

DRUMMOND, OKLAHOMA

CODE OF ORDINANCES SEPTEMBER 2022

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CHAPTER 1 - ADMINISTRATION AND MANAGEMENT

Article 1. Incorporation; Form of Government

Section 1-1. Incorporation.

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

Section 1-2. Form of Government.

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

Section 1-3. General Powers of the Municipality.

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

Sections 1-4 through 1-9. (Reserved for future use)

Article 2. Elective Officers

Section 1-10. Elections.

Pursuant to 11 O.S., Section 16-302 the Town of Drummond, hereby declares that it shall not be governed by the Oklahoma Town Meeting Act as a means of electing its officers and deciding initiative and referendum questions.

Section 1-11. Elective Officers of the Town.

- A. The Board of Trustees shall consist of five (5) trustees, said trustees shall be residents and registered voters of the Town to be elected by the town at large without regard to their place of residence within the corporate limits. General elections shall be held on the first Tuesday in April 2005, and each two years thereafter. Commencing on the first Tuesday in April Trustees 2 and 4 shall be elected for a term of four (4) years. In April Trustees 1, 3, and 5 shall be elected for a term of four (4) years.
- B. In accordance with O.S. Title 11, Section 16-205, 2001, as amended, the following officers of the town shall be elected by the qualified electors of the town:
 1. Town Treasurer-Election to be held in April 2005; and
 2. Town Clerk - Election to be held in April 2007.(Section modified to reflect next General Election.)

Section 1-12. Powers of the Town Board of Trustees.

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

(NOTE: Regarding the powers of the Board of Trustees, See 11 O.S. Section 12-106.)

Section 1-13. Municipal Policy and Business.

- A. The Town -Board of Trustees shall conduct all business of the municipality, set policy for the efficient administration of municipal government, administratively supervise all activities of municipal employees and carry out their responsibilities, powers and duties as officers and as a corporate and politic body, within the limits prescribed by the State Constitution and Laws and the Code of Ordinances of the Town.
- B. It shall be the policy of the municipal government that no person shall be discriminated against on the grounds of race, creed, color, sex, religion, national origin, age or disability in employment or other activities sponsored directly or indirectly by the Town.
- C. Every member of the Town Board of Trustees who shall be present when the opportunity or need arises to vote upon a question, shall vote thereon, unless excused by the unanimous consent of those Town Board members present, or unless he is directly or indirectly interested in the question; in the event of the latter, he shall disclose his interest to the Town Board and it shall be made a matter of record.

Section 1-14. Town Board Meetings.

- A. Municipal business of the Town shall be conducted at regularly scheduled, open and public meetings held in the Town Hall (or agreed upon place which is open to the public) on the date and at the time and place duly posted, except when a special, emergency, continued or reconvened meeting is deemed necessary by the Mayor or Town Board of Trustees.
- B. An agenda for each regularly scheduled meeting of the Town Board of Trustees shall be prepared and shall be publicly posted in the Town Hall at least 24 hours prior to the meeting. The agenda shall contain sufficient information in order to generally explain items to be discussed at the meeting. At a minimum, the following items shall appear on the agenda:
 - 1. Call to Order
 - 2. Reading of the Minutes
 - 3. Clerk/Treasurer Report
 - 4. Other Reports
 - 5. Old Business
 - 6. New Business
 - 7. Executive Session, if required
 - 8. Public Participation
 - 9. Adjournment
- C. If any change in the date, time, or place of a regularly scheduled meeting is made, notice of the change shall be given to the town clerk not less than ten (10) days prior to the implementation of such change, and the clerk shall publicly post a notice of the change.
- D. In all meetings of the Town Board of Trustees, the vote of each member must be publicly cast and recorded.
- E. No informal gatherings or any electronic or telephonic communications among a majority of the Trustees shall be used to decide any action or to take any vote on any matter.
- F. Executive Sessions of the Board of Trustees will be permitted only for the purposes as provided by O.S. Title 25 Section 307.
- G. The clerk shall prepare a schedule of all meetings conducted by any Town Board or Committee, prior to each calendar year and shall post this schedule in the town hall prior to December 15 preceding the calendar year for which the schedule has been determined.
- H. Special or emergency Town Board meetings may be called by the Mayor, or by a majority of the Trustees, in accordance with the following provisions:

- 1. Special meetings shall not be held without public notice being given at least forty-eight (48) hours prior to said meeting. Such public notice of the date, time and place of a special meeting shall be given in writing, in person, or by telephonic means to the clerk.
- 2. At least twenty-four (24) hours prior to the special meeting, a written public notice of the special meeting shall be prominently posted in the town hall. Such notice shall include the date, time, place, and agenda for the special meeting, and only items appearing on the agenda shall be considered at the meeting. The twenty-four (24) hours public posting shall exclude Saturdays, Sundays, and holidays legally declared by the State of Oklahoma.
 - I. In the event of an emergency, an emergency meeting of the Town Board of Trustees may be held without public notice required. If an emergency meeting is required, as much advance public notice as is reasonable and possible under the circumstances existing shall be made in person or by telephonic or electronic means.

Section 1-15. Removal of Trustees; Vacancies.

- A. The Mayor or any trustee may be removed from office for any cause specified by, and by the methods prescribed and specified by, applicable State Law for the removal of an officer, including Title 22, O. S., Section 1181 et. seq., as amended, or any other present or future State Law applicable.
- B. Whenever a member of the Town Board of Trustees is inexcusably absent from more than one-half (1/2) of all meetings of said Town Board (Regular and Special) held within any period of four (4) consecutive months, he shall thereupon automatically cease to hold office, unless the remaining members of the Town Board vote to retain him on said Town Board.
- C. Vacancies in the office of an elected Town Official shall be filled in compliance with 11 O.S. Section 8-109 as amended or supplemented.
- D. When a majority of the governing body offices are vacant more than sixty (60) days before the beginning of a regular filing period for general municipal elections, the remaining members of the governing body shall call for a special election to be held in the municipality for the purpose of filling all vacant offices for the remainder of their unexpired terms.

Section 1-15. Supervisory Designation of Trustees.

- A. The Mayor of the Town shall have supervisory responsibility for employees and activities of the fire department, police department, and other town or civic activities.
- B. Other trustees may be given supervisory responsibility when such designation is made by a majority vote of the Town Board of Trustees.

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

Article 3. Municipal Officers and Employees

Section 1-25. Mayor; Acting Mayor.

- A. The Town Board of Trustees shall elect one (1) of its members as Mayor. The Mayor shall be elected in each odd-numbered year, at the first (1st) Town Board meeting held after the new Trustees' terms begin, or as soon thereafter as practicable.
- B. When a vacancy occurs in the Office of Mayor, the Town Board of Trustees shall elect another Mayor from among its members to serve for the duration of the unexpired term.
- C. The Mayor shall preside at all meetings of the Town Board of Trustees and may call special meetings thereof.
- D. The Mayor shall certify to the correct enrollment of all Ordinances and Resolutions passed by the Town Board of Trustees.
- E. The Mayor shall have all the powers, rights, privileges, duties and responsibilities of a Trustee, and, as an elected representative of the citizens may vote on all matters that come before the Town Board of Trustees.
- F. The Mayor shall be recognized as the head of the municipal government for all ceremonial purposes.
- G. During the absence, disability or suspension of the Mayor, the Town Board of Trustees shall elect an Acting Mayor from among its members.
- H. The Mayor has the authority to act as Chief Administrator of the Town and as such, may hire employees subject to confirmation by the Board of Trustees.
- I. The Mayor and Acting Mayor shall perform all other duties prescribed by State Law or Ordinance.

(Legal References: 11 O.S. Sections 12-104 and 12-105.)

Section 1-26. Creating Office of Town Clerk-Treasurer and Prescribing the Duties Thereof; Transferring Duties and Abolishing the Offices of Town Clerk and Town Treasurer; and Providing Effective Dates.

- A. There is hereby created the office of town clerk-treasurer, who shall be elected for a term of four (4) years, beginning at the municipal general election held in Drummond, and thereafter for a term of four (4) years as provided by law for election of the town clerk.
- B. The town clerk-treasurer shall have and exercise all powers and duties assigned to him/her by statute and ordinance and such other authority as may be granted to him/her by the Board of Trustees.
- C. All powers and duties assigned to the town clerk on or before the effective date of this section by statute, ordinance or the Board of Trustees shall be transferred to and held and exercised by the town clerk-treasurer from and after 12:00 o'clock noon on the second Monday following the general municipal election or appointment held April, 2011, or when a

vacancy occurs in the office of town clerk, whichever is sooner..

- D. All powers and duties assigning to the town treasurer on or before the effective date of this section by statute, ordinance or the Board of Trustees shall be transferred to and held and exercised by the town clerk-treasurer from and after 12:00 o'clock noon on the second Monday following the general municipal election or appointment held in April, 2011, or when a vacancy occurs in the office whichever is sooner.
- E. The office of town clerk is hereby abolished. Provided, the effective date of this section shall be 12:00 o'clock noon on the second Monday following the general municipal election held in April, 2011, or when a vacancy occurs in the office, whichever is sooner.
- F. The office of town treasurer is hereby abolished. Provided, the effective date of this section shall be 12:00 o'clock noon on the second Monday following the general municipal election held in April, 2011, or when a vacancy occurs in the office, whichever is sooner.
- G. From and after the effective dates provided herein all references to the town clerk or the town treasurer in Oklahoma Statutes shall mean the town clerk-treasurer.
- H. This ordinance shall become effective on November 14, 2011.

Section 1-27. Police Department; Chief of Police.

- A. There is hereby created a Police Department for the Town, the head of which shall be Chief of Police. The Chief of Police shall be appointed by the Town Board of Trustees. His term of office shall continue during good behavior and satisfactory service, or until his services are terminated by death, resignation, removal by the Town Board of Trustees or other legal manner.
- B. One (1) or more police officers may be appointed by the Chief of Police, subject to confirmation by the Town Board of Trustees; said police officers may be removed by the Town Board of Trustees, for cause, at a regular meeting, by a majority vote of all of said Town Board members.
- C. All employees (chief and officers) shall meet minimum qualifications. These include completion of evaluation similar to the Minnesota Multiphasic Personality Inventory, or its equivalent, or other evaluation as determined by the Council on Law Enforcement Education and Training and possession of a certificate attesting to satisfactory completion of a basic police training course, as approved by the Council on Law Enforcement Education and Training, of not less than three hundred eighty (380) hours. Every person who is not the holder of such certificate, and is duly appointed as a police or peace officer, shall be appointed to such position on a temporary basis only, and shall, within six (6) months from the date of appointment, qualify as required or forfeit such position. For the purpose of this section, a police or

peace officer is defined as a full time duly appointed officer who is paid for more than twenty-five (25) hours per week.

(NOTE: Paragraph amended for consistency with Oklahoma Statute amendments)

- D. The Chief of Police and all police officers shall at all times have the power to make or order an arrest for any offense against the laws of the State of Oklahoma or of the Ordinances of the town and shall have such other powers, duties and functions as may be prescribed by law or ordinance.
- E. It shall be the duty of the Chief of Police and/or all police officers to bring to justice all violators of municipal Ordinance and Federal and State Laws, and to turn such violators over to the proper authorities. The Chief of Police shall serve all warrants, writs, executions and other processes, properly directed and delivered to him.
- F. The Chief of Police and each police officer shall be paid such compensation as the Town Board of Trustees may prescribe.
- G. Unclaimed Property

The Chief of Police is hereby authorized and directed to dispose of personal property or money or legal tender as provided by O.S. Title 11 Section 34-104. Any personal property coming in to the possession of any police officer, in the line of duty, shall be delivered to the Chief of Police, who shall make permanent, written record of said property, including the date and circumstances of the receipt thereof, the name of the person from whom it was taken or the place where it was found.

Any personal property found by a person other than a public official or employee, which is delivered to any police officer for identification, if not claimed or identified within thirty (30) days, shall, within ten (10) additional days thereafter, if requested by the finder, be returned to him, and a record of such disposal made thereof. If the finder does not request return of the property to him within such additional ten (10) days, the Chief of Police shall dispose of the property to some office or department for its use. The Mayor may direct that ten (10) percent of the amount of any deposit in the general fund from relinquished property or money or legal tender be paid as finder's fee for services rendered to the person who found the unclaimed personal property or money or legal tender and delivered it to, or registered it with, the Chief of Police or other agent of the Town.

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

- H. The Chief of Police, or his designated representative, is authorized to direct that any regularly employed police officers of the Town may provide law enforcement assistance to another municipality in an emergency; provided that, a

written request from an official representative of the other municipality has been received and approved by the Board of Trustees of the Town.

- I. While serving in said capacity (above), the Town shall provide salaries, insurance and other regular benefits to these officers.
- J. The Mayor or Acting Mayor of the Town is authorized to request law enforcement assistance from other municipalities in emergency situations. In such cases, the assisting officers of the other municipalities shall have the same powers and duties as though employed by the Town; however, salaries, insurance and, other benefits shall not be paid by the Town.
- K. In all events, the police officers of the Town shall return to their regular duties when directed to do so by the Police Chief or the Police Chief of the requesting municipality; whichever direction occurs first.
- L. When the Police Chief shall direct, the assisting police officers of the other municipalities shall return to their own regularly scheduled duties in their own municipalities, and those assisting police officers shall cease to have the powers and duties of police officers regularly employed by the Town.
- M. The Chief of Police and all police officers under the employ of the Town shall be identified by an identification card, bearing the officer's photograph, signed by the Mayor and attested by the Clerk, and by an official policeman's badge. The identification card and badge shall be provided to the officer by the Town and shall be surrendered by the officer whenever the individual ceases to serve as an official member of the Town Police Department.
- N. The Town Board of Trustees may authorize the appointment of reserve officers who shall serve only on a part-time basis (not more than twenty-five (25) hours per week). Within one year from the date of appointment, each reserve officer shall meet the minimum requirements of Section 331 I of Title 70 of the Oklahoma Statutes.

(Legal Reference: Police Department and duties 11 O.S. Section 34-101 et. seq.)

Section 1-29. Municipal Judge; Alternate and Acting Judges.

- A. There shall be one (1) Judge of the Municipal Court and he shall be appointed by the Mayor, with the consent of the Town Board of Trustees; the Mayor may be designated as Judge upon approval of said Town Board. (See Chapter 13, this Code of Ordinances)
- B. The Municipal Judge shall be at least twenty-one (21) years of age, a resident of the Town (unless he is a licensed attorney); have a high school education (or the equivalent) and be of good moral character. A judge who is a licensed attorney may engage in the practice of law in other Courts, but he shall not accept employment inconsistent with his duties as a Municipal Judge or arising out of facts which give up rise to, or are connected with, cases

within the jurisdiction of the Court pending therein or which might become the subject of proceedings therein.

- C. If the Judge of the Municipal Court is not a licensed attorney, the trial shall be to the Court, and the Court may not impose a fine of more than fifty dollars (\$50.00) plus costs and may not order the defendant imprisoned, except for the nonpayment of fines or costs or both. If the Judge of the municipal court is not a licensed attorney but has complied with the requirements of Subsection F of 11 § 27-104 Oklahoma Statutes, said maximum fine may not exceed five hundred dollars (\$500.00) plus costs.

(Subsection modified: Effective with the adoption of this Code of Ordinances for consistency with current Oklahoma Statutes.)

- D. The official term of the Municipal Judge shall be two (2) years, expiring on the 30th day of June, in each odd-numbered year. The Municipal Judge, unless sooner removed for proper cause, shall serve until his successor is appointed and qualified.
- E. The Judge of the Municipal Court shall receive a salary as prescribed by the Town Board of Trustees, paid in the same manner as the salaries of other municipal employees.
- F. The Municipal Judge may prescribe rules, consistent with the State Constitution and Laws and this Code of Ordinances, for the proper conduct of the business of the Municipal Court.
- G. There may be appointed an Alternate Judge of the Municipal Court, possessed of the same qualifications as the Municipal Judge.
1. His appointment shall be for the same term and made in the same manner as the Municipal Judge. He shall sit as Acting Judge of the Municipal Court in any case when the Municipal Judge is absent from the Court or unable to act as Municipal Judge in a case.
 2. If, at any time, there is no Municipal Judge or Alternate Judge, duly appointed and qualified, available to sit as Municipal Judge, the Town Board of Trustees may appoint some person possessing the qualifications required by this Chapter for the Municipal Court in the disposition of pending matters until such time as a Municipal Judge or Alternate Judge shall be available.
- H. An alternate Judge or an Acting Judge shall be paid, as prescribed by the Town Board of Trustee, for each day devoted to the performance of his duties, except that, for any month, the total payments so calculated shall not exceed the salary of the Municipal Judge in whose stead he sits. An Alternate or Acting Judge who sits for an entire month shall receive the amount specified by the Town Board of Trustees as the salary of the Municipal Judge in whose stead he sits.

- I. Judges shall be subject to removal from office by the Town Board of Trustees, for the causes prescribed by the State Constitution and Laws for the removal of public officers. Provisions of the Oklahoma Administrative procedure Act governing individual proceedings (O.S. Title 75, Sections 301 et. seq. and any amendment or additions thereto in effect at the time of the hearing) shall govern removal proceedings hereunder so far as they can be made applicable.

- J. A vacancy in the Office of Municipal Judge shall occur if the incumbent dies, resigns, ceases to possess the qualifications for the office or is removed. Upon the occurrence of a vacancy in the Office of Municipal Judge, the Mayor shall appoint a successor to complete the unexpired term using the same procedure as for an original appointment.

Section 1-30. Town Attorney.

- A. A Town Attorney may be appointed by the Town Board of Trustees on a contractual basis acceptable to said Town Board.
- B. It shall be the duty of the Town Attorney to give legal advice on questions submitted to him by the Town Board of Trustees, when the subject matter concerns the powers of any municipal officials or employees, or the performance of their duties.
- C. The Town Attorney shall draw such Ordinances, Resolutions, notices, forms, leases, deeds, papers or other documents as may be required of him by the Board of Trustees.
- D. The Town Attorney shall be authorized to appear, prosecute and defend all actions wherein the Town is a party and he shall institute proceedings in Courts of Law upon the order of the Board of Trustees.
- E. The Town Attorney shall be allowed actual and necessary traveling and hotel expenses while outside the Town and on official business for said Town; provided that, his business has been approved and directed by the Board of Trustees.
- F. The Town Attorney shall perform such other duties as the Board of Trustees may require; provided that, such duties are included within the scope of the contractual arrangement.

Section 1-31. Building Inspector.

- A. There is hereby created the Office of Building Inspector for the Town. The Building Inspector shall be appointed by the Town Board of Trustees. His appointment shall continue during good behavior and satisfactory service and he shall not be removed from office except for cause, after full opportunity has been given him to be heard on specific charges.
- B. The powers and duties of the Building Inspector shall be as follows:
1. To enforce all provisions of Construction Codes adopted by this Code of Ordinances.

2. To receive and process applications required by such Codes or this Code of Ordinances.
 3. To review Building Permit applications, other Permit applications and issue required certificates. (See Chapter 4, this Code of Ordinances).
 4. To examine premises for which Permits have been issued under such Codes or this Code of Ordinances and make necessary inspections to see that the provisions of the Codes or this Code of Ordinances are complied with and that construction is done safely.
 5. To investigate, when requested by the Town Board of Trustees, or when the public interest so requires, matters referred to in such codes and render written reports on the same.
 6. To issue such notices or orders as may be necessary to enforce compliance with the adopted Codes or this Code of Ordinances, to remove illegal or unsafe conditions; to secure the necessary safeguards during construction or to require adequate exit facilities in buildings and structures.
 7. To make inspections required under the provisions of the Codes adopted by this Code of Ordinances, or to ensure that inspections are made by his duly appointed assistant.
- C. During the temporary absence or disability of the Building Inspector, the Town Board of Trustees may designate an Acting Building Inspector; the Town Clerk shall serve as Acting Building Inspector, unless the Town Board of Trustees designates another person as such.

Section 1-32. Utilities Superintendent.

- A. There is hereby created the Office of Utilities Superintendent for the Town. The Utilities Superintendent shall be appointed by the Board of Trustees and his appointment shall continue during good behavior and satisfactory service.
- B. He shall have charge of the maintenance and operation of all municipal utilities and perform such duties in connection therewith as are required of him by the Board of Trustees. (See Chapter 20, this Code of Ordinance.)
- C. The Utilities Superintendent shall have no power to incur any expenditures, unless the same shall be authorized and approved by the Board of Trustees.
- D. The Utilities Superintendent or any other employee working in the utilities department shall, within one year from the beginning date of employment, be certified by the Oklahoma State Department of Health as sewer system and water system operator.

Section 1-33. Civil Defense Director.

- A. The Office of Civil Defense Director is hereby created, to be appointed by the Mayor and

confirmed by the Board of Trustees. (See chapter 7, this Code of Ordinances).

- B. The Civil Defense Director shall be Executive Head of the Department of Civil Defense Program of the Town.
- C. The Director of Civil Defense shall have the authority, duty and responsibility to:
 1. Form an organization to prepare and implement a Civil Defense Program.
 2. Form committees to perfect such an organization.
 3. Appoint the chairman of such committees.
 4. Cooperate with other governmental Civil Defense agencies.
 5. Formulate plans, gather information and maintain records for said Civil Defense Organization.
- D. The Director of Civil Defense may be reimbursed for expenses incurred in the performance of his duties; provided such expenses are at the direction of, and approved by, the Town Board of Trustees.
- E. In the event of an enemy-caused emergency or emergency resulting from natural causes, the Civil Defense Director, after authorization from the Mayor, shall have the authority to enforce all regulations relating to Civil Defense, for the purpose of protecting the residents of the Town.

Section 1-34. Civil Defense Department created; Purpose.

- A. There is hereby established a Department of Civil Defense for the Town which shall consist of a Director of Civil Defense and a Civil Defense Advisory Committee. (See Chapter 7, this Code of Ordinances).
- B. The purpose of said Department shall be to be prepared for, and function in the event of, emergencies endangering the lives and property of the people of the Town and to perform all functions necessary and incident to the protection of the lives, health and property of the citizens of said community.

Section 1-35. Civil Defense Advisory Committee.

- A. The Civil Defense Advisory Committee shall consist of the Mayor, who shall serve as Committee Chairman, and five (5) members appointed by the Mayor, with the approval of the Town Board of Trustees. Said members shall serve at the discretion of the Town Board of Trustees.
- B. The Civil Defense Advisory Committee shall select from its members a Vice- Chairman and a Secretary.
- C. The Civil Defense Advisory Committee shall hold such meetings as are directed by the Mayor or the Town Board of Trustees. Provisions of O.S. Title 25 apply to these meetings.

- D. The function of the Civil Defense Advisory Committee shall be to act in an advisory capacity to, and as needed or requested by, the Mayor or the Town Board of Trustees.

Section 1-36. Municipal Planning Commission.

- A. A Town Planning Commission is hereby created for this Town. It shall consist of three (3) appointive members, all of whom shall be electors of the town, and the Chairman of the Board of Trustees and the Town Engineer (if any) as ex officio members. The appointive members shall be nominated by the Chairman of the Board and appointed by the Board of Trustees; shall serve for terms of three (3) years, the terms to end on the first Monday in May. Of the original appointive members, one (1) shall serve until the first Monday in the next May after appointment; one (1) shall serve until the first Monday in May a year later; and one (1) shall serve until the first Monday in May two (2) years later. Vacancies shall be filled for the unexpired terms. The members shall serve without compensation. The Board of Trustees may remove members of the Town Planning Commission for cause.
- B. The Town Planning Commission shall elect a Chairman, a Vice-Chairman, and Secretary, who shall serve until the first Monday of the next May after their election. The Secretary need not be a member of the Commission. The Commission shall determine the time and place of its regular meetings; and the Chairman or any two (2) members may call special meetings of the Commission. The Commission may employ engineers, attorneys, clerks, and other help deemed necessary, subject to the approval of the Board of Trustees. Their salaries and compensation shall be fixed by the Board, and shall be paid out of the Town Treasury as the other salaries and compensation are paid. The necessary legal expenses shall be paid out of the Town Treasury as other legal expenses of the town government are paid.
- C. The Town Planning Commission shall have all the powers and duties prescribed for it by O.S. Title 11, Sections 45-101 through 45-105 and all other powers and duties now or hereafter prescribed for it by any other provisions of state law.
- D. The Town Planning Commission is hereby appointed the Zoning Commission of the Town; and the Town Planning Commission shall have the powers of a Zoning Commission as provided by state law. Whether exercising the powers of a Planning Commission or the powers of a Zoning Commission, it shall be legally one (1) board known as the Town Planning Commission.
- E. Exercising the powers of a Zoning Commission, the Town Planning Commission shall recommend the boundaries of the various zones and appropriate zoning regulations to be enforced therein. It shall have all the powers conferred upon a Zoning Commission by O.S. Title 11, Sections 45-101 through 45-105 all powers which now or in the future may be granted by applicable state law to such authorities.

(Reference: Chapter 18 Planning Commission, Section 18-1 et. seq. this code of ordinances.)

Section 1-37. Fair Housing Board Created.

(Reserved for future use)

Section 1-38. Municipal Board of Health, Health Officer.

- A. The Town Board of Trustees shall constitute a Municipal Board of Health and shall be capable of performing all functions provided by State Law. (See Chapters 10, 11, and 14, this of Code of Ordinances).
- B. The Municipal Board of Health shall be under the supervision of the Oklahoma State Department of Health.
- C. It shall be the general duty of the Municipal Board of Health to examine and consider all measures necessary for the preservation of the public health of residents of the Town and to see that all Ordinances and regulations in relation thereto are observed.
- D. The Municipal Board of Health may appoint a Local Health Officer to carry out its health programs and policies; the State Health Office or his authorized representative may perform the duties of a Local Health Officer.

Section 1-39. Employee Disciplinary Actions.

- A. In the event of disciplinary action, each employee shall be given a statement of the specific charges, allegations and/or reasons upon which a possible disciplinary action is being considered. If a possible consequence of such consideration may result in more than an oral or written warning that the complained of action by the employee is damaging to his continued services, the statement of charges, allegations and/or reasons shall be made in writing.
- B. No public disclosure of the statement of the charges, allegations and/or reasons, to or of any other considerations in the action, shall be made unless approved by the Board of Trustees.
- C. The employee shall be notified of and be given the opportunity to formally answer the statement of charges, allegations and/or reasons to the appointing authority.
- D. The employee shall be notified of and be given opportunity to call witness and to cross examine witnesses.
- E. Except as modified by any valid labor agreement, the employee shall be notified of his opportunity to have someone of his own choosing appear with him or on his behalf at any stage of consideration of the statement of charges, allegations and/or reasons.
- F. The employee shall be notified of the time frames in which he may respond to each and every state of the consideration. Time frames shall be specified as maximums, and shall be set so that ample

opportunity is available for the employee to organize and prepare for his appearance.

- G. The employee shall be notified of the possible consequence(s) of failure on his part to cooperate fully in any consideration; and of the possible disciplinary action(s) that may be considered by the appointing authority.
- H. The Town Board of Trustees shall base any decision only on merits of all facts and information brought out after the initiation of the opportunity for the employee to formally answer the statement of charges, allegations and/or reasons.
- I. Disciplinary action, if taken shall be appropriate to the facts and information developed in the process of considering the statement of charges.
- J. The employee shall be advised of the final action to be taken by the appointing authority and of the disposition of any and all records developed or made during the process of the consideration. If a possible consequence of such consideration may result in more than an oral or written warning that the complained of action by the employee is damaging to his continued service, the statement or charges, allegations and/or reasons shall be made in writing.
- K. The employee shall be advised of any further action he may pursue through the formal organization of his employer to appeal or seek review of the final action taken by the appointing authority, or disposition of any and all records developed or made during the process of the consideration.

Section 1-40. (Reserved for future use.)

Section 1-41. Fire Chief and Assistant Fire Chief Offices.

There is hereby created the offices of Fire Chief and Assistant Fire Chief of the Volunteer Fire Department who shall be elected from the members. They shall serve for a two (2) year term or until their services are terminated by death, resignation, removal by the Board of Trustees or other legal manner. (See Chapter 8, this Code of Ordinances).

Sections 1-42 through 1-49. (Reserved for future use).

Article 4. Financial and Business Procedures

Section 1-50. Purchasing and Sales Procedures.

- A. The Town Board of Trustees shall contract for and purchase, or issue purchase authorizations for all supplies, materials and equipment for the operation of the municipal government. Before the purchase of, or contract for, any supplies, materials or equipment, or the sale of any surplus or obsolete supplies, materials or equipment, ample opportunity for competitive bidding, under such regulations and with such exceptions as said Town Board may prescribe, shall be given. The Town Board of Trustees shall not exempt a particular contract, purchase or sale from the requirement of competitive bidding.

- B. "Contractual Services," for the purposes of this Chapter, shall mean services performed for the Town by persons not in the employ of the Town and may include the use of equipment or the furnishing of commodities in connection with such services under express or implied contract. "Contractual Services" shall include travel, freight, express, parcel post, postage, telephone, telegraph, utilities, rents, printing and binding, repairs, alterations and maintenance of buildings equipment, streets, bridges and other physical facilities of the Town.
- C. Subject to the provisions of this Section, surplus or obsolete supplies, materials or equipment belonging to the Town may be sold by the Town Board of Trustees.
- D. No sale shall be made under this Section until the Town Board of Trustees has declared the supplies, materials or equipment involved to be surplus or obsolete.
- E. Except as may otherwise be provided, the Town Board of Trustees shall advertise any sale under this Section in a newspaper of general circulation in the Town or County, or in such other manner as deemed necessary to adequately reach prospective buyers to give them an opportunity to make bids. All bids shall be sealed and opened in public at a designated time and place, except when the sale is by auction. The Town Board of Trustees may repeatedly reject all bids and advertise again. The Town Board of Trustees shall sell such supplies, materials and equipment to the highest responsible bidder and, if necessary, shall cast lots in case of a tie to determine to whom to sell.
- F. The Town Board of Trustees may sell surplus or obsolete supplies, materials or equipment, the total value of which does not exceed one hundred dollars (\$100.00) in a single transaction, without giving an opportunity for competitive bidding. Inventory control and disposition records shall be maintained and retired in accordance with O.S. Title 11, Section 22- 131.

Section 1-51. Competitive Bidding.

- A. All purchases of the Town of Drummond shall follow the requirements for competitive bidding as may be set down by the Board of Trustees by motion, Resolution or Ordinance.
- B. All purchases of the Town of Drummond made with either Federal or State grant or loan funds shall follow any competitive bidding procedures required by the regulations of the program from which the funds were obtained.
- C. All purchases or procurement for Construction as defined by the Oklahoma Public Competitive Bidding Act, 62 O.S. Section 101 et. seq., shall follow the procedures for competitive bidding as set forth in said act.
- D. All purchases for construction, labor, equipment, material or repair in excess of \$12,500.00 made by the Drummond Public Works authority shall be bid as required by law.

(Section: Ordinance No. 01-1, 19 March, 2001.)

Section 1-52. Insurance.

- A. The Town Board of Trustees may insure municipal property as authorized by Oklahoma Statutes. Any money received as a result of destruction, damages or loss of such insured property shall be accounted for and used as provided by said Statutes.
- B. The Town Board of Trustees may purchase insurance to pay damages to persons sustaining injuries or damages to property as a result of negligent operation of motor vehicles or motorized equipment of the Town.

Section 1-53. Municipal Budget Act.

- A. The Town of Drummond elects to comply with and operate in accordance with the terms and provisions of the Municipal Budget Act (Section 17-201 through 17-216 of Title 11 of the Oklahoma State Statutes); and
- B. The provisions of the Municipal Budget Act will be effective for the Town of Drummond beginning with the budget for fiscal year 1998/1999 which begins on July 1, 1998, and will, as provided in the Act, take precedence over and supersede any other state laws applicable to municipal budgeting; and
- C. The Chief Executive Officer, as defined in the Act, is hereby authorized to take such actions as are necessary to meet the requirements of the Act.

Section 1-54. Payroll Disbursements.

- A. For all employees and officers of the Town of Drummond, a documented record shall be maintained in a personnel file of the authorized rate of pay or salary for each employee and officer.
- B. For each pay period, a record of time worked shall be prepared in the form of time sheets or logs for each employee and officer to be paid. Such record of time worked shall be verified as to its accuracy in writing by the employee or officer and the Town Clerk.
- C. Upon verification of the work record, a payroll register including the amount of gross pay, authorized deductions, and net pay shall be prepared by the Town Treasurer.
- D. The net payroll checks shall be prepared from the payroll register, along with checks for payment of related payroll taxes and other payroll benefits required by law of contract.
- E. The payroll checks and the payroll register shall be presented to at least one other authorized check signer who shall compare the payroll checks to the payroll register and verify their accuracy. Upon verification, such other authorized check signer and the Town Clerk shall sign the checks and prepare them for distribution. The Town Treasurer shall then record the checks in the appropriate cash disbursements journals.

- F. The payroll register shall be provided to the governing body for informational purposes at the next regular meeting; however, governing body approval is not required prior to payment of payroll related costs if incurred and paid in accordance with the provisions above.

Section 1-55. Purchases of Goods and Services (Other than Payroll and Payroll Related).

- A. The following employees or officers have been designated as purchasing officers empowered to purchase or contract against budget appropriation accounts:
 - 1. Town Clerk
 - 2. Street & Alley Superintendent
 - 3. Fire Chief
 - 4. Chairman of the Board of Trustees-
 - 5. Police Chief
- B. The officer or employee receiving satisfactory delivery of merchandise or contract services shall acknowledge such fact by signing the invoice or delivery ticket. The invoice, along with delivery ticket if applicable, must then be verified by the authorized purchasing officer as to quantities, services, and prices. If correct, the invoice must then be signed by the authorized purchasing officer and coded with the fund(s) and budget line item(s) to be charged.
- C. The Town Clerk shall review all invoices for proper signatures and appropriateness of fund(s) and budget line item(s) to be charged. Upon acceptance of the invoices, the Town Treasurer shall prepare checks in payment of the invoices, and shall cancel each invoice as its check is prepared. Invoices shall be cancelled by noting on the invoice the date paid, the check number used to pay the invoice, and the amount paid with the check.
- D. The invoices and checks shall be presented to at least one other authorized check signer who shall compare the checks to the invoices and verify their accuracy. Upon verification, such other authorized check signer and the Town Clerk shall sign the checks and prepare them for distribution. The Town Treasurer shall then record the checks in the appropriate cash disbursements journals and shall prepare a check register. The check register shall list in check number order the check date, check number vendor, and check amount.
- E. The check register shall be provided to the governing body for informational purposes at their next regular meeting; however, governing body approval is not required prior to payment of invoices if paid charges were incurred and paid in accordance with the provisions above.
- F. For all purchases of goods and services (other than payroll and related) over \$1,000, purchase orders or contracts shall be prepared and approved, in writing, by a designated purchasing officer prior to the time the purchase commitment is made.

- G. For all purchases of goods and services over \$2,500, purchase orders or contracts shall be prepared and approved by the governing body prior to the time the commitment is made, and such approval shall be recorded in the minutes of the governing body. Additionally, the Town Clerk shall immediately determine that there exists available unencumbered appropriation in the accounts to be charged, and such determination shall also be recorded in the minutes. Should appropriation not be available for the proposed purchase or commitment, the purchase or commitment shall not proceed until necessary budget amendments are authorized.

Section 1-56. Debt Service.

- A. All long-term indebtedness in the form of bonds, notes, or lease purchase obligations shall be incurred in the manner provided by law.
- B. Once lawfully incurred, the Town Treasurer shall make payments of principal and interest on the debt in accordance with the terms specified by the lender without further approval of the governing body.
- C. The manner of payment shall be consistent with the manner used for payment of goods and services.
- D. Current balances on outstanding debt shall be maintained by the Town Treasurer in the appropriate journals.

Section 1-57. Competitive Bidding.

- A. The Town of Drummond shall adhere to the provisions of Oklahoma Statutes (1991), Title 61, Sections 101 et seq. when determining when competitive bidding is required and the manner in which competitive bids will be obtained.
- B. If the Drummond Town Code provides for additional competitive bidding requirements, such additional requirements shall be met.
- C. In addition to the requirements of (A) above, public trusts created pursuant to O.S. Title 60, Section 176, of which the Town of Drummond is beneficiary, shall also follow the competitive bidding provisions of O.S. Title 60, Section 176(g).

Section 1-58. Financial Reporting.

- A. The Town Treasurer shall prepare written monthly financial reports which disclose at least all receipts and expenditures by fund in the same format as the approved budget and showing the variance from the budget.
- B. The financial reports shall be placed on the agenda for acknowledgement by the governing body at each regular meeting.

Section 1-59. Applicability to Public Trusts.

- A. For all public trusts created pursuant to Title 60 O.S., Sections 176-180, for which the Town is the sole beneficiary and for which the trust's board of

trustees is comprised entirely of members of the Town's Board of Trustees, all sections of this ordinance shall apply.

- B. For the purposes of public trusts as defined above, Town Clerk and Town Treasurer shall mean Trust Secretary and Trust Treasurer as defined by the trust indenture.
- C. The officer or employee receiving satisfactory delivery of merchandise or contract services shall acknowledge such fact by signing the invoice or delivery ticket. The invoice, along with delivery ticket if applicable, must then be verified by the authorized purchasing officer as to quantities, services, and prices. If correct, the invoice must then be signed by the authorized purchasing officer and coded with the fund(s) and budget line item(s) to be charged.
- D. The Town Clerk shall review all invoices for proper signatures and appropriateness of fund(s) and budget line item(s) to be charged. Upon acceptance of the invoices, the Town Treasurer shall prepare checks in payment of the invoices, and shall cancel each invoice as its check is prepared. Invoices shall be cancelled by noting on the invoice the date paid, the check number used to pay the invoice, and the amount paid with the check.
- E. The invoices and checks shall be presented to at least one other authorized check signer who shall compare the checks to the invoices and verify their accuracy. Upon verification, such other authorized check signer and the Town Clerk shall sign the checks and prepare them for distribution. The Town Treasurer shall then record the checks in the appropriate cash disbursements journals and shall prepare a check register. The check register shall list in check number order the check date, check number, vendor, and check amount.
- F. The check register shall be provided to the governing body for informational purposes at their next regular meeting. However, governing body approval is not required prior to payment of invoices if paid charges were incurred and paid in accordance with the provisions above.
- G. For all purchases of goods and services (other than payroll and related) over \$1000, purchase orders or contracts shall be prepared and approved, in writing, by a designated purchasing officer prior to the time the purchase commitment is made.
- H. For all purchases of goods and services over \$2500, purchase orders or contracts shall be prepared and approved by the governing body prior to the time the commitment is made, and such approval shall be recorded in the minutes of the governing body. Additionally, the Town Clerk shall immediately determine that there exists available unencumbered appropriation in the accounts to be charged, and such determination shall also be recorded in the minutes. Should appropriation not be available for the proposed purchase or commitment, the purchase or commitment shall not proceed until necessary budget amendments are authorized.

Section 1-59.1. Interfund Transfers.

- A. All transfers between funds shall only be made in accordance with governing body appropriations as reflected in the original or amended Town budget.
- B. Once lawfully appropriated, interfund transfer payments may be made by the Town Treasurer without further governing body approval in the manner used for payment of purchases of goods and services.

Section 1-59.2. Petty Cash.

- A. As provided for in Title 11 O.S., Section 17-102(D), the Town may have petty cash accounts for use in making certain small payments for costs incurred in operating the Town.
- B. Each petty cash account established shall require governing body approval, including the interest amount of the petty cash account. However, in no case should the interest balance exceed \$100.
- C. The petty cash accounts shall be reimbursed by utilizing properly itemized invoices in the manner used for payment of purchases of goods and services. However, in no case shall an individual payment from petty case exceed \$50.

Article 5. Sales Tax

(Ordinance Numbers 75-2 & 96-1)

Section 1-60. Citation.

This Article constitutes authority and shall be known, and may be cited as the "Town of Drummond, Oklahoma, Sales Tax Ordinance."

Section 1-61. Definitions.

The definitions of words, terms and phrases contained in the Oklahoma Sales Tax Code, as amended, are hereby adopted by reference and made a part of this Ordinance (O.S. Title 68, Section 1350 et. Seq. as amended). Additionally the following terms are defined:

- A. A sale - includes the sale preparation or service of ice or non-alcoholic beverages that are sold, prepared or served for the purpose of being mixed with alcoholic beverages for consumption on the premises where such sale, preparation or otherwise occurs.
- B. The definition of "gross-receipts" in the State Sales Tax Code is hereby augmented to contain the additional following words: "The total retail sale price received for the sale of mixed beverages, ice and non-alcoholic beverages to be mixed with alcoholic beverages for consumption on the premises where such sale, preparation or service

occurs shall constitute the gross receipts from such transaction.

- C. "Tax collector" as used herein means the department of the Municipal Government or the official agency of the State duly designated according to Law, or contract authorized by Law, to administer the collection of the tax herein levied.

Section 1-62. (Reserved for future use).

Section 1-63. Classification of Taxpayers.

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

Section 1-64. Subsisting State Permits.

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

Section 1-65. Effective Date.

This Article shall become and be effective at the specified time set forth by the Oklahoma Tax Commission and the Ordinances adopted, voted upon, and enacted creating said municipal sales taxes as provided by Jaw.

Section 1-66. Purpose of Revenues.

It is hereby declared to be the purpose of this Sales Tax Ordinance to provide revenues for the support of the functions of the Municipal Government of the Town.

That two percent (2%) of the three percent (3%) excise tax levy shall constitute additional revenues and sixty percent (60%) of such additional revenues shall be for the purpose of Police and Fire protection and streets. But not limited to, public safety, police apparatus and vehicles, and fire apparatus and vehicles.

(Section amended: Ordinance 96-1, Section 2, effective date 1 July, 1996.)

Section 1-67. Tax Rate; Sales Subject to Tax.

An excise tax of three percent (3%) is hereby levied upon the gross proceeds or gross receipts derived from all sales taxable under the sales tax law of this state, including but not exclusive of the following:

- A. Tangible personal property;
- B. Natural or artificial gas, electricity, ice, steam or any other utility or public service except water;
- C. Transportation for hire of persons by common carriers, including railroads (both steam and electric), motor transportation companies, taxi cab, commercial airlines and all other means of transportation for hire;

- D. Telecommunications services as provided by law;
 - E. Printing or printed matter of all types, kinds and characters and the service of printing or overprinting, 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 from magnetic tapes or other media furnished by customers;
 - F. Service of furnishing rooms by hotels, apartment hotels, public rooming houses, motel public lodging house or tourist camps;
 - G. Service of furnishing storage or parking privileges by auto hotels and parking lots;
 - H. Computer hardware, software, coding sheets, cards, magnetic tapes or other media on which pre-written programs have been coded, punched or otherwise recorded including the gross receipts from the licensing of software programs;
 - 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 characters, including any and all devices used for advertising purposes and the servicing of any advertising devices, except as provided elsewhere in this article;
 - 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. Tickets for admission to or voluntary contributions made to places of amusement, sports entertainment, exhibition, display or other recreational events, 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 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 rental value of the property at the time of making 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. 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 this state, including all orders taken by an Oklahoma business for delivery in another state. Provided all orders taken outside this state for delivery within this state shall not be subject to the tax levied by this article;
 - S. Tangible personal property sold to persons, peddlers, solicitors or other salesmen, for resale where there is likelihood that this state will lose tax revenue due to the difficulty of enforcing this article because of:
 - 1. The operation of the business;
 - 2. The nature of the business;
 - 3. The number 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 fact that the persons are minors or transients;
 - 7. The fact that the persons are engaged in service business; or
 - 8. Any other reasonable reason;
 - T. 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
 - U. 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.
- (Section: First sentence partially amended by Section 1, Ordinance 96-1, effective date 1 July, 1996.)

Section 1-68. Exemptions.

There is hereby specifically exempt from the tax levied by this Article, the gross receipts or gross proceeds exempt from the Sales Tax Law of Oklahoma, inclusive, but exclusive of, and derived from, the:

- A. Sales of gasoline, motor fuel and compressed natural gas, liquefied natural gas or liquefied petroleum gas, on which the motor fuel tax, gasoline excise tax or special fuels tax levied by state law has been paid;
- B. Sales of motor vehicles or any optional equipment or accessories attached to motor vehicles on which the Oklahoma Motor Vehicle Excise Tax levied by state law has been paid;
- C. Sale of crude petroleum or natural or casinghead gas and other products subject to gross production tax under state law. This exemption shall not apply when such products are sold to consumer or user for consumption or use, except when used for injection into the earth for the purpose of promoting or facilitating the production of oil or gas. This paragraph shall not operate to increase or repeal the gross production tax levied by the laws of this state; and
- D. Sale of aircraft on which the tax levied pursuant to Sections 6001 through 6004 of Title 68 of the Oklahoma Statutes has been paid.
- E. Sales from coin-operated devices on which state and municipal fees have been paid as provided by law.
- F. Lease of twenty-four (24) months or more of motor vehicles as provided by law.
- G. Sales of cigarettes or tobacco products to: a federally recognized Indian tribe or nation as provided by law.

Section 1-69. Exemptions: Governmental and Non-Profit Entities.

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

- A. Sale of tangible personal property or services to the United States Government or to the State of Oklahoma, any political subdivision of this state or any agency of a political subdivision of the state; provided, all sales to contractors in connection with the performance of any contract with the United States Government, State of Oklahoma or any of its political subdivisions shall not be exempted from the tax levied by this article, except as hereinafter provided;
- B. Sales of property to agents appointed or contracted with by agencies or instrumentalities of the United States Government if ownership and possession of such property transfers immediately to the United States Government;
- C. Sales made directly by county, District or State Fair Authorities of this state, upon the premises of the Fair Authority, for the sole benefit of the fair authority;

- D. Sale of food in cafeterias or lunch rooms of elementary schools, high schools, colleges or universities which are operated primarily for teachers and pupils and are not operated primarily for the public or for profit;
- E. Dues paid to fraternal, religious, civic, charitable or education societies or organizations operated under what is commonly termed the lodge plan or system, and provided such societies or organizations do not operate for a profit which insures 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 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 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 U.S.A. and the Campfire Girls shall be exempt from sales tax;
- I. Sale of tangible personal property or services to any county, municipality, public school district, the institutions of Oklahoma system of higher education and the Grand River Dam Authority, or to any person with whom any of the above named subdivisions or agencies of this state has duly entered into a public contract pursuant to law, necessary for carrying out such public contract or to any subcontractor to such a public contract. Any person making purchases on behalf of such subdivision or agency of this state shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such subdivision or agency of this state and set out the name of such public subdivision or agency. Any person who wrongfully or erroneously certifies that purchases are for any of the above named subdivision or agencies of this state or who otherwise violates this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount equal to double the amount of the sales tax involved or incarcerated for not more than sixty (60) days or both;

- J. Sales of tangible personal property 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 this state, shall certify in writing, on the copy of the invoice of sales ticket the nature of the purchases, and violation of this act shall be a misdemeanor as set forth in paragraph (I) of this section.
- K. Tuition and 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 the Section 501 (C) (3) of the Internal Revenue Code; and
- L. Sales of tangible personal property made by public or private school for grade levels kindergarten through twelfth grade, a public school district, public school board, public school student group or organization or public school district personnel for purposes of raising funds for the benefit of such school, school district, school board, student group or organization. For purposes of this paragraph, "public or private school" shall mean any public or private institution of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs. Sale of tangible personal property in this paragraph shall include sale of admission tickets and concessions at athletic events.
- M. The first seventy-five thousand dollars (\$75,000) each year from sale of tickets and concessions at athletic events by each organization exempt from taxation pursuant to the provisions of Section 501 (C)(4) of the Internal Revenue Code;
- N. Items or services which are subsequently given away by the Oklahoma Department of Tourism and Recreation as promotional items pursuant to Section 1834 of Title 74 of the Oklahoma Statutes; and
- O. Sales of tangible personal property or services to Fire Departments organized pursuant to Section 592 of Title 18 of the Oklahoma Statutes which items are to be used for the purposes of the Fire Department. Any person making purchases on behalf of any such Fire Department shall certify, in writing, on the copy of the invoice or sales ticket to

be retained by the vendor that the purchases are made for and on behalf of such fire department and set out the name of such fire department. Any person who wrongfully or erroneously certifies that the purchases are for any such fire department or who otherwise violates the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount equal to double the amount of sales tax involved or incarcerated for not more than sixty (60) days, or both.

Section 1-70. Exemptions: General.

There is 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 one dollar (\$1.00), or local transportation of persons within the corporate limits of a municipality except by taxicab;
- C. Sales for resale to persons engaged in the business of reselling the articles purchased, whether within or without the state, provided that such sales to residents of this state are made to persons to whom sales tax permits have been issued as provided in this article. 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;
- D. 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;
- E. Eggs, feed, supplies, machinery and equipment purchased by persons regularly engaged in the business of raising worms, fish, any insect or any other form of terrestrial or aquatic animal life and used for the purpose of raising same for marketing. This exemption shall only be granted and extended to the purchaser when the items are to be used and in fact are used in the raising of animal life as set out above. Each purchaser shall certify, in writing on the invoice or sales ticket retained by the vendor that he is regularly engaged in the business of raising such animal life and that the items purchased will be used only in such business. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor;
- F. Sales of medicine or drugs prescribed for the treatment of human beings by a person licensed to prescribe the medicine or drugs. This exemption shall not apply to proprietary or patent medicines as

defined by Section 353.1 of Title 59 of the Oklahoma Statutes;

- G. 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;
- H. Sales of one-way utensils, paper napkins, paper cups, disposable hot containers and other one-way carry-out materials to a vendor of meats or beverages;
- I. Sales of food or food products for home consumption which are purchased in whole or in part with coupons issued pursuant the Federal Food Stamp Program as authorized by Sections 2011 through 2029 of Title 7 of the United States Code, as to that portion purchased with such coupons. The exemption provided for such sales shall be inapplicable to such sales upon the effective date of any federal law that removes the requirement of the exemption as a condition for participation by the State of Oklahoma in the Federal Food Stamp Program; and
- J. Nothing herein shall be construed as limiting or prohibiting the Town from levying and collecting taxes on the sale of natural or artificial gas and electricity, whether sold for residential or commercial purposes. Any sales tax levied by the Town on natural or artificial gas and electricity shall be in effect regardless of ordinance or contractual provisions referring to previously imposed State Sales Tax on such items.

Section 1-70.1. Horses – Exemption.

There are hereby specifically exempt from the tax levied by this article, sales of horses after January 1, 1989.

Section 1-71. Exemptions; Agriculture.

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

- A. Sales of agricultural products produced in this state by the producer thereof directly in 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 are for sale are produced; and
 - 3. The provisions of this paragraph shall not be construed as exempting sales by florists, nurserymen or chicken hatcheries, or sales of dairy products by any other business except as 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 productions;
- 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 consumption.
 - 2. Feed purchased in Oklahoma for the purpose of being fed to and which is fed by the purchaser to horses, mules or other domestic or draft animals used directly in the producing and marketing of agricultural products;
 - 3. Any stock tonics, water purifying products, stock sprays, disinfectants or other such agricultural supplies;
 - 4. Poultry shall not be construed to include any fowl other than domestic fowl kept and raised for the market or production of eggs;
 - 5. Livestock shall not be construed to include any pet animals such as dogs, cats, birds or other such fur-bearing animals;
 - 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 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. Sales 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.
 - 2. Sales of agricultural fertilizer to any person engaged in the business of apply 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. The purchaser shall provide the name or names of such owner or lessee and operator, the location of the lands on which the materials are to be applied to each such land.
 - 3. Sales of agricultural fertilizer, pharmaceuticals and biologicals to persons engaged in the business of applying such materials on a contract or custom basis shall not be

considered to be sales to contractors under this chapter, and the sales shall not be considered to be taxable sales within the meaning of the Oklahoma Sales Tax Code. As used in this section, "agricultural fertilizer", "pharmaceuticals" and "biologicals" mean any substance sold and used for soil enrichment of 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 terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism, except viruses, bacterial or other microorganisms on or in living man, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and
 6. This exemption shall only be granted and extended to the purchaser where the items sale to be used and in fact are used in the production of agricultural products.
- 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. The exemption specified in this paragraph shall apply to such farm machinery, repair parts or fuel, oil, lubricants and other substances used by persons engaged in the business of custom production, cultivation, planting, sowing, harvesting, processing, spraying, preservation or irrigation of any livestock, poultry agricultural, or dairy products for farmers or ranchers.
- G. Sales of supplies machinery and equipment to persons regularly engaged in the business of raising evergreen trees for retail sale in which such trees are cut down on the premises by the consumer purchasing such tree. This exemption shall only be granted and extended when the items in fact are used in the raising of such evergreen trees.
- 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" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;
- B. Ethyl alcohol when sold and used for the purpose of blending same with motor fuel on which motor fuel tax is levied by state law;
- C. Sale of machinery and equipment purchased and used by persons establishing new manufacturing plants in Oklahoma, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in Oklahoma. This exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing or processing operations and generally recognized as such;
- D. Sales of containers when sold to a person regularly engaged in the business of reselling empty or filled containers or when purchased for the purpose of packaging raw products of farm garden or orchard for resale to the consumer or processor. This exemption shall not apply to the sale of any containers used more than once and which are ordinarily known as returnable containers, except returnable soft drink bottles. Each and every transfer of title or possession of such returnable containers in this state to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty or filled containers shall be taxable under this code. 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 sold merchandise;
- E. Sales of or transfers of title to or possession of any containers, after June 30, 1987, used or to be used more than once and which are ordinarily known as returnable containers and which do or will contain beverages defined by paragraphs 4 and 14 of Section 506 of Title 37 of the Oklahoma Statutes, or water for human consumption and the canons, crates, pallets, and containers used to transport such returnable containers;
- F. Sale of tangible personal property manufactured in Oklahoma when sold by the manufacturer to a person who transports it to another state for immediate and exclusive use in some other state;
- G. 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

Section 1-72. Exemptions: Manufacturers.

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

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 the subsection.

- H. Sales of tangible personal property purchased and used by a licensed radio or television station in broadcasting. This exemption shall not apply unless such machinery and equipment is used directly in the manufacturing process, is necessary for the proper production of a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. This exemption begins with the equipment used in producing live programming or the electronic equipment directly behind the satellite receiving dish or antenna, and ends with the transmission of the broadcast signal from the broadcast antenna system. For purposes of this subsection, "proper production" shall include, but not be limited to, machinery or equipment required by Federal Communications Commission rules and regulations;
- I. Sales of tangible personal property purchased or used by a licensed cable television operator in cablecasting. This exemption shall not apply unless such machinery and equipment is used directly in the manufacturing process, is necessary for the proper production of a cablecast signal or is such that the failure of the machinery or equipment to operate would cause cablecasting to cease. This exemption begins with the equipment used in producing local programming or the electronic equipment behind the satellite receiving dish, microwave tower or antenna, and ends with the transmission of the signal from the cablecast head-end system. For purposes of this article "proper production" shall include, but not be limited to, machinery or equipment required by Federal Communications Commission rules and regulations; and
- J. Sales of packaging materials for use in packing, shipping or delivering tangible personal property for sale when sold to a manufacturer of tangible personal property or producer of agricultural products. This exemption shall not apply to the sale of any packaging material which can be used more than once or which is ordinarily known as a returnable container.

Section 1-73. Exemptions: Corporations, Partnerships.

There are hereby specifically exempt from the tax levied in this article:

- A. The transfer of tangible personal property as follows:
 - 1. From one corporation to another corporation, pursuant to a reorganization.

As used in this Subsection, the term "reorganization" means:
 - i. A statutory merger or consolidation

- ii. The acquisition by a corporation of substantially all of the properties of another corporation, when the consideration is solely all or a part of the voting stock of the acquiring corporation, or of its parent or subsidiary corporation;

- 2. In connection with the winding up, dissolution or liquidation of a corporation only when there is a distribution in kind to the shareholders of the property of such corporation;
 - 3. To a corporation for the purpose of organization of such corporation where the former owners of the property transferred are immediately after the transfer, in control of the corporation, and the stock or securities received by each is substantially in proportion to this interest in the property prior to the transfer;
 - 4. To a partnership in the organization of such partnership if the former owners of the property transferred are immediately after the transfer, members of such partnership, and the interest in the partnership received by each is substantially in proportion to his interest in the property prior to the transfer; or
 - 5. From a partnership to the members thereof when made in kind in the dissolution of such partnership;
- 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.

Section 1-74. Tax Due When; Returns; Records.

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

Section 1-75. Payment of Tax; Brackets.

- A. The tax herein levied shall be paid to the Tax Collector at the time and in the manner and form provided for payment of the State Sales Tax under the Sales Tax Law of Oklahoma.
- B. The bracket system for the collection of the municipal sales tax by the tax collector, shall be as the same as hereafter adopted by the agreement of the Town and the tax collector in the collection of both the municipal sales tax and the State Sales Tax.

Section 1-76. Tax Constitutes Debt.

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

Section 1-77. Vendor's Duty to Collect Tax.

- A. The tax levied hereunder shall be paid by the consumer or user to the vendor and it shall be the duty of each and every vendor in this town 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 by 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 tax levied by this Article, or willfully or intentionally fails, neglects or refuses to comply with the provisions or remits or rebates to a consumer or user, either directly or indirectly and by whatsoever means, all or any part of the tax herein levied, or makes in any form of advertising (verbally or otherwise) any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices, at a price including the tax or in any manner whatsoever, shall be deemed guilty of an offense, and upon conviction thereof shall be punished as provided in Section 1-118 of this code.

Section 1-78. Returns and Remittances: Discounts.

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

Section 1-79. Interest and Penalties; Delinquency.

Section 217 of Title 68, O.S. as amended, is hereby adopted and made part of this Article, and interest and penalties at the rates and in the amounts as therein specified, are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this Article. The failure or refusal 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 (5) days, the taxpayer shall forfeit his claim to any discount allowed under this Article.

Section 1-80. Waiver of Interest and Penalties.

The interest, penalty or any portion thereof, accruing by reason of a taxpayer's failure to pay the municipal tax herein levied, may be waived or remitted in the same manner provided for said waiver or remittance, as applied in the administration of the State Sales Tax provided in Title 68, O.S. Section 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.

Section 1-81. Erroneous Payment: Claim for Refund.

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

Section 1-82. 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 as provided in Section 1-118 of this code.

Section 1-83. Records Confidential.

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

Section 1-84. Amendments.

The people of the Town by their approval of this Ordinance at the election hereinbefore provided, have authorized the Town Board of Trustees, by Ordinances duly enacted, to make such administration and enforce this Article as may be necessary or proper for efficiency and fairness; provided that the rate of the tax herein provided shall not be changed without approval of the qualified electors of the municipality as provided by Law.

Section 1-85. Provisions Cumulative.

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

Section 1-86. Provisions Severable.

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

Article 6. Firemen's Pensions

Section 1-87. Participation in State Firemen's Relief and Pension Fund.

The Volunteer Fire Department of the Town shall participate in, and be subject to, all of the provisions of the Oklahoma State Firemen's Relief and Pension Act, all of the provisions of which are hereby accepted by the Town for the use and benefit of its Volunteer Fire Department, which shall also be subject to all of the obligations thereunder.

Sections 1-88 through 1-89. (Reserved for future use.)

Article 7. Social Security

Section 1-90. Extension of Benefits.

It is hereby declared to be the policy and purpose of the Town to extend to the employees and officials thereof, not excluded by law or this Article, and whether employed in connection with a governmental or proprietary function, the benefits of the system of Federal Old-Age and Survivors Insurance, as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734 - 81st Congress. In pursuance of such policy and for that purpose, said municipality shall take such action as may be required by applicable State or Federal Laws or Regulations.

(Legal Reference: 51 O.S. Section 125)

Section 1-91. Execution of Agreements.

The Mayor of the Town is hereby authorized and directed to execute all necessary agreements and amendments thereto, with the State Department of Public Welfare as agent or agency, to secure coverage of employees and officials as provided in Section 1-90, above.

Section 1-92. Withholdings from Salaries.

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

Section 1-93. Contributions by Town.

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

Section 1-94. Records and Reports.

The Town shall keep such records and make such reports relative to the system of Federal Old-Age and Survivors Insurance and as may be required by applicable State or Federal Laws or regulations.

Section 1-95. Excluded Officers and Employees.

- A. There is hereby excluded from this Article and the benefits established hereunder, any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any Ordinance creating any retirement system for any employee or official of the Town.
- B. There is hereby excluded from this Article, and the benefits established hereunder, any authority to make any agreement with respect to any position, employee or official, compensation for which is on a fee basis, or any position, employee or official not authorized to be covered by applicable State or Federal Laws or regulations.

Sections 1-96 through 1-99. (Reserved for future use.)

Article 8. Telephone Exchange Fee

Section 1-100. Inspection Fee.

There is hereby levied an annual inspection fee and service charge upon every person, firm or corporation operating a telephone exchange or rendering telephone service in the Town in an amount equal to two percent (2%) of the gross revenues for each current year for exchange telephone transmission service rendered wholly within the corporate limits of the Town to compensate the municipality for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulation and control during construction and operation of lines and equipment of said telephone company in said municipality. Said fee shall be due and payable on or before the 31st day of July of each year and shall be paid into the General Fund of the Town.

(Legal Reference: Power to levy utility tax on gross receipts, 68 O.S. Sections 2601 et. seq.)

Section 1-101. Fee in Lieu of Taxes.

During continued substantial compliance with the terms of this Article by the owner of the telephone exchange (or company rendering telephone service within the limits of said municipality), the charge levied hereby shall be and continue to be in lieu of all concessions, charges, excise, franchises, licenses, privileges and permit fees, taxes or assessments except ad valorem taxes; providing however, that it is not intended hereby to extinguish or abrogate all existing arrangements whereby said municipality is permitted to use underground conduits, duct space or pole contracts of said company.

Section 1-102. Failure to Pay Inspection Fee.

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

Sections 1-103 through 1-104. (Reserved for future use.)

Article 9. Gross Receipts Tax

Section 1-105. Power to Levy and Access Tax - Tax in Lieu of Other Taxes.

There is hereby levied and assessed an annual tax of Two Percent (2%) upon the gross receipts from residential and commercial sales of gas and electricity in the Town of Drummond. Said tax shall be in lieu of any other franchise, license, occupation or excise tax levied by such town as provided by O.S. Title 68, as amended, Sections 2601-2605.

Section 1-106. Tax Levied on Gas.

- A. From and after the effective date of this ordinance, there is hereby levied and assessed an annual tax of Two Percent (2%) upon the gross receipts from residential and commercial sales of gas in said

Town of Drummond, Oklahoma which tax shall be in lieu of any other franchise, license, occupation or excise levied by such town, all as provided by 68 Oklahoma Statutes, 2601-2605.

- B. The tax levied under Section A of this ordinance shall, when levied, apply to all persons, firms, associations, or corporations, engaged in the business of furnishing gas within the town limits of Drummond, Oklahoma, except it shall not apply to any person, firm, association or corporation operating under a valid franchise from said town, nor to the Town of Drummond, Oklahoma when providing such services.
- C. The tax levied under Section A of this ordinance shall be levied for a term of not less than one (1) year and shall be payable semi-annually, in January and July of each year, and shall be placed in the General Revenue Fund of the town.
- D. Any person, firm or corporation failing or refusing to pay such tax when levied shall be regarded as a trespasser and may be ousted from such town and in addition thereto, an action may be maintained against such person, firm or corporation for the amount of the tax, and all expenses of collecting same, including reasonable attorney's fees.
- E. The tax so imposed shall constitute a first and prior lien on all the assets located within the said town of any person, firm or corporation engaged in the business of selling gas within the town limits of the Town of Drummond, Oklahoma.
- F. Any persons, firms, associations, or corporations engaged in the business of furnishing gas within the town limits of Drummond, Oklahoma not operating under a valid franchise from said town, is hereby granted a revocable permit by said town for so long as this ordinance remains in effect and the taxes are paid in accordance with the terms of this ordinance to acquire, construct, erect, Stall, extend, repair, remove, relocated, replace, operate and maintain a system of works, pipes, pipelines, apparatus, structures, and appurtenance 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 Town of Drummond, Oklahoma as now constituted, and as may be added to hereafter, for the purpose of transporting, distributing, and selling gas to said town, its inhabitants and the public generally 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 way, places, and grounds of said town for the purpose of constructing, erecting, installing, extending, relocating, operating, maintaining, removing, and repairing said works, pipes, pipelines and all necessary apparatus, machinery, structures, and appurtenances.

(Ordinance No. 05-01, 21 November 2005.)

Sections 1-107 through 1-109. (Reserved for future use.)

Article 10. Miscellaneous Provisions

Section 1-110. Officers to give Bonds.

The Town Clerk and Treasurer shall give bond, payable to the Town within ten (10) days after election or appointment in accordance with applicable state laws or the provisions of any loans or grants in current status. The Town shall pay the premiums on such bonds.

(Legal Reference: 11 O.S. Section 8-105.)

Section 1-111. Compensation; Change of Salaries.

- A. The basic compensation of the following elected Municipal Officers shall be as indicated below:
 - 1. Mayor: \$100.00
 - 2. Each Trustee: \$25.00
- B.
 - 1. There is hereby created a position for the performance of such duties relating to the maintenance of the books and records and office operations of the Town as the Board of Trustees shall prescribe. Said position shall be filled by the person serving as the Town Clerk or as otherwise provided by the Board of Trustees. Said person shall be an employee of the Town and shall serve at the pleasure of the Board of Trustees.
 - 2. The pay period for such position shall be the same as for other municipal employees. The salary for the position shall be the amount of \$50.00 per month. Benefits, holidays and sick leave for such position shall be provided in accordance with any personnel policy or other policy of the Town. The salary of the position shall not be subject to constitutional restrictions.
- C.
 - 1. There is hereby created a position for the performance of such duties relating to the maintenance of the books and records and office operations of the Town as the Board of Trustees shall prescribe. Said position shall be filled by the person serving as the Town Treasurer or as otherwise provided by the Board of Trustees. Said person shall be an employee of the Town and shall serve at the pleasure of the Board of Trustees.
 - 2. The pay period for such position shall be the same as for other municipal employees. The salary for the position shall be the amount of \$50.00 per month. Benefits, holidays and sick leave for such position shall be provided in accordance with any personnel policy or other policy of the Town. The salary of the position shall not be subject to constitutional restrictions.

- D. The Town Clerk and Town Treasurer shall participate in any cost of living adjustments provided for all other salaried employees.
- E. Compensation of all other elected officials shall not be changed after their election or during their term of office.
- F. The Town Board of Trustees may determine or regulate the number and class of officers and employees and determine or change their compensation by motion or resolution.

Section 1-112. Succession in Government.

- A. All Ordinances, insofar as they are not inconsistent with this Code of Ordinances, shall continue in effect until they are repealed or until they expire by their own limitations.
- B. All officers and employees of the Town under any and all previous Ordinances, shall continue in the offices and employment which they respectively hold after this Code of Ordinances goes into effect.
- C. All books, vouchers, moneys or other property belonging to the Town and in charge or possession of any officer of the Town shall be delivered to his successor or to the Town Board of Trustees upon termination of the office or of employment.

Section 1-113. Nepotism; Compatibility of Offices.

- A. No member of the Town Board of Trustees nor any other authority of the municipal government, may appoint, or vote for the appointment of, any person related to himself by affinity or consanguinity within the 3rd degree, to any office or position of profit in the municipal government.
- B. Except as may be otherwise provided by Ordinance, the same person may hold more than one (1) office or position in the municipal government.
- C. No member of the Town Board of Trustees shall receive compensation for service to the municipality other than as provided by ordinance for his elected office.

(Legal Reference: 11 O.S. Section 8-106.)

Section 1-114. Ordinances.

- A. The enacting clause of all Ordinances passed by the Town Board of Trustees shall be: "Be it ordained by the Board of Trustees of the Town", and of all Ordinances proposed by the voters under their power of initiative, "Be it ordained by the People of the Town".
- B. Every proposed Ordinance shall read and a vote of a majority of all the Trustees shall be required for its final passage.
- C. Every Ordinance, except those excepted by State Law, shall be published by title or in full, within fifteen (15) days after its passage, in a newspaper of general circulation within the Town or County.

- D. Every Ordinance, except an Emergency Ordinance, shall become effective thirty (30) days after its final passage, unless it specifies a later date.
- E. An Emergency Ordinance is an Ordinance which, in the judgment of the Town Board of Trustees, is necessary for the immediate preservation of the peace, health or safety, and which should become effective prior to the time when a regular Ordinance would become effective. Every such Ordinance shall contain, as a part of its title, the words "and declaring an emergency" and, in a separate section (herein called the emergency section), shall declare the emergency. The Town Board of Trustees shall vote on the emergency section separately and must adopt the emergency section by a vote of three-fourths ($\frac{3}{4}$) the members of said Town Board. An Emergency Ordinance shall take effect upon passage, unless it specifies a later date.

Section 1-115. Ordinances; Adoption by Reference.

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

Section 1-116. Ordinances; Compilation.

- A. Every ten (10) years, the Town shall compile and publish its effective Penal Ordinances in a permanent form.
- B. One (1) copy of the compilation of Ordinances shall be deposited by the Town in the County Law Library.
- C. Every two (2) years the Town shall publish supplements to its compiled Penal Ordinances, and no Ordinance shall be enforced if it is not reflected in such compilation or supplement, if such Ordinance was adopted prior to the latest compilation or supplement.
- D. When the Town has compiled and published its Ordinances, the Town Board of Trustees shall adopt a Resolution notifying the public of such compliance and cause one certified copy of the Resolution to be filed in the Office of the County Law Library.

Section 1-117. Amendments or Additions to the Code of Ordinances.

- A. The Town Board of Trustees shall have the power to repeal, alter or amend this Code of Ordinances.
- B. All Ordinances passed subsequent to this Code of Ordinances which amend, repeal, or in any way affect said Code, may be numbered in accordance with the numbering system of this Code of Ordinances and printed for inclusion therein, when subsequent Ordinances repeal any Chapter, Section or Subsection, or any portion thereof, such repealed portions may lie excluded from this Code

of Ordinances by omission thereof from reprinted pages. such inclusion of Ordinances passed subsequent to this Code of Ordinances which amend or add to this Code (except in case of repeal), shall be prima fade evidence of such subsequent Ordinances until such time that this Code of Ordinances and subsequent Ordinances numbered or omitted, are readopted as a new Code of Ordinances by the Town Board of Trustees.

- C. Amendments to any of the provisions of this Code of Ordinances shall be made by amending such provisions by specific reference to the Chapter, Article and Section numbers of this Code in the following language: "That section _____ of Article _____, Chapter _____, of the Code of Ordinances, Town of Drummond, Oklahoma, is hereby amended to read as follows: "_____" The new provisions shall then be set out in full as desired.
- D. In the event a new Section not heretofore existing in the Code of Ordinances is to be added, the following language shall be used: "That the Code of Ordinances, Town of Drummond, Oklahoma, is hereby amended by adding a Section to Article _____ of Chapter _____, to be numbered _____, which said Section reads as follows: "_____" The new Section shall then be set out in full as desired.

Section 1-118. General Penalty.

- A. Except as otherwise provided by State Law, whenever is this Code or in any Ordinances of the town an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the Code or 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 therefore, the violation of any provision of this Code or of any Ordinance upon conviction, shall be punished by a fine of not exceeding one hundred twenty-five dollars (\$125.00) plus costs. Each day or any portion of a day during which any violation of this Code or any Ordinance shall constitute a separate offense and shall be punishable as such.
- B. 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 punished in this section.
- C. The judge of the Municipal Court shall have the power and authority to substitute appropriate community service for a fine or part of a fine as provided by law.

CHAPTER 2 - ALCOHOLIC BEVERAGES AND TOBACCO

Article 1. Licensing and Regulations of Sales of Alcoholic Beverages

Section 2-1. Definitions.

- A. The definition of the words and phrases of the Oklahoma Alcoholic Beverage Control Act, 37 Oklahoma Statutes Section 506 are hereby adopted by reference for use in this article as if fully set out herein.
- B. "Retail package store", as used in this article, is hereby defined to mean premises authorized by lawful license issued by the Alcoholic Beverage Law Enforcement Commission (ABLE) for the sale at retail of alcoholic beverages in retail containers to consumers for consumption off the premises and not for resale.
- C. "Licenses", as used in this article, is hereby defined to mean those lawful licenses issued by the Alcoholic Beverage Law Enforcement Commission (ABLE) for the manufacture, distribution, and sale of alcoholic beverages.
- D. "Certificate of Compliance", as used in this article, is hereby defined to mean the application by an applicant to request a determination of compliance with the zoning, fire, health and safety codes of the Town of Drummond.

Section 2-2. Occupation Tax Levied.

- A. There is hereby levied and assessed an annual occupation tax on every business or occupation relating to alcoholic beverages as specifically enumerated herein and in the amount herein stated:
 - 1. Brewer's-----\$1,250.00
 - 2. Distiller's-----\$3,125.00
 - 3. Winemakers-----\$625.00
 - 4. Oklahoma Winemaker's-----\$75.00
 - 5. Rectifier's-----\$3,125.00
 - 6. Wholesaler's-----\$3,500.00
 - 7. Class B Wholesaler's-----\$625.00
 - 8. Retail package store-----\$300.00
 - 9. Bottle Club (initial)-----\$1,005.00
 - (renewal)-----\$905.00
 - 10. Caterer (initial)-----\$1,005.00
 - (renewal)-----\$905.00
 - 11. Special Events, per day-----\$55.00
- B. The occupation tax for those service organizations which are tax exempt under 26 U.S.C.A. Section

501 (C) 17 shall be Five Hundred Dollars (\$500.00) per year.

- C. If a brewer or a Class B wholesaler also holds a license from the state to manufacture or wholesale any non-intoxicating malt beverage then the occupation tax for such brewer or Class B wholesaler shall be reduced by 75%.

Section 2-3. Payment Required; Penalty.

- A. Any State licensee originally entering upon any occupation herein listed shall pay the tax therefore at the office of the Town Clerk on or before the date upon which he enters upon such occupation. Said licensee shall provide a copy of his current State license before payment of an occupation tax will be accepted. Thereafter, the licensee shall pay the tax annually on or before the first day of April.
- B. The Occupation Tax subject to this Ordinance shall be prorated on a monthly basis for the year in which an occupation begins operations.
- C. Upon payment of the said Occupation Tax, the Town Clerk shall issue a receipt to said State licensee, which said licensee shall post in a conspicuous place on the premises wherein he carries on his occupation.
- D. Any person who engages in any of the occupations taxed by this chapter without paying said Occupation Tax imposed therefore in advance of such operation, is guilty of an offense against the Town of Drummond, and upon conviction thereof shall be punished as provided in Section 118 of this code.

Section 2-4. Annual Report.

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

Section 2-5. Application for Certificate; Investigations.

- A. Every applicant for a Certificate of Compliance with the zoning, fire, health and safety codes of the Town of Drummond, required by Title 37 of the Oklahoma Statutes shall apply at the office of the Town Clerk by:
 - 1. filing a written application on forms prescribed by that office, and
 - 2. paying a verification and certification fee in the amount of \$50.00 at the time of filing.
- B. Upon receipt of an application for a Certificate of Compliance the Town Clerk shall cause an investigation to be made to determine whether the premises proposed for licensed operations comply with the provisions of the Zoning Ordinance and any health, fire, building and other safety codes applicable to it.

- C. The Mayor and Town Council shall act on all such applications within twenty (20) days of receipt thereof.

Section 2-6. Issuance of Certificate of Zoning and Certificate of Compliance.

- A. Upon finding that the premises of an applicant for a certificate is in compliance with all applicable Zoning Ordinances, a Certificate of Zoning shall be issued to the ABLE Commission.
- B. Upon finding that the premises of an applicant for a certificate is in compliance with all applicable fire, safety, and health codes, a Certificate of Compliance shall be issued to the ABLE Commission.
- C. The above certificates of compliance shall be signed by the Mayor or by the Town Clerk.

Section 2-7. Not to Operate Until Tax Paid.

No brewer, distiller, winemaker, Oklahoma Winemaker, rectifier, wholesaler, Class B wholesaler or retail package store shall do business in the Town of Drummond, Oklahoma, until the occupation tax levied by this article shall have been paid in full to the Town Clerk. Upon the payment of the Occupation Tax, the Town Clerk shall issue a receipt to the State licensee. The Town Clerk shall also record the name of such licensee and the address where he engages in his occupation. Such record shall be duly filed and kept in the permanent files of the Town for at least five (5) years. Thereafter, upon Resolution by the governing body of the Town, it may be destroyed.

Section 2-8. Persons Under 21.

- A. No person under the age of twenty-one (21) years shall be employed in the selling, manufacture, distribution or other handling of alcoholic beverages at any place within this Town.
- B. No person shall employ or assist or aid in causing the employment of any person under the age of twenty-one (21) years at any place within the Town limits of Drummond in the selling, manufacture, distribution or other handling of alcoholic beverages.
- C. No person, at any place, in the Town of Drummond, Oklahoma, shall knowingly sell, furnish, or give any alcoholic beverage to any person under twenty-one (21) years of age, or to any intoxicated person or thus has been judged, insane, or mentally deficient.
- D. No person under the age of twenty-one (21) years shall be permitted to remain within or to loiter about the premises of a retail alcoholic beverage store. Violation of this provision shall subject the owner or proprietor, as well as the underage person, to prosecution.
- E. No person under the age of twenty-one (21) years shall misrepresent his age in writing or by presenting false documentation of age for the purpose of inducing any person to sell him alcoholic beverage or to influence his employment.

- F. It shall be unlawful and offense for any person, under the age of twenty-one (21) years, to be in possession of, or to have under his or her control within the Town of Drummond, Oklahoma, any intoxicating liquors of any kind, including beer, ale or wine, which contains more than three and two-tenths percent (3.2%) alcohol, measured by weight, and which is capable of being used as a beverage, or to carry on his or her person or in any vehicle which he or she is operating or in which he or she is riding within the Town of Drummond, Oklahoma.

Section 2-9. Prohibitions upon Licensees of the ABLE Commission.

No licensee of the ABLE Commission shall:

- A. Receive, possess or sell any alcoholic beverage except as authorized by the Oklahoma Alcoholic Beverage Control Act and by the license or permit which he holds.
- B. Employ any person under the age of twenty-one (21) in the selling or handling of alcoholic beverages. Provided, that a mixed beverage, caterer or special event licensee may employ servers who are eighteen (18) years of age or older, except in designated bar or lounge areas.
- C. Operate an establishment or do business in the Town unless the current Occupation Tax set forth in Section 2-2, Article 1 of this Chapter has been paid to serve or sell alcoholic beverages with an expired license issued by the ABLE Commission.
- D. Permit or allow any patron or person to exit the licensed premises with an open container of any alcoholic beverage. Provided, that this prohibition shall not be applicable to closed original containers removed from the premises of a bottle club by a patron; closed original wine containers removed from the premises of restaurants, hotels, or to closed original containers of alcoholic beverages transported by a licensed waiter or his employee as provided by law.
- E. Give any alcoholic beverage as a prize, premium or consideration for any lottery, game of chance or thrill or any other competition.
- F. Advertise or offer "happy hour" or any other means or inducements to stimulate the consumption of alcoholic beverages as provided by law.

Section 2-10. Prohibition upon Package Store Licensees.

No package store licensee shall:

- A. Suffer or permit any retail container to be opened, or any alcoholic beverage to be consumed on his licensed premises.
- B. Sell or keep package store premises open for the purpose of selling any alcoholic beverage at any hour other than between the hours of 10:00 a.m. and 9:00 p.m. Monday through Saturday; provided, that no such sales shall be made or package store premises be allowed to remain open for the purpose of making such sales on the date of any General, Primary, Run off Primary or Special

Election while the polls are open whether on a National, State, County, or City election or on New Year's Day, Memorial Day, the Fourth of July, Labor Day, Veterans Day, Thanksgiving Day or Christmas Day.

- C. Sell any alcoholic beverage on credit; provided that acceptance by a Retail Liquor Store of a cash or debit card, or a nationally recognize credit card, (as defined by 37 O.S. Section 537) in lieu of actual cash payment does not constitute the extension of credit.
- D. Offer or furnish any prize, premium, gift or similar inducement to a consumer in connection with the sale of alcoholic beverage, except as provided by law.

Section 2-11. Prohibitions upon Mixed Beverage.

No Mixed Beverage licensee shall:

- A. Use or allow the use of any mark or label on a container of alcoholic beverage which does not clearly and precisely indicate the nature of the contents or which might deceive or conceal the nature, composition, quantity, age, or quality of any such beverage;
- B. Transport alcoholic beverages from the place of purchase to his licensed premises unless said licensee also holds a private carrier license issued by the ABLE Commission.
- C. Keep or knowingly permit any alcoholic beverage to be kept, brought or consumed unless said licensed premises which is not allowed to be sold or served upon such premises.

Section 2-12. Prohibitions Against Drunk or Intoxicated Persons.

No person operating a cafe, restaurant, club or any place of recreation shall permit any person to be drunk or intoxicated in said place of business.

Section 2-13. Prohibitions upon Licensees, Employees, Managers, Operators, or Agents of Licensee.

No mixed beverage, cater or special event licensee or any employee, manager, operator or agent thereof shall:

- A. Consume or be under the influence of alcoholic beverage during the hours he is on duty. For the purpose of this section, licensees will be deemed to be on duty from the time he first comes on duty until the time he goes off duty at the end of the shift, including any break periods permitted by management. This paragraph shall not apply to any person who works on the premises as an entertainer only.
- B. Permit or tolerate any conduct or language which is intended to threaten another with physical harm or any fighting or offensive physical contact, in or upon the licensed premises or areas just outside the licensed premises which are controlled by the licensee.

- C. Permit empty or discarded alcoholic beverage containers to be in public view outside the licensed premises. All empty or discarded containers shall be disposed of in accordance with ABLE Commission rules and regulations.
- D. Permit all illegal gambling activity, violations of the State Narcotic and Dangerous Drug Laws, or prostitution activity or any other criminal conduct to occur on the licensed premises.
- E. Refuse or fail to promptly open a door to the licensed premises upon request of an agent or inspector of the Alcoholic Beverage laws Enforcement Commission or any other peace officer to enter the premises, when the licensee or employee knows or should know that such request is made by an agent or inspector of the ABLE Commission or any other peace officer. This provision shall not be construed to deny agents of the ABLE Commission or any other peace officer access at any time to the licensed premises.
- F. Permit a sealed or unsealed container of alcoholic beverage to be removed from the licensed premises. Provided that restaurants, hotels and motels may permit the removal of closed original wine containers the contents of which have been partially consumed. The provisions of this paragraph shall not be construed to prohibit or restrict hotels or motels who are holders of Mixed Beverage Licenses from allowing alcoholic beverages to be served away from the bar area anywhere on the licensed premises;
- G. Destroy, damage, alter, remove or conceal potential evidence, or attempt to do so, or refuse to surrender evidence when lawfully requested to do so by an inspector, agent or any other peace officer or incite another person to do any of the above.

Section 2-14. State Licensee to Post Tax Receipt.

Any State licensee shall post his Tax Receipt in a conspicuous place in the premises wherein he carries on his occupation.

Section 2-15. Violation of Alcoholic Beverage Control Act is Violation of this Article.

Any State licensee who violates the Oklahoma Alcoholic Beverage Control Act, above referred to, shall be in violation of this Article.

Section 2-16. Purpose.

This Article is enacted as an exercise of the police power of the Town of Drummond, Oklahoma, to preserve the public peace, safety, health, and good order thereof, and to aid the enforcement of the policy of the State of Oklahoma as established by the Oklahoma Alcoholic Beverage Control Act (O.S. Title 37, 1981, Sections 502 to 599, as amended or supplemented).

Section 2-17. Signs.

No person owning, operating, or maintaining a retail alcoholic beverage store shall cause or permit to be designated by more than one sign, which shall contain only the words "Retail Alcoholic Liquor Store", or any combination of such words or

any of them, and which shall contain no letter or figure more than four (4) inches in height or more than three (3) inches in width, and in which the lines of words, of more than one, shall not be more than one (1) inch apart.

Section 2-18. Advertising Restricted.

No person shall advertise, or cause to be advertised, in any manner other than as authorized by Section 2-17 of this article, the sale of alcoholic beverages within the limits of this Town.

Section 2-19. Separate Premises Required.

No person shall maintain, operate, or assist, in any manner, the maintenance or operation of a Retail Alcoholic Beverage Store or Package Store in premises which are not separated from adjoining premises on which any other goods, wares, or merchandise are sold or services are rendered by non-transparent walls, broken only, if at all, by a passageway to which the public is not admitted.

Section 2-20. Taking Beverages through Passageway.

No person shall take any alcoholic beverage through any passageway described in Section 2-19 of this Article, for the purpose of selling or reselling such beverage, or for the purpose of delivery thereof in connection with a sale of such beverages.

Section 2-21. Sales in Retail Stores, etc.

No person shall sell or deliver alcoholic beverages at a Retail Alcoholic Beverage Store other than:

- A. In retail containers.
- B. At ordinary room temperatures.
- C. In the original package.
- D. For consumption off the premises.

and no person owning, employed in, or in any manner assisting in the maintenance and operation of such a store shall suffer or permit any alcoholic beverage to be consumed or any retail container of such beverage to be opened, on the premises of such store.

Section 2-22. Not to Consume in Retail Store, etc.

No person shall drink or consume in any manner, alcoholic beverages on the premises of a retail alcoholic beverage store, nor shall any person open or break the seal of any original package or retail container containing alcoholic beverages on the premises of any such retail alcoholic beverage store.

Section 2-23. Sale at Retail Restricted to Retail Stores.

No person shall sell at retail, and no person shall deliver in consequence or in completion of such a sale, any alcoholic beverages at any place in the Town of Drummond, Oklahoma, except at a retail alcoholic beverage store in strict conformity with this article and the laws of the State of Oklahoma.

Section 2-24. Location in Accordance with Law.

No person shall own, operate, maintain, or be interested in any retail alcoholic beverage store which is located at a place within this Town of Drummond, Oklahoma, which is forbidden as a location for such store by the laws of the State of Oklahoma (O.S. Title 37, Section 518.2, as amended and supplemented).

Section 2-25. Transportation.

No person within the Town of Drummond, Oklahoma shall transport in any vehicle or person upon any public highway, street, alley, or sidewalk any alcoholic beverage unless such alcoholic beverage is:

- A. In an unopened original container with seal unbroken and the original cap or cork not removed from the container.
- B. In the trunk or other closed compartment or other container, out of public view and out of reach of the driver or any occupant of the vehicle.

Section 2-26. Drinking and Intoxication in Public Place Prohibited.

No person within the Town of Drummond, Oklahoma, shall drink intoxicating liquor in any public place, nor shall any person be intoxicated in a public place within this Town.

Section 2-27. Wholesalers not to Sell to Retailers on Certain Days.

No person or wholesale dealer in alcoholic beverages, and no officer, agent, or employee of such a dealer, shall sell or deliver to any retail alcoholic beverage store in the Town of Drummond, Oklahoma any amount of spirits or wines on Saturday or Sunday of any week, on New Year's Day, on Memorial Day, on the Fourth of July, on Labor Day, on Veterans Day, on Thanksgiving Day, on Christmas Day, or, while the polls are open, on the day of any General, Primary, Run-off Primary, or Special Election, whether National, State, County or Town.

Section 2-28. Not to Permit Drunk Person in Cafe. Club, etc.

No person operating a cafe, restaurant, club, or any place of recreation within the Town of Drummond, Oklahoma, and no employee engaged in connection with the operation of such a cafe, restaurant, or club, or place of recreation shall permit any person to be drunk, intoxicated or to be under the influence of intoxicating drink at such places of business.

Section 2-29. Each Day's Continuation to be a Separate Offense.

As to any violation of any provision of this article which consist in the maintenance of a physical condition of premises or of physical structures, each day's violation shall constitute a separate offense.

Section 2-30 through 2-44. (Reserved for future use).

Article 2. Non-Intoxicating Beverages

Section 2-45. Definitions.

The words, phrases, and terms used in this article shall have the meaning prescribed by, and be construed in conformity with, the definitions set forth in 37 Oklahoma Statutes Section 163.2, with the same force and effect as if set forth in full herein.

Section 2-46. Regulation of the Sale of Non-Intoxicating Beverages for Consumption on the Premises.

- A. It is unlawful for the owner, manager, or operator of such a place to sell or otherwise furnish such beverages to an intoxicated person or to permit an intoxicated person to remain or loiter therein.
- B. It is unlawful for the owner, manager, or operator of such a place to permit therein gambling, betting, operation of a lottery, sale, furnishing, or drinking of intoxicating liquor, disorderly conduct, loud or disturbing language, profane language, or any other violation of the laws of the State or the Ordinances of the Town of Drummond, Oklahoma.
- C. It is unlawful for the owner, manager, or operator of such a place to permit therein fighting, boxing, wrestling or other contests of physical strength.
- D. It is unlawful for any person, firm or corporation to sell non-intoxicating beverages for consumption on the premises between the hours of:

Two o'clock (2:00) a.m. to seven o'clock (7:00) a.m. daily and two o'clock (2:00) a.m. Sunday morning until seven o'clock (7:00) a.m. Monday morning.
- E. The prohibition on the certain locations of places selling non-intoxicating beverages for on premise consumption contained in 37 Oklahoma Statutes Section 163.24 are hereby adopted by reference as if set out in full herein.

Section 2-47. Open Container Prohibited.

It shall be unlawful for any person knowingly to transport in any moving vehicle or person upon a public highway, street, sidewalk, or alley, any non-intoxicating beverage containing more than one-half of one percent (1/2 of 1%) alcohol by volume and not more than three and two-tenths percent (3.2%) alcohol by weight, except in the original container, which shall not have been opened, and from which the original cap or seal shall not have been removed, unless the opened container be in the rear trunk or rear compartment, which shall include the space tire compartment in a station wagon, or panel truck, or any outside compartment which is not accessible to the driver or any person in the vehicle while it is in motion.

Section 2-48. Regulation of Sale, Etc. to Persons Under 21 Years of Age.

- A. It is unlawful for any person to sell, barter, or give to any person under twenty-one (21) years of age any non-intoxicating beverage.
- B. It is unlawful for any person who holds a license to sell and dispense non-intoxicating beverages for consumption on the premises, or any agent, servant, or employee of said license holder to permit any person under twenty-one (21) years of age to be admitted to or remain in a separate or

enclosed bar area of the licensed premises unless said person's parent or legal guardian is present, except an eating place where the service of such beverage is incidental to the main business of serving food as provided by law.

- C. It is unlawful for any person under twenty-one (21) years of age to enter, attempt to enter, or remain in the premises of a separate or enclosed bar area of a holder of a license to sell non-intoxicating beverages.
- D. It is unlawful for any person who holds a license to sell and dispense non-intoxicating beverages, for consumption on the premises, or any agent, servant or employee of said license holder to permit any person under twenty-one (21) years of age to consume any non-intoxicating beverage on the licensed premises.
- E. It is unlawful for any person under twenty-one (21) years of age to consume or possess with the intent to consume non-intoxicating beverages in any public place within this municipality.
- F. It is unlawful for any person under twenty-one (21) years of age to purchase or attempt to purchase non-intoxicating beverages.
- G. It is unlawful for any owner, manager, or operator or a place where non-intoxicating beverages are sold for consumption on the premises, except an eating place where the service of such beverage is incidental to the main business of serving food, to employ a minor person under eighteen (18) years of age to work in such place. A parent as regards to the employment of his own child or children is excepted from the provisions of this paragraph, provided that such employment shall in no capacity whatsoever be related to the selling or dispensing of such beverages.

Section 2-49. Beverage not to be Consumed on Premises after Hours.

It shall be unlawful for any person, firm or corporation engaged in the retail sale of the beverages described in 37 Oklahoma Statutes Section 163.2 within the corporate limits of the Town of Drummond, Oklahoma, to allow any of such beverages to be consumed upon the premises where sold or disposed of at any time during which the sale of such beverages is prohibited by the provisions of this Article.

Section 2-50. Intoxicating Liquors not allowed on Premises.

It shall be unlawful for any person, firm or corporation engaged in the retail sale of any of the beverages described in Section 2-46 (A) of this article, within the corporate limits of the Town of Drummond, Oklahoma, to allow any person or persons to drink on the premises where such beverages are sold or offered for sale, any wine, whiskey, brandy or other intoxicating liquors.

Section 2-51. Compliance with State law; not Transferable.

No Municipal License shall be issued to any retail dealer by the Town Clerk without a satisfactory showing that the

applicant has obtained all State and County permits required by law, and has in all other respects complied with the laws of Oklahoma relating to the sale and distribution of non-intoxicating beverages. No license shall be transferable.

Section 2-52. Obstructing Windows, etc.

Taverns or cafes handling beer shall not obstruct the windows, doors or other openings facing the street or sidewalk, with paint or any other invisible objects, more than four (4) feet from the level of the sidewalk to the top of the window, door or other opening.

Section 2-53. Not to be Intoxicated; Certain Places.

It shall be unlawful for any person to be drunk or intoxicated in or near any public place or in or upon any public or private road, or in any passenger car, truck, coach, bus or any other vehicle of transportation, or in any public place or building or at any public gathering.

Section 2-54. Drinking in Public.

It is unlawful for any person to drink any non-intoxicating beverage while such person is upon any public street, alley or other public highway, or in any public building or other public place within the Town. This shall not apply to a place licensed to sell non-intoxicating beverage for consumption on the premises.

Section 2-55. License Fee Levied.

- A. There is hereby levied upon each retail dealer in non-intoxicating beverage for consumption on or off the premises an Annual Occupation Tax of Twenty Dollars (\$20.00), and an Annual License Fee of Ten Dollars (\$10.00) for sale of non-intoxicating beverages which are in original packages and are not for consumption on the premises.
- B. All such Municipal License fees taxes shall be paid to the Town Clerk at the time of issuance of license and in the manner prescribed herein.
- C. All license fees levied under the provisions of this chapter shall expire on June 30 of each year. The amount of any license fee levied shall be computed prorata from the months remaining in the year ending June 30. Such fees paid on or before the fifteenth (15th) day of any month shall be on the basis of the first day of the month and such fees paid after the fifteenth (15th) day of the month shall be on the basis of the first day of the next succeeding month.

(State Law Reference: 37 O.S. Section 163.10)

Section 2-56. License Required.

It is unlawful for any Retail Dealer, whether permanent or temporary, to sell, distribute, or dispense any non-intoxicating beverages without having first received a Municipal License as herein required.

Section 2-57. Compliance with Law; Expiration of License.

No municipal license shall be issued to any retail dealer by the Town Clerk without a satisfactory showing that the applicant

has obtained all State and County Permits required by law, and has in all other respects complied with the state and local alcoholic beverage control requirements. No license shall be transferable.

Section 2-58. Revocation of License.

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

Section 2-59. (Reserved for future use.)

Article 3. Penalty

Section 2-60. Penalty.

Any person who violates or fails to comply with any provision of this Chapter or any legal order or regulation made pursuant thereto, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in Section 1-118 of this code. Each day on which a violation continues shall be deemed a separate offense.

Article 4. Prevention of Nicotine Addiction Among Youth

Section 2-61. Findings and Intent.

The Town Board of Trustees finds that youth addiction to tobacco products is a public health problem with grave health consequences. In recognition that almost Ninety (90) percent of all smokers begin smoking by the age of eighteen (18), action is needed to curtail the easy access of minors to cigarettes and other addictive tobacco products. Furthermore, the Town Board of Trustees finds that the Oklahoma State Legislature has limited the powers granted to local governments to address the problem of youth access to tobacco. Therefore, the intent of this ordinance is to : 1.) implement the strictest and most enforceable system allowed under Oklahoma state law to prevent the illegal sale of cigarettes and other tobacco products to minors; 2.) periodically amend and update this ordinance as necessary to best utilize any applicable powers which may be returned to Oklahoma municipalities in the future; and 3.) educate, encourage and assist underage tobacco users in ceasing all use of addictive tobacco products, preferably before daily use of such products is initiated.

Section 2-62. Definitions.

- A. "Person" means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed;
- B. "Proof of age" means a driver license, license for identification only, or other generally accepted means of identification that describes the individual as eighteen (18) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid;
- C. "Sample" means a tobacco product distributed to members of the public at no cost for the purpose of promoting the product;
- D. "Sampling" means the distribution of samples to members of the public; and

- E. "Tobacco product" means any product that contains tobacco and is intended for human consumption.

Section 2-63. Distribution and Sales to Minors Prohibited; Identification Required; Defense; Fines.

- A. It is unlawful for any person to sell or furnish in any manner any tobacco product to another person who is under eighteen (18) years of age, or to purchase in any manner a tobacco product on behalf of any such person.
- B. It shall not be unlawful for any employee under eighteen (18) years of age to handle tobacco products when required in the performance of the employee's duties.
- C. A person engaged in the sale or distribution of tobacco products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchase may be under eighteen (18) years of age.
- D. If any individual engaged in the sale or distribution of tobacco products has demanded proof of age from a prospective purchaser or recipient who is not under eighteen (18) years of age, the failure to subsequently require proof of age shall not constitute a violation of this section.
- E. If the sale is made by an employee of the owner of a store at which tobacco products are sold at retail, the employee shall be guilty of the violation and shall be subject to fine.
- F. 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.
- G. For purposes of determining the liability of a person controlling franchises or business operations in multiple locations for any violation of subsection A or B of this section, each individual franchise or business location shall be deemed a separate entity.
- H. Any person who shall violate subsection A or B of this section shall be guilty of an offense and may be assessed a fine of not more than One Hundred Dollars (\$100.00) for the first offense within a one-year period and Two Hundred Dollars (\$200.00) for the second offense or subsequent offense within a one-year period.
- I. Upon failure of any person to pay any fine authorized by this section within ninety (90) days of the day of the assessment of such fine, the Court Clerk or his/her designee shall notify the Oklahoma Department of Public Safety, as such Department is authorized to suspend or not issue a driver's license to the person until proof of payment has been provided.

Section 2-64. Distribution of Tobacco Product Samples Restricted; Fines.

- A. No person shall distribute tobacco product samples in or on public street, sidewalk, or park that is within

three hundred (300) feet of any playground, school, or other facility when the facility is being used primarily by persons under eighteen (18) years of age.

- B. Any person who shall violate subsection A of this section shall be guilty of an offense and may be assessed a fine of not more than One Hundred Dollars (\$100.00) for the first offense within a one-year period and Two Hundred Dollars (\$200.00) for the second offense or subsequent offense within a one-year period.
- C. Upon failure of any person to pay any fine authorized by this section within ninety (90) days of the day of the assessment of such fine, the Court Clerk or his/her designee shall notify the Oklahoma Department of Public Safety as such Department is authorized to suspend or not issue a driver's license to the person until proof of payment has been provided.

Section 2-65. Sale of Tobacco Except in Original, Sealed Packaging Prohibited; Fine.

- A. It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.
- B. Any person who shall violate subsection A of this section shall be guilty of an offense and may be assessed a fine of not more than Two Hundred Dollars (\$200.00) for each offense.

Section 2-66. Possession of Tobacco by Minors Prohibited; Falsifying Proof of Age; Punishment; Remedial Activities; Expungement of Conviction.

- A. Except as provided under Section (3)(B), it is unlawful for a person who is under eighteen (18) years of age to purchase, receive, or have in their possession a tobacco product, or to present or offer to any person any purported proof of age which is false or fraudulent for the purpose of purchasing or receiving any tobacco product.
- B. On conviction of an individual for an offense under subsection A of this section, the court shall suspend execution of sentence and shall require the defendant to attend a tobacco education program. The court shall require the parent or guardian of the defendant to attend the tobacco education program with the defendant.
- C. If access to the Tobacco Education Program is not readily available, the court shall require the defendant to perform eight to 12 hours of tobacco-related community service instead of attending a Tobacco Education Program.
- D. The Tobacco Education Program and the tobacco-related community service are remedial and are not punishment.
- E. No later than the Ninetieth (90th) day after the date of conviction under subsection A of this section, the defendant shall present to the court, in a manner required by the court, evidence of satisfactory completion of the Tobacco Education Program or the tobacco-related community service.

F. On receipt of the evidence required under subsection E of this section, the court shall:

1. if the defendant has been convicted of a previous offense under subsection A of this section which offense occurred within one year prior to the offense for which the defendant is currently charged, execute the sentence, and at the discretion of the court, assess a fine of not less than Ten Dollars (\$10.00) and not more than Two Hundred Dollars (\$200.00).
2. if the defendant has not been convicted of a previous offense under subsection A of this section which offense occurred within one year prior to the offense for which the defendant is currently charged, dismiss the complaint and discharge the defendant.

G. If the court dismisses the complaint under subsection (F)(2) of this section, the defendant is released from all penalties and disabilities resulting from the offense except that the defendant is considered to have been convicted of the offense if the defendant is subsequently convicted of the same charge if such a repeat offense occurs within one year of the dismissed offense.

H. Any person convicted of an offense under subsection A of this section may apply to the court to have the conviction expunged. If the court finds that the individual satisfactorily completed the Tobacco Education Program or tobacco-related community service ordered by the court and that there has been no subsequent offense for a period of at least one year after the date of the offense for which the person was convicted, the court shall order the conviction and any complaint, verdict, sentence, or other document relating to the offense to be expunged from the individual's record and the conviction may not be shown or made known for any purpose.

I. If the defendant does not provide the evidence required under subsection E of this section within the period specified by that subsection or upon failure of the defendant to pay any fine authorized by this section within ninety (90) days of the day of the assessment of such fine, the Court Clerk or his/her designee shall notify the Oklahoma Department of Public Safety, as such Department is authorized to suspend or not issue a driver's license to the person until the required evidence or proof of payment has been provided.

Section 2-67. Reporting.

The Town Clerk or his/her designee shall furnish information or reports required or requested by the Oklahoma Alcoholic Beverages Laws Enforcement (ABLE) Commission in the form, manner and time as may be determined by the ABLE Commission.

Section 2-68. Non Retaliation.

No person shall discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment or

customer because such employee, applicant, or customer reported violations of any provisions of this ordinance.

Section 2-69. Repealer.

All ordinances or parts thereof which are inconsistent with this ordinance are repealed upon the effective date of this ordinance.

Section 2-70. Savings Clause.

Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section 2-71. Severability.

If any one or more of the sections, sentences, clauses or parts of this Ordinance, Chapter or Section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of the Ordinance. It is hereby declared to be the intention of the Mayor and Town Board of Trustees of the Town of Drummond that this chapter of the Town Municipal Code would have been adopted had such unconstitutional, illegal, or any invalid sentence, clause, section or part not been included.

(Article: Ordinance No. 98-1, effective date July 1, 1998.)

CHAPTER 3 - ANIMALS

Article 1. General Provisions

Section 3-1. Definitions.

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

- A. Animal. The word "animal" shall mean all vertebrate and invertebrate animals, whether domesticated or wild, including, but not limited to, bees, birds and fowl (including parakeets), cattle, cats, chickens, dogs, ducks, geese, goats, horses, livestock of all types, mammals (including elephants), rabbits, all reptiles, rodents, sheep, swine and turkeys.
- B. Animal Control Officer. The term "Animal Control Officer" shall mean the person(s) responsible for enforcement of the Town Ordinances and regulations pertaining to animal control in said community.
- C. At Large. The term "at large" shall mean not securely confined by a fence or other means on premises under the control of, or occupied by, the owner, and/or not under the control of the owner, a member of his immediate family over twelve (12) years of age or an agent of the owner, by leash or otherwise whether on the owner's premises or not.
- D. Harboring. The word "harboring", when used in this Chapter, shall mean allowing any animal to habitually remain, or be fed, on premises under his control.
- E. Kennel. The word "kennel" shall mean any structure or place where three (3) or more animals, over six (6) months of age are kept, bred or trained, at any single time, or any facility designed to accommodate the temporary boarding of more than three (3) animals over six (6) months of age.
- F. Livestock. The word "livestock" shall mean all animals other than dogs, cats, small caged birds or small aquatic or amphibian animals.
- G. Owner. The word "owner" shall mean any person, firm or corporation owning, harboring or keeping an animal; occupants of any premises on which a domesticated or tamed animal customarily returns for a period often (10) days or more, shall be deemed to be harboring or keeping the animal, and thereby considered to be an "owner" of said animal.
- H. Pet. The word "pet" shall mean any animal kept for pleasure, rather than utility.
- I. Restraint. An animal shall be deemed to be under "restraint" if confined on the premises of its owner, if on a leash and accompanied by a responsible person or in the case of a hunting dog, if accompanied by its owner engaged in the act of hunting.
- J. Vicious Dog or Animal. The term "vicious dog or animal" shall refer to any dog or animal which has bitten or attempted to bite any person without

undue provocation, or which attacks, barks or growls at, and acts as if it intended to attack or bite, any person or persons when not unduly provoked.

- K. Municipal Pound. This term shall mean any leased or town operated animal shelter used for the impoundment and disposition of animals within the control of the town government.
- L. Disposition of Animals. This term shall mean the impoundment, adoption, release to rightful owner, unauthorized escape, or euthanasia of any animal under control of the town government.
- M. Town. The term "Town" shall mean the local government of Drummond, Oklahoma when used throughout this chapter.

Section 3-2. Animals not to be at Large.

- A. It shall be unlawful and an offense for the owner of any animal, domestic or wild, (including dogs), to permit the same to run at large or trespass upon the premises of another person, or be unlawfully at large at any time within the corporate limits of the Town.
- B. It shall be unlawful and an offense for any person to:
 - 1. Keep, own, harbor or possess any dog or animal within the corporate limits of the Town without providing a substantial and secure pen in which said dog or animal shall be confined (which pen shall be sufficient in size that no sanitation or health problem shall be involved).
 - 2. Allow a dog or animal to be placed on an adequately sized leash so that it can reach or bite any person who may be using the public thoroughfares of the Town, so the dog or animal can reach beyond the limits of the lot or premises on which said dog or animal is kept and confined, or so the dog or animal may reach any person who may be rendering necessary services to the house or such owner, upon the premises where said dog or animal may be kept, harbored or possessed.

Section 3-3. Disturbances by Animals; Public Nuisance Abatement.

- A. It shall be a public nuisance for any person to keep any dog or other animal which, by barking, howling or otherwise disturbs the peace and quiet of, or creates a nuisance for, any person or persons.
- B. It shall also be a public nuisance for any person to keep any dog or other animal which attacks other animals or damages private or public property.
- C. Abatement of such public nuisances shall be handled in accordance with the provisions of the "Nuisances" Chapter in this Code of Ordinances.

Section 3-4. Keeping Animals.

- A. It shall be unlawful and an offense for any person to keep any animals within the corporate limits of

the Town except under those conditions and provisions which may hereinafter specifically regulate the keeping of certain types of animals.

- B. If no specific provisions are listed in the Code of Ordinances for keeping of a particular type of animal, said animal type shall not be kept at all within the corporate limits of the Town.
- C. No swine shall be kept within the corporate limits of the Town with the exception of FFA and/or 4-H projects kept on public school property for show purposes.
- D. Every structure wherein any authorized animal is kept within the corporate limits of the Town shall be constructed of such material and in such a manner that it can be kept clean and sanitary at all times, and it shall be maintained in said condition, devoid of rodents and vermin and free from objectionable odors, in order to avert the creation of a nuisance to the public health. Every such structure, if located within two hundred (200) feet of any tenement, apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes, or residence (other than that occupied by the owner or occupant of the premises upon which such animal is kept), shall be provided with a watertight and fly-tight receptacle for manure of such size as to hold all accumulations of manure. Such receptacle shall be emptied sufficiently often, and in such a manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times, except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in such receptacle.
- E. The keeping or raising of horses, sheep, cattle and chickens (or similar fowl), shall be permitted within the Town provided: (1) the premises are in accordance with the provisions of Subsection D (above); (2) State Health Department requirements and standards are met and (3) the Town Board approves each case individually.
- F. The keeping of other animals not specifically mentioned or regulated within this Chapter as pets, shall be subject only to such generally applicable provisions which may exist to require the maintenance of sanitary conditions and the avoidance of nuisance creation.
- G. No snakes which are poisonous in their natural state, may be kept within the corporate limits of the Town.

Section 3-5. Responsibilities of Owners.

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

- A. Owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance.
- B. Owners shall provide proper care and treatment of their animals.
- C. Owners shall not abandon their animals.

- D. It shall be unlawful for any person to keep any animal for breeding, purposes within the corporate limits of the Town except in private, enclosed locations, entirely out of the public view, or to permit any such animal to have sexual intercourse in any place except a private, enclosed place. (This shall not be construed as permitting the conditional keeping of any animals prohibited or regulated by this Code of Ordinances.)

Section 3-6. Cruelty to Animals.

- A. It shall be unlawful for any person knowingly, willfully or maliciously to:
 - 1. Pour on or apply to any animal, any drug or other thing which inflicts pain.
 - 2. Treat an animal in a cruel or inhumane manner.
 - 3. Neglect an animal belonging to him or in his custody in a cruel or inhuman manner.
 - 4. Poison, or expose to poison, any dog or other animal except a noxious, non-domesticated animal.
- B. It shall be unlawful for any person to instigate or encourage a fight between animals, or to keep a house, pit or other place used for fights between animals.

Section 3-7. Turning Confined Animals at Large Unlawful.

It shall be unlawful for any person to open any enclosure in which an animal is confined (as required by Ordinance), so as to turn such animal at large, or to in any other manner turn such animal at large.

Section 3-8. Pasturing in Public Areas Unlawful.

It shall be unlawful for any person to stake, confine or pasture any animal on any public property (Federal, State, municipal or other), or on any railroad right-of-way, without the consent of the person owning or controlling such property.

Section 3-9. Rabies Control: Vaccination Require.

- A. Any warm-blooded animal, capable of transmitting the virus rabies, maintained or harbored at any time in the Town shall be vaccinated against rabies with an approved vaccine administered by a veterinarian who shall maintain a record of vaccination for a period of at least three (3) years, and who shall issue the owner of such animal a vaccination certificate (which shall be retained by said owner until it expires and is renewed). The failure to procure such certificate when requested by the Animal Control Officer shall be prima facie evidence that such animal has not been so vaccinated.
- B. The identity and address of the owner of any animal that bites a person shall be promptly furnished to the Animal Control Officer and State Department. The Animal Control Officer shall securely quarantine such animal until reasonable determination has been made that the animal is not

infected with rabies. At the discretion of the Animal Control Officer, such quarantine may be on the premises of the owner, or at a veterinary hospital of the owner's choice (at the owner's expense). Said animal may be reclaimed by the owner, if adjudged free of rabies; such owner shall then pay related charges for confinement.

- C. When an animal under quarantine has been diagnosed as being rabid; or is suspected of having rabies by a licensed veterinarian, and dies while under such observation, the Animal Control Officer, veterinarian or other designated person, shall immediately send the necessary part of such animal to the State Health Department for pathological examination and shall notify the proper health officer of any reports of human contact.
- D. When a report gives a positive diagnosis of rabies and the State Health Director feels that a rabies crisis may be imminent, the Health Department may recommend to the Town Board of Trustees a city-wide quarantine; upon the invoking of such quarantine by the Town Board of Trustees, no animal shall be taken into the streets or permitted to be in the streets, except for short periods of exercise (under leash and control of a competent adult). During such quarantine, no animal may be taken or removed from the Town without written permission of the Animal Control Officer.
- E. During such period of rabies quarantine, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed; or, at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian; or, held under six (6) months quarantine by the owner in the same manner as a female in season. The period of quarantine may be extended from time to time.
- F. No person shall remove from the Town any animal suspected of having been exposed to rabies, or any animal which has bitten a human except as herein provided. The carcass of any dead animal exposed to rabies shall be surrendered to the Animal Control Officer upon demand; the Animal Control Officer shall direct disposition of said animal. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the Animal Control Officer.
- G. It shall be the duty of every person owning or harboring any dog or cat which is six (6) months old or older within the corporate limits of the Town to procure a rabies vaccination certificate from a graduate licensed veterinarian, or agent authorized by the Town showing that the vaccination has been made, date of vaccination, by whom and the date when such vaccination shall expire.
- H. It shall be unlawful to not abide by the municipal vaccination requirements after fifteen (15) days of residency within the Town.

Section 3-10. Confining Female Dogs and Cats.

Every female dog or cat in heat shall be confined, in a building or secure enclosure, in such a manner that such animal cannot come into contact with another animal, except for planned breeding.

Section 3-11. Certain Dogs Running Loose may be Killed.

The Animal Control Officer, his designated representatives, the Mayor or Board of Trustees, or any law enforcement officer of the Town may kill any dog running loose within the corporate limits of the Town which is determined by the Animal Control Officer or law enforcement officer to be vicious or crazed and a threat to the public health and safety, and which dog is found running at large without being restrained in a pen or on a leash (as provided by this chapter). The Animal Control Officer shall use safe and reasonable force in the performance of his duties.

Section 3-12. Pet Shops, Catteries and Kennels.

- A. It shall be unlawful for any person or persons to maintain a pet shop, cattery or kennel for business, unless such owner shall first pay to the Town an annual license fee of ten dollars (\$10.00). Upon a signed petition of all property owners within three hundred (300) feet of the property line on which a pet shop, cattery or kennel is proposed to be located and on payment of the license fee to the Town Clerk, a license will be furnished which must be posted at all times. This license shall be in lieu of all other registration fees prescribed, provided that all dogs or cats in such kennel shall at all times be confined on the premises. Should such dog or cat belonging to such owner or keeper be allowed off the premises, the owner or keeper shall pay the same tax and registration fees as required for all dogs or cats not kept by such a provision.
- B. Such pet shop, cattery or kennel shall be maintained at all times in a clean and sanitary condition and shall be subject to inspection by the Animal Control Officer at any reasonable time.
- C. All pet shops, catteries and kennels shall:
 - 1. Maintain records and retain such records for a two (2) year period on all dogs and cats maintained in such facility. Such records shall show breed, color, markings, sex, age, date and source of the animal, period for which the animal is maintained, date and disposition of the animal (including name and address of new owner), and disease prevention and/or treatment, and by whom.
 - 2. Provide general environmental conditions to assure adequate physical space for each animal, control of parasites, clean food and water, weather protection and clean and sanitary facilities.
 - 3. Provide cages and pens of easily cleanable materials, if used for confinement, and keep such cages and pens clean and sanitary.
- D. A kennel owner must show proof of rabies vaccination on all animals over four (4) months of age when applying for license.
- E. No dog kennel or other establishment wherein animals are kept shall be maintained closer than forty (40) feet to any tenement or apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital

purposes, or residence, other than that occupied by the owner or occupant of the premises upon which such animal is kept.

Section 3-13. Inspection to Enforce Chapter.

- A. The Animal Control Officer, or any member of the Town Board of Trustees, upon complaint of any person or on his own initiative, shall inspect any structure or place wherein an animal is kept.
- B. The Animal Control Officer may issue any such reasonable order as he may deem necessary to the owner of such animal to cause such animal to be kept as provided in this Chapter, or in a manner so as not to constitute a nuisance.
- C. The Animal Control Officer may make a complaint before the Municipal Judge against any person for violation of any provision of this Chapter or for any such reasonable order, but this shall not abridge the right of others to make such complaints.

Sections 3-14 through 3-19. (Reserved for future use.)

Article 2. License and Permit Requirements

Section 3-20. License Fee.

There is hereby levied an annual license fee upon each dog or cat over the age of six (6) months kept and maintained within the corporate limits of the Town. License fees shall be paid annually on or before April 1st of each and every calendar year in the sum of two dollars (\$2.00) per annum for each male, \$2.00 for each spayed female dog and \$3.00 for each unspayed female dog. Fees shall be paid by the person owning or keeping such dog or cat within the corporate limits of said Town. Provided, however, that with respect to any dog which first becomes subject to licensing within said Town on or after November 1st of any year, the fee for the license of such animal shall be reduced to one-half of those fees hereinabove prescribed.

Section 3-21. License Application.

The owner of any dog shall make application to the Town Clerk and provide such information as may be required which shall include the type of dog or cat, the sex, the coloring and the name of the dog. If the dog is a spayed female a statement of a licensed veterinarian verifying that fact must accompany the application.

Section 3-22. Fees.

The fees herein provided shall be paid to the Town Clerk and the Town Clerk is hereby authorized and directed to procure license tags, the same to be a small metallic or plastic plate stamped or otherwise marked with the words "Drummond Animal License". Said tag shall be consecutively numbered, and upon payment of the fee herein provided the Town Clerk shall issue to person paying such fee one license tag for each dog upon which the fee has been paid. The Town Clerk is hereby directed to keep a record book in which shall be entered the name of each person paying fees hereunder, the date of payment, the number of the license tag issued, and a brief description of the dog for which the license tag was issued. The person paying such license fee and obtaining such tag shall attach said tag to the dog by means of a substantial, durable collar, harness or other humane device

and shall keep the same on the dog at all times. Provided, however, that the Town Clerk shall issue no license for any dog within the Town except upon presentation by the owner of a vaccination certificate issued by a licensed veterinarian showing that the dog for which license is requested has been vaccinated against the disease commonly known as rabies or hydrophobia within six (6) months prior to the date upon which such application is made. All such vaccination certificates shall be kept by the Town Clerk and filed with the record of licenses issued.

Section 3-23. False Statements.

It shall be unlawful for any person to make a false statement or to falsely represent any facts in any application for a dog or cat license.

Section 3-24. Imitation License Tags Prohibited.

It shall be unlawful for any person to allow any dog or cat owned, kept or harbored by him, to wear a license tag received on account of a former license, or to wear any imitation of the license tag issued by the Town for that year, or any tag marked on plate or collar similar to that required by the Town at that time calculated to deceive the public, or circumvent the spirit and intent of the law.

Section 3-25. Impoundment and Adoption Fees.

The Town shall receive and collect the said impoundment fees as may be set by motion or resolution of the Town Board.

Section 3-26. Disposition of Animals.

Unrestrained animals impounded by the Town shall be boarded in the designated municipal pound for a period as may be set by motion or resolution of the Town Board. After that time period, Town officials shall dispose of said animals by release to rightful owner, adoption or euthanasia in a humane manner.

Article 3. Bird Sanctuary

Section 3-27. Bird Sanctuary.

That the entire area of all Municipal Parks of the Town be, and are hereby designated as Bird Sanctuaries.

Section 3-28. Wildlife-Protection and Control.

It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner, any bird or wild fowl, or to the bird's nests in the Town Park in the Town provided, however, that if starlings or birds of similar kind are found to be a nuisance, or are found to be congregating in such numbers as to constitute a nuisance, or a menace to health or property in the opinion of the public health authorities of the Town then, and in such event, the health authorities shall confer with representatives of the Audubon Society, Bird Club, Garden Club, and any other clubs or of societies in the Town interested in the preservation of bird life, after three days' notice of the time and place of such meeting, for the purpose of finding a satisfactory manner of abating such nuisance; and that if after such meeting no satisfactory alternative for the nuisance be found, may be destroyed in such manner and in such number as is deemed necessary and advisable by said health authorities under the supervision of the Town Police.

Article 4. Zoning Ordinances to Prevail

Section 3-29. Zoning Ordinance to 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.

Article 5. Municipal Pound

Section 3-3. Municipal Pound.

The Town may lease or otherwise provide an animal shelter to be known as the Municipal Pound. Further, operation of the pound shall comply with all health standards imposed by the Town Code and Oklahoma Statutes. The Town may contract for animal control services.

Sections 3-31 through 3-37. (Reserved for future use).

Article 6. Penalty

Section 3-38. Penalty.

Any person, firm or corporation who violates any provision of this chapter, or who violates or neglects to carry out any reasonable order made by any Health Officer, the Chief of Police or the Animal Control Officer, pursuant to this Chapter, shall be guilty of an offense and upon conviction thereof, punished as provided in Section 1-118 of this Code. Every day's violation of any provision of this Chapter or of such order of the Health Office, Animal Control Officer or Chief of Police shall institute a separate offense.

CHAPTER 4 - BUILDING AND CONSTRUCTION

Article 1. Building Code and Regulations

Section 4-1. Building Code Adopted.

- A. The BOCA Basic National Building Code, the latest edition thereof, as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the building code of the Town for the control of buildings and structures as therein provided. Each and all the regulations, provisions, penalties, conditions and terms of the BOCA Basic National Building Code are hereby referred to, adopted, incorporated and made a part hereof as if fully set out in this code with the additions, insertions, deletions and changes if any prescribed in this Article.

(State Law Reference: Building codes, adoption by towns, 11 O.S. Section 14-107; 74 O.S. Section 324.8.)

- B. At least one copy of said Building Code shall be kept in the office of the Town Clerk for public use, inspection and examination.

Section 4-2. Additions and Changes to Codes.

The following sections of the Building Code are hereby revised:

- A. Section 100.1, insert Town of Drummond;
- B. Section 114.3.1 insert: "The fee schedule shall be in accordance with the Town Code, or as may be set or amended by ordinance or resolution";
- C. Section 117.4, insert: "Offense, punishable by fine and imprisonment as provided in Section 1-118 of the Town Code of Ordinances";
- D. Section 118.2, insert: "as provided in Section 1-118 of this code";
- E. Section 123.3, insert: "as set by the Town Board of Trustees"; and
- F. Section 2906.1 insert: "One Thousand Dollars (\$1,000) in all places".

Section 4-3. Penalty.

A person who violates a provision of this Code 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 submitted and approved thereunder, shall be guilty of a misdemeanor, and upon conviction shall be fined any sum as provided in Section 1-118 of this Code, including costs. Each day upon which a violation continues shall be deemed a separate offense.

Section 4-4. Building Official.

The building official of this Town shall be appointed by the Town Board of Trustees and shall have the powers and duties prescribed of the "building official" by the Town's Building

Code; provided that his powers and duties may be exercised by his authorized representatives under his supervision and control. The term "building inspector", "plumbing inspector" and "gas inspector", wherever used in the Ordinances of the Town, also each refer to and mean the building official, unless a separate electrical inspector, plumbing inspector or gas inspector is appointed by the Town Board of Trustees.

Section 4-5. Fire Limits Defined.

The following shall be and are hereby declared to be fire limits: The corporate limits of the Town of Drummond, Oklahoma.

Section 4-6. Building Permit Required, Fee.

- A. No building or other structure shall be built, enlarged, altered or moved as required in the Building Code, nor any mobile home located, relocated or constructed, without a building permit issued by the Town building official. Whenever a building or structure is to be moved from without the Town to a location within the Town or from one location in the Town to another location within the Town a building permit is required. Provided that ordinary repairs of buildings or structures, the cost of which shall not exceed five hundred dollars (\$500.00), may be made without obtaining a building permit. (For house moving see Section 4-31 of this Code.)
- B. A person desiring a building permit shall submit an application therefore to the Town Building Official. The applicant shall submit with the application such reasonable information as the building official may require to enable him to determine whether granting the permit would be in accordance with the requirements of the Ordinance of the Town.
- C. If the application is in accordance with the requirements of the Ordinances and laws, the building official shall issue the permit upon the payment by the applicant of a building permit fee to the Town Clerk as follows:
1. The fee for building permits shall be based on a scale of two cents (\$.02) per square foot of building or structure gross floor area. In cases involving development other than structures, or where floor area cannot be calculated, building permit fees shall be based on a scale of one dollar and twenty five cents (\$1.25) for every one thousand dollars (\$1,000.00) of estimated construction cost, with a minimum fee of three dollars (\$3.00).
 2. Where the proposed cost as set forth in the application for a building permit is a matter of dispute, the applicant shall file, with the Office of the Town Clerk, complete specifications and certified copies of all contracts, bills for material and labor, and all estimates incident thereto.
 3. The office of the Town Clerk shall be responsible for the administration of the building permit process within the Town; provided that building permit application forms may be obtained from and submitted to the Municipal Building Official.

4. The number of the building permit shall be posted conspicuously on the premises concerned so that it can easily be read from the street.
- D. A building permit covers the initial plumbing and electrical installations to be made in connection with the building.
- E. All buildings being constructed by public bodies, such as the state, counties, school districts, municipalities, and tax exempt organizations shall be exempt from the payment of fees for building permits. Such bodies shall comply with all other regulations governing the construction of any building in the Town.

Section 4-7. Appeals.

Any person aggrieved of any officer, department, board or agency of the Town affected by any decision or interpretation of the building official in connection with the interpretation of any of the provisions of this section may appeal to the board of adjustment of the Town, provided that:

- A. Such appeal shall be taken within ten (10) days from the date of decision by filing with the building official and the Town Clerk a written notice of appeal specifying the grounds thereof and by paying a filing fee of twenty dollars (\$20.00) at the office of the Town Clerk at the time the notice is filed;
- B. The Town Clerk, upon receipt of the notice of appeal, shall transmit to the board of adjustment the papers and information constituting the record upon which the action appealed was taken;
- C. The board of adjustment shall fix a time for hearing of the appeal. It shall give written notice to the parties in interest at least ten (10) days before the date set for the hearing. Such notice shall contain the date, the hour and the place for the hearing. The board of adjustment will also post notice of the date, time and place of the hearing in ten (10) public places within the Town. Upon the hearing, parties in interest may appear in person, or by agent or attorneys;
- D. The board of adjustment shall render a decision within thirty (30) days from the date on which the appeal is filed; and
- E. Upon hearing an appeal the board shall affirm or if it finds erroneous actions, to reverse, set aside, or modify the order under appeal.

Sections 4-8 through 4-9. (Reserved for future use.)

Article 2. Plumbing Code

Section 4-10. Adoption of Plumbing Code.

A certain document, at least one copy of which is on file in the office of the Town Clerk, being marked and designated as "The BOCA Basic National Plumbing Code", the latest edition thereof, and any revisions or amendments thereto, as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the plumbing code of

the Town for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the plumbing code are hereby referred to, adopted and made a part hereof, as if fully set out in this Code, with additions, insertions and changes, if any, prescribed in this Chapter.

(See Section 4-2 of this Code for additions and changes.)

(State Law Reference: Town powers to supervise plumbing. 59 O.S. Sections 1001 et seq.)

Section 4-11. Additions and Changes to Plumbing Code.

The following sections of the Plumbing Code are hereby revised:

- A. Section P-100.1, insert: "the Town of Drummond";
- B. Section P-104.1, insert: "the date of adoption of this municipal code:"
- C. Section P-114.1, insert: "as provided by the Town Board of Trustees";
- D. Section P-117.4, insert: "offense punished as provided in Section 1-118 of the Town's Code of Ordinances;
- E. Section P-118.2, insert: "fine plus costs as provided in Section 1-118 of the Town's Code of Ordinances";
- F. Section P-303.2, insert: "Six Hundred (600) feet";
- G. Section P-308.3, insert: "one (1) foot Six (6) inches"; and
- H. Section P-308.4, insert: "Twenty (24) inches".

Section 4-12. Plumbers: Registration, Permits and Fees.

- A. The phrases and words "journeyman plumber", "plumber's apprentice", "plumbing contractor", and "plumbing", when used in the Ordinances regulations and other official acts and communications of this Town, shall have the meanings respectively prescribed for them by Sections 100 et. seq. of Title 59 of the Oklahoma Statutes, the State Plumbing License 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 plumbing contractor (otherwise known as master plumber), or of a journeyman plumber, or of a plumber's apprentice, in this Town unless he is registered with the Town and has a current and valid certificate of registration issued by the Town.
- C. For the purpose of this Article:

1. "Plumbing contractor" means any person, firm or corporation engaged in the business of installing, repairing or altering any plumbing systems or installing any plumbing equipment or materials of any kind or description in the Town and who is skilled in the planning, superintending and practical installation of plumbing work and who is licensed by the Oklahoma State Department of Health and

otherwise qualified under the requirements of this Code to engage in the plumbing business;

2. "Journeyman plumber" means any person actually engaged in the work of installing or repairing any plumbing equipment in the Town; and
 3. "Apprentice plumber" means any person who is learning the plumbing trade and who is competent to assist, under the supervision of a journeyman plumber, in the work of installing or repairing plumbing equipment. A journeyman shall not at any time have more than two (2) apprentice plumbers under his supervision. Supervision as used under this Section shall mean that the supervising journeyman plumber shall be present on the job site where the apprentice plumber is working for a period of not less than five (5) hours for an eight (8) hour working period.
- D. All persons, firms, partnerships, corporations or individuals, engaged or hereafter engaging in the business of installing any plumbing on any premises or to extend the plumbing on any premises in or on any building with the corporate limits of the Town of Drummond shall pay to the Town Clerk the sum of Twenty-five dollars (\$25.00), as a registration fee for the purpose of regulating the business, payable in advance to be deposited in the general fund of the Town. The registration shall entitle the holder to install any plumbing on any premises or to extend the plumbing on any premises, within the corporate limits of the Town for a period of one year. No registration shall extend beyond June 30th of any year, and all persons, firms or corporations paying fees herein, fixed at any time after the first day of July, shall be required to pay the full amount as set out above.
- E. All persons, firms, partnerships, contractors or individuals, who hereafter make application for registration under this Section; must show proof of an Oklahoma License as a master plumber, journeyman plumber or plumbing contractor as provided in Title 59, Sections 1001 et al of the Oklahoma Statutes.
- F. An applicant for plumbing contractor's registration shall also furnish bond in the sum of \$1,000.00 payable to the Town of Drummond, Oklahoma
- G. Nothing in this Article shall be construed to require an individual to be registered before doing plumbing work on his own personal residence.
- H. The Town Board of Trustees, upon at least ten (10) days' notice and adequate opportunity for a public hearing, may revoke the Town registration of any plumbing contractor or journeyman plumber for violating any provisions of the Ordinances or regulations of the Town relating to the installation of plumbing or any other cause specified in the State Plumbing License Law.

(State Law Reference: State plumbing licenses, requirements, 59 O.S. Sections 1001 et seq.)

Section 4-13. Plumbing: Permits and Inspections.

- A. No plumbing work shall be undertaken without a permit from the plumbing inspector.
- B. The application for such work must follow the adopted Town Code.
- C. The schedule of permit fees shall be set forth by motion or resolution of the Town Board and such payment shall be made upon application.
- D. Inspection of such work must conform to the guidelines set forth in the Town

Sections 4-14 through 4-15. (Reserved for future use).

Article 3. Electrical Code

Section 4-16. "Electrical Equipment" Defined.

The term "electrical equipment" used in this chapter refers to electrical conductors, metallic raceways, fittings, devices, fixtures, appliances, apparatus, and any electrical material of any nature, kind or description, to be installed within or on any building or structure.

(State Law Reference: State electrical requirements, licensing by State 59 O.S. Sections 1680 to 1696.)

Section 4-17. National Electrical Code.

All installations of electrical equipment shall be in conformity with the provisions of this chapter, with the statutes of the State and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards are prescribed by this chapter or by the statutes of the State of Oklahoma or by any orders, rules or regulations issued by authority thereof, conformity with the regulations set forth in the current issue of the National Electrical Code as approved by the National Fire Protection Association, shall be prima facie evidence of conformity with approved standards for safety to persons or to property.

Section 4-18. Underwriters Laboratories, Inc.

All electrical equipment installed or used shall be in conformity with the provisions of this Chapter, the Statutes of the State and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons or to property. Unless by this Chapter, by a Statute of the State or any orders, rules or regulations issued by authority thereof, a specific type or class of electrical equipment is disapproved for installation and use, conformity with the standards of Underwriters' Laboratories, Inc. shall be prima facie evidence of conformity with approved standards for safety to persons or to property.

Section 4-19. Town May Make Special Rulings.

The Board of Trustees of the Town, 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.

Section 4-20. Permit Required for Electrical Installations: Issuance.

- A. 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 this Town or make extensions to any existing electrical installations without first securing a permit from the Town Electrical Inspector.
- B. Applications for electrical permits shall be made to the Town Clerk; and the applicant shall provide such plans, specifications, and other data as may be reasonably required.

Section 4-21. Inspection Fee.

The Town Board by motion or resolution may prescribe an inspection fee to be paid to the Town when electrical installations are inspected by the electrical inspector.

Section 4-22. Electrician's Registration Required Bend.

- A. All persons, firms, partnerships, corporations or individuals, engaged or hereafter engaging in the business of installing electrical fixtures, wiring or apparatus in or on any building within the corporate limits of the Town of Drummond (except central power stations, power houses and substations belonging to the electric company) shall pay to the Town Clerk of the Town the sum of twenty-five dollars (\$25.00), as a registration fee for the purpose of regulating the business, payable in advance to be deposited in the general fund of the Town. The registration shall entitle the holder to install electrical conductors, fixtures or apparatus, within the corporate limits of the Town for a period of one year. No registration shall extend beyond June 30th of any year, and all persons, firms or corporations paying fees herein, fixed at any time after the first day of July, shall be required to pay the full amount as set out above. All persons, firms, partnerships, contractors or individuals, who hereafter make application for registration under this section; must show proof of an Oklahoma license as an electrical contractor or journeyman electrician as provided in Title 59, Sections 16080 et al of the Oklahoma Statutes. Nothing in this Article shall be construed to require an individual to be registered before doing electrical work on his own personal residence.
- B. Every person receiving a certificate as an electrical contractor shall file with the Town Clerk a bond in the sum of One Thousand Dollars (\$1,000.00), executed with a surety company authorized to do business in the State. The Bond shall be conditioned that the principal will install all electrical wiring, fixtures, appliances, and equipment in accordance with the law and the ordinances and other regulations of the Town relating to electrical installations and in a workmanlike manner; that the principal shall, without further cost to the person for whom the work was done, remedy any defective or faulty work caused by poor workmanship or inferior or non-standard material; and that the Town may be fully indemnified and held harmless from any and all costs, expenses or damage resulting from the performance of his work as an electrical

contractor or apprentice electrician, as the case may be.

- C. For the installing of bell, telephone or signal systems not using over twelve (12) volts, no registration or bond will be required. The installation of same must comply with all other requirements of the ordinances of the Town.
- D. After adequate opportunity for a hearing, the Town Board may revoke the certificate of an electrical contractor, an apprentice electrician, or a journeyman electrician.

Section 4-23. Defective Workmanship and Materials.

Any person, firm or corporation engaged in the business of electrical contracting for the installation of wiring and apparatus for electric light, heat or power in the Town who fails to connect promptly any defects have been corrected; and in any case, in which any person shall continue to or persistently violate the Code of the Town in regard to electrical work, or the orders of the electrical inspector in relation to same, the registration and permit of such person shall be suspended or revoked.

Section 4-24. Inspection No Relief From Responsibility.

This Code shall not be construed to relieve or lessen the responsibility of any person partnership or corporation owning or operating or installing electric wire, appliances, apparatus, construction or equipment for the damage to property or persons injured by any defect therein. Nor shall the Town or any agent thereof, be deemed to assume such liability by reasons of the inspection authorized herein or the certificate of inspection issued by the electrical inspector.

Section 4-25. (Reserved for future use).

Article 4. Liquefied Petroleum Gas

Section 4-26. 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, shall have full force and effect within this Town. Any violation of these rules and regulations shall be deemed a violation of the ordinances of the Town and shall be punished accordingly.

(State Law Reference: State rules, LPG, 52 OS. Sections 420.1 et seq.)

Article 5. Gas Piping Code

Section 4-27. Pamphlet Adopted, License, Fees. Bond.

- A. Pamphlet No. 54 published by the National Fire Protection Association, entitled National Fuel Gas Code, the latest edition thereof: hereby adopted and incorporated in this code by reference. The pamphlet shall be in full force and effect in the Town and shall govern the installation of gas piping and gas appliances in the Town. Any violation of the provisions of the pamphlet shall be deemed a violation of the ordinances of the Town.
- B. It shall be unlawful for any person, firm, or corporation to engage in the business of installing gas piping and/or appliances without first obtaining a license from the Town. The license may be obtained by persons holding a plumbing contractor's license issued by the State of Oklahoma.
- C. Before receiving a license, the applicant shall pay an annual fee of twenty-five dollars (\$25.00). The fee shall be paid to the Town Clerk and the license shall not be valid unless it has attached to it or written on it a receipt of statement showing that the fee has been paid.
- D. Every person receiving a license to install gas pipe and/or appliances shall file with the Town Clerk a bond in the amount of one thousand dollars (\$1,000.00) executed with a surety company authorized to do business in the State of Oklahoma and conditioned that the principal will install all gas piping and/or appliances in accordance with the law and the ordinances and other regulations of the Town and the State of Oklahoma relating to gas piping installations and that the principal shall, without further cost to the person for which the work is done, remedy any defective or faulty work caused by poor workmanship or inferior or substandard materials. Said bond must be approved by the Board of Trustees. No license shall be issued to any person until the bond is filed and approved, and any such license issued shall be valid only while said bond is in effect.

Article 6. Mechanical Code

Section 4-28. Adoption of Mechanical Code.

- A. There is hereby adopted by reference the BOCA National Mechanical Code, the latest edition thereof, issued by the Building Officials and Code Administrators International, Inc., as the mechanical code for the Town. The mechanical code shall be fully applicable and enforceable in governing mechanical work in the Town, save and except such portions as are hereinafter deleted, modified or amended, as fully as if set out at length herein. If any provision of the ordinances of the Town are in conflict with the provisions of the mechanical code, except as provided in this chapter, the provisions of the mechanical code shall prevail.
- B. The following sections of the Mechanical Code are hereby revised:
 1. Section M-100.I, insert: "the Town of Drummond";

2. Section M-1 14.2, insert: "as provided by the Town Board of Trustees";
3. Section M- 114.3, insert: "as provided by the Town Board of Trustees";
4. Section M-1 17.4, insert: "offense punished as provided in Section 1-118 of the Town's Code of Ordinances"; and
5. Section M-118.2, insert: "fine plus costs as provided in Section 1-118 of the Town's Code of Ordinances".

Section 4-29. Registration. Fees.

All persons, firms, partnerships, corporations or individuals engaged or hereafter engaging in the business of installation, maintenance, repair or renovation, in whole or in part, of any heating system, cooling system, mechanical refrigeration system or ventilation system or any equipment or material including process piping used in the installation, maintenance, repair, or renovation of such systems; on any premises in or on any building within the corporate limits of the Town of Drummond shall pay to the Town Clerk of the Town the sum of twenty-five dollars (\$25.00), as a registration fee for the purpose of regulating the business, payable in advance to be deposited in the general fund of the Town. The registration shall entitle the holder to install or extend any heating system, cooling system, mechanical refrigeration system or ventilation system or any equipment or material including process piping used in equipment or material including process piping used in the installation, maintenance, repair or renovation of such systems; on any premises, within the corporate limits of the Town for a period of one year. No registration shall extend beyond June 30th of any year, and all persons, firms, or corporations paying fees herein, fixed at any time after the first day of July, shall be required to pay the full amount as set out above. All persons, firms, partnerships, contractors or individuals, who hereafter make application for registration under this section; must show proof of an Oklahoma License as a mechanical journeyman or mechanical contractor as provided in Title 59, Sections 1850.1 et al of the Oklahoma Statutes. Nothing in this ordinance shall be construed to require an individual to be registered before doing mechanical work on his own personal residence.

Section 4-30. Apprentices.

Nothing herein contained shall be construed to prevent the employment of apprentices to perform any of the work herein defined provided said apprentice performs said work under the direct supervision of a licensed mechanical contractor or journeyman. No license examination fees shall be required of such apprentices. A mechanical contractor is allowed three (3) apprentices to each journeyman on each job.

Article 7. Miscellaneous Provisions

Section 4-31. House Moving Permit.

- A. Before any person shall move any house, building or heavy structure on or over any street within or through the Town of Drummond, Oklahoma, it shall be necessary to obtain a permit to do so from the

Office of the Town Clerk; said permit shall first be approved by the Mayor or Acting Mayor.

- B. The fee for a permit to move such house or structure shall be ten dollars (\$10.00). In the event it is necessary to move utility lines, poles, signs or other structures to facilitate the move, the cost therefore will be paid by the applicant in addition to the normal fee.
- C. No permit shall be issued to any person to move a house or structure unless the person has in effect a bond in the sum of one thousand dollars (\$1,000.00), conditioned that the mover will indemnify the owners of any property (public or private, including pavement, curbs, etc.) for any damage thereto resulting from the moving of any house or structure by him or by his agents or employees, and holding the Town of Drummond, Oklahoma, harmless from liability for any such damages.
- D. It shall be the duty of the Mayor or Acting Mayor to approve or determine the route that may be used and the potential for damages, if any, to any property. He may prescribe such rules and regulations as are necessary to promote an effective move and protection of persons and property. The mover shall erect all necessary danger signals during the operation of moving.
- E. Any person moving any house or any other structure on or over any street or alley, shall be liable personally and upon his bond for any damages to trees, public property, persons or any matter whatsoever resulting from such moving. This shall not be construed to authorize any person to cut or trim any trees, or commit any injury to any public or private property which cannot be immediately restored to its former condition, and no permit shall authorize any moving under any conditions which will promote such damages.

Section 4-32. Pavement Cutting Permits.

- A. It shall be unlawful for any person to cut any pavement on any street or alley within the Town of Drummond, Oklahoma, without a permit from the Office of the Town Clerk; said permit shall first be approved by the Mayor or Acting Mayor.
- B. An estimate of the cost of cutting such pavement shall be made by the Mayor or Acting Mayor, and a deposit equal to the amount of the estimate shall be made by the applicant.
- C. The Town may, at its option, either make repairs of the pavement which has been cut under the provisions of this Section, and charge the costs of such repairs to the deposit herein provided, or require that the person cutting the pavement make the repairs; in the latter case, the persons deposit shall be returned, upon satisfactory repair of the pavement. Any balance remaining after all such costs are paid shall be returned to the person making said deposit.
- D. Any person cutting such pavement shall maintain proper safeguards, with suitable lights, during the

night hours and sufficient in number to give warning of danger to all persons.

Section 4-33. Ditching Permits.

- A. It shall be unlawful for any person, firm or corporation to initiate any ditching operation involving any public easement, right-of-way, place, area or building within the Town of Drummond, Oklahoma, without first obtaining a permit from the Office of the Town Clerk; said permit shall first be approved by the Mayor or Acting Mayor.
- B. Such permit shall be issued only if the applicant meets the following conditions:
 - 1. The applicant shall provide a map of the proposed project to the Mayor prior to initiating work; said map shall show, or have placed upon it by the Mayor, all municipal utility line locations in the project area, and all areas of public easement, right- of-way, places, areas or buildings potentially affected by the proposed project.
 - 2. The applicant shall provide written proof that he has coordinated this project with all other applicable utility companies (telephone, electric, gas, and CATV) and is aware of the locations of all such lines.
 - 3. The applicant shall provide a surety bond (or cash deposit), suitable to the Town of Drummond, Oklahoma as to dollar amount and form, to insure that any damages will be repaired; upon completion of the project, the Town of Drummond, Oklahoma, will review any damage claims and make appropriate arrangements.
 - 4. The applicant shall agree in writing, to maintain proper safeguards, particularly at night.
- C. Violation of any of these provisions shall be grounds for revocation of the applicant's permit at any time.
- D. The fee for such permit shall be as determined by motion of the Town Board of Trustees.

Section 4-34. Permits for Pipes Across Streets.

- A. Oil and gas companies, and other persons, firms and corporations not operating pursuant to a franchise granted by the municipality or not operating pursuant to a license or permit granted by the State Corporation Commission, shall secure a permit from the Office of the Town Clerk before placing, installing, laying, constructing, operating or maintaining any pipe, cable wire, conduit or line across, over, under, along, through or upon any street, alley, public way or public place within the corporate limits of the Town of Drummond, Oklahoma; said permit shall first be approved by the Mayor or Acting Mayor.
- B. The Application for the permit shall specify:

1. The location of the pipe, cable, wire conduit or line; and
 2. The privileges and proposed terms which the applicant desires to secure from the Town and to exercise.
- C. The Mayor or Acting Mayor if he sees fit to grant the permit, will grant it on written terms which are mutually agreeable. The Mayor or Acting Mayor may revoke said permit after adequate opportunity for a public hearing for any of the following reasons:
1. Failure to abide by the terms on which the permit was granted;
 2. Violation of State Law or Municipal Ordinances; or
 3. Protection of the public peace, health, safety or welfare.
- D. The applicant shall pay such fees for such permit and for its periodic renewal, as the Town Board of Trustees may establish by motion.
- E. The Mayor or Acting Mayor may refuse to renew a permit.
- F. The Town Board of Trustees may require an applicant to provide a bond for the protection of the Town and/or the public in such sum and with such terms as said Town Board of Trustees requires such a bond, a permit shall have no force or effect unless the required bond is also in effect.

Section 4-35. (Reserved for future use).

Article 8. Procedures and Penalty

Section 4-36. Injunctions.

The Town Attorney, upon discovery of any violations of the provisions of this part, may immediately seek in juncture relief against those persons violating provisions of this part, and to bring civil action against such persons for damages and expenses resulting from any violations of provisions of this part.

Section 4-37. Appeals, Exceptions.

Any person feeling aggrieved by any action taken by the Town Clerk in connection with the provisions of this part, or other related ordinances, may appeal from the decision of the Town Clerk. Such appeal shall be in writing and must be taken within ten (10) days from the date of the action complained of, and the appeal shall be lodged with the Board of Trustees. Upon the filing of an appeal under this chapter, the Board of Trustees shall assemble as soon as is convenient thereafter for the purpose of conducting a hearing on the appeal. The Board of Trustees may, only in cases of extreme hardship, grant exceptions to this title. The decision of the Board of Trustees upon any questions of fact shall be final.

Section 4-38. 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 part, without

having a valid license, permit, certificate or certificate of registration as required, or who shall fail to do anything required by this part or by any code adopted by this part, or who shall otherwise violate any provision of the chapters in this part or of any code adopted by this part, or who shall violate any lawful regulation or order made by any of the officers provided for in this part, shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-118 of this code.

Section 4-39. Relief in Courts.

No penalty imposed by and pursuant to this part shall interfere with the right of the Town also to apply to the proper courts of the State for mandamus, an injunction or other appropriate action against such person, firm or corporation.

CHAPTER 5 - BUSINESS AND OCCUPATIONS

Article 1. Itinerant Occupations

Section 5-1. "Itinerant Occupations" Defined.

"Itinerant occupations, trades, businesses or solicitations, shall mean those occupations, trades, businesses and solicitations having no permanent warehouse, building, structure, residence or place of business within the Town at which a permanent business is carried on through-out the year, or usual production season, in good faith (and not for the purpose of evading the provisions of this Chapter), and shall include occupations, trades, businesses and solicitations housed in temporary stands or quarters (including permanent quarters occupied pursuant to any temporary arrangement), or carried on by means of house-to-house solicitation or upon the streets and sidewalks of the Town provided, however, that no occupation, trade or business engaged in by a charitable, educational or religious organization in accordance with the rules, regulations, and by laws of said organization, association or club and the majority of said members being residents of the Town shall be considered an "itinerant occupation, trade, business or solicitation".

Section 5-2. Itinerant Occupation Licenses; Fees.

- A. It shall be an offense for any person to engage in any kind of itinerant occupation in the Town without first having obtained an Itinerant Occupation License from the Office of the Town Clerk.
- B. There is hereby levied an itinerant occupation tax in the amount of ten dollars (\$10.00) per person, per day, against persons, firms, associations and corporations, engaged in itinerant occupations, trades, businesses or solicitations within the Town.
- C. Exceptions to the itinerant occupation tax may only be decided upon by the Town Board of Trustees.

Section 5-3. Itinerant Occupation License Provisions.

- A. Every person, firm, association or corporation who engages in an occupation or business for which an Itinerant Occupation License is required, shall pay the fee and secure a separate license for each such business or occupation.
- B. Every holder of a license to engage in, exercise or pursue a business, profession, trade, occupation or privilege, shall carry the license and shall display it to any person or business while in the act of conducting business.
- C. Assignment or transfer of licenses shall not be permitted.
- D. Whenever an Itinerant Occupation License has been lost or destroyed without any wrongful act or connivance by the holder, the Town Clerk, on application may issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make and file with said Town Clerk an affidavit that the license has not been transferred, 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 not been able to find it. The fee for every duplicate license

issued, payable to said Town Clerk, shall be one (\$1.00).

- E. An Itinerant Occupation License issued to any person, firm, association or corporation may be revoked by the issuing officer, after adequate opportunity for a hearing, for any one (1) of the following reasons:
 1. That the licensee is engaging in, exercising or pursuing the business or occupation in such a manner that he has created or is creating a public nuisance.
 2. Serious or repeated violation of the Law or Ordinance.
- F. No person, firm, association or corporation to whom an Itinerant Occupation License has been issued, shall conduct, exercise or pursue the business or occupation for which such license is issued, between the hours of 7:00 o'clock p.m. and 6:00 o'clock a.m. (on the following day), on any day, provided, furthermore, that no itinerant business or occupation shall be conducted on Sundays.

Section 5-4. Incidental Sales Tax Provisions.

Every person, firm, association or corporation who engages in an occupation or business for which an Itinerant Occupation License is required, shall report to the Town Clerk before the close of the business day and shall complete an incidental sales tax report.

Section 5-5 through 5-9. (Reserved for future use).

Article 2. Fair Housing

Section 5-10 through 5-14. (Reserved for future use).

Article 3. Miscellaneous Provisions

Section 5-15. Sale of Merchandise on Vacant Property

It shall be unlawful for any person, firm or corporation to sell, trade or transfer any merchandise of any kind on or in any vacant property, without the consent of the owner or person in control of said property.

Section 5-16. Short Weights and Measures Prohibited.

It shall be unlawful for any person, firm or corporation to sell or offer for sale, any food, fuel, clothing or any other commodity which does not weigh or measure fully as much, according to standard weights or measures of the State of Oklahoma, as the weight or measure for which it is sold or offered for sale.

Sections 5-17 through 5-24. (Reserved for future use).

Article 4. Penalty

Section 5-25. Penalty.

Any person who violates any provision of this Chapter shall be guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1-118 of this Code and is subject to revocation of his license. Each day upon which a violation continues shall constitute a separate offense.

CHAPTER 6 - CEMETERIES

Section 6-1. et seq. (Reserved for future use).

CHAPTER 7 – CIVIL DEFENSE

Section 7-1. Department of Civil Defense Created.

(See Chapter 1, Section 1-34).

Section 7-2. et seq. (Reserved for future use).

CHAPTER 8 - FIRE PREVENTION

Article 1. Fire Prevention

Section 8-1. Volunteer Fire Department.

A Volunteer Fire Department is hereby established to provide a uniform system of fire protection for the lives and property of the people of Drummond, Oklahoma. This department is authorized under the provisions of the Oklahoma Volunteer Firemen's Act.

Section 8-2. Definitions.

The following definitions shall apply:

- A. Volunteer Firefighter - One who is enrolled as a member of the Drummond Volunteer Fire Department and who serves in said capacity without receiving a regular salary.
- B. Volunteer Fire Department - One which has in its employ not more than two (2) full-time salaried firefighters.
- C. Municipality - One which has qualified to participate in the Firemen's Pension Fund.

Section 8-3. Size of Volunteer Department.

The Volunteer Fire Department shall consist of not less than six (6) and not more than twenty (20) members. The minimum number of firefighters shall increase when the population of Drummond, Oklahoma exceeds eight hundred (800) citizens or more.

Section 8-4. Minimum Rules and Regulations of Volunteer Department.

A. The Chief

As a minimum, the following shall govern the department:

- 1. The Chief shall be the head of the department subject to the laws of the State of Oklahoma, Ordinances of Drummond, and the rules and regulations adopted pursuant to this section. The Chief shall be appointed as provided for in Section 1-41, Chapter 1, this Code of Ordinances.
- 2. The Chief shall be responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him by law or the municipality.
- 3. The Chief may inspect or cause to be inspected by members of the department, the municipal fire hydrants, cisterns, and other sources of water supply of the municipality at least twice a year.
- 4. The Chief shall maintain a library or file of publications on fire prevention and shall make use of it to the best advantage of all members.

5. The Chief shall make every effort to attend all fires and shall direct the officers and members in the performance of their duties.

6. The Chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department.

7. The Chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism shall notify proper authorities. The Chief shall secure and preserve all possible evidence for future use in the case of suspicious incendiarism.

8. The Chief shall file the appropriate activity report forms with the Office of the State Fire 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 fire fighter deaths in the line of duty and of fire fighter injuries in the line of duty requiring the services of a hospital or physician or both.

9. The Chief shall submit an estimate of needs for the fire department to the Board of Trustees during the budgeting process annually. Further, he shall attend council meetings as requested or directed by the Board of Trustees.

B. The Assistant Chief

In the absence of the Chief, the Assistant Chief on duty shall command the department and shall have the full powers and responsibilities of the Chief. The Assistant Chief shall be appointed as provided in Section 1-41, Chapter 1, this Code of Ordinances.

C. Company Officers

The Company officers shall be selected based upon their knowledge of firefighting, leadership ability, and knowledge of firefighting equipment.

D. The Secretary/Treasurer

One member elected by the fire department shall be Secretary/Treasurer. His duties shall consist of calling the roll at the opening of each meeting, keeping the minutes of each meeting, and collecting any money due the department by the members.

E. New Members

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

F. By-Laws

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

1. All volunteer fire fighters are required to respond to alarms of fire and other emergencies when notified.
 2. A volunteer fire fighters is required to be present at all regular meetings, call meetings, and schools presented for the benefit of the fire fighters.
 3. There shall be at least one regular business meeting each month.
 4. Any volunteer fire fighter having two (2) unexcused absences in succession or three (3) unexcused in a period of three (3) months will be expelled from the fire department rolls.
 5. Volunteer fire fighters leaving the municipality for an extended period of time will be required to notify the Chief.
 6. Any volunteer fire fighter refusing to attend training classes provided for him will be expelled from the rolls.
 7. Any volunteer member of the fire department shall be expelled from the from the rolls for any of the following offenses: (1) conduct unbecoming a fire fighter; (2) any act of insubordination; (3) neglect of duty; (4) any violation of rules and regulations governing the fire department; or (5) conviction of a felony.
- G. Copies of this Code of Ordinances and any amendments thereto relating to the Volunteer Fire Department of the Town shall be submitted to the State Insurance Commission.

Sections 8-5 through 8-10. (Reserved for future use).

Article 2. Miscellaneous Provisions

Section 8-11. Vehicular Maintenance.

The Volunteer Fire Department is responsible for all equipment and maintenance as well as the orderliness of the Fire Station.

Section 8-12. Fireworks Prohibited with Exceptions.

- A. Pyrotechnic or fireworks displays may be authorized in accordance with the Town Fire Code when under proper control and at the time, place, and manner of the display is permitted by the Town Board of Trustees.
- B. Citizens in the incorporated Town limits of the Town of Drummond mat utilize pyrotechnic or fireworks displays as follows:
 1. Fireworks displays must be "ground effect only". No "aerial" fireworks are allowed.

2. No fireworks displays will be allowed after eleven o'clock (11:00) PM.
3. Fireworks displays are allowed only to occur on July 4th.
4. Fireworks must take place on property owners' property and not on city streets or alleyways.

C.

Section 8-13. Burning of Trash, Etc.

The burning of paper, trash, leaves, garbage, and refuse of any nature whatsoever is hereby prohibited within the Town unless, under unusual circumstances, a burning permit is received from the Fire Chief. Any burning done under the auspices of a burning permit received from the Fire Chief shall be accomplished under the supervision of a company of Firemen designated by the Fire Chief. Said company shall retain on the premises during the entire burning period with a Town pumper unit. Charges for such supervision will be decided by the Town Board and billed to the permit holder.

Section 8-14. Mutual Aid, Right of Way.

- A. The Town of Drummond, Oklahoma is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the State of Oklahoma for protection outside the corporate limits of said Town, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the State.
- B. Any contract entered into by the Town of Drummond, Oklahoma with an individual owner, firm private corporation, or association, for outside aid, or mutual aid for fire protection, shall provide for the payment by said owner, firm, private corporation, or association, or political subdivision to the Town of Drummond, Oklahoma for such fire apparatus and personnel at the rate as may be set by Ordinance or Resolution of the Town Board of Trustees. All moneys received from said calls shall go into the genera) fund to be used for Fire Department Operation.
- C. The fire department of the Town of Drummond is hereby authorized and directed to answer all outside calls within a distance of five (5) miles from the nearest fire station; unless in the opinion of the Fire Chief it is inexpedient to do so on account of another fire in the Town, broken apparatus, impassable or dangerous highways, or other physical conditions.
- D. All firemen of the Fire Department of the Town of Drummond, attending and serving at fires or doing fire prevention work outside the corporate limits of the Town of Drummond, 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 Town of Drummond, and said firemen shall be entitled to all the benefits of any Firemen's Pension and Relief Fund in the same manner as if the firefighting or fire prevention work was being done within the corporate limits of the Town.

- E. The fire department of the Town of Drummond, answering any fire alarm, or call, or performing any fire prevention services outside the corporate limits of the Town shall be considered as an agent of the State of Oklahoma, and acting solely and alone in a governmental capacity, and said municipality shall not be liable in damages for any act of commission, omission, or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by virtue of subsections A, B, C, and D hereof.
- F. All motorized equipment of the fire department of the Town of Drummond shall have the right of way over all other commercial and pleasure vehicles.

Sections 8-14 through 8-20. (Reserved for future use).

Article 3. Fire Prevention Code

Section 8-21. Adoption of Standard Fire Prevention Code.

There is hereby adopted by the Town Board for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the certain code known as the Fire Prevention Code, recommended by the National Fire Protection Association, being particularly the most recent edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended. Not less than one (1) copy of the code has been filed in the office of the Town Clerk; and the same are hereby adopted and incorporated as fully as if set out at length herein. The provisions the Fire Prevention shall be controlling within the limits of the Town.

Section 8-22. Enforcement.

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

Section 8-23. Definitions.

Whenever the word "Municipality" is used in the Fire Prevention Code hereby adopted, it shall be held to mean the Town.

Section 8-24. Limits for Storage of Flammable Liquids, Bulk Storage of Liquefied Petroleum Gases, Explosive and Blasting Agents.

- A. The limits referred to in the Fire Prevention Code, in which storage of flammable liquids in outside above-ground tanks is prohibited, shall be the Town limits.
- B. The limits referred to in the Fire Prevention Code in which new bulk storage of liquefied petroleum gas is restricted or prohibited are hereby established as the Town limits.
- C. The limits referred to in which the storage of explosives and blasting agents is prohibited are hereby established as the Town limits.
- D. Provided that this section shall not prohibit any such installations in existence at the time this section was initially adopted.

Section 8-25. Modifications.

The Town Board of Trustees shall have power to modify any of the provisions of the Code hereby adopted at its' own discretion or upon application in writing by owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the letter of the Code, provided that the spirit and intent of the Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief thereon shall be entered upon the records of the Fire Department and for applications requesting change, a signed copy shall be furnished to the applicant.

Section 8-26. Appeals.

Whenever the Chief of the Fire Department shall disapprove an application or refuses 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 the decision of the Chief of the Fire Department to the Town Board of Trustees within thirty (30) days from the date of the decision of the Chief.

Article 4. Penalty

Section 8-27. Penalty.

Any person, firm or corporation who violates any provision of this Chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-118 of this Code.

CHAPTER 9 - GENERAL AND MISCELLANEOUS PROVISIONS

Article 1. Rules of Construction

Section 9-1. Rules of Construction.

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

- A. City Council, Council, Town Board of Trustees or Town Board. The words "City Council", "Council", "Town Board of Trustees" or "Town Board" shall mean the governing body of the Town.
- B. City Attorney. Town Attorney or Municipal Attorney. Reference to the "City Attorney", the "Town Attorney" or the "Municipal Attorney" shall mean the Town Attorney of the Town.
- C. City Clerk, Town Clerk, or Clerk of the Municipality. Reference to "City Clerk", "Town Clerk" or "Clerk of the Municipality" shall mean the Town Clerk of the Town.
- D. City Treasurer, Town Treasurer or Treasurer. Whenever reference is made to the "City Treasurer", "Town Treasurer" or "Treasurer", it shall mean the Town Treasurer of the Town.
- E. City Clerk/Treasurer. Reference to the "City Clerk/Treasurer" shall mean that the Offices of City Clerk and City Treasurer have been combined into one elected or appointed position by competent legal action.
- F. Chief of Police or Police Chief. Reference to the "Chief of Police" or the "Police Chief", shall mean the Chief of Police or the police officer in charge of the police force of the Town.
- G. City, Town or Municipality. The words "City", "Town," or "Municipality" shall mean the Town.
- H. Code. Reference to "this Code", "the Code", "Town Code", shall mean the Code of Ordinances of the Town.
- I. Computation of Time. Whenever notice is required to be given (or an act to be done) a certain length of time before any proceeding shall be had, the day on which such notice is given (or such act is done) shall be excluded in computing the time, but the day on which such proceeding is to be had, shall be included.
- J. County. The term "County", "the County" or "this County" shall mean Garfield County, Oklahoma.
- K. Court. The word "Court" or "Municipal Court", shall mean the Municipal Court of the Town.
- L. Gender. A word imparting the masculine gender only shall extend, and be applied to, females, firms, partnerships and corporations, as well as to males.
- M. Health Officer or Health Department. Wherever reference is made to "Health Officer" or "Health Department", it shall be construed as meaning the State Health Department, unless specific reference is made to the appointed Health Officer of the Town.
- N. Highway. The term "highway" shall include any street, alley, highway, avenue, public place, square, bridge, underpass or overpass in the Town dedicated or devoted to public use.
- O. Joint Authority. Words purporting to give authority three (3) or more officers or other persons, shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.
- P. Judge. The word "Judge" or "Municipal Judge" shall mean the Judge of the Municipal Court of the Town including the Acting Judge and/or Alternate Judge thereof, as provided by Oklahoma Statutes and this Code of Ordinances.
- Q. Judicial District. The term "Judicial District" shall mean the District Court Judicial District of the State of Oklahoma, wherein the site of government of the Town is situated.
- R. May. The word "may" is permissive; the word "shall" is mandatory.
- S. Mayor. Whenever reference is made to the "Mayor", "Chairman" or "President", it shall mean the Chief Executive Officer of the Town.
- T. Month. The word "month" shall mean a calendar month.
- U. Number. Any word imparting the singular number shall include the plural and any word imparting the plural number shall include the singular, except where a contrary intention plainly appears.
- V. Oath. The word "oath" shall be constructed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath; in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".
- W. Officers, Departments, etc. Whenever any officer, department, board commission or other agency is referred to by title alone, such reference shall be construed as if followed by the words "of the Town of Drummond, Oklahoma".
- X. Or, And. "Or" may be read "and", and "and" may be read "or", if the sense requires it.
- Y. Owner. The word "owner", applied to building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.
- Z. Person. The word "person" shall extend, and be applied to, associations, corporations, firms, partnerships and bodies politic and corporate, as well as to individuals. Whenever used with respect to any penalty, the word "person", as applied to

partnerships or associations, shall mean the partners or members thereof, and as applied to corporation, the officers thereof.

- AA. Policeman. Reference to a "policeman" shall mean the Chief of Police or any police officer of the Town.
- BB. Preceding or Following. The words "preceding" or "following" mean next before and next after, respectively.
- CC. Roadway. The word "roadway" shall mean that portion of a Street improved, designed or ordinarily used for vehicular traffic.
- DD. Sidewalk. The word "sidewalk" shall mean any portion of the street right-of-way between the curb (or lateral line of the roadway) and the adjacent property line, intended for the use of pedestrians.
- EE. Signature or Subscription. The word "signature" or "subscription" shall include a mark when a person cannot write.
- FF. State. The words "State", "the State" or "this State" shall be construed to mean the State of Oklahoma.
- GG. Statutory Reference. Reference to the Statutes of the State of Oklahoma means the Statutes as they now are or as they may be amended to be; a reference to the 1981 Statutes also means the comparable provisions then included in future codifications or supplementations of said Statutes.
- HH. Street. The term "street" shall include any highway, alley, street, avenue, public place, underpass or overpass in the Town, dedicated or devoted to public use.
- II. Tense. Words used in the past or present tense shall include the future, as well as the past and present.
- JJ. Written or Writing. The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.
- KK. Year. Unless otherwise designated, the word "year" shall mean a calendar year.
- LL. Authority. This term shall refer to the Drummond Public Works Authority.

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

Article 2. Miscellaneous Provisions

Section 9-5. Certain Ordinances Not affected by Code.

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

- A. Ordinances promising or guaranteeing the payment of money for the Town, either authorizing the issuance of any municipal bonds or any evidence of the municipality's indebtedness.

- B. Appropriation Ordinances, or Ordinances providing for (a) the levy of taxes, (b) an annual budget; or (c) prescribing salaries for municipal officers and employees.
- C. Ordinances annexing or detaching territory to or from the Town.
- D. Ordinances approving, authorizing or otherwise relating to, any contract, agreement, lease, deed or other instrument, or granting any franchise.
- E. Ordinances authorizing or otherwise relating to specific public improvements.
- F. Ordinances vacating, opening or dedicating specific streets and alleys.
- G. Ordinances relating to specific street improvements and assessments therefore.
- H. Ordinances relating to the grade or alignment of specific streets.
- I. Ordinances naming or renaming specific streets.
- J. Ordinances granting railroads the right to use specific streets and alleys.
- K. Ordinances changing the Zoning District classification of a specific parcel of real property.
- L. Ordinances granting non-exclusive permits or franchises to a community television system antenna company commonly referred to as a cable television company.
- M. Ordinances granting other franchises.
- N. Temporary or special Ordinances.

Section 9-6. Enumeration of Provisions.

- A. Provisions of State Law which affect the Town because of its general relationship to the State, may not be enumerated herein, but may be adopted by reference as inseparable parts of this Code of Ordinances.
- B. Provisions of State Law which prescribe specific actions or laws for the Town and its citizens, may be included in this Code of Ordinances for purposes of clarity.
- C. Provisions of State Law in matters of wide public concern which are not enumerated herein, but which affect the Town and its citizens in a general way may not be enumerated herein, but may nevertheless be made a part of this Code of Ordinances through adoption by reference.
- D. All provisions which are of purely local concern shall be specifically enumerated in this Code of Ordinances. The regulations, rules, prohibitions, nuisances, offenses and other provisions which are of purely local concern, as provided by State Law, and be specifically enumerated herein in detail, shall be enforced by the Town. Duly authorized officers and agents of said Town shall have all

power, duties and responsibilities necessary to enforce the same.

Section 9-7. Code Does Not Affect Prior Offenses or Rights.

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

Section 9-8. Code and Ordinances Effective Outside Town on Property Owned or Controlled by Town.

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

Section 9-9. Designation and Citation of Code.

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

Section 9-10. Catchlines of Sections.

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

Section 9-11. Separability of Parts of Code.

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

other words, phrases, clauses, sentences, paragraphs or Sections of this Code.

Sections 9-12 through 9-19. (Reserved for future use)

Article 3. Penalty-Judicial Relief

Section 9-20. Judicial Relief.

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

CHAPTER 10 - HEALTH AND SAFETY

Article 1. Contagious Diseases

Section 10-1. Introducing Diseases.

- A. It shall be unlawful for any person affected with, or exposed to any contagious or infectious disease, to be upon any street or in any public place in the Town. The purpose of this requirement is to avoid exposing other persons to such a disease.
- B. It shall be unlawful for any parent, guardian or person having charge of any child or children to allow, or permit such child or children to attend any classes, school or any gathering of people, or to appear upon any street or in any public place in the Town while infected with, or exposed to, any contagious or infectious disease, or in any manner to allow other persons to be exposed to such a disease.
- C. No person suffering from, or infected with the communicable form of a venereal disease, shall engage in any occupation involving intimate contact with persons, food or food products.

Section 10-2. Report of Contagious Diseases.

- A. Every physician practicing in the Town shall report to the State Health Official, within six (6) hours after the diagnosis of the same, the appearance of any of the following diseases: diphtheria (including membranous croup), scarlet fever, smallpox, yellow fever, typhoid fever, typhus fever, Asiatic cholera, chicken pox, tuberculosis, undulant fever, acute anterior, poliomyelitis (infantile paralysis), epidemic cerebrospinal meningitis, whooping cough, mumps, or any other pestilential, infectious or contagious disease.
- B. Syphilis, gonococcus infection, herpes, and cancrs are hereby and hereinafter recognized and declared to be contagious, infectious, communicable and dangerous to the public health. The term "venereal disease", as used in this Chapter, shall include all such diseases.
- C. The Statutes of the State of Oklahoma governing the diseases stated hereinbefore shall apply to all cases of this nature after said report is made.

Section 10-3. Quarantine.

- A. It shall be unlawful for any person to enter, or go upon, any ground or premises under quarantine, without first having obtained permission to do so from the State Health Official.
- B. It shall be unlawful for any person whom the State Health Official shall have ordered to be detained in quarantine, to neglect or refuse to be so detained, or to willfully violate any quarantine regulation thereof.
- C. It shall be unlawful for any person to tear down, remove, deface, mutilate or destroy any order, notice or flag that may be posted or displayed, by the State Health Official.

- D. It shall be unlawful for any person to willfully violate, or refuse to comply with, any lawful order, direction, prohibition, rule or regulation of any officer or official charged with enforcement of such order, direction, prohibition, rule or regulation.

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

Article 2. Sanitary Facilities

Section 10-10. Definitions.

- A. Human Excrement. The term "human excrement" is used herein to mean the bowel and kidney discharge of human beings.
- B. Sanitary Water Closet. The term "sanitary water closet" is used herein to mean the flush-type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times.
- C. Sanitary Pit Privy. The term "sanitary pit privy" is used herein to mean a privy which is rebuilt or constructed to conform to the specifications approved by the Oklahoma State Department of Health.

Section 10-11. Owner to Provide Proper Toilet Facilities.

- A. Every owner of a residence or other building in which human beings reside, are employed or congregate, shall install, equip and maintain adequate sanitary facilities for the disposal of human excrement. This requirement shall include a sanitary water closet or closets, a water closet or closets connected to an approved septic tank, or a sanitary pit privy or privies.
- B. The closets and toilets required herein shall be of the sanitary water closet type when located within three hundred (300) feet of any municipal sanitary sewer line and accessible thereto. It shall be the duty of every owner of property so located, to connect, or cause to be connected, his toilet(s) with the municipal sanitary sewer system, and to make every proper connection so that each toilet is properly connected with said sewer system.
- C. When not so located, the closet or toilet shall be of (a) the sanitary water closet type, so connected to a sanitary sewer (notwithstanding the distance from it), (b) the water closet type, connected to a septic tank approved by the Health Officer, or (c) the sanitary pit privy type, approved by the State Health Officer.

Section 10-12. Proper Disposal of Human Excrement Required.

All human excrement shall be disposed of by deposition in closets and privies of the type hereinbefore described. It shall be unlawful for any owner of property to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement in any other manner.

Section 10-13. Unauthorized Facilities Declared Public Nuisances.

All facilities for the disposal of human excrement in a manner different from that required by this Code of Ordinances, and all privies and closets so constructed, situated or maintained as to endanger the public health, are hereby declared to be public nuisances and may be dealt with, and abated as such. (See Chapter 14, Nuisances).

Sections 10-14 through 10-19. (Reserved for future use).

Article 3. Miscellaneous Provisions

Section 10-20. Abandoned Ice Boxes, Refrigerators and Containers.

It shall be unlawful for any person, firm or corporation to leave in a place accessible to children, any abandoned or discarded ice box, refrigerator or other container which has an airtight door with a lock or other fastening device which cannot be easily released for opening from the inside of the ice box, refrigerator or container, without first removing the door, lock or fastener.

Section 10-21. Food Service. Regulations.

- A. 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 Town 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.
- B. Any person who violates any of the provisions of this Section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-118 of this Code. In addition thereto, any person convicted of violation may be enjoined from continuing the violation.

(State Law Reference: State Food Regulations, see 63 O.S. Sections 1-1101 et seq. And Section 1-1118.)

Section 10-22. Milk Ordinance Adopted.

Part II of the Grade A Pasteurized Milk Ordinance, recommended by the U.S. Public Health Service, is hereby adopted and incorporated by reference to govern it and regulate the production, transportation, processing, handling, sampling, examination, grading, labeling and sale of milk and milk products sold for ultimate consumption within the Town limits or its police jurisdiction; the inspection of dairy farms, dairy herd and milk plants; the issuing and revocation of permits to milk producers, haulers and distributors. At least copy of the Pasteurized Milk Ordinance shall be filed in the office of the appropriate official. Sections 9, 16, 17 of the abridged ordinance shall be replaced, respectively by Sections 10-26 and 10-27 of this Code.

(State Law Reference: State Laws regulating milk standards, see 63 O.S. Sections 1-1301 et seq.; manufacture of milk, 2 O.S. Section 7-1 et seq.)

Section 10-23. Grade Requirements.

Only Grade A pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores or similar establishments; provided that in an emergency, milk which is ungraded or the grade which is unknown, may be authorized by the health authority, in which case, such milk and milk products shall be labeled "ungraded".

Section 10-24. Enforcement by Whom.

All sampling, examining, grading, and regrading of milk and milk products, and all inspections, and issuing and suspension or revocation of permits shall be done by the Director of the Cooperative Health Department or his authorized representative, who shall be a registered professional sanitarian.

Article 4. Enforcement and Penalty

Section 10-25. County Health Department Designated to Enforce Health Ordinances.

Anywhere in this Chapter where the word or words "health officer" are used shall be construed to mean the Director of the County Health Department or his duly designated representative. It is the intent and purpose of the Mayor and the Town Board of Trustees to delegate the enforcement of the Health Ordinances of this Town as set out in this Section and any such decisions rendered under this Section shall be subject to review by the governing Board upon an appeal from an offender.

Section 10-26. Obstructing Health Officer.

It is unlawful for any person to willfully obstruct or interfere with any Health Officer or physician charged with the enforcement of the health laws of this Town.

Section 10-27. Penalty.

Any person who violates any provision of this Chapter or any law or Code adopted by reference in this Chapter, is guilty of an offense and, upon conviction thereof, shall be punished as provided in Section 1-118 of this Code. In addition thereto, such person may be enjoined from continuing such violations.

CHAPTER 11 - INDUSTRIAL WASTES

Article 1. General Provisions

Section 11-1. Definitions.

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

- A. City. The words "city", "town" or "municipality" shall mean the Town of Drummond, Oklahoma, in Garfield County, Oklahoma.
- B. B.O.D. <Biochemical Oxygen Demand>. The term "B.O.D." shall mean the quantity of oxygen by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade.
- C. C.O.D. (Chemical Oxygen Demand). The term "C.O.D." shall mean the measure of the oxygen-consuming capacity of inorganic and organic matter present in the water or wastewater, expressed in mg/l, as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter, and thus not necessarily correlating with biochemical oxygen demand.
- D. Control Point. The term "control point" shall mean a point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.
- E. Industrial Waste. The term "industrial waste" shall mean waste resulting from any process of industry, manufacturing, trade or business from the development of any natural resource or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater.
- F. Industrial Waste Charge. The term "industrial waste charge" shall mean the charge made on those persons who discharge industrial wastes into the municipal sewerage system.
- G. Milligrams Per Liter (mg/l). The term "milligrams per liter" shall mean the same as parts per million and is a weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
- H. Normal Domestic Wastewater. The term "normal domestic wastewater" shall mean wastewater, excluding industrial wastewater, discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than three hundred (300) mg/l and B.O.D. is not more than two hundred and fifty (250) mg/l.
- I. pH. The term "pH" means the logarithm (Base 10) of the reciprocal of the hydrogen ion concentration.
- J. Public Sewer. The term "public sewer" shall mean the pipe or conduit carrying wastewater or unpolluted drainage, in which owners of abutting

properties shall have the use, subject to control by the municipality.

- K. Suspended Solids. The term "suspended solids" shall mean solids measured in mg/l that either float on the surface of, or are in suspension in, water, wastewater or other liquids, and which are largely removable by a laboratory filtration device.
- L. Wastewater. The word "wastewater" means a combination of the water-carried waste from residences, business buildings, institutions and industrial establishments, together with any ground, surface and storm water that may be present.
- M. Wastewater Facilities. The term "wastewater facilities" includes all facilities for collection, pumping, treating and disposing of wastewater and industrial wastes.
- N. Wastewater Service Charge. The phrase "wastewater service charge" shall mean the charge on all users of the public sewer system whose wastes do not exceed, in strength, the concentration values established as representative of normal wastewater.

Section 11-2. Power to Enter Property.

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

Section 11-3. Authority to Disconnect Service.

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

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

3. Fails to pay monthly bills for water and sanitary sewer services when due.
4. Repeats a discharge of prohibited wastes to public sewer.

Sections 11-4 through 11-9. (Reserved for future use).

Article 2. Industrial Wastes

Section 11-10. Prohibited Discharges.

- A. No person may discharge to public sewers any waste which by itself or by interaction with other wastes, may:
 1. Injure or interfere with wastewater treatment processes or facilities.
 2. Constitute a hazard to human beings or animals.
 3. Create a hazard in receiving waters of the wastewater treatment plant effluent.
- B. All discharges shall conform to requirements of this Chapter.

Section 11-11. Chemical Discharges.

- A. No discharge to public sewers may contain:
 1. Cyanide greater than 0.05 mg/l.
 2. Fluoride, other than that contained in the public water supply.
 3. Chlorides in concentrations greater than 250 mg/l.
 4. Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 5. Substances causing an excessive Chemical Oxygen Demand.
- B. No waste or wastewater discharged to public waters may contain:
 1. Strong acid, iron pickling wastes or concentrated plating solutions, whether neutralized or not.
 2. Flats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (0° and 65° Centigrade).
 3. Objectionable or toxic substances, exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Approving Authority for such materials.

4. Obnoxious, toxic, or poisonous solids, liquids or gases in quantities sufficient to violate the provisions of Section 11-10 (above).

- C. No waste, wastewater or other substance may be discharged in public sewers which has a pH lower than 5.5 or higher than 9.5, or any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel at the wastewater facilities.
- D. All waste, wastewater or other substance containing; phenols, hydrogen sulfide or other taste and odor producing substance, shall conform to concentration limits established by the Approving Authority. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by State, Federal or other agencies with jurisdiction over discharges to receiving waters.

Section 11-12. Heavy Metals and Toxic Materials.

- A. No discharges may contain concentrations of heavy metals greater than the amounts specified in Subsection 2 (below).
- B. The maximum allowable concentrations of heavy metals stated in terms of milligrams per liter (mg/l), determined on the basis of individual sampling in accordance with "Standard Methods", are:

1. Arsenic	0.50 mg/l
2. Barium	5.00 mg/l
3. Boron	1.00 mg/l
4. Manganese	5.00 mg/l
5. Mercury	0.002 mg/l
6. Nickel	1.00 mg/l
7. Cadmium	0.03 mg/l
8. Chromium (total)	0.50 mg/l
9. Copper	0.05 mg/l
10. Lead	0.09 mg/l
11. Selenium	0.05 mg/l
12. Silver	0.10 mg/l
13. Zinc	0.05 mg/l
- C. No other heavy metal or toxic materials may be discharged into public sewers without a permit from the Town Board of Trustees specifying conditions of pre-treatment, concentrations, volumes and other applicable provisions.
- D. Prohibited heavy metals and toxic materials include, but are not limited to:
 1. Antimony
 2. Beryllium

3. Bismuth
4. Cobalt
5. Herbicides
6. Fungicides
7. Molybdenum
8. Pesticides
9. Rhenium
10. Strontium
11. Tellurium
12. Uranylion

Section 11-13. Impairment of Facilities.

- A. No person may discharge into public sewers any substance capable of causing:
 1. Obstruction to the flow in sewers.
 2. Interference with the operation of treatment processes of facilities.
 3. Excessive loading of treatment facilities.
- B. Discharges prohibited by Subsection 1 (above) include, but are not limited to, materials which exert or cause concentrations of:
 1. Inert suspended solids greater than 250 mg/1, including, but not limited to:
 - i. Fuller's earth.
 - ii. Lime slurries.
 - iii. Lime residues.
 2. Dissolved solids greater than 500 mg/1, including, but not limited to:
 - i. Dye wastes.
 - ii. Sodium sulfate.
 3. Excessive discoloration, including, but not limited to:
 - i. Dye wastes.
 - ii. Vegetable tanning solutions.
 4. BOD, COD or chlorine demand, in excess of normal plant capacity.
- C. No person may discharge into public sewers any substance that may:
 1. Deposit grease or oil in the sewer lines in such a manner as to clog the sewers.

2. Overload skimming and grease handling equipment.
 3. Pass to the receiving waters without being effectively treated by normal wastewater treatment processes, due to the non-amenability of the substances to bacterial action.
 4. Deleteriously affect the treatment process due to excessive quantities.
- D. No person may discharge any substance into public sewers which:
 1. Is not amenable to treatment or reduction by the processes and facilities employed.
 2. Is amenable to treatment only to such a degree that the treatment plan effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - E. The Town Board of Trustees shall regulate the flow and concentration of sludge when they may:
 1. Impair the treatment process.
 2. Cause damage to collection facilities.
 3. Incur treatment costs exceeding those for normal wastewater.
 4. Render the waste unfit for stream disposal or industrial use.
 - F. No person may discharge into public sewers solid or viscous substances which may violate Subsection A (above), if present in sufficient quantity or size, including, but not limited to:
 1. Ashes
 2. Cinders
 3. Sand
 4. Mud
 5. Straw
 6. Metal
 7. Shavings
 8. Glass
 9. Rags
 10. Feathers
 11. Tar
 12. Plastics
 13. Wood
 14. Un-ground Garbage

15. Whole blood
16. Paunch manure
17. Hair and Fleshing
18. Entrails
19. Paper Products, either whole or ground by garbage grinders
20. Slops
21. Chemical residues
22. Bulk solids

determining the existence of hazards to health, life, limb and property, and shall be conducted in accordance with the standard methods of sampling effluents and wastewater which are employed by the Oklahoma State Department of Health.

- B. Examination and analysis of the characteristics of waters and wastes required by this Chapter shall be:

1. Conducted in accordance with the latest edition of Oklahoma State Health Department Standards.
2. Determined from suitable samples taken at the control manhole provided, or other control point authorized by the Town Board of Trustees.

Section 11-14. Compliance with Existing Authority.

- A. Unless exception is granted by the Town Board of Trustees, the public sanitary sewer system shall be used by all persons discharging:

1. Wastewater.
2. Industrial waste.
3. Polluted liquids.

- B. Unless authorized by the Oklahoma State Department of Health, no person may deposit or discharge any waste included in Subsection I (above), on public or private property into or adjacent to any:

1. Natural outlet.
2. Watercourse.
3. Storm sewer.
4. Other area within the jurisdiction of the Town.

- C. The Town Board of Trustees shall verify, prior to discharge, that wastes authorized to be discharged will receive suitable treatment within the provisions of Law, Regulations, Ordinances, Rules and Orders of Federal, State and Local governments.

- C. BOD and suspended solids shall be determined from composite sampling, except to detect unauthorized discharges.

- D. The Town may select an independent firm or laboratory to determine flow, BOD and suspended solids.

- E. The Town is entitled to select the time of sampling, at its sole discretion, so long as annual samples (minimum) are taken.

Section 11-17. Industrial and Domestic Charges.

Charges for industrial and domestic users shall be as determined by the Drummond Board of Trustees.

Section 11-18. Conditions or Permits.

- A. The Town may grant a permit to discharge to persons meeting all requirements of the savings clause provided that the person:

1. Submits an application within one hundred and eighty (180) days after the effective date of this Chapter on forms supplied by the Town Board of Trustees.

2. Secures approval by the Town Board of Trustees of plans and specifications for pretreatment facilities when required.

3. Has complied with all requirements for agreements or arrangements including, but not limited to, provisions for:

- i. Payment of charges.
- ii. Installation and operation of pretreatment facilities.
- iii. Sampling and analysis to determine quantity and strength.

4. Provides a sampling point subject to the provisions of this Chapter and approval of the Town Board of Trustees.

- B. A person applying for a new discharge shall:

1. Meet all conditions of Subsection A (above)

Section 11-15. Review and Approval.

- A. If pretreatment or control is required, the Town Board of Trustees shall review and approve design and installation of equipment and processes.

- B. The design and installation of equipment and processes must conform to all applicable Statutes, Codes, Ordinances and other Laws.

- C. Any person responsible for discharges requiring pretreatment, flow-equalizing or other facilities shall provide and maintain the facilities in effective operating condition at his own expense.

Section 11-16. Sampling and Testing.

- A. Sampling shall be conducted according to customarily-accepted methods, reflecting the effect of constituents upon the sewage works and

2. Secure a permit prior to discharging any waste.

Sections 11-19 through 11-24. (Reserved for future use.)

Article 3. Penalty

Section 11-25. Penalty.

Any person, firm or corporation who shall violate any provision of this Chapter or continue any violation beyond a time limit designated in this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be punished as provided in Section 1-118 of this Code, for each violation. Each day on which any such violation shall continue shall be deemed a separate offense.

CHAPTER 12 - MOBILE AND MODULAR HOUSING

Article 1. General Provisions

Section 12-1. Purpose.

- A. The purpose of this Chapter is to provide for areas within the corporate boundaries of the Town wherein the location and development of mobile homes, mobile home parks, trailer parks, mobile home subdivisions and modular housing units or additions may be safely continued and encouraged.
- B. The regulations set forth in this Chapter are designed to promote stable neighborhoods, prevent health and safety hazards and encourage the economical and orderly development and operation of mobile home parks and subdivisions, trailer parks and modular housing units and additions.

Section 12-2. Definitions.

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

- A. Health Officer. The term "Health Officer" shall mean the legally-designated health authority of the Town (or his authorized representative), or the authorized representative of the State Department of Health.
- B. Inspection Officer. The term "Inspection Officer, shall mean the Building Official of the Town or his authorized agent.
- C. Mobile Home. The term "mobile home" shall mean any single-family dwelling designed for transportation on streets and highways on its own wheels or on flatbed or other trailers (both highway and rail) and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location of jacks or permanent foundations, connection to utilities and similar operations.
- D. Mobile Home Park. The term "mobile home park" shall mean any plot of ground upon which two (2) or more mobile homes, occupied for dwellings or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.
- E. Mobile Home Space. The term "mobile home space" shall mean any plot of ground within a mobile home park designed for the accommodation of one (1) mobile home, and not located on a mobile home sales lot.
- F. Mobile Home Subdivision. The term "mobile home subdivision" shall mean any subdivision designed and intended for residential use, where residence is in mobile homes exclusively, and mobile home lots are sold for occupancy.
- G. Modular Home. The term "modular home" shall mean any factory fabricated, transportable building unit, not built upon a permanent chassis, designed to be used by itself or to be incorporated with similar

units on a permanent foundation. The term is intended to apply to major assemblies and does not include prefabricated sub-elements incorporated into a structure at the site.

- H. Park. The term "park" shall mean a mobile home and/or travel trailer park.
- I. Public Water or Sewer System. The terms "public water system" or "public sewer system" shall mean any such system built and owned by, or dedicated to, and accepted by, the Town; all other such systems shall be deemed private systems.
- J. Service Building. The term "service building" shall mean any building housing toilet and bathing facilities for men and/or women, and may also include buildings containing laundry facilities and other facilities, as required by this Chapter or desired by the park operator.
- K. Subdivision. The word "subdivision" shall mean a mobile home subdivision, unless otherwise indicated.

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

Article 2. Mobile Home and Trailer Parks

Section 12-10. Inspection of Mobile Home and Travel Trailer Parks.

- A. Local Health and/or Inspection Officers are hereby authorized to make inspections to determine the condition of mobile home and travel trailer parks located within the Town in order to perform their duty of safeguarding the health and safety of occupants of mobile home parks and of the general public.
- B. The Health Officer shall have the power to inspect the outside premises of private or public property for the purposes of inspecting and investigating conditions relating to the enforcement of this Chapter or of regulations promulgated thereunder.
- C. The Health and/or Inspection Officer shall have the power to inspect the register containing a record of all mobile homes and occupants using the park.
- D. It shall be the duty of every occupant of a park to give the owner thereof, or his agent or employee, access to any part of such mobile home or trailer park, or their premises, at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter, or with any lawful regulations adopted thereunder, or with any lawful order issued pursuant to the provisions of this Ordinance.
- E. The owner, or a duly authorized attendant or caretaker, shall be charged at all times with keeping the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition. The owner, attendant or caretaker shall be answerable for the violation of any provisions of this Ordinance.

Section 12-11. Notices, Hearings and Orders.

- A. Whenever the Health and/or Inspection Officer determines violations of pertinent regulations exist, he shall notify the owner of the alleged violation. Such notice shall:

1. Be in writing.
2. Include a statement of the reasons for its issuance.
3. Contain an outline of remedial action, which, if taken, will affect compliance with provisions of this Chapter and other pertinent regulations.
4. Allow a reasonable time, not to exceed ninety (90) days, for the performance of any act it requires.
5. Be served upon the owner or his agent as the case may require; provided, that such notice or order shall be deemed as properly served upon owner or agent when a copy thereof has been sent by certified mail to his last known address.

- B. Any person affected by any notice issued under this Chapter or resulting regulations, may request and shall be granted a hearing on the matter before the Town Board of Trustees; provided that such person shall file with the Inspection Officer a written request for such hearing, setting forth briefly the grounds for such request within ten (10) days after the notice was served. The filing of such request shall state the notice of suspension of any permits and/or licenses, except in cases of orders/issued under subsection D (below). The hearing shall be held at the next Town Board of Trustees meeting for which the agenda has not been completed, or at a later meeting if so requested by the petitioner, should the Inspection Officer determine sufficient cause for such delay exists.

- C. After such hearing, the Health and/or Inspection Officer shall compile the findings of the Town Board of Trustees as to compliance with this Chapter and pursuant regulations, and shall issue an order in writing, sustaining, modifying or withdrawing the prior notice which shall be served as provided in Subsection 4 (below).

- D. Whenever the Health and/or Inspection Officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency, including the suspension of any permit Notwithstanding any other provisions of this Chapter, when such order is directed, the affected person/owner shall comply therewith immediately, but upon petition to the Town Board of Trustees, shall be afforded a hearing at the next regular meeting, even if the agenda has been completed.

Section 12-12. Supervision.

The owner or a duly authorized attendant or caretaker, shall be charged at all times with keeping the mobile home park, its facilities and equipment in a clean, orderly and sanitary

condition. The owner, attendant or caretaker shall be answerable for the violation of any provision of this chapter.

Section 12-13. Location and Design Considerations for Parks.

- A. All mobile home parks shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water; drainage shall not endanger any water supply.
- B. Intensity of development shall be limited to no more than ten (10) mobile homes per gross acre for a mobile home park, and not more than fifteen (15) travel trailers per gross acre for a travel trailer park. (Area used for sewage treatment facilities shall not be included in density computations).
- C. Every mobile home and travel trailer space shall be clearly defined.
- D. It shall be unlawful to locate a mobile home or travel trailer so that any part of such mobile home or travel trailer will obstruct any roadway or walkway of such park.
- E. No mobile home or trailer park may be constructed in the Town without prior approval of the Town Board of Trustees and the Oklahoma State Department of Health.
- F. In mobile home or travel trailer parks existing at the effective date of this chapter, parking on or adjacent to the street within the park is permissible as long as it does not obstruct free movement of traffic. Whether or not a safety hazard exists is a question to be determined by the Town Board of Trustees.

Section 12-14. Service Building for Travel Trailer Parks.

- A. Each travel trailer park shall be provided with at least one (1) service building adequately equipped with flush-type toilet fixtures and other sanitary facilities, as required in this Chapter. No service building shall contain less than one (1) toilet for females, one (1) toilet for males and one (1) lavatory and shower or bathtub for each sex.
- B. Travel trailer spaces shall not be more than two-hundred (200) feet from a private building.
- C. All service buildings and the grounds of the park shall be maintained in a clean condition and kept free of any condition that will menace the health of any occupant or the public, or constitute a menace.

Section 12-15. Sewage Disposal for Mobile Home Parks.

- A. Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks and laundries in service and other buildings within the park, shall be discharged into a public sewer and disposal plant, septic tank system or private sewer and lagoon system of such construction and in such manner as approved by the Oklahoma State Health Department and in accordance with all applicable Ordinances of the Town.

- B. Each mobile home space shall be provided with a sewer connection at least four (4) inches above the surface of the ground; the sewer connection should be protected by a concrete collar.
- C. In the event that a public water system is, or becomes available, within three hundred (300) feet of a mobile home or travel trailer park, connection shall be made to the public system within one hundred and eighty (180) days.
- D. The design of private sewage treatment facilities shall be based on the maximum capacity of the park. Effluents from sewage treatment facilities shall not be discharged into any waters of the State. The disposal facilities shall be located where they will not create a nuisance or health hazard to the mobile home park or to the owner or occupants of any adjacent property. The Oklahoma State Health Department must approve the type of treatment proposed and design of any disposal facilities and sewer systems, prior to construction.
- E. Every mobile home occupying a mobile home park space shall tie into the park sewage system and shall dump any accumulated wastes into the system. Every travel trailer shall dump all accumulated wastes into a receptacle provided in the travel trailer park upon entering and upon leaving the park, such receptacles must be approved by the Oklahoma State Health Department. Any other dumping of accumulated waste within the Town is prohibited.
- F. Sewer connections shall be watertight. Park owners or operators shall maintain trailer and mobile home connections to sewer and water systems in good condition and be responsible that there is not sewage or water leakage on park premises.

Section 12-16. Water Supply for Mobile Home Parks.

- A. An accessible, adequate, safe and potable supply of water shall be provided in each park, capable of furnishing a minimum of two hundred and fifty (250) gallons per day, per mobile home space. Where a public supply of water of such quality is available within three hundred (300) feet, its supply shall be used exclusively. Where private water supplies must be developed, the health officer must approve the location, construction and development of the water well, pipe system and connections. No private source other than a water well shall be used.
- B. The water system of the mobile home park shall be connected by pipes to all buildings and all mobile home spaces. Each mobile home shall be provided with a cold water tap at least four (4) inches above the ground.
- C. All water piping shall be constructed and maintained in accordance with State and Local Law. The water piping system shall not be connected with non-potable or questionable water supplies, and shall be protected against the hazards of backflow or back-siphonage. All water connections shall be weather-tight.
- D. Individual water-service connections which are provided for direct use by mobile homes or travel

trailers shall be of such construction so that they will not be damaged by the parking of such mobile homes or travel trailers.

- E. Provisions shall be made within one-hundred and fifty (150) feet of each travel trailer space to supply water for travel trailer reservoirs.

Section 12-17. Refuse Disposal for Mobile Home Parks.

- A. The storage, collection and disposal of refuse in the park shall be so managed as to create no health hazards, rodent harborage, insect-breeding areas, fire hazards or air pollution.
- B. All refuse shall be stored in fly-tight, water-tight and rodent-proof containers, which shall be located within one hundred and fifty (150) feet of any mobile home or travel trailer space. Containers shall be provided in sufficient numbers and capacity to properly store all refuse.
- C. Racks or holders shall be provided for all refuse containers. Such containers racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. Lids for containers shall be permanently connected to racks or holders with chains or other flexible materials.
- D. All refuse shall be collected at least once weekly, or as otherwise required by the Health Officer. Where municipal garbage collection is not available the mobile home park operator shall either employ a private agency or provide this service.
- E. When municipal refuse disposal service is available, it must be used.

Section 12-18. Insect and Rodent Control.

- A. Insect and rodent control measures to safeguard public health as required by the Health Officer shall be applied in the park.
- B. Effective larvicidal solutions may be required by the Health Officer for fly or mosquito breeding areas which cannot be controlled by other, more permanent measures.
- C. The Health Officer may require the park operator to take suitable measures to control other insects and obnoxious weeds.
- D. Accumulations of debris which may provide harborage for rodents shall not be permitted in the mobile home park.
- E. When rats or other objectionable rodents are known to be in the park, the park operator shall take definite action as directed by the Health Officer to exterminate them.

Section 12-19. Alterations and Additions.

- A. All plumbing and electrical alterations or repairs in the park shall be made in accordance with State and local ordinances.

- B. Skirting of mobile homes is mandatory and areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard.
- C. A Building Permit issued by the Building Official shall be required before any major construction on a mobile home space or any structural addition or alteration to the exterior of a mobile home takes place. All such construction, additions or alterations shall be in compliance with applicable Local and State Laws. No Permit shall be required for the addition of steps, canopy, awnings or antennas.

Sections 12-20 through 12-29. (Reserved for future use).

Article 3. Mobile Home Subdivisions

Section 12-30. Mobile Home Subdivisions.

- A. Mobile home subdivisions shall comply with the adopted Subdivision Regulations and Zoning Ordinance of the Town if applicable, except as otherwise provided herein.
- B. The minimum size of a mobile home subdivision shall be ten (10) acres. In special cases, the Board of Trustees reserves the right to waive the minimum size when mitigating factors warrant.
- C. No residences except mobile homes shall be permitted in a mobile home subdivision.
- D. Minimum effective lot widths in a mobile home subdivision shall be forty (40) feet, measured at the front building line; minimum lot areas shall be four thousand (4,000) square feet; provided that at least a five (5) foot side yard shall be provided on each lot beyond any mobile home and additions thereto; and further provided, that in areas not serviced by a public sewer, the minimum additional lot area shall be determined by the Health Officer on the basis of safe and sanitary sewer service. The effective lot width of a mobile home lot from one (1) diagonal side line to the other, and for corner lots, the measurement shall be made at right angles from the diagonal having the greatest divergence from perpendicular to the street, through the midpoint of the rear line of the required front yard, to the opposite lot line, or an extension thereof.

Sections 12-31 through 12-34. (Reserved for future use).

Article 4. Modular Housing

Sections 12-35 through 12-39. (Reserved for future use).

Article 5. Miscellaneous Provisions

Section 12-40. Placement and Spacing Requirements.

- A. All mobile home shall be at least twenty (20) feet away from any other mobile home; at least thirty (30) feet away from existing dwellings; at least twenty (20) feet from any street; and at least fifteen (15) feet away from any alley. Variances to these provisions may be granted by the Town Board of Trustees.

- B. Written permission from a majority of adjoining land owners is required before the development of any mobile home park or the placement of any individual mobile home.
- C. Off-street parking must be provided within the property line of any mobile home park, trailer park, or site of any individual mobile home.
- D. All alleys are restricted for emergency and essential town vehicles only. Ingress and egress for any mobile home park or location of any individual mobile home must be located on a dedicated street.
- E. There shall be mandatory usage of the Town's water, sewage, and garbage systems for all mobile home, trailers, or portable structures used as a dwelling. If such water, sewage or garbage system is not available when the structure is placed but becomes available in the future, use of the town services is required within one hundred and eighty (180) days of the above date the service becomes available.

Section 12-41. Permits and Registration.

- A. A fifteen dollar (\$15.00) annual permit fee, renewable yearly, is assessed for every mobile home. The owner of the mobile home is responsible for the payment of permit fees except in the case where a mobile home is located in a mobile home trailer park. In this case, the owner of the mobile home park is responsible for collection and remittance of annual permit fees to the office of the Town Clerk. Annual fees are due to the Town Clerk no later than five (5) days after the mobile home has been initially located therein or the anniversary date occurs. These permits are not transferable and shall be displayed in public view upon the mobile home.
- B. The mobile home resident's name, address, and date of occupancy shall be registered with the Town Clerk.

Sections 12-42. Application of Provisions.

The requirements of this Chapter address both individual mobile homes and mobile home parks, with the exception of those that specifically address mobile home parks.

Sections 12-43 through 12-49. (Reserved for future use).

Article 6. Penalty

Section 12-50. Penalty.

Any person, firm or corporation who violates any provision of this Chapter shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-118 of this Code. Each day upon which such violation continues shall be deemed a separate offense.

CHAPTER 13 - MUNICIPAL COURT

Article 1. Application of Chapter; Jurisdiction of Court

Section 13-1. Application of Chapter.

- A. This Chapter shall govern the organization and operation of the Municipal Court of the Town.
- B. To the extent of conflict between any provisions of this Chapter and the provisions of any other Ordinance of the Town, the provisions of this Chapter shall control.

Section 13-2. Jurisdiction of Court.

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

Sections 13-3. Definitions.

As used in this Article, unless the context requires a different meaning, the following words shall have the meanings ascribed to them in this Section:

- A. "Court" means the Municipal Court of the Town of Drummond.
- B. "Judge" means the Judge of the Municipal Court, aforesaid, including any Acting Judge or Alternate Judge thereof as provided for by the Statutes of this State and this Article.
- C. "Municipality" or "this municipality" means the Town Of Drummond, Oklahoma.
- D. "Clerk" means the Court Clerk of this municipality, including any deputy or member of the office staff of the clerk while performing duties of the clerk's office.
- E. "Governing Body" means the Board of Trustees of the Town of Drummond.
- F. "Chief of Police" means the peace officer in charge of the Police Force of the Municipality.
- G. "This Judicial District" means the District Court Judicial District of the State of Oklahoma, wherein the government of this Municipality is situated.

Section 13-4. (Reserved for future use).

Article 2. Organization and Procedure

Section 13-5. Judge; Alternate Judge; Acting Judge.

(See Chapter 1, Section 1-29, this Code of Ordinances.)

Section 13-6. Compensation of Judges.

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

Section 13-7. No Change of Venue; Disqualification of Judge.

- A. In prosecutions before the Municipal Court, no change of venue shall be allowed, but the Municipal Judge before who the case is pending may certify his disqualification or he may be disqualified from sitting, under the terms, conditions and procedures provided by law for Courts of Record.
- B. If the Municipal Judge is disqualified, the matter shall be heard by an Alternate or Acting Judge, appointed as provided in this Code of Ordinances.

Section 13-8. Chief of Police.

All writs or process of the Municipal Court shall be directed to the Chief of Police or the Town who shall be the principal officer of the Court.

Section 13-9. Attorney.

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

Section 13-10. Clerk of Court.

- A. The Town Clerk, or a deputy designated by him or the Chief Municipal Court officer, who is independent of the Municipal Police or Judicial Department, shall be the Clerk of the Court. Duties of the Court Clerk shall include the following:
 - 1. He shall assist the Municipal Judge in recording the proceedings of the Court and in preparing writs, process and other papers.
 - 2. He shall administer oaths required in proceedings before the Court.
 - 3. He shall administer oaths required in proceedings in the dockets of the Court.
 - 4. He shall perform such other clerical duties relating to the proceedings of the Court as the Municipal Judge shall direct.
 - 5. He shall receive and receipt for forfeitures, fees, deposits and sums of money payable to the Court.
 - 6. All money so received by him (except such special deposits or fees as shall be received to be disbursed by him for special purposes), to be placed in the General Fund of the municipality, or in such other fund and in such manner as the Town Board of Trustees may direct, by motion or resolution.

7. He shall be responsible for the entry of all pleadings, processes, and proceedings in the dockets of the court.
- B. The Clerk of the Court shall give bond, in the form provided by Title 11 Oklahoma Statutes, Section 27-111, in the sum of one thousand dollars (\$1,000.00). When executed, said bond shall be submitted to the governing body for approval. When approved, it shall be filed with the clerk of this municipality and retained in the municipal archives.
- B. The police officer may, however, take the alleged offender into custody under arrest. The arrested person either:
 1. Shall be taken immediately before the judge for further proceedings according to law; or
 2. Shall have bail fixed for his release in accordance with provisions of this Chapter. Upon providing bail as fixed, and upon giving his written promise to appear upon a day certain, as provided in the preceding subsection of this article, he shall be released from custody.

Section 13-11. Violation Bureau.

- A. A Violation Bureau is hereby established as a division of the Office of the Clerk of the Court, to be administered by said Clerk, or by subordinates designated by him for that purpose. Persons who are cited for violation of any of the following offenses may prior to the date set for appearance in court, elect to pay a fine in the Violations Bureau according to the following schedule:

(See Appendix for Schedule)

- B. The Violations Bureau shall collect twenty-five dollars (\$25.00) in every case in which the defendant is convicted, irrespective of whether or not the sentence is deferred, which fee shall cover docketing the case, filing of all papers, issuance of process, warrants, orders and other services to date of judgment. Such costs shall be collected at the time of conviction except when the case is deferred, and then such costs shall be paid at the time the deferred sentence is imposed.
- C. Payment of a fine under this section shall constitute a final determination of the cause against the defendant. If the defendant fails to pay the fine according to the above schedule prior to appearing in court, the maximum fine for all offenses shall be five-hundred twenty-five dollars (\$525.00).

(NOTE: Schedule Passed and Approved by the Mayor and Board of Trustees on 11th day of April, 2004 amending section.)

Section 13-12. Traffic Ordinance Violations: Procedures for Issuing Citation: Custody. Arrest.

- A. If a Police Officer observes facts which he believes constitute a violation of the Traffic Ordinances of this Municipality, in lieu of arresting such person, he may take his name, address, operator's license number, the license number of the motor vehicle involved and any other pertinent information, and may issue to him in writing inform prescribed by the Mayor or his duly designated delegate, 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 in the court 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, shall then release said person from custody. If the person to whom a citation is issued fails to answer as in the citation, complaint shall be filed and the case shall be prosecuted as otherwise provided in this Chapter.

Section 13-13. Style of Prosecutions.

All prosecutions for violation of this Code of Ordinances or other Ordinances of the Municipality, shall be styled "The Town of Drummond, Oklahoma, Plaintiff, vs. (naming defendant or defendants)". Except as otherwise provided with respect to traffic violations, prosecutions shall be initiated by the filing of a written complaint, subscribed and verified by the person making the complaint and setting forth concisely the offense charged.

Section 13-14. Summons.

- A. Upon the filing of a complaint charging a violation of this Code of Ordinances or other Ordinance(s) of the Town, the Municipal Judge, unless he determines to issue a warrant of arrest, or the defendant previously has been issued a citation; or unless he has been arrested and given bond for his 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 Municipal Court on a day certain, five (5) days hence (Sundays and holidays excepted), containing a provision for the official return of the summons and including such other pertinent information as may be necessary.
- B. The summons shall be served by delivering a copy to the defendant personally. If he fails to appear and answer the summons within the prescribed period, a warrant shall be issued for his arrest, as provided by this Chapter.

Section 13-15. Warrant of Arrest.

- A. Except as may otherwise be provided in this Code of Ordinances, upon the filing of a complaint,

approved by the endorsement of the Town Attorney or by the Municipal Judge, there shall be issued a Warrant of Arrest in substantially the following form:

1. The Town of Drummond, Oklahoma, to the Chief of Police of the Municipal Court of Drummond, Oklahoma:

Complaint upon oath having this day been made by _____

that the offense of _____

has been committed and accusing _____

thereof, you are commanded therefore forthwith to arrest the above named (Defendants or Defendants) and bring (Him, Her, Them) before me at my office at the Drummond, Oklahoma, Municipal Court Room.

Judge of the Municipal Court of the Town of Drummond, Oklahoma

Witness my hand this ____ day of ____, 20 ____.

2. It shall be the duty of the Chief of Police to execute such warrant as promptly as possible, either (a) personally, (b) through a duly constituted member of the police force of the Town or (c) through any other person lawfully authorized to act.

Section 13-16. Traffic Bail Bond Procedures.

- A. In addition to other provisions of law for posting bail, any person, whether a resident of this state or a non-resident, who is arrested by a law enforcement officer solely for a misdemeanor violation of a state traffic law or municipal traffic ordinance shall be released by the arresting officer upon personal recognizance if:

1. The arrested person has been issued a valid license to operate a motor vehicle by this state, another state jurisdiction within the United States, or any party jurisdiction of the Non-resident Violator Compact;
2. The arresting officer is satisfied as to the identity of the arrested person;
3. The arrested person signs a written promise to appear as provided for on the citation; and
4. The violation does not constitute:
 - i. A felony;
 - ii. Negligent homicide;
 - iii. Driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances;
 - iv. Eluding or attempting to elude a law enforcement officer;

- v. Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation;
- vi. An arrest based upon an outstanding warrant;
- vii. A traffic violation coupled with any offense stated in subparagraphs (i) thru (vi) of this paragraph;
- viii. An overweight violation, or the violation of a special permit exceeding the authorized permit weight; or
- ix. A violation to the transportation of hazardous materials.

- B. If the arrested person is eligible for release on personal recognizance as provided for in Subsection A of this section, then the arresting officer shall;

1. Designate the traffic charge;
2. Record information from the arrested person's drivers license on the citation form, including the name, address, date of birth, personal description, type of drivers license, driver's license number, issuing state, and expiration date;
3. Record the motor vehicle make, model and tag information;
4. Record the arraignment date and time on the citation; and
5. Permit the arrested person to sign a written promise to appear as provided for in the citation.

The arresting officer shall then release the person upon 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 shall result in the suspension of the arrested person's drivers license in this state, or in the non-resident's home state pursuant to the Non-Resident Violator Compact.

- C. Procedures for arraignment, continuances and scheduling, timely appearances, pleas of guilty or nolo contendere, posting bail, payment of fines and costs, issuance of arrest warrants and requests for suspension of drivers license, shall be required in State Law, Sections 1115.1 thru 1115.5 of Title 22 of the Oklahoma Statutes.
- D. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to 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 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 for in this subsection, 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.

E. If, pursuant to the provisions of Subsection D of this section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, the court may issue a warrant for the arrest of the defendant and the Municipal or District Court Clerk, within one hundred twenty (120) calendar days from the date the citation was issued by the arresting officer, shall notify the State Department of Public Safety that:

1. The defendant was issued a traffic citation and released upon personal recognizance after signing a written promise to appear for arraignment as provided for in the citation;
2. The defendant has failed to appear for arraignment without good cause shown;
3. The defendant has not posted bail, paid a fine, or made any other arrangement with the court to satisfy the citation; and
4. The citation has not been satisfied as provided by law.

F. The Court shall request the State Department of Public Safety to either suspend the defendant's driver's license to operate a motor vehicle in this state, or notify the defendant's home state and request suspension of the defendant's drivers license in accordance with the provisions of the Non-Resident Violator Compact. Such notice and request shall be on a form approved or furnished by the State Department of Public Safety. The Court Clerk shall not process the notification and request provided for in this subsection if, with respect to such charges:

1. The defendant was arraigned, posted bail, paid a fine, was jailed, or otherwise settled the case;
2. The defendant was not released upon personal recognizance upon a signed written promise to appear as provided for in this section or if released, was not permitted to remain on such personal recognizance for arraignment;
3. The violation relates to parking or standing, an overweight violation, an overweight permit, or the transportation of hazardous materials; or
4. A period of one hundred twenty (120) calendar days or more has elapsed from the date the citation was issued by the arresting officer.

G. The Court Clerk shall maintain a record of each request for drivers license suspension submitted to

the State Department of Public Safety pursuant to the provisions of this section. When the Court or Court Clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the Court Clerk shall furnish proof thereof to such defendant, if 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 borne jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the Non-Resident Violator Compact, and shall in all other cases, notify the State Department of Public Safety of the resolution of the case. The form of proof and the procedures for notification shall be approved by the State Department of Public Safety. Provided however, the Court or Court Clerk's failure to furnish such proof or notice in the manner provided for in this subsection 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.

H. This section shall become effective upon the effective date of the adoption of this Code of Ordinances.

Section 13-16.1. Procedures for Bail or Bond.

Upon arrest, or upon appearance without arrest in response to citation or summons, or at any time before trial, before or after arraignment, the defendant shall be eligible to be released upon giving bail for his appearance in an amount and upon conditions fixed by this chapter or the judge, who shall prescribe appropriate rules of court for the receipt of bail. In case of arrests made at night or under other conditions or emergency or when the judge is not available, the rules shall authorize the Chief of Police, or his designated representative, to accept a temporary cash bond of not more than the maximum monetary penalty provided by ordinance for the offense charge.

Section 13-17. Arraignment.

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

Section 13-18. Postponement of Trial.

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

Section 13-19. Trial Procedure.

In all trials in the Municipal Court as to matters not covered (a) in this Chapter, (b) by the Statutes relating to Municipal criminal Courts or (c) by rules duly promulgated by the

Supreme Court of Oklahoma, the procedure applicable in trials of misdemeanors in the District Courts shall apply, to the extent that they can be made effective.

Section 13-20. Contempt.

- A. Obedience to the orders, rules and judgments made by the Municipal Judge or by the Municipal Court, may be enforced by said Judge, who may file or imprison for 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 Court of this State.
- B. It shall be an offense to be in contempt directly or indirectly, of the Municipal Court of the Town and of its orders.

Section 13-21. Defendant to be Present at Trial; Failure to Appear.

- A. The defendant must be present in person at the trial of his case in the Municipal Court, or may be issued a Contempt of Court Arrest Warrant.
- B. If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of his bond, either for hearing, arraignment, trial or judgment, or upon any other occasion when his presence in Court or before the Magistrate may be lawfully required, the Municipal Judge may direct that fact to be entered upon the Court minutes, thereby declaring the bond to be forfeited. Without advancing Court costs, said Judge shall then cause the forfeiture to be certified to the District Court of the County wherein the situs of government is situated, where it shall be entered upon the judgment docket and shall have the full force and effect of a District Court Judgment. At such time as the forfeiture is entered upon the District Court Judgment Docket, the District Court Clerk shall proceed in accordance with the applicable provisions of State Statutes.

Section 13-22. Judgment.

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

Section 13-23. Costs Upon Judgment of Conviction; Court Costs.

If judgment of conviction is entered, the Clerk of the Court shall tax the costs to the defendant, which shall be the maximum amount authorized by state law, plus the fees and mileage of witnesses, but the total amount of the fine may not

exceed the amount set forth in Section 1-11 of this Code and up to thirty (30) days in jail.

Section 13-24. Enforcement of Payment of Fines or Costs by Imprisonment Persons Unable to Pay.

- A. If a defendant who is financially able, refuses or neglects to pay a fine or costs, or both, payment may be enforced by imprisonment, until the same shall be satisfied at the rate as provided by law.
- B. If the defendant is without means to pay the fine or costs, the Municipal Judge of the Town may direct the total amount due to be entered upon the Court minutes and to be certified to the District Court of the County wherein the situs of government is situated, where it shall be entered upon the District Court Judgment. Thereupon, the same remedies shall be available for the enforcement of said judgment as are available to any judgment creditor.

Section 13-25. Suspension of Sentence.

After conviction and sentence of a defendant in the Municipal Court of the Town the Municipal Judge may suspend sentence in accordance with the provisions of, and subject to the conditions and procedures imposed by, applicable provisions of Title 11, Oklahoma Statutes, 2001, as amended.

(Section updated to 2001 Oklahoma Statutes.)

Section 13-26. Witness Fees.

- A. Witnesses in any proceeding in the Municipal Court, other than police officers or peace officers, shall be entitled to receive pay for each day of attendance, plus mileage expense pay for each mile actually and necessarily traveled in going to, and returning from, the place of attendance, if their residence is more than five (5) miles outside the corporate limits of the Town. No witness shall receive fees or mileage in more than one (1) case from the same period of time or the same travel. Fees paid for attendance and mileage shall be at the same rates as currently being paid for County Court.
- B. A defendant seeking to summon witnesses must deposit, with the Clerk of the Court, a sum sufficient to cover fees and mileage for one (1) day of attendance for each witness to be summoned; such deposit shall not be required from an indigent defendant who files an affidavit setting out:
 - 1. The names of no more than three (3) witnesses.
 - 2. That the defendant, by reason of his poverty, is unable to provide fees and mileage allowed by law.
 - 3. That the testimony of such witnesses is material.
 - 4. That their attendance at the trial is necessary for his proper defense.
- C. The fees of witnesses in such cases (Subsection B above) shall be paid by the Town.

Sections 13-27 through 13-34. (Reserved for future use).

Article 3. Penalty

Section 13-35. Penalty.

- A. If the Judge of the Municipal Court of the Town is a licensed attorney and the trial is to the Court, the Court may impose a fine and costs not to exceed the maximum amount provided by law, plus costs.
- B. If the Judge is not a licensed attorney, the Court may impose a fine and costs not to exceed fifty dollars (\$50.00), plus costs.

(For general penalty reference Section 1-118 this code.)

CHAPTER 14 - NUISANCES

Article 1. Nuisances in General

Section 14-1. Nuisance Defined: Public Nuisances; Private Nuisances.

- A. A nuisance is unlawfully doing an act, or omitting to perform a duty, or is anything or condition which either:
 - 1. Annoys, injures, or endangers the comfort, repose, health, or safety of others.
 - 2. Offends decency;
 - 3. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake or navigable river stream, canal, or basin, or any public park, square, street or other public property; or
 - 4. In any way renders other persons insecure in life or in the use of property.
- B. A public nuisance is one which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.
- C. Every nuisance not included in subsection B above is a private nuisance.

Section 14-2. Person Responsible.

Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property, created by a former owner, is liable therefore in the same manner as the one who first created it

Section 14-3. Time Does Not Legalize.

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

Section 14-4. Remedies Against Public Nuisances.

The remedies against a public nuisance are:

- A. Prosecution on complaint before the municipal court.
- B. Prosecution in information or indictment before another appropriate court.
- C. Civil Action.
- D. Abatement.
 - 1. By person injured as provided in 50 Oklahoma Statutes Section 12.
 - 2. By the Town in accordance with law or ordinance.

Section 14-5. Remedies Against Private Nuisances.

The remedies against a private nuisance are:

- A. Civil action or
- B. Abatement:
 - 1. By person injured as provided in 50 Oklahoma Statutes Section 14 or 15 or
 - 2. By the Town in accordance with law or ordinance.

Section 14-6. Town Has Power to Define and Summarily Abate Nuisances.

As provided in 50 Oklahoma Statutes Section 16, the Town 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 Town has power summarily to abate any such nuisance after notice to the owner and an opportunity for him to be heard, if this can be done.

Section 14-7. Certain Public Nuisances in the Town Defined.

- A. In addition to other public nuisances declared by other sections of this code or law, the following are hereby declared to be nuisances:
 - 1. 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. The sale, offering for sale, or furnishing of intoxicating liquor in violation of the state law or ordinances of the Town; or the keeping of a place where intoxicating liquor is sold, offered for sale, or furnished in violation of the State Law or Ordinances of the Town.
 - 3. 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. The keeping of a place where persons gamble in violation of the Law of the State of Oklahoma, whether by cards, slot machines, punch boards, or otherwise.
 - 5. The keeping of a place where prostitution, illicit sexual intercourse, or other immoral acts are practiced.
 - 6. The keeping of a place where activities in violation of State Law or Ordinance are practiced or carried on.
 - 7. The conduct or holding of public dances in violation of the Ordinances of the Town; or the keeping of a place where such dances are held.
 - 8. The public exposure of a person having a contagious disease.
 - 9. The continued making of lewd or unusual noises which annoy persons of ordinary

- sensibilities; or the keeping of an animal which makes such noises.
10. The operation or use of any electrical apparatus or machine which materially and unduly interferes with radio or television reception by others.
 11. 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 obstructs traffic thereon, except as may be authorized by law or ordinances.
 12. 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.
 13. All wells, pools, cisterns, bodies, or containers of water in which mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned, or situated as to endanger the public safety.
 14. Rank weeds or grass, carcasses, accumulations of manure, refuse, or other things, which are, or are likely to be breeding places for flies, mosquitoes, vermin, or disease germs; and the premises on which such exist.
 15. Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition.
 16. Any pit, hole, or other thing which is so constructed, formed, conditioned, or situated as to endanger the public safety.
 17. Any fire or explosion hazard which endangers the public safety.
 18. Any occupation or activity which endangers the public peace, health, morals, safety or welfare.
 19. Any partially dismantled, non-operating, wrecked, junked or discarded vehicle or vehicles and/or other material commonly known as junk which are allowed to remain attended or unattended and exposed to the elements upon any private property or any lot, alley, parkway or sidewalk or space abutting thereon to the center of the street or to the center of the alley in the Town of Drummond, Oklahoma, except where said vehicles and/or junk shall remain under the control of a licensed salvage yard dealer and in a zoning district which allows salvage dealers.
- B. The above enumeration of certain public nuisance 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.
- A. 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 Chairman of the Board of Trustees or other appropriate officer or agency of the Town government to take immediate and proper action summarily to abate such nuisances, or to reduce or suspend the danger until more deliberate action can be taken toward such abatement.
- B. The Chief of the Fire Department, the Chief of Police, the Town Attorney and the Building Official, the Electrical Inspector, the Plumbing Inspector or any other officer subordinate to the Board of Trustees may submit to the Board of Trustees a statement as to the existence of a nuisance as defined by the ordinances of the Town or law, and a request or recommendation that it be abated. The Health Officer, any Town Trustee, or any resident or residents of the Town may submit such a statement and request or recommendation to the Board of Trustees.
- C. The Board of Trustees shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the Board shall have power to subpoena and examine witnesses, books, papers and other effects. Before proceeding to abate the nuisance or to have it abated, the Board shall give notice of a hearing on the proposed abatement to the owner of any property concerned and to any other person adequate opportunity to be heard, if such notice and opportunity for a hearing can be given. Such notice to the owner and other persons concerned names and addresses are known; but, if the names and address are not known, shall be given in writing by mail or by service by a Police Officer if there and the adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a paper of general circulation.
- D. If the Board finds that a nuisance does in fact exist, it shall direct the owner and/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 person or persons or public adversely affected would not 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 Board shall direct the Chairman of the Board to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by 50 Oklahoma Statutes Section 16. The Town 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 their names and addresses are known. Until paid, such cost shall constitute a debt to the Town collectible as other debts of the Town may be collected.

Section 14-9. Abatement by Suit in District Court.

In cases where it is deemed impractical summarily to abate a nuisance, the Town may bring suit in the District Court of the

Section 14-8. Summary Abatement of Nuisances.

County where the nuisance is located, as provided in 50 Oklahoma Statutes Section 17.

Section 14-10. Nuisance Unlawful.

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 Town or to permit a nuisance to remain on premises under his control within the Town.

Article 2. Weeds and Trash

Section 14-11. Weeds and Trash; Removal Procedures.

The Town Board of Trustees, hereinafter known as the Board, as a municipal governing body, may cause property within the Town limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the following procedure:

- A. At least ten (10) days' notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the County Treasurer's office before the Board holds a hearing or takes action. 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 said notice shall further state that unless such work is performed within ten (10) days of the date of the notice the work shall be done by the Town of Drummond and a Notice of Lien shall be filed with the Garfield County Clerk against the property for the costs due and owing the Town of Drummond. At the time of mailing of notice to the property owner, the Town of Drummond shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of mailer. However, if the property owner cannot be located within ten (10) days from the date of mailing by the Town of Drummond, notice may be given by posting a copy of the notice on the property or by publication, as defined in O.S. Title 11 Section 1-102, one time not less than ten (10) days prior to any hearing or action by the Town of Drummond. If the Town of Drummond anticipates summary abatement of a nuisance in accordance with the provisions of Section 14-13 of this article, the notice, whether by certified mail, posting or publication, shall state: that any accumulations of trash or excessive weed or grass growth on the owners property occurring within six (6) months after the removal of trash or cutting or mowing of weeds or grass on the property pursuant to such notice may be summarily abated by the Board; that the costs of such abatement shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner.
- B. The owner of the property may give his written consent to the Town authorizing the removal of trash or the mowing of the weeds or grass. By giving said consent, the owner waives his right to a hearing by the Town of Drummond.
- C. A hearing may be held by the Board to determine whether the accumulation of trash or the growth of weeds or grass has caused the property to become detrimental to the health, benefit, and welfare of the

public and the community or a hazard to traffic, or creates a fire hazard to the danger of property.

- D. Upon finding that the condition of the property constitutes a detriment or hazard, and that the property would be benefited by the removal of such conditions, the agents of the Town are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, and performance of the necessary duties as a governmental function of the Town of Drummond. Immediately following the cleaning or mowing of the property, the Town Clerk shall file a notice of lien with the County Clerk describing the property and the work performed by the Town of Drummond and stating that the Town of Drummond claims a lien on said property for the cleaning or mowing costs.
- E. The Board body shall determine the actual cost of such cleaning and mowing and any other expenses as may be necessary in connection therewith, including the cost of notice and mailing. The Town Clerk shall forward by mail to property owner specified in paragraph A of this subsection a statement of such actual cost and demanding payment. If the cleaning and mowing are done by the Town of Drummond, the cost to the property owner for said cleaning and mowing shall not exceed the actual of the labor, maintenance, and equipment required if the cleaning and mowing are done on a private contract basis, the contract shall be awarded to the lowest and best bidder.
- F. If payment is not made within thirty (30) days from the date of mailing of the statement, the Drummond Town Clerk shall forward a certified statement of the amount of the cost to the County Treasurer of Garfield County and the same shall be levied on the property and collected by the County Treasurer as other taxes authorized by law. Until fully paid, the cost and the interest thereon shall be the personal obligation of the property owner from and after the date the cost is certified to the County Treasurer. In addition, the cost and the interest thereon shall be a lien against the property from the date the cost is certified to the County Treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost shall be fully paid. At the time of collection, the Garfield County Treasurer shall collect a fee of Five Dollars (\$5.00) for each parcel of property. Said fee shall be deposited to the credit of the general fund of Garfield County. At any time prior to the collection as provided in the paragraph, the Town of Drummond may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, if any, the Town Clerk shall forward to the County Treasurer a notice of such payment and directing discharge of the lien.
- G. The Town hereby designates the Chief of Police as the administrative officer to carry out the duties of the Board body in this section. The property owner shall have right of appeal to the Town Board of

Trustees, as the municipal governing body, from any order of the Chief of Police. Such appeal shall be taken by filing written notice of appeal with the Town Clerk within ten (10) days after the administrative order is rendered.

Section 14-12. Definitions.

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

- A. Weeds includes but not limited to poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:
 - 1. Exceeds twelve (12) inches in height, except healthy trees, shrubs or produce for human consumption or grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community of a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;
 - 2. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;
 - 3. Harbors rodents or vermin;
 - 4. Gives off unpleasant or noxious odors;
 - 5. Constitutes a fire or traffic hazard; or
 - 6. Is dead or diseased.

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

- B. Trash means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which is uncared for, discarded, or abandoned; and
- C. Owner means the owner of record as shown by the most current tax rolls of the County Treasurer.
- D. Cleaning means the removal of trash from property.

Section 14-13. Trash Weeds Summary Abatement of.

If the Town Board of Trustees causes property within the corporate limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with procedures provided for in this Article, any subsequent accumulations of trash or excessive weeds or grass growth on the property occurring within a six-month period may be declared to be a nuisance and may be summarily abated without further prior notice to the property owner. At the time of each such summary abatement the Town shall notify the property owner of the abatement and the costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. The notice and hearing shall be as provided for in Section 14-11 of this Code. Unless otherwise determined at the hearing the cost of such abatement shall be determined and collected as provided for

in paragraphs 5 and 6 of Section 14-11 of this Code. Provided, however, that this subsection shall not apply if the records of the Garfield County Clerk show that the property was transferred after notice was given pursuant to Section 14-11 of this Code.

Section 14-14. Zoned Property.

The provisions of this article shall not apply to any property zoned and used for agricultural purposes.

Section 14-15. Provisions Severable.

The provisions of this article are severable, and if any part or provision hereof shall be adjudged invalid by any Court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Sections 14-16 through 14-23. (Reserved for future use).

Article 3. Miscellaneous Provisions

Section 13-24. (Reserved for future use).

Article 4. Public Health Nuisances

Section 14-25. Health Nuisances: Abatement.

- A. Pursuant to authority granted by Section 1-1011 of Title 63 of the Oklahoma Statutes, the Health Officer shall have authority to order the owner or occupant of any private premises in the Town to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within twenty-four (24) hours, or within such other time as may be reasonable, 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 policeman, or a copy thereof may be left at the usual place of abode of the owner, occupant or agent if known and within the state. If the premises are unoccupied and the residence of the owner, occupant, or agent is unknown, or is without the state, the order may be served by posting a copy thereof on the premises, or by publication in at least one (1) issue of a newspaper having a general circulation in the Town.
- B. If the order is not complied with, the health officer may cause the order to be executed and complied with, and the cost thereof shall be certified to the Town Clerk, and the cost of removing or abating such nuisance shall be added to the water bill or other Town utility bill of the owner or occupant if he is a user of water from the Town water system or such other utility service. The cost shall be treated as a part of such utility bill to which it is added and shall become due and payable, and subject to the same regulation relating to delinquency in payment as the utility bill itself. If such owner or occupant is not a user of any Town utility service, such cost, after certification to the Town Clerk, may be collected in any manner in which any other debt due the Town may be collected.

Article 5. Penalty

Section 14-26. Procedure Cumulative.

The various procedures for abating nuisances prescribed by this chapter and by other provisions of law and ordinance shall be cumulative on any other penalties or procedures authorized.

Section 14-27. Penalty.

Any person, firm or corporation found violating any provision of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished as provided in Section 1-118 of this Code.

CHAPTER 15 - OFFENSES

Article 1. Title 21 Oklahoma Statutes Adopted

Section 15-1. Oklahoma Penal Code Adopted.

The penal code of the State of Oklahoma as set forth in Title 21 Oklahoma Statutes 1991 as amended is hereby adopted and incorporated as fully and to the same extent as if set out herein.

Section 15-2. Publication of Summary of Oklahoma Penal Code.

Pursuant to the authority of State Law, the title and brief gist or summary of said Title 21 Oklahoma Statutes 1991 as amended are hereby ordered published in conformity to the provisions and for the purpose of said publication, a summary of said Title 21 as amended is hereby given as follows:

(See Appendix for Summary)

Article 2. Uniform Controlled Dangerous Substance Act Penal Provisions Adopted

Section 15-3. Uniform Controlled Dangerous Substance Act Penal Provision Adopted.

The Penal provisions of the Uniform Controlled Dangerous Substances of the State of Oklahoma as set forth in Section 2-101 et seq. of Title 63 Oklahoma Statutes 1981 as amended is hereby adopted and incorporated fully and to the same extent as if set out herein.

Section 15-4. Publication Summary of the Uniform Controlled Dangerous Substance Act.

Pursuant to the authority of State Law, the title and brief gist or summary of said Uniform Dangerous Substances Act as set forth in Section 2-101 et seq. of Title 63 Oklahoma Statutes 1981 as amended are hereby ordered published and for the purpose of said publication, a summary of said Uniform Dangerous Substances Act is hereby given as follows:

(See Appendix for Summary)

Article 3. Other Offenses

Section 15-5. Curfew for Minors.

- A. LOITERING OF CERTAIN MINORS PROHIBITED. It shall be unlawful for a minor under the age of 18 years to loiter: idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 10:00 P.M. and 6:00 A.M. of the following day, every night and morning in the week, except Friday and Saturday nights and the following morning, and between the hours of 12:00 A.M. Friday and Saturday nights 6:00 A.M. of the following morning. Provided, however that the provisions of this section do not apply to a minor accompanied by his or her parents, guardian or other adult person having care and custody of the minor, of where the minor is upon an emergency errand or legitimate business directed by his or her

parents, guardian or other adult person having the care and custody of the minor. Each violation of the provisions hereof shall constitute a separate offense.

- B. RESPONSIBILITY OF PARENTS. It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor to permit said minor to violate the provisions of Section A hereof.
- C. PENALTY. Any person violating any of the provisions of this Ordinance shall upon conviction be fined in a sum not to exceed \$35.00 including cost.

Section 15-6. (Reserved for future use.)

Article 4. Severability

Section 15-7. Severability Clause.

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

Article 5. Penalty

Section 15-10. Penalty.

Any person, firm or corporation who violates any provision of this Chapter shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in Section 1-118 of this Code.

Section 15-11. Carrying a Pistol and/or Other Weapons Prohibited.

It shall be unlawful for any person to carry on or about his/her person any pistol, revolver, bowie knife, dirk, dagger, sword, metal knuckle or any other kind of an offensive or defensive weapon; provided that this section shall not apply to public officers in the discharge of their duties and, provided, further, that any person may carry shot guns or rifles for the purpose of hunting, having them repaired, in public drill, or while moving from place to place, but not otherwise.

Section 15-12. Discharging Firearms, Air Rifles, and BB Guns.

It is unlawful for any person to discharge a firearm except when doing so in the line of duty, when lawfully doing so in defense of oneself, or another person, or of property, or when otherwise authorized by law or ordinance. It is unlawful to discharge an air rifle or BB gun; this section shall not apply outside the platted area of the town.

Section 15-13. Fine and Bond Schedule.

- A. There is hereby established a schedule of fines for traffic and criminal offenses which may be paid before the scheduled court date and be used by the Municipal Court Judge to levy fines in traffic cases. Title 47 of Oklahoma Law is recognized to be used for any traffic offense, which may not be listed in the

following fine schedule. The amount of fines are herein stated.

OFFENSE	MAXIMUM FINE	WITH FEES
Actual physical control	\$800.00	\$865.00
Affixing improper license plate	\$250.00	\$315.00
Allowing passenger to ride outside the passenger compartment of vehicle	\$105.00	\$170.00
Allowing unlicensed driver to drive	\$205.00	\$270.00
All other traffic offenses	\$120.00	\$185.00
Animal at large	\$105.00	\$170.00
Assault on peace officer	Filed District	
Careless driving	\$500.00	\$565.00
Carrying illegal firearm	\$250.00	\$315.00
Changing lanes unsafely	\$135.00	\$200.00
Concealing stolen property	\$755.00	\$820.00
Destroying or defacing private property	\$495.00	\$560.00
Destroying or defacing public property	\$495.00	\$560.00
Disobeying a lawful order	\$495.00	\$560.00
Distributing CDS	\$1,000.00	\$1,000.00
Distributing Marijuana	\$1,000.00	\$1,000.00
Disturbing the peace	\$105.00	\$170.00
Domestic Violence	Filed District	
Driving in a manner not reasonable or proper	\$205.00	\$270.00
Driving under Suspension (Revocation)	\$500.00	\$565.00
Driving under Suspension (Revocation) 2 nd	\$750.00	\$826.00
Driving Under Suspension (Revocation) 3 rd or Sub	\$854.00	\$930.00
Driving Under the Influence	\$800.00	\$865.00
Elude or attempts to elude	\$1,000.00	\$1,065.00
Expired tag	\$150.00	\$215.00
Failure to appear	\$520.00	\$585.00
Failure to comply	\$520.00	\$585.00
Failure to pay	\$520.00	\$585.00
Failure to devote full time and attention		
Failure to obey a lawful traffic control (sign)(signal)(device)	\$150.00	\$215.00

Failure to present ID on demand	\$100.00	\$165.00
Failure to stop at stop sign	\$150.00	\$215.00
Failure to stop for school bus (loading)(unloading) children	\$135.00	\$200.00
Failure to use turn signal	\$150.00	\$215.00
Failure to yield to emergency vehicle	\$205.00	\$270.00
Illegal Parking	\$200.00	\$265.00
Impeding the normal and reasonable flow of traffic	\$100.00	\$165.00
Improper Equipment	\$100.00	\$165.00
Improper Passing		
1. Failure to give way to right when being passed		
2. Improper passing on right		
3. Passing without sufficient clearance	\$105.00	\$170.00
Improperly crossing center driving section	\$105.00	\$170.00
Leaving the scene of an accident	\$255.00	\$320.00
Minor in possession of alcohol or tobacco	\$155.00	\$220.00
Providing alcohol or tobacco to minor	\$200.00	\$265.00
No driver's license	\$300.00	\$365.00
No driver's license Sub	\$500.00	\$565.00
No driver's license on person	\$105.00	\$170.00
No insurance	\$200.00	\$265.00
Obstructed View	\$200.00	\$265.00
Obstruction/provide false information	\$500.00	\$565.00
No seat belt	\$25.00	\$25.00
No seat belt (child)	\$50.00	\$115.00
Parking illegally	\$25.00	\$90.00
Parking in handy cap zone	\$105.00	\$170.00
Possession CDS	\$500.00	\$565.00
Possession of Marijuana	\$500.00	\$565.00
Possession of Paraphernalia	\$500.00	\$565.00
Providing false information to police officer	\$300.00	\$365.00
Public intoxication	\$200.00	\$265.00
Public intoxication drugs	\$300.00	\$365.00
Public nuisance	\$100.00	\$165.00
Reckless driving	\$500.00	\$565.00
Reckless driving sub	\$750.00	\$815.00
Resisting arrest	\$750.00	\$815.00
Speeding		
1 to 10 mph over	\$120.00	\$185.00
11 to 15 mph over	\$170.00	\$235.00
16 to 20 mph over	\$185.00	\$250.00
21 to 25 mph over	\$225.00	\$290.00
26 to 30 mph over	\$282.00	\$347.00

31 to 35 mph over	\$302.00	\$417.00
36 mph over		
Speeding in a construction or maintenance zone		
1-10 mph over	\$170.00	\$235.00
11-15 mph over	\$190.00	\$255.00
16 to 20 mph over	\$220.00	\$285.00
21 to 25 mph over	\$270.00	\$335.00
26 to 30 mph over	\$370.00	\$435.00
36 mph and over	\$420.00	\$485.00
Speeding in school zone	\$220.00	\$285.00
Transporting open container (alcohol)	\$170.00	\$235.00
Transporting open container (3.2% beer)	\$120.00	\$185.00
Violation of license restriction	\$140.00	\$205.00
Violation of self-defense act	\$500.00	\$565.00
Texting while driving	\$124.00	\$185.00
Tampering with utilities	\$500.00	\$565.00
Curfew	\$115.00	\$180.00

- B. Collection of State Assessments. Each Case entered in the Drummond Court Docket shall have all and any fees assessed by the State of Oklahoma added to the fines as outlined in Subsection A of this ordinance. These fees shall be deposited in a local bank account and forwarded to the State of Oklahoma as provided by law.
- C. Final Determination. Payment of fine and assessment under Section A & B of this ordinance shall constitute a final judgment against the defendant. Failure to make payment or an appearance for arraignment shall cause the fine to be increased to the maximum allowable by law of the State of Oklahoma.
- D. Court Cost and Fees. A fee of Thirty Dollars (\$30.00) may be assessed to each citation for the purpose of Court Costs and Fees related to the citation. Court Cost and related fees will be set by the municipal judge of the Drummond Municipal Court or by the Court Clerk or their designee. The maximum fee allowed for court cost is Thirty Dollars (\$30.00). A fee of Ten Dollars (\$10.00) may be assessed for CLEET, a fee of Ten Dollars (\$10.00) may be assessed for forensic and a fee of Five Dollars (\$5.00) may be assessed for technology.

CHAPTER 16 - OIL AND GAS DRILLING

Article 1. General Provisions

Section 16-1. Purposes.

- A. In order to protect the public health, peace, safety and welfare to the Town and its residents, this Ordinance is promulgated to establish reasonable and uniform limitations, safeguards and controls for the drilling, operation and production of oil, gas and other hydrocarbon substances within the corporate limits of this Town and provide that this land use may be conducted in harmony with other uses within this Town.
- B. The provisions set forth in this Ordinance shall be considered as minimum requirements and shall not relieve any person, company or other business entity from any duty imposed by law to use reasonable care and take reasonable precautions for the safeguarding of people and the protection and noninterference with property rights.

Section 16-2. Zoning Classifications.

- A. In order to protect areas of this Town which have been developed or are planned to be developed in the future, there are hereby designated two areas denoted as Zone X and Zone Y in which the drilling operation and production of oil, gas and other hydrocarbons is regulated in order to protect the character of said areas from the inherent hazards of these operations and to provide protection from noise, congestion, heavy traffic and encourage a suitable environment for people, their homes, schools and parks.
- B. Zone Y shall include all land within the Town except that land in Zone X.
- C. Zone X shall include that land within 1/4 mile of the corporate limits of the Town.

Section 16-3. Zoning Restrictions.

- A. When any of the property in Zone Y is rezoned from agricultural usage, said land will also be rezoned into Zone X.
- B. Oil and gas wells drilled in Zone Y shall not be nearer than two hundred (200) feet from the property line, unless the location of the well is approved and written permission is granted by all adjoining property owners whose property is within two hundred (200) feet of the well.

Section 16-4. Permit Required.

- A. Any person, company or other business entity wishing to drill an oil or gas well within the areas designated as Zone X and Zone Y must apply to the Town and receive written approval by permit authorizing said drilling in accordance with existing state laws and other Town Ordinances. If any well blows out or becomes out of control, the operator shall immediately notify the Mayor of the Town Board of the Town by telephone and Chief of Police and Department of Public Safety's office by

telephone or personal contact and their operator shall protect the area from pollution or other damages.

- B. In considering said application for the approval permit the Town Board shall consider the dangers of fire, explosion, leaking gas, noise pollution, street damage and the traffic generated by said activity for the purpose of assessing the impact of this use upon the environment of the area and its effect upon the inhabitants of the new area and the whole city.
- C. Permits shall be obtained from the Town Board for the erection of tanks for the storage of crude oil within the city limits other than specified in the original permit; each request or permit must be accompanied by a diagram showing exact location, arrangement, size and construction of each tank.

Section 16-5. Bond Requirements.

Any applicant for approval permit for the drilling of an oil or gas well shall post a certificate of insurance with the Town which has been executed by a company authorized to do business in the State of Oklahoma showing that said company will pay and discharge any liability imposed by law for damages to public or private property and bodily injury, including death, in the following amounts and conditions:

- | | | |
|----|----------------|---|
| A. | \$500,000.00 | Bodily Injury Per Person |
| | \$5,000,000.00 | Per Occurrence. |
| B. | \$2,500,000.00 | Property Damage Per Occurrence, including but not limited to underground damage, explosion, collapse, blow-out, contamination, pollution and cratering. |
| C. | \$2,500,000.00 | Annual Aggregate Property Damage. |

and shall maintain a current certificate during the term of any production.

Sections 16-6 through 16-10. (Reserved for future use).

Article 2. Regulatory Provisions

Section 16-11. Dumping Prohibited.

- A. It shall be a violation of the permission and approval permit granted for any person, firm or corporation to deposit, place, throw, divert, or in any manner dispose of or cause to be deposited, placed, thrown, diverted or disposed of within the corporate limits of the Town any crude petroleum oil or oily by-product thereof, or any tar or any product containing tar or any liquid with petroleum content or any oil substances thereof upon the waters of any lagoon, creek, or tributary thereof, or upon the banks thereof or upon any land adjacent thereto which by reason of this location may cause such petroleum, oil or liquid with petroleum content to be deposited or diverted or may run or be transferred or carried into any lagoon or creek or the banks or tributaries thereof except that the Town Board may permit the depositing, placing or discharging of mud or slush

in such places as they may approve or into pipelines properly approved by the Town Board.

- B. It shall be a violation of the approval permit for any person, firm or corporation to deposit, drain or divert into or upon any public highway, street or alley, drainage ditch, sewer, gutter, paving, creek, river, lake or lagoon, any oil or liquid with petroleum content or any oil substance or any mud, rotary mud, sand, water or salt water, or in any manner to permit by seepage, overflow or otherwise, any of such substances to escape from any property owned, leased or controlled by such person, firm or corporation and to flow or to be carried into or upon such public highway, street or alley, drainage ditch, sewer, gutter, paving, creek, river, lake or lagoon within the corporate limits of the Town, except in such cases where mud or slush is carried in pipeline as provided in the preceding section, or in such instances where oil byproducts are used for maintenance or private lease roads.

Section 16-12. Ingress and Egress Upon Approval.

Prior to issuance of approval permit, all ingress and egress to oil or gas drilling sites shall be from section line roads, except upon approval of Town Board. Special provisions to prevent wind and/or water erosion of roadways by application of dust control agents will be required when in the opinion of the inspector such treatment is necessary.

Section 16-3. Spacing Requirement.

Oil and gas wells drilled in zone X shall not be nearer than three hundred (300) feet from a property line unless the location of the well is approval and written permission is granted by all adjoining property owners whose property is within three hundred (300) feet of the well.

Section 16-14. Drilling in Town Park Prohibited.

No oil and gas wells, whether in Zone X or Zone Y, shall be permitted to be drilled in any Town Park.

Section 16-15. Fire Hazards Prohibited.

- A. No oil or gasoline vapor in sufficient quantity to constitute a fire hazard shall be allowed to accumulate within a radius of one hundred (100) feet from any oil and gas well and the determination of said gas or vapor being in sufficient quantity to constitute a fire hazard shall be at the sole discretion of the Town.
- B. No building constructed of combustible materials shall be located or permitted to remain within fifty (50) feet of the well hole.
- C. All electrical wiring on or about any derrick, buildings, structures or tract of land upon which any well is drilled or put down, shall be run in accordance with the ordinances of the Town governing electrical wiring installation. All electrical fixtures for lighting or power purposes used shall be a vapor proof design.
- D. No artificial light, except as now approved by the United States Bureau of Mines for use in explosive atmosphere, shall be used within forty (40) feet of

the tank, or of any well after such well is completed as a producer of oil or gas.

Section 16-16. Safety Precautions.

- A. Tanks and well heads shall be enclosed in woven wire fence of not less than nine gauge chain link mesh or not more than two (2) inches, at least six (6) feet high and with locked gates. An angular extension outwardly secured by three (3) strands of barb wire shall be placed on top of the fence. Such fence shall be constructed not less than three (3) feet distance from the outside of the base of embankment. Said fence shall be installed prior to production.
- B. All crude oil tanks shall be painted within ninety (90) days after well completion and kept in proper painted condition after installation and have conspicuously upon their sides in red letters at least six (6) inches high the wording "Flammable Keep Fire Away" and "No Smoking".
- C. Metal or fiberglass tanks shall be constructed as to have a factor of safety of at least 2.5.
- D. All tanks shall have roofs or tops and the openings of tanks shall be fully protected; they shall be firmly and securely jointed to the tanks and all joints in both sides and top shall be gas tight and free from leakage as nearly as possible and lockable.
- E. Tanks which are more than one (1) foot above ground shall have foundations and supports of non-combustible material and shall not be permitted under or within ten (10) feet of any above-ground outside storage tanks.
- F. Any tanks, batteries, separators, heater treater, etc., shall be enclosed with earthen or other acceptable retaining walls with a storage capacity of at least one and one half (1 1/2) times the liquid capacity of the tanks within the retaining walls.

Sections 16-17. (Reserved for future use).

Section 16-18. Drilling Regulations.

Any drilling of oil and gas wells or production in Zone Y or X shall be subject to the following requirements:

- A. During drilling operations, the engine shall be muffled the maximum amount recommended by the manufacturer of the engine.
- B. During production, trucks may drain or otherwise service tank batteries only between 8:00 o'clock a.m. and 6:00 p.m.
- C. The noise level of the pumping unit is not to exceed 70 Decibels at a distance of thirty-three (33) feet therefrom.
- D. An electrical centrifugal mud pump must be provided at each production location for the purpose of pumping mud to the mud service trucks, thereby reducing ambient noise levels from vacuum pumps on or for mud trucks.

- E. Metal tanks shall be used for the holding of all drilling wastes and fiberglass tanks may be used for holding saltwater.
- F. Any valve in the barrier shall be kept closed at all times. Any fluid trapped within the well site shall be pumped into steel tanks for storage and removal. The gate in the barrier may be temporarily opened under supervised conditions for rainwater drainage, and then only if it can be demonstrated that such rainwater has not been contaminated with oil, chemicals, salt: or any other deleterious substance.
- G. Reserve pits shall not be constructed within the barrier in Zone Y. Drilling mud operations shall be conducted in steel tanks or frac trucks inside the barrier which shall be removed from the property immediately upon completion of the well.
- H. Conductor casing shall be set a minimum of fifty (50) feet or to any greater depth required to penetrate the overlying alluvium, and thirty (30) feet into the red beds. The conductor hole shall be drilled with air or fresh water and native mud. No chemicals or foreign substances are to be added to the drilling fluid and cement shall be circulated to the surface.
- I. The surface casing holes shall be drilled with air or fresh water using native mud (or near location mud. Chemically inert substances such as bentonite, barite, or lost-circulation material may be added to the fluid system as long as testing of the fresh water filtrate from a solution of the added material remains inert and of a nonpolluting nature.
- J. Centralizers shall be placed near the base of the shoe joint, and at least every sixty (60) feet above the depth of the surface, in order to assure a good cement sheath. Cement shall be circulated to surface and allowed to set at least twenty-four (24) hours before reentering the well bore.
- K. The operator shall certify by written affidavit that the well has been set according to good engineering practices. Such affidavit shall stipulate the number of sacks of cement, the class of cement, blended materials, weight of cement in pounds per gallon, cement displacement pressure, and final pumping pressure. Certification shall also stipulate whether check valves (float shoes, float collar) held the pressure. Beginning and ending times of the operation shall be stipulated. The form shall be completed by a cementing service company, signed by both the operator and the cementing service operator.
- L. Dual hydraulically operated blowout preventers shall be installed on the surface casing prior to drilling below the casing shoe. Both preventers shall be tested to assure they are in good working order and drilling or working over the well shall cease if either of the preventers is inoperative.
- M. Separators shall be used at each well to adequately care for the output of the well. For both oil and gas without spraying oil through the separator vent line. At no time will the noise caused by such wasting, producing or escaping of gas be audible for a distance of three hundred (300) feet or more from the well. When it appears that an explosive mixture of gas may be accumulating near the ground, the inspector shall request that the well be shut down until the gas is dissipated. All separators shall be vented either separately or through a manifold into a vent, the minimum shall be twenty-five (25) feet above the normal ground surface. Said vent shall not be less than two (2) inches in diameter. It shall not be closer than sixty-five (65) feet to the well hole, center line of street or the lease boundary. No separator shall be used which has less than one hundred twenty-five (125) pounds working pressure; in addition, all separators on which a pressure of greater than one hundred twenty-five (125) pounds per square inch shall be carried, shall be tested by the hydrostatic method to at least one and one-half (1 1/2) times the working pressure to be carried on said separator.
- N. All vent lines shall be fastened with at least three (3) steel guy lines to each vent, said guy lines to be securely anchored to "deadmen" buried at least two (2) feet underground and not less than twenty (20) feet from such vent.
- O. The storage of crude oil shall be outside buildings in above- ground tanks. Tanks must be set not closer than fifty (50) feet from non-fireproof buildings or from outside block lines; provided however, that an application in writing may be made to the Mayor of the Town Board and, when approved by him and the Town Board, setting the tanks at a closer, distance may be allowed. Such distance may be increased at the discretion of the Town Board after consideration of special features such as topographical conditions, nature of occupancy and proximity to buildings or adjoining property, and height and character of construction of such buildings, capacity and construction of proposed tanks and degree of public fire protection in the vicinity.
- P. In Zone Y, total capacity of the aboveground battery of crude oil storage tanks shall be limited to 1,050 barrels utilizing low profile tanks and each tank shall have the capacity not to exceed two hundred and ten (210) barrels.
- Q. All tanks shall be provided with a pressure vacuum vent system sufficient to adequately dispense excess gas from the tanks. Vent openings may be made removable, but shall be kept firmly attached. The covers for manholes, hand holes and gauge holes shall be made tight fitting and lockable.
- R. Every person, firm or corporation, operating a portable pumping unit used for the pumping of oil within the corporate limits of the Town shall equip the same before the operation for use thereof, on both the suction and discharge sides, with steel flexible tubing or pipe composed of some other material that is approved by the Mayor of Town Board. All pumping units in Zone Y shall be operated by electric motors and have all fencing requirements imposed by the zone in which said pumping unit is located.
- S. Each string of casing or pipe within any well (except the outside surface casing), shall have the fitting thereon securely anchored to the casing

immediately enclosing it. The provisions of this section in regard to requiring two (2) master gates and the stems and valves used in connection with the master gates shall not apply to wells which are on artificial lift or on pump. It shall be the duty of the Chief Inspector to see that the provisions of this section are in compliance.

- T. Drilling below three thousand (3,000) feet shall be done with mud weighing at least 8.8 pounds per gallon. The hole shall be kept full at designated weight at all times until the producing sand is reached. The mud shall be weighed at such intervals as may be determined by the inspector. When withdrawing the drill pipe, pipe shall be filled with mud after each eleven (11) stands have been withdrawn. Drilling the producing oil sand however, may be done with oil in lieu of mud; provided, however, that if the oil is in circulation, such oil shall not be over 30-B gravity with a flash point of not less than three hundred fifty (350) degrees Fahrenheit and after being so used, shall be turned into a circulating tank instead of into the pits. If, at any time, the weight of such mud shall be less than specified herein, an inspector or officer of the Town shall have the right to suspend drilling and all operations in or about such well, until the weight of such mud shall comply herewith or the conditions of the oil shall be made to comply with the provisions of this Chapter.
- U. Oil and gas wells drilled in Zone X shall use slush pits so constructed as to prevent pollution of the surrounding land surfaces. Within six (6) months after any oil and gas well within the limits of the Town shall have been completed for production of oil and/or gas, or within six (6) months after the same shall have been completed in cases where the same is abandoned for the reason that a "dry hole is found", the slush pit shall be filled with dirt and leveled off.
- V. In the event of abandoning operation because of failure of the well or wells to produce oil or gas in paying quantities, it shall be the duty of every person, firm, or corporation or lessee owning any oil or gas well within the corporate limits of the Town and of the officers, agents and employees of such owners, to begin to remove all derricks, machinery, concrete foundations and any and all other objects that interfere with the leveling of said land, and to grade, level and restore said property to the same surface condition as nearly as possible as when the oil or gas well thereon was first commenced. Said cleanup to begin within thirty (30) days from the day of such abandonment and to continue in a workmanlike manner which shall not exceed sixty (60) days.
- W. Upon completion of the well, all contaminated soil shall be physically removed from the area and then restored to its normal condition insofar as possible. All lines, including flow lines, gas lines, water lines, and electric lines, shall be buried to a minimum depth of twenty-four (24) inches. All lines carrying corrosive materials shall be plastic-coated internally and shall be coated externally if required by soil conditions. The materials shall be of sufficient quality to serve the property for the life of the well.

Sections 16-19 through 16-25. (Reserved for future use)

Section 16-26. Inspector to Enforce Rules.

The Town shall have the right to designate an inspector or inspectors who shall have access to the well site for the purpose of observing the compliance with these rules.

Section 16-27. Duties of Inspector.

- A. The Inspector, to be appointed by the Town Board, shall check the well and equipment operated or maintained in connection with each well to determine if same are maintained or operated in a safe condition from a structural stand point. Discrepancies noted shall be detailed in writing and forwarded to the well operators. Discrepancies noted must be corrected within severity-two (72) hours of the date of notification.
- B. The Inspector shall check each well location located within the corporate limits of the Town limits of the Town to see the same is kept clean, and that all papers, trash or other flammable waste is picked up and removed. Sufficient quantities of shale and rock shall be in place to keep down weeds, which in the judgment of said Inspector constitute a fire hazard or a public nuisance.
- C. All approved roadways shall be inspected for compliance with Section 16-12.
- D. The Inspector shall check all the master gates, valves, pipes, pipelines, tank batteries, pipe connections and fittings upon each well to see if same are maintained in sufficient number and size as provided by the ordinances of the Town and/or the State of Oklahoma and shall also check to see if same are tight, safe and not leaking. A high-low valve pressure control shall be installed adjacent to the well head in the flow line to control high and low pressure. The high-low pressure valve shall be checked once a month.
- E. The Inspector shall check any pressure line tubing or fittings, equipment or connections maintained in connection with such lines or tubing to see if same are tight, safe and not leaking.
- F. The Inspector shall check the dikes and fences in, and about each well to determine if same are properly maintained as required by this title or any other ordinances of the Town.

Section 16-28. Inspection Fee.

There is hereby provided an annual inspection fee of two hundred fifty dollars (\$250.00) per well per annum for the purpose of reimbursing the Town for annual expenses in conducting the well inspections that are set forth and incident thereto. Such fee shall be a condition precedent for the annual renewal of the authority of the Town Board by permit.

Section 16-29. Flood Plain Provisions.

All earthen pits shall be above the one hundred (100) year flood plain or properly diked above the one hundred (100) year flood plain with a dike which is sufficient to repel flood water. Prior to the commencement of any drilling operation, an

artificial barrier shall be constructed completely surrounding the well site no closer than fifty (50) feet from the well bore. The top of the artificial portion of the barrier to be constructed down drainage from the well shall be level at all points, at a height of no less than two (2) feet above the ground level at the well bore, in order that any deleterious matter from the well or operations thereon would be trapped and stored before such matter can enter into proper drainage. An adequate diversion ditch or dike shall be constructed across and around the uphill edge of the well site so that no surface drainage water can enter the area of the well location.

Section 16-30. Applicable State and Federal Laws.

All transmission lines of the gathering or transmission of gas or oil shall comply with ordinances of the Town and all applicable State and Federal laws regulating those lines.

Section 16-31. Enforcement Provisions.

- A. The Mayor of the Town Board, and any employee designated by him, is hereby directed and empowered to enforce the provisions of this ordinance, and all holders of the approval permit for the drilling of oil and gas wells shall promptly furnish any information requested by the Town Board or its designee, as to the status and conduct of their drilling or production operations.
- B. The Mayor of the Town Board or his designee may shut down the drilling or production of any oil and gas wells which are an immediate threat to the public safety and may also shut down said wells for violation of this ordinance which are not corrected in a twenty-four (24) hour period after verbal notice to the operator of the particular violation involved. A written log of such communications will be on file.
- C. The Town Board shall have the authority to suspend or revoke the Permit of any person, company or other business association to drill or operate any well where the provisions of this ordinance are violated. Before suspending or revoking said permit, the Town Board shall cause written notice to be served upon the permit holder, advising him of the time and date of the hearing to consider his suspension or revocation. A minimum of fifteen (15) days' notice of said hearing shall be given prior to any action being taken by the Town Board.

Section 16-32. Severability Clause.

If any section, subdivision, sentence, clause, phrase, or portion of this ordinance, or its application to any person, company or other business entity is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person, company or other business entity.

Article 3. Miscellaneous Provisions

Sections 16-33 through 16-40. (Reserved for future use).

Article 4. Penalty-Judicial Relief

Section 16-41. Penalty.

Any person, firm, or corporation violating any of the provisions of this ordinance or causing or permitting the same to be done, or who shall violate any lawful regulation or order made by any of the officers provided for in this Chapter; shall be guilty of an offense and, upon conviction thereof, shall be punished as provided in Section 1-118 of this Code.

Section 16-42. Relief in the Courts.

No penalty imposed by, and pursuant to this Chapter shall interfere with the right of the Town 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.

CHAPTER 17 - PARKS AND RECREATION

Article 1. Administration and Control

Section 17-1. Board of Trustees to Make Rules For Recreational Facilities.

- A. It shall be unlawful for any person to display or possess any glass containers or bottles in the Drummond City Park.
- B. A curfew for the Drummond City Park is hereby established. The curfew shall be invoked during the weekdays (11:00 p.m. to 6:00 a.m.) and weekends (12:00 a.m. to 6:00 a.m.).
- C. The Board of Trustees of the Town shall promulgate, invoke, create, amend and enforce such rules, regulations, and other requirements as it deems necessary or expedient in connection with fishing and fishing privileges, hunting and hunting privileges, boating and boating privileges, swimming, and the use of all other recreational facilities owned or operated by the Town.

Section 17-2. Fees to Be Determined.

The Town shall provide by rules, from time to time, the fees charged for any such recreational privileges on any property or facility for recreational purposes owned or operated by the Town.

Section 17-3. Penalty.

It shall be unlawful for any person to use any of such recreational facilities or to hunt, fish, swim or use any boat in connection with any of said recreational facilities owned or operated by the Town without having complied with the rules and regulations promulgated by the Board of Trustees of the Town in connection therewith; and anyone violating any of the rules and regulations, or failing to comply with such, shall be guilty of an offense, and on conviction thereof, shall be punished as provided in Section 1-118 of this Code.

Section 17-4. Tobacco Use in City Parks Prohibited.

- A. The use of tobacco is a public nuisance, is dangerous to the health of both adults and children, and sets an unhealthy example for the City of Drummond's youth and children. Therefore, the use of tobacco in any form is hereby prohibited in all City owned parks. The use of tobacco in any form shall also be prohibited in and around all public restrooms located in City owned parks, and in and around all parking lots adjacent to City owned parks.
- B. For purposes of this section, a "City owned park" shall be defined as any parcel of open land which is owned by the City of Drummond and used for recreational activities, including all walking and bicycle trails, and fields used for sporting events.
- C. Any person who knowingly violates this section is guilty of a misdemeanor, and upon conviction thereof, shall be punished by imposition of a fine set by resolution, excluding costs, fees and assessments.

CHAPTER 18 - PLANNING COMMISSION

Article 1. Planning Commission

Section 18-1. Planning Commission Created.

There is hereby created a Planning Commission of the Town. Said Commission shall be composed of three (3) members of whom shall be residents of the Town nominated by the Mayor and confirmed by the Town Board. The Mayor and town engineers shall be ex officio members of the Commission. Each appointed member shall hold office for a period of three (3) years, or until his successor takes office, except that in the first instance one (1) shall be appointed for three (3) years, one (1) for two (2) years, and one (1) for one (1) year. The appointed members of said Commission shall be nominated and appointed solely with reference to their fitness and without reference to party affiliation and shall serve without compensation. Members may be removed by the Mayor or the Town Board only for inefficiency, neglect of duty, or malfeasance in office. Vacancies occurring otherwise than through the expiration of term shall be filled only for the unexpired term by the Mayor with confirmation by the Town Board. Ex-officio members shall receive no compensation for their work on the Planning Commission other than the fixed salary of their office.

Section 18-2. Quorum.

Three (3) members of the Planning Commission shall constitute a quorum for the transaction of business, providing however, that no action shall be taken which is binding upon said Planning Commission unless concurred in by not less than a majority of all members comprising the Planning Commission.

Section 18-3. Organization and Rules.

The Commission shall elect a Chairman, a Vice-Chairman, and a Secretary and may create and fill such other offices as it may deem necessary. The term of the Chairman, Vice-Chairman, and Secretary shall be one (1) year with eligibility for re-election. The Planning Commission shall hold at least one (1) regular meeting each month or as scheduled. The Planning Commission shall adopt rules for the transactions of business and keep a record of its regulations, transactions, findings and determinations, which record shall be a public record. All meetings shall comply with the Oklahoma Open Meeting Law.

Section 18-4. Power to Employee Staff.

The Planning Commission shall have the power and authority to employ planners, engineers, attorneys, clerks, and other help deemed necessary within the limits of the appropriation fixed by the Town Board. The salary and compensation of such employees shall be fixed by the Town Board and shall be paid out of the Town Treasury as are other officers and employees. The Town Planning Commission may incur necessary expenses within the limits of its appropriation to carry out its purpose and responsibility.

Section 18-5. Powers and Duties.

The Planning Commission shall have the power and the duty to prepare and recommend to the Town Board for adoption, a comprehensive plan for the physical development of the Town. In conducting its work, the Planning Commission may consider and investigate any subject matter tending to the

development and betterment of such municipality and may make recommendations as it may deem advisable concerning the adoption thereof to the Town Board. The Planning Commission may make, or cause to be made surveys, studies, maps and plans in the conduct of its activities. Before final action is taken by the Town Board on the location or design of any public building, statue, memorial, park, boulevard, street or alley, playground, public grounds, bridge, or change in any location of any street or alley, such question shall be submitted to the Planning Commission for investigation and report. In the preparation of the comprehensive plan, the Planning Commission may, from time to time, prepare and recommend to the Town Board for adoption, a part or parts thereof, which parts shall cover one or more major geographical divisions of the Town or one or more major elements of the comprehensive plan. The Planning Commission may, from time to time, recommend extending, amending or changing any portion of the comprehensive plan.

Section 18-6. Purpose of Plan.

In the preparation of such plan, the Planning Commission shall make careful and comprehensive survey studies of present conditions and future growth of the Town, and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of its environs, which will in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including among other things, adequate provisions for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, and wise and efficient expenditure of public funds.

Section 18-7. Subdivision of Land.

The Planning Commission may prepare and recommend to the Town Board for adoption rules and regulations governing the subdivision of land within the corporate limits of the Town. All plans, plats or replats of land laid out in two or more lots, plats or parcels, or streets, alleys, or other lots intended to be dedicated to public use within the corporate limits of Drummond, shall first be submitted to the Planning Commission for its recommendations. The Planning Commission shall, with the help of appropriate municipal officials, check the proposed dedications or subdivision of land to insure compliance with the rules and regulations governing subdivisions of land and with other elements of the comprehensive plan for the Town. The disapproval of any such plan, plat or replat by the Town Board shall be deemed a refusal of the dedications shown thereon. No plat or replat or subdivision of land, or dedication of street or alley or other easement shall be entitled to record unless it bears the signature of the Mayor, attested by the Town Clerk certifying the approval and acceptance thereof by the Town Board.

Section 18-8. Zoning Commission.

The Planning Commission shall also act as the Zoning Commission which shall have the power to prepare and to recommend to the Town Board for adoption a zoning plan to regulate and restrict the height, number of stories, area size of yards, courts and other open spaces, the density of

population, the location and use of buildings, structures and land for trade, industry, residence and other purposes.

Section 18-9. Uniformity of Regulations.

The Planning Commission may recommend the division of the municipality into districts of such number, size, and area as may be deemed best suited to carry out the zoning plan. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other district

Section 18-10. Comprehensive Plan - Purpose of Regulations and Matters Considered.

Zoning regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air to prevent the over-crowding of land; to avoid undue concentration of population to facilitate the adequate provisions of transportation, water, sewage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

Section 18-11. Conflicting Ordinances.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Article 2. Capital Improvements Plan

Section 18-12. Capital Improvements Planning Committee: Functions and Duties.

- A. There is hereby created a Local Capital Improvements Planning Committee for the Town of Drummond, Oklahoma, in compliance with the provisions of the Oklahoma Capital Improvements Planning Act (62 O.S., 1992 Supplement, Sections 901, et. seq.).
- B. The Local Capital Improvements Planning Committee shall consist of a least three (3) but not more than ten (10) voting members, to be appointed by the Mayor, subject to the confirmation of the Town Board of Trustees. All members must be residents of the Town of Drummond, Oklahoma, and shall serve without salary.
- C. Terms of the members shall be established in the same manner as for those for a Municipal Planning Commission, and removal procedures for the Committee shall also be the same as for a Municipal Planning Commission.
- D. The Local Capital Improvements Planning Committee has the general responsibility to assist the Town of Drummond in planning for the future development, growth and improvement of the Town of Drummond, Oklahoma, and in preparing, adopting, implementing and annually amending the local Capital Improvements Plan and its related programs, consistent with the goals, guidelines and

other provisions of the Oklahoma Capital Improvements Planning Act.

E. The Committee shall also:

1. Prepare the Town's Capital Improvements Plan;
2. Make recommendations to the Town Board of Trustees regarding the adoption of the Plan;
3. Serve in an ongoing advisory capacity to the Town Board of Trustees regarding implementation of the Plan, particularly in the Annual Update phase of the planning process;
4. Conduct public hearings and solicit and encourage participation, as required by, and in accordance with, applicable provisions of the Oklahoma Capital Improvements Planning Act;
5. Take such other actions as may be necessary to carry out Planning process, consistent with local Ordinances and policy, and State Law requirements, including the capacity to recommend agreements with other area jurisdictions, in order to carry out the purposes of the Capital Improvements Planning process; and
6. Maintain a working relationship with the appropriate Regional Planning Council (the Northern Oklahoma Development Authority), in order to ensure that the Statutory requirements for integrating the Town's Plan into the NODA Regional Capital Improvements Plan, each year, are fully met, to the benefit of the Town of Drummond and the State of Oklahoma.

CHAPTER 19 - PRIVATE PROPERTY

Article 1. Unclaimed Property

Section 19-1. Complete Record Required.

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 delivered by the officer securing possession thereof into the charge of the Police Chief. The police 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 or 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 at which it was sold.

Section 19-2. Disposition of Unclaimed Property.

Any unclaimed personal property other than animals which are in the possession of the Police Chief, the ownership of which is not to him satisfactorily established, for a period of thirty (30) days shall be sold and the proceeds of the sale shall be paid over to the Town Clerk who shall issue his receipt therefor and deposit the same to the credit of the general fund of the town, except such personal property as, in the opinion of the chairman of the Board of Trustees, can be more advantageously used by some department or office of the town government. Ten (10) days before a sale of such unclaimed property the Police Chief shall sign and have posted in a conspicuous place in the Town Clerk's office, where it will be plainly visible to persons who visit that office, notice of the time, place and manner of such sale, and general description of the property to be sold. Provided that if, in the opinion of the Chairman of the Board, all or any portion of the personal property may be more advantageously used in any town department or office, he shall so instruct the Police Chief in writing, and the Police Chief shall deliver the personal property designated to that department or office of town government and make a permanent record of its disposition.

Section 19-3. Property Found By a 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 thirty (30) days, shall within ten (10) additional days thereafter if requested by the finder be returned to him and a record of such disposal made thereof. If the finder does not request return of the property to him within the additional ten (10) days, then the Chief of Police shall sell the property as if it had been found by a public official or employee or, on instruction by the Chairman of the Board, deliver it to some department or office of the town government for its use.

Section 19-4. Recovery by Owner.

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

Section 19-5. (Reserved for future use).

CHAPTER 20 - PUBLIC FACILITIES AND UTILITIES

Article 1. Municipal Utility Systems

Section 20-1. Municipal Utility Systems.

- A. Water and sewer services are provided to residents through the Drummond Public Works Authority (Also referred to as the "Authority").
- B. The Town provides solid waste collection and disposal services to residents of the community through the Drummond Public Works Authority.

Section 20-2. Operation of Municipal Utility Systems.

- A. The operators of the municipal water and sewer systems shall be the Drummond Public Works Authority; said Authority shall have the power to establish fees, rates, deposits, charges and such other rules and regulations as may be necessary for the efficient operation of these systems.
- B. The operators of the municipal solid waste collection and disposal system shall be the Drummond Public Works Authority said Authority shall have the authority to procure vendor services through contract, establish fees, charges and operational procedures and regulations as may be necessary for efficient operation of the system.
- C. Administrative processes for all systems may be combined for more efficient operation at the discretion of the Town Board and Authority Trustees.
- D. Municipal Ordinances or Resolutions relating to these utility systems shall be applicable whenever possible, to all utility systems except as provided for in O.S. Title 60, as amended.
- E. Type of Service: Regular Users
 - 1. \$8.00 – 1st 2,000 gallons
 - 2. \$1.00 – Each additional 1,000 gallons

Section 20-3. Use of Municipal Utility Systems.

Every resident within the corporate limits of the Town and every commercial or industrial establishment, shall utilize the municipal utility systems of said Authority unless it is otherwise impossible to do so.

Sections 20-4 through 20-9. (Reserved for future use).

Article 2. Municipal Water System

Section 20-10. Water Connections.

It shall be unlawful for any person, firm or corporation to make a connection to the municipal water system without first complying with all applicable provisions of this Code of Ordinances and operating policies of the Drummond Public Works Authority.

Section 20-11. Meter Tampering, or Injuring Municipal Water Systems.

It shall be unlawful for any person to injure or deface, or in any way tamper with, any portion of the municipal water system, or to turn the water off or on from any main at any time or place, unless he is duly authorized to do so by the Authority.

Section 20-12. Use of Water Wells for Domestic Purposes.

No person shall have the right to drill any water well within the limits of the Town for any purpose other than for domestic purposes; provided, however, in the event a person shall desire to drill a water well for purposes other than domestic purposes and the Authority is unwilling or unable for any reason to provide said person a supply of water commensurate with the needs of that person, said person shall make application to the State of Oklahoma for the drilling and use of a water well for purposes other than domestic purposes and upon a showing to the Board of Trustees of the Town and Authority that the drilling and use of said water well not jeopardize or otherwise interfere with the water supply of the Town, said application may in the discretion of the combined Board of Trustees be granted; provided however, that at such time as the Town is able and willing to provide said person water. The Authority may require said person to tie in to the water main of the Authority and to plug and abandon the well used by said person.

Section 20-13. Use of Water from Water Mains.

No person shall have the right to drill a water well for domestic use except when the Town main lines are not available to said person, in which event said person shall have the right to drill and use a water well for domestic purposes only after proper application has been made, approved, and a permit for the use thereof has been issued by competent jurisdiction.

Section 20-14. Domestic Use.

"Domestic Use" means the use of water by a natural individual or by a family or household for household purposes, for farm and domestic animals up to the normal grazing capacity of the land, and for the irrigation of the land not exceeding the total of three acres in area for the growing of gardens, orchards, and lawns.

Section 20-15. Water Well Permits.

Any person who otherwise qualifies for the drilling and use of a water well within the Town may apply in writing to the Town Clerk, Authority and the State of Oklahoma for a permit for the use of said water well. The application shall state the location, depth, and capacity of said water well. Said person shall, upon making application, pay to the Authority a permit fee of ten dollars (\$10.00). An authorized officer of the Authority shall review said application to determine if the proposed water well complies with the ordinances of the Town, the laws of the State of Oklahoma, and the regulations of the State Health Department. Said authorized officer may require the applicant to furnish in writing any additional information required to make said determination. Upon approval of the application by said authorized officer and the State of Oklahoma, the Authority shall issue a permit for the drilling and use of a water well.

Section 20-16. Use of Water Interconnections Prohibited.

Except as herein otherwise provided, water from privately owned wells within the Town shall be used only for domestic purposes on the premises where the well is located, and there shall be no interconnection of any kind between any such well and the water supply of the Town or any connection thereto or extension thereof. In the case of wells in use prior to the effective date of this ordinance, use of the water therefrom may be continued to the same extent and for the same purposes, but such uses shall not be extended or increased. No domestic water well shall be utilized to fill a natural or manmade open earthen basin to maintain water in the same, nor shall the water well be used for recreational purposes or any other purpose which may constitute waste.

Section 20-17. Authority of Ground Water Within the Town Lies with Town Board.

- A. No privately owned water well within the Town shall hereafter be drilled to, nor shall any existing well hereafter be deepened to, nor any privately owned well be completed at such depth as will interfere or allow water to be taken and produced from the water producing sands from which the Town obtains its municipal water supply, except in those instances and in those areas where water is not available to the prospective user from the Town's regular system.
- B. In the event a well is completed in the sands comprising the Town's water supply in pursuance of the authorization therein granted, the well in its operation shall be subject to inspection and regulation in all respects by the officials and administrative agents of the Authority to prevent pollution of the water sands and to prevent damage to the sands by such operation.
- C. The Board of Trustees of the Town and/or Authority shall at all times have power and authority to issue Cease and Desist Orders to all users of water wells when said orders are necessary in the discretion of said Board to enforce the provisions of this ordinance.
- D. At such time as water is available to any person using a water well from the Town's regular water system, or at such time as the Authority can furnish water by other means to said persons, said persons owning such wells shall immediately and forthwith cease using water from said water-sands, and shall plug and abandon any such wells having been completed in the water-sand used by the Town or do otherwise as may be ordered by the Board of Trustees of the Town and/or Authority.
- E. Municipal water shall be determined available to any person at such time as a water main is adjacent to the property line of that person using said water well.

Section 20-18. State Health Department Regulations Authorized.

The drilling and use of water wells within the Town limits shall comply in all respects with Town Ordinances, the laws of the State of Oklahoma, regulations of the State Health Department, and policies of the Authority in respect to the

drilling, equipment, and use of such wells. The said authorized officer shall have the right to inspect any such well at any time and to revoke the permit for the use thereof if any violation of any such ordinance, law, or regulation is found to exist.

Section 20-19. Penalty.

Any person, firm or corporation violating any provision of this article, or who willfully fails to cease and desist using water from the supply sands of the Town after receiving notice of such order from the Board of Trustees, is guilty of a misdemeanor and upon conviction thereof, shall be fined in the sum not to exceed one hundred dollars (\$100.00), plus costs. Each day such violation continues shall be deemed a separate offense and each such offense may be described in the same complaint in separate counts of specification.

Article 3. Municipal Sewer System

Section 20-20. Use of Municipal Sewer System.

It shall be unlawful for any person, firm or corporation to make any connection to the Municipal Sewer System without first complying with all applicable provisions of this Code of Ordinances, rules and regulations of the State Health Department, plus other requirements of the Town and Authority.

Section 20-21. Mandatory Sewer Connections.

- A. The owners of all houses, buildings or property used for human occupancy, employment, recreation or other purposes, situated within the corporate limits of the Town and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the Authority, are hereby required at their own expense, to install suitable toilet facilities therein, and to have such facilities connected directly with the proper public sewer within sixty (60) days after the date of official notice to do so; provided, that such public sewer is within three hundred (300) feet of the property line.
- B. Said notice (above) shall be served by any designated agent of the Authority by delivering a true and correct copy to the property owner, or leaving the same at his usual place of residence with a member of his family over the age of fifteen (15) years, or if such owner cannot be found, by posting a copy of such notice at the front entrance of the building involved.
- C. Any person who shall fail, neglect or refuse to comply with the terms of this Section after having been notified to do so as provided herein shall be guilty of an offense. In the event of a continuous violation of this Section by any property owner, the Authority may discontinue the furnishing of water to such property owner, until such time as a proper sewer connection has been made to the dwelling.

Section 20-22. Private Sewage Disposal Facilities.

- A. Except as hereinafter provided in this Section, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended to be used for the disposal of sewage within the corporate limits of the Town.

- B. Where a connection to a public sanitary sewer line is not required under the provisions of Section 20-21, a private septic tank or cesspool facility for sewage disposal may be constructed and maintained, provided it is constructed and maintained under the rules and regulations of the Health Officer and in compliance with the recommendations and require of the Oklahoma State Department of Health. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural cutlet.
- C. In the event geographical, topical, or other terrain features prevent direct connecting into the public sewage disposal system, no private sewage disposal system will be authorized when a lift station will suffice.
- D. Construction of a private sewage disposal system is prohibited unless and until authorization is granted by the Authority or until the proposed construction has been approved by the Oklahoma State Department of Health.
- E. The owner of private septic tanks or cesspools shall operate and maintain the same in a sanitary manner at all times, at no expense to the Authority and no statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the State Health Officer.
- F. At such times as a public sewer becomes available to a property served by a septic tank or cesspool, a direct connection shall be made to such public sewer in compliance with Section 20-21, and the septic tank or cesspool shall immediately be abandoned and filled with suitable material.

Sections 20-23 through 20-29. (Reserved for future use).

Article 4. Solid Waste Collection and Disposal System

Section 20-30. Collection and Disposal Declared to be a Municipal Function.

The collection and disposal of garbage, trash and refuse and other solid waste is hereby declared to be a function of the Authority as a protection of the public health; the police powers of the Town shall be invoked when necessary for the enforcement of this Chapter. In addition, a contractual vendor may collect and dispose of refuse, as it deems necessary, provided that such disposal shall be by an approved method of incineration (not open burning) or by landfill and daily cover.

Section 20-31. Purpose.

It is the purpose of this Article and it is hereby declared to be the policy of the Authority pursuant to the authority of the Ok Solid Waste Management Act O.S. Title 63, Sections 2251-2265, as amended, to regulate the collection and disposal of solid wastes in a manner that will protect the public health and welfare, prevent air and water pollution, prevent the spread of disease and the creation of nuisances, conserve the natural resources, and enhance and preserve the beauty and quality of the community's environment.

Section 20-32. Definitions.

- A. Refuse. The word "refuse" shall mean tree trimmings, junked buildings and roofing materials, manufacturing waste, rocks, dirt and other waste material not defined as "solid waste" or "trash".
- B. Trash. The word "trash" shall mean paper, rags, containers of paper, tin cans, yard and house sweepings and all other household waste, but not tree trimmings, building and manufacturing waste, sewage and rocks, raw dirt, rainwater and other liquid refuse properly disposable through the sanitary sewers of the Town.
- C. Solid Waste. The term 'solid waste!' shall include all putrescible and nonputrescible refuse in solid or semi-solid form, including, but not limited to refuse, dead animals, demolition wastes, construction wastes, solid or semi-solid commercial and industrial wastes and hazardous wastes (including explosives, pathological wastes, chemical wastes, herbicide and pesticide wastes).
- D. Solid Waste Management System. The term "Solid Waste Management System" shall mean the entire process of storage, collection, transportation, processing and buying solid wastes at or in a site approved by the Oklahoma State Department of Health.

Section 20-33. Accumulation a Nuisance; Containers.

- A. It shall be unlawful for any person in charge of any lot or piece of ground to allow solid waste to accumulate thereon, so as to cause an offensive odor to be emitted therefrom or to become injurious or dangerous to the health of the neighborhood or any inhabitant thereof. Any such condition is hereby declared a violation of this Article and punishable as such, and in addition, is declared to be a nuisance and may be abated as such.
- B. Any person constructing any structure within the Town; shall, prior to construction on any premises, furnish and place on said premises a container of suitable size and design (30 gallon maximum) to contain all solid waste which might, by the winds or elements, be distributed and blown from the premises; said container shall be used by the person concerned at all times to keep the premises from becoming unsightly with solid waste, and shall always be kept covered.
- C. Any person who fails to keep the premises on which any structure is being built or installed free from solid waste and who allows said waste to blow or be carried from the premises to adjoining or other property or into the streets, shall be deemed guilty of causing a nuisance, and shall be subject to the penalties in this Code of Ordinances prescribed therefor.

Section 20-34. Burning of Solid Waste.

- A. It shall be unlawful for any person to start or maintain any fire or cause any fire to be started or maintained for the purpose of burning or incinerating any solid waste.

- B. It shall be unlawful to construct or install, within any building in the Town any incinerator designed to burn solid wastes.

Section 20-35. Solid Waste Rates and Charges.

- A. To facilitate the collection of the rates and charges herein levied and assessed, the Authority (or other designated agent), is hereby directed to include said charges on the same bill by which the Drummond Public Works Authority bills for and collects for its sewer, water or other services; to the end that the rates and charges herein levied shall be paid and collected at the same time.
- B. Residents of the Town shall be charged monthly for solid waste collection and disposal in accordance with rates established by resolution of the Board of Trustees of the Authority. Property owners shall be responsible for paying bills left unpaid by renters.

Sections 20-36 through 20-44. (Reserved for future use).

Article 5. Municipal Facilities

Sections 20-45 through 20-64. (Reserved for future use).

Article 6. Miscellaneous Provisions

Section 20-65. Turning on Utilities.

- A. It shall be unlawful for any person to turn the utility on to any premises from any municipal system, without written permission of the Drummond Public Works Authority. Utilities shall not be turned on until any and all deposits and charges have been paid. The Authority shall see that the utility is turned on when all requirements for service have been complied with.
- B. When a utility has been turned off by Authority personnel, it shall not again be turned on without written permission of the Authority.

Section 20-66. No Service Connection Until Bills Have Been Paid.

A person owing delinquent municipal utility bills or other charges in connection with any municipal utility system shall not be extended additional services until such bills and charges have been paid.

Section 20-67. Customers to Keep Service Pipes in Good Repair.

All customers using municipal utilities shall keep their service pipes and other apparatus in good repair and in proper operation, and shall not unnecessarily waste water nor contribute to unsanitary conditions.

Section 20-68. Town not Responsible for Utility Interruption.

The Authority shall not be responsible for any damages due to stoppage or interruption of any utility or service.

Section 20-69. Authority Personnel May Inspect Private Premises.

Personnel in the service of the Authority may enter any private premises served by municipal utilities at any reasonable time and inspect the pipes, fixtures and/or wiring on the premises.

Section 20-70. Interference With Fire Hydrants; Damage of Utility System.

- A. It shall be unlawful for any person, unless duly authorized, to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant belonging to the Town.
- B. It shall be unlawful for any person to, in any manner, obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt, or other thing.
- C. It shall be unlawful for any person to damage, destroy or tamper with any pipes, lines, meters or other equipment or property which is a part of a municipal utility system.

Sections 20-71 through 20-84. (Reserved for future use).

Article 7. Penalty

Section 20-85. Penalty.

Any person who violates any provision of this Chapter or of any Ordinance, Code or standards adopted by this Chapter, or maintains or permits to continue any public nuisance as defined by this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be punished as provided in Section 1-118 of this Code. Every day upon which a violation continues shall be deemed a separate offense.

CHAPTER 21 - STREETS AND OTHER PUBLIC AREAS

Article 1. Use and Obstruction

Section 21-1. Trees and Shrubbery.

- A. The owner of any premises abutting on any street shall trim all trees and shrubbery growing in the public right-of-way and on any part of the premises adjacent to any street or alley, in such a manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along any streets, sidewalks or alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as herein required of the owner.
- B. It shall be unlawful for any person to injure any tree or shrubbery within any public right-of-way; provided, that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

Section 21-2. Rights-of-Way and Easements.

- A. It shall be unlawful for any person, firm or corporation to obstruct or otherwise prevent access to, any publicly used street, alley, easements or other municipally owned property, whether platted or unplatted; provided that the Town may prevent or provide access to such streets, alleys, easements and municipally owned properties from time to time, in the public interest
- B. The Town Board of Trustees may permit certain streets, alleys, easements and municipal properties which are dedicated, but not required for traffic or other public access or use, to be fenced or otherwise made inaccessible to the public (as in the case of land being farmed or grazed as a part of a larger field or pasture); provided, that said Town Board or any of its officers or employees shall have the right of ingress, egress and easement for the purpose of installing or maintaining utilities, cleaning, grading, mowing, or any other activity which is in the public interest.
- C. Persons, companies, corporations or individuals who have fenced in, or are farming or grazing dedicated, but unopened, streets, alleys, easements or municipally owned properties, as permitted above shall:
 - 1. Not construct any building, structure, earthworks or ponds, nor in any other way disturb the general grade and slope of the land.
 - 2. Maintain the property so that no nuisance is created.
 - 3. Immediately relinquish any rights presumed to be held concerning the property upon notice by the Town.
 - 4. Permit access to the property at any time when requested to do so by a municipal officer or employee.

Section 21-3. Obstructions.

- A. It shall be unlawful for any person to use or obstruct the sidewalks, streets, alleys, easement or public rights-of-ways of the Town in any manner so as to interfere unduly with pedestrian or other lawful traffic and parking thereon, or to interfere unduly with the purpose(s) of said easement of right-of-way.
- B. It shall be unlawful for any person, firm or corporation to deposit, throw or sweep into or upon streets, alleys, parking areas or sidewalks any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes or other refuse of any kind.
- C. It shall be unlawful for the owner or occupant of property abutting upon a sidewalk or sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalks.
- D. It shall be unlawful and an offense for any person to permit to be open or leave open any cellar door, manhole or grating of any kind in or adjacent any street, sidewalk or alley of the Town.
- E. It shall be unlawful for any person to make any excavation or cutting in any street, sidewalk, alley or public grounds, or to remove any earth or construction material therefrom, except where authorized to do so by the Town Board of Trustees; excavations so authorized shall be properly guarded and protected to prevent said excavations from being or becoming dangerous to life or limb.
- F. It shall be unlawful for any person, firm or corporation to obstruct any street, sidewalk, alley or drainage easement by placing any approach, driveway or other obstruction or substance whatever, that will obstruct or prevent the natural flow of water through the easement or into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks or gutters.

Section 21-4. Drainage of Polluting Substance.

It shall be unlawful for any residence, business or industry to allow drainage of a polluting substance or pollutant (as defined by O.S. Title 82, 1981 Supp., Section 931-942 et al) into any street, alley sidewalk or public right-of-way of the Town.

Sections 21-5 through 21 9. (Reserved for future use).

Article 2. Miscellaneous Provisions

Section 21-10. An Ordinance Vacating the South 10 feet of Broadway Street Adjacent to the North Side of Lot 1, Block 3. Westview Second Addition.

That the South 10 feet of Broadway Street adjacent to the North side of Lot 1, Block 3, Westview Second Addition to the Town of Drummond, Oklahoma be and the same is hereby vacated, and that the area so vacated shall revert to the owner of the real estate adjacent thereto as provided by law.

Sections 21-11 through 21-19. (Reserved for future use).

Article 3. Penalty

Section 21-20. Penalty.

- A. Any owner or occupant who fails, refuses or neglects to trim trees and shrubbery as provided in Section 21-1, after receiving ten (10) days' notice from the Chief of Police to do so, shall be guilty of an offense.
- B. Any violation of this Chapter shall be deemed an offense and, upon conviction thereof, shall be punished as provided in Section 1-118 of this Code.

CHAPTER 22 - TRAFFIC

Article 1. Definitions

Section 22-1. Definitions.

The following words and phrases when used in this Chapter have the meanings respectively ascribed to them in this Section. However, for any words or phrases used in this Chapter and not defined in this Section, but which are defined by the laws of the State of Oklahoma regulating traffic, the definitions of the laws of the State shall be deemed to apply to these words or phrases used in this Chapter.

- A. Authorized Emergency Vehicles - Equipment. Vehicles of the fire department, ambulances, county sheriff vehicles of sheriffs and full time commissioned deputies and police vehicles, including States Marshal's Service, the Federal Bureau of Investigation or by the Town or County Civil Defense organizations. Said vehicles shall be equipped as provided by 47 O.S. Section 12-218.
- B. Bicycle. Every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than twenty (20) inches in diameter.
- C. Board. The Board of Trustees of Drummond, Oklahoma.
- D. Bus. Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.
- E. Controlled-Access Highway. 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.
- F. Crosswalk.
 - 1. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.
 - 2. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- G. Curb. The boundary of any street or roadway.
- H. Curb Loading Zone. A space adjacent to a curb reserved for exclusive use of vehicles during the loading or unloading of passengers or materials.
- I. Driver. Every person who drives or is in actual physical control of a vehicle.
- J. Fire Lane. Any street set aside by the police department to be kept clear of parked vehicles for the convenience of the fire department in answering fire alarms.
- K. Freight Curb Loading Zone. A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.
- L. Highway or Street. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. The words "highway" and "street" are synonymous herein.
- M. Intersection.
 - 1. The area embraced within the prolonging of connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
 - 2. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.
- N. Laned Roadway. A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.
- O. Marshal. The Marshal or Chief of Police of the Town of Drummond, Oklahoma.
- P. Mayor or President. The Chairperson of the Board of Trustees of the Town of Drummond, Oklahoma.
- Q. Motor Scooter A motor scooter is any vehicle having:
 - 1. Not more than three wheels in contact with the ground;
 - 2. Handlebars and foot support or seat for the use of the operator;
 - 3. A power source that:
 - i. If the power source is a combustion engine, has a piston or rotor displacement of thirty-five cubic centimeters (35 cu cm) or less regardless of the number of chambers in the power source.
 - ii. If the power is electric, has a power output of not more than one thousand (1,000) watts.
 - 4. For purpose of this chapter, an electric personal assistive mobility device as defined by Title 47, Section 1-114 A of the Oklahoma

Statues, shall not be considered a motor scooter.

(Note: Subsection added, Section 22-1 (B) and (C) of Ordinance No. 2005-01, effective 8 August, 2005.)

- R. Motor Vehicle. Every motor vehicle which is self-propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
- S. Motorcycle. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.
- T. Motor-Driven Cycle. A motor-driven cycle is any motor vehicle having:
1. A power source that:
 - i. If the power source is a combustion engine, has a piston or rotor displacement of greater than thirty-five cubic centimeters (35cu cm) but less than one hundred fifty cubic centimeters (150) cu cm regardless of the number of chambers in the power source.
 - ii. If the power source is electric, has a power output of greater than one thousand (1,000) watts; and
 2. A seat or saddle for use of each rider; and
 3. Not more than three wheels in contact with the ground.

(Note: Subsection added, Section 22-1 (A) of Ordinance No. 2005-01, effective 8 August, 2005.)

- U. Off Road Recreational Vehicle. Any multi-wheeled vehicle designed to travel over unimproved terrain which weighs less than 500 pounds and has an engine size less than 500 cubic centimeters (500 cu cm).

(Note: Subsection added, Section 22-1 (D) of Ordinance No. 2005-01, effective 8 August, 2005.)

- V. Official Time Standard. Whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in this city.
- W. Official Traffic-Control Devices. All signs, barricades, signals, markings and devices not inconsistent with this Chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.
- X. Official Warning and Direction Signs and Signals. All warning and direction signs and signals not inconsistent with the terms of this Chapter heretofore or hereafter placed or erected under the provisions of this Chapter by authority of the police.
- Y. Operator. Any person who is in actual physical control of any vehicle.

- Z. 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.

AA. Passenger Curb Loading Zone. A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

BB. Pedestrian. Any person afoot.

CC. Person. Every natural person, firm, co-partnership, association or corporation.

DD. Police Department. Shall mean the regular standing police department of the Town headed by the Chief of Police.

EE. Police Officer. Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violation of traffic regulations.

FF. Private Road or Driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

GG. Railroad. A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

HH. Railroad Train. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails except streetcars.

II. Right-of-Way. The Privilege of the immediate use of the roadway.

JJ. Roadway. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway" as used herein refers to any such roadway separately but not to all such roadway collectively.

KK. Safety Zone or Island. An 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 or island.

LL. Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

MM. Stand or Standing. Means the halting of vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

NN. Stop. When required, means complete cessation from movement.

OO. 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 directions of a police officer of traffic control sign or signal.

PP. Through Highway. Every highway or portion thereof on which vehicle traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this Chapter.

QQ. Traffic. Pedestrians, ridden or herded animals, vehicles and other conveyances wither singly or together while using any highway for purposes of travel.

RR. Traffic Control Signal. Any device, whether manually, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

SS. Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, exclusively upon stationary rails or tracks.

Article 2. Traffic Administration: Obedience to Traffic Regulations

Section 22-2. Duty of Police Department and Fire Department.

- A. It is the duty of the Police Department to enforce the street traffic regulations of this Town and all of the state vehicle laws applicable to street violations, to investigate accidents and to cooperate with other officers of the Town in the administration of the traffic laws and in developing ways and means to improve traffic conditions and to carry out those duties specially imposed upon the department by this Chapter and any other traffic ordinances of this Town.
- B. Officers of the Police Department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws and ordinances; provided that, 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.
- C. Officers of the Fire Department, when at the scene of a fire or other emergency, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

Section 22-3. Emergency and Experimental Regulations.

- A. The Mayor, subject to any direction which the Board of Trustees may give by motion or resolution, is hereby empowered to make effective the provisions of the Traffic Ordinances of this Town and to make

temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

- B. The Mayor may have traffic control devices tested under actual conditions of traffic.

Section 22-4. Required Obedience to Traffic Chapter.

It is an offense against the Town for any person to do any act forbidden or fail to perform any act required in this Chapter.

Section 22-5. Obedience to Police and Fire Department Officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a Police Officer or Fire Department Official.

Section 22-6. Persons Propelling Push Carts, Riding Animals, or Driving Animal-Drawn Vehicles to Obey Traffic Regulations.

Every person propelling any push cart or riding an animal upon a roadway and every person driving any animal-drawn vehicle, shall be subject to the provisions of this Chapter applicable to the driver of any vehicle, except those provisions of this Chapter which by their very nature can have no application.

Section 22-7. Use of Coasters, Roller Skates and Similar Devices Restricted.

No person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device shall go upon any roadway except while crossing a street on a crosswalk; and so crossing, such person shall be granted all the rights and 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 ordinance of this Town.

Section 22-8. Public Officers and Employees to Obey Traffic Regulations.

The provisions of this Chapter shall apply to the driver of any vehicle owned by or used in the service of the United States Government, any state, county, municipality or other governmental unit or agency, as well as to other vehicles; and it is unlawful for any such driver to violate any of the provisions of this Chapter except as otherwise permitted in this Chapter or by State Statute, provided that this Chapter shall not apply to the military forces of the United States and organizations of the National Guard when performing any military duty.

Section 22-9. Persons Working on Streets; Exceptions.

Unless specifically made applicable, the provisions of this Chapter except those relating to reckless driving and driving while intoxicated, shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a street, or to persons, motor vehicles and other equipment while actually engaged in construction, maintenance or repair of public utilities; provided that all highway and public devices or flagmen; but the provisions of this Chapter shall apply to such persons and vehicles when traveling to or from such work.

Section 22-10. Maintenance and Construction Zones, Etc.

- A. Town personnel or contractors, while repairing or improving the streets of the Town, and Town 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 Town Board to close any street or section thereof to traffic during such repair, maintenance or construction and in exercising such authority, shall erect or cause to be erected proper control devices and barricades to ward 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 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; except that the provisions of this subsection shall not apply to persons while engaged in such construction, maintenance and repair, or to persons entering therein for the protection of lives or property; provided that persons having their places of residences 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 Town personnel, contractor or utility company concerned shall erect or cause to be erected, traffic control devices to warn and guide the public; and every person using such street shall obey all signs, signals, markings, flagmen or other traffic control devices which are placed to regulate, control and guide traffic through the construction or maintenance area.

Section 22-11. Authorized Emergency Vehicles.

- A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or ordinance or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
- B. The driver of an authorized emergency vehicle may:
 - 1. Park or stand, irrespective of the provisions of this Chapter.
 - 2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
 - 3. Exceed the maximum speed limits so long as he does not endanger life or property; and
 - 4. Disregard regulations governing direction of movement or turning in specific directions.
- C. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any such vehicle is making use of audible and visual signals as required by law, except that an

authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

- D. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Section 22-12. Operation of Vehicles on Approach of Authorized Emergency Vehicles.

- A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this State or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a Police Officer.
- B. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Section 22-13. Accidents, Duty to Stop, Leaving Scene of Accident.

- 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's license to the person injured or the driver or occupant of, or person attending, any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying or making arrangement for the carrying of such persons to a physician, surgeon or hospital for medical and surgical treatment if it is apparent that this treatment is necessary, or if such is requested by the injured person. Each such stop shall be made without obstructing traffic more than is necessary.
- B. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or to the property is in excess of three hundred dollars (\$300.00) shall as soon as practicable, report such accident to a Police Officer or to the Police Department. 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 fined as provided in Section 1-110 of this Code.

(State Law Reference: Accident Reports, 47 O.S. Sections 10-101 et seq.)

Article 3. Certain Vehicles Prohibited; Equipment, etc.

Section 22-14. Vehicles Injurious to Street.

No vehicle or object which injures or is likely to injure the surface of a street shall be driven or moved on any street.

Section 22-15. Obstructive and Dangerous Vehicles.

No person shall drive any vehicle in such condition, so constructed or so loaded as to cause delay or be likely to cause delay in traffic, or as to constitute a hazard to persons or property, except by permit issued by the Chief of Police and in accordance with the terms of such permit.

Section 22-16. Equipment.

Every vehicle operated upon the streets of the Town shall be equipped as required by law; and it is unlawful to operate a vehicle upon a street of the Town which is not equipped as required by law. It is also 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 also unlawful to operate a vehicle which has equipment prohibited by law upon a street of the Town.

Section 22-17. Mufflers, Cut-outs.

No motor vehicle with an internal combustion engine shall be operated within the Town unless the exhaust from such engine is muffled by a suitable and sufficient muffler; and no muffler cut-out or exhaust or vacuum whistle shall be used on any motor vehicle while operating within the Town, except that exhaust whistles may be used on authorized emergency vehicles.

Section 22-18. Width, Height Length, Weight Load and Axle Restrictions.

No person shall drive or convey through any street any vehicle the width, height, length, weight or load of which exceeds that authorized by State Law, except in accordance with a permit issued by state authority or by the Chief of Police.

Section 22-19. Inspection of Vehicles.

Police officers shall have authority to inspect and test any vehicle upon the streets of the Town at any time to determine whether it is safe, whether it is properly equipped and/or whether its equipment is in proper adjustment and repair.

Section 22-20. Vehicle License Required.

No person shall drive, propel, move or park on the streets of this Town any motor vehicle, trailer or semi-trailer unless licensed as required by State Law and the license is conspicuously displayed thereon.

Section 22-21. Unlicensed Vehicles.

It is unlawful for any person to park any motor vehicle not bearing a current motor vehicle license tag or tags on any street or highway within the Town.

Section 22-22. (Reserved for future use.)

Section 22-23. License Plates Light.

Every motor vehicle, trailer, semi-trailer and pole trailer shall have either a tail lamp or a separate lamp which shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps, clearance lamps, or auxiliary driving lamps are lighted.

(Reference: 47 Oklahoma Statute 12-204.)

Section 22-24. Head Lamps on Motor Vehicles.

- A. Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two (2) head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this Chapter.
- B. Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two (2) head lamps which shall comply with the requirements and limitations of this Chapter.
- C. Every head lamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the head lamp of not more than fifty-four (54) inches nor less than twenty-four (24) inches to be measured from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

(Reference: 47 Oklahoma Statute 12-203.)

Section 22-25. Not to Project a Glaring Light.

No stop lamp or signal lamp shall project a glaring light.

(Reference: 47 Oklahoma Statute 12-219 (d).)

Section 22-26. When Lighted Lamps Are Required.

Every vehicle upon a highway within this Town, at any time from a half (1/2) hour after sunset to a half (1/2) hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons on the highway are not clearly discernible at a distance of five hundred (500) feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles.

(Reference: 47 Oklahoma Statute 12-201.)

Section 22-27. Horn Used as Signal Device - Unnecessary Sounding of Horn Declared an Offense.

- A. Motor vehicles operated in this Town shall be equipped with a horn or other suitable signaling device, kept in good order, which shall not be sounded except when necessary for traffic signaling or warning.
- B. Unnecessary sounding of any horn or other motor vehicle signaling device is hereby declared to be an offense and a violation of this Chapter.

Section 22-28. "Jake" or "Jacque" Brakes.

It shall be unlawful and an offense within the Town limits for any person, firm, or corporation, to use a vehicle or trailer brakes which create an excessive or unusual noise such as created by the use of "Jake" also known as "Jacque" brakes.

Section 22-29. Compulsory Insurance.

- A. It shall be unlawful for the operator of any motor vehicle registered in this State not to carry a current security verification form as defined in Article VI, Chapter 7 of Title 47 of the Oklahoma Statutes or equivalent form which has been issued by the Oklahoma Department of Public Safety.
- B. Any person producing proof that a current security verification form or equivalent form which has been issued by the Oklahoma Department of Public Safety was in force for such person at the time of the alleged offense shall be entitled to dismissal of such charge upon payment of court costs; however, if proof of security verification is presented to the court within forty-eight (48) hours after the violation, the charge shall be dismissed without payment of court costs.
- C. Upon conviction, bond forfeiture or deferral of sentence, the court shall forward an abstract to the Department of Public Safety within ten (10) days reflecting the action taken by the court.

Article 4. Traffic Control Devices

Section 22-30. Authority to Install Traffic Control Devices; Manual and Specifications for Traffic Control Devices.

- A. The Town Board of Trustees, by motion or Resolution, shall have placed and maintained traffic control signs, signals and devices when and as required under the Traffic Ordinances of this Town to make effective the provisions of such Ordinances, and may have placed and maintained such additional traffic control signs, signals and devices as it may deem necessary to regulate traffic under the Traffic Ordinances of this Town or under State Law to guide or warn traffic.
- B. All traffic control signs, signals and devices shall conform to the manual and specifications approved by the State Highway Department. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the Town. All traffic control devices so erected and not inconsistent with the

provisions of State Law or this Chapter shall be official traffic control devices.

Section 22-31. Obedience to Official Traffic and Control Devices.

No driver of any vehicle shall fail to obey the instructions of any traffic-control device applicable thereto, unless otherwise directed by a Police Officer or any other authorized Town official.

Section 22-32. When Traffic Signs Required for Enforcement Purpose.

No provision of this Chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

Section 22-33. Turn Signs and Indicators.

- A. The Town Board of Trustees is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall have placed proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event, the same shall be plainly indicated.
- B. Whenever authorized signs are erected, indicating that no right, left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.
- C. Unless otherwise indicated by such signs, a right turn on red or stop shall be permitted after the vehicle has come to a complete stop.

Section 22-34. Classification of Streets.

- A. The Town Board of Trustees may adopt, by Resolution, a Street Classification System for the Town of Drummond, Oklahoma. Whenever such a system is adopted, it shall be the duty of said Town Board to have stop signs placed and maintained, or if deemed more appropriate at any intersection, yield signs, on each and every street involved in the implementation of the Classification System, unless traffic at any intersection is controlled at all times by traffic control signals.
- B. The Town Board of Trustees is hereby authorized to determine and designate intersections where a particular hazard exists and to determine:
 - 1. Whether vehicles shall stop at one (1) or more entrances to any such intersection, in which event it shall cause to be erected a stop sign at every such place where a stop is required.
 - 2. Whether vehicles shall yield the right-of-way to vehicles on a different street at such intersections, in which event, it shall cause to be erected a yield sign at every place where obedience thereto is required.

- C. Every stop and yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway.

Section 22-35. (Reserved for future use).

Section 22-36. (Reserved for future use).

Section 22-37. Display of Unauthorized Signs. Signals or Markings.

- A. No person shall place, maintain or display upon or in view of any highway an 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 projects any flashing or revolving beams of light, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.
- B. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign, signal or device bearing thereon any commercial advertising.
- C. This section shall not prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
- D. Every such prohibited sign, signal, marking or device is hereby declared to be a public nuisance; and the Town is hereby empowered to remove the same without notice.

Section 22-38. Interference with Official Control Devices or Railroad Signs or Signals.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knowingly down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

Section 22-39. Play Streets; Authority to Establish.

The Mayor, subject to any direction which the Town Board of Trustees may give by motion or Resolution, 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.

Section 22-40. Same: Restrictions on Use.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such Street or portion thereof except drivers of vehicles having business or whose residences are within such closed area; and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

Section 22-41. Town to Designate Crosswalks and Establish Safety Zones.

The Mayor, subject to any direction which the Town Board may give by motion or Resolution, is hereby authorized:

- A. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersection where in its opinion there is particular danger to pedestrians crossing the roadway and at such other places as it may deem necessary; and
- B. To establish safety zones or islands of such kind and character and at such places as it may deem necessary for the protection of pedestrians.

Section 22-42. Traffic Lanes.

- A. The Mayor, subject to any direction which the Town Board of Trustees may give by motion or Resolution, is hereby authorized to have traffic lanes marked upon the roadway of any street where a regular alignment of traffic is necessary.
- B. Where such traffic lanes have been marked, it is unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement or otherwise authorized by Ordinance.

Article 5. Driving on Right Side of Roadway; Overtaking and Passing; etc.

Section 22-43. Drive on Right Side of Roadway; Exceptions.

- A. Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway except as follows:
 - 1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.
 - 2. When the right half of a roadway is closed to traffic while under construction or repair.
 - 3. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon.
 - 4. Upon a roadway designated and sign posted for one-way traffic.
- B. Upon all roadways, any vehicles 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.

Section 22-44. Passing Vehicles Proceeding in Opposite Directions.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right; and upon roadways having width for not more than one line of traffic in each direction; each driver shall give to the other at least one-half (1/2) of the main traveled portion of the roadway as nearly as possible.

Section 22-45. Overtaking a Vehicle on the Left.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated.

- A. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
- B. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
- C. All motor vehicles before passing other vehicle from the rear shall give notice of approach by horn or other signal before passing; provided, that said vehicle shall be required when signaled to turn to one side and give one-half (1/2) of the road.

Section 22-46. When Overtaking on the Right is Permitted.

- A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 1. When the vehicle overtaken is making or about to make a left turn.
 2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction.
 3. Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.
- B. The driver of a vehicle may overtake and pass another vehicle upon the right 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.

Section 22-47. Limitations on Overtaking on the Left.

No vehicle shall be driven to the left side of the center of the 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 such overtaking and passing to be completely made without interfering with the safe operation of

any vehicle approaching from the opposite direction or any vehicle overtaken. In every event, the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.

Section 22-48. Further Limitations on Driving to Left of Center of Roadway.

- A. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:
 1. When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.
 2. When approaching with one hundred (100) feet of or traversing an intersection or railroad grade crossing.
 3. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel.
- B. The foregoing limitations shall not apply upon a one-way roadway.

Section 22-49. No-Passing Zones.

- A. The Oklahoma Department of Highways as regards state and federal highways, and the Town Board of Trustees as regards all other streets, are hereby authorized to determine those portions of a highway where overtaking and passing or driving to the left of the roadway would be especially hazardous, and shall by appropriate signs or markings on the roadway have the beginning and end of such zones indicated. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.
- B. Where signs or markings are in place to define a no-passing zone as set forth in subsection A, no driver shall at any time drive to the left side of the roadway within such no passing zone or on the left side of any pavement striping designed to mark such no passing zone throughout its length.

Section 22-50. Overtaking and Passing School Bus.

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, is to 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.

Section 22-51. Driving on Roadways Laned for Traffic.

Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

- A. A vehicle shall be driven as nearly as practicable entirely within a single lane, and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
- B. Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign posted to give notice of such allocation.
- C. Official signs may be erected directing slow moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such sign.

Section 22-52. 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 the condition of the highway.

Article 6. Speed Regulations

Section 22-53. Basic Rules and Maximum Limits.

- A. Any person driving a vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the highway, and any other condition then existing; and no person shall drive any vehicle upon a highway at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.
- B. No person shall drive any vehicle, except an authorized emergency vehicle as provided in this Chapter, at a speed greater than:
 - 1. The posted school speed limit on any street adjacent to any school, or in any school zone, when lights are flashing between 7:30 o'clock am, and 4:00 o'clock p.m. on days when school is in session;
 - 2. Twenty (20) miles per hour on other streets and on streets adjacent to schools at other times than that specified immediately above, unless otherwise posted.
 - 3. Fifteen (15) miles per hour at Railroad Crossings.

Article 7. Reckless Driving: Driving While Intoxicated or Under Influence of Drugs: Driver's License

Section 22-54. Reckless Driving.

Any person who drives any vehicle in a wanton manner without regard for the safety of persons or property is guilty of

reckless driving, and upon conviction thereof, shall be punished as provided in this Chapter.

Section 22-55. Careless or Negligent Driving.

It is unlawful for any person to drive, use, operate, park, cause to be parked or stop any vehicle in a careless or negligent manner, or in such manner as to endanger life, limb, person or property, or as to interfere with the lawful movement of traffic or use of the streets.

Section 22-56. Driving While Impaired or Under the Influence of Intoxicating Liquor or Narcotics.

- A. It is unlawful for any person who is under the influence of intoxicating liquor to drive, operate or be in actual physical control of any motor vehicle within this Town.
- B. It is unlawful for any person whose ability to drive, operate or be in actual physical control of any motor vehicle is impaired due to consumption of intoxicating liquor or non-intoxicating beverages.
- C. It is unlawful for any person who is a habitual user of or under the influence of any narcotic, drug, barbiturate, amphetamine, marijuana, or who is under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle to drive a motor vehicle within this Town. The fact that any person charged with a violation of this subsection is or has been lawfully entitled to use such narcotic drug, barbiturate, amphetamine, marijuana, or other drug shall not constitute a defense against any charge of violating this paragraph.

(State Law Reference: 47 O.S. Section 11-902; Driving While Impaired, 47 O.S. Section 751.)

Section 22-57. Driver's License Required.

- A. It is unlawful for any person who does not have a driver's license as required by State Law for operation of a motor vehicle upon a state highway, to operate a motor vehicle within the Town.
- B. It is unlawful for any person to display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, photostatic or fraudulently altered operators or chauffeur's license.
- C. It shall be unlawful for any person to lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another.
- D. It shall be unlawful for any person to display or represent as one's own any operator's or chauffeur's license not issued to him.
- E. No person shall operate a motor vehicle while his State driver's license is under suspension, cancellation or revocation.

Section 22-58. Not to Permit Persons Without License to Drive Motor Vehicles, etc.

It is unlawful for any person to authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any street in the Town by any person who is not authorized or licensed to drive a motor vehicle under the laws of the State of Oklahoma or under the laws of the State of the driver's residence.

Section 22-59. Illegal Transportation of an Open Bottle of Liquor.

It is unlawful for any person to transport a bottle of liquor upon which the original seal has been broken in a place which is accessible to the driver of such vehicle.

Section 22-60. Open Container of Nonintoxicating Beverage.

No person shall operate a motor vehicle in which there is an open container of nonintoxicating beverage.

Section 22-61. Eluding Police Officer.

Any operator of a motor vehicle who has received a visual and audible signal, a red light and a siren from a Police Officer driving a motor vehicle showing the same to be an official police car directing the said 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 willfully attempts in any other manner to elude the Police Officer, or who does elude such Police Officer; is guilty of a misdemeanor.

Article 8. Turning Movements; Signals on Turning and Stopping

Section 22-62. Required Position and Method of Turning at Intersections.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

- A. Right Turns: Both the approach for a right turn and a left turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- B. Left Turns on Two-Way Roadways: At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection; and after entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. In no event shall any person execute a left turn across any lane for oncoming traffic for the purpose of occupying a parking place on the opposite side of the street from the original direction of travel, except to enter a parking lot on private driveway.
- C. 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 such vehicle; and

after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

Section 22-63. Authority to Place and Obedience to Turning Markers.

- A. The Mayor, subject to any direction which the Town Board of Trustees may give by motion or Resolution, is authorized to have placed markers, buttons or signs within or adjacent to intersections indicating the course to be traveled as so indicated may conform to or be other than as prescribed by law or Ordinance.
- B. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

Section 22-64. Authority to Place Restricted Turn Signs.

The Town Board of Trustees, by motion or Resolution, is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall have placed proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours; in which event the same shall be plainly indicated on the signs, or they may be removed when such turns are permitted.

Section 22-65. (Reserved for future use).

Section 22-66. Limitations on Turning Around.

- A. The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction upon any street in the Town except at an intersection; and furthermore, it is unlawful for the driver of a vehicle to make such a turn at any intersection:
 1. Where traffic control signals are installed.
 2. Where a Police Officer is directing traffic except at the latter's direction; or
 3. Where an official no U-turn sign has been placed and is maintained.
- B. When otherwise permitted a U-turn may be made only when it can be made in safety and without interfering with other traffic.

Section 22-67. Turning Movements and Required Signals.

- A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by Ordinance; 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 in the event any other traffic may be affected by such movement.

- B. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.
- C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

Section 22-68. Signals by Hand and Arm or Signal Lamps.

- A. Any stop or turn signal, when required herein, shall be given either by means of the hand or arm or by signal lamps, except as otherwise provided in subsection B.
- B. Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet. The latter measurement shall apply to any single vehicle and also to any combination of vehicles.

Section 22-69. Method of Giving Hand and Arm Signals.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

- A. Left Turn: Hand and arm extended horizontally.
- B. Right Turn: Hand and arm extended upward.
- C. Stop or decrease Speed: Hand and arm extended downward.

Article 9. One-Way Streets and Alleys

Section 22-70. Designation and Marking of One-Way Streets.

Whenever the Town Board of Trustees designates any street, alley or part thereof as one-way street or alley, said Town Board shall have signs placed, giving notice thereof. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lanes, except when lawfully passing another vehicle, preparing to make a lawful turning movement or as otherwise authorized by Ordinance.

Sections 22-71 through 22-72. (Reserved for future use).

Article 10. Right-of-Way; Stop and Yield Intersections; Railroad Crossings; etc.

Section 22-73. Vehicle Approaching or Entering Intersection.

- A. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway; provided that the driver of a vehicle on a street which is not a State or Federal Highway approaching an intersection with a State or Federal Highway shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so close thereto as to constitute an immediate hazard.
- B. When two (2) vehicles enter or approach an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
- C. The right-of-way rules declared in Subsections A and B are modified at through highways and otherwise as stated in this Chapter.

Section 22-74. Vehicle 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; but said driver, having so yielded and having given a signal when and as required by this Chapter, may make such left turn, and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn.

Section 22-75. Through Streets May Be Designated.

The Town Board of Trustees, by motion or Resolution, may designate any street or part of a street "a through street".

Section 22-76. Signs Required at Through Streets.

Whenever the Town Board of Trustees, by motion or Resolution, so designates and describes a through street, the Town shall have placed and maintained a stop sign, or if deemed more appropriate at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided, however, that at the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the Town Board of Trustees, if deemed desirable.

Section 22-77. Other Intersections Where Stop or Yield Required.

The Mayor, subject to any direction given by the Town Board of Trustees by motion or Resolution, is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine:

- A. Whether vehicles shall stop at one or more entrances to any such intersection; in which event it shall cause to be erected a stop sign at every such place where a stop is required; or

- B. Whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in Subsection A of Section 22-69, in which event it shall cause to be erected a yield sign at every place where obedience thereto is required.
- C. The driver of a vehicle approaching an intersection without any traffic control device to regulate the flow of traffic entering the intersection shall yield the right-of-way to all vehicles already in the intersection or to any vehicle from his right whenever that vehicle is so close as to constitute an immediate hazard.

Section 22-78. Stop Signs and Yield Signs.

- A. Every stop sign shall bear the word "STOP" in letters not less than eight (8) inches in height. Every yield sign shall bear the word "YIELD" in letters not less than seven (7) inches in height. Every stop sign and every yield sign shall at night time be rendered luminous by internal illumination or by a floodlight projected on the face of the sign, or by efficient reflecting elements in the face of the sign.
- B. Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection, or if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway.

Section 22-79. Vehicle Entering Stop Intersection.

- A. Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.
- B. Such driver, after having stopped, shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard; but said drivers have so yielded may proceed, and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

Section 22-80. Vehicle Entering Yield Intersection.

- A. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions, 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 highway so closely as to constitute an immediate hazard. The driver having so yielded may proceed, and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding; provided, however, that if such driver is involved in

a collision with a pedestrian in a crosswalk or a vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of failure to yield right-of-way.

- B. Such driver, after having stopped, shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard; but said driver having so yielded may proceed, and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

Section 22-81. (Reserved for future use).

Section 22-82. 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 alley way or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

Section 22-83. 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.

Section 22-84. Obedience to Signal Indicating Approach of Train.

- A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances state in this section, the driver of such vehicle shall stop within fifty (50) feet but no less than fifteen (15) feet from the nearest tail of such railroad and shall not proceed until he can do so safely. The foregoing requirements shall apply when:
 - 1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train.
 - 2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train.
 - 3. A railroad train approaching within approximately one thousand five hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such railroad train; by reason of its speed or nearness to such crossing, is an immediate hazard; or
 - 4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

- B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Section 22-85. Certain Vehicles to Stop at All Railroad Grade Crossings.

- A. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and while so stopped, shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.
- B. No stop need be made at any such crossing where a Police Officer or a traffic control signal directs traffic to proceed.

Article 11. Miscellaneous Regulations

Section 22-86. Following Fire Apparatus Prohibited.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

Section 22-87. Crossing Fire Hose.

No vehicle shall be driven over any unprotected hose of the fire department when laid down on any street or private driveway to be used at any fire or alarm of fire without the consent of the Fire Department official in command.

Section 22-88. Driving Through Funeral or Other Procession.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this Chapter. This provision shall not apply at intersections where traffic is controlled by traffic control signals or Police Officers.

Section 22-89. 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 practicable and shall follow the vehicle ahead as close as is practicable and safe.

Section 22-90. (Section reserved for future use.)

Section 22-91. Mini-bikes Prohibited on Streets and Alleys.

- A. Self-propelled or motor driven cycles, known and commonly referred to as "mini-bikes" and other similar trade names, shall not be permitted to operate on the streets, highways, and alleys of the Town of Drummond.
- B. Motor driven or operated vehicles known as "golf carts" may be operated on the streets, highways, and alleys of the Town of Drummond upon completion of the following:
1. The "golf cart" must meet and/or exceed vehicle safety standards, State Oklahoma, Vehicle, Boating, and Criminal Laws, Chapter 12. "Equipment of Vehicles" and be inspected by the Drummond Police Department;
 2. Said person shall submit an "Application to Operate Golf Cart within the Town of Drummond";
 3. Said person shall, upon making a said application, pay to the Town of Drummond, a permit fee of ten dollars (\$10.00); and
 4. The Town Board of Trustees has final approval/disapproval for all applications.

(Section: Ordinance No. 95-3, 11 September, 1995.)

Section 22-92. Vehicle Shall Not be Driven on a Sidewalk.

The driver of a vehicle shall not drive upon a sidewalk or within any sidewalk area except at a permanent or temporary driveway.

Section 22-93. Starting Parked Vehicle.

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made within reasonable safety.

Section 22-94. Limitations on Backing.

- A. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.
- B. The driver of any vehicle shall not back the same a greater distance than is necessary to permit it to enter the immediately available proper driving lane; no extended backing shall be permitted.

Section 22-95. 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.

Section 22-96. Riding on Motorcycles, etc.

No person operating a motorcycle, motor scooter or a motor bicycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on the vehicle unless it is designed to carry more than one person in which event a passenger may ride only upon the permanent and regular seat if designed for two (2) persons or upon another seat firmly attached to the rear or side of the operator.

Section 22-97. Obstruction to Drivers View or Driving Mechanism.

- A. No person shall drive a vehicle when it is so loaded or when there are in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle 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.

Section 22-98. Clinging to Vehicles.

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

Section 22-99. Controlled Access.

No person shall drive a vehicle onto or from any controlled access roadway except at such entrances and exits as are established by public authority.

Section 22-100. Boarding or Alighting from Vehicles.

No person shall board or alight from any vehicle while such vehicle is in motion.

Section 22-101. Unlawful Riding.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within closed truck bodies in space intended for merchandise.

Section 22-102. Railroad Trains Not to Block Street.

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 (5) minutes.

Section 22-103. Driving Through Safety Zone Prohibited.

No vehicle shall at any time be driven through or within a safety zone or island.

Section 22-104. Dangerous Objects in Streets. etc.

It is unlawful for any person to place, or cause to be placed, or let fall and remain, in or upon any street, any scrap iron, nail, tack, glass, stick or other thing which other things are likely to injure persons or damage property or to render a street unsafe for traffic.

Section 22-105. Motor Scooters. Etc.: Operation.

It is unlawful for any person to operate a motor driven cycle, including a motor scooter or motor driven bicycle, on a street in this Town during a time when State Law prohibits the operation of such vehicle.

Section 22-106 and 22-107. (Reserved for future use.)

(Note: Section 22-106 reserved for consistency with current Oklahoma Statutes.)

Section 22-108. Mail Vehicles Exempted.

Nothing in this code shall be construed to prevent the vehicles of the United States Postal Department, while engaged in the business of said department, or the duly authorized and licensed operators of such vehicles in pursuance of their duties under said department from:

- A. Double parking such vehicles while engaged in collecting and delivering U.S. mail.
- B. Leaving the vehicle while the motor is running in a double parked condition without a licensed operator therein.
- C. Using areas designated as "loading zones" and "taxi zones" for the collection and delivery of the U.S. mail.
- D. Leaving the vehicle parked in an alley where less than ten (10) feet of alley width remains for the use of through traffic.
- E. The use of designated passenger loading zones, however, such exemptions shall apply only for the purpose of momentary stops for mail pickup and delivery and shall not permit the use of such areas for the general mail delivery.

Section 22-109. Seat Belts and Child Passenger Restraints Required.

- A. Every operator and front seat passenger of a passenger car operated in this Town shall wear a properly adjusted and fastened safety belt system, required to be installed in the motor vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard 208. For the purposes of this section "passenger car" shall mean "automobile" as defined in Section 22.1 of Title 47 of the Oklahoma Statutes, except that "passenger car" shall not include trucks, pickup trucks, truck-tractors, recreational vehicles, vans, motorcycles or motorized bicycles.
- B. Subsection A shall not apply to an operator or passenger of a passenger car in which the operator or passenger possesses a written verification from a physician licensed in this State that he is unable to wear a safety belt system for medical reasons. The issuance of such verification by a physician, in

good faith, shall not give rise to, nor shall such physician thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of such failure to wear a safety belt system. Subsection 1 shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. Postal Service.

- C. Every driver when transporting a child under four (4) years of age in a motor vehicle operated on the roadways, streets, or highways of this Town shall provide for the protection of the child by properly using a child passenger restraint system or a properly secured seat belt in the rear seat of the motor vehicle. For purposes of this subsection, "child passenger restraint system" means an infant or child passenger restraint system that meets the Federal Standards for crash-tested restraint systems as set by the United States Department of Transportation. Children four (4) or five (5) years of age shall be protected by the use of a child passenger restraint system or a seat belt. The provisions of this subsection shall not apply to:

1. A non-resident driver transporting a child in this State;
2. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to State or Federal Laws;
3. The driver of an ambulance or emergency vehicle;
4. A driver of a vehicle if all of the seat belts in the vehicle are in use; and
5. The transportation of children who for medical reasons are unable to be placed in such devices.

A Law Enforcement Officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provision of this section and to give an oral warning to the driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger restraint system or seat belts in the motor vehicle. A person who violates the provision of this subsection shall not be subject to any criminal penalty.

A violation of the provisions of this subsection shall not be admissible as evidence in any civil action or proceeding for damages. In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this subsection shall not be used in aggravation or mitigation of damages.

- D. Law enforcement officer shall make routine stops of motorists for the purpose of enforcing Subsection A of this section. Any person convicted of violating Subsection A of this section shall be punished by a maximum fine of ten dollars (\$10.00) and court costs.

(State Law Reference: 47 O.S. 11-1112)

Article 12. Pedestrians Rights and Duties

Section 22-110. Pedestrians Subject to Traffic Control Signals.

Pedestrians shall be subject to traffic control signals as heretofore declared in this Chapter, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this article.

Section 22-111. Pedestrians Right in Crosswalks.

- A. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
- B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
- C. Subsection A shall not apply under the conditions stated in Subsection B of Section 22-114 below.
- D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Section 22-112. Pedestrians to Use Right Half of Crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

Section 22-113. Crossing at Right Angles.

No pedestrian shall cross a roadway at any place other than by route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

Section 22-114. When Pedestrian Shall Yield.

- A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
- C. The foregoing rules in this section have on application under the conditions stated Section 22-111, when pedestrians are prohibited from crossing at certain designated places.

Section 22-115. Prohibited Crossing.

Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

Section 22-116. Obedience of Pedestrians to Railroad Signals.

No pedestrian shall pass through, around, over or under any crossing, gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

Section 22-117. 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 practicable 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.

Section 22-118. Pedestrians Soliciting Rides or Business.

- A. No person shall stand in a roadway for the purpose of soliciting a ride, donation, employment or business from the occupant of any vehicle.
- B. No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

Section 22-119. Drivers to Exercise Due Care.

Notwithstanding the foregoing provisions for this article, every driver of a vehicle 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 upon a roadway.

Article 13. Bicycles

Section 22-120. Effect of Regulations.

- A. It is an offense for any person to do any act forbidden or fail to perform any act required in this Chapter.
- B. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.
- C. These regulations applicable to bicycles shall apply whenever a bicycle is operated or upon any path set aside for the exceptions stated herein.

Section 22-121. Traffic Laws Apply to Persons Riding Bicycles.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this State declaring rules of the road applicable to vehicles, except as to special regulations in this section and except as to those provisions of laws and Ordinances which by their nature can have no application.

Section 22-122. 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 that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

Section 22-123. Riding on Bicycles.

- A. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.
- B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

Section 22-124. Riding on Roadways and Bicycle Paths.

- A. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- B. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
- C. Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

Section 22-125. Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

Section 22-126. Emerging from Alley or Driveway.

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

Section 22-127. Carrying Articles.

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars.

Section 22-128. Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb in such manner as to afford the least obstruction to pedestrian traffic.

Section 22-129. Riding on Sidewalks.

- A. No person shall ride a bicycle upon a sidewalk within a business district.
- B. The Town Board of Trustees, by motion or Resolution, is authorized to have erected signs on any sidewalk or roadway prohibition, is authorized to have thereon by any person; and when such signs are in place no person shall disobey the same.
- C. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrians.

Section 22-130. Lamps and Other Equipment on Bicycles.

- A. Every bicycle in use at night time shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from all distance from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.
- B. 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 one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle a siren or whistle.
- C. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

Article 14. Method of Parking

Section 22-131. Standing or Parking Close to Curb.

Except as otherwise provided in this article, 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 such vehicle parallel to and within eighteen (18) inches of the right-hand curb; provided that every vehicle stopped or parked upon the left-hand side of a one-way street where there are adjacent curbs shall be parked or stopped with the left-hand wheels parallel to and within eighteen (18) inches of the left-hand curb.

Section 22-132. Brakes; Motor not to be Left Running.

Adequate brakes shall be set on all parked vehicles. No driver of a motor vehicle shall leave the vehicle with the motor running while parked.

Section 22-133. Signs or Marking Indicating Angle Parking.

The Town Board of Trustees, 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.

Section 22-134. Obedience to Angle Parking Signs or Markings.

On those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

Section 22-135. Park in Spaces Marked Off.

In an area where parking spaces have been marked off on the surface of the street, a driver parking a vehicle shall park it within a parking space as marked off, and not on or over a line delimiting a space.

Section 22-136. Permits for Loading or Unloading at an Angle to the Curb.

- A. The Marshal is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the stated and authorized herein. The Marshal may revoke such permits at any time.
- B. It is unlawful for any permittee or other person to violate any of the special terms or conditions of such permit.

Article 15. Stopping, Standing or Parking Regulated in Special Places

Section 22-137. Stop Standing or Parking Prohibited in Designated Places.

- A. No person shall stop, stand, or park a vehicle, except when necessary to avoid a conflict with other traffic or in compliance with law or Ordinance or the directions of a Police Officer or traffic-control device, in any of the following places:
 1. On a sidewalk.
 2. Within an intersection
 3. In front of a public or private driveway.
 4. Within fifteen (15) feet of a fire hydrant except in a parking space officially marked.
 5. On a crosswalk.

6. Within twenty (20) feet of a crosswalk at an intersection.
7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.
8. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the Town indicates a different length by signs or markings.
9. Within fifty (50) feet of the nearest rail of a railroad crossing.
10. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy- five (75) feet of said entrance when properly signposted.
11. Alongside or opposite any street excavation or obstruction 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 underpass.
14. At any place where official signs prohibit stopping.

- B. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

Section 22-138. Parking in Streets Not to Obstruct Traffic.

- A. No person shall park a vehicle within Main Street of Drummond, Oklahoma, 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.
- B. No person shall park a vehicle within a street in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic; and no person shall stop, stand or park a vehicle within a street in such position as to block the driveway entrance to any abutting property.

Section 22-139. Parking on Private Property.

- A. It shall be unlawful to place or park a motor vehicle or a trailer upon the posted private property of another, without first obtaining permission from the person in charge of such property, except where said placing or parking is involuntary.
- B. A landowner, or other person in charge of the land, may cause any motor vehicle or trailer which is left on private property after posted hours, to be removed and impounded by an appropriate wrecker service. The Police Department or any Police Officer is also authorized to remove any

unauthorized vehicles from private property upon direction of the owner of the property or persons in charge of property. The Town of Drummond, Oklahoma, any landowner or person in charge of the property shall not be liable for any damages which may occur to the trespassing vehicle or trailer under the terms of this Section, while the same is trespassing, while it is being removed from his property or while it is in storage.

Section 22-140. Parking for Certain Purpose Prohibited.

No person shall park a vehicle upon any roadway for the principal purpose of:

- A. Displaying the vehicle for sale.
- B. Displaying advertising or displaying merchandise or other things for sale or selling merchandise or other things.
- C. Washing, greasing or repairing the vehicle except repairs necessitated by an emergency.

Section 22-141. Parking More Than Forty (48) Hours Prohibited; Parking Trucks.

- A. No person shall park a vehicle on any street or in any alley for a period of time longer than forty-eight (48) hours.
- B. This section shall not affect parking limits established for shorter periods.

Section 22-142. Standing or Parking on One-Way Roadways.

In the event a highway includes two (2) or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs or marks are placed to permit such standing or parking. The Town Board of Trustees, by motion or Resolution, is authorized to determine when standing or parking may be permitted upon the left-hand side of such one-way roadway and to have signs or marks placed giving notice thereof.

Article 16. Stopping for Loading and Unloading Only

Section 22-143. Double Parking and Stopping.

No driver shall double park or double stop a vehicle:

- A. Within fifty (50) feet of a street intersection or within ten (10) feet of an alley intersection.
- B. Opposite a double-parked or doubled-stopped vehicle across the street.
- C. When it would or does block or interfere materially with the normal movement of traffic.
- D. In any position other than parallel to the curb and within two (2) feet of the adjacent vehicle parked next to the curb.
- E. When directed by a Police Officer to move on.

Except as prohibited above in this section, a driver may double stop a vehicle for, but only while actually engaged in, the expeditious loading or unloading of passengers.

Except as prohibited above, a driver may double park a vehicle for, but only while actually engaged in, the expeditious loading of merchandise or other materials; provided that no such vehicle shall be double parked for longer than ten (10) minutes.

There must be a licensed driver in a vehicle while it is double parked.

A driver shall not double park or double stop a vehicle except as authorized herein.

Section 22-144. Curb Loading Zones May Be Designated.

- A. The Mayor, subject to any direction which the Town Board of Trustees may give by motion or Resolution, is hereby authorized to determine the location of passenger and freight curb loading zones, and shall have placed and maintained appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. By the same authority, such loading zones may be changed or discontinued.
- B. When such a loading zone is established on request of any person the Town shall not have signs placed until the applicant has paid to the Town an amount of money established by the Town Board to be adequate to reimburse the Town for all costs of establishing and signing the same.

Section 22-145. Standing in Passenger Curb Loading Zone.

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective and then only for a period not to exceed three (3) minutes.

Section 22-146. Standing in Freight Curb Loading Zone.

- A. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick up and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading or unloading of materials exceed thirty (30) minutes.
- B. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.

Section 22-147. Public Carrier Stops and Stands Maybe Designated.

The Mayor, subject to any direction which the Town Board may give by motion or Resolution, is hereby authorized and required to establish 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 it determines to be of the greatest benefit and convenience to the public; and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs. By the same authority, such stops and stands may be changed or discontinued.

Section 22-148. Stopping Standing and Parking of Buses and Taxicabs Regulated.

- 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 other than at a bus stop, bus stand, or passengers loading zone so 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 unloading passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.
- D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

Section 22-149. Restricted Use of Bus and Taxicab Stands.

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 appropriately signed, except that 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 such zone.

Article 17. Truck Routes

Section 22-150. Size and Weight of Vehicles; Truck Routes.

- A. No person shall drive or convey through any street any vehicle in excess of two axles except when making deliveries.
- B. The Town Board of Trustees may prescribe routes through the municipality for the use of trucks in general or trucks of particular kinds and/or other vehicles, which are not ordinary private passenger

vehicles, passing through the Town of Drummond, Oklahoma.

- C. The Town Board of Trustees shall see that appropriate and adequate signs are placed along such routes so that drivers of such vehicles may follow routes. When such signs are erected and in place, the driver of a truck or other vehicle for which a route has been so prescribed, while passing through the Town of Drummond, Oklahoma, shall keep on such route and shall not deviate therefrom, except in case of emergency.

Article 18. Motorcycles. etc.

Section 22-151. Use of Off Road Recreational Vehicle.

All terrain vehicles shall be prohibited from operating upon, over or across any Town street, alley, park, sidewalk, public right-of-way or municipally maintained path or trail, except when crossing a railroad track or when used in a municipally recognized and approved parade.

(Note: Section amended, Ordinance No. 2005-01, effective 8 August, 2005.)

Section 22-152. Penalty; Motor-driven Cycle or Motor Scooter.

- A. It is a misdemeanor and punishable by a fine of twenty-five dollars (\$25.00) for any person to do any act forbidden or fail to perform any act required in this article related to motor-driven cycles, motor scooters and/or off road recreational vehicles. A conviction for the violation of any offense in this article shall not be recorded on the driving record of the person.
- B. The parent or legal guardian of any ward shall not authorize or knowingly permit any child or ward to violate any provisions of this article.

(Note: Section amended, Ordinance No. 2005-01, effective 8 August, 2005.)

Section 22-153. Special Speed Limitation - Motorcycles, Motor-driven Cycles and Motor Scooters.

- A. No person shall operate any motorcycle at a speed greater than the legally posted speed limit; provided, in no event nor at any time shall an operator under the age of sixteen (16) years drive a motorcycle on a highway which has a minimum speed limit established and posted.
- B. No person shall operate any motor-driven cycle at a speed greater than the legally posted speed limit; provided, in no event nor at any time shall any operator drive a motor-driven cycle at a speed greater than thirty-five (35) miles per hour.
- C. No person shall operate a motorized scooter at a speed greater than legally posted speed limit; provided, in no event nor at any time shall any operator drive a motorized scooter:
1. At a speed greater than twenty-five (25) miles per hour; and

2. On any roadway with a posted speed limit greater than twenty-five (25) miles per hour.

(Note: Section amended, Section 22-153 Ordinance No. 2005-01, effective 8 August, 2005.)

Section 22-154. Motorcycle, Motor-driven Cycle and Motor Scooter - Required Equipment.

- A. All motorcycles, motor-driven cycles, and motor scooters, except when operated on actual trail rides conducted outside of public roads and highways, shall be equipped with:
1. Two (2) rearview mirrors, containing a reflection surface of not less than three (3) inches in diameter, mounted one on each side of the vehicle and positioned so as to enable the operator to clearly view the roadway for a distance of two hundred (200) feet to the rear of his vehicle;
 2. A windshield of sufficient quality, size and thickness to protect the operator from foreign objects. In lieu of such windshield the operator shall wear goggles or a face shield of material and design to protect the operator from foreign objects;
 3. Brakes adequate to control the movement of the vehicle and to stop and hold the vehicle, including two (2) separate means of applying the brakes. One (1) means shall be effective to apply the brakes to the front wheel, and one (1) means shall apply the brakes to the rear wheel or wheels;
 4. A stop lamp on the rear of the vehicle, which shall comply with the requirements of Sections 12-206 and 12-219 of this title;
 5. A properly operating speedometer capable of registering at least the maximum legal speed limit for that vehicle;
 6. A fender over each wheel. All fenders shall be of the type provided by the manufacturer;
 7. At least one (1) lighted headlamp, but not more than two (2) lighted headlamps, which shall comply with the requirements of Sections 12-201 through 12-203 and, for motor-driven cycles, Section 12-224 of this title;
 8. At least one rear reflector which shall comply with the requirements of Section 12-205; and
 9. A horn which shall comply with the requirements of Section 12-401 of this title.
- B. No person under eighteen (18) years of age shall operate or ride upon any motorcycle, motor-driven cycle, or motor scooter unless such person is properly wearing a crash helmet of the type which complies with standards established by 49 C.F.R., Section 571.218.
- C. All motor scooters operating upon, over or across any Town street, alley, park, sidewalk, public right-of-way, or municipally maintained path or trail shall

have attached to the rear of the vehicle a safety flag or "whip" flag with a minimum height of three feet (3 ft.), but not to exceed six feet (6 ft.).

- D. Mufflers: It shall be an offense to operate a vehicle covered under this section with the exhaust system modified so that motor noise is increased greater than that of the original muffler equipment provided by the manufacturer of the vehicle.

(Note: Section amended, Section 22-154 Ordinance No. 2005-01, effective 8 August, 2005.)

Section 22-155. Operation of Motorcycle, Motor-driven Cycle and Motor Scooter.

- A. No driver of motorcycle, motor-driven cycle or motor scooter shall carry any other person on, upon or within such vehicle on any street or highway within the corporate limits of the Town of Drummond, except as hereinafter provided; provided, however, that if any two- or-three wheel motor vehicle with a wheel diameter of twelve (12) inches or greater shall have either a double seating device with double foot rests or a side car attachment providing a separate seat space within such side care attachment for each person riding therein so that such person shall be seated entirely within the body of said side care, then it shall be permissible for an operator who has attained the age of sixteen (16) or older to carry a passenger. A demonstration ride by a licensed dealer or his employee is excepted from the provisions hereof.
- B. No motorcycle, motor-driven cycle or motor scooter shall be ridden upon any sidewalk of the Town of Drummond.
- C. Handlebars on motorcycles and motor scooters shall not exceed twelve (12) inches in height, measured from the crown or point of attachment.
- D. No rider of a motorcycle, motor-driven cycle or motor scooter shall hold to any moving vehicle for the purpose of being propelled. No driver of a motorcycle, motor scooter, or bicycle shall pass other vehicles in between lanes of traffic traveling in the same direction, authorized emergency vehicles excepted.
- E. The operation of motorcycles, motor-driven cycles, motor scooters or other similar two or three wheel motor vehicles within the corporate limits of the Town of Drummond is prohibited for persons under sixteen (16) years of age between the hours of 9:00 p.m. and 6:00 am.
- F. For persons under thirteen (13) years of age that are operating a motor-driven cycle or motor scooter upon a Town street, alley, park, sidewalk, public right-of-way or municipally maintained path or trail, shall be supervised by a parent or guardian, sixteen (16) years of age or older.
- G. Every person riding a motorcycle, motor-driven cycle or motor scooter upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by Oklahoma Statue Title 47.

(Note: Section amended, Section 22-155 Ordinance No. 2005-01, effective 8 August, 2005.)

Article 19. Validity

Section 22-156. Validity.

The invalidity of any section or provision of this Chapter shall not invalidate other sections or provisions thereof.

Article 20. Impounding of Vehicles

Section 22-157. Authority to Impound Vehicles.

- A. Members of the Police Department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the Police Department, or otherwise maintained by this Town, under the circumstances hereinafter enumerated:
1. When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.
 2. When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
 3. When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
 4. When any vehicle has been parked for more than one (1) hour in excess of the time allowed for parking in any place.
 5. When any vehicle which has been involved in two (2) or more violations of this Chapter for which police tickets have been issued and not presented as required, is parked in violation of any provision of this Chapter.
 6. A disabled vehicle upon a street or highway may be impounded, under the following circumstances:
 - i. If left unattended and improperly parked on a street or highway.
 - ii. If left unattended longer than forty-eight (48) hours on the shoulder of any highway.
 - iii. 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.
 7. Whenever the driver or person in charge, of any vehicle is placed under arrest, taken into custody and detained by police under circumstances which leave, or will leave, a

vehicle unattended on any street or highway, the vehicle may be impounded.

8. 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, may be impounded.
9. When any derelict vehicle is discovered by the Police Department to have been parked upon any street in the Town of Drummond, Oklahoma, for a period of seventy-two (72) hours, or more, the Police Department is authorized to impound the vehicle and if the owner of the vehicle may be ascertained by reasonable diligence, the owner shall be notified of the action by the Police Department.
10. A trespassing, unattended vehicle found may be impounded when the required complaint has been properly made and filed. The owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owners (or legal occupant's) property; 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. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe a violation has occurred, the Police Department shall cause the vehicle to be impounded and placed in storage.
11. Any unattended vehicle parked at the street curb in any zone where parking is prohibited, and where official signs are in place giving notice thereof in violation of the prohibition, may be impounded.
12. Any vehicle illegally parked in such a manner that it blocks a fire escape, ladder, exit, or blocks ready access to a fire hydrant, may be impounded.
13. Any unattended vehicle illegally parked in any street intersection, shall be impounded. A disabled vehicle in an intersection with the person in charge of the vehicle being present, shall be moved out of the intersection and to the nearest available legal parking space at the street curbing.
14. Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time, not exceeding eight (8) hours, or cannot be determined from the registration papers or other identification in the vehicle (or from records or information available from reports of stolen cars), the vehicle may be removed to the nearest authorized place of impoundment and the registered owner of the vehicle notified of the location of the place of impoundment as soon as possible by the Police Department. 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 arrangements for the removal of the vehicle within a period of twenty-four (24) hours from the time he is actually notified of its' recovery; if the owner is unable or unwilling to effect the removal within the time specified, the vehicle may be impounded.

- B. A vehicle impounded as provided herein, shall be delivered back to the owner or other person to whom it may properly be delivered only after such fine or fines and costs as may be properly assessed by the Municipal Judge for the violation or violations for which such vehicle was impounded, and any reasonable costs or charges for impounding and storage, shall have been paid.

Article 21. Parking Meters

Sections 22-158 through 22-167. (Reserved for future use).

Article 22. Uniform Vehicle Code

Section 22-168. Penal Provisions of the Uniform Vehicle Code Adopted.

The penal provisions of the Uniform Vehicle Code of the State of Oklahoma as set forth in Title 47 Oklahoma Statutes as amended from time to time are hereby adopted and incorporated fully and to the same extent as is set out herein.

Article 23. Offenses Complaints

Section 22-169. Offenses.

- A. It is unlawful for any person, firm or corporation to do any act forbidden, or to fail to perform any act required, in this Chapter.
- B. It is unlawful for a parent of a child or the guardian of a ward to authorize or knowingly to permit any such child or ward to violate any provision of this Chapter.
- C. It is unlawful for any person, firm or corporation to authorize or knowingly to permit any vehicle registered in his or its name to be driven or to stand or to be parked in violation of any provisions of this Chapter.

Section 22-170. Eluding Peace Officer.

Any operator of a motor vehicle who has received a visual and audible signal, red light and a siren, from a Police Officer driving a motor vehicle with insignia showing the same to be an official Police, Sheriff, or Highway Patrol 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 willfully attempts in any other manner to elude the Police Officer, or who does elude such Police Officer with the Town, is guilty of a misdemeanor.

Section 22-171. Citation Tags.

- A. Police Officers are hereby authorized to give notice to persons violating provisions of this Chapter by delivering citation tags to violators or, in cases where vehicles without drivers are parked or stopped in violation of this Chapter, by affixing such tags to the vehicles by means of which the violation occurred. Such citation tags, among other things, shall indicate briefly the charge, shall bare the registration number of the vehicle, and shall direct the violator to present the tag within three (3) days or such other reasonable time as may be specified thereon. Nothing in this section shall abridge the power to arrest any violator and to take him into custody, or to file a complaint against him, at any time.
- B. The Mayor may require that the Police Officers use citation tags furnished by the Town Clerk and that such tags be serially numbered, and may regulate the use and handling of citation tags.

Section 22-172. Failure to Comply with Citation Tags.

- A. If a violator of any provision of this Chapter who has been given a citation tag as provided above, fails to appear in accordance with the instructions on each tag, the Chief of Police or his authorized agent shall send to the owner of the vehicle involved a letter or other written notice informing him of the violation and warning him to appear as directed and that, in the event such letter or notice is disregarded for a period of five (5) days, a complaint will be filed and warrant of arrest issued; provided that nothing in this section shall abridge the power to file a complaint against him prior to the expiration of such time.
- B. In the event any person fails to comply with a citation tag given to such person, or attached to a vehicle, the Chief of Police shall have a complaint entered against such person before the Municipal Judge and said Judge shall issue a warrant for his arrest.

Section 22-173. Presumption in Reference to Illegal Parking.

- A. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.
- B. The foregoing state presumption shall apply only when the procedure of giving a citation tag has been followed.

Section 22-174. When Complaint is to Be Entered and Warrant Issued.

In the event any person fails to comply with a citation tag given to such person or attached to a vehicle, the Chief of Police

shall have a complaint entered against such person before the Municipal Judge, and the Municipal Judge shall issue a warrant for his arrest.

Article 24. Railroads

Section 22-175. Street Crossings.

When the tracks of any railroad company cross any street that is being or has been paved, the company shall pave as much of the street as is occupied by its track or tracks and two feet on each side, using the same material as is to be, or has been, used on the street, or such other satisfactory material as the Board by motion or Resolution may approve. When more than one track crosses a street within a distance of one hundred (100) feet, measuring from inside rail to inside rail, the railroad company shall grade, gutter, drain, and curb the street area between its tracks, and surface or pave it with the same material which the Town is to use or has used, on the street. Railroad companies shall keep all such improvements made by them in a good state of repair at all times.

Section 22-176. Sidewalks.

Railway companies shall construct sidewalks crossing their rights of way, using the same materials as is used in the adjacent sidewalks insofar as this is practicable under the circumstances. They shall construct sidewalks on both sides of the streets when both sides are used by pedestrians. The company shall keep such sidewalks in good state of repair at all times.

Section 22-177. Blocking of Street.

It is unlawful for the Directing Officer or person in charge of any railroad train or railroad car to direct the operation of or to operate the same in such manner as to prevent the use of any street for purposes of travel for a period of time longer than five (5) minutes.

Section 22-178. Climbing on Moving Train.

It is unlawful for any person to climb upon, hold to, or in any manner attach himself to, any railway train, locomotive, or railway car, while such is in motion within the Town unless such person is acting in line of duty.

Section 22-179. Loitering in Railroad Station Prohibited.

It is unlawful for any person not acting within the line of duty, not having any proper business or not being on any proper mission requiring his presence there, to loiter within a railroad station or other railway building, upon a railroad station platform, or anywhere upon a railroad yard or other railroad premises.

Section 22-180. Speed Limit of Trains.

It is unlawful to drive, pull, move or operate a locomotive, train or any other rolling stock of a railroad at a speed of more than twenty-five (25) miles per hour within the corporate limits of the Town.

Article 25. Penalty

Section 22-181. Penalty.

Any person, firm or corporation who violates any provision of this Chapter, shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not to exceed the amount provided in Section 1-118 of this Code and costs or imprisonment not exceeding thirty (30) days or both fine and imprisonment. The fine and imprisonment may not be greater than that established by statute for the same offense.

CHAPTER 23 - TRANSPORTATION

(Reserved for future use).

CHAPTER 24 - WARDS AND BOUNDARIES

Article 1. Wards

Ward Boundaries removed. Reference Ordinances numbered 85-3 and 86-4.

Sections 24-1 through 24-9. (Reserved for future use.)

Article 2. Annexations

Section 24-10. Ordinance No. 94-1.

See Appendix for Ordinance No. 94-1.

Section 24-11. Ordinance No. 94-2.

See Appendix for Ordinance No. 94-2.

Section 24-12. Annexation Petition No. 100.

See Appendix for Annexation Petition No. 100.

DRUMMOND CODE OF ORDINANCES 2021

AN ORDINANCE PROVIDING FOR ANNEXATION OF REAL PROPERTY
TO THE CITY OF DRUMMOND OKLAHOMA AS SET FORTH BELOW

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DRUMMOND, OKLAHOMA:

SECTION 1. The owner of a majority of the whole number of acres owned by resident of the tracts and property, premises, lands and territory hereinafter described having made and executed consent in writing that the said tracts, property, premises, lands and territory shall be added and annexed to the city limits of the City of Drummond, Oklahoma, the same being situating in Garfield County, Oklahoma and adjacent to or adjoining the city limits of said City, and being more particularly described as follows:

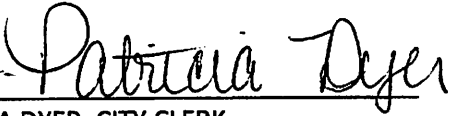
A tract of land lying in the western part of Garfield County near the crossroads of Hwy 132 (NS) and Hwy 412. N/E 1/4 of Section T.21 R.B. W The location coordinates for Drummond, Oklahoma Latitude of 36 6'59" N and Longitude 98 19' 6" W. Drummond contains 178 acres.

SECTION 2. ZONING This will be zoned residential

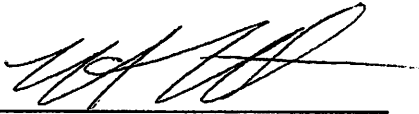
SECTION 3. EMERGENCY CLAUSE. It being immediately necessary for the preservation of public health, peace and welfare of the City of Drummond , and the inhabitants thereof and emergency is hereby declared to exist, by reason whereof this Ordinance shall be in full force and effect from and after its passage and approve as provided by law.

PASSED AND APPROVE this 9th day of March, 2021



ATTEST:


PATRICIA DYER, CITY CLERK
(SEAL)


MATTHEW SCOTT, MAYOR



MATTHEW SCOTT, MAYOR


ASHLEY TUCKER
DANIEL MCCLANAHAN
JANELLE SNYDER
PATRICIA DYER, CITY CLERK

TOWN OF DRUMMOND ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DRUMMOND, OKLAHOMA, ADOPTING AND ENACTING THE (2021) "DRUMMOND CODE OF ORDINANCES"; COMPILED, REVISED AND PUBLISHED BY THE AUTHORITY OF THE TOWN OF DRUMMOND BOARD OF TRUSTEES, OKLAHOMA, CONTAINING THE PERMANENT AND GENERAL ORDINANCES OF THE TOWN OF DRUMMOND; ALSO REPEALING ALL ORDINANCES OF A PERMANENT AND GENERAL NATURE NOT INCLUDED IN THE CODE; PROVIDING FOR ADDITIONS AND AMENDMENTS TO THE CODE AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE TOWN OF DRUMMOND, OKLAHOMA:

SECTION 1. Code Adopted and Enacted; Title.

The Code of Ordinances entitled "Drummond Code of Ordinances" is hereby adopted and enacted for the Town of Drummond, Oklahoma, and shall be treated and considered as a new and original comprehensive Code of Ordinances which shall supersede all general and permanent Ordinances of the Town, adopted on or before May 11, 2021, to the extent provided in Sections 2 and 3 hereof. Said Code may also be cited as the "Drummond Town Code" or other appropriate title.

SECTION 2. Ordinance Provisions Adopted.

All of the Ordinance provisions included in the Code are hereby adopted and enacted, and shall be in full effect, whether (a) such provisions are included in the form as originally adopted, (b) are included in amended form, (c) are composed wholly or partially of new material, as authorized by law, or (d) such provisions include material contained in full or adopted by reference.

SECTION 3. Certain Permanent and General Ordinances Are Repealed.

All Ordinances and parts of Ordinances of a permanent and general nature in effect at the time of adoption of this Code but not included in this Code, are hereby repealed at the time this Code goes into effect.

SECTION 4. Temporary or Special Ordinances Omitted from Code Remain Effective.

The continuance in effect of any temporary and/or special Ordinances omitted from this Code, shall not be affected by such omission therefrom; the adoption of the Code shall not repeal or amend any such Ordinance or parts of any Ordinance omitted therefrom.

SECTION 5. Addition and Amendments to Code.

Any and all additions and amendments to such Code, when passed in such form as to indicate the intention of the Drummond, Oklahoma, Board of Trustees to make the same a part of such Code, shall be deemed to be incorporated in such so that reference to the "Drummond Code of Ordinances," or any other appropriate title, shall be understood and intended to include such additions and amendments.

SECTION 6. Emergency.

It being necessary for the health, safety and welfare of the residents of the Town of Drummond, Oklahoma, that the new "Code of Ordinances" now available to the Town, be adopted and implemented immediately, an emergency is hereby declared to exist, by reason whereof the provisions of this Ordinance and the "Code of Ordinances" adopted by reference herein, shall become effective immediately upon the passage and approval of this Ordinance, all as required by Law.

PASSED, ADOPTED AND APPROVED THIS 11 DAY OF May, 2021.

Town of Drummond

(SEAL)

By: [Signature]

Title: Mayor

ATTEST:

Patricia Dyer
Town, Clerk

RESOLUTION No. _____

A RESOLUTION OF THE TOWN OF DRUMMOND, OKLAHOMA, NOTIFYING THE RESIDENTS OF SAID TOWN OF THE ADOPTION OF A NEWLY COMPILED "CODE OF ORDINANCES" FOR SAID TOWN OF DRUMMOND, OKLAHOMA, IN COMPLIANCE WITH THE LAWS OF THE STATE OF OKLAHOMA.

WHEREAS, Section 14-109, Title 11, Oklahoma Statutes, requires the Town of Drummond to compile and publish copies of its penal ordinances every ten (10) years; and

WHEREAS, the Board of Trustees of the Town of Drummond, Oklahoma, has caused to be prepared and printed copies of a new "Code of Ordinances" for Drummond, Oklahoma; and

WHEREAS, said Board of Trustees has, on May 11, 2021, by Ordinance, duly adopted said Code as its new Code of Ordinances, effective May 12, 2021; and

WHEREAS, said Board of Trustees shall cause copies of this Resolution to be forwarded to the Office of the County Clerk of Garfield County, Oklahoma; and shall cause copies of said Code of Ordinances to be forwarded for filing with the Garfield County Law Library; and has copies available at the Drummond Town Hall for sale.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Drummond, Oklahoma, that said Board of Trustees does hereby notify the residents of the Town of Drummond, Oklahoma, that it has fulfilled its statutory duties with respect to the compilation of Ordinances.

PASSED, ADOPTED AND APPROVED THIS 11 DAY OF May, 2021.

Town of Drummond

By: _____

Title: _____

(SEAL)

ATTEST:

Patricia Dyer
Town, Clerk

Town of Drummond
Ordinance NO __2021-14_____

AN ORDINANCE REVISING THE MONTHLY WATER RATES; ESTABLISHING AUTOMATIC ANNUAL INCREASE FOR WATER RATES; PROVIDING REPEALER AND SEVERABILITY; DECLAIRING AN EMERGENCY; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

BE IT ORDAINED BY THE MAYOR AND TRUSTEES OF THE TOWN OF DRUMMOND, OKLAHOMA, AS FOLLOWS:

Section 1 Monthly Water Rates. The monthly water rates (excluding sewer or trash charges) for all users shall be increased effective November 1, 2021, as follows:

<u>Gallons of Water</u>	<u>Monthly Charge</u>
Base rate for up to 1,000 gallons	\$21.20
1,000 gallons and after	\$13.80

Section 2. Annual Adjustment The monthly water rates set at Section1 above shall automatically increase annually beginning January 1, 2022, at a rate of 2% per year for 2022 and the same percentage increase on the same day for each year thereafter without further action.

Section 3. Repealer. All ordinances or parts of ordinances (including Chapter 20 Section 20-2 of the 2021 Town of Drummond Municipal Code in conflict herewith are hereby repealed to extend any such conflict.

Section 4. Severability If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by and Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 5. Emergency It being immediately necessary for the preservation of the peace, health, and safety of the Town and the inhabitants thereof that the provisions of this ordinance be put into fill and effect, and emergency is hereby declared to exist by reason where of this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED AND APPROVED 14th day of September 2021

TOWN OF DRUMMOND, OKLAHOMA