COALGATE CITY CODE

AS AMENDED

CONTAINING ALL OF THE ORDINANCES

OF THE CITY OF COALGATE, OKLAHOMA

OF A PERMANENT AND GENERAL NATURE PASSED PRIOR TO

NOVEMBER 16, 2001

AND STILL IN EFFECT ON THAT DATE

COMPILED, REVISED AND RECODIFIED

BY

THE CITY OF COALGATE ADMINISTRATION STAFF

AND CITY ATTORNEY, D. CLAY MOWDY

City Council

Ward 1	**Mike Elkins, Vice-Mayor**
Ward 2	**Bobbie Waller**
Ward 3	**Joseph Ward**
Ward 4	**Tammy Lambert**
At Large	**Tammie Barnett, Mayor**

Interim City Manager **Aaron Blue**

City Clerk/Treas.	**Jackie Holt**
Ass't Clerk/Treas.	**Goldie Hinkle**
Chief of Police	**Kenny Pebworth**
Fire Chief	**Aaron Blue**
City Attorney	**David Youngblood**
City Judge	**Robert Gray**
Water Superintendent	**David Holt**

CHAPTER 1

AGENCIES, OFFICERS, AND EMPLOYEES

Article 1. City Council

Section 1-1. Time of regular meetings of the city council.

The city council of the City of Coalgate, Oklahoma, shall hold a regular meeting at 5:30 p.m. on the last Monday of every month. Items to be placed on the agenda for each City Council meeting shall be presented to the City Clerk on or before 12:00 noon on the Thursday preceding each scheduled meeting, and no material presented after that time shall be included on the agenda of that City Council meeting. **(Ord. 180 Dec. 7, 2010)**

Section 1-2. Place of meetings of the city council.

Every meeting of the city council shall be held in place provided therefore in the city hall.

Note: As regards meetings of the city council, see also the City Charter, Article II, Section 10.

Article 2. City Manager

Section 1-3. City manager: Powers and duties.

The city manager is the administrative head of the city government. He has all powers and duties prescribed for him by the City Charter, Section 22 and other sections of the Charter, and by ordinance. The city manager is appointed by majority vote of the city council and may be removed in the same manner.

Note: As regards the city manager, see also particularly the City Charter, Article III, Section 20.

Article 3. City Treasurer; Clerk

Section 1-4. Treasurer; appointment.

There shall be a city treasurer, who shall be appointed, and may be removed by the city manager. The city treasurer serves also as the ex officio city clerk.

Section 1-5. Same: Duties.

The city treasurer, ex officio city clerk, shall have such powers and duties as may be prescribed by the Charter, ordinance, or applicable state law.

Note: As regards the city treasurer, ex officio city clerk, see also particularly the City Charter, Article II, Section 9, and Article IV, Section 25.

Article 4. Police Department

Section 1-6. Police department: Created; chief of police.

There shall be a police department, the head of which is the chief of police, or police chief, appointed by the city manager, and removable by the manager. The chief of police is an officer of the city, and has supervision and control of the police department. All policemen are officers of the city.

A. Reserve Officers.

The police department, shall also consist in part of reserve police officers commissioned by the City of Coalgate. The City shall establish and adopt a policy and by-laws by resolution, defining the requirements, duties and benefits of all reserve officers. ***(Ord. 157 Jan 25, 2005)***

Section 1-7. Same: Duties.

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the city to suppress all riots, affrays, and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of policemen.

Article 5. Fire Department

Section 1-8. Fire department: Created, chief of the fire department.

There shall be a fire department, the head of which is the chief of the fire department, or fire chief, appointed by the city manager, and removable by the manager. The chief of the fire department is an officer of the city, and has supervision and control of the fire department.

Section 1-9. Type of department; volunteer defined.

A. The fire department of Coalgate, Oklahoma, shall be a part paid and part volunteer fire department. The number of both paid and volunteer firemen shall be set by motion or resolution of the city council.

B. For the purpose of this article, a volunteer fireman shall be considered as one who is enrolled as a member of the fire department and who serves in said capacity without receiving a regular salary.

Section 1-10. The fire chief.

A) The Chief shall be at the head of the department, subject to the laws of the State of Oklahoma, ordinances of this city, and the rules and regulations herein adopted.
B) The Chief shall lead the daily operations of the department in all areas of Fire, Emergency Medical Services, and Emergency Management, providing the highest possible services to the city.
C) The Chief shall be held responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him.
D) The Chief may inspect or cause to be inspected by members of the department, the hoses, ladders, and the fire engines at least once a year and the fire hydrants, cisterns, and other sources of water at least twice a year.
E) The Chief shall maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members.

F) The Chief shall make every effort to attend all fires and direct the officers and members in the performance of their duties.
G) The Chief shall see the citizens are kept informed on fire hazards in the community and on the activities of the department.
H) The Chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism shall notify proper authorities and secure and preserve all possible evidence for future use in the case.

Section 1-11. Deputy Chiefs

The Fire Chief may appoint Deputy Chiefs of Fire and EMS, who in the absence of the chief, shall command the EMS and Fire Departments and be held responsible therefore in all respects with the full powers and responsibilities of the chief.

Section 1-12 Deputy Chief of Fire Duties

A. In the absence of the Chief the Deputy Chief will command the department in all fire related activities.
B. Oversee the maintenance and operational level of all fire apparatus ensuring all are in operational order.
C. Oversees the maintenance, testing, and operation of all hose, hydrants, SCBA, PPE, and apparatus.
D. Ensures the accurate and timely reporting of all fire related reports and data.
E. Ensures staffing levels are maintained to the highest possible level of operation for all fire shifts.
F. Oversees the supervisors of every shift ensuring all daily duties and training programs of said shift are followed and maintained for all Fire related duties.

Section 1-13 Deputy Chief of EMS Duties

A. In the absence of the Chief the Deputy Chief of EMS will command the department in all EMS related activities.
B. Oversees the maintenance and operational level of all EMS apparatus ensuring all are in operational order.
C. Oversees the maintenance, testing, calibration, and operation of all EMS related equipment.
D. Ensures the accurate and timely reporting of all EMS related reports and data. Ensuring that all Quality Assurance, Quality Improvements, and Quality Control programs are followed and maintained to ensure the highest level of care to the citizens.
E. Ensures staffing levels are maintained to the highest level of operation possible for all EMS shifts.
F. Oversees the supervisors of every shift ensuring all daily duties and training programs of said shift are followed and maintained for all EMS related duties.

Section 1-14 Company Officers

The Fire Chief may appoint firefighters as company officers who shall be selected upon their ability to meet the following requirements.

Department Employed Firefighter/Medic:

A. Position of Captain

1. Shall have a minimum of five (5) years of experience as a firefighter/medic with the

Coalgate Fire Department.

1. Must have a valid State of Oklahoma Firefighter II IFSAC Certification.
2. Must have a broad background in firefighting and safety.
3. Must have Fire Officer II or NFA Leadership 1 & 2 training.
4. Must hold at-least a certification as a licensed NREMT EMT Advanced in the State of Oklahoma. (Paramedic Preferred)
5. Must have an understanding of building construction.
6. Must have a Hazardous Materials Operations IFSAC Certification.
7. Must have Wildland Fundamentals, Wildland Skills, advanced understanding of the Wildland Urban Interface.
8. Must have a valid Oklahoma Drivers License. Must have a High School Diploma or GED, approved Oklahoma EMS Instructor, Fire Instructor 1.

B. Position of Lieutenant

1. Must have a minimum of three (3) years of experience as a firefighter/medic with the Coalgate Fire Department.
2. Must have a valid Oklahoma Firefighter I IFSAC Certification.
3. Must have a broad background in firefighting and safety.
4. Must have Fire Officer 1 or NFA Leadership 1 training.
5. Must hold a certification as an NREMT licensed EMT Basic in the State of Oklahoma. (Advanced Life Support Certification Preferred)
6. Must have an understanding of building construction.
7. Must have a Hazardous Materials Operations IFSAC Certification.
8. Must have Wildland Fundamentals, Wildland Skills, advanced understanding of the Wildland Urban Interface.
9. Must have a valid Oklahoma Drivers License.
10. Must have a High School Diploma or GED.

Section 1-15. The secretary-treasurer.

The fire department shall elect one member who shall elect one member who shall be secretary-treasurer. His duties shall consist of the following:

1. Calling the roll at the opening of each meeting;
2. Keeping the minutes of each meeting;
3. Collecting any money due the department by the members.

Section 1-16. Volunteer members.

A. All volunteer firemen shall be selected by the fire chief and approved by the city manager.

B. All new volunteer members shall be on probation for one (1) year after their appointment.

C. New volunteer members upon completion of their probation period must be approved by the majority of the paid and volunteer firemen.

Section 1-17. Bylaws.

The bylaws of the department shall include:

A. All volunteer fire fighters are required, when notified, to respond to alarms of fire and other emergencies.

B. They are required to be present at all regular meetings, call meetings, and school presented for the benefit of the fire fighters.

C. There shall be at least one (1) regular business meeting each month.

D. Any volunteer fire fighter having two (2) unexcused absences in succession or three (3) unexcused absences in a period of three (3) months may be dropped from the

fire department rolls.

E. Volunteer fire fighters leaving town for an extended period of time may be required to notify the chief.

F. Any volunteer fire fighter refusing to attend training classes provided for him may be dropped.

G. Any volunteer member of the fire department shall be dropped from the rolls for the following offenses:

1. Conduct unbecoming a fire fighter;
2. Any act of insubordination;
3. Neglect of duty;
4. Any violation of rules and regulations governing the fire department;
Conviction of a felony.

Section 1-16. Same: Duties.

It is the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to persons injured in or about burning structures, or elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire and explosions in theaters, stores, and other public buildings.

Section 1-17. Same: Rules and regulations.

The city council, by motion or resolution, may adopt rules, regulations, and establish a schedule of fees to be charged for fire runs outside the city limits the city manager and fire chief shall have a right to be heard.

Note: As regards fire prevention, see also Chapter 8 of this code.

Article 6. Department of Public Works

Section 1-18. Department of public works: Created; superintendent.

There shall be a department of public works, the head of which is the superintendent of public works appointed by the city manager, and removable by the manager; provided that, during the absence, disability, or suspension of the superintendent of public works, the city manager shall act as such or appoint an acting director; and provided that, during a vacancy in the office and unless he appoints a director. The public works superintendent is an officer of the city, and has supervision and control of the department of public works.

Section 1-19. Same: Duties:Divisions.

A. The Public Works Authority shall have the following duties:***(Ord.126 Sep 26, 1995)***

B. 1.To construct, improve, maintain, and clean streets (including alleys and other public ways), bridges, and sidewalks; to install and maintain street lights, traffic-control signs, markings, signals, and devices; to erect and maintain street name signs; and to supervise the use of streets by privately owned utilities.

2. To maintain and operate the city water system.
3. To construct, improve, maintain, and operate storm sewers.
4. To maintain all buildings and grounds used by the city.
5. To maintain and operate all parks, playgrounds, swimming pools and other recreational facilities and programs operated by the city.
6. To collect and dispose of garbage and other refuse. **(*Ord. 126 Sep 26, 1995*)**
7. To maintain city-owned motor equipment.

8. To perform such other functions relating to the maintenance, repair, improvement, and operation of the physical facilities owned or used by the city government as the city manager may prescribe consistent with law and ordinance.

C. There shall be such divisions within the public works department as the city manager or the city council may create, with such appropriate titles as street division, water division, park division, sanitation division; and/or to the respective divisions. The head of a division may have an appropriate title such as chief, superintendent, etc.

Note: As regards streets, see chapter 19 of this code. As regards parks, see chapter 15 of this code. As regards garbage and other refuse, see chapter 9 of this code. As regards the water and sewer systems, see chapter 18 of this code.

Article 7. Department of Law

Section 1-20. Department of law: city attorney.

There shall be a department of law, the head of which shall be the city attorney, appointed by the city manager for an indefinite term, and removable by the manager. The city attorney shall be an officer of the city, and shall have supervision and control of the department of law.

Section 1-21. Department of law: Duties.

The city attorney shall be the chief legal adviser of the council, all officers, departments and agencies of the city government in matters relating to their official powers and duties. He shall represent the city in proceedings in the courts. He shall perform all services incident to his position which may be required by law or ordinance.

Note: As regards the city attorney, see also the City Charter, Article III, Section 23. As regards the municipal court, see Chapter 12 of this code.

Article 8. Civil Defense

Section 1-22. Civil defense department established.

The civil defense department of Coal County, Oklahoma, is hereby officially designated as the agency charged with all civil defense activity of the City of Coalgate, Oklahoma. The city council officially sanctions this department as having full responsibility for such activities within the corporate limits and authorizes this agency to perform such functions.

Article 9. Building Inspection Department

Section 1-23. Building inspection department: Building official.

There shall be a department of building inspection the head of which shall be the building official. Unless he appoints another to be the building official, the city manager shall himself be ex officio building official. The building official shall have supervision and control of the department, including any inspectors whom the city manager may appoint, such as the building inspector, the plumbing inspector, the electrical inspector and other inspectors of the building and construction trades.

Section 1-24. Building inspection department; Duties.

The department of building inspection shall see that all laws, ordinance and other regulations relating to building, plumbing and electrical installations are properly enforced, except

as may be otherwise provided by applicable law or ordinance. The building inspector, the plumbing inspector, the electrical inspector and any other such inspectors, under the supervision and control of the building official, shall have such powers, duties and functions as may be prescribed by applicable law or ordinance.

Note: As regards building, plumbing, and electrical installations, see Chapter 4 of this code.

Article 10. Officers & Employees; Number, Classes & Compensation

Section 1-25. Officers and employees: Number and classes, compensation.

A. The council, by motion, resolution or ordinance, may regulate the departments, offices and agencies of the city government, and may determine or regulate the compensation to be paid to officers and employees.

B. No officer or employee of the city government may receive as compensation any fee of any kind except as may be specifically provided by ordinance passed hereafter; and all fees and other money collected for the city by an officer or employee shall be paid to the city treasurer.

Article 11. Multi-County Library System

Section 1-26. Participation in multi-county library system authorized.

The City of Coalgate, Oklahoma by agreement, is a member of the Southeastern Library Assoc., a multi-county library system, organized and operating under the statutes of the State of Oklahoma and its citizens are entitled to all the privileges and obligations thereto.

Note: As regards public library or libraries, see also the City Charter, Article III, Section 24.

Article 12. Compensation; Bonds

Section 1-27. Salaries and other compensation.

The city manager shall fix the salaries and wages of all officers and employees, whom he appoints, said salaries and compensation to be approved by the city council, as provided by the Charter, Section 7 (3).

The personnel policy of the City of Coalgate shall be reviewed by the city council on a yearly basis. (***Ord 109 Jul 28, 1992*****)**

Section 1-28. Certain personnel to be bonded.

A. Before entering upon their official duties, the following personnel of the city government shall provide bonds for the faithful performance of their official duties, payable to the city, with a surety company authorized to operate within the state, in the amounts respectively indicated after their titles:

1.	City manager	$10,000.00
2.	City treasurer	$10,000.00
3.	Police Department members	$ 5,000.00

B. The city council, by motion or resolution, may require other officers and employees in such positions as it may designate to be bonded; and also by motion or resolution may increase the amount of the bonds for the personnel listed in subsection (a) hereinabove. The city may also provide for a blanket bond to cover any or all of its officers and employees.

C. The city shall pay the premium on such bonds.

Article 13. Firemen's Pensions

Section 1-29. Board of trustees of firemen's Relief and Pension Fund created.

There is hereby created a board of trustees of the Firemen's Relief and Pension Fund of the city, with membership, organization, powers, duties and functions as prescribed by 11 0. S. Sec 49-103 et seq., and as may be provided, by any later laws relating to said board.

Section 1-30. Fund to be operated in accordance with law, etc.

The Firemen's Relief and Pension Fund shall be operated in accordance with state law relating to the fund, and pensions and other benefits shall be paid as provided by state law.

Section 1-31. Deductions from compensation of firemen.

A. It shall be the duty of the city treasurer to deduct monthly from the salary or wages of each member of the fire department of such city an amount equal to eight percent (8%) of the monthly salary or wages paid to such member of the fire department. The eight percent (8%) deduction shall be considered the minimum deduction. The members of a fire department, by a majority vote of its paid members, may vote to increase the amount of the deduction. The treasurer shall deposit monthly in the Firemen's relief and Pension Fund of the city the amounts deducted from the salary or wages of each member of the fire department. All such deductions so made shall be set forth on each payroll in a legible manner so that each member of the fire department contributing to the fund may be able to ascertain the exact amount which he is contributing.

B. It shall be the duty of the city treasurer to deposit monthly or annually upon agreement between the city and representatives of the fire department in the Firemen's Relief and Pension Fund of the fire department amounts equal to the following percentages of the total salaries or wages paid the members of the fire department:

1. Commencing January 1, 1975, two percent (2%);
2. Commencing January 1, 1976, three percent (3%); and
3. Commencing January 1, 1977, four percent (4%);
4. Commencing January 1, l989, eight percent (8%).

Any city that has heretofore by resolution, ordinance or charter provision exceeded the amount of contribution required is authorized to continue making such contribution.

Article 14. Old-Age and Survivors' Insurance

Section 1-32. Benefits of Federal O.A.S.I. to be extended to personnel of this city.

It is hereby declared to be the policy and purpose of the city to extend, at the earliest time, to the employees and officials thereof, not excluded by law or ordinance, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors' Insurance, as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state or federal laws or regulations.

Section 1-33. Mayor authorized to execute agreements.

The mayor of this city 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 sec. 1-37 hereof.

Section 1-34. Withholdings from salaries and wages.

Withholdings from salaries or wages of employees and officials for the purpose provided in sec. 1-37 hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal agency designated by said laws or regulations.

Section 1-35. Appropriations for employer's contributions.

There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions; which shall be paid over to the state or federal agency designated by said laws or regulations.

Section 1-36. Records and reports.

The city shall keep such records and make such reports as may be required by applicable state or federal laws or regulations.

Section 1-37. Employees and officers now covered by other retirement systems.

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

Chapter 2

ALCOHOLIC BEVERAGE, TOBACCO, MARIJUANA AND TOBACCO MARIJUANA

Article 1. Alcoholic Beverages: Taxation and Regulation

Section 2-1. Definitions.

A. As used in this article, "state licensee" means any person, partnership, firm, corporation, or association who holds a license issued by the authority of the Oklahoma Beverage Control Act.

B. "Alcoholic beverage" means beverages controlled by the Oklahoma Alcoholic Beverage Control Board.

C. "Package store" means a retail alcoholic beverage store.

D. The following specific terms, to-wit: Brewer, class B wholesaler, distiller, manufacturer, person, premises, winemaker, Oklahoma winemaker, rectifier, and wholesaler, are given the meaning defined for them by section 6 of the Oklahoma Alcoholic Beverage Control Act (37 O. S. 1971 Section 506).

E. Words in the plural include the singular, and vice versa; and words imparting the masculine gender include the feminine.

Section 2-2. Occupation tax levied.

A. There is hereby levied an annual occupation tax upon each person, firm, or corporation engaged within this city in any of the following occupations hereinafter named, in the following sums respectively set opposite the designation of each such occupation:

1.	Brewer	$ 1,000.00
2.	Distiller	$ 2,500.00
3.	Winemaker	$ 500.00
4.	Oklahoma Winemaker	$ 50.00
5.	Rectifier	$ 2,500.00
6.	Wholesaler	$ 2,000.00
7.	Class B Wholesaler	$ 500.00
8.	Package store	$ 200.00

B. The above occupation taxes for brewer and class B wholesaler shall be reduced by seventy-five percent (75%) if the licensee is also holder of a state license to manufacture or wholesale, as the case may be, and non-intoxicating malt beverages as provided in Title 37, O. S.

Section 2-3. Tax to be paid to the city clerk; records; tax receipt.

All occupation taxes herein provided shall be paid in advance, to the city clerk, who shall issue a receipt therefore. The city clerk shall record the name of such licensee and the address where he engages in his occupation. Such records shall be duly filed and kept in the permanent files of the City for at lease five (5) years. Thereafter, upon resolution by the council, such records may be destroyed. Every person receiving such a receipt from the city clerk shall post the receipt in a conspicuous place in the premises wherein he carries on his occupation.

Section 2-4. Expiration date; pro-ration.

A. All occupation taxes levied under the provisions of this article expire on June 30 of each year.

B. The amount of any occupation tax levied shall be computed pro rata upon the months remaining in the year ending June 30 following. Such taxes paid on or before the fifteenth (15th) day of any month shall be on the basis of the first (1st) day of the month, and such taxes paid after the fifteenth (15th) day of any month shall be on the basis of the first (1st) day of the next succeeding month.

Section 2-5. Not to operate until tax has been paid.

No brewer, distiller, winemaker, Oklahoma winemaker, rectifier, wholesaler, class B wholesaler, or retail package store shall do business, or offer to do business, in this city until the occupation tax levied by this article has been paid in full to the city clerk, and receipt issued therefore.

Section 2-6. City clerk to make report.

The city clerk shall make and transmit to the Oklahoma Alcoholic Beverage Control Board an annual report showing the number and class of licensees upon which occupation taxes were levied, and the amount of money collected from such taxes.

Section 2-7. Violation of state law also violation of this article.

Any violation of any law of the State of Oklahoma in connection with any of the matters covered by this article shall be construed to be a specific violation of this article, whether specifically covered by the provisions of this article or not.

Section 2-8. Days and hours of operation.

No retail package store shall be open for the purpose of selling any alcoholic beverage at any hour other than between the hours of 10:00 o'clock a.m. and 10:00 o'clock p.m., Monday through Saturday. No sales shall be made, or retail package store be allowed to remain open for the purpose of doing business, making sales, or receiving deliveries of alcoholic liquors, on the day of any general, primary, primary run-off, 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.

Section 2-9. Offenses.

A. It is an offense for any person under the age of twenty-one (21) years to be employed in the selling or handling of alcoholic beverages within the city.

B. It is an offense to sell, furnish, or give any alcoholic beverage to any person under twenty-one (21) years of age, or to any intoxicated, insane, or mentally deficient person.

C. It is an offense to permit any person under twenty-one (21) years of age to enter into, remain within, or loiter about the premises of any retail package store.

D. It is an offense for any person to misrepresent his age in writing or by presenting false documentation of age for the purpose of inducing any person to sell him alcoholic beverage.

Section 2-10. Advertising.

It is an offense for any person to advertise, or cause to be advertised, in any manner, the sale of alcoholic beverages, except as specifically permitted by the provisions of the Alcoholic Beverage Control Act.

Section 2-11. Separate premises required.

It is an offense for any person to maintain, operate, or assist in any manner in the maintenance or operation of a retail package store unless the premises are separated from adjoining premises on which any other goods, ware, 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 2-12. Beverage not to be taken through passageway for sale.

It is an offense for any person to take any alcoholic beverage through any passageway described in Section 2-11 of this article, for the delivery thereof in connection with a sale of such beverages.

Section 2-13. How beverage is to be sold; not to consume on premises.

It is an offense for any person to sell or deliver any alcoholic beverages at a retail alcoholic beverage store other than—

A. in retail containers;

B. at ordinary room temperatures;

C. in the original package; and

D. Or consumption off the premises; and it is an offense for any person to permit any alcoholic beverage to be consumed, or any retail container of such beverage to be broken or opened, on the premises of any retail package store.

Section 2-14. Person not to consume on premises.

It is an offense for any person to drink or consume in any manner any alcoholic beverage on the premises of a retail alcoholic beverage store, or to open or break the seal of any original package or retail container containing alcoholic beverage, on such premises.

Section 2-15. To be sold only in retail stores, etc.

It is an offense for any person to sell at retail, or to deliver in consequence or in completion of any such sale, any alcoholic beverages at or to any place in the city except at a retail alcoholic beverage store, in strict conformity with this article and the laws of the State of Oklahoma.

Section 2-16. Not to operate in forbidden area.

It is an offense for any person to own, operate, maintain, or be interested in any manner in, any establishment mentioned in section 2-2, A, at a place within the city which is forbidden as a location for such establishment by the laws of the State of Oklahoma or by the ordinances of the city.

Section 2-17. Transportation.

It is an offense for any person to transport in any vehicle upon any public highway, street, or Alley, 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; or

B. In the trunk or other closed compartment or other container out of public view and out reach of the driver or any occupant of the vehicle.

Section 2-18. Not to sell on credit.

It is an offense for any person to sell at retail, or to sell at any retail alcoholic beverage store, any alcoholic beverage on credit.

Section 2-19. Not to give prizes, etc.

It is an offense for any person to offer or to furnish any prize, premium, gift, or similar inducement to any customer or consumer in connection with the sale or attempted sale of any alcoholic beverage.

Section 2-20. Not to permit intoxicated persons in restaurants, etc.

It is an offense for any person, whether as owner, manager, operator, or employee of any café, restaurant, club, or any place of recreation within the city, to permit any person to be or to become drunk, intoxicated, or to be under the influence of intoxicating drink at such place.

Section 2-21. Separate offenses.

Each day's violation of this article shall constitute a separate offense but nothing herein contained shall be construed as determining that not more than any one (1) such offense can be committed in any one (1) day by the same person.

Section 2-22. Penalty.

Any violation of any provision contained in this article is an offense against the city; upon conviction of any such offense, the violator shall be punished by a fine of not more than two hundred dollars ($200.00), including costs. Each day of violation shall constitute a separate punishable offense.

Note: For certain offenses relating to intoxicating beverages, see Sections 14-23 through 14-24 of this code.

Article 2. Non-intoxicating Beverages

Section 2-23. Definitions.

A. "Non-intoxicating beverages", as used in this ordinance, means all beverages containing more than one-half of one percent alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, which includes but is not limited to beer, wine and wine coolers.

B. "Retail dealer", as herein used, means and includes any and all persons, firms, corporations, associations, or concessionaires who sell, distribute, or dispense any non-intoxicating beverages, as herein defined, within the city without regard as to any place where such beverages may be consumed or used.

Section 2-24. Not to sell to persons under 21.

It is unlawful for any person to sell or barter to any person under twenty-one (21) years of age any non-intoxicating beverage or beer while such person is upon any public street, road, or highway, or in any public building or place, or upon any municipally owned property.

Section 2-25. Time of sale.

It is unlawful for any retail dealer to sell, or offer for sale, any non-intoxicating beverages for consumption on the premises between the hours of 12:00 midnight and 7;00 a.m. weekdays, and 2:00 a.m. Sunday until 12:00 noon on Sunday within the City of Coalgate.

Section 2-26. Possession in public.

It is unlawful for any person to have an open container in his possession or to drink any non-intoxicating beverage in public. It is an offense for any person to have in his possession or to transport any non-alcoholic beverage upon any public highway, street, alley, or other public place within the City of Coalgate, Oklahoma, unless such non-alcoholic beverage is:

A. in an unopened original container with seal unbroken and the original cap or cork not removed from the container; or

B. in the trunk or other closed compartment or other container, out of public view and out of reach of the driver or any occupant of the vehicle.

Section 2-27. Penalty.

Any person violating any provision of this article shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed two hundred dollars ($200.00), including costs. Each violation shall constitute a separate offense.

Article 3. Private Clubs

Section 2-28. "Private club" defined.

A private club for the purposes hereof is defined as any person, firm, corporation or association maintaining, operating, leasing, licensing or otherwise furnishing to or for the use of its members any premises or place whereon such members may engage in the consumption of alcoholic beverages, as

defined by the Statutes of the Sate of Oklahoma either for a fee, or for any other considerations, including the sale of food, mixers, ice, or any other fluids for use or consumption with alcoholic beverages or wherein the space for storage of alcoholic beverages is furnished. The term "private club' shall be deemed to include key clubs, bottle clubs, locker clubs, pool clubs, country clubs, business clubs, social clubs, or any other kind of club or association which excludes the general public from its premises or place of meeting or congregating, and which exercises control over any place where persons are permitted to consume alcoholic beverages other than in a private home. For the purposes of this article, private clubs shall be divided into two (2) classes having the characteristics and qualification as hereinabove set forth, to be known as "Class A Private Clubs" and "Class B Private Clubs", which notwithstanding the special qualifications shall meet the definition hereinabove set forth:

A. Class A Private Clubs shall include those clubs, associations or corporations falling within the general term "private club" as hereinabove defined, which are charitable, eleemosynary, educational, recreational, and which are not operated for profit. In addition to these characteristics, class A private clubs shall be only those clubs, associations or corporations which hold and maintain an income tax exempt status under the regulations and rulings of the internal Revenue Service of the united States, and no class A license shall be issued except upon production of evidence satisfactory to the city clerk of the City of Coalgate that the applicant falls within the requirements for a class A private club.

B. Class B private clubs shall be all other clubs, association or corporations operating as a private club under the definition above set out, the operation of which constitutes a commercial venture, and which club, association or corporation does not hold or maintain an income tax exempt status under the rules and regulations of the Internal Revenue Service of the United States.

Section 2-29. License required.

It shall be unlawful for any person, firm, corporation or association to maintain, operate or manage within the corporate limits of the City of Coalgate a private club without first obtaining a license therefore as provided hereunder.

Section 2-30. Application for license.

Applications for licenses to be issued hereunder shall be made upon forms prepared and made available by the city clerk of said city, and shall state:

A. The name of the owner of the real estate and fixtures for which the license is to be issued and the legal description of such real estate.

B. If the applicant is not the owner of such real estate and fixtures, a copy of the lease or other arrangement under which such applicant holds possession thereof shall be attached to the application.

C. The full name, age, residence, present and previous employment record of the applicant; or if the applicant is an association or corporation, such information concerning the operators, managers, partners and persons having supervisory control over the premises thereof.

D. The length of time the applicant has been a bona fide resident or authorized to do business in the City of Coalgate and State of Oklahoma immediately proceeding the filing of the application.

E. A full statement setting forth the facts as to membership requirements or any other arrangement under which the applicant allows members, other persons, including guests or temporary members, to have access to the premises and to store or consume alcoholic beverages thereon.

F. The applicant shall agree, upon making his application hereunder, to maintain a list of the names of members of the club, which list shall be kept on the premises of the club and be subject to inspection at all times.

G. For the purpose of determining compliance with the regulatory provisions of this article, each applicant at the time of making application herein for either class A or class B license shall execute an agreement relating to inspection, as follows:

1. All applicants for private club license shall execute an agreement that the premises covered by said application may be inspected by any officer of the City of Coalgate, Oklahoma at any time such premises are occupied;

provided, that any officer making such inspection shall forthwith, and in no event later than forty-eight (48) hours after such inspection, make a complete report in writing, to the city manager, certifying the fact of such inspection and the results thereof.

2. Failure or refusal to permit immediate inspection shall be grounds for the revocation of a license issued hereunder.

H. Such other information as the city manager of the City of Coalgate shall find reasonably necessary to execute the general purpose of this article, and to make a fair determination of the moral qualifications of the applicant and the managers and operators thereof. Each application for license shall be accompanied by an application fee of one hundred dollars ($100.00), which fee shall be deposited in the general fund of the City of Coalgate. All applications for a license shall be accompanied by photographs of the applicants, or the operators, partners, managers or supervisory personnel thereof.

Section 2-31. Investigation.

Upon receipt by the city clerk of an application for a license for the operation of a private club, the chief of police shall promptly cause an investigation to be made of the applicant and of the manner in which the applicant proposes to operate the private club.

Section 2-32. Issuance of license.

The city manage shall authorize in writing, the issuance of all licenses for the operation of a private club hereunder, when he finds, after an investigation has been made and reports received:

A. That the applicant, or if the applicant is a corporation or association, the proposed operators, partners or managers, are of good moral character, and that if the application is for a class A private club license, the applicant does in fact hold and maintain a tax exempt status under the rules and regulations of Internal Revenue Service of the United States.

B. That the applicant, or if the applicant is a corporation or association, the proposed operators, managers or partners have never been convicted of any felony.

C. That the manner in which the applicant proposes to operate the private club does not violate any of the provisions of the Statutes and regulations of the State of Oklahoma or the ordinances of the City of Coalgate, including those relating to alcoholic beverages.

D. That the general public will in fact be excluded from the premises operated by the private club.

Section 2-33. Denial of license.

The city manager shall act upon all applications for a license for the operation of a private club within thirty (30) days after the filing thereof. If the city manager denies the application, he shall notify the applicant in writing within five (5) days after the denial thereof giving the reasons for his denial of the license.

Section 2-34. Appeal from denial of license.

Any person, firm, corporation or association whose application for private license for the operation of a private club is denied shall have the right to appeal to the city council, notice of the appeal stating the grounds therefore shall be filed with the city clerk within ten (10) days after receipt of the notice of denial. At the next regular meeting of the city council the board shall hold a hearing upon the appeal at which hearing both the applicant and the city manager and other interested parties, may present such evidence as they deem advisable. Within ten (10) days after the conclusion of the hearing, the city council shall approve or refuse the license for the operation of a private club.

Section 2-35. License fee.

A license shall be issued to a successful applicant for either a class A or class B private club license by the city clerk upon the payment of an annual license fee of six hundred ($600.00) dollars.

Section 2-36. Expiration of license.

License issued hereunder shall expire on their anniversary date of each year. License issued

hereunder shall not be transferable or reassigned.

Section 2-37. Qualification of managers.

The managers, partners, operators, or persons having supervisory control over the premises, of a private club shall make application to the city manager as herein provided, and shall be approved by said city manager to his personal qualifications. An application for a change in or addition to the managers, partners, operators, or persons having supervisory control over the premises of a private club shall be accompanied by an application fee of five dollars ($5.00)

Section 2-38. Renewal.

Upon the expiration of the term of license issued hereunder, the city clerk shall issue renewal licenses to all licensees whose licenses have not been revoked upon the payment of the annual license fee, prior to the expiration date thereof. No license may be renewed after the expiration date thereof.

Section 2-39. Regulations for Operation.

It shall constitute an offense, punishable as hereinafter set forth, and grounds for the revocation or suspension of a license issued hereunder for any private club, or operator, partner, manager, or person having supervisory control thereof, or employee, to knowingly do or permit or allow to be done any of the following acts:

A. Violate any of the provisions of this article.

B. Violate any of the statutes of this State pertaining to alcoholic beverages.

C. Violate any of the regulations promulgated by the Alcohol Beverage Control Board of the State of Oklahoma.

D. Knowingly consume or permit or allow the consumption of any alcoholic beverages on any licensed premises between the hours of 2:00 a.m. and 10:00 a.m. on any day of the week except Sunday, or between the hours of 4:00 p.m. on Sunday afternoon and 10:00 a.m. on Monday morning.

E. Knowingly permit or allow any person not an employee to remain on the licensed premises or in that portion of the licensed premises where the consumption of alcoholic beverages is usually permitted as a part of the operation of the private club after 2:15 a.m. Monday through Sunday.

F. Knowingly serve to or allow any intoxicated person to consume any alcoholic beverages on the premises so licensed.

G. Knowingly permit or allow any intoxicated person to be or remain on the licensed premises.

H. Knowingly permit or allow any person under the age of twenty-one (21) years to consume intoxicating alcoholic beverages on the premises.

I. Knowingly serve or allow or permit to be served any intoxicating alcoholic beverages to any person under the age of twenty-one (21) years.

J. Knowingly permit or allow any person under the age of twenty-one (21) years to serve any intoxicating beverage on the licensed premises.

K. Knowingly allow or permit any incompetent or mentally deranged person to be served or consume any alcoholic beverages on the licensed premises.

L. Knowingly permit or allow harsh, unusual or amplified sounds or noise upon or about the premises which may be heard by or disturbed a person of normal hearing beyond one hundred (100) feet from the premises in any direction.

M. Knowingly permit or allow a violation of any ordinance of the City of Coalgate, Oklahoma, on the licensed premises.

Section 2-40. Display of license.

Every private club issued a license hereunder shall place and exhibit the same at all time while in force and in some conspicuous place upon the premises licensed and shall produce or exhibit the same when applying for renewal thereof. The entrance of every private club shall be plainly marked “private club members only”.

Section 2-41. Suspension or revocation of licenses.

The city council may suspend, for not more than fifteen (15) days, or revoke licenses issued

hereunder if, after public hearing, as hereinafter provided, the city council finds that the holder of or has violated any of the provisions hereof. The chief of police shall cause an investigation of complaints concerning private clubs, and if he finds that a violation of the provisions hereof has been committed, he shall file a complaint with the city manager setting forth the alleged acts constituting the violation. Upon the filing of such complaint, the city manager shall fix a date for hearing of said complaint by the city council and shall cause to be served upon said licensee a copy of the complaint and notice of the time and place of said hearing. The complaint and notice of hearing shall be served upon the manager, operator, partner, or person shown on the license as having supervisory control over the premises of the private club, or if such person may not be found by mailing the same by registered mail addressed to such person at the licensed premises. At the hearing thereon, the complainant, the licensee, or any interested person may be present and present such evidence as may be relevant and material. If at the conclusion of such hearing, the city council finds that the licensee has made a material misstatement in the application for license or renewal thereof, or has violated any of the provisions hereof, the city council shall suspend, for a different period of time, or revoke the license issued hereunder. Upon suspension or revocation, the licensee shall immediately cease operation as a private club.

Section 2-42. Separate license required in each establishment.

A separate license must be obtained for each branch establishment of any private club, and each license shall authorize the operation of a private club only at the location described in such license.

Section 2-43. Other laws applicable.

The provisions of this article shall not be construed to exempt any person, firm, corporation or association operating a private club from compliance with any other applicable ordinance of the City of Coalgate not in conflict herewith.

Section 2-44. Penalty.

Any person, firm, corporation, association, or operator, partner, manager, employee, or member thereof who shall violate any of the provisions of this article shall be guilty of an offense, and upon conviction thereof shall be punishable by a fine and costs not to exceed the sum of two hundred dollars ($200.00), including costs. Each day of violation shall constitute a separate punishable offense.

ARTICLE 4. Permitting or allowing gatherings where persons under twenty-one are consuming alcoholic beverages.

Section 2-45. Definitions.

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

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

C. "Gathering" is a party, gathering or event, where a group of three or more persons have assembled or are assembling for a social occasion or social activity.

D. "Intoxicating Beverage" includes beverages containing more than three and two-tenths percent (3.2%) alcohol by weight.

E. "Legal Guardian" means

1. a person who, by court order, is the guardian of the person under twenty-one (21); or

2. a public or private agency with whom a person under twenty-one (21) has been placed by the court.

F. "Low Point Beer" means and includes beverages containing more than one-half of one percent (1/2 of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, including by not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

G. "Parent" means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

H. "Premises" means any residence or other private property, place or premises, including any commercial or business premises.

I. "Response costs" are the costs associated with responses by law enforcement, fire, or other emergency response providers to a gathering, including but not limited to:

1. salaries and benefits of law enforcement, code enforcement, fire or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative costs attributable to such response(s);

2. the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering;

3. the cost of repairing any City equipment or property damages, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and

4. any other allowable costs related to the enforcement of this Section.

Section 2-46. Consumption of Alcohol by Persons under Twenty-One in Public Place, Place Open to Public, or Place not open to Public.

Except as permitted by state law, it is unlawful for any person under twenty-one (21) to:

A. consume at any public place or any place open to the public alcoholic beverage; or

B. consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage that the person under twenty-one (21) is being supervised by his or her parent or legal guardian.

Section 2-47. Hosting, Permitting or Allowing a Party, Gathering or Event Where Persons Under Twenty-one Consuming Alcoholic Beverages Prohibited.

A. 1. It is the duty of any person having control of any premises, who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any person under twenty-one (21) at the gathering. Reasonable steps are controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure that persons under twenty-one (21) do not consume alcoholic beverages while at the gathering; and supervising the activities of persons under twenty-one (21) at the gathering.

2. It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one person under twenty-one (21) consumes an alcoholic beverage, whenever the person having control of the premises either knows a person under twenty-one (21) has consumed an alcoholic beverage or reasonably should have known that a person under twenty-one (21) consumed an alcoholic beverage had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage by a person under twenty-one (21) as set forth in subsection A. 1. of this section.

B. This Section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a person under twenty-one (21) and his or her parent or legal guardian.

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

the same manner as a non-family gathering.

D. Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a person under twenty-one (21) leaves such a religious gathering intoxicated and is found to be in public then said providers of alcohol will be held responsible in the same manner as a non-religious gathering.

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

Section 2-48. Penalty.

Any person who shall violate the provisions of this Section shall be deemed guilty of an offense against the City and upon Conviction thereof shall be punished with a fine and cost of Five Hundred Dollars ($500.00). **(Ord. 165 Mar 31, 2009 Art. 4)**

ARTICLE 5. Prevention of Youth Access to Tobacco.

Section 2-49. Definitions.

The following definitions shall apply as used in this ordinance:

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 in a public place;

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

F. "Transaction scan" means the process by which a seller checks, by means of a transaction scan device, the validity of a driver license or other government-issued photo identification; and

G. "Transaction scan device" means any commercial device or combination of devices used at a point of sale or entry that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver license or other government-issued photo identification.

Section 2-50. Furnishing of tobacco products to minor prohibited - Proof of age- Fines – Multiple violations.

A. It is unlawful for any person to sell, give 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. It shall not be unlawful for an employee under eighteen (18) years of age to handle tobacco products when required in the performance of the employee's duties.

B. 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 purchaser my be under eighteen (18) years of age.

If an 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 subsection B of this section.

C. Violation of subsection A or B of this section may be punished by a fine of:

1. Not more than One Hundred Dollars ($100.00) for the first offense,
2.. Not more than Two hundred Dollars ($200.00) for the second offense within a two-year period following the first offense,
3. Not more than Three Hundred Dollars ($300.00) for a third offense within a two-year period following the first offense.

4. Not more than Three Hundred Dollars ($300.00) for a fourth or subsequent offense within a two-year period following the first offense.

Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this section. A person cited for violating this section shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of such violation if such person proves that:

1. The individual who purchased or received the tobacco product presented a driver license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older, and
2. The person cited for the violation confirmed the validity of the driver license or other government –issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.

Provided, that this defense shall not relieve from liability any person cited for a violation of this section if such person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver license or other government-issued photo identification was that of the individual who presented it. The availability of the defense described in this subsection does not affect the availability of any other defense under any other provision of law.

Section 2-51. Purchase receipt or possession of tobacco products by minors prohibited – Falsifying proof of age – Penalties.

A. 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. It shall not be unlawful for an employee under eighteen (18) years of age to handle tobacco products when required in the performance of the employee's duties.

B. Violation of this subsection may be punished by a fine of:

1. Not more than One Hundred Dollars ($100.00) for the first offense; and
2. Not to exceed Two hundred Dollars ($200.00) for the second or subsequent offense within a one-year period following the first offense,

Section 2-52. Distribution of tobacco product samples restricted - Fines.

A. It shall be unlawful for any person or retailer to distribute tobacco products or product samples to any person under eighteen (18) years of age.

B. No person shall distribute tobacco products or product samples in or on any public street, sidewalk, or park that is within three hundred (300) feet of any playground, school, or other facility when the facility is being used primarily by persons under eighteen (18) years of age.

C. Violation of subsection A or B of this section may be punished by a fine of:

1. Not more than One Hundred Dollars ($100.00) for the first offense;
2. Not more than Two hundred Dollars ($200.00) for the second offense; and
3. Not more than Three Hundred Dollars ($300.00) for a third or subsequent offense.

Section 2-53. Sale of tobacco products 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. Violation of subsection A of this section may be punished by a fine of not more than Two Hundred Dollars ($200.00) for each offense.

Section 2-54. Display or sale of tobacco products - Public access - Fines.

A. It is unlawful for any person or retail store to display or offer for sale tobacco products in any manner that allows public access to the tobacco product without assistance from the person displaying the tobacco product or an employee or the owner of the store. The provisions of this

subsection shall not apply to retail stores which do no admit into the store persons under eighteen (18) years of age.

B. Violation of subsection A of this section may be punished by a fine of not more than Two Hundred Dollars ($200.00) for each offense.

Section 2-55. Reporting of conviction.

Any conviction for a violation of this ordinance as authorized by the Prevention of Youth Access to Tobacco Act and any compliance checks by a City of Coalgate police officer shall be reported in writing by the Municipal Court Clerk to the State of Oklahoma Alcoholic Beverage Laws Enforcement (ABLE) Commission within thirty (30) days of such conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE Commission. **(Ord. 164 Aug. 26, 2008 Art. 5)**

ORDINANCE 189

AN ORDINANCE AMENDING AND MODIFYING CHAPTER 2, ALCOHOL BEVERAGES AND TOBACCO, REPLACING ARTICLE 6 AND RETITLING TOBACCO FREE ZONE

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF COALGATE, STATE OF OKLAHOMA:

THAT CHAPTER 2, ARTICLE 6 OF THE ORDINANCES OF THE CITY OF COALGATE, OKLAHOMA, IS HEREBY AMENDED TO PROVIDE AS FOLLOWS:

CLEAN INDOOR AIR IN ACCORDANCE WITH THE OKLAHOMA SMOKING IN PUBLIC PLACES AND INDOOR WORKPLACES ACT

ARTICLE 6. CLEAN INDOOR AIR.

Section 2-56. Definitions

The following definitions shall apply as used in this Ordinance:

A. "Educational facility" means a building owned, leased or under the control of a public or private school system, college or university;

B. "Health facility" means an entity which provides health services, including but not limited to hospitals, nursing homes, long-term care facilities, kidney disease treatment centers, health maintenance organizations and ambulatory treatment centers;

C. "Indoor workplace" means any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace includes work area, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor workplace at any given time, whether or not work is being performed.

D. "Meeting" means a meeting as defined in the Oklahoma Open Meeting Act;

E. "Public body" means a public body as defined in the Oklahoma Open Meeting Act;

F. "Public place" means any enclosed indoor area where individuals other than employees are invited or permitted.

G. "Restaurant" means any eating establishment regardless of seating capacity;

H "Smoking" means the carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device; and

I. "Stand-alone bar", "stand-alone tavern", and "cigar bar" mean an establishment that derives more than sixty percent (60%) of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low-point beer and no person under twenty-one (21) years of age is admitted, except for members of a musical band employed or hired as provided in paragraph 2 of subsection B of Section 537 of Title 37 of the Oklahoma Statutes and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including a restaurant.

J. "Tobacco Product" means any product that contains tobacco and is intended for human consumption. Tobacco Product does not include any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product.

K. "Vapor Product" means any noncombustible product, that may or may not contain nicotine, that employs a mechanical heating element, battery, electronic circuit, or other mechanism,

regardless of shape or size, that can be used to produce a vapor in a solution or other form. Vapor Product shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, or electronic device.

(Ord. 189 Oct. 24, 2016 effective Dec. 1, 2016; (State Law Reference 63 O.S. §15-1-1522)

SECTION 2-57. Possession of lighted tobacco in any form including electronic cigarettes:

A. The possession of lighted tobacco in any form including electronic cigarettes is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor place used by or open to the public, public transportation, or any indoor workplace, except where specifically allowed by law.

As used in this section, "indoor workplace" means any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor workplaces at any given time, whether or not work is being performed.

B. All buildings, or portions thereof, owned or operated by this city shall be designated as non-smoking. As used in this paragraph, "buildings" shall not include up to twenty-five percent (25%) of any hotel or motel rooms rented to guests if the rooms are properly ventilated so that smoke is not circulated to nonsmoking areas.

C. No smoking shall be allowed within twenty-five (25) feet of the entrance or exit of any building specified in subsection B.

D. The restriction provided in this section shall not apply to stand-alone bars, stand-alone taverns and cigar bars.

E. The restrictions provided in this section shall not apply to the following:

1. The room(s) where licensed charitable bingo games are being operated, but only during the hours of operation of such games;

2. Up to twenty-five percent (25%) of the guest rooms at a hotel or other lodging establishment;

3, Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;

4. Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery.

5. Workplaces occupied exclusively by one or more smokers, if the workplace has only incidental public access.

6. Private offices occupied exclusively by one or more smokers;

7. Workplaces within private residences, except that smoking shall not be allowed inside any private residence that is used as a licensed child care facility during hours of operation.

8. Medical research or treatment centers, if smoking is integral to the research or treatment.

9. A facility operated by a post or organization of past or present members of the Armed Forces of the United States which is exempt from taxation pursuant to Sections 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code, 26 U.S.C. when such facility is utilized exclusively by its members and their families and for the conduct of post or organization nonprofit operations except during an event or activity which is open to the public; and

10. Any outdoor seating area of a restaurant; provided, smoking shall not be allowed within fifteen

(15) feet of any exterior public doorway or any air intake of a restaurant.
F. An employer not otherwise restricted from doing so may elect to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed and exhausted directly to the outside in such a manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within fifteen (15) feet of any entrance, exit, or air intake.
G. If smoking is to be permitted in any space exempted above, such smoking space must either occupy the entire enclosed indoor space or if it shares the enclosed space with any nonsmoking areas, the smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from a smoking room shall not be exhausted within fifteen (15) feet of any entrance, exit, or air intake. Any employer may choose a more restrictive smoking policy, including being totally tobacco and vapor free.
H. Notwithstanding any other provision, restaurants may have designated smoking and non-smoking areas or may be designated as being a totally nonsmoking area. Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated smoking rooms. Food and beverage may be served in such designated smoking rooms which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is re-circulated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit, or air intake. Such room shall be subject to verification for compliance with these provisions by the State Department of Health.
I. Responsibility for posting signs or decals shall be as follows:
1. In privately owned facilities, the owner or lessee, if a lessee is in possession of the facilities, responsible; and
2. In corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and
3. In publicly owned facilities, the manager and/or supervisor of the facility involved shall be responsible.
J. 1. Enforcement of this chapter shall be the responsibility of the *City of Coalgate.* In addition, any peace officer or code enforcement official may enforce this chapter.
2. Any person who knowingly violates this act is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00)
(Ord. 189 Oct. 24, 2016 effective Dec. 1, 2016; (State Law Reference 63 O.S. §15-1-1522)
SECTION 2-58. Designated Tobacco and Vapor Free Areas.
A. Except as specifically provided in the Smoking in Public Places and Indoor Workplaces Act, no person shall smoke in a public place, in an indoor workplace, in any vehicle providing public transportation, at a meeting of a public body, in a nursing facility licensed pursuant to the Nursing Home Care Act, or in a child care facility licensed pursuant to the Oklahoma Child Care Facilities Licensing Act. A nursing facility licensed pursuant to the Nursing Home Care Act may designate smoking rooms for residents and their guests. Such rooms shall be fully enclosed, directly exhausted to the outside, and shall be under negative air pressure so that no smoke can escapes when a door is opened and no air is re-circulated to nonsmoking areas of the building.
B. 1. Except as otherwise provided, an educational facility which offers an early childhood education program or in which children in grades kindergarten through twelve are educated shall prohibit smoking, the use of snuff, chewing tobacco or any other form of tobacco product or vapor products in the buildings and on the grounds of the facility by all persons including, but not limited to full-time, part-time, and contract employees, during the hours of 7:00 a.m. to 4:00 p.m., during the school sessions, or when class or any program established for students is in session.
2. Career and technology centers may designate smoking areas outside of buildings, away from general traffic areas and completely out of sight of children under eighteen (18) years of age, for use by adults attending training courses, sessions, meetings, or seminars.

3. An educational facility may designate smoking areas outside the building for the use of adults during certain activities or functions, including, but not limited to, athletic contests.
C. Nothing in this section shall be construed to prohibit educational facilities from having more restrictive policies regarding smoking and the use of other tobacco products in the building or on the grounds of the facility.
All City-owned or operated premises and properties including buildings, facilities, city vehicles, equipment, city parks, trails, outdoor facilities, play grounds, and or sports areas shall be designated as entirely tobacco free and vapor product free.
(Ord. 189 Oct. 24, 2016 effective Dec. 1, 2016; (State Law Reference 63 O.S. §15-1-1522)

SECTION 2-59. Posting No Tobacco and Vapor Free Signs.
The local government agency or the person who owns or operates a public place shall, at a minimum, do the following in order to prevent tobacco use in public places:

1. For restrictions on the use of Tobacco Products or Vapor Products in Indoor Areas, the sign or decal shall be at least 4 inches by 2 inches in size and shall clearly state that smoking or tobacco use is prohibited or that a tobacco-free environment is provided. For restrictions on the use of Tobacco Products or Vapor Products in Outdoor Areas, signs shall be weather-resistant, at least 12 inches by 18 inches in size, with lettering of at least 1 inch, and shall clearly state that smoking, tobacco or vapor use or is prohibited or that a tobacco and vapor free environment is provided.

Post signs at the entrances to places where tobacco and vapor use is prohibited which state that tobacco and vapor use is prohibited or that the indoor environment is free of tobacco and vapor use; and
2. Ask tobacco and vapor users to refrain from using tobacco or vapor upon observation of anyone violating the provisions of this act.
(Ord. 189 Oct. 24, 2016 effective Dec. 1, 2016; (State Law Reference 63 O.S. §15-1-1522)
SECTION 2-60. Statutory Construction & Severability
It is the intent of the City Council of the City of Coalgate to supplement applicable state and federal law and not to duplicate or contradict such law. The provisions of this ordinance are severable, and the invalidity of any provision of the ordinance shall not affect other provisions of the ordinance, which can be given effect without the invalid provision.

PASSED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF COALGATE, OKLAHOMA ON THIS _24th_ DAY OF _October, 2016.

_____

Tammie MIddleton, Mayor

ATTEST:

_____

Scarlett Anderson, City Clerk

ARTICLE 7 MARIJUANA

SECTION 2-60 IN GERERAL

I. The intent of this article is to ensure the health and safety of all Oklahomans and provide reasonable and orderly regulation of medical marijuana as authorized by the lawful passage of State Question 788. Only the powers enumerated under this article shall be proper. Any power not specifically enumerated is prohibited.

(a) The regulations are intended to apply to all medical marijuana for personal use or any medical marijuana business permitted under the State Question 788. The Code is intended to provide regulations for the effect medical marijuana cultivation and production will have on health, safety, and community resources.

(b) Use, distribution, cultivation, production, possession, and transportation of medical marijuana remains illegal under federal law and marijuana remains classified as a "controlled substance" by federal law.

(c) Nothing in this article is intended to promote or condone the production, distribution, or possession of marijuana.

2. The purpose of this article is to protect the public health, safety, and general welfare of the residents and patients of the city by prescribing the manner in which medical marijuana businesses can be conducted in the city. Further, the purpose of this article is to:

(a) Provide for a means of cultivation, production, and distribution of marijuana to patients who qualify to obtain, possess, and use marijuana for medical purposes under the State Question 788.

(b) Protect public health and safety through reasonable limitations on business operations as they relate to noise, air and water quality, food safety, neighborhood and patient safety, security for the business and its personnel, and other health and safety concerns.

(c) Impose fees to cover the cost to the city of permitting medical marijuana businesses in an amount sufficient for the city to recover its costs of the permitting program.

(d) Adopt a mechanism for monitoring compliance with the provisions of this article.

(e) Create regulations that address the particular needs of the patients and residents of the city and coordinate with laws that may be enacted by the state regarding the issue.

(f) Facilitate the implementation of State Question 788 without going beyond the authority granted by it.

(g) Issue medical marijuana business Certificates of Compliance only to individuals and entities that have demonstrated an intent and ability to comply with this article without monitoring by city officials.

SECTION 2-61 Oklahoma State Department of Health Regulations Title 310, Chapter 681, Medical Marijuana Control Program Adopted by Reference.

(a) Oklahoma State Department of Health Regulations, Title 310, Chapter 681, Medical Marijuana Control Program as it may from time to time be amended is adopted by reference and is made a part of the ordinances of the City, as if fully set forth in this Code. The provisions of these regulations shall take effect and be controlling within the city limits so that a violation of the provisions of the regulations will be a violation of this code. Nothing in this section shall grant to the city the power or jurisdiction to prosecute offenses that a city is not authorized to prosecute.

(b) Any crimes specified in the rules or other laws as felonies are specifically excluded from inclusion in this article.

(c) The penalty for a misdemeanor violation of the rules as adopted by this article shall be the maximum penalty allowed by state law but not exceeding the jurisdictional limits of the Coalgate Municipal Court.

SECTION 2-62 Definitions.

The following words and terms, when used in this article, shall have the following meaning, unless the context clearly indicates otherwise:

(a) *Applicant* means the natural person in whose name a Certificate of Compliance would be issued.

(b) *Complete Application* means a document prepared in accordance with the rules and the forms and instructions provided by the City of Coalgate, including any supporting documentation required as well as the application fee.

(c) *Dispense* means the selling of medical marijuana or a medical marijuana product to a qualified patient or the patient's designated caregiver that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a qualified patient.

(d) *Dispensary* means an entity that has been licensed by the Oklahoma State Health Department pursuant to Title 63 O.S. § 421A and permitted by the City of Coalgate pursuant to this article, which allows the entity to purchase medical marijuana from a processer Certificate of Compliance holder or grower Certificate of Compliance holder and sell medical marijuana only to qualified patients and caregivers.

(e) *Domicile* means a person's true, fixed, primary permanent home and place of habitation and the tax parcel on which it is located. It is the place where the person intends to remain and to which the person expects to return when the person leaves without intending to establish a new domicile elsewhere.

(f) *Entity* means an individual, general partnership, a limited partnership, a limited liability company, a trust, an estate, an association, a corporation or any other legal or commercial entity.

(g) *Grower or Commercial Grower* means an entity that has been licensed by the Oklahoma State Department of Health and permitted by the City of Coalgate, which allows the entity to grow, harvest, and package medical marijuana to a dispensary, **processor or researcher.**

(h) *Manufacture* means the process of converting harvested plant material into medical marijuana concentrate by physical or chemical means for use as an ingredient in a medical marijuana product.

(i) *Marijuana* means all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. "Marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination.

(j) *Mature Plant* means harvestable female marijuana plant that is flowering. Mature plants are not authorized under this section prior to sixty (60) days after the enactment of Title 63 O.S. § 420A, et. seq.

(k) *Medical Marijuana* means marijuana that is grown, processed, dispensed, tested, possessed, or used for a medical purpose.

(l) *Medical Marijuana Business* means any business licensed by the Oklahoma

State Health Department and permitted by the City of Coalgate to dispense, grow, research or process medical marijuana.

(m) *Medical Marijuana Concentrate ("concentrate")* means a substance obtained by separating cannabinoids from any part of the marijuana plant by physical or chemical means, so as to deliver a product with a cannabinoid concentration greater than the raw plant material from which it is derived, intended to be refined for use as an ingredient in a medical marijuana product and not for administration to a qualified patient.

(n) *Medical Marijuana Product* means a product that contains cannabinoids that have been extracted from plant material or the resin therefrom by physical or chemical means and is intended for administration to a qualified patient, including but not limited to oils,
tinctures, edibles, pills, topical forms, gels, creams, forms medically appropriate for administration by vaporization or nebulizer, patches, tinctures, and liquids excluding live plant forms.

(o) *Medical Marijuana Waste* means unused, surplus, returned or out-of-date marijuana; recalled marijuana; unused marijuana; plant debris of the plant of the genus cannabis, including dead plants and all unused plant parts and roots; and any wastewater generated during growing and processing.

(p) *Certificate of Compliance holder* means any natural born person or entity that holds a marijuana Certificate of Compliance provided for in this article.

(q) *Private School* means an elementary, middle, or high school maintained by private individuals, religious organizations, or corporations, funded, at least in part, by fees or tuition, and open only to pupils selected and admitted based on religious affiliations or other particular qualifications.

(r) *Processor* means an entity that has been licensed by Oklahoma State Department of Health and permitted by the City of Coalgate, which allows the entity to: purchase marijuana from a commercial grower; prepare, manufacture, package, sell to and deliver medical marijuana products to a dispensary Certificate of Compliance holder or other processor Certificate of Compliance holder; and may process marijuana received from a qualified patient into a medical marijuana concentrate, for a fee.

(s) *Public School* means an elementary, middle, or high school established under state law, regulated by the local state authorities in the various political subdivisions, funded and maintained by public taxation, and open and free to all children of the particular district where the school is located.

(t) ***Retailer*** **as used** in Title 63 O.S. § 421A et seq. means a dispensary.

(u) *Resident* means an individual who is an income tax payer in the State of Oklahoma and can provide proof of residency as required by 63 O.S. § 420A et seq. and OAC
310:681-1-6.

(v) *Revocation* means the City of Coalgate's final decision that any permit issued pursuant to this article is rescinded because the individual or entity does not comply with the applicable requirements in this article.

(w) Seedling means an immature marijuana plant that has no flowers.

(x) *State Question* means Oklahoma State Question No. 788 and Initiative Petition
Number 412.

SECTION 2-63 Reserved.

SECTION 2-64 COMMERCIAL MEDICAL MARIJUANA BUSINESS CERTIFICATE OF COMPLIANCE

SECTION 2-65 Certificate of Compliance required.

It shall be unlawful for any person, persons or other business entity to operate as a commercial medical marijuana dispensary, commercial medical marijuana grower, commercial medical marijuana manufacturer, commercial medical marijuana processor within the corporate limits of the City of Coalgate without first having obtained a Certificate of Compliance, annually renewable on July 1st of every year, from the City therefore as provided herein. The fees for the certificate required hereunder shall be established by resolution of the City Council of the City of Coalgate.

SECTION 2-66 Inspection

An inspection of the proposed medical marijuana business by the City Manager or the City Manager's designee(s) shall be required prior to issuance of a Certificate of Compliance. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any medical marijuana, and prior to the opening of the business to any patients or the public. The inspection is to verify that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule, or regulation.

SECTION 2-67 Additional licenses and permits may be required.

The permit requirements set for in this article shall be in addition to, and not **in** lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law, including, by way of example, any applicable building permit.

SECTION 2-68 Permit does not provide any exception, defense, or immunity from other laws.

The issuance of any permit pursuant to this article does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marijuana.

SECTION 2-69 Separate Certificate of Compliance required for each location.

A separate Certificate of Compliance shall be required for each premise from which a commercial medical marijuana business is operated. Except as specifically provided in this article, no two or more different commercial medical marijuana businesses may be treated as one premise.

SECTION 2-70 Certificate nontransferable.

A Certificate of Compliance that has been issued by the City for medical marijuana is nontransferable. A commercial medical marijuana business Certificate of Compliance is not transferable or assignable, including, without limitation, not transferable or assignable to a different premise, to a different type of business, or to a different owner or certificate holder. A commercial medical marijuana business Certificate of Compliance is valid only for the owner named thereon, the type of business disclosed on the application for the certificate, and the location for which the certificate is issued. The certificate holder of a commercial medical marijuana Certificate of Compliance are only those persons disclosed in the application or subsequently disclosed to the City in accordance with this article.

SECTION 2-71 Ventilation, fire, and life safety requirements.

In addition to state and local building and fire codes, the following requirements shall be enforced:

(a) Ventilation. A plan for ventilation of all medical marijuana facilities that describes the ventilation systems that will be used to prevent any odor of marijuana off the premises of the establishment must be submitted to the city. For retail and cultivation facilities, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises.

(1) The required outdoor ventilation rate required for each retail marijuana establishment or a medical marijuana cultivation facility will be as follows:

(i) For marijuana cultivation facilities, eight persons per 1,000 square feet with a ventilation rate of 60 cubic feet per minute per person;

(ii) For retail marijuana stores, the licensed premises for marijuana transporters, retail marijuana product manufacturing facilities, and retail marijuana testing facilities and medical marijuana testing facilities eight persons per 1,000 square feet with 15 cubic feet per minute per person.

(b) Fire Separation Requirements. For Medical Marijuana Dispensaries, a minimum of a two-hour fire separation will be required between all medical marijuana dispensaries and any

adjacent business; unless higher performance is required by applicable law.

(c) Fire Suppression Requirements. A Type 13 Automatic Sprinkler System will be required
required for all buildings containing medical marijuana cultivation, production and/or storage with a fire area of 5,000 square feet or greater. The sprinkler system requirement may be waived by the Fire Marshall for buildings with a fire area of less than 10,000 square feet, if the building contains only noncombustible construction.

(d) Exterior Electrical Disconnect Required. For all buildings containing medical marijuana cultivation, production, storage, or manufacturing, a NEMA Type 3 Electrical Disconnect will be required on the exterior of the building. The electrical disconnect must be labeled and in an accessible location.

SECTION 2-72 Reserved.

GENERAL PROVISIONS

SECTION 2-73 Defense to criminal prosecutions.

Compliance with the requirements of this article shall not provide an exception, immunity, or defense to criminal prosecution under any applicable law, except in the Coalgate Municipal Court, for a violation of this article as specifically provided herein.

SECTION 2-74 Inspections.

Every medical marijuana dispensary, commercial grower, and processor shall allow the local inspecting authority, and any agent of the local inspecting authority, or anyone authorized, to inspect the premises of the business pursuant to the city Code, State Question 788, and any of the rules and regulations adopted pursuant thereto.

SECTION 2-75 Costs of inspection and clean-up.

In the event the city incurs unforeseen costs in the inspection, clean-up, surrender of plants, or any other requirements to remove medical marijuana of any medical marijuana business, or any person cultivating, producing, distributing, or possessing marijuana, the business and responsible person shall reimburse the city all actual costs incurred by the city for such inspection or clean- up.

SECTION 2-76 Landlord duty.

It shall be unlawful for the owner of a building to lease space or allow the use of any portion of the building by a commercial medical marijuana business unless the tenant has a valid commercial medical marijuana business Certificate of Compliance or has applied for and not been denied a commercial medical marijuana business Certificate of Compliance or unless no marijuana is located on the premises until a Certificate of Compliance has been issued by the city.

SECTION 2-77 Locations of medical marijuana businesses.

I. Fixed Location Required.

(a) Mobile Medical Marijuana Sales of all types are prohibited within the City of Coalgate. This includes but is not limited to trailers, recreational vehicles, and trucks.

(b) With the exception of a commercial grower, it shall be unlawful to operate a medical marijuana business outside of an enclosed, fixed building. All medical marijuana business Certificates of Compliance shall be issued for a specific fixed location within an enclosed building.

2. Permitted Use in Zoning District.

A Certificate of Compliance may be issued only if the commercial medical marijuana business obtains a Certificate of Compliance to operate in the zoning district where it is proposed to be located, with the consideration of the buffers (e.g. 1,000' buffer) mentioned in this article. Conditional Use Permits shall not be applicable for medical marijuana businesses.
Commercial medical marijuana business Certificates of Compliance are permitted upon review in the following zoning districts:

(a) For a medical marijuana dispensary:
Commercial District

(b) For a medical marijuana grower:
Agricultural District

(c) For a medical marijuana manufacturer, storage, or processor:
Industrial District

SECTION 2-78 Commercial medical marijuana businesses prohibited in certain areas.

I. No Commercial Medical Marijuana Business in Buildings with Residences (except for retail medical marijuana businesses in the Commercial District). It shall be unlawful to operate a commercial medical marijuana business in a building which contains a residence, or within a dwelling unit within any zoning district, or within a residential zoning district, or within a mixed-use development that includes a residence, except

for retail medical marijuana businesses within the Commercial District. Retail medical marijuana businesses shall be allowed within the Commercial District.

2. No Retail Sales in Cultivation or Processing Facilities without proper licenses.

It shall be unlawful for any person to permit retail sales within a medical marijuana business that is a cultivation facility or processes medical marijuana, except as provided for in State Question 788 and Title 63 O.S. § 420A, et. seq.

3. Separation from Uses.

No commercial medical marijuana Certificate of Compliance shall be issued for location within one thousand (1,000') feet of any private or public school

(1) Distances shall be measured from any entrance of the school to the nearest property line point of the medical marijuana business.

SECTION 2-79 Application requirements.

An application for a commercial medical marijuana Certificate of Compliance shall be made to the city on forms provided by the City for that purpose. The applicant shall use the application to demonstrate its compliance with this article and any other applicable law, rule, or regulation. The review of applications will include, but not be limited to, the following information where applicable:

(1) The Oklahoma Medical Marijuana Authority Business License Number

(2) Contact information for the owner or owners of the medical marijuana business in whose name the Certificate of Compliance is proposed to be issued.

(3) An operating plan for the proposed medical marijuana business.

(4) A plan for lighting indicating the lighting outside of the medical marijuana business for security purposes and compliance with applicable city requirements.

(5) A plan for fire separation indicating a minimum of a two-hour fire separation between a medical dispensary and any adjacent business, or a fire suppression plan for all buildings containing cultivation, production, and manufacturing.

(6) A plan for disposal of any medical marijuana or medical marijuana-infused product that is not sold to a patient or primary caregiver in a manner that protects any portion thereof from being possessed or ingested by any person or animal.

(7) A plan for ventilation of the medical marijuana business that describes the ventilation systems that will be used to prevent any odor of medical marijuana off the premises of the business. For medical marijuna businesses that grow medical marijuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For medical marijuana businesses that produce medical marijuana-infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process as well as any closed-loop and/or explosion-proof system.

(8) A description of all toxic, flammable, or other materials regulated by a federal, state, or local government that would have authority over the business if it was not a marijuana business that will be used or kept at the medical marijuana business, the location of such materials, and how such materials will be stored in conformance with all fire regulations.

SECTION 2-80 Fees required.

Any application for a commercial medical marijuana Certificate of Compliance shall be accompanied by a nonrefundable application fee in an amount established by the City Council of the City of Coalgate. Said fee includes the costs of providing the initial inspection. After the application review period, if the Coalgate Planning and Zoning Board deems the application to be complete, the commercial medical marijuana Certificate of Compliance will be issued.

SECTION 2-81 Penalty.

Except as otherwise provided by state law, whenever in this Article an act is prohibited or is made or declared to be unlawful, an offense, or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful the violation of any provision of this code or of any ordinance, upon conviction, shall be punished by a fine not exceeding $500, plus costs, per Code. Each day or any portion of a day during which any violation of this code or of any

ordinance shall continue shall constitute a separate offense.

SECTION 2-82 ARTICLE IV. REQUIREMENTS RELATED TO THE OPERATION OF MEDICAL MARIJUANA BUSINESSES.

SECTION 2-83 Business conducted within building and prohibition of onsite use.

Any and all cultivation, production, distribution, possession, storage, display, sales, or other distribution of marijuana shall occur only within the restricted area of a commercial medical marijuana business and shall not be visible from the exterior of the business.

No marijuana shall be smoked, eaten, or otherwise consumed or ingested within the medical marijuana business.

SECTION 2-84 Display of Certificate of Compliance required.

A valid city issued commercial medical marijuana Certificate of Compliance shall be conspicuously posted in the business.

SECTION 2-85 Ventilation required.

A commercial medical marijuana business shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property.

SECTION 2-86 Security required.

A commercial medical marijuana business shall be secure so that unauthorized entrance into areas containing marijuana is prevented. A security plan shall be discussed with the inspector and/or reviewer of the Certificate of Compliance application.

SECTION 2-87 Disposal of medical marijuana and marijuana byproducts.

All medical marijuana and any product containing a usable form of marijuana to be disposed of must be made unusable and unrecognizable prior to removal from the business in compliance with the Oklahoma Department of Health rules and all applicable laws.

This provision shall not apply to licensed law enforcement, including, without limitation, the City of Coalgate Police Department and the City of Coalgate Fire Department.

SECTION 2-88 Transportation between medical marijuana businesses.

It shall be unlawful for any person to transport medical marijuana, except as specifically allowed by applicable law, unless the medical marijuana being transported meets the following requirements:

(I) All medical marijuana is transported in a locked container,

shielded from public view and labeled "Medical Marijuana or Derivative."

(2) Unless otherwise specifically allowed by applicable law, medical marijuana may be transported only between medical marijuana businesses.

(3) The medical marijuana must be accompanied by the manifest in accordance with state requirements for transport of marijuana.

SECTION 2-89 Requirements for public health, labeling and advertisement.

(1) The production of any medical marijuana-infused product shall be at a medical marijuana-infused product manufacturer that meets all requirements of a retail food establishment as set forth in 63 O.S. § 1-1101 et seq., 63 O.S. § 1-1401 et seq., OAC 310:257, and OAC 310:240. The production of any product containing medical marijuana shall comply with all health and safety standards thereof. The Certificate of Compliance holder shall comply with all applicable state and local health regulations related to the production, preparation, labeling, and sale of prepared food items as if the medical marijuana-infused products were food items.

(2) All medical marijuana sold or otherwise distributed by the Certificate of Compliance holder shall be packaged and labeled in a manner that advises the purchaser that it contains marijuana and specifies the amount of marijuana in the product, that the marijuana is intended for medical use solely by the patient to whom it is sold, and that any resale or redistribution of medical marijuana to a third person is illegal. In addition, the label shall comply with all applicable requirements of the State of Oklahoma and any other applicable law.

(3) The product shall be packaged in a sealed container that cannot be opened without obvious damage to the packaging.

(4) A commercial medical marijuana business may not advertise in a manner that is inconsistent with the medicinal use of medical marijuana. A medical marijuana business may not advertise in a manner that is misleading, deceptive, false, or designed to appeal to minors.

(5) Advertisement by a commercial medical marijuana business that promotes medical marijuana for recreational or any use other than for medicinal purposes shall be a violation of this code.

SECTION 2-90 Compliance with other applicable law.

Except as may be provided otherwise in this article, or rules adopted pursuant to this article or interpretations by the city, any law or regulation adopted by the state governing the cultivation, production, possession, or distribution of marijuana for medical use shall also apply to medical marijuana businesses in the city. Compliance with any applicable state law or regulation that does not permit what this article

prohibits shall be deemed an additional requirement for issuance or denial of any permit and/or certificate under this article, and noncompliance with any applicable state law or regulation is unlawful and shall be grounds for revocation or suspension of any permit and/or certificate issued under this article. No medical marijuana business shall continue operations in violation of an additional state law or regulation, which does not permit what this article prohibits, applicable within the city after the effective date of the state law or regulation.

SECTION 2-91 Revocable privilege and revocation of Certificate of Compliance upon denial or revocation of state license or applicable federal prohibition.

A commercial medical marijuana business permit is a revocable privilege, and no applicant therefor or holder thereof shall be deemed to have acquired any property interest therein.

If the state prohibits the cultivation, production, possession, or other distribution of marijuana through medical marijuana businesses, or if a medical marijuana business is denied a commercial medical marijuana business permit or has such permit revoked, or if a court of competent jurisdiction determines that the federal government's prohibition of the cultivation, production, possession, or other distribution of marijuana through medical marijuana businesses supersedes state law, any Certificate of Compliance issued pursuant to this article shall be deemed to be immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the Certificate of Compliance holder.

SECTION 2-92 MARIJUANA GROWING FACILITIES FOR PERSONAL MEDICAL USE

SECTION 2-93 Certificate of Compliance not required for state-authorized personal medical use or growing facilities for personal medical marijuana use.

No Certificate of Compliance or other City of Coalgate registration shall be required of any person(s) establishing a medical marijuana growing facility for state-authorized personal medical use or for the state-authorized medical use of a dependent or beneficiary.

It shall be unlawful for a person to grow marijuana for personal medical use within the corporate limits of the City of Coalgate, Oklahoma, without first obtaining appropriate license(s) from the state, per Title 63 O.S. § 421A and State Question 788.

SECTION 2-94 Location and security.

Any significant building improvement and/or renovation at a marijuana growing facility for personal medical use shall necessitate contact with the City Manager to determine appropriate need for building permit(s) and/or inspection(s), per applicable codes adopted by the City of Coalgate City Council. Said building permits and inspections from the Coalgate City Manager are applicable to any and all properties in the city, no matter the property/land use, when significant improvements or renovations occur.

While no Certificate of Compliance is required for marijuana growing facilities for personal medical use, the City of Coalgate adopts the following for said facilities:

(a) All homegrown medical marijuana plants shall be grown so that the marijuana is not accessible to a member of the general public and is only accessible to the patient or caregiver. If grown outdoors, it must be grown behind a sight-proof fence that is at least six (6) feet in height. The marijuana plants must be completely enclosed by the fence and the fence must be secured with a proper lock and key.

(b) Growing marijuana shall not be visible from the public right of way.

(c) The growing area including any lighting, plumbing or electrical components used shall comply with municipal building and fire codes. The growing area must be properly ventilated so as not to create humidity, mold or other related problems. Lighting and any use of generators and gas produces (CO2, butane, etc.) in the growing area shall be properly controlled, and not create a nuisance to the community.

(d) Growing marijuana shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if growing marijuana produces light, glare, heat, noise, odor or vibration that is detrimental to public health, safety or welfare or interferes with the reasonable enjoyment of life and property.

(e) The primary use of the residential property in which marijuana is grown for personal use shall remain at all times a residence, with legal and functioning cooking, eating, sleeping, sanitation/bathing facilities, working water and electric services, with proper ingress and egress. No room shall be used for growing marijuana where such cultivation will impair or prevent the life, safety and general welfare of the residents.

SECTION 2-95 Exemption from Certificate of Compliance does not provide any exception, defense, or immunity from other laws.

Any exemption from any Certificate of Compliance pursuant to this article does not create an

exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marijuana.

SECTION 2-96 Reserved.

Section II: DECLARATION OF EMERGENCY. For the immediate preservation of the peace, health and safety of the City of Coalgate, Oklahoma, and the inhabitants thereof, it is necessary that this ordinance shall become operative and go into effect immediately upon its passage, approval and publication. **(Ord. 199, Nov. 26, 2018)**

Passed and approved this 26th day of November 2018, in regular session of the Coalgate City Council.

Chapter 3

ANIMALS

Article 1. Definitions

Section 3-1. Definitions.

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

A. "Animal" means any horse, mule, donkey, pony, cow, sheep, goat, swine, dog, cat, rabbit, chicken, goose, duck, turkey, or any other animal or fowl.

B. "At large" means not securely confined by a fence or other means on premises under the control of, or occupied by, the owner of the animal, and not under the control of the owner, a member of his immediate family twelve (12) years of age or older, or an agent of the owner, by leash or otherwise.

C. "Owner" means any person, firm, or corporation owning, harboring or keeping an animal. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period of ten (10) days or more, is deemed to be harboring or keeping the animal.

D. "Vicious dog" means a dog which has bitten, or attempted to bite, any person without undue provocation, or which attacks, or barks or growls at and acts as if it intended to attack or bite, or bites, a person or persons, when not unduly provoked.

E. Kennel is any doghouse, run, small structure or shelter in which dogs are kept.

F. Commercial kennel used in commercial operations where dogs are bred or kept for profit. ***(Ord. 178 Jan. 31, 2011)***

Article 2. Animals in General

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

No owner shall permit any animal owned, harbored, or kept by him including a dog or cat, to be at large; and it is unlawful for any animal including a dog or a cat, to be at large at any time within the city of Coalgate, Oklahoma.

Section 3-3. Turning animals at large unlawful.

It is unlawful for any person to open any enclosure in which any animal is confined as required by ordinance so as to turn such animal at large, or in any manner to turn such animal at large.

Section 3-4. Pasturing public areas, etc., unlawful.

It is unlawful for any person to stake, confine, or pasture any animal on any public school ground or other public property, federal, state, city, or other, on any railroad right-of-way, or on any other property, without the consent of the person owning or controlling such property.

Section 3-5. Animals which may not be kept within the city.

A. It is unlawful to keep or maintain, or permit to be kept or maintained, any horses, cattle, swine, rabbits, mules, ponies, sheep, goats, geese, ducks, turkeys, chickens or other forms of livestock and domestic fowl within the city.

B. The keeping or maintaining, or permitting to be kept or maintained, any horses, cattle, swine or other livestock within the city is hereby declared (Change No. 1, 1979).

C. Persons presently maintaining livestock within the City Limits of the City of Coalgate and desiring to keep said livestock, as defined, within the city limits of the City of Coalgate, may make application for an exception to this Section. Applications for such an exception shall be made to the Coalgate Planning and Zoning Board by October 2, 1989. An applicant shall pay all fees in accordance with the schedule of fees enforced for permits. The applications shall be subject to the approval of the Planning and Zoning Board for the City of Coalgate, and the City Council of the City of Coalgate, Oklahoma: An application must be submitted in writing and state with specificity the following:

1. The proposed location where said livestock are to be kept within the City Limits.
2. Proof of the Applicant's ownership of the property on which said livestock are to be located.
3. The legal description of said property, complete with size and dimensions of said property.
4. A legible diagram of said property indicating the number, size, location and description of any shelters that are to be erected on the property for the purpose of keeping livestock.

The specific number of livestock to be placed upon said property.

6. A description of the fencing or other restraint devises to be used in order to prevent said livestock from leaving the property.

Applicant must obtain consent of at least fifty percent (50%) of the owners of adjoining property before making or submitting said application.

Any exception approved by the Coalgate Planning and Zoning Board and the City of Coalgate shall be conditional and non-transferable and shall not insure to any subsequent owners, renters or leasee. If or if there is a change of ownership or possession of said property by lease or rental, reapplication must be made to the Coalgate Planning and Zoning Board and the City of Coalgate, Oklahoma, as set forth above.

D. The provisions in A and B above shall not apply for areas that are zoned agricultural.

Section 3-6. Indecent exhibition of animals prohibited.

It is unlawful for any person to permit animals to have sexual intercourse in any place except an enclosed place entirely out of the public view.

Section 3-7. Noises; animals which disturb prohibited.

A. It shall be unlawful for any owner to fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking molesting passersby, shall be deemed a nuisance.

B. It is unlawful for any person to keep or harbor within the city any dog or other animal, which, by barking, howling, or otherwise, disturbs the peace and quiet of any person or persons.

Section 3-8. Building for animals.

A. Every building wherein any animal is kept within the city, shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

B. Every such building, if located within two hundred (200) feet of 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, shall be provided with a water-tight 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 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.

Section 3-9. Kennels, etc.: Location.

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 3-10. To be kept clean, etc.

Every structure, pen, lot, or place wherein an animal is kept or permitted to be, shall be maintained in a clean and sanitary condition, devoid of rodents and vermin, and free from objectionable odors.

Section 3-11. Manure.

Manure shall be hauled outside the city in a manner, which does not jeopardize the public health, or else shall be spread evenly upon the ground.

Section 3-12. Health officer or police chief to inspect.

The health officer or police chief, upon complaint of any person, shall inspect any structure or place where an animal is kept, and may do so on his own initiative. He may issue any such reasonable order as he deems necessary to the owner or keeper of the animal to cause the animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance. He may make a complaint before the municipal judge against any person for violation of any provision of this chapter or of any such complaint.

Section 3-13. Quarantine; rabid animals, etc.

A. Any animal, which bites a person, shall be quarantined for 10 days if ordered by the director of public health. During quarantine the animal shall be securely confined and kept from contact with any other animal. At the discretion of the director of public health, the quarantine may be on the premises of the owner. If the director of public health requires other confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or shall at his own expense, place it in a veterinary hospital.

B. If a person has been bitten or if there is good reason to believe that a person has been otherwise infected by such animal, the health officer or police chief may have the animal put to death in a humane manner and have it examined by medical authority to determine whether it has rabies.

Section 3-14. Diseased animals.

No domestic animal afflicted with a contagious disease shall be allowed to run at large, or to be exposed in any public place hereby the health of man or beast may be affected; nor shall such animal be shipped or removed from the premises of the owner except under the supervision of the health officer of the city. It is hereby made the duty of such health officer to secure such disposition of any diseased animal and such treatment of affected premises to prevent the communication or spread of contagion or infection.

Section 3-15. Killing dangerous animals.

The members of the police department or any other person in the city are authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property.

Article 3. Dogs.

Section 3-16. Parent's Liability.

The parent or guardian of any minor claiming ownership of any dog shall be deemed to be the owner of such animal and shall be charged for all penalties and shelter fees imposed by this article. ***(Ord. 178 Jan. 31, 2011)***

Section 3-17. Nuisances.

A. Any person affected by a nuisance cited in subsection B of this section shall notify the animal control office of the nuisance, and the animal control officer shall make an inspection to verify the complaint. The complainant shall be given the opportunity to file a written complaint with the animal control officer if the officer determines a nuisance exists. Following the receipt of a written complaint, the animal control officer may give the owner of the dog causing the nuisance a citation or a warning to mitigate the nuisance. Each day a nuisance exists shall constitute a separate offense.

B. A nuisance condition exists when the owner of a dog allows feces of such animal to accumulate and, in the opinion of the animal control officer, causes odors and becomes offensive to smell and unsightly. ***(Ord. 178 Jan. 31, 2011)***

Section 3.18. Running at Large.

Every dog shall be confined within the owner's property by either a substantial fence of sufficient strength and height to prevent the dog from escaping there from or by being secured on the premises by a metal chain or leash sufficient in strength to prevent the dog from escaping the owner's property and so arranged that the dog will remain upon the property when the leach or chain is stretched to full length. A dog may be off such premises if it is under the control of a competent person and restrained by a substantial leash not exceeding six feet in length. Any dog running at large within the city shall be impounded. ***(Ord. 178 Jan. 31, 2011)***

Section 3-19. Disturbing the Peace.

No person shall keep, own or harbor any dog within the city which by loud, frequent or habitual barking, whining or the making of other noises shall annoy or disturb the peace and quiet of any neighborhood, family or person. It is the intent of this section to restrict the privilege of keeping or harboring any dog within the city to a dog of a quiet and peaceful nature, which is not given to the habit of howling, whining or barking, except by intentional provocation directed to such dog by some person and then only while in the act of guarding or protecting the premises on which he is domiciled, of the master or of his household or effects. A violation of this section shall be considered a nuisance and is to be abated as set forth in Section 3-17 of this article. ***(Ord. 178 Jan. 31, 2011)***

Section 3-20. Proximity to residences.

No person shall keep or maintain any dog kennel, pen or shelter closed than 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. ***(Ord. 178 Jan. 31, 2011)***

Section 3-21. Maximum number.

It shall be unlawful for any person in the city to have in his possession or under this control more than three (3) dogs over the age of four months. However, a person may have in possession four (4) dogs over the age of four months, if all four (4) dogs are spayed/ neutered. ***(Ord. 178 Jan. 31, 2011)***

Section 3-22. Commercial kennels prohibited.

Commercial kennels are prohibited within the city limits of the City of Coalgate. ***(Ord. 178 Jan. 31, 2011)***

Section 3-23. Dogs to be vaccinated; license; permit period.

A. The owner of a dog shall have the dog vaccinated against rabies by a veterinarian or other authorized person every calendar year before the first day of May thereof, or, in the case of a pup, before he is six (6) months old. The person vaccinating the dog shall furnish the owner a certificate of vaccination.

B. No dog shall be permitted to be or remain in the city without being licensed as hereinafter provided.

C. A permit shall be valid for one year from date of issue. A new permit shall be obtained each year between January 1 and June 1 for those dogs held by an owner during that period, and for dogs obtained after June 1, within fifteen (15) calendar days after ownership or control of the dog has occurred.

D. It shall be the duty of the owner or person in custody of any dog kept in the City to have the dog inoculated against rabies each and every year. No permit or license shall be issued until the owner shows proof that the dog has been adequately protected from rabies by proper inoculation.

Section 3-24. Dog tax, registration, tag.

A. All dogs kept in the city shall be registered as to sex, breed, name and address of the owner and name of dog. At the time of such registration such owner shall obtain a license for such dog, and shall pay a tax as hereinafter provided. It shall be the duty of said owner to cause such license tag to be securely attached around the dog's neck and kept there at all times.

B. A tax of three dollars ($3.00) per year for every dog over six (6) months of age kept or harbored within the city is hereby levied upon the owner thereof.

C. The tax shall not apply to a dog only temporarily brought and kept within the city, nor to a dog brought within the city to participate in a dog show, nor to a "seeing eye" dog when such dog is actually being used by a blind person to aid him in going from place to place.

D. The owner shall pay such tax to the city clerk for every calendar year before the first of June thereof, or upon acquiring after that day any dog within the city upon whom the tax has not been paid for the year in which acquired or upon bringing a dog into the city after that day.

E. Before the city clerk accepts any money offered in payment of the tax for a dog or issues a license for it, the person offering the tax shall present to the city clerk the certificate of a veterinarian or other person legally authorized to immunize dogs, showing that the dog has been immunized against rabies during the calendar year (that is, since the 31st of the last December).

F. The city clerk thereupon shall deliver an original receipt to the taxpayer, and also an appropriate tag for the dog. Such tag shall constitute a license for the dog.

Section 3-25. Lost tags.

In case the tag is lost before the end of the year for which it was issued the owner may secure another for the dog by applying to the city clerk, presenting to him the original receipt, and paying to him a fee of fifty cents ($.50).

Section 3-26. Tags: Counterfeiting; placing other dogs.

No person shall counterfeit, or attempt to counterfeit, any tag issued for a dog, as provided in this chapter, or take from any dog a tag legally placed upon it, or place such tag upon a dog for which the tag was not specifically issued.

Section 3-27. Dogs and cats confined, when.

A. When the health officer or city manager determines and certifies that a dog, a cat or other animal in the city or within five (5) miles of the city is or was infected with rabies and that an epidemic of rabies threatens the city, the city manager may order all dogs to be confined, and if deemed desirable, all cats to be confined, during a period of time to be determined by the city manager. Such order shall be published in a newspaper of general circulation within the city and shall go into effect on the day following such publication unless the order prescribes a later time.

B. While such order is in effect, it is unlawful for any owner to permit a dog or cat to be at large in violation of such order, or for any dog or cat to be at large in violation thereof.

Section 3-28. Vicious Dogs.

1. A. No person owning or harboring or having the care of a vicious dog shall suffer or permit such dog to go beyond the premises of such person.

B. No person owning or harboring or having the care of a vicious dog shall suffer or permit such dog to go beyond the premises of such person unless such dog is securely leashed and muzzled or otherwise securely restrained and muzzled.

C. A vicious dog as defined hereinafter is determined by the City to be a public nuisance per se.

D. Definitions:

A vicious dog is "unconfined" as the term is used in this section if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the person described in subsection (a) hereof. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot.

E. No person shall own, keep, harbor or allow to be upon any premises occupied by him or under his charge or control any dog of a cross, dangerous or ferocious disposition, or that may manifest a disposition to bite, without being confined behind a fence and securely chained by a chain which will not allow him to come closer than six (6) feet to the fence; and if, upon the trial for any offense mentioned in this section, it shall appear to the municipal judge that such dog is still living, the municipal judge shall, in addition to the
usual judgment of conviction, order the chief of police to see that said dog is humanely put to sleep, and for the purpose any policeman may enter upon private premises. It shall further be duty of the owner of such dog to post a notice on the premises conspicuously visible to the public and reading in letters of not less than two inches high "BAD DOG HERE', or ' BEWARE OF BAD DOG'.

2. A "vicious dog" as the term is used in this section means:

A. Any dog with a propensity, tendency, or disposition to attack, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; or

B. Any dog which attacks a human being or other domestic animal one or more times without provocation; or

C. Any pit bull terrier which shall hereby defined as any Staffordshire Bull Terrier breed of dog or any mixed breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier by a qualified veterinarian duly licensed as such by the State of Oklahoma.

D. Subsections (A) and (B) above are necessary controls on the unrestrained activities of vicious animals which threaten the safety and pleasantness of streets, parks, sidewalks, yards, and all areas of the city; and the lack of knowledge of intent is not a defense in violation thereof.

No person shall possess with intent to sell, sell, or offer for sale, or buy or attempt to buy within the city any pit bull terrier.

3. No person shall transport a vicious dog as defined above in an open vehicle. Transporting will require the animal to be placed in an enclosed container at least two feet within the bed of the vehicle on all sides.

It shall further be duty of the owner of such dog to post a notice on the cage conspicuously visible to the public and reading in letters of not less than two inches high "BAD DOG HERE', or 'BEWARE BAD DOG'.

4. Owners of any of the above mentioned dogs must purchase a $100.00 permit from the city clerk and provide a $20,000.00 of insurance for a single incident should the dog attack anyone. Also required by this ordinance by the owner are identifying photographs of all pit bull dogs within the city limits and the owners of these dogs must report all births, deaths or transfers of pit bull dogs within the city limits. ***(Ord. 105 Sep 24, 1991)***

5. An emergency is hereby declared to exist by reason whereof it is necessary for the preservation of the public peace and health and safety that this ordinance be in full force and effect from and after its passage and approval, and publication. ***(Ord. 105 Sep 24, 1991)***

Section 3-29. Rabid dog may be killed.

Any person may kill a dog whose appearance or conduct of which is such as would cause an ordinarily prudent person to believe the dog to be afflicted with rabies.

Article 4. Pound:Establishment; Operation

Section 3-30. Pound established.

A city pound may be established under the jurisdiction of the police department. It shall be under the immediate control of a pound man or of such other person as may be officially designated. The person in charge of the pound shall provide proper sustenance for all animals impounded and shall treat them in a humane manner. The city may contract with another agency for the use of a pound maintained by the agency.

Section 3-31. Animal control man; impounding, etc.

A. The animal warden, policeman, city employee, pound man or any other city animal-control officer or employee shall catch, or take up and impound in the city pound any dog which is at large within the city. When a dog is so impounded, it shall be humanely kept and treated as hereinafter set out.

B. Unrestrained dogs or dogs at large may be taken by police, the city dog warden or the humane society and impounded in an animal shelter and there confined in a humane manner. Impounded dogs shall be kept for not less than three (3) days unless reclaimed by their owners. If by a permit tag or other means the owner can be identified, the city clerk shall immediately upon impoundment notify the owner by telephone or mail of the impoundment of the animal. Dogs not claimed by their owners within three (3) days shall be humanely disposed of by the city clerk or by an agency delegated to exercise that authority.

C. Any other person may take such animal into custody and present it to the authority in charge of the pound for impounding. The city council by motion or resolution may provide for the payment of rewards to private persons who present such animals at the pound, when funds are available.

D. Animals which are of no apparent value, taken into custody as provided in this section, shall be destroyed in a humane manner by the officer or employee of the city in charge of such animal or by the pound man, and shall not be kept in the pound.

Section 3-32. Breaking pound, etc.

No unauthorized person shall break or attempt to break open the pound, or take or let out any animal therefrom, or take or attempt to take from any officer or employee of the city any animal taken into custody as provided by ordinance, or in any manner interfere with or hinder such officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals as provided in this chapter.

Section 3-33. Redemption from pound.

An owner reclaiming an impounded animal shall pay a fee of ten dollars ($10.00) plus five dollars ($5.00) for each day that the animal has been impounded, to a total maximum fee of thirty-five dollars ($35.00). The owner may also be proceeded against for violation of this ordinance and his permit may be revoked.

Section 3-34. Returning animal to owner if known.

Notwithstanding the provisions of section 13, if an animal is found at large and its owner can be identified and located, such animal need not be impounded but may instead, be taken to the owner. In such case, the policeman, dog warden or other officer shall notify the city clerk of the violation of this chapter and may proceed against the owner for violation of this chapter.

Section 3-35. Sale of impounded animals.

A. As soon as practicable after any animal of apparent value has been impounded, the pound man or other employee or officer concerned, shall post a notice thereof at the police office of the city or at the pound. Such notice shall describe the animal and notify the owner to pay the charges thereon and remove the same prior to a designated time; and such notice shall also state that, unless the animal is redeemed, the animal will be sold.

B. Sales herein provided for shall be for cash and shall be conducted by, or under the direction of, the chief of police. If such impounded animal cannot be sold, he shall have it destroyed in a humane manner, or otherwise dispose of it in a legal manner.

C. The purchaser of an animal at a sale held as provided herein, shall acquire absolute title to the animal purchased.

D. The police department shall pay to the city clerk all money received from the sale of impounded animals on the day it is received or on the next day upon which the office of the city clerk is open for business.

Section 3-36. Owner may claim excess money.

The owner of an impounded animal sold as prescribed herein, may claim the excess of the sale price of the animal above the fees for impounding and keeping the same and a fee of five dollars ($5.00) to reimburse the city for any expense it has had in making the sale, at any time within three (3) months after the sale. If a claim is so made and approved by the city council the city clerk shall pay him such excess; but, if a claim is not so made, the excess shall belong to the city.

Section 3-37. Evidence.

In any prosecution charging a violation of any part of the above ordinance proof that the dog described in the complaint was at large as defined in Section 1 and that the defendant named in the complaint was the owner of the dog as defined in Section 2 shall constitute in evidence a prima facie presumption that the owner permitted, his, her, or its dog to be at large in violation of this ordinance. The word "permit" shall include but not be limited to the failure to take adequate precautions to prevent the dog from being at large.

Section 3-38. Reserved.

Article 5. Cats.

Section 3-39. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Cat means any feline, regardless of age or sex. ***(Ord. 178 Jan. 31, 2011)***

Section 3-40. Identification.

Every person residing in the city and owning or having in possession any cat over fourn months old shall have the cat bear identification. ***(Ord. 178 Jan. 31, 2011)***

Section 3-41. Rabies vaccination.

Every person residing in the city and owning or having in possession any cat over four months old shall be required to get the cat inoculated for rabies. Every veterinarian who vaccinates any cat shall collect his fee for the vaccination from the owner or keeper of the cat and shall issue a certificate of vaccination to such owner or keeper. He shall state in the certificate the name of the owner or keeper, the date of vaccination and the fact of vaccination. ***(Ord. 178 Jan. 31, 2011)***

Section 3-42. Maximum number.

It shall be unlawful for any person in the city to have in possession or under control more than three (3) cats over the age of four months. However, a person may have under his control six (6) felines, if all of which are spayed or neutered. ***(Ord. 178 Jan. 31, 2011)***

Section 3-43. Parents' liability.

The parent or guardian of any minor claiming ownership of any cat shall be deemed to be the owner of such animal and shall be charged for all penalties and shelter fees imposed by this article. ***(Ord. 178 Jan. 31, 2011)***

Section 3-44. Reserved.
(Ord. 178 Jan. 31, 2011)

Section 3-45. Reserved.
(Ord. 178 Jan. 31, 2011)

Section 3-46. Disposition of feral or vicious cats.

Any feral or vicious cat found running at large which, because of its disposition or diseased condition, it is too hazardous to apprehend, may be destroyed when so ordered by the chief of police of the city manager. In an emergency, fi the chief of police or city manager cannot be contacted in time to avoid danger to any person, any police office may destroy such animal without first contacting the chief of police or city manager. ***(Ord. 178 Jan. 31, 2011)***

Article 6. Cruelty to Animals

Section 3-47. Cruelty to animals.

A. No person shall cruelly treat any animal in the city in any way; any person who inhumanly beats, underfeeds, or abandons any dog shall be deemed guilty of a violation of this section.

B. It is unlawful for any person willfully and maliciously to pour on, or apply to an animal any drug or other thing which inflicts pain on the animal or knowingly to treat an animal

in a cruel or inhumane manner; or knowingly to neglect an animal belonging to him or in his custody in a cruel or inhumane manner.

Section 3-48. Poisoning animals.

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

Section 3-49. Encouraging animals to fight, etc.

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

Article 7. Zoning Ordinance to Prevail

Section 3-50. 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 8. Penalty

Section 3-51. Penalty.

Any person, firm, or corporation who violates any provision of this ordinance is guilty of an offense, and upon conviction shall be fined in an amount not more than two hundred dollars ($200.00), including costs. Each day upon which a violation continues shall be a separate offense.

Section 3-52. Conflict with existing City Code.

Should there be a conflict between this ordinance and Chapter 3, Article 3, of the City Code, this ordinance shall prevail over all other provisions set forth. Chapter 3, Article 3, of the City Code, unless in conflict with this ordinance shall remain in full force and effect.

Chapter 4

BUILDING, PLUMBING, AND ELECTRICAL INSTALLATIONS

Article 1. Building: Code and Regulations

Section 4-1. Persons must obtain a building permit:

A. It shall be unlawful for any person, firm or corporation to build, remodel or amend an existing structure, or new structure within the city limits without first obtaining a building permit.

B. All applications for a building permit for new structures shall include a survey or said property by a licensed surveyor, unless conditions merit waiver by the City Manager.

C. The Building Permit shall not be issued without first considering all relevant issues concerning said building, including all applicable safety codes, availability of water and sewer, parking access and availability, as well as the confirmation of said building to the existing structures within the immediate location.

D. Any person wishing to have a Building permit from the City of Coalgate, shall file an affidavit with the Application for Construction permit, stating that they have given notice to any landowners, lessees, renters or persons living within 300 feet from the construction area, at least 30 days prior to the commencement of construction, if any construction shall be done before 6 a.m. or after 10 p.m. at night. **(Ord. 198 Nov. 26, 2018)**

E. If a construction permit is issued by the City of Coalgate and construction commences before 6 a.m. or after 10 p.m. and the residents have not been notified, the person shall receive a citation from the City of Coalgate and shall be fined the amount of $200 for violating the restrictions against construction as set forward herein for each day violating the ordinance.**(Ord. 198 Nov. 26, 2018)**

F. Failure to comply with the request for a Building Permit shall constitute a fineable offense for each day of building or work without such permit at the rate of $57.00 fine per day.

Section 4-2. Building Officials and Code Administrators Code

There is hereby adopted for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as International Building Code; hereafter simply Building Code; being particularly the current edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which has been and now is filed in the office of the city clerk; and the same is hereby adopted and incorporated as fully as if set out at length herein. From the date on which this section shall take effect, the provisions of said code as herein modified shall be controlling in the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of all buildings and other structures within the corporate limits of the city. The latest edition or version of these codes shall be adopted by the City of Coalgate and shall apply as set forth herein.

Section 4-3. Establishment of office of building official.

A. The office of building official is hereby created and the executive official in charge shall be known as the building official.

B. The building official shall be appointed by the city manager, and may be removed by the city manager.

C. During temporary absence or disability of the building official the appointing authority shall designate an acting building official.

Section 4-4. Qualifications of building official.

He shall be in good health, physically capable of making the necessary examinations and inspections. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction, alterations, removal, and demolition.

Section 4-5. Duties of building official.

A. He shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the building code. He shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the building code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate facilities in buildings and structures, he shall issue such notices or orders as may be necessary.

B. Inspections required under the provisions of the building code shall be made by the building official or his duly appointed assistant. The building official may accept reports of inspectors of recognized inspection services after investigation of their qualifications and reliability. No certificate called for by any provisions of the building code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.

C. The building official shall keep comprehensive records of certificates issued, of inspections made, or reports rendered, and of notices or orders issued.

D. All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the building official without his written consent.

E. The building official shall make written reports to his immediate superior once each month, or more often if requested, including certificates issued, and orders promulgated.

F. The building official, as part of his official duties, shall assess building permits on the following basis: Twenty-five dollars ($25.00) minimum up to a total construction cost of ten thousand dollars ($10,000.00) and then one dollar ($1.00) per thousand thereafter. The cost for the issuance of a building permit shall be Five dollars and fifty cents ($5.50). Five dollars ($5.00) will be payable to the Oklahoma State Treasurer on a monthly basis. The fifty cents ($.50) Administrative fee per permit will be deposited into the City's Funds **(ORD 167 Aug. 25, 2009 O.S. 59 Section 1000.25)** Fees shall be paid to the city clerk when the permit is issued. Commercial building permits shall meet the approval of the Planning and Zoning Board, followed by final approval of the City Council, and the permit shall be issued based on meeting the requirements as defined in Chapter 16 of the Code of Ordinances of the City of Coalgate. ***(ORD 138 Jul 28, 1998)***

Section 4-6. Liability.

Any officer or employee, or member of the board of adjustment and appeals, charged with the enforcement of this code, acting for the city in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this code shall be defended by the department of law until the final termination of the proceedings.

Section 4-7. Right of entry.

The building official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

Section 4-8. Definitions.

A. Wherever the word "Municipality" is used in the building code, it shall be held to

mean the City of Coalgate, Oklahoma.

B. Wherever the term "Corporation Counsel" is used in the building code, it shall be held to mean the attorney for the City of Coalgate, Oklahoma.

Article 2. Plumbing Code

Section 4-9. Same adopted.

The provisions of the International Plumbing Code, the latest edition or version, as published by the International Code Council shall be adopted by the City of Coalgate and shall apply as set forth herein.

Article 3. Fuel Gas Code

Section 4-10. Same adopted.

The provisions of the International Fuel Gas Code, the latest edition or version, as published by the International Code Council shall be adopted by the City of Coalgate and shall apply as set forth herein.

Article 4. Liquefied Petroleum Gas

Section 4-11. Persons, etc., must comply with state law and possess any state license or permit required by law.

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, and it is unlawful for such liquefied petroleum gas to be stored within the corporate limits of this city. The Rules, Regulations and Standards for the Storage and Handling of Liquefied Petroleum Gases for the State of Oklahoma, current edition adopted by the Oklahoma Liquefied Gases Board, shall have full force and effect within this city; and any violation of these rules and regulations shall be deemed a violation of the ordinances of the city and shall be punished accordingly.

Note: Copies of the Rules, Regulations and Standards for the Storage and Handling of Liquefied Petroleum Gases for the State of Oklahoma may be obtained from the Oklahoma Liquefied Petroleum Gas Board. For present law providing for state permits, see 52 O. S. 1989, Sec. 420.4.

Article 5. Residential Code

Section 4-12. Same adopted.

The provisions of the International Residential Code, the latest edition or version, as published by the International Code Council shall be adopted by the City of Coalgate and shall apply as set forth herein.

Article 6. Property Maintenance Code.

Section 4-13. Same adopted.

The provisions of the International Property Maintenance Code, the latest edition or version, as published by the International Code Council shall be adopted by the City of Coalgate and shall apply as set forth herein.

Article 7. Electrical Installations

Section 4-14. "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.

Section 4-15. Electric Code adopted.

There is hereby adopted by the City of Coalgate, Oklahoma, for the purpose of establishing rules and regulations for the construction, alteration, removal and maintenance of electric wiring and apparatus, including permits and penalties, that certain electric code known as the National Electric Code being particularly the current edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended, of which has been and now is filed in the office of the city clerk of the City of Coalgate, Oklahoma, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this article shall take effect, the provisions thereof shall be controlling in the construction, alteration, maintenance or removal of all electric wiring and apparatus within the corporate limits of the City of Coalgate, Oklahoma.

Section 4-16. Inspector.

There is hereby created the office of electrical inspector who shall be appointed by the city manager. The electrical inspector shall be of good moral character, shall be versed in the approved methods of electrical construction for safety of like and property and the National Electrical Code.

Section 4-17. Duties.

A. The electrical inspector, who for the purpose of this article shall be known as the city electrician, and hereinafter referred to as such, shall have the duty and is hereby authorized, empowered and directed to regulate and determine the placing of electric wires or other appliances for electric lights, heat or power to the city and to cause all such wires, appliances or apparatus to be placed, constructed and guarded as not to cause fires or accidents, endangering life or property, and to be constructed as to keep to a minimum the loss or waste of electric current.

B. It shall be the duty of the city electrician to enforce all provision of this article and he is hereby granted the authority to enter all buildings in the city in the performance of his duties between the hours of eight a.m. (8:00) and five (5:00) p.m. daily, except that in an emergency and within the limits of reason, the city electrician may enter buildings for such purposes at other than the designated hours.

C. It shall be the duty of the city electrician to inspect and/or test all electrical work and equipment or apparatus for compliance with the code; whenever electric wiring, appliances, or apparatus shall be defective or hazardous through improper manufacture of improper or insufficient insulation or for any other reason, he shall at once cause the removal of such defect or defects at the expense of the owners of such wiring, appliance or apparatus.

Section 4-18 Permits.

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

Section 4-19 Inspection.

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

Section 4-20. Standards.

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

Section 4-21. Failure to comply.

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

B. Upon failure to comply with this article, the city electrician shall have authority, after due notice, to cut out electric current in the locality concerned.

Section 4-22. License to individual.

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

Section 4-23. Council may make special rulings.

The city council of the city, 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; but in all cases persons engaged in the installing of electrical equipment and holding an electrical license must be notified by letter of these decisions.

Article 8. Equal Access to Housing

Section 4-24. Purposes; construction.

The general purposes of this article are:

A. To secure for all people equal access to housing in all neighborhoods.

B. To preserve the public safety, health and welfare.

Section 4-25. Acts prohibited.

It shall be unlawful for any person, or persons, firm or corporation or the authorized agents or representatives of said firm or corporation;

A. To refuse to sell, lease, rent, assign or otherwise transfer the title or other interest in any housing, or real property upon which residential housing is to be constructed, to any person or to discriminate in the terms or conditions of the sale, rental or leasing of any residential housing unit, because of race, color, religion, or national origin.

B. To solicit or induce or attempt to solicit or induce, any person owning any interest in any residential housing to sell, rent or lease, or not to sell, rent or lease such housing to any person on the grounds of loss of value due to the present or prospective entry into the neighborhood of a person or persons of another race, color, religion, or national origin, either in the neighborhood for the purpose of such inducement, or to distribute, or cause to be distributed, material or making statements designed to induce a residential property owner to sell or lease his property due to such change in the neighborhood.

C. To refuse to negotiate with any person for the sale, rental or leasing of any residential property, or to represent that such property is not available for inspection, sale, rental or lease when in fact it is so available, because of such person's race, color, religion or national origin.

D. To file a complaint alleging a violation of this article, with knowledge that such complaint is false in any material respect, or to file such complaint for the sole purpose of harassment.

Section 4-26. Exemption.

Nothing herein shall apply:

A. To prohibit persons from giving preference to prospective buyers or tenants for any person other than race, color, religion, or national origin.

B. To the sale of a dwelling which is, or was at the time when first offered to sale, the residence of its owners.

C. To the rental of rooms in an owner-occupied residence or in a dwelling used exclusively as a rooming house.

D. To the rental or leasing of a housing unit in a building containing not more than eight (8) housing units.

E. To the rental or leasing of a dwelling or housing unit owned by any religious or fraternal organization, or private club used and occupied for such organizations purposes.

Section 4-27. Procedure.

A. Any person aggrieved by discriminatory housing practice prohibited by ordinance may file with the City Manager a complaint in writing. Said complaint shall be signed by the

person claiming to be aggrieved and shall state the name and address of the person alleged to have violated the provisions of this article, and shall further set forth the particulars of said violation and may include such other information as may be required by the City Manager. Complaints filed under this section must be filed within thirty (30) days after the alleged violation and failure to file within said time shall be considered a waiver of the application of this article.

B. The City Manager shall investigate each complaint and shall attempt an adjustment of said complaint by means of conference and conciliation. Sixty (60) days shall be allowed for the purpose of investigation, conference, and conciliation. Upon determination that a complaint is not well-founded, the City Manager may dismiss said complaint and notify the complainant and respondent, in writing, and the complaint to the City Council.

C. If the City Manager has not dismissed the complaint or if conference or conciliation has not resulted in withdrawal of the complaint within sixty (60) days from the date it was filed, the City Manager shall transmit its findings, in writing, and the complaint to the City Council.

D. Upon receipt of said findings and complaint, the Fair Housing Board shall hold a hearing to determine whether a violation of this article appears to have occurred. At least ten (10) days prior to such hearing the person named in the complaint and the complainant shall be notified in person or in writing of the time and place of such hearing. The person named in the complaint may file a written response to the complaint and appear at the hearing on said complaint in person or by legal counsel. The Council, when conducting such hearing, shall permit amendment to the complaint or the answer and any testimony heard at said hearing may be transcribed at the request of either party or at the direction of the Council. If the Council finds at said hearing the person named in the complaint appears to have engaged in any discriminatory housing practice or practices prohibited by ordinance, it shall so state in written findings which shall be furnished to the respondent and to the municipal counselor for consideration. If the Council, upon hearing, finds that the person named in the complaint does not appear to have engaged in any discriminatory housing practice, it shall so state its findings and shall dismiss the complaint. The Council shall establish rules and regulations to be approved by the city council to govern, expedite and effectuate the foregoing procedure.

E. Unless the complaint be withdrawn by the complaining party or the municipal counselor finds that there is insufficient information upon which to base the filing of such a charge, the charge shall be filed in municipal court within ten (10) days from the municipal counselor's receipt of the findings of the City Council.

FLOOD DAMAGE PREVENTION

Article 9. Statutory Authorization, Findings of Fact, Purpose and Methods

Section 4-28. Statutory Authorization.

The authority and responsibility is delegated and prescribed pursuant to the Oklahoma Floodplain Management Act, Title 82 O. S. Sec. 1601-1618.

Section 4-29 Findings of Fact

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

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

Section 4-30. Statement of Purpose

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

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

G. Insure that potential buyers are notified that property is in a flood area.

Section 4-31. Methods of Reducing Flood Losses.

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

A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

1. Control filling, grading, dredging and other development which may increase flood damage;

2. Percent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Section 4-32. Definition.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

APPEAL - means a request for a review of the Flood Plain Administrator's interpretation of any provision of this ordinance or a request for a variance.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE OR V.

BASE FLOOD - means the flood having a one percent chance of being equaled or exceeded in any given year.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

ELEVATED BUILDING - means a non-basement building (1) built, in the case of a building in Zones A1 - 30, AE, A, A99, AO, AH, B, C, X, and D, to have the e top of the elevated floor, or in the case of a building in zones V1-30, VE, V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (2) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flook. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3 (e) (5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date, “Existing construction” may also be referred to as “existing structures.”

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) the overflow of inland or tidal waters.
(2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM) - means an official map of a community of which the Federal Emergency Management Agency has delineated the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such as system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection form temporary flooding.

LEVEE SYSTEM - means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, hook trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for flood plain management purposes, structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by a community.

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual state of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation of the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL IMPROVEMENT - means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of thee structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE - is a grant of relief to a person from the requirements of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3 (b) (5), (c) (4), (c) (10), (d) (3), (e) (2), (e) (4), or (e) (5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

GENERAL PROVISIONS

Section 4-33. Lands to Which This Ordinance Applies

The ordinance shall apply to all areas of special flood hazard with the jurisdiction of the City of Coalgate.

Section 4-34. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency on its Flood Hazard Boundary Map (FHBM), Community No. 400047 B, dated 8/8/78, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

Section 4-35. Establishment of Development Permit.

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

Section 4-36. Compliance

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

Section 4-37. Abrogation and Greater Restrictions

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

Section 4-38. Interpretation

In the interpretation and application of this ordinance, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

Section 4-39. Warning and Disclaimer or Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural

causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

ADMINISTRATION

Section 4-40. Designation of the Floodplain Administrator.

The Coalgate City Manager is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to flood plain management.

Section 4-41. Duties & Responsibilities of the Floodplain Administrator.

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

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

B. Review permit application to determine whether proposed building site will be reasonably safe from flooding.

C. .Review, approve or deny all applications for development permits required by adoption of this ordinance.

D. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

E. Where interpretation is needed as to the exact location of the boundaries of the area of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

F. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is Oklahoma Water Resources Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

G. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

H. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation date and floodway date available from a Federal, State or other source.

Section 4-42. Permit Procedures.

A. Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

2. Elevation in relation to mean sea level to which any nonresidential structure shall be flood-proofed;

3. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Article 5, Section B (2);

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

B. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

Section 4-43. Variance Procedures.

A. The appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.

B. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

C. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this Article have been fully considered. As the lot size increases beyond the

one-half acre, the technical justification required for issuing the variance increases.

G. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

I. Prerequisites for granting variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

2. Variances shall only be issued upon, (1) showing a good and sufficient cause; (2)a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

3. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

J. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the for the conduct of a functionally dependent use provided that (1) the criteria outlined in Article 4, Section D (1)-(9) are met, and (2) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

PROVISIONS FOR FLOOD HAZARD REDUCTION

Section 4-44. General Standards

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

A All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

D. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood

waters; and,

G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Section 4-45. Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (4), the following provisions are required:

A. Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1)a., is satisfied.

B. Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

1. Manufactured Homes

a. Require that all manufactured homes to be placed within Zone, shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

b. All manufactured homes shall be in compliance with Article 5, Section B (1).

Section 4-46. Standards for Subdivision Proposals

A. All subdivision proposals including manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

B. All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions or Article 5 of this ordinance.

C. Base flood elevation data shall be generated by subdivision proposals and other proposed development including manufactured home parks and subdivisions which is greater that 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

D. All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Article 9. Penalty: Judicial Relief

Section 4-47. 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 chapter, without having a valid license, permit, certificate or certificate of registration as required, or who shall fail to do anything required by this chapter or by any code adopted by this chapter, or who shall otherwise violate any provisions of this chapter or of any code adopted by this chapter, or who shall violate any lawful regulation or order made by any of the officers provided for in this chapter, shall be guilty of an offense, and upon conviction thereof shall be fined in any sum not to exceed two hundred dollars($200.00), including costs. Each day upon which a violation continues shall be deemed a separate offense.

Section 4-48. Relief in the courts.

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

ARTICLE 10. REQUIRMENTS TO PLACE NUMBERS ON STRUCTURES

Section 4-49. "Structures and Dwellings" must be numbered according to address.

It shall be unlawful for any person being the owner of any building, structures, or dwelling which abuts a public street to fail to place and maintain thereon, in a place visible from the street, figures at least three (3) inches high, showing the number of the dwelling, building or structure.

Section 4-50. "Penalty".

The penalty for failure to abide by this Article shall be the minimum fine imposed by the City of Coalgate and may be assessed for each day of non-compliance.

Section 4-51. "Necessity".

It being immediately necessary for the preservation of public peace, health and safety, an emergency is hereby declared to exist, by reason whereof, this ordinance shall be in full force and effect immediately upon its passage and approval. **(Ord. 153. April 29, 2003)**

Chapter 5

BUSINESS AND OCCUPATIONS

Article 1. License Taxes

Section. 5-1. License tax levied against certain occupations.

There is hereby levied an occupation tax in the amounts hereinafter provided against the following specified and designated occupations and upon certain persons, firms, associations and corporations engaged in trade or business as hereinafter specified within the corporate limits of the City of Coalgate, Oklahoma.

Section 5-2. Unlawful to operate business without paying tax.

It shall be and is hereby declared to be unlawful for any person or persons, firm, partnership, corporation, cooperative association, club or combination of any kind whatsoever, either as principal or on his, their or its account or as agent, officers, factors, solicitor or employee of another, to engage in any business calling or occupation hereinafter specified without having first paid to the City of Coalgate a fee or tax, and procuring from the city a receipt in writing, as in Section 5-3 of this article provided.

Section 5-3. City clerk to issue license.

All taxes and fees due to be paid under the provisions of this article shall be paid to the city clerk for the use of said city, and it shall be the duty of the said city clerk to issue a license, which said license shall be signed by the mayor and countersigned by the city clerk who shall affix the corporate seal of the city thereto. The license shall state the name of the person, firm or corporation to whom issued, the nature of the business to be carried on, the location of such place of business, if such has been established, and the time to which such tax is paid. Receipts for fees shall be issued on a form to be furnished by the City of Coalgate, shall be issued in duplicate and the duplicate shall be retained by the city clerk; all such receipts shall be numbered consecutively, and the duplicate shall bear the same number as the original receipt.

Section 5-4. Payment of license taxes; issuance of licenses; expiration date, etc.

No license will be issued unless approved by the Planning and Zoning Commission, and the City Council (exception will be given to change in management and/or ownership of an existing occupation or business at the same address as long as it is properly zoned and no variance has been issued). Sufficient proof must be provided that the applicant has registered with the Oklahoma Tax Commission. All fees and taxes under this article shall expire no later than one (1) year after the date of its issuance or on June 30th of each year, and all licenses issued shall be for a term not to extend beyond the 30th day of June on the next succeeding year. No license may be issued until the amount prescribed therefore is paid to the city clerk, and no license in any case may be assigned or transferred. Licenses shall be signed by the mayor and the city clerk or his/her designee. The clerk shall affix the corporate seal of the municipality to the license. Should said fees and taxes not be paid within thirty (30) days after the due date, then and in that event a penalty of twenty cents (20¢) per day shall be charged and collected for each and every day's delinquency. Any licenses issued after January 1 shall be at half the cost and terminate on June 30th of the same year. Such receipt shall operate as a permit to operate and conduct such business under the terms of this article, and shall be prima facie evidence of the payment of the tax and fee herein provided such purchases thereof as shown upon the face of the receipt. Such receipt shall not be construed to be a license to conduct such business if under the provisions of

any other ordinance for the regulation of such business a license shall be required. **(Ord. 152 Dec 30, 2002)** ***(Ord. 132 Aug 1, 1997)***

Section 5-5. Separate licenses required.

Whenever two or more separate places of business are conducted by the same person, firm or corporation, a separate license shall be required for each such place of business, but any person, firm or corporation which shall carry on more than one kind of business at the same location or place of business, and in the name of and for the benefit of such person, firm or corporation and for the individual or joint account as the case may be, shall be required to pay but one fee or tax. However, the fee or tax shall be paid on the classification upon which the highest tax is levied under this article.

Section 5-6. Definitions.

For purpose of this article, the following terms, phrases, words and their definitions shall have the meaning contained herein:

A. Contractor. A person, firm or corporation engaged generally in the preparation for and erection or construction of buildings or any part at a certain price, engaged generally in the actual physical preparation for erection or construction of buildings or structures or any part thereof, for a price.

B. Merchant. A person, firm or corporation engaged generally in the buying and selling of or buying to sell, goods, wares or merchandise operating from a shop, a store, or other location.

C. Amusement devices. A device, machine or appliance for which a fee is charged, collected or required to operate or use such device for which fee there is no actual goods, wares or item of merchandise dispensed of value reasonably equal to the value of the fee charged, collected or required.

Section 5-7. Tax schedule.

Every person, firm or corporation engaged in any occupation or business of the nature and character hereinafter set out shall pay an occupation tax in an amount as set forth in the following schedule:

A. All City Retail Merchants, Businesses, Contractors and others doing business in the City of Coalgate, Except those designated below: $12.50 per year

B. Hawkers and peddlers, Except those selling produce and Agricultural Products — $35.00 per day or $100.00 per year

C. Shows; circuses; carnivals; other exhibition for pay

First day	$100.00
Each additional day	$ 75.00

1 The sponsor or person requesting the license or occupation tax above, all shows, circuses, carnivals and other exhibitions for pay, exception those exempted below, shall be required to apply for said license no less than two (2) weeks prior to the issuance of the same, and shall further be required to furnish all pertinent information as to the date, location, size of area necessary for the activity and parking and all information necessary to insure the health, safety, and welfare of all persons concerned.

2. That Licensee for the above shall be as follows:

Shows; circuses; carnivals; other exhibition for pay: $75.00

(Ord. 115 Nov 30, 1993)

Section 5-8. Exceptions.

There are hereby exempted from the provisions of this article all scientific or literary lectures and entertainments, and also all concerts and musical and other entertainment given exclusively by the citizens of the City of Coalgate.

Section 5-9. Fixing value of stock for license purposes.

For the purposes of fixing the value of stock and fixtures where the same is required in Section 5-8 above, the owner or representative thereof shall subscribe to such value under oath on forms to be supplied by the city clerk of Coalgate, Oklahoma. Provided, further, that any person who knowingly makes a false oath or affidavit as to such value shall be punished by a fine of not to exceed the sum of two hundred dollars ($200.00) upon having been charged by a proper complaint in the municipal court and found guilty thereof.

Section 5-10. License may be revoked.

Any license issued by the city to any person, firm, association or corporation to engage in, exercise or pursue any business, profession, trade, occupation or privilege, may be revoked by the council after adequate opportunity for a hearing, for the following reasons:

A. That the licensee is engaging in, exercising or pursuing the business, profession, trade, occupation or privilege in such a manner that he has created or is creating a public nuisance.

B. Serious or repeated violation of the law or ordinances, provided that valid licenses may be revoked only when the business, profession, trade, occupation or privilege is one which the council has power to prohibit because of its nature or because of the manner in which it is engaged in, exercised or pursued.

Section 5-11. Transfer of license prohibited.

The assignment or transfer of licenses shall not be permitted in this city.

Section 5-12. Duplicate license.

Whenever any license to engage in, exercise or pursue a business, profession, trade, occupation or privilege, has been lost or destroyed without any wrongful act or connivance by the holder, the city clerk on application shall issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make, and file with the city clerk, an affidavit that the license has not been transferred, that it has been lost or destroyed without any wrongful act or connivance by the holder, and that, if believed lost, he has made diligent search for it and has not been able to find it. The fee for every duplicate license issued, payable to the city clerk, shall be one dollar ($1.00).

Section 5-13. Residential Sales.

A. RESIDENTIAL SALE DEFINED

Whenever used in this article, unless otherwise clearly indicated by the context, the term "residential sale" means any sale held out to be, or commonly known as a garage, porch, room, back yard, front yard sale or patio sale, or any other type of general sale conducted from or on any premises not located in a zoning district which permits such sales, where goods or articles of any type are held out for sale to the public. This definition shall not include a situation where specific items are held out for sale and all advertisement of such sale specifically names the items to be sold.

B. EXEMPTION FROM PROVISIONS

The provisions of this ordinance shall not apply to or affect the following persons:

1. Persons acting pursuant to an order or process of a court of competent jurisdiction:
2. Persons acting in accordance with their powers and duties as public officials: and
3. Duly licensed auctioneers selling at auctions.

C. LICENSE REQUIRED; SEPARATE FOR EACH LOCATION,

ONE LOCATION EACH SIX (6) MONTHS

It is unlawful and an offense for any person to hold, conduct, engage in or participate in any manner, in a residential sale without having first obtained a license , as provided for in this article. The issuance of a license under the provisions of this article shall not exempt such persons from the terms and provisions of any other ordinance of the City.

A separate license shall be required for each location at which a residential sale is to be held, and no location shall be eligible for more than one license in any six-month period.

D. LICENSE APPLICATION

An applicant for a license under the provisions of this chapter shall furnish the City Clerk with the following information:

1. Full name and address of applicant;
2. The location at which the proposed residential sale is to be held;
3 The date, or dates upon which the sale shall be held, and
4. An affidavit from the Applicant to the effect that all goods to be sold at the subject residential sale are owned by the Applicant and have not been obtained for the purpose of reselling the articles.

E. LICENSE ISSUANCE

The City Clerk is authorized to grant a license for a residential sale for a period not to exceed three (3) consecutive days to any person applying therefor and who otherwise complies with the other ordinances of the City. When a residential sale is not held on the dates for which the license is issued or is terminated during the first day of such sale because of inclement weather conditions, and an affidavit by the license holder to this effect is submitted, the City Clerk may issue another license to the Applicant for a residential sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held.

Before issuing a residential sale license, the City Clerk may conduct such investigation as may reasonably be necessary to determine if there is compliance with this article and other ordinances of the City.

F. LICENSE REVOCATION

Any license issued under this article may be revoked , or any application for issuance of such license may be refused by the City Clerk in the event the ordinances of this City are not complied with or if the application submitted by the Applicant, or license holder, contains any false, fraudulent or misleading statement.

G. INTERVALS BETWEEN SALES, SIX (6) MONTHS

It is unlawful and an offense for any person to hold, conduct , or engage in or participate in any manner in a residential sale, to allow a residential sale to be held or conducted on premises under his control or ownership more than one time in any six (6) month period.

H. ADVERTISING SIGNS OR DEVICES LIMITED

Not more than one sign or other device used for the purpose of advertising, or otherwise calling attention to a residential sale, shall be allowed for each residential sale licensed under this article. The sign or devise shall be located on the immediate premises where the sale is to be conducted, but in no event shall the sign or device be more than two hundred (200) feet from the sale area. The display surface of such sign or device shall not exceed three (3) square feet on each side.

I. DISPLAY OF GOODS

The sale area at any residential sale shall be confined to the premises for which the license has been issued, and in no event shall articles or goods be so displayed as to attract attention or be conspicuously in view from any public street.

J. LICENSE FEE

For purposes of helping to defray the cost of inspection and the enforcement of this ordinance, there is levied a fee for each residential sale license in the sum of $5.00, as set by the City Council.

Article 2. Pool or Billiard Halls

Section 5-14. Proper operation of pool or billiard halls; time when closed.

A. It is unlawful for the owner, manager, or operator of a pool or billiard hall, family recreation center or other amusement parlor to permit therein gambling, betting, operation of a lottery, sale, furnishing or drinking of intoxicating liquor, disorderly conduct, loud or disturbing language or any other violation of the laws of the State of Oklahoma or of the ordinances of the city.

B. It is also unlawful for the owner, manager or operator of such hall to permit therein fighting, boxing, wrestling, other contests of physical strength, or the sale, furnishing or drinking of non-intoxicating beverages as defined in Chapter 2 hereof.

C. It is unlawful for the owner, manager, or operator of a pool or billiard hall to operate it on a Sunday or between midnight and 7:00 a.m. on any day.

Section 5-15. Revocation of license.

The municipal judge, after adequate opportunity for a hearing, may revoke the license for the operation of a pool or billiard hall for the violation of the laws or ordinances of the city. This procedure is cumulative to that provided in the penalty clause, Section 5-28.

Article 3. Pawnbrokers

Section 5-16. Pawnbrokers to keep register; register subject to inspection; when open for business.

A. Every pawnbroker shall keep at his place of business a register in which he shall record in ink or with indelible pencil an adequate description of all property purchased, taken or received by him, including any number that may be thereon. He shall record in the register the date when all property is received and also the name and place of residence of the person leaving or pledging the property, including his street and street number if any. He shall also record his age, color, color of eyes and hair, weight and height, unless he is acquainted with him. He shall record in the register the amount loaned, the interest and/or any other charges, and the time when the loan is to become due. All such entries shall be made within one hour after the purchase or receipt of property. The register shall be kept clean and legible.

B. The pawnbroker shall give without charge to the person leaving or pledging property a legible ticket containing a true copy of all entries made in the register concerning the property left or pledged.

C. The register herein required to be kept shall be subject to the inspection at any time by any policeman of the city, the sheriff of the county, any deputy sheriff of the county, the city attorney, the county attorney, the city manager, and any person authorized in writing to make such inspection by the city manager or the chief of police. Upon request, the pawnbroker shall show to such officer or person for inspection any article or articles purchased, taken or received unless such article or articles have already been legally disposed of.

Article 4. Sale of Merchandise, Etc.

Section 5-17. Consent required for sale of personal property on or in vacant property.

It is unlawful for any person, firm or corporation, including a civic or religious organization, to sell, barter, trade or transfer any merchandise, wearing apparel or other personal property of any kind on or in any vacant property in the city without the consent of the owner or person in control of said property.

Section 5-18. Auctions on streets and sidewalks unlawful.

It is unlawful for any person to hold any public or private auction for sale of property on any of the streets or sidewalks of the city; provided that this section shall not apply to the sale of property under any lien, execution or order of any court of the State of Oklahoma or of the United States of America.

Article 5. Dancing

Section 5-19. Public dances; times when not permitted; persons under eighteen years.

A. It is unlawful for any person, firm or corporation to operate, conduct or supervise, or assist in the operation, conduct or supervision of any dance where the public is permitted to dance, at any time on Sunday or between 1:00 a.m. and 7:00 a.m. on any other day.

B. It is unlawful for any person under the age of eighteen (18) years to enter or be in a place at a dance where the public is permitted to dance unless such person is accompanied by a parent or guardian, or is properly chaperoned by a responsible person; or for any person operating, conducting supervising, or assisting in the operation, conduct or supervision of, such a dance, knowingly to permit a person under eighteen (18) years of age to remain in such place, unless so accompanied or chaperoned.

Section 5-20. Dancing unlawful in place where so-called non intoxicating beverages are sold, etc.

A. It is unlawful for any person to dance in any place within the limits of the city where non-intoxicating beverages are either sold, furnished, kept for sale, stored or consumed.

B. It is unlawful for any person who either owns, operates, leases, manages, supervises or is employed in any place where non-intoxicating beverages are either sold, furnished, kept for sale, stored or consumed, to permit or allow any person or persons to dance therein.

Article 6. Shows, Etc.

Section 5-21. Shows, exhibitions and entertainment.

A. It is unlawful for any person, firm or corporation to show moving pictures for profit or to persons who pay admission charges to view them at any time between the hours of 2:00 a.m. and 1:00 p.m. on Sunday.

B. It is unlawful to show vile, obscene or immoral moving pictures at any time, or to give any kind of a show, exhibition or entertainment which is vile, obscene or immoral, at any time.

Article 7. Shooting Galleries

Section 5-22. Shooting galleries.

Every shooting gallery constructed, established, set up or operated in this city hereafter shall be constructed, established, set up and operated in accordance with the standards, specification and requirements as provided in the state statutes and shall comply with all the requirements thereof. No shooting gallery shall be operated in this city until a license has been secured therefor in accordance with this chapter. Any violation of any provision of this section shall be deemed an offense against the city, and shall be punishable as such.

Article 8. Fortune Telling

Section 5-23. Fees, etc., for fortune telling prohibited.

It shall be unlawful for any person or persons pretending or professing to tell fortunes by the use of any subtle craft, means or device whatsoever, either by palmistry, clairvoyance or otherwise, plying his or her trade, art or profession within this city, to make any charge therefor either directly or indirectly or to receive any gift, donation or subscription by any means whatsoever for the same.

Article 9. Advertising

Section 5-24. Throwing advertising on street, etc., prohibited.

It is unlawful for any person to throw, leave or deposit, or cause to be thrown, left or deposited, upon any street, alley, sidewalk or other public area, any handbill, circular, or other advertising matter.

Note: For provision prohibiting placing signs on property of another without consent, etc., see Section 14-53 of this code.

Article 10. Oil and Gas

Section 5-25. Drilling or digging for, and production of, oil and gas prohibited.

A. It is unlawful for any person, firm or corporation to drill or dig a well for oil or natural gas, or to produce oil or natural gas, within the city.

B. In addition to being an offense and punishable as such, such drilling, digging or production is also hereby declared to be a public nuisance and subject to abatement as a public nuisance.

Note: For nuisances generally, see Chapter 13 of this code.

Article 11. Weights and Measures

Section 5-26. Short weights and measures prohibited.

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

Article 12. Penalty

Section 5-27. Penalty.

Any person, firm or corporation which shall conduct, pursue, carry on or operate within the corporate limits of the City of Coalgate, Oklahoma, without having first paid the occupation tax or fee herein levied in accordance with the provision of this chapter, any business, trade or occupation upon which the payment of the occupation tax is by the terms of this chapter required, or shall assist, directly or indirectly, in so doing in any manner or to any extent whatever, either as owner or proprietor, superintendent or agent or as an officer of any corporation or as manager, servant or employee or any person, firm or corporation, shall be deemed guilty of unlawfully conducting such business and shall be punished by a fine of not to exceed the sum of two hundred dollars ($200.00). And each and every day on which any such place of business shall be kept open in violation of the provisions of this chapter, and each and every sale or transaction, including each and every sale or ticket of admission, or each and every admission for any circus, carnival, show or moving picture theater as are required to pay an occupation tax, and shall be deemed to have violated the terms of this chapter, and upon conviction shall be punished by a fine of not to exceed two hundred dollars ($200.00) for every sale which constitutes a separate offense.

Chapter 6

CEMETERIES

Note: For State law relating to Municipal Cemeteries, see 11 O.S., Sec 26-108----26-112.

Article 1. Administration

Section 6-1. Administration.

The City cemetery shall be administered through the City General Government. ***(Ord. 116 Nov 30, 1993)***

Section 6-2. Cemetery board: Created; exception provided.

A. A board of cemetery trustees is hereby created and established which shall be composed of five (5) members appointed by the mayor with the approval of the city council. The term of the members shall be for a period of five (5) years, beginning July 1 of the year of appointment; provided that the mayor shall, in the beginning, designate one (1) member for one (1) year, one (1) member for two (2) years, one (1) member for five (5) years, after which time all successors shall serve for a period of five (5) years.

B. Not withstanding (A) above, the mayor and city council may elect to serve as trustees for the municipal cemetery. In the event the mayor and city council elect to serve as trustees, no cemetery board shall be appointed.

C. The mayor and city council may at any time it chooses become the trustees of the cemetery and relinquish such duty when it deems the same to be in the best interest of the city to do so.

Section 6-3. Same: Duties.

The cemetery board, if created, shall act in an advisory capacity to the city council, and shall from time to time make recommendations for the improvement in the maintenance and operation of the cemetery. The board, if created, shall inquire into complaints and make recommendations to the city council.

Article 2. Rules and Regulations

Section 6-4. Conditions of lot purchases.

All lots shall be sold subject to the rules and regulations of the cemetery. No lot shall be used for any purpose other than the burial of human remains and the placing of appropriate monuments and memorials. Burial lots are exempt from ordinary taxes and cannot be seized on execution. No mortgage or other encumbrance shall be given on any lot. An interment once properly made shall not be disturbed except on written consent of the original owners or their heirs, and then only with the permission of the city manager.

Section 6-5. Purchase of lots.

When a lot is paid for in full, a deed of title, for cemetery purposes only, shall be issued to the purchaser by the city clerk. This section does not apply to indigent interment cases.

Section 6-6. Transfer of lots.

The transfer of lots or parts of lots to another person shall be reported to the city clerk for recording. No person shall be recognized as owner or part owner unless so recorded. All transfers of parts of lots less than conveyed from the city to the lot owners must be approved by the city manager.

Section 6-7. Price of lots; charges.

A. The mayor and city council of the City of Coalgate, by motion or resolution, shall determine the prices at which the various lots in the city cemetery shall be sold and also the charges to be made by the city for internment, dis-internment, and other services, if furnished.

B. INTERNMENT FEES:

1. Internment fees for services held Monday through Friday shall be $200. The internment fees for services held Saturday or Sunday shall be $400.

(Ord. 150 Aug 28, 2002)

2. Openings for cremations shall be charged $25. If closings are performed by the family there shall be no charge, otherwise an additional $25 shall be charged.

(Ord. 156 Sep 1, 2004)

Section 6-8. Cemetery Care fund.

A permanent fund shall be established and maintained in the name Cemetery Care Fund for the City of Coalgate.

A minimum of 25% of all lot sales shall be deposited in the Cemetery Care Fund. In addition 25% of all internment fees and charges shall be deposited in said fund.

The fund principal shall be expended for purchasing lands for the Coalgate Cemetery and for making capital improvements as defined in 11 O.S.§ 17-110. The balance of the fund may be invested in the manner provided by law for investment of municipal funds. The interest from the investments may be used for the same purposes as the principal or in improving, caring for , and embellishing the lots, walks, drives, parks and other necessary improvement on the cemetery. (**Ord. 140 Sep 28, 1999)**

Section 6-9. Perpetual Care Fund.

Donations, deposits or bequests may be made in trust for the special care of specified lots, monuments or mausoleums in any cemetery. These funds shall be segregated and set aside as a permanent fund to be known as the "Perpetual Care Fund". A separate account shall be kept of each amount so deposited, donated and bequeathed for special care of specified lots. The perpetual care fund may be invested in like manner as the cemetery care fund, and only the interest derived from the fund shall be used in the care, maintenance and repair of such lots, monuments and mausoleums, unless otherwise specified by the donor. ***(Ord. 141 Sep 28, 1999)***

Section 6-10. Conduct in cemeteries.

No person shall:

A. Enter a cemetery except through established gates.

B. Throw rubbish or debris on walks or drives or any part of cemetery grounds.

C. Pick or mutilate any flowers, either wild or domestic, or disturb any trees, shrubs or other plants.

D. Consume liquors, beer, or controlled drugs within a cemetery or carry the same on the premises.

E. Permit any animal to enter or remain in a cemetery.

F. Discharge any firearms or air rifles in or adjacent to a cemetery. This regulation shall not apply to authorized volleys at burials.

Section 6-11. Admittance of children to cemetery.

No children under sixteen (16) years of age shall enter a cemetery unless attended by adults responsible for the children's conduct.

Section 6-12. Financial responsibility of city for property damage.

The city shall not be responsible for any damage to lots, structures or objects thereon, or for flowers or articles removed from any lot or grave.

Section 6-13. Traffic regulations.

All traffic laws of the city that are applicable to the operation of vehicles in cemeteries shall be strictly observed. Persons driving in cemeteries shall be responsible for any damage done by the vehicle in a driver's charge. In addition, no person shall:

A. Drive a vehicle in excess of fifteen (15) miles per hour on any cemetery road.

B. Drive off the established roads unless permission is given in writing to do so.

C. Make a U turn on cemetery roads.

D. Use a cemetery road as a public thoroughfare.

Section 6-14. Supervision of lot plantings and improvements.

All plantings and other improvements to lots shall be done with the approval of the city manager.

Section 6-15. Lot care.

The following rules shall be observed in the care of cemetery lots:

A. Copings may be allowed in the section opened in 1992 and thereafter of the cemetery only if they are flush with the ground. Fences, structures of wood and hedges in the section opened in 1992 and thereafter are prohibited. ***(Ord. 137 Nov 1, 1998)***

B. Those structures or enclosures established on any lot previous to the adoption of these regulations which have in the judgment of the cemetery management become unsightly by reason of neglect or age shall be removed.

C. No elevated mounds shall be built over graves, and no lot shall be filled above the grade of surrounding terrain.

D. Receptacles for cut flowers shall be installed flush with the surface of the lawn in all new additions to the cemetery.

E. Chairs, settees, benches and vases that have previously been permitted must be properly maintained. Failure to properly maintain shall be cause for removal.

F. Rubbish, refuse and unused containers shall not be left on the lots.

G. No person, firm or corporation may enclose any cemetery lot in the cemetery of the City of Coalgate, Oklahoma, by curb, fence posts, rails, pipe or any other means in all new and future additions to the Coalgate cemetery.

H. All above ground tombstones or markers shall have a foundation base, flush with

the ground, of four (4) inches thick and six (6) inches wider than the base of the tombstone. All types of tombstones may be erected in the new addition (New addition meaning area opened after December 30, 1989, located to the north of existing cemetery). ***(Ord. 119 Jun 1994 and Ord. 103 Jul 1, 1991)***

I. All foot markers, corner markers, cremation urn markers or any marker other than a headstone must be flush with the ground . ***(Ord. 156 Sep 1, 2004, Ord. 137 Nov 1, 1998 and Ord. 119 Jun 1994)***

Section 6-16. Conditions to be fulfilled before internment.

A. No internment shall take place without a burial permit, nor until all laws, ordinances, rules and regulations relative to burials have been complied with. No grave shall be opened unless the grave space has been paid for, with the exception of indigent cases, or when the funeral director assumes the responsibility of payment for such grave space or spaces. Funeral directors making arrangements for burials shall be responsible for all internment charges if not paid by the owner or agent. If the deceased to be interred is not a member of the immediate family of the lot owner, permission in writing from such owner must be filed with the city clerk. This permission must be filed before the internment is made.

B. All internments will include a container; either a concrete box, concrete vault or steel vault; in which the casket shall be placed. ***(Ord. 119 Jun 1994)***

Section 6-17. Preparation of graves.

A. Only one (1) casket internment in any one (1) grave shall be permitted. The city shall not be held responsible for errors in location of graves on lots arising from improper instructions of lot owners. Orders from funeral directors shall be construed as orders from owners. Under no circumstances shall the city assume responsibility for error in opening graves when orders are given by telephone.

B. No more than six cremation urns shall be interned in one space. ***(Ord. 156 Sep 2, 2004)***

Section 6-18. Disinternment and removal.

Dis-internment and removal of a body shall not be made without the permission of the city manager (see Sec. 6-4). Graves shall not be opened for inspection except for official investigation and as may be ordered by a court of competent jurisdiction.

Section 6-19. Ordinances of the city extended to cemeteries.

All of the ordinances of the city, where applicable, are hereby extended to all city-owned cemeteries which may exist outside the corporate limits of the city, and shall be in full force and effect therein.

Section 6-20. Police power.

The management and employees engaged in work at the city cemetery duly authorized by the City of Coalgate shall have and exercise police power and make arrests and file complaints against persons, firms or corporations committing an offense in the city cemetery.

Article 3. Penalty

Section 6-21. Penalty.

Any person, firm or corporation who shall violate any provision of this chapter by doing any act prohibited or declared to be unlawful thereby, or declared to be an offense or misdemeanor thereby, or who shall fail to do any act required by any such provision, or who shall fail to do any act when an ordinance provision declares such failure to be unlawful or to be an offense or misdemeanor, shall be guilty of a misdemeanor; and upon conviction thereof shall be punished by

a fine not exceeding two hundred dollars ($200.00), including costs. Each day upon which any such violation continues shall constitute a separate misdemeanor.

Chapter 7

FINANCE AND BUSINESS

Article 1. Sales Tax Ordinance

Section 7-1. Citation and codification.

The following shall be known and may be cited as the City of Coalgate Sales Tax Ordinance.

Section 7-2. 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 purposes of this ordinance hereby ratified, confirmed and adopted in lieu of any requirement for an additional city permit for the same purposes.

Section 7-3. Effective date.

This ordinance shall become and be effective on and after July 7, 1967 subject to approval of a majority of the registered voters of the City of Coalgate voting on same in the manner prescribed by 11 O.S., Section 16-101 et seq.

Section 7-4. Purpose of revenues.

It is hereby declared to be the purpose of this title to provide revenues for the support of the functions of the municipal government of the City of Coalgate, Oklahoma.

Section 7-5. Tax rate; sales subject to tax.

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

A. Tangible personal property purchased in the municipality.

B. Natural or artificial gas, electricity, ice, steam, or any other utility or public service, except water.

C. Transportation for hire or persons by common carriers including railroads, both steam and electric, motor transportation companies, taxicab companies, pullman car companies, airlines and all other means of transportation for hire.

D. Service telephone and telegraph companies to subscribers or users, including transmission of messages, whether local or long distance. This shall include all services and rental charges having any connection with transmission of any message.

E. Printing or printed matter of all types, kinds and character and the service of printing or overprinting.

F Service of furnishing rooms by hotels, apartment hotels, public rooming houses and public lodging houses and tourist camps.

G. Services of furnishing storage or parking privileges by auto hotels and parking lots.

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

I. Advertising of all kinds, types and character, including any and all devises used

for advertising purposes and the servicing of any advertising devices, except as provided in subsection (15) of section 7-6 hereof.

J. Dues or fees to clubs, and the sale of tickets or admission to places of amusement, to athletic, entertainment, recreational events, or dues or fees for the privilege of having access to or the use of amusement, entertainment, athletic or recreational facilities, including free or complimentary paid tickets, dues or fees are hereby declared to have a value equivalent to the price of tickets, passes, admissions, fees or dues of like kind or character.

K. For the purpose of this title, sales of service and tangible personal property made for the purpose of developing real estate even though such sales to consumers or users. Sales of service and tangible personal property including materials, supplies and equipment made to contractors who use same in the performance of any contract, are hereby declared to be sales to consumers or users and not sales for resale. Sales of tangible personal property to persons who are primarily engaged in selling their services shall be deemed sales to consumers or users and, therefor, taxable. Sales of tangible personal property to peddlers, solicitors and other salesmen who do not have established places of business shall be deemed to be sales to consumers or users, and, therefor taxable. ***(Ord. 401, Apr 1987)***

Section 7-6. Exemptions.

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

A. Sale of raw products from the farm, orchard or garden, where such sale is made by the producer of such raw products directly to the consumer or user; gross receipts or gross proceeds derived from the sale of livestock, poultry, poultry products, and dairy products by the producers; exemptions by this subdivision shall not apply when such articles are sold, even though by the producer thereof, at or from an "established business place" not on a farm; neither shall this exemption apply unless said articles are produced or grown within the State of Oklahoma. The provisions of this subsection are tended to exempt the sale of livestock producers of livestock sold at livestock sales. The provisions of this subsection are intended to exempt the sale of dairy products when sold by a dairyman or farmer who owns all of the cows from which the dairy products he sells are produced. The provisions of this section shall not be construed to exempt sales of dairy products by any other business. The provisions of this subsection shall not be construed to exempt sales by florists, nurserymen and chicken hatcheries.

B. Dues paid to fraternal, religious, civic, charitable or educational societies or organizations by regular members thereof, provided such societies or organizations operate under what is commonly termed the lodge plan or system, and provided such societies or organizations do not operate for a profit which inures to the benefit of any individual member or members thereof exclusion of other members.

C. Sale of tangible personal property or services to or by churches except where such organizations may be engaged in business for profit or savings, competing with other persons engaged in the same or similar business.

D. Gross receipts and gross proceeds deriving from the transportation of school children to and from schools in motor and other vehicles .

E. Transportation of persons where the fare of each person does not exceed fifteen cents (.15), or local transportation of persons within the corporate limits of cities and towns except by taxicabs.

F. Sale of food in public, common, high school or college cafeterias and lunch rooms operated primarily for teachers and pupils, not operated primarily for the public and not operated profit.

G. Carrier sales made directly to consumers or users of newspapers or any other periodicals where any individual transaction does not exceed twenty-five cents (.25).

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

I. Sale of gasoline or motor fuel on which the Motor Fuel Tax, Gasoline Excise Tax or Special Fuels Tax has been paid to the State of Oklahoma.

J. Sale of crude petroleum or natural or casinghead gas and other products subject to gross production tax under the provisions of the laws of this state. This exemption shall not apply when such products are sold to a consumer or user for consumption or use, except when used for injection into the earth for the purpose of promoting or facilitating the production of oil or gas.

K. Sales of motor vehicles, attached optional equipment and accessories, on which sale the Oklahoma Motor Vehicle Excise Tax has been paid.

L. Sales by county, district and state fairs.

M. Sale of advertising space in newspapers and periodicals and billboard advertising service, and sales of time for radio and television broadcasts of advertising.

N. Sales for resale to persons regularly engaged in the business of reselling the articles purchased, whether within or without the state, provided that such sales to residents of this state are made to persons to whom sales tax permits have been issued by the Oklahoma Tax Commission as provided by law. The 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 sales tax permits or established places of business.

O. Goods, wares, merchandise, and property sold for use in manufacturing, compounding, processing, assembling or preparing for sale shall be classified as having been sold for the purpose of resale or the subject matter of resale only in the event (A) such goods, wares, merchandise, or property are purchased for the purpose of being manufactured into a finished article and if it becomes a recognizable, integral part of the manufactured compounded, processed, assembled or prepared products, or (B) if it is consumed in the process of manufacturing, compounding, processing, assembling or preparing products for resale.

P. Sale of machinery and equipment purchases and used by persons establishing new manufacturing or processing plants in Oklahoma, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in Oklahoma, provided, this exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in the process of manufacturing property subject to taxation hereunder. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such.

Q. 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.

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

S. Sales of containers shall be exempt when sold to a person regularly engaged in the business of reselling empty or filled containers, or when he purchases such containers for the purpose of packaging raw products of farm, garden or orchard, for resale to the consumer or processor, provided, this exemption shall not apply to the sale of containers used more than once and which are ordinarily known as returnable containers unless a tax under this title is collected and paid to the tax collector with respect to each and every transfer by such person of title or possession of such returnable container if made to any consumer or user within this state; nor shall it apply to the sale of labels or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise.

T. Exemptions of poultry and livestock feed and farm machinery, prescribed by the State Sales Tax Code, shall be equally applicable as exemptions from the tax herein levied. See sections 7-20 through 7-22 of this ordinance.

Section 7-7. Other exempt transfers.

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

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

1. A statutory merger or consolidation.
2. The acquisition by a corporation of substantially all of the properties of another corporation when the consideration is solely all or a part of the voting stock of the acquiring corporation, or of its parent or subsidiary corporation.

B. In connection with the winding up, dissolution or liquidation of a corporation only when there is a distribution in kind to the shareholders of the property of such corporation.

1. 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.

C. To a partnership in the organization of such partnership if the former owners of the property transferred are immediately after the transfer, members of such partnerships and the interest in the partnership, received by each, is substantially in proportion to this interest in the property prior to the transfer.

D. From a partnership to the members thereof when made in kind in the dissolution of such partnerships.

Section 7-8. 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.

All check issued from any fund within the City of Coalgate, Oklahoma, shall require two handwritten signatures, one signature by any of the following group of the City Officers: Mayor, City Manager or Public Works Director. The other signature by either the City Clerk or Assistant City Clerk.

Rubber stamp signatures are not considered a valid signature. ***(Ord. 108 Jun 30, 1992 and Ord. 110 Dec 29, 1992)***

Section 7-9. Payment of tax; brackets.

The tax herein levied shall be paid to the tax collector at the time in form and manner provided for payment of state sales tax under the Sales Tax Law of Oklahoma, and the bracket system for the collection of three percent (3%) city sales tax by the tax collector shall be as the same is now or hereafter adopted by agreement between the City of Coalgate, Oklahoma, and the Oklahoma Tax Commission in the collection of both the three percent (3%) city sales tax and the four (4.5%) state sales tax.

Section 7-10. 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 7-11. Classification of taxpayers.

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

Section 7-12. Vendor's duty to collect tax.

A. The tax levied hereunder shall be paid by the consumer or user to the vendor, and

it shall be the duty of each and every vendor in this city to collect from the consumer or user the full amount of the tax levied by this title, or an amount equal as nearly as possible or practicable to the average equivalent thereof.

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

C. A vendor, as defined herein, who willfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied hereof, or willfully or intentionally fails, neglects or refuses to comply with the provisions or remits or rebates to a consumer or user, either directly or indirectly, and by whatsoever means, all or any part of the tax herein levied, or makes in any form of advertising, verbally or otherwise, any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any manner whatsoever shall be deemed guilty of an offense, and upon conviction thereof shall be fined not more than two hundred dollars ($200.00), including costs.

Section 7-13. Returns and remittances; discounts.

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

Section 7-14. Tax collector defined.

The term "tax collector" as used herein means the department of the city government or the official agency of the state duly designated according to law or contract authorized by law to administer the collection of the tax herein levied.

Section 7-15. Definitions.

The definitions of words, terms and phrases contained in the Oklahoma Sales Tax Code, Title 68 O. S., Sec. 1352 are hereby adopted by reference and made a part of this chapter.

Section 7-16. Interest and penalties; delinquency.

Section 217 of Title 68, O. S. 1989, is hereby adopted and made a part of this chapter and interest and penalties at the rates and in amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by said ordinance. Provided, that the failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in the time and manner required by said ordinance shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five days the taxpayer shall forfeit his claim to any discount allowed under said ordinance.

Section 7-17. Waiver of interest and penalties.

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

Section 7-18. Erroneous payments; claim for refund.

Refund of erroneous payment of the city sales tax herein levied may be made to the taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, was provided for administration of the state sales tax as set forth in 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 chapter.

Section 7-19. Fraudulent returns.

In addition to all civil penalties provided by this ordinance, the willful failure or refusal of any taxpayer to make reports and remittances therein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under said ordinance shall be an offense, and upon conviction thereof the offending taxpayer shall be subject to a fine of not more than two hundred dollars ($200.00), including costs.

Section 7-20. Exemption of fertilizer.

In addition to all other exemptions allowed by this ordinance, the sales of agricultural fertilizer to persons regularly engaged for profit in the business of farming and/or ranching which are exempt from state sales taxes under provision of 68 O. S., Section 1357 and 1358. shall likewise be exempt from the city sales tax herein levied.

Section 7-21. Exemption of farm machinery.

In addition to other exemptions allowed by this ordinance, the sales of farm machinery to be used directly on a farm or ranch in the production, cultivation, planting, sowing, harvesting, processing, spraying, preservation, or irrigation of any livestock, poultry, agricultural or dairy products produced from such lands which are exempt from state sales tax under provision of Title 68, O. S., Section 1357 and 1358 shall be likewise exempt from the city sales tax herein levied.

Each purchaser of farm machinery must certify, in writing, on the copy of the invoice or sales ticket to be retained by the seller that he is engaged in farming or ranching and that the farm machinery will be used only in farming or ranching.

Section 7-22. Exemption of gross proceeds from sale and purchase of feed.

In addition to the other exemptions allowed by this ordinance, the sales and purchases within Oklahoma of feed shall, subject to the conditions and limitations set forth in Title 68, O. S., Section 1358, which are exempt from the state sales tax under such statute shall be likewise exempt from the city sales tax herein levied.

Section 7-23. Records confidential.

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

Section 7-24. Provisions severable.

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

Section 7-25. Amendments.

The City Council of Coalgate, Oklahoma, is hereby authorized to make such administrative and technical changes or additions in the method and manner of administration and enforcing this ordinance as may be necessary for proper efficiency and fairness except that the rate of the tax herein provided shall not be changed without approval of the qualified electors of the city as provided by law.

Section 7-26. Provisions cumulative.

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

Article 2. Sales Use Tax Ordinance

Section 7-27. Excise Tax on Storage , Use or Other Consumption of Intangible Personal Property Levied.

There is hereby levied and there shall be paid by every person storing, using or otherwise consuming within the municipality tangible, personal property purchased or brought into this municipality, an excise tax on the storage, use or other consuming within the municipality of such property at the rate of three percent (3%) of the purchase price of such property. Such tax shall be paid by every person storing, using or otherwise consuming, within the municipality, tangible, personal property purchased or brought into the municipality. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the municipality and shall be assessed to only property purchased outside Oklahoma; provide that the tax levied herein shall not be levied against tangible personal property intended solely for use outside the municipality, but which is stored in the municipality pending shipment outside the municipality or which is temporarily retained in the municipality for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the tax authorized herein, may deduct from such tax any local or municipal sales tax previously paid on such goods or services; provided, that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the municipality had been levied on the sale of such goods or services.

Section 7-28. Exemptions. The provisions of this Ordinance shall not apply:

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

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

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

D. In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the municipality, and machinery and equipment purchased and used by persons to the operation of manufacturing plants already established in the municipality. Provided, this exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under the Sales Tax Code of the municipality. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

E. In respect to the use of tangible, personal property now specifically exempted from taxation under the Sales Tax Code of the municipality

F. In respect to the use of any article of tangible, personal property brought into the

municipality by an individual with intent to become a resident of this municipality where such personal property is for such individual's personal use or enjoyment.

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

H. In respect to livestock purchased outside Oklahoma and brought into this municipality for feeding or breeding purposes, and which is later resold.

Section 7-29. Time When Due--Returns--Payment.

The tax levied by this Ordinance is due and payable at the time and in the manner and form prescribed for payment of the State Use Tax under the Use Tax Code of the State of Oklahoma.

Section 7-30. 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 7-31. Collection of Tax by Retailer or Vendor.

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

Section 7-32. Collection of Tax By Retailer or Vendor not Maintaining a Place of Business within State or Both within and without State--

Permits. The Tax Commission may, in its discretion, upon application, authorize the collection of the tax herein levied by any retailer or vendor not maintaining a place of business within this state but who makes sales of tangible, personal property for use in this municipality and by the out-of-state place of business of any retailer or vendor maintaining places of business both within and without Oklahoma and making sales of tangible, personal property at such out-of-state place of business for use in this municipality. Such retailer or vendor may be issued, without charge, a permit to collect such taxes, by the Tax Commission in such manner and subject to such regulations and agreements as it shall prescribe. When so authorized, it shall be the duty of such retailer or vendor to collect the tax upon all tangible, personal property sold to his knowledge for use within this municipality. Such authority and permit may be cancelled when at any time the Tax commission considers that such tax can more effectively be collected from the person using such property in this municipality. Provided, however, that in all instances where such sales are made or completed by delivery to the purchaser within this municipality by the retailer or vendor in such retailer's or vendor's vehicle, whether owned or leased (not by common carrier), such sales or transactions shall continue to be subject to applicable municipality Sales Tax at the point of delivery and the tax shall be collected and reported under taxpayer's sales tax permit number accordingly.

Section 7-33. Revoking Permits.

Whenever any retailer or vendor not maintaining a place of business in this state, or both within and without this state, and authorized to collect the tax herein levied, fails to comply with any of the provisions of this Ordinance or the Oklahoma Use Tax Code or any order, rules or regulations of the Tax Commission, the Tax Commission may, upon notice and hearing as provided for in Title 68 O.S., Section 1408, by order revoke the use tax permit, if any, issued to such retailer

or vendor, and if any such retailer or vendor is a corporation authorized to do business in this state may, after notice and hearing above provided, cancel said corporation's license to do business in this state and shall issue a new license only when such corporation has complied with the obligations under this Ordinance, the Oklahoma Use Tax Code, or any order, rules or regulations of the Tax Commission.

Section 7-34. Remunerative Deductions Allowed Vendors of Retailers of Other States.

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

Section 7-35. Interest and Penalties--Delinquency.

Section 217 of Title 68 O.S. 1989 is hereby adopted and made a part of this Ordinance, 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 Ordinance. Provided, that the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of tax in the time and manner required by this Ordinance shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the retailer or vendor shall forfeit his claim to any discount allowed under this Ordinance.

Section 7-36. Waiver of Interest and Penalties.

The interest or penalty or any portion thereof accruing by reason of a retailer's or vendor's failure to pay the municipality Tax herein levied may be waived or remitted in the same manner as provided for said waiver or remittance as applied in administration of the State Use Tax provided in Title 68 O.S. 1989, Section 220, and to accomplish the purposes of this section the applicable provisions of said Section 220 are hereby adopted by reference and made a part of this Ordinance.

Section 7-37. Erroneous Payments--Claim for Refund.

Refund or erroneous payment of the municipality Use Tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the State Use Tax as set forth in Title 68 O.S., 1989, Section 227, and to accomplish the purpose of this section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Ordinance.

Section 7-38. Fraudulent Returns.

In addition to all civil penalties provided by this Ordinance, the willful failure or refusal of any taxpayer to make reports and remittances 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 Ordinance shall be an offense and upon conviction thereof the offending taxpayer shall be punished by a fine of not more than two hundred dollars ($200.00) and costs. Each day of noncompliance with this Ordinance shall constitute a separate offense.

Section 7-39. Records Confidential.

The confidential and privileged nature of the records and files concerning the administration of the municipality Use Tax is legislatively recognized and declared, and to protect the same the provisions of Title 68 O.S. 1989, Section 205, of the State Use Code, and each subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the municipality Use Tax as is herein set forth in full.

Section 7-40. Provisions Cumulative.

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

Section 7-41. Provisions Severable.

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

Section 7-42. Definitions.

The definitions of words terms and phrases defined in the Oklahoma Use Tax Code, Section 1401, O.S. 1989 are hereby adopted by reference and made a part of this Ordinance. In addition thereto, the following words and terms shall be defined as follows:

A.. City shall mean the City of Coalgate, Oklahoma

B. Transaction shall mean sale.

Section 7-43. Tax Collector Defined.

The term "tax collector" as used herein means the department of the municipality 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 7-44. Classification of Taxpayers.

For the purpose of this Ordinance, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Use Tax Code.

Section 7-45. Subsisting State Permits.

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

Section 7-46. Purposes of Revenues.

It is hereby declared to be the purpose of this Ordinance to provide revenues for the support of the functions of the municipal government of the municipality, and any and all revenues derived hereunder may be expended by the governing body of the municipality for any purpose for which funds may be lawfully expended as authorized.

Section 7-47. Citation and Codification.

The City of Coalgate Use Tax Ordinance became effective Dec 18, 1986.

Article 3. Lodging Tax

In addition to all other taxes levied and/or assessed prior to April 1, 2010, there is hereby levied and accessed an excise tax, hereinafter referred to as "Lodging Tax", more particularly as follows:

Section 7-48. Definitions.

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

A. "Assembly Area" means: a Room or space which is capable of being occupied by fifty (50) or more persons and which is not used for lodging, but rather is used for educational, recreational, or amusement purposes, including areas set apart for: nightclubs; restaurants; public or private banquets; feasts, socials; weddings; meeting rooms; gymnasiums; swimming pools; halls or rooms used for public or private catering purposes; recreational rooms; and all other places of similar type of use.

B. "City manager" means: the City Manager or his/her designate(s).

C. Occupancy" means: the use or possession, or the right of use or possession of any Room in a Place of Lodging, or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the Room.

D. "Occupant" means: a person who, for a consideration, uses, possesses, or has the right to use or possess any Room in a Place of Lodging under any lease, concession, permit, right of access, license to use, or other agreement.

E. "Operator" means: any person operating a Place of Lodging in this City including, but not limited to, the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee, manager or similar agent.

F. "Person" means: any individual, corporation, company, partnership, voluntary association, firm, club, society, organization or any other entity of whatever kind or nature.

G. "Place of Lodging" means: any hotel, motel, inn, lodge, motor lodge, public lodging house, tourist court, apartment hotel, public rooming house, tourist camp, or similar businesses and/or establishments.

H. "Rent" means: the consideration received for Occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also any amount for which credit is allowed by the Operator to the Occupant, without any deduction(s) whatever.

I. "Required Records" means; the following records, items, documents and/or things, each being hereby required to be kept and maintained as further set forth in Sub-Paragraph E hereof, namely:

1. Documentation establishing every Occupancy and all rent paid, charged, or due thereon, and of the Lodging Tax payable thereon; and

2. All monthly Room Tax Reports, monthly Exemption Forms, and Individual Exemption Certificates applicable thereto, for the applicable time period.

3. "Room" means: any room or rooms of any kind in any part or portion of a Place of Lodging that are available for lodging purposes or let out for use

or possessed for any purpose other than an Assembly Area.

Section 7-49. Unlawful Acts.

It shall be unlawful for any person to operate a Place of Lodging and/or, engage in being an Operator thereof, or otherwise carry out Lodging Activities at any location within the City without having a valid Certificate of Authority so to do. Further:

A. Prior to opening or the commencement of business (or, if in existence upon the passage hereof, then within Thirty (30) days of the passage hereof), every Place of Lodging Operator shall file with the City Manager a Certificate of Registration, and an Affidavit and Designation of the Operator, on such forms as prescribed by the City Manager.

B. The City manager shall, within five (5) days after receipt of the required Certificate of Registration and Affidavit, issue, without charge, to the Operator a Certificate of Authority authorizing such Operator to collect the Lodging Tax from the Occupants and shall be permanently displayed by the Operator in such manner that it may be seen and come to the notice of all Occupants and persons seeking Occupancy. Such Certificate of Authority shall be non-assignable and non-transferable and shall be surrendered immediately to the City manager upon the cessation of business at the Place of Lodging named, or upon its sale or transfer, or upon the change of designated Operator.

Section 7-50. Additional unlawful acts. Additionally, it shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of the Coalgate City Code pertaining to such Lodging Tax applicable thereto, including but not limited to: the failure or refusal of any Operator to file any required returns, reports and/or remittances, or the making or giving of any false and fraudulent report or other information for the purpose of avoiding or escaping payment of any Lodging Tax or portion thereof rightfully due, or failure to post a bond (if required). Each day a violation exists shall constitute a separate offense.

Section 7-51. Operator Responsible For Collection. The Operator of a Place of Lodging shall be responsible for the collection of the lodging Tax from its Occupants, and for otherwise complying with the provisions of the Coalgate City Code relating and/or pertaining thereto, and shall be liable to the City for such Lodging Tax, and any interest and/or penalty thereupon.

Section 7-52. Tax To Be Separately Designated on Bills. The Operator shall separately designate, charge and show the Lodging Tax on all bills, statements, receipts or other evidence of charges or payments of Rent for Occupancy issued or delivered by the Operator.

Section 7-53. Required Records. Operators shall maintain copies of all Required Records at the business premises of the Place of Lodging for a period of not less than Three (3) years from the date thereof; provided that the City Manager may consent to their earlier destruction or may require that they be kept longs; such Required Records shall be kept and maintained in such form and/or format as the City Manager may, from time to time, direct or require; and shall be provided and made available for inspection and examination at any time upon demand by the City Manager, or a duly authorized agent or employee of the City.

Section 7-54. Confidentiality of Information. The confidential and privileged nature of the records and files concerning the administration of the Lodging Tax is legislatively recognized and declared, and to protect the same the provisions of 66 O.S. § 205, and each Subsection thereof, are hereby adopted by reference and made fully effective and applicable to administration of the Lodging Tax as if herein set forth.

Section 7-55. Lodging Tax – Exemptions; and related provisions:

A. **Exemptions From Lodging Tax.** Subject to the provisions and requirements set out in Subsections B and C hereof, the following shall be deemed to be exempt from the obligation to pay the Lodging Tax:

1. The United States Government or any agency of division thereof when paid directly by the United States government.
2. The State of Oklahoma or any political subdivision thereof when paid directly by the State of Oklahoma or any political subdivision.
3. Any public school or state-accredited private school when paid directly by the school, provided that its primary purpose is not carrying on a business for profits; and
4. Any church when paid directly by the church, provided that its primary purpose is not carrying on a business for profit.

B. **Exemption Form and Acknowledgement required.** Any Place of Lodging claiming an exemption is nevertheless liable for payment of the Lodging Tax unless such exemption is approved by the City Manager. Every Operator claiming an exemption from the Lodging Tax shall submit a monthly Exemption Form, personally signed by the Operator, which shall serve as a sworn acknowledgement that all information contained on the Exemption Form is true and correct. Exemption Forms must be submitted at the same time as, and with, each monthly Room Tax Report. No Claim for exemption will be allowed by the City Manager unless it is claimed for the month in which it accrues; provided, however, for good cause shown, the City Manager may grant an extension of time to file the same. Upon submission of an Exemption Form, the City Manager shall make a final determination as to the validity of all claimed exemptions. Should the City Manager determine that a claimed exemption is not valid, the Place of Lodging shall be assessed the Lodging Tax plus applicable interest and penalties. The Exemption Form shall be provided by the City manager, and shall: indicated beginning and ending Occupancy dates, number of Rooms, number of nights, Room(s) occupied, Room rate, exempted amount, the name of the Occupant seeking exemption, the exempt organization with which they are affiliated, reason for the exemption, and any other information required by the City Manager.

C. **Accompanying Individual Exception Certificate.** Every proffered Exemption Form shall be accompanied by the Individual Exemption Certificates supporting, respectively, each exemption sought thereby, and duly executed by the Occupant for whom the exemption is presented. The Operator shall be responsible for assuring such Individual Exemption Certificate is so executed and provided. Such Individual Exemption Certificate forms shall be provided by the City Manager, and include the following:

1. A statement declaring the basis for the exemption; name of the exempt organization;
2. The name, signature, business address and pertinent contact information (including but not limited to telephone numbers and e-mail addresses) of the Occupant claiming the exemption;
3. The method of payment (must list the exempt entity that directly

paid);

4. The date on which the exemption form is executed; and

5. An acknowledgement of the Occupant's execution of the exemption, established by the signature of an employee or agent of the Place of Lodging.

Section 7-56. Lodging Tax- Reporting and paying taxes; Operator compliance discounts; delinquent taxes; interest and penalties; assessment and determination of tax; related provisions; bond requirements on delinquent accounts; notices; refunds and credits; exclusive remedies; lien for nonpayment of taxes; additional general powers of City manager.

A. **Monthly Room Tax Reports.** Every Operator shall file a monthly Room Tax Report setting forth details of the Occupancy and Rents, and Lodging Taxes payable thereon, for the monthly period ending the last day of every month of each year; such reports to be filed with the City Treasurer no later than the fifteenth (15th) day of the month immediately following such reporting period. The monthly Room Tax Report Form shall be prescribed by the City Manager and Contain such information as he/she may deem necessary. The City Manager may require an amended monthly Room Tax Report to be filed within ten (10) days after notice, to contain such information as is specified in the notice.

B. **Payment of Lodging Tax.** At the time of the filing of each monthly Room Tax Report, each Operator shall pay to the City Treasurer the lodging Taxes due upon the Rents included in such monthly Room Tax Report. As well as all other monies collected by the Operator acting or purporting to act under the provisions relating thereunto. All Lodging Taxes for the reporting period for which a monthly Room Tax Report is required to be filed shall be due from the Operator and payable to the City Treasurer on or before the date fixed for the filing of the monthly Room Tax Report for such period, without regard to whether a monthly Room Tax Report is actually filed, or whether the monthly Room Tax Report which is filed correctly shows the amount of Rents and the Lodging Taxes due thereon.

C. **Operator's Discount.** In order to remunerate Operators for maintaining tax records, filing monthly Room Tax Reports, and remitting the Lodging Tax when due, a three percent (3%) discount shall be allowed upon the Lodging Taxes paid prior to the time they become delinquent. In order to be eligible for the discount, the monthly Room Tax Report and any monthly exemptions forms must accompany payments.

D. **Delinquent Taxes.** All taxes not paid within fifteen (15) calendar days following the last day of the reporting period shall be delinquent.

E. **Interest and Penalties on Unpaid Taxes.** Operators shall be assessed interest and penalties on delinquent Lodging Taxes as follows:

1. If any Lodging Tax becomes delinquent, the Operator responsible and liable for such tax shall pay interest on such unpaid tax at the rate of Two Percent (2%) per month on the unpaid balance from the date of delinquency; and

2. If any Lodging Tax is not paid by the last calendar day of the month due, the Operator responsible and liable for such tax shall pay a penalty on such unpaid tax at the rate of Ten Percent (10%) per month on the unpaid balance, from the date of delinquency to a maximum of Fifty Percent (50%) of the Lodging Tax.

F. **Assessment and Determination of Tax.** If a required report is not filed, or if a report, when filed, is incorrect or insufficient, the Lodging Tax due may be

assessed by the City Manager from such information as may be obtainable and, if necessary, the Lodging Tax may be estimated on the basis of external indices, such as number of Rooms, location, scale of Rents, comparable Rents, types of accommodations and services, number of employees, or other factors. Written notice of such assessment shall be given to the Operator liable for the collection and payment of the Lodging Tax. Such assessment shall finally and irrevocably fix and determine the lodging Tax due unless the Operator against whom it is assessed, within sixty (60) days after the giving of such notice of assessment, applies, in writing, to the City Council for a hearing, and/or the City Manager, on his/her own motion, reassess the same. In the event of such a hearing, the City Council shall give written notice of its determination to the Operator, within thirty (30) days following such hearing; which said determination shall be final.

G. **Notices.** Notices provided for under in this Section shall be deemed to have been given when such notice has been delivered personally to the Operator or deposited in the United States mail to the last known address of the Operator.

H. **Bond Required.** If the City Manager believes an Operator is about to cease business, leave the state, remove or dissipate assets, is habitually late in filing reports and/or payments for Three (3) of the latest Six (6) months, or for any other similar reason deems it necessary, in order to protect Lodging Tax revenues, he/she may require such Operator to file with the City a bond issued by a surety company authorized to transact business in this State, in such amount as the City Manager may fix, to secure the payment of any Lodging Tax or penalties and interest due, or which may become due from such Operator. The City Manager shall give notice to such Operator specifying the amount of bond required. The Operator shall file such bond within Five (5) days after the giving of such notice unless, within such Five (5) days, the Operator, in writing, requests a hearing before the City Council; in which case the propriety and amount of the bond shall be determined thereby, which shall be final and shall be complied with within Fifteen (15) days thereafter. In lieu of such bond, securities approved by the City Manager, or cash in such amount as he/she may prescribe, may be deposited with the City Treasurer, who may at any time, after Five (5) days notice to the depositor, apply the same to any Lodging Tax or penalties and interest due, and for that purpose the securities may be sold at private or public sale.

I. **Refunds and/or credits.** The City manager shall refund or credit any Lodging Tax erroneously, illegally or unconstitutionally collected if written application from the Operator, with the reasons therefore stated in writing, is made to the City Manager therefor within one (1) year from the date of payment thereof. For like causes, and in the same period, a refund or credit may be made upon the initiative of the City Manager. No refund shall be made to an operator until he/she has paid the Occupant the amount for which the application for refund is made. The City Manager, in lieu of any refund required to be made, may allow credit against payments due from the Operator. Upon application for a refund or credit, the City Manager may require evidence with respect thereto, and make such investigation as he/she deems necessary. After making a determination as to the refund or credit, the City Manager shall provide notice thereof to the Operator. Such determination shall be final unless the Operator, within thirty (30) days after such notice, applies in writing to the City Council for a hearing. After such hearing, the City Council shall give written notice of its decision to the Operator.

J. **Remedies Exclusive.** The remedies provided in this Section shall be exclusive remedies available to any Operator for the review of any Lodging Tax liability.

K. **Additional General Powers of City Manager.** In addition to all other powers granted to the City Manager, he/she is hereby authorized and empowered:

1. to permit or require the monthly Room Tax Report to be made by shorter or longer periods and upon such dates as he/she may specify;
2. to file a lien for nonpayment of taxes, penalties and/or interest, as provided by 68 O.S. § 2701 and 2704;
3. to make, adopt and amend rules and regulations appropriate to the carrying out of the provisions relating to the Lodging Tax for the purposes thereof;
4. to extend, for cause shown, the time for filing any report for a period not exceeding thirty (30) days; and for cause shown to waive, remit or reduce penalties or interest;
5. to delegate his/her functions hereunder to an assistant or other employee or employees of the City; and
6. to prescribe methods for determining the taxable and nontaxable Rents.
7. to use funds as City Council deems appropriate.

Section 7-57. Severability Clause.

The provisions hereof (and of said Sections of the Coalgate City Code enacted hereby) are hereby declared to be severable, and if any section, paragraph, sentence or clause of this Ordinance (and/or said Sections) is, for any reason, held invalid or inoperative by any court of competent jurisdiction, then such holding or decision shall not affect any other section, paragraph, sentence and/or clause hereof (or thereof).

Section 7-58. Emergency.

It being immediately necessary for the provision and preservation of the peace, health, welfare and safety of the City of Coalgate and inhabitants thereof, that such additional tax levy become levied and that the provisions of this Ordinance become immediately operative, an emergency is hereby declared to exist, by reason of which this Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

(Ord. 172 7-48 thru 7-58 Effective Apr. 1, 2010 / Approved by voters Feb. 9, 2010 / Adopted by Council Feb. 23, 2010)

Article 4. Telephone Exchange Fee

Section 7-59. Tax levied.

There is hereby levied an annual inspection fee and service charge upon each and every person, firm and corporation operating a telephone exchange in the City of Coalgate, Oklahoma, in an amount equal to three (3%) percent of the gross revenues for each current year for exchange telephone transmission service rendered wholly within the limits of the City of Coalgate to compensate said City of Coalgate for the expense incurred and services rendered incident to the exercises of its police power, supervision, police regulation and police control of the construction of lines and equipment of said telephone company in the City of Coalgate. The said inspection fee and charge shall be due and payable to the said City of Coalgate on or before the first day of May, 1938 for the calendar year ending on December 31, 1938, preceding or fractional part thereof, and shall be paid into and appropriated and expended from the general revenue fund of said City of Coalgate; provided, however, that any amount due for a fractional part of the first year covered hereby shall be payable on the first day of May of the year following the year in

which this ordinance is enacted.

Article 5. Funding, Accounting, Etc.

Section 7-60. Funding and accounting generally.

The revenues and other resources of the city shall be divided into funds as provided by Title 62 O. S., Section 331, and other applicable provisions of law; and accounted for as provided thereby. The revenue provided by the City Excise Tax (sales tax), the same being three (3%) percent, shall be used as follows:

One half (.5%) of one percent shall be committed to a capital improvement fund and shall be used for purposes of purchasing land, equipment and infrastructure, and the remaining two and one half (2 ½ %) percent shall be used for the operation of the City of Coalgate, Oklahoma.

Section 7-61. Sinking fund: Handling, deposit, investment, etc.

A. It shall be the duty of the officers of the city to handle, deposit, invest and use the money in the sinking fund of the city in the manner provided by the Oklahoma Statutes, 1971, Title 62, Sections 431-451, and any other applicable provisions of law.

B. The city treasurer shall deposit daily all un-invested sinking fund money in his hands in banks as provided by law.

Section 7-62. Investments of meter deposits.

Money deposited with the city as water meter deposits may be invested as provided by Oklahoma Statutes, 1971, Title 11, Section 10-12.

Article 6. Deposit of Funds

Section 7-63. Deposit of funds; security.

A. The funds of the city shall be deposited as required by law.

B. With approval of the city manager, the city treasurer shall have authority to deposit surplus funds of the city in his custody in banks on a time deposit basis at the highest rate of interest obtainable for such time deposit, as authorized by the Oklahoma Statutes, 1971, Title 62, Section 87.

C. The deposits of the city shall be secured by the Unit Collateral System, provided by Oklahoma Statutes, 1971, Title 62, Sections 516.1-516.8; and the provisions of these sections are hereby adopted insofar as they are applicable to the city.

Article 7. Purchases, Contracts, Etc.

Section 7-64. City councilmen and other officers: purchases, contracts, etc.

A. No member of the city council of the city may sell, or furnish for a consideration, any materials or supplies for use of the city; and any member of the city council voting for, or consenting to, or being a party to, such contract or purchase is personally liable as provided by Oklahoma Statutes, 1971, Title 2, Sections 355, 357.

B. The city council of the city shall not make any contract with any of its members, or in which any of its members shall be directly or indirectly interested, such contracts being prohibited by Oklahoma Statutes, 1971, Title 62, Section 371.

C. No officer of the city may become directly or indirectly interested individually in any sale, lease or contract which he is authorized to make, such being prohibited by Oklahoma

Statutes, 1971, Title 21, Section 344.

Section 7-65. Purchases and sales: Who to make.

All purchases of supplies, materials, equipment and contractual services for the city, and any sales thereof by the city, shall be made by the city council, or pursuant to authorizations granted by it, and subject to its supervision and control.

Article 8. Claims

Section 7-66. Claims: How made and processed.

Claims against the city shall be made and processed as provided by Title 11 O.S., Sections 17-102, and any other applicable provisions of law.

Section 7-67. Affidavit required on all invoices over one thousand dollars.

A. On every invoice submitted to the state, any county or local subdivision of the state, for payment to an architect, contractor, engineer or supplier of material of one thousand dollars ($1,000.00) or more shall be the following signed and notarized statement:

STATE OF OKLAHOMA)
COUNTY OF (COAL)

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

(Architect, Contractor, Supplier or Engineer)

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

_____
(Notary Public or Clerk or Judge)

B. The above section shall not apply to monthly billings submitted to the state for public utility companies or telephone companies, whose services are regulated by the Oklahoma Corporation Commission, but will apply to said utility companies or telephone companies for billings pertaining to installations or changes in service.

Article 9. Warrants, Etc.: Disbursement of Funds

Section 7-68. Warrants, etc.: Disbursement of funds.

Warrants shall be issued and processed and funds of the city disbursed only for legal purposes and in accordance with Title 62, O. S. Sections 471 et seq and 551-555.

Article 10. Bonds

Section 7-69. Bonds: Issuance, sale, etc.

Bonds of the city shall be issued, sold, paid and handled in all respects as provided by Title 62 O. S., Sections 351 et seq., and other applicable provisions of law.

Article 11. Examination and Audit of Books and Records.

Section 7-70. Financial books and records; examination and audit.

A. The books of the city treasurer shall be subject to examination by the city council of the city at all times, as provided by Title 11 O.S., Sections 106 and 110. Likewise the records of the city clerk and of all other officers and employees of the city, shall be subject to inspection by the city council at all times.

B. The city council shall designate a qualified public accountant to audit the financial records and transactions of the city treasurer, the city clerk, and all other personnel of the city who keep financial records and make financial transactions, as of the end of every fiscal year at least, and such accountant shall make such audit and shall report to the city council.

C. Upon petition of a number of voters of the city equal to at least one-fourth (1/4) of the number of people voting at the last general city election for the city office receiving the highest number of votes, the financial books and records of the city will be audited by the State Examiner and Inspector, as provided by Title 74 O.S., Sections 212 and 215.

Article 12. Insurance

Section 7-71. Insurance: Property, vehicle.

A. The city council of the city may insure property of the city as authorized by Title 11 O.S., Section 23 et seq, and Title 19, Section 627. 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 Section 627.

B. The city council may purchase insurance to pay damage to persons sustaining injuries or damages to property as a result of negligent operation of motor vehicles or motorized equipment of the city, as authorized by Title 11, Section 16.1

Article 13. Trusts

Section 7-72. Acceptance of beneficial interest in Coalgate Public Works Authority.

The city council of the City of Coalgate, Oklahoma, hereby does accept, for and on behalf of said municipality, the beneficial interest in the public trust designated as the Coalgate Public Works Authority, provided for in the declaration of trust of said public trust dated the 22nd of January, 1963, for the purposes, and in all respects in accordance with said declaration of trust and the applicable laws of the State of Oklahoma; and the mayor of the City of Coalgate, Oklahoma, is hereby authorized and directed to endorse such acceptance of the beneficial interest on said declaration of trust, for and on behalf of the municipality and the governing body thereof. (Passed by the city council of the City of Coalgate, January 22, 1963. (See Appendix 5 of this code).

Section 7-73. Acceptance of beneficial interest in the Coalgate Industrial Development Authority.

The governing body of the City of Coalgate, Oklahoma, hereby does accept for and on behalf of said municipality, the beneficial interest in the public trust designated as the Coalgate

Industrial Development Authority provided for in the declaration of trust of said public trust, for the comprehensive purpose of furthering, and providing funds for the furthering, of any authorized or proper function of the said municipality, including but not limited to the furnishing and supplying of industrial and cultural properties and facilities in the municipality and in reasonable proximity thereto, and for the purposes collateral thereto, in all respects in accordance with said declaration of trust; and the mayor of the said municipality hereby is authorized and directed to endorse such acceptance of beneficial interest on said declaration of trust for and on behalf of the municipality and the governing body thereof. (Passed by the city council of the City of Coalgate, February 16, 1972, Resolution Section 216-72.) (See Appendix 6 of this code).

Article 14. Penalty

Section 7-74. Penalty.

Any person, firm or corporation who shall violate or fail to comply with any provision of this chapter or of any code adopted herein, or any legal order or regulation made pursuant thereto, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed two hundred dollars ($200.00), including costs. Each day upon which a violation shall continue shall be deemed a separate offense.

Chapter 8

FIRE PREVENTION

Note: For the fire department, see Chapter 1 of this code.

Article 1. Fire Prevention Code

Section 8-1. Adoption of Fire prevention Code.

That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Coalgate, being marked and designated as "The International Fire Code, 2000 Edition," as published by the International Code Council is hereby adopted as the Fire Prevention Code of the City of Coalgate, in the State of Oklahoma; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Fire Code are hereby referred to, adopted and made a part hereof, as if fully set out in this ordinance with the additions, insertions, deletions and changes, if any, prescribed in Section of this Ordinance. The latest edition or version of this Code to shall be adopted by the City of Coalgate and shall apply as set forth herein.

Section 8-2. Fire department to enforce code.

The Fire Prevention Code shall be enforced by the fire department of the city, under the supervision of the chief of the fire department. The fire chief shall be ex officio chief of the fire prevention bureau. The chief of the fire department may detail such members of the fire department as inspector as shall from time to time be necessary.

Section 8-3. Definition.

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

Section 8-4. Modifications.

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

Section 8-4.1 Mitigation Rates

1: The **City of Coalgate's City Council** shall establish a service fee schedule, set by resolution for providing emergency response service by the fire department for personnel, supplies and equipment to the scene of emergency and non-emergency incidents as listed in the resolution set by the City Council,.

2: A claim shall be filed to the responsible party through their insurance carrier. In some circumstances, the responsible party will be billed directly.

3:The City Council may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with this Section, as they may deem necessary or expedient in respect to billing for these mitigation rates or the collection thereof.

4: It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in accordance with all legal requirements, and the Codified Ordinances of the City Council.

5: This Ordinance shall take effect thirty days (30) from the date of adoption as permitted by law.

ADOPTED AND APPROVED BY THE COUNCIL OF THE CITY OF COALGATE, OKLAHOMA ON THE 31ST DAY OF AUGUST, 2020.

Section 8-5. Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city council within thirty (30) days from the date of the decision of the chief.

Section 8-6. New materials, processes, or occupancies which may require permits.

The chief of the fire department and two persons appointed by the city manager shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, and new materials, processes, or occupancies which shall require permits, in addition to those now enumerated, conspicuous place in his office, and distribute copies thereof to interested persons.

Section 8-7. Penalties.

A. Any person, firm, or corporation who shall violate any of the provisions of the Fire prevention Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specification or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed therein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not to exceed two hundred dollars ($200.00) including costs. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

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

Article 2. Miscellaneous

Section 8-8. Depositing ashes.

It shall be unlawful and an offense for any person or persons to deposit any ashes or fire coals in or within ten (10) feet of any building, fence or other combustible material located within the corporate limits of the city.

Section 8-9. Storing hay.

It shall be an offense for any person, being the occupant, owner or lessee of any dwelling house, store house, warehouse or cellar located within the corporate limits of the city, to keep or permit to be kept therein any straw, hay or shavings or other combustible material other than is actually necessary for the operation of his or their business.

Article 3. Fireworks

Section 8-10. Fireworks prohibited.

It is unlawful to manufacture, sell, furnish, possess, display, or use or display any fireworks within the city; provided that supervised public displays of fireworks is hereby authorized subject to the provisions of the Fire Prevention Code.

Article 4. Penalty.

Section 8-11. Penalty.

Any person, firm or corporation who shall violate or fail to comply with any provision of this chapter or of any code adopted herein, or any legal order or regulation made pursuant thereto, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed two hundred dollars ($200.00), including costs. Each day upon which a violation shall continue shall be deemed a separate offense.

Chapter 9

GARBAGE AND OTHER REFUSE

Article 1. Collection and Disposal

Section 9-1. Definitions.

This article shall be known as the "Sanitary Ordinance" of the City of Coalgate, Oklahoma. Effective date of this ordinance shall be April 1, 1976.

A. The word "premises" shall be taken to mean cafes, eating houses, business houses, boarding houses, offices, theaters, hotels, restaurants, tourist courts, apartments, sanitariums, hospitals, rooming houses, schools, private residences, vacant lots, and all other places within the city limits of the City of Coalgate, Oklahoma, where garbage, trash or rubbish accumulates in ordinary quantities;

B. The term "kitchen garbage" means kitchen refuse, all meat, vegetables, and fruit refuse, small dead animals and dead fowls, from any premises within the city limits.

C. The term "dry kitchen refuse" means the solid after the liquids or slop has been drained off.

D. The term "trash" means paper, of all kinds, rags, old clothing, paper containers, old rubber, pieces of wood, boxes, barrels, crates, feathers, weeds, grass, tree limbs from any premises within the city limits.

E. The term "rubbish" means tin cans, bottles, glass, scraps of iron, tinware, or any other metals from any premises within the city limits.

Section 9-2. Container required; type and weight.

A. It shall be the duty of every person, firm or corporation owning, managing, operating, leasing or renting any premises or any place where kitchen garbage or kitchen refuse accumulated to provide a portable garbage can or cans constructed of iron, tin or other suitable and approved material with a suitable handle and a tight fitting cover of a capacity of not more than ten (10) gallons: and the daily accumulation of kitchen garbage or dry refuse shall be placed in this or these garbage cans. All non-liquid (kitchen refuse) type garbage has a tight fitting cover so as too keep flies and other insects and rodents out.

B. It shall be the duty of every person, firm, or corporation owning, managing, operating, leasing, or renting any premises to provide all portable metal (or other approved type) containers required; providing that the gross weight shall not exceed fifty (50) pounds each, when filled provided, however, specially designed containers for business establishments that may be emptied by an attachment on the trash collection truck may be used where appropriate. Such containers may be obtained through the office of the city manager at cost.

C. Any person desiring to place tree trimmings or hedge cuttings for collection, may do so, in bundles not heavier than fifty (50) pounds nor more than five (5) feet in length. These shall be placed with the other garbage and trash for pickup at any time.

D. The owner, occupant or lessee of said premises shall at all times keep and maintain such cans and receptacles in a secured part of his property and on those days that a trash pickup is scheduled for his particular part of the city he will place the containers at the extreme front (except business and similar nonresidential establishments) of the property line. Business establishments and similar type establishments which have a serviceable rear access alley or street shall place their containers in the most accessible area in the rear portion of their property. A schedule of the pickups will be furnished each user by the sanitation department, denoting the days of the week and the approximate time of the day the truck will arrive at this particular part of the route.

E. Business houses, restaurants, cafes, eating establishments and other commercial establishments shall provide suitable containers (weight of trash and containers not to exceed fifty (50) pounds) for their particular needs. These shall be subject to the approval of the supervisory employees of the sanitation department, and may not be used unless acceptable to him. Cardboard cartons may be placed in the regular containers or bound into bundles having a gross weight of less than fifty (50) pounds, and an over all length of less than five (5) feet and width of three (3) feet. Since charges are based on cubic feet of trash, business establishments should break their cardboard boxes and crates down into as flat and compact pieces as practical.

F. Garbage containers that have deteriorated to the extent of having jagged or sharp edges capable of causing injury to the garbage collectors or others whose duty it is to handle the containers or to such extent that the lids will not fit tightly or securely, or that have rotted out so as to leak, will be condemned by the City of Coalgate, Oklahoma, acting through the supervisory employees of the sanitation department, or by the appropriate health agency.

Section 9-3. Extra fee required; certain materials; exceptions.

Rock, waste scrap building materials, or other trash and rubbish resulting from construction or remodeling, resulting from a general cleanup of vacant or improved property, or resulting from a sizable amount of trees, brush, or debris cleared from property, will not be removed by the city as a regular service, but may be done for the owner on payment of an extra fee. Exceptions to this are:

A. Trees, shrubs and cutting will be carried by the city as defined elsewhere in this chapter.

B. All types of trash, refuse and rubbish will be carried by the city during any cleanup campaign which is proclaimed and authorized by the mayor or council. The owner, providing an approved dumping place has been obtained at his option, may have such debris removed at his expense by private haulers. In the event the owner desires the city to haul debris, a charge therefor will be made.

C. If an emergency is declared, there will not be a charge to the public for. **(Ord. 207 passed by the Council of the city of Coalgate, OK on the 28th day of September, 2020)**

Section 9-4. Manure, etc.

Manure from private stables, cow lots, poultry yards, pigeon lofts, or refuse from animals or night soil and dead animals, and all waste not herein mentioned, must be kept in a separate container and not dumped in the alleys or retained on the premises to become a nuisance, the same to be disposed of by the owner. It shall be the duty of the superintendent of the sanitation department to see that said removal is promptly done when or ordered.

Section 9-5. Preparation of refuse required.

The sanitation department will not make collection of garbage, trash or rubbish or tree limbs where the same is not prepared for collection and placed as designated by the terms of this chapter; and failure to comply with this provision will be an offense and each day's failure to comply will constitute a separate offense.

Section 9-6. Unauthorized Dumping and Littering

SECTION A.

A. Any person who deliberately places, throws, drops, deposits or discards any garbage, trash, waste, rubbish, refuse, debris or other dilatory substance or any kind or nature on any public property, city property, street or alley, within the city limits and including the city lake or on any private property of another without consent or in a garbage dumpster owned or leased by another without their consent, shall be guilty of a misdemeanor, and shall be punishable as set forth hereinafter. ***(Ord. 153 Jun 20, 2000)***

B. Any persons convicted of violating the provisions of Subsection 1) of this section shall be punished by a fine of not more than $200.00. ***(Ord. 143 Jun 20, 2000)***

C. In addition to the penalty described by subsection 2 of this section, the court may direct the person to make restitution to the property owner affected; to remove and properly dispose of the garbage, trash, waste, refuse or debris from the property; to pick up, remove and properly dispose of garbage, trash, waste, rubbish, refuse, debris and other non-hazardous deleterious substances from public property; or any combination of the foregoing which the court, in its discretion, deems appropriate. The dates, times and locations of such activities shall be scheduled by the chief of police pursuant to the order of the court in such activities shall be scheduled by the chief of police pursuant to the order of the court in such a manner as not to interfere with the employment or family responsibilities of the person.

D. Any full-time peace officer in this state upon investigation of the disposal of any substance in violation of this section which contains three or more items bearing a common address
in a form which tends to identify the latest owner of the items shall create a rebuttable presumption that all competent persons residing at such address committed the unlawful act.

Section 9-7. Burning prohibited.

A. It shall be unlawful for any person or persons, firm or corporation to burn garbage within the city limits of Coalgate, Oklahoma.

B. It shall be unlawful for any person or persons, firm or corporation to burn any trash, waste paper, burn rubbish or any refuse, except under a permit issued by the State Health Department or the Federal Environmental Protection Agency.

Section 9-8. Authorized personnel only allowed on disposal site.

Only employees of the city, appropriate county, state or federal employees, and persons delivering or depositing garbage and trash shall be permitted in and upon the city dump or landfill person or firm for the trash, garbage, or rubbish to be deposited. Persons or firms dumping outside the dump or landfill site, or throwing or attempting to throw trash, garbage or rubbish over or through the dump or landfill site perimeter fence shall be in violation of this ordinance and subject to prosecution.

Section 9-9. Materials at disposal site city property.

All junk and other material on the dump ground is the property of the City of Coalgate, Oklahoma; and no person, persons, firm or corporation is allowed to separate and collect, carry or dispose of same, except under contract or permit.

Section 9-10. Unlawful for garbage to accumulate.

It shall be unlawful for the owner or occupant or other person in charge of any lot or piece of ground or building or a portion of the building to allow kitchen refuse, kitchen garbage, trash

or rubbish to accumulate thereon or suffer or permit water or putrid substances, whether animal or vegetable, to accumulate thereon so as to cause an offensive odor to be emitted therefrom or to become in a condition injurious or dangerous to the health of the neighborhood or any inhabitant thereof; and any such condition is hereby declared a misdemeanor and punishable as such.

Section 9-11. City to collect garbage; exception.

It shall be unlawful for any person other than the designated city department, as herein authorized, to collect or dispose of any garbage, trash or rubbish, or to haul or transport or convey said garbage, trash or rubbish within the city limits of Coalgate, Oklahoma, except by special permit approved by the City of Coalgate
and the State Health Department.

Section 9-12. Container meddling prohibited.

Meddling with garbage cans, trash or rubbish receptacles or in any way pilfering, scattering contents or dumping same in any alley or street within the city limits is prohibited.

Section 9-13. Fees.

The owners or occupants of such residences or business premises within the city limits of Coalgate, Oklahoma, and those subscribing to the garbage and trash service outside the city limits, shall pay a reasonable fee for the removal of garbage and rubbish, whether removed by the city or by a private contractor between the city and the contractor. The amount of such fee is to be determined by resolution by the City Council of the City of Coalgate, Oklahoma. ***(Ord. 111. Nov 17, 1992)*** The rates attached hereto in the document labeled Schedule A shall hereby become effective on January 1, 2001.

RESOLUTION 15-18

A RESOLUTION ESTABLISHING A FEE SCHEDULE FOR THE PICKUP AND REMOVAL OF GARBAGE AND RUBBISH FROM THE CITY OF COALGATE.

BE IT RESOLVED by the Mayor and the City Council of the City of Coalgate, Oklahoma, that the fee schedule for the pickup and removal of trash and rubbish from the City of Coalgate, Oklahoma, shall be and is hereby established by the agreement between the City and the same being Allied Waste (Republic Services effective January 1, 2019). In order to support the contractor fees the following rate schedule effective January 1, 2019 is established:

Residential:

$ 9.00 per month per household includes one (1) polycart;

$ 12.00 per month per household outside city limits includes one (1) polycart;

Polycarts will be provided at an additional charge of $3.00 each (total allowed is 2)

Commercial (Dumpsters not required):

$ 19.04 per month per business with one (1) polycart included; up to two (2) polycarts upon request will be provided at an addition charge of $3.00 each;

Commercial with Dumpster:

	Service 1 X Week	Service 2 X Week
2 yard	$ 38.44	$ 65.89
2 Yard shared	$ 20.76	
3 Yard	$ 59.15	$ 96.12
4 Yard	$ 65.89	$ 126.29
6 Yard	$ 96.10	$ 188.08
8 Yard	$ 126.29	$ 248.47
Cart (commercial)	$ 19.04	
Extra Cart (commercial)	$ 1.04	
Lockbar	$ 7.00	

Plus an Administrative Fee of $ 3.00 will be charged to each Account.

APPROVED AND ADOPTED this **17th** day of **December, 2018** by the Mayor and the City Council of the City of Coalgate.

Section 9-14. Garbage and trash service--failure to pay; billing.

The items mentioned are charges for garbage and trash service and shall be chargeable to the person or persons, owner, occupant, or lessee, and shall be collected by and through the water department monthly in the same manner as charges for the water service is collected. A statement of same shall be rendered on the water bills for water service; and in the event of failure to pay same, the garbage and water services shall be discontinued together until the charges have been paid. In addition thereto the city may file a complaint against the occupant, or the owner, in them, municipal court for such failure to pay for such garbage and trash service; and each day shall be considered as a separate offense for nonpayment as long as payment is not made. No allowance for vacancy shall be made unless the vacancy occurs during the full pay period and water service has been discontinued at the location during such period.

Section 9-15. Unusual disposal determined by city manager.

The city manager shall be and is hereby given authority to provide rules and regulations for the hauling of odd and unusual things that collect around residences and businesses in the City of Coalgate, Oklahoma, and he shall have authority to adjust any differences between the occupant of any building and the City of Coalgate, Oklahoma, where it appears in the public interest to do so.

Section 9-16. Restrictions on hauling garbage and refuse.

It shall be unlawful for any person, firm or corporation to transport or haul or convey over the streets or alleys of the City of Coalgate, Oklahoma, any garbage, trash or other refuse except by the City of Coalgate, Oklahoma, or except as directed by the city manager under the provisions hereof; permits for hauling must be obtained prior to transporting trash and waste.

Article 2. Penalty

Section 9-17. Penalty.

Any person or persons who violates any of the provisions of this Chapter or who fails to provide or use the necessary prescribed containers for their trash or rubbish, or who allow their premises to become unsanitary, such that would endanger the health, safety or welfare of persons, shall be guilty of a misdemeanor and shall be fined a sum of not less than two hundred dollars ($200.00), plus costs. Each offense and each day of violation contribute a separate and distinct offense for each of said day. ***(Ord. 143 Jun 20, 2000)***

Chapter 10

GENERAL AND MISCELLANEOUS PROVISIONS

Article 1. Definitions

Section 10-1. Masculine to include feminine and neuter.

Words used in the masculine gender in the ordinances of the city include the feminine and neuter unless a contrary intention plainly appears.

Section 10-2. Singular number to include plural and vice versa.

Words used in the singular number in the ordinances of the city include the plural, and the plural the singular, except where a contrary intention plainly appears.

Section 10-3. "Person" defined.

The Word "person" when used in the ordinances of the city includes firm, association or corporation, as well as a human being, except where a contrary intention plainly appears.

Section 10-4. "City" defined.

The word "city" when used in the ordinances of the city shall mean the "City of Coalgate".

Section 10-5. Penalty.

Whenever an act is required to be done as a condition to the exercise of any occupation, pursuit, or privilege, the same shall be an offense when not done prior to the exercise of the occupation of privilege.

Article 2. Ordinances in Effect in Outlying Territory of City.

Section 10-6. Ordinances in effect in outlying real property of city.

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

Article 3. Separability Clause

Section 10-7. Separability clause: Code and ordinances.

If a court of competent jurisdiction should hold one (1) or more ordinance sections or a part of an ordinance section of this code or of an ordinance passed hereafter invalid, such holding shall not affect the remainder of the code or ordinance nor the context in which such section, sections or part of a section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section, sections or part of a section so held invalid.

Article 4. Oklahoma Municipal League

Section 10-8. Membership authorized.

The city is hereby authorized to procure the services of the Oklahoma Municipal League and to have membership therein, and to appropriate funds to pay for such services and membership.

Article 5. Oklahoma Municipal Retirement Fund

Section 10-9. Oklahoma Municipal Retirement Fund

BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF COALGATE, OKLAHOMA.

Section 1. AMENDATORY. The Employee Retirement System, Defined Contribution Plan, of the **City of Coalgate**, Oklahoma, is hereby amended as reflected on the attached Exhibit "A", which is incorporated herein and adopted by reference. These amendments shall become effective on **October 1, 2020**.

Section 2. **EXECUTION AUTHORIZATION.** The City Clerk and Mayor be and they are hereby authorized and directed to execute the amended Retirement System Plan documents and to do all the other acts necessary to put said amendment into effect and to maintain IRS qualification of the Plan. The executed amended document attached hereto as Exhibit "A" is hereby ratified and confirmed in all respects.

Section 3. SEVERABILITY. If, regardless of cause, any section, subsection, paragraph, sentence, or clause of this ordinance, including the System as set forth in Exhibit "A" is held invalid or to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.

Section 4. **REPEALER.** Any ordinance inconsistent with the terms and provisions of this ordinance is hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance. **(Ordinance 205 Adopted 7/27/20)**

Chapter 11

HEALTH AND SAFETY

Note: For the health department, see chapter 1 of this code.

Article 1. Toilet Facilities

Section 11-1. Definitions.

A. The term "human excrement" as used herein means the bowel and kidney discharge of human beings.

B. The term "sanitary water closet" as used herein means the flush type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times.

C. "Health officer" and "chief of police". The term health officer and chief of police as used in this article shall be construed to mean the persons elected or appointed to said positions according to the laws governing persons elected or appointed to said positions according to the laws governing such elections or appointments or person or persons authorized to act as their agents.

Section 11-2. Owner to provide proper toilet facilities.

Every owner of a residence or other building in which humans reside, are employed, or congregate within this city shall install, equip and maintain adequate sanitary facilities for the disposal of human excrement; namely, a sanitary water closet or closets. The closets and toilets hereby required shall be of the sanitary water closet type emptying into either a sanitary sewer, if accessible, within two hundred fifty (250) feet of said sanitary sewer or a septic tank system provided that a septic tank system may be used in such cases only if it meets the standards of and is approved by the health department.

Section 11-3. Proper disposal of human excrement required.

All human excrement disposed of within this city shall be disposed of by depositing it in closets and privies of the type hereinabove provided for. It is unlawful for any owner of property within the city to permit the disposal of human excrement within the city in any other manner.

Section 11-4. Unauthorized facilities declared public nuisances; offense.

All facilities for the disposal of human excrement in a manner different from that required by this article, 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. Any person maintaining any such nuisance is guilty of an offense, and each day upon which any such nuisance continues is a separate offense.

Section 11-5. Permit to build tank or closet.

No septic tank, liquefying closet, nor chemical closet shall be constructed within the corporate limits of the City of Coalgate, Oklahoma, without a permit from the city health officer or county health office; and same must comply with the requirements of the State Health Department.

Article 4. Miscellaneous Provisions

Section 11-6. Expectorating on street, sidewalk, etc.

Any person expectorating on the street or sidewalk or on the ground or floor of any public place shall be guilty of a misdemeanor.

Section 11-7. Abandoned ice boxes, refrigerators, etc.

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

Section 11-8. Fluoride control.

In order to protect the health and welfare of the citizens of the City of Coalgate , the quantity of fluoride in the public water supply shall be controlled in such manner that the amount present in the water served to the public shall be in conformity with the policy, and subsequent changes thereto, established by the Oklahoma State Board of Health.

Article 5. Penalty

Section 11-9. Penalty.

Any person who violates any provision of this article of this chapter is guilty of an offense, and upon conviction thereof, shall be punished by a fine of not more than two hundred dollars ($200.00) including costs. In addition thereto, such person may be enjoined from continuing such violations. Each day upon which a violation occurs constitutes a separate violation.

Chapter 12

MUNICIPAL COURT

Article 1. Municipal Court: Creation and Procedure

Section12-1. Court created.

This article shall govern the organization and operation of the municipal court of the City of Coalgate, Oklahoma, as put into operation by Resolution No. 10-76, dated March 30th 1976, duly passed by the city council and filed in accordance with law, as authorized by Title 11, O.S., Section 27-101 et seq. To the extent of conflict between any provisions of this article and the provisions of any other ordinance of this city, the provisions of this article shall control.

Section 12-2. Definitions.

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

A. "Court" means the judge of the municipal court of the city.

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 City of Coalgate, Oklahoma.

D. "Clerk" means the 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 mayor and council of the city.

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.

H. "City manager" means the chief executive officer and head of the administrative branch of the city government of the City of Coalgate, Oklahoma.

Section 12-3. Jurisdiction.

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

Section 12-4. Judge; qualifications.

There shall be one judge of the court. A judge need not be a licensed attorney at law, but if not, he must be of the age of twenty-five (25) years or older, and possessed of good moral character.

Section 12-5. Term of judge.

The official term of the judge shall be for an indefinite period, until removed for proper cause.

Section 12-6. (Reserved).

Section 12-7. Appointment.

The judge shall be appointed by the city manager as per Article V. Sec. 31 of the city charter.

Section 12-8. Salary of judges.

A. A judge, other than an alternate judge or an acting judge, shall receive an annual salary to be established by motion or resolution of the city council, payable monthly.

B. An acting judge shall be paid the sum to be established by motion or resolution of the city council for each day devoted to the performance of his duties, except that, for any month, the total payments so calculated shall not exceed the salary of the judge in whose stead he sits.

Section 12-9. Removal of judges.

Judges shall be subject to removal from office, by the city manager for the causes prescribed by the city charter constitution and laws of this state for the removal of public offices. So far as they can be made applicable, the provisions of the Oklahoma Administrative Procedure Act governing individual proceedings (Title 75, Oklahoma Statutes, Sections 309-317 and any amendments or additions thereto in effect at the time of the hearing) shall govern removal proceedings hereunder.

Section 12-10. Vacancies.

A. A vacancy in the office of judge shall occur if the incumbent:

1. dies, or
2. resigns, or
3. ceases to possess the qualifications for the office, or
4. is removed and the removal proceeding has been affirmed finally in judicial proceedings or is no longer subject to judicial review.

B. Upon the occurrence of a vacancy in the office of judge, the city manager shall appoint a successor.

Section 12-11. No change of venue; disqualification.

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

Section 12-12. Chief of police.

All writs or process of the court shall be directed, in his official title, to the chief of police of this municipality, who shall be the principal officer of the court.

Section 12-13. Court clerk.

The city clerk or a deputy designated by him, shall be the clerk of the court. He shall assist the judge in recording the proceedings of the court and in preparing writs, processes and other papers. He shall enter all pleadings, processes, and proceedings in the dockets of the court. He shall perform such other clerical duties relating to the proceedings of the court as the judge shall direct. He shall receive and receipt for forfeitures, fees, deposits, and sums of money payable to the court. He shall pay to the treasurer of this municipality, on the first and the fifteenth day of each month all money so received by him, except such special deposits or fees as shall be received to be disbursed by him for special purposes. All money paid to the treasurer shall be placed in the general fund of the municipality or in such other fund as the governing body may direct, and it shall be used in the operation of the municipal government in accordance with budgetary arrangements governing the fund in which it is placed.

Section 12-14. City attorney.

The attorney for this municipality, or his duly designated assistant, shall be the prosecuting

officer of the court. He shall prosecute all alleged violations of the ordinances of the city. He shall be authorized, in his discretion, to prosecute and resist appeals, proceedings in error and review from this court to any other courts of the state, and to represent this municipality in all proceedings arising out of matters in this court.

Section 12-15. Clerk's bond.

The city clerk as clerk of the court shall give bond in the form provided by Title 11 O.S., 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.

Section 12-16. Judge may prescribe rules.

The judge may prescribe rules, consistent with the laws of the state and with the ordinances of this municipality, for the proper conduct of the business of the court.

Section 12-17. Contempt of court.

Obedience to the orders, rules and judgments made by the judge or by the court may be enforced by the judge, who may fine or imprison for contempt committed as to him while holding court, or committed against process issued by him in the same manner and to the same extent as the district courts of this state.

Section 12-18. Style of prosecutions.

All prosecutions for violations or ordinances of this municipality shall be styled "The City of Coalgate vs ( )." Except as provided hereinafter, prosecution shall be initiated by the filing of a written complaint, subscribed and verified by the person making complaint and setting forth concisely the offense charged.

Section 12-19. Traffic violations.

A. If a police officer observes facts which he believes constitute a violation of the traffic ordinances of this municipality committed by a resident thereof, in lieu of arresting such person, he may take his name, address, operator's license number, the registered license number of the motor vehicle involved and any other pertinent and necessary information and may issue to him in writing in form prescribed by the city manager or his duly designated delegate, a traffic citation embracing the above information, and further stating the traffic violation alleged to have occurred, and notifying him to answer to the charge against him in the court at a time specified in the citation. The officer, upon receiving the written promise of the alleged violator, endorsed on the citation, to answer as specified shall release said person from custody. If the person to whom a citation is issued fails to answer as prescribed in the citation, a complaint shall be filed and the case shall be prosecuted as otherwise provided in this article.

B. If the alleged traffic violation is committed by a nonresident of this municipality, the police officer shall take him into custody under arrest. The arrested person either (1) shall be taken immediately before the judge for further proceeding according to law or (2) shall have bail fixed for his release in accordance with the provisions of this article. Upon providing the bail as fixed, and upon giving his written promise to appear upon a day certain, as provided in the preceding subsection of this section, he shall be released from custody.

C. If the alleged offense be a violation of an ordinance restricting or regulating the parking of vehicles, including any regulation issued under such an ordinance, and the operator be not present, the police officer shall place on the vehicle, at a place reasonable likely to come to the notice of the operator, a citation conforming substantially to the prescribed in subsection (A) of this section, with such variation as the circumstances require. The operator of the vehicle shall be under the same obligation to respond to the citation as if it had been issued to him personally under subsection (A).

Section 12-20. Summons.

A. Upon the filing of a complaint charging violation of an ordinance, the judge, unless he determines to issue a warrant of arrest, or unless the defendant previously has been issued a citation or has been arrested and has given bond for appearance, shall issue a summons, naming the person charged, specifying his address or place of residence, if known, stating the offense with which he is charged and giving him notice to answer the charge in the court on a day certain after the summons is served upon him, containing a provision for the official return of the summons, and including such other pertinent information as may be necessary.

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

Section 12-21. Warrant of arrest.

A. Except as otherwise provided in the ordinances of this municipality, upon the filing of a complaint approved by endorsement by the attorney of this municipality or by the judge, there shall be issued a warrant of arrest, in substantially the following form:

> *"The City of Coalgate, to the chief of police of the municipal court of Coalgate, Oklahoma. Complaint upon oath having this day been made by (naming complainant) that the offense of (naming the offense in particular but general terms) has been committed and accusing (name of defendant) thereof, you are commanded therefore forthwith to arrest the above named (name of defendant) and bring before me, at . Witness my hand this day of , 20 .*
>
> *Judge of the Municipal Court of Coalgate, Oklahoma."*

B. It shall be the duty of the aforesaid officer, personally, or through a duly constituted member of the police force of this municipality, or through any other persons lawfully authorized so to act, to execute said warrant as promptly as possible.

Section 12-22. Bail.

Upon arrest, or upon appearance without arrest in response to citation or summons, or at any other time before trial, before or after arraignment, the defendant shall be eligible to be released upon giving bail for his appearance in an amount and upon conditions fixed by the judge, or upon his promise to appear at a date as ordered and set by the court.

Section 12-23. Arraignment; pleading.

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

Section 12-24. Postponement.

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

Section 12-25. Defendant to be present.

The defendant must be present in person at the trial.

Section 12-26. Procedure.

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

Section 12-27. Judgment.

If the Defendant pleads guilty or is convicted after trial, the Court must render judgment thereon, fixing the penalty within the limits prescribed by Resolution of the Mayor and City Council of the City of Coalgate, Oklahoma, and imposing sentence accordingly. All bonds schedule and court costs shall be determined by Resolution of the Mayor and City Council of the City of Coalgate, Oklahoma. ***(Ord. 102 Dec 18, 1990)***

Section 12-28. Imprisonment.

A judgment that the defendant pay a fine and upon a determination that said defendant is not indigent, the court may direct also that he be imprisoned until the fine is satisfied, at the rate of one day of imprisonment for each ten dollars ($10.00) of fine.

Section 12-29. Witnesses.

Witnesses in any proceeding in the court, other than police officers or peace officers, shall be entitled to ten dollars ($10.00) per day of attendance, plus ten cents (.10) for each mile actually and necessarily traveled in going to and returning from the place of attendance if their residence is outside the limits of the municipality. However, no witness shall receive fees or mileage in more than one case for the same period of time or the same travel. A defendant seeking to subpoena witnesses must deposit with the clerk a sum sufficient to cover fees and mileage for one (1) day of attendance for each witness, to be summoned, but such deposit shall not be required, from indigent defendant who files an affidavit setting out:

A. the names of no more than three (3) witnesses;

B. that the defendant, by reason of his poverty, is unable to provide the fees and mileage allowed by law;

C. that the testimony of said witnesses is material; and

D. that their attendance at the trail is necessary for his proper defense.

The fees of such witnesses shall be paid by the municipality.

Section 12-30. Judgment to be rendered and entered.

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

Section 12-31. Acquittal.

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

Section 12-32. Suspension of sentence.

After conviction and sentence, the judge may suspend sentence, in accordance with the provisions of, and subject to the conditions and procedures imposed by Title 11 O.S., Sections 27-122.1 and 27-123.

Section 12-33. Collection of fine.

If judgment of conviction is entered, the clerk of the court shall tax the court costs to the defendant, which costs shall include a city cost of $30.00 **(new law O.S. 11-22-138)** and all state assessments, including but not limited to CLEET and Forensic assessments, and jail fee (as per **22 O.S. 16-979a Jul. 1, 2006**), collect the fine imposed, but the fine and costs may not exceed the

maximum allowable by **O.S. 11.14-111.C.**

Section 12-34. Copy of judgment: Warrant for execution of sentence.

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

Section 12-35. Prisoner may be compelled to do community service.

A. All prisoners confined to jail on conviction or on plea of guilty may be compelled, if their health permits, to do community service as the court may direct in lieu of fine or in conjunction with imprisonment on public streets, avenues, alleys, parks, buildings or other public premises or property. For each day of such service the prisoner shall be credited for serving two and five-tenths (2.5) days of imprisonment under his sentence.

B. The chief of police, subject to the direction of the city manager, shall direct where the service shall be performed. The head of the department (or some person designated by him) in charge of the place where the service is to be performed, shall oversee the service. If a guard is necessary, the chief of police shall make provision therefor.

Section 12-36. Fifty dollars is maximum penalty until licensed attorney is appointed judge.

Pursuant to Title 11, Oklahoma Statutes, the city, through the municipal court, may not impose a fine that exceeds fifty dollars (50.00) until such time as the city requires and appoints a licensed attorney as the judge of the municipal court, when, thereinafter the court may impose a fine of two hundred dollars ($200.00); provided further that in all prosecutions in the municipal court, for any offense punishable by a fine of more than two hundred dollars ($200.00), or by imprisonment, or by both such fine and imprisonment, a jury trial shall be had unless waived by the defendant and municipality. In prosecutions for all other offenses, or in cases wherein a jury trial is waived by the defendant and the municipality, trial shall be to the court. A jury in the municipal court shall consist of six (6) jurors, five of whom may return a verdict. Jurors shall be good and lawful men or women, citizens of the county in which the court sits, having the qualifications of jurors in the District Court.

Section 12-37: Enforcement of all laws of the State of Oklahoma:

It shall be the duty of the police of the municipality of the City of Coalgate, Oklahoma, to enforce all laws of the state of the city limits of Coalgate, Oklahoma, as may be defined by the Statutes of the State of Oklahoma, said offenses including but not being limited to the following, to-wit:

(Ord. 121 Nov 29, 1994 See Resolution 15-17 for bond amounts)

Chapter 13

NUISANCES

NOTE: For state law relating to nuisances, see particularly Oklahoma Statutes, Title 50.

Article 1. Nuisances in General

Section 13-1. Nuisance defined; public nuisances; private nuisances.

A. A nuisance is unlawfully doing an act or omitting to perform a duty, or is any thing 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 13-2. Persons 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 therefor in the same manner as the one who first created it.

Section 13-3. Time does not legalize.

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

Section 13-4. Remedies against public nuisances.

The remedies against a public nuisance are:

A. Prosecution on complaint before the municipal court.
B. Prosecution on information or indictment before another appropriate court.
C. Civil action.
D. Abatement.
   1. By person injured as provided in 50 0. S. State Sec. 12.
   2. By the city in accordance with law or ordinance.

Section 13-5. Remedies against private nuisances.

The remedies against a private nuisance are:

A. Civil action.

B. Abatement.

1. By person injured as provided in 50 O.S. State Sec. 14 & 15.
2. By the city in accordance with law or ordinance.

Section 13-6. City has power to define and summarily abate nuisances.

As provided in 50 O.S. Section. 16, the city has power to determine what is and what shall constitute a nuisance within its corporate limits and, for the protection of the public health, the public parks, and the public water supply, outside of its corporate limits. Whenever it is practical to do so, the city has 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 13-7. Certain public nuisances in the city defined.

A. In addition to other public nuisances declared by other sections of this code or law, the following are hereby declared to be public nuisances:

1. The sale, or offering for sale, of unwholesome food or drink; or the keeping of a place where such sales or offering are made.
2. The sale, offering for sale, or furnishing of intoxicating liquor in violation of the state law or ordinances of the city; 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 city.
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 activities in violation of the ordinances of the city: or the keeping of a place where such dances are held.
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 city; 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 loud 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 or 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 otherwise 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 fall, from any building or structure upon any street or sidewalk.
13. Causing water from pools or other containment structures to flow across or backup onto property owned by others.
14. 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.
15. 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.

16. Any building or structure which is dangerous to the public health or safety because of damage, decay, or other condition.
17. Any pit, hole, or other thing which is so constructed, formed, conditioned, or situated as to endanger the public safety.
18. Any fire or explosion hazard which endangers the public safety.
19. Any occupation or activity which endangers the public peace, health, morals, safety, or welfare.
20. Any motor vehicle (whether in operating condition or not) or any trailer without a current vehicle plate as required by law for vehicles used on the public highways, when stored or kept in a residence district unless properly garaged.

B. The above enumeration of certain public nuisances 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. **(Ord. 191 Sept. 25, 2017)**

Section 13-8. Summary abatement of nuisances.

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 city manager or other appropriate officer or agency of the city government to take immediate and proper action summarily to abate such nuisances, or to reduce or suspend the danger until more deliberate action can be taken toward such abatement.

B. The chief of the fire department, the chief of police, the city attorney, the building inspector, the electrical inspector, the plumbing inspector, or any other officer subordinate to the city manager, may submit, through or with the consent of the city manager to the city council, a statement as to the existence of a nuisance as defined by the ordinances of the city or law, and a request or recommendation that it be abated. The city manager himself, the health officer, any councilman, or any resident or residents of the city may submit such a statement and request or recommendation to the city council.

C. The city manager shall first determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the city manager shall have power to subpoena and examine witnesses, books, papers, and other effects. Before proceeding to abate the nuisance or have it abated, the city manager shall give notice of a hearing on the proposed abatement to the owner of any property concerned and to any other person alleged or deemed responsible for or to be causing the nuisance, and an 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 shall be given in writing by mail or by service by a police officer if their names and addresses are known; but, if the names or addresses are not known, and the peace, health, safety, morals, or welfare of the person or persons or public 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 within the city. **(Ord 118 Mar 29, 1994)**

D. If the city manager finds that a nuisance does in fact exist, he 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. If such peace, health, safety, morale, or welfare would be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the city manager shall have the nuisance abated or have it abated, if summary abatement is practical, as authorized

by 50 O.S. Section 16. The city clerk shall send a statement of the cost of such summary abatement to the owner and/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 city collectible as other debts of the city may be collected. The owner is entitled to the same right to appeal as provided in Section 13-15 hereinafter. **(Ord. 118 Mar 29, 1994)**

Section 13-9. Abatement by suit in District Court.

In cases where it is deemed impractical summarily to abate a nuisance, the city may bring suit in the District Court of the county where the nuisance is located, as provided in 50 O.S. Section 17.

Section 13-10. Nuisance unlawful.

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

Article 2. Abatement of Weeds and Trash

Section 13-11. Legislative intent.

It is hereby declared the legislative intent of the city council to conform to the provisions of Title 11 O.S., Section 22-111 (as amended in 1989) and hereby to repeal any and all ordinances of this city in conflict therewith.

Section 13-12. Report to be made.

Any officer or employee of this city who discovers an accumulation of trash or the growth of grass and weeds, or both these conditions, upon any premises within the limits of the city by reason of which such premises appear to him to be:

A. Detrimental to the health, benefit and welfare of the public and the community;

B. A hazard to traffic;

C. A fire hazard to the danger of property, or;

D. A reportable condition that should be called to the attention of the city manager. Said report shall be made immediately to the city manager. ***(Ord 118 Mar 29, 1994)***

Section 13-13. To be placed on council agendas.

Upon receiving the report described in Section 13-12 of this article, or upon receipt of equivalent information from any reliable source, the city manager shall give notice to the owner to appear before an Administrative Hearings Officer on a day certain at the council room of city hall. The city manager is designated as the Administrative Hearings Officer. ***(Ord. 118 Mar 29, 1994)***

Section 13-14. Notice to owner.

Forthwith and at least ten (10) days prior to the hearing, the city manager shall give written notice of such hearing by posting upon the premises and by forwarding a copy thereof by certified mail with a return receipt requested of the owner of such property at the address shown by the current year's tax rolls in the officer of the treasurer of the county in which the property is located.

Section 13-15. Administrative Hearing, Order to Clean Property and Appeal Procedure.

A. Unless written consent to abatement has been received from the property owner(s), the administrative hearing officer shall convene on the day and time specified in the notice, which shall be at least ten (10) calendar days from date of receipt of the notice. The owner(s) shall have the right to be represented by counsel, to present testimony and other evidence and to cross-

examine witnesses. The administrative hearing officer shall make his determination at the conclusion of the hearing. If the administrative hearing officer determines that the accumulation of trash and or weeds has caused the owner's property to become detrimental to the health, benefit, or welfare of the public or a traffic or fire hazard, he shall order the trash or weeds to be abated.

B. The property owner shall have the right to appeal from the administrative hearing officer's decision to the city council by filing a written notice of appeal with the city clerk within ten (10) days after the administrative hearing officer's decision is rendered.

C. If within ten (10) days after an Order of Abatement is rendered at the hearing before the Administrative Hearing Officer, the owner abated the trash or weeds, the owner shall avoid any penalty**. (Ord 118 May 29, 1994)**

Section 13-16. Work to be done by city forces or by contract.

The work ordered to be performed under section 13-15 hereof may be done by the employees of this city under supervision of the city manager or it may be let by contract to the lowest and best bidder, after appropriate notice, in the manner for letting other contracts by public bid. The agents of the city are hereby granted the right of entry on such property for the performance of the necessary duties as a governmental function of the city.

Section 13-17. Cost to be determined; statement of cost to be sent.

Upon the completion of the work ordered to be performed under section 13-15 hereof, the city manager shall prepare a report of costs. Such report shall be itemized as to each tract, as follows: Labor, machinery rental or depreciation, fuel and supplies, cost of notice and other costs, and shall direct the city clerk to forward a statement and demand payment thereof by certified mail with return receipt requested to the owner of the property at the county in which the property lies. If mowing is done by the city, then cost to property owner shall not exceed the actual cost of the labor, maintenance and equipment required for said mowing, plus five percent (5%) for cost of processing.

Section 13-18. Service of notice, etc.

The service of all notices prescribed by this article shall be evidenced by the return of the officer making such service, certified in his official capacity, and filed in the office of the city clerk.

Section 13-19. Failure to pay costs; costs to be certified to county treasurer.

If the costs of the work performed under this article are not paid within thirty (30) days from the date of mailing the notice prescribed by section 13-14 hereof, the city clerk shall forward a certified statement of the amount of such costs to the County Treasurer of the county in which the property upon which the work was done is located, to be levied upon the property and to be collected by the County Treasurer in the manner prescribed by the law of this state. Such cost and the interest thereon shall be a lien against the property from the date the cost certified to the County Treasurer, co-equal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against such property and such liens shall continue until such cost shall be fully paid. At any time prior to collection, the City may pursue any civil remedy for collection of the amount owing and interest thereon

Section 13-20. "Trash" defined.

As used in this article, the word "trash" extends to the widest sense of the term, and includes, but without limitation upon any other meaning, refuse, litter, ashes, leaves, debris, paper, combustible materials, offal, rubbish, waste and useless or unused to uncared-for matter of all kinds whether solid or liquid in form including inoperable household appliances and machinery except for those stored within an enclosed building. **(Ord. 118 Mar 29, 1994)**

Article 3. Procedure Cumulative

Section 13-21. Procedure cumulative.

The various procedures for abating nuisances prescribed by this chapter and by other provisions of law and ordinance shall be cumulative one to the other; and the city may elect to follow any such procedure which is applicable in abating any particular nuisance.

Article 4. Penalty

Section 13-22. Penalty.

Any person who violates any provision of this chapter by doing any act prohibited or declared to be unlawful thereby, or declared to be a nuisance, an offense, or misdemeanor thereby, or who fails to do any act required by any such provision, or who fails to do any act when such provision declares such failure to be unlawful or to be an offense or misdemeanor, or who violates any legal order or regulation made pursuant to this chapter, or who maintains any nuisance as defined in this chapter, is guilty of an offense, and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars ($200.00), including costs. Each day upon which any such violation continues shall constitute a separate offense.

Chapter 14

OFFENSES

Article 1. Offenses; General

Section 14-1. Offenses; penalty.

Except in cases where a different punishment is now or may hereafter be prescribed by ordinance, any person who commits an offense shall, upon conviction, be fined in any sum not to exceed two hundred dollars ($200.00), including costs. Each day upon which a violation continues shall constitute a separate offense.

Section 14-2. Attempts to commit an offense.

Every person who attempts to commit an offense against the ordinances of the city, and in such attempt does any act toward the commission of such offense, but fails or is prevented or intercepted in the perpetration thereof, is guilty of an offense, and shall be punished in the manner prescribed for the offense itself.

Section 14-3. Aiding in an offense.

When no punishment for counseling, aiding, or abetting in the commission of a particular offense is expressly prescribed by ordinance, every person who counsels, aids, or abets another in the commission of such is guilty of an offense and punishable in the same manner as the principal offender.

Section 14-4. Intoxication; effect.

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

Article 2. Offenses Against Decency, Morality and Public Policy

Section 14-5. Gambling prohibited.

It is unlawful for any person, firm, or corporation, or agent or employee thereof, to play, to open or cause to be opened, or to operate, carry on, or conduct, whether for hire or not, any game of faro, or any device, for money, checks, chips, credit, or any other thing of value; to set up, operate, or permit to be operated, any slot machine or other device whatsoever where money, checks, chips, credit, or any other thing of value are played, when the act of playing the same results in a gain or loss to the party playing; or to gamble knowingly in any other manner; or knowingly to permit his or its premises, houses, lot or other property to be used in connection with or for, any act declared unlawful in this section.

Section 14-6. Loitering about place where gambling is going on.

It is unlawful for any person to loiter about in the immediate vicinity where a person or persons are gambling, whether by playing games, operating a slot machine or other device, or otherwise.

NOTE: As regards seizure of gambling equipment, see 22 O.S., Section 1261 et seq.

Section 14-7. Harmful deception.

It is unlawful for any person knowingly to deceive another (whether by impersonation, misrepresentation, or otherwise) when such deception results in or contributes to the loss, damage, harm or injury of the person deceived or of a third party, or results in or contributes to the benefit of the deceiver.

Section 14-8. Deceit – Fraud.

A. Deceit is hereby defined to mean any willfull representation of the existence of any fact or circumstance which in truth does not exist, by which representation one person procures from another anything of value, not exceeding in value the sum of twenty dollars ($20.00) to the injury of the person on whom such deceit is practiced.

B. Fraud within the contemplation of this section is hereby defined to mean any willful and misleading representation in writing or any false statement in writing made or signed by any person with the intent that such representation or statement shall be relied upon by any other person, whereby the former procures anything of value, not exceeding twenty dollars ($20.00) in value, from the person to whom such representation or statement is made, or whereby any person, directly or indirectly is caused to suffer any person, directly or indirectly is caused to suffer any financial loss by relying or acting upon, or receiving, buying, accepting or uttering such representation or statement.

C. Anyone who commits an act of deceit or fraud in the City of Coalgate is guilty of an offense and shall be punished accordingly.

Section 14-9. False or bogus checks.

It is unlawful for any person, with intent to cheat and defraud, to obtain or attempt to obtain from any person any money, property, or valuable thing of the value of twenty dollars ($20.00) or less by means of any false or bogus check or by any other written or printed or engraved instrument or spurious coin. The term "false or bogus check" shall include checks or orders given for money or property which are not honored on account of insufficient funds of the make to pay same, as against the maker or drawer thereof. The making, drawing, issuing or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in, or credit with, such bank or other depository; provided, such maker or drawer shall not have paid the drawee the amount due thereon, together with the protest fees, within five (5) days from the date the same is presented for payment; and provided, further that said check or order is presented for payment within thirty (30) days after same is delivered and accepted.

Section 14-10. Vagrancy prohibited.

It is unlawful for any person to be a vagrant in the city, and any person who is a vagrant in the city shall be punished as provided by the ordinances of the city.

Section 14-11. Begging prohibited.

It is unlawful for any person to beg alms from any person, organization or agency except an organization or agency, public or private, whose purpose or one of whose purposes is to aid persons in need.

Section 14-12. Loitering about public schools, etc.

It is unlawful for a person to loiter on or about the premises of a public or private school, or in or about any public building, or in or about a depot of a public carrier.

Section 14-13. Immoral conduct, consorting.

It is unlawful for any person to engage in illicit sexual intercourse or any other immoral act, or knowingly to consort with another for an immoral purpose, or to occupy any room for an immoral purpose, whether in a public or private place in the city, or to loiter about a house or place or prostitution or a house or place devoted to lewd or immoral acts.

Section 14-14. (Reserved).

Section 14-15. Keeping a house of prostitution, etc.

It is unlawful for any person or any agent or employee thereof, to keep or assist in keeping a house of prostitution or a house or place in the city where persons meet or assemble for illicit sexual intercourse or for any other lewd or immoral purpose; or knowingly to permit a prostitute or other person of an immoral vocation to become or remain a guest in a hotel or rooming house.

Section 14-16. Residing in a house of prostitution, etc.

It is unlawful for any person to be an inmate or resident of a house of prostitution or of a house or place devoted to lewd or immoral acts.

Section 14-17. Pimps, etc.

It is unlawful for any person to act as a pimp, or procurer, for any house or place of prostitution or for any prostitute or other person engaged in an immoral vocation, or to procure, assist in procuring, or attempt to procure any person for another for illicit sexual intercourse or for any other immoral purpose.

Section 14-18. Nudity, improper dress, indecent exposure.

It is unlawful for any person to appear in any public place in the city in a state of nudity or in any offensive, indecent, or lewd dress; or to make an indecent public exposure of his or her person.

Section 14-19. Unseemly conduct; acts detrimental to good morals; peeping.

A. It is unlawful for any person to conduct himself or herself in lewd or indecent manner or in a manner offensive to the good morals of the city, or to perform any act which is detrimental to the good morals of the city, in any public or private place within the city.

B It is unlawful for any person to hide or loiter in the vicinity of any private dwelling house, apartment, or building with the intent to watch, or gaze or look at, occupants therein in a clandestine manner; or while so hiding or loitering, to watch, or gaze or look at, occupants therein in a clandestine manner.

Section 14-20. Manufacture, sale, etc., of intoxicating liquors.

It is unlawful for any person to barter, sell, give away, or otherwise furnish to another, any intoxicating liquor or beverage of any kind except as permitted by law.

Section 14-21. Drunkenness and drinking in a public place.

It is unlawful for any person drunk, or in a state of intoxication, to appear or be upon or in any street, alley, place business, or other public place; or for any person to drink intoxicating liquor or beverage upon or in any street, alley, or other public place within the city.

Section 14-22. Minors defined.

All persons under the age of eighteen (18) are hereby defined as minors for the purpose of this chapter.

Section 14-23. Loitering prohibited during prescribed hours.

It shall be unlawful for any minor 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 11:00 p.m. and 6:00 a.m. of the following day, of every night and morning in the week, except Friday and Saturday nights and the following morning, and between the hours of 12:00 midnight on Friday and Saturday nights and 6:00 a.m. of the following morning.

Section 14-24. Exceptions.

The provisions of section 14-29 above set forth shall not apply to a minor who is accompanied by his or her parent or parents, a guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or is pursuing a legitimate business purpose directed or approved by the parent, parents, guardian or either adult person having the care and custody of the minor.

Section 14-25. Responsibility of parents, guardian or adult.

It shall be unlawful for the parent, parents, guardian or other adult person having the care and custody of a person under eighteen (18) years of age to knowingly permit such minor to violate the provision of section 14-29 above set forth.

Section 14-26. Marijuana and other controlled drugs; use, sale, etc.

It is unlawful for any person under the influence of marijuana or other controlled drug to appear or be upon or in any street, alley, place of business or other public place; or for any person to use marijuana or other controlled drug upon or in any place except as legally prescribed by a physician licensed to practice in the state; or to loiter about a place where marijuana or other controlled drug is sold or furnished illegally; or for any person to sell or furnish illegally marijuana or other controlled drug to another person.

Article 3. Offense Against Peace

Section 14-27. Carrying certain concealed weapons (except handgun) prohibited; confiscation.

It is unlawful for any person to carry concealed upon or about his person any pistol, revolver, knife with a blade over 4 inches, metal knuckle, switchblade knife, or other dangerous or deadly weapon or instrument, except when doing so in line of duty or as may be permitted by law.

A. The transportation of a handgun shall be determined and regulated pursuant to 21.O.S. Section 1289.13A and the penalties for violation of said section shall be in the amount of Seventy dollars ($70) plus court cost.

21.O.S. Section 1289.13A (Ord. 159 July 26, 2005)

Section 14-28. Discharging firearms, air rifles, and BB guns.

A. It is unlawful for any person to discharge a firearm in the city except when doing so in 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.

B. It shall be unlawful for any person to fire, shoot or discharge any air rifle, air gun, pellet weapon or CO-2 cartridge gun within the limits of the city, or upon any property owned or controlled by the city.

Section 14-29. Unlawful assembly prohibited.

It is unlawful for two (2) or more persons to assemble together, or, being assembled together, to act in concert to do any unlawful act against the peace, or to the terror of others, or to make any movement thereto or any preparation therefor, or otherwise to assemble together unlawfully or riotously.

Section 14-30. Disturbing the peace of others, insulting others, disorderly conduct.

It is unlawful for any person to disturb the peace of another or others by violent, obstreperous, or improper conduct or carriage, by loud or unusual noise, or by unseemly, obscene, offensive, or abusive language; or to insult another or others by such conduct or language; or to conduct himself in a disorderly manner.

Section 14-31. Disturbing religious worship.

It is unlawful for any person to disturb any congregation or assembly of persons meeting for religious worship by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof.

Section 14-32. Disturbing public assembly.

It is unlawful for any person to disturb any lawful public gathering or assembly by making noise, by rude, indecent, or improper behavior, by profane, improper, or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof.

Section 14-33. Loud noise or music prohibited.

It is unlawful for any person to disturb the peace and quietude of any part of the city by operating, having operated, or permitted to be operated by contrivance, whether electric or not, with or without a loud speaker, in such a manner as to emit loud music, noise, or words. However, this shall not prohibit religious bodies from playing chimes, bells, carillons, or other religious music.

Section 14-34. Displaying insulting signs, etc.

It is unlawful for any person to display any sign, emblem, badge, flag, or device which in its common acceptance is insulting, profane, or abusive to the citizens of the city, and which is

calculated or of which the natural consequence is, to cause a breach of the peace or an assault.

Section 14-35. Literature or language ridiculing deity, etc.

It is unlawful for any person to circulate any literature or use any language within the corporate limits of the city, that casts profane ridicule on any deity or religion, which in its common acceptance is calculated to cause a breach of the peace or an assault.

Section 14-36. Obscene language.

No person shall use any obscene or profane language on any street, alley or public grounds of said city, nor shall any male person address any indecent or insulting language to any woman or girl or by words or innuendo, make any indecent proposal to any such person or persons. Such acts are unlawful and an offense against the city.

Section 14-37. Indecent books.

It shall be unlawful and an offense to sell, or offer for sale, any indecent or obscene book, picture, statue or other thing, or perform or exhibit any obscene play or other exhibition.

Section 14-38. Views-obscene.

It shall be unlawful and an offense for any person in any public place to expose or open to public view, write, draw, carve, mark, cut or make any obscene or indecent word or sentence, design or figure.

Article 4. Offenses Against Persons

Section 14-39. Assault and battery: Defined, Prohibited.

A. An assault is any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another.

B. A battery is any willful and unlawful use of force or violence upon the person of another.

C. It is unlawful to commit an assault or an assault and battery within the city, and any person committing an assault or an assault and battery within the city is guilty of an offense.

Article 5. Offenses Against Property

Section 14-40. Petit larceny defined.

A. Petit larceny is the taking, accompanied by fraud and stealth, of personal property and with the intent to deprive the owner thereof of the use of the same when such property is of value of fifty dollars ($50.00) or less.

B. If the thing stolen consists of any evidence of debt or other written instrument the amount of money due thereon or secured to be paid thereby and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof as the case may be, shall be deemed the value of the thing stolen.

Section 14-41. Larceny of severed fixture.

Any fixture or part of realty, the instant it is served from the realty, becomes personal property and when the same is of the value of fifty dollars ($50.00) or less, is the subject of larceny within the meaning of this article.

Section 14-42. Larceny of lost property.

One who finds lost property of the value of fifty dollars ($50.00) or less, under circumstances which give him knowledge or means of inquiry as to the true owner, and who appropriates such property to his own use, or to the use of another person who is not entitled thereto, without having first made such effort as the circumstances render reasonable and just, to find the owner and restore the property to him, is guilty of petit larceny.

Section 14-43. Molesting automobiles and other vehicles.

It is unlawful for any person to crank, start, otherwise meddle with, molest, enter, occupy, or loiter in any automobile or other vehicle belonging to another, without the consent of the owner or person in charge thereof.

Section 14-44. Destroying, injuring, or molesting buildings and other property.

It is unlawful for any person to destroy, injure, deface, besmear, or molest any structure, building, outbuilding, fence, or any other property, real or personal, public or private, belonging to another; or to use any such property wrongfully to the detriment to the owner or other person entitled to its use; or to interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.

Section 14-45. Placing signs, etc., on property of another.

It is unlawful for any person to place, stick, tack, paste, post, paint, mark, write or print any sign, poster, picture, announcement, advertisement, bill, placard, device, or inscription upon any public or private building, fence, sidewalk, bridge, viaduct, post, automobile, other vehicle, or other property of another, without the consent of the owner or person in charge thereof.

Section 14-46. Throwing or shooting at persons or property.

It is unlawful for any person to throw or shoot any stone, shot or other object into or across any street or alley, or in any place where he is likely to hit another person wrongfully or to injure property, or to throw or shoot any stone, shot or other object at any person, vehicle, structure, electric light, or other property of another (whether public or private), except where such is done in defense of oneself, of another person or of property.

Section 14-47. Tampering with or damaging public utilities, etc.

It is unlawful for any person to connect or attach any kind of pipe, wire, or other contrivance to any pipe, line, wire, or other conductor carrying gas, water, or electricity and belonging to a public utility (whether publicly or privately owned), in such a manner as to enable him to consume or use the gas, water, or electricity without its passing through the meter or in any other way so as to evade payment therefor. It is also unlawful for any person to damage, molest, tamper with, or destroy any pipe, line, wire, meter or other part of any public utility, including telephone systems.

Section 14-48. Unlawful intrusion upon land.

Every person who intrudes or squats upon any lot or piece of land within the city without license or authority from the owner thereof, or who erects or occupies thereon any hut, hovel, shanty, or other structure without such license or authority, and every person who places, erects, or occupies within the bounds of any street, alley or avenue of the city, any hut, hovel, shanty, or other structure whatever is guilty of an offense.

Section 14-49. Unlawful entrance.

It is unlawful for any person to enter upon the property of another or into an area or

structure on such property (whether such property, area, or structure is public or private), when such entrance is plainly forbidden by signs or otherwise or when the property, area, or structure is enclosed, except when such entrance is in line of duty, or with the expressed or tacit consent of the owner or person in charge, or otherwise by authority of law or ordinance.

Section 14-50. Molesting water lines and sewer lines.

It shall be unlawful for any person, firm, association or corporation to break, cut, molest, destroy, damage, tamper with, or in any manner obstruct any water meter, water line, water connection or sewer line and connection or any appurtenances or appendages therewith connected.

Section 14-51. Molesting electric light wires.

It shall be unlawful for any person, firm, association or corporation to injure, cut, break down, molest, destroy, damage, tamper with, or in any manner obstruct any electric light wires, poles, meters, connections or appurtenances, or appendages therewith connected.

Section 14-52. False weight.

It shall be unlawful and an offense for any person or persons within the city limits to knowingly sell any commodity or article of merchandise and in the sale thereof make or give a false or short weight therefor or for any person owning or keeping or having in charge any scales or scale-yards used in weighting livestock, hay, grain, coal or any other article to knowingly and willfully report any false or untrue weight whereby another person shall be defrauded or damaged.

Article 6. Offenses Against Public Authority

Section 14-53. Resisting officers, etc.

It is unlawful for any person knowingly or wilfully to resist, oppose, or obstruct the chief of police, any other policeman, the municipal judge, or other officer, or employee of the city in the discharge of his official duties; or by threats or otherwise, to intimidate or attempt to intimidate any such officer or employee from the discharge of his official duties; or to assault or beat, or revile, abuse, be disrespectful to, use abusive indecent language toward or about any such officer or employee while such officer or employee is in the discharge of his official duties.

Section 14-54. Rescuing prisoners; assisting to escape; giving weapons, alcoholic beverages or narcotics.

It is unlawful for any person, in any unlawful manner, to set at liberty, rescue, or attempt to set at liberty or rescue, any prisoner or prisoners, from any officer or employee of the city having legal custody of the same or from the city jail or other place of confinement by the city, or to assist such prisoner any weapon or object which might be used as a weapon or instrument to assist him in escape, or to give such prisoner any alcoholic beverage or narcotics.

Section 14-55. Escape of prisoners.

It is unlawful for any person confined in the city jail or other place of confinement by the city, or working upon the streets or other public places of the city in pursuant of any judgment, or otherwise held in legal custody by authority of the city, to escape or attempt to escape from any such jail, prison, or custody.

Section 14-56. Personating an officer or employee.

It is unlawful for any person to personate any officer or employee of the city, falsely represent himself to be an officer or employee of the city, or exercise or attempt to exercise any of

the duties, functions, or powers of an officer or employee of the city without being duly authorized to do so.

Section 14-57. Neglect of official duty.

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

Article 7. Miscellaneous Offenses

Section 14-58. False fire alarms.

It is unlawful for any person to turn in a false fire alarm, or in any manner to deceive or attempt to deceive the fire department or any officer or employee thereof with reference to any fire alarm or reported fire, or knowingly to cause the fire department or its officers or employees to make a useless run.

Section 14-59. False representation to an officer.

It is unlawful for any person or any agent or employee thereof, knowingly to make any material misrepresentation to any officer, employee or agency of the city government in any official application to, or official dealing or negotiation with, such officer or agency; or to commit perjury before any tribunal or officer of the city.

Section 14-60. Removal of barricades, etc.

It is unlawful for any person except by proper authority to remove any barricade or obstruction placed by authority of the city to keep traffic off any pavement, street, curb, sidewalk, or other area.

Section 14-61. Air conditioner condensation to be diverted.

Anyone having an air conditioning or air-cooling system now situated upon the awning of any building within the fire limits of said city, shall dispose of the water therefrom, by diverting the waste water from such air conditioning or cooling system, to the back of their respective building or connecting their water disposal system therefrom with the city storm sewer system of said city.

Article 8. Penalty

Section 14-62. 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 any sum not to exceed two hundred dollars ($200.00) including costs. Each day's continuation of any such violation shall be deemed a separate offense.

Chapter 15

PARKS AND RECREATION

Article 1. Park Board

Section 15-1. Park board created.

The City Council for the City of Coalgate, Oklahoma is hereby designated as the Park Board.

Section 15-2. Park board duties.

All municipal parks of this city shall be under the control and direction of the city council and administered through the city manager. It shall be the duty of the city council to regulate proper operation of recreational facilities of the municipality through the city manager. The City Council shall have the power and authority to establish by resolution a fee schedule for public use of City parks and all facilities incident thereto including but not limited to the City Baseball Park and all facilities thereto. All subsequent changes and adjustments to said fee schedules shall be made by subsequent resolutions**. (*Ord. 101 Nov 27, 1990*)**

Article 2. Park Regulations

Section 15-3. Public parks.

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

Section 15-4. Discharging firearms.

No person shall discharge firearms in any public park.

Section 15-5. Defacing property.

No person shall write upon or mark or deface in any manner or use in any improper way any water closet, park seat, any building, fence or other property in any park.

Section 15-6. Driving in parks.

No person shall drive or ride upon the grass or footways or elsewhere in a city park than upon the roads provided for the use of automobiles and other vehicles.

Section 15-7. Speed.

No person shall drive or ride at a greater rate of speed than fifteen (15) miles per hour within any city park, unless posted limits are higher.

Section 15-8. Injuring trees, etc.

No person shall break, cut, mutilate, or injure, remove or carry away any trees, shrubs,

plants, flowers, stone or stone walks, bench, chair seat, bower stand, structures, fence or property or anything whatsoever in, upon or near any park, or any street, avenue or highway around the same.

Section 15-9. Nuisances or indecency.

No person shall commit any nuisance or any offense against decency and good morals in the parks.

Section 15-10. Throwing stones or rubbish.

No person shall throw stones or rubbish of any kind into any lake or pond or stream or other place in the parks, except into receptacles designed for that purpose.

Section 15-11. Molesting animals.

No person shall chase, kill, set snare for, pet or tease any rabbit, squirrel, bird, fish or any other animal or thing belonging to said parks or kept therein.

Section 15-12. Bill posting.

No person shall paste, affix or inscribe any handbill, poster, card, device or inscription to or upon or against any fence, structure or property of or on any park or highway, street or avenue surrounding the same.

Section 15-13. Disorderly behavior.

No person shall curse, swear, or use abusive language or fight, throw stones or behave in a riotous or disorderly manner in any park.

Section 15-14. License for selling.

No person shall set up any booth, table, stand or other device for vending or retailing any candies, ice cream or other article whatsoever in any park without first obtaining permission therefor from the park board or its duly authorized representative.

Section 15-15. Fouling water.

No person shall foul in any manner any spring, drinking fountain or stream in any park.

Section 15-16. Hitching animals.

No person shall fasten any horse, cow or other animal to any tree, stake, building, post or other fastening in any park.

Section 15-17. Keep to right.

All automobiles, vehicles or equestrians, when meeting on the driveways in any park, shall keep to the right and also comply with all other requirements of the traffic ordinances of the city in the use of said driveways by automobiles or other vehicles.

Section 15-18. Aircraft.

No airplane or flying machine shall light or land or take off in any city park.

Section 15-19. Animals running at large.

No person shall permit any horse, cow or other domestic animal to go or run at large in the city parks, and all such animals shall be taken up and impounded, and if not claimed within ten (10) days, shall be sold as provided for the sale of impounded animals by the ordinances of the city; and the fact that such animals were found running at large shall be prima facie evidence of the violation hereof by the owner of such animal.

Section 15-20. Trespassing.

No person shall go or walk upon any space in said parks reserved for flowers or other plants or otherwise invade any plot reserved by said city for shrubbery or grass or flowers or for any other purpose.

Section 15-21. Disturbing picnics.

No person shall disturb or interfere with any picnic or social gathering or program of any group of persons in any city park.

Section 15-22. Domestic fowls at large.

No person shall permit any domestic fowls to run at large in the parks.

Section 15-23. Racing.

Horse racing or racing with any automobile or other vehicle is hereby prohibited in any park unless permission therefor is given by the park board or its duly authorized representative.

Section 15-24. Bicycle regulations.

No person shall ride or drive any bicycle, tricycle or motorcycle in said parks except upon the driveways thereof; and when passing another vehicle or equestrian from the rear to the front, such person shall pass to the left side and at a moderate rate of speed. Bicycles, tricycles and motorcycles must not travel more than two (2) abreast.

Section 15-25. Watchman's duties.

The keeper and watchman of the parks if such post is created, shall be sworn in as special police and be entrusted with the enforcement of the provisions of this article, and shall at all times have the assistance of the regular police force in enforcing the same.

Section 15-26. Overnight camping prohibited without permit.

Overnight camping in a city park is prohibited unless a permit is obtained from the duly authorized representative of the city.

Article 3. Hunting, Fishing and Boating

Section 15-27. Hunting prohibited.

No person shall be allowed to hunt on territory owned or under the control of the city without first obtaining a permit from a duly authorized representative of the city.

Section 15-28. Oklahoma game law to be observed.

The game laws of the State of Oklahoma and the state laws relating to fishing now existing and as they may be amended, and that may hereafter be enacted, shall, except as herein otherwise provided, govern and regulate all fishing within the municipal lake area.

A. Fishermen are prohibited to keep bass less than 16 inches in length and shall be required to release the fish unharmed back to the water immediately.

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF COALGATE, OKLAHOMA ON THE 30th DAY OF April, 2018.

Section 15-29. Fees for fishing licenses and permits.

No person shall noodle, gropple or use a net, minnow seine, run, trap, spear, gig, or chemical to take or catch fish from the waters within the municipal lake. The Council may from time to time by motion or resolution permit net or minnow seines to be used.

Section 15-30. Certain types of fishing prohibited.

No net, minnow seine, run, trap, spear, gig or chemical shall be used to take or catch fish from the waters within the municipal lake, if fishing privileges are provided. The council may from time to time by motion or resolution permit net or minnow seines to be used.

Section 15-31. Boat docks restricted.

No boat dock shall be erected except in areas as may hereafter be designated by resolution of city council and prior to the construction of any boat dock, the plans and specifications therefor shall be approved by the city council acting through the city manager.

Section 15-32. No tampering with other's boats.

No person shall molest or tamper with any boat or fishing equipment belonging to another without the owner's consent.

Section 15-33. Licenses subject to rules and regulations provided by board.

All licenses and permits, and the exercise of the privileges therein granted, herein provided for, shall be subject to any further rules and regulations provided by the city council.

Section 15-34. Unused bait restrictions.

No unused bait such as minnow or small fish or other kind shall be deposited in the waters within the municipal lake.

Section 15-35. Firearms prohibited.

The use of rifles or of pistols is strictly prohibited on the municipal lake grounds or water except by employees of the city especially authorized to use the same.

Section 15-36. Littering and pollution prohibited.

No papers, boxes or refuse of any nature whatsoever shall be left on the grounds or deposited in the waters of the municipal lake.

Section 15-37. Intoxication prohibited.

No person who is intoxicated or in the possession of any intoxicating liquors, any person guilty of bad conduct, or any person hunting on municipal lake property shall be guilty of a misdemeanor.

Section 15-38. Definitions.

The term "municipal lake" or "Coalgate City Lake" as herein used is hereby defined to be that area containing the Coalgate City Lake and the property abutting and adjoining said lake owned by the City of Coalgate, Oklahoma, or used by said city as a part of its municipal waterworks system. The term "lake" as herein used is hereby defined to mean the Coalgate City Lake.

Section 15-39. Board may suspend rules in emergency.

Upon a determination by the city council that an emergency exists, and that by reason thereof, in the interest of public health, welfare and safety the licenses and permits, and the privileges therein extended and herein provided for should be suspended, the city council may suspend such licenses and permits, and the privileges therein extended, for the period of such emergency.

Article 4. Water Skiing

Section 15-40. Skiing only at time and areas designated.

No persons shall engage in water skiing on the Coalgate City Lake except between the hours of 8:00 A.M. and sunset of each day.

Section 15-41. Recklessness prohibited.

No operator of a boat engaged in water skiing shall operate such boat in a careless or reckless manner or in any other manner which might endanger the life and/or property of another.

Section 15-42. Persons under the influence of drugs or alcohol.

No person shall operate a boat while under the influence of an intoxicant or drug.

Section 15-43. Life jackets required.

Life jackets of reasonable and proper type shall be worn at all times by all persons engaged in the activity of water skiing.

Section 15-44. Persons under 13 prohibited without adult.

No person under thirteen (13) years of age shall water ski on Coalgate City Lake unless under the direct guidance of an adult over twenty-one (21) years of age who shall be in the boat pulling such minor.

Section 15-45. Fifty feet clearance between boat and skiers.

At no time shall separate boats pulling skiers have less than fifty (50) feet clearance of each other's lines, skiers and boats.

Section 15-46. Direction of travel.

A counter clockwise pattern shall be maintained at all times by skiers and boat operators in the traffic areas.

Section 15-47. Revocation.

Any person violating the provisions hereof shall be fined a sum not in excess of two hundred dollars ($200.00) inclusive of cost, and such violation shall be sufficient cause to forthwith cancel and revoke the boat license herein provided, and to prohibit such person from engaging in the activity of water skiing on the Coalgate City Lake.

Article 5. Swimming

Section 15-48. Swimming prohibited.

Swimming in the Coalgate City Lake, or any recreational facility, shall be permitted only in areas designated and posted for swimming and roped and buoyed. All such swimming shall be at the swimmers own risk and signs shall be posted to the same long with notification that no lifeguard is on duty. Swimming shall be allowed only between the daylight hours of 8 a.m. and sunset of each day.

It shall be unlawful for any person to swim or bath in the Coalgate City Lake except that designated for swimming as set forth above. Any violation of this ordinance shall be fined in accordance with the schedule of bonds for offenses in the City of Coalgate. The bond shall be set initially at two hundred dollars ($200.00) for each offense and may be changed or amended by resolution of the City Council.

No person or water craft of any type shall be permitted within a fifty (50) feet radius of the intake for Coalgate City lake. Any person violating this ordinance shall be fined in accordance with the schedule of bonds for offenses in the City of Coalgate. The bond shall be set initially at two hundred dollars ($200.00) for each offense and may be changed or amended by resolution of the City Council.

(Ord. 162 Oct 1, 2006)

Article 6. Penalty

Section 15-49. Penalty.

It shall be unlawful for any person to use any recreational facilities owned or operated by the City of Coalgate, Oklahoma, without having complied with the rules and regulations promulgated by the park board through the city manager of Coalgate, Oklahoma, 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 fined in an amount not to exceed two hundred dollars ($200.00) including costs.

Chapter 16

PLANNING AND ZONING

Article 1. City Planning Commission: Planning

Section 16-1. City planning commission: Creation, membership

A city planning commission is hereby created. It shall consist of five (5) appointive members, all of whom shall be electors of the city, and of the mayor and city engineer (if any) as ex officio members. The five (5) appointive members shall be nominated by the mayor and appointed by the council, and shall serve for terms of three (3) years, the terms to end at 7:30 o'clock p.m. on the first Monday in May. Of the original appointive members, one (1) shall serve until that time on the first Monday in May, 1958; two (2) shall serve until that time on the first Monday in May, 1960. Vacancies shall be filled for the unexpired terms. The members shall serve without compensation. The council may remove a member of the planning commission for the good of the service.

Section 16-2. City planning commission: Organization, meetings, officers and employees.

The city planning commission shall elect a chairman, a vice-chairman and a secretary, who shall serve until 7:30 o'clock P.M. on the next first Monday in 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, the mayor or any three (3) 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 council. Their salaries and compensation shall be fixed by the council, and shall be paid out of the city treasury as other salaries and compensation are paid. The necessary legal expenses shall be paid out of the city treasury as other legal expenses of the city government are paid.

Section 16-3. City planning commission: Powers and duties.

A. The city planning commission shall prepare from time to time plans for the systematic development and betterment of the city as a place of residence or for business. It may consider and investigate any subject matter tending to the development and betterment of the city, and make such recommendations as it may deem advisable concerning the adoption thereof, to any department, officer or agency of the city government, and make or cause to be made surveys, maps and plans for any purpose. It shall have all the powers conferred upon a city planning commission by the Oklahoma Statutes, 1971, Title 11 , Sections 421-425, and all powers which in the future may be granted by applicable state law to such authorities.

B. Before final action shall be taken by the city or any department, officer or agency thereof, on the location and design of any public building, statue, memorial, park, parkway, boulevard, street, alley, playground, public grounds, or bridge, or on the change of the location of any street, alley or grade thereof, such question shall be submitted to the city planning commission for investigation and report.

C. All plans, plats or re-plats of land laid out in lots or plats, and the streets, alleys or other portions of the same intended to be dedicated to public or private use, within the corporate limits of the city, shall first be submitted to the city planning commission for its approval or rejection; and regardless of the action of the city planning commission, before such plans, they must be approved by the council. The disapproval of any such plan, plat or re-plat by the council, shall be deemed a refusal of the proposed dedication shown thereon.

1. The City Planning and Zoning Commission shall approve any businesses to be opened within the City Limits as being in compliance state, county law and city ordinances and all applicable zoning restrictions and use (exception will be given to change in management and/or ownership of existing occupation or business at the same address as long as it is properly zoned and no variance has been issued. **(*Ord. 152 Dec 30, 2002; Ord. 132 Aug 1, 1997*)**

Section 16-4. Procedure.

All projects or matters that fall within the purview of the duties of the planning commission, as herein specified, that may come before the mayor and city council of the City of Coalgate, Oklahoma, shall be referred to said planning commission for investigation and report before any final action shall be taken thereon, provided, however, that if said planning commission shall fail to make an investigation and report on any matter or subject referred to it for a period of sixty (60) days, such failure shall be considered a refusal to approve the proposed plan or project, and may thereupon act upon such proposal, plan or project as though such matter had not been referred to the said planning commission.

Section 16-5. Plats and subdivisions.

No platting of un-platted property in the City of Coalgate, Oklahoma, and no platting of any existing subdivisions in the City of Coalgate, Oklahoma, shall be permitted until such plat or subdivision shall be presented to the planning commission. Upon such proposed plat or subdivision being presented to the planning commission, it shall, within thirty (30) days, make its findings and recommendations to the mayor and city council of the City of Coalgate, Oklahoma, concerning the adoption, modification or rejection of said platting, re-platting or subdivision.

Article 2. City Planning Commission: Zoning

Section 16-6. Zoning: City planning commission to have power of a zoning commission.

A. The city planning commission heretofore created, is hereby appointed the zoning commission of the city; and the city 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 board known as heretofore as the city planning commission.

B. Exercising the powers of a zoning commission, the city planning commission shall recommend the boundaries of the various zones and appropriate zoning regulations to be enforced therein, and any changes therein which it may deem desirable from time to time. It shall have all the powers conferred upon a zoning commission by Title 11 O.S., Section 43-101 et seq., and all powers which in the future may be granted by applicable state law to such authorities.

Section 16-7. Zoning: Procedure.

A. The city planning commission shall make a preliminary report on recommended zones and regulations, and shall hold public hearings thereon before submitting its final report to the council. The council shall not hold public hearings nor take action on the report until it has received such final report from the commission.

B. No such regulation, restriction or boundary nor any change therein, shall become effective until after a public hearing before the council in relation thereto, at which interested parties and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in the city.

C. In case of a protest against a proposed change in such regulations, restrictions an boundaries, signed by the owners of twenty percent (20%) or more either side of the territory included in such proposed change or separated therefrom only by an alley or street, such amendment shall not become effective except by favorable vote of three-fourths (3/4) of all members of the council.

Section 16-8. Severability clause.

In the event any section, sub-section, paragraph or part of these regulations shall be adjudged invalid or void by any court, such section, subdivision, paragraph or part thereof shall be deemed severable and separable and the remainder of these regulations shall be and remain in full force and effect. It is hereby declared to be the intent of the board of trustees that these regulations would have been passed and adopted had such invalid provisions, if any, not been included.

Article 3. Subdivision and Platting Regulations;

General Provisions

Section 16-9. Purpose and intent.

A. These regulations are designed to promote the health, safety, morals and general welfare of the community by establishing standards for the subdivision of land within the City of Coalgate.

B. The provisions of these regulations are specifically designed to lessen the congestion on streets, promote the orderly layout and use of land, secure safety from fire and other dangers, provide adequate light and air, facilitate adequate provisions for transportation, water, sewerage, schools, parks, playgrounds and other public requirements, and protect neighborhood areas from the hazard of through traffic.

C. These regulations are designed and intended to achieve the following and should be administered so as to:

1. implement the comprehensive plan;
2. provide for conservation of existing standard residential areas and prevent the development of slums and blight;
3. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts;
4. provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract, and that the cost of improvements which primarily benefit the whole community be borne by the whole community;
5. provide the best possible design for the tract;
6. reconcile any differences of interest; and
7. establish adequate and accurate records of land subdivision.

Section 16-10. Short title.

The regulations shall be known as the Subdivision Regulations of the City of Coalgate, Oklahoma.

Section 16-11. Authority.

These regulations are enacted pursuant to Title 11 O.S., Section 45-101 et seq.

Section 16-12. Jurisdiction.

A. These regulations shall govern the subdivision of land in the corporate limits of the City of Coalgate, Oklahoma.

B. These regulations shall apply to the following forms of land subdivision:

1. The division of land into two (2) or more tracts, lots, sites or parcels, any part of which, when subdivided, shall contain less than five (5) acres in area; or
2. The division of land, previously subdivided or platted, into tracts, lots, sits or parcels of less than ten (10) acres in area; or
3. The dedication, vacation or reservation of any public or private easement through any tract of land regardless of the area involved, including those for use by public and private utility companies; or
4. The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

Section 16-13. Definitions.

For the purpose of these regulations, certain terms used herein are defined as follows:

A. Alley. A minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the back or side if properties otherwise abutting a street, and which may be used for public utility purposes.

B. Block. A parcel of land, intended to be used for urban purposes which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels, or a combination thereof.

C. Building line or setback line. A line or lines designating the area outside of which a building may not be erected.

D. City. The City of Coalgate, Oklahoma.

E. City council. The official body of the City of Coalgate, Oklahoma.

F. Comprehensive plan. The official plan of the City of Coalgate, Oklahoma.

G. Easement. A grant of the use of a strip of land for specific purposes by the property owner to the public, a corporation or persons.

H. Development density. For the purpose of this Ordinance density in terms of gross land area are:

Low - 2 or less dwelling units per acre;
Medium - 2.1 to 6.0 dwelling units per acre;
High - Over 6 dwelling units per acre.

I. Lot. A subdivision of a block or other parcel intended as a unit for the transfer of ownership or for development.

J. Lot, corner .A lot located at the intersection of and abutting on two (2) or more streets.

K. Lot, double frontage. A lot which runs through a block from street to street and which has two (2) non-intersecting sides abutting on two (2) or more streets.

L. Lot split. Any division of land by metes and bounds description into two (2) or more parcels for the purpose, whether immediate or future, of transfer of ownership, and which does not constitute a subdivision as herein defined.

M. Planning commission. The planning commission of the City of Coalgate as established by the municipal code of ordinances.

N. Plat, preliminary. A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

O. Plat, final. A map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas, and other dimensions of land.

P. Roadway. That portion of any street so designated for vehicular traffic; and where curbs are in place, that portion of the street between curbs.

Q. Street. The entire width of whatever nature between the property line when any part thereof is open to the use of the public as a matter of right for the purpose of vehicular traffic and/or pedestrian traffic, and wherever designated as a street, highway, thoroughfare, expressway, road, avenue, boulevard, land, place, cul-de-sac, or however otherwise designated.

R. Street, arterial. A major street which is designated on the Thoroughfare Plan, or Comprehensive Plan and/or as may be designed by ordinance by the city council and which is designed to carry inter-community traffic and to relate the various neighborhoods within the community.

S. Street, collector. A street collecting traffic from minor streets and serving as the most direct route to an arterial street or a community facility. Any street may be designated by the city council as a collector street when it serves, or when extended may serve, more than fifty (50) dwelling units.

T. Street, commercial or industrial. A commercial or industrial street is defined as a street which abuts a commercial, or industrial, zoned property and is designed to provide access to those parcels so designated.

U. Street, cul-de-sac. A minor street having one end open to vehicular traffic and having one closed end terminated by a turnaround.

V. Street, frontage or service. A minor street auxiliary to and located on the side of an arterial street for service to abutting properties and adjacent areas and for control of access.

W. Street, marginal access. A service road or other roadway normally running parallel to or with an arterial street for the purpose of intercepting traffic from abutting property and/or intersecting streets for the purpose of limiting access to the arterial street main roadway.

X. Street, minor. Any street not specifically classified on the Thoroughfare and/or Comprehensive Plan whose primary purpose is to provide access to adjacent properties.

Y. Sub-divider. Any person, firm, partnership, or corporation or other entity acting as a unit, subdividing or proposing to subdivide land as herein defined.

Z. Subdivision. The division or re-division of land by map into two (2) or more lots, tracts, sites or parcels for the purpose of transfer of ownership or for development, or the dedication or vacation of a public or private right-of-way or easement.

AA. Thoroughfare plan. The part of an official community plan referring to street development goals, principles and standards.

BB. City planner. The qualified professional planner designated by the city council to advise the planning commission and council on matters relating to the development of the community.

Article 4. Design Standards

Section 16-14. Street plan and relation to adjoining street system.

A The arrangement, character, extent, width, grade and location of all streets in a proposed subdivision shall conform to the official community plan and these regulations.

B. All such streets shall be related to existing and proposed streets in the area, topographical conditions, public convenience and safety, and existing and proposed land uses along such streets.

C. All streets shall be platted in such a manner that all resulting lots shall conform to the applicable zoning regulations.

D. Where such streets are not shown in the official community plan, the arrangements of these streets in the subdivision shall either:

1. Provide for the continuation or appropriate projection of existing streets in the surrounding areas; or

2. Conform to a neighborhood plan approved or adopted by the planning Commission.

E. Minor and collector streets shall be laid out so as to discourage through traffic.

F. Where a residential subdivision abuts or contains an existing or proposed arterial, the planning commission shall require:

1. Marginal access streets;
2. Reverse frontage with screen planting contained in a non-access reservation along the rear property line;
3. Deep lots with rear service streets; or
4. Such other treatment as may be necessary for the adequate protection and stabilization of residential properties and to afford separation of through and local traffic.

Section 16-15. Relation to other limited rights-of-way.

Where a subdivision borders on or contains a railroad right-of-way or limited access highway, the planning commission may require a street approximately parallel to and on each side of such right-of-way.

Section 16-16. Reserve strips prohibited.

Reserve strips designed and used for the primary purpose of controlling access to minor streets by parties or persons other than a public agency shall be prohibited.

Section 16-17. Street alignment.

A. Street jogs with center line offsets of less than 25 feet shall be avoided.

B. A tangent of not less than one hundred (100) feet in length shall be introduced between reverse curves on arterial and collector streets.

C. Sight distance - Minimum clear sight distance, measured along the chord of the center line, shall be provided on all streets as follows:

Arterial streets	1400 Feet
Collector streets	350 Feet
Minor streets	250 Feet

Section 16-18. Street rights-of-way and roadway widths.

A. Streets rights-of-way and roadway width shall conform to the official community plan.

B. All streets shall be paved according to the established standards adopted by the city council.

C. The following minimum standards shall apply:

Street Type	Right-of-Way Width as per
Expressway	Oklahoma State Highway Dept.
Primary Arterial	120'
Secondary Arterial	100'
Commercial or Industrial Street	80'
Collector	60'
Minor	50 or 60'*

*Use where abutting development is high density.

D. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations.

E. In no event shall lots facing a one-half minor residential street be permitted.

F. Wherever an existing half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

Section 16-19. Arterial Street frontage access control.

A. No access on an arterial street shall occur within minimum intervals of five hundred (500) feet, measured from the nearest intersecting rights-of-way lines (except as modified by B. below); said distance may be extended or increased if traffic conditions as determined by the planning commission warrant such extension.

B. In commercial and industrial subdivisions, specifically designated "one-way turn only" access may be provided in the direction of the adjacent traffic lane at a minimum of three hundred (300) feet between each access point.

C. Commercial or industrial subdivisions should have access to an arterial or commercial street, and may have access to a collector street, if traffic conditions as determined by the planning commission warrant such extension, but shall not have access to a minor street.

D. To assure traffic safety, appropriate non-access provisions shall be designated and dimensioned along all abutting streets in commercial and industrial subdivisions, and along major streets in residential subdivisions. A description of such non-access provisions shall appear upon the plat.

E. Access to property occurring within the minimum distance prescribed for arterial street access, five hundred (500) feet, shall only be by the closest service or frontage road entrance onto the arterial street.

Section 16-20. Street and subdivision names.

A. No street name shall be used which will duplicate or be confused with the names of existing streets.

B. Street names shall be subject to the approval of the planning commission and the city council.

C. Subdivision names shall not duplicate existing subdivisions of record unless the plat is an extension of a previously recorded addition as reflected in a preliminary plat approved by the planning commission and the city council.

Section 16-21. Street grades.

A. The minimum grade of all streets shall be four-tenths percent (0.4%).

B. Except where unusual topographic conditions justify an exception, the maximum grade of all streets shall not be greater than the following:

Street Type	Grade
Arterial	3%
Collector	5%
Minor streets	7%

Section 16-22. Street Intersections.

A. Streets shall be laid out to intersect at right angles and may be curved, if necessary, in order to make this possible. In no event shall a street intersect any other street at any angle of less than 75 degrees.

B. Street corners on local residential streets shall have a minimum radius of 30 feet as curb line or its equivalent.

C. Street corners on commercial and industrial streets shall have a minimum radius of forty (40) feet at the curb line or its equivalent.

D. Street intersections involving arterials shall have a minimum street corner radius of forty (40) feet at the curb line or its equivalent.

E. All street corner radii shall be shown on the preliminary and final plats.

F. Corner dedications shall be provided at the intersections of all streets which are not less than twenty-five feet (25') back from the intersection of the projected right-of-way lines of the intersecting streets.

Section 16-23. Cul-de-sacs and dead-end streets.

A. Except where topography would render impracticable the standard distance as set forth herein, the maximum length of a cul-de-sac shall be one thousand (1,000) feet in areas of low density and five hundred (500) feet in all other cases.

B. Each cul-de-sac shall be provided with a turnaround having a minimum right-of-way radius of fifty (50) feet.

C. The road surface within the cul-de-sac right-of-way shall have a minimum radius of thirty-eight (38) feet.

D. In the case of temporarily dead-ended streets which are stub streets designed to provide future connection with adjoining un-subdivided areas, the planning commission may require:

1. Temporary easement for a turnaround having a radius of fifty (50) feet; or
2. An appropriate area for a back-around.

E. In all instances, proper provisions shall be made for adequate storm drainage so that storm water does not collect at the ends of these streets.

Section 16-24. Alleys.

A. Alleys shall be provided in all commercial districts except where a commercial district will be developed as a self-contained unit; then other provisions shall be made on the site for service drives and service areas.

B. Alleys in residential areas shall not be less than twenty (20) feet in width when provided.

C. Alleys in commercial areas shall not be less than thirty (30) feet in width and shall be paved.

D. Dead-end alleys are prohibited except where natural or other features make it impossible to continue them. Where dead-end alleys are unavoidable, they shall be provided with adequate turnaround areas with a minimum radius of forty (40) feet at the dead-end. Back-around areas may be allowed in residential subdivisions.

Section 16-25. Easements.

A. Where alleys are not provided or may not be used for utility purposes easements shall be provided as may be advisable for poles, wires, conduits, storm sewers, sanitary sewers, gas lines, water mains and lines, and other similar purposes.

B. Rear-yard easements shall be at least twenty (20) feet wide. In the event one-half (1/2) of an easement is platted, it shall be not less than fifteen (15) feet in width.

C. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines for such water course and such further width of construction or both as will be adequate for the purposes. Parallel streets or parkways may be required in connection therewith.

D. Twenty (20) foot utility easements shall be provided at the end of cul-de-sacs along major thoroughfares.

Section 16-26. Blocks.

A. In general, blocks should have the following dimensions:

	Minimum	Maximum
Length	600 Feet	1,200 Feet
Width	220 Feet	400 Feet

B. The foregoing dimensions shall be subject to adjustment upon recommendation by the planning commission where topography, the character of the proposed development, or other similar conditions justify blocks of greater or lesser length and/or width.

C. lock lengths and widths shall be measured from the street right-of-way line.

D. Wherever blocks are longer than one thousand (1,000) feet, crosswalks may be required at the approximate center of the block.

Section 16-27. Lots.

A. The lot size, width, depth, shape orientation, and minimum building setback lines shall be appropriate for the location of the subdivision and the type of development and use contemplated.

B. Lot dimensions shall conform to the existing zoning regulations.

C. Each lot shall have access and front upon a public street.

D. Double frontage and reverse frontage lots should be avoided except where their use will produce definite advantages in meeting special situations in relation to topography and proper land use.

E. Side lot lines shall be substantially at right angles or radial to street lines.

Section 16-28. Marginal land.

When a plat is filed on land that is subject to flooding or has been flooded within the last twenty (20) years and corrective measures have not been taken to prevent re-flooding, or when said land has soil conditions unsuitable for building purposes, said plat shall not be acceptable except where said property is dedicated to the municipality subject to its acceptance for a water course, water drainage basin, a park or a conservancy district or for any other purpose of protecting the health, safety and general welfare of the public.

Article 5. Procedure

Section 16-29. Preliminary plats.

A. The sub-divider shall submit at least fourteen (14) copies of the preliminary plat to the city clerk or his designated agent, who shall cause the plat to be reviewed for conformity with these regulations.

B. The city clerk, or his designate agent, shall distribute the plats as follows:

1 copy to the city planner;
1 copy to the city engineer;
1 copy to the planning division, Oklahoma State Highway Department;
1 copy to the Board of County Commissioners;
1 copy to the Coalgate school superintendent;
1 copy to the telephone company;
1 copy to the gas company;
1 copy to the electric company;
1 copy to the post master;
1 copy to the planner of SODA.

Four copies of the Plat shall be retained for the following purposes:

1 copy to be returned to the developer with the comments of the planning commission;

1 copy to be retained in the file of the city council;

1 copy to be retained in the files of the planning commission; extra copy.

C. The city planner shall be responsible for assembling the comments of the above persons designated to review the preliminary plat and shall review the plat for conformity with their regulations, the official comprehensive plan and good planning principles and shall submit his report and recommendations to the planning commission at the next regular meeting of said planning commission, which is not less than fifteen (15) days from the date that said preliminary plat was accepted for processing by the city clerk, or his designated agent.

D. Upon receipt of the report of the city planner the planning commission shall approve, conditionally approve, or reject the preliminary plat within thirty (30) days of its acceptance for processing.

E. After its consideration the planning commission shall return one (1) copy of the preliminary plat to the sub-divider and forward one (1) copy to the Coalgate city council, together with its report of any conditions of approval or the reasons for rejection.

F. The Coalgate city council shall concur in the actions of the planning commission or shall return the preliminary plat to the planning commission for reconsideration stating the reasons for such request for reconsideration.

G. Approval of the preliminary plat shall not in all cases entitle the sub-divider to approval of the final plat. After preliminary approval, if any conditions arise which would cause the preliminary plat to become unsatisfactory due to health, safety, or welfare of the community, the planning commission shall recommend that the final plat be rejected.

Section 16-30. Final plat.

A. The sub-divider shall cause the final plat to be prepared by a registered civil engineer or land surveyor and shall submit ten (10) paper copies and one (1) copy of stable base tracing medium of Mylar or comparable stable base reproducible material of the proposed subdivision to the city clerk, or his designated agent. The final plat of the proposed subdivision shall be submitted to the planning commission and Coalgate city council for final approval within two (2) years of the date on which the preliminary plat was approved. If not submitted for final approval within such time, the preliminary plat approval shall be considered as null and void unless the planning commission and the Coalgate city council agrees to an extension of time.

B. The city clerk, or his designated agent, shall distribute the plats as follows:

1 copy to the city planner
1 copy to the city engineer
1 copy to the telephone company
1 copy to the gas company
1 copy to the electric company

Five copies of the plat shall be retained for the following purposes:

1 copy to be retained in the files of the city council;
1 copy to be retained in the files of the planning commission;
3 extra copies.

C. The city planner shall be responsible for assembling the comments of the above persons designated to review the final plat and shall review the plat for conformity with their regulations and shall submit his report and recommendations to the planning commission at the next regular meeting which is not less than fifteen (15) days from the date that said final plat was presented to the city clerk, or his designated agent, for processing.

D. The planning commission shall review the final plat for conformance with the preliminary plat and these regulations and shall prepare a set of written recommendations to be submitted to the Coalgate city council at the time the final plat is considered.

E. The planning commission shall approve or disapprove the plat within thirty (30) days of the date of its submittal. If the final plat is approved with the modification or waiver of certain requirements, the planning commission shall specify the reasons therefore. If the final plat is disapproved, the grounds for refusal, including citation of the applicable regulations or general plan, shall be stated on the records of the planning commission to act thereon within such specified time shall be sufficient in lieu of written endorsement of approval.

F. The action of the planning commission shall be shown on the final plat, with the date of action, over the signature of the chairman or vice chairman.

G. The planning commission shall transmit to the Coalgate city council the reproducible copy and two (2) paper copies of the final plat, together with copies of the restrictive covenants, and a listing of all required improvements indicating that they have been installed, or that a contract and bond insuring their installation satisfactory to the Coalgate city council has been executed and received by the city clerk.

Section 16-31. Recording of plat.

A. Before recording the final plat, it shall be submitted to the Coalgate city council for approval and for acceptance of public ways, service and utility easements, and land dedicated to public use. This approval of the plat shall be shown over the signature of the mayor and attested to by the city clerk or his deputy. The disapproval of any plat by the Coalgate City Council shall be deemed a refusal of the proposed dedication shown thereon.

B. After final approval of the plat by the Coalgate city council and the affixing of all required signatures on the original tracing, the sub-divider shall provide the planning commission with two (2) dark line prints thereof and one (1) contact reproducible tracing on stable base material. One (1) dark line print shall be retained in the permanent file of the planning commission and one (1) shall be sent to the office of the city clerk. The applicant shall, within six (6) months after the date of approval by the Coalgate city council, record the original signed tracing with the county clerk.

C. After the planning commission and the city council of Coalgate have approved the final plat, no change shall be made therein unless said plat is resubmitted for approval of the planning commission and Coalgate city council. The final plat shall be filed in the office of the city clerk within six (6) months after approval of the Coalgate city council, and if not filed within such time, said approval shall be considered null and void.

Article 6. Submission Requirements

Section 16-32. Preliminary plat data.

A. The following procedures shall apply to the filing for preliminary approval of any subdivision. The preliminary plat shall conform to the minimum requirements of the comprehensive plan for the City of Coalgate (which shall have been previously ascertained by the sub-divider), and shall also reflect and show all contiguously owned lands of the developer, notwithstanding that all of said land may never be finally platted.

B. The plat shall be drawn to a scale of one hundred (100) feet to the inch and shall contain the following information:

1. Date, scale, and north point.
2. The proposed subdivision name and all intended street names.
3. The name of the sub-divider, the engineer, and/or surveyor preparing the plat.
4. Legal description showing location of plat.
5. Topographic survey map of the area being subdivided, showing contour at two (2) foot intervals.
6. A key map showing the location of the plat in the section, township and range in which the plat is located.

7. Location and names of adjacent subdivisions and the owners of adjoining parcels of un-subdivided land.
8. Location, widths, and names of all existing platted or dedicated streets, alleys, or other public ways and easements, railroad and utility rights-of-way, parks, water courses, drainage ditches, permanent buildings, bridges, and other pertinent data as required by the planning commission.
9. The water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lakes or streams. All elevations shall refer to the established U.S. Coast and Geodetic Survey datum.
10. When a subdivision borders a lake or stream, the distance and bearings of a meander line shall be established not less than twenty (20) feet back from the ordinary high water mark of the lake or from the bank of the stream.
11. Layout and width of all new streets and rights-of-way, including alleys, highways, and easements, whether private or public, and for public and private utilities.
12. The proposed street names and system of numbering lots and blocks.
13. The exact length of the exterior boundaries of the land to be subdivided (property boundary line shall be shown in heavy line).
14. Approximate dimensions of all lots.
15. Approximate radii of all curves and lengths of all tangents.
16. Approximate location and area of property to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision, with any conditions of such dedication or reservation.
17. The location, size and type of sanitary and storm sewers, water mains, culverts, and other surface and subsurface structures and pipe lines existing within or immediately adjacent to the proposed subdivision; and the location, layout, type and proposed size of the following structures and utilities:
    a. water mains and storage facilities;
    b. sanitary sewer mains, sub-mains, and laterals;
    c. storm sewers, culverts and drainage structures;
    d. street improvements
18. The location of all drainage channels and subsurface drainage structures, and the proposed method of disposing of all runoff from the proposed subdivision, and the location and size of all drainage easements relating thereto, whether they are located within or outside of the proposed plat.
19. Where deed restrictions are to be recorded on the plat, a brief description of the proposed restrictions should accompany the preliminary plat.
20. A description of the improvements such as grading, paving, tree planting, walks, and installation of utilities which the subdivider proposes to make, and the time when they are proposed to be made, shall accompany the preliminary plat.

Section 16-33. Final plat data.

A. The final plat shall be a print or series of prints not to exceed 24 x 36 inches in size on a stable base tracing medium of Mylar, Cronar, and other suitable durable material or linen tracing cloth. When more than one (1) sheet is used in connection with the plat, each additional sheet shall be numbered consecutively and shall contain a notation indicating the total number of sheets.

B The final plat shall be drawn to a scale of 1"=100' and shall contain the following

information:

1. Name of subdivision and the name of the owner, the subdivider, and the engineer or land surveyor.
2. Date, north point, scale (written and graphic).
3. Boundaries of the subdivided area with accurate distances and bearings noted thereon.
4. Exact location of the subdivision and the description of all monuments found or placed in making the survey.
5. The lines, names, and width or dimensions of all proposed street rights-of-way.
6. The lines, widths, and purposes of all easements.
7. Numbered designation of all lots in the subdivision with their lines and dimensions accurately shown.
8. The names of all adjacent subdivisions.
9. Exact dimensions of all lots.
10. The following which shall be made and shown on the original reproducible:
    a. owner's certificate and dedication, signed;
    b. engineer's certificate of survey, signed, and his seal;
    c. certificate for release of mortgage for any portion dedicated to the public, signed;
    d. reference to any separate instruments, including restrictive covenants, filed in the office of the county recorder of deeds which directly affect the land being subdivided;
    e. certificate of planning commission action;
    f. certificate of City of Coalgate's acceptance of streets, alleys, easements and public land dedications;
    g. tax receipt showing all taxes payable on all property within the limits of the tract as paid in full for the last five (5) years, or in lieu thereof, a statement that such taxes have been paid, signed by the county treasurer;
    h. a receipt for the payment of all special assessments to which the subdivision is subject. These shall either be paid in full or, in lieu thereof, a letter from the city clerk shall be submitted stating that a surety bond has been filed with him insuring the payment of all interest an principal payments until the assessment is paid in full.
11. Exact radii of all curves and length of all tangents.
12. Plans and specifications on all required improvements.
13. Any additional data as may be required by the planning commission.

Section 16-34. Fees.

A. The sub-divider shall pay to the city a preliminary plat and application fee of twenty-five dollars ($25.00), plus fifty cents ($.50) per lot.

B. The sub-divider shall pay to the city a final plat filing fee of twenty-five dollars ($25.00) and one dollar and fifty cents ($.50) per residential lot. When acreage is involved, such as sites for industrial, housing projects and commercial purposes, the fee shall be figured at twenty-five dollars ($25.00), plus two dollars ($2.00) per acre.

Article 7. Required Improvements

Section 16-35. Monuments.

A. Each block corner shall be marked with iron pipes or pins not less than three-eighths (3/8) inch in diameter and eighteen (8) inches long and placed at least one (1) inch below finished grade.

B. Monuments marking property lines and corners shall not be disturbed; or if such disturbance is necessary, the monuments shall be replaced at the exact spot from which they were removed.

Section 16-36. Improvements.

Any final plat or subdivision located within the corporate limits shall not be approved unless the sub-divider or developer shall provide the facilities listed below or file a surety bond with the city clerk to insure the actual construction of such improvements according to the plans and specifications approved by the city engineer with a period of time not to exceed two (2) years from date of final plat approval. Such bond shall equal one hundred percent (100%) of the cost of improvements as estimated by the city engineer. Conditions stipulated by the bond shall be acceptable to the city attorney and Coalgate city council. No building shall be occupied until all such facilities have been constructed.

A. Water mains properly connected with public water supply system provided to insure adequate water flow for fire protection in accordance with standard specifications governing water improvement construction as approved by the Coalgate city Council.

B. A sanitary sewer system properly connected with the existing system, in accordance with standard specifications governing sanitary sewer construction and in accord with requirements of state and county health departments. All lots in residential subdivisions where septic tanks or individual sewerage disposal devices are to be installed shall comply with the regulations of the county and state board of health.

C. Streets graded to the full roadway width and to the established grade and paved in accordance with the approved drainage standards and requirements, sections 16-42 through 16-47.

D. Storm drainage facilities, curbs and gutters to provide adequate surface water drainage for the area being drained. Said storm drainage facilities shall be designed in accordance with the approved drainage standards and requirements, sections 16-42 through 16-47.

Section 16-37. Public sites and open spaces.

A. Where a site for a proposed park, playground, play field, school, library, fire station, or other public use is proposed by the official comprehensive plan, is located in whole or in part in a subdivision, the Coalgate city council, upon the recommendation of the planning commission, may require the reservation of such area within the subdivision.

B. The developer shall give the city and/or public agency involved ninety (90) day's written notice of the proposed subdivision, with a copy of such notice to be mailed to the planning commission. During the 90-day period the agency may or may not express its interest in the proposed subdivision in connection with the provision of appropriate public site. Should such interest be expressed, that agency shall have a period of an additional sixty (60) days within which to arrange for the acquisition of the public site under construction.

C. Where the proposed subdivision is too small to provide space of suitable size for the public site intended, the site provided may be combined with that provided or to be provided in adjoining areas; thus, in the aggregate, there will be provided a site of suitable size for the

purpose intended.

Article 8. Adoption and Amendment

Section 16-38. Variances and exceptions.

Where it would be inadvisable to apply a provision of this ordinance because a tract is of such unusual size, shape, or character as would render an extraordinary hardship not created or imposed by the owner or developer, the Coalgate city council, upon the concurring recommendation of the planning commission, may modify such provisions only to provide that substantial justice may be done, the public interest secured, and the intent and spirit of these regulations fulfilled; provided that in no event shall the requirements of procedure or improvements be waived. Such modification thus granted shall be made at the written request of the developer stating the reasons for such modification and shall be waived only by three-fourths (3/4) vote of the regular membership of the planning commission and the Coalgate city council. Any such modifications thus granted shall be duly entered and recorded in the minutes of the planning commission and the Coalgate city council with the reasons justifying the modifications set forth therein. In the case of planned unit development, these regulations may be varied in terms with the development plan as recommended by the planning commission and approved by the city council.

Sec. 16-39. Amendment.

The Coalgate City council may, from time to time, adopt, amend, and make public rules and regulations for the administration of these regulations to the end that the public be informed and that approval of plats be expedited.

Section 16-40. Validity.

If any section, clause, paragraph, provision, or portion of these regulations shall beheld invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision, or portion of these regulations.

Section 16-41. Violation and penalty.

A. No building permit shall be issued for any new structure or change, improvement, or alteration of any existing structure on any tract of land in a subdivision filed or record after the effective date of these regulations which does not comply with all of the provisions of these regulations.

B. A violation of these regulations shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm, or corporation which violates or refuses to comply with any of the provisions of the regulations shall be fined not less than five dollars ($5.00) nor more than two hundred dollars ($200.00), including costs, for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

Article 9. Drainage Standards and Requirements

Section 16-42. Drainage channel classifications.

For the purpose of these regulations, drainage channels shall be classified as follows:

A. Primary drainage channels shall be those streams, creeks, and channels which drain an area of five hundred (500) acres or more.

B. Secondary drainage channels shall be all drainage channels which drain an area of less than five hundred (500) acres.

Section 16-43. Methods for calculating stream flow and runoff.

The maximum conditions of rainfall for a fifty-year frequency shall be used for the purpose of determining all runoff for the sizing of drainage channels and structures, unless otherwise specified herein. The following formulas and values shall be used for calculating all stream flow and runoff for the policies and regulations established herein:

A. Runoff from drainage areas of 900 acres of less shall be determined by the rational formula:

$$Q = AIR$$

Q = Flow in cubic feet per second.

A = Area to be drained in acres, determined by field surveys for areas less than one hundred acres, and by latest government quadrangle maps for larger area.

I = Percent of imperviousness of the area; may vary between seventy percent (70%) and ninety-five percent (95%). Coefficients lower than these indicated values may be used, however, in such instances, individual block calculations will be submitted with plans.

R = Rate of rainfall over entire drainage area in inches per hour, based on time for concentration and latest government records for area.

B. Runoff from drainage areas greater than nine hundred (900) acres will be determined by use of accepted engineering principles.

C. The size of closed storm sewers, open channels, culverts, and bridges shall be determined using the Manning Formula which may be modified for use with runoff determined by the Rational Formula to:

$$Q = \frac{1.5r^{2/3} s^{1/2} A}{n}$$

Q = Discharge in cubic feet per second.
A = Cross-sectional area of water in conduit in square feet.
R = Hydraulic radius of water in conduit.
S = Mean slope of hydraulic gradient in feet of vertical rise per foot of horizontal distance.
N = Roughness coefficient, based on condition and type of material of conduit lining, but not less than 0.03.

Section 16-44. Primary drainage channels.

All primary drainage channels lying within, or immediately adjacent to the subdivision, shall meet the following conditions:

A. All land having an elevation below the fifty-year maximum flood elevation for the final improved channel and not protected by levies or dikes shall be dedicated to the public for the purpose of providing drainage, for public park, and/or utility easement use. All dedications for public park purposes will be reviewed and approved by the planning commission.

B. The existing channel lying within or immediately adjacent to the subdivision shall be cleaned to provide for the free flow of water, and the channel shall be straightened, widened, and improved to the extent required to prevent overflow, resulting from a fifty-year frequency rainfall, beyond the limits of the dedicated drainage easement provided for in subparagraph (a) above.

C. Site improvement shall provide for the grading of all building sites and streets to

an elevation where all lots, building areas, and streets will not be subject to overflow from a fifty-year frequency flood and in a manner that will provide for the rapid runoff of storm water.

D. Whenever channel improvement is carried out, sodding, back-sloping cribbing, and other bank protection shall be designed and constructed to control erosion for the anticipated conditions of flow resulting from a fifty-year frequency rainfall.

E. A drainage channel shall not be located in a street easement unless it is placed in an enclosed storm sewer except as provided below:

1. Unless a paved street surface at least two (2) lanes wide is provided on both sides of a paved channel so as to provide access to abutting properties.
2. Except where lots are platted to back up to the street right-of-way where the drainage channel is located between the rear lot line and the paved street, provided that at no time in the future shall access be allowed or constructed over the open drainage channel to the rear of a lot so platted. For the purpose of these regulations, a lot which sides is not considered to back up to the street right-of-way.
3. When a condition outlined in either (1) or (2) above is present, adequate space shall be dedicated at right-of-way to provide for maintenance of the paved drainage channel and its unpaved bank.

F. Culverts, bridges, and other drainage structures shall be constructed in accordance with the specifications and design criteria of the City of Coalgate where the public shall have present or future maintenance responsibility.

G. Cost of construction of bridges and culverts at arterial streets and major thoroughfares will be borne by the city. The city may participate in the cost of construction of bridges and culverts at collector streets where the required hydraulic cross-section of the bridge and culverts is greater than forty (40) square feet, provided in any event that participation of the city is subject to the availability of funds. Cost to be borne by the city will be determined by the following formula, to-with:

> Total cost of bridge or culvert divided by the square feet of cross-section all multiplied by the square feet of required hydraulic cross-section less forty (40) square feet.

Nothing in this section shall be construed to prevent owner or owners from bearing all costs if he or they so desire.

H. When the planning commission, subsequent to the submission by a developer of a preliminary plat, requires a bridge or culvert at a residential street and the required hydraulic cross-section is grater than forty (40) square feet, the city may participate in the cost of construction of the bridge or culvert in the same manner as provided for collector streets in paragraph (G) above.

Section 16-45. Secondary drainage channels and surface drainage.

Surface drainage and all secondary channels within or adjacent to the addition shall meet the following conditions.

A. Secondary drainage channels which have a primary function of collecting surface water from adjacent properties or intercepting and diverting collecting surface water from adjacent properties or intercepting and diverting side hill drainage shall be provided with an improved open channel.

B. Secondary drainage channels which have a primary function of transporting water through the block or collecting water from cross channels and which have a drainage area of less than forty (40) acres shall be improved with closed storm sewers; and where the secondary drainage channel or closed storm sewer may be provided. Within Green-Way developments, when the unit area to be drained is less than four (4) acres, the city engineer may modify the requirements of the first part of this provision to permit a paved open channel, designed for use as a sidewalk, having a minimum width of four (4) feet and provided with six (6) inch curbs.

C. A drainage channel shall not be located in a street easement unless it is placed in an enclosed storm sewer except as provided below:

1. Unless a paved street surface at least two (2) lanes wide is provided on both sides of a paved channel so as to provide access to abutting properties.
2. Except where lots are platted to back up to the street right-of-way where the drainage channel is located between the rear lot line and the paved street, provided that there is no access to the rear of the lot from the street, and further provided that at no time in the future shall access be allowed or constructed over the open drainage channel to the rear of a lot so platted. For the purpose of these regulations, a lot which sides is not considered to back up to the street right-of-way.
3. When a condition outlined in either (A) or (B) above is present, adequate space shall be dedicated as right of way to provide for maintenance of the paved drainage channel and its unpaved bank.

D. In a single family residential high density development, site grading shall be carried out in such a manner that surface water from each lot will flow directly to a storm sewer, improved channel, sodded swale, or paved street without crossing more than four (4) adjacent lots.

E. Surface water collected on streets shall be diverted to storm drains at satisfactory intervals to prevent overflow of six (6) inch high curbs during a twenty-five (25) year frequency rain for the area and grades involved. Drainage area allowed for surface flow on streets at point of diversion shall not exceed twenty (20) acres, regardless of flow. (See Requirements Relating to Improvements, Sections 16-46(b).

F. Drainage easement of satisfactory width to provide working room for construction and maintenance shall be provided for all storm sewers.

G. Open channels shall be improved by providing a paved section that will carry the runoff from a rain of twenty-five (25) year frequency within the lined section and a sodded section to carry the additional runoff from a rain of fifty-year (50) frequency. Whenever an open improved channel is required or authorized for a secondary drainage channel under the provisions of these regulations and the channel crosses residential lots which have been developed under the planned unit development or where the channel improvement is to be designed as an area that will be maintained by a property owner's association, then upon recommendation of the city engineer. The Coalgate city council may modify the requirements of the first part of this provision (G) to permit a channel improvement design in keeping with landscaping architectural plans, providing all hydraulic requirements to support the overflow resulting from a fifty (50) year frequency rainfall are met.

Second 16-46. Requirements relating to improvements.

A. Bridges and culverts:

1. All flow of water across continuous streets or alleys shall be through culverts or bridges.
2. Bridges and culverts shall be sized to accommodate a fifty (50) year frequency rain, without increasing the depth of flow in the channel.
3. Design of bridges and culverts shall conform to construction specifications of the City of Coalgate.

B. Closed storm sewers. Closed storm sewers shall be constructed of precast or prefabricated pipe or built in place of closed box design to conform with City of Coalgate construction specifications. Storm sewers carrying runoff from streets may be designed to serve a ten (10) year frequency rain for the drainage area involved provided that overflow from a twenty-five (25) year frequency rain can reach a suitable outlet without inundating an elevation one (1) foot below any house pad elevation. In cases where the above cannot be accomplished, the storm sewer shall be designed to serve a twenty-five (25) year frequency rain. Sizing shall be calculated by the Manning Formula.

C. Open paved storm drainage. Open paved storm drainage channels shall be

constructed in accordance with City of Coalgate specifications. Side slopes above the paved section shall be shaped and sodded on a slope of three (3) horizontal to one (1) vertical or flatter. Fences shall be erected adjacent to the paved section only as directed by the planning commission.

Section 16-47. Drainage channels and storm sewers outside additional boundaries.

The City of Coalgate reserves the right to require improvements to preclude any backup of tail waters inundating any areas outside of the dedicated drainage easements in the subdivision as a result of a fifty (50) year frequency flood.

Article 10. Zoning: Title, purpose, Interpretation and Application, Jurisdiction, Severability, and Repeal of Conflicting Ordinances

Section 16-48. Title.

This ordinance shall be known as and may be cited and referred to as the "Zoning Ordinance of the City of Coalgate, Oklahoma".

Section 16-49. Purpose.

This ordinance is enacted for the purposes of promoting the health, safety, morals, and general welfare of the community; lessening congestion in the streets, securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; conserving the value of buildings and encouraging the most appropriate use of land throughout the community; and promoting the development of the community in accordance with a comprehensive plan.

Section 16-50. Interpretation and Application.

As concerns interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinance, the provisions of this ordinance
shall control. Terms and words are to be used and interpreted as defined in Article 2 of this ordinance. Words used in the present tense include the future; the singular shall include the plural, and the plural the singular; the word "building" shall mean as well the word "structure"; the word "used" shall include "arranged", "designed", "constructed", "altered", "converted", "rented", "leased", or "intended to be used", and the word "shall" is mandatory and not directory, except where the natural construction of the writing indicates otherwise.

Section 16-51. Jurisdiction.

This ordinance shall be in full force and effect in the corporate limits of the City of Coalgate, Oklahoma. Territory annexed to the corporate limits of the City of Coalgate, Oklahoma, subsequent to the effective date of this ordinance shall immediately be subject to the provisions of this ordinance and shall be deemed to be designated as A-General Agricultural District until altered or reclassified in the manner provided by law.

Section 16-52. Severability clause.

In case any portion of this ordinance shall be held to be invalid or unconstitutional, the remainder of the ordinance shall not thereby be invalid, but shall remain in full force and effect.

Section 16-53. Repeal of conflicting ordinances.

Any ordinance now in effect that conflicts with any provisions of this ordinance is hereby

repealed.

Article 11. Establishments of Districts

Section 16-54. Zoning districts.

A. Zoning districts established. For the purpose of this ordinance and the promotion of public health, safety, and general welfare of the community, the following districts are hereby established for the City of Coalgate, Oklahoma.

A - General Agricultural District
R - General Residential District
C - General Commercial District
I - General Industrial District

B. Zoning map incorporated. The locations and boundaries of the zoning districts shall be established by ordinance and shall be delineated and shown on a map entitled "Zoning Map of the City of Coalgate, Oklahoma", and the zoning map is hereby incorporated as a part of this ordinance.

C. District boundaries established. The boundaries of a zoning district shall extend to a center line of abutting streets, regardless of the legal description used in establishing such districts. In the event of uncertainty in the exact boundaries of any of the districts as shown on the "Zoning Map of the City of Coalgate", the planning commission, upon written application or upon its own motion, shall recommend the location of such boundaries to the board of adjustment, and the board of adjustment shall make the final determination.

D. Maintenance of official zoning map. It shall be the duty of the zoning administrator to maintain an up-to-date official "Zoning Map of the City of Coalgate, Oklahoma" including all amendments directly adopted by the city council.

Article 12. Definitions

Section 16-55. Interpretation of words and terms:

1. Accessory use or structure: A use or structure customarily incidental, appropriate, and subordinate to the principal use of a building or to the principal use of land and which is located upon the same lot therewith.

2. Agriculture : The use of land for agricultural purposes including farming, dairying, pasturage, horticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided normal agricultural activities, and provided further that the above used shall not include the commercial feeding of swine or other animals, stockyards or commercial feed lots for cattle.

3. Alley: A minor right-of-way dedicated to public use not more than thirty (30) feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.

4. Automobile or trailer sales area: An open area, other than a street, used for the display, sales or rental of new or used motor vehicles or trailers in operable conditions and where no repair work is done.

5. Automobile repair, major: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

6. Automobile repair, minor: Incidental replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1/2) ton capacity.

7. Automobile service station or filling station: Any area used for retail sale of gasoline or oil fuels or automobile accessories, and incidental services including facilities for

lubricating, and washing and cleaning, but not including painting, major repair, or the sale of butane or propane fuels.

8. Automobile wash or automatic car wash: A building or structure or chain conveyor, blowers, steam cleaners and other mechanical devices used primarily for the purpose of washing motor vehicles.

9. Block: In describing the boundaries of a district, the word "block" refers to the legal description. In all other cases, the word "block" refers to the property abutting on one side of the street between two (2) intersecting streets or between an intersecting street and a railroad right-of-way or between an intersecting street and a watercourse.

10. Boarding house and rooming house: Where meals or lodging are provided for persons other than the family or their relatives and excluding facilities for transient persons such as hotels, motels, inns and other such facilities.

11. Board of adjustment: The board of adjustment of the City of Coalgate, Oklahoma.

12. Building: Any structure having a roof supported by columns or walls that is used or intended to be used for the shelter or enclosure of persons, animals, or property.

13. Building accessory: See "Accessory Use or Structure".

14. Building height: The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deck line of a mansard roof or the average height of the highest gable of a pitch or hip roof.

15. Building line: A line established beyond which no part of a building shall project, except as otherwise provided by this ordinance.

16. Building principal: A building or buildings in which the principal use of the building site is conducted. In any residential district any dwelling shall be deemed to be the principal building on the building site.

17. Bulletin board: Any sign announcing the activities of an educational, religious, institutional or similar use.

18. Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

19. Child care center: Any place, home or institution which receives three (3) or more children under the age of sixteen years for care apart from their natural parents, legal guardians or custodians, and received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this state, custody of children fixed by a court, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within their institutional building while their parents or legal guardians are attending services or meetings or classes and other church activities.

20. City council: The official governing body of the City of Coalgate.

21. Clinic: A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those in need of surgical or medical attention but who are not customarily provided with board and room or kept overnight on the premises.

22. Club: A non-profit association of persons who are bona fide members paying regular dues, and organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

23. Comprehensive plan: The official plan of the City of Coalgate, Oklahoma, as adopted by the city council.

24. Convalescent home: Also, a nursing home, a rest home; a home for the aged, recuperating, chronically ill, or incurable persons, in which two (2) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury.

25. Coverage: The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

26. Dwelling: Any building or portion thereof designed or used as a residence of one or more persons, but not including a tent, cabin, trailer coach, mobile home, boarding or rooming house, hotel or motel.

27. Dwelling, single-family: A building containing one dwelling unit and designed for or used exclusively by one (1) family.

28. Dwelling, two-family: A building containing two dwelling units and designed for or used exclusively by two (2) families; also includes the word "duplex".

29. Dwelling, modular: A relocatable living unit manufactured off-site and transported on an independent carrier unit, to a permanent site which has been constructed in accordance with an "Engineering Bulletin" issued by the Office of Technical Standards, Department of Housing and Urban Development, Washington, D.C.

30. Dwelling, multi-family: A building or portion thereof containing three (3) or more dwelling units and designed for or use by three (3) or more families; also includes the word "apartments".

31. Dwelling unit: A room or group of rooms arranged, intended or designed as a habitable unit, containing kitchen, bath and sleeping facilities for not more than one family living independently of any other family.

32. Essential services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories thereof, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including building.

33. Family: A person living alone or two or more persons related by blood or marriage, living together as a single housekeeping unit, using a single facility in a dwelling unit, for culinary purposes, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, fraternity house, or sorority house.

34. Flood: (One-hundred year frequency) A flood having an average frequency of occurrence once in 100 years although the flood may occur in any year, based on statistical analyses of stream flow record available for the watershed and analyses of rainfall and run-off characteristics in the general region of the watershed, as determined by the city engineer, or as determined by the U.S. Corps of Engineers and confirmed by the city engineer or as determined by a registered professional engineer and certified by the city engineer or as determined by a registered professional engineer and certified by the city engineer.

35. Flood way: The channel of a watercourse or drain way and those portions of the adjoining lands which are reasonably required to carry and discharge the flood water of the 100-year frequency flood.

36. Flood hazard area: The land area adjoining a flood way which is not reasonably required to carry and discharge the flood water of the 100-year frequency flood but which would be inundated by the flood water of the 100-year frequency flood based on full urbanization of the watershed.

37. Floor Area: The sum of the gross horizontal area of the several floors of a building or buildings, measured from the exterior faces of the exterior walls or from the center lines of walls separating two buildings.

38. Frontage: The lineal measurement of a lot boundary which is abutting a street.

39. Garage Apartment: A dwelling for one (1) family erected as a part of a private garage.

40. Garage, parking: Any building or portion thereof used for the storage of four (4) or more automobiles in which any servicing which may be provided is incidental to the primary use for storage purposes, and where repair facilities are not provided.

41. Garage, public: The structure or portion thereof, other than a private garage, used

for the storage, sale, hire care, repairing or refinishing of any vehicles.

42. Garage, private: A detached accessory building or a portion of the principal building used or intended for use by the occupants of the premises for storage of passenger vehicles or trailers.

43. Garage, repair: A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.

44. Height: The vertical measurement of any structure on any parcel of land measured from the average elevation of the lot or parcel to the uppermost point of the structure.

45. Home occupation: Any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory building; provided that no trading and merchandising is carried on and in connection with non-illuminated name plate, not more than two (2) square feet in area, attached to the main or accessory building, and no mechanical equipment is used except such as is customarily used in purely domestic or household purposes. A tea room, restaurant, rest home, clinic, barber shop, beauty parlor, doctor's or dentist's office, child care center, tourist home or cabinet shop, metal shop, lawn mower repair, or auto repair garage shall not be deemed a home occupation.

46. Hospital: See "Medical Facilities".

47. Hotel: A building or group of buildings under one ownership containing six (6) or more sleeping rooms occupied or intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including trailer parks, or camp, hospital, asylum, orphanage, or building where persons are housed under restraint.

48. Industry: Storage repair, manufacture, preparation or treatment of any article, substance, or any commodity for commercial use.

49. Institutional uses: Those uses organized, established, used or intended to be used for the promotion of a public, religious, educational, charitable, cultural, social, or philanthropic activity and normally operated on a nonprofit basis.

50. Junk or salvage yard: A place where waste, discarded or salvage materials are bought, sold, exchanged, bailed, packed, disassembled or handled, including all wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvage material incidental to manufacturing operations.

51. Kennel: Any structure or premises on which three (3) or more dogs over four (4) months of age are kept.

52. Livability space: The open space of a lot which is not allocated to or used for off-street parking or loading areas or for paved access to the off-street parking or loading area.

53. Loading space: A space on the same lot as the principal use of at least ten (10) feet in width and thirty (30) feet in length and having a vertical clearance of at lease fourteen (14) feet, designated for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

54. Lot: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this ordinance, and having access on a public street.

55. Lot, corner: A lot which has at least two (2) adjacent sides abutting on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (35) degrees.

56. Lot, depth: The mean horizontal distance between the front and rear lot lines.

57. Lot, double frontage: A lot having a frontage on two (2) non-intersecting streets,

as distinguished from a corner lot.

58. Lot, interior: A lot other than a corner lot.

59. Lot line: Any boundary of a lot.

60. Lot line, rear: The boundary of a lot which abuts a public street. Where the lot abuts more than one street, the owner may select the front lot line.

61. Lot line rear: The boundary of a lot which is most distant from and most nearly parallel to the front lot line.

62. Lot line, side: Any boundary of a lot which is not a front lot line or a rear lot line.

63. Lot, wedge shaped: A lot situated so that the front is either wider or narrower than the rear lot line.

64. Lots of record: A separate and distinct parcel designated on a legally recorded subdivision plat or a legally recorded deed filed in the records of Coal County, State of Oklahoma.

65. Mean lot elevation: The average elevation of a lot.

66. Medical facilities:

    a. Nursing home, rest or convalescent homes: See "Convalescent Home".

    b. Dental or medical clinic: A building used for the examination and treatment of the physically ill, provided that no facilities are provided for patients remaining overnight except under emergency conditions except as provided for in Section 6-60b

    c. Dental or doctor's office: The same as dental or medical clinic, including the various dental and medical specialties.

    d. Hospital: An institution providing physical and mental health services primarily for human inpatient medical or surgical care for the sick or injured, and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities.

    e. Public health center: A facility primarily utilized by a health unit for providing public health services, including related facilities.

67. Mobile home: A detached residential dwelling unit designed for long term occupancy and containing sleeping accommodations and designed for transportation, after fabrication, on its own wheels with the carriage frame for transportation being an integral part of the construction of the unit including axles, wheels and hitch, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, and connection to utilities.

68. Mobile home park: A parcel of land under single ownership which has been planned and improved for placement of mobile homes to be occupied as residences.

69. Mobile home lot: A portion of a mobile home park allocated to the exclusive use of the occupants of a single mobile home.

70. Modular home: See Dwelling Unit Modular.

71. Motel: An area containing one (1) or more buildings designed or intended to be used as temporary sleeping facilities of one (1) or more transient persons.

72. Open space: Area included in any side, rear, or front yard, or any other unoccupied space on a lot that is open and unobstructed to the sky except for the ordinary projection of cornices and eaves of porches.

73. Parcel: A lot as defined herein.

74. Parking space: A permanently surfaced area of not less than two hundred (200) square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles.

75. Planning commission: The Coalgate planning commission, as established by the statutes hereinbefore cited. The Coalgate planning commission shall also be the zoning commission for the City of Coalgate.

76. Rooming house: See "Boarding House".

77. Sign: Any word, lettering par of letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, trade names or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a service, a commodity or product, which are visible from any public street or right-of-way and designed to attract attention. "For Sale" and "For Rent" shall be deemed signs within the meaning of this definition, but the term "sign" shall not include the flag, pennant, or insignia of any nation, state, city, or other political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event used for a public purpose in the public interest.

78. Sign, display surface area: The net geometric area of the surface of the sign upon, against or through which the message is displayed or illustrated, including the outward extremities of all letters, figures, characters and delineations, provided that only one face of a double-faces sign shall be included in the computation of display surface area.

79. Sign, illuminated: A sign designed to give forth any artificial light, or designed to reflect light from one or more sources, natural or artificial.

80. Sign, projecting: A sign erected on the face or outside wall of a building which projects out at any angle therefrom.

81. Sign, temporary: Signs of temporary nature used to advertise the premises for sale, rent, or lease.

82. Story: That portion of a building included between the surface of any floor and the surface of the floor next above it; or, if there be no floor above it, then the space between the floor and the ceiling next above it.

83. Street: A public right-of-way more than thirty (30) feet in width which provided the primary public means of access to abutting property and used primarily for vehicular circulation.

84. Street, arterial: Any street designated on the comprehensive plan as an arterial, primary arterial, secondary arterial, major street, etc.

85. Street, minor: Any street not designated on the comprehensive plan as an arterial.

86. Structural alteration: Any change in the structural members of a building, such as walls, columns, beams or girders.

87. Structure: Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground (not including sidewalks, driveways and similar improvement areas).

88. Thoroughfare plan: The part of the comprehensive plan referring to transportation development goals, principles, and standards; also includes use of the words "Major Street Plan" and "Traffic Ways Plan".

89. Trailer: A portable or mobile unit, other than a mobile home, used or designed to carry or transport material or animals.

90. Yard: A required space on a lot unobstructed except as expressly permitted.

91. Yard, front: A yard extending across the full width of a lot from side lot line to side lot line abutting on a street, into which a building may not protrude.

92. Yard, rear: A yard extending across the rear of a lot measured from side lot line to side lot line.

93. Yard, side: A yard extending from front yard to the rear yard abutting the side lot line, into which no building may protrude.

Article 13. General Provisions Applying To All or To Several Districts

Section 16-56. Limitation on use.

A. Application of regulations in districts authorized. No land, building, structure, or improvement shall be used and no building, structure, or improvement shall be made, erected,

constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the use, height, area, coverage, yard, space, and other requirements established in the district in which such land, building, structure, or improvement is located, and such use is authorized, except as provided by Article 14, Sections 16-6 through 16-70.

B. Application of regulations to the uses of a more restricted district. Whenever the specific district regulations pertaining to one district permit the uses of a more restricted district, such uses shall be subject to the conditions set forth in the regulations of the more restricted district, unless otherwise specified.

C. Residential uses restricted to residential lots. It is intended that these regulations be interpreted as not permitting dwelling unit to be located on the same lot with or within a structure used or intended to be used primarily for nonresidential purposes except that one accessory residential unit may be provided for a night watchman, motel manager, or similar purpose where essential to the main use of the lot.

Section 16-57. Division of lots.

An improved lot shall not hereafter be divided into two or more lots unless all lots resulting from such division comply with all the applicable yard, space, area, parking and loading regulations of the zoning district in which located.

Section 16-58. Use of yards.

No building, structure, or improvement shall be permitted to encroach upon required yard spaces set forth in the provisions of this ordinance; provided, however, that surfaced parking facilities, signs, fences, and gasoline pumping service units may be permitted to occupy required yard space unless otherwise prohibited in those districts permitting such improvements and provided that no inoperative vehicle may be stored in the front yard of a lot in a residential district.

Section 16-59. Street access.

No principal building shall hereafter be constructed on a lot which does not abut a public dedicated street.

Section 16-60. Trailers and commercial vehicles.

A. Commercial vehicles and trailers of all types, including travel, camping and hauling, and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:

1. No more than one (1) commercial vehicle, which does not exceed one and one-half (1/2) tons rated capacity, per family living on the premises shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.
2. No more than one (1) camping or travel trailer or hauling trailer per family living on the premises shall be permitted, and said trailer shall not exceed twenty-four (24) feet in length or eight (8) feet in width; and further provided that said trailer shall not be parked or stored for more than forty-eight (48) hours unless it is located behind the front yard building line. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a mobile home park authorized under the ordinances of the City of Coalgate, Oklahoma, except as provided for in Section 16-60 (B).

B. A Mobile Home, Double-wide Mobile Home, or Relocated Home shall parked or stored only in a mobile home park which is in conformity with ordinances of the City of Coalgate, except when it complies with the conditions set forth in sections I, II and III

below.

SECTION I DEFINITION

A. For the purpose of this article, a Mobile Home and Doublewide Mobile Home are defined as a manufactured single family dwelling not less than forty (40) feet in length nor less than ten (10) feet in width, designed for transportation on streets or highways, on its own wheels or transported by any truck or rail type transportation, to any location ready to be occupied as a "living quarters". A unit less than forty (40) feet in length or less than ten (10) feet in width shall be classified as a house trailer and regulated by the ordinances, rules, and regulations of the City pertaining to house trailers and trailer camps.

B. For the purpose of this article, a Relocated Home is defined as a previously constructed home which has been moved from its original building site by conventional house-moving methods, to another location to be occupied as "living quarters".

SECTION II REGULATIONS

THE FOLLOWING REGULATIONS SHALL APPLY TO MOBILE HOMES AND DOUBLE-WIDEHOMES, REFERRED TO COLLECTIVELY AS "MOBILE HOMES":

A. For a Mobile Home there shall be a lot not less than fifty (50) feet in width; the length must be sufficient length to provide the set back distances as provided herein. A mobile home may not be placed on a lot occupied by another dwelling.

B. The minimum depth of the front yard shall be twenty-five (25) feet; a side yard of not less than five (5) feet on both sides as an interior lot, or if located on a corner lot there shall be aside yard set back from the intersecting street of not less than fifteen (5) feet; and a rear yard of not less than twenty (20) feet;

C. A Mobile Home shall be connected to the sewer main with its own sewer line; and shall have its own water meter and light meter; all of which shall conform to the ordinances and regulations pertaining to water electric and sewers in the city;

D. A Mobile Home shall be placed on a foundation of solid material and the foundation shall be built and placed so as to hold the mobile home solid. The foundation should be of reinforced concrete set at least eighteen (18) inches in the ground. It should be at least eight (8) inches wide and ten (10) feet long. The foundation shall be placed at not more than ten (10) feet intervals beneath the runners of the mobile home.

E. A skirt of solid material must be provided from the floor level of the mobile home to the ground to screen any opening beneath the mobile home. The skirting material should compliment the appearance of the mobile home.

F. The Mobile Home shall be tied down and underpinned in accordance with insurance codes and specifications. It is suggested that a licensed, insured mover be used to re-locate and tie down the mobile home.

G. Parking of motor vehicles shall conform to parking and traffic ordinances, rules, and regulations as provided for other residences in the city; and

H. A separate application must be made and approval obtained for the building of each accessory or supporting building or structure, including a garage; or for alteration, enlargement or change in any application previously approved. The application shall be made in

writing to the City Clerk.

I. The above described and required acts must be initiated by the applicant within 60 days of the application for variance and must be completed within six (6) months following the application for said variance. Non-compliance shall revoke any variance granted immediately, and without notice.

All Mobile Homes must be certified by the City Inspector to be in compliance with all regulations before utility services are provided.

THE FOLLOWING REGULATIONS SHALL APPLY TO RELOCATED HOMES:

A. Relocated Home must be of a sufficient length and width to provide the set-back distances as provided herein. A relocated home may not be placed on a lot occupied by another dwelling.

B. The minimum depth of a front yard shall be twenty-five (25)feet; the side yard of not less than five (5) feet on both sides as an interior lot, or if located on a corner lot there shall be a side yard set back from the intersecting street of not less than fifteen (15) feet; and a rear yard of not less than twenty (20) feet;

C. A Relocated Home shall be connected to the sewer main with its own sewer line; and shall have its own water meter and light meter; all of which shall conform to the ordinances and regulations pertaining to water, electric, and sewers in the city;

D. A Relocated Home must be placed on a foundation of solid material and the foundation shall be built and placed so as to hold said relocated home solid. The foundation should be of reinforced concrete of at least eighteen (18) inches in the ground. It should be at least eight (8) inches wide and support the entire structure of said structure of said relocated home.

E. A Relocated Home must be moved and relocated by a licensed, insured mover.

F. A separate application must be made and approval obtained for each accessory or supporting building or structure, including a garage, or for alteration, enlargement or change in any application previously approved. The applications shall be made in writing to the City Clerk.

G. The above described and required acts must be initiated by the applicant within 60 days of the application for variance and must be completed within six (6) months following the application for said variance. Non-compliance shall revoke any variance granted immediately, and without notice.

All Relocated Homes must be certified by the City Inspector, to be in compliance with all regulations before utility services are provided.

SECTION III APPLICATION

Applications for variance shall be made to the Coalgate Planning and Zoning Board. Applicant shall pay all fees in accordance with the schedule of fees in force for permits. The application shall be subject to the approval of the Planning and Zoning Board of the City and City Council. The application shall state:

A. The proposed location where the mobile home or relocated home is to be placed.

B. Proof of the applicant's ownership of the land on which the mobile home or relocated home is to be located.

C. Size and type of the Mobile Home or Relocated Home; and size of the lot on which the mobile home or relocated home is to be placed, and a diagram showing measurements of the lot and mobile home or relocated home and showing proposed location of the mobile home or relocated

home upon the lot, together with measurements showing the distance between said home and front, side and rear boundaries of the lot.

D. Proposed method of sewage, water and electricity connections.

E. In the case of a mobile home, the type of proposed skirting to screen opening between said mobile home and ground.

F. The type and size of proposed foundation upon which the mobile home or relocated home shall be placed.

G. Pictures of the mobile home or relocated home (front, back, and side views) shall be provided which clearly show the condition of the mobile home or relocated home. The mobile home or relocated home shall be in good repair, neat in appearance, so as to add to the overall appearance of the neighborhood.

H. In the case of a relocated home, the proposed outside renovation of said relocated home, if any.

I. Applicants shall obtain consent from at least fifty-one (51%) percent of the owners within a seventy-five-foot (75') radius of the property before making application. Regarding a relocated home, the applicants shall obtain consent from at least fifty (50) percent of the owners of the adjoining property before making application. Photographs showing the condition of the mobile home or relocated home must be presented to adjoining property owners prior to making application**. (*Ord 145, Dec 26, 2000)***

Variances approved by the Coalgate Planning and Zoning Board shall be non-transferable and shall not inure to any subsequent owners, renters or lessees. If and in the event of a change of ownership or in the event of any subsequent lease or rental, reapplication must be made to the Coalgate Planning and Zoning Board and the same shall be subject to the approval of the Planning and Zoning Board of the City and the City Council.

If and in the event the physical condition of said mobile home, double-wide mobile home or relocated home changes to the extent that the same becomes unsightly or unsafe, said variance as set forth above is subject to revocation.

All persons making application for a variance to the Coalgate Planning and Zoning Code or who otherwise wish to locate a Mobile Home, Double-Wide Mobile Home, or Relocated Home in the city limits of Coalgate, Oklahoma, shall obtain a permit for the same issued from the Coalgate City Clerk's Office, said permit shall bear a cost of that equal to the cost of a building permit at that time.

Display in commercial and industrial districts. Commercial vehicles and trailers of all types may be displayed in such commercial districts allowing sales of said vehicles or in such industrial districts allowing their manufacture; provided, however, said vehicles may not be used for dwelling purposes either temporarily or permanently except in a mobile home park authorized under the ordinances of the City of Coalgate, Oklahoma.

Section 16-61. Off-street parking.

A. Purpose and application. It is the intent of these requirements that adequate parking and loading facilities be provided on off-the-street areas for each use of land within the City of Coalgate. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

B. Required open space. Off-street parking space may be a part of the required open space associated with the permitted use, unless otherwise prohibited; provided, however, the off-street parking requirements shall not be reduced or encroached upon in any manner.

C. Location. The off-street parking lot shall be located within two hundred (200) feet, exclusive of street and alley widths, of the principal use and shall have direct access to a street or alley.

D. Joint parking and off-site parking facilities. Whenever two (2) or more uses are located together in a common building, shopping center or other integrated building complex, the parking requirements may be complied with by providing a permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces, for each use. Owners jointly provide for their individual parking needs through a joint facility and/or facilities, provided that the total number of spaces so provided shall not be less than the sum of the individual requirements and that each business and/or other use is within two hundred (200) feet of the parking facility.

E. Size of off-street parking space. The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than ten (10) feet by twenty (20) feet plus adequate area for ingress and egress.

F. Amount of off-street parking and loading required. Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

1. Dwelling, single-family or duplex: Two (2) parking spaces for each separate dwelling unit within the structure.
2. Dwelling, multi-family: The number of spaces provided shall not be less than two (2) parking spaces for each of the first fifty (50) dwelling units and one and one-half (1-1/2) spaces for each dwelling unit above fifty (50) units.
3. Boarding or rooming house or hotel: One (1) parking space for each sleeping room.
4. Hospital: One (1) space for each four patient beds, exclusive of bassinets, plus one (1) space for each staff or visiting doctor, plus one (1) space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles.
5. Medical or dental clinics or offices: Six (6) spaces per doctor plus one (1) space for each two (2) employees.
6. Convalescent or nursing homes: One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each two (2) employees including nurses.
7. Community center, theater, auditorium, church sanctuary: One (1) parking space for each four (4) permanent seats, bases on maximum seating capacity, or each fifty (50) square feet of floor area in rooms without permanent seating but intended to be used for assembly purposes.
8. Convention hall, lodge, club, library, museum, place of amusement or recreation: One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.
9. Eating places: One (1) off-street parking space for each two hundred twenty-five (225) square feet of gross floor area.
10. Office building: One (1) parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service.
    a. Commercial establishments not otherwise classified: One (1) parking space for each one hundred fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public.
    b. Industrial establishments: One (1) off-street parking space for

each five hundred (500) square feet of gross floor area or one (1) off-street parking space for each two (2) employees, whichever is grater, and one (1) loading or unloading berth for each twenty-five thousand (25,000) square feet or fraction hereof of gross floor area.

G. Paved surface required. All parking spaces shall be paved with a sealed surface permanent pavement and maintained in a manner that no dust will result from continued use.

H. Off-street parking lots located with or adjacent to a residential district. Whenever off-street parking lots for more than six (6) vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:

1. All sides of the lot within or abutting the residential districts shall be enclosed with a screening wall or fence as specified under Section 407.
2. No parking shall be permitted within a front yard when the parking lot is located in a residential district.
3. Driveways used for ingress and egress shall be confined to and not exceed twenty-five (25) feet in width, exclusive of curb returns.
4. All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by a continued use.
5. Whenever lighting is provided, it shall be arranged so that all light is deflected from adjoining residential uses.
6. No sign of any kind shall be erected except information signs used to guide traffic and to state the condition and terms of thee use of the lots. Only non-intermittent white lighting of signs shall be permitted.

Section 16-62. Screening wall or fence.

A. Specifications. When the provisions of this ordinance require the construction of a screening wall or fence as a condition for the initiation and subsequent continuance of a use, the screening wall or fence:

1. Shall be constructed, designed, and arranged to provide visual separation of used, irrespective of vegetation;
2. Shall not be less than five (5) feet nor more than eight (8) feet in height, and
3. Shall be constructed with all braces and supports on the interior.

B. Maintenance. The screening wall or fence shall be maintained by the owner of the zoning lot containing the use requiring the construction of the screening. Failure to maintain after notice by the zoning administrator shall constitute an offense hereunder.

Section 16-63. Sewer service.

No structure or use in any district shall be erected or commenced which does not have a connection to the public sewer system, unless and until the county public health officer certifies that a septic tank or any substitute disposal system can be installed and operated effectively. As a basis for making his decision, the public health officer may require such percolation tests as he deems to be necessary. Such tests are to be made at the expense of the property owner.

Section 16-64. Group housing projects.

In the case of a housing project consisting of a group of two (2) or more buildings to be constructed on a plot of ground of at least two (2) acres, the height, area and setback requirements of this ordinance may be modified by the city council upon the recommendation of the planning commission following the submission of an application will provide a development that will be in harmony with the character of the neighborhood, will insure a density of land use no higher and a standard of open space at least as high as required by this ordinance in the district in which the proposed project is to be located. In no case shall a use or building height or density of population be permitted which is less than the requirements of the district in which the housing project is to

be located.

Article 14. Nonconformities

Section 16-65. Intent.

Within the districts established by this ordinance or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure and land shall not be extended or enlarged after passage of this ordinance.

Section 16-66. Nonconforming lots of record.

In any district in which a lot exists of record at the effective date of adoption or amendment of this ordinance which does not conform in size or area to the provisions of this ordinance, buildings for the uses permitted in such district may be erected on such lot, notwithstanding limitations imposed by other provisions of this ordinance, provided that such lot is in separate ownership and not of continuous frontage with other lots in the same ownership.

Section 16-67. Non conforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such structure may be enlarged or altered in a way which increases its nonconformity.

B. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction it shall not be reconstructed except in conformity with the provisions of this ordinance.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 16-68. Nonconforming uses of structures.

If a lawful use of a structure, or of structure and premises in combination exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to use permitted in the district in which it is located.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be

resumed.

D. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 16-69. Nonconforming uses of land.

Where, at the effective date of adoption or amendment of this ordinance, lawful uses of land exist that are no longer permissible under the terms of this ordinance as enacted or amended, such uses may be continued so long as they remain otherwise lawful, subject to the following provisions:

A. No such conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

B. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

C. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

Section 16-70. Changes in nonconformity.

A nonconforming use of a structure, or of a structure and land in combination, shall not be changed unless changed to a use permitted in the district in which located; except that the board of adjustment may permit a change to a more restricted nonconforming use and such change shall be construed as an abandonment of the former permitted nonconforming use.

Article 15. Specific District Regulations

Section 16-71. A-General agricultural district.

A. General description. The A general agricultural district is established for several purposes:

1. to provide for the continued use of land for predominantly agricultural purposes;
2. to preserve undeveloped areas until they can feasibly be developed to urban standards and with adequate public safeguards of health, safety, etc.; and
3. to restrict development in areas subject to severe inundation until such time as it can be shown that these areas are no longer subject to flooding.

B. Uses permitted. Within the A-general agricultural district, the following uses are permitted:

1. Agriculture, as defined in this ordinance.
2. Single-family dwellings.
3. Churches and temples.
4. Elementary schools and high schools.
5. Golf courses, but not including golf driving ranges, pitch and putt courses, or miniature golf courses.
6. Mobile homes.
7. Parks and forest preserves not operated for profit.

8. Temporary buildings and uses for construction purposes only and not for dwelling purposes, nor for a period that exceeds the completion of construction.
9. Accessory buildings or uses incidental to the foregoing principal uses.
10. Municipal or community recreation centers.
11. Police or fire stations.
12. Public buildings or buildings operated in the public interest by a not-for-profit corporation, including art galleries, post offices, libraries, or museums.
13. Public or not-for-profit auditoriums, stadiums, arenas, armories or sanitariums.
14. Public or private hospitals or sanitariums.
15. Public or private schools or colleges.
16. Public utility and service uses including electric substations, gas regulator stations, electric, gas, telegraph, telephone and water transmission metering and distribution equipment and structures, microwave relay towers, water reservoirs or pumping stations and other similar facilities.

Section 16-72. Area and height regulations.

MINIMUM LOT AREA	MINIMUM LOT FRONTAGE	MAXIMUM % COVERAGE	MAXIMUM HEIGHT	MINIMUM FRONT YARD SETBACK	MINIMUM SIDE YARD SETBACK	MINIMUM REAR YARD SETBACK
5 acres	330'	10%	35'	50'	30'	50'

All lots and improvements within the A-district shall meet the following requirements:

A. All lots shall have not less than five (5) acres of land, and not more than one (1) principal building shall be placed on any one (1) lot.

B. Each lot shall have a frontage of not less than three hundred thirty (330) feet.

C. Not more than two percent (2%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision.

D. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot.

E. All structures shall have not less than a fifty (50) foot front yard setback.

F. All principal structures shall have not less than a thirty (30) foot side yard setback. Accessory buildings may have side yards of not less than (10) feet.

G. All principal structures shall have not less than a fifty (50) foot rear yard setback. Accessory buildings may have a rear yard of not less than ten (10) feet.

Section 16-73. Signs and billboards.

No signs, posters, bulletin boards, or other similar displays shall be permitted in the A-district except as follows:

A. One bulletin board may be erected on each street frontage of an educational, religious, institutional, or similar use requiring an announcement of its activities. The bulletin board shall not exceed twelve (12) square feet in surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light.

B. One identification sign may be erected on each street frontage of a single-family subdivision or permitted nonresidential use. The sign shall not exceed twelve (12) square feet in surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light.

C. A real estate sign advertising the sale, rental, or lease of the premises may be erected on each street frontage of the parcel. The sign shall not exceed eighty (80) square feet in

surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light.

Section 16-74. R-general residential district.

A. General description. The R-general residential district is established as a district in which the use of land is for residential purposes and uses directly incidental thereto. It is the purpose and intent of this district to promote the development and the continued use of the land for family
dwellings and to prohibit commercial and industrial use or any other use which of a residential environment. The intent is to further discourage any use in this district which would generate traffic which serves the residents in the area.

B. Uses permitted. Property and buildings in the R-general residential district may be used for the following purposes:

1. Single-family detached dwellings.
2. Duplex.
3. Multi-family dwellings.
4. Rooming or boarding house.
5. Mobile home trailer park when in compliance with Section (i) below.
6. Public schools, and private schools where the curriculum is similar in nature and preparation of course work to the public schools.
7. Churches.
8. Public park, playground, fire station, community center, hospital, or other similar public facility.
9. Agricultural uses of the garden type that are not intended for commercial purposes.
10. Accessory buildings and uses customarily incidental to the above uses when located on the same lot.

C. Minimum lot size. No structure shall be constructed or commended in the "R" District which does not conform with the following minimum requirements for lot size:

PERMITTED USE	MINIMUM LOT AREA	MINIMUM FRONTAGE
Single-family	6,000 Sq. Ft. per dwelling unit	60'*
Two-family	3,500 Sq. Ft. per dwelling unit	70'*
Multi-family	2,500 Sq. Ft. per dwelling unit	80'*
Churches	1 acre	100'
Mobile home parks	2-1/2 acres	200'
All other uses	1 acre	80'

*If the lot is a wedge-shaped lot which meets the requirements of minimum lot size, it may have less than the minimum requirements hereinabove.

D. Maximum coverage. The maximum coverage of any lot in the "R" district shall not exceed sixty (60) percent of the area for interior lots nor seventy-five (75) percent of the lot area for corner lots.

E. Yard requirements. The following minimum requirements for yards shall apply to any use that is constructed or commenced on a parcel of land in the "R" district.

SIDE YARDS

PERMITTED USE	FRONT YARD	BOTH	ONE	REAR YARD
single-family	25'	10'	5'	20% lot depth
two-family	25'	10'	5'	20% lot depth
multi-family	20'	15'	5'	20% lot depth
all other uses	20'	30'	15'	15'

F. Height limit. No dwelling structure in the "R" district shall be constructed with a height in excess of twenty-five (25) feet from the mean lot elevation.

G. Off-street parking. Off-street parking as required in these regulations.

H. Signs. No signs, posters, bulletin boards, or other similar displays shall be permitted in the "R" district except as follows:

1. A temporary bulletin board or sign not exceeding twelve (12) square feet in area, pertaining to the lease, hire or sale of a building or premises which board or sign shall be removed as soon as the premises are leased, hired or sold.
2. One bulletin board may be erected on each street frontage of an educational, religious, institutional or similar use requiring announcement of its activities. The bulletin board shall not exceed twelve (12) square feet in surface area nor ten (10) feet in height, and illumination, if any, shall be by constant light.
3. Official public notice may be erected on affected property.
4. One (1) non-illuminated name plate not exceeding two (2) square feet in area, and not containing lettering other than the name of the owner or occupants or name or address of the premises.
5. All signs shall be erected on the lot and no portion of the sign shall encroach on public right-of-way or other public property. On corner lots no sign shall be so located as to disturb the vision of vehicles entering the intersection.

I. Mobile home park. Upon compliance with the provisions as set forth herein, the planning commission may authorize a mobile home park within the "R" District.

1. The applicant, upon making application for a zoning clearance permit, must submit to the planning commission a detailed site plan locating all mobile home stands, screening or fencing and plans and specifications for the proposed park, in a form suitable for making the determinations required herein.
2. The proposed site shall be a minimum of two and one-half (2-1/2) acres in size and shall contain no more than fifteen (15) mobile home stands per acre. The proposed site shall have a minimum frontage of two hundred (200) feet on a street designated as a major street or collector street in the thoroughfare plan. All ingress or egress by automobile shall be on such streets. The proposed site shall be a minimum of two hundred (200) feet in depth.
3. The mobile home park shall accommodate primarily permanent occupants, with no more than forty percent (40%) of the mobile home stands devoted to solely transient purposes. These solely transient stands are to be located in one area of the park so they will in no way interfere with the permanent residents.
4. The proposed site shall have a front yard of not less than twenty (20) feet from any mobile home stand to the street boundary of the park. The site shall have side and rear yards of fifteen (15) feet from any solid fencing or wall of six (6) feet in height, or forty (40) feet where only a screen planting is provided.
5. The proposed site shall be screened or buffered on all sides with a solid

wall fence in accordance with Sections 407.1 and 407.2.

6. The proposed site shall provide one off-street parking space for each mobile home stand, plus one additional off-street parking space for each four (4) mobile home stands.
7. The proposed site shall provide a connection for each mobile home stand to all public utilities.

Section 16-75. C-general commercial district.

A. General description. The C-general commercial district is designed for the conduct of personal and business services and the general retail trade of the community. It is designed to accommodate a wide variety of commercial uses in the central business district or areas of mixed business enterprises.

B. Uses permitted. Property and buildings in a "C" district may be used for the following purposes:

1. Any of the following uses shall be permitted:
   Advertising signs or structures
   Artist supplies and hobby shop
   Automobile, new and used, sales and/or service
   Bakery shop
   Barber and beauty shops
   Boot sales
   Book store
   Bowling alley
   Clothing or wearing apparel shops
   Dance hall
   Department store
   Drive-in restaurant
   Drug store
   Dairy products store
   Delicatessen
   Florist shop
   Frozen food locker
   Furniture store
   Funeral parlor
   Garden stores
   Gift shop
   Golf course, miniature, or practice range
   Grocery store
   Hardware store
   Hotel
   Laundry and dry cleaning
   Liquor store
   Lumber yard
   Medical facility
   Motels
   Music, radio, and television sales and/or repair
   Office, general
   Pharmacy
   Pawnshop
   Pet shop
   Printing plant
   Public uses
   Restaurants

Retail sales
Roller skating rink
Self-service laundries
Shoe repair
Sporting goods
Sign painting shop
Tailor shop
Tavern
Theater
Toy store
Utility service installation
Variety store

2. Any retail, personal service, business service, professional or commercial use not already mentioned.
3. Any public buildings or uses.
4. Buildings, structures, and accessory uses customarily incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.
5. Mobile home park provided it meets all requirements previously set forth in this ordinance.

C. Minimum lot size. None.

D. Maximum coverage. The maximum coverage of any lot in the "C" District shall not exceed thirty (30) percent of the area of the lot.

E. Yard requirements. None except where abutting a residential district in which case a side yard setback of one (1) foot shall be provided for each one (1) foot of height.

F. Height limit. No structure in the "C" district shall be constructed with a height in excess of thirty-five (35) feet from the mean lot elevation.

G. Off-street parking. Off-street parking as required in Article 3, Section 16-61 of this article.

H. Signs and billboards. Signs, billboards, posters, bulletin boards, or other similar displays in the "C" district shall conform to the following requirements:

1. One business sign not exceeding thirty-two (32) square feet in surface area may be erected on each street frontage of the parcel. Ground signs shall not exceed the height of the building in which the principal use is located or twenty (20) feet, whichever is lower. No business sign shall be located within fifty (50) feet of a residential district if visible from such district. Illumination, if any, shall be by constant light.
2. A real estate sign advertising the sale, rental, or lease of the premises may be erected on each street frontage of the development. The sign shall not exceed sixteen (16) square feet in surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light.
3. All signs in the "C" district shall be erected upon private property and shall not encroach upon any public street or walk except as provided by the applicable codes of the City of Coalgate and then they shall not overhand at a height of less than nine (9) feet and shall not have a maximum projection greater than seventy-two (72) inches.

Section 16-76. I-general industrial district.

A. General description. The purpose of the I-general industrial district is to provide a location for industries and to preserve such land for industry that is most beneficial to industries and to prohibit non-industrial uses. Because of the traffic generated and other objectionable influences which may be created in this district, it is necessary to provide a buffer or setback area between this district and any other zoning district.

B. Uses permitted. Property and buildings in an "I" district may be used for the following purposes:

1. Any of the following uses shall be permitted:

Automobile wrecking and junk yards, provided they are enclosed by a solid fence of not less than eight (8) feet in height.

Building materials sales.

Bottling works, cannery, or preserving factories.

Commercial radio and television transmitting antenna towers and other electronic equipment requiring outdoor towers, including antenna towers for the dispatching of private messages.

Compounding, processing and blending of chemical products, but not including any materials which decompose by detonation.

Fuel sales and storage except propane gases.

General and administrative office.

Machine shops and metal products manufacture and tool and die shops, provided they do not include any of the following equipment: Automatic screw machines, drop forges or riveting machines.

Mail-order houses.

Manufacturing and assembling (or any combination of such processes) products from wood, cork, glass, feather, fur, plastic, felt and other textiles, but not including, as a principal operation, the processing of any raw materials.

Manufacturing and assembling electrical and electronic products and equipment.

Milk bottling and distribution.

Milling companies and grain elevators.

Motor freight terminals.

Printing and binding plants.

Research laboratories.

Sheet metal shops.

Sign painting.

Utility service installation.

Warehouses and storage facilities.

Water filtration plants, pumping stations, reservoirs, and lift stations.

Welding shops.

C. Minimum lot size. There are no requirements for minimum lot area in the "I" district.

D. Maximum coverage. Buildings shall not cover more than forty percent (40%) of the site on which the use is located.

E. Yard requirements. No structure shall be erected, commenced, or maintained which has a front yard setback of less than fifty (50) feet. A side yard and/or rear yard of fifty (50) feet or two (2) feet of setback for each one (1) foot of height, whichever is greater, shall be provided when adjacent to residential.

F. Height limit. There are no requirements for minimum height in the "I" District.

G. Off-street parking and loading. Off-street parking as required in Article 13, Section 16-61 of this article.

H. Signs and billboards. Signs, billboards, posters, bulletin boards, or other similar displays in the "I" district shall conform to the following requirements:

1. Business signs not exceeding in the aggregate one (1) square foot of display surface area per one (1) lineal foot of street frontage may be erected on each street frontage of the parcel. Ground signs and billboards shall not exceed thirty (30) feet in height. No sign or billboard shall be located within fifty (50) feet of a residential district if visible from such district. Illumination, if any, shall be by constant light.

2. A real estate sign advertising the sale, rental, or lease of the premises may be erected on each street frontage of the development. The sign shall not exceed fifty (50) square feet in surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light.
3. All signs in the "I" district shall be erected upon private property and shall not encroach upon any public street or walk except as provided by the applicable codes of the City of Coalgate and then they shall not overhang at a height of less than nine (9) feet and shall not have a maximum projection greater than seventy-two (72) inches.

Article 16. Board of Adjustment

Section 16-77. Creation and procedures.

A. Board of adjustment established. There is hereby created a zoning board of adjustment consisting of five (5) members, each to be appointed for a term of three (3) years and removable for cause by the city council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. It is specifically provided, however, that on the effective date of this ordinance such board of adjustment as was legally in existence immediately prior to such date shall be constituted as the board of adjustment hereby created, and the terms of the then members of said board shall expire after a period of three (3) years, or until their successors are duly appointed and qualified. Said board of adjustment shall be appointed by the mayor and confirmed by the city council.

B. Organization and procedures. The zoning board of adjustment shall elect one (1) of its members as chairman. The board shall adopt rules in accordance with the provisions of this ordinance. Meetings of the board of adjustment shall elect one (1) of its members as chairman. The board shall adopt rules in accordance with the provisions of this ordinance. Meetings of the board shall be held at
the call of the chairman and at such other times as the board may determine. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witness by subpoena. The Board shall keep the minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All meetings of the board shall be open to the public.

C. Appeals to board of adjustment. Appeals to the board of adjustment may be taken by any person aggrieved of by any officer of the municipality affected by any administrative decision based on this zoning ordinance. Such appeal shall be taken within thirty (30) days of each decision by filing with the city clerk and the board of adjustment a notice of appeal specifying the grounds thereof. The city clerk shall forthwith transmit to the board all the papers constituting the record of the action from which the appeal is taken.

D. Public hearing required. The zoning board of adjustment shall fix a reasonable time for the hearing of the appeal of other matters referred to it, give fifteen (15) days' public notice thereof in a newspaper of general circulation, as well as due notice to the parties in interest, and decide the same within a reasonable time. Any party may appear and be heard in person or by agent or by attorney at said hearing.

E. Fees. The zoning board of adjustment shall establish a fee for the hearing of appeals which shall be sufficient to defray the cost of publishing the notice of public hearing and any other costs associated with the hearing; the appellant shall pay such fee upon filing the appeal.

F. Powers. The zoning board of adjustment shall have the following powers:

1. Administrative review. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the zoning administrator, building inspector, or other administrative

officer in the enforcement of this ordinance.

2. To authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in any individual case, result in unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that:
   a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
   b. The application of this ordinance to this particular piece of property would create an unnecessary hardship, not self-imposed by the owner or developer.
   c. Such conditions are peculiar only to the particular piece of property involved.
   d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this zoning ordinance or the comprehensive plan; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

G. Four votes required. In exercising the above powers, the board of adjustment shall have the concurring vote of at least four (4) of its members in order that it may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the administrative officer for directing the issuance of a permit.

Section 16-78. Appeal to district court.

A. Notice of appeal. An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person or persons, jointly or severally, or any taxpayer, or any officer, department, board or bureau of the City of Coalgate to the district court by filing a notice of appeal with the city clerk and with the board of adjustment within sixty (60) days from the filing of the decision of the board, which notice shall specify the grounds of such appeal. Upon filing of the notice of appeal as herein provided, the said Board shall transmit forthwith to the court clerk of the County of Coal, the original or a certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the board.

B. Appeal stays proceedings. An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the chairman of the board of adjustment or the administrative office from which the appeal is taken certifies to the court clerk, after the notice of appeal shall have been filed, that, by reason of the facts stated in the certificate, a stay, in his opinion, would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the district court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of the ordinance; and upon notice to the chairman of the board of adjustment from which the appeal is taken, and upon due cause being shown, the court may reverse or affirm, wholly or partly, or modify the decision brought up for review.

Article 17. Enforcement

Section 16-79. Responsibility for enforcement.

Duty of zoning administrator. It shall be the duty of the zoning administrator to enforce

this ordinance. If the zoning administrator shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, and shall take such other action as is authorized by law to ensure compliance with or to prevent violation of its provisions.

Section 16-80. Zoning clearance permit required.

A. Purpose. The zoning clearance permit is a permit issued by the zoning administrator which states that a particular development meets all of the requirements of the zoning ordinance. It is not a building permit and does not authorize construction; it certifies that the land and/or structure is in conformance with the terms of this zoning ordinance.

B. New construction. No building or other structure shall be erected, constructed, enlarged altered or required in such a manner as to prolong the life of the building, nor shall the use of any land or buildings or other structure be changed without a zoning clearance permit being issued authorizing
such construction, alteration, repair, or use changes as being in compliance with the provisions of this ordinance. No building permit shall be issued for any construction not conforming to a valid zoning clearance permit.

C. Change in use of land or building. No change shall be made in the use of any land or building or structure after the passage of this ordinance until a zoning clearance permit has been obtained, certifying that all the provisions of this ordinance have been complied with.

D. Application. An application for a zoning clearance permit shall be made to the zoning administrator by the owner or proposed occupant of the building or land to be occupied or used, and said application shall state the location and legal description of said property and set out in detail the character and nature of the use to be conducted thereon. Within three days, the zoning administrator shall grant or deny said zoning clearance permit in accordance with the terms of this ordinance.

E. Accompanying material. All applications for zoning clearance permits shall be accompanied by a plat plan, drawn to scale on suitable paper, showing the actual dimensions of the lot to be built upon, the size and location of the building to be erected, and such other information as may be necessary to satisfy the requirements of these regulations.

F. Fees. Zoning clearance permits shall not be issued until a fee of five dollars ($5.00) shall have been paid.

Section 16-81. Platting requirement.

Procedure. For the purposes of providing a proper arrangement of streets and assuring the adequacy of open spaces for traffic, utilities, and access of emergency vehicles, commensurate with the intensification of land use customarily incident to a change of zoning, a platting requirement is established as follows:

> For any land which has been rezoned upon application of a private party, no building permit or zoning clearance permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or re-plat, as the case may be, submitted to and approved by the city council upon the recommendation of the planning commission, and filed of record in the office of the county clerk where the property is situated. Provided that the city council upon the recommendation of the planning commission may remove the platting requirement upon a determination that the above stated purposes have been achieved by previous platting or could not be achieved by plat or re-plat.

Section 16-82. Violations and penalties.

Fines. A violation of this ordinance shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be fined not more than two hundred dollars ($200.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Article 18. Amendments

Section16-83. Procedures.

A. Planning commission recommendation required. The regulations, restrictions, prohibitions and limitations imposed and the districts created may from time to time be amended, supplemented, changed, modified or repealed by ordinance, but no change shall be made until the planning commission, after notice and public hearing, files with the city council a report and recommendation on the proposed changed.

B. Application for amendment. An owner or his duly authorized agent or representative may make application for the amendment of the zoning restrictions applicable to his property by filing with the planning commission a written application in such form and content as the planning commission may by resolution establish. An application for amendment shall be accompanied by the payment of a fee of one hundred dollars ($100.00) to cover the costs of notice and posting and administrative review. **(ORD. 160 May 3, 2006)**

C. Notice and public hearing. Upon receipt of an application, the planning commission shall set a date for public hearing not less than twenty (20) days nor more than sixty (60) days from the date of filing. Fifteen days' notice of the public hearing shall be given by the planning commission by publication in a newspaper of general circulation in Coalgate.

1. In addition to the notice provided above, notice of public hearing of any zoning change shall be given by a sign or signs as may be required, placed on the property affected by such proposed zoning reclassification. Such sign (or signs) and the lettering thereon shall be given by a sign or signs as may be required, placed on the property affected by such proposed zoning reclassification. Such sign (or signs) and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street or streets toward which it faces. It shall contain information giving the date, time and place of the public hearing and by whom it shall be conducted, the desired zoning classification, the proposed use of the property, and such other information as deemed necessary to provide adequate and timely public notice.
2. Upon receipt of an application for rezoning, a notification letter shall be sent by regular mail to all property owners adjoining or adjacent, to the property to be rezoned, including adjoining or adjacent properties across any public road or right of way. Within three (3) days of the mailing of the notification, a sign shall be placed on the property notifying the public of the hearing and the date of the hearing. **(ORD. 160 May 3, 2006)**

D. Planning commission action.

1. After notice and public hearing, the planning commission shall vote to:
   a. Recommend to the city council that the application be approved as submitted, or as amended or be approved subject to modification, or
   b. Recommend to the city council that the application be denied.
2. An application recommended for approval, or approval subject to modification, shall be transmitted to the city council with the report and recommendation of the planning commission within fifteen (15) days from the date of planning commission action.
3. An application recommended for denial shall not be considered further and fifty dollars ($50.00) of the fee required in section 16-83(b) application for amendment shall be refunded (if previously paid) to the applicant unless the applicant, within fifteen (15) days from the date of the planning

commission action, files a written request with the city council for a hearing whereupon a fee of fifty dollars ($50.00) shall accompany the request for a hearing before the city council. Upon notice of such request, and receipt of the required fee, the planning commission shall forthwith transmit the application and its report and recommendation and an approved copy of its minutes on the hearing to the city council.

The city clerk shall notify all interested parties or record before the planning commission proceedings of the time and place of the consideration of the appeal hereinabove provided for.

E. City action. The city council shall hold a hearing on each application regularly transmitted, or which has been transmitted pursuant to an appeal as provided for in Section 901.4C. The city council shall approve the application as submitted and recommended by the planning commission, or approve the application subject to modification, or deny the application, or return the application to the planning commission for further study.

F. Protest to amendment. If a written protest against an amendment, change or repeal of this ordinance or any part thereof is presented, duly signed and acknowledged more than ten (10) days prior to said public hearing by the owners of twenty percent (20%) or more of the area of the lots included in such proposed change, or by the owners of fifty percent (50%) or more of the area of the lots immediately abutting any side of the territory included in such proposed change, or separated therefrom only by an alley or street less than three hundred (300) feet wide, such amendment shall not become effective except by the favorable vote of three-fifths (3/5) of all the members of the city council.

Chapter 17

PRIVATE PROPERTY

Article 1. Unclaimed Property

Section 17-1. 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 persons or out of the possession of any prisoner or person suspected of, or charged with, being a criminal, and which is not known to belong to some person laying claim thereto, shall be, by the officer securing possession thereof, delivered into the charge of the chief of police. The chief shall, in a permanent record book kept for that purpose, make a record sufficient to identify the property, with the date and circumstances of the receipt thereof, the name of the person from whom it was taken and the place where it was found; and the record shall also disclose the subsequent disposal thereof, giving the date of sale, name and address of the purchaser, and the amount for which it was sold.

Section 17-2. Disposition of unclaimed property.

Any unclaimed personal property, other than animals, which remains in the possession of the chief of police, unclaimed, or 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 city treasurer, who shall issue his receipt therefore, and deposit the same to the credit of the general fund of the city, except such personal property as in the opinion of the city manager can be more advantageously used by some department or office of the city government. Sales of such unclaimed property shall be held semi-annually. Ten (10) days before a sale of such unclaimed property, the chief of police shall sign and have posted in at least four (4) conspicuous public places in the city, one (1) of which shall be the front door of the police station, 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 city manager, all or any portion of the personal property may be more advantageously used in any city department or office, he shall so instruct the chief of police in writing, and the chief shall thereupon deliver the personal property designated to that department or office of city government and make a permanent record of its disposition.

Section 17-3. 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 such additional ten (10) days, then the chief of police shall sell the property as if it had been found by a public official or employee, or on instruction by the city manager, deliver it to some department or office of the city government for its use.

Section 17-4. Recovery by owner.

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

NOTE: For state law relating to finders of lost goods, see 15 O.S., Section 511 et

seq.

As regards disposal of stolen or embezzled property coming into hands of policemen, see 22 O.S., Section. 1321 et seq.

As regards disposal of liquor and gambling equipment seized by policemen, see 22 O.S., Section 1261 et seq.

CHAPTER 18

PUBLIC UTILITIES

NOTE: See rules and regulations of Coalgate Public Works Authority (a public trust) for additional regulations pertaining to public utilities.

Article 1. Water Service

Section 18-1. Water system a public utility; to be under control of public works department.

The city water system is a public utility owned and operated by the city, and under the supervision and control of the public works department. It is the responsibility of the city manager to see that it is operated in a businesslike manner and in accordance with ordinance provisions and other policies adopted by the council. Subject to such ordinance provisions and policies, the city manager may make such reasonable regulations to govern the water system as may seem to him desirable.

NOTE: Section 1-18 et seq. of this code also provides that the water system shall be under the supervision and control of the public works department.

Section 18-2. Application for water service.

Any person desiring to secure water from the city water system shall make an application therefore to the city clerk on a application form to be provided by the city. The applicant shall give such reasonable information as the city clerk may request.

Section 18-3. Water tap fee.

The council by motion or resolution shall determine the water tap fee and may change it from time to time as it deems desirable.

Section 18-4. Deposit for water service.

The council, by motion or resolution, may require a deposit for water service and may change the amounts of such deposits from time to time as it deems desirable. A applicant for water service shall not be granted such service until he shall have paid to the city treasurer any such deposit required. Such deposits shall serve as a guarantee for the payment of charges for water service and other amounts owed to the city in connection with the water service. When a customer's water service is discontinued, the deposit or any part of such amount deposited which remains after all such charges and amounts due the city have been satisfied, shall be returned to the customer.

Section 18-5. One premise to a tap; subsidiary connection not allowed.

Not more than one premise may be connected to any one tap. No customer shall make or permit to be made any subsidiary connection of another's premises with his water service.

Section 18-6. Turning on water.

It is unlawful for any person to turn the water on to any premises from the city water system except by permission of the superintendent in charge of the department. Water shall not be turned on until the plumbing has been inspected and approved by the plumbing inspector as may be provided by ordinance, and until any and all deposits and charges have been paid. The

superintendent will see that the water is turned on when all requirements for service have been complied with.

Section 18-7. Water rates.

The rates at which water is furnished to customers of the municipal water system shall remain as they now are until changed by motion or resolution adopted by the council. The council, by motion or resolution, may change the water rates from time to time as it deems desirable, and may provide different rates for customers inside and outside the city limits.

Section 18-8. Bills due when; delinquency.

All bills for water service shall be due and payable on the first day of the calendar month following the service month when the service is rendered; and shall become delinquent if not paid on or before the eighth (8th) day of the month in which they become due. **(O*rd.130 Apr 1, 1997)***

A. The superintendent shall cause the water service of a customer to be disconnected if he does not pay the bill by the fifteenth (15th) day of the same month**. (*Ord.130 Apr 1, 1997)***

If the 15th falls on a weekend or scheduled holiday, the customer will have the next regular business day to pay his bill. All cutoffs will be effective as of 8:00 a. m. the following business day. ***(Ord. 130 Apr 1, 1997)***

Bills rendered when service is discontinued shall be due and payable at the time the bills are presented or sent to the customer. At the time service is discontinued for reason of non-payment, and reconnection is not made within reasonable time, the office will apply the customers deposit at which time the customer will have to make a deposit for the amount due for bad debts. To have service restored all charges will have to be paid.

B. A duplication fee of fifty cents ($.50) per card shall be assessed to those customers who do not present their billing card when paying their bill.

Section 18-9. Water may be cut off.

Water may be cut off and service discontinued for any user of water from the city water system for any of the following reasons:

A. Violation of any ordinance provision relating to the water system, or violation of any ordinance provision or any provision of any code adopted by reference relating to water and sanitary plumbing.

B. Any act or omission in regard to the water system or sanitary sewer system, the use of water, or the disposal of liquid wastes, which jeopardizes the public health or safety, creates a public nuisance, or interferes with the rights of others.

C. Failure to pay a water bill or other proper charge in connection with the water system by the time specified by ordinance.

D. Partial payment of water bill will not constitute water services going uninterrupted.

Section 18-10. Turning water on again.

When a customer's water service has been cut off because of delinquency or act or omission of the customer, as provided by ordinance, it may be turned on again when change in the conditions justify it. A charge of twenty dollars ($20.00) shall be made for turning the water on again.

Section 18-11. Water to be turned back on only by city authority.

When the water of any customer has been turned off by city personnel, it shall not again be turned on except by permission of the superintendent.

Section 18-12. Customers to keep service pipes, etc., in good repair; not waste water.

All customers using city water shall keep their service pipes, stop cocks and other water apparatus in good repair and in proper operation, and shall not unnecessarily waste water.

Section 18-13. City not responsible for water stoppage, etc.

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

Section 18-14. No service connection until bills have been paid.

A person owing water rental or other charges in connection with the city water system shall not be extended city water service until such rentals and charges have been paid.

Section 18-15. City may cut off water service.

The city reserves the right to cut off water service to any customer when necessary for the public welfare to conserve water to protect life and property.

Section 18-16. Water shortage.

In case of emergency caused by a shortage of water in the city water system, it shall be the duty of the city manager immediately to give notice by publication to the water consumers of the system not to use water obtained from the system for any purpose other than for strictly domestic use and such other uses as he may designate, so long as the water shortage lasts. Thereafter and until he proclaims the emergency at an end, it shall be unlawful for any person, firm or corporation, during the existence of thee emergency, to use water obtained from the city water system for any purpose other than strictly domestic use and such other uses as he may have designated.

Section 18-17. City personnel may inspect private premises, etc.

The superintendent and other city personnel in the service of the city water system may enter any private premises served by the city water system at any reasonable times, and inspect the water pipes and fixtures on said premises. The consumer must answer fully, to the extent of his knowledge, all reasonable questions relating to the water services on his premises.

Section 18-18. Interference with fire hydrants; damage of water system, etc.

A. It shall be unlawful for any person except one duly authorized by the superintendent or a member of the fire department in the city to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant or stopcock belonging to the city.

B. It shall be unlawful for any person to obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt or other thing, or in any other manner.

C. It shall be unlawful for any person to damage, destroy or tamper with any pipes, meters or other equipment or property which is a part of the city water system.

Section 18-19. Transfer Charge

A transfer charge of $10.00 shall be assessed to any customer transferring water service

from one location in the city limits of Coalgate to another location within the City Limits of Coalgate. Said transfer charge shall be due and payable on the first day of the calendar month following the service month when the service is rendered.

Article 2. Sanitary Sewer Rental & Tapping Fee

Section 18-20. Sanitary sewer rental and user charge.

Every customer of the city water system shall pay a sanitary sewer rental and user charge as set by the city council by motion or resolution. This charge shall be due and payable to the city clerk at the same time as the water bill every month. Failure to pay the sanitary sewer rental and user charge within the item required for the payment of the water bill shall cause the customer's water service to be discontinued.

A. User Charge Ordinance

All users of the municipally owned wastewater treatment system shall be charged a minimum of $ 4.00 per month, plus a charge of $0.35 cents per 1000 gallons of metered water consumption. In the case of users not on a metered basis, the utility superintendent shall establish an estimated water consumption based on a comparison of the non-metered user with a metered user of similar class. Example: A non-metered family of four will be compared to a typical family of four with a water meter to establish water consumption. ***(Ord. 117 Jul, 1994)***

B. As the BOD, suspended solids, and other pollutant concentrations discharged shall be approximately equal for all domestic users, users shall be charged on a volume basis in accordance with the following formula:

Cu = Cb + Ct/Vt (Vu) (Based on Model #, 140 CFR 35, Appendix B)

Symbols and Definitions:

Cu = A user's charge per unit of time

Cb = A user's base minimum charge (for debt retirement, billing, administration, etc.) per unit of time.

Ct = Total operation and maintenance (O & M) costs per unit of time.

Vt = Total volume contribution from all users per unit of time

Vu = Volume contribution from a user per unit of time.

C. Excessive Strength Charges

For any user, when the BOD exceeds _____ Mg/l, the suspended solids exceeds _____mg/l, or when other pollutant concentrations exceed the range of concentrations of these pollutants in normal domestic sewage, a surcharge shall be added to the basic charge. This surcharge shall be calculated by the following formula:

Cs = [Bc (B) + Sc(S) + Pc(P)] Vu

Based on Model No. 2, 140 CFR 35, Appendix B)

Symbols and Definitions:

Cs = A surcharge for wastewaters of excessive strength

Bc = O & M cost for treatment of a unit of biochemical oxygen demand (BOD)

B = Concentration of BOD from a user above a base level

Sc = O & M cost for treatment of a unit of suspended solids (SS)

S = Concentration of SS from a user above a base level

Pc = O & M cost for treatment of a unit of any pollutant

P = Concentration of any pollutant from a user above a base level

Vu = Volume contribution from a user per unit of time

D. Review and Revision

The user charge ordinance shall be reviewed not less often than every two years regarding the wastewater contribution of users and user classes, the total costs of the operation and maintenance of the treatment works, and its approved user charge system. The charges for users

or user classes shall be revised to accomplish the following:

1. Maintain the proportionate distribution of operation and maintenance costs among users and user classes.
2. Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works, and
3. Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year, and the rates shall be adjusted accordingly.

E. Toxic Pollutants Charges

Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the treatment works shall pay for such increased costs.

F. Notification

Each user shall be notified at least annually, in conjunction the regular bill, of the sewer use rate and the portion of the user charges which are attributable to wastewater treatment services. Costs shall be broken down to show the operation and maintenance costs attributable to that user.

G. Charges for Extraneous Flows

The costs of operation and maintenance for all flows not directly attributable to users (such as infiltration/inflow) shall be distributed among users on the same basis as operation and maintenance charges.

H. Records

A record keeping system shall be established and maintained by the Public Works Authority of Coalgate to document compliance with federal regulations pertaining to the user charge ordinance.

I. Validity

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

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

The user charge system shall take precedence over any terms or conditions of agreements or contracts between the Public Works Authority of Coalgate and any users which are inconsistent with applicable federal regulations regarding user charge systems.

J. Billing

Users will be billed on a monthly basis with payment due 5 days after the date of billing. Users on metered water service will be billed on the same notice as water charges and will be designated as a separate entry. Users of the wastewater system not on metered water service will be billed monthly on an individual notice for wastewater service at the rate established by the utility superintendent. Users with delinquent accounts of 20 days will be notified in writing by the utility superintendent that water and/or wastewater services will be terminated unless the account is paid in full. The utility superintendent will utilize the law enforcement agency to assist as required in the control and management of the user charge system.

Section 18-21. New Sewers and Connections.

The city council shall establish by motion or resolution the fee for new sewer taps and connections on the sanitary sewer lines of the City of Coalgate. The fee established shall be paid to the City Clerk prior to the tap or connection being made.

A. The connection of the building sewer into the public sewer shall conform to the

requirements of the BOCA code and other applicable rules and regulations of the City.

B. All new sanitary sewage works shall be designed and constructed in accordance with the requirements of the **State of Oklahoma.** Oklahoma State Department of Health Regulations. ***(Ord. 124 Mar 28, 1995)***

C. For extensions of City Sewer lines to private property where sewer service does not exist; the City, if technically feasible, will extend sewer service to the property line when resources and other priorities permit. However, if the property owner is willing to provide the funds for all required materials the City will install (if technically feasible) such sewer lines as soon as possible. All sewer lines installed to private property, without regard to funding source, are city property until the point they cross on to private property. Maintenance and repair of the line on private property are the responsibility of the property owner. Maintenance and repairs on the line placed on city property or city easements are the responsibility of the City. ***(Ord 124 Mar 28, 1995)***

D. When a public sewer becomes available (AT PROPERTY LINE); the building sewer shall be connected to said sewer within sixty (60) days. ***(Ord. 124 Mar 28, 1995)***

Article 3. 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 humans or animals; or
3. create a hazard in receiving waters of the wastewater treatment plant effluent.

B. All discharges shall be prohibited except those that meet the criteria for "Domestic Wastewater." BOD concentration shall not exceed 2014 *mg/l. SS shall not exceed 2014 * mg/l. * Maximum limit for average domestic wastewater.

C. All industrial discharges are prohibited.

1. At the present time there are no Industrial Users in the city of Coalgate, Oklahoma. If an industrial user should desire to locate in the city and make use of the Sewerage System, an Industrial Cost Recovery System will be initiated in accordance with EPA and State Regulations at that time to compensate for his use of the system.

D. Any new connections from inflow sources into the sanitary sewer portions of the sewer system shall be prohibited.

E. A person who continues prohibited discharges is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than one hundred dollars ($100.00) for each act of violation and for each day of violation.

F. In addition to proceeding under authority of subsection (a) of this section the city's entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person continuing prohibited discharges.

G. The city reserves the right to terminate service to any customer that fails to pay bills when due or discharges any prohibited wastes into the sewer system.

Section 18-23. Penalty.

Any person, firm, company or organization making any connection with both the water and sewer lines or either of them without obtaining a permit shall be guilty of an offense, and any person, firm or corporation who violates any provision of this chapter shall also be guilty of an offense. Each day that such connection continues without a permit shall constitute a separate offense. Any person, firm, company or organization being convicted of such an offense or who violates any other section of this chapter shall be fined in an amount not to exceed two hundred

dollars ($200.00) including costs.

CHAPTER 19

STREETS, SIDEWALKS, AND OTHER PUBLIC AREAS

Article 1. Use and Obstruction

Section 19-1. Trees and shrubbery to be trimmed.

The owner of any premises abutting on any street shall trim all trees and shrubbery growing in the parking, between the sidewalks and the roadway of any street, and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks or any street or alley, in such manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along the streets, sidewalks, and alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as hereinbefore required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten (10) feet above the roadway or a street or alley, not lower than eight (8) feet above the sidewalk.

NOTE: For state law relating to trees and shrubs in parking, see 11 O.S., State Section 36-106.

Section 19-2. Penalty for violation of above section.

Any owner or occupant who fails, refuses or neglects to trim trees and shrubbery as provided in the above section, after receiving five (5) days' notice from the city manager to do so, shall be guilty of an offense. Every day that the owner or occupant fails, refuses to neglects to trim such trees or shrubbery, after the expiration of the five (5) days' notice, shall be a separate offense.

Section 19-3. Unlawful to injure trees and shrubbery.

It is unlawful for any person to injure any tree or shrubbery in a street or alley; provided that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

Section 19-4. Unlawful to obstruct sidewalks, parkways, streets and alleys with merchandise, etc.

It is unlawful for any person, firm or corporation to place upon or permit to be placed upon sidewalks, parkways, streets and alleys any goods, wares articles of merchandise, or any other obstruction, and leave same thereon; or to use the same as a place to carry on a business or trade.

Section 19-5. Unlawful to obstruct unduly sidewalks and streets.

It is unlawful for any person, firm or corporation to use or obstruct sidewalks in any manner so as to interfere unduly with pedestrian traffic thereon, or to use or obstruct streets and alleys in any manner so as to interfere unduly with lawful traffic and parking thereon.

Section 19-6. Unlawful to deposit trash, etc., upon streets or sidewalks.

It is 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.

Section 19-7. Street, etc., not to be obstructed so as to interfere with drainage.

It is unlawful for any person, firm or corporation to obstruct any street, sidewalk or alley by placing any approach driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks or gutters. Any person, firm or corporation which does obstruct any street, sidewalk or alley by placing any approach driveway or other obstruction, including, but not limited to any improper culvert, pipe or other drainage devise which shall obstruct or otherwise prevent the natural flow of water down the ditch or right-of-way to any street, sidewalk or alleyway, shall be liable for any expense by the City to remove said obstruction, and said expense shall be chargeable to said person in addition to any penalty imposed by Article 2.

A. No person, firm or corporation shall place any drainage devise including but not limited to any culvert, pipe or tinhorn in the ditch or right-of-way of any street, until such time as said person , firm or corporation has received written approval by the City of Coalgate, approving the specifications of said drainage devise.

Section 19-8. Unlawful to play in streets.

It is unlawful for any person to play in or upon the main-traveled portion of streets and alleys except as may be authorized by ordinance.

Section 19-9. Vehicles not to be washed on street.

The washing of an automobile or other vehicle in any street is hereby prohibited. (See also Section 20-137 this code).

Section 19-10. Water, mud, etc., from vehicle not to drain onto street.

No automobile or other vehicle shall be washed at any place where the water, dirt, mud, or other substances removed therefrom by or during the washing thereof, shall drain into or upon any street or sidewalk.

Section 19-11. Water, etc., from filling stations and other businesses.

It is unlawful for any owner or operator of a filling station or other place of business, or any agent or employee thereof, to cause or allow water, grease, or other fluid to flow or drain into, upon, over, or across any sidewalk, parking, street, alley, or other public way.

Section 19-12. Owner or occupant not to permit sidewalk or sidewalk area to become hazard.

It is unlawful for the owner or occupant of property abutting upon a sidewalk or sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk or sidewalk area.

Section 19-13. Rules and regulations for installation of utility lines across or under Public Thoroughfares in the City of Coalgate, Oklahoma.

A. Before any company, contractor or person begins installation of any utility line (including but not restricted to: water, gas, electric, sewer) under or through any street, avenue, alley or other thoroughfare within the City of Coalgate, the person shall notify the Coalgate City Manager of his intention to begin construction. No work shall be done and no "cuts", shall be made on any public thoroughfare until after the Coalgate City Manager gives his written approval to the applicant.

B. At the time of notifying the Coalgate City manager the company, contractor or person shall inform the Coalgate City Manager of his construction plans, including the site of the proposed "cut", the purpose of the "cut", the material being installed, the construction methods, and all other relevant information as determined by the Coalgate City Manager.

C. After receiving written permission from the Coalgate City Manager to proceed with the construction, the company, contractor or other person shall notify the Coalgate Water and/or Street Superintendent of his construction plans. The superintendent shall inspect the area and ascertain that the proposed work shall not interfere with existing water, sewer, or other utility lines.

D. In the event that any water, sewer, or other lines are damaged during construction, the person undertaking the construction shall be responsible for notifying the proper authority and be responsible for all material, labor, equipment and other charges expended in repairing all resulting damage. All charges for labor will be "time and a half;" equipment charges shall be the current flat rate; all material charges shall be actual cost. These charges will be paid before city utilities will be turned on, if utilities have been turned on they may be discontinued at the discretion of the Coalgate City Manager.

E. All work done by a company, contractor or other person as specified herein shall be done under the supervision and direction of the Coalgate City Manager or person or persons that said City Manager shall designate and at the expenses of person or persons undertaking the work.

F. All water lines shall be encased to prevent damages in the event of a leak.

G. Utility lines shall be inspected and tested by the Coalgate City Manager and appropriate City Officials and shall meet their requirements and specifications.

H. Persons undertaking work as specified herein shall be responsible for repair of the thoroughfares damaged by their construction. They shall provide all materials required to achieve proper compaction and surfacing of the street or other thoroughfare involved in their construction including fill, asphalt or cement of minimum mix of 2500 pounds density. The Coalgate City Manager shall supervise and inspect all work during the construction period and insure the use of proper material and workmanship. Among other requirements, the Coalgate City Manager shall require that all fill asphalt or other material shall be tamped in place, and that all displaced rock and other debris shall be removed from the construction area.

Article 2. Penalty

Section 19-14. Penalty.

Any person, firm or corporation who violates any provision of this article shall be guilty of an offense, and upon conviction thereof shall be fined in any sum not to exceed two hundred dollars ($200.00), including costs. Each day upon which a violation continues shall be deemed a separate offense.

CHAPTER 20

TRAFFIC

NOTE: For state law relating to traffic, see particularly 47 O.S. State Sec. 1-101 et seq.

Article 1. Words and phrases defined

Section 20-1. Definition of words and phrases.

The following words and phrases, when used in this chapter, have the meanings respectively ascribed to them in this section:

A. Authorized emergency vehicle. Vehicles of the fire department, police vehicles, and ambulances.

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. Boulevard. Such streets as shall be designated by the police as having the right-of-way over intersecting streets.

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. Business district. The territory contiguous to and including street or highway when fifty percent (50%) or more of the frontage on either side of street or highway for a distance of three hundred (300) feet or more is occupied by buildings designed for and used for business.

F. 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 manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

G. 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 traversal 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.
3. Curb. The boundary of any street or roadway.
4. Curb loading zone. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.
5. Driver. Every person who drives or is in actual physical control of a vehicle.
6. 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.
7. 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.
8. 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.
9. Intersection.

a. The area embraced within the prolonging or 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.

b. 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.

10. Laned roadway. A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.
11. Motor vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
12. 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.
13. 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.
14. 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.
15. 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.
16. Operator. Any person who is in actual physical control of any vehicle.
17. 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.
18. Passenger curb loading zone. A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.
19. Pedestrian. Any person afoot.
20. Person. Every natural person, firm, co-partnership, association, or corporation.
21. Police department. Shall mean the chief of police and all policemen.
22. Police officer. Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrest for violation of traffic regulations.
23. 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.
24. Railroad. A carrier of persons or property upon cars, other than street cars, operated upon stationary rails.
25. Railroad train. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails except streetcars.
26. Resident district. The territory contiguous to and including a highway not

comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

27. Right-of-way. The privilege of the immediate use of the roadway.
28. 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 roadways collectively.
29. 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.
30. 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.
31. Stand or standing. Means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
32. Stop. When required, means complete cessation from movement.
33. 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.
34. Street. Every way set apart for public travel except alleys, alley-ways, bridle paths and foot-paths.
35. 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.
36. Traffic. Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.
37. Traffic-control signal. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.
38. Urban district. The territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter of a mile or more.
39. Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Article 2. Traffic Administration; Obedience to Traffic Regulations

Section 20-2. Duty of police department and fire department.

A. It is the duty of the police department to enforce the street traffic regulations of this city and all of the state vehicle laws applicable to street traffic in this city, to make arrests for

traffic violations, to investigate accidents and to cooperate with other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions and to carry out those duties specially imposed upon the department by this chapter and any other traffic ordinances of this city.

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 there-at or in the immediate vicinity.

Section 20-3. Emergency and experimental regulations.

A. The city council, by motion or resolution, in hereby empowered to make effective the provisions of the traffic ordinances of this city and to make temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

B. The city council may have traffic control devices tested under actual conditions of traffic.

Section 20-4. Required obedience to traffic chapter.

It is an offense against the city for any person to do any act forbidden or fail to perform any act required in this chapter.

Section 20-5. 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 20-6. 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 20-7. 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 when so crossing, such person shall be granted all of 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 city.

Section 20-8. 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, city 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 statutes.

Section 20-9. 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 utility operations shall be protected by adequate warnings signs, signals, devices or flagmen; but the provisions of this chapter shall apply to such persons and vehicles when traveling to or from such work.

Section 20-10. Maintenance and construction zones, etc.

A. City personnel or contractors, while repairing or improving the streets of the city, and city personnel and utility companies when installing, improving, or repairing lines or other utility facilities in the streets are hereby authorized as necessary, subject to control by the city council, 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 device and barricades to warn and notify the public that the street has been closed to traffic.

B. When any street has been closed to traffic under the provisions of subsection (a) 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 residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.

C. Whenever construction, repair or maintenance of any street or utility line or facility is being performed under traffic, the city personnel, contractor or utility company concerned shall erect or cause to be erected, traffic control devices to warn and guide the public; and every person using such street shall obey all signs, signals, markings, flagmen or other 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 20-11. 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 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 20-12. 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 20-13. Accident, duty to give information.

Every driver of a motor vehicle after participation in or causing an accident by collision or otherwise, or injuring any person or property, shall forthwith stop and give his name and address, the name and address of each occupant of the motor vehicle driven by himself, and the number of his vehicle, to any person demanding the same, and after affording every reasonable assistance to the injured person or animal report the accident forthwith to the police.

Section 20-14. Report of accident.

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 (1) vehicle or other property is in excess of one hundred dollars ($100.00) shall, as soon as practicable, report such accident to a police officer or to the police department. Making out a written report of the accident in the office of the police department as soon as practicable after the accident to be forwarded to the Department of Public Safety of the state, in accordance with law, shall also be deemed compliance with this section.

Article 3. Certain Vehicles Prohibited; Equipment etc.

Section 20-15. Vehicles injurious to streets.

No vehicle or object which injures or is likely to injure the surface of a street shall be driven or moved on any street.

Section 20-16. 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 appropriate official of the City of Coalgate, Oklahoma, and in accordance with the terms of such permit.

Section 20-17. Equipment.

Every vehicle operated upon the streets of the city shall be equipped as required by law; and it is unlawful to operate a vehicle upon a street of the city, 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 city.

Section 20-18. Mufflers, cut-outs.

No motor vehicle with an internal combustion engine shall be operated within the city unless the exhaust from such engine is muffled by a suitable and sufficient muffler; and no muffler cut-out or exhaust or vacuum whistle shall be used on any motor vehicle while operating within the city, except that exhaust whistles may be used on authorized emergency vehicles.

Section 20-19. Use of Certain Vehicle Brakes Prohibited.

A. It shall be unlawful and an offense within the city limits for any person, firm or

corporation to use vehicle or trailer brakes which create an excessive or unusual noise such as is created by the use of "Jake" Brakes.

B. Any person, firm, association, corporation or co-partnership, who shall violate any of the provisions hereof shall be deemed guilty of an offense and upon conviction thereof, shall be punishable by a fine and costs not to exceed the sum of $57.00. ***(Ord. 144 Aug. 29, 2000)***

Section 20-20. Width, height, length, weight, and load.

No person shall drive or convey through any street any vehicle the width, height, length, weight, or load of which exceeds that authorized by state law, except in accordance with a permit issued by state authority or by the chief of police.

Section 20-21. Possession of Security Verification

A. The owner of a motor vehicle registered in this state shall carry in such vehicle at all times a current owner's security verification form listing the vehicle or an equivalent form which has been issued by the department which shall be produced by any driver there of upon request for inspection in any law enforcement officer or representative of the department of Public Safety and, in case of a collision, the form shall be shown upon request to any person affected by said collision.

B. Every operator of a motor vehicle registered in this state shall, while operating or using such vehicle, carry either an operator's or an owner's security verification form issued by a carrier, providing the operator is not excluded from coverage thereon; or an equivalent form issued by the department of Public Safety, reflecting liability coverage.

C. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:

1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;
2. Any vehicle bearing the name, symbol or logo of the business, corporation or utility on the exterior and which is in compliance with the Compulsory Insurance Law according to records of the Department of Public Safety which reflect a deposit, bond, self-insurance, or fleet policy;
3. Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the Oklahoma Corporation Commission;
4. Any licensed taxicab; and,
5. Any vehicle owned by a licensed used motor vehicle dealer.

D. Any person who violates said Ordinance shall be subject to a fine not exceeding two hundred dollars ($200.00); except that any person producing proof in court that a current security verification form or equivalent form which has been issued by the Department reflecting liability coverage for such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge.

Section 20-22. License plates required.

No person shall own or have in his possession within this city after the 31st day of January each year any vehicle unless such vehicle shall have the current distinctive identification and number plates assigned to it by the Oklahoma Tax Commission. Such plate shall be securely fastened to the vehicle for which issued. The plate is to be attached to the rear of the vehicle. Both plate and all letters and numbers must be clearly visible at all times. Such plate shall clearly indicate the type and nature of the operation for which such vehicle shall be used, whether for agricultural purposes, motor bus, or the transportation of persons for purposes other than for hire or compensation. (Reference: 47 O.S., Section 1101 et seq. and 47 O.S., Section 1115).

Section 20-23. License plate light.

Every motor vehicle, trailer, semi-trailer and pole trailer shall have either a tail lamp or 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 O.S. 12-204.)

Section 20-24. Headlamps on motor vehicles.

A. Every motor vehicle other than a motorcycle or motor-driver cycle shall be equipped with at last two (2) headlamps with at least one (1) on each side of the front of the motor vehicle, which headlamps 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 (1) and not more than two (2) headlamps which shall comply with the requirements and limitations of this chapter.

C. Every headlamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the headlamp 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 O.S. 12-203.)

Section 20-25. Not to project a glaring light.

No stop lamp or signal lamp shall project a glaring light. (Reference 47 O.S. 12-219 (d).)

Section 20-26. When lighted lamps are required.

Every vehicle upon a highway within this city, 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 light lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles. (Reference: 47 O.S. 12-201.)

Section 20-27. Horn used as signal device - unnecessary sounding of horn declared an offense.

A. Motor vehicles operated in this city 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.

Article 4. Traffic Control Devices

Section 20-28. Authority to install traffic control devices.

The city manager shall have placed and maintained traffic control signs, signals and devices when and as required under the traffic ordinances of this city to make effective the provisions of such ordinances, and may have placed and maintained such additional traffic control signs, signals and devices as may be deemed necessary to regulate traffic under the traffic ordinances of this city or under state law or to guide or warn traffic.

Section 20-29. Manual and specifications for traffic control devices.

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 city. 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 20-30. Obedience to official traffic control devices.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter or law, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

Section 20-31. When traffic signs required for enforcement purposes.

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 20-32. Traffic control signal legend.

Whenever traffic is controlled by traffic control signals exhibiting the words "Go" "Caution" or "Stop", or exhibiting different colored lights successively one (1) at a time, or with arrows, the following colors only shall be used, and the terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

A. Green alone or "Go":
   1. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign or barricade at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicle and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
   2. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

B. Steady yellow alone:
   1. Vehicular traffic facing the signal is thereby warned that the red or "stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "stop" signal is exhibited.
   2. Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

C. Steady red alone, or "Stop".
   1. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone, or, while the signal is still red, vehicular traffic may turn right from the appropriate lane after coming to the required stop, unless otherwise provided by the municipality in which the signal is located, or unless hereinafter provided. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
   2. In order to prohibit right turns on the red signal after the required stop, a

municipality must erect clear, concise signs informing drivers that such turns are prohibited. The highway department shall specify the design of the sign to be used for this purpose and it shall be used uniformly throughout the state.

3. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

D. Steady red with green arrow.

1. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow, but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

2. No pedestrian facing such signal shall enter the roadway until the green or "Go" is shown alone or until authorized so to do by pedestrian "Walk" signal.

E. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions, which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made; but in the absence of any such sign or marking, the stop shall be made at the signal.

Section 20-33. Pedestrian control signals.

Whenever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" are in place, such signals shall indicate as follows:

A. Walk. -- Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

B. Wait or don't walk. -- No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

Section 20-34. Flashing signals.

A. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal). -- When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection; and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

2. Flashing yellow (caution signal). -- When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

B. This section shall not apply at railroad grade crossings.

Section 20-35. Pedestrian actuated school crossing signals.

Whenever a pedestrian actuated school crossing signal is provided, it requires obedience by vehicular traffic and pedestrians as follows:

A. Flashing yellow.

1. When a yellow lens is illuminated with rapid intermittent lashes, drivers or operators of vehicles may proceed through the intersection or pass such signal only with caution.

2. Pedestrians shall not proceed in conflict with traffic, but may actuate the signal control switch, and shall wait until steady red alone is shown before entering the roadway or intersection controlled by the signal.

B. Steady yellow alone.

1. Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection or pass the signal when the red or "Stop" signal is exhibited.
2. No pedestrian shall enter the roadway or intersection on which the signal controls vehicular traffic until steady red alone is shown.

C. Steady red.
1. Vehicular traffic facing the signal shall stop before entering the cross walk on the near side of the intersection, or, if none, then before passing the signal or entering the intersection and shall remain standing until flashing yellow is shown alone.
2. Pedestrians may proceed across the road controlled by the signal, and shall be given the right-of-way by the drivers of all vehicles.

D. Steady red and steady yellow combined.
1. Vehicular traffic facing the signal is thereby warned that the flashing yellow signal will be exhibited immediately thereafter, and that such vehicular traffic shall remain standing until the flashing yellow is shown alone.
2. Pedestrians are thereby warned that the flashing yellow signal is about to be shown and shall not enter the signal controlled roadway or intersection, or in a direction which conflicts with the movement of vehicular traffic; but any pedestrian who has partially completed his crossing shall proceed to the nearest sidewalk or safety island, and shall be given the right-of-way by the drivers of all vehicles.

Section 20-36. 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 city is hereby empowered to remove the same without notice.

Section 20-37. Interference with official control devices or railroad signs or signals.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock 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 20-38. Play streets; authority to establish.

The city council, 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 20-39. 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 20-40. City to designate crosswalks and establish safety zones.

The city council, 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 20-41. Traffic lanes.

A. The city manager 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.

Section 20-42. School Zone.

The following shall be the designated school zone for the area immediately surrounding the Coalgate Public Schools, The School Zone shall extend from Along Stacy Street from the intersection of Stacy and Blair to the intersection of Stacy and Cedar.

Along South Railroad Street from the intersection of South Railroad and Cedar to the intersection of South Railroad and Hooker.

Along Lafayette Street from the intersection of Lafayette and South Veterans to the intersection of Lafayette and South Railroad.

Along Cedar Street from the intersection of Cedar and South Railroad to the intersection of Cedar and South Byrd.

Along Byrd Street from the intersection of Byrd and Blair to the intersection of Cedar and Hooker.

Along Blair Street from the intersection of Blair and Stacy to the intersection of Blair and South Byrd.

Along Hooker Street from the intersection of Hooker and South Byrd to the intersection of Hooker and South Railroad.

Along Fox Street from the intersection of Fox and South Byrd to the intersection of Fox and South Railroad.

Along Lee Street from the intersection of Lee and Veterans to the intersection of Lee and South Railroad.

The maximum lawful speed that any person shall drive a vehicle within the School Zone as set forth above shall be fifteen miles per hour (15 mph) from 8:00 a.m. to 5:30 p.m. on any day on which the Coalgate Public School System is in session.**(Ord. 188 Dec 28, 2015)**

Article 5. Driving on Right Side of Roadway; Overtaking and Passing; etc.

Section 20-43. 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 20-44. 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 (1) 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 20-45. 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:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
3. All motor vehicles before passing other vehicles 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 (1) side and give half (1/2) the road.

Section 20-46. 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 (1) 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 20-47. 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 20-48. 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 within 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 20-49. No-passing zones.

A. The Oklahoma Department of Highways as regards state and federal highways, and the city council 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 20-50. 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 20-51. Following too closely.

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

Article 6. Speed Regulations

Section 20-52. 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. Except when a special hazard exists that requires lower speed for compliance with subsection (A) of this section, the limits specified in this chapter or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits as follows:

1. The speed limit within the School Zone, as defined in Section 20-42, shall be fifteen miles per hour (15 mph) from 8:00 a.m. to 5:30 p.m. on any day on which the Coalgate Public School System is in session. **(Ord. 148 Apr 30, 2002)**
2. Twenty-five (25) miles per hour on other streets and on streets adjacent to schools at other times than that specified immediately above; provided that the council by motion or resolution may reduce or increase this speed limit, and when it does so, appropriate signs shall be placed on such streets or parts of streets indicating the lower or higher speed limit.

Article 7. Reckless Driving; Driving While Intoxicated or Under Influence of Drugs; Driver's License

Section 20-53. 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 20-53.1 Texting While Driving

B. It shall be unlawful for any person to operate a motor vehicle on any street or highway while using a hand-held electronic communication device to manually compose, send or read an electronic text message while the motor vehicle is in motion.

C. Any person who violates the provisions of subsection A of this section shall, upon conviction, be punished by a fine of not more than One Hundred Dollars ($100.00), excluding costs, fees and assessments.

D. The Department of Public Safety shall not record or assess points for violations of this section on any license holder's traffic record maintained by the Department.

E. The provisions of subsection A of this section shall not apply if the person is using the cellular telephone or electronic communication device for the sole purpose of communicating with any of the following regarding an imminent emergency situation:

a. An emergency response operator;

b. A hospital, physician's office or health clinic;

c. A provider of ambulance services;

d. A provider of firefighting services; or

e. A law enforcement agency.

F. For the purpose of this section:

a. 'Cellular telephone' means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;

b. Compose'', 'send' or 'read' with respect to a text message means the manual entry, sending or retrieval of a text message to communicate with any person or device;

c. 'Electronic communication device' means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a device that is physically or electronically integrated into a motor vehicle or a voice-operated global positioning or navigation system that is affixed to a motor vehicle, or a hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function; and

d. 'Text message' includes a text-based message, instant message, electronic message, photo, video or electronic mail."

Section 2. PREEXISTING RIGHTS OF ACTION PRESERVED. The amendment or repeal of any ordinances by the enactment of this ordinance shall not impair, modify, alter, or affect any rights, right of action or cause of action, whether now pending in any court or not, which are now existing or which may arise or come into existence, before the date when this ordinance is effective.

Section 3. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 4. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict with this ordinance be and the same are now expressly repealed.

Section 5. EFFECTIVE DATE. Following passage of this ordinance by the City Council, with separate approval of its Emergency Clause, the provisions enacted by this ordinance shall be effective and enforceable on and after January 1, 2016. **(Ord. 187 Nov 30, 2015)**

Section 20-54. Careless or negligent driving, stopping or parking.

It is unlawful for any person to drive, use, operate, park, cause to be parked or stop any vehicle in a careless or negligent manner, or in such a 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 20-55. Persons under the influence of intoxicating liquor or of drugs.

It is unlawful for any person who is under the influence of intoxicating liquor or drugs to drive or be in actual physical control of any vehicle within this city.

Section 20-56. Driver's license required.

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 the state highways, to operate a motor vehicle within the city.

Section 20-57. Unlawful to operate vehicle without state vehicle license.

It is unlawful to operate a vehicle of any kind upon a street of the city without a state vehicle license as may be required by law or to fail to display the state vehicle license as may be required by law.

Section 20-58. Not to permit persons without license to drive motor vehicle, 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 city 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.

Article 8. Turning Movements; Signals on Turning and Stopping

Section 20-59. 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.

Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

C. Left turns on other than two-way roadways. -- At any intersection where traffic is restricted to one (1) direction on one (1) 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 20-60. Authority to place and obedience to turning markers.

A. The city manager is authorized to have placed markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections; and such course to be traveled as so indicated may conform to 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 20-61. Authority to place restricted turn signs.

The city council, 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 20-62. Obedience to no-turn signs.

Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

Section 20-63. 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 city 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 may be made only when it can be made in safety and without interfering with other traffic.

Section 20-64. 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 a 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 20-65. 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 and 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 20-66. 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 20-67. Authority to sign one-way streets and alleys.

Whenever the council by motion or resolution designates any street or alley or part thereof as a one-way street or alley, the city shall have placed and maintained signs giving notice thereof; and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Section 20-68. One-way streets and alleys; Direction of traffic.

Upon those streets and parts of streets and in those alleys and parts of alleys so designated as one-way streets and alleys, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

Section 20-69. Rotary traffic island.

A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

Article 10. Right-of-Way; Stop and Yield Intersections; Railroad Crossings; etc.

Section 20-70. 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 subsection (a) and (b) are modified at through highways and otherwise as stated in this chapter.

Section 20-71. 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 20-72. Through streets may be designated.

The council, by motion or resolution, may designate any street or part of a street a through street.

Section 20-73. Signs required at through streets.

Whenever the council so designates and describes a through street, the city shall have places 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 city council if deemed desirable.

Section 20-74. Other intersections where stop or yield required.

The city manager 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 (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; 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 20-68, in which event it shall cause to be erected a yield sign at every place where obedience thereto is required.

Section 20-75. 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 nighttime 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 20-76. 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 driver 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 20-77. 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 his failure to yield right-of-way.

B. The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, 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.

Section 20-78. Two or more vehicles facing stop, slow, warning or caution signal.

Where two (2) or more vehicles face stop, slow, warning or caution signs or signals on two (2) or more intersecting cross streets, and are approaching so as to enter the intersection at the same time, where each vehicle is required to stop, the vehicle coming from the right shall have the right-of-way. Where each vehicle is required to take caution, the vehicle coming from the right shall have the right-of-way. Where one vehicle is required to stop and the other to slow or take caution, the one slowing or taking caution shall have the right-of-way. Where one vehicle is required to slow and the other to take
caution, the one required to take caution shall have the right-of-way. In any event, a vehicle which has already entered the intersection shall have the right-of-way over one which has not so entered the intersection.

Section 20-79. Emerging from alley, driveway or building.

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

Section 20-80. 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 20-81. School buses: Meeting or overtaking.

The driver of a vehicle upon a street within the town, upon meeting or overtaking from either direction, any school bus which has stopped on or adjacent to any street for the purpose of receiving or discharging any school children and other occupants 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 shall bear upon the front and rear thereon a plainly visible sign containing the words "School Bus" in letters not less than eight (8) inches in height.

Section 20-82. Unlawful to interfere with the performance of firemen.

A. It shall be unlawful for any person or operator of any vehicle whatsoever to drive or park his vehicle in any place as would interfere with the performance of firemen on duty at a fire, or a policeman or ambulance driver at any fire, accident, catastrophe, or any public emergency whatsoever.

B. It shall be unlawful for any pedestrian to interfere with the work of firemen, policemen, ambulance drivers, doctors, nurses or others at the scene of fires, accidents, catastrophes or occurrences of public emergency nature.

Article 11. Miscellaneous Regulations

Section 20-83. 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 20-84. 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 sued at any fire or alarm of fire without the consent of the fire department official in command.

Section 20-85. Vehicle obstruction.

It shall be unlawful and an offense for any person to place or leave any vehicle of any kind upon the public highway, street or alley within the corporate limits of the city so as to hinder or obstruct the free use of such highway, street, alley or thoroughfare. Provided that nothing herein contained shall prevent the proper use of any vehicle upon or along the public highways, streets or alleys of the city as provided by the city ordinances.

Section 20-86. Motor vehicles; tampering.

No person shall, without the consent of the owner or the person in charge of a motor vehicle, change the position of the levers, switches or other parts of said motor vehicle or in any way use, occupy, injure, deface, scratch, cut, tamper with or molest any motor vehicle. Provided that this section shall not apply in case of moving or starting of motor vehicle by police or peace officers in the vicinity of a fire, nor the changing of the position of said motor vehicle temporarily without starting the motor of the same, by any one for the purpose of extracting or removing another vehicle from a congested position.

Section 20-87. 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 20-88. 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 20-89. Funeral processions to be identified.

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police department.

Section 20-90. When permits required for parades and processions.

No funeral, procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles except the military forces of the United States and the military forces of this state shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply.

Section 20-91. 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 20-92. Starting parked vehicle.

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

Section 20-93. Limitations on backing.

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.

Section 20-94. 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 20-95. 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 (1) 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 20-96. Obstruction to driver's view or driving mechanism.

A. No person shall drive a vehicle when it is so loaded or when there are in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

B. No passenger in a vehicle shall ride in such 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 20-97. 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 20-98. 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 20-99. Boarding or alighting from vehicles.

No person shall board or alight from any vehicle while such vehicle is in motion.

Section 20-100. 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 truck bodies in space intended for merchandise.

Section 20-101. Railroad trains not to block streets.

It is unlawful for the direction 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 20-102. Driving through safety zone prohibited.

No vehicle shall at any time be driven through or within a safety zone or island.

Section 20-103. 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 is likely to injure persons or damage property or to render a street unsafe for traffic.

Section 20-104. 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 city during a time when state law prohibits the operation of such vehicle.

Section 20-105. Mandatory Use of Seat Belts.

A. Every operator and front seat passenger of a passenger car operated within the city limits of Coalgate shall wear a properly adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard 208 . For the purpose of this section, "passenger car" shall mean "automobile" as defined in Section 1-103.1 of Title 47 of the Oklahoma Statutes, except that "passenger car' shall not include trucks, pick-up trucks, truck-tractors, recreational vehicles, vans, motorcycles or motorized bicycles.

B. This section 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 or she is unable to wear a safety seat belt system for medical reasons. Provided, the issuance of such verification by a physician, in good faith, shall not give rise to, nor shall such physician
thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of such failure to wear a safety seat belt system. This section shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. Postal Service.

C. No law enforcement officer shall make routine stops of motorists for the purpose of enforcing this act.

D. Any person convicted of violating this section shall be punished by a fine of $10.00

and shall pay court cost of $10.00. Provided, the Department of Public Safety shall not assess points to the driving record of any licensed or unlicensed person convicted of violation of this section.

Section 20-106. Mandatory Use of Child Passenger Restraint System.

A. Every driver when transporting a child under four (4) years of age in a motor vehicle operated on the roadways, streets, or highways of this city shall provide for the protection of said 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 act "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.

B. Children four (4) or five (5) years of age shall be protected by use of a child passenger restraint system or a seat belt.

C. The provisions of this section shall not apply to:

1. A nonresident driver transporting a child in this city; and
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; and
3. The driver of an ambulance or emergency vehicle; and
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.

D. A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provisions of this section and to give an oral warning to said 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.

E. Any person convicted of violating subsection (a) or (b) of this section shall be punished by a fine of Ten Dollars ($10.00) and shall pay a maximum of Fifteen Dollars ($15.00) court costs thereof. This fine shall be suspended in the case of the first offense upon proof of purchase or acquisition by the loan of a child passenger restraint system.

Section 20-107. Unlawful turning.

A. It shall be unlawful from and after the effective date of this article for any driver of an automobile or other vehicle to turn such a vehicle around so as to proceed in the opposite direction at any point on any designated state or federal highway within the limits of this city.

B. It shall be unlawful from and after the effective date of this article for the driver of any automobile or other vehicle traveling upon any designated state or federal highway within the

limits of this city to turn such vehicle around so as to proceed in the opposite direction by driving such automobile or vehicle off such highway onto public or private property or driveways and driving back onto said highway, and proceeding in the opposite direction, provided that the provisions of this section shall not apply to the drivers of automobiles or vehicles stopping at private property under their ownership or in their possession or stopping at their place of business or employment or stopping to do business at a place of business along said highway.

Section 20-108. 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.

Article 12. Pedestrians' rights and duties

Section 20-109. 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 20-110. Pedestrians' right-of-way 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 20-112 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 other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Section 20-111. Pedestrians to use right half of crosswalks.

Pedestrian shall move, whenever practicable, upon the right half of crosswalks.

Section 20-112. 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 20-113. 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 no application under the conditions stated in section 20-108, when pedestrians are prohibited from crossing at certain designated places.

Section 20-114. 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 20-115. 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 20-116. 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 20-117. 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 20-118. Drivers to exercise due care.

Notwithstanding the foregoing provisions of 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 20-119. 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 article.

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 upon any highway or upon any path set aside for the exclusive use of bicycles subject to the exceptions stated herein.

Section 20-120. 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 vehicles or by the traffic ordinances of this city applicable to the driver of a vehicle, 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 20-121. 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 20-122. 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 20-123. 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. Whenever 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 20-124. Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

Section 20-125. 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 20-126. Carrying articles.

No persons operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars.

Section 20-127. 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 20-128. Riding on sidewalks.

A. No person shall ride a bicycle upon a sidewalk within the city limits.

B. The city council, by motion or resolution, is authorized to have erected signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person; and when such signs are in place, no person shall disobey the same.

Section 20-129. Lamps and other equipment on bicycles.

A. Every bicycle in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least three hundred (300) feet to the front and with a red reflector on the rear of a type which shall be visible from all distances 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 three hundred (300) 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 any 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 20-130. 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 twenty-four (24) 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 twenty-four (24) inches of the left-hand curb.

Section 20-131. 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 20-132. Signs or marking indicating angle parking.

The city council, by motion or resolution, shall determine upon what streets and parts or streets angle parking shall be permitted, and shall have such streets marked or signed.

Section 20-133. 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 20-134. 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 in within a parking space as thus marked off, and not on or over a line delimiting a space.

Section 20-135. Permits for loading or unloading at an angle to the curb.

A. The city council is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein. The city council 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 20-136. Stopping, 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 a 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 or points on the curb immediately opposite the ends of a safety zone, unless the city indicates a different length by signs or markings.
9. Within fifty (50) feet of the nearest rail of a railroad crossing.
10. Within ten (10) 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 sign posted.
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.

C. No person shall park a vehicle in a marked Reserve Parking space without the placard or license plate designating physically disabled.

D. The City of Coalgate does hereby set a fine of $50.00 per offense for violation of the Reserved Parking for the physically disabled without the required permit. **(Ord. 172 Jan. 26, 2010 11 O.S. Sec. 36-101A)**

Section 20-137. Parking in streets not to obstruct traffic.

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 20-138 Parking in business district alleys prohibited; exception.

No vehicles shall be parked in any of the alleys in the business district, except that vehicles may be parked for not to exceed twenty (20) minutes, for the purpose of loading or unloading merchandise.

Section 20-139. Parking for certain purposes 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. (See also Section 19-9 this code.)

Section 20-140. Parking time limits may be established; prohibitions.

A. The council, by motion or resolution, is hereby authorized to establish parking time limits, or to prohibit parking, on designated streets and parts of streets, by having appropriate signs placed thereon.

B. When such signs are in place, it is unlawful for any person to park a vehicle in violation thereof.

Section 20-141. Parking more than twenty-four (24) 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 twenty-four (24) hours.

B. It is unlawful for any person to park a truck of over one (1) ton capacity for more than three (3) consecutive hours on any street or alley in a residential area of the city.

C. This section shall not affect parking limits established for shorter periods.

Section 20-142. 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 (1) 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 city council, 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 20-143. Curb loading zones may be designated.

A. The council, 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 city shall not have signs placed until the applicant has paid to the city an amount of money established by the council to be adequate to reimburse the city for all costs of establishing and signing the same.

Section 20-144. 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 20-145. 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 20-146. Public carrier stops and stands may be designated.

The council, by motion or resolution, is hereby authorized 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.

Article 17. Truck Routes and Commercial Vehicles

Section 20-147. Truck Routes and Commercial Vehicles.

A. 1. The council, by motion or resolution, may prescribed routes through the city 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 city. The city shall see that appropriate and adequate
signs are placed along such routes so that drivers of such vehicles may follow the routes.

2. When such signs are so erected and in place, the driver of a truck or other vehicle for which a route has been prescribed, as provided above, while passing through the city shall keep on such route and shall not deviate therefrom except in case of an emergency. Drivers of such vehicles shall follow such routes so far as practicable also when driving within the city and not merely through the city.

B. 1. No commercial vehicle, defined as a motorized , self-propelled vehicle either designed for or used for transporting commercial goods, merchandise, tools, machinery, business or trade equipment, building material, products of the construction trade, chemicals or liquids, including but not limited to a van, bus truck, pickup truck, utility vehicle or any vehicle which by its design, number of wheels or special equipment puts it in a class other than a private passenger automobile or recreational vehicle which is rated as a vehicle in excess of one and one half (1 ½) tons rated capacity, or with a factory gross vehicle weight capacity in excess of sixteen thousand (16,000) pounds shall be parked on any property or lot zoned for residential purposes which is serviced by any street which is now or hereafter paved with oil and chip, asphalt or concrete paving. Roads located within the city limits of the city which were expected and reserved by the United States of American as a section line right-of-ways shall be excluded.

2. No tractors or trailers, backhoes, or any other construction related equipment, abandoned vehicles (long term parking on city streets), machine or vehicle may be parked on any street, alley or right-of-way which abuts residential property except during actual construction on abutting property and for the purpose of loading and unloading such equipment only.

3. This section shall in no way prohibit the moving on public streets of any commercial vehicle which is so moving for the purpose of making deliveries or pick-ups to points within the city, but it shall be unlawful for any commercial vehicle otherwise prohibited from parking on any alley or easement of the city which has been paved with oil and chip, asphalt or concrete surfacing except as are necessary to make such delivery or pick-up such goods**.** ***(Ord. 129 Jan 28, 1997)***

Article 18. Motorcycles, etc.

Section 20-148. Speed.

No person shall operate any motorcycle, motor driven cycle, motor scooter, or any other similar two or three wheel motor vehicle at a speed greater than the speed limit provided by ordinance of this city for automobiles or other motor vehicles nor at a speed greater than the speed limit regularly posted for automobiles or other motor vehicles within the corporate limits of the City of Coalgate, Oklahoma.

Section 20-149. Equipment.

The following equipment shall be required on all motorcycles and all motor scooters being operated and driven in the City of Coalgate, Oklahoma:

A. Rear view mirrors: All vehicles covered under this section shall be equipped with two 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.

B. Windshield: All vehicles covered under this section shall be equipped with a windshield of sufficient quality, size and thickness to protect the operator from foreign objects, except that in lieu of such windshield the operator shall wear goggles or face shield or material and design to protect him from foreign objects.

C. Brakes: All vehicles covered under this section shall be equipped with brakes adequate to control the movement of same to stop and hold such vehicles, including two separate means of applying the brakes; one means shall be effective to apply the brakes to the rear wheels. All such vehicles shall be equipped with a stop lamp on the rear of the vehicle, which shall display a red or amber light, or any shade or color between red and amber, visible from a distance of not less than one hundred (100) feet to the rear in normal sunlight, and which shall be actuated upon application of the service brake.

D. Speedometer: All vehicles covered under this section shall be equipped with a properly operating speedometer capable of registering at least the maximum legal speed limit for that vehicle.

E. Fenders: All vehicles covered under this section shall be equipped with a fender over each wheel. All fenders shall be of the type provided by the manufacturer.

F. Lights: All vehicles covered under this section shall carry at least one lighted headlamp capable of showing a white light visible at least three hundred (300) feet in the direction in which the same are proceeding, and one tail lamp mounted on the rear which, when lighted, shall emit a red light plainly visible from at least three hundred (300) feet to the rear, and such lights required by this section shall be burning whenever such vehicles are in motion during the period from one half (1/2) hour after sunset and one-half (1/2) hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the streets are not clearly discernible at a distance of at least five hundred (500) feet ahead.

G. Headgear: No person under the age of eighteen (18) shall operate or ride upon any vehicle covered under this section unless such person is equipped with and wearing on the head a crash helmet of the type and design manufactured for use by the operators of such vehicles. All crash helmets shall consist of lining, padding and chin straps and be of the type as not to distort the view of the driver.

H. 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.

Section 20-150. Operation by persons under sixteen.

The operation of motorcycles, motor driven cycles, motor scooters or other similar two or three wheel motor vehicles within the corporate limits of this city is prohibited for persons under sixteen (16) years of age between the hours of 9:00 p.m. and 4:30 a.m.

Article 19. Emergency Vehicle Runs

Section 20-151. Notification of runs by emergency vehicles.

It is unlawful for any person to drive on the streets of the city any emergency vehicle, including but not limited to police patrol cars, fire trucks, ambulances, sheriff's cars, highway patrol cars and police motorcycles, while sounding a siren, horn, bell or other noise-making device designed to forewarn the populace of the approach of such vehicle, without first advising the police department by contacting the police dispatcher on duty of his intention to make an emergency run

and giving the name of the person making the run, the destination and the route which they intend to travel and the nature of the emergency.

Article 20. Impounding of Vehicles

Section 20-152. Authority to impound vehicles.

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 city, under the circumstances hereinafter enumerated:

A. 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.

B. 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.

C. 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.

Section 20-153. Impoundment for certain causes.

From and after the effective date of this article, the chief of police of the City of Coalgate shall be and he is hereby authorized and directed to cause the impoundment in any public or private storage yard or place of vehicles under the following circumstances:

A. When such vehicle is parked on private property without the consent first had and obtained of the owner, occupant, or person in charge of said private property, and after complaint in written form signed by said owner, occupant, or person in charge of such property.

B. When any such vehicle is found parked in front of, or blocking, any private driveway or public alley.

C. When such vehicle is found parked between the curb of a public street and a private property
line, unless permitted under the code of the City of Coalgate, Oklahoma.

D. When such vehicle has had issued against it three (3) or more parking tickets, which parking tickets are delinquent and unpaid on the date of such impoundment.

Section 20-154. Same: Complaint; fine and costs.

Prior to the impoundment of any vehicle found in violation of the provisions of Section 20-151 above, a written complaint shall be signed by the owner of private property, or the occupant or person in charge thereof, or by the investigating officer, and said complaint shall be verified by the city attorney after investigation. Said complaint shall thereafter be filed with the clerk of the municipal criminal court of Coalgate. Upon the payment of the fine hereinafter fixed, either on plea of guilty or after conviction, and after the payment of any other penalties, and in particular those required in Section 20-151 above, the clerk of said court shall issue to the owner of any such vehicle a receipt for the payment of the fine and other penalties lawfully assessed against the owner. The owner of said vehicle, upon presentation of the receipt to the owner or person in charge of the storage yard or place in which his said vehicle has been impounded, shall be entitled to have delivered over to him his vehicle has been impounded, shall be entitled to have delivered over to him his vehicle after the payment of towing and storage charges. **(ORD 167, Aug 25, 2009)**

Section 20-155. Nuisance; penalty.

Any owner of a vehicle found in violation of the provisions of section 20-151 shall be deemed guilty of creating a public nuisance, which said violation is hereby declared to be, and

upon plea of guilty or conviction therefore shall be fined in a sum not exceeding two hundred dollars ($200.00), which shall be in addition to any other penalties lawfully assessed against said owner.

Article 21. Abandoned Vehicles

Section 20-156. Definitions.

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

A. Property" means any real property within the city which is not a street or highway:

B. "Street" or "highway" means 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; and

C. "Vehicle" means a machine propelled by power, other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery, and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon. ***(Ord. 128 Apr 1, 1997)***

Section 20-156-1. Abandonment of Vehicles Prohibited.

No person shall abandon any vehicle within the city and no person shall leave any vehicle at any place within the city for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. The circumstances herein mentioned may consist of, but shall not be limited to, any one or more of the following conditions:

A. Weed and grass undergrowth indicating to a reasonable person that the vehicle has not been moved, thereby permitting such growth to occur;

B. Tires flat or wheels or tires missing;

C. Portions of the vehicles needed for its operation and control on the streets and highways missing;

D. Evidence offered by neighbors or other persons of the length of time the vehicle has been standing in one place without removal, and evidence that parts are taken from or added to such vehicle which would indicate a salvage or garage operation; or

E. Evidence of violation of any of the ordinances of the city pertaining to junk and salvage yards, including violations of the zoning ordinances of the city. ***(Ord. 128 Apr 1, 1997)***

Section 20-157. Punishment by Fine.

The abandonment of vehicle as contemplated or defined in this chapter, on any street or private property within the City limits of the City shall be punishable by fine in the amount of $57.00 for each day of such violation as established by this section.

Section 20-157-1. Abandonment of Vehicles Constitutes Nuisance.

The abandonment of vehicles, as contemplated or defined in this chapter, on any street or private property within the limits of the city is hereby declared to constitute a public nuisance. In addition to the penalties established for violations of this chapter, the city council may, upon proper evidence submitted by enforcement agents of the city, institute any necessary action in courts of competent jurisdiction to enforce the terms and provisions of this chapter and to abate such nuisance.

Section 20-158. Dismantled, Non-operating Vehicles Not to be Left on Streets.

No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway within the city. ***(Ord. 128 Apr 1, 1997)***

Section 20-158-1. Dismantled, Non-operating Vehicles on Private Property.

No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property long than forty-eight (48) hours. This section shall not apply to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city. ***(Ord. 128 Apr 1, 1997)***

Section 20-159. Impoundment of Vehicles.

The chief of police or other appropriate official or any member of his department designated by him is hereby authorized to remove or have removed any vehicle left on my public way within the city which reasonably appears to be in violation of this chapter or lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with Sections 901 et Seq. Of Title 47 of the Oklahoma Statutes.

Charges for the removal and storage of the vehicle shall accrue from the time of impoundment. The owner of said vehicle, upon presentation of the receipt to the owner or person in charge of the storage yard or place in which his said vehicle has been impounded, shall be entitled to have delivered over to him his vehicle after the payment of accrued towing and storage charges. **(ORD 167, Aug 25, 2009)**

Section 20-159-1. Notice of Violations.

Officers designated to enforce this chapter shall, when it appears to them that a vehicle is in violation of the terms and provisions of this chapter, give notice to the owner or possessor thereof as follows; They shall first securely attach to the vehicle, whether located on a public way or on private property, a written notice stating that:

A. the vehicle is in violation of this chapter which prohibits the abandonment of inoperable vehicles within the city;

B. The owner or possessor thereof has forty-eight (48) hours within which to remove the vehicle to an authorized place of storage or salvage; and

C. Should the notice not be complied with, both criminal and civil actions will immediately be instituted to enforce the provisions of this chapter. ***(Ord. 128 Apr 1, 1997)***

Article 22. Offenses, Complaints

Section 20-160. Penalty.

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 20-161. Eluding peace 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 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 within the city, is guilty of a misdemeanor.

Section 20-162. 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 bear the registration number of the vehicle, and shall direct the violator to present the tag at the police station or other designated place within five (5) days or such other reasonable time as may be specified thereon. Nothing in this section shall abridge the poser to arrest any violator and to take him into custody, or to file a complaint against him, at any time.

B. The city manager may require that the police officers use citation tags furnished by the city clerk and that such tags be serially numbered, and may regulate the use and handling of citation tags.

Section 20-163. Failure to comply with citation tags.

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 ten (10) 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.

Section 20-164. 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 stated presumption shall apply only when the procedure of giving a citation tag has been followed.

Section 20-165. 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 23. Special Provisions

Section 20-166. Vehicles without required equipment or in unsafe condition.

No person shall drive or cause to be moved on any highway any motor vehicle, trailer, semi-trailer or pole trailer, or any combination or vehicles, unless the equipment upon any and every said vehicle is in good working order and adjustment as required in this act and said vehicle is in such safe mechanical condition as not to endanger the driver or occupant or any person upon the highway. ***(Ord. 353, Sec. 20-170.)*** **(See also: Sec. 20-17, this Code.)**

Article 24. Penalty

Section 20-167. Penalty.

Any person, firm or corporation who violates any provision of this chapter, or performs any unlawful act as defined in this chapter, or fails to perform any act required in this chapter, is guilty of an offense against the city, and upon conviction thereof shall be fined in accordance with the bond, established pursuant to Section 12-28 of this Code, said schedule including but not limited to that set forth below:.

All hangers shall be constructed and maintained at the expense of the owner.

(*Ord. 185 effective Jan. 1, 2014*)

Chapter 21

WARDS AND BOUNDARIES

NOTE: Until otherwise provided by ordinance, the wards of the city will remain as prescribed by Article IX, Section 54 of the City Charter.

CHAPTER 22

AIRPORT

ARTICLE I. IN GENERAL

Section 22-1. Definitions.

A. "Airport" means an area on land or water that is used, or intended to be used, for the landing and taking off of aircraft, and includes it buildings and facilities, if any.
B. "Air navigation facility" means any facility – other than one owned and operated by the United States – used in, available for use in, or designed for use in, aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities, or devices used or useful as an aid, or constitution an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.
C. "Airport hazard" means any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.
D. "Helipad" means a small designated area, usually with a prepared surface, on a heliport, airport, landing or takeoff area, apron or ramp, or movement area used for takeoff, landing or parking of helicopters.
E. "Heliport" means an area of land, water or structure used or intended to be used for the landing and takeoff of helicopters and includes its buildings and facilities, if any.
F. "Municipality" means any county, city, or town of this state. "Municipal" means pertaining to a municipality as herein defined.
G. "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee or other similar representative thereof. **(*Ord. 185 effective Jan. 1, 2014*)**

ARTICLE II. MUNICIPAL AIRPORT

Section 22-2. Authorization to construct.

Members of the public are authorized to construct hangars on airport property, at locations to be approved by the city manager. **(*Ord. 185 effective Jan. 1, 2014*)**

Section 22-3. Use of hangars restricted.

All hangars, whether constructed before or after this division, shall be used solely for the storage of airplanes or aircrafts, and for supplies, equipment and tools necessary for the maintenance and operation of said airplanes or aircrafts. **(*Ord. 185 effective Jan. 1, 2014*)**

Section 22-4. Cost of construction and maintenance.

All hangers shall be constructed and maintained at the expense of the owner. **(*Ord. 185 effective Jan. 1, 2014*)**

Section 22-5. Annual use fee.

Owners of all hangers shall pay an annual use fee in the amount provided in the city fee schedule. Said fee shall be due on July 1 of each year. The city shall have a lien on the hanger to enforce the payment of said fee, and said lien shall be enforceable by the city as provided by law. **(*Ord. 185 effective Jan. 1, 2014*)**

Section 22-6. Insurance required.

The owners of the hangars shall procure and maintain policies of insurance, at the owner's own cost and expense, insuring the hangar against loss or damage by fire, lightning, wind storm, hail storm, aircraft, vehicles, smoke, explosion, riot or civil commotion. The insurance coverage shall be for not less than 100 percent of the full replacement cost of such hangars. **(*Ord. 185 effective Jan. 1, 2014*)**

CITY CHARTER

CHARTER OF THE CITY OF COALGATE, OKLAHOMA

PREAMBLE

We, the people of the City of Coalgate, exercising the powers of home rule granted to us by the Constitution and laws of the State of Oklahoma, in order to provide for more efficient, adequate and economical government, do hereby ordain, ratify and establish this Charter of the City of Coalgate, Oklahoma.

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, POWERS

Incorporation

Section 1. The City of Coalgate, Oklahoma, within the corporate limits as now established or as hereafter may be established, shall continue to be a municipal body politic and corporate in perpetuity under the name of the 'City of Coalgate, Oklahoma'. It shall succeed to and possess all the property, rights, privileges, franchises, powers and immunities now belonging to the corporation known as the City of Coalgate, Oklahoma; and shall be liable for all debts and other obligations for which the corporation is now legally bound.

Form of Government

Section 2. The municipal government provided by this charter shall be known as the 'council-manager government'. All powers of the city shall be exercised in the manner prescribed by this charter, or, if the manner is not thus prescribed, then in such manner as the council may prescribe.

Powers of the City.

Section 3. The city shall have all powers, functions, rights, privileges, franchises and immunities granted to cities by the state constitution and law and all the implied powers necessary to carry into execution all the powers granted. Except as prohibited by the State constitution and law, the city shall have all municipal powers, functions, rights, privileges, franchises and immunities of every name and nature whatsoever.

The city shall have power to adopt a corporate seal and to alter it at pleasure, to sue and to be sued, and to make contracts. It shall have power to acquire property within or without its corporate limits for any city purpose, including public utilities, works and ways, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, condemnation or other legal means; and to hold, maintain, improve, enlarge, manage, control, operate, lease, sell, convey or otherwise dispose of, such property as its interest may require, including public utilities, works and ways. It shall have power to issue bonds in the manner and within the limitations prescribed by the state constitution and law, to accept and administer federal and state grants-in-aid and to do everything necessary to accomplish the purpose or purposes for which such grants may be made. It shall have power to ordain and to enforce local legislation, consistent with the state constitution and law, for the proper organization and functioning of the city government, for the preservation and enforcement of good

government and order, for the protection of health, life, morals and property, for the prevention, summary abatement and removal of nuisances, and otherwise for the promotion of the common welfare. It shall have power to grant, extend and renew franchises in accordance with the state constitution and law.

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

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

ARTICLE II. THE COUNCIL

Councilmen: Number, Qualifications

Section 4. There shall be a council of five members, which shall consist of one (1) councilman at large and one (1) councilman from each of the four (4) wards of the city as the wards are now constituted or as they may be hereafter constituted by ordinance. *Only qualified electors of the city who are freeholders at least twenty-five (25 years of age, shall be qualified for the office of councilman; and councilmen from the wards must reside in their respective wards at the time of their election.* Removal of a councilman from one ward or precinct to another within the city after his election, shall not disqualify him from completing the term for which he was elected. No councilman may hold any office or position in the city government by appointment by the city manager.

Mayor and Vice-Mayor

Section 5. At the first meeting after the time prescribed for the beginning of the terms of newly elected councilmen or as soon thereafter as practicable, the council shall elect from its membership a mayor and a vice-mayor, who shall serve as such until the next such first meeting.

The mayor shall preside at meetings of the council and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law. As a councilman, he shall have the right to vote on all questions. He shall have no regular administrative duties except that he shall sign such written obligations of the city as the council may require.

The vice-mayor shall act as mayor during the absence or disability of the mayor, or, if a vacancy occurs in the office of mayor, until another mayor is elected by the council from its membership for completion of the unexpired term.

Councilmen: Compensation

Section 6. Neither the mayor nor any other councilman may received any compensation as mayor or councilman nor for any other service rendered the city, other than expenses.

Council: Powers

Section 7. Except as otherwise provided in this charter, all powers of the city, including the determination of all matters of policy, shall be vested in the council. Without limitation of the foregoing the council may:

(1) Appoint and remove the city manager as provided in this charter;
(2) By ordinance enact municipal legislation;
(3) Raise revenue, make appropriations, regulate bond elections, the issuance of bonds, sinking funds, the refunding of indebtedness, salaries and wages, and all other fiscal affairs of the city, subject to the provisions of the state constitution and law and this charter;
(4) Establish or adopt a pension, retirement and/or social security system or systems for any or all groups of the officers and employees in the service of the city, either alone or in cooperation with the state or federal government or both;
(5) Inquire into the conduct of any office, department or agency of the city, and investigate municipal affairs; the members of the personnel board, the members of the planning commission, the members of the board of adjustment and other quasi-legislative, quasi-judicial or advisory officers and authorities, now or when and if established, or prescribe the method of appointing or electing and removing them;
(6) Grant pardons, including the remission of fines and costs, upon the recommendation of the municipal judge;
(7) Regulate elections and the initiative and referendum within the limits prescribed by the state constitution and law and this charter;
(8) Regulate the organization, powers, duties and functions of the municipal court and of the minor violations bureau, when and if established, within the limits prescribed by the state constitution and law and this charter;
(9) Create, change and abolish all offices, departments and agencies of the city other than the offices, departments and agencies created by this charter; and assign additional powers, duties and functions to offices, departments and agencies created by this charter.

Council not to Interfere in Appointments and Removals

Section 8. Neither the council nor any of its members may direct or request the appointment of any person to, or his removal from, office or employment by the city manager or by any other authority, or , except as provided in this charter, participate in any manner in the appointment or removal of officers and employees of the city. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager; and neither the council nor any member thereof may give orders on administrative matters to any subordinate of the city manager either publicly or privately.

City Clerk

Section 9. The city treasurer shall be ex officio city clerk, and an acting city treasurer shall be ex officio acting city clerk. In the absence from a meeting of the city clerk and acting city clerk if any, the council may elect an acting city clerk to serve during such absence.

The city clerk shall keep the journal of the proceedings of the council; shall enroll in a book or books kept for the purpose all ordinances and resolutions passed by it; shall be custodian of such documents, records and archives as may be provided by applicable law or ordinance; shall be custodian of the seal of the city; shall attest, and affix the seal to, documents when required in accordance other duties as the charter or the council may prescribe or direct. The city clerk as such does not collect revenue and other money for the city except as may incidental to his duties as city

clerk; in all other cases where the law or ordinances provide that money shall be paid to the city clerk, it shall be paid to the city treasurer as city treasurer.

Council: Induction into Office, Meetings

Section 10. The terms of office of the Councilmen shall begin at 7:30 o'clock P.M. on the first Monday in May following their election. The council shall hold a meeting at that time, and those whose terms are beginning shall be inducted into office. If any councilman-elect fails to qualify within one month thereafter, his office shall become vacant; and the council shall fill the vacancy. The council shall meet regularly at least monthly at such times as it may prescribe by ordinance or otherwise. The mayor or any three (3) councilmen may call special meetings. All meetings of the council except executive sessions shall be open to the public, and the journal of its proceedings shall be open to public inspection.

The City Council of the City of Coalgate, Oklahoma, being the governing body thereof, may go into executive sessions, upon a majority vote of the quorum present, for the purposes designated and prescribed by the statutes of the State of Oklahoma and cases made thereunder.

Council: Absences to Terminate Membership

Section 11. If any councilman shall be absent from more than one-half (1/2) of all meetings of the council, regular and special, held within any period of four (4) consecutive months, he shall thereupon cease to hold office.

Councilmen: Removal

Section 12. A councilman may be removed from office for any cause specified by applicable state law for the removal of officers, and by the method or methods prescribed thereby.

Council Vacancies

Section 13. The council, by majority vote of its remaining members, shall fill vacancies in its own membership for the unexpired terms.

Council: Quorum, Rules, Yeas and Nays

Section 14. A majority of all of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. The council shall determine its own rules. On the demand of any member, the vote on any question shall be by yeas and nays, and shall be entered in the journal.

Ordinances: Enacting Clause

Section 15. The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the Council of the City of Coalgate", and of all ordinances proposed by the voters under their power of initiative, "Be it ordained by the People of the City of Coalgate".

Ordinances: Passage, when in Effect

Section 16. Every proposed ordinance shall be read, and a vote of a majority of all the councilmen shall be required for its passage. The vote on final passage of every ordinance shall be by yeas and nays, and shall be entered in the journal. The mayor shall have no power of veto. Within ten (10) days after its passage every ordinance except an emergency ordinance, shall become effective thirty days after

its final passage unless it specifies a later time; provided that an ordinance granting a franchise to a public utility shall not go into effect until it has been approved at an election by a vote of a majority of the qualified electors voting on the question.

Ordinances: Emergency

Section 17. An emergency ordinance is an ordinance which in the judgment of the council is necessary for the immediate preservation of peace, health or safety, and which should become effective prior to the time when an ordinary ordinance would become effective. Every such ordinance shall contain, as a part of its title, the words, "and declaring an emergency"; and in a separate section, herein called the emergency section, shall declare the emergency. The council shall vote on the emergency section separately, and must adopt the section by a vote of at least four-fifths (4/5) of all the members of the council, which vote shall be by yeas and nays, and be entered in the journal. An emergency ordinance shall take effect upon passage unless it specifies a later time.

Ordinances: Adoption by Reference

Section 18. The council by ordinance may adopt by reference codes, ordinances and standards relating to building, plumbing, electrical installations, milk and milk products, and other matters which it has power to regulate otherwise. Such code, ordinance or standard so adopted need not be enrolled in the book of ordinance or standard in force for distribution or sale at their approximate cost.

Ordinances: Codification

Section 19. The ordinances of the city shall be codified and published in book or pamphlet form at least every ten (10) years unless the council, by use of a loose-leaf system and process of amendment, keeps the code up-to-date. Titles, enacting clauses and emergency sections may be omitted from the code; and temporary and special ordinances and part of ordinances may be omitted. Permanent general ordinances and parts of ordinances which are to be repealed by the code, shall be omitted from the code. The ordinances and parts of ordinances included in the code may be revised, rearranged and reorganized; and the code may contain new matter, provisions of the state constitution and law relating to the city and provisions of this charter. A copy of the published code shall be filed in the office of the city clerk after adoption by the council, but the code need not be enrolled in the book of ordinances.

ARTICLE III. CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS

City Manager: Appointment, Term, Qualifications, Removal

Section 20. There shall be a city manager. The council shall appoint him for an indefinite term by a vote of a majority of all its members. It shall choose him solely on the basis of his executive and administrative qualifications and other qualifications for the office of city manager. At the time of his appointment, he need not be a resident of the city or state, but, during his tenure of office, he shall reside within the city. Neither the mayor nor any other councilman may be appointed city manager during the term for which he shall have been elected nor within two (2) years after the expiration of his term. The council may suspend or remove the city manager at any time by a vote of a majority of all its members.

Acting City Manager

Section 21. If the city manager is absent from the city or is unable to perform

his duties, if the council suspends the city manager, or if there is a vacancy in the office of city manager, the council may appoint an acting city manager to serve until the city manager returns, until his disability or suspension ceases, or until another city manager returns, until his disability or suspension ceases, or until another city manager is appointed and qualifies, as the case may be. The council may suspend or remove an acting city manager at any times.

City Manager: Powers and Duties

Section 22. The city manager shall be chief executive officer and head of the administrative branch of the city government. He shall execute the laws and ordinances and administer the government of the city, and shall be responsible therefor to the council. He shall:

Appoint, and when necessary for the good of the service, suspend, demote or remove all directors, or heads, of administrative departments and all other administrative offices and employees of the city except as he or the council by ordinance may authorize the head of a department, and officer or an agency to appoint and suspend, demote or remove subordinates in such department, office or agency, subject to such merit system regulations as the council may ordain;

(1) Supervise and control, directly or indirectly, all administrative departments, agencies, officers and employees;

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

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

(4) Keep the council advised of the financial condition and future needs of the city, and make such recommendations as may seen to him desirable;

(5) Perform such other duties as this charter may prescribe and such duties consistent with this charter as the council may prescribe.

Administrative Departments, Offices and Agencies

Section 23. There shall be a department of finance, a police department, fire department, a department of law headed by a city attorney, and such other administrative departments, offices and agencies as this charter establishes and as the council may establish.

Public Library

Section 24. The public library or libraries, when established, shall constitute, or be a part of, and administrative department; and shall be under the supervision and control of an officer or of a board established by ordinance and appointed by the city manager, as the council may ordain.

ARTICLE IV. DEPARTMENT OF FINANCE, FISCAL AFFAIRS

City Treasurer: Office Created, Duties

Section 25. There shall be a city treasurer, who shall be an officer of the city appointed by the city manager for an indefinite term, and who shall be head of the department of finance. Subject to such regulations as the council may prescribe, the

city treasurer shall collect or receive revenue and other money for the city, and shall deposit the same in such depositories as the council may designate. The city treasurer shall maintain a general accounting system for the city government. He shall have such other powers and duties as may be prescribed by this charter, by applicable law, or by ordinance.

Purchases and sales

Section 26. The city manager, subject to any regulations which the council may prescribe, shall contract for and purchase, or issue purchase authorizations for, all supplies, materials and equipment for the offices, departments and agencies of the city government. Every such contract or purchase exceeding an amount to be established by ordinance, shall require the prior approval of the council. The city manager, also may transfer to or between offices, departments and agencies, or sell, surplus or obsolete supplies, materials and equipment, subject to such regulations as the council may prescribe.

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, the council shall not except a particular contract, purchase or sale from the requirement of competitive bidding.

The council by ordinance may transfer some or all of the power granted to the city manager by this section, relating to purchases and sales, to an officer appointed by and subordinate to the city manager.

Sale of Property Valued at More than $10,000 – Real Property

Section 27. The sale of any property, real or personal, including public utilities, or of any interest therein, the value of which is more than ten thousand dollars ($10,000.00), shall be made only by authority of a special non-emergency ordinance. Such ordinance shall be published in full in a newspaper of general circulation within the city within ten (10) days after its passage, and shall include a section reading substantially as follows: "Section __". Ordinance shall be referred to a vote of the electors of the city if a proper referendum petition is properly filed within thirty (30) days after its passage; otherwise it shall go into effect thirty (30) days after its passage."

Real property may be sold in fee simple only to the highest responsible bidder after opportunity for competitive bidding; and notice of such proposed sale shall be published in a newspaper of general circulation within the city once a week for two (2) consecutive weeks. All bids may be bidding may be given.

Public Improvements

Section 28. Public improvements may be made by the city government itself or by contract. The council shall award all contracts for such improvements; provided that the council may authorize the city manager to award such contracts which do not require compliance with the public competitive bidding act as defined by the statutes of the State of Oklahoma, Title 61, Section 101 et seq. All contracts in excess of that amount prescribed by statute in the Competitive Bidding Act of the State of Oklahoma, Shall be made in accordance with the provisions of that act.

Fiscal Year.

Section 29. The fiscal year of the city government shall begin on the first day of July and shall end on the last day of June of every calendar year.

Independent Annual Audit

Section 30. The council shall designate a qualified public accountant or accountants who shall make an independent audit of the accounts and evidences of financial transactions of the department of finance and of all other departments, offices and agencies keeping separate or subordinate accounts or making financial transactions, as of the end of every fiscal year at least, and who shall report o the council and to the city manager. Certified copies shall be filed with the County Clerk and the State Auditor and Inspector within nine (9) months after the close of the fiscal year. In lieu of the above, the council may arrange with an appropriate state authority for such an audit when and if permitted by law.

ARTICLE V. MINICIPAL COURT

Municipal Court.

Section 31. The city manager shall be ex officio municipal judge; provided that the council by ordinance may provide that the city manager shall appoint a municipal judge. When appointed by the city manager, the council may suspend or remove the municipal judge or acting municipal judge at any time by a vote of a majority of all its members. The municipal judge shall have original jurisdiction to hear and determine all cases involving offenses against the charter and ordinances of the city; provided that the council by ordinance may create a minor violations bureau with authority to dispose of cases arising out of designated minor violations, such as minor traffic and parking violations, on request of accused persons who desire to plead guilty, who are able and willing to pay fines and costs, and who do plead guilty and pay fines and costs. The municipal judge shall keep a record of all proceedings of the municipal court, of the disposition of all cases, and of all fines and other money collected. The style of all processes shall be in the name of the city. The municipal judge may issue subpoenas, administer oaths, make and enforce all proper orders, rules and judgments, and punish for contempt.

ARTILE VI. NOMINATIONS AND ELECTIONS

Overlapping Terms – Nominated and Elected at Large – Nonpartisan Elections

Section 32. The councilmen shall be elected by the qualified electors of the city. At the primary and general election in 1955, the councilman from Ward One and the councilman from Ward Two shall be elected to serve for one (1) year, until 7:30 o'clock P.M. on the first Monday in May, 1956. The director at large at the time this charter goes into effect, shall become the councilman at large under this charter, and shall continue to serve until 7:30 o'clock P.M. on the first Monday in May, 1957. At the primary and general election in 1955, the councilman from Ward Three and the Councilman from Ward Four shall be elected to serve for three (3) years, until 7:30 o'clock P.M. on the first Monday in May, 1958. In 1956, and in every year thereafter, the respective successors of those whose terms are expiring shall be elected, and shall serve overlapping terms on three (3) years.

All candidates for councilmen shall be nominated, and all councilmen shall be elected, at large, by the qualified electors of the entire city, although candidates for councilmen from the wards must be qualified electors of their respective wards.

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

Primary Election: Filling

Section 33. Any qualified person may have his name placed on the ballot for the primary election as a candidate for councilman by filing a Declaration of Candidacy with the county election board as a sworn statement of his candidacy, not earlier than 8:00 o'clock a.m. on the first Monday in December and no later than 5:00 o'clock p.m. on the next succeeding Wednesday of December.

(Election on March 2005 passed to change the election dates for the election of Council members.)

Primary Election: Time, etc.

Section 34. A primary election shall be held on the second Tuesday of February, except in any year when a Presidential Primary is held in February, then the election shall be held on the same day as the Presidential Preferential Primary, to nominate candidates for the offices on the council whose terms are expiring. If only one (1) person is a candidate for an office to be filled, he shall be not only nominated, but also elected ipso facto; and his name shall not appear on the primary or general election ballot. Every qualified elector of the city shall be entitled to vote for one (1) candidate for each office to be filled.

(Election on March 2005 passed to change the election dates for the election of Council members.)

Primary Election: Who Nominated or Elected

Section 35. In a primary election, the two (2) candidates for each office to be filled receiving the greatest number of votes for that office, shall be nominated. If one (1) of the candidates for an office receives a majority of all votes cast for all candidates for that office, he alone shall be not only nominated, but also elected ipso facto; and his name shall not appear on the ballot for the general election. In case of a tie, the nominee or nominees (as the case may be) shall be determined from among those tying, fairly by lot, in a meeting of the council and under its direction. If one (1) of the two (2) candidates for an office nominated in a primary election dies or withdraws before the general election, the remaining candidate shall be elected ipso facto; and his name need not appear on the ballot for the general election.

General Election: Time, When Not Held, Who Elected

Section 36. A general election, if needed, shall be held in the city on the first Tuesday in April of every year to elect the councilmen to succeed those whose terms are expiring, if candidates for one (1) or more of such offices remain to be elected. Every qualified elector of the city shall be entitled to vote for one (1) candidate for each office to be filled. The candidate for each office receiving the greater number of votes, shall be elected. In case of a tie, the election shall be determined fairly by lot, in a meeting of the council and under its direction.

(Election on March 2005 passed to change the election dates for the election of Council members.)

Political Activity of Officers and Employees

Section 37. No officer or employee of the city except the councilmen, may attempt to influence the nomination, election or defeat of any candidate for councilman; provided that this shall not prohibit the ordinary exercise of his right to express his opinions and to vote. Any person who violates this provision, shall be punished, upon conviction thereof, by a fine not exceeding twenty dollars ($20.00) inclusive of costs. Such violation shall constitute cause for removal from office or employment.

State Constitution and Law to Govern

Section 38. The precinct and county election boards shall conduct the primary and general elections and special elections of the city. The provisions of the state constitution and law relating to elections, shall govern such elections insofar as they are applicable and are not superseded by this charter or by ordinance.

ARTICLE VII. MISCELLANEOUS PROVISIONS

Feminine Gender

Section 39. When the masculine gender is used in this charter, it shall also mean the feminine unless the masculine alone is clearly indicated.

Initiative and Referendum

Section 40. The powers of the initiative and referendum are reserved to the people of the city. In the exercise of these powers, the requirements of the state constitution and law shall be observed.

Merit System

Section 41. Appointments and promotions in the service of the city shall be made solely on the basis of merit and fitness; and layoffs, suspensions, demotions and removals shall be made solely for the good of the service. Better to achieve these ends, the council may establish a merit system and provide for its proper organization and functioning and for proper personnel administration.

Qualifications of Offices and Employees

Section 42. Officers and employees of the city shall have the qualifications prescribed by this charter and such additional qualifications as the council may prescribe by ordinance; but the council shall not prescribe additional qualifications for councilmen.

Nepotism, Holding More Than One Office or Position

Section 43. Neither the city manager, the council nor any other authority of the city government, may appoint or elect any person related to any councilman, to the city manager, or to himself, or, in the case of a plural authority to one (10 of its members, by affinity or consanguinity within the third degree to any office or position of profit in the city government.

Except as may be otherwise provided by this charter or by ordinance, the same person may hold more than one (1) office or position in the city government. The city manager may hold more than one (1) such office or position, through appointment by himself, by the council or by other city authority having power to fill the particular office or make by ordinance; but he may not receive compensation for service in such other offices and positions. Also the council by ordinance may provide that the city manager shall hold ex officio designated administrative offices subordinate to the city manager as well as other designated compatible city offices.

Official Bonds

Section 44. The city manager, the city treasures and such other officers and employees as the council may designate, before entering upon their duties, shall provide bonds for the faithful performance of their respective duties, payable to the city, in such form and in such amounts as the council may prescribe, with a surety

company authorized to operate within the state. The city shall pay the premiums on such bonds.

Oath or Affirmation of Office

Section 45. Every officer of the city, before entering upon the duties of his office, shall take and subscribe to the oath or affirmation of office prescribed by the state constitution. The oath or affirmation shall be filed and kept in the city clerk's office.

Who May Administer Oaths and Affirmations

Section 46. All officers authorized by federal or state law, the mayor, the city clerk, the city manager, the city treasurer, the heads of all other administrative departments, the municipal judge and such other officers as the council may authorize, may administer oaths and affirmations.

Removal, etc., of Officers and Employees

Section 47. Except as otherwise provided by this charter, the power to lay off, suspend, demote and remove accompanies the power to appoint or elect; and the city manager or other appointing or electing authority at any time may lay off, suspend, demote or remove any officer or employee to who he or the other appointing or electing authority respectively may appoint or elect a successor.

Acting Officers and Employees

Section 48. The appointing or electing authority who may appoint or elect the successor of an officer or employee, may appoint or elect a person to act during the temporary absence, disability or suspension or such officer or employee, or, in the case of vacancy, until a successor is appointed or elected and qualifies, unless the council ordains that a particular superior or subordinate of such officer or employee shall act. The council by ordinance may provide for a deputy to act in such cases.

Officers to Continue until Successors Are Elected or Appointed and Qualify

Section 49. Every office who is elected or appointed for a term ending at a definite time, shall continue to serve thereafter until his successor is elected or appointed and qualifies unless his services are sooner terminated by resignation, removal, disqualification, abolition of the office or other legal manner.

Publicity of Records

Section 50. All records and accounts of every office, department or agency of the city government, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish, shall be open to public inspection.

Separability Clause

Section 51. If a court of competent jurisdiction should hold any section or part of a section of this charter invalid, such holding shall not affect the remainder of this charter nor the context in which such section or part of a section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with that section or part of a section.

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

ARTICLE VIII. AMMENDMENT

Amendment: Proposal, Ratification, Approval

Section 52. This charter may be amended by proposals therefore submitted by the council, or by the mayor upon initiative petition of the people as provided by the state constitution, at a general or special election, ratified by a majority of the qualified electors voting thereon, and approved by the governor as provided by the state constitution. If more than one (1) amendment are proposed, all of them except those which are so interrelated that they should be ratified or rejected together, shall be submitted in such manner that the electors may vote on them separately. A proposition to amend this charter may be either in the form of a proposed amendment to a part of parts of the charter or of a proposed new charter.

Amendment: Board of Freeholders

Section 53. The council by ordinance may provide for the election on a board of freeholders to prepare and propose amendments to this charter. When an amendment proposed by a board of freeholders shall have been submitted by the council at a general or special election, ratified by a majority of the qualified electors voting thereon, and approved by the governor, as provided by the state constitution, it shall go into effect.

ARTICLE IX. SUCCESSION IN GOVERNMENT

Wards

Section 54. Until the council by ordinance provides otherwise, the four (4) wards of the city shall be as follows:

Ward One: All that portion of the City of Coalgate lying north of the M.K. & T. Ry. Switch (otherwise known as Perry Switch) and west of the East Railroad Street.

Ward Two: All that portion of the City of Coalgate lying east of the East Railroad Street and north of California Avenue.

Ward Three: All that portion of the City of Coalgate lying south of the M.K. & T. Ry. Switch (otherwise know as Perry Switch) and west of the East Railroad Street.

Ward Four: All that portion of the City of Coalgate lying east of the East Railroad Street and south of California Avenue.

Reference herein to streets, avenues and right-of-ways shall mean the center lines of such streets, avenues and rights-of-way.

New Charter to Go into Effect When Approved by the Governor

Section 55. If a majority of the qualified electors of the city voting on the question vote to ratify this charter, it shall go into effect immediately upon approval by the governor, in lieu of the heretofore existing charger; and said heretofore existing charter is hereby repealed as of that time.

Ordinances continued

Section 56. All ordinances, insofar as they are not inconsistent with this charter, shall continue in effect until they are repealed or until they expire by their own limitations.

Officers and Employees Continued

Section 57. All officers and employees of the municipality under the previous

charter, including the three (3) directors, or councilmen, shall continue in the offices and employments which they respectively hold, after this charter goes into effect, and until their services terminate or are terminated in accordance with the provisions of this charter.

Notwithstanding, any other provisions of this charter, until 7;30 o'clock P.M. on the first Monday in May, 1955, the council shall consist of three (3) members, as under the previous charter; but the three (3) directors shall have the title of "councilmen".

Pending Actions and Proceedings

Section 58. The adoption of this charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it takes full effect, brought by or against the municipality or any office, department, agency or officer thereof.

NOTE: The above Charter was adopted on February 15, 1955, by a vote of 202 to 56. Governor Raymond Gary approved the Charter on February 21, 1955.

This Charter replaced a council-manager charter adopted in 1914.

The Charter as it appears in this code, has been printed from the masters from which the official copies of the Charter were printed in 1955.

Appendix 2

ELECTRIC FRANCHISE

Ordinance No. 273

AN ORDINANCE GRANTING TO THE PUBLIC SERVICE COMPANY OF OKLAHOMA, AN OKLAHOMA CORPORATION, AND ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO USE THE STREETS, ALLEYS AND OTHER PUBLIC PLACES IN THE CITY OF COALGATE, COAL COUNTY, OKLAHOMA, FOR THE PERIOD OF TWENTY-FIVE (25) YEARS FROM THE ACCEPTANCE HEREOF FOR THE PURPOSE OF BUILDING, EQUIPPING, MAINTAINING, EXTENDING, OWNING AND OPERATING A SYSTEM AND/OR PLANT FOR THE MANUFACTURE AND/OR DISTRIBUTION AND SALE OF ELECTRICITY IN AND TO SAID CITY AND THE PUBLIC GENERALLY, AND TO TRANSMIT ELECTRIC ENERGY TO OR FROM SYSTEMS IN OTHER LOCALITIES AND/OR THROUGH THE CITY TO OTHER LOCALITIES;

AND FIXING THE COMPENSATION TO BE PAID THEREFOR AND THE TIME OF PAYMENT AND THE MANNER OF DETERMINING THE AMOUNT TO BE PAID BY THE GRANTEE:

AND WHEREBY THE CITY IS GIVEN THE OPTION, FROM TIME TO TIME, TO PURCHASE THE PROPERTY, REAL AND PERSONAL, USED BY THIS GRANTEE IN THE MANUFACTURE AND/OR DISTRIBUTION OF ELECTRIC ENERGY WHERE AND ONLY WHERE SITUATED WITH THE CORPORATE LIMITS OF THE CITY;

AND CONTRACTING FOR FURNISHING ELECTRICITY FOR MUNICIPAL STREET LIGHTING AND WATER PUMPING;

AND DECLARING AN EMERGENCY;

AND WHEREBY THE SAID QUESTION IS SUBMITTED TO A VOTE OF THE QUALIFIED ELECTORS, RESIDENTS AND CITIZENS OF SAID TOWN AT A SPECIAL ELECTION CALLED AT WHICH SUCH QUESTION SHALL BE SUBMITTED.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COALGATE:

SECTION 1. That there is hereby granted by the City of Coalgate, a municipal corporation of the State of Oklahoma, (hereinafter referred to as the “Grantor”), unto the Public Service Company of Oklahoma, an Oklahoma corporation, its successors and assigns, (hereinafter referred to as the “Grantee”) the right, power and authority to use the streets, alleys, avenues, ways and other public places of the Grantor, as now constituted and as it may be hereafter extended, for the purpose of building, equipping, maintaining, extending, owning and operating a plant and/or system for the manufacture and/or distribution and sale of electricity for lighting, heating, and power purposes as electric energy may be put, in and to said Grantor and to the public generally, and to transmit electric energy over high-lines to connections and systems in other localities, with poles, wires, conduits, substations and apparatus necessary and convenient for such system upon, across, over and/or under each or any of said streets, alleys, avenues, ways and other public places and grounds.

SECTION 2. All rights and privileges granted by this ordinance shall extend and be in force between the Grantor and the Grantee for a term of twenty-five (25) years from

and after the acceptance of this ordinance, as hereinafter provided.

SECTION 3. All provisions of this ordinance and franchise which are obligatory upon or which inure to the benefit of the said Public Service Company of Oklahoma, shall also be obligatory upon and shall inure to the benefit of the successors and assigns of the said Public Service Company of Oklahoma; and the word "Grantee" as used in this ordinance shall include and be taken to mean not only the Public Service Company of Oklahoma, but also its successors and assigns for which assignment consent is hereby given.

SECTION 4. Grantee shall have the right to make and enforce reasonable rules and regulations for the sale, delivery and metering of its electric energy and the conduct of its business, and may reserve in such rules and regulations the right to disconnect service to customers whose meters, wires, switches, or appliances are found to have been tampered with, or who have failed to pay for electricity, and to enter upon the premises of its customers at all reasonable times for the purpose of inspecting, repairing or reading meters or for removing wires, meters, switches or appliances. Provided that such rules and regulations shall not be in conflict with law or the rules and regulations from time to time made by the Corporation Commission of the State of Oklahoma or by other regularly constituted regulatory authority.

SECTION 5. The Grantee covenants and agrees in consideration hereof, that it will maintain electric service in and to Grantor under the rules and regulations imposed upon it by the Corporation Commission of the State of Oklahoma or by other regularly constituted regulatory authority. But in accepting this franchise and contract, the Grantee does not guarantee continuous service at all times and shall be relieved temporarily from its obligation to furnish such services continuously in case of any injury caused by Act of God or by the elements, or strikes, or lock-outs, or by any temporary breakdown or failure of machinery, transmission lines, appliances and apparatus, or by other causes beyond the control of the Grantee; but it does agree in such cases to exercise proper diligence in repair of such machinery, transmission lines, appliances and apparatus and to resume operation of same without necessary delay.

SECTION 6. In performing the terms and provisions of this ordinance, franchise and contract, the Grantee is hereby given the continuing right, privilege and option to manufacture said electric energy within the corporate limits of Grantor, or to transmit said current over high power lines from the other plants and to distribute the same from some central location at proper voltage; together with the right to transmit electric energy from and/or through said city to other localities.

SECTION 7. During the life of this franchise and for and in consideration of the acceptance hereof by the Grantee, it is agreed that the Grantee may charge and collect from the Grantor, its inhabitants and the consumers therein, a rate or rates, which shall at all times be compensatory and reasonable, subject to such rules and regulations as are now in effect, or that may hereafter be lawfully made by the Corporation Commission of the State of Oklahoma, or by other regularly constituted regulatory authority.

SECTION 8. During the life of this franchise Grantee will sell and deliver to Grantor all electric energy used by it for the lighting of its streets and in pumping necessary

for its municipal water and sewer plants and systems and Grantor will take such electric energy from Grantee and pay therefore at rates filed with and approved by the Corporation Commission of Oklahoma.

SECTION 9. From and after the approval and acceptance of this Ordinance, the Grantee shall pay, and in consideration of the granting of this franchise agrees to pay, to Grantor an annual charge in an amount equal to two per cent (2%) of the gross receipts for each current year from residential and commercial sales of electric energy sold and delivered wholly within the corporate limits of Grantor for use in such corporate limits, exclusive of electric energy sold to Grantor for any purpose.

Said charge shall be due and payable to Grantor on or before the 1st day of June of each year, commencing with the 1st day of June, A.D., 1962. But it is provided and ordained that same may be paid by applying so much thereof as may be necessary to the satisfaction and payment of bills representing the balance due to the Grantee for electric energy sold and delivered to Grantor for its street lighting, water pumping, and municipal service of all kinds and classes; and the remaining balance of said two percent (2%) of said gross receipts, if any, shall be paid to the Treasurer of Grantor to be placed in its general fund.

Said charge of two per cent (2%) of said gross receipts shall be in lieu of all concessions, charges, excise, franchise, license, occupation, privilege and permit fees, or taxes, or assessments except ad valorem taxes.

SECTION 10. This ordinance and franchise shall be in full force and effect from and after its acceptance as hereinafter provided, upon its passage, publication and approval at a special election to be called and held in the City of Coalgate, Oklahoma, of which special election for such purpose thirty (30) days' notice shall be given by the Mayor and Clerk of Grantor, as provided by law for holding such elections, provided such franchise is approved at such election by a majority vote of the qualified electors, residents, and citizens of Grantor voting thereon at such election; and the proper officers of Grantor are authorized and instructed to call such election giving such notice and preparing such proclamation, ballot title and call for such election as provided by law. Provided, further, that the Grantee shall within thirty (30) days after the result of such election is declared file with the Clerk of Grantor an acceptance in writing duly executed according to law, accepting all of the terms, conditions and obligations hereof; and failure of the said Grantee so to accept this ordinance within said period shall be deemed a rejection thereof by said Grantee, and the rights and privileges herein granted, if not so accepted within said thirty (30) days, shall absolutely cease and terminate.

SECTON 11. It is further contracted and agreed that Grantor shall have and is hereby granted the option to purchase at the expiration of each five (5) year period of this franchise, all of the plants, distribution system, machinery property, both real and personal, rights, and contracts of whatsoever kind or nature, then owned by the grantee, its successors and assigns, being applied to and under the exercise of this franchise, or acquired for such purpose, and situated within the corporate City Limits of the City of Coalgate, upon the following terms and in the following manner to-wit:

Grantor may, if it desires to exercise such option at the expiration of the fifth (5) year of this Franchise, by lawful ordinance determine its intention to purchase all of said property, rights and contracts of the Grantee located with the City of Coalgate, Oklahoma, and authorize such contract of purchase; and shall not less than six (6) months prior to the expiration of such fifth year serve upon the Grantee as notice of

such intention, a certified copy of such ordinance; and thereafter Grantor shall within fifteen (15) days appoint and designate as an arbitrator an engineer of well know experience and ability who shall not be a resident or taxpayer of Grantor nor interested, as a stockholder or otherwise, in the Grantee, or in the installation of a plant in Grantor, at the time of making such appointment or within twelve (12) months prior thereto; and shall within ten (10) days after such appointment notify the Grantee of the appointment of such arbitrator; and the Grantee shall within fifteen (15) days after the notice to it of the appointment of such arbitrator by Grantor appoint and designate as an arbitrator an engineer of like qualifications. Said arbitrators so selected shall thereupon select as a third arbitrator an engineer of like qualifications. If the two arbitrators selected by the parties hereto shall for more than fifteen (15) days, fail to agree upon the appointment of the third arbitrator, or should either party hereto fail or neglect to select its arbitrator as herein provided, then the Corporation Commission of the State of Oklahoma, upon ten (10) days notice from the adverse party of the time and place of the hearing, shall have the power to appoint such arbitrator having the same qualifications above provided; and said arbitrators shall thereupon proceed to inventory and fix the fair value of all said property, rights and contracts, as a going concern, together with the damages done to said Grantee by the severance of such properties from its system, and shall make inventoried returns thereof to Grantor and to the Grantee within ninety (90) days after the appointment of the third arbitrator; and the valuation so determined in accordance with the provisions of this section by said arbitrators, or a majority of them, shall be binding and conclusive upon the parties hereto as to the purchase price thereof; and Grantor may then complete such purchase as provided for herein, by the payment of such purchase price in cash within six (6) months after the return of such appraisement; and if such payment and completion of such purchase be not fully done within said period, or if such rights be otherwise waived, same shall as to such five (5) year period in all things terminate. Provided further, that if between the date of the fixing of the valuation by said arbitrators and the date of payment therefor, any reasonable and necessary additions, betterments and replacements shall have been made by the Grantee, the Grantor shall pay in addition to the valuation fixed by the arbitrators, as provided in this section, the actual cost of such additions, betterments and replacements. And the Grantee shall file with the Engineer of the Grantor, if such additions, betterments and replacements are made, complete information as to the actual cost thereof to the Grantee shall file with the Engineer of the Grantor, if such additions, betterments and replacements are made, complete information as to the actual cost thereof to the Grantee. In determining and inventorying the value of said property, rights, contracts, and plants, the said arbitrators shall give effect to such elements of value as are contemplated in determining compensation for public utility property taken for public use by eminent domain proceedings, but shall allow no value for this franchise or for the good will of the customers of the Grantee.

Nothing herein shall be construed as obligating Grantor to purchase, or the arbitrators to include in their valuation, electric transmission lines of the Grantee within Grantor's corporate limits, where same are used exclusively for transmission of electric energy to other localities than Grantor. But, if the purchase by Grantor is completed in the manner herein provided, and if this Franchise is terminated, the Grantee shall have the right to own and dispose of said excepted transmission lines as its private property in such manner as it may see fit, or may continue to operate same for service to such other localities for the full twenty-five (25) year period of this Franchise.

Time is of the essence of this agreement in each of its particulars and being

within the contemplation of the parties is specifically made a part thereof. And, if Grantor should fail to exercise its option by giving the six (6) months notice in writing of its intention so to do prior to the expiration of the first five (5) year period of this Franchise, or if it should fail to complete its purchase within six (6) months after the filing of said appraisement, or if it should fail to make funds available for such purpose or should fail to complete such purchase by the payment of said purchase price in cash at the time and in the manner hereinbefore provided, then its fight to purchase upon the expiration of the first five (5) year period shall expire and become wholly void. But, thereafter Grantor shall have a like option to purchase said property at expiration of the tenth (10) year of this contract, such option to be exercised within the same time and manner of notice, appraisal, election to take after appraisal, and the actual completion of such purchase, and with the same provision for expiration of such right, as hereinbefore provided in reference to the first five (5) year period.

And likewise said option to purchase in the same manner and upon the same conditions and limitations shall accrue to Grantor at the expiration of the fifteenth (15th) year of this contract, and again at the expiration of the twentieth (20th) year of this contract and again at the expiration of the twenty-fifth (25th) year of this contract. Each such option expiring upon the happening of any of the conditions hereinbefore provided as to the option accruing at the termination of the first five (5) year period, such limitations of time and other conditions in all things applying to such successive options just as if same were specifically set out herein as to each of same.

For the purpose of determining the valuation of the properties, rights, and contracts, all of the books, records, and other information in possession of the Grantee shall be open to and accessible to said appraisers during the time said appraisal is being made for the purpose of aiding said appraisers in fixing the compensation to be paid therefor.

Each party shall pay its own appraiser's fee and expenses and the parties shall divide and pay in equal amounts the fee and expenses of the third appraiser.

Upon completion of said purchase by Grantor, at the time, and in the manner provided for in this Section, and upon the completion of the payment of the purchase price therefore at the time and in the manner herein provided for, this Franchise shall in all things terminate, except as to the right to use the streets, alleys, avenues, ways and other public places of Grantor for existing high-lines to other vicinities.

SECTION 12. Whereas an immediate necessity exists in order that the inhabitants of Grantor may be provided an adequate supply of electricity for heating, lighting and power purposes, and for the purpose of providing light, heat and power for the streets, alleys, public grounds, parks and other public places and institutions of Grantor, and for the preservation of public health, peace and safety, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage, approval and publication; and same shall be submitted at a special election.

PASSED BY THE COUNCIL OF THE CITY OF COALGATE, OKALHOMA, ON THE 28TH DAY OF NOVEMBER, 1961.

APPROVED BY THE MAYOR OF THE CITY OF COALGATE, OKALHOMA, ON THE 28TH DAY OF NOVEMBER, 1961.

/s/ W. B. Anderson
Mayor

(SEAL)

ATTEST:
/s/ L. Marvin Loftin

APPENDIX 3

GAS FRANCHISE

ORDINANCE NO. 2-73

AN ORDIANCE GRANTING TO ARKANSAS LOUISIANA GAS COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE ACCEPTANCE HEREOF THE RIGHT TO ERECT, INSTALL, MAINTAIN, EXTEND AND OPERATE A SYSTEM OF WORKS, PIPES, PIPELINES AND ALL NECESSARY APPARATUS, STRUCTURES AND APPURTENANACES IN AND UNDER THE STREETS, ALLEYS AND OTHER PUBLIC WAYS AND PLACES OF, AND THE ADDITIONS TO, AS ANY OF THE SAME NOW EXIST OR MAY HEREAFTER BE CREATED OR ADDED TO THE CITY OF COALGATE, COAL COUNTY, OKLAHOMA, FOR THE PURPOSE OF TRANSPORTING IN AND THROUGH, SELLING AND DISTRIBUTING NATURAL OR ARTIFICIAL GAS TO SAID CITY, ITS INHABITANTS AND THE PUBLIC GENERALLY, SUBJECT TO THE TERMS AND CONDITIONS HEREAFTER PROVIDED, ORDERING AN ELECTION AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEN OF THE CITY OF COALGATE, COAL COUNTY, OKLAHOMA:

Section 1. That there is hereby granted to Arkansas Louisiana Gas Company, a Delaware corporation, its successors and assigns (hereinafter referred to as the “Grantee”, and the word “Grantee” shall include and be taken to mean the successors and assigns of Arkansas Louisiana Gas company, consent to assignment being given), a franchise for a period of twenty-five (25) years from and after the acceptance hereof to use the streets, alleys, avenues, ways and other public places of the City of Coalgate, Coal County, Oklahoma, as now constituted, and as it may hereafter be extended, for the purpose of transporting in and through and the selling and distributing of natural or artificial gas to said City, its inhabitants and the public generally for domestic, commercial and industrial uses, together with the right to enter upon and open said streets, alleys, avenues, lanes, parkings, boulevards, sidewalks, parks and other public areas or grounds of said City for the proper laying, repairing, building, removing and/or replacing said works, pipes, pipelines, and all necessary apparatus, structures and appurtenances, provided that the previous franchise held by Grantee shall be null and void from and after its acceptance of this new franchise.

Section 2. (a) Grantee covenants and agrees that it will maintain efficient gas service in the City of Coalgate, Coal County, Oklahoma, under rules and regulations imposed, ordered or approved by the Corporation Commission of the State of Oklahoma, or by other lawfully constituted regulatory authority. Provided, the Grantee shall not be liable for loss or damage caused by interruption or failure of service due to accident or breakdown to plant, lines or equipment, strikes, riot, Act of God, or the public enemy, or causes beyond the control of Grantee, or due to shutdowns for reasonable periods to make repairs to lines or distributing equipment; but Grantee agrees in such cases to exercise proper diligence in making such repairs, and to resume operation of the same without unnecessary delay.

(b) Grantee shall have the right to make and enforce such reasonable rules

and regulations as may be ordered or approved by the Corporation Commission of the State of Oklahoma, or by other lawfully constituted regulatory authority, for the sale, delivery, connecting and disconnecting customers, metering of its natural or artificial gas, and the conduct of its business.

(c) The Grantee shall have the right to disconnect service to customers whose meters, service lines, or appliances are found to have been tampered with or who have failed to pay for gas service, or customers or parties who resell, lease or otherwise deliver any part of the service furnished to a third person, or to persons whose service lines are in such a state of disrepair as to leak and cause a dangerous condition.

(d) The Grantee shall have the right to enter in and upon the premises of a consumer or one who has been a consumer for the purpose of removing all meters and connections owned by the Grantee from the building or premises of anyone to prevent fraud, or in the event of the refusal or failure to pay charges not exceeding those mentioned herein or otherwise stipulated in the service contract or for the purpose of determining whether or not there are any leaks which might cause a dangerous condition to exist.

(e) Grantee shall charge and collect from the City of Coalgate, Coal County, Oklahoma, and the consumers therein, reasonable and compensatory rates such as may be from time to time lawfully ordered or approved by the Corporation Commission of the State of Oklahoma, or by other lawfully constituted regulatory authorities.

Section 3. Upon application by any bona fide applicant for service, Grantee shall at its own expense furnish and install service pipe of suitable capacity to the curb line (where the main is in the street) or property line (where the main is in the alley) of property abutting upon any street, highway, alley, lane or road along which the Grantee has distribution mains.

Section 4. (a) During the life of this franchise Grantee will deliver and sell to Grantor all natural or artificial gas used by it in its municipal plants and offices, and Grantor will take such natural or artificial gas from Grantee and pay therefore at rates filed with and approved by the Corporation Commission of Oklahoma.

(b) It is expressly understood and agreed that this franchise shall never be construed to mean an exclusive franchise and the grant hereof is not the grant of an exclusive franchise.

Section 5. From and after the approval and acceptance of this Ordinance, the Grantee shall pay, and in consideration of the granting of this franchise agrees to pay, to the Grantor, an annual charge in an amount equal to two percent (2%) of the gross cash receipts for each current year from the sale and delivery of natural and artificial gas sold and delivered to the Grantor wholly within the corporate limits of the Grantor.

Said tax shall be due to the said Grantor on a semi-annual basis ending December 31st and June 30th of each year. But it is provided and ordained that same may be paid by applying so much thereof as may be necessary to the satisfaction and payment of bills representing the balances due the Grantee for natural and artificial gas used for municipal services of all kinds and classes and the remaining balance of said two (2%) percent of the gross receipts, if any, shall be paid to the Treasurer of said City to be placed in its general fund.

Said charge of two percent (2%) of said gross receipts shall be in lieu of all franchise, license, occupation, or excise taxes, except ad valorem taxes levied by Grantor.

Section 6. The Grantee shall furnish, free of cost to consumer, all meters or meters and regulators, which shall be and remain the property of Grantee, but said Grantee shall not be required to furnish or install any piping or service connections of any kind for or on the property of the consumer.

Section 7. All main pipelines and all lateral pipelines constructed or replaced during the term of this Ordinance shall be installed in such a manner that the main pipelines will be buried at least thirty (30) inches and all lateral pipelines not less than twenty-four (24) inches below the established grade of said streets, avenues, and alleys.

Section 8. It shall be the duty of Grantee in constructing, repairing, maintaining and/or operating its works and plant, to use all reasonable and proper care to avoid injuries to persons or property within said City, and the Grantee shall hold the City of Coalgate harmless against any damage caused by it in constructing, maintaining, repairing and/or operating its gas distribution system and works and Grantee shall repair or replace at its expense all streets, alleys, walks and property disturbed by it. Further, Grantee shall at all times so use the privilege herein granted so as not to cause more than temporary interference with the public's right to continue to use such streets, alleys

CITY CHARTER

CHARTER OF THE CITY OF COALGATE, OKLAHOMA

PREAMBLE

We, the people of the City of Coalgate, exercising the powers of home rule granted to us by the Constitution and laws of the State of Oklahoma, in order to provide for more efficient, adequate and economical government, do hereby ordain, ratify and establish this Charter of the City of Coalgate, Oklahoma.

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, POWERS

Incorporation

Section 1. The City of Coalgate, Oklahoma, within the corporate limits as now established or as hereafter may be established, shall continue to be a municipal body politic and corporate in perpetuity under the name of the 'City of Coalgate, Oklahoma'. It shall succeed to and possess all the property, rights, privileges, franchises, powers and immunities now belonging to the corporation known as the City of Coalgate, Oklahoma; and shall be liable for all debts and other obligations for which the corporation is now legally bound.

Form of Government

Section 2. The municipal government provided by this charter shall be known as the 'council-manager government'. All powers of the city shall be exercised in the manner prescribed by this charter, or, if the manner is not thus prescribed, then in such manner as the council may prescribe.

Powers of the City.

Section 3. The city shall have all powers, functions, rights, privileges, franchises and immunities granted to cities by the state constitution and law and all the implied powers necessary to carry into execution all the powers granted. Except as prohibited by the State constitution and law, the city shall have all municipal powers, functions, rights, privileges, franchises and immunities of every name and nature whatsoever.

The city shall have power to adopt a corporate seal and to alter it at pleasure, to sue and to be sued, and to make contracts. It shall have power to acquire property within or without its corporate limits for any city purpose, including public utilities, works and ways, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, condemnation or other legal means; and to hold, maintain, improve, enlarge, manage, control, operate, lease, sell, convey or otherwise dispose of, such property as its interest may require, including public utilities, works and ways. It shall have power to issue bonds in the manner and within the limitations prescribed by the state constitution and law, to accept and administer federal and state grants-in-aid and to do everything necessary to accomplish the purpose or purposes for which such grants may be made. It shall have power to ordain and to enforce local legislation, consistent with the state constitution and law, for the proper organization and functioning of the city government, for the preservation and enforcement of good

government and order, for the protection of health, life, morals and property, for the prevention, summary abatement and removal of nuisances, and otherwise for the promotion of the common welfare. It shall have power to grant, extend and renew franchises in accordance with the state constitution and law.

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

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

ARTICLE II. THE COUNCIL

Councilmen: Number, Qualifications

Section 4. There shall be a council of five members, which shall consist of one (1) councilman at large and one (1) councilman from each of the four (4) wards of the city as the wards are now constituted or as they may be hereafter constituted by ordinance. *Only qualified electors of the city who are freeholders at least twenty-five (25 years of age, shall be qualified for the office of councilman; and councilmen from the wards must reside in their respective wards at the time of their election.* Removal of a councilman from one ward or precinct to another within the city after his election, shall not disqualify him from completing the term for which he was elected. No councilman may hold any office or position in the city government by appointment by the city manager.

Mayor and Vice-Mayor

Section 5. At the first meeting after the time prescribed for the beginning of the terms of newly elected councilmen or as soon thereafter as practicable, the council shall elect from its membership a mayor and a vice-mayor, who shall serve as such until the next such first meeting.

The mayor shall preside at meetings of the council and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law. As a councilman, he shall have the right to vote on all questions. He shall have no regular administrative duties except that he shall sign such written obligations of the city as the council may require.

The vice-mayor shall act as mayor during the absence or disability of the mayor, or, if a vacancy occurs in the office of mayor, until another mayor is elected by the council from its membership for completion of the unexpired term.

Councilmen: Compensation

Section 6. Neither the mayor nor any other councilman may received any compensation as mayor or councilman nor for any other service rendered the city, other than expenses.

Council: Powers

Section 7. Except as otherwise provided in this charter, all powers of the city, including the determination of all matters of policy, shall be vested in the council. Without limitation of the foregoing the council may:

(10) Appoint and remove the city manager as provided in this charter;
(11) By ordinance enact municipal legislation;
(12) Raise revenue, make appropriations, regulate bond elections, the issuance of bonds, sinking funds, the refunding of indebtedness, salaries and wages, and all other fiscal affairs of the city, subject to the provisions of the state constitution and law and this charter;
(13) Establish or adopt a pension, retirement and/or social security system or systems for any or all groups of the officers and employees in the service of the city, either alone or in cooperation with the state or federal government or both;
(14) Inquire into the conduct of any office, department or agency of the city, and investigate municipal affairs; the members of the personnel board, the members of the planning commission, the members of the board of adjustment and other quasi-legislative, quasi-judicial or advisory officers and authorities, now or when and if established, or prescribe the method of appointing or electing and removing them;
(15) Grant pardons, including the remission of fines and costs, upon the recommendation of the municipal judge;
(16) Regulate elections and the initiative and referendum within the limits prescribed by the state constitution and law and this charter;
(17) Regulate the organization, powers, duties and functions of the municipal court and of the minor violations bureau, when and if established, within the limits prescribed by the state constitution and law and this charter;
(18) Create, change and abolish all offices, departments and agencies of the city other than the offices, departments and agencies created by this charter; and assign additional powers, duties and functions to offices, departments and agencies created by this charter.

Council not to Interfere in Appointments and Removals

Section 8. Neither the council nor any of its members may direct or request the appointment of any person to, or his removal from, office or employment by the city manager or by any other authority, or, except as provided in this charter, participate in any manner in the appointment or removal of officers and employees of the city. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager; and neither the council nor any member thereof may give orders on administrative matters to any subordinate of the city manager either publicly or privately.

City Clerk

Section 9. The city treasurer shall be ex officio city clerk, and an acting city treasurer shall be ex officio acting city clerk. In the absence from a meeting of the city clerk and acting city clerk if any, the council may elect an acting city clerk to serve during such absence.

The city clerk shall keep the journal of the proceedings of the council; shall enroll in a book or books kept for the purpose all ordinances and resolutions passed by it; shall be custodian of such documents, records and archives as may be provided by applicable law or ordinance; shall be custodian of the seal of the city; shall attest, and affix the seal to, documents when required in accordance other duties as the charter or the council may prescribe or direct. The city clerk as such does not collect

revenue and other money for the city except as may incidental to his duties as city clerk; in all other cases where the law or ordinances provide that money shall be paid to the city clerk, it shall be paid to the city treasurer as city treasurer.

Council: Induction into Office, Meetings

Section 10. The terms of office of the Councilmen shall begin at 7:30 o'clock P.M. on the first Monday in May following their election. The council shall hold a meeting at that time, and those whose terms are beginning shall be inducted into office. If any councilman-elect fails to qualify within one month thereafter, his office shall become vacant; and the council shall fill the vacancy. The council shall meet regularly at least monthly at such times as it may prescribe by ordinance or otherwise. The mayor or any three (3) councilmen may call special meetings. All meetings of the council except executive sessions shall be open to the public, and the journal of its proceedings shall be open to public inspection.

The City Council of the City of Coalgate, Oklahoma, being the governing body thereof, may go into executive sessions, upon a majority vote of the quorum present, for the purposes designated and prescribed by the statutes of the State of Oklahoma and cases made thereunder.

Council: Absences to Terminate Membership

Section 11. If any councilman shall be absent from more than one-half (1/2) of all meetings of the council, regular and special, held within any period of four (4) consecutive months, he shall thereupon cease to hold office.

Councilmen: Removal

Section 12. A councilman may be removed from office for any cause specified by applicable state law for the removal of officers, and by the method or methods prescribed thereby.

Council Vacancies

Section 13. The council, by majority vote of its remaining members, shall fill vacancies in its own membership for the unexpired terms.

Council: Quorum, Rules, Yeas and Nays

Section 14. A majority of all of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. The council shall determine its own rules. On the demand of any member, the vote on any question shall be by yeas and nays, and shall be entered in the journal.

Ordinances: Enacting Clause

Section 15. The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the Council of the City of Coalgate", and of all ordinances proposed by the voters under their power of initiative, "Be it ordained by the People of the City of Coalgate".

Ordinances: Passage, when in Effect

Section 16. Every proposed ordinance shall be read, and a vote of a majority of all the councilmen shall be required for its passage. The vote on final passage of every ordinance shall be by yeas and nays, and shall be entered in the journal. The mayor shall have no power of veto. Within ten (10) days after its passage every

ordinance except an emergency ordinance, shall become effective thirty days after its final passage unless it specifies a later time; provided that an ordinance granting a franchise to a public utility shall not go into effect until it has been approved at an election by a vote of a majority of the qualified electors voting on the question.

Ordinances: Emergency

Section 17. An emergency ordinance is an ordinance which in the judgment of the council is necessary for the immediate preservation of peace, health or safety, and which should become effective prior to the time when an ordinary ordinance would become effective. Every such ordinance shall contain, as a part of its title, the words, "and declaring an emergency"; and in a separate section, herein called the emergency section, shall declare the emergency. The council shall vote on the emergency section separately, and must adopt the section by a vote of at least four-fifths (4/5) of all the members of the council, which vote shall be by yeas and nays, and be entered in the journal. An emergency ordinance shall take effect upon passage unless it specifies a later time.

Ordinances: Adoption by Reference

Section 18. The council by ordinance may adopt by reference codes, ordinances and standards relating to building, plumbing, electrical installations, milk and milk products, and other matters which it has power to regulate otherwise. Such code, ordinance or standard so adopted need not be enrolled in the book of ordinance or standard in force for distribution or sale at their approximate cost.

Ordinances: Codification

Section 19. The ordinances of the city shall be codified and published in book or pamphlet form at least every ten (10) years unless the council, by use of a loose-leaf system and process of amendment, keeps the code up-to-date. Titles, enacting clauses and emergency sections may be omitted from the code; and temporary and special ordinances and part of ordinances may be omitted. Permanent general ordinances and parts of ordinances which are to be repealed by the code, shall be omitted from the code. The ordinances and parts of ordinances included in the code may be revised, rearranged and reorganized; and the code may contain new matter, provisions of the state constitution and law relating to the city and provisions of this charter. A copy of the published code shall be filed in the office of the city clerk after adoption by the council, but the code need not be enrolled in the book of ordinances.

ARTICLE III. CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS

City Manager: Appointment, Term, Qualifications, Removal

Section 20. There shall be a city manager. The council shall appoint him for an indefinite term by a vote of a majority of all its members. It shall choose him solely on the basis of his executive and administrative qualifications and other qualifications for the office of city manager. At the time of his appointment, he need not be a resident of the city or state, but, during his tenure of office, he shall reside within the city. Neither the mayor nor any other councilman may be appointed city manager during the term for which he shall have been elected nor within two (2) years after the expiration of his term. The council may suspend or remove the city manager at any time by a vote of a majority of all its members.

Acting City Manager

Section 21. If the city manager is absent from the city or is unable to perform his duties, if the council suspends the city manager, or if there is a vacancy in the office of city manager, the council may appoint an acting city manager to serve until the city manager returns, until his disability or suspension ceases, or until another city manager returns, until his disability or suspension ceases, or until another city manager is appointed and qualifies, as the case may be. The council may suspend or remove an acting city manager at any times.

City Manager: Powers and Duties

Section 22. The city manager shall be chief executive officer and head of the administrative branch of the city government. He shall execute the laws and ordinances and administer the government of the city, and shall be responsible therefor to the council. He shall:

Appoint, and when necessary for the good of the service, suspend, demote or remove all directors, or heads, of administrative departments and all other administrative offices and employees of the city except as he or the council by ordinance may authorize the head of a department, and officer or an agency to appoint and suspend, demote or remove subordinates in such department, office or agency, subject to such merit system regulations as the council may ordain;

(6) Supervise and control, directly or indirectly, all administrative departments, agencies, officers and employees;

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

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

(9) Keep the council advised of the financial condition and future needs of the city, and make such recommendations as may seen to him desirable;

(10) Perform such other duties as this charter may prescribe and such duties consistent with this charter as the council may prescribe.

Administrative Departments, Offices and Agencies

Section 23. There shall be a department of finance, a police department, fire department, a department of law headed by a city attorney, and such other administrative departments, offices and agencies as this charter establishes and as the council may establish.

Public Library

Section 24. The public library or libraries, when established, shall constitute, or be a part of, and administrative department; and shall be under the supervision and control of an officer or of a board established by ordinance and appointed by the city manager, as the council may ordain.

ARTICLE IV. DEPARTMENT OF FINANCE, FISCAL AFFAIRS

City Treasurer: Office Created, Duties

Section 25. There shall be a city treasurer, who shall be an officer of the city

appointed by the city manager for an indefinite term, and who shall be head of the department of finance. Subject to such regulations as the council may prescribe, the city treasurer shall collect or receive revenue and other money for the city, and shall deposit the same in such depositories as the council may designate. The city treasurer shall maintain a general accounting system for the city government. He shall have such other powers and duties as may be prescribed by this charter, by applicable law, or by ordinance.

Purchases and sales

Section 26. The city manager, subject to any regulations which the council may prescribe, shall contract for and purchase, or issue purchase authorizations for, all supplies, materials and equipment for the offices, departments and agencies of the city government. Every such contract or purchase exceeding an amount to be established by ordinance, shall require the prior approval of the council. The city manager, also may transfer to or between offices, departments and agencies, or sell, surplus or obsolete supplies, materials and equipment, subject to such regulations as the council may prescribe.

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, the council shall not except a particular contract, purchase or sale from the requirement of competitive bidding.

The council by ordinance may transfer some or all of the power granted to the city manager by this section, relating to purchases and sales, to an officer appointed by and subordinate to the city manager.

Sale of Property Valued at More than $10,000 – Real Property

Section 27. The sale of any property, real or personal, including public utilities, or of any interest therein, the value of which is more than ten thousand dollars ($10,000.00), shall be made only by authority of a special non-emergency ordinance. Such ordinance shall be published in full in a newspaper of general circulation within the city within ten (10) days after its passage, and shall include a section reading substantially as follows: “Section __”. Ordinance shall be referred to a vote of the electors of the city if a proper referendum petition is properly filed within thirty (30) days after its passage; otherwise it shall go into effect thirty (30) days after its passage.”

Real property may be sold in fee simple only to the highest responsible bidder after opportunity for competitive bidding; and notice of such proposed sale shall be published in a newspaper of general circulation within the city once a week for two (2) consecutive weeks. All bids may be bidding may be given.

Public Improvements

Section 28. Public improvements may be made by the city government itself or by contract. The council shall award all contracts for such improvements; provided that the council may authorize the city manager to award such contracts which do not require compliance with the public competitive bidding act as defined by the statutes of the State of Oklahoma, Title 61, Section 101 et seq. All contracts in excess of that amount prescribed by statute in the Competitive Bidding Act of the State of Oklahoma, Shall be made in accordance with the provisions of that act.

Fiscal Year.

Section 29. The fiscal year of the city government shall begin on the first day of July and shall end on the last day of June of every calendar year.

Independent Annual Audit

Section 30. The council shall designate a qualified public accountant or accountants who shall make an independent audit of the accounts and evidences of financial transactions of the department of finance and of all other departments, offices and agencies keeping separate or subordinate accounts or making financial transactions, as of the end of every fiscal year at least, and who shall report o the council and to the city manager. Certified copies shall be filed with the County Clerk and the State Auditor and Inspector within nine (9) months after the close of the fiscal year. In lieu of the above, the council may arrange with an appropriate state authority for such an audit when and if permitted by law.

ARTICLE V. MINICIPAL COURT

Municipal Court.

Section 31. The city manager shall be ex officio municipal judge; provided that the council by ordinance may provide that the city manager shall appoint a municipal judge. When appointed by the city manager, the council may suspend or remove the municipal judge or acting municipal judge at any time by a vote of a majority of all its members. The municipal judge shall have original jurisdiction to hear and determine all cases involving offenses against the charter and ordinances of the city; provided that the council by ordinance may create a minor violations bureau with authority to dispose of cases arising out of designated minor violations, such as minor traffic and parking violations, on request of accused persons who desire to plead guilty, who are able and willing to pay fines and costs, and who do plead guilty and pay fines and costs. The municipal judge shall keep a record of all proceedings of the municipal court, of the disposition of all cases, and of all fines and other money collected. The style of all processes shall be in the name of the city. The municipal judge may issue subpoenas, administer oaths, make and enforce all proper orders, rules and judgments, and punish for contempt.

ARTILE VI. NOMINATIONS AND ELECTIONS

Overlapping Terms – Nominated and Elected at Large – Nonpartisan Elections

Section 32. The councilmen shall be elected by the qualified electors of the city. At the primary and general election in 1955, the councilman from Ward One and the councilman from Ward Two shall be elected to serve for one (1) year, until 7:30 o'clock P.M. on the first Monday in May, 1956. The director at large at the time this charter goes into effect, shall become the councilman at large under this charter, and shall continue to serve until 7:30 o'clock P.M. on the first Monday in May, 1957. At the primary and general election in 1955, the councilman from Ward Three and the Councilman from Ward Four shall be elected to serve for three (3) years, until 7:30 o'clock P.M. on the first Monday in May, 1958. In 1956, and in every year thereafter, the respective successors of those whose terms are expiring shall be elected, and shall serve overlapping terms on three (3) years.

All candidates for councilmen shall be nominated, and all councilmen shall be elected, at large, by the qualified electors of the entire city, although candidates for councilmen from the wards must be qualified electors of their respective wards.

Both the primary and the general election shall be nonpartisan; and no party

designation or emblem shall be placed on the ballots.

Primary Election: Filling

Section 33. Any qualified person may have his name placed on the ballot for the primary election as a candidate for councilman by filing a Declaration of Candidacy with the county election board as a sworn statement of his candidacy, not earlier than 8:00 o'clock a.m. on the first Monday in December and no later than 5:00 o'clock p.m. on the next succeeding Wednesday of December.
(Election on March 2005 passed to change the election dates for the election of Council members.)

Primary Election: Time, etc.

Section 34. A primary election shall be held on the second Tuesday of February, except in any year when a Presidential Primary is held in February, then the election shall be held on the same day as the Presidential Preferential Primary, to nominate candidates for the offices on the council whose terms are expiring. If only one (1) person is a candidate for an office to be filled, he shall be not only nominated, but also elected ipso facto; and his name shall not appear on the primary or general election ballot. Every qualified elector of the city shall be entitled to vote for one (1) candidate for each office to be filled.

(Election on March 2005 passed to change the election dates for the election of Council members.)

Primary Election: Who Nominated or Elected

Section 35. In a primary election, the two (2) candidates for each office to be filled receiving the greatest number of votes for that office, shall be nominated. If one (1) of the candidates for an office receives a majority of all votes cast for all candidates for that office, he alone shall be not only nominated, but also elected ipso facto; and his name shall not appear on the ballot for the general election. In case of a tie, the nominee or nominees (as the case may be) shall be determined from among those tying, fairly by lot, in a meeting of the council and under its direction. If one (1) of the two (2) candidates for an office nominated in a primary election dies or withdraws before the general election, the remaining candidate shall be elected ipso facto; and his name need not appear on the ballot for the general election.

General Election: Time, When Not Held, Who Elected

Section 36. A general election, if needed, shall be held in the city on the first Tuesday in April of every year to elect the councilmen to succeed those whose terms are expiring, if candidates for one (1) or more of such offices remain to be elected. Every qualified elector of the city shall be entitled to vote for one (1) candidate for each office to be filled. The candidate for each office receiving the greater number of votes, shall be elected. In case of a tie, the election shall be determined fairly by lot, in a meeting of the council and under its direction.
(Election on March 2005 passed to change the election dates for the election of Council members.)

Political Activity of Officers and Employees

Section 37. No officer or employee of the city except the councilmen, may attempt to influence the nomination, election or defeat of any candidate for councilman; provided that this shall not prohibit the ordinary exercise of his right to express his opinions and to vote. Any person who violates this provision, shall be punished, upon

conviction thereof, by a fine not exceeding twenty dollars ($20.00) inclusive of costs. Such violation shall constitute cause for removal from office or employment.

State Constitution and Law to Govern

Section 38. The precinct and county election boards shall conduct the primary and general elections and special elections of the city. The provisions of the state constitution and law relating to elections, shall govern such elections insofar as they are applicable and are not superseded by this charter or by ordinance.

ARTICLE VII. MISCELLANEOUS PROVISIONS

Feminine Gender

Section 39. When the masculine gender is used in this charter, it shall also mean the feminine unless the masculine alone is clearly indicated.

Initiative and Referendum

Section 40. The powers of the initiative and referendum are reserved to the people of the city. In the exercise of these powers, the requirements of the state constitution and law shall be observed.

Merit System

Section 41. Appointments and promotions in the service of the city shall be made solely on the basis of merit and fitness; and layoffs, suspensions, demotions and removals shall be made solely for the good of the service. Better to achieve these ends, the council may establish a merit system and provide for its proper organization and functioning and for proper personnel administration.

Qualifications of Offices and Employees

Section 42. Officers and employees of the city shall have the qualifications prescribed by this charter and such additional qualifications as the council may prescribe by ordinance; but the council shall not prescribe additional qualifications for councilmen.

Nepotism, Holding More Than One Office or Position

Section 43. Neither the city manager, the council nor any other authority of the city government, may appoint or elect any person related to any councilman, to the city manager, or to himself, or, in the case of a plural authority to one (10 of its members, by affinity or consanguinity within the third degree to any office or position of profit in the city government.

Except as may be otherwise provided by this charter or by ordinance, the same person may hold more than one (1) office or position in the city government. The city manager may hold more than one (1) such office or position, through appointment by himself, by the council or by other city authority having power to fill the particular office or make by ordinance; but he may not receive compensation for service in such other offices and positions. Also the council by ordinance may provide that the city manager shall hold ex officio designated administrative offices subordinate to the city manager as well as other designated compatible city offices.

Official Bonds

Section 44. The city manager, the city treasures and such other officers and employees as the council may designate, before entering upon their duties, shall

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

Oath or Affirmation of Office

Section 45. Every officer of the city, before entering upon the duties of his office, shall take and subscribe to the oath or affirmation of office prescribed by the state constitution. The oath or affirmation shall be filed and kept in the city clerk's office.

Who May Administer Oaths and Affirmations

Section 46. All officers authorized by federal or state law, the mayor, the city clerk, the city manager, the city treasurer, the heads of all other administrative departments, the municipal judge and such other officers as the council may authorize, may administer oaths and affirmations.

Removal, etc., of Officers and Employees

Section 47. Except as otherwise provided by this charter, the power to lay off, suspend, demote and remove accompanies the power to appoint or elect; and the city manager or other appointing or electing authority at any time may lay off, suspend, demote or remove any officer or employee to who he or the other appointing or electing authority respectively may appoint or elect a successor.

Acting Officers and Employees

Section 48. The appointing or electing authority who may appoint or elect the successor of an officer or employee, may appoint or elect a person to act during the temporary absence, disability or suspension or such officer or employee, or, in the case of vacancy, until a successor is appointed or elected and qualifies, unless the council ordains that a particular superior or subordinate of such officer or employee shall act. The council by ordinance may provide for a deputy to act in such cases.

Officers to Continue until Successors Are Elected or Appointed and Qualify

Section 49. Every office who is elected or appointed for a term ending at a definite time, shall continue to serve thereafter until his successor is elected or appointed and qualifies unless his services are sooner terminated by resignation, removal, disqualification, abolition of the office or other legal manner.

Publicity of Records

Section 50. All records and accounts of every office, department or agency of the city government, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish, shall be open to public inspection.

Separability Clause

Section 51. If a court of competent jurisdiction should hold any section or part of a section of this charter invalid, such holding shall not affect the remainder of this charter nor the context in which such section or part of a section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with that section or part of a section.

If a court of competent jurisdiction holds a part of this charter invalid or if a change in the state constitution or law renders a part of this charter invalid or

inapplicable, the council by ordinance may take such appropriate action as will enable the city government to function properly.

ARTICLE VIII. AMMENDMENT

Amendment: Proposal, Ratification, Approval

Section 52. This charter may be amended by proposals therefore submitted by the council, or by the mayor upon initiative petition of the people as provided by the state constitution, at a general or special election, ratified by a majority of the qualified electors voting thereon, and approved by the governor as provided by the state constitution. If more than one (1) amendment are proposed, all of them except those which are so interrelated that they should be ratified or rejected together, shall be submitted in such manner that the electors may vote on them separately. A proposition to amend this charter may be either in the form of a proposed amendment to a part of parts of the charter or of a proposed new charter.

Amendment: Board of Freeholders

Section 53. The council by ordinance may provide for the election on a board of freeholders to prepare and propose amendments to this charter. When an amendment proposed by a board of freeholders shall have been submitted by the council at a general or special election, ratified by a majority of the qualified electors voting thereon, and approved by the governor, as provided by the state constitution, it shall go into effect.

ARTICLE IX. SUCCESSION IN GOVERNMENT

Wards

Section 54. Until the council by ordinance provides otherwise, the four (4) wards of the city shall be as follows:

Ward One: All that portion of the City of Coalgate lying north of the M.K. & T. Ry. Switch (otherwise known as Perry Switch) and west of the East Railroad Street.

Ward Two: All that portion of the City of Coalgate lying east of the East Railroad Street and north of California Avenue.

Ward Three: All that portion of the City of Coalgate lying south of the M.K. & T. Ry. Switch (otherwise know as Perry Switch) and west of the East Railroad Street.

Ward Four: All that portion of the City of Coalgate lying east of the East Railroad Street and south of California Avenue.

Reference herein to streets, avenues and right-of-ways shall mean the center lines of such streets, avenues and rights-of-way.

New Charter to Go into Effect When Approved by the Governor

Section 55. If a majority of the qualified electors of the city voting on the question vote to ratify this charter, it shall go into effect immediately upon approval by the governor, in lieu of the heretofore existing charger; and said heretofore existing charter is hereby repealed as of that time.

Ordinances continued

Section 56. All ordinances, insofar as they are not inconsistent with this charter, shall continue in effect until they are repealed or until they expire by their own limitations.

Officers and Employees Continued

Section 57. All officers and employees of the municipality under the previous charter, including the three (3) directors, or councilmen, shall continue in the offices and employments which they respectively hold, after this charter goes into effect, and until their services terminate or are terminated in accordance with the provisions of this charter.

Notwithstanding, any other provisions of this charter, until 7;30 o'clock P.M. on the first Monday in May, 1955, the council shall consist of three (3) members, as under the previous charter; but the three (3) directors shall have the title of "councilmen".

Pending Actions and Proceedings

Section 58. The adoption of this charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it takes full effect, brought by or against the municipality or any office, department, agency or officer thereof.

NOTE: The above Charter was adopted on February 15, 1955, by a vote of 202 to 56. Governor Raymond Gary approved the Charter on February 21, 1955.

This Charter replaced a council-manager charter adopted in 1914.

The Charter as it appears in this code, has been printed from the masters from which the official copies of the Charter were printed in 1955.

Appendix 2

ELECTRIC FRANCHISE

Ordinance No. 273

AN ORDINANCE GRANTING TO THE PUBLIC SERVICE COMPANY OF OKLAHOMA, AN OKLAHOMA CORPORATION, AND ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO USE THE STREETS, ALLEYS AND OTHER PUBLIC PLACES IN THE CITY OF COALGATE, COAL COUNTY, OKLAHOMA, FOR THE PERIOD OF TWENTY-FIVE (25) YEARS FROM THE ACCEPTANCE HEREOF FOR THE PURPOSE OF BUILDING, EQUIPPING, MAINTAINING, EXTENDING, OWNING AND OPERATING A SYSTEM AND/OR PLANT FOR THE MANUFACTURE AND/OR DISTRIBUTION AND SALE OF ELECTRICITY IN AND TO SAID CITY AND THE PUBLIC GENERALLY, AND TO TRANSMIT ELECTRIC ENERGY TO OR FROM SYSTEMS IN OTHER LOCALITIES AND/OR THROUGH THE CITY TO OTHER LOCALITIES;

AND FIXING THE COMPENSATION TO BE PAID THEREFOR AND THE TIME OF PAYMENT AND THE MANNER OF DETERMINING THE AMOUNT TO BE PAID BY THE GRANTEE:

AND WHEREBY THE CITY IS GIVEN THE OPTION, FROM TIME TO TIME, TO PURCHASE THE PROPERTY, REAL AND PERSONAL, USED BY THIS GRANTEE IN THE MANUFACTURE AND/OR DISTRIBUTION OF ELECTRIC ENERGY WHERE AND ONLY WHERE SITUATED WITH THE CORPORATE LIMITS OF THE CITY;

AND CONTRACTING FOR FURNISHING ELECTRICITY FOR MUNICIPAL STREET LIGHTING AND WATER PUMPING;

AND DECLARING AN EMERGENCY;

AND WHEREBY THE SAID QUESTION IS SUBMITTED TO A VOTE OF THE QUALIFIED ELECTORS, RESIDENTS AND CITIZENS OF SAID TOWN AT A SPECIAL ELECTION CALLED AT WHICH SUCH QUESTION SHALL BE SUBMITTED.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COALGATE:

SECTION 1. That there is hereby granted by the City of Coalgate, a municipal corporation of the State of Oklahoma, (hereinafter referred to as the “Grantor”), unto the Public Service Company of Oklahoma, an Oklahoma corporation, its successors and assigns, (hereinafter referred to as the “Grantee”) the right, power and authority to use the streets, alleys, avenues, ways and other public places of the Grantor, as now constituted and as it may be hereafter extended, for the purpose of building, equipping, maintaining, extending, owning and operating a plant and/or system for the manufacture and/or distribution and sale of electricity for lighting, heating, and power purposes as electric energy may be put, in and to said Grantor and to the public generally, and to transmit electric energy over high-lines to connections and systems in other localities, with poles, wires, conduits, substations and apparatus necessary and convenient for such system upon, across, over and/or under each or any of said streets, alleys, avenues, ways and other public places and grounds.

SECTION 2. All rights and privileges granted by this ordinance shall extend and be in force between the Grantor and the Grantee for a term of twenty-five (25) years from

and after the acceptance of this ordinance, as hereinafter provided.

SECTION 3. All provisions of this ordinance and franchise which are obligatory upon or which inure to the benefit of the said Public Service Company of Oklahoma, shall also be obligatory upon and shall inure to the benefit of the successors and assigns of the said Public Service Company of Oklahoma; and the word "Grantee" as used in this ordinance shall include and be taken to mean not only the Public Service Company of Oklahoma, but also its successors and assigns for which assignment consent is hereby given.

SECTION 4. Grantee shall have the right to make and enforce reasonable rules and regulations for the sale, delivery and metering of its electric energy and the conduct of its business, and may reserve in such rules and regulations the right to disconnect service to customers whose meters, wires, switches, or appliances are found to have been tampered with, or who have failed to pay for electricity, and to enter upon the premises of its customers at all reasonable times for the purpose of inspecting, repairing or reading meters or for removing wires, meters, switches or appliances. Provided that such rules and regulations shall not be in conflict with law or the rules and regulations from time to time made by the Corporation Commission of the State of Oklahoma or by other regularly constituted regulatory authority.

SECTION 5. The Grantee covenants and agrees in consideration hereof, that it will maintain electric service in and to Grantor under the rules and regulations imposed upon it by the Corporation Commission of the State of Oklahoma or by other regularly constituted regulatory authority. But in accepting this franchise and contract, the Grantee does not guarantee continuous service at all times and shall be relieved temporarily from its obligation to furnish such services continuously in case of any injury caused by Act of God or by the elements, or strikes, or lock-outs, or by any temporary breakdown or failure of machinery, transmission lines, appliances and apparatus, or by other causes beyond the control of the Grantee; but it does agree in such cases to exercise proper diligence in repair of such machinery, transmission lines, appliances and apparatus and to resume operation of same without necessary delay.

SECTION 6. In performing the terms and provisions of this ordinance, franchise and contract, the Grantee is hereby given the continuing right, privilege and option to manufacture said electric energy within the corporate limits of Grantor, or to transmit said current over high power lines from the other plants and to distribute the same from some central location at proper voltage; together with the right to transmit electric energy from and/or through said city to other localities.

SECTION 7. During the life of this franchise and for and in consideration of the acceptance hereof by the Grantee, it is agreed that the Grantee may charge and collect from the Grantor, its inhabitants and the consumers therein, a rate or rates, which shall at all times be compensatory and reasonable, subject to such rules and regulations as are now in effect, or that may hereafter be lawfully made by the Corporation Commission of the State of Oklahoma, or by other regularly constituted regulatory authority.

SECTION 8. During the life of this franchise Grantee will sell and deliver to Grantor all electric energy used by it for the lighting of its streets and in pumping necessary

for its municipal water and sewer plants and systems and Grantor will take such electric energy from Grantee and pay therefore at rates filed with and approved by the Corporation Commission of Oklahoma.

SECTION 9. From and after the approval and acceptance of this Ordinance, the Grantee shall pay, and in consideration of the granting of this franchise agrees to pay, to Grantor an annual charge in an amount equal to two per cent (2%) of the gross receipts for each current year from residential and commercial sales of electric energy sold and delivered wholly within the corporate limits of Grantor for use in such corporate limits, exclusive of electric energy sold to Grantor for any purpose.

Said charge shall be due and payable to Grantor on or before the 1st day of June of each year, commencing with the 1st day of June, A.D., 1962. But it is provided and ordained that same may be paid by applying so much thereof as may be necessary to the satisfaction and payment of bills representing the balance due to the Grantee for electric energy sold and delivered to Grantor for its street lighting, water pumping, and municipal service of all kinds and classes; and the remaining balance of said two percent (2%) of said gross receipts, if any, shall be paid to the Treasurer of Grantor to be placed in its general fund.

Said charge of two per cent (2%) of said gross receipts shall be in lieu of all concessions, charges, excise, franchise, license, occupation, privilege and permit fees, or taxes, or assessments except ad valorem taxes.

SECTION 10. This ordinance and franchise shall be in full force and effect from and after its acceptance as hereinafter provided, upon its passage, publication and approval at a special election to be called and held in the City of Coalgate, Oklahoma, of which special election for such purpose thirty (30) days' notice shall be given by the Mayor and Clerk of Grantor, as provided by law for holding such elections, provided such franchise is approved at such election by a majority vote of the qualified electors, residents, and citizens of Grantor voting thereon at such election; and the proper officers of Grantor are authorized and instructed to call such election giving such notice and preparing such proclamation, ballot title and call for such election as provided by law. Provided, further, that the Grantee shall within thirty (30) days after the result of such election is declared file with the Clerk of Grantor an acceptance in writing duly executed according to law, accepting all of the terms, conditions and obligations hereof; and failure of the said Grantee so to accept this ordinance within said period shall be deemed a rejection thereof by said Grantee, and the rights and privileges herein granted, if not so accepted within said thirty (30) days, shall absolutely cease and terminate.

SECTON 11. It is further contracted and agreed that Grantor shall have and is hereby granted the option to purchase at the expiration of each five (5) year period of this franchise, all of the plants, distribution system, machinery property, both real and personal, rights, and contracts of whatsoever kind or nature, then owned by the grantee, its successors and assigns, being applied to and under the exercise of this franchise, or acquired for such purpose, and situated within the corporate City Limits of the City of Coalgate, upon the following terms and in the following manner to-wit:

Grantor may, if it desires to exercise such option at the expiration of the fifth (5) year of this Franchise, by lawful ordinance determine its intention to purchase all of said property, rights and contracts of the Grantee located with the City of Coalgate, Oklahoma, and authorize such contract of purchase; and shall not less than six (6) months prior to the expiration of such fifth year serve upon the Grantee as notice of

such intention, a certified copy of such ordinance; and thereafter Grantor shall within fifteen (15) days appoint and designate as an arbitrator an engineer of well know experience and ability who shall not be a resident or taxpayer of Grantor nor interested, as a stockholder or otherwise, in the Grantee, or in the installation of a plant in Grantor, at the time of making such appointment or within twelve (12) months prior thereto; and shall within ten (10) days after such appointment notify the Grantee of the appointment of such arbitrator; and the Grantee shall within fifteen (15) days after the notice to it of the appointment of such arbitrator by Grantor appoint and designate as an arbitrator an engineer of like qualifications. Said arbitrators so selected shall thereupon select as a third arbitrator an engineer of like qualifications. If the two arbitrators selected by the parties hereto shall for more than fifteen (15) days, fail to agree upon the appointment of the third arbitrator, or should either party hereto fail or neglect to select its arbitrator as herein provided, then the Corporation Commission of the State of Oklahoma, upon ten (10) days notice from the adverse party of the time and place of the hearing, shall have the power to appoint such arbitrator having the same qualifications above provided; and said arbitrators shall thereupon proceed to inventory and fix the fair value of all said property, rights and contracts, as a going concern, together with the damages done to said Grantee by the severance of such properties from its system, and shall make inventoried returns thereof to Grantor and to the Grantee within ninety (90) days after the appointment of the third arbitrator; and the valuation so determined in accordance with the provisions of this section by said arbitrators, or a majority of them, shall be binding and conclusive upon the parties hereto as to the purchase price thereof; and Grantor may then complete such purchase as provided for herein, by the payment of such purchase price in cash within six (6) months after the return of such appraisement; and if such payment and completion of such purchase be not fully done within said period, or if such rights be otherwise waived, same shall as to such five (5) year period in all things terminate. Provided further, that if between the date of the fixing of the valuation by said arbitrators and the date of payment therefor, any reasonable and necessary additions, betterments and replacements shall have been made by the Grantee, the Grantor shall pay in addition to the valuation fixed by the arbitrators, as provided in this section, the actual cost of such additions, betterments and replacements. And the Grantee shall file with the Engineer of the Grantor, if such additions, betterments and replacements are made, complete information as to the actual cost thereof to the Grantee shall file with the Engineer of the Grantor, if such additions, betterments and replacements are made, complete information as to the actual cost thereof to the Grantee. In determining and inventorying the value of said property, rights, contracts, and plants, the said arbitrators shall give effect to such elements of value as are contemplated in determining compensation for public utility property taken for public use by eminent domain proceedings, but shall allow no value for this franchise or for the good will of the customers of the Grantee.

Nothing herein shall be construed as obligating Grantor to purchase, or the arbitrators to include in their valuation, electric transmission lines of the Grantee within Grantor's corporate limits, where same are used exclusively for transmission of electric energy to other localities than Grantor. But, if the purchase by Grantor is completed in the manner herein provided, and if this Franchise is terminated, the Grantee shall have the right to own and dispose of said excepted transmission lines as its private property in such manner as it may see fit, or may continue to operate same for service to such other localities for the full twenty-five (25) year period of this Franchise.

Time is of the essence of this agreement in each of its particulars and being

within the contemplation of the parties is specifically made a part thereof. And, if Grantor should fail to exercise its option by giving the six (6) months notice in writing of its intention so to do prior to the expiration of the first five (5) year period of this Franchise, or if it should fail to complete its purchase within six (6) months after the filing of said appraisement, or if it should fail to make funds available for such purpose or should fail to complete such purchase by the payment of said purchase price in cash at the time and in the manner hereinbefore provided, then its fight to purchase upon the expiration of the first five (5) year period shall expire and become wholly void. But, thereafter Grantor shall have a like option to purchase said property at expiration of the tenth (10) year of this contract, such option to be exercised within the same time and manner of notice, appraisal, election to take after appraisal, and the actual completion of such purchase, and with the same provision for expiration of such right, as hereinbefore provided in reference to the first five (5) year period.

And likewise said option to purchase in the same manner and upon the same conditions and limitations shall accrue to Grantor at the expiration of the fifteenth (15th) year of this contract, and again at the expiration of the twentieth (20th) year of this contract and again at the expiration of the twenty-fifth (25th) year of this contract. Each such option expiring upon the happening of any of the conditions hereinbefore provided as to the option accruing at the termination of the first five (5) year period, such limitations of time and other conditions in all things applying to such successive options just as if same were specifically set out herein as to each of same.

For the purpose of determining the valuation of the properties, rights, and contracts, all of the books, records, and other information in possession of the Grantee shall be open to and accessible to said appraisers during the time said appraisal is being made for the purpose of aiding said appraisers in fixing the compensation to be paid therefor.

Each party shall pay its own appraiser's fee and expenses and the parties shall divide and pay in equal amounts the fee and expenses of the third appraiser.

Upon completion of said purchase by Grantor, at the time, and in the manner provided for in this Section, and upon the completion of the payment of the purchase price therefore at the time and in the manner herein provided for, this Franchise shall in all things terminate, except as to the right to use the streets, alleys, avenues, ways and other public places of Grantor for existing high-lines to other vicinities.

SECTION 12. Whereas an immediate necessity exists in order that the inhabitants of Grantor may be provided an adequate supply of electricity for heating, lighting and power purposes, and for the purpose of providing light, heat and power for the streets, alleys, public grounds, parks and other public places and institutions of Grantor, and for the preservation of public health, peace and safety, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage, approval and publication; and same shall be submitted at a special election.

PASSED BY THE COUNCIL OF THE CITY OF COALGATE, OKALHOMA, ON THE 28TH DAY OF NOVEMBER, 1961.

APPROVED BY THE MAYOR OF THE CITY OF COALGATE, OKALHOMA, ON THE 28TH DAY OF NOVEMBER, 1961.

/s/ W. B. Anderson
Mayor

(SEAL)

ATTEST:
/s/ L. Marvin Loftin

APPENDIX 3

GAS FRANCHISE

ORDINANCE NO. 2-73

AN ORDIANCE GRANTING TO ARKANSAS LOUISIANA GAS COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE ACCEPTANCE HEREOF THE RIGHT TO ERECT, INSTALL, MAINTAIN, EXTEND AND OPERATE A SYSTEM OF WORKS, PIPES, PIPELINES AND ALL NECESSARY APPARATUS, STRUCTURES AND APPURTENANACES IN AND UNDER THE STREETS, ALLEYS AND OTHER PUBLIC WAYS AND PLACES OF, AND THE ADDITIONS TO, AS ANY OF THE SAME NOW EXIST OR MAY HEREAFTER BE CREATED OR ADDED TO THE CITY OF COALGATE, COAL COUNTY, OKLAHOMA, FOR THE PURPOSE OF TRANSPORTING IN AND THROUGH, SELLING AND DISTRIBUTING NATURAL OR ARTIFICIAL GAS TO SAID CITY, ITS INHABITANTS AND THE PUBLIC GENERALLY, SUBJECT TO THE TERMS AND CONDITIONS HEREAFTER PROVIDED, ORDERING AN ELECTION AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEN OF THE CITY OF COALGATE, COAL COUNTY, OKLAHOMA:

Section 1. That there is hereby granted to Arkansas Louisiana Gas Company, a Delaware corporation, its successors and assigns (hereinafter referred to as the “Grantee”, and the word “Grantee” shall include and be taken to mean the successors and assigns of Arkansas Louisiana Gas company, consent to assignment being given), a franchise for a period of twenty-five (25) years from and after the acceptance hereof to use the streets, alleys, avenues, ways and other public places of the City of Coalgate, Coal County, Oklahoma, as now constituted, and as it may hereafter be extended, for the purpose of transporting in and through and the selling and distributing of natural or artificial gas to said City, its inhabitants and the public generally for domestic, commercial and industrial uses, together with the right to enter upon and open said streets, alleys, avenues, lanes, parkings, boulevards, sidewalks, parks and other public areas or grounds of said City for the proper laying, repairing, building, removing and/or replacing said works, pipes, pipelines, and all necessary apparatus, structures and appurtenances, provided that the previous franchise held by Grantee shall be null and void from and after its acceptance of this new franchise.

Section 2. (a) Grantee covenants and agrees that it will maintain efficient gas service in the City of Coalgate, Coal County, Oklahoma, under rules and regulations imposed, ordered or approved by the Corporation Commission of the State of Oklahoma, or by other lawfully constituted regulatory authority. Provided, the Grantee shall not be liable for loss or damage caused by interruption or failure of service due to accident or breakdown to plant, lines or equipment, strikes, riot, Act of God, or the public enemy, or causes beyond the control of Grantee, or due to shutdowns for reasonable periods to make repairs to lines or distributing equipment; but Grantee agrees in such cases to exercise proper diligence in making such repairs, and to resume operation of the same without unnecessary delay.

(b) Grantee shall have the right to make and enforce such reasonable rules

and regulations as may be ordered or approved by the Corporation Commission of the State of Oklahoma, or by other lawfully constituted regulatory authority, for the sale, delivery, connecting and disconnecting customers, metering of its natural or artificial gas, and the conduct of its business.

(c) The Grantee shall have the right to disconnect service to customers whose meters, service lines, or appliances are found to have been tampered with or who have failed to pay for gas service, or customers or parties who resell, lease or otherwise deliver any part of the service furnished to a third person, or to persons whose service lines are in such a state of disrepair as to leak and cause a dangerous condition.

(d) The Grantee shall have the right to enter in and upon the premises of a consumer or one who has been a consumer for the purpose of removing all meters and connections owned by the Grantee from the building or premises of anyone to prevent fraud, or in the event of the refusal or failure to pay charges not exceeding those mentioned herein or otherwise stipulated in the service contract or for the purpose of determining whether or not there are any leaks which might cause a dangerous condition to exist.

(e) Grantee shall charge and collect from the City of Coalgate, Coal County, Oklahoma, and the consumers therein, reasonable and compensatory rates such as may be from time to time lawfully ordered or approved by the Corporation Commission of the State of Oklahoma, or by other lawfully constituted regulatory authorities.

Section 3. Upon application by any bona fide applicant for service, Grantee shall at its own expense furnish and install service pipe of suitable capacity to the curb line (where the main is in the street) or property line (where the main is in the alley) of property abutting upon any street, highway, alley, lane or road along which the Grantee has distribution mains.

Section 4. (a) During the life of this franchise Grantee will deliver and sell to Grantor all natural or artificial gas used by it in its municipal plants and offices, and Grantor will take such natural or artificial gas from Grantee and pay therefore at rates filed with and approved by the Corporation Commission of Oklahoma.

(b) It is expressly understood and agreed that this franchise shall never be construed to mean an exclusive franchise and the grant hereof is not the grant of an exclusive franchise.

Section 5. From and after the approval and acceptance of this Ordinance, the Grantee shall pay, and in consideration of the granting of this franchise agrees to pay, to the Grantor, an annual charge in an amount equal to two percent (2%) of the gross cash receipts for each current year from the sale and delivery of natural and artificial gas sold and delivered to the Grantor wholly within the corporate limits of the Grantor.

Said tax shall be due to the said Grantor on a semi-annual basis ending December 31st and June 30th of each year. But it is provided and ordained that same may be paid by applying so much thereof as may be necessary to the satisfaction and payment of bills representing the balances due the Grantee for natural and artificial gas used for municipal services of all kinds and classes and the remaining balance of said two (2%) percent of the gross receipts, if any, shall be paid to the Treasurer of said City to be placed in its general fund.

Said charge of two percent (2%) of said gross receipts shall be in lieu of all franchise, license, occupation, or excise taxes, except ad valorem taxes levied by Grantor.

Section 6. The Grantee shall furnish, free of cost to consumer, all meters or meters and regulators, which shall be and remain the property of Grantee, but said Grantee shall not be required to furnish or install any piping or service connections of any kind for or on the property of the consumer.

Section 7. All main pipelines and all lateral pipelines constructed or replaced during the term of this Ordinance shall be installed in such a manner that the main pipelines will be buried at least thirty (30) inches and all lateral pipelines not less than twenty-four (24) inches below the established grade of said streets, avenues, and alleys.

Section 8. It shall be the duty of Grantee in constructing, repairing, maintaining and/or operating its works and plant, to use all reasonable and proper care to avoid injuries to persons or property within said City, and the Grantee shall hold the City of Coalgate harmless against any damage caused by it in constructing, maintaining, repairing and/or operating its gas distribution system and works and Grantee shall repair or replace at its expense all streets, alleys, walks and property disturbed by it. Further, Grantee shall at all times so use the privilege herein granted so as not to cause more than temporary interference with the public's right to continue to use such streets, alleys and other public ways as heretofore used.

Section 9. The franchise hereby granted shall not be operative unless and until the same shall be approved by a vote of the majority of the qualified electors residing within said City who shall vote thereon at an election called under or pursuant to the provisions hereof, and if the franchise hereby granted shall fail to be so approved at the said election, no rights shall accrue to the Grantee hereunder.

The question of the approval or disapproval of the franchise hereby granted shall be submitted at a special election to be held in the City of Coalgate, Coal County, Oklahoma, on the _____ day of _____, 1973, between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m. and the Mayor of said City is hereby authorized and directed to give due and legal notice of said election to be held on such date for such purpose, and the proper officers of said City are hereby directed to take all steps necessary for the holding of said election for the submission of said franchise to the electors of said City. Provided, that the Grantee shall within thirty (30) days after the result of such election is declared, file with the City Clerk of Coalgate, Coal County, Oklahoma, an acceptance in writing duly executed according to law accepting all of the terms, conditions and obligations hereof; and failure of said Grantee so to accept this Ordinance within said period shall be deemed a reflection hereof by said Grantee, and the rights and privileges herein granted, if not so accepted within said thirty (30) days, shall absolutely cease and terminate.

Section 10. The present Natural Gas Franchise of Arkansas Louisiana Gas Company being about to expire and it being highly desirable that the inhabitants of Grantor be assured of a continued and adequate supply of natural and artificial gas for heating, power and other purposes for the preservation of public health, peace, and safety, an emergency is hereby declared to exist by reason whereof this Ordinance shall take effect immediately.

IT IS THEREFORE ORDAINED, that this Ordinance and Franchise shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE COUNCIL OF THE CITY OF COALGATE, OKLAHOMA, ON THE 8TH DAY OF OCTOBER , 1973.

APPROVED BY THE MAYOR OF THE CITY OF COALGATE, OKLAHOMA, ON THE 8TH DAY OF OCTOBER, 1973

/S/ Bobby Corsini
Mayor of the City of Coalgate, Oklahoma

ATTEST:

/s/ Lou Lowery
City Clerk

APPENDIX 4

TELEVISION FRANCHISE

ORDINANCE NO. 1-73

AN ORDINANCE OF THE CITY OF COALGATE, OKLAHOMA, GRANTING TO JOHN N. THOMPSON AND S. WEINTRAUB, d/b/a COALGATE CABLEVISION COMPANY, ITS SUCCESSORS AND ASSIGNS FOR A TERM OF FIFTEEN (15) YEARS, ACQUIRE, MAINTAIN AND OPERATE A COMMUNITY ANTENNA TELEVISION AND CLOSED CIRCUIT ELECTRONIC SYSTEM WITHIN THE CITY OF COALGATE, OKLAHOMA; TO RENDER, FURNISH, SELL AND DISTRIBUTE TELEVISION AND RADIO PROGRAMS AND ENTERTAINMENT FOR ALL PURPOSES AND ENVIRONS THEREOF, AND TO USE AND OCCUPY THE STREETS, ALLEYS, EASEMENTS AND OTHER PUBLIC PLACES OF SAID CITY FOR SUCH COMMUNITY ANTENNA TELEVISION AND CLOSED CIRCUIT ELECTRONIC SYSTEM.

BE IT ORDAINED by the Governing Body of the City of Coalgate, Oklahoma:

Section 1. That there is hereby granted to Coalgate Cablevision Company, herein after called the grantee and to it successors, lessees and assigns, for the full term of fifteen (15) years from the date hereof, the non exclusive right, power, authority and franchise to establish, construct, acquire, maintain and operate a Community Antenna Television and close-circuit electronic system within the City of Coalgate, Oklahoma; herein called the City; to render, furnish, sell and distribute television signals and programs and entertainment for all purposes, together with closed circuit electronic service from such system to the inhabitants of the City and its environs; and to use and occupy the streets, alleys, easements and other public places of said City as the same now exist or may hereafter exist, for the grantee's Community Antenna Television and closed Circuit electronic system, including the right to enter and construct, erect, locate, re-locate, repair and rebuild in, or under, along, over and across the streets, alleys, easements and other public places of said City all towers, poles, cables, amplifiers, conduits and other facilities owned, leased or otherwise used by the grantee for the furnishing of a Community Antenna Television and closed-circuit electronic service within the City and environs thereof during the continuance of the franchise hereby granted. The company shall not be required to extend its service lines within said City more than two hundred fifty (250) feet from any customer service feeder line to serve a prospective customer located with the City of Coalgate.

Section 2. Construction (a). The Company's transmission and distribution system poles, wires and appurtenances shall be located, erected and maintained so as to not endanger or interfere with any improvements the City may deem proper to make or to hinder unnecessarily or obstruct the free public use of the streets, alleys, easements, bridges or other public property. That the Company's transmission and distribution system in no way interfere with other public utilities now in existence and in operation nor will it interfere with the continued operation and expansion of said public utilities.

Section 2. Construction (b). The franchisee company shall have the right

to set, erect, install and maintain its own poles for the mounting of its amplifiers, cables, and appurtences; provided, that the franchisee shall keep and maintain a compete set of maps showing the location of all such poles and that the city shall be provided with a copy of this map; said map to be kept up-to-date and accurate at all times, such up-dating to be the responsibility of the franchisee.

Section 2. Construction (c). The maintenance and operation of its transmission and distribution system in the streets, alleys, easements and other public places and in the course of any new construction or addition to its facilities, the Company shall proceed so as to cause the least possible inconvenience to the general public. All excavations shall be properly guarded and protected and shall be replaced and the surface restored in a good condition promptly after completion of such work. The Company shall at all times comply with any and all rules and regulations which the City has made or may make applying to the public generally with reference to the removal or replacement of pavement and to excavations in the streets and other public places.

Section 3. The grantee shall have the authority to promulgate such rules, regulation, terms and conditions of his business as shall be reasonably necessary to enable the Grantee to exercise his rights and perform his services under this franchise, and to assure an uninterrupted service to each and all of his customers. The grantee shall have the right and power to fix, charge, collect and receive reasonable rates for his community antenna television and closed-circuit electronic services, in line with the following prescribed maximums:

1) Initial Installation to a Television Receiver----------$20.00
2) Monthly Service Fee for First Receiver at any location----------$6.00 per month
3) Monthly Service Fee for Second Receiver in Single Family Dwellings----------$2.00 per month
4) Monthly Service Fee for Third, etc. Receivers located in same Location----------$1.00 per month

Provided, that the Governing Body of the City reserves the right, at all times, during the existence of this franchise, to fix and determine the rates charged by the franchisee and that any changes in the herein prescribed maximums must be approved in advance by the Governing Body of the City, after a full and open public meeting.

Section 4. The City reserves the right of reasonable regulation of the erection, construction or installation of any facilities or by the grantee and to reasonably designate where such facilities are to be placed within the public ways and places.

Section 5. That in the event the City shall lawfully elect to change or alter the location or grade of any street, alley, easement or other public place, or change or re-locate or replace its utility poles at any time during the existence of this franchise, the Grantee shall, upon reasonable notice given by the City, remove, relay and/or re-locate any system installation affected by such change, by and at Grantee's expense.

Section 6. That the Grantee shall, upon the request of any person holding

a building or moving permit, temporarily raise or lower its wires to permit the moving of buildings and other structures. The actual and necessary expense of such temporary removal, raising, or lowering of wires shall be paid by the person requesting the same, and the Grantee shall have the authority to request and require such payment in advance. The Grantee shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.

Section 7. That the Grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places and easements of the City so as to prevent the branches of such trees from coming on contact with the wires, cables and appurtences of the Grantee, all trimming to be done under the supervision and direction of the City and by and at the expense of the Grantee.

Section 8. That the Grantee shall, at all times during the existence of this franchise, be subject to all lawful exercise of the police power by the City and to such reasonable regulations as the City shall hereafter by resolution or ordinance provide.

Section 9. In consideration of the rights, privileges and franchise hereby granted, and as compensation to the City for the use of its public ways and places by the Grantee and in lieu of all occupation and license taxes, the Grantee shall annually pay to the City of Coalgate, Oklahoma, an amount equal to 2% of all ot its gross service revenues. That this amount shall be paid to the City on or before the 15th day of January of every year, for the preceding year and that the City shall receive from the Grantee a copy of all of the Grantee's records and books of accounting form which the annual fee amount for that given year has been derived. And that the Grantee shall make its full and complete books of accounting and records available and open for inspection by any authorized agents of the City.

Section 10. The City reserves the right to set and establish the period of time after this grant of a franchise during which the Grantee must complete certain percentages of the total system construction. The City recognizes that after granting of this franchise that the Grantee must file an application with the Federal Communications Commission for a Certificate of Compliance with the Federal Communications Commission within 45 days of the final granting of this franchise. Upon receipt of the Certificate of Compliance, the Grantee shall begin construction of the Community Antenna Television distribution system within 60 days thereafter. Within 180 days of the start of construction of said distribution system, the Grantee shall have not 75% of the total system completed and operational. Within 365 days of the start of construction of said distribution system, the Grantee shall have not less than 90% of the total system completed and operations. That the City shall reserved the exclusive right and power to terminate this franchise and rescind all rights, power, privileges and authority herein granted, by a written notice to the Grantee, if the Grantee fails to meet or exceed the construction schedule set forth in this paragraph.

Section 11. The City reserves the right to establish and administer a hearing board wherein any citizens of the City who have reasonable requested service from the Grantee and who have not been afforded such service by the Grantee, can be heard. The City further reserves the right to require, if after due hearing process it appears so warranted, that the Grantee correct or improve any operating deficiencies in his service to a subscriber to his service; or to provide initial service to such a citizen of the City. And that if after 30 days time the quality of the existing service or new

service has not been initiated as directed by the appropriate City board, that the City reserves the right to terminate this franchise and rescind all rights, powers and privileges herein granted.

Section 12. That the Grantee shall maintain a full time office in the city of Coalgate for the operation of this system.

Section 13. The Company will carry sufficient insurance against liability to property damage of not less than $100,000.00 as to any one accident and not less than $300,000.00 as to any one accident as it may relate to damage to property and persons. Upon obtaining such insurance, the Grantee shall submit to the City certificates from all companies insuring insurance, the Grantee shall submit to the City certificates from all companies insuring the Grantee showing that the Grantee is properly insured for all of his liability, and that no such insurance will be cancelled or changed except after thirty (30) days notice to the City.

Section 14. Notwithstanding non-duplication provisions of the Rules and Regulations of the Federal Communications Commission, the Grantee shall provide cable television service from at least (a minimum of) the following stations:

1) WKY-TV Channel 4 Oklahoma City, Oklahoma (NBC)
2) KTEN-TV Channel 10, Ada, Oklahoma (ABC)
3) KXII-TV Channel 12, Ardmore, Oklahoma (NBC)
4) KETA-TV Channel 13, Oklahoma City, Oklahoma (PBS-ETV)

and one of the following two CBS affiliate stations, as allowed by the FCC:

5) KWTV Channel 9, Oklahoma City, Oklahoma (CBS) or
6) KOTV Channel 6, Tulsa, Oklahoma (CBS)

Section 15. The grantee shall also provide the following auxillary services:

1) FM Signal Carriage – FM Radio reception of standard FM broadcast stations.

Section 16. All ordinances and parts of ordinances in conflict herewith are hereby repealed as of the effective date of this ordinance.

Section 17. All provisions of this ordinance shall be binding upon the Grantee and all successors, lessees and assigns of the Grantee whether expressly stated herein or not and all of the rights, powers, authorities, grants and privileges secured by this ordinance to the Grantee shall be held to inure to the benefit of the Grantee, and all successors, lessees and assigns of the Grantee.

Section 18. If any portion of this ordinance shall be found to be at variance with the Rules and Regulations of the Federal Communications Commission, as presently constituted, or as hereinafter enacted, this ordinance shall be modified within one year of the effective date of such FCC Rules and Regulations so as to conform with the requirements of the FCC as they pertain to the regulations of Cable Television Systems; and the franchisee shall in turn be required to operate under this ordinance as hereinafter constituted as it may be re-drawn to conform with the

applicable Rules and Regulations of the Federal Communications Commission.

Section 19. This ordinance shall not take effect unless and until the same shall have been read in full at City Council regular meeting of the Governing Body of the City and immediately thereafter published in the official City paper, the Coalgate Record Register once a week for three (3) consecutive weeks and until 7 days from the date of its final passage and then shall take effect only in conformity with the laws of the State of Oklahoma.

Passed, approved, adopted and ordered published at Coalgate, Oklahoma, this 24th day of April, 1973.

/s/ Bobby Corsini
Mayor

(SEAL)

ATTEST:

Martha Leonard
City Clerk

APPENDIX 5

DECLARATION OF TRUST
OF
THE COALGATE PUBLIC WORKS AUTHORITY

KNOW ALL MEN BY THESE PRESENTS:

1. DECLARATION AND COVENANT

The undersigned hereby declare and covenant, between themselves and unto the State of Oklahoma and the Beneficiary hereinafter described, that they and their successors do and will hold, receive and administer the Trust Estate hereinafter described, as Trustees of a public trust under and pursuant to the laws of the State of Oklahoma now in force and effect (generally, but not exclusively, Section 176 to 180, inclusive, of Title 60, Oklahoma Statutes, and the Oklahoma Trust Act), solely for the use and benefit of said Beneficiary for the public purposes and functions hereinafter set forth, in the manner provided in this instrument or, in the absence of applicable provision herein, then in the manner now provided by law.

II. NAME

The name of this Trust shall be, and the Trustees thereof in their representative fiduciary capacity shall be designated as,

"THE COALGATE PUBLIC WORKS AUTHORITY",

Under that name, the Trustees shall, so far as practicable, conduct all business, and execute all instruments in writing, and otherwise perform their duties and functions, in the execution of this Trust.

III. PURPOSES

The purposes of this Trust are:

(a) To furnish and supply to the inhabitants, to owners and occupants of property, and to industrial, commercial and mercantile establishments, within the corporate limits of the Beneficiary Municipality and in territory in reasonably convenient proximity thereto, and to the Beneficiary Municipality and any other governmental agencies or endeavors, utility services and physical facilities for all purposes authorized or proper as a function of the Beneficiary Municipality;

(b) For the furtherance of the greater convenience and welfare of the Beneficiary Municipality and the inhabitants thereof, to provide and/or to aid in providing and/or to participate in providing, to the United States of America, the State of Oklahoma, the Beneficiary Municipality, the county or counties in which the Beneficiary Municipality is located, the school district or districts within which the Beneficiary Municipality is located and/or to any agency or instrumentality or either or any of them, or to any one or more of them, facilities and/or services of any and all kinds necessary or convenient for the functioning thereof.

(c) To perform, on behalf on the Beneficiary Municipality, the functions and powers authorized to it by the Oklahoma "Local Industrial Development Act" of 1961 (Sections 651 to 664, inclusive, of Title 62, Oklahoma Statutes):

(d) In implementation of furtherance of all of the foregoing, to enter into any contractural arrangements in relation thereto, including (but not restricted to)

purchase contracts, sale contracts, construction contracts, maintenance contracts, operation contracts, service contracts, leases, lease-purchase agreements, options, conveyances, and agreements to enter into or make any or either of them; and, in additional implementation or furtherance of the foregoing, to make a gift or gifts of said facilities and/or services to any one or more of the governmental entities aforesaid or to contract so to do; and to fix, demand, and collect charges, rates, rents and fees for any services and facilities to the same extent as the Beneficiary itself might do: Provided, that the furnishing of any services or facilities to any person delinquent in the payment of any indebtedness whatsoever to the Trust may be discontinued at any time;

(e) To acquire, by lease, purchase or otherwise, and to hold, construct, equip, maintain and operate, any and all physical properties designated or needful for utilization in the furnishing and providing of the aforesaid services and facilities; and to relinquish, dispose of, rent or otherwise make provision for, physical properties owned or controlled by the Trust but no longer needful for the trust purposes.

(f) To provide funds for the cost of financing, acquiring, constructing, equipping, maintaining, repairing, and operating any of the aforesaid services or facilities, and all properties (real, personal and/or mixed) needful for executing and fulfilling the Trust purposes as set forth in this Section of this instrument, and all other charges, costs and expenses necessarily incurred in connection therewith; and in so doing, to incur indebtedness, either unsecured or secured by all or any part of the Trust assets or property and/or its revenues.

(g) To expend all funds coming into the hands of the Trustees, as revenue or otherwise, in the payment of the aforesaid costs and expenses and in the payment of any indebtedness incurred by the Trustees for purposes specified herein, and in the payment of any other debt or obligation properly chargeable against the Trust Estate, and to distribute the residue and remainder of such funds to the Beneficiary Municipality for the payment of all or any part of the principal and/or interest of any bonded indebtedness of the Beneficiary and/or for any one or more authorized or proper purposes of the Beneficiary as shall be specified by the Trustees hereunder;

(h) Whenever the same shall be or become material, the purposes set forth in paragraphs (a), (b) and (c) of this Section shall be the primary objectives of this Trust and the provisions of paragraphs (d) to (g), inclusive, shall be deemed and construed in implementation thereof and collateral thereto.

For all purposes of this Section, the word “Facilities” as used herein means real estate and all privileges, benefits and appurtenance thereto, also buildings, structures, installations, and all physical property whatsoever and all rights, privileges and benefits appertaining or related thereto.

IV. DURATION

This Trust shall have duration for the term of duration of the Beneficiary Municipality as hereinafter described, and until such time as the Trust’s purposes shall have been fully executed and fulfilled, or until it shall be terminated as hereinafter provided.

V. TRUST ESTATE

The Trust Estate shall consist of all money, property (real, personal and/or mixed), rights, choses in action, contracts, leases, privileges, franchises, benefits and all other things of value (whether or not above described) presently in or hereafter

coming into the hands, or under the control of the Trustees pursuant to the provisions of this instrument or by virtue of the Trusteeship herein declared.

VI. THE TRUSTEES

(a) The Trustees of this Trust, except as hereinafter proved, shall, ex officio, be the same persons who currently shall be the acting members of the legally-constituted governing body of the Beneficiary Municipality without distinction as to the office held: Provided, that the person who currently shall be the presiding officer of the governing body of the Beneficiary Municipality shall, ex officio, be Chairman of Trustees of this Trust.

(1) Each undersigned Trustee shall continue as such, unless temporarily replaced pursuant to (d) of this Section, until succeeded and replaced by some other person as an officer of the Beneficiary Municipality, above designated, ex officio, to be a Trustee and such other person shall have qualified as Trustee hereunder as provided in (e) of this Section.

(2) Each person who shall become such as above-designated officer of the Beneficiary Municipality shall be entitled to qualify as, and to become, a Trustee hereunder and to continue as such, unless temporarily replaced pursuant to (d) of this section, until succeeded and replaced by some other person as such officer of the Beneficiary Municipality and such other person shall have qualified as a Trustee hereunder as provided in (e) of this Section: Provided, that in the event the number of persons constituting the governing body of the beneficiary Municipality shall be reduced by or pursuant to applicable law, any person who shall cease to be member of the governing body of the Beneficiary Municipality shall, forthwith, cease to be a Trustee of this Trust.

(3) All of the legal rights, powers and duties of each Trustee shall terminate when he shall cease to be a Trustee hereunder and all of such legal rights, powers and duties shall devolve upon his successor and successors, with full right and power of the latter to do or perform any act or thing which his predecessor or any predecessor could have done or performed.

(b) Each Trustee qualifying under this instrument shall continue as such until his successor shall have qualified as provided in (e) of this section.

(c) The determination of the fact of a vacancy shall be vested exclusively in the remaining Trustees and their determination of such fact shall be conclusive; and, in the event that such a vacancy shall be determined to exist, the remaining Trustees may fill such vacancy pending qualification, as provided in (e) of this Section, of the person entitled so to do.

(d) The Trustees may contract, in connection with the incurring of any funded indebtedness secured by the Trust Estate and/or its revenues, or any part of either or both, that Temporary Trustees, residents of Coal County, Oklahoma, and approved by the District Court of said county or a Judge of said court, may be appointed to act in place and instead of permanent Trustees in relation to the security for such funded debt, in place and instead of permanent Trustees in relation to the security for such funded debt, in such number that such Temporary Trustees may constitute a majority of the Trustees, in the event of a default in the payment of principal of or interest on such debt, or any default under any instrument securing such debt or pursuant to which such debt be incurred. Any such contract, if made, shall provide for the method of appointment of each Temporary Trustee and shall also provide that any such appointment shall designate the permanent Trustee to be so temporarily supplanted. Each such Temporary Trustee so appointed shall, after he

shall have qualified as provided in (e) of this Section, supplant in all respects the permanent Trustee so designated in relation to the security for such funded debt; and, during the term of any such Temporary Trustee, the permanent Trustee so supplanted shall be wholly without authority, duty, or liability of any kind in relation to the security for such funded debt, under the terms of this instrument. All Temporary Trustees shall cease to have any power or authority upon the termination of all defaults by which their appointments would have been authorized, and, automatically, the permanent Trustees supplanted shall be reinstated.

(e) All Trustees, and all Temporary Trustees appointed hereunder, shall qualify by written acceptance of all of the terms of this instrument, duly acknowledge and filed in the office of the County Clerk of Coal County, Oklahoma, and by subscribing and filing in the office of the Authority such oaths as shall be required by law of public officers of the State of Oklahoma.

(f) Upon each change of personnel of the Trustees hereunder, the Trustees shall cause to be filed in the office of the County Clerk mentioned (e) above, a certificate as to the entire personnel of the Trustees of this Trust.

(g) The acceptance of the office of Trustee of this Trust shall not constitute the Trustees hereunder, permanent or Temporary, or both, to be in partnership or association, but each shall be an individual and wholly independent Trustee only.

(h) Notwithstanding any provision of this instrument which shall appear to provide otherwise, no Trustee or Trustees shall have any power or authority to bind or obligate any other Trustee, or the Beneficiary of this Trust, in his or its individual capacity.

(i) All persons, firms, associations, trusteeships, corporations, municipalities, governments, and all agents, agencies and instrumentalities thereof, contracting with any Trustee or Trustees, permanent or Temporary or both, shall take notice that all expenses and obligations, and all debts, damages, judgments decrees or liabilities incurred by any Trustee or Trustees, permanent or Temporary or both, and any of the foregoing incurred by any agent, servant or employee of any such Trustee or Trustees, in the execution of the purposes of this Trust, whether arising from contract or tort, shall be solely chargeable to, and payable out of, the Trust Estate. In no event shall any Trustee, permanent or Temporary or the Beneficiary of this Trust, be in any manner individually liable for any injury or damage to persons or property, or for breach of contract or obligation caused by, arising from, incident to, or growing out of the execution of this Trust; nor shall they, or any of them, be liable for the acts or omissions of each other or of any agent, servant or employee of the aforesaid Trustees, or of another such Trustee: Provided however, that the foregoing shall not apply to any willful or grossly negligent breach of trust of any said Trustee.

VII. POWERS AND DUTIES OF TRUSTEES

(a) Subject to, and in full compliance with, all requirements of law applicable to this Trust or to the Trustees thereof:

(b) The Trustees, in the manner hereinafter set forth, shall do or cause to be done, all things which are incidental, necessary, proper or convenient to carry fully into effect the purposes enumerated in Section III of this instrument, with the general authority hereby given being intended to make fully effective the power of the Trustees under this instrument; and, to effectuate said purposes, the Trustees are specifically authorized (but their general powers not limited hereby, notwithstanding any specific enumeration or description), in a lawful manner;

(1) To enter in and conduct and execute, apply for, purchase, or

otherwise acquire franchises, property (real or personal), contracts, leases, rights, privileges, benefits, choses in action or other things of value, and to pay for the same in cash, with bonds or evidence of indebtedness, or otherwise;

(2) To own, hold, manage, and in any manner to convey, lease, assign, liquidate, dispose of, compromise, or realize upon, any property, contract, franchise, right, privilege, benefit, chose in action, or other thing of value, and to exercise any and all power necessary or convenient with respect to the same;

(3) To guarantee, acquire, hold, sell, transfer, assign, encumber, dispose of, and deal in, the stocks, bonds, debentures, shares or evidences of interest or indebtedness in or of any sovereignty, government, municipality, corporation, association, trusteeship, firm or individual and to enter into and perform any lawful contract in relation thereto, and to exercise all rights, powers and privileges in relation thereto, to the same extent as a natural per-reason of enumeration) the power and authority to guarantee or assume or to contract to guarantee or assume, out of distributive funds of the Trust, the payment of any part or all of the principal of and/or interest on any bonded indebtedness of the Beneficiary Municipality during any part or all of the term of any such bonded indebtedness, and to fully perform any such contract;

(4) To enter into, make and perform contracts of every lawful kind or character, including (but not limited to) management contracts, with any person, firm, association, corporation, trusteeship, municipality, government, or sovereignty; and, subject to applicable provisions of paragraph (c) of this Section, without limit as to amount, to draw, make, accept, endorse, assume, guarantee, discount, execute and issue promissory notes, drafts, bills of exchange, acceptances, warrants, bonds, debentures, and any other negotiable or non-negotiable or transferable or non-transferable instruments, obligations, and evidences of unsecured or secured indebtedness, and if secured by mortgage, deed of trust, or otherwise, secured by all or any part or parts of the property of the Trust, and to pledge all or any part of the income of the Trust, in the same manner and to the same extent as a natural person might or could do.

(c) Notwithstanding anything in this instrument appearing to be to the contrary, the Trustees shall not incur any indebtedness or obligation whatsoever which shall be secured by any property or interest in property leased or licensed to the Trustees by the Beneficiary Municipality which property or interest in property shall have been acquired by the Beneficiary Municipality by the expenditure of any of its funds, or which shall be secured by any of the revenues of any such property or any part thereof, until first there shall have been submitted to all of the qualified electors of the Beneficiary Municipality, at an election held for that purpose, the question of the incurring of such secured indebtedness or obligation, and the same shall have been approved by a majority of said electors voting on such question at said election. For the conducting of such an election, the Trustees hereby are authorized to make all necessary or proper provisions, among which shall be required the following;

(1) They shall cause to be prepared a ballot setting forth the amount of indebtedness or obligation proposed to be incurred, the property and/or revenues proposed to be mortgaged and/or pledged as security therefor, and the purpose or purposes for which such indebtedness or obligation is proposed to be incurred; and

(2) Notice of any such election shall be published, and any such election shall be held, in substantially the same manner as shall then be provided by law for municipal elections on similar questions;

(A) Any pledge of the Trust revenues for the purpose of

guaranteeing or assuming any bonded indebtedness of the Beneficiary Municipality; or

(B) Any indebtedness incurred for the refunding of any outstanding indebtedness of the Trust if the principal amount of the indebtedness being incurred for such purpose shall not exceed the amount of the indebtedness being refunded plus costs and expenses necessarily incidental to the issuance and sale of such refunding bonds; or

(C) Any indebtedness not to exceed fifty-five thousand dollars ($55,000.00) incurred in any one calendar year for the purpose of (a) providing additional funds for the initial project undertaken by the Trustees consisting of the extension and improvement of the water and sanitary sewer systems serving the Beneficiary Municipality or (b) making improvements or repairs to, or replacements of, operating and revenue-producing portions of the Trust Estate, and paying costs and expenses necessarily incidental to the issuance and sale of the bonds; and provided further, that any election held by the Beneficiary Municipality at which the approval of the incurring of indebtedness by the Authority or the Trustees thereof shall be the proposition submitted, or shall be included in the proposition submitted, and approved, shall operate to comply with the requirements of this paragraph (c).

(d) No contract for the purchase, construction or installation of physical facilities shall be made except in full accordance with any bidding and/or bonding requirements then applicable to like contracts made by the Beneficiary Municipality.

(e) The Trustees shall collect and receive all property, money, rents, and income of all kinds belonging to or due the Trust Estate, and shall use the same solely for the purposes, and the furtherance of the purposes, set forth in Section III of this instrument, and not otherwise.

(f) The Trustees shall take and hold title to all property at any time belonging to the Trust in the names of the Trustees or in the names of the Trustees or in the name of the Authority and shall have and exercise exclusively the management and control of the same, for the use and benefit of the Beneficiary Municipality, as provided herein, in the execution of the purposes of this Trust; and the right of the Trustees to manage, control and administer the said Trust, its property, assets and business shall be absolute and unconditional and free from any direction, control or management by the Beneficiary Municipality or any person or persons whatsoever.

(g) The Trustees may employ such agents, servants and employees as they deem necessary, proper or convenient for the execution of the purposes of this Trust, and prescribe their duties and fix their compensation: Provided, that, if and so long as the government of the Beneficiary Municipality shall be administered by a City Manager under authority of statute or charter, the person who currently shall be employed as City Manager of the Beneficiary Municipality shall be employed as General Manager of the Authority, with all powers of administration of the Authority's property and affairs, under supervision of the Trustees of the Authority, as such City Manager shall have in relation to municipal property and affairs under supervision of the governing body of such municipality.

(h) The Trustees may contract for the furnishing of any services or the performance of any duties that the Trustees deem necessary, proper or convenient to the execution of the purposes of the Trust, and shall pay for the same as they see fit to provide in such a contract.

(i) The Trustees, by Resolution, may divide the duties of the Trustees hereunder, delegating all or any part of such duties to one or another of the Trustees as they deem proper; but, where a specific duty is not so delegated, a majority of the

Trustees must act for the Authority.

(j) The Trustees shall, in the name of the Trust as hereinabove set forth or in their names as Trustees, bring any suit or action which, in their judgment, shall be necessary or proper to protect the interest of the Trust, or to enforce any claim, demand or contract for the Trust or for the benefit of the Trust; and they shall defend, in their discretion, any action or proceeding against the Trust or the Trustees or agents, servants or employees thereof. And the Trustees are expressly authorized, in their discretion, to bring, enter, prosecute or defend any action or proceeding in which the Trust shall be interested, and to compromise any such action or proceeding and discharge the same out of the Trust property and assets; and the Trustees also are expressly authorized to pay or transfer out of the Trust property or assets such money or property as shall be required to satisfy any judgment or decree rendered against them as Trustees, or against the Trust, together with all costs, including court costs, counsel and attorney's fee, and also to pay out of the Trust property and assets such sums of money or transfer appropriate property or assets of the Trust, for the purpose of settling, compromising, or adjusting any claim, demand, controversy, action or proceeding, together with all costs and expenses connected therewith; and all such expenditures and transfers shall be treated as proper expenses of executing the purposes of this Trust.

(k) No bond shall be required of the Trustees, or any of them, unless they shall deem the same proper and shall provide therefor by Resolution.

(l) All proceedings of the Trustees shall be taken in public meeting only, and the Trustees shall make, or cause to be made, a written record of all of their proceedings. All records of the Trust shall be kept in the office of the Clerk of the Beneficiary Municipality and shall be subject to inspection during customary business hours as are public records of the Beneficiary Municipality.

(m) At their first meeting, the Trustee shall designate the principal office of the Trust; and they also shall designate the time and place for regular meetings of the Trustees. The time and place of regular meetings shall not be changed unless at a meeting where all incumbent Trustees are present. The Trustees shall cause to be filed, in all places where this instrument is recorded, a certificate designating the principal office of the Trust and the time and place of regular meetings of the Trustees; and any changes therein shall be filed for record in like manner.

VIII. BENEFICIARY

(a) The terms "Beneficiary" and Beneficiary Municipality", as used in this instrument, denote the incorporated City of Coalgate, State of Oklahoma, and likewise shall denote any municipal entity which hereafter may succeed said incorporated City as the governing authority of the territory lying within the municipal boundaries of said incorporated City on the effective date of this instrument.

(b) The Beneficiary shall have no legal claim or right to the Trust Estate, or to any part thereof , against the Trustees or anyone holding under them; neither shall the Beneficiary, as such, have any authority, power or right whatsoever to do or transact any business whatsoever for, or on behalf of, or binding upon, the Trustees or the Trust Estate; neither shall the Beneficiary have the right to control or direct the actions of the Trustees in respect of the Trust Estate, or any part thereof; nor shall the Beneficiary have any right to demand or require any partition or distribution of the Trust Estate, or any part thereof. The Beneficiary shall be entitled solely to the benefits of this Trust, as administered by the Trustees hereunder, and at the termination of the Trust, as provided herein, and then only, the Beneficiary shall

receive the residue of the Trust Estate. Notwithstanding anything in the aforesaid appearing to be to the contrary, no provision in this instrument and/or of the Acceptance of Beneficial Interest thereunder by the governing body of the said Beneficiary, limiting, restricting or denying any authority, power, or right of the Beneficiary of said Trust in relation to the administration thereof is intended, or shall be construed or interpreted, to effect a surrender, or to attempt to effect a surrender, of any of the sovereign governmental powers of the State of Oklahoma or of the Beneficiary Municipality; but any and all provisions of this trust instrument are intended, and shall be applied, to relate solely and only to the proprietary rights and property interest of the said Beneficiary, in trust, as distinguished from its sovereign governmental powers and authority. Moreover, it further is agreed that nothing contained in this Declaration of Trust and/or in the Acceptance of Beneficial Interest thereunder shall be construed, interpreted or applied as intending to grant, or to grant to the Trustees hereunder an exclusive franchise in relation to any powers, rights or authority of the Trustees under this trust instrument.

IX. TERMINATION

(a) This Trust shall be irrevocable by the Trustors and shall terminate:

(1) When the purposes set forth in Section III of this instrument shall have been fully executed and fulfilled; or

(2) In the event of the happening of any event or circumstance that would prevent said purposes from being executed and fulfilled and all of the Trustees and the governing body of the municipality having beneficial interest hereunder, with the approval of the Governor of the State of Oklahoma, shall agree that such event or circumstance has taken place: Provided, however, that all indebtedness of the Trust shall have been paid; or

(3) In the manner provided by Title 60, Section 180 Oklahoma Statues 1961: Provided, however, that this Trust shall not be terminated by voluntary action if there be outstanding indebtedness or fix-term obligations of the Trustees, unless all owners of such indebtedness or obligations, or someone authorized by them so to do, shall have consented in writing to such termination.

(b) Upon the termination of this Trust, the Trustees shall proceed to wind up the affairs of the Trust, and, after payment of all debts and obligations out of Trust assets, to the extent thereof, shall distribute the residue of the Trust assets to the Beneficiary hereunder as provided in Section III (g) of this instrument. Upon final distribution as aforesaid the powers, duties and authority of the Trustees hereunder shall cease.

X. PARTIAL INEFFECTIVENESS

The invalidity or ineffectiveness for any reason of any one or more words, phrases, clauses, paragraphs, subsections or sections or this instrument shall not affect the remaining portions hereof so long as such remaining portions shall constitute a rational instrument. Any such invalid or ineffective portion was inserted conditionally upon its being valid and effective only; and this instrument shall be construed as if such invalid or ineffective portion had not been inserted within.

XI. COVENANT

The provisions hereof shall be binding upon the undersigned, their heirs, executors, administrators, and assigns.

IN WITNESS WHEREOF, we have hereunto set our hands, executing this Declaration of Trust in several multiple originals, all of which constitute one and the same instrument, this 22nd day of January, 1963.

Carl Whitely W. B. Anderson

John R. Piazzi Joe Avanzini

O. P. Phillips

TRUSTEES

ACCEPTANCE OF BENEFICIAL INTEREST

On this 22nd day of January, 1963, pursuant to Resolution duly adopted by its City Council, the City of Coalgate, Oklahoma, and said City Council as the governing body of said City, hereby accept, for and on behalf of said City, the beneficial interest in the Trust created by the within and foregoing Declaration of Trust, in all respects in accordance with the terms of said Declaration of Trust.

OKLAHOMA CITY OF COALGATE,

Attest: (SEAL) /s/ W. B. Anderson
Mayor

/s/ J. Marvin Loftin
City Clerk

STATE OF OKLAHOMA, COUNTY OF COAL, SS:

On this 22nd day of January, 1963, before me, the undersigned Notary Public in and for said County and State, personally appeared Carl Whitely, John R. Piazzi, W. B. Anderson, Joe Avanzini and O.P. Phillips, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein set forth.

/s/ Bette Hall
Notary Public

(seal)

My Commission expires March 23, 1966

APPENDIX 6

DECLARATION OF TRUST
OF
THE COALGATE INDUSTRIAL DEVELOPMENT AUTHORITY

KNOW ALL MEN BY THESE PRESENTS:

1. DECLARATION AND COVENANT

The undersigned Trustor hereby contracts with the undersigned Trustees, and the latter, as individuals and not as holders of public office, hereby do declare and covenant, between themselves and unto the Trustor, the State of Oklahoma and the Beneficiary hereinafter described, that they and their successors do and will hold, receive and administer the Trust Estate hereinafter described, as Trustees of a public trust under and pursuant to the laws of the State of Oklahoma now in force and effect (generally, but not exclusively, Sections 176 to 180, inclusive, of Title 60, Oklahoma Statutes, and the Oklahoma Trust Act), solely for the use and benefit of said Beneficiary for the public purposes and functions hereinafter set forth, in the manner provided in this instrument or, in the absence of applicable provision herein, then in the manner provided by law. The aforesaid public trust is created by virtue of the execution of this instrument by the individuals signing the same as the Trustor and initial Trustees hereunder; and neither the acceptance of the beneficial interest hereunder, nor the endorsement hereon of such acceptance, for and on behalf of the designated Beneficiary Municipality as provided by law, nor the fact that, at the time of signing this instrument, some or all of the initial Trustees are members of the governing body thereof, shall be deemed or construed to be the creation of a public trust by said Beneficiary Municipality or the governing body thereof.

II. NAME

The name of this Trust shall be, and the Trustees thereof in their representative fiduciary capacity shall be designated as

"THE COALGATE INDUSTRIAL DEVELOPMENT AUTHORITY"

Under that name, the Trustees shall, so far as practicable, conduct all business and execute all instruments in writing, and otherwise perform their duties and functions, in execution of this Trust.

III. PURPOSE

The purposes of this Trust, for and on behalf of the Beneficiary as hereinafter described, are:

(a) To furnish and supply to the inhabitants, owners and occupants of property, and to industrial, commercial and mercantile establishments and enterprises within the corporate limits of the Beneficiary Municipality and in territory in reasonably convenient proximity thereto, and to the Beneficiary and any other governmental agencies or endeavors, utility services and facilities for all purposes that the same be authorized or proper as a function of the beneficiary; and to fix, demand and collect charges, rates and fees for said services and facilities to the same extent as the Beneficiary itself might do: Provided, that the furnishing of any services or facilities to any person delinquent in the payment of any indebtedness whatsoever to the Trust

may be discontinued at any time;

(b) To promote the development of industry and culture and industrial, manufacturing, cultural and educational activities within and without the territorial limits of the Beneficiary Municipality and to thereby provide industrial and cultural facilities and additional employment and activities, which will benefit and strengthen culture and the economy of the Beneficiary Municipality and the State of Oklahoma;

(c) For the furtherance of the greater convenience and welfare of the Beneficiary and the inhabitants thereof, to provide and/or to aid in providing and/or to participate in providing in the United State of America, the State of Oklahoma, the Beneficiary, the county or counties in which the Beneficiary is located, the school district and/or districts included in whole or in part, within the limits of the Beneficiary, and/or any agency or instrumentality or either or any of them, or to any one or more of them, facilities and/or services of any and/or all kinds necessary or convenient for the functioning thereof.

(d) Notwithstanding anything in any trust instrument appearing to the contrary, no part of the Trust Estate utilized for or devoted to the functions described in either paragraphs (a) or (b), or any revenues from such portion of the Trust Estate, shall be encumbered for or in aid of the functions described in the other said paragraph (a) or (b), unless the question of entering into such encumbrance shall have been included in a proposition approved at an election mentioned in Section VII hereof, but this paragraph shall not prevent the Trustees, in their discretion, from apportioning the expense of general administration of the Trust (as distinguished from expenses of conducting any specific function) between the several functions of the Trust Estate conducted pursuant to either or both of said paragraphs;

(e) To hold, maintain and administer any leasehold rights in and to properties of the Beneficiary Municipality demised to the Trustees, and to comply with the terms and conditions of any leases providing said rights;

(f) To acquire by lease, purchase or otherwise, and to hold, construct, install, equip, repair, enlarge, furnish, maintain and operate or otherwise deal with, any and all physical properties and facilities needful or convenient for utilization in executing or promoting the execution of the aforesaid trust purposes or any of them, or which may be useful in securing, developing and maintaining industry and industrial, manufacturing or otherwise make provision for, any or all of said properties and facilities either in execution of any of the aforesaid trust purposes or in the event that any thereof shall no longer be needful for such purposes;

(g) To provide funds for the costs of financing, acquiring, constructing, installing, equipping, repairing, remodeling, improving, extending, enlarging, maintaining, operating, administering and disposing of or otherwise dealing with any of the aforesaid physical properties and facilities, and for administering the trust for any or all of the aforesaid trust purposes, and for all other charges, costs and expenses incidental thereto; and in so doing to incur indebtedness, either unsecured or secured by any part of parts of the Trust Estate and/or revenues thereof, subject, however, to the provisions of paragraph (d) of this Section III;

(h) To expend all funds coming into the hands of the Trustees, as revenue or otherwise, in the payment of the aforesaid costs and expenses, and in the payment of any indebtedness incurred by the Trustees for the purposes specified herein, and in the payment of any other debt or obligation properly chargeable against the Trust Estate, and to distribute the residue and remainder of such funds to the Beneficiary Municipality for the payment of all or any part of the principal and/or interest of any bonded indebtedness of the Beneficiary and/or for any one or more authorized or proper purposes of the Beneficiary as shall be specified by the Trustees hereunder;

(i) Whenever the same shall be or become material, the purposes set forth in paragraphs (a), (b) and (c) of this Section shall be the primary objectives of this Trust and the provision of this Section shall be the primary objectives of this Trust and the provisions of paragraphs (d) to (h), inclusive, shall be deemed to construed in implementation thereof and collateral thereto.

For all purposes of this Section, the word "facilities" as used herein means real estate and all privileges, benefits, and appurtenances thereto, also buildings, structures, installations, and all physical property whatsoever, and all rights, privileges and benefits appertaining or related thereto.

IV. DURATION

This Trust shall have duration for the term of duration of the Beneficiary Municipality as hereinafter described, and until such time as the Trust's purposes shall have been fully executed and fulfilled, or until it shall be terminated as hereinafter provided.

V. TRUST ESTATE

The Trust Estate shall consist of all money, property (real, personal and/or mixed), rights, choses in actions, contracts, leases, privileges, franchises, benefits and all other things of value (whether or not above described) presently in or hereafter coming into the hands, or under the control, of the Trustees pursuant to the provisions of this instrument or by virtue of the Trusteeship herein declared.

VI. THE TRUSTEES

(a) The Trustees of this Trust shall be five (5) in number, each of whom shall be a bona fide resident citizen of the City of Coalgate, Oklahoma, and the undersigned, as Trustees, and all successors thereof who shall qualify as Trustees as hereinafter provided, each contract, agree and covenant with and to each other with and to the State of Oklahoma, with and to the Beneficiary hereunder, and with and to each component thereof, as by law now in force and effect, that they will execute the trust herein declared and created, as Trustees for the Beneficiary hereunder, and each component thereof, and that they do and will received, hold and administer the Trust Estate solely for the use and benefit of the said Beneficiary in the manner provided in this instrument, or, in the absence of applicable provision herein, then in the manner now provided by presently existing law.

(b) The initial Trustees hereunder shall be five (5) persons subscribing this instrument as Trustees. Said Trustees shall serve, respectively, for fixed terms of one (1), two (2), three (3), four (4) and five (5) calendar years from the date of this Declaration of Trust, and they shall continue to serve until their successors shall have qualified hereunder. At the first regular meeting of said Trustees, they shall determine by lot which one of them shall have each of the aforesaid fixed terms; and they shall forthwith certify said determination to the governing body of the beneficiary (or to the successor to the appointing power as hereinafter set forth).

(c) Successors to each of said Trustees shall have fixed terms of five (5) years, respectively, and shall continue to serve until their respective successors have qualified hereunder.

(d) Upon the expiration of the fixed term of each Trustee, the power of appointment of his successor hereby is vested in the person who then shall be the

presiding officer of the governing body of the beneficiary, but before such appointment shall become effective, it also shall require the confirmation of a majority of the persons who then shall constitute the governing body of said beneficiary; provided, that if the form of municipal government of said beneficiary be changed, or the said municipality shall have been succeeded by another governmental entity as provided in Section VIII hereof, then the aforesaid appointive power shall be vested in the person who then shall be the elected official who shall be the presiding office of the governing body thereof, and confirmation of all such appointments shall be required by a majority of the persons who then shall constitute the elected governing body of the said successor.

(e) In the event of a vacancy in the trusteeship (except that appointment of temporary trustees, governed by paragraph (j) of this section shall not be deemed a vacancy), the Trustees shall certify the fact of said vacancy to the above-described appointive power; and a successor Trustee shall be appointed for the unexpired term in the same manner as provided in paragraph (d) of this section.

(f) In the event that the aforesaid appointing and confirming power, as above set forth, shall fail effectively to appoint a successor Trustee or said appointee shall fail to quality as a Trustee within sixty (60) days next following the expiration of the fixed term of an incumbent Trustee or within thirty (30) days next following certification of the fact of existence of a vacancy, the power of appointment of a successor Trustee shall be vested in the then remaining incumbent Trustee or Trustees.

(g) The determination of the right of any person to qualify as a Trustee hereunder (except a temporary trustee referred to in paragraph (j) hereof), shall be vested exclusively in the incumbent Trustees, and their determination shall be final.

(h) Each Trustee qualifying under this instrument shall continue as such until his successor shall have qualified as provided in (k) of this Section.

(i) The determination of the fact of vacancy shall be vested exclusively in the remaining Trustee or Trustees and his or their determination of such fact shall be conclusive; and, in the event that such a vacancy shall be determined to exist, the remaining Trustee or Trustees may fill such vacancy pending qualification, as provided in (k) of this section, of the person entitled so to do.

(j) The Trustees may contract, in connection with the incurring of any indebtedness or obligation related to the Trust Estate and/or its revenues, or any part of either or both, that Temporary Trustees, residents of Coal County, Oklahoma, and approved by the District Court of said County or a Judge of said Court, may be appointed to act in place and instead of permanent Trustees in relation to the Trust Estate or any part thereof, in such number that such Temporary Trustees may constitute a majority of the Trustees, in the event of a default in the performance of such obligation or the payment of principal of or interest on such debt, or any default under any instrument securing such debt or pursuant to which such debt be incurred. Any such contract, if made, shall provide for the method of appointment of each Temporary Trustees and shall also provide that any such appointment shall designate the permanent Trustee to be so temporarily supplanted. Each such Temporary Trustee so appointed shall, after he shall have qualified as provided in (k) of this section, supplant in all respects the permanent Trustee so designated in relation to the Trust Estate or that portion thereof, for which he was appointed, under the terms of this instrument. All Temporary Trustees shall cease to have any power or authority upon the termination of all defaults by which their appointments would have been authorized, and automatically, the permanent Trustees supplanted shall be reinstated.

(k) All Trustees, and all Temporary Trustees appointed hereunder, shall qualify by written acceptance of all of the terms of this instrument, duly acknowledged and filed in the office of the County Clerk of Coal County, Oklahoma, and by subscribing and filing such oaths as shall be required by law of public officers of the State of Oklahoma.

(l) Upon each change of personnel of the Trustees hereunder, the Trustees shall cause to be filed in the office of the County Clerk mentioned in (k) above, a certificate as to the entire personnel of the Trustees of this Trust.

(m) The acceptance of the office of Trustee of this Trust shall not constitute the Trustees, hereunder, permanent or Temporary, or both, to be in partnership or association, but each shall be an individual and wholly independent Trustee only.

(n) Notwithstanding any provision of this instrument which shall appear to provide otherwise, no Trustee or Trustees shall have any power or authority to bind or obligate any other Trustee, or the Beneficiary of this Trust, in his or its individual capacity.

(o) All persons, firms, associations, trusteeships, corporations, municipalities, governments and all agents, agencies and instrumentalities thereof, contracting with any Trustee or Trustees, permanent or Temporary or both, shall take notice that all expenses and obligations, and all debts, damages, judgments, decrees or liabilities incurred by any Trustee or Trustees, permanent or Temporary or both, and any of the foregoing incurred by any agent, servant or employee of any such Trustee or Trustees, in the execution of the purposes of this Trust, whether arising from contract or tort, shall be solely chargeable to, and payable out of the Trust Estate. In no event shall any Trustee, permanent or Temporary or the Beneficiary of this Trust, be in any manner individually liable for any injury or damage to persons or property, or for breach of contract or obligation, caused by, arising from, incident to or growing out of the execution of this Trust; nor shall they, or any one of them, be liable for the acts or omissions of each other or of any agent, servant or employee of the aforesaid Trustees, or of another such Trustee: Provided, however, that the foregoing shall not apply to any willful or grossly negligent breach of trust of any said Trustee.

VII. POWERS AND DUTIES OF TRUSTEES

Subject to, and in full compliance with, all requirements of law applicable to this Trust or to the Trustees thereof:

(a) The Trustees, in the manner hereinafter set forth, shall do, or cause to be done, all things which are incidental, necessary, proper or convenient to carry fully into effect the purposes enumerated in Section III of this instrument, with the general authority hereby given being intended to make fully effective the power of the Trustees under this instrument; and, to effectuate said purposes, the Trustees are specifically authorized (but their general powers no limited hereby, notwithstanding any specific enumeration or description), in a lawful manner:

(1) To enter in and conduct and execute, apply for, purchase, or otherwise acquire franchises, property (real or personal), contracts leases, rights, privileges, benefits, choses in action, or other things of value, and to pay for the same in cash, with bonds or evidence of indebtedness, or otherwise;

(2) To own, hold, manage, and in any manner to convey, lease, assign, liquidate, dispose of, compromise or realize upon, any property, contract, franchise, lease, right, privilege, benefit, chose in action or other thing of value, and to exercise any and all power necessary or convenient with respect to the same;

(3) To guarantee, acquire, hold sell, transfer, assign, encumber, dispose of, and deal in, the stocks, bonds, debentures, shares or evidences of interest or indebtedness in or of any sovereignty, government, municipality, corporation, association, trusteeship, firm or individual, and to enter into and perform any lawful contract in relation thereto, and to exercise all rights, powers and privileges in relation thereto, to the same extent as a natural person might or could do; and the foregoing shall include (without limitation by reason of enumeration) the power and authority to guarantee or assume, out of distributive funds of the Trust, the payment of any part or all of the principal of and/or interest on any bonded indebtedness of the Beneficiary Municipality during any part or all of the term of any such bonded indebtedness, and to fully perform any such contract;

(4) To enter into, make and perform contracts of every lawful kind or character, including (but not limited to) management contracts, with any person, firm, association, corporation, trusteeship, municipality, government, or sovereignty; and, subject to applicable provisions of paragraph (b) of this section, without limit as to amount, to draw, make, accept, endorse assume, guarantee, discount, execute and issue promissory notes, drafts, bills of exchange, acceptances, warrants, bonds, debentures, and any other negotiable or nonnegotiable or transferable or nontransferable instruments, obligations, and evidences of unsecured or secured indebtedness, and if secured by mortgage, deed of trust, of otherwise, secured by all or any part or parts of the property of the Trust, and to pledge all or any part of the income of the Trust, in the same manner and to the same extent as a natural person might or could do.

(b) Notwithstanding anything in this instrument appearing to be to the contrary, the Trustees shall not incur any indebtedness or obligation whatsoever which shall be secured by any property or interest in property leased or licensed to the Trustees by the Beneficiary Municipality, which property or interest in property shall have been acquired by the Beneficiary Municipality by the expenditure of any of its funds, or which shall be secured by any of the revenues of any such property or any part thereof, until first there shall have been submitted to all of the qualified electors of the Beneficiary Municipality, at an election held for that purpose, the question of the incurring of such secured indebtedness or obligation, and the same shall have been approved by a majority of said electors voting on such question at said election. For the conducting of such an election, the Trustees hereby are authorized to make all necessary or proper provisions, among which shall be required the following:

(1) They shall cause to be prepared a ballot setting forth the amount of indebtedness or obligation proposed to be incurred, the property and/or revenues proposed to be mortgaged and/or pledged as security therefore, and the purpose or purposes for which such indebtedness or obligation is proposed to be incurred; and

(2) Notice of any such election shall be published, and any such election shall be held, in substantially the same manner as shall then be provided by law for municipal elections on similar questions;

PROVIDED, however that the foregoing provisions of this paragraph (b) shall not be applicable to the following:

(A) Any pledge of the Trust revenues for the purpose of guaranteeing or assuming any bonded indebtedness of the Beneficiary Municipality, or

(B) Any indebtedness incurred for the refunding of any outstanding indebtedness of the Trust if the principal amount of the indebtedness being incurred for such purpose shall not exceed the amount of the indebtedness

being refunded plus costs and expenses necessarily incidental to the issuance and sale of such refunding bonds; or

(C) Any indebtedness not to exceed $50,000.00 incurred in any one calendar year for the purpose of making improvements or repairs to, or replacements of, operating and revenue producing portions of the Turst Estate, and paying costs and expenses necessarily incidental to the issuance and sale of the bonds; and

PROVIDED FURTHER, that any election held by the Beneficiary Municipality at which the approval of the incurring of indebtedness by the Authority or the Trustees thereof shall be the proposition submitted or shall be included in the proposition submitted, and approved, shall operate to comply with the requirements of this paragraph (b).

(c) The Trustees shall collect and receive all property, money, rents, and income of all kinds belonging to or due the Trust Estate, and shall use the same solely for the purposes, and the furtherance of the purposes, set forth in Section III of this instrument, and not otherwise.

(d) The Trustees shall take and hold title to all property at any time belonging to the Trust in the names of the Trustees or in the name of the Authority and shall have and exercise exclusively the management and control of the same, for the use and benefit of the Beneficiary Municipality, as provided herein, in the execution of the purposes of this Trust; and the right of the Trustees to manage, control and administer the said Trust, its property, assets and business shall be absolute and unconditional and free from any direction, control or management by the Beneficiary Municipality, or any person or persons whomsoever.

(e) The Trustees may employ such agents, servants and employees as they deem necessary, proper or convenient for the execution of the purposes of this Trust, and prescribe their duties and fix their compensation,

(f) The Trustees may contract for the furnishing of any services or the performance of any duties that the Trustees deem necessary, proper or convenient to the execution of the purposes of the Trust, and shall pay for the same as they see fit to provide in such a contract.

(g) The Trustees, by Resolution, may divide the duties of the Trustees hereunder, delegating all or any part of such duties to one or another of the Trustees as they deem proper; but, where a specific duty is not so delegated, a majority of the Trustees must act for the Authority.

(h) The Trustees shall, in the name of the Trust as hereinabove set forth, or in their names as Trustees, bring any suit or action which, in their judgment, shall be necessary or proper to protect the interest so the Trust, or to enforce any claim, demand or contract for the Trust or for the benefit of the Trust; and they shall defend, in their discretion, any action or proceeding against the Trust or the Trustees shall, in the name of the Trust as hereinabove set forth, or in their names as Trustees, bring any suit or action which, in their judgment, shall be necessary or proper to protect the interest of the Trust, or to enforce any claim, demand or contract for the Trust or the benefit of the Trust; and they shall defend, in their discretion, any action or proceeding against the Trust or the Trustees or agents, servants or employees thereof. And the Trustees are expressly authorized, in their discretion, to bring, enter, prosecure or defend any action or proceeding in which the Trust shall be interested, and to compromise any such action or proceeding the discharge the same out of the Trust property and assets; and the Trustees also are expressly authorized to pay or transfer out of the Trust property or assts such money or property as shall be required to satisfy any judgment or decree rendered against them as Trustees, or against the

Trust, together with all costs, including court costs, counsel and attorneys' fees, and also to pay out of the Trust property and assets such sums of money, or transfer appropriate property or assets of the Trust, for the purpose of settling, compromising, or adjusting any claim, demand, controversy, action or proceeding, together with all costs and expenses connected therewith; and all such expenditures and transfers shall be treated as proper expenses of executing the purposes of this Trust.

(i) No bond shall be required of the Trustees, or any of them, unless they shall deem the same proper and shall provide therefore by Resolution.

(j) All proceedings of the Trustees shall be taken in public meeting only, and the Trustees shall make, or cause to be made, a written record of all of their proceedings. All records of the Trust shall be kept in the office of the Clerk of the Beneficiary Municipality and shall be subject to inspection during customary business hours as are public records of the Beneficiary Municipality.

(k) At their first meeting, the Trustees shall designate the principal office of the Trust; and they also shall designate the time and place for regular meetings of the Trustees. The time and place of regular meetings shall not be changed unless at a meeting where all incumbent Trustees are present. No notice shall be required for the holding of regular meetings of the Trustees. Special meetings may be held upon such call as shall be fixed by Resolution of the Trustees adopted at a meeting where all incumbent Trustees are present. The Trustees shall cause to be filed, in all places where all incumbent Trustees are present. The Trustees shall cause to be filed, in all places where this instrument is recorded, a certificate designating the principal office of the Trust and the time and place of regular meetings of the Trustees; and any changes therein shall be filed for record in like manner.

VIII. BENEFICIARY

(a) The terms "Beneficiary" and "Beneficiary Municipality", as used in this instrument, denote any municipal entity which hereafter may succeed said incorporated City as the Governing authority of the territory lying within the municipal boundaries of said incorporated City on the effective date of this instrument.

(b) The Beneficiary shall have no legal claim or right to the Trust Estate, or to any part thereof, against the Trustees or anyone holding under them; neither shall the Beneficiary, as such, have any authority, power or right whatsoever to do or transact any business whatsoever for, or on behalf of, or binding upon, the Trustees or the Trust Estate; neither shall the Beneficiary have the right to control or direct the actions of the Trustees in respect of the Trust Estate, or any part thereof; nor shall the Beneficiary have any right to demand or require any partition or distribution of the Trust Estate, or any part thereof. The Beneficiary shall be entitled solely to the benefits of this Trust, as administered by the Trustees hereunder, and at the termination of the Trust, as provided herein, and then only, the Beneficiary shall receive the residue of the Trust Estate. Notwithstanding anything in the aforesaid appearing to be to the contrary, no provision in this instrument and/or of the Acceptance of Beneficial Interest thereunder by the governing body of the said Beneficiary, limiting, restricting or denying any authority, power, or right of the Beneficiary of said Trust in relation to the administration thereof is intended, or shall be construed or interpreted, to effect a surrender, or to attempt to effect a surrender, of any of the sovereign governmental powers of the State of Oklahoma or of the Beneficiary Municipality; but any and all provisions of this trust instrument are intended, and shall be applied, to relate solely and only to the proprietary rights and property interests of the said Beneficiary, in trust, as distinguished from its sovereign

governmental powers and authority. Moreover, it further is agreed that nothing contained in the Declaration of Trust and/or in the Acceptance of Beneficial Interest there under shall be construed, interpreted or applied as intending to grant, or to grant to the Trustees hereunder an exclusive franchise in relation to any powers, rights or authority of the Trustees under this trust instrument.

IX. TERMINATION

(a) This Trust shall be irrevocable by the Trustor and shall terminate:

(1) When the purposes set forth in Section III of this instrument shall have been fully executed and fulfilled; or

(2) In the event of the happening of any event or circumstance that would prevent said purposes from being executed and fulfilled AND all of the Trustees and the governing body of the municipality having beneficial interest hereunder, with the approval of the Governor of the State of Oklahoma, shall agree that such event or circumstance has taken place: PROVIDED, however, that all indebtedness of the Trust shall have been paid; or

(3) In the manner provided by Title 60, Section 180, Oklahoma Statutes: PROVIDED, however, that this Trust shall not be terminated by voluntary action if there by outstanding indebtedness or fixed-term obligations of the Trustees, unless all owners of such indebtedness or obligations, or someone authorized by them so to do, shall have consented in writing to such termination.

(b) Upon the termination of this Trust, the Trustees shall proceed to wind up the affairs of the Trust, and, after payment of all debts and obligations out of Trust assets, to the extent thereof, shall distribute the residue of the Trust assets to the Beneficiary hereunder as provided in Section III of this instrument. Upon final distribution as aforesaid, the powers, duties and authority of the Trustees hereunder shall cease.

X. PARTIAL INEFFECTIVENESS

The invalidity or ineffectiveness for any reason of any one or more words, phrases, clauses, paragraphs, subsections or sections of this instrument shall not affect the remaining portions hereof so long as such remaining portions shall constitute a rational instrument. Any such invalid or ineffective portion was inserted conditionally upon its being valid and effective portion had not been inserted herein.

XI. COVENANT

The provisions hereof shall be binding upon the undersigned, their heirs, executors, administrators, and assigns.

IN WITNESS WHEREOF, we have hereunto set our hands, executing this Declaration of Trust in several multiple originals, all of which constitute one and the same instrument, this 22nd day of February, 1972.

/s/ J. Marvin Loftin
Trustor

/s/ Thomas R. Barnett
/s/ Nolan Watson
/s/ George Charon
s/ Leo

Smith

/s/ John B. Axton

Trustees

ACCEPTANCE OF BENEFICIAL INTEREST

On this 22nd day of February, 1972, pursuant to Resolution duly adopted by its governing body, the City of Coalgate, Oklahoma, and said governing body of said City, hereby accept for, and on behalf of said City, the beneficial interest in the trust created by the within and foregoing Declaration of Trust, in all respects in accordance with the terms of said Declaration of Trust.

OKLAHOMA CITY OF COALGATE,

/S/ Bobby George Lee
Mayor

ATTEST: (SEAL)

/S/ Martha Leonard
City Clerk

ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF COAL, SS:

On this 22nd day of February, 1972, before me, the undersigned Notary Public in and for said County and state, personally appeared J. Marvin Loftin, Thomas R. Barnett, leo Smith, Nolan Watson, George Charon, and John B. Axton, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein set forth.

/s/ Vernice Lee
Notary Public

(SEAL)

My Commission expires:

September 17, 1973