonably beyond the ability of the grantee to control.

21: ASSIGNABILITY

- A. If the 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 the 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 City 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 60 days after the transferee shall have agreed in writing to become responsible for the full performance of all of the conditions, liabilities, covenants and obligations of this permit, then such action shall be deemed to have been approved.

- B. No approval of the City shall be required for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title or interest of the grantee in this permit or the cable television system in order to secure indebtedness of the grantee.

22: RIGHT OF CITY TO PURCHASE SYSTEM

- A. City shall have the right, at any time after 15 years after the effective date of the permit granted herein, to purchase the cable television system of the grantee located within the service area and to terminate this permit, if the purchase is approved by a majority of the qualified electors of the City voting at a special or general election. At any time after the right to purchase the cable television system of the grantee shall have accrued under the terms hereof, the question of the purchase of the cable television system may be submitted at the next succeeding election of the City upon petition to the City Council of twenty-five percent (25%) of the qualified electors of the City. The 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 appraisers, one to be appointed by the Mayor of the City, one by the 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 the grantee shall refuse to select an appraiser for 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 City Council. If the two appraisers appointed by the Mayor and by the grantee shall fail to agree upon the third appraiser within 30 days after their appointment, the third appraiser, upon the application of either the City or the grantee, shall be appointed by the Associate Judge of the district court of Wagoner County, Oklahoma.
- B. The fair market value of the cable television system shall be determined by the majority of the appraisers within 90 days after the appointment of the third appraiser. The City shall have 90 days from the receipt of written notice of the decision of the appraisers within which to pay the grantee in cash the appraised value of 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 the grantee to the cable television system, the City shall pay, in addition to the value established

by the appraisers, the reasonable cost of such additions, betterments and replacements.

23: NONDISCRIMINATION

- A. The 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 disability or the income of residents in the local area in which a person or group resides.
- B. The grantee shall not discriminate in the rates or charges for cable services or in making available cable services or facilities of the system. The grantee shall not extend any preference or advantage to any subscriber or potential subscriber to the system or to any user or potential user of the system. The grantee may conduct promotional campaigns to stimulate subscriptions to cable services or other lawful uses of the system, and the 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. The grantee shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, disability or genetic information. The grantee shall comply with all applicable laws and regulations of the United States and of Oklahoma with respect to employment and personnel practices.

24: 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, rule or regulation regarding the cable system, cable service or other lawful service.

25: MISCELLANEOUS PROVISIONS

- A. The grantee shall keep books and records for periods of time reasonably established by the City to determine compliance with the terms of this permit. The City, after reasonable notice, shall have the right to review the books and records, including any complaints, of the 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 the grantee pursuant to the rules and regulations of the FCC. The 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 the grantee's fee payment obligations. Subject to open meeting

and record disclosure laws of the State of Oklahoma, the City agrees to treat any information disclosed by the 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 City Council may inspect the books and records of the grantee as necessary to determine compliance with the terms of this permit and compel attendance of witnesses and may, by ordinance, revoke this permit, as provided in section 20 of this appendix, for failure or refusal of the 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 the 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. The grantee shall pay the cost of publication of the ordinance from which this appendix is derived.
- D. In the event the City enters into a franchise, permit, license, authorization or other agreement of any kind with any person other than the 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 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 the City enters into a franchise, permit, license, authorization or other agreement of any kind with any person other than the 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 the 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 the grantee and the 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 channels and service, system operational service standards, fees to the City or rates to subscribers and users.
- E. Notices or responses served upon the City or the grantee shall be in writing, and shall be deemed to have been duly given to the required party three 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.
- F. All notices or responses between the City and the grantee shall be addressed and delivered by certified or registered mail as follows: if to the City, the City Clerk, the City of Coweta, P.O. Box 850, Coweta, Oklahoma 74429, with copies to the City Manager, and the City Attorney at the same address; if to the grantee,

TCI Cablevision of Oklahoma, Inc., 8421 E 61st St., Suite U, Tulsa, Oklahoma 74133, with a copy to TCI Cablevision of Oklahoma, Inc., Attn: Division Counsel, 4700 South Syracuse Street, Suite 1100, Denver, Colorado, 80237. Any notice given by the grantee to the City Clerk shall be accompanied by instructions to the Clerk referencing this subsection and directing the Clerk to file and maintain such notice with the original of this ordinance. The City and the grantee may designate other addressees or addresses from time to time by giving notice to the other.

26: ACCEPTANCE BY GRANTEE

- A. The grantee shall file with the City Clerk, within 30 days after passage, approval by the Mayor and prior to publication of the ordinance from which this appendix is derived, a written acceptance of this permit and the terms and conditions thereof as set out herein.
- B. The 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.

27: SEVERABILITY

If any section, sentence, clause or phrase of the ordinance from which this appendix is derived, 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 remainder of the ordinance from which this appendix is derived, or any part thereof.

CODE COMPARATIVE TABLE 2012 CODE

This table gives the location within this Code of those sections of the 2012 Code which are included herein. Sections of the 2012 Code not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

<i>Code 2012 Section</i>	<i>Section this Code</i>
1-102	1-3-1
--	1-3-2
1-103	1-3-3
1-106	1-1-3
1-107	1-1-5
1-108	1-4-1
1-109	1-4-2
1-110	1-1-4
1-201	1-6-1
1-202	1-6-2
2-101	1-5-1
2-201	1-7A-1
2-203	1-7A-5
2-204	1-7A-1
2-205	1-7A-2
2-206	1-7A-3
2-207	1-7A-4
2-208	1-7A-6
2-209(A)	1-7A-1
2-209(B)	1-11A-1-4
2-209(C)	1-7A-5
2-209(D)	1-7B-1

--	1-7B-2
--	1-7B-3
--	1-7B-4
--	1-7B-5
--	1-7B-6
--	1-7B-7
--	1-7B-8
--	1-7B-9
--	1-7B-10
--	1-7B-11
--	1-7B-12
--	1-7B-13
2-301	1-8-1
2-302	1-8-2
2-401	1-9-1
2-402	1-9-1
2-403	1-9-3
2-404	1-9-2
2-405	1-9-2
2-501	1-11B-1
--	1-11B-2
--	1-11B-3
2-502	1-10-1
2-503	1-11A-1-1
2-504	1-11A-1-3
2-505	1-11A-1-2
2-601	1-13-1
2-602	1-13-1
2-603	1-13-1
2-604	1-13-2

2-605	1-13-3
2-606	1-13-3
2-607	1-13-3
2-608	1-13-4
2-609	1-13-4
2-610	1-13-4
2-611	1-13-4
2-612	1-13-4
2-701	1-11A-2-2
2-702	1-11A-2-2
2-703	1-11A-2-2
2-704	1-11A-2-2
2-705	1-11A-2-2
2-706	1-11A-2-2
2-801	1-11A-2-3
2-810	1-11A-2-1
2-811	1-11A-2-1
2-812	1-11A-2-1
2-813	1-11A-2-1
2-814	1-11A-2-1
2-815	1-11A-2-1
4-101	6-6A-1
4-102	6-6A-3
4-103	6-6A-3
4-104	6-6A-4
4-105	6-6A-2
4-106	6-6A-7
4-107	6-6A-5
4-108	6-6A-5
4-109	6-6A-6

4-110	6-6A-8
4-111	6-6B-5
4-112	6-6B-6
4-113	6-6B-7
4-120	6-6B-1
4-121	6-6B-2
4-122	6-6B-3
4-123	6-6B-3
4-130	6-6A-10
4-132	6-6A-10
4-140	6-6A-12
4-141	6-6A-12
4-142	6-6A-12
4-143	6-6A-12
4-150	6-6A-9
4-160	6-6A-13
4-170	6-6A-11
4-171	6-6A-11
4-172	6-6A-11
4-173	6-6A-11
4-174	6-6A-11
4-175	6-6A-11
4-176	6-6A-11
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15-1314	8-9B-2
15-1401	8-9A-3
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17-101	10-1-1
17-102	10-1-2
17-201	10-1-2
17-202	10-1-2
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17-302	10-2-1
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17-306	10-2-10
17-307	10-2-8
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17-310	10-2-13
17-311	10-2-12
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CODE COMPARATIVE TABLE LEGISLATION

This table gives the location within this Code of legislation which is included herein. Ordinances, resolutions and other types of legislation not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

<i>Legislation</i>	<i>Date</i>	<i>Section</i>	<i>Section this Code</i>
Ord. No. 459	10-13-1994	--	App. 1
Ord. No. 716	4-4-2011	--	12-1-1--12-1-5
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		--	12-7D-2-1, 12-7D-2-2
		--	12-7D-2-4--12-7D-2-7
		--	12-7D-3-1--12-7D-3-6
		--	12-7E-1--12-7E-9
		--	12-8-1--12-8-9
		--	12-9A-1--12-9A-9

		--	12-9B-1--12-9B-9
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		--	12-9D-1--12-9D-10
		--	12-10A-1--12-10A-10
		--	12-10B-1--12-10B-10
		--	12-10C-1--12-10C-10
		--	12-11-1--12-11-10
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		--	12-13-5--12-13-18
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		--	12-14-1--12-14-5
		--	12-15A-1--12-15A-9
		--	12-15B-1--12-15B-5
		--	12-16-1--12-16-8
Ord. No. 717	4-4-2011	--	13-1-1--13-1-5
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		--	13-3-1--13-3-8
		--	13-4-1--13-4-5
		--	13-5-1--13-5-7
		--	13-6-1--13-6-16
		--	13-7-1--13-7-10
		--	13-8-1--13-8-3
		--	13-9-1--13-9-15
Ord. No. 771	5-2-2016	--	4-4-1--4-4-7
Ord. No. 780	2-6-2017	--	12-3E-3
Ord. No. 792	11-6-2017	--	1-7A-5
Ord. No. 793	11-6-2017	--	6-5-8
Ord. No. 795	2-5-2018	--	9-5-1

		--	9-5-4
Ord. No. 799	3-5-2018	--	1-12-15
Ord. No. 801	4-2-2018	--	5-5-1--5-5-6
Ord. No. 802	6-4-2018	--	6-5-7
Ord. No. 806	8-6-2018	--	12-2-2
		--	12-9B-5
Ord. No. 807	8-6-2018	--	12-3E-3
Ord. No. 808A	9-10-2018	--	4-2-1--4-2-5
Ord. No. 809	9-10-2018	--	12-2-2
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Ord. No. 820	10-7-2019	I	12-7A-5
Ord. No. 821	10-7-2019	I	12-3E-3
Ord. No. 822	10-7-2019	I	12-3E-3
Ord. No. 824	11-4-2019	I	12-9B-5
		II	12-10A-5
Ord. No. 823	11-14-2019	I(14-401)	9-1-1.5
		I(14-402)	9-1-1.5
		I(14-403)	9-1-1.5
		I(14-404)	9-1-1.5
		I(14-405)	9-1-1.5
Ord. No. 828	2-3-2020	1	3-3C-1
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		3	3-3C-3
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		10	3-3C-10
		11	3-3C-11
		12	3-3C-12
		13	3-3C-13
		14	3-3C-14
		15	3-3C-15
		16	3-3C-16
		17	3-3C-17
		18	3-3C-18
		19	3-3C-19
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Ord. No. 830	2-3-2020	2	12-13-3
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Ord. No. 832	5-4-2020	1	12-11-3
Ord. No. 833	5-4-2020	1	7-5-1
Ord. No. 834	6-1-2020	1	9-1-7
Ord. No. 837	9-14-2020	1	11-1-1
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		--	11-3-1
		--	11-4-1
		--	11-5-1
		--	11-6-2
		2	11-1-1

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		--	11-3-1
		--	11-4-1
		--	11-5-1
		--	11-6-2
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Ord. No. 838	12-7-2020	2	11-3-3
		3	11-4-3
		4	11-5-3
Ord. No. 840	12-7-2020	1	12-13-8
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Ord. No. 841	12-7-2020	1	5-7.5-1
		2	5-7.5-2
Ord. No. 847	9-13-2021	1	6-6B-6
Ord. No. 850	12-6-2021	1	3-3C-1
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		10	3-3C-10
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		12	3-3C-12
		13	3-3C-13
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Ord. No. 852	12-6-2021	1	7-8-1
Ord. No. 848	1-3-2022	1(8-501)	6-3-1
		1(8-502)	6-3-2
		1(8-503)	6-3-3
		1(8-504)	6-3-4
		1(8-505)	6-3-5
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Ord. No. 854	3-7-2022	1	3-3D-3
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Ord. No. 857	4-4-2022	1(9-202)	4-4-2
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Ord. No. 865	11-7-2022	1	6-6A-2

**CITY OF COWETA, OKLAHOMA
RESOLUTION 2024-01**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COWETA,
OKLAHOMA, DIRECTING THE FILING AND NOTIFICATION OF THE
PUBLICATION OF THE COWETA CITY CODE OF ORDINANCES.**

WHEREAS, the City of Coweta, Oklahoma, updated its ordinances to include all ordinances approved as of November 7, 2022; and

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

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

WHEREAS, the City is required, pursuant to Sections 14-107(A) and 14-108 of Title 11 to make legal publication by publishing the titles and a condensed summary of the Code.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF COWETA, OKLAHOMA:**

That the public is hereby notified of the publication of the Code of Ordinances and that copies of the code are available for review in the office of the City Clerk; and

THAT the code consists of fourteen (14) Titles, listed hereinafter:

- Title 1: Administration
- Title 2: Boards and Commissions
- Title 3: Finances and Taxation
- Title 4: Business and License Registration
- Title 5: Health, Sanitation and Environment
- Title 6: Police and Public Safety
- Title 7: Offenses and Crimes
- Title 8: Motor Vehicles and Traffic
- Title 9: Public Ways and Property
- Title 10: Public Services
- Title 11: Building Regulations
- Title 12: Zoning
- Title 13: Subdivisions
- Title 14: Flood Control and Stormwater Management

THAT the City Clerk shall cause to be filed a copy of this resolution with the Office of the County Clerk of Wagoner County, Oklahoma; and

THAT the City Clerk shall cause one copy of this resolution and a copy of the City Code to be filed with the Law Library of Wagoner County, Oklahoma; and

THAT the City Clerk shall keep at least one copy of the Coweta Code of Ordinances in the Office of the City Clerk for public use, inspection and examination; and

THAT the City Clerk shall charge a sum as set by the City Council for each copy of the City Code sold to the public.

ADOPTED AND APPROVED by the City Council of the City of Coweta, Oklahoma, this 8th day of January, 2024.

CITY OF COWETA, OKLAHOMA

By: _____
Naomi Hogue, Mayor

ATTEST:

Marcy Kilgore, City Clerk

(SEAL)

Approved as to form:

Jeff M. Stephens, City Attorney