

**ADOPTION ORDINANCE**

**ORDINANCE NO. 2018-05**

AN ORDINANCE ADOPTING A CODE OF ORDINANCES FOR THE CITY OF ANTLERS, OKLAHOMA: AND REPEALING ALL PERMANENT AND GENERAL ORDINANCES NOT INCLUDED IN THE CODE.

BE IT ORDAINED BY THE MA YOR AND CITY COUNCIL OF THE CITY OF ANTLERS, OKLAHOMA;

SECTION 1. ADOPTION; TITLE

The Code of Ordinances entitles "Antlers City Codes, 2018," as amended, is hereby known is the "Antlers City Codes of 2018," and shall go into effect at the time this ordinance goes into effect, which is immediately upon approval of this ordinance and passage of the emergency section. In the event the emergency section of this ordinance does not pass, then within thirty (30) days after passage of this ordinance, said code may be cited as "Antlers City Codes of 2018," "Antlers City Codes," or other appropriate title.

SECTION 2. ORDINANCES PROVISIONS ADOPTED

All the ordinances provisions included in the code are hereby adopted and enacted, and shall be in full effect, where (1) such provisions are included in the form as originally adopted, or (2) are included in amended form, or (3) are composed wholly or partially of new material as authorized by law.

SECTION 3. PERMANENT AND GENERAL ORDINANCES NOT INCLUDED ARE REPEALED

All ordinances and parts of ordinances of a permanent and general nature and effect at the time of the adoption of this code, but not included in this code, are hereby repealed at the time this code goes into effect.

SECTION 4. TEMPORARY AND/OR SPECIAL ORDINANCES CONTINUE IN EFFECT, ALTHOUGH OMITTED FROM THIS CODE

The continuance in effect of temporary and/or special ordinances, although omitted from this code, shall not be affected by such omission therefrom; and the adoption of this code not repeal or amend any such ordinance or a part of any ordinance omitted therefrom. Among the temporary and/or special ordinance not repealed or amended by the adoption of this code, are the following: Ordinances relating to specific paving and sewer districts and special assessments; vacating, opening and dedicating specific streets and alley; relating to specific bond issues; annex territory, or excluding it from the City; relating to grade and alignment of specific streets and alleys; naming or

changing the name of specific streets; abating special nuisances; any sales tax ordinances; any ordinances setting water and sewer rates and the rates for collection of solid waste, and all other temporary and/or special ordinances. Ordinances granting franchises shall not be repealed or amended by the adoption of this code.

#### SECTION 5. EMERGENCY CLAUSE

It being necessary for the immediate preservation of peace, health, or safety that the Antlers City Codes of 2018 be adopted, it is therefore necessary that this ordinance adopting said

Antlers City Codes become effective immediately and same is hereby done by separate action by declaring the above ordinance to be an emergency measure and such emergency measure having been voted on separately and approved by affirmative vote of at least (3/4) of all the members of the City Council of the City of Antlers, Oklahoma, this ordinance is hereby declared an emergency to be effective immediately upon passage and publication.

Said ordinance passed and approved and the emergency measure passed and approved, by separate vote, on this 4<sup>th</sup> day of 2018.

<u>CHAPTER 1 ADMINISTRATION AND MANAGEMENT</u>		<u>1</u>
Article 1	Incorporation; Form of Government; Powers	1
Article 2	Municipal Government	2
Article 3	Municipal Personnel	5
Article 4	Municipal Departments	14
Article 5	Municipal Finance and Business	20
Article 6	Firemen Pensions	22
Article 7	Social Security for Municipal Officers and Employees	23
Article 8	Miscellaneous Provisions	24
<u>CHAPTER 2 ALCOHOLIC BEVERAGES</u>		<u>28</u>
Article 1	Oklahoma Alcoholic Beverage Control Act	28
Article 2	Alcoholic or Intoxicating Beverages	29
Article 3	Non-Intoxicating Beverages	33
Article 4	Bottle Clubs	35
Article 5	Miscellaneous Provisions	35
Article 6	Penalty	35
<u>CHAPTER 3 ANIMALS</u>		<u>36</u>
Article 1	General Provisions	36
Article 2	License and Permit Requirement	45
Article 3	Municipal Pound	46
Article 4	Penalty	48
<u>CHAPTER 4 BUILDING CODES</u>		<u>49</u>
Article 1	International Building Code	49
Article 2	International Residential Code for One and Two Family Dwellings	52
Article 3	National Electrical Code	55
Article 4	International Plumbing Code	56
Article 5	International Mechanical Code	57
Article 6	International Fuel Gas Code	58
<u>CHAPTER 5 BUSINESSES AND OCCUPATIONS</u>		<u>59</u>
Article 1	Occupation Licenses and Taxes	59
Article 2	Itinerant Occupations	62
Article 3	Miscellaneous Provisions	63
Article 4	Penalty	68
<u>CHAPTER 6 CEMETERIES</u>		<u>69</u>
Article 1	Cemetery Administration	69

Article 2	Rules and Regulations	71
Article 3	Penalty	73
<u>CHAPTER 7 EMERGENCY MANAGEMENT</u>		<u>74</u>
Article 1	Department of Emergency Management	74
Article 2	Miscellaneous Provisions	74
Article 3	Penalty	75
<u>CHAPTER 8 EQUAL OPPORTUNITY</u>		<u>77</u>
Article 1	Fair Housing	77
<u>CHAPTER 9 FIRE PROTECTION AND PREVENTION</u>		<u>82</u>
Article 1	Fire Protection	82
Article 2	Fire Prevention	83
Article 3	Rural Fire Protection	83
Article 4	Fireworks and Explosives	84
Article 5	Penalty	86
<u>CHAPTER 10 GENERAL AND MISCELLANEOUS PROVISIONS</u>		<u>87</u>
Article 1	Rules of Construction	87
Article 2	Miscellaneous Provisions	90
Article 3	Penalty; Judicial Relief	93
<u>CHAPTER 11 HEALTH AND SAFETY</u>		<u>94</u>
Article 1	Contagious Diseases	94
Article 2	Sanitary Facilities	94
Article 3	Miscellaneous Provisions	95
Article 4	Penalty	96
<u>CHAPTER 12 INDUSTRIAL WASTES</u>		<u>97</u>
Article 1	General Provisions	97
Article 2	Industrial Wastes	98
Article 3	Penalty	103
<u>CHAPTER 13 MUNICIPAL COURT</u>		<u>104</u>
Article 1	Application of Chapter; Jurisdiction of Court	104
Article 2	Organization and Procedure	104
Article 3	Penalty	111

<u>CHAPTER 14 PROPERTY MAINTENANCE CODE</u>		<u>112</u>
Article 1	International Building Codes	112
Article 2	Public Nuisance	112
Article 3	Abatement of Nuisances	114
Article 4	Penalty	121
<u>CHAPTER 15 OFFENSES</u>		<u>123</u>
Article 1	Offenses in General	123
Article 2	Offenses Against Public Decency, Morality and Policy	124
Article 3	Offenses Against the Peace	134
Article 4	Offenses Against Persons	135
Article 5	Offenses Against Property	136
Article 6	Abandoned and Junk Vehicles	142
Article 7	Offenses Against Public Authority	145
Article 8	Penalty	147
Article 9	Skateboards	147
<u>CHAPTER 16 PARKS AND RECREATION</u>		<u>149</u>
Article 1	Park Board	149
Article 2	Miscellaneous Provisions	149
Article 3	Penalty	152
<u>CHAPTER 17 PUBLIC FACILITIES</u>		<u>153</u>
Article 1	Community Room	153
Article 2	Municipal Airport	154
Article 3	Municipal Library	154
Article 4	Penalty	156
<u>CHAPTER 18 STREETS AND OTHER PUBLIC AREAS</u>		<u>157</u>
Article 1	Use and Obstruction	157
Article 2	Miscellaneous Provisions	159
Article 3	Vacating Plats and Public Ways	160
Article 4	Penalty	161
<u>CHAPTER 19 PUBLIC UTILITIES</u>		<u>162</u>
Article 1	General Provisions	162
Article 2	Water System	165
Article 3	Sewage System	168
Article 4	Solid Waste Collection and Disposal System	173
Article 5	Open Burning	176

Article 6	Fees and Rates	180
Article 7	Penalty	180
<u>CHAPTER 20 EMERGENCY MEDICAL SERVICE</u>		<u>181</u>
Article 1	Ambulance Services Created	181
<u>CHAPTER 21 TRAFFIC</u>		<u>182</u>
Article 1	Enforcement	182
Article 2	Penalties	182
<u>CHAPTER 22 TAXATION</u>		<u>183</u>
Article 1	Sales Tax	183
Article 2	Telephone Exchange Fee	187
Article 3	Utilities Tax	188
Article 4	City of Antlers Hotel/Motel Tax	189
<u>CHAPTER 23 PLANNING AND ZONING</u>		<u>196</u>
Article 1	Planning Commission	196
Article 2	Zoning Commission	198
Article 3	Zoning Changes and Reclassifications	199
<u>CHAPTER 24 ZONING ORDINANCES</u>		<u>202</u>
Article 1	Title, Purpose, and Application	202
Article 2	Zoning Districts	202
Article 3	Definitions	203
Article 4	General Provisions Applying to All or to Several Districts	211
Article 5	Nonconformities	216
Article 6	Specific District Regulations	219
Article 7	Board of Adjustment	232
Article 8	Responsibility for Enforcement	235
<u>CHAPTER 25 MOBILE AND MODULAR HOUSING</u>		<u>237</u>
Article 1	Manufactured Homes	241
Article 2	Manufactured Home Subdivisions	241
Article 3	Mobile Home and Recreational Vehicle	241
Article 4	Mobile Home Subdivisions	252
Article 5	Miscellaneous Provisions	253
Article 6	Penalty	253

<u>CHAPTER 26 SUB DIVISION REGULATIONS</u>		<u>255</u>
Article 1	General Provisions	255
Article 2	Minimum Design Standards	257
Article 3	Plats Submission and Approval	262
Article 4	Administration and Amendment	266
Article 5	Improvements	270
<u>CHAPTER 27 CITY OF ANTLERS SOCIAL HOST</u>		<u>281</u>
Article 1	Declaration	281
Article 2	Social Host	281
Article 3	Purposes	282
Article 4	Definitions	282
Article 5	Responsibility for Proper Property Management	283
Article 6	Penalties for Violation of Ordinance	283
Article 7	Recovery of Response Costs	284
Article 8	Billing and Collection	285
Article 9	Reservation of Legal Options	285
Article 10	Appeals	286
Article 11	Severability	286
Article 12	Effective Date	286
<u>CHAPTER 28 SMOKING IN PUBLIC PLACES AND INDOOR WORKPLACES</u>		<u>287</u>
Article 1	Definitions	287
Article 2	Possession of Lighted Tobacco in Certain Places Prohibited	287
Article 3	Exemptions	288
Article 4	Designated Smoking Rooms and Areas	289
Article 5	Posting	289
Article 6	Violation and Penalty	290
Article 7	Enforcement	290
<u>CHAPTER 29 PREVENTION OF YOUTH ACCESS TO TOBACCO</u>		<u>291</u>
Article 1	Definitions	291
Article 2	Furnishing or Sale of Tobacco Products to Minors	292
Article 3	Receipt of Tobacco Products by Minors	293
Article 4	Distribution of Tobacco Product Samples	293
Article 5	Sale of Tobacco Products Except in original, Sealed Package	293
Article 6	Sale of Tobacco products Except in Original, Sealed Package	293
Article 7	Public Access to Displayed Tobacco Products	293
Article 8	Report of Violations and Compliance Checks	294

Code Ordinances Since Codification

2018-11 Controlled Substances	295
2018-18 Marijuana Products	296
2018-21 Replacement Chapter 28	303



## CHAPTER 1

### ADMINISTRATION AND MANAGEMENT

#### Article 1. Incorporation; Form of Government; Powers.

#### Article 2. Municipal Government.

#### Article 3. Municipal Personnel.

#### Article 4. Municipal Departments.

#### Article 5. Municipal Finance and Business.

#### Article 6. Firemen Pensions

#### Article 7. Social Security for Municipal Officers and Employees

#### Article 8. Miscellaneous provisions

**Disclaimer**--Throughout these City Codes, gender-specific terms *may* be used in order to ease the text flow. Whenever a gender-specific term is used, it shall be understood as referring to both genders, unless explicitly stated. This is done solely for the purpose of making the text easier to read, and no offense or sexism is intended.

### Article 1. Incorporation Form of Government; Powers

#### Section 1-1 Incorporation

The City of Antlers, 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 Antlers, Oklahoma. It shall succeed to and possess all the property, rights, privileges, franchises, powers and immunities now belonging to the corporation known as the Town of Antlers, Oklahoma, and shall be liable for all debts and other obligations for which the corporation is now legally bound.

Reference: 11 O.D. 2-101 et. seq.

#### Section 1- 2. Form of Government.

The municipal government provided for the City of Antlers, Oklahoma, shall be the Statutory Council- Manager form of government. All powers of the municipality shall be exercised in the manner prescribed by this Code of Ordinances, future ordinances of State Law; provided that this Code and all future ordinances are not repugnant to the State Constitution and Laws.

Reference: 11. O.D. 10 101 et. seq.

#### Section 1- 3. General Powers of the Municipality.

1. The City of Antlers, Oklahoma, shall have all the powers, functions, rights, privileges, franchises and immunities specifically granted to cities and municipalities, or not

prohibited by the State Constitution and Laws, and all the implied powers necessary to carry into execution all the powers granted.

2. The City of Antlers, Oklahoma, shall have the power to adopt a corporate seal and alter the same, to sue and be sued, to make contracts and to grant, extend and renew franchises. It shall have the power to issue bonds, in accordance with the State Constitution and Laws. It shall have the power, in accordance with the State Constitution and Laws, to accept and administer Federal and State grants in aid. It shall have the power to ordain and enforce local legislation consistent with the State Constitution and Laws, for the proper organization and functioning of municipal government, for the preservation and enforcement of good government and order for the protection of health, life, peace, safety, morals and property, for the preservation, summary abatement and removal of nuisances, and otherwise for the promotion of the common welfare.

3. The enumeration of particular powers by this Code of Ordinances shall not be deemed to be exclusive or limiting. In addition to the powers enumerated herein or implied hereby, the City of Antlers, Oklahoma, shall have all powers which, under the State Constitution and Laws, it would be competent for this Code of Ordinances specifically to enumerate.

Reference: 11 O.D. 22-101 et. seq.

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

## **Article 2 Municipal Government**

### **Section 1 10. Election and Terms of Council Members and Officers.**

1. The City Council shall consist, and be composed of, five (5) members: a Council Member from each of the City's four (4) wards (a map of the City wards is in the office of the City Clerk Treasurer), and one (1) Council Member at large.

2. The terms of Council Members shall be staggered, so that, at any one (1) general municipal election, the Council Members from wards one (1), and two (2) are to be elected for four (4) year terms; and at the next general municipal election, the Council Members from wards three (3), four (4) and the Council Member at large are to be elected for four (4) year terms.

3. All Council Members shall be elected for terms of four (4) years.

Reference: 11. O.S 10 - 102 and 8 -102.

### **Section 1- 11. Powers of the City Council.**

1. Except as otherwise provided in this Code of Ordinances, all powers of the municipality, including the determination of matters of policy, shall be vested in the City Council; said

Council shall have, and may utilize, all of the powers granted to the municipality and said Council by the State Constitution and Laws.

2. The City Council shall appoint the City Manager for an indefinite term, by a majority vote of all of its Members; the City Council may also suspend or remove the City Manager by a majority vote of all of its Members.

3. The relationship between the City Council and the City Manager shall be as prescribed by applicable provisions of Title 11 of Oklahoma Statutes.

Reference: 11 O.S. 10- 106.

#### Section 1- 12. Municipal Policy and Business.

1. The City Council of Antlers, Oklahoma, will carry out their responsibilities, powers and duties as officers and as a corporate and politic body, within the limits prescribed by the State Constitution and Laws and the Code of Ordinances of the City of Antlers, Oklahoma.

Reference: 11 O.S. 22- 104.

2. It shall be the policy of the municipal government that no person shall be discriminated against on the ground of race, creed, color, sex, religion, national origin or age in employment or other activities sponsored or indirectly by the City of Antlers, Oklahoma.

Reference: 25 O.S. 1302

#### Section 1- 13. City Council Meetings.

The City Manager of Antlers, Oklahoma shall meet at 12:00 P.M. on the first Monday of every month: provided that if such falls on a holiday the regular meeting shall be held at that time on the following Tuesday.

#### Section 1 -14. Rules of Conduct for Public Meeting.

1. All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the governing body shall, at least seventy two (72) hours prior to each regularly scheduled meeting, be delivered to the City Clerk Treasurer who shall immediately arrange a list of such matters according to the order of business and furnish each member of the governing body and the city attorney with a copy of same prior to the meeting and as far in advance of the meeting as time for preparation will permit. Unless so submitted, none of the foregoing matters may be presented to the governing body except those of any urgent or emergency nature and the same shall be so presented only upon the approval of a majority of the governing body.

2. Unless a reading of the minutes of the City Council meeting is requested by a member of the City Council, such minutes may be approved without reading aloud.

3. All meetings of the City Council shall be opened to the public pursuant to the Oklahoma Open Meeting Act, except as provided otherwise herein.

Reference: 25 O.S 25- 8 section 311

4. Any citizen wanting to speak before the City Council must:

a. Sign the appearance request before the meeting begins. At the appropriate place on the agenda the mayor will recognize those persons wishing to speak. Once such citizen has been recognized, he should state his name and address.

b. All of the citizens' comments must directly pertain to the item on the agenda which is being discussed. Should any citizen's comments and conversation not pertain to the item, such citizen's shall be asked to wait to make their comments until the City Council gets to that particular item on the agenda, or if no such item appears on the agenda, then their remarks shall be made when the City Council considers new business.

c. Every citizens conversation and comments shall be limited to five (5) minutes discussion unless such time is extended or shortened by the mayor.

d. All questions and comments must be directed to the mayor and no citizen may address and/or question any individual City Council member or staff member except with the permission of the mayor.

e. No gestures or activities intended to disturb the order and decorum of the City Council meeting shall be permitted.

f. No citizen shall speak or comment so as to distract, disturb or interrupt any other speaker but shall only make comments after the mayor has recognized him and after he has stated his name and address.

g. Any citizen who shall want only to disturb the lawful assembly of the City Council meeting shall be asked by the mayor to leave the meeting and in the event that such citizen will not leave the public assembly and continues to disturb and disrupt such assembly, such person may be subject to removal from the chamber for disturbing the peace.

Section 1-15. Removal of Council Members: Vacancies.

1. Any Council Member may be removed from office for any cause specified by, and by the methods prescribed and specified by, applicable State law for the removal of officers, including Title 22, Oklahoma Statutes, 1971, Sections 1181, et seq. See also, 11 O.S. 8 107.

2. Whenever a member of the City Council is absent from more than one half (½) of all meetings of said Council (regular or special held within any period of four (4) consecutive months, he shall thereupon cease to hold office.

Reference: 11 OS 8- 108.

3. Vacancies in the membership of the City Council shall be filled according to applicable provisions of State Law.

Reference: 11 O.S. 8- 109

#### Section 1-16 Compensation

Compensation of the City Council, the City Clerk-Treasurer and other elected officials shall be set by ordinance. (See Section 1-78 this code.)

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

### **Article 3 Municipal Personnel**

#### Section 1- 25. Mayor: Vice Mayor.

1. The City Council shall elect one (1) of its members as Mayor and one (1) as Vice Mayor. The Mayor and Vice Mayor shall be elected in each odd numbered year, at the 1st Council meeting held after the Council Members' terms begin, or as soon thereafter as practical, and they shall serve until their respective successors have been elected and qualified.

2. When a vacancy occurs in the Office of Mayor, the Vice Mayor shall become the Mayor for the duration of the unexpired term. When a vacancy occurs in the Office of vice Mayor, the City Council shall elect another Vice Mayor from among its members for the duration of the unexpired term.

3. The Mayor shall preside at all meetings of the City Council and may call special meetings thereof.

4. The Mayor shall certify to the correct enrollment of all ordinances and resolutions passed by the City Council. The Mayor shall have all the powers, rights, privileges, duties and responsibilities of a Council Member, and may vote on all matters that come before the City Council.

5. The Mayor shall be recognized as the head of the municipal government for all ceremonial purposes and by the Governor for purposes of military law.

6. The vice Mayor shall act as Mayor during the absence, disability or suspension of the Mayor.

7. The Mayor and Vice Mayor shall perform all other duties prescribed by State Law or ordinance.

Reference: 11 O.S 10- 104, 10- 105, and- 10 110.

Section 1- 26. City Manager. Acting City Manager; Acting Manager.

1. The City Manager shall be appointed by a majority vote of the City Council, for an indefinite term.

2. The City Manager shall be selected on the basis of his executive and administrative qualifications.

3. At the time of his appointment, the City Manager need not be a resident of the City of Antlers, Oklahoma, but during the tenure of his office, he shall reside within the City.

4. The City Manager may appoint himself, or the City Council or other Authority may appoint or elect him, to other offices and positions in municipal government (subject to such regulations as may be prescribed by ordinance), but he may not receive compensation for service in such other offices or positions.

5. Neither the Mayor nor any City Council Member may be appointed City Manger during the term for which he shall have been elected, nor within two (2) years after the expiration of his term.

6. The City Council may suspend or remove the City Manager (or Acting City Manager at any time by a majority vote of all of its members during the temporary absence or disability of the City Manager, by filing a letter of appointment with the City Clerk Treasurer.

7. The City Manager may appoint a qualified municipal administrative officer to be acting City Manager.

8. The City Council may appoint an Acting City Manager if the City Manager fails to make such a designation, if the City Council suspends the City Manager, or at any time there is a vacancy in the Office of City Manager.

Reference: 11 O.S. 10- 112, 10 -113, 10- 114, 10- 115 and 10- 120.

Section 1- 27. City Clerk Treasurer.

1. The City Clerk Treasurer shall be appointed by, and removed by, the City Manager for an indefinite term.

2. The City Clerk Treasurer as clerical officer for the City Council and as an officer of the City of Antlers, Oklahoma, shall attend all meetings of the City Council and keep a journal of the proceedings of said council.

3. The City Clerk Treasurer shall have custody of all documents, records and archives of the city, as well as be custodian of the municipal seal.

4. The City Clerk Treasurer shall attest and affix said seal to documents as required by Law or Ordinance, and shall see that all Ordinances passed are kept on file, in triplicate, in the office of the City Clerk Treasurer.

5. The City Clerk Treasurer shall so keep his accounts as to show where and from what sources all monies paid him have been derived, and to whom and when such monies or any part thereof have been paid. His books, accounts and vouchers shall at all times be subject to the examination of the City Council.

6. The City Clerk Treasurer shall maintain a general accounting system for the Municipal Government.

7. The City Clerk Treasurer shall have such further powers and duties as may be prescribed by this Code of Ordinances, by applicable State Law, by the City Manager or by the City Council.

Reference: 11 O.S. 10- 117 and 10- 118, City Clerk 11 O.S., Section 9- 112, City Treasurer, 11 O.S., Section 9- 113, Merger or Consolidation of City Offices, 11 O.S., Section 9- 115.

Section 1- 28. Chief of Police: Police Officers.

1. The Chief of Police shall be appointed by, and may be removed by, the City Manager; his appointment shall be for an at will employee. One (1) or more police officers may be appointed by the City Manager.

Reference: 11O.S. 10- 121.

2. The Chief of Police and all police officers shall possess the powers, and be subject to the liabilities possessed and conferred by law, in enforcing the Code of Ordinances of the City of Antlers, Oklahoma.

3. The chief of police of a municipality shall be a peace officer and shall enforce the municipal ordinances. The chief of police of a municipality shall have such other powers, duties and functions as may be prescribed by law or ordinance.

4. Any person elected or appointed to the position of chief of police of a municipality shall meet the following qualifications:

a. Be at least twenty-one (21) years of age;

b. Be a citizen of the United States;

c. Possess at least a high school diploma or General Education Diploma (GED);

d. Be certified as a peace officer in this state by the Council on Law Enforcement Education and Training (CLEET), or meet all requirements necessary for CLEET certification and obtain such certification within six (6) months of assuming the position of chief of police or as otherwise allowed by Section 3311 of Title 70 of the Oklahoma Statutes; and

e. Have successfully completed a course of training meeting at least the minimal criteria established by the Council on Law Enforcement Education and Training (CLEET) for police chief administration, successfully completed an approved police chief administrative school approved by the Council, or successfully complete such course of training or school within twelve (12) months of assuming the position of chief of police.

5. Any person who does not meet the qualifications of paragraph d or e of subsection 4 of this section at the time of election or appointment to the position of chief of police and who fails after assuming the position of chief of police to meet such qualifications within the time required shall be removed from the position.

6. Any person assuming the position of chief of police without prior CLEET certification who fails to complete an approved course of training or police chief administration school within the time required shall be precluded from obtaining CLEET certification while in such position.

7. The Council on Law Enforcement Education and Training (CLEET) shall establish minimal criteria for the qualifications of paragraph d of subsection 4 of this section relating to a course of training and police chief administration schools and approve all training offered in this state relating to police chief administration. The Oklahoma Association of Chiefs of Police in consultation and cooperation with the Council is directed to develop a Police Chief Administrative School consisting of training courses that meet at least the minimal criteria established by the Council.

8. The provisions of this act relating to qualifications for a chief of police shall not apply to any person who has assumed the position of chief of police and is currently serving as the chief of police of a municipality on or before the effective date of this act.

Reference: 11 O.S. 34- 101 and 34- 102.

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

1. There shall be one (1) Judge of the Municipal Court and he shall be appointed by the Mayor, with the consent of the City Council. (See Chapter 13, this Code of Ordinance.)

2. The Municipal Judge shall be at least twenty five (25) years of age, a resident of the City of Antlers, Oklahoma (if he is not a licensed attorney), and be of good moral



character. A judge who is a licensed attorney may engage in the practice of law in other courts, but he shall not accept employment inconsistent with his duties as a Municipal Judge or arising out of fact which give rise to, or are connected with, cases within the jurisdiction of the Court pending therein or which might become the subject of proceedings therein.

Reference: 11 O.S. 27- 104 A, B, and C.

3. If the Judge of the Municipal Court is not a licensed attorney, the trial shall be to the Court, and the Court shall not impose a fine which exceeds fifty dollars (\$50.00). plus costs and may not order the defendant imprisoned, except for the nonpayment of fines or costs. If the Judge of the Municipal Court is a licensed attorney, said fine may not exceed one hundred dollars (\$100.00) plus costs; provided, however, that whenever a specific penalty is provided for in this Code, said penalty which exceeds one hundred dollars (\$100.00) or provides for imprisonment of the defendant, then the Judge, pursuant to a jury trial, unless waived by the defendant and the municipality, may order the defendant to pay a fine not to exceed two hundred dollars (\$200.00) and may order the defendant imprisoned for any amount of time not to exceed thirty (30) days.

Reference: 11 O.S. 27- 104. D and 14-111.

4. The official term of the Municipal Judge shall be two (2) years, expiring on the 1st day of June, in each off-numbered year. The Municipal Judge, unless sooner removed for such cause as is provided for by law for the removal of public officers, shall serve until his successor is appointed and qualified.

5. The Judge of the Municipal Court shall receive a salary as prescribed by the City Councilmen, paid in the same manner as the salaries of other municipal employees.

Reference: 11 O.S. 27- 104.

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

Reference: 11 O.S. 27- 113, 27- 114.

7. There may be appointed an Alternate Judge of the Municipal Court, possessed of the same qualifications as the Municipal Judge.

a. His appointment shall be for the same term and made in the same manner as the Municipal Judge. He shall sit as Acting Judge of the Municipal Court in any case if the Municipal Judge is absent from the Court, unable to act as Municipal Judge in a case.

b. If, at any time, there is no Municipal Judge or Alternate Judge, duly appointed and qualified, available to sit as Municipal Judge, the City Council may appoint some person

possessing the qualifications required by this Chapter for the Municipal Judge, who shall preside as Acting Judge over the Municipal Court in the disposition of pending matters until such time as a Municipal Judge or Alternate Judge shall be available.

Reference: 11 O.S. 27- 106.

8. An Alternate Judge or an Acting Judge shall be paid, as prescribed by 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 Municipal Judge in whose stead he sits. An Alternate or Acting Judge who sits for an entire month shall receive the amount specified by the City Council as the salary of the Municipal Judge in whose stead he sits.

Reference: 11 O.S. 9 27- 106.

9. Judges shall be subject to removal from the office by the City Council, for the causes prescribed by the State Constitution and Laws for the removal of public officers. Provisions of the Oklahoma Administrative Procedure Act governing individual proceedings (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 so far as they can be made applicable.

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

Reference: 11 O.S. 27- 107.

#### Section 1- 30. City Attorney.

1. The City Attorney shall be appointed by the City Manager, on a contractual basis, for an indefinite term; the City Attorney may be removed by the City Manager.

2. The City Attorney shall be the prosecuting officer of the municipal court and shall have the power to prosecute for violations of ordinances and to prosecute and resist appeals and proceedings in error and review.

3. The City Attorney shall perform such other duties as the City Council may require; provided that, such duties are included within the scope of the contractual arrangement.

Reference: 11 O.S. 27- 108.

#### Section 1- 31. Fire Chief.

1. There may be created the Office of Chief of the Fire Department, who shall be appointed by, and may be removed by, the City Manager. His term of office shall be at will. (See Chapter 9, this Code of Ordinances.)

2. The Chief shall be head of the department, subject to the laws of the State of Oklahoma, Ordinances of this City, and the rules and regulations herein adopted. The Chief, subject to the supervision and control of the City Council, may contract to supply fire protection to owners of individual properties and shall establish, maintain, and administer an enterprise fund to finance costs for the operation of the fire department, consistent with state laws and this Ordinance.

Reference: 11 O.S. 17- 206, 17- 207, 17- 212, 29- 106. and 29- 204

#### Section 1-32. Assistant Fire Chief.

1. The Assistant Chief of the Fire Department shall be appointed by the Fire Chief. In the absence of the Fire Chief, the Assistant Fire Chief shall command the department and be held responsible therefore in all respects with the full powers and responsibilities of the Fire Chief. (See Chapter 9, this Code of Ordinances.)

Reference: 11 O.S. 29- 204.

#### Section 1-33. Fire Marshal

1. There may be created the Office of Fire Marshal to the Fire Department, who shall be appointed by, and may be removed by the City Manager. His term of office shall be at will.

#### Section 1-34. Code Enforcement Official.

1. There is here by created a Code Enforcement Official for the City of Antlers, Oklahoma. The Code Enforcement Official shall be appointed by the City Manager.

2. The Code Enforcement Official shall be in good health and physically capable of performing the duties of his office.

3. The powers and duties of the Code Enforcement Official shall be as follows:

a. To enforce all provisions of the Codes adopted by this Code of Ordinances;

b. To receive and process applications required by such Codes or this Code of Ordinances;

c. To review Building Permit applications, other permit applications and issue required certificates (See Chapter 4, this Code of Ordinances);

- d. To examine premises for which Permits have been issued under such Codes or this Code of Ordinances and make necessary inspections to see that provisions of the Codes or this Code of Ordinances are complied with and that construction is done safely;
  - e. To investigate, when requested by the City Manager or the City Council, or when the public interest so requires, matters referred to in such Codes and render written reports on the same;
  - f. To issue such notices or orders as may be necessary to enforce compliance with the adopted Codes or this Code of Ordinances, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction or to require adequate exit facilities in building and structures; and
  - g. To make inspections required under the provisions of the Codes adopted by this Code of Ordinances, or to ensure that inspections are made by his duly appointed assistant.
4. During the temporary absence or disability of the Code Enforcement Official, the City Manager may designate a Code Enforcement Official; the City Clerk Treasurer may serve as Acting Code Enforcement Official, unless the City Manager designates other persons as such.
5. The Code Enforcement Official, while in the discharge of his official duty, shall have the authority to enter any building or premise for the purpose of making any inspection or test of the construction or equipment contained therein or its installation.
6. The Code Enforcement Official may also serve as the Electrical, Plumbing and / or Housing Inspector, if so designated by the City Manager.

Reference: 11 O.S. 12-106, 12-112.

Section 1-35. Electrical Inspector.

- 1. There may be created the Office of Electrical Inspector for the City of Antlers, Oklahoma.
- 2. The Electrical Inspector shall be appointed by the City Manager.
- 3. The Electrical Inspector should comply with state statutes, shall be of good moral character and be knowledgeable of the approved methods of electrical construction for safety of life and property.
- 4. The Electrical Inspector shall receive such compensation for his services as the City Council, may decide.
- 5. The Electrical Inspector shall have all of the powers and duties prescribed by the Electrical Code adopted by this Code of Ordinances; he shall also insure that all municipal

ordinances and regulations relating to electrical safety are properly enforced. (See Chapter 4, this Code of Ordinances.) The City Council may contract for electrical inspection services with another municipality or intergovernmental agency.

Reference: 59 O.S. 1693.

Section 1-36. Plumbing Inspector.

1. There may be created the Office of Plumbing Inspector for the City of Antlers, Oklahoma.
2. The Plumbing Inspector shall be appointed by the City Manager; the Plumbing Inspector may also hold other positions in the municipal government.
3. The Plumbing Inspector shall have all of the powers and duties prescribed by the Plumbing Code adopted by this Code of Ordinances; he shall also ensure that all municipal ordinances and regulations relating to water and sanitary plumbing are properly enforced. (See Chapter 4, this Code of Ordinances.) The City Council may contract for plumbing inspection services with another municipality or intergovernmental agency.

Reference: 59 O.S. 1016

Section 1-37. Emergency Management.

1. The Office of Emergency Manager is hereby created, to be appointed by the City Manager. (See Chapter 7, this Code of Ordinances.)
2. The Emergency Manager shall be executive head of the Department of Emergency Management and shall be responsible for carrying out the Emergency Management Program of the City of Antlers, Oklahoma.
3. The Manager of Emergency Management shall have the authority, duty and responsibility to:
  - a. Form an organization to prepare and implement an Emergency Management Program;
  - b. Form committees to perfect such an organization;
  - c. Appoint the chairman of such committees;
  - d. Cooperate with other governmental Emergency Management agencies; and
  - e. Formulate plans, gather information and maintain records for said Emergency Management Organization.

4. The Director of Emergency Management may be reimbursed for expenses incurred in the performance of his duties; provided such expenses are at the direction of, and approved by, the City Manager.

5. In the event of an enemy caused emergency or emergency resulting from natural causes, the Emergency Manager, after authorization from the Mayor, shall have the authority to enforce all regulations relating to civil defense, for the purpose of protecting the residents of the City of Antlers, Oklahoma.

#### Section 1-38 Public Works Director

1. There may be created the Public Works Director who shall be appointed by, and may be removed by the City Manager. His term of office shall be at will.

2. The Public Works Director shall be under the direct supervision of the City Manager. The major work function is the operation and direction of all Public Works Departments through the department heads.

Sections 1-39 through 1-44. (Reserved for future use.)

### **Article 4. Municipal Departments**

#### Sections 1-45. Municipal Departments.

There shall be a Police Department, a Fire Department, a Department of Law (headed by the City Attorney) and such other administrative departments, offices and agencies as the City Council may establish.

#### Section 1-46. Police Departments.

There shall be a Police Department, the head of which shall be the Chief of Police. (See Section 1 28, this Code of Ordinances.)

1. It shall be the duty of the Chief of Police and/or all police officers to bring to justice all violators of municipal ordinances and Federal and State Laws, and to turn such violators over to the proper authorities. The Chief of Police or designee shall serve all warrants, writs, executions and other process, properly directed and delivered to him.

2. All personal property or money or legal tender coming in any manner into the possession of any municipal police officer, which is not known to belong to some person or has not been claimed, shall be delivered into the charge of the Chief of Police, who shall retain such property in custody for a period of six (6) months. The Chief of Police shall make a permanent, written record of said property, including the date and circumstances of the receipt thereof, the name of the person from whom it was taken (or the place it was found).and may sell such property for cash to the highest bidder provided that the property is no longer needed to be held as evidence or for any other purpose

connected with any litigation. The Chief of Police shall record the subsequent disposal thereof, the date of sale, name and address of the purchaser and the amount for which it was sold.

Reference. 11 O.S 34- 104.

3. The Chief of Police shall file an application in the district court in which the seat of government of the municipality is located requesting the authority of said court to conduct a sale of such personal property which has a fair market value of more than its face value. Said Chief of Police shall attach to his application a list describing such property including any identifying numbers and marks, the date said property came into his possession, and the name of the owner and the person in last possession, if different and his address, if known. The court shall set said application for hearing not less than ten (10) days nor more than twenty (20) days after filing of said application.

Reference: 11 O.S. 9- 34 104.A.

4. In any instance where said property has an actual or apparent value of more than Two hundred and fifty Dollars (\$250.00), at least ten (10) days prior to the date of said hearing, notice of said hearing shall be sent by certified mail to each owner at his address as listed in said application. If the owner of any property with an actual or apparent value exceeding Five Hundred Dollars (\$500.00) is unable to be served notice by said certified mail, notice shall be provided by one publication in a newspaper of general circulation in the county where the property is in custody. Said notice shall contain a brief description of the property of said owner and the place and date of the hearing. Said notice shall be posted at the assigned place for the posting of municipal notices, and at two other public places in the municipality.

Reference: Section 11 OS. 34- 104.B.

5. If no owner appears and establishes ownership to said property at the hearing, the court shall enter an order authorizing the Chief of Police to sell said property for cash to the highest bidder, after at least five (5) days' notice of said sale has been published. The Chief Police shall make a return of said sale and the order of the court confirming said sale shall vest title to said property in the purchaser. After payment of court costs and other expenses, the remainder of money received from the sale of said personal property shall be deposited in the municipal general fund.

Reference: 11 O.S. 34- 104.F.

6. All money or legal tender which has come into the possession of the Chief of Police pursuant to the circumstances provided for in subsection A of this section shall be transferred by the Chief of Police to the municipal clerk for deposit in the municipal general fund. Prior to any such transfer, the Chief of Police shall file an application in the district court requesting the court to enter an order authorizing him to transfer said money for deposit in the municipal general fund. The application shall describe the money or legal

tender, any serial numbers, the date the same came into his possession, and the name of the owner and his address, if known. Upon filing the application which may be joined with an application as described in subsection B of this section, a hearing shall be set not less than ten (10) days nor more than twenty (20) days from the filing of the application. Notice of said hearing shall be given as provided for in subsection 8 of this section. The notice shall state that upon failure of anyone to appear to prove ownership to said money or legal tender, the court shall order the same to be deposited in the municipal general fund. The notice may be combined with a notice to sell personal property as provided for in subsection B of this section. If no one appears to claim and prove ownership to said money or legal tender at the hearing, the court shall order the same to be transferred to the municipal general fund as provided in this subsection.

7. The provisions of this section shall not apply to any dangerous or deadly weapons, narcotic or poisonous drugs, explosives or any property of any kind or character, which the possession of is prohibited by law. By order of the trial court, any such property filed as an exhibit or held by the municipality shall be destroyed or sold or disposed of, pursuant to the conditions prescribed in such order.

8. The municipality is hereby authorized to establish a procedure for the registration of "lost and found" property. Such procedure shall give the finder of any property the option of relinquishing any future claim to found property at the time its possession is surrendered to the police or other agent of the municipality, or of retaining possession of the property after registering its description and the finder's identity with the police department or other agent of the municipality. Only property in which the finder relinquishes any future claim to its ownership will be stored in municipal police property rooms.

9. The municipality may provide by ordinance that ten percent (10%) of the money or legal tender deposited in the municipal general fund as provided in subsection 9 or 10 of this section may be paid as a finder's fee for services rendered to any person who found the unclaimed personal property or money or legal tender and delivered it to, or registered it with the Chief of Police or other agent of the municipality.

10. The Chief of Police, or his designated representative, is authorized to direct that any regularly employed police officer of the City of Antlers, Oklahoma, may provide law enforcement assistance to another law enforcement agency in an emergency; provided that a request from an official representative of the other law enforcement agency has been received by the City of Antlers, Oklahoma. The Chief of Police shall report to the City Manager within twenty four (24) hours of each such occurrence. The City of Antlers, Oklahoma, shall provide salaries, insurance and other regular benefits to these officers.

Reference: 11 O.S.34-103.

11. The City Manager or, in his absence, the Chief of Police of the City of Antlers, Oklahoma, is authorized to request law enforcement assistance from other municipalities in emergency situations. In such cases, the assisting officers of the other municipalities



shall have the same powers and duties as though employed by the City of Antlers, Oklahoma; however, salaries, insurance and other benefits shall not be paid by the City of Antlers, Oklahoma.

Reference: 11 OS. 34- 103.

12. In all events, the police officers of the City of Antlers, Oklahoma, shall return to their regular duties when directed to do so by the Antlers Police Chief or the Police Chief of the requesting municipality, whichever direction occurs first.

13. When the Antlers Police Chief directs the assisting police officers of the other municipalities to return to their own regularly scheduled duties in their own municipalities, those assisting police officers shall cease to have the powers and duties of police officers regularly employed by the City of Antlers, Oklahoma.

14. The Chief of Police and each police officer shall perform all other duties prescribed by law or Ordinance.

Reference: 11 O.S. 34- 101.A.

15. For purposes of the certification of municipal police officers pursuant to state law, the employing municipality shall use a psychological instrument approved by the Council on Law Enforcement Education and Training. The employing municipality shall administer such psychological instrument in accordance with standards established within the test document. To aid the evaluating psychologist in interpreting the test results, including automated scoring and interpretations, the municipal employer shall provide the psychologist a statement confirming the identity of the individual taking the test as the person who is employed or seeking to be employed as a police officer of the municipality and attesting that it administered the psychological instrument in accordance with standards within the test document. The psychologist shall report to the employing municipality the evaluation of the assessment instrument and may include any additional recommendations to assist the employing municipality in determining whether to certify to the Council on Law Enforcement Education and Training that the person being evaluated is suitable to serve as a police officer. No additional procedures or requirements shall be imposed for performance of the psychological evaluation.

Reference 11 O.S. 34-101.1

16. The City of Antlers hereby adopts the Antlers Police Department Manual provided by Lexipol, LLC dated 2017/10/12 nominated as a "Draft", but which is approved as the final form as amended, including future amendments approved by the Council.

17. The Council recognizes that the Antlers Police Department Manual is online on computers, but nevertheless directs that spiral bound hard copies be placed at the following locations and available for viewing by the public and by City employees:

- a. The Antlers Police Department
- b. The Antlers City Hall; and
- c. The Pushmataha County Library

Section 1- 47. Fire Department.

There shall be a combination Fire Department composed of Volunteer Firefighters, paid Firefighters and Emergency Medical Technicians the head of which shall be the Fire Chief. (See Sections 1- 31 and 1-32, and Chapter 8, this Code of Ordinances.)

Section 1- 48. Department of Law.

There shall be a Department of Law, the head of which shall be the City Attorney. (See Section 1- 30, this Code of Ordinances.)

Section 1- 49. Finance Department.

There shall be a Finance Department, the head of which shall be the City Clerk Treasurer. (See Section 1 -27, this Code of Ordinances.)

Section 1- 50. Public Works Department.

The City Manager shall be the ex officio Administrator.

1. There shall be a Public Works Department. The Public Works Director shall have supervision and control of the Public Works.
2. The Public Works Director shall be under the direct supervision of the City Manager. The major work function is the operation and direction of all Public Works Departments through the department heads.
3. There is or may be created department heads for different functions within the Public Works Department. The department heads will be classified as superintendents. The Public Works Superintendents shall be under the direct supervision of the Public Works Director.
4. The Public Works Department shall have the following municipal duties:
  - a. 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;
  - b. To construct, improve, maintain and operate storm and sanitary sewers and sewage disposal facilities;

- c. To maintain all buildings and grounds used by the City;
- d. To maintain and operate all parks, playgrounds, swimming pools and other recreational facilities and programs operated by the City;
- e. To maintain and operate all cemeteries administered by the City.
- f. To collect and dispose of refuse whenever the City provides this service by its own forces (rather than by contract);
- g. To maintain City owned motor equipment;
- h. To maintain and operate the City water system; and
- i. 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 State or Federal Law and ordinance.

Section 1- 51. Municipal Planning Commission.

1. There is hereby created a Municipal Planning Commission of the City of Antlers, Oklahoma.
2. The municipal planning commission shall consist of not less than five (5) citizens, all of whom shall reside within the municipality. The members shall be nominated by the mayor and confirmed by the governing body of the municipality. Each member shall serve for a term of three (3) years. When the commission is first appointed, the terms of one-third (1/3) of the members shall be for three (3) years, one-third (1/3) for two (2) years, and one-third (1/3) for one (1) year. Appointments to fill vacancies shall be for the unexpired term only.
3. The members of the commission shall serve without pay.
4. Members of the Municipal Planning Commission may be removed by the City Council only for inefficiency, neglect of duty or malefaction in office; vacancies occurring otherwise than through the expiration of a term shall be filled only for the unexpired term by the City Council. Whenever a member of the Municipal Planning Commission is absent for more than one half (½) of all meetings of the Planning Commission held within any period of four (4) consecutive months; this constitutes neglect of duty, and will be removed by the City Council.
5. Within five (5) days of the appointment and qualification of the members of the Municipal Planning Commission, said Commission shall meet and elect one (1) of their number as Chairman, one (1) as Vice Chairman and one (1) as Secretary; in addition the Municipal Planning Commission may create and fill such other offices as it may deem necessary. The term of all such offices shall be one (1) year, with eligibility for reelection.

Reference: 11 O.S. 45- 101-103

## **Article 5. Municipal Finance and Business**

### **Section 1- 52. Purchasing and Sales Procedures.**

1. The City Manager, or a designated agent, shall contract for and purchase, or issue purchase authorizations for, all supplies, materials and equipment for the operation of the municipal government. Before the purchase of, or contract for, any supplies, materials or equipment, or the sale of any surplus or obsolete supplies, materials or equipment, ample opportunity for competitive bidding under such regulations and with such exceptions as the City Council may prescribe, shall be given.

Reference: 11 O.S. 17- 102.

2. "Contractual services", for the purposes of this Chapter, shall mean services performed for the City by persons not in the employment of the City and may include the use of equipment or the furnishing of commodities in connection with such services under express or implied contract. Contractual services shall include travel, freight, express, parcel post, postage, telephone, telegraph, utilities, rents printing and binding, repairs, alterations and maintenance of buildings, equipment, streets, bridges and other physical facilities of the City.

Reference: 74 O.S. 85-.2.

3. Subject to the provisions of this Section, surplus or obsolete supplies, materials or equipment belonging to the City may be sold by the City Manager.

4. No sale shall be made under this Section of obsolete supplies, materials or equipment of a value of more than one thousand dollars (\$1,000.00) until the City Council has declared the supplies, materials or equipment involved to be surplus or obsolete.

5. Except as otherwise provided in Subsection 6 (below). The City Manager shall advertise any sale under this Section in a newspaper of general circulation in the City or County, or in such other manner as deemed necessary to adequately reach prospective buyers to give them an opportunity to make bids. Bids shall be sealed and opened in public at a designated time and place, except when the sale is by auction. The City Council may repeatedly reject all bids and authorize re advertisement. Such supplies, materials and equipment shall be sold to the highest responsible bidder and, if necessary, lots shall be cast, in case of a tie, to determine to whom to sell.

6. The City Manager may sell surplus or obsolete supplies, materials or equipment, the total value of which does not exceed one thousand dollars (\$1,000.00) in a single transaction, without giving an opportunity for competitive bidding.

7. The City Council shall authorize the City Manager to make purchases up to ten thousand dollars (\$10,000.00) without City Council approval.

Reference: 11 O.S. 17-211; See also 12 O.S. 310.1.; 21 O.S. 344; 62 O.S. 310.1, 355, 357.

#### Section 1-53. Competitive Bidding

1. Except as otherwise provided in Subsection 2 (below), before the Department Head(s) makes any purchase of, or contract for, supplies, materials, equipment or contractual services, in excess of Two Thousand Dollars (\$2,000.00), they shall submit to at least three (3) persons, firms, or corporations dealing in and able to supply the same, or to a smaller number if there are not three (3) dealing in and able to supply the same, a request for quotation or invitation to bid and specifications, to give them opportunity to bid, subject to the approval of the City Manager. As an alternative, said Department Head(s) may publish notice of the proposed purchase in a newspaper of general circulation within the City of Antlers, Oklahoma, when this can be done without additional cost to the City, but they shall submit requests for quotation to those outside the City when necessary to secure bids or to create competitive conditions, or when they think that they can make a saving for the City. All bids shall be sealed and opened in public at a designated time and place. The City Manager may repeatedly reject all bids and may again submit to the same or other persons, firms or corporations, the request for quotations or invitation to bid, or again publish notice of the proposed purchase. The purchase shall be made from the bidder whose bid is most advantageous to the City, considering price, quality, date of delivery and the like; in the event of a tie, lots may be cast to determine from whom to make a purchase, or the purchase may be divided among those tying, always accepting the bid or bids most advantageous to the City.

2. The City Manager may purchase, or authorize the purchase of, the following without giving an opportunity for competitive bidding:

a. Supplies, materials, equipment or contractual services, the cost of which does not exceed the dollar figure established by current State law, in a single transaction;

b. Supplies, materials, equipment or contractual services which can be furnished only by a single dealer, or which has a uniform price wherever bought;

c. Supplies, materials, equipment or contractual services purchased from another unit government at a price deemed below that obtainable from private dealers (include war surplus);

d. Contractual services (gas, electricity, telephone service, etc.) purchased from a public utility corporation at a price or rate determined by the State Corporation Commission or other government authority; and

e. Contractual services of a professional nature such as engineering, legal architectural and medical services.

Reference: See, e.g., 74 O.S. 85.7.

3. Competitive bids shall not be required for emergency repair of equipment and machinery or emergency acquisitions; provided that the City Council properly had declared an emergency and expressly approved sole source procurement.

#### Section 1-54. Insurance.

1. The City of Antlers and its employees acting within the scope of their employment shall be liable for loss resulting from their torts subject to the limitations and exceptions set forth in the Governmental Tort Claims Act (51 O.D. 151 et seq.). The total liability of the City arising out of an accident or occurrence shall not exceed:

a. Twenty five thousand dollars (\$25,000.00) for any claim or to any claimant who has more than one claim for loss of property arising out of a single accident or occurrence;

b. One hundred thousand dollars (\$100,000.00) to any claimant for his claim for any other loss arising out of a single accident or occurrence;

c. One million dollars (\$1,000,000.00) for any number of claims arising out of a single occurrence or accident.

2. The City Council is hereby directed to procure liability insurance to the limits of liability provided in paragraph 1 above.

Reference 11 O.S. 923 101, 23 102; 51 O.S 153, 155.

Sections 1- 55through 1- 60. (Reserved for future use.)

### **Article 6** **Firemen's Pensions**

Section 1- 61. Participation in State Firemen's Relief and Pension Fund.

For each member of the Combination Fire Department, the City of Antlers shall deposit yearly with the Oklahoma Firefighters Pension and Retirement Council sixty dollars (\$60.00), or other amount as determined by said Council.

Reference: 11 O.S. 45- 122.

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

**Article 7**  
**Social Security for City Officers and Employees**

**Section 1- 63. Extension of Benefits.**

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

Reference: 51 O.S. 121.

**Section 1- 64. Execution of Agreements.**

The Mayor of the City of Antlers, Oklahoma, is hereby authorized and directed to execute all necessary agreements and amendments thereto, with the State Department of Human Services agent or agency, to secure coverage of employees and officials as provided in Section 1- 63 (above).

**Section 1- 65. Withholdings from Salaries.**

Withholdings from salaries or wages of employees and officials for the purpose provided in Section 1-63 (above) are hereby authorized to be made in the amounts and at such times as may be required by applicable State or Federal Laws or regulations, and shall be paid over to the State or Federal agency designated by such laws and regulations.

Reference 51 O.S. 125(c) 2.

**Section 1- 66. Contributions by City.**

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

Reference: 51 O.S.126 (a) 7.

**Section 1- 67. Records and reports.**

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

Section 1-68. Excluded Officers and Employees.

1. There is hereby excluded from this Article and the benefits established hereunder, any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the City of Antlers, Oklahoma.

2. There is hereby excluded from this Article and the benefits established hereunder, any authority to make any agreement with respect to any position, employee or official, compensation for which is on a fee basis, or any position, employee or official not authorized to be covered by applicable State or Federal Law regulations. Section 1- 69 through 1- 74. (Reserved for future use.).

**Article 8. Miscellaneous Provisions**

Section 1- 75. Officers to Give Bonds.

1. The City Clerk/Treasurer and all other City employees involved in money management shall be bonded, payable to the City of Antlers, Oklahoma, within ten (10) days after their election or appointment, in the following amounts:

- a. City Clerk/Treasurer (Combined Office) ..... \$250,000.00
- b. Public Officials ..... \$50,000.00

2. The City Council may, by motion or resolution, require certain other officers and employees to be bonded; said Council may also, by motion or resolution, provide for blanket bonds for municipal personnel.

Section 1- 76. Succession in Government.

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

2. All officers and employees of the City of Antlers, Oklahoma, under any and all previous ordinances, shall continue in the offices and employments which they respectively hold, after this Code of Ordinances goes into effect, until their services may be terminated in accordance with the provisions of this Code.

3. All books, vouchers, monies or other property belonging to the City of Antlers, Oklahoma, and in charge or possession of any officer of the City, shall be delivered to his successor.

Section 1- 77. Nepotism; Compatibility of Offices.



1. No member of the City Council, nor any other authority of the municipal government, may appoint, or vote for the appointment of, any person related to himself by affinity\* or consanguinity within the 3rd degree, to any office or position of profit in the municipal government.

\*affinity: children, grandchildren, great grandchildren, brothers, sisters, aunts, uncles, nephews, nieces, grandparents, great grandparents, in laws of the same degree of relationships, stepchildren, and step parents. A divorce decree shall be deemed to dissolve all relationships arising from marriage.

2. Except as may be otherwise provided by ordinance, the same person may not hold more than one (1) office or position in the municipal government.

Reference: 11 O.S. 8-106.

### Section 1 -78. Ordinances.

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

Reference: 11 O.S. 14 -104.

2. Every proposed ordinance shall be read and a vote of a majority of all the City Council Members shall be required for its final passage.

Reference: 11 O.S. 14- 102.

3. The Mayor shall have no power to veto any ordinance.

4. Every Ordinance, except those for appropriation of monies shall be published by title or in full, or posted, within fifteen (15) days after its passage. Every municipal ordinance shall be published at least once in full, except as provided for in paragraph 6 below.

Reference: 11 O.S. 14- 106.

5. Every ordinance, except an emergency ordinance, shall become effective thirty (30) days after its final passage, unless it specifies a later date.

Reference: 11 O.S. 14- 103.

6. An emergency ordinance is an ordinance which, in the judgment of the City Council, is necessary for the immediate preservation of the peace, health or safety, and which should become effective prior to the time when a regular ordinance would become effective. Every such ordinance shall contain, as a part of its title, the words "and declaring an

emergency" and, in a separate section (herein called the emergency section), shall declare the emergency. The City Council shall vote on the emergency section separately and must adopt the emergency section by a vote of at least three fourths (3/4) of all the members of said City Council. An emergency ordinance shall take effect upon passage unless it specifies a later date.

Reference: 11 O.S. 14- 107.

#### Section 1- 79. Ordinances: Adoption by Reference.

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

Reference: 11 O.S. 14- 107.

#### Section 1- 80. Ordinances: Compilation.

1. Every ten (10) years, the City of Antlers, Oklahoma, shall compile and publish its effective penal Ordinances in a permanent form, either printed or typed. The city shall also publish biennial supplements to the permanent form.

2. When a municipality has compiled and published its permanent volume or biennial supplement of penal ordinances, the governing body of the municipality shall adopt a resolution notifying the public of the publication. A copy of the resolution shall be filed in the office of the county clerk in each county in which the municipality is located. The county clerk shall assign the filed resolution a book and page number. At least one copy of the permanent volume and each biennial supplement shall be deposited free of cost by the municipality in the county law library of each county wherein the municipality is located, and receipt of same shall be duly noted in writing by the county law librarian. A copy of the receipt may be filed with the county clerk who shall then assign a book and page number. The permanent volume or biennial supplement of compiled penal ordinances shall be available for purchase by the public at a reasonable price. Ordinances which have been compiled and filed in accordance with this section shall be judicially noticed in all court proceedings. Provided, a court may consider a book and page reference of the county clerk's filings as satisfactory proof of compliance so that judicial notice may be taken of an ordinance.

Reference: 11 O.S. 14- 109, 14-110.

#### Section 1- 81. Amendments or Additions to the Code of Ordinances.

1. The City Council shall have the power to repeal, alter or amend this Code of Ordinances.

2. All ordinances passed subsequent to this Code of Ordinances which amends, repeal, or in any way affect said Code, may be numbered in accordance with the numbering system of this Code of Ordinances and printed for inclusion therein. When subsequent ordinances repeal any Chapter, Section or Subsection, or any portion thereof, such repealed portions may be excluded from this Code of Ordinances by omission thereof from reprinted pages. Such inclusion of ordinances passed subsequent to this Code of Ordinances which amend or add to this Code (except in the case of repeal), shall be prima facie evidence of such subsequent ordinances until such time that this Code of Ordinances and subsequent ordinances number or omitted, are readopted as new Code of Ordinances by the City Council.

3. Amendments to any of the provisions of this Code of Ordinances shall be made by amending such provisions by specific reference to the Chapter, Article and Section numbers of this Code in the following language: "That Section \_\_\_\_\_ of Article \_\_\_\_\_ Chapter \_\_\_\_\_, of the Code of Ordinances City of \_\_\_\_\_, Oklahoma, is hereby amended to read as follows: \_\_\_\_\_." The new provisions shall then be set out in full as desired.

4. In the event a new Section not heretofore existing in the Code of Ordinances is to be added, the following language shall be used: "That the Code of Ordinances, City of \_\_\_\_\_ Oklahoma, is hereby amended by adding a Section to Article \_\_\_\_\_ of Chapter \_\_\_\_\_, to be numbered, which said Section reads as follows: " \_\_\_\_\_ ." The new Section shall then be set out in full as desired.

#### Section 1-82. Employee Handbook

1. Employee handbook adopted.

There is hereby adopted and incorporated in this section by reference, a certain document entitled, "Employee Handbook" of the city and as the same may be amended from time to time, at least one copy of which is on file in the office of the city clerk. The employee handbook is applicable in the city to the same extent as if set forth in full in this section; provided, however, that in the event of a conflict between the employee handbook and any provision of the ordinances of the city, the latter shall govern.

**CHAPTER 2**  
**ALCOHOLIC BEVERAGES**

**Article 1. Oklahoma Alcoholic Beverage Control Act.**

**Article 2. Alcoholic or Intoxicating Beverages.**

**Article 3. Non-intoxicating Beverages.**

**Article 4. Bottle Clubs.**

**Article 5. Miscellaneous Provisions.**

**Article 6. Penalty.**

**Article 1. Oklahoma Alcoholic Beverage Control Act**

**Section 2 -1. Oklahoma Alcoholic Beverage Control Act Adopted.**

The Oklahoma Alcoholic Beverage Control Act (37 O.S. 1981, 501 599, as amended) is hereby adopted and incorporated by reference in the Code of Ordinances of the City of Antlers, Oklahoma; applicable provisions of the Act are hereby declared to be in full force, as if included herein in complete detail.

**Section 2- 2. Definitions and Interpretations.**

1. All words, phrases and terms used in this and other Chapters relating to the use of alcoholic beverages, and not defined herein, shall be interpreted and construed in conformity with the definitions of the same set forth in the Oklahoma Alcoholic Beverage Control Act.

Reference: 37 O.S. 506.

2. Beverages containing more than three and two tenths percent (3.2%) alcohol by weight are hereby declared to be "intoxicating beverages".

Reference: 37 O.S. 163.1.

3. Beverages containing more than one half (½) of one percent (1%) alcohol by volume and not more than three and two tenths percent (3.2%) alcohol by weight, are hereby declared to be "non-intoxicating beverages".

Reference: 37 O.S. 163.2.

**Sections 2-3 through 2-4. (Reserved for future use.)**

## Article 2. Alcoholic or Intoxicating Beverages

### Section 2- 5. Occupation Tax.

1. There is hereby levied and assessed an annual occupation tax on every business or occupation relating to alcoholic beverages as specifically enumerated herein and up to the amount herein stated:

- a. Brewer \$ 1,250.00
- b. Distiller 3,125.00
- c. Winemaker 625.00
- d. Oklahoma Winemaker 75.00
- e. Rectifier 3,125.00
- f. Wholesaler 3,500.00
- g. Class B Wholesaler 625.00
- h. Retail Package Store 305.00
- I Bottle Club 1,000.00 (initial) 900.00 (renewal)
- j. Agent 55.00
- k. Carrier 23.00
- l. Storage 23.00

2. The occupation tax for those war veterans organizations which are exempt under Section 501(c) (19) of the Internal Revenue Code for bottle club license shall be five hundred dollars (\$500.00) per year

Reference: 37 O.S. 518.

3. If a brewer or a Class B wholesaler also holds a license from the State to manufacture or wholesale any non-intoxicating malt beverage, the occupation tax for such brewer or Class B wholesaler shall be reduced by seventy five percent (75 %).

Reference: 37 O.S. 554.1; see also 37 O.S. 518.

Section 2- 6. Payment Required: Penalty.

1. Any State licensee originally entering upon any occupation herein listed shall pay the tax therefore at the Office of the City Clerk on or before the date upon which he enters upon such occupation. Said licensee shall provide a copy of his current State license before payment of an occupation tax will be accepted. Thereafter, the licensee shall pay the tax annually on or before the first day of April.
2. The occupation tax subject to this Ordinance shall be prorated on a monthly basis for the year in which an occupation begins operations.
3. Upon payment of the said occupation tax, the City Clerk shall issue a receipt to said State licensee. Said licensee shall post the receipt in a conspicuous place on the premises wherein he carries on his occupation.

Reference: See, e.g., 37 O.S. 532.1.

4. Any person who engages in any of the occupations taxed by this Chapter without paying said occupation tax imposed therefore in advance of such operation, is guilty of an offense against the City of Antlers, Oklahoma, and upon conviction thereof shall be punished by fine, costs, and imprisonment as provided for in Section 2- 50 of this Code. Each day of such violation shall constitute a separate offense.

Section 2- 7. Annual Report.

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

Reference: 37 O.S. 554.1.

Section 2- 8. Application for Certificate: Investigations.

1. Every applicant requesting a certificate of compliance with the fire, health and safety codes of the City of Antlers required by Title 37 of the Oklahoma Statutes shall apply at the Office of the City Clerk by:
  - a. Filing a written application on forms prescribed by that office, and
  - b. Paying a verification and certification fee in the amount of twenty five dollars (\$25.00) at the time of filing.
2. Upon receipt of an application for a certificate of compliance the City Clerk shall cause an investigation to be made to determine whether the premises proposed for licensed

operations comply with the provisions of any health, fire, building and other safety codes applicable to it.

3. The City Clerk shall act on all such applications within twenty (20) days of receipt thereof.

Reference: 37 O.S. 523.

#### Section 2- 9. Issuance of Certificate of Zoning: and Certificate of Compliance.

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

2. The above certificate of compliance shall be signed by the Mayor or by the City Manager.

#### Section 2 -10. Retail Package Stores.

1. The location of a retail package store is specifically prohibited within three hundred (300) feet of a public school, or any church property primarily and regularly used for worship services and religious activities; provided that, if any such church or school shall be established within three hundred (300) feet of any licensed retail premises after such premises have been licensed, this shall not be a bar to the renewal of such license so long as it has been in continuous force and effect. The distance indicated in this Section shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of such package store, along the street right of way line providing the nearest direct route usually traveled by pedestrians between such points. For the purpose of determining measured distance, property situated on the opposite side of the street from such church or school shall be considered as if it were located on the same side of the street with such church or school. A license shall not be issued for a location on any block where a school or Church is located.

Reference: 37 O.S. 518.2.

2. It shall be unlawful for any person to operate or maintain, or to assist in the operation or maintenance of, any retail package store when the premises are not separated from the premises on which any other goods, wares or merchandise are sold or services are rendered, by nontransparent walls (which may be broken by a passageway to which the public is not admitted). It shall be unlawful for any person to take any alcoholic beverage from such store through said passageway to which the public is not admitted, for the purpose of selling, reselling or delivering in connection with the sale of said alcoholic beverages.

Reference: 37 O.S. 534.

3. It shall be unlawful for any person holding a license for a retail package store, or any employee or agent thereof, to keep the premises of the retail package store open for the purpose of selling, or to sell, any alcoholic beverages at any hour other than between the hours of 10:00 o'clock a.m. and 9:00 o'clock p.m. Monday through Saturday; or to keep such premises open for such purposes on the day of any general, primary, runoff primary or special election; or on New Year's Day, Memorial Day, the Fourth of July, Labor Day, Veterans Day, Thanksgiving Day or Christmas .

Reference: 37 O.S. 537.C.3.

4. Retail package stores may sell alcoholic beverages only in retail containers in the original package for consumption off the premises and only at ordinary room temperature.

Reference: 37 O.S. 534.

5. It shall be unlawful for any person holding a license for a retail package store, or any employee or agent thereof, to:

a. Knowingly sell, deliver or furnish any alcoholic beverages to any person under twenty one (21) years of age, an intoxicated person or any person who has been adjudged insane or mentally deficient;

Reference: See, 37 O.S. 538.F.,G.

b. Employ any person under twenty one (21) years of age in the selling or handling of alcoholic beverages;

Reference: 37 O.S. 537.B.2.

c. Permit any person under twenty one (21) years of age to enter into, remain within or loiter about a licensed premises;

Reference: 37 O.S. 537.C.7.

d. Permit any person to open a retail container or consume alcoholic beverages on the premises of a retail package store;

Reference: 37 O.S. 537.C., 516.

6. Any person who violates the provisions of this Section shall be guilty of a criminal offense and shall be fined and/or imprisoned in accordance with Section 2-50 below.

Sections 2- 11 through 2- 14. (Reserved for future use.)



### **Article 3. Non-intoxicating Beverages**

#### **Section 2- 15. Definitions.**

"Retail dealer", as used in this Article, means any person, firm, corporation, association or concessionaire who sells, distributes or dispenses, at retail, any non-intoxicating beverages within the corporate limits of the City of Antlers, Oklahoma, without regard as to any place where such beverages may be consumed or used.

Reference: 37 O.S. 163.2.(e).

#### **Section 2- 16. License.**

1. There is hereby levied upon each retail dealer of non-intoxicating beverages for consumption on and off the premises, an annual municipal license fee of twenty dollars (\$20.00); an annual license fee of ten dollars (\$10.00) is hereby levied upon each retail dealer for sale of non-intoxicating beverages for consumption off the premises only.

Reference: 37 O.S. 163.10; see e.g., 37 O.S. 163.7. (c).

2. It shall be unlawful for any retail dealer, whether permanent or temporary, to sell, distribute or dispense any non-intoxicating beverages without having first received a municipal occupation license, as herein required.

3. No municipal occupation license shall be issued to any retail dealer by the City Clerk, until the applicant has obtained all required State and County permits. All such occupation licenses shall expire on June 30th of the year following reissuance. License fees shall be paid to the City Clerk and no license shall be transferable from one person to another.

Reference: See, e.g., 37 O.S. 163.8.

4. The City Council shall have the power, after public hearing, to revoke any license granted hereunder for violation of law or ordinance by the license holder.

#### **Section 2-17. Retail Dealers in Non-intoxicating Beverages.**

It shall be unlawful for any person, firm or corporation operating or maintaining a place of business where non-intoxicating beverages are sold for consumption on the premises to:

1. Sell, offer for sale, give away, procure for, or otherwise dispense to, any person under twenty one (21) years of age any non-intoxicating beverage;

Reference: See, e.g., 37 O.S. 163.11 (3).

2. Permit any person under twenty one (21) years of age to loiter or remain in or around such place of business, except where such business is an eating place where the service of such beverages is incidental to the main business of serving food, unless said persons parent or legal guardian is present.

Reference: 37 O.S. 241; see also, 37 O.S. 163.11(4).

3. Employ any person under twenty one (21) years of age to work in such a place, except where said place is an eating place where the service of such beverages is incidental to the main business of serving food.

Reference: 37 O.S. 243.

4. Sell, deliver or knowingly furnish non-intoxicating beverages to an intoxicated person or to any person who has been adjudged insane or mentally deficient;

Reference: See, e.g., 37 O.S. 538.G.

5. Permit therein gambling, betting or operation of a lottery;

Reference: See, e.g., 37 O.S. 163.11(6).

6. Permit sale, furnishing or drinking of intoxicating liquor; or

Reference: See, 37 O.S. 163.11(7).

7. Permit disorderly conduct, loud or disturbing language or any other violation of State Law or of the Code of Ordinances of the City of Antlers, Oklahoma.

#### Section 2- 18. Location Restrictions for Certain Retail Dealers.

It shall be unlawful for retail dealers who sell non-intoxicating beverages for consumption on the premises to be located within three hundred (300) feet from any public school or church; provided however that, if any public school or church shall be established within three hundred (300) feet of any such retail dealer, license renewal shall not be affected adversely so long as there has not been a lapse of more than sixty (60) days.

Reference: 37 O.S. 163.24.

#### Section 2- 19. Hours of Sale.

1. It shall be unlawful and a criminal offense for non-intoxicating beverages (as herein defined) to be sold, given away or otherwise dispensed for consumption on the premises between the hours of 2:00 o'clock a.m. and 7:00 o'clock a.m. excepting Saturday nights when such beverages may not be sold, dispensed, served, or consumed on the premises between the hours of 2:00 o'clock a.m. and 12:00 o'clock noon on Sundays; provided, the

governing body of any city or town is hereby authorized to prohibit, by ordinance regularly enacted, the sale, dispensing, serving, and consumption of such beverages between the hours of 2:00 o'clock a.m. on Sunday and 7:00 o'clock a.m. of the following Monday.

Reference: 37 O.S. 213.

Sections 2- 20 through 2- 24. (Reserved for future use.)

#### **Article 4. Bottle Clubs**

Sections 2- 25 through 2- 39. (Reserved for future use.)

#### **Article 5. Miscellaneous Provisions**

Sections 2- 40 through 2- 49. (Reserved for future use.)

#### **Article 6. Penalty**

Section 2- 50. Penalty.

Any person, firm or corporation violating any provisions of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and cost as provided for in Section 10- 20 of this Code. Each day upon which a violation continues shall be deemed a separate offense. In addition to any fine or imprisonment, any license issued hereunder may be revoked.

## **CHAPTER 3**

### **ANIMALS**

#### **Article 1. General Provisions.**

#### **Article 2. License and Permit Requirement.**

#### **Article 3. Municipal Pound.**

#### **Article 4. Penalty.**

### **Article 1. General Provisions**

#### **Section 3- 1. Definitions.**

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

1. Animal. The word "animal" shall mean all vertebrate and invertebrate animals, whether domesticated or wild, including, but not limited to, bees, birds and fowl (including parakeets), cattle, cats, chickens, dogs, ducks, geese, goats, horses, livestock of all types, mammals (including elephants), rabbits, all reptiles, rodents, sheep, swine and turkeys.
2. Animal Control Officer. The term "Animal Control Officer" shall mean the person(s) responsible for enforcement of the ordinances and regulations pertaining to animal control in the City of Antlers, Oklahoma.
3. Animal Shelter or Municipal Pound. The terms "animal shelter" or "municipal pound" shall mean any premises formally designated by the City Council for the purpose of impounding and caring for animals held under the authority of this Chapter, regardless of whether or not said premises are within the municipality's corporate boundaries, and regardless of whether or not said premises are under actual municipal ownership or provided for under a contractual arrangement between the City of Antlers, Oklahoma, and private owner(s).
4. At Large. The term "at large" shall mean not under "restraint," as defined in paragraph 11 below.
5. Dangerous Birds. The term "dangerous bird" shall mean any warm blooded, feathered vertebrate which may constitute a physical threat to human beings.
6. Harboring. The word "harboring", when used in this Chapter, shall mean allowing any animal habitually to remain or be fed on premises.

7. Kennel. The word "kennel" shall mean any structure or place where three (3) or more dogs, over six (6) months of age, are kept, bred or trained, at any single time, or any facility designed or built to accommodate the temporary boarding of more than three (3) dogs over six (6) months of age.

8. Livestock. The word "livestock" shall mean all animals, other than dogs, cats, small caged birds or small aquatic or amphibian animals.

9. Owner. The word "owner" shall mean any person, firm or corporation owning, harboring or keeping an animal; occupants of any premises to which a domesticated or tamed animal; occupants of any premises to which a domesticated or tamed animal customarily returns for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal, and thereby considered to be an "owner" of said animal.

10. Pet. The word "pet" shall mean any animal kept for pleasure, rather than utility.

11. Restraint. An animal shall be deemed to be under "restraint" if confined on the premises of its owner, if on a leash and accompanied by a responsible person, or in the case of a hunting dog, if accompanied by its owner engaged in the act of hunting.

12. Vicious Dog or Animal. The term "vicious dog or animal" shall refer to any dog or animal which has bitten or attempted to bite any person without provocation, or which attacks, barks or growls at and acts as if it intended to attack or bite, any person or persons when not provoked. The owner or owners of such dogs or animals shall be liable to the full amount when such animal bites or injures any person while such person is in or on a place where he or she has a lawful right to be.

Reference: 4 O.S. 42.1.

13. Wild Animal. The term "wild animal" shall mean any animal which can normally be found living in a naturally wild state and is not ordinarily tamed or domesticated; the term shall include animals which may be owned by a circus or wild animal show or exhibition.

### Section 3- 2. Animals Running At Large Regulation and Taxation.

The City of Antlers, Oklahoma shall regulate and prohibit animals running at large. The City Council of the City of Antlers may provide for pens, pounds, and buildings for the use of the municipality. They may also regulate and provide for taxing the owners and harbinger of such animals, and may authorize the extermination of animals which are found at large in violation of this Ordinance.

No owner shall permit any animal harbored or kept by him to be at large within the town, and it is unlawful for any animal to be at large at any time within the town.

Reference: 11 O.S. 22- 115.

Section 3-3. Animals Not to be At Large Except Cats.

1. It shall be unlawful and an offense for any owner to permit any animals (including chickens and other fowl) owned, harbored, or kept by him, except a cat, to be at large.
2. It shall be unlawful and an offense for any person to:
  - a. Keep, own, harbor or possess any dog within the corporate limits of the City of Antlers, Oklahoma, without providing a substantial and secure pen or fenced in area in which said dog shall be confined (which pen or fenced in area shall be sufficient in size that no sanitation or health problem shall be created); or to
  - b. Place a dog on a leash which permits the dog to reach or bite any person who may be using the public thoroughfares of the City, to reach beyond the limits of the lot or premises upon which said dog is kept and confined, or to reach any person who may be rendering necessary services to the premises where, said dog may be kept, harbored or possessed.
3. No resident of the City of Antlers shall have more than three (3) dogs per household over the age of six (6) months of age.

Section 3-4. Disturbances by Animals; Public Nuisance Abatement.

1. It shall be a public nuisance for any person to keep any dog or other animal which, by barking, howling or otherwise, disturbs the peace and quiet of, or creates a nuisance for, any person or persons.
2. It shall also be a public nuisance for any person to keep any dog or other animal which attacks other animals or damages private or public property.
3. Abatement of such public nuisances shall be handled in accordance with the provisions of Chapter 14, this Code.

Reference: 50 O.S. 2, 16.

Section 3- 5. Keeping Animals.

1. It shall be unlawful and an offense for any person to keep any animals within the corporate limits of the City of Antlers, Oklahoma, except under those conditions and provisions herein specified. Absent such conditions and provisions for a particular type of animal, said animal type shall not be kept or harbored at any time within the corporate limits of the City of Antlers, Oklahoma herein specified.
2. No swine other than potbellied pigs shall be kept within the corporate limits of the City of Antlers, Oklahoma, with the exception of FFA and/or 4-H projects in appropriately

designated areas and in such a manner from becoming a nuisance, as determined by the Code Enforcement Officer.

3. Every structure wherein any authorized animal is kept within the corporate limits of the City of Antlers, Oklahoma, shall be constructed of such material and in such a manner that it can be kept clean and sanitary at all times, and it shall be maintained in said condition, devoid of rodents and vermin and free from objectionable odors, in order to avert the creation of a nuisance to the public health. Every such structure, if located within two hundred (200) feet of any tenement, apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes, or residence (other than that occupied by the owner or occupant of the premises upon which such animal is kept), shall be provided with a watertight and fly tight receptacle for manure of such size as to hold all accumulations of manure. Such receptacle shall be emptied sufficiently often and in such 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 the premises except in such receptacle.

4. A fence made of three rails or boards of good substantial material fastened to good substantial posts not more than ten (10) feet apart or any other kind of fence, which, in the opinion of the City Council shall be equivalent thereto, shall be declared a lawful fence: Provided, that the lowest or bottom rail, wire or board shall not be more than twenty (20) inches from the ground, and that such fence shall be fifty-four (54) inches in height, except that a barb wire fence may consist of three barb wires, or four barb wires, two of which shall be barbed, the wires to be firmly fastened to the posts not more than ten (10) feet apart, with two stays between the posts, or with posts not more than eight (8) feet apart without such stays, the top wire to be not less than fifty four (54) nor more than fifty eight (58) inches in height, and the bottom wire to be not more than twenty (20) inches from the ground: Provided, further, that all partition fences may be made tight at the expense of the party desiring it, and such party may take from such fence the material by him added thereto whenever he may elect: And provided, further, that when the owner or occupants of adjoining lands both use the fence for the purpose of restraining horses, cattle, chickens, sheep, or goats, each of said owners or occupants shall keep their respective share of the partition fence sufficiently tight to restrain such animals.

Reference: 4 O.S. 154.

5. The keeping or raising of bees within the corporate limits of the City of Antlers, Oklahoma, shall be permitted only on Large Lots (over 2 acres). No license or permit shall be required to keep or raise bees.

6. The keeping or raising of horses, sheep, goats, cattle, and chickens (or similar fowl), shall be permitted throughout the City of Antlers, Oklahoma, as long as the premises are in accordance with the provisions of subsections 3 and 4 (above); State and County Health Department requirements and standards; and said structure or enclosure shall be at least ten thousand (10,000) square feet in area for each large\* animal, at least five

thousand (5,000) square feet for sheep or goats, and at least ten (10) square feet for each chicken, having no more than 15 chickens. The animals kept therein shall not be located nearer than one hundred (100) feet to any dwelling.\*Cattle, Horses, or similar animals etc.

7. The raising of parakeets and/or other small birds or similar fowl shall be permitted within the City of Antlers, Oklahoma, without license or permit requirements, subject to the following provisions:

a. All activities associated with the raising of such fowl shall be completely enclosed and out of the public view;

b. Premises used for the raising of such fowl shall be maintained in accordance with subsections 3 and 4 (above); and

8. The raising or keeping of dangerous birds shall be permitted, in accordance with the provisions of subsections 3 and 4 (above) and the license and permit requirements outlined in Article 3 of this Chapter.

9. The raising or keeping of rodents, for any purpose, shall be permitted, in accordance with the provisions of subsections 3 and 4 (above) and the license and permit requirements outlined in Article 2 of this Chapter.

10. The raising or keeping of rabbits shall be permitted, in accordance with the provisions of subsections 3 and 4 (above).

11. The keeping or raising of any wild animals shall be prohibited within the City of Antlers, Oklahoma, except for those wild animals which may be under the care of traveling shows, or circuses, and for which the license requirements of Article 2 of this Chapter are met and a permit obtained.

12. The keeping as pets of other animals not specifically mentioned or regulated within this Chapter, shall be subject only to such generally applicable provisions requiring the maintenance of sanitary conditions and the avoidance of a nuisance.

13. No venomous snakes may be kept within the corporate limits of the City of Antlers, Oklahoma, except under the conditions and provisions of the license required for such snakes in section 3-26 of this Chapter; it shall be unlawful for any person, firm or corporation to keep or raise such snakes within said City, without having met permit requirements and obtained a permit.

#### Section 3- 6. Responsibilities of Owners.

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

1. Owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance.



2. Owners shall provide proper care and treatment of their animals.

3. Owners shall not abandon their animals.

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

Reference: 21 O.S. 1691.

#### Section 3- 7. Cruelty to Animals.

1. It shall be unlawful for any person knowingly, willfully or maliciously to overdrive, overload, torture, destroy or kill, or cruelly beat or injure, maim or mutilate, any animal in subjugation or captivity, whether wild or tame, and whether belonging to himself or to another, or deprive any such animal of necessary food, drink or shelter; or who shall cause, procure or permit same; or who shall willfully set on foot, instigate, engage in, or in any way further any act of cruelty to any animal, or any act tending to produce such cruelty.

Reference: 21 O.S. 1685.

2. It shall be unlawful for any person to instigate or encourage a fight between animals, or to keep a house, pit or other place used for fights between animals.

Reference: 21 O.S. 1682, 1683.

#### Section 3-8. Turning Confined Animals at Large Unlawful.

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

#### Section 3- 9. Pasturing in Public Areas Unlawful.

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

#### Section 3- 10. Rabies Control: Vaccination Requirements.

1. Any warm blooded animal, capable of transmitting rabies virus, maintained or harbored at any time in the City of Antlers, Oklahoma, shall be vaccinated against rabies with an approved vaccine, either live or inactivated (killed virus).

a. Live virus vaccine can only be sold to and administered by a licensed veterinarian. Veterinarians shall be required to keep a record of the type and/or brand of the rabies vaccine administered to each animal for a period of three years.

b. Inactivated (killed virus) vaccine may be administered by persons who are not licensed veterinarians. The individual who administers the vaccine must keep a record for three years which includes: name and address of the owner of the animal, date of vaccination, brand name of vaccine used, lot serial number of vaccine used, person or firm from whom purchased, their address and date of purchase; expiration date of vaccine used; and the name, address, and telephone number (if any) of the individual administering the vaccine.

Reference: 1983 Rabies Prevention Guidelines, OSDH.

c. The owner of such animals shall be required to furnish such proof of vaccination when requested to do so by the Animal Control Officer or Law Enforcement Officer. Failure to provide such proof shall be prima facie evidence that such animal has not been so vaccinated.

2. The identity and address of the owner of any animal that bites a person shall be promptly furnished to the Animal Control Officer, Law Enforcement Officer, and County Health Department. The Animal Control Officer or Law Enforcement Officer shall securely quarantine such animal until reasonable determination has been made that the animal is not infected with rabies. At the discretion of the Animal Control Officer or Law Enforcement Officer, such quarantine may be on the premises of the owner, at a veterinary hospital of the owner's choice (at the owner's expense), or at the Municipal Pound. In case of animals whose ownership is unknown, such quarantine shall be at the Municipal Pound. Said animal may be reclaimed by the owner, if adjudged free of rabies; such Owner shall then pay any related charges for confinement. Quarantined animals shall be under the supervision of a licensed veterinarian for a period of ten (10) days.

Reference: 63 O.S. 1 508 1983 Rabies Prevention Guidelines, OSDH

3. When an animal under quarantine has been diagnosed as being rabid or is suspected of having rabies by a licensed veterinarian, and dies while under such observation, the Animal Control Officer, Law Enforcement Officer, veterinarian or other designated person, shall immediately send the necessary part of such animal to the State Health Department for pathological examination and shall notify the proper health officer of any reports of human contact.

4. When a report gives a positive diagnosis of rabies and the County Health Director feels that a rabies crisis may be imminent, the Health Department may recommend to the City Council a city wide quarantine; upon the invoking of such quarantine by the City Council,

no animal shall be taken into the streets or permitted to be in the streets, except for short periods of exercise (under leash and control of a competent adult). During such quarantine, no animal may be taken or removed from the City of Antlers, Oklahoma, without written permission of the Animal Control Officer or Law Enforcement Officer.

5. During such period of rabies quarantine, every animal bitten by an animal adjudged to be rabid shall be destroyed forthwith; or, at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian; or, shall be held under six (6) month quarantine by the owner in the same manner as a female in season. The period of quarantine may be extended from time to time.

6. No person shall remove from the City of Antlers, Oklahoma, any animal suspected of having been exposed to rabies, or any animal which has bitten a human, except as herein provided. The carcass of any dead animal exposed to rabies shall be surrendered to the Animal Control Officer or Law Enforcement Officer upon demand; the Animal Control Officer or Law Enforcement Officer shall direct disposition of said animal. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the Animal Control Officer or Law Enforcement Officer.

7. It shall be the duty of every person owning or harboring any dog or cat which is six (6) months old or older within the corporate limits of the City of Antlers, Oklahoma, to obtain a rabies vaccination certificate from a graduate licensed veterinarian, or agent authorized by the City Council, showing that the vaccination has been made, date of vaccination, by whom and the date when such vaccination shall expire. Each such certificate shall be registered with the City Clerk.

8. Failure to abide by the municipal vaccination requirements within fifteen (15) days of establishing residency within the City of Antlers, Oklahoma, shall be unlawful.

#### Section 3- 11. Vicious Dogs.

1. It shall be unlawful for any person to own, keep, or harbor any vicious or fierce dog of any or all breeds or any dog which has bitten persons or animals, whether licensed or not. For the purpose of this section a "vicious or fierce dog" shall include all vicious dogs.

Owners of all vicious dogs must comply with the following;

a. Dogs must be kept inside a residence or completely enclosed pen, secured both on top and bottom.

b. There must be a sign posted "Beware of Dog."

c. The dog must be muzzled at all times when outside on a chain.

d. The dog must be chained with at least 1/4 "chain no longer than 5' long.

e. Offspring of vicious dogs must be removed from the city limits by 6 (six) weeks from birth.

f. The dog must be registered with the city offices with 2 (two) color photos and proof of \$100,000 liability insurance (which may be a separate policy or a homeowners policy). The owner or owners of any dog covered by this section shall be liable for damages to the full amount of any damages sustained when said dog causes personal injury or property damage to a citizen, visitor, or other animal of the City of Antlers, Oklahoma. Upon the second (2<sup>nd</sup>) offense, the dog shall be euthanized.

2. The Animal Control Officer, his designated representative or any Law Enforcement Officer of the City of Antlers, Oklahoma, shall be required to kill any dog running loose within the corporate limits of the City of Antlers, Oklahoma, which is determined by the Animal Control Officer or Law Enforcement Officer to be vicious or crazed and a threat to the public health and safety, and which dog is found running at large without being restrained in a pen or on a leash, without keeping said dog in the Municipal Pound for any period of time.

Reference: 11 O.S. 22- 115.

### Section 3- 12. Pet Shops and Kennels. Private Counseling Kennels.

1. It shall be unlawful for any person or persons to maintain a pet shop or kennel, including boarding kennel, for business in a commercial zone, unless such owner shall first pay to the City of Antlers, Oklahoma, an occupation tax of twenty five dollars (\$25.00) and obtain from the City Clerk a license. Said license, issued by the City Clerk, shall be posted at all times and shall be in lieu of all other registration fees prescribed, provided that all animals in such a boarding kennel or shop shall, at all times, be confined on the premises. Should animals belonging to such owner or keeper be allowed off the premises, the owner or keeper shall pay the same tax and registration fee as required for all animals not kept under this provision.

2. Pet shops and kennels shall be maintained in a clean and sanitary condition at all times, and shall be subject to inspection by the Animal Control Officer or Law Enforcement Officer at any reasonable time.

3. All pet shops and kennels, excluding private boarding kennels, shall:

a. Maintain records and retain such records for a two (2) year period on all animals maintained in such facility. Such records shall show type/breed, color, markings, sex, age, date and source of the animal, period for which the animals is maintained, date of disposition of the animal (including the name and address of the new owner), and disease prevention and/or treatment and by whom;

b. Provide general environmental conditions to assure adequate physical space for such animal, control of parasites, clean food and water, weather protection, and clean and sanitary facilities; and

c. Provide cages and pens of easily cleanable materials, if used for confinement, and keep such cages and pens clean and sanitary.

4. No pet shop, kennel, private boarding kennel, stable, coop, or other establishment wherein animals are kept shall be maintained closer than two hundred (200) feet to any tenement or apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious, hospital purposes, or residence, other than that occupied by the owner or occupant of the premises upon which such animal is kept.

5. Kennels are prohibited in the City of Antlers unless approval is obtained by the Board of Adjustment.

### Section 3- 13. Inspections to Enforce Chapter.

1. The local or county health officer, or any member of the City Council, upon complaint of any person or on his own initiative, shall inspect, or cause to be inspected, any structure or place wherein an animal is kept.

2 The local or county health officer may issue any such reasonable order as he may deem necessary to the owner of such animal, to cause such animal to be kept as provided in this Chapter or in a manner so as not to constitute a nuisance.

3. The local or county health officer may make a complaint before the Municipal Judge against any person for violation of any provision of this Chapter or for any such reasonable order, but this shall not abridge the right of others to make such complaints.

### Section 3- 14. Zoning. Ordinance to Prevail.

In case of conflict between this Chapter and any future zoning ordinance, the provisions of the zoning ordinance shall prevail and supersede the provisions of this Chapter.

Sections 3-1 through 3-25. (Reserved for future use.)

## **Article 2. License and Permit Requirements**

Reference: 11 O.S., Sec. 22-115.

### Section 3- 26.Poisonous Snakes.

1. No person shall keep, buy, or otherwise acquire from another, any poisonous snake within the City of Antlers, Oklahoma.

### Section 3- 27. Licenses for Wild Circus Animals.

1. All wild animals owned by individuals, circus or traveling animal show, shall not be permitted within the corporate limits of the City of Antlers, Oklahoma, unless the owner or

person in charge of said circus or show, or his designated representative, has first obtained a license for said animals from the City Clerk.

2. Said license shall be issued by the City Clerk upon submission of a written, signed statement by the applicant that he has provided ample safeguards to protect the public health, safety and welfare.

3. To cover issuance and enforcement costs, the applicant shall pay a fee of twenty dollars (\$20.00) to the City Clerk; the written receipt may constitute the license.

4. Said license, so issued, shall be valid for a term of one (1) month.

5. All circus or traveling animal shows shall pay a refundable deposit of one hundred (100) dollars. Upon inspection of site by Antlers Police Department and found to be in clean condition, deposit shall be refunded.

#### Section 3- 28. License for Dangerous Birds.

1. No person shall keep, raise or bring into the City of Antlers, Oklahoma, any bird which may be defined as a "dangerous bird," without first having obtained a license to handle said bird from the City Clerk.

2. Said license shall be issued by the City Clerk only after the applicant has provided a written, signed statement outlining the safeguards he has provided to protect the public health, safety and welfare.

3. The fee for said license shall be five dollars (\$5.00).

4. Said License, so issued, shall be valid for a period of one (1) year.

#### Sections 3- 29 through 3- 34 (Reserved for future use.)

### **Article 3. Municipal Pound**

#### Section 3- 35. Municipal Pound Authorized.

1. The City Council is hereby authorized to establish a Municipal Pound, under the jurisdiction of the Chief of Police or the Animal Control Officer who shall provide proper sustenance for all animals impounded and shall treat them in a humane manner.

2. The Municipal Pound may be established on a shared or contractual basis with other units of government or with a private individual or firm, and need not be physically located within the City of Antlers, Oklahoma.

Reference: 11 O.S. 22- 115.

#### Section 3- 36. Impoundment of Animals.

1. It shall be the duty of the Animal Control Officer (or any other designated officer or employee of the City) to take into custody and impound any animal running at large in violation of the provisions of this Chapter.

2. The Animal Control Officer shall also proceed to impound any dog that is running at large within the corporate limits of the City of Antlers, Oklahoma, regardless of whether the dog bears a tag or the owner has a permit.

3. The Animal Control Officer shall immediately capture and impound any and all dogs which are kept, owned, possessed or harbored in violation of any of the terms and provisions of this Code.

4. Any person appearing at the Municipal Pound who shall satisfy the keeper of the same of the fact of ownership or the right to the possession of any dog therein impounded, shall have such dog returned to him, upon the payment of the charges due, as authorized by the provisions of this Chapter.

5. Animals which are of no apparent value, taken into custody as provided in this section, after an impoundment of seven (7) days 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.

6. Should any licensed institution request of the Animal Control Officer that animals be delivered to it for scientific or educational research, such animals may be released to said institution, provided that no animal taken into custody shall be delivered to such institution until such animal has been impounded for at least seven (7) days and remains unclaimed and redeemed by its owner or any other person desiring such animal as a pet.

Reference: See generally, 4 O.S. 391, et seq.

7. It shall be unlawful for any person to, in any manner, obstruct the duties and activities of the municipal official or employee responsible for impounding animals.

### Section 3- 37. Impounded Animals: Fees for Keeping and Redemption.

1. The fees for impounding and keeping an animal, to be paid upon redemption, shall be twenty-five dollars (\$25.00) per animal for the first day and ten dollars (\$10) there after which said animal has been impounded.

2. All fees shall be paid to the City Clerk. Receipt for payment of fees on an impounded animal shall be presented to the Animal Control Officer before the animal shall be released.

### Sections 3- 38 through 3- 44. (Reserved for future use.)

#### **Article 4. Penalty**

##### **Section 3- 45. Penalty.**

Any person, firm or corporation who violates any provision of this Chapter, or who violates or neglects to carry out any reasonable order made by any Health Officer, the Chief of Police or the Animal Control Officer, pursuant to this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 10- 20 of this Code. Each day upon which a violation continues shall be deemed a separate offense. In addition to any fine or imprisonment, licenses issued under this chapter may be revoked.



**Chapter 4**  
**Building Codes**

**Article 1. International Building Code**

**Article 2. International Residential Code for One and Two Family Dwellings**

**Article 3. National Electrical Code**

**Article 4. International Plumbing Code**

**Article 5. International Mechanical Code**

**Article 6. International Fuel Gas Code**

**Article 1. International Building Code**

These regulations shall be known as the Building Code of the City of Antlers hereinafter referred to as "this code " Refer to: "The International Building Code, 2018" as published by The Building Officials and Code Administrators International, Inc.

**Section 4-1 Adopted by reference**

1. A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the International Building Code, 2018 edition, including appendix chapters A through J, inclusive, as published by the International Code Council or latest edition thereof, is hereby adopted as the Building Code of the City of Antlers in the State of Oklahoma for regulating and governing the conditions and maintenance of all property, buildings, and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupations and use, for the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided, and for the issuance of permits and collections of fees, therefore. Each and all of the regulations, provisions, penalties, conditions and terms of said building code on file in the office of the city clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any.

2. Amendments. The following sections of the International Building Code adopted by reference in subsection (a) of this section are hereby revised as follows:

Section 101.1. Insert "City of Antlers."

Section 1612.3. Insert "City of Antlers."

Section 1612.3. Insert "March 1, 1986."

State law references: Adoption by reference, 11 O.S. § 14-107.

### Section 4-2 Violation

Violation of any provision of the International Building Code adopted by reference in subsection (4-1) shall be guilty of a code violation, punishable by a fine of not more than one hundred dollars (\$100.00) or by imprisonment not exceeding 3 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

### Section 4-3 Unlawful continuance.

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50.00 or more than \$100.00 per day. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

### Section 4-4. Building Permit Required

It shall be a Code violation for any person to change or permit the change in the use of land or buildings or structures or to erect, alter, move improve any building or structure until a building permit has been obtained. All applications for permits shall be in writing upon an official blank form supplied by the city inspector.

### Section 4-5 Fee Schedule

1. A fee for each plan examination, building permits, removal, demolition and inspection shall be paid in accordance with the following schedule:

a. New Construction:

(1). Plan Review Fee:

(a) Under 1300 square feet \$40.00

(b). Plan Review Fee 1300 square feet through 3000 square feet \$50.00

(c). Plan Review Fee over 3000 square feet \$100.00.

(2). Inspection Fee \$25.50 per permit

(3). Building Permit fee cost will equal estimated construction cost times inspection multiplier of .002.

(4). Electrical permit will equal 20% of Building Permit fee except there shall be a minimum Electrical Permit fee of twenty dollars (\$20.00)

(5). Plumbing permit will equal 20% of Building Permit fee except there shall be a minimum Plumbing Permit fee of twenty dollars (\$20.00)

(6). Mechanical permit will equal 20% of Building Permit fee except there shall be a minimum Mechanical Permit fee of twenty dollars (\$20.00)

b. Remodel, alterations, repairs, expansion, additions or modifications over \$10,000.00:

(1). Inspection Fee \$25.50 per permit

(2). Building Permit fee cost will equal estimated construction cost times inspection multiplier of .002.

(3). Electrical permit will equal 20% of Building Permit fee except there shall be a minimum Electrical Permit fee of twenty dollars (\$20.00)

(4). Plumbing permit will equal 20% of Building Permit fee except there shall be a minimum Plumbing Permit fee of twenty dollars (\$20.00)

(5). Mechanical permit will equal 20% of Building Permit fee except there shall be a minimum Mechanical Permit fee of twenty dollars (\$20.00)

#### Section 4-6 Additional Information

1. The construction documents for new construction in excess of one hundred fifty thousand dollars (\$150,000.00) in construction cost or being more than two stories in height not counting basement shall be prepared by a registered design professional consistent with the professional registration laws of the state in which the project is to be constructed. The construction documents of construction over one hundred fifty thousand dollars (\$150,000.00) or being more than two stories in height shall include the name and address of the registered design professional and shall be signed, sealed and dated by the registered design professional in accordance with the professional registration laws of the state in which the project is to be constructed. All alternations, repairs, expansion, additions or modifications for buildings or structures under fifty thousand dollars (\$50,000.00) in cost shall require plans hand drawn to scale to be submitted.

2. Whenever any structure or building is to be improved in an amount exceeding ten thousand dollars (\$10,000.00) or erected, moved or structurally altered, the applicant shall furnish the following information:

(a) A plot plan, drawn to scale, showing the exact size, shape, and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be repaired, altered, erected, or moved, and the size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities.

(b) A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate.

(c) Additional information relating to the proposed improvement needed to determine compliance with these regulations.

3. A survey, prepared by an engineer registered in the State of Oklahoma, of the boundaries of the lot on which the improvement is proposed to be located may be required by the building inspector where the boundaries of the lot are not clearly defined.

Section 4-7 through 4-10 (reserved for further use)

## **Article 2. International Residential Code for one and Two Family Dwellings**

Section 4-10 Adopted by reference.

1. A certain document, one copy of which is on file in the office of the City Clerk, being marked and designated as the International Residential Code for one and two family dwellings, 2018 edition or the latest edition thereof, including appendix chapters A through P, inclusive, as published by the International Code Council, is hereby adopted as the Residential Code of the City of Antlers in the State of Oklahoma for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collections of fees, therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

2. Amendments.

The following sections of the International Residential Code adopted by reference in Section 4-10 of this section are hereby revised as follows:

Section R101.1. Insert "City of Antlers."

Section P2603.5.1. "Insert sixteen (16) inches."

State law references: Adoption by reference, 11 O.S. § 14-107.

Section 4-11 Violation

Violation of any provision of the International Residential Code for One and Two Family Dwellings adopted by reference in Section (4-10) shall be guilty of a code violation, punishable by a fine of not more than one hundred dollars (\$100.00) or by imprisonment

not exceeding 3 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

#### Section 4-12 Unlawful continuance.

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50.00 or more than \$100.00 per day.

#### Section 4-13. Building Permit Required

It shall be a Code violation for any person to change or permit the change in the use of land or buildings or structures or to erect, alter, move improve any building or structure until a building permit has been obtained if said structure exceeds ten thousand dollars (\$10,000.00) in cost. All applications for permits shall be in writing upon an official blank form supplied by the city inspector.

#### Section 4-14 Fee Schedule

1. A fee for each plan examination, building permits, removal, demolition and inspection shall be paid in accordance with the following schedule:

a. New Construction:

(1). Plan Review Fee:

(a) Under 1300 square feet \$40.00

(b). Plan Review Fee 1300 square feet through 3000 square feet \$50.00

(c). Plan Review Fee over 3000 square feet \$100.00.

(2). Inspection Fee \$25.50 per permit

(3). Building Permit fee cost will equal estimated construction cost times inspection multiplier of .002.

(4). Electrical permit will equal 20% of Building Permit fee except there shall be a minimum Electrical Permit fee of twenty dollars (\$20.00)

(5). Plumbing permit will equal 20% of Building Permit fee except there shall be a minimum Plumbing Permit fee of twenty dollars (\$20.00)

(6). Mechanical permit will equal 20% of Building Permit fee except there shall be a minimum Mechanical Permit fee of twenty dollars (\$20.00)

a. Remodel, alterations, repairs, expansion, additions or modifications over \$3,000.00:

- (1). Inspection Fee \$25.50 per permit
- (2). Building Permit fee cost will equal estimated construction cost times inspection multiplier of .002.
- (3). Electrical permit will equal 20% of Building Permit fee except there shall be a minimum Electrical Permit fee of twenty dollars (\$20.00)
- (4). Plumbing permit will equal 20% of Building Permit fee except there shall be a minimum Plumbing Permit fee of twenty dollars (\$20.00)
- (5). Mechanical permit will equal 20% of Building Permit fee except there shall be a minimum Mechanical Permit fee of twenty dollars (\$20.00)

#### Section 4-15 Additional Information

1. The construction documents for new construction in excess of \$150,000.00 in construction cost or being more than two stories in height not counting basement shall be prepared by a registered design professional consistent with the professional registration laws of the state in which the project is to be constructed. The construction documents of construction over \$150,000.00 or being more than two stories in height shall include the name and address of the registered design professional and shall be signed, sealed and dated by the registered design professional in accordance with the professional registration laws of the state in which the project is to be constructed. All alternations, repairs, expansion, additions or modifications for buildings or structures under \$50,000.00 in cost shall require plans hand drawn to scale to be submitted.

2. Whenever any structure or building is to be improved in an amount exceeding ten thousand dollars (\$10,000.00) or erected, moved or structurally altered, the applicant shall furnish the following information:

(a) A plot plan, drawn to scale, showing the exact size, shape, and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be repaired, altered, erected, or moved, and the size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities.

(b) A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate.

(c) Additional information relating to the proposed improvement needed to determine compliance with these regulations.

(d) A survey, prepared by an engineer registered in the State of Oklahoma, of the boundaries of the lot on which the improvement is proposed to be located may be required by the building inspector where the boundaries of the lot are not clearly defined.

Section 4-16 through 4-20 (reserved for further use)

### **Article 3.National Electrical Code**

#### **Section 4-21 Adopted by reference**

The National Electrical Safety Code, 2017 edition or the latest edition thereof, promulgated and published by the Institute of Electrical and Electronic Engineers, Inc., is hereby adopted and incorporated herein as fully as if set out at length herein to govern the installation, operation or maintenance of conductors and equipment in electric supply stations, overhead and underground electric supply and communication lines, and all other aspects of the construction, maintenance and operation of electric supply and communication lines and equipment, as described and defined by said National Electrical Safety Code, of which not less than one copy has been and is now filed in the office of the City Clerk. Violation of any of the provisions of the International Electrical Safety Code or failure to comply with the requirements thereof shall be a class C offense. (Ord. No. 2598, § 9-20, 3-2-1993)

State law references: Adoption by reference, 11 O.S. § 14-107.

#### **Section 4-22 Fee Schedule**

The fees for all Electrical Permits shall be as indicated in the following schedule.

- a. Cost of Electrical permit will equal 20% of Building Permit fee except there shall be a minimum Electrical Permit fee of twenty dollars (\$20.00)

#### **Section 4-23 Violation**

Violation of any provision of the International Electrical Code adopted by reference in Section 4-21 shall be guilty of a code violation, punishable by a fine of not more than one hundred dollars (\$100.00) or by imprisonment not exceeding 3 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

#### **Section 4-24 Unlawful continuance.**

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50.00 or more than \$100.00 per day.

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

## **Article 4. International Plumbing Code**

### **SECTION 4-26. Adopted by reference**

1. A certain document, one copy of which is on file in the office of the City Clerk, being marked and designated as the International Plumbing Code, 2018 edition or the latest edition thereof, including Appendix Chapters A-B, as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the City of Antlers State of Oklahoma regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

2. The following sections are hereby revised.

Section 101.1. Insert : "The City of Antlers."

Section 106.6.2. Insert "Fee Schedule-20% of building permit price"

Section 106.6.3. Insert "75% 75%"

Section 108.4. Insert "Misdemeanor \$100.00 (one hundred) dollars/30 days"

Section 108.5 Insert "\$50.00 (fifty dollars) daily/\$100.00 (one hundred dollars) daily"

Section 305.4.1. Insert "Minimum of 16 (sixteen) inches and 16 (sixteen) inches"

Section 903.1. Insert "12 (twelve) inches"

State law references: Adoption by reference, 11 O.S. § 14-107; authority and duty of city to prescribe plumbing regulations, 59 O.S. § 1015.

### **Section 4-27 Fee Schedule**

The fees for all Plumbing Permits shall be as indicated in the following schedule.

- a. Cost of Plumbing permit will equal 20% of Building Permit fee except there shall be a minimum Plumbing Permit fee of twenty dollars (\$20.00)

### **Section 4-28 Violation**

Violation of any provision of the International Plumbing Code adopted by reference in Section 4-26 shall be guilty of a code violation, punishable by a fine of not more than one hundred dollars (\$100.00) or by imprisonment not exceeding 3 days, or both such fine



and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 4-29 Unlawful continuance.

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50.00 or more than \$100.00 per day.

Sections 4-30 through 4- 32. (Reserved for future use.)

**Article 5 International Mechanical Code**

**SECTION 4-33**

1. Adopted by reference. A certain document, one copy of which is on file in the office of the City Clerk, being marked and designated as the International Mechanical Code, 2018 edition or the latest edition thereof, including Appendix Chapters A-B, as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City of Antlers State of Oklahoma regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

2. Amendments.

Section 101.1. Insert: The City of Antlers

Section 106.5.2. Insert: 20% of the building permit

Section 106.5.3. Insert: 75% and 75%

Section 108.4 Insert: Code Violation, \$100.00 (one hundred dollars), 3 days

Section 108.5. Insert: \$50.00(fifty dollars) per day \$100.00(one hundred dollars) per day

State law references: Adoption by reference, 11 O.S. § 14-107.

**Section 4-34 Fee Schedule**

The fees for all Mechanical Permits shall be as indicated in the following schedule. Cost of Mechanical permit will equal 20% of Building Permit fee except there shall be a minimum Mechanical Permit fee of twenty dollars (\$20.00).

#### Section 4-35 Violation

Violation of any provision of the International Mechanical Code adopted by reference in Section (4-33) shall be guilty of a code violation, punishable by a fine of not more than one hundred dollars (\$100.00) or by imprisonment not exceeding 3 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

#### Section 4-36 Unlawful continuance.

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50.00 or more than \$100.00 per day.

Sections 4- 37 through 4- 40. (Reserved for future use.)

### **Article 6. International Fuel Gas Code**

#### Section 4-41

1. Adopted by reference. A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the International Fuel Gas Code, 2018 edition or the latest edition thereof as published by the International Code Council, is hereby adopted as the fuel gas code of the city for installations outside and within buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of said fuel gas code are hereby referred to, adopted and made a part hereof as if fully set out in this section, with the additions, insertions and changes, if any.

2. Amendments.

Section 101-.1. Insert "The City of Antlers"

## CHAPTER 5

### BUSINESSES AND OCCUPATIONS

#### Article 1. Occupation Licenses and Taxes.

#### Article 2. Itinerant Occupations.

#### Article 3. Miscellaneous Provisions.

#### Article 4. Penalty.

#### Article 1. Occupation Licenses and Taxes.

##### Section 5- 1. Licenses and Taxes

The City Council hereby levies a license tax upon occupations as set forth in this Chapter and elsewhere in this Code. The taxes so levied shall be collected by the City Clerk prior to issuance of each license. Revenues from said taxes shall be deposited by the City Clerk in accordance with Section 1- 27 of this Code.

Reference: 11 O.S. 22- 106, 22- 107.

##### Section 5 -2. Transfer of License Prohibited.

No license shall be assigned or transferred.

Reference: 11 O.S. 22- 107.

##### Section 5 -3. Revocation of License.

A license may be revoked by the City Council, after adequate notice and opportunity for hearing, if:

1. The licensee is pursuing or engaging in a business or occupation in such a manner that he has created or is creating a public nuisance; or
2. The licensee has committed a serious or repeated violation of state law or municipal ordinance.

Reference: 11 O.S. 22- 106.

##### Section 5- 4. Suspension of License.

A license may be suspended by the City Council in any case in which revocation action has been initiated. A suspension of license may remain in effect until conclusion of revocation action or for forty five (45) days, whichever occurs first.

Section 5-5. Expiration of License.

Any license issued by the City Council shall expire one (1) year after the date of issuance or on June 30 each year unless earlier specified.

Reference: 11 O.S. 22-107.

Section 5-6. Tax Schedule List:

a) There is hereby levied a license tax upon the following businesses and professions within the City, to wit:

ANNUALLY

- (1) Body works shop \$20.00
- (2) Feed and produce stores \$20.00
- (3) Propane and Butane distributors with appliances and equipment sales \$20.00
- (4) Service stations \$20.00
- (5) Service stations with other business in connection \$30.00
- (6) Cafes \$20.00
- (7) Cafes/Restaurants large or with other business \$30.00
- (8) Hotel/Motel \$20.00
- (9) Garage \$20.00
- (10) Grocery & meat market \$25.00
- (11) Beauty shop \$20.00
- (12) Lumber business or lumber yard \$40.00
- (13) Variety stores \$20.00
- (14) Nursing homes \$40.00
- (15) Specialties shops \$20.00
- (16) Banks \$40.00
- (17) Insurance agent \$20.00
- (18) Pest control (exterminators) \$20.00
- (19) Barber shops \$ 20 00
- (20) Used car lots \$20.00

- (21) Tourists courts \$20.00
- (22) Pool Halls/Recreation centers \$20.00
- (23) Clothing store \$20.00
- (24) Shoe shops \$20.00
- (25) Radio/TV repair & sales \$20.00
- (26) Dry goods store \$25.00
- (27) Jewelry store \$20.00
- (28) Auto parts \$20.00
- (29) Furniture store \$20.00
- (30) Taverns \$35.00
- (31) Funeral Home \$25.00
- (32) Leather goods shop \$20.00
- (33) Dry cleaners \$20.00
- (34) Laundries \$20.00
- (35) Florist \$20.00
- (36) Livestock auction \$30.00
- (37) Auto sales & service \$20.00
- (38) Bakery \$20.00
- (39) Video rentals \$20.00
- (40) Abstractor \$20.00
- (41) Bowling alley \$40.00
- (42) Drug store \$20.00
- (43) Physicians & Dentist \$20.00
- (44) Electrical/Plumbing supplies \$20.00
- (45) Fruit & vegetable vendors \$20.00
- (46) Real Estate agency \$20.00
- (47) Photographers & suppliers \$20.00
- (48) Monuments \$20.00
- (49) Hardware store \$20.00
- (50) Resale shops \$20.00

(b) Any business that is not specifically listed in this section shall obtain an occupation license by paying a minimum of \$20.00 annually.

Section 5- 7 through 5-9. (Reserved for future use)

## **Article 2. Itinerant Occupations**

### **Section 5- 10. "Itinerant Occupations" Defined.**

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

### **Section 5- 11. Itinerant Occupation Licenses; Fees.**

1. It shall be an offense for any persons to engage in any kind of itinerant occupation in the City of Antlers, Oklahoma, without first having obtained an Itinerant Occupation License from the Office of the City Clerk.
2. There is hereby levied an itinerant occupation tax in the amount of ten dollars (\$10.00) per business per day or one hundred dollars (\$100) per person annually against persons, firms, associations and corporations engaged in itinerant occupations within the City of Antlers, Oklahoma.

Reference: See, 11 O.S. 22- 106.

### **Section 5- 12. Itinerant Occupation License Provisions.**

1. Every person, firm, association or corporation who engages in an occupation or business for which an Itinerant Occupation license is required, shall pay the tax and secure a separate license for each such business occupation.
2. Every holder of an itinerant occupation license shall carry the license and shall display it to any person who requests to see it.
3. Whenever an Itinerant Occupation License has been lost or destroyed without any wrongful act or connivance by the holder, the City Clerk, on application, may issue a

duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make and file with said 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 a diligent search for it and has not been able to find it.

4. No person, firm, association or corporation to whom an Itinerant Occupation license has been issued shall conduct or pursue the business or occupation for which such license is issued at anytime on a Sunday or holiday or between the hours of 7:00 o'clock p.m. and 7:00 o'clock a.m. (on the following day), on any day unless expressly authorized by the City Council.

5. Assignment or transfer of licenses shall not be permitted.

6. An Itinerant Occupation license issued to any person, firm, association or corporation may be revoked by the City Manager and/or City Council, after adequate opportunity for a hearing, for any one (1) of the following reasons:

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

b. Serious or repeated violation of the law or ordinances.

7. Every person, firm, association, or corporation who engages in an occupation or business for which an itinerant occupation license is required, shall show proof that state and local sales tax is collected.

8. The City Council, by motion, resolution, or ordinance, may exempt any person, firm, association or corporation from the provisions of the itinerant occupation license.

Sections 5 -13 through 5- 14. (Reserved for future use.)

### **Article 3. Miscellaneous Provisions**

#### **Section 5- 31. Occupations Subject to License or Registration.**

Occupations other than itinerant occupations which are subject to license or registration under other provisions of this Code include:

1. Alcoholic Beverages; manufacturers, distributor, and sellers: Section 2- 5
2. Non alcoholic beverages; retail dealers: Section 2 -16
3. Plumbers Section 4- 17

4. Electricians Section 4- 56
5. Pet Shops and Boarding Kennels Section 3 -13
6. Wrecker Services Section 5 -35
7. Ambulance Services Section 5 -36
8. Taxicab Operators Section 5 -37

Section 5 -32. Sale of Merchandise on Vacant Property.

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

Section 5- 33. Shooting Galleries.

Every shooting gallery constructed, established, set up or operated hereafter within the corporate limits of the City of Antlers, Oklahoma, shall be constructed, established, set up and operated in accordance with the standards, specifications and requirements of state law. No shooting gallery shall be operated until any permits or licenses required by this Code of Ordinance have been secured therefore.

Reference: 63 O.S. 701- 708.

Section 5- 34. Short Weights and Measures Prohibited.

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

Reference: 2 O.S. 5- 61h.

Section 5- 35. Licensing, of Wrecker Services.

1. It shall be unlawful to operate a wrecker service within the corporate limits of the City of Antlers, Oklahoma, unless the owner or operator of said wrecker or wrecker service first obtains a license from the Office of the City Clerk.

2. Each wrecker or wrecker service operating within the City of Antlers, Oklahoma, shall pay an annual license fee or twenty dollars (\$20.00). Said fee shall be due on May 1<sup>st</sup> of each year; any licenses issued for a portion of a year shall have the fee therefore prorated on the basis of the number of months remaining in the application year at the time of the application for a license is made.

Section 5- 36. Private Ambulance Services.



1. The term "ambulance" shall mean any privately owned vehicle equipped or used for transporting the wounded, injured, sick or dead, and shall include, but shall not be restricted to, emergency vehicles used for such purposes, invalid coaches and funeral coaches.
2. The term "license officer" shall mean the City Clerk of the City of Antlers, Oklahoma.
3. No person shall operate ambulances within the corporate limits of the City of Antlers, Oklahoma, without first obtaining a license, as hereinafter provided, from the City Clerk.
4. Applications for licenses hereunder shall be made upon forms prepared by the City Clerk Treasurer, and shall contain:
  - a. The name and address of the owner of the ambulance(s);
  - b. A description of the ambulance(s), including the make, model, year of manufacture, State license number for the current year, motor and chassis numbers, and the length of time the ambulance has been in use;
  - c. The location and description of the place or places from which it is intended to operate; and
  - d. Such other information as the City Clerk shall find reasonably necessary to develop a fair determination of whether the terms of this Code of Ordinances have been complied with.
5. Application for a license issued under the provisions of this Article shall be accompanied by a license fee of one hundred dollars (\$100.00).
6. Upon receipt of an application, as provided for herein, the City Council shall cause an investigation to be made of the applicant and his proposed operation.
7. The City Council shall issue a license under the provisions contained herein, when it is determined that:
  - a. The public convenience and necessity require the proposed ambulance service for which the application has been submitted. In determining whether public convenience and necessity require the licensing of the proposed ambulance service, the City Council shall consider whether the public is adequately served at the current time, the financial responsibility of the applicant, the number, kind and type of equipment, the schedule of rate proposed to be charged, the increased traffic congestion upon the streets of the city, the demand which will result for increased parking space, the preservation of the streets for safe use by vehicles and pedestrians, and such other facts as the City Council shall consider important;
  - b. The ambulance, drivers, attendants, and premises have been certified by the appropriate health officials;

c. Insurance policies, as required by this Code of Ordinances, have been procured;

d. The applicant and all attendants and drivers are fit and proper persons to conduct or work in the proposed businesses; and

e. All the requirements of this Article and all other governing laws and Ordinances have been met.

8. The proper health officials shall inspect the vehicles and premises designated in an application hereunder, and shall certify their approval to the City Council when it is found that such vehicles and premises are suitable, from the standpoint of health and sanitation, for the conduct of an ambulance business, and that all State Laws and local Ordinances relating to health, safety and sanitation have been complied with.

9. An applicant hereunder shall file with the City Council an insurance policy, to be approved by the City Council, providing insurance coverage, for each and every ambulance owned, operated or leased by the applicant, for injury of or death to, persons in accidents resulting from an cause for which the owner of said vehicle would be liable on account of any liability imposed upon him by law, regardless of whether the ambulance was being driven by the owner, his agent or a lessee, and as against damage to the property of another, including personal property under like circumstances, in sums to be approved by the City Council.

#### Section 5- 37. Licenses for Taxicab Operators.

1. It shall be unlawful for any person, firm or corporation to operate one (1) or more taxicabs within the City of Antlers, Oklahoma, without first obtaining an annual Taxicab Operators' License from the City Clerk.

2. The City Clerk may issue such license once the applicant has:

- a. Paid the annual license fee of twenty dollars (\$20.00) for each taxicab;
- b. Filed with said City Clerk proof of financial responsibility (as outlined and required by 47 O.S. 1980 Supplement, Section 8- 104); and
- c. Appeared before the City Council for a hearing on his application.

3. The City Council shall approve or disapprove the issuance of the license, and shall cause the applicant to be notified of their decision and the reasons for disapproval (if applicable).

4. Taxicab Operators' Licenses shall expire on December 31st of each year.

5. Upon revocation or refusal to issue a license, the applicant may request a new hearing before the City Council.

Section 5- 38. Pool. Billiard and Other Recreational Halls.

1. It shall be unlawful for any owner, manager or operator to employ or permit any minor (as defined by current State Law) to work in a pool, billiard, domino or card hall or parlor; it shall be unlawful for any minor (as defined by State Law) to work in such a hall or parlor.
2. It shall be unlawful for any person in charge of any hall or parlor mentioned in Subsection1 (above) to permit any minor (as defined by current State Law) to resort to or loiter in, such a hall or parlor, or to play games therein, unless he is accompanied by a parent or guardian; it shall be unlawful for such person to resort to or loiter in, such a hall or parlor, or to play games therein, unless he is accompanied by a parent or guardian.
3. It shall be unlawful for the owner, manager or operator of a pool, snooker, billiard, domino or card hall or parlor, or bowling alley to permit therein gambling, betting, operation of a lottery, sale, furnishing or drinking of intoxicating liquor, disorderly conduct, loud or disturbing language, noise, loud music, profane language or any other violation of State Laws of this Code of Ordinances.
4. Subsections 1 through 3 (above) shall not, however, apply to establishments created as family entertainment and recreation centers for the use and enjoyment of the entire family (regardless of age). It shall be unlawful for the owner, manager or operator of such a family center to permit the sale, furnishing or drinking of alcoholic beverages of any type.

Section 5 -39. Pawnbrokers.

1. Every pawnbroker shall keep at his place of business a register, in which he shall record an adequate description of all property purchased, taken or received by him, including any number that may be thereon. The following information shall be recorded in the register:
  - a. The date when all property is received;
  - b. The name of the person leaving the property;
  - c. The address of said person;
  - d. The amount loaned; and
  - e. The time when the loan is to become due.
2. 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.
3. The register herein required to be kept, shall be subject to the inspection at any time by the Chief of Police, any policeman, the County Sheriff, any Deputy Sheriff of the County, the City Attorney, the District Attorney, or any person authorized in writing to

make inspection by 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 disposed of .

#### Section 5 -40 Garage Sales: Permits.

1. For purposes of this Code of Ordinance, "garage sales" are defined as those advertised and conducted on property not zoned for commercial, industrial or other business use, and on which no State or municipal sales tax is paid.
2. Garage sales shall be limited to three (3) days a week for one (1) garage sale, per quarter, per year, except for charitable or non-profit organizations.
3. Before any garage sale is held, a permit shall be obtained for each sale, from the City Clerk of the City of Antlers, Oklahoma.
4. Each permit shall cost five dollars (\$5.00) and shall have designated thereon the days for which it shall be valid.
5. If a residential sale is not held on the date for which the permit is issued because of inclement weather conditions the City Clerk may issue another permit to the applicant for a residential sale to be conducted at the same location within thirty (30) days of the original permit at no additional charge.

If any part, article, section or subsection of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to impair or invalidate the remainder of this Ordinance, notwithstanding such holding.

#### Section 5- 41. Signs or Other Advertising Devices.

Signs or other devices shall not be placed on utility poles, trees, culverts, bridges, or any other structure being part of streets or roadways.

Sections 5-42 through 5- 44. (Reserved for future use.)

### **Article 4. Penalty.**

#### Section 5- 45. Penalty.

Any person who violates any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 10-20 of this Code. In addition to any such fine and cost, any license issued hereunder may be revoked. Each day upon which a violation continues shall constitute a separate offense.

## **CHAPTER 6**

### **CEMETERIES**

#### **Article 1. Cemetery Administration.**

#### **Article 2. Rules and Regulations.**

#### **Article 3. Penalty.**

### **Article 1. Cemetery Administration**

#### **Section 6-1. Cemetery Administration.**

1. The Municipal Cemetery shall be controlled and administered by the Public Works Department. (See Chapter 1, 1- 50, this Code of Ordinances.)
2. Within the Public Works Department, care and maintenance of the Municipal Cemetery shall be the responsibility of the Cemetery Sexton employed by the City of Antlers, Oklahoma.

Reference: 11 O.S. 26- 107.

#### **Section 6- 2, The Cemetery Care Fund**

The Cemetery Care Fund (also referred to as the "Perpetual Care Fund") shall be established, maintained and used as provided in the applicable provisions of Oklahoma Statutes.

Reference: 11 O.S. 26 209.

#### **Section 6- 3. Charges and Fees.**

1. The City Council, by motion or resolution, shall determine the price of lots in the Municipal Cemetery, as well as certain charges to be made for other services.
2. All grave service charges and fees must be paid for before service time.
3. All grave service charges and lot sale charges are payable in advance by lot owners at the Office of the City Clerk.
4. The City must have twenty four (24) hours notice before a grave opening.

Reference 11 O.S. 26- 107.

#### Section 6- 4. Municipal Responsibilities.

1. The City of Antlers, Oklahoma, will not be responsible for the negligence of undertakers.
2. The City Council will take every reasonable precaution to protect all private property of lot and grave owners in the Cemetery from loss or damage, but distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and from all acts of providence or winds, tornadoes, cyclones, fire, hail, snow and frost, whether the damage be direct or incidental.
3. The City Council expressly reserves the right to make exceptions to these rules in favor of any construction work said Council considers exceptionally artistic or of a general benefit to the appearance of the Cemetery.
4. Funeral designs and floral pieces will be removed from graves within twenty (20) days or when they become wilted or unsightly. In no case will employees attempt to locate designs or floral pieces, after their removal from a lot.
5. The Council reserves the right to forbid the placing of any structure or object within the Cemetery which they shall deem objectionable.

#### Section 6- 5. Purchase of Cemetery Lots.

1. Certificates to Cemetery spaces or lots shall not be issued until lots are fully paid for.
2. When Cemetery spaces are purchased by contract, should the purchaser neglect or fail to pay the balance due hereunder at the expiration of one (1) year, the purchaser will have no further right therein and all sums so paid shall belong to the City as liquidated damages.
3. No burial shall be made on any Cemetery space until such space is paid for. Ordinance 2007-03

#### Section 6-6 Enclosures

1. Only rigid outer burial enclosures (concrete box or better) will be used in the Antlers City and Antlers Oddfellows Cemetery for the preservation of the public peace, health and safety of the city of Antlers, Oklahoma and the inhabitants thereof.

#### Sections 6- 7 through 6- 9. (Reserved for future use.)

## **Article 2. Rules and Regulations.**

### **Section 6 -10. General Provisions.**

1. Hours of admission to the Municipal Cemetery shall be from daylight to dark.
2. All vehicles shall drive slowly and shall not turn around in streets; all trucks must secure permission before entering the Cemetery.
3. All persons are prohibited from pulling flowers, breaking any tree, plants or shrubs, or in any manner defacing any monument, building or structure within the Cemetery.
4. No hunting, picnic, intoxicated persons, children (unless accompanied by parents or guardian), peddlers, solicitors, drinking, gambling, disorderly conduct, dogs or livestock shall be allowed in the Cemetery at any time, and may be ejected there from by the Cemetery Sexton.
5. No person shall be allowed to burn any trash or grass inside of the Cemetery, nor to set fire to any articles within the Cemetery.
6. No sign shall be placed in the Cemetery indicating that a lot or space is for sale, nor shall any sign, cards or advertising of nature be permitted within the Cemetery.
7. No disinterment will be allowed without permission from the City Council, and a permit from the proper authorities.
8. Two (2) bodies shall not be interred in one (1) grave, except parent and infant child or infant twins. There shall be only one (1) casket per grave site. There may be two (2) cremations in one grave site or one (1) cremation and one (1) adult body per grave site. No interment of any body other than that of a human being will be permitted.
9. If special care of lots or graves is requested, the City council reserves the right to decide if the Cemetery Sexton is to perform this service; reasonable prices will be charged to the lot owner.
10. No lot owner shall have the right to have a body interred within bounds of this lot, for remuneration, sale or hire, without special permission of the City Council.
11. The removal of a body by the heirs or his immediate family, for profit to themselves, is absolutely forbidden.

### **Section 6 -11. Construction and Maintenance Provisions.**

1. Both family monuments and grave markers may be erected on all burial lots or spaces.

2. All lots are marked by the City. Any other boundary posts are unnecessary; to avoid error in the numbers of lots caused by changes, they will not be permitted.
3. The City of Antlers, Oklahoma, maintains all lots, and will not be responsible for flowers, grass or other seeds planted unless the Cemetery Sexton is notified.
4. All plants will be removed by the Cemetery Sexton, when they become diseased or endanger other shrubs.
5. On grass plots, the mound shall be maintained at ground level.
6. No lot shall be enclosed, except by a sidewalk.
7. In the erection of stone work, no workman shall enter on any lot when the surface is in a soft condition (due to rains); before leaving the grounds, the lot shall be returned to a satisfactory condition as determined by the Cemetery Sexton. Workmen engaged in the erection of stone work cannot attach ropes to monuments, trees or permanent structures, without special permission from the City Manager.
8. All planting shall be restricted to the monument side of each lot, and so grouped as to allow all lots to be mowed easily.
9. All monuments above ground must be set in line with the back side of each lot and all markers set flush with the ground.
10. All monuments will be set to the Cemetery Sexton's specifications, on a concrete base not less than four (4) inches deep and four (4) inches wider than the base of the monument. Concrete mixture shall be two (2) parts cement, three (3) parts sand and four (4) parts rock.
11. Vaults and mausoleums will be permitted, where design and construction has been approved by the City Council, on certain lots designated by said Council.
12. Vaults built partially or entirely above ground must be granite, unpolished marble or reinforced concrete. They must, in all cases, be furnished with catacombs, where interments may be separately made, hermetically sealed at the time of depositing a body. Walls of vaults erected above ground must be at least sixteen (16) inches in thickness. Any lot owner desiring to erect a vault or mausoleum shall submit to the City Council a statement in writing, giving the lot number, the section where the structure is to be placed, and detailed plans and specifications as to the materials and construction; no work shall be done until approved by the City Council. No vault or mausoleum shall be built on lots having less than four hundred (400) square feet in area.

Section 6- 12. Water Use.



1. The use of water at the Cemetery is owned and maintained by the City of Antlers, Oklahoma. Lot owners requiring private lines will be responsible for laying and maintaining the same and such lines shall be laid under specifications prescribed by the Cemetery Sexton or the City Manager.

2. Lot owners and caretakers are prohibited from leaving the water running within the Cemetery during their absence from the Cemetery.

Section 6- 13 through 6- 24. (Reserved for future use.)

### **Article 3. Penalty**

Section 6- 25. Penalty.

Any person who violates any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 10-20 of this Code. In addition to any such fine and cost, any license issued hereunder may be revoked. Each day upon which a violation continues shall constitute a separate offense.

## CHAPTER 7

### EMERGENCY MANAGEMENT

#### Article 1. Department of Emergency Management

#### Article 2. Miscellaneous Provisions.

#### Article 3. Penalty.

#### Article 1. Department of Emergency Management

##### Section 7- 1. Department of Emergency Management Created.

(See Chapter 1, Sections 1- 36 and 1- 37.)

Sections 7-2 through 7-9 (Reserved for future use)

#### Article 2. Miscellaneous Provisions

##### Section 7- 10. Definitions.

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

2. Enemy Caused Emergency. The term "enemy caused emergency" shall mean any state of emergency by actual or impending attack, sabotage or other hostile action, anywhere within the United States and involving imminent peril to lives and property in the City of Antlers, Oklahoma. Such emergency shall be deemed to exist only when the Mayor shall so declare by public proclamation and such emergency shall be deemed to exist until the aforesaid Mayor shall declare its termination by public proclamation, or until the City Council shall declare its termination by Resolution.

3. Natural Emergency. The term "natural emergency" shall mean any state of emergency caused by any actual or impending flood, drought, fire, hurricane, earthquake, storm or other catastrophe in or near the City of Antlers, Oklahoma, and involving imminent peril to lives and property. Such emergency shall be deemed to exist and to be terminated under the same conditions as prescribed for an "enemy caused emergency."

Section 7- 11. Liability.

1. Neither the City of Antlers, Oklahoma, nor any officer or member of the Emergency Management Organization provided for in this Code of Ordinances, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer emergency management worker or member of any agency engaged in emergency management activity prior to, or during, either an enemy caused or a natural emergency.

2. Nor shall the City or any such officer or member be liable for the death or injury of any persons or damage to property, resulting from such emergency management activity prior to, or during, either an enemy-caused or a natural emergency.

Section 7-12. Federal, State or Private Aid May Be Accepted.

Whenever the Federal government, the State of Oklahoma, or any person, firm or corporation shall offer to the City of Antlers, Oklahoma, any services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of emergency management, the Mayor may accept such offer and may authorize the Director of Emergency Management to receive the same, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

Section 7 -13. Emergency Operations Center.

1. An Emergency Management Emergency Operations Center is hereby established for the City of Antlers, Oklahoma.

2. Operation of the Center shall be in conformance with appropriate rules and regulations adopted by motion of the City Council.

Sections 7 -14 through 7- 19. (Reserved for Future use.)

**Article 3. Penalty**

Section 7- 20. Penalty

Any person, firm or corporation who violates any provisions of this Chapter, shall be guilty of an offense and, upon conviction thereof shall be punished by fine and costs as provided

for in Section 10- 20 of this Code. Each day upon which a violation continues shall be deemed a separate offense.

## Chapter 8

### EQUAL OPPORTUNITY.

#### Article 1 Fair Housing

##### Article 1. Fair Housing

###### Section 8- 1. Policy.

It is the policy of the City of Antlers to provide, within constitutional limitations, for fair housing throughout the City.

###### Section 8- 2. Definitions.

The definitions of 25 O.S. § 1451 are adopted by reference in this section as if fully set forth and shall apply in this article.

###### Section 8-3. Discriminatory housing practices prohibited.

1. It shall be an unlawful discriminatory housing practice for any person, or any agent or employee of such person:

- a. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of any housing, or otherwise make unavailable or deny any housing because of race, color, religion, gender, national origin, age, familial status or handicap;
- b. To discriminate against any person in the terms, conditions or privileges of the sale or rental of housing, or in the provision of services or facilities in connection with any housing because of race, color, religion, gender, national origin, age, familial status or handicap;
- c. To make, print, publish or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of housing that indicates any preference, limitation discrimination or intention to make any such preference, limitation or discrimination because of race, color, religion, gender, national origin, age, familial status or handicap;
- d. To represent to any person, for reasons of discrimination, that any housing is not available for inspection, sale or rental when such housing is in fact so

available because of race, color, religion, gender, national origin, age, familial status or handicap;

e. To deny any person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or discriminate against a person in the terms or conditions of access, membership, or participation in such an organization, service or facility because of race, color, religion, gender, national origin, age, familial status or handicap;

f. To include in any transfer, sale, rental or lease of housing any restrictive covenant that discriminates, or for any person to honor or exercise, or attempt to honor or exercise, any discriminatory covenant pertaining to housing because of race, color, religion, gender, national origin, age, familial status or handicap;

g. To refuse to consider the income of both applicants when both applicants seek to buy or lease housing because of race, color, religion, gender, national origin, age, familial status or handicap;

h. To refuse to consider as a valid source of income any public assistance, alimony or child support, awarded by a court, when that source can be verified as to its amount, length of time received, regularity or receipt because of race, color, religion, gender, national origin, age, familial status or handicap;

i. To discriminate against a person in the terms, conditions or privileges relating to the obtaining or use of financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of any housing because of race, color, religion, gender, national origin, age, familial status or handicap;

j. To discharge, demote or discriminate in matters of compensation or working conditions against any employee or agent because of the obedience of such employee or agent to the provisions of this section;

k. To solicit or attempt to solicit the listing of housing for sale or lease, by door to door solicitation, in person or by telephone, or by distribution of circulars, if one of the purposes is to change the racial composition of the neighborhood;

l. To knowingly induce or attempt to induce another person to transfer an interest in real property or to discourage another person from purchasing real property by representations regarding the existing or potential proximity of real property owned, used, or occupied by persons of any particular race, color, religion, gender, national origin, age, familial status or handicap, or to represent that such existing or potential proximity shall or may result in:

(1). The lowering of property values;

(2). A change in the racial, religious or ethnic character of the block, neighborhood or area in which the property is located;

- (3). An increase in criminal or antisocial behavior in the area, or
  - (4). A decline in the quality of the schools serving the area;
- m. To refuse to rent or lease housing to a blind, deaf or handicapped person on the basis of the person's use or possession of a bona fide, properly trained guide, signal or service dog;
- n. To demand the payment of an additional nonrefundable fee or an unreasonable deposit for rent from a blind, deaf or handicapped person for such dog. Such blind, deaf or handicapped person may be liable for any damage done to the dwelling by such dog;
- o. To discriminate in the sale or rental or otherwise make available or deny a dwelling to any buyer or renter because of a handicap of:
- (1). That buyer or renter;
  - (2). A person residing in or intending to reside in that dwelling after it is sold, rented or made available; or
  - (3). Any person associated with that buyer or renter;
- p. To discriminate against any person in the terms, conditions or privileges of the sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a handicap of:
- (1). That person;
  - (2). A person residing in or intending to reside in that dwelling after it is sold, rented or made available; or
  - (3). Any person associated with that person;
- q. For purposes of handicap discrimination in housing pursuant to this article, discrimination includes:
- (1). A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, provided that such person also provides a surety bond guaranteeing restoration of the premises to their prior condition, if necessary to make the premises suitable for non-handicapped tenants;
  - (2). A refusal to make reasonable accommodations in rules, policies, practices or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or
  - (3). In connection with the design and construction of covered multifamily dwellings for first occupancy 30 months after the date of enactment of the federal Fair Housing Amendments Act of 1988 (Public Law 100-430), a failure to design and construct those dwellings in a manner that:

1. The public use and common use portions of the dwellings are readily accessible to and usable by handicapped persons;

2. All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

3. All premises within the dwellings contain the following features of adaptive design:

i. An accessible route into and through the dwelling;

ii. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;

iii. Reinforcements in bathroom walls to allow later installation of grab bars; and

iv. Usable kitchen and bathrooms so that an individual in a wheelchair can maneuver about the space;

4. Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people, commonly cited as "ANSI A 117.1," suffices to satisfy the requirements of subsection (1)(P)c.3 of this section;

5. As used in this subsection, the term "covered multifamily dwellings" means:

i. Buildings consisting of four or more units if the buildings have one or more elevators; and

ii. Ground floor units in other buildings consisting of four or more units;

6. Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others;

r. A person whose business includes engaging in residential real estate related transactions may not discriminate against a person in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, gender, handicap, familial status, national origin or age;

(1). In this section, "residential real estate, related transaction" means:

i. Making or purchasing loans or providing other financial assistance:

ii. To purchase, construct, improve, repair or maintain a dwelling;  
or



- iii. To secure residential real estate; or
- iv. Selling, brokering or appraising residential real property;

s. This section does not prohibit discrimination against a person because the person has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.

Section 8-4 Exemptions.

The exempt practices and acts in 25 O.S. § 1453 shall apply in this article and are adopted by reference in this section as if fully set forth.

Sections 8- 5 through 8- 15. (Reserved for future use.)

## **CHAPTER 9**

### **FIRE PROTECTION and PREVENTION**

#### **Article 1 Fire Protection**

#### **Article 2. Fire Prevention.**

#### **Article 3. Rural Fire Protection.**

#### **Article 4. Fireworks and Explosives.**

#### **Article 5. Penalty.**

### **Article 1. Fire Protection**

#### **Section 9-1. Combination Fire Department.**

##### 1. Established.

There is hereby established in and for the city a fire department composed of firefighters who are employees of the city and volunteer firefighters. (See Chapter 1, Sections 1-31, and 1-32 and 1-47, this Code.)

Reference: 11 O.S. 29-101; 29-201.

2. The Antlers, Oklahoma Volunteer Fire Department shall consist of not less than twelve (12) and not more than twenty-five (25) members. Members of the Antlers, Oklahoma Fire Department may continue as members of the Volunteer Fire Department established under this Code of Ordinance without probation, but shall be subject to the by-laws authorized under this Code of Ordinances.

Reference: 11 O.S. 29-202, 29-203.

##### 3. Fire Marshall.

The Fire Marshall is supervised directly by the Fire Chief and is charged with the responsibility of enforcing the coded and standards elative to fire safety adopted by the State Fire Marshall and as designated by state statues.

#### **Section 9 -2. Minimum Rules and Regulations of Combination Fire Department.**

1. The fire department shall adopt a code of minimum rules and regulations in substantial compliance with the following:

- a. 11 O.S. 29-101; 29-115.
- b. 11 O.S. 29-301-304.

## **Article 2 Fire Prevention**

### **Section 9 -3. Fire Prevention Code: Enforcement Variances.**

1. The Fire Prevention Code adopted by the Antlers City Council shall be enforced by the Antlers, Oklahoma Combination Fire Department under the supervision of the Fire Chief; members of said Department may be detailed as inspectors by the Fire Chief, if he deems it necessary.

2. The Chief of the Antlers, Oklahoma Combination Fire Department, with the approval of the City Council, shall have the power to grant a variance to 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 carrying out the strict letter of said Code: provided that the spirit of the Code shall be observed, public safety secured and substantial justice done. The particulars of such modifications, when granted or allowed, and the decision of the Fire Chief thereon, shall be entered upon the records of the department and a signed copy shall be furnished to the applicant.

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

## **Article 3. Rural Fire Protection.**

### **Section 9-10 Established**

1. There is hereby established the "Antlers Rural Fire Service," to be operated by the Antlers, Oklahoma, Combination Fire Department and be under the direction of the City Manager.

2. The "Antlers Rural Fire Service" shall be operated primarily for the purpose of providing fire protection to rural residents living outside of the corporate limits of the City of Antlers, Oklahoma, but within five (5) road miles of the fire station and if the manpower is available.

3. This service shall be provided upon the annual payment of a fifty dollar (\$50.00) membership fee due January of each year, by each home or property owner or resident. Payment of the annual membership fee will take care of all fire calls for the paying member, regardless of the number of calls.

4. The costs of fire calls to rural residents who are not paying members of the "Rural Fire Service" shall be the same as the costs established in Section 9-11 of this Chapter.

5. Payment of claims and other financial transactions involving the use of funds derived from the "Antlers Rural Fire Service" shall be made and processed in accordance with

the requirements of Oklahoma Statutes, municipal ordinances and accepted municipal procedures.

6. In the performance of fire prevention or protection services outside the corporate limits of the City of Antlers, Oklahoma, the Antlers, Oklahoma, Combination Fire Department shall not assume responsibility for damages to structures incurred prior to the arrival of the said Department, nor shall the said Department assume responsibility for damages to structures incurred as a result of late notification of the members of the said Department.

7. Unpaid fees or charges may be subject to collection by the City of Antlers, Oklahoma, in any manner normally employed by said municipality, including the use of small claims court.

Reference: 11 O.S. 29-106.

Section 9-11 Charges for Fire Calls to Non Paying Members of the Antlers Rural Fire Service.

1. Structure fires \$500.00
2. Vehicle fires \$250.00
3. Grass and wild fires \$150.00
4. Miscellaneous fires \$150.00
5. Rescue \$500.00
6. Additional apparatus \$100.00
7. Mileage \$10.00 per mile
8. Oil lease fires, including tank battery, wells and pipelines, and railroad right of way fires, shall cost a minimum of one hundred dollars (\$100.00) for the first hour, with an additional hourly charge of one hundred dollars (\$100.00) for each additional hour or portion thereof.
  - a. Mileage and distances shall be based on actual miles traveled; time shall be as reported by the Fire Chief or Assistant Fire Chief.
  - b. Vehicle accidents or fires for non-residents shall be billed as established in Section 9-11 of this Chapter.

Reference: 11 O.S. 29-106.

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

**Article 4 Fireworks and Explosives**

Section 9- 20. Definition.

The term "fireworks" shall mean and include any composition or device for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and which is defined as common or special fireworks by the United States Department of Transportation (DOT). The term "fireworks" shall not include toy cap pistols and caps, blank cartridges, railroad flares and model rockets.

Reference 68 O.S. 1622.

Section 9- 21. Unlawful Sale and Possession of Fireworks.

It shall be unlawful for any person, firm, partnership or corporation to offer for sale or to possess any fireworks within the corporate limits of the City of Antlers at any time during the year without Council approval.

Reference: 68 O.S. 1631.

Section 9- 22. Unlawful Use of Fireworks.

It shall be unlawful for any person, firm, partnership, or corporation to discharge, ignite, or use fireworks within the corporate limits of the City of Antlers, Oklahoma. Use of fireworks permitted on the 4th of July, New Years Eve, or other special events as permitted by the City Council.

Reference: 68 O.S. 1627.

Section 9-23. Explosives.

1. It shall be unlawful for any person or persons to store, keep, have on their premises or in their possession, any explosive materials of any kind or nature without first certifying to the Fire Chief that such person has complied fully with the laws of the State of Oklahoma for the purpose of selling, storing or keeping such articles.

2. It shall be unlawful for any person to keep or store any explosive on any premises which are occupied as a dwelling or school. Any person storing explosives for sale to the general public must comply with the laws of the State of Oklahoma concerning the sale and storage of said explosives.

Reference: 63 O.S. 141.1 et seq.

Sections 9-24 through 9-29. (Reserved for future use.)

## **Article 5. Penalty**

### **Section 9-30. Penalty.**

Any person, firm or corporation who shall fail to do anything required by this Chapter or by any Code adopted by this Chapter, who shall otherwise violate any provision 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 punished by fine and costs as set forth in Section 10-20 of this Code. Each day in which a violation continues shall be deemed a separate offense

**CHAPTER 10**  
**GENERAL AND MISCELLANEOUS PROVISIONS**

**Article 1. Rules of Construction.**

**Article 2. Miscellaneous Provisions.**

**Article 3. Penalty; Judicial Relief.**

**Article 1. Rules of Construction.**

**Section 10-1. Rules of Construction.**

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

1. Chief of Police or Police Chief. Reference to the "Chief of Police" or the "Police Chief," shall mean the Chief of Police or the police officer in charge of the police force of the City of Antlers, Oklahoma.
2. City, Town or Municipality. The words the "city", the "City", or the "municipality" shall mean the City of Antlers, in Pushmataha County, Oklahoma.
3. City Attorney, Town Attorney or Municipal Attorney. Reference to the "City Attorney," the; City Attorney or the "Municipal Attorney" shall mean the City Attorney of the City of Antlers, Oklahoma.
4. City Clerk or Clerk of the Municipality. Reference to the "City Clerk" or the "Clerk of the Municipality" shall mean the City Clerk of the City of Antlers, Oklahoma.
5. City Council, Council, City Board of Commissioners or City Board. The words "City Council," "Council," "City Board of Commissioners" or "City Board" shall mean the Governing Body of the City of Antlers, Oklahoma.
6. City Treasurer, Town Treasure or Treasure. Whenever reference is made to the "City Clerk," the "City Treasurer" or the "Treasurer," it shall mean the City Treasurer of the City of Antlers, Oklahoma.
7. Code. Reference to "this Code" or "the Code" shall mean the Code of Ordinances of the City of Antlers, Oklahoma.
8. Computation of Time. Whenever notice is required to be given (or an act to be done) a certain length of time before any proceeding shall be had, the day on which such notice

is given (or such act is done) shall be included in computing the time, but the day on which such proceeding is to be had, shall be excluded.

9. County. The term "County," "the County" or "this County" shall mean Pushmataha County, Oklahoma.

10. Court. The word "Court" shall mean the Municipal Court of the City of Antlers, Oklahoma.

11. Gender. A word importing the masculine gender only shall extend, and be applied to, females, firms, partnerships and corporations, as well as to males.

12. Health Officer or Health Department. Wherever reference is made to the "Health Officer" or the "Health Department," it shall be construed as meaning the County Sanitarian or County Health Department, unless specific reference is made to the appointed Health Officer of the City of Antlers, Oklahoma.

13. Highway. The term "highway" shall include any street, alley, highway, avenue, public place, square, bridge, underpass or overpass in the City of Antlers, Oklahoma, dedicated or devoted to public use.

14. Joint Authority. Words purporting to give authority to three (3) or more officers or other persons, shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

15. Judge. The word "Judge" shall mean the Judge of the Municipal Court of the City of Antlers, Oklahoma, including the Acting Judge and/or Alternate Judge thereof, as provided by Oklahoma Statutes and this Code of Ordinances.

16. Judicial District. The term "Judicial District" shall mean the District Court Judicial District of the State of Oklahoma, wherein the sites of government of the City of Antlers, Oklahoma, is situated.

17. May. The word "may" is permissive; the word "shall" is mandatory.

18. Mayor. Whenever reference is made to the "Mayor," it shall mean the Chief Elected Officer of the City of Antlers, Oklahoma.

19. Month. The word "month" shall mean a calendar month.

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



21. Number. Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular, except where a contrary intention plainly appears.

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

23. Officers. Departments. Etc. Whenever any officer, department, board, commission or other agency is referred to by title alone, such reference shall be construed as if followed by the words "of the City of Antlers, Oklahoma."

24. Or. And. "Or" may be read "and," and "and" may be read "or," if the sense requires it.

25. Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

26. Person. The word "person" shall extend, and be applied to, associations, corporations, firms, partnerships and bodies politic and corporate, as well as to individuals. Whenever used with respect to any penalty, the word "person," as applied to partnerships or associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

27. Policeman. Reference to a "policeman" shall mean the Chief of Police or any police officer of the City of Antlers, Oklahoma.

28. Preceding or Following. The words "preceding" or "following" mean next before and next after, respectively.

29. Property. Shall include real and personal property.

30. Roadway. The word "roadway" shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic.

31. Shall. The word "shall" is mandatory; the word "may" is permissive.

32. Sidewalk. The word "sidewalk" shall mean any portion of the street right of way between the curb (or lateral line of the roadway) and the adjacent property line, intended for the use of pedestrians.

33. Signature or Subscription. The word "signature" or "subscription" shall include a mark when a person cannot write.

34. State. The words "State," "the State" or "this State" shall be construed to mean the State of Oklahoma.

35. Statutory Reference. Reference to the Statutes of the State of Oklahoma means the Statutes as they now are or as they may be amended to be; a reference to the 1996 Statutes also means the comparable provision when included in future codification or supplement of said Statutes.

36. Street. The term "street" shall include any highway, street, avenue, public place, underpass or overpass in the City, dedicated or devoted to public use.

37. Tense. Words used in the past or present tense shall include the future, as well as the past and present.

38. Written or In Writing. The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

39. Year. Unless otherwise designated, the word "year" shall mean a calendar year.

Reference: See, generally, 25 O.S. 1. et seq.

Sections 10- 2 through 10-9. (Reserved for future use.)

## **Article 2. Miscellaneous Provisions**

### **Section 10- 10. Certain Ordinances Not Affected by Code.**

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

1. Ordinances promising or guaranteeing the payment of money for the City of Antlers, Oklahoma, authorizing the issuance of any municipal bonds or any evidence of the municipality's indebtedness;
2. Appropriation Ordinances, or Ordinances providing for (a) the levy of taxes, (b) an annual budget or (c) prescribing salaries for municipal officers and employees;
3. Ordinances annexing or detaching territory to or from the City of Antlers, Oklahoma;
4. Ordinances approving, authorizing or otherwise relating to, any contract, agreement, lease deed or other instrument, or granting any franchise;
5. Ordinances authorizing or otherwise relating to specific public improvements;

6. Ordinances vacating, opening or dedicating specific streets and alleys;
7. Ordinances relating to specific street improvements and assessments therefore;
8. Ordinances relating to the grade or alignment of specific streets;
9. Ordinances naming or renaming specific streets;
10. Ordinances granting railroads the right to use specific streets and alleys.
11. Ordinances changing the Zoning District classification of a specific parcel of real property; or,
12. Temporary or special Ordinances.

#### Section 10- 11. Enumeration of Provisions.

1. Provisions of State Law which affect the City of Antlers, Oklahoma, because of its general relationship to the State, may not be enumerated herein, but may be adopted by reference as inseparable parts of this Code of Ordinances.
2. Provisions of State Law which prescribe specific actions or laws for the City of Antlers, Oklahoma, and its citizens, may be included in this Code of Ordinances for purposes of clarity.
3. Provisions of State Law in matters of wider public concern which are not enumerated herein, but which affect the City of Antlers, Oklahoma, and its citizens in a general way, may not be enumerated herein, but may nevertheless be made a part of this Code of Ordinances through adoption by reference.
4. All provisions which are of purely local concern shall be specifically enumerated in this Code of Ordinances. The regulations, rules, prohibitions, nuisances, offenses and other provisions which are of purely local concern, as provided by State Law, and are specifically enumerated herein in detail, shall be enforced by the City of Antlers, Oklahoma; duly authorized officers and agents of said City shall have all power, duties and responsibilities necessary to enforce the same.

#### Section 10- 12. Code Does Not Affect Prior Offenses or Rights.

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

#### Section 10- 13. Code and Ordinance Effective Outside City on Property Owned or Controlled by City.

1. All provisions of this Code of Ordinances and other Ordinances of the City of Antlers, Oklahoma, now in effect or adopted in the future, are hereby extended to all real property belonging to, or under the control of, the City of Antlers, Oklahoma, outside the corporate limits of said City, and shall be in full force and effect thereon insofar as they are applicable.

2. Any words in any such provision indicating that its effect is limited to the corporate limits of the City of Antlers, Oklahoma, shall be deemed to mean and include also such outlying real property belonging to, or under the control of, said City, unless the context clearly indicates otherwise.

#### Section 10- 14. Designation and Citation of Code.

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

#### Section 10-15. Catchlines of Sections.

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

#### Section 10- 16. Severability of Parts of Code.

1. It is hereby declared to be the intent of the Council members of the City of Antlers, Oklahoma, that the Sections, paragraphs, sentences, clauses and phrases of this Code of Ordinances are severable and if any phrase, clause, sentence, paragraph or Section of said Code shall be declared invalid by the judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of said Code, since the same would have been enacted by the City Council without the incorporation in this Code of any such invalid phrase, clause, sentence, paragraph or Section.

2. Further, if any word, phrase, clause, sentence, paragraph or Section of this Code of Ordinances shall seem invalid through printing or typographical error, such error or misprint shall not serve to misconstrue or invalidate the intent thereof, nor affect in any way the intent or validity of any or all other words, phrases, clauses, sentences, paragraphs or Sections of this Code.

#### Section 10- 17. Effect of Repeal of Ordinances.

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

2. The repeal of an Ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any Suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the Ordinance repealed.

Sections 10- 18 through 9 -19. (Reserved for future use.)

### **Article 3. Penalty. Judicial Relief**

#### **Section 10- 20. General Penalty for Violations**

1. Whenever, in this Code of Ordinances or in any Ordinance of the City of Antlers, Oklahoma, an act is prohibited, is made or declared to be unlawful, an offense or misdemeanor, or wherever in said Code or Ordinance the doing of any act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provision of this Code of Ordinances or of any such Ordinance shall be punished in accordance with the appropriate following provisions: a. If the Judge of the Municipal Court is not a licensed attorney, the trial shall be to the Court, and Court shall not impose a fine which exceeds one hundred dollars (\$100.00), plus costs and may not order the defendant imprisoned, except for the nonpayment of fines or costs; b. if the Judge of the Municipal Court is a licensed attorney, said fine may not exceed two hundred dollars (\$200.00) plus costs.

Reference: 11 O.S. 12-111, 29-119

2. Each day on which any violation of this Code or any Ordinance shall continue shall constitute a separate offense and shall be punishable as such.

#### **Section 10- 21. Judicial Relief.**

No penalty imposed by, and pursuant to, this Code of Ordinances, shall interfere with the right of the City of Antlers, Oklahoma, also to apply to the proper courts of the State of Oklahoma for a mandamus, an injunction or other appropriate action.

**CHAPTER 11**  
**HEALTH AND SAFETY**

**Article 1. Contagious Diseases.**

**Article 2. Sanitary Facilities.**

**Article 3. Miscellaneous Provisions.**

**Article 4. Penalty.**

**Article 1. Contagious Diseases**

All provisions of Title 63, Public Health and Safety, 63 O.S. § 1-101 et seq. are adopted by reference in this section as if fully set out and a violation of any such provision in the city shall constitute a violation of this Code and be punished as provided in section 11-37 hereof.

Sections 11- 1 through 11- 10. (Reserved for future use.)

**Article 2. Sanitary Facilities**

**Section 11- 10. Definitions.**

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

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

1. Every owner of a residence or other building in which humans reside, are employed or congregate, shall install, equip and maintain adequate sanitary facilities for the disposal of human excrement; this requirement shall include a sanitary water closet or closets, a

water closet or closets connected to an approved septic tank, or a sanitary pit privy or privies.

2. The closets and toilets required herein shall be of the sanitary water closet type when located within three hundred (300) feet of any municipal sanitary sewer line and accessible thereto. It shall be the duty of every owner of property so located, to connect, or cause to be connected, his toilet(s) with the municipal sanitary sewer system, and to ensure that each toilet is properly connected with said sewer system.

3. When not so located, the closet or toilet shall be of (a) the sanitary water closet type, so connected to a sanitary sewer (notwithstanding the distance from it), (b) the water closet type, connected to a septic tank approved by the county health officer, or the sanitary pit privy type, approved by the county health officer.

#### Section 11-12. Proper Disposal of Human Excrement Required.

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

#### Section 11- 13. Unauthorized Facilities Declared Public Nuisances.

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

#### Sections 11- 14 through 11- 19. (Reserved for future use.)

### **Article 3. Miscellaneous Provisions**

#### Section 11- 20. Abandoned Ice Boxes. Refrigerators and Containers.

It shall be unlawful for any person, firm or corporation to leave, in a place accessible to children, any abandoned or discarded ice box, refrigerator or other container which has an 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.

#### Sections 11- 21 through 11-34. (Reserved for future use.)

#### Section 11-35. Food Service

1. The rules and regulations of the state board of health regulating the operation and inspection of food service establishments are hereby adopted and incorporated by reference as if set out at length herein and shall be controlling within the corporate limits of the City of Antlers.

2. No fee shall be required for a municipal permit to operate a food service establishment.

Reference: 63 O.S. Articles 11 1-118.

Section 11-36. (reserved for future use)

#### **Article 4. Penalty**

Section 11- 37. Penalty.

Any person who violates any provision of this Chapter or of any Ordinances, Code or standard adopted by reference by this Chapter, or maintains or permits to continue any public nuisance as defined by this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 10- 20 of this Code. Every day upon which a violation continues shall be deemed a separate offense.



## **CHAPTER 12**

### **INDUSTRIAL WASTES**

#### **Article 1. General Provisions.**

#### **Article 2. Industrial Wastes.**

#### **Article 3. Penalty.**

### **Article 1. General Provisions**

#### **Section 12- 1. Definitions.**

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

1. Industrial Waste. The term "industrial waste" shall mean waste resulting from any process of industry, manufacturing, trade or business or from the development of any natural resource or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater.
2. Industrial Waste Charge. The term "industrial waste charge" shall mean the charge made on those persons who discharge industrial wastes into the municipal sewerage system.
3. Wastewater. The word "wastewater" means a combination of the water carried waste from residences, business buildings, institutions and industrial establishments, together with any ground, surface and storm water that may be present.
4. Wastewater Facilities. The term "wastewater facilities" includes all facilities for collection, pumping, treating and disposing of wastewater and industrial wastes.
5. Wastewater Service Charge. The phrase "wastewater service charge" shall mean the charge on all users of the public sewer system whose wastes do not exceed, in strength, the concentration values established as representative of normal wastewater.

#### **Section 12- 2. Power to Enter Property.**

1. Officially designated municipal representatives and other duly authorized municipal employees bearing proper credentials and identification are entitled to enter any public or private property, at any reasonable time, for the purpose of enforcing this Chapter.

2. Anyone acting under this authority shall observe the rules and regulations concerning safety, internal security and fire protection.

### Section 12- 3. Authority to Disconnect Service

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

1. Acids or chemicals damaging to sewer lines or treatment process are released to the sewer, causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater:

2. A governmental agency informs the City that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the municipal system that cannot be sufficiently treated or requires treatment that is not provided as normal domestic treatment; or

3. The industrial customer:

a. Discharges industrial waste or wastewater that is in violation of the permit issued by the approving governmental authority;

b. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;

c. Fails to pay monthly bills for water and sanitary sewer services when due;  
or

d. Repeats a discharge of prohibited wastes to public sewers.

Sections 12- 4 through 12- 9. (Reserved for future use.)

## **Article 2. Industrial Wastes**

### Section 12- 10. Discharge of Certain Substances Prohibited.

1. No person shall discharge, cause to be discharged, the following substances if it appears likely, in the opinion of the Code Enforcement Officer or Public Works Director, that such wastes can harm the sewers, the sewage treatment process or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, limb or public property, or otherwise constitute a nuisance. Prohibited substances are:

a. Flammable or explosive materials;

b. All discharges shall be prohibited except those that meet the criteria for "domestic wastewater". BOD concentration shall not exceed 250 mg/l\*. SS shall not exceed 250 mg/l. SS shall not exceed 250 mg/l.\* maximum limit for average domestic wastewater. (amended 11-06-2000)

- c. Any liquid or vapor having a temperature higher than 150 degrees (F);
- d. Any garbage or food waste not properly shredded (the installation and operation of any grinder or shredder equipped with a motor of three fourths horsepower or greater shall be subject to review and approval by the City Council);
- e. Any waters or wastes containing the metals listed below or other toxic substances in quantities determined by the sewer inspector to be harmful:  
 (1) Antimony (13) Manganese (2) Arsenic (14) Mercury (3) Barium (15) Molybdenum (4) Beryllium (16) Nickel (5) Bismuth (17) Rhenium (6) Boron (18) Selenium (7) Cadmium (19) Silver (8) Chromium (20) Strontium (9) Cobalt (21) Tellurium (10) Copper (22) Tin (11) Iron (23) Uranium (12) Lead (24) Zinc
- f. Any water or waste containing iron pickling wastes or plating solutions;
- g. Any waters or wastes containing phenols or other taste or odor producing substances;
- h. Any radioactive wastes or a half life or concentration determined by the City Council to be harmful;
- i. Any water or wastes having PH lower than 6.5, or having a PH higher than 10.5, or having any corrosive property capable of damaging installations, equipment or personnel of the sewerage works;
- j. Solid or viscous substances of such size or in such quantities capable of causing obstruction of sewers or interference with operation of sewage works, such as ashes, cinders, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair, fleshing, entrails and paper containers;
- k. Wastes containing unusual concentrations of suspended solids, such as fuller's earth, lime or clay;
- l. Wastes containing unusual concentrations of dissolved substances, such as sodium chloride or sodium sulfate;
- m. Water or wastes containing excessive coloration, such as that caused by dye wastes and tanning solutions;
- n. Wastes containing unusual concentrations of organic material, such as whey, milk, yeast, blood, or unusual biochemical oxygen demand (BOD), chemical oxygen demand (COD), or chlorine requirement, constituting a significant load on the sewage treatment facilities; or
- o. Material which cause unusual volume or flow or concentration of wastes constituting slugs which adversely affect the sewage treatment process.

2. If any waters or wastes are discharged or proposed to be discharged, or if in the opinion of the City Council might be accidentally discharged, which contain the substances described above, said Council may prohibit their discharge, require the establishment to

alter or initially construct its facilities so that accidental discharges may not occur, require the responsible party to pretreat the wastes before discharge, limit the quantity, rates and times of discharge, require the installation of a control manhole for observation, sampling, and metering the wastes, or assess a surcharge based on the quantity and strength of the wastes. If pretreatment is to be accomplished, the design, installation and operation of the plant and equipment shall be subject to the review and approval of the City Council.

Section 12-11 Impairment of Facilities.

1. No person may discharge into public sewers any substance capable of causing:
  - a. Obstruction to the flow in sewers;
  - b. Interference with the operation of treatment processes of facilities; or
  - c. Excessive loading of treatment facilities.
  
2. No person may discharge into public sewers any substance that may:
  - a. Deposit grease or oil in the sewer lines in such a manner as to clog the sewers;
  - b. Overload skimming and grease handling equipment;
  - c. Pass to the receiving waters without being effectively treated by normal wastewater treatment processes, due to the non amenability of the substance to bacterial action; or
  - d. Deleteriously affect the treatment process due to excessive quantities.
  
3. No person may discharge any substance into public sewers which:
  - a. Is not amenable to treatment or reduction by the processes and facilities employed; or;
  - b. Is amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
  
4. The approving authority shall regulate the flow and concentration of slugs when they may:
  - a. Impair the treatment process;
  - b. Cause damage to collection facilities;
  - c. Incur treatment costs exceeding those for normal wastewater; or
  - d. Render the waste unfit for stream disposal or industrial use.
  
5. No person may discharge into public sewers any viscous substance in sufficient quantity or size which may violate subsection 1 (above), including, but not limited to:
  - a. Ashes;
  - m. Wood;

- |              |   |
|--------------|---|
| b. Cinders;  | n. Unground garbage;  |
| c. Sand;     | o. Whole blood;   |
| d. Mud;      | p. Paunch manure;   |
| e. Straw;    | q. Hair and fleshings;  |
| f. Metal;    | r. Entrails;  |
| g. Shavings; | s. Paper products, either whole or ground by<br>garbage grinders; |
| h. Glass;    | t. Slops;   |
| i. Rags;     | u. Chemical residues;   |
| j. Feathers; | v. Paint residues; or   |
| k. Tar;      | w. Bulk solids.   |
| l. Plastics; |   |

Section 12- 12. Permits for Industrial Sewer Connections.

1. Applications for permits for sewer connections for industrial wastes shall show the following information:

- a. A plat of the property showing all existing sewers and storm drains;
- b. Plans and specifications covering any work proposed to be done under the permit;
- c. A schedule of all process waters and industrial wastes produced or to be produced, a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analysis; and
- d. The name of the firm or person who will perform the work covered by the application.

2. The City Manager shall cause to be served on the owner or occupant of any establishment having sewer connections which do not conform to the provisions hereof at the time of passage of this Code, a notice in writing, advising that requirements must be met within ninety (90) days. If, after ninety (90) days from the day of service of the notice, the proper measures have not been taken, enforcement action may be initiated as set forth elsewhere in this Chapter.

3. The City Manager shall cause samples of wastes from industrial establishments to be obtained and tested periodically to determine the quantity and composition thereof.

Section 12- 13. Sampling and Testing.

1. Sampling shall be conducted in accordance with the standard methods employed by the Oklahoma Department of Environmental Quality.

2. Examination and analyses of the characteristics of waters and wastes required by this Chapter shall be:

- a. conducted in accordance with the latest edition of Oklahoma Department of Environmental Quality.
- b. determined from suitable samples taken at the control manhole provided, or other control point authorized by the approving authority.

3. The City is entitled to select the time of sampling, at its sole discretion, so long as a minimum of 12 annual samples are taken.

#### Section 12- 14. Permits.

1. The City may grant a discharge permit provided that the applicant:

- a. Submits an application within one hundred and eighty (180) days after the effective date of this Chapter;
- b. Secures approval of plans and specifications for pretreatment facilities when required; and
- c. Has complied with all requirements for agreements or arrangements including, but not limited to, provisions for:
  - (1). Payment of reasonable industrial waste and wastewater service charges;
  - (2). Installation and operation of pretreatment facilities; and
  - (3). Sampling and analysis to determine quantity and strength; and
  - (4). Provides a sampling point subject to the provisions of this Chapter and approval of the approving authority.

2. A person applying for a new discharge shall:

- a. Meet all conditions of Subsection 1 (above); and
- b. Secure a permit prior to discharging any waste.

#### Section 12- 15. Surcharges for Excessive Strength of Industrial Waste.

1. Where industrial wastes having excessive concentrations of SS (suspended solids) or biochemical oxygen demand (BOD) are permitted to be discharged in the municipal sewer system, a surcharge shall be levied, in addition to the regular sewer charges.

2. The surcharge shall be \$0.184 for suspended solids per pound in excess of normal concentration of 250 mg/l, \$0.314 for each pound of BOD in excess of normal concentration of 250 mg/l.

Formula: mg/l

gals            = gal used x in excess x 8.34 = lbs  
1 mil of 250 mg/l

0.184 excess lbs x or = surcharge  
0.314

3. The City of Antlers, Oklahoma, shall determine the quantity and strength of the waste, or the user may install measuring devices and perform tests satisfactory to the City Council, and the results thereof may be used to compute the surcharge.

Sections 12- 16 through 12- 24. (Reserved for future use.)

### **Article 3. Penalty**

#### **Section 12- 25. Penalty.**

Any person, firm or corporation who shall violate any provision of this Chapter or continues any violation beyond a time limit designated in this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 10- 20 of this Code. Each day on which any such violation shall continue shall be deemed a separate offense.

**CHAPTER 13**  
**MUNICIPAL COURT**

**Article 1. Application of Chapter; Jurisdiction of Court.**

**Article 2. Organization and Procedure.**

**Article 3. Penalty.**

**Article 1. Application of Chapter. Jurisdiction of Court**

**Section 13- 1. Application of Chapter.**

1. This Chapter shall govern the organization and operation of the Municipal Court of the City of Antlers, Oklahoma, put into operation and continued by Resolution, duly passed and filed in accordance with State Law.

Reference: 11 O.S., Sec. 27-102.

2. To the extent of conflict between any provisions of this Chapter and the provisions of any other Ordinance of the City of Antlers, Oklahoma, the provisions of this Chapter shall control.

**Section 13- 2. Jurisdiction of Court.**

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

Reference: 11 O.S., Sec. 27- 103.

**Sections 13- 3 through 13- 9. (Reserved for future use.)**

**Article 2. Organization and Procedure**

**Section 13- 10. Judge, Alternate Judge, Acting Judge. (Reserved for future use).**

**Section 13- 11. Compensation of Judges.**

The compensation of the Judge and the Alternate or Acting Judges of the Municipal Court of the City of Antlers, Oklahoma, shall be as determined by Resolution of the City Council.



See: Chapter 1, 1-29, paragraphs 5 and 9, this Code of Ordinances.

Reference: 11 O.S., Sec. 27- 104.A.

Section 13- 12 No Change of Venue. Disqualification of Judge.

1. In prosecutions before the Municipal Court, no change of venue shall be allowed, but the Municipal Judge before whom the case is pending may certify his disqualification or he may be disqualified from sitting, under the terms, conditions and procedures provided by law for Courts of Record.

Reference: 11 O.S., Sec. 27 105, 28- 105.

2. If the Municipal Judge is disqualified, the matter shall be heard by an Alternate or Acting Judge, appointed as provided in Chapter 1, Section 1-29, of this Code.

Reference: 11 O.S.. Sec. 27- 106.

Section 13- 13. Court Marshall.

All writs or process of the Municipal Court shall be directed to the Chief of Police of the City of Antlers, Oklahoma, who shall serve as ex officio Marshall of the Court.

Reference: 11 O.S., Sec. 27- 110.

Section 13- 14. Municipal Attorney as prosecutor.

The Municipal Attorney, or his duly designated assistant, shall be the prosecutor of the Municipal Court and shall be empowered to prosecute all alleged violations of the Ordinances of the City of Antlers, Oklahoma, and to prosecute and resist appeals and proceedings in error and review from the Court to any other Courts of the State; he shall also be authorized to represent the City of Antlers, Oklahoma, in all proceedings arising out of matters of the Court.

Reference: 11 O.S., Sec. 27- 108.

Section 13- 15. Clerk of Court.

1. The City Clerk, or a deputy designated by him, shall be ex officio Clerk of the Court. The Court Clerk shall:

- a. Assist the Municipal Judge in recording the proceedings of the Court and in preparing writs, processes and other papers;
- b. Administer oaths required in judicial or other proceedings before the Court;
- c. Enter all pleadings, processes and proceedings in the dockets of the Court;

d. Perform such other clerical duties relating to the proceedings of the Court as the Municipal Judge shall direct;

e. Receive and receipt for forfeitures, fees, deposits and sums of money payable to the Court;

f. All of the fees, fines, and forfeitures which come into the municipal court shall be paid by the clerk of the court to the municipal treasurer. The treasurer shall credit such deposits to the fund designated by the Antlers City Council.

g. The court clerk shall make duplicate receipts for the fees, fines and forfeitures collected by him, one copy of which shall be retained by the municipal treasurer together with a detailed statement of all costs, the style of the case in which they were paid, and the name of the party paying the same.

Reference: 11 O.S., Sec. 27-109; 27-112

2. The Clerk of the Court shall give bond to the City in the sum of fifty thousand dollars (\$50, 000.00).

Reference: 11 O.S., Sec. 27- 112.

#### Section 13- 16. Writs and Process.

1. All writs and processes of the Municipal Court shall be directed to the Marshall of the Court, i.e., the Chief of Police.

2. The Chief of Police or a designated law enforcement officer of the City of Antlers shall serve an arrest warrant or summons issued by the municipal court any place in Pushmataha County.

Reference: 11 O.S., Sec. 27- 113.

#### Section 13- 17. Rules of Procedure.

1. The municipal judge shall adopt rules of procedure the same as provided by law for the trial of misdemeanors.

Reference: 11 O.S., Sec. 27- 113, 27- 114.

2. The court shall take judicial notice of state statutes and the ordinances of the City of Antlers.

Reference: 11 O.S., Sec. 27- 113.

3. Consistent with the provisions of this section, the judge may prescribe such other rules as are necessary for the proper conduct of the business of the municipal court.

Reference: 11 O.S., Sec. 27- 114.

Section 13- 18. Style of Prosecutions.

All prosecutions shall be by complaint subscribed by the complainant and verified before a judge, court clerk, deputy court clerk, or law enforcement officer. No warrant for arrest shall be issued until the complaint has been approved by the municipal judge. All prosecutions for the violation of municipal ordinances shall be styled, The City of Antlers vs (name of person(s) charged)

Reference: 11 O.S., Sec. 27- 115.

Section 13- 19. Summons.

1. Upon the filing of a complaint charging a violation of any ordinance of the City of Antlers, the Municipal Judge shall issue a summons, naming the person charged, specifying his address or place of residence (if known), stating the offense with which he is charged and giving him notice to answer the charge in the Municipal Court on a date certain, five (5) days hence (Sundays and holidays excepted), for the next Municipal Court date after the summons is served upon him. The summons shall contain a provision for the official return of the summons and include such other pertinent information as may be necessary.

2. A summons shall not be required if the judge issues a warrant for arrest or if the defendant has been issued a citation containing an order to appear on a certain date.

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

Section 13- 20. Warrant of Arrest.

1. Except as may otherwise be provided in this Code of Ordinances, upon the filing of a complaint, approved by the Municipal Judge, there shall be issued a warrant of arrest in substantially the following form: The City of Antlers, Oklahoma, to the Marshall of the Municipal Court of Antlers, Oklahoma:

Complaint upon oath having this day been made by (name of complainant) that the offense of (Cite Ordinance) has been committed and accusing (Name of Defendant(s)) thereof, you are commanded therefore forthwith to arrest the above named (name of Defendant(s)) and bring (him. her, them) before me at my office at the Antlers.  
Oklahoma Municipal Court Room.

Witness my hand this day of, 20\_\_\_\_\_. Judge of the Municipal Court of the City of Antlers, Oklahoma.

2. It shall be the duty of the Marshall of the Court to execute such warrant as promptly as possible either personally, through a duly constituted member of the police force of the City of Antlers, Oklahoma, or through any other person lawfully authorized to act.

Section 13- 21. Arrest for Misdemeanor Traffic Violation other than parking or standing Bail.

1. If a resident or nonresident of a municipality having a Municipal Court is arrested by a law enforcement officer solely for a misdemeanor violation of a traffic ordinance, other than an ordinance pertaining to a parking or standing traffic violation the arrested person is eligible to sign a written promise to appear and be released upon personal recognizance, then the procedures provided for in the State and Municipal Traffic Bail Bond Procedure Act shall govern.

2. The City Council, by ordinance, may prescribe a Bail Bond Schedule for this purpose and may provide for bail to be used as payment of the fine and costs upon a plea of guilty or nolo contendere, as provided for in the State and Municipal Bail Bond Procedure Act.

3. Absent such ordinance, the Municipal Court may prescribe a Bail Bond Schedule for traffic offenses. The amount of bail shall not exceed the maximum fine provided by ordinance for each offense.

Reference: 11 O.S., Sec. 27- 117.1; 22 O.S., Sec. 1115.1.

Section 13- 22. Non traffic Violations Arrests Bail.

1. A resident who is arrested for the violation of any traffic ordinance for which Section 13- 21 do not apply, or is arrested for the violation of a non traffic ordinance shall be released immediately by the arresting officer if the resident acknowledges receipt of a citation by signing it unless it reasonably appears to the officer:

- a. That the person may cause injury to himself or others or damage to property if released;
- b. That the person will not appear in response to the citation; or
- c. That the person is arrested for a offense against a person or property.

2. If a person fails to appear in response to a citation, a warrant shall be issued for his arrest and his appearance shall be compelled.

3. If a resident is not permitted to secure his own release by signing the citation, he shall be admitted to bail either before or after arraignment, or shall be released on his own recognizance.

4. If a nonresident is arrested, he shall be admitted to bail either before or after arraignment.

5. Bail shall not be more than the maximum fine provided for by ordinance for each offense charged.

Reference: 11 O.S., Sec. 27- 117.

Section 13- 23. Failure to appear according to terms of bond Forfeiture

If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of his bond, either for hearing, arraignment, trial or judgment, or upon any other occasion when his presence in court or before the magistrate may be lawfully required, the Judge may direct that fact to be entered upon the court minutes, thereby declaring the bond to be forfeited. Without advancing court costs, the judge shall then cause the forfeiture to be certified to the district court of Pushmataha County, where it shall be entered upon the judgment docket with the full force and effect of a district court judgment. Court costs shall be collectible from the proceeds of the bond.

Reference: 11 O.S., Sec. 27- 118.

Section 13- 24. Arraignment.

The arraignment shall be made by the Court. The Municipal Judge or the prosecutor shall read the complaint to the defendant, inform him of his legal rights and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. If the defendant pleads guilty, the Court may proceed to judgment and sentence or may continue the matter for subsequent disposition. If the plea is not guilty, the Court may proceed to try the case or may set a date for hearing.

Section 13- 25. Enforcement of Payment of Fines or Costs by Imprisonment: Persons Unable to Pay.

1. If a defendant who is financially able refuses or neglects to pay a fine or costs or both, payment may be enforced by imprisonment until the same shall be satisfied at the rate of twenty five dollars (\$25.00) per day.

2. If the defendant is without means to pay the fine or costs, the Municipal Judge may direct the total amount due to be entered upon the court minutes and to be certified to the District Court of Pushmataha County, where it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. Thereupon, the same remedies shall be available for the enforcement of said judgment as are available to any other judgment creditor.

Reference: 11 O.S., Sec. 27- 122.

Section 13-26. Suspension of judgment or costs Reconfinement Execution of Sentences of Municipal Court.

1. After sentencing, the judge may suspend the judgment or costs or both and allow the person so convicted to be released upon his own recognizance. Any person so released shall be required to report at such times and to such person or officer as the judge shall direct. The judge may cause warrant to be issued for any person so released if it shall be made to appear to the judge that such person:

- a. Has been guilty of the violation of any law after his release;
- b. Is habitually associating with lewd or vicious person; or
- c. Is indulging in vicious habits.

2. Upon the issuance of the warrant by the judge, the person shall be delivered forthwith to the place of confinement to which he was originally sentenced and shall serve out the full term for which he was originally sentenced.

3. Execution of Municipal Sentences shall be carried out in accordance with the provisions of Title 11, Oklahoma Statutes, Supp. 1987, Section 27- 122 through 27- 123 providing for community service without compensation in lieu of imprisonment; manner of imprisonment; modification, reduction, suspension and deferral of sentencing; continuing or delaying the imposition of judgment and sentence; and for administrative fee in the event of imposition of a deferred sentence.

Reference: 11 O.S. Sec. 27- 122.1, 27- 123.

#### Section 13- 27. Contempt of Court.

1. The judge shall have power to enforce due obedience to orders, rules and judgments made by him and may fine or imprison for contempt offered to the judge while holding his court or to process issued by him in the same manner and to the same extent as the district courts of Oklahoma.

Reference: 11 O.S., Sec. 27- 125.

2. Any person who violates any provisions of this section shall be guilty of an offense, and upon conviction thereof, shall be punished by fine not to exceed five hundred dollars (\$500.00) plus costs, or by imprisonment not to exceed thirty (30) days, or by both fine and imprisonment.

#### Section 13- 28. Prosecution for same offense in another court Prohibited.

When a defendant has been in jeopardy for the same or any lesser included offense in a municipal court or district court, he shall not be prosecuted in another court for the same or a lesser included offense.

Reference: 11 O.S., Sec. 27- 127.

#### Section 13- 29. Appeals

An appeal may be taken from a final judgment of the municipal court by the defendant by filing in the district court of Pushmataha County within ten (10) days from the date of the final judgment, a notice of appeal and by filing a copy of the notice with the municipal court. In case of an appeal, a trial de novo shall be had, and there shall be a right to a jury if the offense is punishable by a fine of more than two hundred dollars (\$200.00) and costs. Reference: 11 O.S., Sec. 27 -129.

Section 13- 30. District attorney to defend appeals in certain cases.

The district attorney, and his assistants, shall defend any appeal from the municipal court; provided that the municipal attorney is not paid a salary in excess of a rate of three thousand six hundred dollars (\$3600.00) per annum.

Reference: 11 O.S., Sec. 27- 130.

Section 13-31. Bond.

Upon the arrest of an offender, there shall be a minimum bond of one hundred dollars (\$100.00) posted prior to their release. Said offender shall also be responsible to pay any other remaining applicable court cost, fines, and fees upon their assigned court date.

Sections 13- 32 through 13- 39. (Reserved for future use.)

**Article 3. Penalty**

Section 13- 40. Penalty.

1. If the Judge of the Municipal Court of the City of Antlers, Oklahoma, is a licensed attorney and the trial is to the Court, the Court may impose a fine not to exceed five hundred dollars (\$500.00), except as otherwise provided in this Section.
2. The Court may order a term of community service without compensation. Further, the Court may enforce the payment of fines and/or costs by compelling work on streets, alleys, avenues, areas and public grounds of the City of Antlers, subject to the direction of the appropriate officer of the City, until the fines or costs are satisfied.
3. A schedule of bonds and fees may be adopted and amended from time to time by the city council. A copy of bonds, fees or fines shall be kept in the office of the clerk.

Reference: 11 O.S., Sec. 27- 104, 14- 111, 27- 122

## CHAPTER 14

### PROPERTY MAINTENANCE CODE

#### Article 1 International Building Codes

#### Article 2 Public Nuisance

#### Article 3 Abatement of Nuisances

#### Article 4. Penalty

### Article 1

#### International Building Codes

##### Section 14-1 Adopted by reference

1. That a certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Antlers the State of Oklahoma , being marked and designated as the *International Property Maintenance Code*, 2018 edition or latest edition thereof, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Antlers, in the State of Oklahoma for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

2. The following sections are hereby revised:

Section 101.1. Insert: City of Antlers

Section 103.5. Insert: \$20.00/inspection of each incident

Section 112.4 Insert: \$50.00 daily, \$100 daily

Section 302.4. Insert: 12 inches

Section 304.14. Insert: May 1<sup>st</sup> Oct 31<sup>st</sup>

Section 602.3. Insert: Oct 1<sup>st</sup> May 1<sup>st</sup>

Section 602.4. Insert: Oct 1<sup>st</sup> May 1<sup>st</sup>

State law references: Adoption by reference, 11 O.S. § 14-107.



## **Article 2. Public Nuisances.**

### **Section 14 -2. Nuisance Unlawful**

It shall be unlawful for any person (owner, lessee or other) to create or maintain a nuisance, or to permit a nuisance to remain on premises under his control, within the corporate limits of the City of Antlers, Oklahoma.

### **Section 14 -3. City Board May Determine and Define Nuisances.**

The City Council has the power to determine what is and what shall constitute a nuisance within the corporate limits of the City of Antlers, Oklahoma, and, for the protection of the public health, parks and water supply, shall have power outside of said City's corporate limits.

Reference: O.S.50, Sec. 16

### **Section 14- 4. Nuisance Defined.**

Definitions: Public Nuisances

Reference: O.S.50, Sec. 1

### **Section 14-5 Public Nuisances, Possible Remedies.**

1. A public nuisance is one which affects, at the same time, an entire community, neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

2. The possible remedies against a public nuisance are:

Reference: 50 O.S., Sec. 7

- a. Prosecution on complaint before the Municipal Court;
- b. Prosecution of information or indictment before another appropriate court;
- c. Civil action; and
- d. Abatement.

(1). By the person injured; or

(2). By the municipality, in accordance with law or ordinance.

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

Reference: 50 O.S., Sec. 2

Section 14- 6. Private Nuisances: Possible Remedies.

1. Every nuisance not included in Section 14-5 (above) is a private nuisance.
2. The possible remedies against a private nuisance are:
  - a. Civil action; and
  - b. Abatement:
    - (1). By the person injured; or
    - (2). By the municipality, in accordance with law or ordinance.

Reference: 50 O.S., Sec. 14

Section 14- 7. Person Liable.

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

Reference: 50 O.S., Sec. 5

Section 14- 8. Procedure Cumulative.

The various procedures for abating nuisances prescribed by this Chapter and by other provisions of law and Ordinances shall be cumulative one (1) to the other; the City Council may elect to follow any such procedure which is applicable in abating any particular nuisance.

Sections 14- 9 through 14- 10. (Reserved for future use.)

**Article 3. Abatement of Nuisances**

Section 14- 11. Summary Abatement of Nuisances.

1. Whenever it is practical to do so, the City Council has the power summarily to abate any such nuisance, after notice to the owner and an opportunity for him to be heard, if this can be done.

Reference: O.S.50, Sec. 16

2. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one (1) or more persons of the public

generally, and it is recognized that, in such circumstances, the City Manager (or his representative) may be justified or required 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.

3. The City Manager, the Fire Chief, the Chief of Police, the City Attorney, the Code Enforcement Officer, any Councilman, any resident of the City of Antlers, Oklahoma, or any other officer subordinate to the City Council, may submit to said City Council, a statement as to the existence of a nuisance as defined by State Law or the Ordinances of the City, and a request or recommendation that it be abated.

4. The City Council shall determine whether or not the alleged nuisance is a nuisance in fact, and before proceeding to have the nuisance abated, the said City Council 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 (Code Enforcement Officer), if their names and addresses are known, if the names and addresses are not known, and the peace, health, safety, morals or welfare of the person, persons or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a newspaper of general circulation within the City or County.

5. If the City Council finds that a nuisance does in fact exist, it shall direct the owner and/or other persons responsible for, or causing the nuisance, to abate it within a specified time if the peace, health, safety, morals or welfare of the person, persons or public adversely affected would not be unduly jeopardized by the consequent delay. If such peace, health, safety, morals or welfare would be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time; the City Council shall direct the City Manager to abate the nuisance or have it abated, if summary abatement is practical.

6. 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.

Reference: 11 O.S., Sec. 22 111

#### Section 14- 12. Abatement of Public Health Nuisances.

1. The local or County Health Officer and/or Code Enforcement Officer shall have the authority to order, in writing, the owner or occupant of any private premises in the City to remove from such premises, within a reasonable length of time and at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease or any other condition

adversely affecting the public health; failure to do so shall constitute an offense. Such order shall be served on the owner or occupant (or his agent) of the premises by the local or County Health Officer, or Code Enforcement Officer, or a policeman. If the premises are unoccupied and the residence of the owner's occupant or agent is unknown or is without the State, the order may be served by posting a copy thereof on the premises or by publication in at least one (1) issue of a newspaper having a general circulation in the City or County.

2. If the order is not complied with, the Health Officer and/or Code Enforcement Officer may cause the order to be executed, and the cost thereof shall be certified to the City Clerk; the cost of abating such nuisance shall be added to the municipal utility bill of the owner or occupant (if he is a user of any municipal utility service) and shall become due and payable and be subject to the same regulations relating to delinquency in payment as the utility bill itself. If such owner or occupant is not a user of any municipal utility service, such costs, after certification to the City Clerk, may be collected in any manner in which any other debt due the City may be collected.

Reference: 63 O.S., 1 1011

Section 14- 13. Cleaning; and Mowing of Property.

1. Property owners shall not allow trees to obstruct traffic or pedestrians. Property owners shall be required to maintain property free of grass, weeds or litter to the street.

2. A municipal governing body may cause property within the municipal limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the following procedure:

a. At least ten (10) days notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the County Treasurer's office before the governing body holds a hearing or takes action. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and said notice shall further state that unless such work is performed within ten (10) days of the date of the notice the work shall be done by the municipality and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the municipality. At the time of mailing of notice to the property owner, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if the property owner cannot be located within ten (10) days from the date of mailing by the municipal governing body, notice may be given by posting a copy of the notice on the property or by publication (as defined in 11 O.S. Section 1-102) one time not less than ten (10) days prior to any hearing or action by the municipality. If a municipal governing body anticipates summary abatement of a nuisance in accordance with the provisions of subsection 2 of this section, the notice, whether by certified mail, posting or publication, shall state: that any accumulations of trash or excessive weed or grass growth on the owner's property occurring within

six (6) months after the removal of trash or cutting or mowing of weeds or grass on the property pursuant to such notice may be summarily abated by the municipal governing body; that the costs of such abatement shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner;

b. The owner of the property may give his written consent to the municipality authorizing the removal of the trash or the mowing of the weeds or grass. By giving said written consent, the owner waives his right to a hearing by the municipality;

c. A hearing may be held by the municipal governing body to determine whether the accumulation of trash or the growth of weeds or grass has caused the property to become detrimental to the health, benefit, and welfare of the public and the community or a hazard to traffic, or creates a fire hazard to the danger of property;

d. Upon a finding that the condition of the property constitutes a detriment or hazard, and that the property would be benefitted by the removal of such conditions, the agents of the municipality are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, and performance of the necessary duties as a governmental function of the municipality. Immediately following the cleaning or mowing of the property, the municipal clerk shall file a notice of lien with the county clerk describing the property and the work performed by the municipality, and stating that the municipality claims a lien on said property for the cleaning or mowing costs or other means of collection as other debts of the City may be collected;

e. The City Manager or designee shall determine the actual cost of such cleaning and mowing and any other expenses as may be necessary in connection therewith, including the cost of notice and mailing. The municipal clerk shall forward by mail to the property owner specified in paragraph 1 of this subsection a statement of such actual cost and demanding payment. If the cleaning and mowing are done by the municipality, the cost to the property owner for said cleaning and mowing shall not exceed the actual cost of the labor, maintenance, and equipment required. If the cleaning and mowing are done on a private contract basis, the contract shall be awarded to the lowest and best bidder;

f. If payment is not made within thirty (30) days from the date of the mailing of the statement, the municipal clerk shall forward a certified statement of the amount of the cost to the County Treasurer of the county in which the property is located and the same shall be levied on the property and collected by the County Treasurer as other taxes authorized by law. Until fully paid, the cost and the interest thereon shall be the personal obligation of the property owner for and after the date the cost is certified to the County Treasurer. In addition the cost and the interest thereon shall be a lien against the property from the date the cost is certified to the County Treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and lien against the property, and the lien shall continue until the cost shall be

fully paid. At the time of collection, the County Treasurer shall collect a fee of Five Dollars (\$5.00) for each parcel of property. Said fee shall be deposited to the credit of the general fund of the county. At any time prior to the collection as provided in this paragraph, the municipality may pursue any civil remedy for collection of the amount owing and interest thereon including an action in person against the property owner and an action to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, if any, the municipal clerk shall forward to the County Treasurer a notice of such payment and directing discharge of the lien; and

g. The municipality may designate by ordinance an administrative officer or administrative body to carry out the duties of the governing body in subsection 1 of this section. The property owner shall have a right of appeal to the municipal governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered.

3. If a municipal governing body causes property within the municipal limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the procedures provided for in subsection 1 of this section, any subsequent accumulations of trash or excessive weed or grass growth on the property occurring within a six month period may be declared to be a nuisance and may be summarily abated without further prior notice to the property Owner. At the time of each such summary abatement the municipality shall notify the property owner of the abatement and the costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. The notice and hearing shall be as provided for in subsection 1 of this section. Unless otherwise determined at the hearing the cost of such abatement shall be determined and collected as provided for in paragraphs e and g of subsection 1 of this section. Provided, however, that this subsection shall not apply if the records of the county clerk show that the property was transferred after notice was given pursuant to subsection 1 of this section.

4. The municipal governing body may enact ordinances to prohibit owners of property or persons otherwise in possession or control located within the municipal limits from allowing trash to accumulate, or weeds to grow or stand upon the premises and may impose penalties for violation of said ordinances.

5. As used in this section:

a. "Weed" includes but is not limited to poison ivy, poison oak, or poison sumac and all vegetation at any state of maturity which:

(1) exceeds ten (10) inches in height, except healthy trees, shrubs, or produce for human consumption grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a

detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of said weeds;

(2) Regardless of height, harbors, conceals, or invites deposits or accumulation of refuse or trash;

(3) Harbors rodents or vermin;

(4) Gives off unpleasant or noxious odors;

(5) Constitutes a fire or traffic hazard; or

(6) Is dead or diseased.

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

b. "Trash" means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, or waste, or matter of any kind or form which is uncared for, discarded, or abandoned.

c. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

d. "Cleaning" means the removal of trash from property.

6. The provisions of this section shall not apply to any property zoned and used for agriculture purposes.

Reference: 11 O.S. Supp. 1989, Section 22 111.

#### Section 14- 14. Removal of Unsafe Structures.

1. The City Council may cause dilapidated buildings within the municipal limits to be torn down and removed in accordance with the provisions of this section.

2. At least ten (10) days' notice that a building is to be torn down or removed shall be given to the owner of the property before the governing body holds a hearing. A copy of the notice shall be posted on the property to be affected. In addition, a copy of said notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of mailer. However, if neither the property owner nor the mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication (as defined in 11 O.S. 1981, Section 1-102). Such notice may be published once not less

than ten (10) days prior to any hearing or action by the municipality pursuant to the provisions of this section.

3. A hearing may be held by the governing body to determine if the property is dilapidated and has become detrimental to the health, safety, or welfare of the general public and the community, or if said property creates a fire hazard which is dangerous to other property.

4. Pursuant to a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefitted by the removal of such conditions, the governing body may cause the dilapidated building to be torn down and removed. The governing body shall fix reasonable dates for the commencement and completion of the work. The municipal clerk shall immediately file a notice of dilapidation and lien with the county clerk describing the property, the findings of the municipality at the hearing, and stating that the municipality claims a lien on said property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of said notice. The agents of the municipality are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the municipality if the work is not performed by the property owner within dates fixed by the governing body.

5. The governing body shall determine the actual cost of the dismantling and removal of dilapidated buildings and any other expenses that may be necessary in conjunction with the dismantling and removal of the buildings, including the cost of notice and mailing. The municipal clerk shall forward a statement of the actual cost attributable to the dismantling and removal of the buildings and a demand for payment of such Costs, by mail to the property owner. In addition, a copy of said statement shall be mailed to any mortgage holder at the address provided for in paragraph 2 of this section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. If a municipality dismantles or removes any dilapidated buildings, the cost to the property owner shall not exceed the actual cost of the labor, maintenance, and equipment required for the dismantling and removal of the dilapidated buildings. If dismantling and removal of the dilapidated buildings is done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

6. When payment is made to the municipality for costs incurred the municipal clerk shall file a release of lien, but if payment attributable to the actual cost of the dismantling and removal of the buildings is not made within thirty (30) days from the date of the mailing of the statement to the owner of such property, the municipal clerk shall forward a certified statement of the amount of the cost to the county treasure of the county in which the property is located. Said costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice of dilapidation and lien is filed with the county clerk. In addition the cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. Said lien shall be coequal with the lien of ad valorem taxes



and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At the time of collection, the county treasurer shall collect a fee of Five Dollars (\$5.00) for each parcel of property. Said fee shall be deposited to the credit of the general fund of the county. At any time prior to collection as provided for in this paragraph, the municipality may pursue any civil remedy for collection of the amount owing and interest thereon including an action in person and against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, the municipal clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

7. The municipality shall designate the Code Enforcement Officer to carry out the duties of the governing body specified in this section. The property owner shall have the right of appeal to the municipal governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered.

8. For the purposes of this section, "dilapidated building" means a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that said structure is a hazard to the health, safety, or welfare of the general public. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

9. Nothing in the provisions of this section shall prevent the municipality from abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the general public.

10. The Municipality, officers, employees or agents of the Municipality shall not be liable for any damages or loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this section or as otherwise prescribed by law.

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

Reference: 11 O.S. Supp. 1989, Section 22 112, as amended.

Sections 14- 15 through 14- 24. (Reserved for future use.)

#### **Article 4. Penalty**

Section 14- 25. Penalty.

Any person who violates any provision of this Chapter by doing any act prohibited, 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, who fails to do any act when such provision declares such failure to be unlawful or to be an offense or misdemeanor, who violates any legal order or regulation made pursuant to this Chapter, or who maintains any nuisance as defined in this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 10- 20 of this Code. Every day upon which a violation continues shall be deemed a separate offense.

## CHAPTER 15

### OFFENSES

#### Article 1. Offenses in General.

#### Article 2. Offenses Against Public Decency, Morality and Policy.

#### Article 3. Offenses Against the Peace.

#### Article 4. Offenses Against Property.

#### Article 5. Offenses Against Property.

#### Article 6. Abandoned and Junk Vehicles.

#### Article 7. Offenses Against Public Authority.

#### Article 8. Penalty

#### Article 9. Skateboards

Refer to Title 21 O.S. Statutes. The City of Antlers adopted Title 21 and all laws pertaining to criminal offenses that are listed therein.

### Article 1. Offenses in General

#### Section 15- 1. Offense Defined.

An "offense" is hereby defined as the doing of any act or thing which, by this Chapter or any Ordinance of the City of Antlers, Oklahoma, is prohibited, forbidden or declared to be unlawful, or the failure or refusal to do any act or perform any duty which, by any provision of this Chapter or by any Ordinance of the City of Antlers, Oklahoma, is commanded or required to be done.

Reference: 21 O.S. 3.

#### Section 15- 2. Attempts to Commit an Offense.

Every person who attempts to commit an offense against the Code of Ordinances of the City of Antlers, Oklahoma, and in such attempt does any act toward the commission of such offense, but fails, is prevented or intercepted in the perpetration thereof, shall be guilty of an offense and shall be punished in the manner prescribed for the offense itself.

Reference: 21 O.S. 42 et seq.

#### Section 15- 3. Effect of Intoxication.

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

Reference: 21 O.S. 153 et seq.

Section 15- 4. Aiding in an Offense.

When no punishment for counseling or aiding in the commission of a particular offense is expressly prescribed by Ordinance, every person who counsels or aids another in the commission of such, shall be guilty of an offense and punishable in the same manner as the principal offender.

Reference: 21 O.S. 4 171 et seq.

Sections 15- 5 through 15- 9. (Reserved for future use.)

**Article 2. Offenses Against Public Decency, Morality and Policy**

Section 15- 10. Gambling Prohibited.

No person, firm or corporation (or agent or employee thereof) shall play, open or cause to be opened, operate, carry on or conduct any game of roulette, craps, or any percentage played with dice, for money, checks, chips, credit or any other things of value; or shall set up, operate or permit to be operated, any slot machine or other device whatsoever where money, checks, chips, credit or any other things of value are played, when the act of playing the same might result in a gain or loss to the party playing; or shall gamble knowingly in any other similar manner, or knowingly shall permit his or its premises, houses, lot or other property to be used in connection with or for, any act declared unlawful in this Chapter, excluding sovereign land.

Reference: 21 O.S. 38- 941 et. seq.

Section 15- 11. False Or Bogus Checks.

1. It shall be unlawful for any person, with intent to cheat or defraud, to obtain, or attempt to obtain, from any person, firm or corporation, any money, property or valuable thing, by means of any false or bogus check or by any other written, 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 maker to pay same, as against the maker or drawer thereof.

2. 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 .

Reference: 21 O.S. 61- 1541.1 et seq.

Section 15- 12. Harmful Deception.

It shall be 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.

Reference: 21 O.S. 61- 1541.1.

Section 15 -13. Offenses Against the Public: Definitions.

As used in this Section the term:

- a. "Adult" shall mean a person the age of eighteen (18) years or older.
- b. "Child" shall mean a juvenile under the age of twelve (12) years.
- c. "Children" shall mean one or more child.
- d. "District Attorney" shall mean the chief prosecutor in the local government and county.
- e. "Employment" shall mean employment that is legally permissible under the laws of the State of Oklahoma and the United States of America.
- f. "Juvenile" shall mean all persons under the age of eighteen (18) years.
- g. "Juvenile Bureau" shall mean the state or county department, agency, or institution responsible for the welfare of juveniles and the enforcement of juvenile offenses pursuant to Title 10 of the Oklahoma Statutes.
- h. "Parent" shall mean any person having, assuming or charged with permanent or temporary care and custody of the child or juvenile including:
  1. a natural or adoptive parent;
  2. a legal guardian or adult exercising legal guardianship over a child.
  3. an adult who stands in loco parentis to the child;
  4. a person to whom legal custody has been given by order of court; or
  5. An adult who has, assumes, or is charged with care and custody at the request of or on behalf of the natural or adoptive parent, guardian, loco parentis, or person to whom legal custody has been given by order of court.
  6. an adult who has, assumes or is charged with care and custody at the request of or on behalf of another parent.
- i. "Person" shall mean a natural person and shall not include corporations.

- j. "Police Department" shall mean the City of Antlers Police Department.
- k. "Presence of" the Parent having, assuming, or charged with care and custody shall be:
  - 1. When the Parent maintains a position which enables said Parent to keep the child within the Parent's sight; or
  - 2. When the parent maintains a distance within which the Parent can hear the vocal statements of the child.
- l. "Public sidewalks" shall mean sidewalks owned by or dedicated to the City of Antlers.
- m. "Public streets" shall mean streets owned by or dedicated to the City of Antlers.
- n. "Public property" shall mean parks, buildings, facilities, reservoirs and reservations owned by or dedicated to the City of Antlers.
- o. "The City" shall mean the City of Antlers.
- p. "Vocal statements" shall include cries, vocal and verbal utterances, and audio signals generated by a child who is mute or who has a speech impediment.

Section 15- 14. Curfew For Minors.

- 1. For the purpose of this code of Ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein:
  - a. City. The word "City" shall mean the City of Antlers, Oklahoma.
  - b. Minor. The word "minor" shall mean any person under eighteen (18) years of age.
  - c. Parent. The word "parent" shall mean any person having legal custody of a minor (a) as a natural or adoptive parent, (b) as a legal guardian, (c) as a person who stands in loco, or (d) as a person to whom legal custody has been given by order of the Court.
  - d. Public Place. The term "public place" shall mean any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A public place shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, café, theater, drug store, pool room, shopping center or any other place devoted to amusement or entertainment of the general public; it shall also include the front or immediate area of the above.
  - e. Remain. The word "remain" shall mean to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregation of groups (or of interacting minors) totaling four (4) or more persons in which any ordinary or serious purposes, such as mere passage or going home.

f. Street. The word "street" shall mean a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel, or in the case of a sidewalk thereof, for pedestrian travel; the term "street" includes the legal right-of-way, including but not limited to, the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street.

g. Time of Night. The term "time of night" shall be based upon the prevailing standard of time, whether Central Standard Time or Daylight Savings Time, generally observed at that hour by the public.

h. Years of Age. The term "years of age" shall continue from one (1) birthday, such as the seventeenth (17) to (but not including the day of) the next, such as the eighteenth (18) birthday, making it clear that seventeen (17) or less years of age is herein treated as equivalent to the phrase "under eighteen (18) years of age".

2. It shall be unlawful for any person seventeen (17) or less years of age (under eighteen) to be or remain in or upon the streets within the City of Antlers, Oklahoma, at night during the period ending at 6:00 o'clock a.m. and beginning:

a. At 10:00 o'clock p.m. for minors fifteen (15) years of age or younger on Sunday through Thursday; and

b. At 11:00 o'clock p.m. for minors fifteen (15) years of age or younger on Friday and Saturday; and

c. At 11:00 o'clock p.m. for minors sixteen (16) years of age or older on Sunday through Thursday; and

d. At 12:00 o'clock p.m. on Saturday morning and Sunday morning for minors sixteen (16) years of age or older.

3. In the following exceptional cases, a minor on a public street, during the nocturnal hours for which Subsection 2 (above) is intended to provide the maximum limits of regulation, shall not, however, be considered in violation;

a. When accompanied by a parent of such minor;

b. When accompanied by an adult authorized by a parent of said minor for a designated period of time and purpose, within a specified area;

c. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and right of assembly; such as minor and countersigned, by a parent of such minor, with their home address and telephone number specifying when and where and in what manner, said minor will be on the streets at night, in the exercise of a First Amendment right specified in such communication;

d. In case of reasonable necessity, but only if the minor has, in said minor's possession, a written communication signed by the minor, countersigned by a parent of such minor, evidencing their home address and telephone number, and

establishing such reasonable necessary relation to specified streets, at a designated time, for a described purpose, including points of origin and destination;

e. When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next door neighbor but communicating an objection to the police officer.

f. When returning home, by a direct routine from (and within thirty minutes of the termination of) a school activity, or an activity of a religious or voluntary association; provided, that, the minor has a written communication, in the minor's possession, countersigned by the parent, indication the home address and telephone number, the purpose for the event, when, where and in what manner, said minor will be on the streets at night;

g. When authorized, by a regulation issued by the City Council, in other similar cases of reasonable necessity, similarly handled, but not adapted to necessary night-time activities, or more minors than can readily be dealt with on an individual special permit bases; normally such regulation by the City Council, permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies, such as the schools, and shall define the a activity, the scope of the use of the streets permitted, the period of time involved (not to extend more than thirty minutes beyond the time for termination of such activity), and the reason for finding that such regulation is reasonably necessary and consistent with the public interest and the purpose of this Section;

h. When the minor carries a certified card of employment, briefly identifying the minor, the addressees of his home and his place of employment, and his hours of employment, or carries a valid proof of employment which may include the latest payroll receipt, not over thirty (30) days old.

i. When the minor is, with parental consent, in a motor vehicle; this contemplates normal travel and clearly exempts bona fide interstate movement through the City, particularly on normal routes.

4. It shall be unlawful for a parent having legal custody of a minor, to knowingly permit, or by inefficient control to allow, such minor to be, or remain upon, any public street under circumstances not constituting an exception to, or otherwise beyond the scope of, this Section. The term "knowingly" includes knowledge which a parent should reasonable be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parent(s) up to a reasonable community standard of parental responsibility through an objective test. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.

5. A police officer of the City of Antlers, Oklahoma upon finding or having attention called to any minor on the streets in prima facie violation of this Section, normally shall take the minor to the City Police Station, or other place designated by the Chief of Police, where



a parent shall immediately be notified to come for such minor, whereupon they shall be interrogated. This is intended to permit ascertainment, under Constitutional safeguards, of relevant facts, and to centralize responsibility in the personnel then on duty for accurate, effective, fair, impartial and uniform enforcement and recording, thus making available to experienced supervisory personnel, the best of facilities and access to information and records. In the absence of convincing evidence such as a birth certificate, a police officer on the street shall, in the first instance, use his best judgment in determining age.

6. Police procedures shall constantly be refined in the light of experience, and may provide inter alia, that the police officer may deliver to a parent thereof a minor under appropriate circumstances; for example, a minor of tender age, near home, whose identity may readily be ascertained or are known.

7. In any event, such police officer, shall within twenty-four (24) hours, file a written report with the Chief of Police, or shall participate to the extent of the information for which he is responsible; said report shall be treated for purposes of juvenile records in accordance with State Statutes.

8. When a parent, immediately called, has come to take charge of the minor, and the appropriate information has been recorded, the minor shall be released, to the custody of such parent. If parent cannot be located, or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor, or other person who will, on behalf of a parent, assume the responsibility of caring for the minor pending the availability or arrival of a parent.

#### Section 15- 15. Definition and Determination of Reasonable Suspicion.

Police officers shall make determination as to whether and when "reasonable suspicion" shall exist whenever there are specific and articulable facts which, taken together with rational inference from those facts, reasonably warrant a suspicion that the juvenile encountered was or is involved in or is wanted in connection with a criminal activity or offense. Reasonable suspicion is in itself not grounds for an arrest hereunder.

#### Section 15- 16. Action Taken Upon Reasonable Suspicion.

Upon a determination of the existence of reasonable suspicion as provided in this division the police officer may request that the juvenile identify himself and state his purpose for being on the public streets. Should the response by the juvenile allay or dispel the police officer's reasonable suspicion, then the officer may continue to question the juvenile and may request that the juvenile identify himself, state his purpose, the address and name of the parent having, assuming, or charged with the care and custody of the juvenile, or such other question or information the officer may need to allay or dispel the reasonable

suspicion. Neither failure to respond to inquiries, nor failure to allay or dispel reasonable suspicion shall be grounds for arrest hereunder.

Section 15- 17. Juveniles Responses Noted.

Should the responses and actions of the juvenile to the requests provided in this Division fail to allay or dispel the reasonable suspicion of the police officer, the officer may make note of the responses and information elicited and may forward said information to the Juvenile Bureau

Section 15-18. Juvenile Arrest.

A. Upon determination by a police officer of the existence of probable cause for arrest of a juvenile for a misdemeanor, the police officer shall arrest the juvenile and release said juvenile to the care and custody of a parent having, assuming, or charged with care and custody, or to the authorities with jurisdiction over juveniles.

B. Upon determination by a police officer of the existence of probable cause for arrest of a juvenile for a felony, the police officer shall arrest the juvenile and release said juvenile to the care and custody of a parent having, assuming, or charged with care and custody, or to the authorities with jurisdiction over juveniles.

C. Records of the arrest of each and every juvenile may be forwarded to the District Attorney and to the Juvenile Bureau.

Section 15- 19. Parental Care and Custody.

No parent of a child shall fail to provide and maintain care and custody of said child.

Section 15- 20. Care and Custody.

"Care and Custody" as used in this Section shall mean:

- a. that a child is in the "presence of" the parent having, assuming, or charged with care and custody; or
- b. that another Parent has, assumes, or is charged with the care and custody of the child; or
- c. that a person is baby sitting with the child, wherein the child and the baby sitter are within the same building or upon the premises of the parent having given the baby sitter care and custody of the child; or the premises of the baby sitter; or the premises of the baby sitter's parent.

Section 15-21 through 15-30 (Reserved for future use)

Section 15-31. Offenses Relating to Controlled Dangerous Substances.

It shall be unlawful for any person under the influence of any narcotic or other controlled dangerous substance, to appear or be upon or in any street, alley place of business or other public place within the City of Antlers, Oklahoma; or for any person to use any narcotic or other controlled dangerous substance upon or in any street, alley, place of business or other public place within said City; or for any person to use any narcotic or other controlled dangerous substance in any place within said City, except as legally prescribed by a physician licensed to practice in the State; or for any person to loiter about a place where any narcotic or other controlled dangerous substance is sold or furnished illegally; or for any person to sell or furnish illegally to another person any narcotic or other controlled dangerous substance.

#### Section 15- 32. Illicit Use of Certain Chemical Compounds.

1. It shall be unlawful for any person to deliberately smell, inhale, breathe, drink or otherwise consume any compound, liquid, chemical, narcotic, drug or any other substance or chemical containing any ketones, aldehydes, organic acetones, ether, chlorinated hydrocarbons, such as gasoline, glue, fingernail polish, adhesive cement, mucilage, dope, paint or any other substance or combination thereof containing solvents releasing toxic vapors, with the intent to cause conditions of intoxication, inebriation, excitement, elation, stupefaction, paralysis, irrationality, dulling of the brain or nervous system or any other changing, distorting or disturbing of the eyesight, thinking processes, judgment, balance or coordination of such person.

2. The provisions of this Section shall not pertain to any person who inhales, breathes, drinks or otherwise consumes such material or substance pursuant to the direction or prescription of any licensed doctor, physician, surgeon, dentist or podiatrist, nor to the consumption of intoxicating liquor.

#### Section 15- 33. Immoral Conduct, Shows or Exhibitions: Nudity.

1. It shall be unlawful for any person to conduct himself in a lewd or immoral manner in any public place within the City of Antlers, Oklahoma.

2. It shall be unlawful to show obscene or immoral motion pictures or present any kind of a show or exhibition within the City of Antlers, Oklahoma, which is obscene or immoral.

3. It shall be unlawful for any person to appear in any public place within the City of Antlers, Oklahoma, in a state of total nudity, or for any person to make an indecent public exposure of his or her person.

Reference: 21 O.S. 39- 1021 et seq.

#### Section 15- 34 Prostitution Illicit Sexual Relations

1. For the purpose of this Section, "illicit sexual relations" shall mean sexual relations with any person other than one's lawful husband or wife.

2. It shall be unlawful for any person to offer, submit or give himself or herself to a lewd or immoral use, such as illicit sexual relations, or to engage in any lewd or immoral act for money or any other thing of value.

3. It shall be unlawful for any person to engage in illicit sexual relations or any other immoral act, to knowingly consort with a prostitute or other person of immoral vocation, or to consort with another for an immoral purpose, in any public place within the City of Antlers, Oklahoma.

4. It shall be unlawful for any person, firm or corporation, or any agent or employee thereof, to keep, or assist in keeping, a house of prostitution or a house or place within the City of Antlers, Oklahoma, where persons meet or assemble for illicit sexual relations or for any other lewd or immoral purpose, or to permit a known prostitute or other person of a known immoral vocation to become or remain a guest in a hotel or rooming house.

5. It shall be unlawful and an offense for any person to act as a 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 relations or any other immoral purpose.

Reference: 21 O.S. 39- 1025 et. seq.

Section 15- 35. Certain Conduct Prohibited on or Near School Grounds.

No person shall engage in any conduct or commit any of the acts enumerated herein, around or on the grounds of, any school in the City of Antlers, Oklahoma, or in any street or alley adjacent to a school:

1. Loitering by any person not having lawful business in connection with the school, an employee thereof or student therein;

2. Any conduct that disturbs the orderly conduct of the school;

3. Annoying or molesting any student or employee of the school;

4. Lewd or wanton conduct; or

5. Moving or parking any vehicle in the vicinity of any school or in any street or alley adjacent thereto, in such a manner as to annoy or molest any student or employee of the school.

Section 15- 36. Alcoholic or Intoxicating Beverages.

1. It shall be unlawful for any person under twenty one (21) years of age to misrepresent his age through false documentation, for the purpose of including any person to sell him alcoholic beverages.
2. It shall be unlawful for any person under twenty-one (21) years of age to have in his or her possession any alcoholic beverages, while such a person is upon any street, alley, road or highway, or in any public place within the City of Antlers, Oklahoma.
3. It shall be unlawful for any person to open a retail container or consume alcoholic beverages on the premises of a retail package store.
4. No person drunk or in a state of intoxication shall appear, or be upon or in, any street, alley, place of business or other public place, nor shall any person drink any alcoholic beverage upon or in any street, alley, place of business or other public place within the City of Antlers, Oklahoma, except where permitted by a license.
5. It shall be unlawful for any person to transport in any vehicle upon any street, alley, or other public way within the City of Antlers, Oklahoma, any alcoholic beverage except in the original container, which shall not have been opened, the seal of which shall not have been broken, and from which the original cap or cork shall not have been removed, unless the opened container be in the trunk or any closed compartment or other container out of public view and out of reach of the driver or any occupant of the vehicle.
6. It shall be unlawful for any person, firm or corporation to buy, receive, possess, sell, barter, give away, manufacture or use any alcoholic beverages in violation of the State Constitution and Laws or the Code of Ordinances of the City of Antlers, Oklahoma. (See chapter 2, this Code of Ordinances.)

Reference: 37 O.S. 3-537 et seq.

#### Section 15-37. Non-Intoxicating Beverages.

1. It shall be unlawful for any person under twenty-one (21) years of age to work in a place where non-intoxicating beverages are sold for consumption on the premises, except an eating place where the service of such beverages is incidental to the main business of serving food.
2. It shall be unlawful for any person under twenty one (21) years of age to purchase, receive or procure any non-intoxicating beverage.
3. It shall be unlawful for any person, whether a minor or of age, to be in possession of, or to drink, any intoxicating beverage while such person is upon any public street, alley, or other public highway, or in any public building or other public place, within the City of Antlers, Oklahoma; provided, that this shall not prohibit a person who is of age from drinking such beverage in a place licensed to sell it for consumption on the premises.

4. It shall be unlawful for any person to knowingly transport in any moving vehicle, upon any public highway, street, alley or roadway within the corporate limits of the City of Antlers, Oklahoma, or in or upon any property owned by said City outside of its corporate limits, any non-intoxicating beverage, except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed, unless the opened container is in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or any other person in vehicle while it is in motion. (See Chapter 2, this Code of Ordinances.)

Reference: 37 O.S. 2 241 et. seq.

Sections 15- 38 through 15- 39. (Reserved for future use.)

### **Article 3. Offenses Against the Peace**

#### **Section 15- 40. Carrying Concealed Weapons.**

A. It shall be unlawful for any person to carry concealed upon or about his person, or in his portfolio or purse, any knife, dagger, metal knuckle, blackjack or any other dangerous or deadly weapon or instrument.

B. The provisions of subsection A shall not prohibit the proper use of knives for hunting, fishing or recreational purposes, nor shall subsection A be construed to prohibit any use of weapons in a manner otherwise permitted by City Ordinance or State Statute, and shall specifically not apply to firearms.

#### **Section 15- 41. Discharging Firearms.**

It shall be unlawful for any person to discharge a firearm within the corporate limits of the City of Antlers, Oklahoma, except when doing so in the line of duty, when lawfully doing so in defense of oneself or of another person or property, when otherwise authorized by law or Ordinance, when doing so for the preservation of the peace, health or safety of residents or the abatement of nuisances, or when engaged in authorized hunting or other related activities; it shall also be unlawful to discharge an air rifle or BB gun within City of Antlers, Oklahoma, in such a manner as to harm or damage persons or property.

#### **Section 15- 42. Unlawful Assembly.**

It shall be unlawful for two (2) or more persons to assemble together to act in concert to do any unlawful act against the peace, to the terror of others, to make any movement thereto or any preparation therefore, or otherwise to assemble together for other unlawful purposes.

Section 15- 43. Disturbing Lawful Assemblies.

It shall be unlawful for any person to disturb any lawful gathering, 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 15- 44. Disturbing the Peace: Obscene Gestures and Phone Calls.

1. It shall be unlawful for any person to disturb the peace of another or others by violent or improper conduct, by loud or unusual noise, by unseemly, obscene, insulting, offensive or abusive language, or by conducting oneself in a disorderly manner.

2. It shall be unlawful for any person to use a telephone to:

- a. Make any obscene, lewd, lascivious, filthy or indecent comment, suggestion or proposal;
- b. Make a telephone call without disclosing his identity and with intent to annoy, abuse, threaten or harass any person at the called number;
- c. Knowingly permit any telephone under his control to be used for any purpose prohibited in this Subsection; or
- d. In conspiracy or concerted action with other persons, make repeated or continuous calls solely to harass any person at the called number.

3. It shall be unlawful for any person to make, demonstrate or otherwise symbolize any obscene gesture by use of said person's extremities, toward any other human being or object within the corporate limits of the City of Antlers, Oklahoma.

Sections 15 -45 through 15-49. (Reserved for future use.)

**Article 4. Offenses Against Persons**

Section 15- 50. Assault and Battery.

1. An assault is any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another.

2. A battery is any willful and unlawful attempt or offer with force or violence upon the person of another.

3. It shall be unlawful to commit an assault or an assault and battery within the City of Antlers, Oklahoma.

4. It shall be unlawful and an offense for any person, without justifiable or excusable cause, to knowingly commit any assault, battery or assault and battery upon the person of a police officer or officer of the law, while said person is performing his duties.

Reference: 21 O.S. 20- 645 et seq.

Sections 15- 51 through 15- 59. (Reserved for future use.)

## **Article 5. Offenses Against Property**

### **Section 15- 60. Petit Larceny.**

1. Petit larceny is the taking of personal property of value not to exceed one thousand dollars (\$1,000.00), accomplished by fraud or stealth, or with intent to deprive another thereof when the property is not taken from the person of another.

2. Petit larceny is unlawful and any person who commits petit larceny shall be guilty of an offense.

Reference: 21 O.S. 68 1701 et seq.

### **Section 15- 61. Receiving Stolen Property.**

It shall be unlawful for any person to buy, receive or bring into the City of Antlers, Oklahoma; any property which he knows has been stolen.

### **Section 15- 62. Damaging or Destroying Property.**

It shall be unlawful for any person to destroy, injury, deface, besmear or molest any structure, building, outbuilding, fence or any other property, real or personal, public or private, belonging to another, including automobiles or other vehicles, to use any such property wrongfully to the detriment of the owner or other person entitled to its use, or to interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.

### **Section 15- 63. Trespass.**

#### **A. Trespassing:**

1. Definition: "Trespass" shall include each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express consent of the owner or other person in lawful possession. "Trespass" shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the



owner, or the agent, or employee of the owner or other person in lawful possession of the premises. "Trespass" shall also mean the act of entering upon or remaining on private property when such is plainly forbidden by signs, marking, or otherwise, by verbal command of the owner, his agent, or employee, or after having been directed to do so by a police officer, although this sentence shall not apply to persons, including employees, whose presence upon the premises is authorized by the owner or by a person in lawful possession of such premises. "Trespass" shall also include the act of returning to private property after having been directed to vacate the premises by the owner, his agent, employee or police officer under the terms of this subsection.

2. Prohibition: It is unlawful and an offense for any person to commit a trespass within the city upon either public or private property.

3. Violations:

a. Any of the following acts by any person shall be deemed a violation of this subsection:

- (1) The doing of an injury or misfeasance to the person of another;
- (2) The doing of any injury or misfeasance to the property of another when done with force and violence, either actual or implied;
- (3) Each and every actual entry upon the premises of an owner or person in possession of real property, whether the property is public or private, without the owner's or occupant's consent, express or implied;
- (4) An entry upon the premises, or any part thereof, of another in violation of a notice exhibited thereon prohibiting entry at specified times;
- (5) An entry upon the premises, or any part thereof, of another in violation of any notice, warning or protest given orally or in writing by any owner or other lawful occupant thereof;
- (6) An entry upon any public property, including parks or parking areas, in violation of a notice exhibited there prohibiting entry at specified times;
- (7) An entry upon public property in violation of any notice, warning or protest given orally or in writing by a city official/
- (8) If on the property of another, or upon public property lawfully, a failure or refusal to depart in case of being requested to so depart, orally or written, by any owner, lawful occupant, or by a city official;
- (9) Any entry upon any portion of a public park, where the entry involves the use of any vehicle, equipment or device where such use is specifically prohibited;
- (10) An entry of any public building except for the purpose of dispatching business with the public corporation or consent is obtained from the city

council or other public official which is lawfully authorized to give consent;  
or

(11) Remaining on public or private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer. The provisions of this paragraph shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises; nor shall the provision of this paragraph apply unless hours of business operation are posted upon such premises. "Trespass" also includes the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this paragraph.

b. For purposes of constituting a violation of this subsection, the exhibited notice required under subsections A3a(4), A3a(5), A3a(6), A3a(7), and A3a(9) of this section shall meet the following criteria:

(1) The notice shall be plainly posted in a place or places conspicuous to those who would enter the property;

(2) The notice shall be legible so as to afford reasonable warning prior to the commission of a trespass; and

(3) If upon property to which the public is invited at least some part of the day, the notice shall clearly specify the days and times of day entry is prohibited, and further specify that entry at such times constitutes a punishable offense under this code.

#### B. Intrusion On Land Or Structures:

1. No person shall intrude or remain upon any lot or piece of land, or in any building within the city, without license or authority from the owner thereof, or erect or occupy thereon any structure whatever without such license or authority.

2. No person shall place, erect or occupy within the bounds of any street, alley or avenue of the city any structure whatever unless such person is granted a license by the city to do so.

#### C. Congregating, Parking on Premises:

1. Definitions: When used in this subsection, the following words and terms shall have the meanings ascribed to them as follows:

**AFTER BUSINESS HOURS:** The doors of the business which are open to the public during business hours are closed and locked and that the business is no longer admitting customers. The term applies to places of business which are vacant or permanently or temporarily closed or otherwise unoccupied.

**PLACE OF BUSINESS:** Any private property upon which a building, house or other structure is used for commercial or public purposes, e.g., without limitation, restaurants, gas stations, shopping malls or centers, theaters, convenience stores, grocery stores, drugstores or pharmacies, recreational facilities, wholesale or retail sales activities, offices, banks or other financial institutions, manufacturing, professional services (medical, legal, accounting, insurance, consulting).

2. Prohibitions:

a. No person shall stand, walk, sit, lie, congregate or otherwise occupy or remain upon the premises of any place or business within the city after business hours without consent of the lawful owner, occupant, lessee or employee thereof.

b. No person shall stop, stand, park, leave, or place any motor vehicle, whether occupied or not, upon any public or private property without the consent of the owner, occupant, lessee or employee thereof, except where such property is provided for public parking and the use for such parking is not restricted by proper notice. In addition to fine or other punishment for a violation of this subsection C2b, the vehicle so parked, left or placed shall be subject to impoundment upon complaint of the property owner or lawful occupant. The person violating this subsection C2b shall be wholly responsible for payment of towage and storage charges.

3. Sign Posted: No person may be charged under this subsection unless the premises in question is posted with a conspicuous sign which states, substantially, that the premises are posted, and that any person congregating, occupying or remaining upon the premises or parking or leaving a motor vehicle thereon is subject to prosecution pursuant to this code.

4. Presumption: There is a rebuttable presumption that any person or motor vehicle upon the premises of a place of business that is properly posted pursuant to this subsection after such time as the front door or other such door that admits members of the public is closed and locked is on the premises of such business unlawfully under this subsection/ however, this presumption shall not be applied within thirty (30) minutes of any opening or closing times posted by such place of business. This presumption may only be rebutted by proof beyond a reasonable doubt that any person held by the municipal judge to be subject to this rebuttable presumption was

on the premises in question with permission of the lawful owner, occupant, lessee or employee thereof.

5. Prima Facie Proof: If a motor vehicle is alleged to be unlawfully parked or left under this subsection, it shall be rebuttably presumed that the person in whose name the motor vehicle was last registered was the person who parked or left the motor vehicle.

D. Sleeping; Hours Prohibited;

1. It is unlawful for any person, without lawful reason, to sleep on any street, in any other public place, or on any property of another without the expressed or tacit consent of the owner or person in charge of such place.

E. Violation; Penalty:

1. Any person who shall violate any provision of this section shall be guilty of an offense and upon conviction thereof, shall be punished by a fine not to exceed two hundred dollars (\$200.00) plus costs.

2. Each day's continuation of any such violation shall be a separate offense.

F. Provisions Cumulative: The provisions of this section are cumulative with other applicable offenses enacted in this code or state law.

Reference: City Ordinance No. 2013-16

Section 15- 64. Parking on Private Property Without Consent Prohibited.

It shall be unlawful and an offense to make an entry with any vehicle upon real property privately owned or legally occupied by another without such owner occupants consent, except where such private property is not restricted by signs or proper markings to allow parking by customers only.

Section 15- 65. Same Burden on Driver to Show Permission to Park.

In all cases where parking as prohibited by section 15- 64 is made, and is complained of by the owner or legal occupant of the premises, the burden is put upon the person making the entry to show that permission for such entry was given.

Section 15- 66. Unlawful Posting.

It shall be unlawful for any person to place, post, paint, mark, write or print any sign, poster, picture, announcement, advertisement, device or inscription upon any public or

private building, fence, sidewalk, bridge, automobile, other vehicle, or other property of another, without the consent of the owner or person in charge thereof.

#### Section 15- 67. Damaging Utility Poles.

1. It shall be unlawful for any person to mark, write, print, paint upon, or otherwise make any signs or marks, by indentation or otherwise, or by posting signs or posters, upon any telephone, television, telegraph, electric or power pole, either wood, concrete, steel or of any other substance, within corporate limits of the City of Antlers, Oklahoma. The word "pole" shall be construed to mean any pole supporting telephone, television, electric or power wires or braces, and any device used to support or brace such a pole.

2. This Section shall not apply to the owners of such poles who may make such necessary or authorized marks or signs thereon.

#### Section 15- 68. Unlawful Throwing or Shooting of Objects

It shall be 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 injury 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 in the case where such is done in defense of oneself, of another person or of property.

#### Section 15-69. Littering.

1. For the purpose of this Section, "litter" is defined to be any garbage, refuse, rubbish, ashes, street cleaning, dead animals, abandoned automobiles, paper, wrappings, cigarette butts, cardboard, tin cans, yard clippings, leaves, wood, grass, bedding or crockery and similar materials commonly referred to as rubbish or trash.

2. No person shall throw or deposit litter in or upon any open or vacant property within the City of Antlers, Oklahoma, irrespective of the ownership of such property.

3. No person shall throw or deposit litter in or upon any street, alley, sidewalk or other public place within the City of Antlers, Oklahoma, except in public receptacles or authorized private receptacles.

4. No person shall sweep into, or deposit in, any gutter, street or other public place within the City, the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway; persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

5. No person shall drive or move any truck or other vehicle within the City, unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place; nor shall any person drive

or move any vehicle or truck within the City, the wheels or tires of which carry onto, or deposit in, an street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind, in excessive or damaging amounts.

6. No person shall throw or deposit any commercial or non commercial handbill on or upon any sidewalk, street or other public place within the City; no person shall hand out, distribute or sell commercial handbills in public places.

7. No person shall throw or deposit any commercial or non commercial handbill in or upon any vehicle; however, it shall not be unlawful, in any public place, for a person to hand out or distribute, without charge to the receiver, a non commercial handbill to any occupant of a vehicle who is willing to accept it.

8. No person shall throw or deposit any commercial or non commercial handbill in or upon any private premises which are temporary or continuously vacant.

9. No person shall throw, deposit or distribute any commercial or non commercial handbill upon any private premises, if requested not to do so or if signs are posted bearing the words "no trespassing," "no peddlers or agents," "no advertisement," or similar notice, indicating that the occupants do not desire to have their privacy disturbed.

10. No person shall throw, deposit or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited, except by transmitting them directly to the owner, occupant or persons present upon such private premises; in cases of inhabited private premises which are not posted handbills must be placed securely, to prevent them from blowing on sidewalks or other public places.

11. The provisions of Subsection 10 (above) shall not apply to the distribution of mail by the United States, nor to newspaper, except that newspapers shall be placed on private property so as to prevent being carried or deposited upon any street, sidewalk or public place, or on other private property.

12. No person in an aircraft shall throw out, drop or deposit within the city, any litter, handbill or any other object.

Reference: 21 O.S. 69- 1753.3.

## **Article 6. Abandoned and Junk Vehicles**

### **Section 15- 70. Definitions.**

1. The following definitions shall apply in the interpretation and enforcement of this Article:
  - a. "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

b. "Vehicle" shall mean 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, automobiles, trucks, trailers, motorcycles and tractors.

c. "Street or highway" shall mean the entire width between the boundary lines or every way publicly maintained when any part thereof is open to the use of the public for purpose of vehicular travel.

d. "Property" shall mean any real property within the City which is not a street, highway, or alley-way.

e. "Junk vehicle" means any motor vehicle or vehicle, as defined herein, which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded, but does not include motor vehicles or vehicles for which a permit has been obtained pursuant to this chapter for so long as the terms and conditions of the permit are in force and obeyed; but does not include motor vehicles or vehicles parked on private property which display current license tags which are temporarily out of service due to mechanical breakdown or damage if the owner thereof makes diligent efforts to place same back into operable condition, but shall not exceed thirty (30) days;

2. Abandonment of Vehicles. 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 to reasonably appear to have been abandoned. For the purpose of this section, any vehicle which does not display a current auto license plate shall be deemed to have been abandoned.

3. Leaving of Wrecked Non-Operating Vehicles on Street or Private Property.

a. No person shall leave any partially dismantled, non-operating, wrecked, junked, or discarded vehicle on any street, highway, or alley-way within the City. For the purpose of this subsection, any vehicle which does not display a current auto license plate shall be presumed to be a discarded vehicle. Vehicles can be black tagged for a maximum of one (1) year.

b. 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, junked, wrecked, or discarded vehicle to remain on such property after thirty (30) days notice by mailing or delivery by Code Enforcement Officer or designee, to the vehicle owner, if such can be ascertained by due diligence. In the event that the car owner elects not to fix, remove, or dispose of the vehicle within the thirty (30) day period, said vehicle owner may protest and appeal to the City Manager in writing within the first fifteen (15) day period. However failure of the person to give notice in writing to the City Manager shall not be considered by the Municipal Judge as evidence in Municipal Court proceedings. A hearing may then be held by the Municipal Court to determine whether the vehicle is abandoned and has thereby become detrimental to the health, benefit, and welfare of the public and community or creates a fire hazard to the danger of

property so as to cause the vehicle to be a proper subject for impoundment as provided in Section 4 hereof. For the purpose of this sub-section, any vehicle which does not display a current auto license plate shall be deemed a discarded vehicle. If the Municipal Court shall at the appeal hearing determine the vehicle to be abandoned, it may allow the person up to thirty (30) days to remove the vehicle and may impose up to one hundred dollars (\$100.00) in fines.

c. The provisions of Section 3(b) of this ordinance shall not apply with regard to a vehicle in an enclosed building; with regard to 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, provided said vehicle is in an appropriate enclosed storage place, and/or area screened from public view, maintained in a lawful place and manner. For purpose of this sub-section an enclosed storage place is that which prevents observation of the interior of such place by a person outside such storage place.

4. Impounding-The Chief of Police, or any member of his department designated by him is hereby authorized to remove or have removed any vehicle left at any place within the city which reasonably appears to be in violation of the Ordinance, or lost, stolen, or unclaimed. Further as provided in Section 3(b) of this Ordinance, the Chief of Police or any member of his department designated by him is hereby authorized to remove or have removed any vehicle on the premises of a business enterprise operated in a lawful place and manner when deemed to be a traffic, fire, or health hazard. Such vehicle removed under this section shall be impounded until lawfully claimed or disposed of. An owner has fifteen (15) days from the date of impoundment to reclaim his vehicle. At that time the owner will have to pay the cost of towing, storage fees, and costs. If not claimed the vehicle will be sold at auction to recover expenses incurred by the City. Any revenue collected from the sale over the costs incurred against it will be returned to the owner.

#### Section 15-71. Permit.

A permit for vehicles under reconstruction can be obtained from City Hall at a cost of fifteen dollars (\$15.00) per vehicle. This permit will allow the owner to have an additional six months to complete renovation of his vehicle. Extensions can be obtained following the original procedure upon approval of the City Manager.

#### Section 15-72 through 15-75. (Reserved for Future Use)

#### Sections 15- 76 Illegal Parking.

1. It is hereby declared illegal to park in the 100 and 200 Block of North High Street for more than two (2) hours from 8:00 a.m. until 5:00 p.m., except Sunday's.
2. The City of Antlers does hereby comply with Oklahoma House Bill 1007. House Bill 1007 requires that municipalities must post signage for disable parking which includes the words "RESERVED PARKING" and the blue and white international symbol of access. Van-accessible reserved parking spaces shall also display signage.



The City of Antlers does hereby set a fine of twenty-five dollars (\$25.00) per offense for violation of the Reserved Parking for the physically disabled.  
Reference: City Ordinance 2010-01, Dated January 13, 2010.

Section 15-77 Penalty.

For the first offense of illegal parking, the fee will be twenty dollars (\$20.00). For the second and subsequent offenses the fee shall be forty dollars (\$40.00).

Section 15-78 through 15-79 (Reserved for Future Use)

**Article 7. Offenses Against Public Authority**

Section 15- 80 Resisting Arrest

It shall be unlawful for any person knowingly or willfully to resist, oppose or obstruct the Chief of Police, any policeman, the Municipal Judge or other municipal officer or employee 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, beat, revile, abuse, be disrespectful to or use abusive or indecent language toward or about, any such officer or employee, while such officer or employee is in the discharge of his official duties.

Section 15- 81. Impersonating Municipal Officer or Employee

It shall be unlawful for any person to impersonate any municipal officer or employee, or exercise, or attempt to exercise, any of the duties, functions or powers of any municipal officer or employee, without being duly authorized to do so.

Section 15- 82. False Representation to Municipal Officials.

It shall be unlawful for any person knowingly to make any material misrepresentation to any municipal officer, employee or agency in any official application to, or official dealing or negotiation with, such officer or agency, or to commit perjury before any tribunal or office of the City.

Section 15- 83. Escape of Prisoners.

It shall be unlawful for any person confined in the Municipal Jail or other place of confinement by the City, working upon the streets or other public places of the City in pursuance of any judgment, or otherwise held in legal custody by authority of the City, to escape, or attempt to escape, from any such Municipal Jail, prison or custody.

Section 15-84. Assisting Prisoners to Escape.

It shall be unlawful for any person, in any unlawful manner, to set at liberty, rescue or attempt to set at liberty or rescue, any prisoner from any officer or employee of the City of Antlers, Oklahoma, having legal custody of such prisoner, or from the Municipal Jail or other place of confinement by the City, or to assist such prisoner in any manner to escape from such prison, or custody, or to give 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 beverages, narcotics or other controlled dangerous substances.

Section 15- 85. Removal of Barricades.

No person, unless authorized by proper authority, shall remove any barricade or obstruction placed by authority of the City of Antlers, Oklahoma, to keep traffic off any pavement, street, curb, sidewalk or other area.

Section 15- 86. Flight from an Officer.

A person commits the offense of flight from an officer, if:

1. He is the operator of a vehicle and refuses to stop his vehicle as soon as is safely possible, when signaled to do so by a law enforcement officer; or, upon stopping his vehicle at the signal of a law enforcement officer, abandons said vehicle and leaves, or attempts to leave, the immediate area without the permission of the law enforcement officer; or
2. He is a passenger in a vehicle and abandons the vehicle after a law enforcement officer has signaled the vehicle to stop, or, after the vehicle has stopped, leaves the immediate area without the permission of the law enforcement officer; or
3. He is a pedestrian and leaves, or attempts to leave, the immediate area after being directed by a law enforcement officer to stop, or to remain in said area for a reasonable length of time.

Section 15- 87. Refusing or Failing to Assist a Policeman.

1. Any policeman of the City of Antlers, Oklahoma, making or about to make an arrest, or executing or about to execute a warrant or other process, in accordance with the Code of Ordinances of said municipality or with State or Federal Law, or suppressing or about to suppress a riot, affray or unlawful assembly, may call upon a person or persons to assist him in making such arrest, executing such process or suppressing such riot, affray or unlawful assembly.
2. No person lawfully called upon thus to assist any policeman of the City of Antlers, Oklahoma, shall refuse or fail to do so, wherever such assistance is reasonably possible.

Section 15- 88. False Fire Alarms.

No person shall turn in a false fire alarm, or in any manner shall deceive or attempt to deceive the Fire Department or any officer or employee with reference to any fire alarm

or reported fire, or knowingly shall cause the Fire Department or its officers or employees to make a useless run.

Sections 15- 89 through 15- 99. (Reserved for future use.)

### **Article 8. Penalty**

#### **Section 15- 100. Penalty.**

Any person, firm or corporation who shall violate any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 10- 20 of this Code. Each day's continuation of any such violation shall be separate offense.

### **Article 9. Skateboards**

#### **Section 15-101 Skateboard**

1. Skateboarding is a dangerous activity when conducted on public ways and places. This is to protect the public health and welfare by prohibiting skateboarding activities in public areas within the municipality; but allowing skateboarding in designated areas.
2. Skateboard: a single platform which is mounted on wheels, having no mechanism or other device with which to power, steer or control the direction of movement thereof while being used, operated or ridden.
3. No person shall operate or cause to be operated a skateboard on Municipally Owned Parking Lots, Public Easements, Paths and Sidewalks during hours of darkness.
4. All persons who operate or cause to be operated a skateboard shall be in compliance with Section 17-3 of the Municipal Code of Antlers, Oklahoma. Section 17-3 provides: It shall be unlawful for any person to use or obstruct the sidewalks, streets, alley, easements or public right-of-ways of the City of Antlers, Oklahoma, in any manner so as to interfere unduly with pedestrian or other lawful traffic and parking thereon, or to interfere with the purpose(s) of said easement or right-of-way.
5. This ordinance may be enforced by any police officer duly authorized by the City of Antlers or any law enforcement officer.
6. Penalties: Upon conviction of a violation, the penalties shall be as follows:
  - a. First Offense: Written Warning

b. Second Offense or More Offenses: \$25.00 (twenty five dollar) fine and surrender of skateboard until fine is paid.

**CHAPTER 16**  
**PARKS AND RECREATION**

**Article 1. Park Board.**

**Article 2. Miscellaneous Provisions.**

**Article 3. Penalty.**

**Article 1. Park Board.**

Section 16- 1 Park Board Created. (Reserved for future Use)

Sections 16-2 through 16-9. (Reserved for future use.)

**Article 2. Miscellaneous Provisions.**

Section 16- 10. Public Parks.

All places heretofore owned by the City of Antlers 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 16- 11. 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, building, fence or other property in any park.

Section 16- 12. Driving in Parks

No person shall drive or ride upon the grass or footway or walks or elsewhere in a city park than upon the roads provided for the use of automobiles and other vehicles.

Section 16- 13. Speed.

No person shall drive or ride at a greater rate of speed than twenty (20) miles an hour within any city park.

Section 16- 14. Injuring Trees. etc.

No person shall break, cut, mutilate or injure, remove or carry away any trees, shrubs, plants, flowers, stone, stone walk, bench, chair, seat, bower, stand, structure, fence,

property or anything whatsoever in, upon, or near any park, or any street, avenue or highway around the same.

Section 16-15. Nuisance or Indecency.

No person shall commit any nuisance or any offense against decency and good morals in the parks.

Section 16- 16. Throwing Stone 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 designated for that purpose.

Section 16 -17. Molesting Animals.

No person shall chase, kill, set snares for, pet, or tease any rabbit, squirrel, bird, fish or any other animal or thing belonging to the parks or kept therein.

Section 16-18. 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 16- 19. 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 16- 20. 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 articles whatsoever without first obtaining permission therefore from the City Council.

Section 16- 21. Fouling Water.

No person shall foul in any manner any pool, spring, drinking fountain or stream in any park.

Section 16- 22. 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 16- 23. 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 of Antlers in the use of the driveways by automobiles or other vehicles.

Section 16- 24. Trespassing.

No person shall go or walk upon any space in the parks reserved for flowers or other plants or otherwise invade any plot reserved by the City of Antlers for shrubbery, grass or flowers or for any other purposes.

Section 16- 25. 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 16-26. Domestic Fowls at Large.

No person shall permit any domestic fowls to run at large in the parks.

Section 16-27. Alcoholic Beverages and Drugs.

No alcoholic or non-alcoholic beverages or illegal drugs allowed in the parks.

Section 16-28. E-Cigarettes Use on All City Property Including City Parks Prohibited.

1. The use of e-cigarettes is a public nuisance and sets an unhealthy example for the City of Antlers' youth and children. Therefore, the use of e-cigarettes is hereby prohibited on all property including City-owned parks. E-cigarettes shall be prohibited in and around all public restrooms located in all City property including City-owned parks.

2. For purposes of this section, a "City-owned park" shall be defined as any parcel of open land which is owned by the City of Antlers, and used for recreational activities, including all walking and bicycle trails, golf courses, ball fields, skate parks, and other fields or facilities used for sporting events.

3. Any person who knowingly violates this article is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100.00)

Section 16-29. Tobacco Use in City Parks Prohibited

1. The use of tobacco is a public nuisance, is dangerous to the health of both adults and children, and sets an unhealthy example for the City of Antlers' youth and children. Therefore, the use of tobacco in any form is hereby prohibited in all City-owned parks. The use of tobacco in any form shall also be prohibited in and around all public restrooms

located in City-owned parks, and in and around all parking lots adjacent to City-owned parks.

2. For purposes of this section, a “City-owned park” shall be defined as any parcel of open land which is owned by the City of Antlers, and used for recreational activities, including all walking and bicycle trails, golf courses, ball fields, skate parks, and other fields or facilities used for sporting events.

3. Any person who knowingly violates this article is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100.00)

### **Article 3. Penalty.**

#### **Section 16- 30. Penalty.**

Any person, firm or corporation who violates any provision of this Chapter, including the provisions of any Code adopted by the City of Antlers, Oklahoma, shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided in Section 10-20 of this Code. Each day upon which a violation continues shall be deemed a separate offense.



**CHAPTER 17**  
**PUBLIC FACILITIES**

**Article 1. Community Room**  
**Article 2. Municipal Airport**  
**Article 3. Municipal Library**  
**Article 4. Penalty**

**Article 1. Community Room**

**Section 17- 1. Room Deposits and Charges.**

1. Community room usage is open to all. Availability is on first come, first served basis. The room can be reserved six months in advance with the required deposit.
2. All municipal meetings have priority and are free of charge.
  - a. City Council Meetings
  - b. Municipal Court
  - c. Municipal Board Meetings (Library, etc.)
  - d. Police, and Fire Department Training, Civil Defense
  - e. District Courts Other courts
  - f. Planning and Zoning
3. For non-profit organizations and other state-run organizations, the \$50.00 (fifty dollar) fee is donated as an in-kind donation from the City of Antlers, no deposit required.
4. Other people or groups wishing to use the room must put up a \$100.00 (one hundred dollar) deposit before the room is reserved. There will also be a \$50.00 (fifty dollar) per day fee for the use of the room due at time of reservation.

**Section 17-2 General rules and regulations**

1. General rules and regulations are binding to all groups. Variances are allowed with approval of the City Manager or City Council.
2. The community room maybe reserved six months in advance.
3. Only one meeting per month per group.

4. Receipt of payment must be presented to the police department before key can be received.
5. Furniture must be returned to storage room or returned to its proper place. (The room should be returned to its previous order.)
6. Floors and restrooms must be left in clean order.
7. No alcoholic beverages or illegal drugs allowed.
8. Each group is responsible for disciplining members who engage in destructive acts or unbecoming conduct.
9. Each group is responsible for any damage to the building or its contents. In the event of damage that group will forfeit its \$100 (one hundred dollar) deposit.
10. Groups not abiding by the rules will be refused use of the room in the future.

Section 17- 2. Collection of Fees.

1. The Antlers Public Librarian shall collect all fees for the use of the Antlers Library Community Room and make all reservations during regular library hours.
2. Reservations and/or cancellations are to be made in advance, in person, with the Antlers Librarian during regular hours; fees shall be paid at the time of reservation.
3. Deposits may be retrieved from the Antlers Public Librarian, during regular library hours, after the room has been inspected for damages.

Section 17- 4 through 17-9. (Reserved for future use.)

**Article 2. Municipal Airport\***

**\*State law references:** Municipal airports, general powers, 3 O.S. § 61 and 62, 3 O.S. § 65.1 et seq.; airport zoning powers, 3 O.S. §§ 100 to 113.

The Antlers Municipal Airport shall operate under the Oklahoma State Statutes Title 3.

Sections 17- 10 through 17- 14.(Reserved for future use.)

**Article 3. Municipal Library**

### Section 17-15 Established

1. It is the desire and intent of the governing body of the City of Antlers to provide free public library service to the residents of the City of Antlers, for the benefit of the City, the State, and the Nation. The Antlers Public Library is hereby established.

### Section 17-16 Board

1. The Antlers Public Library shall be governed by a board of five members appointed by the mayor with the approval of the city council. Appointments to the library board shall be made on the basis of ability, understanding of the total responsibilities and objectives of public libraries, and an active interest in the attainment of these goals. All library board members shall serve thereon without compensation.

2. Said board members shall hold office as follows: Initial appointments shall be for one one-year term, two two-year terms, and two three-year terms. Subsequent appointments shall be for three-year terms except in the case of an appointment to fill a vacancy, which appointment shall be for the remainder of the unexpired term which is vacant. All terms of initial and succeeding appointees shall expire on June 30 of the designated year.

3. Any board member may be removed by the appointing authority for misconduct, failure to attend board meetings, or other neglect of duty.

4. Immediately after the initial appointments and annually thereafter, the library board members shall meet and organize by an election of one of their number as chairman, and by the election of such other officers as they deem necessary. They may adopt such laws, rules, and regulations for their own guidance and for the government of the library as may be expedient and not inconsistent with this Ordinance and the laws of Oklahoma.

5. The library board shall appoint a librarian and shall recommend an annual budget to the governing body of the city. It shall set the policies of the library, accept or decline gifts, and administer the expenditure of funds received from appropriations, gifts and grants. The library board may contact for and receive funds available to it for library purposes from the United States, the State of Oklahoma, and any agency or instrumentalities of these entities.

6. The library board shall submit an annual financial and statistical report to the mayor and council and to the Oklahoma Department of Libraries for each fiscal year ending June 30. The report shall include an accounting for monies received and expended and such other statistics about library use, collections and staff which may be deemed necessary to account for their trust.

7. The mayor and city council shall annually appropriate to the library board from funds available to the city such monies as are deemed necessary to operate and maintain the Antlers Public Library for the education and cultural enrichment of the citizens of Antlers.

8. All ordinances and parts of ordinances in conflict herewith are hereby repealed.
9. This ordinance shall be in force and take effect from and after its passage, approval and publication as required by law.
10. Board members should be selected from persons living in City Limits, or surrounding area.

#### **Article 4. Penalty**

Any person, firm or corporation who violates any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 10-20 of this Code of Ordinances. Each day upon which a violation continues shall be deemed a separate offense.

## Chapter 18

### STREETS AND OTHER PUBLIC AREAS

#### Article 1. Use and Obstruction.

#### Article 2. Miscellaneous Provisions.

#### Article 3. Vacating Plats and Public Ways

#### Article 4. Penalty.

### Article 1. Use and Obstruction

#### Section 18- 1. Trees and Shrubbyery.

1. The owner of any premises abutting on any street shall trim all trees, grass, weeds and shrubbyery growing in the public right of way and on any part of the premises adjacent to any drain ditch, street or alley, in such a manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along any streets, sidewalks or alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the weeds, trees and shrubbyery in the same manner as herein required of the owner.

2. It shall be unlawful for any person to injure any tree or shrubbyery within any public right of way; provided that this shall not prohibit the lawful and proper care and removal of such trees and shrubbyery.

#### Section 18- 2. Rights-of-Way and Easements.

1. It shall be unlawful for any person, firm or corporation to obstruct or otherwise prevent access to, any publicly used street, alley, easement or other municipally owned property, whether platted or unplatted; provided that the City of Antlers, Oklahoma, may prevent or provide access to such streets, alleys, easements and municipally owned properties from time to time, in the public interest.

2. The City Council may permit certain streets, alleys, easements and municipal properties which are dedicated, but not required for traffic or other public access or use, to be fenced or otherwise made inaccessible to the public (as in the case of land being farmed or grazed as a part of a larger field or pasture); provided, that said City Council or any of its officers or employees shall have the right of ingress, egress and easement for the purpose of installing or maintaining utilities, cleaning, grading, mowing or any other activity which is in the public interest.

3. Persons, companies, corporation or individuals who have fenced in, or are farming or grazing dedicated, but unopened, streets, alleys, easements or municipally owned properties, as permitted above, shall:

- a. Not construct any building, structure, earthworks or ponds, nor in any other way disturb the general grade and slope of the land;
- b. Maintain the property so that no nuisance is created;
- c. Immediately relinquish any rights presumed to be held concerning the property upon notice by the City of Antlers, Oklahoma; and
- d. Permit access to the property at any time when requested to do so by a municipal officer or employee.

#### Section 18- 3. Obstructions.

1. It shall be unlawful for any person to use or obstruct the sidewalks, streets, alleys, easements or public rights-of-ways of the City of Antlers, Oklahoma, in any manner so as to interfere unduly with pedestrian or other lawful traffic and parking thereon, or to interfere unduly with the purpose(s) of said easement or right-of-way.

2. It shall be unlawful for any person, firm or corporation to deposit, throw, or sweep into or upon streets, alleys, parking areas, drainage ditches or sidewalks any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes or other refuse of any kind.

3. It shall be unlawful for the owner or occupant of property abutting upon a sidewalk or sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk.

4. It shall be unlawful and an offense for any person to permit to be open or leave open any cellar door, manhole or grating of any kind in or upon any street, sidewalk or alley of the City of Antlers, Oklahoma.

5. It shall be unlawful for any person to make any excavation or cutting in any street, sidewalk, alley or public grounds, or to remove any earth or construction material there from, except where authorized to do so by permit; excavations so authorized shall be properly guarded and protected to prevent said excavations from being or becoming dangerous to life or limb.

6. It shall be unlawful for any person, firm or corporation to obstruct any street, sidewalk, alley or drainage easement by placing any approach, driveway or other obstruction or substance whatever, that will obstruct or prevent the natural flow of water through the easement or into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks or gutters.

#### Section 18-4. Drainage of Polluting Substance

It shall be unlawful for any residence, business or industry to allow drainage of a polluting substance (as defined by 82 O.S. 1971, as amended, 926.1) into any street, alley, sidewalk or public right of way of the City of Antlers, Oklahoma.

#### Section 18-5 Alleyways

It shall be unlawful for any residence, business, or industry to use any city alleyway as a primary driveway.

Sections 18- 6 through 18- 9. (Reserved for future use.)

### **Article 2. Miscellaneous Provisions**

Sections 18- 10 through 18- 18. (Reserved for future use.)

#### Section 18-19 Street Address Plates

The City of Antlers shall provide 911 address plates, upon request, for individual residences and businesses.

#### Section 18-20 Street Excavations

##### 1. Permit Required to Excavate Streets.

a. No street within the corporate limits of the City of Antlers, Oklahoma, will be cut, broken or dug into, in any manner whatsoever, without the person, firm, or corporation desiring to disturb said street, first applying to the city clerk for a permit to so cut, break, or dig, over and under said street. Such application by any such person, firm or corporation shall be in writing and shall designate the exact location and the exact dimensions and exact purposes of making such cuts or breaks in any of the city streets, and such applications shall be filed with the Public Works Director of the City of Antlers, Oklahoma, and shall first bear his/her approval, and thereafter, the same shall be presented to the clerk of the City for a written permit.

b. Any person or persons needing to cut city streets will be required to obtain a written permit from city hall. All contractors will put up a Two-hundred Fifty Dollar (\$250.00) deposit for each cut and will be refunded after street has been repaired.

c. The person or persons making the application will be required to identify the location, the length of cut and the day and time the cut will be made, and will be obligated to restore the street to its original condition. There will be additional charge for any damage done to the city utility lines.

#### Section 18-21 Excavator to Warn of Defects Created

Any person, firm or corporation cutting, digging into, breaking or otherwise disturbing any city street shall be solely responsible for the installation and maintaining of warning devices, flickers, lights and such other like equipment as shall be adequate to warn the traveling public of such street defects. And they shall be fully liable and responsible for any and all damages, losses or injuries to person or property, which may be caused by any cutting, breaking, digging or disruption of city streets.

#### Section 18-22 Streets Must be Restored

a. Any person, firm or corporation cutting, breaking, digging or disturbing any street or streets within the limits of the city are hereby obligated to restore the same to condition equal to that which existed prior to such action, to the end, extent and degree that said streets will be nearly identical to its previous condition as possible. And in this regard, any defect which appears in such streets, where so cut, dug, disturbed, within twelve (12) months from the time of the street disturbance, shall be conclusively presumed to result from such cutting, digging, breaking or disruption, and within five (5) days of receipt of written notice to make such repairs, the person, firm or corporation so disturbing any city street shall thereupon cause the same to be corrected.

b. Any person, firm or corporation failing to comply herewith shall be denied the right and privilege of connecting and tying on to any utilities within the city; and in the event the repairs as herein correct any defects found, and charge the same to the party responsible therefore.

### Article 3

#### Vacating Plats and Public Ways

##### Section 18-23. Closing Public Way or Easement

1. The municipal governing body by ordinance may close to the public use any public way or easement within the municipality whenever deemed necessary or expedient. The procedure for closing a public way or easement shall be established by ordinance or resolution adopted by the municipality.

2. The municipality shall give written notice of any proposed closing of a public way or easement to any holder of a franchise or others determined by the governing body to have a special right or privilege granted by ordinance or legislative enactment to use the public way or easement at least thirty (30) days prior to passage of any ordinance providing for closing of a public way or easement.

3. The municipality shall retain the absolute right to reopen the public way or easement without expense to the municipality. The public way or easement may be reopened by ordinance whenever:

a. The municipal governing body deems it necessary; or



b. An application of the property owners owning more than one-half in area of the property abutting on the public way or easement previously closed is filed with the governing body.

4. Closing of the public way or easement shall not affect the right to maintain, repair, reconstruct, operate or remove utility, public service corporation, or transmission company facilities of service therein, nor shall a closing affect private ways existing by operation of law unless released in writing executed by the owners thereof.

State law references OS 11 Section 42-11

#### Section 18-24 Alley Closing

That portion of the alley located in Block 11 of the Original Town of Antlers, County of Pushmataha, State of Oklahoma which is located between Lot 5 and Lot 6 of said Block 11. Notice of the closing of the alley was given as required by law. Jan 7, 2008

### **Article 4. Penalty**

#### Section 18-25. Penalty.

1. Any owner or occupant who fails, refuses or neglects to trim weeds, trees and shrubbery as provided in Section 18-1, after receiving ten (10) days notice from the Chief of Police, an authorized police officer, or Code Enforcement Officer to do so, shall be guilty of an offense.

2. Any person, firm or corporation who shall violate any provisions 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 such 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 five hundred dollars (\$500.00) including costs. Each day upon which any such violation continues shall constitute a separate misdemeanor. Note: if a non lawyer sets as Judge then the maximum fine is one hundred dollars (\$100.00) and with a lawyer as Judge the maximum fine without a Jury Trial provision is five hundred dollars (\$500.00).

3. Any violation of this Chapter shall be deemed an offense and, upon conviction thereof, shall be punished by a fine and costs as provided for in this Code. Every day upon which a violation continues shall be deemed a separate offense.

## **CHAPTER 19**

### **PUBLIC UTILITIES**

Article 1. General Provisions.

Article 2. Water System.

Article 3. Sewage System.

Article 4. Solid Waste Collection and Disposal System.

Article 5 Open Burning

Article 6. Fees and Rates.

Article 7. Penalty.

#### **Article 1. General Provisions**

##### **Section 19- 1. Municipal Utility Systems.**

1. Water and sewer services are provided to residents of the City of Antlers, Oklahoma, through the Antlers Public Works Authority, a municipal trust of said City.
2. The City of Antlers, Oklahoma provides solid waste collection and disposal services to residents of the Community, through the Antlers Public Works Authority.
3. Any reference to the City Clerk Treasurer shall mean the Public Works Authority Secretary.

##### **Section 19- 2. Use of Municipal Utility Systems.**

1. Every resident within the corporate limits of the City of Antlers, Oklahoma, and every commercial or industrial establishment, shall utilize the municipal utility systems of said City, unless it is impossible to do so, and pay fees as established by the City Council Members of Antlers, Oklahoma.
2. Any person who violates any provisions of this section shall be guilty of an offense, and upon conviction thereof, shall be punished by fine not to exceed Two hundred dollars (\$200.00) plus costs, or by imprisonment not to exceed thirty (30) days, or by both fine and imprisonment.

##### **Section 19- 3. Application for Municipal Utility Services.**

Any person desiring to secure one (1) or more utility connections from the municipal systems shall make an application therefore to the City Clerk Treasurer, on an application form to be provided by said Clerk Treasurer. The applicant shall give such reasonable information as the City Clerk Treasurer may request and shall state in the application that

he will abide by all Ordinances, rules and regulations governing the utilities and services of the City of Antlers, Oklahoma.

Section 19-4. Deposit for Municipal Utility Services.

An applicant for services shall make a deposit, the amount of which shall be determined by the City Council of Antlers, Oklahoma. An applicant shall not be granted such service until he has paid to the City Clerk Treasurer such deposit, which shall serve as a guarantee for the payment of charges for utilities, services and other amounts owed to the City in connection with such municipal services. When a customer's service is discontinued, the deposit or any part of such amount deposit which remains after all such charges and amounts due the City have been satisfied, shall be returned to the customer.

Section 19-5. One (1) Dwelling to a Meter.

1. No more than one (1) dwelling may be connected to any one (1) water meter or sewer tap without special arrangements being made with the City of Antlers, Oklahoma. No customer shall make or permit to be made any subsidiary connection of another's dwelling with his water or sewer service.

2. Illegal Parking on Water Meters:

- a. It shall be unlawful for any person to park on top of water meters or to obstruct access to water meters, in any manner so as to interfere with access to the water meters by the duly authorized officers and employees of the City of Antlers.
- b. Any person found guilty of violating this ordinance shall be fined the sum of fifty dollars (\$50.00)

Section 19-6. Turning on Utilities.

It shall be unlawful for any person to turn the utility on to any premises from any municipal system, without written permission of the City Clerk Treasurer. Utilities shall not be turned on until the plumbing or electric wiring, as the case may be, has been inspected and approved by the building official or his designated representative, as provided by Ordinance, and until any and all deposits and charges have been paid. The City Clerk Treasurer will see that the utility is turned on when all requirements for service have been complied with.

Section 19- 7. Bills due When: Delinquency and Tampering

1. All bills for utility service shall be due and payable on or before the 10th day of the calendar month following the service month when the service was rendered, after which they shall become delinquent. Service shall be cut off without further notice if the bill is not paid by the 15th day of the month; provided, however, that service shall not be discontinued on a Friday or any day preceding a holiday. After a week, the City employee will re-read the meter and if it has been tampered with, will then pull the meter. There

shall be a tampering fee of fifty dollars (\$50.00) for the first offense and subsequent offenses shall be one hundred dollars (\$100.00)

2. Bills rendered when service is discontinued shall be due and payable to the City Clerk Treasurer at the time bills are presented or sent to the customer.

#### Section 19- 8. Utilities may be Cut Off.

1. Utilities may be cut off and service discontinued for any of the following reasons:

a. Violation of any Ordinance provision relating to a municipal utility or service system, or violation of any Ordinance provision or any provision of a Code adopted by reference relating to water and sanitary plumbing or electrical installations;

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; or

c. Failure to pay a utility bill or other proper charge made in connection with a municipal utility system by the time specified by Ordinance.

2. A particular service may be cut off for any act or omission in regard to the abuse of another system or service, which jeopardizes the public health or safety, creates a public nuisance or interferes with the rights of others.

3. The City reserves the right to cut off or reduce any utility or service to any customer when necessary to conserve water, protect life or property or repair or improve the system.

4. In case of emergency caused by a water shortage in the municipal water system, it shall be the duty of the Public Works Director to immediately give notice by publication and/or media broadcast to the system's water consumers, not to use water obtained from the system for any purpose other than for strictly domestic use, and such other use as the City Council may designate, so long as the water shortage lasts. Thereafter, and until the governing body declares the emergency at an end, it shall be unlawful for any person, firm or corporation, during such emergency, to use water obtained from the municipal water system for any purpose other than strictly domestic use, and such other uses as the City Council may have designated.

5. When water has been shut off from any premises at the request of the owner thereof or for the nonpayment of water charges or for any other cause, it is unlawful for any person again to connect such premises with water except when authorized to do so by the City. When water is turned on without such authority, the Water Department may then pull the meter.

#### Section 19-9. Penalty and Fees

Penalties and fees shall be established by the City Council and posted in the office of the City Clerk/Water Department.

Section 19-10-12 (Reserved for Future Use)

Section 19-13. City not Responsible for Utility Interruption or Stoppage

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

Section 19-14. (Reserved for Future Use.)

Section 19-15. Interference with Fire Hydrants; Damage of Utility System.

1. It shall be unlawful for any person, unless duly authorized by the City, to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant belonging to the City, without the permission of the Public Works Authority.
2. It shall be unlawful for any person to, in any manner, obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt or other thing.
3. It shall be unlawful for any person to damage, destroy or tamper with, any pipes, lines, meters or other equipment or property which is a part of a municipal utility system.

Section 19-16 through 19-20. (Reserved for Future Use.)

**Article 2. Water System**

Section 19-21. "Water System" Defined.

As used in this Article, the term "water system", "waterworks", or "water distribution system" shall mean the water works utility system of the City of Antlers, Oklahoma.

Section 19-22. Meters.

Water from the waterworks system shall be furnished to customers only through meters. All meters shall be set only under the directions of the superintendent of the utilities system.

Section 19-23. City to Make and Maintain Water Connections.

1. The City shall make, inspect and maintain all connections to its water lines. It shall be unlawful for any person, other than a duly authorized agent or employee of the City to make a connection to any water line belonging to or controlled by the City.

2. Installation and maintenance of all water lines from any premise to the main water lines of the City of Antlers shall be the responsibility of the premise owner. Provided, however, that the City of Antlers shall maintain all water meters.

3. Installation of all service lines and meters shall be conducted only by plumbers duly licensed by the State of Oklahoma and the City of Antlers, Oklahoma.

Section 19-24 Utility Customer to Install and Maintain Service Line: Shutoff Valve Required.

1. Each consumer of water furnished by the City shall lay his own pipeline from the premises to the property line for the purpose of conveying water to such point on his premises as he may desire; he shall thereafter be required to keep the same in good repair and sanitary condition.

2. All service lines to be installed after the effective date of this chapter shall include a master shutoff valve and backflow preventer between the meter and the premise. When any premise has had water service discontinued for thirty (30) days or more, water service shall not be restored until a master shutoff valve and backflow preventer has been installed as provided for therein.

Section 19-25. (Reserved for Future Use.)

Section 19-26. Right to Turn Off Water in Main; City Not Liable for Damages.

1. The City reserves the right to turn off the water in its mains at any time, for the purpose of making repairs or in the event of a breakdown in equipment.

2. All persons taking water from the mains shall do so at their own risk and the City shall not be held responsible for any accident or damage of any kind or character occasioned by pressure in the water mains, the shutting off of the water, or failure to keep water under pressure in the mains.

Section 19-27. Tampering With or Injuring Waterworks Property.

1. It shall be unlawful for any person to injure or deface, or in any way tamper with any hydrant, meter, valve, pipeline or any part of the waterworks system, or to turn the water off or on from any main at any time or place, unless he is duly authorized to do so by the City Manager.

2. It shall be unlawful for any person or persons, except duly authorized officers and employees of the City of Antlers, Oklahoma, to scale, climb, or go upon the City's water tower.

3. **Illegal Parking on Water Meters:**

a. It shall be unlawful for any person to park on top of water meters or to obstruct access to water meters, in any manner so as to interfere with access to the water meters by the duly authorized officers and employees of the City of Antlers.

b. Any person found guilty of violating this ordinance shall be fined the sum of fifty dollars (\$50.00)

Section 19-28. Use of Water Wells for Domestic Purposes.

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

Section 19-29. Use of Water from Water Mains.

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

Section 19-30. Domestic Use.

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

Section 19-31. Use of Water Interconnections Prohibited.

Except as herein otherwise provided, water from privately owned wells within the City of Antlers, Oklahoma, shall be used only for domestic purposes on the premises where the well is located, and there shall be no inter-connection of any kind between any such well

and the water supply of the City or any connection thereto or extension thereof. In the case of wells in use prior to the effective date of this Ordinance, use of the water thereof may be continued to the same extent and for the same purposes, but such uses shall not be extended or increased. No domestic water well shall be utilized to fill a natural or man-made open earthen basin nor to maintain water in the same, nor shall the water well be used for recreational purposes or any purposes which may constitute waste.

Section 19-32 Authority of Ground Water within the City lies with City Council.

No privately owned water well within the City shall hereafter be drilled to, nor shall any existing well hereafter be deepened to, nor any privately owned well be completed at such depth as will interfere or allow water to be taken and produced from the water producing sands from which the City obtains its municipal water supply, except in those instances and in those areas where water is not available to the prospective user from the City's regular system.

Section 19-33 Water Well Permits.

Any person who otherwise qualifies for the drilling and use of water well within the City of Antlers, Oklahoma, may apply in writing to the City Clerk-Treasure for a permit for the use.

Sections 19-34 through 40. (Reserved for Future Use.)

**Article 3. Sewage System.**

Section 19-41. City to Make and Maintain Sewer Connection.

1. The City shall make, inspect and maintain all extensions or additions to its main sewer lines. It shall be unlawful for any person, other than a duly authorized agent or employee of the City to make a connection to any sewer line belonging to, or controlled by, the City of Antlers, Oklahoma.

2. Installation and maintenance of all service lines and lateral lines from the point where such lines connect with the sewer main to the premise being served shall be the responsibility of the owner of the premise being served; provided, however, that all installation and maintenance shall be provided only by plumbers duly licensed by the State of Oklahoma and the City of Antlers.

Section 19-42. Mandatory Sewer Connection

1. The owners of all houses, buildings or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the City,



are hereby required, at their own expense, to install suitable toilet facilities therein, and to have such facilities connected directly with the proper public sewer within sixty (60) days after the date of official notice to do so, provided that such public sewer is within three hundred (300) feet of the property line and accessible. Any lift station required for proper connection to the public sewer shall be installed and maintained by the person in charge of the premises.

2. Said notice (above) shall be served by any member of the City Council or other duly authorized agent by delivering a true and correct copy to the property owner, or leaving the same at his usual place of residence with a member of his family over the age of fifteen (15) years, or if such owner cannot be found, by posting a copy of such notice at the front entrance of the building involved.

3. Any person who shall fail, neglect or refuse to comply with the terms of this Section after having been notified to do so as provided herein shall be guilty of an offense, and each twenty-four (24) hour period thereafter shall constitute a separate offense. In the event of a continuous violation of this Section by any property owner, the City shall discontinue the furnishing of water to such property owner, until such time as a proper sewer connection has been made.

4. All new construction or remodel of sewer connection between the building and sewer main must install 4 inch schedule 40 sewer pipe, back flow preventer, and clean outs and must be inspected by the Code Enforcement Officer before being covered and used. All plumbing must be done by a licensed plumber in the State of Oklahoma.

#### Section 19-43. Private Sewage Disposal Facilities.

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

2. Where a connection to a public sanitary sewer is not required under the provisions of Section 19-42, a private septic tank or cesspool facility for sewage disposal may be constructed and maintained, provided it is constructed and maintained under the rules and regulations of the City and County Health Officer and in compliance with the recommendations and requirements of the Oklahoma Department of Environmental Quality. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

3. The owner of private septic tanks or cesspools shall operate and maintain the same in a sanitary manner at all times, at no expense to the City, and no statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the health officer of the City, County or State.

4. At such times as a public sewer becomes available to a property served by a septic tank or cesspool, a direct connection shall be made to such public sewer in compliance with Section 18-40, and the septic tank or cesspool shall immediately be abandoned and filled with suitable material.

#### Section 19-44 New Sewage Works

1. All new sewage works shall be designed and constructed in accordance with the requirements of the Oklahoma Department of Environmental Quality. (amended 11-06-2000)

#### Section 19-45 New Construction from Inflow Source

1. Any new construction from an inflow source into the sanitary sewer portions of the sewer system shall be prohibited.

#### Sections 19-46 Sewage Maintenance

Each entity connected to the City's sewer system, either directly or indirectly, to exercise reasonable measures to prevent a break in or leak from any private sewer line and to expeditiously repair or replace any such defective sewer line, and thereby prevent any threat to the health, safety or welfare of the public by maintaining all private sewer lines in watertight and non-leaking conditions in accordance with all city and Oklahoma Department of Environmental Standards and specifications; and declaring an emergency thereof.

A. All persons and contracting parties utilizing or connecting to the City's sewer system, either directly or indirectly, shall exercise reasonable measures to prevent a break in or a leak from any private sewer line and to expeditiously repair any such defective private sewer line, and thereby prevent any threat to the health, safety, or welfare of the public by maintaining all private sewer lines in watertight and non-leaking condition and in accordance with all City standards and specifications.

B. Public nuisance--Code Enforcer is hereby authorized to declare a break in or a leak from a private sewer line, directly or indirectly connected to the City's sewer system, which causes a threat to the health, safety, or welfare of the public, to be a public nuisance. Upon said declaration by the Code Enforcer that a public nuisance exists, the contracting party or responsible person at the serviced premises shall be notified by the City that a public nuisance exists, that said nuisance must be remedied and that any failure or refusal to make or cause to be made the necessary repairs may result in the suspension of water service to all premises contributing to the public nuisance.

C. Hearing—Upon the notification of the contracting party or responsible person at the serviced premises of the declaration of a public nuisance the contracting party, or another on his behalf, shall within 24 hours demonstrate to the Code Enforcer that a licensed plumber has been retained or arrangements have been made with a licensed plumber for the purpose of remedying the public nuisance within a time period deemed reasonable by the Code Enforcer or shall show other good cause why water service shall not be suspended pending the repair of the aforementioned defective private sewer line. Said

necessary repairs or arrangements for repairs to the defective private sewer line must be reasonable verified by the licensed plumber to the Code Enforcer within the aforementioned 24-hour notice period. Should said necessary repairs be made by a licensed plumber or should arrangements be made with a licensed plumber for said necessary repairs to be made within a reasonable time period acceptable to the Code Enforcer, then said service to said premises shall not be suspended hereunder.

D. Suspension of water service for failure to comply. If any contracting party fails or refuses to contact the Code Enforcer to show cause why water service should not be suspended to the serviced premises, or to demonstrate that a licensed plumber has been retained or arrangements have been made with a licensed plumber to make the necessary repairs within a reasonable time, or if any contracting party fails or refuses to make or cause to be made such repairs as necessary to terminate the public nuisance within a reasonable time, or has failed or refused to have the licensed plumber verify the arrangements to make the necessary repairs hereunder by contacting the Code Enforcer, such failure or refusal shall be cause for the suspension by the City of water service at the serviced premises without further notice. In addition, should said necessary repairs not have been made within said reasonable time, or pursuant to the standards, specifications, and requirements for the City, or should said repair not have been made pursuant to said arrangements, then said water service to the services premises shall be suspended. Once suspended, water service to any serviced premises shall not be reinstated until such time as the aforementioned necessary repairs are completed and inspected by the City and cost paid, or good cause shown by the responsible party.

#### Section 19-47. Sewer Line Maintenance

##### 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:

Contracting party—Includes any person, party, corporation, association, or other entity which has contracted for or is requesting a contract for sewer service from or in the city.

Cost—Includes all inspection fees, water service initiation and suspension charges, and any other fee provided for by this Code.

Serviced premises—Includes any and all premises, which directly or indirectly contribute effluent to the defective private sewer line causing or contributing to the public nuisance.

##### Duty to maintain and repair to prevent public health threats:

All persons and contracting parties utilizing or connecting to the city's sewer system, either directly or indirectly, shall exercise reasonable measures to prevent a break in or a leak from any private sewer line and to expeditiously repair any such defective private sewer line, and thereby prevent any threat to the health, safety, or welfare of the public by maintaining all private sewer lines in watertight and non-leaking condition and in accordance with all city standards and specifications.

##### Break or leak in sewer line declared public nuisance notice:

The Code Enforcer is hereby authorized to declare a break in or a leak from a private sewer line, directly or indirectly connected to the city's sewer system, which causes a threat to the health, safety, or welfare of the public, to be a public nuisance. Upon said

declaration by the Code Enforcer that a public nuisance exists, the contracting party or a responsible person at the serviced premises shall be notified by the City that:

1. A public nuisance exists;
2. Said nuisance must be remedied; and
3. Any failure or refusal to make or to cause to be made the necessary repairs may result in the suspension of water service to all premises contributing to the public nuisance.

After receipt of notice responsible party has twenty-four (24) hours to retain or make arrangements for repair by a licensed plumber:

- a. Upon the notification of the contracting party or a responsible person at the serviced premises of the declaration of a public nuisance the contracting party, or another on his behalf, shall within twenty-four (24) hours demonstrate to the Code Enforcer that a licensed plumber has been retained or arrangements have been made with a licensed plumber for the purposes of remedying the public nuisance within a time period deemed reasonable by the Code Enforcer or shall show other good cause why water service shall not be suspended pending the repair of the aforementioned defective private sewer line.
- b. The necessary repairs or arrangements for repairs to the defective private sewer line must be reasonably verified by the licensed plumber to the Code Enforcer within the aforementioned twenty-four (24) hour notice period. Should the necessary repairs be made by a licensed plumber or should arrangements be made with a licensed plumber for said necessary repairs to be made within a reasonable time period acceptable to the Code Enforcer, then service to said premises shall not be suspended hereunder.

Suspension of water service for failure to comply:

- a. If any contracting party fails or refuses to contact the Code Enforcer to show cause why water service should not be suspended to the serviced premises, or to demonstrate that a licensed plumber has been retained or arrangements have been made with a licensed plumber to make the necessary repairs within a reasonable time, or if any contracting party fails or refuses to make or cause to be made such repairs as necessary to terminate the public nuisance within a reasonable time, or has failed or refused to have the licensed plumber verify the arrangement to make the necessary repairs hereunder by contracting the Code Enforcer, such a failure or refusal shall be cause for the suspension of water service by the city at the serviced premises without further notice.
- b. In addition, should said necessary repairs not have been made within said reasonable time, or pursuant to the standards, specifications and requirements of the city, or should said repair not have been made pursuant to said arrangements, then said water service to the serviced premises shall be suspended. Once suspended, water service to any serviced premises shall not be reinstated until such time as the aforementioned necessary repairs are

completed and inspected by the city and costs paid, or good cause shown by the reasonable party.

Contracting party, property owner or occupant responsible for maintaining private sewer line:

All repairs required under this article and all maintenance of private sewer lines, and any expense resulting therefrom, shall be the responsibility of the contracting party, the owner, or the occupant of the premises serviced by said private sewer line.

This article to other city and state regulations:

This article shall be in addition to any other ordinance or regulations, or authority of the city or State Department of Environmental Quality to deal with public nuisance.

Contracts for water or sewer service to incorporate this article:

This article shall be incorporated in and be a part of each and every contract for water or sewer service provided by the city within the city limit.

Authority to deny water service where private sewer line or system is defective:

The Code Enforcer is hereby authorized to deny initiation of water service to any serviced premises, which has a defective private sewer line or system.

#### **Article 4. Solid Waste Collection and Disposal**

##### **Section 19- 48. Collection and Disposal Declared to be a Municipal Function**

The collection and disposal of garbage, trash and refuse is hereby declared to be a municipal function of the City as a protection of the public health; the police powers of the City shall be invoked when necessary for the enforcement of this Chapter. In addition, the City may collect and dispose of refuse, as it deems necessary, provided that such disposal shall be by an approved method of incineration (no open burning) or by landfill and daily cover.

##### **Section 19- 49. Purpose.**

It is the purpose of this Article and it is hereby declared to be the policy of the City, pursuant to the authority of the Oklahoma Solid Waste Management Act (Title 63 O.S. 2081, Sections 2251- 2265, inclusive), to regulate the collection and disposal of solid wastes in a manner that will protect the public health and welfare, prevent air and water pollution, prevent the spread of disease and the creation of nuisances, conserve the natural resources and enhance and preserve the beauty and quality of the City's environment.

Section 19- 50. Definitions.

1. Person. Any individual, corporation, company, firm, partnership, association, trust or other legal entity, however constituted or organized.
2. Refuse. Tree trimmings, junked building materials and roofing materials, manufacturing waste, rocks, dirt and other waste material not defined as "solid waste" or "trash".
3. Trash. Paper, rags, containers of paper, tin cans, yard and house sweepings and all other household waste, but not tree trimmings, building and manufacturing waste, sewage and rocks, raw dirt, rainwater and other liquid refuse properly disposable through the sanitary sewers of the City .
4. Solid Waste. All putrescible and nonputrescible refuse in solid or semi solid form, including but not limited to, garbage, refuse, rubbish, ashes or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid or semi solid commercial and industrial wastes and hazardous wastes (including explosives, pathological wastes, chemical wastes, herbicide and pesticide wastes).
5. Solid Waste Management System. The entire process of storage, collection transportation, processing burying solid wastes at or in a site approved by the Oklahoma Department of Environmental Quality.

Section 19- 51. Accumulation a Nuisance: Containers.

1. It is unlawful for any person in charge of any lot or piece of ground to allow solid waste to accumulate thereon, so as to cause an offensive odor to be emitted there from or to become injurious or dangerous to the health of the neighborhood or any inhabitant thereof. Any such condition is hereby declared a violation of this Article and punishable as such, and in addition is declared to be a nuisance and may be abated as such.
2. Any person constructing any structure within said City shall, prior to construction on any premises in said City, furnish and place on said premises a container of suitable size and design to contain all solid waste which might, by the winds or elements, be distributed and blown from the premises; said containers shall be used by the person concerned at all times to keep the premises from becoming unsightly with solid waste.
3. Any person who fails to keep the premises on which any structure is being built or installed free from solid waste who allows said waste to blow or be carried from the premises to adjoining or other property or into the City streets, shall be deemed guilty of causing a nuisance, and shall be subject to the penalties in this Code of Ordinances prescribed therefore.
4. All persons in charge of any premises or piece of ground shall deposit for collection all solid waste in containers provided by the City of Antlers, Oklahoma, or its contract agent.

In the event the City or its contract agent does not provide such containers, all persons in charge of any premises or property in the City shall place all solid waste in watertight metallic or plastic cans or containers of sufficient size to hold not less than twenty (20) nor more than thirty two (32) gallons, and have close fitting covers and handles on the sides. If the City or its contract disposal agent does not furnish receptacles on the public right of way for the collection of solid wastes on a block basis, then the cans or containers herein required shall be placed by the person in charge of said premises or piece of ground on the alley or at some convenient place on the lot, premises or piece of ground so as to provide access thereto by a collector.

5. It is unlawful for any person to deposit for collection or other purpose any solid waste on any street, alley or public parking area, or on any private property, unless the same is deposited in cans or containers as hereinabove (subsection 4) provided. If the City or its contract solid waste disposal agent furnishes or otherwise provides bulk metal receptacles or containers on the public rights of way for use by persons residing or doing business on a block for which said receptacles or containers are furnished or provided, persons in charge of premises, lots or pieces of ground within the City shall transfer the solid waste accumulated on their own premises and contained in receptacles or containers, as hereinabove prescribed, to the block containers furnished or provided by the City or its solid waste disposal contract agent.

6. Containers used for holding combustible or non combustible wastes shall be maintained in good condition. Any waste container that does not conform to the provisions of this Article, that may have ragged or sharp edges or may have any other defect liable to hamper or injure the person collecting the contents thereof, must be promptly replaced by a proper receptacle upon receipt of notice to that effect from the collector; if not so replaced within ten (10) days after receipt of such notice, the nonconforming or defective containers may be collected and disposed of by said collector.

#### Section 19- 52. Unauthorized Use of Trash Dumpsters

1. It shall be unlawful for any person to dump, place, throw or in any manner leave or abandon any solid waste, including but not limited to garbage, tin cans, bottles, rubbish, refuse, or trash in any trash receptacle, dumpster or other solid waste container owned or leased by another person, business, or governmental agency, including those of the City of Antlers, without the express permission of the owner or person who has leased said containers.

2. The provisions of this section shall not apply to trash receptacles, dumpsters, or other solid waste containers that have been set up for public use.

3. Any person found guilty of violating this code shall be fined the sum of fifty dollars (\$50.00).

#### Section 19-53. Who May Remove Solid Waste.

It shall be unlawful for any person, except under contract as is hereinafter provided for, to remove or cause to be removed, any solid waste materials; from any garbage can or other receptacle used for the deposit of same, or to transport, haul, carry or otherwise move over any of the streets, alleys or other public ways, any solid waste material.

Section 19-54. Machine Grinding.

It shall be unlawful to construct or to install within any retail store or other commercial or industrial establishment within the City any mechanical or power-driven device or machine for the grinding of solid waste materials designed to be introduced into the sewer system of said City to ensure that such waste will not block or otherwise interfere with the sewer system.

Section 19-55. Disposition of Animal Carcasses.

It shall be unlawful for any person to bury or cause to be buried the carcass of any dead animal at any place within the City of Antlers, Oklahoma, except the burial of small domestic animals. The City shall not be responsible for the disposition of dead animals.

Section 19-56. Collection of Rates and Charges.

1. To facilitate the collection of the solid waste rates and charges levied and assessed in this Chapter, the Clerk-Treasure or other designated agent of the City is hereby further directed to include said charges on the same bill by which the City bills for and collects for its sewer, water or other services, to the end that the rates and charges herein levied shall be paid and collected by the City at the same time. The rates and charges levied shall be shown on said bill as a separate and distinct item of charge.

2. In the event any owner, occupant or person in charge of any user unit against whom a charge has been herein levied and assessed fails or otherwise refuses to pay said charge, the Clerk-Treasure or other person responsible, is hereby directed to terminate all services rendered thereto, including water services, when thus terminated shall be reconnected or renewed until such time as all charges have been paid in full to the then current date. In addition, the Clerk-Treasure is further directed to institute any appropriate legal action to collect said delinquency if same is not paid after the expiration of sixty (60) days.

**Article 5 Open Burning**

Section 19-57 Purpose

The purpose of this chapter is to control the open burning of refuse and other combustible materials.

Section 19-58 Definitions



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

1. "Combustible materials" means any substance which will readily burn and shall include those substances which, although generally considered incombustible, are or may be included in the mass of the material burned or to be burned.
2. "Domestic refuse" means combustible materials or refuse that normally result from the function of life at a residence, such as kitchen garbage, untreated lumber, cardboard boxes, packaging, clothing, grass, leaves, and branch trimmings. It does not include such things as tires, non-wood construction debris, furniture, carpet, electrical wire, and appliances.
3. "Fire training" means a fire purposely set as part of an organized program of drills for the training of firefighting personnel or for testing firefighting materials or equipment, which is part of a recognized training program.
4. "Human-made structure" means any structure constructed with the intent of providing shelter to persons or property. It does not include structures constructed specifically for live-burn fire training purposes.
5. "Land clearing operation" means the uprooting, cutting, or clearing of vegetation in preparation for the construction of buildings, the development of residential, commercial, agricultural, or industrial properties, and for the construction and maintenance of right-of-ways. It does not include the clearing of vegetation such as trimmings, fallen limbs, branches, or leaves, or other wastes from routine property maintenance activities.
6. "Open burning" means the burning of combustible materials in such a manner that the products of combustion are emitted directly to the outside atmosphere.
7. "Open-pit incinerator" means a device consisting of a pit (into which the material to be combusted is placed) and nozzles, pipes, and other appurtenances designed and arranged in a manner to deliver additional air and/or auxiliary fuel to, or near, the zone of combustion so that theoretically complete combustion is accomplished or approached.
8. "Products of combustion" means all particulate and gaseous air contaminants emitted as a result of the burning of refuse and combustible materials.
9. "Refuse" means garbage, rubbish, domestic refuse and all other wastes generated by a trade, business, industry, building operation, or household.
10. "Yard brush" means cut or broken branches, leaves, limbs, shrubbery, or tree trimmings. It does not include refuse, grass clippings, in-ground tree stumps, or any non-vegetative material.

[Source: Added at 11 Ok Reg 977, eff 1-14-94 (emergency); Added at 11 Ok Reg 2031,

eff 5-26-94; Amended at 17 Ok Reg 1889, eff 6-12-00; Amended at 21 Ok Reg 1518, eff 6-11-04]

#### Section 19-59 Open Burning Prohibited

Open burning of refuse and combustible materials are prohibited unless conducted in strict accordance with the conditions and requirements contained in 18-60 and 18-61. Under no circumstances shall the open burning of tires be allowed.

#### Section 19-60 Allowed Open Burning

When not prohibited by law or ordinance, the following types of burning are allowed, provided the conditions and requirements in 18-61 have been met:

1. Fire training. Open burning of human-made structures for the purpose of fire training is allowed as provided for in Oklahoma Clean Air Act, 27A O.S., § 2-5-106.1. Industrial and commercial facilities and fire training schools conducting on-site live burn fire training are not subject to this provision.
2. Elimination of hazards. Provided prior authorization is obtained from the local fire chief, open burning is allowed for the elimination of:
  - a. A fire hazard that cannot be abated by any other means.
  - b. A dangerous or hazardous material when there is no other practical or lawful method of abatement or disposal if authorization is also received from the DEQ prior to such burning.
3. Recreational and ceremonial fires. Open burning is allowed for camp fires and other fires used solely for recreational purposes, ceremonial occasions, or non-commercial preparation of food.
4. Land management and land clearing operations. Open burning is allowed for the following land management and land clearing operations.
  - a. Fires purposely set to forest, crop or range lands for a specific reason in the management of forests, crops or game, in accordance with practices recommended by the Oklahoma Department of Wildlife Conservation, the Oklahoma State Department of Agriculture, and the United States Forest Service.
  - b. Fires purposely set for land clearing operations if conducted at least 500 feet upwind of any occupied residence other than those located on the property on which the burning is conducted, except that such burning must be conducted in open-pit incinerators in counties or areas that are or have been designated nonattainment.
  - c. Burning of domestic refuse. Where no collection and disposal service is reasonably available, domestic refuse may be burned on the property where the waste is generated.

5. Hydrocarbon burning. Open burning of hydrocarbons is allowed for:
- a. The disposal of spilled hydrocarbons or the waste products of oil exploration, development, refining or processing operations which cannot be feasibly recovered or otherwise disposed of in a legal manner. Notice must be given to the DEQ prior to such burning.
  - b. The disposal of waste hydrocarbons through a flare. The owner or operator shall be required to use a smokeless flare if a condition of air pollution is determined to exist by the DEQ.

6. Open-pit incinerator. Except for hazardous material, any combustible material or refuse that is allowed to be burned under this Subchapter may be burned in an open-pit incinerator that is properly designed and operated for the control of smoke and particulate matter. The owner or operator of the open-pit incinerator shall not accept any material owned by other persons and shall not transport any material to the property where the open-pit incinerator is located in order to burn the material.

7. Yard brush. Yard brush may be burned on the property where the waste is generated.

[Source: Added at 11 Ok Reg 977, eff 1-14-94 (emergency); Added at 11 Ok Reg 2031, eff 5-26-94; Amended at 17 Ok Reg 1889, eff 6-12-00; Amended at 21 Ok Reg 1518, eff 6-11-04]

#### Section 19-61 General Conditions and Requirements for Allowed Open Burning

The open burning of refuse and other combustible material may be conducted only if the following conditions and requirements are met:

1. No public nuisance is or will be created.
2. The burning is controlled so that a visibility hazard is not created on any roadway, rail track or air field as a result of the air contaminants being emitted.
3. The burning is conducted so that the contaminants do not adversely affect the ambient air quality of a city or town.
4. The initial burning shall begin only between three hours after sunrise and three hours before sunset and additional fuel shall not be intentionally added to the fire at times outside these limits. This requirement does not apply to the open burning allowed under 19-60 (2), (3), (4) A and (6) B.
5. At all times the fire shall be attended.

[Source: Added at 17 Ok Reg 1889, eff 6-12-00; Amended at 21 Ok Reg 1518, eff 6-11-04]

### Section 19-62 Disaster Relief

Notwithstanding the prohibition in 18-59, the Executive Director of the DEQ may allow the open burning of debris resulting from a disaster if the Director determines such burning is necessary to protect public health and safety. Such approval, if granted, shall be accompanied by appropriate guidelines for burning the debris.

### Section 19-63 Responsibility for Consequences of Open Burning

Persons who conduct open burning in accordance with the provisions of this Subchapter are not exempt or excused from the consequences, damages, or injuries that may result from such conduct, nor are they exempt or excused from complying with all applicable laws, ordinances, rules, and orders.

[Source: Added at 17 Ok Reg 1889, eff 6-12-00]

### Section 19-64 through 19-68 (Reserved for Future Use.)

## **Article 6. Fees and Rates**

### Section 19-69 Fee and Rates.

All fees, rates and deposits associated with water and sewer services shall be as established by resolution of the Antlers Public Works Authority and adopted by the Antlers City Council. All fees, rates and deposits associated with solid waste services shall be as established by resolution of the Antlers City Council. A schedule of all fees, rates and deposits shall be posted publicly in the City Hall.

### Section 19-70 through 19-75. (Reserved for Future Use.)

## **Article 7. Penalty.**

### Section 19- 76. Penalty.

Any person who violates any provision of this Chapter or of any Ordinance, Code, or standard adopted by this Chapter, or maintains or permits to continue any public nuisance as defined by this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 10-20 of this Code. Every day upon which a violation continues shall be deemed a separate offense.

## CHAPTER 20

### EMERGENCY MEDICAL SERVICE

#### Article 1. Ambulance Services Created

##### Article 1. Ambulance Services Created

###### Section. 20-1. Established.

There is hereby created an ambulance service within the City which shall charge such rates as may be established by the City Council from time to time, and such facility shall furnish ambulance service throughout the city and its general vicinity.

###### Section 20-2 Adopted by Reference

- a. Title 63 of the Oklahoma Statutes, Sections 1-2501 through 1-2516
- b. Constitution of Oklahoma, Article 10, Section 9C
- c. Oklahoma Administrative Code, Chapter 641, Emergency Medical Services, Subchapter 3, Ambulance Service, Subchapter 5, Personnel Licenses and Certifications, Subchapter 7, Training Programs, Subchapter 9, Trauma Transfer and Referral Centers

###### Section 20-3. Rates.

The rates and charges for ambulance service, per patient, per ambulance call shall be as set by resolution by the City Council and will be posted in the office of the Emergency Medical Director.

###### Section 20-4. Administrative Control.

The ambulance service will be directed by the Fire Chief or such other persons as may be designated by the city manager and shall be an at will employee. The duties shall include day to day operations of the ambulance service and hiring and firing of employees subject to City Council approval.

## **CHAPTER 21**

### **TRAFFIC**

#### **Article 1 Enforcement**

#### **Article 2 Penalties**

Refer to Title 47 O.S. Statutes. The City of Antlers adopted Title 47 and all laws pertaining to traffic and traffic violations will be listed therein.

#### **Article 1 Enforcement**

##### **Section 21-1 Enforcement of traffic laws.**

It is the duty of the officers of the police department or any officers that are assigned by the chief of police to enforce all street traffic laws of this city and all the state vehicle laws applicable to street traffic in this city. Officers of the department shall make arrests for traffic violations, investigate accidents, cooperate with other officers in the administration of the traffic laws and in developing ways and means to improve traffic conditions and carry out those duties specially imposed upon the department by this chapter and any other traffic ordinances of this city.

##### **Section 21- 2. Obedience to police and fire officials.**

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

#### **Article 2 Penalties**

Every person violating any of the provisions of this chapter containing the traffic laws of the city shall be guilty of an offense and upon conviction thereof shall be fined or punished as provided in section 10-20.

## **CHAPTER 22**

### **TAXATION**

#### **Article 1 Sales Tax**

#### **Article 2. Telephone Exchange Fee**

#### **Article 3. Utilities Tax**

#### **Article 4. 911 Tax**

### **Article 1 Sales Tax**

#### **Section 22-1. Citation.**

This Article constitutes, shall be known and may be cited as the "City of Antlers, Oklahoma, Sales Tax Ordinance."

Reference: 68 O.S. 1352.

#### **Section 22-2. Definitions.**

The definitions of words, term and phrases contained in the Oklahoma Sales Tax Code, as amended, are hereby adopted by reference and made a part of this Ordinance. (68 O.D. 1981, 1352, et. seq, as amended)

Reference: 68 O.S. 1352 et. seq.

#### **Section 22-3. Tax Collector Defined.**

The term "tax collector" as used herein means the department of the municipal government or the official agency of the State duly designated according to law, or contract authorized by law to administer the collection of the tax herein levied.

Reference. 68 O.S. 1351 ct. seq.

#### **Section 22-4. Classification of Taxpayers.**

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

Reference: 68 O.S. 1350.

#### **Section 22-5. Subsisting State Permits.**

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

Section 22-6. Effective Date.

This Ordinance shall become and be effective on and after September 8, 1985, subject to approval of a majority of the registered voters of the City of Antlers, Oklahoma, voting on the same in the manner prescribed by Oklahoma Statutes.

Reference: 68 O.S. 2705.

Section 22-7. Purpose of Revenues.

It is hereby declared to be the purpose of this Sales Tax Ordinance to provide revenues for the support of the functions of the municipal government of the City of Antlers, Oklahoma.

Reference: 68 O.S. 2701.

Section 22-8. 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 (68 O.D. 1981 1350, et.seq. as amended.) In addition, sales subject to the excise tax shall include the sale, preparation or service of ice or nonalcoholic beverages that are sold, prepared or served for the purpose of being mixed with alcoholic beverages for consumption on the premises where such sale, preparation or service occurs.

Reference: 37 O.S. 1986 Supp., 163.10 and 576.

Section 22-9. Exemptions.

There is hereby specifically exempted from the tax levied by this Article, the gross receipts or gross proceeds exempted from the Sales Tax Law of Oklahoma (68 O.D. 1981, 1350.)

Section 22-10. Other Exempt Transfers.

Also, there is hereby specifically exempted from the tax herein levied, the transfer of tangible personal property exempted from the Oklahoma Sales Tax Law (68 O.D. 1981 1350, et.seq. as amended.)

Section 22-11. Tax Due When: Returns; Records.



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

Reference: 68 O.S. 1365

Section 22-12. Payment of Tax: Brackets.

1. The tax herein levied shall be paid to the Tax Collector at the time and in the manner and form provided for payment of the State Sales Tax under the Sales Tax Law of Oklahoma.
2. The bracket system for the collection of the three percent (3%) municipal Sales Tax by the tax collector, shall be as the same as hereafter adopted by the agreement of the City of Antlers, Oklahoma, and the tax collector in the collection of both the three percent (3%) Municipal Sales Tax and the four and one half percent (4.5 %) State Sales Tax.

Section 22-13. Tax Constitutes Debt.

Such taxes, penalty and interest due hereunder shall at all time 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 22-14. Vendor's Duty to Collect Tax.

1. 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 Article, or an amount equal as nearly as possible or practical to the average equivalent thereof.
2. Vendors shall add the tax imposed there under or the average equivalent thereof, to the sales price or charge, and, when added, such tax shall constitute a part of such price of charge, shall be a debt from the consumer or user to the vendor until paid and shall be recoverable by law in the same manner as other debts.
3. A vendor, as defined herein, who willfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied by this Article, or willfully or intentionally fails, neglects or refuses to comply with the provisions or remits or rebates to a consumer or user, either directly or indirectly and by whatsoever means, all or any part of the tax herein levied, or makes in any form of advertising (verbally or otherwise) any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices, at a price including the tax or in any manner whatsoever, shall be deemed guilty of an offense, and upon conviction thereof shall be fined not more than one hundred dollars (\$100.00), excluding costs.

Reference: 68 O.S 1361.

Section 22-15. 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; remittance of tax collected hereunder shall be subject to the same discount as may be allowed by said Code for collection of State Sales Taxes.

Reference: 68 O.S. 1366. 1367.

Section 22-16. Interest and Penalties: Delinquency.

Section 217 of Title 68 O.S. 1971, as amended, is hereby adopted and made a part of this Article, and interest and penalties at the rates and in the amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this Article. The failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in the time and manner required by this Article shall cause such tax to be delinquent. In addition, if such delinquency continues for a period five (5) days, the taxpayer shall forfeit his claim to any discount allowed under this Article.

Reference: 68 O.S. 217.

Section 22-17. Waiver of Interest and Penalties.

The interest, penalty or any portion thereof, occurring by reason of a taxpayer's failure to pay the municipal tax herein levied, may be waived or remitted in the same manner provided for said waiver or remittance, as applied in the administration of the State Sales Tax provided in Title 68, O.S. 1981, Section 220; to accomplish the purposes of this Section, the applicable provisions of said Section 220 are hereby adopted by reference and made a part of this Article.

Reference: 68 O.D. 220.

Section 22-18. Erroneous Payment; Claim for Refund.

Refund of erroneous payment of the Municipal Sales Tax herein levied may be made to a taxpayer making such erroneous payment, in the same manner and procedure and under the same limitations, of time, as provided for administration of State Sales Tax as set forth in Title 68, O.S. 1981, Section 227, and, to accomplish the purposes of the Section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Article.

Reference 68 O.S. 227.

Section 22-19. Fraudulent Returns.

In addition to all civil penalties provided by this Article, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax, or portion thereof, rightfully due under this Article, shall be an offense and, upon conviction thereof, the offending taxpayer shall be subject to a fine of not more than one hundred dollars (\$100.00), excluding costs.

Reference: 68 O.S. 241.

#### Section 22-20. Records Confidential.

The confidential and privileged nature of the records and files concerning the administration of the municipal Sales Tax is legislatively recognized and declared, and to protect the same, the provisions of Title 68, O.D. 1981, (as amended) 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 municipal Sales Tax as if set forth herein in full.

Reference: 68 O.S. 205.

#### Section 22-21. Amendments.

The people of the City of Antlers, Oklahoma, by their approval of this Ordinance at the election herein before provided, have authorized the City Council, by ordinances duly enacted, to make such administrative and technical changes or additions in the method and manner of administration and enforcing this Article as may be necessary or proper for efficiency and fairness; provided that the rate of the tax herein provided shall not be changed without approval of the qualified electors of the municipality, as provided by law.

#### Section 22-22. Provisions Cumulative.

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

Reference: 68 O.S. 2706.

#### Section 22-23. Provisions Severable

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

### **Article 2. Telephone Exchange Fee**

#### Section 22-24. Inspection Fee.

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

Section 22-25. Fee in Lieu of Taxes.

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

Section 22-26. Failure to Pay Inspection Fee.

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

Section 22-27 through 1-22-30. (Reserved for future use.)

**ARTICLE 3 UTILITIES TAX**

Sec. 22-31. Tax on utilities levied.

1. There is levied on all companies not paying a franchise tax to the city an excise tax of two percent (2%) upon the gross proceeds or gross receipts derived from all sales of electricity, ice, steam or any other utility or public service, except water.
2. There is levied on all companies not paying a franchise tax to the city an excise tax of three percent (3%) upon the gross proceeds or gross receipts derived from all sales of natural or artificial gas.

State law references: Cities authorized to levy tax on utilities, 68 O.S. § 2601 et seq. Secs. 66-112--66-140. Reserved

#### **ARTICLE 4 CITY OF ANTLERS HOTEL/MOTEL TAX**

AN ORDINANCE LEVYING AND ASSESSING A CITY EXCISE TAX OF SEVEN AND ONE HALF PERCENT (7.5%). FIVE PERCENT (5%) TO BE DEDICATED FOR STREET IMPROVEMENTS AND TWO AND ONE HALF PERCENT (2.5%) DEDICATED FOR TOURISM PURPOSES IN ADDITION TO ALL OTHER CITY AND STATE TAXES LEVIED OR ASSESSED UPON THE GROSS RECEIPTS DERIVED FROM RENTS RECEIVED FROM THE OCCUPANCY OF HOTEL OR MOTEL ROOMS; SAID EXCISE TAX REVENUES THEREFROM TO BE USED FOR STREET IMPROVEMENTS AND TOURISM; FIXING EFFECTIVE DATE AND DECLARING AN EMERGENCY.

#### **Sec. 22-32. 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:

1. Hotel. Hotel means any building or buildings, structures, trailer, or other facility in which the public may, for consideration, obtain sleeping accommodations in which five or more rooms are used for the accommodation of such guests whether such rooms are in one or several structures. The term "hotel" shall include hotels, apartment hotels, motels, tourist homes, houses or courts, lodging houses, inn rooming houses, trailer houses, trailer motels, dormitory space where bed space is rented to individuals or groups, apartments not occupied by permanent residents, and all other facilities where rooms or sleeping facilities or space are furnished for consideration. The term "hotel" shall not include hospitals, sanitariums or nursing homes.
2. Occupancy. Occupancy means the use or possession, or the right to the use or possession of any room in a hotel, 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.
3. Occupant. Occupant means a person who, for a consideration, uses, possesses, or has the right to the use or possession of any room in a hotel under any lease, concession, permit, right of access, license to use, or other agreement.
4. Operator. Operator means any person operating a hotel in the city, included, but not limited to, the owner, proprietor, lessee, sub lessee, mortgage in possession, licensee, or any other person otherwise operating such hotel.
5. Permanent Resident. Permanent resident means any occupant who has or shall have the right of occupancy of any room in a hotel for at least thirty (30) consecutive days during the current calendar year or preceding year.
6. Rent. Rent means any return filed or required to be filed as herein provided.

7. Room. Room means any room of any kind in any part or portion of a hotel which is available for or let out for use or possessed for any purpose other than a place of assembly. As used herein, the term "place of assembly" means a room or space which is capable of being occupied by 75 or more persons and which is used for educational, recreational or amusement purposes and shall include: dance halls; cabarets; night clubs; restaurants; any room or space for public or private banquets, feasts, socials, card parties or weddings; lodge and meeting halls or rooms; skating rinks; gymnasiums; swimming pools; billiard; bowling and table tennis rooms; halls or rooms used for public or private catering purposes; funeral parlors; markets; recreational rooms; concert halls; broadcasting studios; and all other places of similar type of occupancy.

8. Tax. Tax means the tax levied pursuant to this article.

9. Treasurer. Treasurer means the treasurer of the City of Antlers.

#### Section 22-33. Tax Rate.

There is hereby levied an excise tax of seven and one half percent (7.5%) upon the gross proceeds or gross receipts derived from all rent for every occupancy of a room in a hotel in the city, except that the tax shall not be imposed where the rent is less than the rate of three dollars (\$3.00) per day.

#### Section 22-34. Exemptions.

The following shall be exempt from the tax levied in this article:

1. Permanent residents;
2. The United States Government or any agency or division thereof;
3. The State of Oklahoma or any political subdivision thereof;
4. Any organization, corporation, or association organized and operated exclusively for religious, charitable, philanthropic or educational purposes, provided that its primary purpose is not carrying on a trade or business for profit.

#### Section 22-35. Certificate of Exemption Required.

Anyone claiming to be exempt from the tax must obtain a certification from the treasurer that the organization, association or corporation with which he is affiliated is exempt from the tax. Prior to issuing such a certificate, the treasurer shall require a certification from the said organization, association or corporation that the occupant is its agent, representative or employee and that his occupancy of the room is required in connection with the affairs of said organization, association or corporation.

#### Section 22-36. Operator responsible for collection, tax designation separately on bills.

A. The operator shall be responsible for the collection of the tax from the occupant and shall be liable to the city for the tax.

B. The operator shall separately designate, charge and show the tax on all bills, statements, receipts or any other evidence of charges or payment of rent for occupancy issued or delivered by the operator.

Section 22-37. Records to be kept.

Every operator shall keep records of every occupancy and of all rent paid, charged, or due thereon and of the tax payable thereon in such form as the director may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the treasurer, or a duly authorized agent or employee of the city, and shall be preserved for a period of three years except that the treasurer may consent to their destruction within that period or may require that they be kept longer.

Section 22-38. Returns.

The treasurer may permit or require returns to be made by shorter or longer periods and upon such dates as he may specify. The form of return shall be prescribed by the treasurer and shall contain such information as he may deem necessary for the proper administration of this article. The treasurer may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

Section 22-39. Payment of Tax

At the time of filing a return of occupancy and of rents, each operator shall pay to the treasurer the taxes imposed by the article upon the rents included in such return, as well as all the other monies collected by the operator acting or purporting to act under the provisions of this article. All the taxes for the period for which a return is required to be filed shall be due for such period without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and the taxes due thereon.

Section 22-40. Delinquent taxes and interest.

A. The tax levied by this article shall be due and payable at the time filing of the returns provided for in this article is required. All taxes not paid within five days from the time they become due shall be delinquent.

B. If any tax levied by this article becomes delinquent, the person responsible and liable for such tax shall pay a fine of two hundred fifty dollars (\$250.00) per occurrence and shall pay interest on such unpaid tax at the rate of ten percent (10%) per month on the unpaid balance from the date of delinquency.

Section 22-41. Delivery of notices.

Notices provided for under this article shall be deemed to have been given when such notice has been delivered personally to the operator or deposited in the United States Postal Service Mail to the last known address of the operator.

#### Section 22-42. Bond required.

Where the treasurer believes that any operator is about to cease business, leave the state, or remove or dissipate assets, or for any other similar reason he deems it necessary in order to protect revenues under this article, he may require such operator to file with the city a bond issued by a surety company authorized to transact business in the state in such amount as the treasurer may fix to secure the payment of any tax or penalties and interest due, or which may become due from such operator. In the event that the treasurer determines that an operator is to file such bond, he shall give notice to such operator specifying the amount of bond required. The operator shall file such bond within five days after the giving of such notice unless within such five days the operator shall request in writing a hearing before the city council, at which the necessary propriety and amount of the bond shall be determined by the city council. Such determination shall be final and shall be complied with within 15 days thereafter. In lieu of such bond, securities approved by the treasurer, or cash in such amount as he may prescribe, may be deposited with the treasurer, who may at any time after five days notice to the depositor, apply them to any tax and/or any penalties due and for that purpose the securities may be sold at private or public sale.

#### Section 22-43. Assessment and determination of tax.

If a return required by this article is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be assessed by the treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, types of accommodations and services, number of employees, or other factors. Written notice of such assessments shall be given to the person liable for the collection and payment of the tax. Such assessment shall finally and irrevocably fix and determine the tax unless the person against whom it is assessed, within 90 days after giving of notice of such assessment, shall apply in writing to the City Council for a hearing or unless the treasurer on his own motion shall reassess the same. After such hearing, the City Council shall give written notice of its determination to the person against whom the tax is assessed and such determination shall be final.

#### Section 22-44. Refunds.

1. Procedure. The treasurer shall refund or credit any tax erroneously, illegally, or unconstitutionally collected if written application to the treasurer for such refund shall be made within two years from the date of payment thereof. For like causes, and in the same period, a refund may be so made upon the initiative and the order of the treasurer. Whenever a refund is made, the reasons therefore shall be stated in writing. Such application may be made by the person upon whom such tax was imposed and who has actually paid the tax. Such application may also be made by the person who has collected and paid such tax to the treasurer, provided that the application is made within two years of the payment by the occupant to the operator, but no refund of money shall be made to



the operator until he has repaid to the occupant the amount for which the application for refund is made. The treasurer, in lieu of any refund required to be made, may allow credit therefore on payments due from the applicant.

2. Determination and hearing. Upon application for a refund, the treasurer may receive evidence with respect thereto, and make such investigation as he deems necessary. After making a determination as to the refund, the treasurer shall give notice thereof to the applicant. Such determination shall be final unless the applicant, within 90 days after such notice, shall apply in writing to the city council for a hearing. After such hearing, the city council shall give written notice of its decision to the applicant.

#### Section 22-45. Remedies Exclusive.

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

#### Section 22-46. Additional Powers of the Treasurer.

1. In addition to all other powers granted to the Treasurer, he/she is hereby authorized and empowered:

- a. To make, adopt, and amend rules and regulations appropriate to the carrying out of this article for the purposes thereof;
- b. To extend for cause shown the time for filing any return for a period not exceeding 60 days; and for cause shown to waive, remit, or reduce penalties or interest;
- c. To delegate his/her functions hereunder to an assistant or other employee or employees of the city;
- d. To assess, reassess, determine, revise, and readjust the taxes imposed by this article; and
- e. To prescribe methods for determining the taxable and nontaxable rents.

2. The Treasurer or his/her designated representative shall have the power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of his/her powers and duties under this article. The Treasurer shall have the power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his/her duties hereunder and of the enforcement of this article and to examine them in relation thereto.

#### Section 22-47. Certificates of Registration.

Every operator shall file with the Treasurer a certificate of registration in a form prescribed by said Treasurer within ten days after the effective date of the ordinance from which this article is derived, or in the case of operator's commencing business or opening new hotels

after such effective date, within three days after such commencement or opening. The Treasurer shall, within five days after such registration, issue, without charge, to each operator a certificate of authority empowering such operator to collect the tax from the occupant and duplicates thereof for each additional hotel. Each certificate or duplicate shall state the hotel to which it is applicable. Such certificate of authority shall be permanently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such certificates shall be non-assignable and nontransferable and shall be surrendered immediately to the Treasurer upon the cessation of business at the hotel named, or upon its sale or transfer.

#### Section 22-48. Use of Funds.

All taxes collected pursuant to the provisions of this article shall be set aside and used exclusively for the purpose of encouraging, promoting and fostering the development of the city street improvement and tourism as follows: of the seven and one half percent (7.5%) levied and assessed upon the gross receipts derived from rents received from the occupancy of hotel or motel rooms, five percent (5%) shall be dedicated for street improvements and two and one half percent (2.5%) shall be dedicated for tourism purposes.

#### Section 22-49. Confidentiality of Records.

The confidential and privileged nature of the records and files concerning the administration of the hotel tax is legislatively recognized and declared, and to protect the same the provisions of 68 O.S § 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 this article as if here set forth.

#### Section 22-50. Fraudulent Returns.

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 this article shall be an offense, and upon conviction thereof the offending taxpayer shall be subject to a fine according to a schedule of fines, as shall be modified from time to time by the council, and made available for public viewing in the office of the Clerk of Court, or by imprisonment for not more than 30 days or by both such fine or imprisonment.

#### Section 22-51. Amendments.

The people of the city, by their approval of this article at the election herein provided, hereby authorize the city council by ordinances duly enacted to make such administrative and technical changes or additions in the method and manner of administration and enforcing this article as may be necessary or proper for efficiency and fairness except that the rate of the tax herein provided shall not be changed without approval of the qualified electors of the city as provided by law.

Section 22-52. Provisions Cumulative.

The provision hereof shall be cumulative, and in addition to any and all other taxing provisions of city ordinances.

Section 22-53. Provisions Severable.

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

Section 22-54. Effective Date of Hotel and Motel Tax Levy and Assessment.

The hotel and motel excise tax levy and assessment, as provided by this article shall become effective on the first day of the calendar quarter following the sixty (60) day notice to vendors of such rate change, as required by law.

Reference: City Ordinance No 2011-12.

## Chapter 23

### PLANNING AND ZONING Board

#### Article 1 Planning Commission

#### Article 2. Zoning Commission

#### Article 3 Zoning Changes and Reclassifications

### Article 1. Planning Commission

#### Section. 23-1. Established.

The City Council established a Planning Commission in order to plan and guide the orderly development of the city.

1. The Planning Commission of the City of Antlers, Oklahoma, shall be composed of five (5) members whom shall be residents of the city, nominated by the Mayor and confirmed by the City Council.
2. The Mayor may be an ex officio member of the commission.
3. Each appointed member shall hold office for a period of three (3) years, or until his successor takes office.
4. The appointed members of said commission shall be nominated and appointed solely with reference to their fitness and without reference to party affiliation and shall serve without compensation.
5. Members may be removed by the Mayor or the City Council only for inefficiency, neglect of duty, or malefaction in office.
6. Members shall cease to hold office if absence from more than one-half ( $\frac{1}{2}$ ) of all meetings held within any period of four (4) consecutive months.
7. Vacancies occurring otherwise than through the expiration of term shall be filled only for the unexpired term by the Mayor with confirmation by the City Council.

#### Section 23-2. Quorum.

Three (3) members of the planning commission shall constitute a quorum for the transaction of business; providing, however, that no action shall be taken which is binding upon said planning commission unless concurred in by at least three (3) members.

#### Section. 23-3. Organization and Rules.

The commission shall elect a chairman, a vice chairman, and a secretary and may create and fill such other offices as it may deem necessary. The term of the chairman, vice chairman and secretary shall be one (1) year with eligibility for reelection. Election will be held January of each year. The Planning Commission shall hold at least one (1) regular meeting each month. The Planning Commission shall adopt rules for the transaction of business and shall keep a record of its regulations, transactions, findings, and determinations, which record shall be a public record.

#### Section. 23-4. Power to Employ Staff.

The Planning Commission shall have the power and authority to employ planners, engineers, attorneys, clerks, and other help deemed necessary within the limits of the appropriation fixed by the City Council of the city and shall be paid out of the city treasury as are officers and employees. The city Planning Commission may incur necessary expenses within the limits of its appropriation to carry out its purposes and responsibility.

#### Section. 23-5. Powers and Duties.

The Planning Commission shall have the power and the duty to prepare and recommend to the City Council for adoption a comprehensive plan for the physical development of the city. In conducting its work the Planning Commission may consider and investigate any subject matter tending to the development and betterment of such municipality and may make recommendations as it may deem advisable concerning the adoption thereof to the City Council. The Planning Commission may make or cause to be made surveys, studies, maps, and plans in the conduct of its activities. Before final action is taken by the City Council on the location or design of any public building, statue, memorial, park, boulevard, street and alley, playground, public ground, bridge or change in any location of any street or alley, such question shall be submitted to the Planning Commission for investigation and reports. In the preparation of the comprehensive plan the Planning Commission may from time to time prepare and recommend to the City Council for adoption a part or parts thereof, which parts shall cover one (1) or more major geographical plan. The Planning Commission may from time to time recommend extending, amending, or changing any portion of the comprehensive plan.

#### Section. 23-6. Purposes of Plan.

In the preparation of such plan, the Planning Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the city and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of said city and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for light and air, the

promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, and wise and efficient expenditures of public funds.

Section. 23-7. Subdivision of Land.

The Planning Commission may prepare and recommend to the City Council for adoption, rules and regulations governing the subdivision of Land within the corporate limits of the city all plans, plats, or replats of land laid out in two (2) or more lots, plats or parcels, on streets, alleys, or other ways intended to be dedicated to public use within the corporate limits of said city shall first be submitted to the Planning Commission for its recommendations. The Planning Commission shall, with the help of appropriate municipal officials, check the proposed dedications or subdivisions of land with other elements of the comprehensive plan for the city. The disapproval of any such plan, plat, or replat by the City Council shall be deemed a refusal of the dedication of street or alley or other easement and shall not be entitled to record unless it bears the signature of the Mayor, attested by the City Clerk, certifying the approval and acceptance thereof by the City Council.

**Article 2 Zoning Commission**

The Planning Commission shall also act as the Zoning Commission which shall have the power to prepare and to recommend to the City Council for adoption, a zoning plan to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residences and other purposes.

Section. 23-8. Uniformity of Regulations.

The Planning Commission may recommend the division of the municipality into districts of such number, size and area as may be deemed best suited to carry out the zoning plan. All such regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one (1) district may differ from those in other districts.

Section. 23-9. Comprehensive Plan; Purpose of Regulations and Matters Considered.

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

## **Article 3 Zoning Changes and Reclassifications**

### **Section. 23-10. 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 of Antlers a report and recommendation on the proposed change.

### **Section. 23-11. 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 one hundred dollars (\$100.00) fee. Costs of notice and posting shall be billed to the applicant.

### **Section. 23-12. Notice and Public Hearing**

(O.S. 1984 Supp., Title 11, Sec. 43-104 - 43-106.)

Upon receipt of an application, the planning commission shall set a date for a public hearing not less than twenty (20) days nor more than sixty (60) days from the date of filing. Fifteen (15) days notice of the public hearing shall be given by the planning commission by publication in a newspaper. Said notice shall include a map of the area to be affected which indicates street names, numbers, streams, or other significant landmarks in said area. Additional notice shall be given by the posting of a sign or signs on the property twenty (20) days before the date of the hearing.

### **Section. 23-14. 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 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 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. A fee of twenty-five dollars (\$25.00) shall accompany the request for a hearing before the city council. Upon notice of such request, and receipt of fee, the planning commission shall transmit the application and its report and recommendation to the city council.

Section. 23-15. 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 23-14- 3. 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 city planning commission for further study.

Section. 23-16. 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 by the owners of twenty percent (20%) or more of the area of the lots immediately abutting the property included in such proposed change or separated therefrom only by an alley or street, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of the city council.

Section. 23-17. through 23-20 ( Reserved for Future Use).

Section. 23-21. Penalties.

Each violation of this ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than two hundred dollars (\$200.00), and each day a violation continues to exist shall constitute a separate offense.

Section. 23-22. Severability.

If any of the provisions of this ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable. Note: If a non-lawyer sets as Judge then the maximum fine is one hundred dollars (\$100.00) and with a lawyer as Judge the maximum fine without a jury trial provision is five hundred dollars (\$500.00).

Section. 23-23. Repeal of Conflicting Ordinances.

Any ordinance now in effect that conflicts with any provisions of this ordinance is hereby repealed.





## Chapter 24

### Zoning Ordinances

#### Article 1. Title, Purpose, and Application

#### Article 2. Zoning Districts

#### Article 3. Definitions

#### Article 4 General Provisions Applying to all or to Several Districts

#### Article 5. Nonconformities

#### Article 6. Specific District Regulations

#### Article 7. Board of Adjustment

#### Article 8. Responsibility for Enforcement

#### Article 1. Title, Purpose, and Application.

##### Section. 24-1. Title.

This ordinance shall be known as and may be cited and referred to as the "Zoning Ordinance of the City of Antlers, Oklahoma" and may be cited as such.

##### Section. 24-2. 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.

#### Article 2. Zoning Districts.

##### Section. 24-3. 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 may be established for the city of Antlers, Oklahoma:

- (1) R Residential
- (2) C Commercial

- (3) I-1 Light Industrial
- (4) I-2 Heavy Industrial
- (5) F-1 Flood Plain
- (6) A-1 Agriculture

Section. 24-4. Zoning Map Incorporated.

The locations and boundaries of the zoning districts should be established by ordinance and shall be delineated and shown on a map entitled "Zoning Map of the City of Antlers, Oklahoma", and the zoning map is hereby incorporated as a part of this ordinance.

Section. 24-5. District Boundaries Established.

The boundaries of a zoning district shall extend to a center line of abutting street, 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 Antlers", the Planning Commission shall make written application to the Board of Adjustment, and the Board of Adjustment shall make the final determination.

Section. 24-6. Official Zoning Map.

It shall be the duty of the Zoning Commission to maintain a current official "Zoning Map of the City of Antlers, Oklahoma" including all amendments directly adopted by the City Council.

**Article 3. Definitions.**

Section. 24-7. Definitions.

In this ordinance, words used in the present tense shall include the future tenses; words in the singular number include the plural number and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory, as used in this ordinance. Definitions set out below shall govern the interpretation of the words to which they are attached.

(1) Accessory use or structure: A use or structure customarily incidental, appropriate, and subordinate to the principal use of land and which is located upon the same lot therewith.

(2) Agriculture: The use of land for agriculture purposes including farming, dairying, pasturage, horticulture, animal husbandry, and poultry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any

such accessory shall be secondary to that of normal agricultural activities, and provided further that the above uses shall not include commercial feeding.

(3) Alley: A minor right-of-way dedicated to public use not more than thirty (30) feet wide affording a secondary means of access of abutting property and not intended for general traffic circulation or primary access to residential property.

(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 condition 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 ton capacity.

(7) Automobile service station or filling station: Any area used for retail sale or gasoline or oil fuels or automobile accessories, and incidental services including facilities for lubrication, 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 and 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 Antlers, Oklahoma; also referred to as the "Board".

(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 log covered by the building to the highest point of coping of a

flat roof, or the decline 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 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 use 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 five 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 Antlers.

(21) City Planning Commission: The Antlers City Planning Commission, as established by the statutes hereinbefore cited, also referred to as "Planning Commission". The city Planning Commission shall also be the Zoning Commission for the city of Antlers.

(22) 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.

(23) Club: A non-profit association of persons who are bona fide members, paying regular dues, and organized solely or primarily to render a service customarily carried on as a commercial enterprise.

(24) Comprehensive plan: The official city plan of the City of Antlers, Oklahoma; also refers to the specific document, "General Development Plan".

(25) 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 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.

(26) Coverage: The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

(27) Dwelling: Any building or portion thereof designed or used as a residence of one or more persons, but not including a tent, motor home, travel trailer, mobile home, boarding or rooming house, hotel or motel.

(28) Dwelling, single-family: A building containing one (1) dwelling unit designed for or used exclusively by one (1) family.

(29) Dwelling, two-family: A building containing two (2) dwelling units and designed for or used exclusively by two (2) families; also includes the word "duplex".

(30) Dwelling, multi-family: A building or portion thereof containing three (3) or more dwelling units and designed for or used 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 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 services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

(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, or motel.

(34) Floor area: The sum of the gross horizontal areas 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.

(35) Frontage: The lineal measurement of a lot boundary which is abutting a street.

(36) Garage apartment: A dwelling for one (1) family erected as a part of a private garage.

(37) 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.

(38) 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.

(39) 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.

(40) Garage, repair: A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.

(41) 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.

(42) Home occupation: Any occupation or profession which is carried on solely by no more than one (1) wholly self-employed person residing at and inhabiting the dwelling, is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character of the dwelling, and is conducted entirely within the main or pre-existing accessory buildings, which accessory buildings shall have existed for at least one (1) year; provided that such occupation or profession does not:

(a) Trade in merchandise other than that which is crafted within the dwelling.

(b) Display any merchandise or advertising sign other than one (1) non-illuminated nameplate not more than four (4) square feet in area attached to the main or accessory building or located in yard but not obstructing view of traffic.

(c) Utilize any mechanical equipment which creates a disturbance such as noise, dust, odor, or electrical disturbance; or emit noise, dust, or odor outside the structure.

(d) Store outside the confines of the dwelling or accessory buildings any material or equipment.

(e) Exceed twenty-five percent (25%) of the gross area of the main building.

(f) Tea rooms, restaurants, rest homes, clinics, doctor's, metal, or auto repair shops or any other kind of shop or store are specifically excluded from this definition.

(g) Any violation of the foregoing restrictions shall be considered a violation of the Antlers City Code and punishable as an offense hereunder and further shall be considered a nuisance subject to abatement under the provisions of chapter 13 of this code.

(43) Hospital: See "Medical Facilities".

(44) 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 camps, hospitals, asylums, orphanages, or buildings where persons are housed under restraint.

(45) Industry: Storage, repair, manufacture, preparation, or treatment of any article, substance, or any commodity for commercial use.

(46) 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 non-profit basis.

(47) Junk or salvage yard: A place where waste, discarded, or the 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.

(48) Kennel: Any structure or premises on which four (4) or more dogs over six (6) months of age are kept.

(49) 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 least fourteen (14) feet, designated for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

(50) 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 to a public street.

(51) 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 degrees (135 ).

(52) Lot, depth: The average horizontal distance between the front and rear lot lines.

(53) Lot, double frontage: A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

(54) Lot, interior: A lot other than a corner lot.



(55) Lot line: Any boundary of a lot.

(56) Lot line, front: 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.

(57) Lot line, rear: The boundary of a lot which is most distant from and most nearly parallel to the front lot line.

(58) Lot line, side: Any boundary of a lot which is not a front lot line or a rear lot line.

(59) Lot, wedge shaped: A lot situated so that the front is either wider or narrower than the rear of the lot.

(60) 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 Pushmataha County, Oklahoma.

(61) Mean lot elevation: The average elevation of a lot.

(62) 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.

(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 in-patient medical or surgical care for the sick or injured, and including related facilities such as laboratories, out-patient 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.

(63) Mobile /Manufactured home: A single-family dwelling designed for transportation on streets and highways on its own wheels or on flatbed or other trailers, both highway and rail, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and similar operations.

Reference: International Property Maintenance Code

(64) 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.

(65) Mobile home lot: A portion of a mobile home park allocated to the exclusive use of the occupants of a single mobile home.

(66) 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.

(67) Motor Home: Motor home shall mean a self propelled travel vehicle designed as one unit to be used principally as a dwelling for vacation or other temporary use and can be operated independently of utility connections. This does not include pickup campers.

(68) 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.

(69) Parcel: A lot as defined herein.

(70) 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.

(71) Planning Commission: See "City Planning Commission".

(72) Rooming house: See "Boarding House".

(73) Sign: Any word, lettering, part 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 any 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 like campaign, drive, movement, or event used for a public purpose in the public interest.

(74) 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 faced sign be included in the computation of display surface area.

(75) Sign illuminated: A sign designed to give forth any artificial light, or designed to reflect light from one or more sources, natural or artificial..

(76) Sign, projecting: A sign erected on the face or outside wall of a building which projects out at any angle there from.

(77) Sign, temporary: Signs of temporary nature used to advertise the premises for sale, rent, or lease.

(78) 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, then the space between the floor and the ceiling next above it.

(79) Street: A public right-of-way more than thirty (30) feet in width which provides the primary public means of access to abutting property and used primarily for vehicular circulation.

(80) Street arterial: Any street designated on the thoroughfare plan as an arterial, primary arterial, secondary arterial, major street, etc.

(81) Street, minor: Any street not designated on the thoroughfare plan as an arterial.

(82) Structural alteration: Any change in the structural members of a building, such as walls, columns, beams, or girders.

(83) 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 sidewalk, driveways and similar improvement areas).

(84) 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".

(85) Trailer: A portable or mobile unit, other than a mobile home, used or designed to carry or transport materials or animals.

(86) Yard: A required space on a lot unobstructed except as expressly permitted.

(87) 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.

(88) Yard, rear: A yard extending across the rear of a lot measured from side lot line to side lot line.

(89) Yard, side: A yard extending from front rear to the rear yard abutting the side lot line, into which no building may protrude.

#### **Article 4. General Provisions Applying to all or to Several Districts**

### Section. 24-8. Limitation on Use

1. 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, an, structure, or improvement is located, and such use is authorized, except as provided by Article 5.

2. 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.

3. Residential Uses Restricted to Residential Lots. It is intended that these regulations be interpreted as not permitting a 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 night watchman, motel manager, or similar purpose where essential to the main use of the lot.

### Section 24-9 Division of Lots.

An improved lot shall not hereafter be divided into two (2) 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 24-10 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 24-11 Street Access.

No principal building shall hereafter be constructed on a lot which does not abut a public dedicated street.

### Section 24-12. Vehicle Storage and Parking .

1. 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:

(a) No more than (1) commercial vehicle, which does not exceed one and one-half (1 ½) 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.

(b) No more than one (1) camping or travel trailer, or motor home; and no more than one (1) trailer not for commercial use per family living on the premises shall be permitted. A camping or travel trailer or motor home shall not be occupied 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 Antlers, Oklahoma, nor be connected to city utilities, nor have its slides extended, except where approved by the Code Enforcement Officer.

(c) A mobile home shall be parked or stored only in a mobile home park which is in conformity with ordinances of the City of Antlers, Oklahoma.

2. 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 Antlers, Oklahoma.

3. It is the intent of these requirements that adequate parking and loading facilities be provided on off-street areas for each use of land within the City of Antlers. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

4. Off-street parking space may be a part of the required open space associated with the remitted use, unless otherwise prohibited; provided, however, the off-street parking requirements shall not be reduced or encroached upon in any manner.

5. 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.

6. Whenever two 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.

7. The size of a parking space for one (1) 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.

8. Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

(a) Dwelling, single-family or duplex: Two (2) parking spaces for each separate dwelling unit within the structure.

(b) Dwelling, multi-family: The number of spaces provided shall not be less than two (2) times the number of units in the dwelling.

(c) Boarding or rooming house or hotel: One (1) parking space for each sleeping room.

(d) Hospitals: One (1) space for each four (4) 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.

(e) Medical or dental clinics or offices: Six (6) spaces per doctor plus one (1) space for each two (2) employees.

(f) Convalescent or nursing homes; One (1) space for each (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each two (2) employees including nurses.

(g) Community center, theater, auditorium, church sanctuary: One (1) parking space for each four (4) permanent seats, based 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.

(h) 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.

(i) 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 services.

(j) 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.

(k) 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 greater, and one (1) loading or unloading berth for each twenty-five thousand (25,000) square feet or fraction thereof of gross floor area.

9. All commercial parking spaces shall be paved with a sealed surface permanent pavement and maintained in a manner that no dust will result from continued use.

10. 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:

- (a) All sides of the lot within or abutting the residential district shall be enclosed with a screening wall or fence.
- (b) No parking shall be permitted within a front yard when the parking lot is located in a residential district.
- (c) Driveways used for ingress and egress shall be confined to an shall not exceed forty (40) feet in width, exclusive of curb returns.
- (d) 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 continued use.
- (e) No sign of any kind shall be erected except information signs used to guide traffic and to state the condition and terms of the use of the lots. Only non-intermittent white lighting of signs shall be permitted.
- (f) Whenever lighting is provided, it shall be arranged so that all light is deflected from adjoining residential uses.

#### Section. 24-13. Screening Wall or Fence 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 uses, 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.
4. 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. 24-14. 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 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. 24-15-24-19 ( Reserved for Future Use)

## **Article 5. Nonconformities.**

### **Section. 24-20. 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 structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this ordinance.

### **Section. 24-21. 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. 24-22. Nonconforming Structures.**

Where a lawful structure exists at the effective date of adoption or amendment 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 (50) percent 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. 24-23. 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:

1. 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 a use permitted in the district in which it is located.
2. 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.
3. 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.
4. When a nonconforming use of a structure, or structure and premises in combination, is discontinued, or abandoned for forty-five (45) days, 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.
5. 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.
6. When a nonconforming property changes ownership it must conform to a use permitted in the district in which it is located.

Section. 24-24. 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:

1. 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.
2. 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.

3. If any such nonconforming uses of land ceases for any reason for a period of more than forty-five (45) 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.

4. When a nonconforming property changes ownership, it must conform to a use permitted in the district in which it is located.

Section. 24-25. Changes in Nonconformity.

1. 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.

Section. 24-26. Uses Permitted on Review.

The uses listed under the various districts herein as "Uses Permitted on Review" are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district. The nature of such uses makes it desirable that they be permitted to locate therein. The following procedure is established to integrate properly the uses permitted on review with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedures:

(A) An application shall be filed with the city clerk fourteen (14) days prior to the next scheduled planning commission meeting. The application shall be accompanied by a plot plan showing the accurate size of the parcel; the size and location of the building or use or the parcel; points and dimensions of access. A list of names and addresses of all property owners of record within three hundred (300) feet of the property to be included for the use permitted on review.

(B) At their next scheduled meeting, the Planning Commission shall review the proposed use and the plot plan to determine if it is suitable in every aspect for location and development where and in the manner proposed, and to determine if there are any potential adverse influences upon adjacent and surrounding uses and on the neighborhood in general.

(C) The Planning Commission shall hold one (1) or more public hearings thereon. The property owners of record within the bounding lines defined in (A) above will be informed in writing by the planning commission of the time and date of the public hearing.

(D) After due deliberation and study, the Planning Commission may authorize or deny the issuance of a building or other permit for the use of land or buildings as requested.

(E) The Planning Commission shall establish a fee which shall be sufficient to defray the cost of publishing the notice of public hearing and any other costs

associated with the hearing; the applicant shall pay such fee to the city clerk upon filing.

## **Article 6. Specific District Regulations.**

### **Section. 24-27. Residential District R-1.**

The principal use of land is for dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a defined and protected from the encroachment of users not performing a function necessary to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwelling and related facilities and through consideration of the proper functional relationship of each element.

### **Section. 24-28. Uses Permitted.**

- (1) Single family Dwelling;
- (2) Duplex;
- (3) Multi-family dwellings;
- (4) Rooming or boarding house;
- (5) Mobile home trailer park;
- (6) Elementary school, junior high school, senior high school, or other school offering general education courses the same as ordinarily given in public schools;
- (7) Church;
- (8) Public park, playground, fire station, community center, hospital, or other public facility;
- (9) Agricultural uses of the garden type that is not intended for commercial purposes;
- (10) Accessory buildings which are not a part of the main buildings, including a private garage or accessory buildings which are a part of the main building, including a private garage.
- (11) An individual may advertise or display for sale one personally owned vehicle at a time.
- (12) Home Occupation.

### **Section. 24-29. Multi-family Dwelling Regulations.**

Prior approval must be acquired from the Planning and Zoning Commission before building permits can be granted for Multi-family dwellings.

Section. 24-30. Area Regulations.

(a) **Front Yard:** All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:

(1) The minimum depth of the front yard shall be twenty-five (25) feet for residential buildings, and twenty (20) feet for all other buildings.

(b) **Side Yard:**

(1) For single and two family dwellings there shall be a side yard on each side of the main building of not less than ten (10) feet.

(2) For multi-family dwellings there shall be a side yard on each side of the main building of not less than twenty-five (25) feet.

(3) Churches, main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than fifteen (15) feet.

(c) **Rear Yard:** There shall be a rear yard for a main building of not less than twenty percent (20%) of the depth of the lot, uses other than dwelling purposes shall have a rear yard of not less than five (5) feet.

(d) **Lot Frontages:**

(1) For single family dwellings there shall be a minimum lot frontage of not less than fifty (50) feet at the front building line.

(2) For two family dwellings there shall be a minimum lot frontage of not less than seventy (70) feet at the front building line.

(3) For multi-family dwellings there shall be minimum lot frontage of not less than eighty (80) feet at the front building line.

(4) For churches there shall be a minimum lot frontage of not less than one hundred (100) feet at the front building line.

(5) For mobile home parks there shall be a minimum lot frontage width of not less than two hundred (200) feet at the front building line.

(6) For all other uses there shall be a minimum lot frontage of not less than eighty (80) feet at the front building line.

(e) **Intensity of Use:**

(1) For each dwelling, and buildings accessory thereto there shall be a lot area of not less than five thousand (5,000) square feet for single-family residential uses.

(2) For each family dwelling unit there shall be a lot area of not less than three thousand five hundred (3,500) square feet for two-family residential uses.

(3) For each family dwelling unit there shall be a lot area of not less than two thousand five hundred (2,500) square feet for multi-family residential uses.

(4) For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be not less than one (1) acre.

(5) For mobile home parks the lot area shall be not less than two and one half (2.5) acres.

**(f) Coverage:** Main and accessory buildings shall not cover more than sixty percent (60%) of the lot area on interior lots, and seventy-five percent (75%) of the lot area on corner lots.

#### Section. 24-31. Height Regulations.

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.

#### Section 24-32. Fences, Walls and Hedges:

(A) No fence shall exceed (8) feet in height above ground level.

(B) On any lot, no fence, wall, hedge, or other structure, or planting more than (3) feet in height above curb level shall be erected, placed, or maintained that obstructs view of traffic or encroaches upon city right-of-way.

(C) Materials: All fences must be constructed out of commonly accepted residential fencing material such as wood or chain link.

(D) All fences shall be built within the confines of the property line.

#### Section 24-33 Manufactured and Mobile Homes

1. Manufactured homes are prohibited.

2. Mobile homes are prohibited.

#### Section. 24-34. through 24-40 ( Reserved for Future Use.)

#### Section 24-41. "C" Commercial District

This commercial district is for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of adjacent residential areas.

#### Section. 20-42. Uses Permitted.

Property and buildings in a "C" commercial district shall be used only for the following purposes:

(A) Any public buildings or uses.

(B) Buildings, structures, and accessory uses customarily incidental to retail uses, provided that the only manufacturing of products be limited to that which is necessary for that particular retail business and secondary in nature.

(C) Any store or shop for retail trade or for rendering personal, professional, or business service which does not produce excessive noise, odor, dust, vibration, or traffic.

Section. 24-43. Area Regulations.

(a) Minimum Area: None.

(b) Yard requirements: On a side of a lot adjoining a dwelling district, there shall be a side yard of one (1) foot per each one (1) foot of height.

(c) Buildings shall be required to have a minimum setback of five (5) feet from all interior property lines.

Section. 24-44. Height Regulations.

There shall be a limit of thirty-five (35) feet from the mean lot elevation.

Section. 24-45. Maximum Coverage.

The maximum Coverage of any lot in the "C" District shall not exceed thirty (30) percent of the area of the lot except no maximum coverage requirements are required for the following described property, designated as the central business district, provided that off-street parking requirements as set forth in this Ordinance are satisfied:

High Street, From SW-SE 2nd Street to NW-NE 3rd Street (blocks 5,6,8,9,16, and 17):  
Main Street, From SE-NE A Street to SW-NW C Street (blocks 8,9,16,17,42,43 and 44).

Section. 24-46. Signs and Billboards.

Signs, billboards, posters, bulletin boards, or other similar displays in the "C" District shall conform to the following requirements:

(a) One business sign not exceeding One Hundred (100) square feet in surface area may be erected on each street frontage of the parcel. Ground signs shall not exceed the height of thirty-five (35) feet. No business sign shall be located within fifty (50) feet of a Residential District. Illumination, if any, shall be by constant light.

(b) 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 Antlers 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.

(c) No sign shall be erected in such a way as to obstruct the view of traffic.

(d) A permit shall be required for each permanent sign erected. A permit shall be obtained and approved by the Code Enforcement Officer. Permit cost will be fifty dollars (\$50.00).

Section. 24-47. through 20-83 ( Reserved for Future Use).

Section. 24-48. I-1 Light Industrial District.

The purpose of the I-1 light industrial district is to provide a location for industries which do not by their nature create nuisances. The intent is to preserve this land for industry in a location beneficial to industries and to prohibit nonindustrial uses. Because of the traffic generated and other objectionable influences created in this district, it is necessary to provide a buffer or setback area between this district and any other zoning district except I-2.

Section. 24-49. Standards.

Any use constructed, established, altered, or enlarged in the I-1 light industrial district after the effective date of this ordinance shall be so operated as to comply with the following standards:

(A) No building shall be used for residential purposes, except that a watchman may reside on the premises.

(B) No retail sales or services shall be permitted except as incidental to or accessory to or associated with a permitted use.

(C) No noise from any operation conducted on the premises, other than that emanating from vehicular traffic, either continuous or intermittent, shall be detectable at any boundary line of the I-1 district.

(D) No toxic matter, noxious matter, smoke, gas, or odorous or particulate matter shall be emitted that is detectable beyond the lot lines of the zoning lot on which the use is located.

(E) No vibrations shall be detectable beyond the lot lines of the zoning lot on which the use is located.

(F) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district.

(G) The manufacture of flammable materials which produce explosive vapors or gases is prohibited.

(H) Any operation that produces intense glare or heat shall be performed within a completely enclosed building, and exposed sources of light shall be screened so as not to be detectable beyond the lot lines.

(I) No storage, manufacture, or assembly of goods shall be conducted outside of a building unless the nearest point of said activity is more than two hundred (200) feet from the boundary of any nonindustrial use district, unless such storage shall be so screened by ornamental fencing or evergreen planting so that it cannot be seen by a person standing on ground level in the adjacent district; provided however, that screening shall not be required in excess of seven (7) feet in height. All planting shall be kept neatly trimmed and maintained in good condition at all times.

Section. 24-50. Uses Permitted.

Property and buildings in a I-1 light industrial district shall be used for the following purposes:

(A) Bottling Works.

(B) Building materials manufacturing, storage, distribution, and pole yards.

(C) Commercial radio and television transmitting antenna towers and other electronic equipment requiring outdoor towers, including antenna towers for the dispatching of private messages.

(D) Compounding, processing, and blending chemical products but not including any materials which decompose by detonation.

(E) Dairy products, production, and distribution.

(F) General and administrative offices incidental to permitted uses.

(G) 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.

(H) Mail order houses.

(I) Manufacturing and assembling (or any combination of such processes) products from wood, cork, glass, leather, fur, plastic, felt, and other textiles, but not including, as a principal operation, the processing of any raw materials.

(J) Manufacturing and assembling electrical and electronic products and equipment.



(K) Manufacturing, fabricating, assembling, repairing, storing, and cleaning, servicing or testing any of the following materials, goods or merchandise; apparel, clothing, jewelry, optical goods.

(L) Printing and binding plants,

(M) Public utility distribution centers.

(N) Research laboratories.

(O) Warehouses and storage facilities,

(P) Water filtration plants, pumping stations, reservoirs, and lift stations.

(Q) Accessory uses incidental to and on the same zoning lot as a principal use.

(R) Educational Center

(S) Call Center

#### Section. 24-51. Area Regulations.

There are no requirements for minimum lot area. All buildings and uses hereafter established or enlarged shall comply with the following requirements, a maximum lot coverage (main and accessory and off-street and loading facilities) of eighty percent (80%), minimum front yard setback of twenty-five (25) feet and a side yard setback of twenty-five (25) feet minimum and a rear yard setback of twenty-five (25) feet minimum.

#### Section. 24-52. Height Regulations.

No building or structure shall exceed fifty (50) feet in height, except for chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy which may extend above the height limit.

#### Section. 24-53. Signs and Billboards.

Signs, billboards, posters, bulletin boards, or other similar displays in the "I-1" District shall conform to the following requirements:

(A) 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.

(B) 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.

(C) All signs in the "I-1" 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 Antlers 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.

#### Section. 24-54. I-2 Heavy Industrial District.

The purpose of the I-2 heavy industrial district is to provide a location for industries, which may be their nature create nuisances. The intent is to preserve this land especially for industry in locations with access to major streets as designated on the major street plan, as well as locations generally accessible to railroad transportation. Because of the nuisances or other objectionable influences that may be created in this district, it is necessary to provide a buffer or setback strip between this district and other zoning districts, except I-1.

#### Section. 24-55. Standards.

Any use constructed, established, altered, or enlarged in the I-2 heavy industrial district after the effective date of this ordinance shall be so operated as to comply with the following standards. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the applicable standards established hereinafter for the I-2 heavy industrial district.

(A) No building shall be used for residential purposes, except that a watchman may reside on the premises.

(B) No storage, manufacture, or assembly of goods shall be conducted outside of a building unless the nearest point of said activity is more than two hundred (200) feet from the boundary of any nonindustrial use district, unless such storage shall be so screened by ornamental fencing or evergreen planting that it cannot be seen by a person standing on ground level in the adjacent district, provided however, that screening shall not be required in excess of seven (7) feet in height. All planting shall be kept neatly trimmed and maintained in good condition at all times.

(C) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district.

(D) All manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning, servicing, and testing of goods, water, and merchandise, shall be

carried on in such a manner as not to be injurious or offensive by reason of the emission or creating of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious matter, odorous, glare, or heat, fire, or explosive hazards.

(E) No activities involving storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted.

Section. 24-56. Uses Permitted.

(a) Property and buildings in the I-2 heavy industrial district shall be used for the following purposes:

(A) Any use permitted in the I-1 light industrial district.

(B) Blacksmiths, tinsmiths, and sheet metal shops.

(C) Canning or preserving factories.

(D) Cold storage plants.

(E) Heavy machinery rental, sales, and service.

(F) Machine shops.

(G) Manufacturing, fabricating, assembling, repairing, storing, and cleaning, servicing, or testing, any of the following materials, goods or merchandise.

Beverages (nonalcoholic, processing and bottling).

Building materials specialties.

Compounding and packaging of chemicals.

Cosmetics and toiletries.

Drugs and pharmaceutical products.

Electrical and acoustic products and components.

Food products (except fish, sauerkraut, vinegar, and yeast).

Furniture.

Glass products. Ice, dry and natural.

Medical laboratory supplies, equipment and specialties.

Metal products and utensils.

Musical instruments.

Paper products, including boxes and containers.

Radio, phonograph recorder, and television sets and parts.

Textiles, Toys and children's vehicles.

Trailers and carts.

Wood products, including wooden boxes and containers.

Monumental stone cutting.

Motor freight terminals.

Pattern shops Printing plans.

Soldering and welding shops.

Sign painting.

Railroad yards and switching areas, including lodging and sleeping facilities for transient railroad labor.

Spray painting and mixing.

Bulk fuel sales and storage.

Automobile wrecking and junk yards, provided they are enclosed throughout the entire perimeter by a solid fence not less than eight (8) feet in height. Processing of meat and vegetable products, including the slaughter of animals.

(b) The following uses may be permitted on review by the Board of Adjustment:

Cement, lime or gypsum manufacture.

Commercial feed pens for livestock.

Disposal plants of all types including trash and garbage, sewage treatment including lagoons and compost plants.

Manufactured Homes

Natural gas production and distribution.

Packing house.

Petroleum production and refining.

Sale barn.

Salvage yards for automobiles, building materials, scrap metal, junk or for any other kind of salvage; provided however, that any salvage operation shall be so screened by ornamental walls, fences or evergreen plantings that it cannot be seen by a person standing at ground level at any place immediately adjacent to the lot on which the salvage operation is located.

Wholesale or bulk storage of gasoline, propane or butane or other petroleum products.

Any use not otherwise authorized by this Ordinance.

(C) Uses must be reviewed and approved by the Board of Adjustment before they are permitted.

Section. 24-57. Area Regulations.

- (a) There are no requirements for minimum lot area in the I-2 heavy industrial district.
- (b) Yard requirements include a side yard setback of twenty-five (25) feet minimum when the structure is adjacent to a residential zoned lot.
- (c) Rear Yard: Where a building is to be serviced from the rear there shall be provided an alley, service court, rear yard or combination thereof of not less than thirty (30) feet in width or of adequate area and width to provide for maneuvering of service vehicles, whichever is the greater. In all other cases no rear yard is required; provided, however, that a building shall set back a distance of not less than twenty-five (25) feet from the rear lot line that adjoins a dwelling district.
- (d) Industrial Areas Abutting Residential Areas: Whenever any commercial or industrial or parking lot or parking area is established so as to abut the side or rear line of a lot in a residential district, and opaque ornamental fence, wall or dense evergreen hedge not less than five (5) feet high shall be constructed and maintained in good condition along said side or rear lot line up to, but not beyond, the abutting residential setback building line. In addition, the lighting, including any permitted illuminated sign, shall be arranged so that there will be no annoying glare directed or reflected toward residential building in a residential district.
- (e) Height Regulations: No building or structure shall exceed fifty (50) feet in height, except for chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy which may extend above the height.

Section. 24-58. Signs and Billboards.

Signs, billboards, posters, bulletin boards, or other similar displays in the "I - 2" District shall conform to the following requirements:

- (A) 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 constant light.
- (B) 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.
- (C) All signs in the "I - 2" 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 Antlers 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.

Section. 24-59. F-I Flood Plain District.

This district is intended to comprise those areas which are subject to periodic or occasional inundation and therefore are unsuited for all residential uses and the usual commercial and industrial uses.

Section. 24-60. Uses Permitted.

Property and buildings in the F-1 flood plain district shall be used only for the proposed purposes:

- (A) The growing of agricultural crops and nursery stock, and gardening.
- (B) Public recreation.

Section. 24-61. Minimum Lot Size.

There shall be no requirements for minimum lot area in the F-1 flood plain district.

Section. 24-62. 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 flood plain district:

- (A) Maximum lot coverage by structure shall not exceed fifty percent (50%) of the zoned lot.
- (B) Front yard setback shall be a minimum of twenty-five (25) feet.
- (C) Side yard setback shall be a minimum of five (5) feet.
- (D) Rear yard setback shall be a minimum of twenty percent (20) of the lot depth.

Section. 24-63. Height Limit.

No structure in the flood plain district shall be constructed with a height in excess of thirty-five (35) feet from the average lot elevation.

Section 24-64. Manufactured and Mobile Homes.

1. Manufactured homes are prohibited.
2. Mobile homes are prohibited.

Section. 24-65. Flood Disaster Protection Act of 1973.

All structures which are constructed or commenced on a parcel of land in the flood plain district shall be in compliance with the provisions of the National Insurance Program as set forth under the Flood Disaster Protection Act of 1973.

Section. 24-66. A-1 Agricultural District.

The A-1 agricultural district is established for several purposes: (1) to provide for the continued use of land for predominately agricultural purposes; (2) to preserve undeveloped areas until they can feasible be developed at urban standards and with adequate public safeguards for health, safety, etc.

Section. 24-67. Uses Permitted.

No buildings or use shall hereafter be established or enlarged within the A-1 agricultural district, except a building or use devoted to one of the following purposes:

- (A) Agriculture, as defined in this ordinance;
- (B) Single-family dwellings;
- (C) Churches and temples;
- (D) Elementary schools and high schools;
- (E) Golf courses, but not including golf driving ranges, pitch and putt courses, or miniature golf courses;
- (F) Parks and forest preserves, operated not for profit;
- (G) Temporary buildings and uses for construction purposes only, and not for dwelling purposes, nor for a period that exceeds the completion of the construction;
- (H) Accessory buildings or uses incidental to the foregoing principal uses;
- (I) Municipal or community recreation centers;
- (J) Police or fire stations;
- (K) Public buildings or buildings operated in the public interest by a not-for-profit corporation, including are galleries, post offices, libraries or museums;
- (L) Public or not-for-profit auditoriums, stadiums, arenas, armories, or sanitariums;
- (M) Public or private hospitals or sanitariums;
- (N) Public or private schools and colleges;
- (O) 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. 24-68. Area Regulations.

- (A) The minimum lot area shall be five (5) acres;
- (B) Minimum lot frontage shall be one hundred fifty (150) feet;
- (C) Maximum lot coverage by structure shall not exceed thirty percent (30%) including accessory buildings;
- (D) Maximum building height shall be thirty-five (35) feet;
- (E) Minimum front yard setback shall be fifty (50) feet, except for residential uses which shall be twenty-five (35) feet;
- (F) Minimum side yard setback shall be twenty-five (25) feet;
- (G) Minimum rear yard setback shall be fifty (50) feet.

Section 24-69 Manufactured and Mobile Homes

- 1. Manufactured homes are prohibited.
- 2. Mobile homes are prohibited.

Section. 24-70. through 24-75 ( Reserved for Future Use).

**Article 7. Board of Adjustment**

(Ref. OHS. 1981 & 1984 Sup., Title 11, Article 44)

Section. 24-76. 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.

Section. 24-77. Organization and Procedures.

The zoning board of adjustment shall elect one (1) of its members as chairman to serve of a term one(1) year with eligibility for re-election. 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 witnesses by the vote of each member upon each question, or if absent failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city clerk and shall be a public record. All meetings of the board shall be open to the public.

Section. 24-78. Powers

The zoning board of adjustment shall have the following powers (OHS. 1984 Sup., Title 11 44-104):

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 hear and decide special exceptions to the terms of the ordinance upon which the board of adjustment is required to pass subject to said ordinance.
3. 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 zoning 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.

### Section. 24-79. Votes

In exercising the above powers, the Board of Adjustment shall have the concurring vote of at least three (3) 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 24-80 Exceptions and Variances

1. Exceptions and/or variances may be allowed by the Board of Adjustment, only after notice and hearing as provided in OHS. 1981 Title 11, Section 44-108. The minutes of the meeting at which variance or special exception was granted shall show that each element of a variance or special exception was established at the public hearing on the question, otherwise said variance or special exception shall be voidable on appeal to the district court.

#### 2. Notice and Hearing Requirements

a. Notice of public hearing before the board of adjustment shall be given by publication in a newspaper of general circulation in the municipality where the property is located and by mailing written notice by the clerk of the board of adjustment to all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property. A copy of the published notice may be mailed in lieu of written notice; however, the notice by publication and written notice shall be published and mailed at least ten (10) days prior to the hearing.

b. The notice, whether by publication or mail, of a public hearing before the board of adjustment shall contain:

- (1). Legal description of the property and the street address or approximate location in the municipality;
- (2). Present zoning classification of the property and the nature of the appeal, variance or exception requested; and
- (3). Date, time and place of the hearing.

3. The zoning Board of Adjustment shall establish a fee for exceptions and/or variances, which shall be sufficient to defray the cost of publishing the notice of public hearing and any other costs associated with the hearing; the applicant shall pay such fee to the city clerk upon filing.

### Section. 24-81. Appeals to Board of Adjustment.

1. 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 or city building inspector. Such appeal shall be taken within twenty (20) days of such 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.

2. The zoning Board of Adjustment shall fix a reasonable time for the hearing of the appeal or other matters referred to it, give ten (10) days public notice thereof in a newspaper of general circulation, as well as due notice to any 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.

3. 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 applicant shall pay such fee to the city clerk upon filing the appeal.

#### Section. 24-82 Notice of Appeal to District Court.

An appeal from any action, decision, ruling, adjustment 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 Antlers to the District Court by filing a notice of appeal with the city clerk and with the Board of Adjustment within fifteen (15) 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 Pushmataha the original or certified copy of all the papers constituting the record in the case, together with the order, decision, or ruling of the board.

#### Section. 24-83. 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.

#### Section. 24-84 through 24-86. Reserved.

### **Article 8. Responsibility for Enforcement**

Section. 24-87. Duty of Code Enforcement Official

It shall be the duty of the Code Enforcement Official or Planning Commission to enforce this ordinance. If the zoning administration shall find that any of the provisions of this ordinance are being violated, 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. 24-88. 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 less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

## CHAPTER 25

### MOBILE AND MODULAR HOUSING

#### Article 1. Manufactured Homes.

#### Article 2. Manufactured Home Subdivisions.

#### Article 3. Mobile Home and Recreational Vehicle.

#### Article 4. Mobile Home Subdivisions.

#### Article 5. Miscellaneous Provisions.

#### Article 6. Penalty

#### Section 25- 1. Definitions.

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

1. Add A Room Unit. The term "add a room unit" shall mean a unit of manufactured housing, not designed as a part of the original structure, which may have less occupied space than a manufactured housing section.
2. Approved. The word "approved" shall mean acceptable to the appropriate authority having jurisdiction, by reason of investigation accepted principles, or tests by nationally recognized organizations.
3. Anchoring. System. The term "anchoring system" shall mean an approved system of straps, cables, turnbuckles, chains, ties, or other approved materials used to secure a manufactured or mobile home.
4. ANSI/NFPA 501 A Standard for Installation of (Manufactured) Mobile Homes. The term "ANSI/NFPA 501 A Standard for Installation of (Manufactured) Mobile Homes" shall mean those model mobile homes, as adopted and copyrighted by the National Fire Protection Association and the Manufactured Housing Institute.
5. Building Code. The term "building code" shall mean the officially adopted building code in effect within the Municipality.
6. Expando Unit. The term "expando unit" shall mean an expandable manufactured housing unit.
7. Foundation Code. The term "foundation code" shall mean the "Standard for the Permanent Installation of Manufactured Homes" as adopted by Ordinance.
8. Foundation Siding/Skirting. The term "foundation siding/skirting" shall mean a type of wainscoting constructed of fire and weather resistant material, such as aluminum, treated

pressed wood or other approved materials, enclosing the entire under carriage of the manufactured or mobile home.

9. Health Officer. The term "Health Officer" shall mean the legally designated health authority of the City of Antlers, Oklahoma (or his authorized representative), or the authorized representative of the County Health Department, or the State Department of Health.

10. Inspection Officer. The term "inspection officer" shall mean the Code Enforcement Officer of the City of Antlers, Oklahoma, or his authorized agent.

11. Licensee. The word "licensee" shall mean any person licensed to operate and maintain a mobile home park under the provisions of this Chapter.

12. Manufactured Home. The term "manufactured home" shall mean a dwelling unit fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the federal Manufactured Housing Construction and Safety Standards Code. The three types of manufactured homes (TYPE I, TYPE II, and TYPE III) are defined as meeting all the appropriate requirements of Section 4 of this chapter.

13. Manufactured or Mobile Home Community (Park). The term "manufactured or mobile home community park" shall mean a parcel of land on which two (2) or more manufactured or mobile homes are occupied as residences.

14. Manufactured Home Subdivision. The term "manufactured home subdivision" shall mean a parcel of land platted for subdivision according to all requirements of the comprehensive plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by manufactured homes.

15. Manufactured Housing, Construction and Safety Standards Code. The term "manufactured housing construction and safety standards code" shall mean Title VI of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et sequential), as amended (previously known as the federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), which became effective for mobile/manufactured home construction on June 15, 1976.

16. Mobile Home. The term "mobile home" shall mean a transportable structure larger than three hundred and twenty (320) square feet, designed to be used as a year round residential dwelling, and built prior to the enactment of the federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction June 15, 1976.

17. Mobile Home Dependent. The term "dependent mobile home" shall mean any poses of regulation under this Chapter, a dependent mobile home shall be considered to be the same as a recreational vehicle, unless otherwise specified.

18. Mobile Home Independent. The term "independent mobile home" shall mean any mobile home which meets the minimum gross floor area or habitable space requirement of any municipal regulations, and which has a flush toilet and a bath or shower. Unless otherwise indicated in the text of this Chapter, the term "mobile home" shall mean an independent mobile home.

19. Mobile Home Space. The term "mobile home space" shall mean a plot of ground within a mobile home park designed for the accommodation of one (1) mobile home, and not located on a mobile home sales lot.

20. Mobile Home Subdivision. The term "mobile home subdivision" shall mean any subdivision designed and intended for residential use, where residence is in mobile homes exclusively, and mobile home lots are sold for occupancy.

21. Non Residential Mobile Trailer. The term "nonresidential mobile trailer" shall mean any vehicle having the basic characteristics of either a mobile home travel trailer, but which is used for purposes other than residential and is not being offered for sale (as indicated by clearly displayed sign on or near the trailer).

22. Occupied Space. The term "occupied space" shall mean the total area of earth horizontally covered by the structure, excluding accessory structures, such as, but not limited to, garages, patios and porches.

23. Park. The term "park" shall mean a mobile home and/or recreational vehicle park.

24. Permanent Foundation. The term "permanent foundation" shall mean any structure system for transferring loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

25. Permanent Perimeter Enclosure. The term "permanent perimeter enclosure" shall mean a permanent perimeter system completely enclosing the space between the floor joist of the home and the ground.

26. Permittee. The term "permittee" shall mean any person to whom a temporary permit is issued to maintain or operate a mobile home park under the provisions of this Chapter.

27. Public Water or Sewer System. The terms "public water system" or "public sewer system" shall mean any such system built and owned by, or dedicated to and accepted by, the City of Antlers, Oklahoma; all other such systems shall be deemed private systems.

28. Recreational Vehicle. The term "recreational vehicle" shall mean a portable vehicular structure not built to the federal Manufactured Housing Construction and Safety Standards Code (or the obsolete ANSI 119.1 Mobile Home Design and Construction Standard) designed for travel, recreational camping or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, and including but not limited to, travel and camping trailers, truck campers, and motor homes.

29. Recreational Vehicle Park. The term "recreational vehicle park" shall mean any plot of ground upon which two (2) or more recreational vehicles, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

30. Recreational Vehicle Space. The term "recreational vehicle space" shall mean a plot of ground within a recreational vehicle park designed for accommodation of one (1) recreational vehicle.

31. Rural Area. The term "rural area" shall mean any area within the existing or future corporate boundaries of the City of Antlers, Oklahoma, which is Zoned agriculturally; this shall not include areas Zoned for low density, residential estates type uses.

32. Section. The word "section" shall mean a unit of a manufactured home at least ten (10) body feet in width and thirty (30) body feet in length.

33. Service Building. The term "service building" shall mean any building housing toilet and bathing facilities for men and/or women, and may also include buildings containing laundry facilities and other facilities, as required by this Chapter or desired by the park operator.

34. Special Exception Permit. The term "special exception permit" shall mean a device for permitting a use within a district other than a principally permitted use.

35. Support System. The term "support system" shall mean a pad or a combination of footings, piers, caps, plates, and shims, which, when properly installed, support the manufactured or mobile home.

36. Urban. The word "urban" shall mean all areas within the existing or future corporate boundaries of the City of Antlers, Oklahoma, Zoned for urban intensity development.

#### Section 25-2 . Permitted Placement.

The establishment, location, and use of manufactured homes as permanent or temporary residences shall not be permitted in any zone.

#### Section 25-3. Nonresidential Mobile Trailers.

1. No nonresidential mobile trailers shall be permitted in the City of Antlers, Oklahoma.



2. Operation of nonresidential trailers by contractors or construction projects for which building permits have been issued or which are otherwise approved by governmental units is permitted during the term of such construction project, without issuance of a license.

Section 25-4. Nonconforming Homes.

1. A manufactured or mobile home placed and maintained on a tract of land and deemed to be a legal nonconforming use prior to the adoption of this ordinance, shall continue to be a legal nonconforming use. If the nonconforming use is discontinued, the land thereafter must be used in conformity with all provisions of the Zoning Ordinance.

Section 25-5. Structural Additions or Alterations.

1. Due to its integral design, any structural alteration or modification of a manufactured or mobile home after it is placed on the site must be approved by the Building Inspector or other authorized administrative official of the City of Antlers, Oklahoma. All structural additions shall comply with the City of Antlers Building Codes.

Sections 25-6 through 25- 9. (Reserved for future use.)

**Article 1. Manufactured Homes.**

The establishment, location, and use of manufactured homes as permanent or temporary residences shall not be permitted in any zone.

**Article 2. Manufactured Home Subdivision.**

Section 25-10. Manufactured Home Subdivisions.

1. Manufactured home subdivisions shall comply with the adopted Subdivision Regulations and Zoning Ordinance of the City of Antlers, Oklahoma, except as otherwise provided herein.

2. The minimum size of a manufactured home subdivision shall be five (5) acres.

3. Type III manufactured homes and mobile homes are not permitted in manufactured home subdivisions.

Section 2- 11 through 25-15. (Reserved for future use.)

**Article 3. Mobile Home and Recreational Vehicle Parks.**

Section 25-16. Licenses and Temporary Permits. Requirements: Procedures: Fees.

1. It shall be unlawful for any person to construct, maintain or operate any mobile home park or recreational vehicle park within the limits of the City of Antlers, Oklahoma, unless he holds a valid license issued annually by the inspection officer of the City of Antlers, Oklahoma, in the name of such person for the specific mobile home park, except that the maintenance or operation of a mobile home park or recreational vehicle park in existence on the effective date of this Chapter may be continued under a temporary permit for such period of time and under such conditions as are hereinafter described.

2. Application shall be made to the inspection officer who shall issue a license upon compliance by the applicant with all pertinent provisions of this and other ordinances and regulations of the City of Antlers, Oklahoma. Every person holding such a license shall notify the inspection officer in writing within twenty four (24) hours after having sold, transferred, given away or otherwise disposed of, interest in or control of, any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park or recreational vehicle park.

3. Application for original licenses shall be in writing, signed by the applicant, and accompanied by an affidavit of the applicant as to the truth of the application, and shall contain the following:

- a. Name and address of the applicant;
- b. The interest of the applicant in, and the location and legal description of, the park;
- c. A complete plan of the park, showing compliance with all applicable provisions of this Chapter and regulations promulgated thereunder; and
- d. Such further information as may be requested by the inspection officer.

4. Applications for renewals of licenses shall be made, in writing, by the holder of the license and shall contain the following:

- a. Any change in the information submitted since the time the original license was issued, or the latest renewal granted; and
- b. Other information requested by the inspection officer.

5. A complete plan, for the purpose of obtaining a license to be issued, shall show:

- a. The area and dimensions of the tract of land;
- b. The number, locations and size of all mobile home or recreational vehicle spaces;
- c. The location and width of roadways, walkways, buffer strips and recreational areas;
- d. The location of service buildings and other proposed structures;

- e. The location and size of utility lines and treatment facilities; and
- f. Plans and specifications of all buildings and other improvements constructed, or to be constructed, within the park.

6. Whenever the Inspection Officer finds conditions existing in violation of this Chapter, or of any regulation adopted pursuant thereto, he shall give notice, in writing, to the person to whom the license was issued, that, unless such conditions or practices be corrected within a reasonable period of time (specified in the notice), the license will be suspended. At the end of such period, not to exceed ninety (90) days, the Inspection Officer shall re inspect such park, and, if such conditions or practices have not been corrected, he shall suspend the license and give notice, in writing, of such suspension to the person to whom the license was issued. Upon receipt of notice of suspension, such person shall cease operation of such park except as may be provided hereinafter.

7. Any person whose permit has been denied or suspended, or who has received notice from the inspection officers that his permit will be suspended unless certain conditions or practices at the park are corrected, may request and shall be granted a hearing on the matter before the City Council; provided, that when no petition for such hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such license shall be deemed to have been automatically revoked at the expiration of such ten (10) day period.

8. Mobile home and recreational vehicle parks in existence upon the effective date of this Chapter, which have concrete pads indicating the location of mobile home or recreational vehicle spaces, need not comply with those Sections of this Chapter which would require the moving of concrete pads. They must, however, comply with all other requirements and any park expansion shall be in full compliance with provisions of this Chapter.

9. The City Clerk shall charge and collect for each mobile home and/or recreational vehicle park an initial license or temporary permit of not to exceed twenty-five dollars (\$25.00) per space. The initial license or temporary permit shall expire one (1) year from the date of issue, unless renewed upon such conditions as the City Council may, by Ordinance or resolution, direct.

#### Section 25-17. Inspection of Mobile Home and Recreational Vehicle Parks

1. The Inspection Officer is hereby authorized and directed to make inspections to determine the condition of mobile home and recreational vehicle parks located within the City of Antlers, Oklahoma, in order to perform his/her duty of safeguarding the health and safety of occupants of mobile home parks and of the general public.

2. The Inspection Officer shall have the power to inspect the outside premises of the private or public property for the purposes of inspecting and investigating conditions relating to the enforcement of this Chapter or of regulations promulgated thereunder.

3. The Inspection Officer shall have the power to inspect the register containing a record of all mobile homes and occupants using the park.

4. It shall be the duty of every occupant of a park to give the owner thereof, or his agent or employee, access to any part of such mobile home or recreational vehicle park, or their premises, at reasonable times for the purpose of making such repairs or alterations adopted thereunder, or with any lawful order issued pursuant to the provisions of this Chapter.

#### Section 25-18. Notices, Hearings and Orders.

1. Whenever the Inspection Officer determines violations of pertinent regulations exist, he shall notify the licensee or permittee of such alleged violation. Such notice shall:

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

2. Any person affected by any notice issued under this Chapter or resulting regulations, may request and shall be granted a hearing on the matter before the Board of Adjustment; provided, that such person shall file with the inspection officer a written request for such hearing, setting forth briefly the grounds for such request, within ten (10) days after the day notice was served. The filing of such request shall stay the notice of suspension of permits and licenses, except in cases of orders issued under Subsection 5, below. The hearing shall be held at the next Board of Adjustment meeting for which the agenda has not been completed, or at a later meeting if so requested by the petitioner, should the inspection officer determine sufficient cause for such delay exists.

3. After such hearing, the health and/or inspection officer shall compile the findings of the Board of Adjustment as to compliance with this Chapter and pursuant regulations, and shall issue an order, in writing, sustaining, modifying or withdrawing the prior notice which shall be served as provided in Subsection 4 (below). Upon failure to comply with such order, the permit of the mobile home park or travel trailer park shall be revoked.

4. Appeals from decisions of the Board of Adjustment shall be to the District Court.

5. Whenever the inspection officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency, including the suspension of the

permit. Notwithstanding any other provisions of this Chapter, such order shall be effective immediately. Any person to whom such an order is directed, shall comply therewith immediately, but upon petition to the City Council, shall be afforded a hearing at the next regular meeting, even if the agenda has been completed. The provisions of Subsections 3 and 4 (above) shall be applicable to such hearing and the order issued thereafter.

#### Section 25-19. Supervision.

The licensee permittee or a duly authorized attendant or caretaker, shall be charged at all times with keeping the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this Chapter to which the licensee or permittee is subject.

#### Section 25- 20. Posting of License and Temporary Permit.

The license certificate or temporary permit shall be conspicuously posted in the office of, or on the premises of, the mobile home park or the travel trailer park at all times.

#### Section 25-21. Location and Design Consideration for Mobile Home and Recreational Vehicle Parks.

1. Parks shall be of three (3) types: (a) mobile home parks, (b) recreational vehicle parks and (c) mixed mobile home and recreational vehicle parks. No recreational vehicle shall be located in a mobile home park. No mobile home shall be located in a recreational vehicle park. In a mixed park, separate areas shall be reserved for mobile homes and for travel trailers; no mobile home shall be permitted in the travel trailer sector; no travel trailer shall be permitted in the mobile home sector.

2. All mobile home parks shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water; drainage shall not endanger any water supply.

3. The minimum area of any park shall be five (5) acres. Parks in existence on the effective date of this Chapter can continue to operate with less than five (5) acres area; however, if the park is to be expanded, it must at that time have a minimum area of five (5) acres.

4. Intensity of development shall be limited to no more than ten (10) mobile homes per gross acre for a mobile home park, and no more than fifteen (15) recreational vehicles per gross acre, for a recreational vehicle park. (Area used for sewerage treatment facilities shall not be included in density computations). Mobile home spaces shall be at least thirty (30) feet wide where pads are closest to driveways. Recreational vehicle spaces shall be at least twenty five (25) feet wide where recreational vehicles are located closest to the driveway.

5. Every mobile home and recreational vehicle space shall be clearly defined. Mobile homes and recreational vehicle shall be parked in such spaces, so that, at the nearest point, they shall be ten (10) feet from the service road, five (5) feet from the rear lot line and at least thirty (30) feet from any other mobile home or recreational vehicle.

6. It shall be unlawful to locate a mobile home or recreational vehicle less than twenty five (25) feet from any public street or highway right of way, or so that any part of such mobile home or recreational vehicle will obstruct any roadway or walkway of such park.

7. It shall be unlawful to permit a mobile home to occupy a recreational vehicle space, a recreational vehicle to occupy a mobile home space and for any mobile home or recreational vehicle to be located in a park unless in a designated mobile home or recreational vehicle space.

8. All mobile home spaces shall abut upon a sealed surface driveway of not less than twenty (20) feet in width, if on street parking is prohibited, and twenty six (26) feet in width, if on street parking is permitted on one (1) side of the street only. Driveways must have unobstructed access to a public street or highway.

9. In mobile home or recreational vehicle parks existing at the effective date of this Chapter, parking on or adjacent to the street within the park is permissible as long as it does not obstruct free movement of traffic. Whether or not a safety hazard exists is a question to be determined by the Planning Commission, with final appeal to the Board of Adjustment. If, upon final appeal before said Board of Adjustment, it is determined that a safety hazard does in fact exist, the mobile home or recreational vehicle park concerned will be required to comply with the following provisions:

a. In new mobile home parks, at least two (2) clearly defined parking spaces will be provided for each space either on or adjacent to the space.

b. In new recreational vehicle parks, at least one (1) parking space shall be provided for each space either on, or adjacent to, the space.

10. All driveways and walkways within a park shall be at least asphalt oil rock sealed and surfaced.

11. In the "urban area", new mobile home parks should abut, and have their major means of ingress and egress on, at least a secondary thoroughfare. Recreational vehicle parks and mixed parks in the urban area shall abut, and have their major means of ingress and egress on, at least a primary thoroughfare.

12. All mobile home parks shall have and maintain a solid screened fence of not less than six (6) feet in height along all park boundaries not bordering a street. Material shall be of any standard fencing material, provided that such screening fence shall provide a visibility barrier and shall be of sufficient strength to withstand normal winds and other weather occurrences common to the area.

Section 25-21. Service Building for Recreational Vehicle Parks.

1. Each recreational vehicle park shall be provided with at least one (1) service building adequately equipped with flush type toilet fixtures and other sanitary facilities, as required in this Chapter. No service building shall contain less than one (1) toilet for females, one (1) toilet for males, one (1) lavatory and shower or bathtub for each sex, and one (1) laundry tray. All sanitary facilities required by this Chapter shall be located in service building.

2. Each park accommodating recreational vehicles shall provide the following:

a. Toilet facilities for males shall consist of not less than two (2) flush toilets and one (1) urinal for the first ten (10) recreational vehicles or fraction thereof, and for recreational vehicles in excess of ten (10), not less than one (1) additional flush toilet and one (1) additional urinal for every ten (10) additional recreational vehicles or fractional number thereof.

b. Toilet facilities for females shall consist of not less than two (2) flush toilets for the first six (6) recreational vehicle spaces, or any less number thereof, and for recreational vehicle spaces in excess of six (6), not less than one (1) additional flush toilet for every ten (10) additional recreational vehicle spaces in excess of six (6), not less than one (1) additional recreational vehicle spaces, or fractional number thereof.

c. Each sex shall be provided with not less than two (2) lavatories and two (2) showers or bathtubs, with individual dressing accommodations for the first ten (10) recreational vehicle spaces or any less number thereof, and for recreational vehicle spaces in excess of ten (10), not less than one (1) additional lavatory and one (1) additional shower or bathtub, with individual dressing accommodations for every ten (10) additional recreational vehicle spaces, or fractional number thereof.

d. Each toilet for females and each shower or bathtub with individual dressing accommodations for females shall be in a private compartment or stall.

e. The toilet and other sanitation facilities for males and females shall either be separate buildings or shall be separated, if in the same building, by a soundproof wall .

3. Recreational vehicle spaces shall not be more than two hundred (200) feet from a private building.

4. Service buildings shall:

- a. Be located twenty five (25) feet or more from any recreational vehicle space;
- b. Be of permanent construction and be adequately lighted;
- c. Be of moisture resistant material, to permit frequent washing and cleansing;

d. Have adequate heating facilities to maintain a temperature of seventy degrees (70) Fahrenheit during cold weather, and to supply adequate hot water during time of peak demands; and

e. Have all rooms well ventilated, with all openings effectively screened.

5. All service buildings and the grounds of the park shall be maintained in a clean condition and kept free of any condition that will menace the health of any occupant or the public or constitute a menace.

#### Section 25-22. Sewage Disposal for Mobile Home Parks

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

2. Each mobile home space shall be provided with at least a three (3) inch sewer connection at least four (4) inches above the surface of the ground. The sewer connection should be protected by a concrete collar at least four (4) inches thick and have a minimum outside diameter of twenty four (24) inches. The sewer connection shall be fitted with a standard ferrule and close nipple, and provided with a screw cap. Connection between the mobile home drain and the sewer must be watertight and self draining. Mobile homes with fixtures from which back siphonage may occur shall not be connected to the park's water system until the defect has been corrected.

3. In the event that a public water system is, or becomes available, within three hundred (300) feet of a mobile home or recreational vehicle park, connection must be made to the public system within one hundred and eighty (180) days.

4. The design of private sewage treatment facilities shall be based on the maximum capacity of the park. Effluents from sewage treatment facilities shall not be discharged into the watersheds or any other waters of the State. The disposal facilities shall be located where they will not create a nuisance or health hazard to the mobile home park or to the owner or occupants of any adjacent property. The Oklahoma State Department of Health must approve the type of treatment proposed and the design of any disposal facilities and sewer systems, prior to construction.

5. Every mobile home occupying a mobile home park space shall tie onto the park sewerage system and shall dump any accumulated wastes into the system. Every recreational vehicle shall dump all accumulated waste into a receptacle provided in the travel trailer park upon entering and upon leaving the park. Such receptacles must be approved by the Oklahoma State Department of Health. Any other dumping of accumulated waste within the City of Antlers, Oklahoma, is prohibited.



6. The monthly sewerage charge shall be based on the maximum mobile home or travel trailer capacity of the park. The park operator shall, by the 10th of each month, notify the City Clerk of the maximum number of mobile home spaces in use at any one (1) time during the previous month. The City Clerk shall then adjust the sewerage fee to the actual use of the park. Should the park operator fail to notify the City Clerk of the prior month's actual usage of trailer or mobile home spaces, the sewerage fee shall be levied on the maximum capacity of the park.

7. Sewer connections shall be watertight. Park licensees shall maintain trailer and mobile home connections to sewer and water systems in good condition and be responsible that there is no sewerage or water leakage on park premises.

8. No sewer connections shall be made to travel trailer spaces.

#### Section 25-23. Water Supply For Mobile Home Parks.

1. An accessible, adequate, safe and potable supply of water shall be provided in each park, capable of furnishing a minimum of two hundred and fifty (250) gallons per day, per mobile home space.

2. The water system of the mobile home park shall be connected by pipes to all buildings and all mobile home spaces. Each mobile home shall be provided with a cold water tap at least four (4) inches above the ground. An adequate supply of hot water shall be provided at all times, in the service buildings, for all bathing, washing and cleaning.

3. All water piping shall be constructed and maintained in accordance with State and local Law. The water piping system shall not be connected with non potable or questionable water supplies, and shall be protected against the hazards of backflow or back siphonage. All water connections shall be weather tight.

4. Where drinking fountains are provided for public use, they shall be of a type and in locations approved by the Inspection Officer.

5. Individual water service connections which are provided for direct use by mobile homes shall be of such construction so that they will not be damaged by the parking of such mobile homes or travel trailers. The park system shall be adequate to provide twenty (20) pounds per square inch of pressure at all mobile home or connections.

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

7. No well casing, pumps, pumping machinery or suction pipes shall be located in any pit, room or space extending below ground level, nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface. All floors shall be watertight and sloped from the pump pedestal to the drain, and floors shall extend at least two (2) feet

from the well in all directions. The pedestal shall not be less than twelve (12) inches above the floor. This shall not be construed as prohibiting submersible pumps.

8. All water storage reservoirs shall be watertight, and constructed of impervious material; all overflows and vents of such reservoirs shall be effectively screened. Open reservoirs are prohibited. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated material. Overflow pipes from a reservoir shall not connect to any pipe in which sewage or polluted water may back up.

9. Underground stop and waste cocks shall not be installed on any connection.

10. No water well shall draw water from any sands reserved to the City of Antlers, Oklahoma, for its use, except as may be otherwise permitted by Ordinances of the City of Antlers, Oklahoma.

11. No water connections shall be made to travel trailer spaces.

#### Section 25-24. Refuse Disposal for Mobile Home Parks.

1. The storage, collection and disposal of refuse in the park shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

2. All refuse shall be stored in fly tight, water tight and rodent proof containers, which shall be located within one hundred and fifty (150) feet of any mobile home or recreational vehicle space. Containers shall be provided in sufficient numbers and capacity to properly store all refuse.

3. Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. Lids for containers shall be permanently connected to racks or holders with chains or other flexible materials.

4. All refuse shall be collected at least once weekly, or as otherwise required by the Inspection Officer. Where municipal garbage collection is not available, the mobile home park operator shall either employ a private agency or provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

5. When municipal refuse disposal service is available, it must be used.

#### Section 25-25. Insect and Rodent Control.

1. Insect and rodent control measures to safeguard public health, as required by the Inspection Officer, shall be applied in the park.

2. Effective larvicidal solutions may be required by the inspection officer for fly or mosquito breeding areas which cannot be controlled by other, more permanent measures.
3. The inspection officer may require the Park operator to take suitable measures to control other insects and obnoxious weeds.
4. Accumulations of debris which may provide harborage for rodents shall not be permitted in the mobile home park.
5. When rats or other objectionable rodents are known to be in the park, the park operator shall take definite action, as directed by the inspection officer, to exterminate them.

#### Section 25-26. Electricity: Exterior Lighting.

1. An electrical outlet supplying at least sixty (60) amperes shall be provided for each mobile home space. The installation shall comply with all applicable State and local electrical codes and ordinances. Such electrical outlets and extension lines shall be grounded and weatherproofed. Plug receptacles shall also be grounded and weatherproofed. No power supply line shall be permitted to lie on the ground, and no main power line shall be suspended less than eighteen (18) feet above the ground, unless otherwise approved by the inspection officer.
2. Streets and driveways within mobile home and recreational vehicle parks shall be lighted with street lights meeting the current standards of the Illuminating Engineering Society or one half ( $\frac{1}{2}$ ) candlepower, whichever be higher.

#### Section 25-27. Fuel.

All piping from outside fuel storage tanks or cylinders to mobile homes shall be of acceptable material, as determined by the inspection officer, and shall be permanently installed and securely fastened in place. All fuel storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath the mobile home or less than five (5) feet from any mobile home exit.

#### Section 25-28. Fire Protection.

1. Park areas shall be kept free of litter, rubbish and other flammable materials.
2. Where the water supply system does not provide at least six (6) inch water mains, there shall be provided a two (2) inch, frost protected water riser within three hundred (300) feet of each mobile home or building.
3. Fires shall be made only in stoves and other cooking and/or heating equipment intended for such purposes.

#### Section 25-29. Alterations and Additions.

1. All plumbing and electrical alterations or repairs in the park shall be made in accordance with applicable local regulations.
2. Skirting of mobile homes is permissible but areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard.
3. A permit issued by the inspecting officer shall be required before any construction on a mobile home space or any structural addition or alteration to the exterior of a mobile home takes place. No construction, addition or alteration to the exterior of a mobile home located in a mobile home park shall be permitted unless of the same type of construction or materials as the mobile home affected. All such construction, additions or alterations shall be in compliance with applicable local and State laws. No permit shall be required for the addition of steps canopies, awnings or antennas.
4. No structure, other than a mobile home, shall be permitted on a mobile home space, except one (1) structure of not to exceed one hundred and seventy five (175) cubic feet, to be used for storage, may be allowed on each such space.

Section 25-30. Registration of Owners and Occupants.

1. Each licensee or permittee shall keep a register containing a record of all mobile home and recreational vehicle owners and occupants located within the park. The register shall contain the following information:
  - a. The name and address of the owner or occupant of each mobile home, and motor vehicle by which it is owned;
  - b. The make, model, year and license of each mobile home and motor vehicle;
  - c. The state, territory or country issuing such license;
  - d. The date of arrival and of departure of each mobile home; and
  - e. Whether or not each mobile home is a dependent or independent mobile home.
2. The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register record of each occupant registered shall not be destroyed for a period of one (1) year, following the date of departure of the registrant from the park.

Section 25-31 through 25-35. (Reserved for future use.)

**Article 4. Mobile Home Subdivisions**

Section 25-36. Mobile Home Subdivisions.

1. Mobile home subdivisions shall comply with the adopted Subdivision Regulations and Zoning Ordinance of the City of Antlers, Oklahoma, except as otherwise provided herein.
2. The minimum size of a mobile home subdivision shall be five (5) acres.
3. No residences except mobile homes shall be permitted in a mobile home subdivision.
4. Minimum effective lot widths in a mobile home subdivision shall be fifty (50) feet, measured at the front building line, and minimum lot areas shall be five thousand (5,000) square feet; provided that at least a ten (10) foot side yard shall be provided on each lot beyond any mobile home and additions thereto; and further provided, that in areas not serviced by a public sewer, the minimum additional lot area shall be determined by the health officer on the basis of safe and sanitary sewer service. The effective lot width of a mobile home lot shall be determined, for interior lots, by measuring at right angles across the lot from one (1) diagonal side line to the other, and for corner lots, the measurement shall be made at right angles from the diagonal having the greatest divergence from perpendicular to the street, through the midpoint of the rear line of the required front yard, to the opposite lot line, or an extension thereof.
5. Side lines of lots in mobile subdivisions need not be at right angles to straight street lines or radial to curved street lines.
6. Regardless of the effective lot width, mobile home subdivision lots must abut a public street for at least twenty five (25) feet.
7. All mobile home subdivisions, except those developed under Residential Estate Zoning District Standards, shall have a privacy fence not less than 6 feet in height.

Sections 25-37 through 25-40. (Reserved for future use.)

### **Article 5. Miscellaneous Provisions**

Sections 25-41 through 25-50. (Reserved for future use.)

### **Article 6. Penalty**

Section 25-51. Penalty

Any person, firm or corporation who violates any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and cost as provided for in Section 10- 20 of this Code. Each day upon which such violation continues shall be deemed a separate offense.

## Chapter 26

### SUB DIVISION REGULATIONS

#### Article 1. General Provisions.

#### Article 2. Minimum Design Standards

#### Article 3. Plats Submission and Approval

#### Article 4. Administration and Amendment.

#### Article 5. Improvements.

### Article 1. General Provisions

#### Section. 26-1. Application of Ordinance.

Any plat hereafter made for each subdivision or each part thereof lying within Antlers, Oklahoma, shall be prepared, presented for approval, and recorded as herein prescribed. The requirement contained herein shall apply to the subdivision of a lot, tract or parcel of land into two or more lots or other divisions of land for the purpose of transfer of ownership or development, whether immediate or future, including all changes in street or lot lines, provided, however, that divisions of land for agricultural purposes into parcels or tracts of five (5) acres or more, as permitted in the A 1 Agricultural District of the Antlers Zoning Ordinance and not involving any new street or nonpublic utility easement or access, shall be exempt from the requirements of this ordinance.

#### Section. 26-2. Approvals Necessary for Subdivision Plats.

Before any plat shall be recorded or be of any validity, it shall have been reviewed by the planning commission and either approved or rejected and shall have been approved by the City Council as having fulfilled the requirements of this ordinance and the zoning ordinance of Antlers said approval of the board of trustees must be clearly affixed on all pages of said plat along with the date thereof.

#### Section. 26- 3. Definitions.

For the purpose of these regulations certain terms used herein are defined as follows:

1. Alley-- A minor right-of-way dedicated to public use not more than thirty (30) feet wide affording a secondary means of access of abutting property and not intended for general traffic circulation or primary access to residential property.
2. Block--A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights of way, or parks, etc., or a combination thereof.

3. City--Whenever the word "City" is used herein, it shall mean the City of Antlers.
4. Court--A secondary designation following a street name, used only when street alignment is such that a short street is created that does not warrant a new street name.
5. Cul De Sac--A street having one end open to traffic and the other end being permanently terminated by a vehicle turnaround.
6. Easement--A grant by the property owner to the public, a corporation, or persons of the use of a strip of land for specific purposes.
7. Improvements--Street pavements, with curbs and sidewalks, pedestrian ways, water mains, sanitary and storm sewers, permanent street monuments, trees and other appropriate items.
8. Lot--A portion of a subdivision, or other parcel of land intended as a unit of transfer of ownership or for development.
9. Master Plan--The comprehensive plan made and adopted by the planning commission indicating the general locations recommended for the major thoroughfares, streets, parks, public buildings, zoning districts, and other public improvements.
10. Monument--A post made of iron pipe filled with concrete, the lower end of the pipe being split and spread to form a base and the upper end being fitted with a brass end for identifying marks.
11. Pedestrian Way--A right of way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
12. Place--A secondary designation following a street name, used only when street alignment is such that a short street is created that does not warrant a new street name.
13. Setback Lines or Building Lines--A line on a plat generally parallel to the street right of way, indicating the limit beyond which building or structures may not be erected.
14. Staff--Any person or persons, hired or retained by the planning commission as an employee or consultant.
15. Street--A right of way, dedicated to public use or a private right of way serving more than one ownership, which provides principal vehicular and pedestrian access to adjacent properties.
16. Street, Dead End--A street similar to a cul de sac, but providing no turnaround at its closed end.



17. Streets Major Thoroughfare--A street which serves or is intended to serve as a major traffic-way and is designated as such on the traffic-ways plan. It will have controls on access and specific construction requirements.

18. Street Collector—A street which serves or is intended to serve as a principal trafficway between separated areas or districts and which is the main access to the primary street system.

19. Street Frontage--A minor street which is parallel to and adjacent to major streets, trafficways, highways, or railroad right of way and which provides access to abutting properties and protection from through traffic.

20. Street Residential--A street of limited length, which serves or is intended to serve the local needs of a neighborhood.

21. Subdivider (Developer)--A person, firm or corporation undertaking the subdividing or the resubdividing of a lot, tract, or parcel of land into two or more lots, or other ownership of development, whether immediate or future, including all changes in street or lot lines.

22. Subdivision--A division of lot, tract, or parcel of land into two or more lots or other divisions of land for the purpose of transfer of ownership or development, whether immediate or future, including all changes in street or lot lines, provided, however, that divisions of land for agricultural purposes into parcels of tracts of five (5) acres or more as permitted in an A 1 Agricultural District or the Antlers Zoning Ordinance, and not involving any new street or easement of access, shall not be deemed a subdivision. The division of land into parcels or tracts of ten (10) acres or less for purposes other than agricultural as permitted in an A 1 Agricultural District shall be deemed a subdivision.

23. Superblock--A block of exceptionally large size in both dimensions, with access to interior lots by cul de sacs branching in from surrounding streets and providing one or more open spaces.

## **Article 2. Minimum Design Standards.**

### **Section. 26-4. Blocks.**

1. Block Length- In general, intersecting streets, determining block lengths, shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets or customary subdivision practices in the neighborhood. Where no existing plats control the blocks in residential districts shall normally not exceed one thousand three hundred twenty (1,320) feet in length, except that in outlying subdivisions a greater length may be permitted where topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred (800) feet pedestrian ways and/or easements shall be

provided and shall have a minimum width of twenty (20) feet. Blocks for business use should normally not exceed six hundred (600) feet in length.

Section. 26-5. Streets and Alleys.

1. Arrangement of major streets in the subdivision shall conform as nearly as possible to the master plan adopted by the City planning commission, and provision shall be made for the extension of major and secondary thoroughfares. Except for courts, places, and cul de sacs, streets normally shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts.

2. Minor streets should be so planned as to discourage their use by non-local traffic. Dead end streets are prohibited but places, courts, or cul de sacs will be permitted where topography or other conditions justify their use. Cul de sacs shall normally not be longer than five hundred (500) feet including a turnaround which shall be provided at the closed end, with an outside curb radius of at least forty (40) feet and right of way radius of not less than fifty (50) feet.

3. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the subdivided portion shall be prepared and submitted by the subdivider.

4. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivisions, with provision for adequate utility connections for such resubdivision.

5. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. The minimum angle of intersection of the streets generally shall be sixty (60) degrees.

6. Wherever the proposed subdivision contains or is adjacent to a railroad right of way or the right of way of a limited access major thoroughfare, provision should be made for a marginal access street approximately parallel and adjacent to the boundary of such right of way, or for a street at a distance suitable for the appropriate use of land between such street and the right of way. Such distance shall be determined with the consideration of the minimum distances required for approach connections to future grade separations, or for lot depths.

7. Alleys shall be provided in commercial and industrial districts, except that this requirement may be waived where other definite and assured provision is made for service access such as off street loading, unloading and parking consistent with and adequate for the uses proposed. Except where justified by special conditions, such as the continuation of an existing alley in the same block, alleys will be discouraged in residential districts. Alleys, where provided, shall not be less than twenty (20) feet wide. Intersecting

alleys shall have corner cutoffs of at least twenty (20) feet on a side, dead end alleys shall be avoided wherever possible, but if unavoidable, such dead end alleys may be approved if adequate turnaround facilities are provided at the closed end.

8. Dedication of half streets will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations. Where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided or where it becomes necessary to acquire the remaining half by condemnation so it may be improved in the public interest.

9. For all public ways hereafter dedicated and accepted, the minimum right of way widths for streets, alleys, or pedestrian ways included in any subdivision shall not be less than the minimum.

Dimensions for Each Classification as Follows:

Major Thoroughfares All 80 feet  
Collector Streets- Industrial 60 feet Residential 40 feet  
Minor Streets Residential 40 feet Frontage Streets 30 feet  
Alleys All 20 feet

Where existing or anticipated traffic on primary and secondary thoroughfares warrant greater widths of right of way, these shall be required.

Drainage Easement

A drainage easement, in addition to the provided right of way width, may be required where streets parallel streams of drainage area. The width of drainage easements shall be determined by the town engineer, said town engineer shall notify the developer and the planning commission in writing of his determination.

10. Minimum pavement widths for all streets, measured from the face of the curb, and for all alleys and walks included in any subdivision shall not be less than the minimum dimension for each classification as follows:

Major Thoroughfares All 48 feet (4 lanes 12')  
Collector Streets Industrial 44 feet (4 lanes 11') Residential 38 feet  
Minor Streets  
Residential 26 feet Frontage 32 feet

11. Street Grades The grades in all streets, alleys, and pedestrian ways or pedestrian ways included in any subdivision shall not be greater than the maximum grades for each classification as follows, except where topographical conditions unquestionably justify a departure from this maximum:

Major Thoroughfares All 5%  
Collector Streets Industrial 5% Residential 7%  
Minor Streets  
All 10%

12. Street Alignment- The horizontal and vertical alignment on all streets, except in unusual cases, shall be as follows:

Major Thoroughfare -All 500 feet  
Collector Streets- Industrial 300 feet Residential 250 feet  
Minor Streets- All 140 feet

There shall be a tangent between all reversed curves of a length in relation to the radii of the curves so as to provide for a smooth flow of traffic.

Vertical--All changes in street grade shall be connected by vertical curves of such length as to provide for the minimum sight distances required. The minimum sight distances required are as follows:

Major Thoroughfares All 600 feet  
Collector Streets Commercial 500 feet Residential 300 feet  
Minor Streets  
All 200 feet

13. Curb Radii--Where two minor streets intersect at approximately right angles, so that the smallest angle of intersection is not less than eighty (80) degrees, or where two or more secondary or major thoroughfares meet, cross, or otherwise intersect in any combination the curb radii at such intersections shall be subject to the approval of the town.

#### Section. 26-6. Lots.

(a) The minimum width of a lot for residential development shall be fifty (50) feet at the front building line for lots whose side lines are radial to curbed streets and the depth of the lot shall be not less than one hundred (100) feet, except in unusual situations. In no case shall a lot in a residential district contain less than seven thousand (7,000) square feet. Excessive depth in relation to width shall be avoided.

(b) In subdivisions where septic tanks or other individual sewage disposal devices are to be installed, the size of all lots included in such subdivision shall be subject to the approval Oklahoma D.E.Q.

(c) Corner lots for residential use shall have additional width to permit appropriate building setback from both streets.

(d) Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

(e) Double frontage lots shall be avoided.

(f) Every lot shall abut on a street other than an alley.

(g) Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the zoning ordinance. On those lots which

are intended for business use, the setback shall be at least that required by the zoning ordinance, unless special plans for the location of buildings and parking areas are approved by the City Council at the time of approval of the plat.

#### Section. 26-7. Easements.

(a) To facilitate underground installation, an easement for utilities, at least ten (10) feet wide, shall be provided along each side of a side line of lots and/or the rear line of lots where necessary to form a continuous right of way, at least twenty (20) feet in width. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

(b) Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council by ordinance upon the recommendation of the Planning Commission.

(c) Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along the side lot lines.

(d) Drainage easements for storm sewers may be required. Easements for open channel drainage may be required where the cost for the installation of storm sewers is considered to be prohibitive. These easements may be along the side lot lines, but usually the design should be such that the drainage will be carried along the rear of the lots, if open channel drainage is to be carried in the street right of way, additional right of way width shall be provided. When the drainage is carried down the rear lot lines, the easement shall be of adequate width for workmen (with trucks if need be) to enter the easement and keep it cleaned out. The size and location of such easements for open channel drainage shall be determined by the City.

#### Section. 26-8. Dedication for Public Sites and Open Spaces.

In subdividing land or resubdividing an existing plat, due consideration must be given by the subdivider to the dedication or reservation of suitable sites for schools, parks, playgrounds, or other public recreational areas or open spaces. Any areas so dedicated or reserved shall conform as nearly as possible to the recommendations of the planning commission in its master plan. All areas to be reserved for or dedicated to public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate area.

#### Section. 26-9. Improvements.

All improvements when constructed by the owner or developer shall comply with the rules and specifications of the City.

#### Section. 26-10. Permanent Markers and Monuments.

Permanent markers shall be placed at each corner of every block or portion of a block, points of curvature and points of tangency on street lines, and at each angle point on the boundary of the subdivision. A permanent marker shall be deemed to a steel rod or pipe, one half (1/2) inch or larger in diameter extending at least three (3) feet below the finished grade. In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers will be permitted. The exact location of all markers shall be shown on the final plat, together with accurate interior angles, bearings and distances.

### **Article 3. Plats Submission and Approval.**

#### **Section. 26-11. Pre application Plans and Data.**

Prior to the filing of an application for approval of a preliminary plat, the subdivider shall submit to the office of the planning commission, plans and data showing his ideas and intentions in the platting of the proposed subdivision.

1. He shall outline and describe the existing conditions of site and the proposed development to supplement and drawings and sketches required in Section 26 11- 2 and 3.

2. A general location map shall be prepared and submitted and shall show the proposed subdivision and its relationship to existing community facilities. Such location map shall show the location and name of the subdivision, existing main traffic arteries, public transportation lines, schools, parks, and the playgrounds.

3. A sketch plan drawn to scale shall be prepared and submitted showing the proposed layout of streets, lots, and other features in relation to existing utilities and other conditions. This plan may be submitted in the form of a freehand pencil sketch.

4. Within thirty (30) days of the submission of the pre application plan, the subdivider shall be informed by the planning commission whether such plans and the data submitted meet the objectives of these regulations.

#### **Section. 26-12. Preliminary Plat.**

After reaching preliminary conclusions regarding the proposed subdivision as provided in Section 26-11, the subdivider shall prepare and submit a preliminary plat, together with any necessary supplementary information.

1. Five (5) copies of a preliminary plat and one (1) copy of a vicinity sketch of any proposed subdivision shall be filed with the City clerk at least fifteen (15) days prior to a meeting of the commission at which consideration is requested.

2. Contents. The preliminary plat shall contain the following information:

(A) Proposed name of subdivision. Names shall not duplicate or too closely resemble names of existing subdivision.

(B) Location of boundary lines in relation to section, quarter section, or quarter section lines and any adjacent corporate boundaries comprising a legal description of the property.

(C) Names and addresses of the developer and the surveyor making the plat.

(D) Scale of plat, one (1) inch equals two hundred (200) feet or greater.

(E) Date and north point.

(F) Existing locations.

1. Location, width and name of each existing or platted street or other public way, railroad, and utility right of way, parks and other public open spaces, and permanent buildings, within or adjacent to the proposed subdivision.

2. All existing sewers, water mains, gas mains, culverts, or other underground installations within the proposed subdivision or immediately adjacent thereto, with pipe size, grades, and locations shown.

3. Names of adjacent subdivision and owner of adjacent parcels of unsubdivided land.

4. Topography (unless specifically waived) with contour intervals of not more than five (5) feet, referred to City datum; also the locations of water courses, ravines, bridges, lakes, wooded areas, approximate acreage, and such other features as may be pertinent to subdivision.

(G) Proposed development.

1. The location and width of proposed streets, roadways, alleys, pedestrian ways and easements,

2. The location and character of all proposed public utility lines, including sewers, (storm and sanitary) water, gas, and power lines. If a community sewage treatment plant, or other type of community disposal system is to be installed or constructed to serve all or certain portions of the proposed subdivision the general plan for such community type sewage treatment or disposal system shall be shown and so identified on the preliminary plan.

3. Layout, numbers, and approximate dimensions of lots and the number or letter of each block.

4. Location and size of proposed parks, playgrounds, churches, or school sites or other special use, of land to be considered for dedication to public use, or to be reserved by deed or covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.

5. Building setback lines with dimensions.

6. Indication of any lots on which use other than residential is proposed by the subdivision.

(H) Supplementary requirements.

1. Two copies of profiles shall be furnished for each proposed street, showing existing grades and proposed approximate grades and gradients on the centerline and along the property lines of the street. The location of proposed culverts and bridges shall also be shown.

2. Vicinity sketch, at a legible scale, to show the relation of the plat to its surroundings, shall be shown on the preliminary plat, or accompany it. Utility connections too remote to be shown on the preliminary plat shall be shown on this sketch. (I) Approval or disapproval of the preliminary plat will be conveyed to the subdivider in writing within five (5) days after the meeting of the planning commission at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reasons for such action and what requirements will be necessary to meet approval of the planning commission. The approval of the preliminary plat does not constitute an acceptance of the subdivision but is deemed to be an authorization to proceed with the preparation of the final plat. This approval of the preliminary plat shall only be effective for a period of one (1) year, unless an extension is granted by the City planning commission. If the final plat has not been submitted for approval within this period, a preliminary plat must again be submitted to the commission for approval.

Section. 26-13. Final Plat.

1. Submission--After approval of the preliminary plat, the subdivider shall prepare and submit to the commission a final plat for recording purposes, together with other supplementary information and certificates. Said final plat shall be submitted to the City clerk at least fifteen (15) days prior to a regular meeting of the commission.

2. Copies--Six (6) copies of such final plat shall be furnished which shall bear the original signatures of the owner or owners and be duly acknowledged. One of these three (3) shall be on cloth suitable material for filing at the office of the county clerk.

3. For--The final plat prepared for recording purposes shall be drawn at a scale of at least one (1) inch equals one hundred (100) feet. The size of sheets on which such final plats are submitted shall be at least sixteen and one quarter (16 1/4) inches by nineteen (19) inches. Each sheet shall have a one and one quarter (1 1/4) inch binding edge along the



other sides. Where the proposed plat is of unusual size, the final plat shall be submitted on two (2) or more sheets of the same dimensions. If more than two (2) sheets are required, an index sheet of the same dimensions shall be filed, showing the entire development at a smaller scale.

4. Information--The final plat shall show and contain the following information:

(A) Name of subdivision (not to duplicate or to closely approximate the name of any existing subdivision).

(B) Location by section, township, range, county, and state, including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close, the allowable error of closure on any portion of a final plat shall be one (1) foot in five thousand (5,000) feet.

(C) The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments.

(D) Location of lots, streets, public highways, alleys, parks, and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.

(E) Lots shall be numbered clearly. If blocks are to be numbered or lettered, these should be shown clearly in the center of the block.

(F) The exact locations, widths, and names of all streets to be dedicated.

(G) Location and width of all easements to be dedicated.

(H) Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.

(I) Building setback lines on front and side streets with dimensions.

(J) Name and address of developer and surveyor making the plat.

(K) Scale of plat (the scale to be shown graphically and in feet per inch), date, and northpoint.

(L) Statement dedicating all easements.

(M) Statement dedicating all streets, alleys, and other public areas not previously dedicated.

5. Certifications required on final plats:

(A) Certificate by parties holding title A certificate signed and acknowledged by all parties having any title interest in the land subdivided, consenting to the preparation and recordation of the plat as submitted. All copies shall carry the original signatures of the owner or owners and notary public.

6. Supplementary documents and information to accompany the final plat:

(A) A certificate from the City approving annexation of the subdivided area.

(B) Tax certificates from both the City and county shall be submitted stating that all taxes and encumbrances of record have been satisfied on the land to be dedicated as streets or alleys or for other public purposes.

(C) Two (2) copies of any private restrictions affecting the subdivision or any part thereof.

7. Submission--After review of the final plat by the planning commission, such plat, together with the recommendation of the commission shall be submitted to the City Council for approval. If accepted, the final plat shall be approved by ordinance, which ordinance shall provide for the acceptance of all streets, alleys, easements, or other public ways and parks, or other open spaces dedicated to public purposes.

**Article 4. Administration and Amendment.**

**Section. 26-14. Administration.**

The primary responsibility for the adoption, amendment, interpretation, and administration of this regulation shall be that of the planning commission. It is the intent of the planning commission that the public interest be protected by a thorough review of all proposed plats without undue delay to developers.

**Section. 26-15. Illustrations.**

Illustrations identified as figures in this regulation are intended to aid in interpretation. In the event of conflict with the text, the text shall be determinative.

**Section. 26-16. Modifications.**

Upon written request to the planning commission, modifications to the procedures and requirements of the regulations may be granted by an affirmative vote of not less than a three fourths (3/4) majority of the full planning commission at a regular meeting in the following instances:

1. Lot splits--Any proposed lot split shall be submitted to the planning commission for review; and if the planning commission is satisfied that such a proposed lot split is not contrary to applicable regulations, it shall, within thirty (30) days after submission, approve such lot split and on presentation of a conveyance of interest of said parcel, shall stamp "approved by the planning commission, no plat required" and have it signed by the chairman or other official as may be designated by it. In doing so, the planning commission may require the submission of a sketch plat, record of survey and such other information as it may deem pertinent to its determination hereunder.

2. Modification- Undue hardship In any particular case where the developer can show by plan and written statement that, by reasons of exceptional topographic or other physical conditions, literal compliance with and compliance of the regulation would cause practical difficulty or exceptional or undue hardship, the planning commission may modify such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of this regulation or the desirable general development of the neighborhood and the community in accordance with the comprehensive plan and the zoning ordinance. Any modification thus granted shall be spelled out in the minutes of the planning commission setting forth the reasons which in the opinion of the planning commission, justified the modification.

#### Section. 26-17. Amendment.

This regulation may be amended by the affirmative vote of a majority of the full membership of the City Council at a public hearing, notice to the public of which appeared at least fifteen (15) days prior thereto in a newspaper of general circulation within the county.

1. Proposed amendment costs- Amendments may be proposed in writing by the planning commission or any interested party. Costs of public hearings and publication of notice shall be deposited by any non-governmental person proposing an amendment.

2. Legal approval Prior to its consideration by the City Council, a proposed amendment shall be approved as to legality by counsel for the town.

#### Section. 26-18. Enforcement.

The responsibility of enforcing these regulations is as follows:

1. City- The building inspector of the city is designated as the enforcing official and shall make the inspections and investigations necessary for the enforcement of this regulation within the city limits.

2. Complaints- Upon receipt of a written, signed complaint upon forms provided by the planning commission by the appropriate enforcing official, said official shall investigate the complaint and notify the complaint within thirty (30) days of the action taken or decision thereon.

Section. 26-19. Violation.

No zoning, building, or electrical permit shall be issued for any new structure or change, improvement or alteration on any existing structure or any tract of land which does not comply with the provisions of this regulation.

Section. 26-20. Penalties.

A violation of this regulation or failure to comply with the provisions herein specified shall subject the person, firm, or corporation to the following penalties:

1. Misdemeanor Violations shall be deemed a misdemeanor and shall be punishable by a fine in the maximum amount of two hundred dollars (\$200.00). Each day in which a violation continues, prior to investigation of appeal, shall constitute a separate offense.

2. Civil Action- The Board of Trustees or the County Commission, or any person whose value of property is affected by a violation, may institute a civil suit to prevent or remove a violation of this regulation.

3. Invalidity of Transfers- All instruments of transfers of interest in property in violation of this regulation are invalid and do not impart notice when filed.

4. Withdrawal of Approval- The Planning Commission may, upon application of the staff, an enforcing official, or any person whose property value is adversely affected, withdraw their approval of a plat when a violation of this regulation is found to exist after public hearing and due notice to affected persons. In such event, the planning commission shall file notice of the withdrawal of approval in the office of the county clerk in a manner which will be reflected in the land title of the property in violation thereof.

Section. 26-21. Judicial Review.

A judicial review in the District Court may be had of any ruling, provision, interpretation, order, requirement, refusal, permit, approval or decision made under the terms of the

planning commission or enforcing official is arbitrary, capricious, or unreasonable and unnecessary.

Section. 26-22. Vacation of Plats.

No vacation of plat or any parts thereof, except by action of the district courts, shall be valid or impart notice until after the consent of all of the owners of such platted area is presented to the commission and the approval of the commission is entered thereon. All partial vacations or alterations of a final approved, filed plat shall require the approval of the commission and the filing of a corrected plat. Alteration of a plat and finally approved by the commission, without reapproval shall constitute a violation of this regulation.

Section. 26-23. Approval Planning Commission.

The approval of the commission, by majority vote of the full commission, or the refusal to approve, shall take place within forty five (45) days from and after the submission of the plat for final approval unless the developer agrees in writing to an extension of this time period; otherwise, said plat shall be deemed to have been approved and the certificate of said planning commission as to the date of the submission of the plat for approval and as to the failure to take action thereon within such time shall be sufficient in lieu of the written endorsement or evidence of approval herein required. The grounds for refusal or any plat shall be stated upon the record of the Planning Commission.

Section. 26-24. Fees.

Fees connected with the administration and enforcement of regulations shall be as follows:

1. Preliminary Plat- For each preliminary or tentative plat, the planning commission shall collect a fee of fifteen dollars (\$15.00) or a fee of one dollar (\$1.00) per lot plus ten dollars (\$10.00), whichever is largest.
2. Final plat- For each final plat, the commission shall collect a fee of twenty dollars (\$20.00) or a fee of one dollar (\$1.00) per lot plus ten dollars (\$10.00) whichever is largest.
3. Inspection Fee- The City Council may establish fees for inspection and investigations of subdivisions.

Section. 26-25. Separability.

If any section or requirement of this regulation is held invalid, such decision shall not affect the validity of the remaining sections or requirements of this resolution.

## **Article 5. Improvements.**

### **Section. 26-26. Improvements, Standard.**

All subdivisions shall install improvements in accordance with or in access of the minimum requirements of this regulation, and the duly adopted regulations of the board of trustees. The developer shall acknowledge the several improvement requirements as set forth herein by notation of the final plat. Said notation shall be worded substantially as follows: "All streets shall be graded, and improved in accordance with the standards and specification required by the Subdivision Regulations of the City of Antlers pertaining to and including curbs and gutters, street name signs erected, planting screens established and trees planted, utilities and street lights installed. Sidewalks constructed, drainage structures constructed in accordance with the approved plans on file in the office of the enforcing official, by the developer at his expense. All required improvements shall be constructed or installed within two (2) years of approval of the final plat by the Planning Commission and the same shall be maintained and kept in good repair by the subdivider for a period of five (5) years after construction thereof has been approved in writing by the enforcing official.

### **Section. 26-27. Improvement Installation**

Improvements required under these regulations shall not be constructed prior to the final plat approval and filing of the plat in accordance with the specifications and under the supervision of the official having jurisdiction. Bond shall be provided to guarantee tile performance and maintenance thereof prior to final approval of the plat.

### **Section. 26-28. Improvements and Maintenance Bonds.**

1. Bond for Benefit- Be in favor of the City of Antlers, Oklahoma.
2. Amount- An amount equal to one hundred (100) percent of the cost, as estimated by bonafide contractor approved by the City Council and approved by the enforcing official, of all improvements and installations as required by these standards and reasonable maintenance thereof; excluding however, the cost of any said required improvements and installations which have been constructed, installed, and completed by utility companies or the City for which separate completion contracts are furnished.
3. Surety -Provide surety satisfactory to the planning commission and the City.
4. Term--Performance bonds shall be in force until and terminate ninety (90) days after the filing with the City Council of a completion affidavit obtained from the enforcing officials, unless within said ninety (90) days period, the enforcing official determines that the requirements, standards, and specifications of these standards applicable to the construction, installation, and completion of said improvements and installations have not been met and notified the applicant of such determination by certified/ registered mail

sent to the applicant's address appearing on the application for plat or lot split approval, in which event said bond shall continue to run until the filing of proof that, and the enforcing officials determination of said standards, requirements, and specifications have been met. Maintenance bonds shall run for a period of five (5) years from the date of release of performance bond.

Section. 26-29. Street and Utilities.

1. Utility and Street Improvements--Utility and street improvements shall be provided in each new subdivision in accordance with the standards and the requirements prescribed by the enforcing official and the City.
2. Access to Street--Every lot within a subdivision shall have access to a public street. Private streets, as permitted in planned unit or mobile home subdivision, must comply with the improvements required of applicable public streets.
3. Reserve--Streets Reserve strips, when described and provided or designated on the plat, shall be maintained in a manner prescribed in the plat restriction.
4. Commercial and Industrial Access--Commercial and industrial developments shall have access to arterial or collector streets. Vehicular access shall be prohibited to minor residential and residential collector streets.

Section. 26-30. Underground Utilities.

Electric and telephone lines shall be installed underground in the easements provided. After installation of such lines "as installed" diagrams shall be furnished by the installer to the city, drawn to scale and indicating the location.

Section. 26-31. Public Water Supply.

Where an approved public water supply is reasonable accessible, or procurable, the subdivider shall connect with such water supply and make it available for each lot within the subdivided area. Pending the availability of a public water supply, the subdivider shall construct wells or a water supply system in such a manner that an adequate supply of potable water will be available to every lot within the subdivision. The final plat shall not receive planning commission approval until it is certified by the Health Department that there has been compliance with the regulations of the Oklahoma State Board of Health and where indicated, meets other jurisdiction governing bodies' requirements. It shall be the policy of the Antlers Public Works Authority, on behalf of the City of Antlers Oklahoma, to furnish and sell water at pressures and volumes commensurate with the needs and demands of its customers, to the greatest extent practical, but no pressures or volumes are guaranteed or assured. Minimum and maximum pressures and volumes shall be determined by the Authority's General Manager and the Utilities Superintendent.

Section. 26-32. Water Line Construction; Tap Fee; Reimbursement.

1. It shall be the policy of the Antlers Public Works Authority, on behalf of the City of Antlers, Oklahoma, to require six (6) inch water distribution lines, furnished and installed, according to the City's Subdivision Regulations and the Authority's specifications. Where larger pipe sizes are required by the City or the Authority, the Authority shall bear the difference in cost of materials between a six (6) inch size and the larger size required. The Authority shall control the operation and maintenance of all line from the beginning of operation. No connections shall be made on any line without written approval of the Antlers Public Works Authority.

2. Where an individual, partnership, corporation, or other legal entity, hereinafter called the Owner, desires to install water distribution lines connecting to the Municipal Water System, said owner shall contract with the Authority, wherein said Owner will furnish and pay for the purchase and installation of all materials involved, including pipe, valves, fittings, fire hydrants, at the option of the Antlers Public Works Authority. All materials shall meet the City's and the Authority's specifications as to pipe size, layout, etc.

3. All materials purchased for said lines shall be purchased and installed by the Antlers Public Works Authority, and the Owner shall present a Cashier's Check to said Authority, in the amount involved for the purchase and installation of said materials. If the Owner demonstrates his capacity to purchase said materials at less expense than the Authority, may make such contractual arrangements as may be legal and necessary to effect purchase of said materials.

4. The Owner shall make a written agreement to convey title to said water line or lines to the Antlers Public Works Authority upon the consideration of reimbursement thereof, based upon the following (all of which shall be in the written agreement):

(A) For each subsequent tap on said line, between, and exclusive of, the Owner's property to be served and the existing Municipal Water System, a Development Tap Fee of seven hundred and fifty dollars (\$750.00) for every Residential tap and one thousand, five hundred dollars (\$1,500.00) for every Commercial or industrial tap shall be collected by the Public Works Authority as the collection agency;

(B) Said Development Tap Fee shall not include the Authority's regular tap charge for a water tap, which shall be charged over and above the said Development Tap Fee to be reimbursed to the owner;

(C) Said Development Tap Fee, exclusive of the authority's regular tap charges, shall then be refunded to the Owner, until his cost, based upon a figure agreed to by the Owner and the Antlers Public Works Authority, is reimbursed, or the time limit (see below) expires;

(D) When the reimbursement has been completed, the Development Tap Fee on the line involved shall cease to be returned to the Owner, and shall thereupon be placed in the City's Water Capital Improvement Fund;



(E)The reimbursements anticipated under this policy shall be completed within a period of fifteen (15) years from the date of completion of installation of said water lines; after a fifteen (15) year period, no further reimbursement to the Owner shall be made, without an extension of said period by the Antlers Public Works Authority. If the lines have not been paid for and no extension has been permitted, any claims by the Owner for any future reimbursements shall be waived and forever barred.

5. All water line easements shall be taken in the name of the Antlers Public Works Authority and the City of Antlers Oklahoma; and, if it becomes necessary, the City of Antlers may exercise its right of eminent domain.

6. Lines installed as of the date of the adoption of this Policy, conditioned upon the developer(s) contract with the City to deliver possession and compliance with the terms of this policy, may bear reimbursement for the Owner, for only that remaining portion of fifteen (15) years after completion of said lines, unless an extension of said period is allowed by the Public Works Authority.

Section. 26-33. Extensions and Additions to Owner's Line.

1. Where an owner desires to install an extension to an existing water system that will improve, or subsequently improve, another person's property who may not desire to participate in the cost of said line, it is the intent herein that, should said other person ultimately connect to the line installed by the Owner, the Development Tap Fee charged to him (Subsection 4a of Section 2), exclusive of the Authority's regular tap charges, shall go toward the reimbursement of the Owner, as stated above; subsequent development and connection to said line be at the discretion of the Antlers Public Works Authority, and shall include payment of the Development Tap Fee (Subsection 4a of section 2) for each tap within said development (said payment to be made by the developers in total, prior to the filing of the final plat).

2. Administration of contracts for lines which are extensions of an Owner's original line may become complex and burdensome; it is the intention of this Policy to allow the Public Works Authority, at its discretion, to restrict the use of this Policy whenever such complexities arise.

3. There is no obligation on the part of the City to agree to every request for the use of this Policy in such cases.

Section. 26-34. Annexation.

1. In the contract between the Antlers Public Works Authority and the Owner, as a requirement for the above agreement, the Owner agrees to petition the City for Annexation of any properties that will be served by said Water Distribution System. In the event that a plat is to be filed of the area involved, the Owner agrees that immediately

upon the filing of said plat, annexation may be effected, at the City's option. Water usage shall determine, but not limit, the area served. 2. Annexation by petition, prior to allowing additional extensions or additions to any Owner's line covered by the terms of this resolution, may also be required in the contract, at the option of the Antlers Public Works Authority. 3. In said contract, the Owner shall agree to acknowledge and accept the contract and this Policy statement as meeting the requirements of State Law relating to the preparation of a Plan for extension of utilities prior to annexation.

Section. 26-35. Administration.

1. It shall be the duty of the Secretary of the Trustees of the Authority to keep records of improvements to the Water Distribution System, and the revenue produced therefrom, so that an accurate determination of reimbursement(s), based upon the above described system, may be made.

2. It shall be the duty of the City Manager and the Utilities Superintendent to advise the Secretary of the Trustees of any extensions that would be made, which should be used to reimburse an installed line.

Section. 26-36. Public Sewage Disposal.

Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sanitary sewer and provide adequate sewer lines to each lot. Sewer connections and the subdivision sewer system shall comply with the regulation and with the regulations of the Oklahoma State Board of Health. Where a sanitary sewer system is not reasonably accessible, but where plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared and approved by the appropriate agency, the subdivider shall install sewers in conformity with such plans. Where immediate connection is not possible and until such connection is made with the sewer system of the district, the use of a private sewage treatment plant may be permitted; provided, such disposal facilities are constructed in accordance with the regulations and requirements of the governing bodies and the Oklahoma State Board of Health. Where no sewers are accessible and no plans for the same have been prepared, the subdivider shall either install a sewer line and disposal system in accordance with the requirements of the preceding paragraph, or if the subdivided lots have a minimum width of one hundred (100) feet with no lot less than twenty thousand (20,000) square feet where individual water supply systems are used, and a fourteen thousand (14,000) square feet if community water supply system is used, individual sewage disposal devices may be provided for each lot. The planning commission, with the concurring approval of the health department, may adjust these lot requirements in accordance with their findings in the particular subdivision. All such individual systems shall be constructed in accordance with the regulations and requirements of the health department and the State Board of Health. It shall be the policy of the Antlers Public Works Authority, on behalf of the City of Antlers, Oklahoma, to extend and furnish

Municipal sewage collection and disposal facilities commensurate with the needs and demands of said City, to the extent the same is practical, and under the conditions hereinafter set forth.

Section. 26-37. Definitions.

1. The word "Tap" is defined as serving a single-family unit.
2. A duplex shall require two (2) taps.
3. An apartment house shall be considered as serving "x" dwelling units or requiring "x" taps, "x" being the number of individual dwelling units in the apartment house.
4. Nursing homes shall be deemed to contain dwelling units equal to one-third (1/3) the number of beds for which the facilities are designed, without regard to actual occupancy.
5. Industrial or commercial usage shall be computed by the General Manager or relate to the single-family unit equivalent, as nearly as possible.

Section. 26-38. Sewer Construction; Development Tap Fee; Reimbursement.

1. Where an individual, partnership, corporation or other legal entity, hereinafter called the Owner, desires to install sewer lines connecting the property of the Owner (which property is to be served by said line) to the existing Municipal Sewer System, said Owner shall execute a written contract with the Public Works Authority, and agree to furnish and pay for all materials involved, including pipe, manholes, etc. (which materials shall meet all Municipal Subdivision Regulations and Public Works Authority specifications) as well as all labor and equipment.
2. All materials purchased for said lines shall be purchased by the Public Works Authority and the Owner shall present a Cashier's Check to said Authority in the amount involved for the purchase of said materials. If owner demonstrates his capacity to purchase said materials at less expense than the Authority, the Authority may make such contractual arrangements as may be legal and necessary to effect purchase of said materials.
3. The Owner shall then install the same, furnishing all the labor and equipment necessary to install the material, in accordance with the approved plans and specifications, and under the supervision of the Authority, The cost of which supervision shall be paid by the Owner to the Authority.
4. It shall be the policy of the Antlers Public Works Authority, on behalf of the City of Antlers, Oklahoma, to require that sewer lines connecting to the Municipal Sewer System shall meet the requirements of the State Health Department and the City of Antlers' specifications. Where pipe sizes larger than eight (8) inches are required by the City, the Authority shall bear the difference in cost of materials between eight (8) inch line and the larger size required. The Antlers Public Works Authority and the City of Antlers,

Oklahoma, shall control the operation and maintenance of all lines from the beginning of operation and no connections shall be made on any line without written approval of the Antlers Public Works Authority.

5. The owner shall make a written agreement to convey title to said sewer line(s) to the Antlers Public Works Authority, based upon the following considerations:

(A) For each subsequent tap on said line, once installed and accepted, between, and exclusive of, the Owner's property to be served and the existing Municipal Sewer System, a Development Tap Fee of one thousand dollars (\$1,000) shall be collected by the Antlers Public Works Authority, as the collection agency;

(B) Said Development Tap Fee shall not include the Authority's regular charge for a sewer tap, and shall then be refunded to the Owner of installer of the sewer line until his initial cost, based upon a figure agreed to by the Owner and the Antlers Public Works Authority in the written contract, is reimbursed, or the time limit (see below) expires;

(C) When the reimbursement has been completed, the Development Tap Fee on the line involved shall cease to be returned to the Owner, and shall thereupon be placed in the Municipal Sewer System Capital Improvement Fund;

(D) The reimbursement anticipated under this policy shall be completed within a period of fifteen (15) years from the date of completion of installation of said sewer lines; after said fifteen (15) year period, no further reimbursement to the Owner shall be made, without an extension of said period to the Antlers Public Works Authority. If the lines have not been paid for and no extension has been permitted, any claims by the Owner for any future reimbursements shall be waved and forever barred.

6. All sewer easements shall be taken in the City of Antlers, Oklahoma, and if it becomes necessary, the City of Antlers may exercise its rights of eminent domain.

7. Lines installed as of the date of the adoption of this policy, upon the installers' contracting with the City to deliver possession and compliance with the terms of this policy, may bear reimbursement for the Owner, for only that remaining portion of fifteen (15) years after completion of said lines, unless an extension of said period is allowed by the Antlers Public Works Authority.

#### Section. 26-39. Extensions and Additions to Owner's Line.

1. Where Owner desires to install an extension to the existing Municipal Sewer System that will improve, or subsequently improve, another person's property who may not desire to participate in the cost of said line, it is the intent herein that, should said other person ultimately connect to the line installed by the Owner, the Development Tap fee charged to him (Subsection 5a of section 37) shall go toward the reimbursement of the installer of the line, as stated above; subsequent development and connection to said line shall be at the discretion of the Antlers Public Works Authority and the Antlers, Oklahoma, City

Commission and shall include payment of the Development Tap Fee (Subsection 5a of Section 37) for each tap within said development (said payment to be made by the developers in total, prior to the filing of the final plat).

2. Administration of contracts for lines which are extensions of an Owner's original line may become complex and burdensome; it is the intension of this Policy to allow the Antlers Public Works Authority, at its discretion, to restrict the use of this Policy whenever such complexities arise.

3. There shall be no obligation on the part of the City to agree to every request for use of this Policy in such cases.

#### Section. 26-40. Annexation.

In the contract between the Antlers Public Works Authority and the Owner, as a requirement for the above agreement, the Owner agrees to petition the City for annexation of any properties that will be served by said Municipal Sewer System. In the event that a plat if to be filed of the area involved, the Owner agrees annexation may be effected, at the City's option, before or after the filing of the plat. Sewer usage shall determine but not limit the area served. Annexation by petition prior to allowing addition extensions or in contract, at the option of the Authority. In said contract, the Owner shall agree to acknowledge and accept said contract and this Policy statement as meeting the requirements of State Law relating to the preparation of a Plan for extension of utilities prior to annexation.

#### Section. 26-41. Administration.

1. It shall be the duty of the Secretary of the Trustees of the Authority to keep records of sewer improvements to the System, and the revenue produced therefrom, so that an accurate determination of reimbursement(s), based upon the above described system, may be made.

2. It shall be the duty of the City Manager and the Public Works Director to advise the Secretary of the Trustees of any extensions that would be made, which should be used to reimburse an installed line.

#### Section. 26-42. City Connections.

In all cases where the water supply or sewage disposal systems will be connected to lines or mains owned or operated by a city, construction as to said facilities shall be made according to the plans, specifications, and requirements and subject to the inspection, supervision and approval of the governing bodies, water and sewer department, or the State Health Department. Approval of the plans for any such water or sewer system by the above shall satisfy the requirements of these regulations with respect to water and sewer facilities.

Section. 26-43. Storm Drainage.

Provisions shall be made for the disposal of all storm water. Where initial construction does not provide for storm sewers, drainage ditches of adequate capacity shall be constructed. Facilities for storm drainage should be of adequate capacity to take care of surface run offs originating within the subdivision or flowing across it.

Section. 26-44. Oil or Gas Wells.

Where there is found to be a producing oil or gas well which is in or within one hundred fifty (150) feet of the boundaries of the proposed subdivisions or an abandoned oil or gas well which is not adequately plugged according to the standards established by state law and the Oklahoma Corporation Commission and so certified by said Corporation Commission and which is outside the boundaries of a proposed subdivision but within one hundred fifty (150) feet thereof, there shall be a building setback line so placed on the plat so as to prevent the erection of a building within one hundred fifty (150) feet of such wells. Where there is found to be an abandoned oil gas well which is not adequately plugged according to the standards established by the state law and the Oklahoma Corporation Commissions which well is within the boundaries of a proposed subdivision, and so certified by the Oklahoma Corporation Commission before the plat of such addition is given final approval. In any event, a certificate or clearance shall be obtained from the Oklahoma Corporation Commission as to the existence of any wells reflected in their records.

Section. 26-45. Fire Hydrants.

Fire hydrants complying with the specifications of the National Board of Fire Underwriters shall be installed.

Section. 26-46. Planting, Street Lighting, Street Name Signs.

1. Planting- All landscape strips, parkways, and screening areas dedicated to the public or reserved in private common ownership shall be graded, seeded, and planted in an appropriate manner and the means of maintaining such private areas shall be established in the plat covenants. Street trees shall be planted by the developer throughout the entire subdivision. Such trees shall not be planted in the public right of way. They shall be planted on both sides of the streets appropriately spaced according to their kind, and shall not be less than two (2) inches in diameter.

2. Lighting- Provisions shall be made by the developer for adequate lighting of public streets within the proposed subdivision in accordance with standards and specifications of the city.

3. Street Name Signs- Street name signs shall be installed in accordance with the specifications of the city.

Section. 26-47. Monuments.

Permanent and other monuments shall be placed in accordance with the specifications of the city.

(A) Street Points Monuments shall be set at the intersection of all streets and the beginning and end of all curves along street centerlines.

(B) Specifications- The monuments shall be made of one (1) inch inside diameter galvanized iron pipe thirty (30) inches long,

(C) Lot Corner Stakes- A metal reinforcing steel stake three eighths (3/8) inches in diameter and twenty four (24) inches long shall be set at all lot corners; top to be set not more than two (2) inches above ground level with the registered engineer's tags on all stakes at the beginning and end of all curves.

Section. 26-48. Construction Plans.

Construction plans for improvements to be installed shall be prepared by registered professional engineer and submitted in accordance with the requirements and specifications of the officials having jurisdiction and no improvements shall be installed until and unless said plans shall have been received and approved by the said officials.

1. Street Profile- The centerline and property line profile of each proposed street, with existing and tentative grades indicated;

2. Cross Section- The cross section of each proposed street, showing the width of pavement, the location and width of sidewalks if constructed;

3. Sewer Profile -The plans and profiles of proposed sanitary sewers and storm sewers with grades and sizes indicated, or method of sewage or storm water disposal in lieu of sewers;

4. Water System- A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants;

5. Drainage- A drainage plan showing all existing and proposed storm sewage, manholes, catch-basins, water courses, culverts, and other underground structures within the tract, immediately adjacent thereto, with pipe sizes and grades, water openings indicated thereon. The drainage plan shall show the method to be used for the adequate disposal of all storm water including drainage outlets.

Section. 26-49. Completion of Construction.

The construction of all improvements required by these rules and regulations shall be completed within two (2) years from the date of approval of the final plat by the planning

commission unless good cause can be shown for the granting of an extension of time by authority of the planning commission.



**CHAPTER 27**  
**CITY OF ANTLERS SOCIAL HOSTS**

**Article 1. Declaration**

**Article 2. Social Host**

**Article 3. Purposes**

**Article 4. Definitions**

**Article 5. Responsibility for Proper Property Management**

**Article 6. Penalties for Violation of Ordinance**

**Article 7. Recovery of Response Costs**

**Article 8. Billing and Collection**

**Article 9. Reservation of Legal Options**

**Article 10. Appeals**

**Article 11. Severability**

**Article 12. Effective Date**

**Article 1. Declaration**

This Article shall be known as the "City of Antlers Social Host Ordinance."

**Article 2. Social Host**

The City of Antlers finds as follows:

- a. The City of Antlers in Pushmataha County in Oklahoma, pursuant to the police powers delegated to it by the Oklahoma Constitution, has the authority to enact laws which promote the public health, safety and general welfare of its residents;
- b. The occurrence of loud or unruly gatherings on private property where alcoholic beverages are served to or consumed by underage persons is harmful to the underage persons themselves and a threat to public health, safety, quiet enjoyment or residential property and general welfare;
- c. Underage persons often obtain alcoholic beverages at gatherings held at private residences or at rented residential and commercial premises that are under the control of a person who knows or should know of the underage service and/or consumption. Persons responsible for the occurrence of loud or unruly gatherings on private property over which they have possession or control have failed to ensure that alcoholic beverages are neither served to nor consumed by underage persons at these parties;
- d. Landlords have failed to prevent the occurrence or reoccurrence of loud or unruly gatherings, including those who alcoholic beverages are served to or consumed by underage persons, on private property they lease to tenants, which seriously disrupts the quiet enjoyment of neighboring residents;
- e. Problems associated with loud or unruly gatherings at which alcoholic beverages are served to or consumed by underage persons are difficult to prevent and deter unless the City of Antlers Police Department/Pushmataha County Sheriff's Office has the legal authority to direct the host to disperse the gathering;
- f. Control of loud or unruly gatherings on private property where alcoholic beverages are served to or consumed by underage persons is necessary when such activity is determined to be a threat to the peace, health, safety, or general welfare of the public;

- g. Persons held responsible for abetting or tolerating loud or unruly gatherings will be more likely to properly supervise or stop such conduct at gatherings held on property under their possession or control;
- h. In the past and present, law enforcement, fire and other emergency response services personnel have and are required to respond, sometimes on multiple occasions, to loud or unruly gatherings on private property at which alcoholic beverages are served to or consumed by underage persons, and responses to such gatherings result in a disproportionate expenditure of public safety resources of the City of Antlers.

### **Article 3. Purposes**

The purposes of this Ordinance are:

- a. To protect public health, safety, and general welfare;
- b. To enforce laws prohibiting the service to and consumption of alcoholic beverages by underage persons; and
- c. To reduce the costs of providing police, fire, and other emergency response services to loud or unruly gatherings, by imposing a civil fee against social hosts and landowners (including landlords) for the recovery of costs associated with providing law enforcement, fire, and other emergency response services to loud or unruly gatherings, including those where alcoholic beverages are served to or consumed by underage persons.

### **Article 4. Definitions**

For the purposes of this Ordinance, the following terms shall have the following meanings:

- 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 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.
- c. "Response costs" means the costs associated with responses by law enforcement, fire, and other emergency response providers to loud or unruly gatherings, including but not limited to:
  - 1. Salaries and benefits of law enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with loud or unruly gatherings, and the administrative costs attributable to such response(s);
  - 2. The cost of any medical treatment to or for any law enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a loud or unruly gathering.
  - 3. The cost of repairing any city/county equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at or leaving the scene of a loud or unruly gathering.
- d. "Juvenile" means any person under eighteen years of age.
- e. "Underage person" means any person under twenty-one years of age.
- f. "Loud or unruly gathering" means a party or gathering of two or more persons at or on a residence or other private property upon which loud or unruly conduct occurs. Such loud or unruly conduct includes but is not limited to:

1. Excessive noise;
  2. Excessive traffic;
  3. Obstruction of public streets or crowds that have spilled into public streets;
  4. Public drunkenness or unlawful public consumption of alcohol or alcoholic beverages;
  5. Service to or consumption of alcohol or alcoholic beverages by any underage person, except as permitted by state law;
  6. Assaults, batteries, fights, domestic violence or other disturbances of the peace;
  7. Vandalism;
  8. Litter; and
  9. Any other conduct which constitutes a threat to public health, safety, quiet enjoyment of residential property or general welfare. A loud or unruly gathering shall constitute a public nuisance.
- g. "Responsible person" means a person or persons with a right of possession in the residence or other private property on which a loud or unruly gathering is conducted, including, but not limited to:
1. An owner of the residence or other private property;
  2. A tenant or lessee of the residence or other private property;
  3. The landlord of another person responsible for the gathering;
  4. The person(s) in charge of the residence or other private property; and
  5. The person(s) who organizes, supervises, officiates, conducts or controls the gathering or any other person(s) accepting responsibility for such a gathering. If a responsible person for the gathering is a juvenile, then the parents or guardians of that juvenile and the juvenile will be jointly and severally liable for the response costs incurred pursuant to this ordinance. To incur liability for response costs imposed by this Ordinance, the responsible person for the loud or unruly gathering need not be present at such gathering resulting in the response giving rise to the imposition of response costs. This Ordinance therefore imposes vicarious as well as direct liability upon a responsible person.
- h. "Residence or other private property" means a home, yard, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling, party, or other social function, and whether owned, leased, rented, or used with or without compensation.

#### **Article 5. Responsibility for Proper Property Management**

Every owner, occupant, lessee or holder of any possessory interest of a residence or other private property within the City of Antlers is required to maintain, manage and supervise the property and all persons thereon in a manner so as not to violate the provisions of this Ordinance. The owner of the property remains liable for such violations regardless of any contract or agreement with any third party regarding the property.

#### **Article 6. Penalties for Violation of Ordinance**

- a. It shall be an infraction for any responsible person to knowingly conduct, aid, allow, permit, or condone a loud or unruly gathering at a residence or other private property.
- b. Fines:
  1. A first violation of this section shall be punishable by a two hundred fifty dollar (\$250.00) fine.
  2. A second violation of this section at the same residence or other private property, or by the same responsible person, within a twelve month period shall be punishable by a fine of five hundred dollars (\$500.00)
  3. A third or subsequent violation of this section at the same residence or other private property, or by the same responsible person, within a twelve month period shall be punishable by a fine of one thousand dollars (\$1,000.00)
- c. The fines prescribed at subsection (b) are in addition to any response costs that may be assessed pursuant to this Ordinance.
- d. The second, third, or subsequent violation fines prescribed at subsections (b)(2) and (b)(3) are payable whether or not the responsible person for such loud or unruly gathering is different from the responsible person for any prior loud or unruly gathering at the residence or other private property.
- e. The fine schedule prescribed at subsection (b) is a “rolling schedule” meaning that in calculating the fine payable the Police Department or City Attorney shall count backward starting from the date of the most recent loud or unruly gathering to determine how many prior loud or unruly gatherings have taken place at the residence or other private property in question during the statutory twelve month period. A warning given pursuant to this Ordinance shall remain in effect for the residence or other private property at a given address until a full twelve month period has elapsed during which there have been no response to a loud or unruly gathering at that residence or other private property.
- f. The fines set forth in this section may be appealed pursuant to Section 10. The payment of any such fines shall be stayed upon any timely appeal.

### **Article 7. Recovery of Response Costs**

When law enforcement, fire, or other emergency response provider responds to a loud or unruly gathering at a residence or other private property within the City of Antlers and within a twelve month period of a warning given to a responsible person for a loud or unruly gathering, all responsible persons shall be jointly and severally liable for the City’s/County’s costs of providing response costs for that response and all subsequent responses during the warning period.

When law enforcement, fire, or other emergency response provider official makes an initial response to a loud or unruly gathering at a residence or other private property within the City of Antlers, the official shall inform any responsible person(s) for the gathering at the scene that:

- a. The official has determined that a loud or unruly gathering exists; and

- b. Responsible person(s) will be charged for any response costs required for subsequent responses to the scene for a loud or unruly gathering within a twelve month period. Only one warning will be given to a responsible person(s) pursuant to this section before the City of Antlers/Pushmataha County assesses response services costs pursuant to Section 7. If a responsible person cannot be identified at the scene, the official may issue a warning to one or more persons identified in Section (4)(g) and/or subsequently return to the residence or other private property and issue the warning to a then-present responsible person. Warnings given to responsible persons who do not reside at the residence or other private property in question shall be delivered by first class and/or certified mail.

### **Article 8. Billing and Collection**

The amount of response costs shall be deemed a debt owed to the local entity by the responsible person held liable in Section 7 for the loud or unruly gathering and, if a juvenile, by the juvenile's parents or guardians. Any person owing such costs shall be liable in a civil action brought in the name of the City for recovery for such fees, including reasonable attorney fees. Notice of the costs for which the responsible person is liable shall be mailed via first-class and/or certified mail within 14 days of the response giving rise to such costs. The notice shall contain the following information:

- a. The name of the person(s) being held liable for the payment of such costs;
- b. The address of the residence or other private property where the loud or unruly gathering occurred;
- c. The date and time of the response;
- d. The law enforcement, fire, or emergency service provider who responded;
- e. The date and time of any previous warning given pursuant to Section 7 and/or previous responses to loud or unruly gatherings at the residence or other private property in question within the previous twelve months; and
- f. An itemized list of the response costs for which the person(s) is being held liable. The responsible person must remit payment of the noticed response costs to the City clerk within thirty days of the date of the notice. The payment of any such costs shall be stayed upon a timely appeal made pursuant to Section 10.

### **Article 9. Reservation of Legal Options**

Nothing in this Ordinance shall be construed as a waiver by the City of Antlers of any right to seek reimbursement for actual costs of response services through other legal remedies or procedures, including Pushmataha County Ordinance Only: Loud or Raucous Nighttime Noise in Residential Zones, Article 11 of Chapter 2, Division 6 of the Pushmataha County Ordinance Code. The procedure provided for in this Ordinance is in addition to any other statute, ordinance or law, civil or criminal. This Ordinance in no way limits the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this Ordinance.

### **Article 10. Appeals**

Any person upon who is imposed a fine/penalty pursuant to Section 6 and/or response costs recovery fees pursuant to Sections 7 and 8 shall have the right to appeal the imposition of such fine/penalty or fees to the local jurisdiction pursuant to the procedures established by the local jurisdiction for appealing the abatement of public nuisances.

### **Article 11. Severability**

If any provisions of this ordinance or its application to any person or circumstance are held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

### **Article 12. Effective Date**

This Ordinance took effect on May 03, 2010.

Reference: City Ordinance 2010-2, Filed June 12, 2010

**CHAPTER 28**  
**SMOKING IN PUBLIC PLACES AND INDOOR WORKPLACES**

**Article 1. Definitions**

**Article 2. Possession of Lighted Tobacco in Certain Places Prohibited**

**Article 3. Exemptions**

**Article 4. Designated Smoking Rooms and Areas**

**Article 5. Posting**

**Article 6. Violation and Penalty**

**Article 7. Enforcement**

**Article 1. Definitions**

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

- a. ***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 workplace at any given time, whether or not work is being performed;
- b. ***Public place*** means any enclosed indoor area where individuals other than employees are invited or permitted; the term is synonymous with the phrase any indoor place used by or open to the public;
- c. ***Restaurant*** means any eating establishment regardless of seating capacity;
- d. ***Smoking*** means the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device; and
- e. ***Stand-alone bar, stand-alone tavern, and cigar bar*** mean an establishment that derives more than 60 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 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.

**Article 2. Possession of Lighted Tobacco in Certain Places Prohibited**

- a. The possession of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor

place used by or open to the public, public transportation, or any indoor workplace, except where specifically allowed by law.

- b. All buildings, or portions thereof, owned or operated by this State shall be designated as nonsmoking; provided, however, each building may have one designated smoking room. As used in this paragraph, "buildings" shall not include up to 25 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. All buildings, or portions thereof, owned or operated by this city, shall be entirely nonsmoking.
- d. A smoking room as provided for in Subsections (b) and (c) of this section:
  - 1. shall not be used for the conduct of public business;
  - 2. shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No smoking exhaust shall be located within 25 feet of any entrance, exit or air intake; and
  - 3. shall be verified for compliance with the provisions of this subsection by the Department of Central Services for State Buildings, by a county entity designated by the Board of County Commissioners for County Buildings, or by the City/Town officer or employee designated by the City Manager/Mayor for City/Town buildings.
- e. No smoking shall be allowed within 25 feet of the entrance or exit of any building specified in Subsection (b) or (c) of this section.

### **Article 3. Exemptions**

- a. Stand-alone bars, stand-alone taverns and cigar bars;
- b. The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;
- c. Up to 25 percent (25%) of the guest rooms at a hotel or other lodging establishment;
- d. 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;
- e. Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business.
- f. Workplaces occupied exclusively by one or more smokers, if the workplace has only incidental public access;
- g. Private offices occupied exclusively by one or more smokers;
- h. Private residences and 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;
- i. Medical research or treatment centers, if smoking is integral to the research or treatment;



- j. 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 Section 501 (c) (8), 501 (c)(10) or 501 (c)(19) of the Internal Revenue Code, 26 U.S.C., Sections 501 (c)(8), 501 (c)(10) or 501 (c)(19), when such facility is utilized exclusively by its members and their families and for the conduct of post or organizational nonprofit operations except during an event or activity which is open to the public; and
- k. Any outdoor setting area of a restaurant; provided, smoking shall not be allowed within 15 feet of any exterior public doorway or any air intake of a restaurant.

#### **Article 4. Designated Smoking Rooms and Areas**

- a. An employer not otherwise restricted from doing so under this article 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 the smoking room shall be located within 15 feet of any entrance, exit or air intake.
- b. If smoking is to be permitted in any space exempted in Section 3 of this article or in a smoking room pursuant to Subsection (a) of this section, such smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from a smoking room shall not be exhausted within 1 feet of any entrance, exit or air intake. Any employer may choose a more restrictive smoking policy, including being totally smoke free.
- c. A nursing facility licensed pursuant to the Nursing Home Care Act may designate smoking rooms for residents and their guests. Such room shall be fully enclosed, directly exhausted to the outside, and shall be under negative air pressure so that no smoke can escape when a door is opened and no air is recirculated to nonsmoking areas of the building.
- d. Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated smoking rooms. Food and beverage may be served in such designated smoking rooms which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within 25 feet of any entrance, exit, or air intake. Such room shall be subjected to verification for compliance with the provisions of this subsection by the State Department of Health.

#### **Article 5. Posting**

- a. The person who owns or operates a place where smoking or tobacco use is prohibited by law shall be responsible for posting a sign or decal, at least four inches by two inches in size, at each entrance to the building indicating that the place is smoke-free or tobacco-free.

- b. 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, shall be responsible;
  - 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 shall be responsible.

**Article 6. Violation and Penalty**

Any person who knowingly violates this article 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).

**Article 7. Enforcement**

The State or local governmental agency or the person who owns or operates a public place shall, at a minimum, do the following in order to prevent smoking in public places:

- a. post signs at entrances to places where smoking is prohibited which state that smoking is prohibited or that the indoor environment is free of tobacco smoke; and
- b. ask smokers to refrain from smoking upon observation of anyone violating the provisions of this act.

Reference: City Ordinance No. 2010-4, Dated June 12, 2010.

**Chapter 29**  
**Prevention of Youth Access to Tobacco**

**Article 1. Definitions**

**Article 2. Furnishing or Sale of Tobacco Products to Minors**

**Article 3. Receipt of Tobacco Products by Minors**

**Article 4. Distribution of Tobacco Product Samples.**

**Article 5. Sale of Tobacco Products Except in original, Sealed Package.**

**Article 6. Sale of Tobacco products Except in Original, Sealed Package.**

**Article 7. Public Access to Displayed Tobacco Products.**

**Article 8. Report of Violations and Compliance Checks**

**Article 1. Definitions**

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

- a. **Cigarette** means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and costs of or contains:
  1. Any roll of tobacco wrapped in paper or in any substance not containing tobacco;
  2. Tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filter, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (a) of this paragraph.The term “cigarette” includes “roll-your-own” (i.e. any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.) For purposes of this definition of cigarette, nine one-hundredths (0.09) of an ounce of “roll-your-own” tobacco shall constitute one individual “cigarette”.
- b. **Proof of age** means a driver’s license, license for identification only, or other generally accepted means of identification that describes the individual as 18 years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid;
- 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.

## **Article 2. Furnishing or Sale of Tobacco Products to Minors**

- 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. Any 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 may be under eighteen (18) years of age. If an individual engaged in the sale or distribution of tobacco products has demanded and was shown 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. Defenses: Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to prosecution under subsections (a) or (b) of this section. A person cited for violation of 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's 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's license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.
  3. 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's 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.
- d. When a person is convicted or enters a plea and receives a continued sentence for a violation of subsections (a) or (b) of this section, the total of any fines, fees, or costs shall not exceed the following:
1. One Hundred Dollars (\$100.00) for the first offense;
  2. Two Hundred Dollars (\$200.00) for the second offense within a two-year period following the first offense; and
  3. Three Hundred Dollars (\$300.00) for the third or subsequent offense within a two-year period following the first offense.

### **Article 3. Receipt of Tobacco Products by Minors**

- a. It is unlawful for any person who is under eighteen (18) years of age to purchase, receive, or have in his or her 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 age eighteen (18) years of age to handle tobacco products when required in the performance of the employee's duties.
- b. When a person is convicted or enters a plea and receives a continued sentence for a violation of subsection (a) of this section, the total of any fines, fees, or costs shall not exceed the following:
  1. One hundred dollars (\$100.00) for a first offense; and
  2. Two hundred dollars (\$200.00) for a second or subsequent offense within a one-year period following the first offense.

### **Article 4. Distribution of Tobacco Product Samples.**

- a. It is unlawful for any person to distribute tobacco products or product samples to any person under eighteen (18) years of age.
- b. No person shall distribute tobacco 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. When a person is convicted or enters a plea and receives a continued sentence for a violation of subsections (a) or (b) of this section, the total of any fines, fees, or costs shall not exceed the following:
  1. One hundred dollars (\$100.00) for the first offense;
  2. Two hundred dollars (\$200.00) for the second offense; and
  3. Three hundred dollars (\$300.00) for the third or subsequent offense.

### **Article 5. Sale of Tobacco Products Except in original, Sealed Package.**

- 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. When a person is convicted or enters a plea and receives a continued sentence for a violation of this section, the total of any fines, fees, or costs shall not exceed two hundred dollars (\$200.00) for each offense.

### **Article 6. Sale of Tobacco products Except in Original, Sealed Package.**

- 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. When a person is convicted or enters a plea and receives a continued sentence for a violation of this section, the total of any fines, fees, or costs shall not exceed two hundred dollars (\$200.00) for each offense.

### **Article 7. Public Access to Displayed Tobacco Products.**

- 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 not admit into the store persons under eighteen (18) years of age.
- b. When a person is convicted or enters a plea and receives a continued sentence for a violation of this section, the total of any fines, fees, or costs shall not exceed two hundred dollars (\$200.00) for each offense.

### **Article 8. Report of Violations and Compliance Checks**

- a. Any conviction for a violation of this Article and any compliance checks conducted by the Police Department pursuant to Subsection (b) of this section shall be reported in writing to the Alcoholic Beverage Laws Enforcement (ABLE) Commission within thirty (30) days of the conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE Commission. Convictions shall be reported by the Court Administrator/Court Clerk or his designee and compliance checks shall be reported by the Chief of Police or his designee.
- b. Persons under eighteen (18) years of age may be enlisted by the Police Department to assist in enforcement of this Article pursuant to the rules of the ABLE Commission.

Reference: City Ordinance No. 2010-3, Dated June 12, 2010

## CONTROLLED SUBSTANCES

### ORDINANCE NO. 2018-11

AN ORDINANCE PROVIDING THAT POSSESSION OF CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN TITLE 63 OF THE OKLAHOMA STATUTES SHALL BE ILLEGAL UNDER THE ANTLERS CITY CODE AND AMENDING SECTION 15-31 OF THE ANTLERS CITY CODES OF 2018 BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ANTLERS, OKLAHOMA:

*Section 15-31* of the Antlers City Codes of 2018 is hereby amended to provide as follows:

It shall be unlawful for any person to possess or be under the influence of any narcotic or dangerous drug or other controlled dangerous substance, as such are defined by the Oklahoma Statutes in Title 63, to appear or be upon or in any street, alley, place of business or other public place within the City of Antlers, Oklahoma: or for any person to use any narcotic or other controlled dangerous substance upon or in any street, alley, place of business or other public place within said City; or for any person to possess or use any narcotic or other controlled dangerous substance in any place within said City, except as legally prescribed by a physician licensed to practice in the State; or for any person to loiter about a place where any narcotic or other controlled dangerous substance is sold or furnished illegally; or for any person to sell or furnish illegally to another person any narcotic or other controlled dangerous substance.

*Section 15-31 A. Declaring Emergency.*

It being necessary for the immediate preservation of peace, health, or safety that this amendment be adopted, it is therefore necessary that this ordinance adopting said Antlers City Codes become effective immediately and same is hereby done by separate action by declaring the above ordinance to be an emergency measure and such emergency measure having been voted on separately and approved by affirmative vote of at least (3/4) of all the members of the City Council of the City of Antlers, Oklahoma, this ordinance is hereby declared an emergency to be effective immediately upon passage and publication.

Said ordinance passed and approved and the emergency measure passed and approved, by separate vote, on this 2<sup>nd</sup> day of July, 2018.

## ORDINANCE NO. 2018-18

AN ORDINANCE CREATING CHAPTER 30 OF THE CITY OF ANTLERS CODE OF ORDINANCES, PROVIDING FOR RETAIL MARIJUANA ESTABLISHMENTS; ESTABLISHING LICENSE AND PERMIT REQUIREMENTS; RESTRICTING LOCATION; PROVIDING FOR CONDITIONS OF OPERATION; ESTABLISHING PERMITTED MARIJUANA FACILITIES INCLUDING COMMERCIAL MARIJUANA GROWING FACILITIES, WHOLESALER MARIJUANA FACILITIES, MARIJUANA STORAGE FACILITIES, AND MARIJUANA GROWING FOR PERSONAL USE FACILITIES; ESTABLISHING FEES; ESTABLISHING PERMITS AND PERMIT PROCESS FOR PERMITTED MARIJUANA FACILITIES; PROVIDING FOR REPEALER; CODIFICATION; AND SEVERABILITY.

BE IT ORDAINED BY THE CITY OF ANTLERS, OKLAHOMA:

### CHAPTER 30

### MARIJUANA PRODUCTS

Article 1. General Provisions and Definitions

Article 2. Commercial Marijuana Establishments

Article 3. Retail Marijuana Establishments

Article 4. Marijuana Growing Facilities for Personal Medical Use

Article 5. Penalty

#### **Article 1. General Provisions and Definitions**

##### Section 30-1. General Provisions

- A. Applicants for Marijuana Growing Facilities for Personal Medical Use license contained herein shall be required to possess a valid State of Oklahoma issued medical marijuana license prior to making application for the city license.
- B. The licenses outlined in this ordinance will be subject to property inspection by the Code Enforcement Officer. Property inspection will occur at a time scheduled and approved by both the applicant and the Code Enforcement Officer. The applicant will be required to be present during the inspection.
- C. All structures, equipment and apparatuses shall comply with all building and fire codes adopted by the State of Oklahoma and the City of Antlers.
- D. Applications for Commercial, Retail, and Residential Marijuana Establishments permits shall submit a written application to the City of Antlers to include, at a minimum, the following:



1. The name of the establishment;
2. Physical address of the establishment;
3. Phone number of the establishment;
4. Operating hours of the establishment;
5. The applicant's first name, middle name, last name and suffix if applicable;
6. The applicant's residence address and mailing address;
7. The applicant's date of birth;
8. The applicant's preferred telephone number and email address;
9. An attestation that the information provided by the applicant is true and correct;
10. An application submitted on behalf of a business organization shall include an attestation that the applicant is authorized to make application on behalf of the business organization, full name of the business organization, type of business organization, mailing address for the business application;
11. A statement signed by the applicant not to divert marijuana to any individual or entity that is not lawfully entitled to possess marijuana.
12. One copy of all the following:
  - a. All documentation showing the proposed Permit Holder's valid tenancy, ownership or other legal interest in the proposed Permitted Premises. If the Applicant is not the owner of the proposed Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Medical Marijuana Establishment must be obtained.
  - b. A valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Establishment.
  - c. Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
  - d. Application for Sign Permit, if any sign is proposed.
  - e. Any other information reasonably requested by the City of Antlers to be relevant to the processing or consideration of the Application.

- E. Permit fees and annual renewal fees are non-refundable. Renewal fees are due January 1<sup>st</sup> on each calendar year. Permit fees shall be paid at the time of submission of an application and are prorated.

### Section 30-2. Definitions

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

- A. **Medical Marijuana Dispensary:** Any retail medical marijuana establishment licensed by the State of Oklahoma and the City of Antlers to sell or dispense medical marijuana or medical marijuana products.
- B. **Commercial Medical Marijuana Growing and/or Processing Facilities:** Any medical marijuana growing or processing facility licensed by the State of Oklahoma to grow or process medical marijuana in excess of twelve (12) plants. Growing includes the cultivation, manufacturing, processing, packaging, and distribution of marijuana and marijuana products. Processing includes but is not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create medical marijuana, medical marijuana products or concentrates.
- C. **Medical Marijuana Wholesale and/or Storage Facility:** Any wholesale or storage establishment licensed by the State of Oklahoma and the City of Antlers that acquires, possesses, stores, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid medical marijuana dispensary license.
- D. **Medical Marijuana Growing for Personal Use:** Any individual licensed by the State of Oklahoma and the City of Antlers to grow up to twelve (12) plants within a single residence for personal medical use. Reference 63 O.S. 420
- E. **Distance Requirements:** For the distance requirements set out in this ordinance, the distances described shall be computed by direct measurement in a straight line from the nearest property line of the parcel of land on which the use described is located to the nearest property line of the building or unit in which the proposed commercial, retail, or residential establishment would be located.
- F. **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.
- G. **Smell or Noxious Odor:** The smell of noxious odor emitted from growing, smoking or consumption of marijuana by a person possessing a valid state issued medical marijuana license shall be treated as a public nuisance.

## **Article 2. Commercial Marijuana Establishments**

### **Section 30-3. Commercial Marijuana Establishments**

- A. Commercial Marijuana Establishments are hereby allowed within the municipal boundaries of Antlers, Oklahoma under the following conditions:
- B. The facility must acquire a permit for the facility and business license from the Municipal Clerk. The permit fee for a commercial growing facility shall be assessed per calendar year as determined by the fee schedule set by the City Council.
- C. The facility must be located in a commercial, industrial or agricultural (agricultural but not adjacent to a residential) zoned area and shall be an enclosed structure. Such facility shall not be located within one thousand (1,000) feet of any private or public preschool, elementary, secondary, vocational or trade school, college or university entrance.
- D. The facility must be constructed in such a manner that the growing of the marijuana plants cannot be seen by the public from the public right of way.
- E. 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.
- F. Growing marijuana shall not be conducted in a manner that constitutes a public nuisance.
- G. Taxes will be collected for the City of Antlers at the point of sale at the current rate set by the City of Antlers and remitted to the Oklahoma Tax Commission.
- H. Any violation of this section will result in the revocation of the Commercial Marijuana Establishment permit and fines.

## **Article 3. Retail Marijuana Establishments**

### **Section 30-4. Retail Marijuana Establishments**

Retail Marijuana Establishments are hereby allowed within the municipal boundaries of Antlers, Oklahoma under the following conditions:

- A. The retail establishment must acquire a permit for the facility and business license from the Municipal Clerk. The permit fee for a retail marijuana establishment shall be

assessed per calendar year as determined by the fee schedule set by the City Council.

- B. A retail marijuana establishment shall not be located within one thousand (1,000) feet of any private or public preschool, elementary, secondary, vocational or trade school, college or university entrance. A retail marijuana establishment must be located in a commercial district.
- C. Buildings where marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.
- D. It is the intent of the City of Antlers that nothing in the Retail Marijuana Establishment Ordinance be construed to:
  - 1. Allow persons to engage in conduct that endangers or causes a public nuisance;
  - 2. Allow the use of marijuana for non-medical purposes; or
  - 3. Allow any activity that is otherwise illegal and not permitted by state law.
- E. Taxes will be collected for the City of Antlers at the point of sale at the current rate set by the City of Antlers and remitted to the Oklahoma Tax Commission
- F. The hours of operation shall be between the hours of 8:00 AM to 8:00 PM Monday through Saturday.
- G. The smell of noxious odor emitted from smoking or consumption of marijuana by a person possessing a valid state issued medical marijuana license shall be treated as a public nuisance.
- H. Any violation of this section will result in the revocation of the Retail Marijuana Establishment permit and fines.

#### **Article 4. Marijuana Growing Facilities for Personal Medical Use**

##### **Section 30-5. Marijuana Growing Facilities for Personal Medical Use**

Marijuana Growing Facilities for Personal Medical Use are hereby allowed within the municipal boundaries of Antlers, Oklahoma under the following conditions:

- A. All owners of Marijuana Growing Facilities for Personal Medical Use are required to obtain a permit from the Municipal Clerk. The permit fee shall be assessed per calendar year as determined by the fee schedule set by the City Council.

- B. All Marijuana Growing Facilities for Personal Medical Use shall be subject to security provisions as stated herein prior to granting of a permit. Failure to comply with security provisions as stated herein will result in revocation of the permit.
- C. Any access or entry point to residential facilities used for marijuana cultivation for personal medical use must be secured by lock and key or equivalent, at all times except when the residential facility is actively being supervised in person by the permit holder.
- D. Growing marijuana for personal medical use shall be limited to the interior of a single private residence.
- E. Growing marijuana shall not be visible from the public right of way.
- F. 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 shall not exceed 1,000 watts per light. The use of gas products (CO<sub>2</sub>, butane, etc.) or CO<sub>2</sub> and ozone generators in the growing area is prohibited.
- G. The primary use of the residential property in which marijuana is grown shall remain at all times a residence, with legal and functioning cooking, eating, sleeping and sanitation/bathing facilities with proper ingress and egress. No room shall be used for growing marijuana where such cultivation will impair or prevent the primary uses of cooking, eating, sleeping or sanitation/bathing.
- H. If the residence is rented consent of the property owner shall be obtained prior to any cultivation commencing. This consent must be evidenced by a signed and notarized statement from the property owner permitting the growth of marijuana in the residence.
- I. The smell of noxious odor emitted from smoking or consumption of marijuana by a person possessing a valid state issued medical marijuana license shall be treated as a public nuisance.
- J. Any violation of this section will result in the revocation of the Marijuana Growing Facilities for Personal Medical Use Permit, fines, and possible confiscation and forfeiture of plants and equipment.

#### **Article 5. Penalty**

- A. In addition to license revocation or suspension, a violation of any of the provisions contained in this chapter shall also be deemed an offense and punishable, as provided in these City Codes;

- B. Any Medical Marijuana Establishment that is an unlicensed facility shall be assessed a fine of five hundred (\$500.00) dollars.
- C. Any Medical Marijuana Establishment which does not apply for a permit from the City of Antlers will be assessed a fine of one hundred (\$100.00) dollars per day for each day the establishment remains open and such establishment is delinquent in paying permit fees.

Emergency Clause: It being necessary for the immediate preservation of the public peace, health and safety of the City of Antlers, Oklahoma and the inhabitants thereof, an emergency is hereby declared to exist. By reason whereof, it is necessary that this Ordinance go into full effect and be of force immediately upon publication as required by law.

ADOPTED AND APPROVED in the regularly scheduled City of Antlers Council Meeting of Antlers, OK 12-3-2018.

## **ORDINANCE NO. 2018-21**

An Ordinance of the City of Antlers replacing City of Antlers Municipal Code Chapter 28 SMOKING IN PUBLIC PLACES AND INDOOR WORKPLACES (Antlers City Codes of 2018) with the intent of updating and consolidating the Regulation of the Use of Tobacco Products and Vapor Products.

### **CHAPTER 28**

#### **Tobacco Products and Vapor Products**

##### **Article 1. TOBACCO FREE AND VAPOR FREE ORDINANCE FOR INDOOR/OUTDOOR**

It is the intent of the City Council enacting this ordinance, to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of tobacco product and vapor product use around non-users, especially children; by protecting the public from exposure to secondhand smoke where people work, play, and learn; by reducing the potential for children to wrongly associate tobacco product and vapor product use with a healthy lifestyle; and by affirming and promoting a healthy environment in the Antlers/Pushmataha County.

##### **Section 28-1 Findings**

Antlers City Council hereby finds and declares as follows:

WHEREAS, 21.1 percent of adults in Oklahoma smoke; <sup>1</sup> and

WHEREAS, tobacco use is the leading preventable cause of death, killing more than 7,500 Oklahomans every year; <sup>2</sup> and

WHEREAS, tobacco use can cause disease in nearly all organ systems, and is responsible for 87 percent of lung cancer deaths, 79 percent of all chronic obstructive pulmonary disease deaths, and 32 percent of coronary heart disease deaths;<sup>3</sup> and

WHEREAS, studies show separate smoking areas or rooms, air filters, and ventilation systems are insufficient to protect nonsmokers from secondhand smoke indoors;<sup>4</sup> and

WHEREAS, according to the United States Surgeon General, there is no risk-free level of exposure to secondhand smoke:<sup>4</sup> and

WHEREAS, nearly 50,000 nonsmokers die each year in the United States as a result of exposure to secondhand smoke;<sup>5</sup> and

WHEREAS, using vapor products or smokeless tobacco products is not safe,<sup>6,7,8,9,10,11,12,14,15,16</sup> and

WHEREAS, research has found that aerosol from vapor products contains chemicals known to cause cancer, birth defects, or other reproductive harm<sup>6,7,8,9,10,11,12</sup> and vapor products may involuntarily expose children, youth, pregnant women, and other bystanders to aerosolized nicotine;<sup>10,12,13</sup> and

WHEREAS, smokeless tobacco use increases people's risk of heart disease, stroke, and cancer, specifically oral, esophageal, and pancreatic cancers,<sup>14,15,16</sup> as well as stillbirth and preterm delivery;<sup>17,18</sup> and

WHEREAS, community policies that fail to prohibit the use of tobacco products normalize tobacco use and make it more likely that people will use tobacco products because they see others using tobacco;<sup>19</sup> and

WHEREAS, tobacco use and exposure to secondhand smoke impose an enormous economic burden upon the government, taxpayers, business owners, and individuals through health care costs and lost productivity, as evidenced by the \$1.62 billion Oklahoma spends on smoking-related medical care and \$2.1 billion in lost productivity;<sup>2</sup> and

WHEREAS, laws restricting the use of tobacco products have demonstrated a high return on investment;<sup>20</sup> and

WHEREAS, 81.7 percent of Oklahomans agree that all workplaces in cities and towns should have smoke free policies;<sup>21</sup> and

WHEREAS, Oklahoma state law prohibits smoking in most indoor workplaces; and

WHEREAS, Oklahoma state law expressly permits municipalities to impose additional regulations on smoking tobacco products on property owned or operated by local governments; and

WHEREAS, Oklahoma state law does not preempt local governments from regulating the use of smokeless tobacco products and vapor products.

## REFERENCES

1. Oklahoma State Department of Health (OSDH). Current Smoker. Oklahoma Behavioral Risk Factor Surveillance System. 2014. Available at: Available at: [www.health.ok.gov/ok2share](http://www.health.ok.gov/ok2share) .
2. Campaign for Tobacco Free Kids. The Toll of Tobacco in Oklahoma. 2015. Available at: [www.tobaccofreekids.org/facts\\_issues/toll\\_us/oklahoma](http://www.tobaccofreekids.org/facts_issues/toll_us/oklahoma) .



3. U.S. Surgeon General. Factsheet: The Health Consequences of Smoking-50 Years of Progress: A Report of the Surgeon General. 2014. Available at: [www.surgeongeneral.gov/library/reports/50-years-of-progress/factsheet.html](http://www.surgeongeneral.gov/library/reports/50-years-of-progress/factsheet.html).
4. US Department of Health and Human Services Office of the Surgeon General. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. Rockville, MD; 2006.
5. Tobacco Settlement Endowment Trust. Tobacco Stops with Me. Secondhand Smoke. 2015. Available at: <http://stopswithme.com/facts-and-stats/secondhand-smoke/>.
6. Chemicals known to the state to cause cancer or reproductive toxicity. State of California Environmental Agency Office of Health Hazard Assessment Safe Drinking Water and Toxic Enforcement Act of 1986. 2015. Available at: [www.oehha.ca.gov/prop6S/prop6S\\_listfiles/P6Ssingle01231S.pdf](http://www.oehha.ca.gov/prop6S/prop6S_listfiles/P6Ssingle01231S.pdf)
7. California Department of Public Health California Tobacco Control Program. State Health Officer's Report on E- Cigarettes: A Community Health Threat. Sacramento, CA Available at: <http://cdph.ca.gov/programs/tobacco/Documents/MedialState Health-e-cig report.pdf>
8. Grana R, Benowitz N, Glantz S. Background Paper on E-cigarettes (*Electronic Nicotine Delivery Systems*); 2013. Available at: <http://escholarship.org/uc/item/13p2b72n>
9. Williams M, Villarreal A, Bozhilov K, Lin S, Talbot P. Metal and silicate particles including nanoparticles are present in electronic cigarette cartomizer fluid and aerosol. PLoS One. 2013;8(3):e57987. doi: 10.1371/journal.pone.0057987.
10. German Cancer Research Center. "Electronic Cigarettes - An Overview" Red Series Tobacco Prevention and Control. Heidelberg; 2013. Available at: [www.dktz.de/de/tabakkontrol/e/download/Publikationen/RoteReihe/Band\\_19\\_e-cigarettes\\_an\\_overview.pdf](http://www.dktz.de/de/tabakkontrol/e/download/Publikationen/RoteReihe/Band_19_e-cigarettes_an_overview.pdf)
11. Goniewicz ML, Knysak J, Gawron M, et al. Levels of selected carcinogens and toxicants in vapour from electronic cigarettes. *Tab Control*. 2013;1 :1-8. doi:10.1136/tobaccocontrol-2012-050859.
12. Schripp T, Markewitz O, Uhde E, Salthammer T. Does e-cigarette consumption cause passive vaping? *Indoor Air*. 2013;23(1 ):25-31. doi: 10.1111 /j.1600-0668.2012.00792.x.
13. Schober W, Szendrei K, Matzen W, et al. Use of electronic cigarettes (e-cigarettes) impairs indoor air quality and increases FeNO levels of e-cigarette consumers. *Int J Hyg Environ Health*. 2013. doi:10.1016/j.ijheh.2013.11.003.
14. Henley SJ, Thun M, Connell C, Calle E. Two Large Prospective Studies of Mortality Among Men Who Use Snuff or Chewing Tobacco (United States). *Cancer Causes Control*. 2005; 16(4):347-58. doi: 10.1007/s10552-004-5519-6.
15. Boffetta P, Straif K. Use of smokeless tobacco and risk of myocardial infarction and stroke: systematic review with meta-analysis. 2009:1-6. doi:10.1136/bmj.b3060.
16. Arefalk G, Hambraeus K, Lind L, Mtschaelsscn K, Lindahl B, Sundstrom J. Discontinuation of smokeless tobacco and mortality risk after myocardial infarction. *Circulation*. 2014;130(4):325-32. doi:10.1161/CIRCULATIONAHA.113.007252.
17. U.S. Department of Health and Human Services. The Health Consequences of Smoking - 50 Years of Progress  
A Report of the Surgeon General Executive Summary.; 2014. Available at: [www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf](http://www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf)
18. Baba S, Wikstrom A-K, Stephansson O, Cnattingius S. Influence of snuff and smoking habits in early pregnancy on risks for stillbirth and early neonatal mortality. *Nicotine Tob Res*. 2014; 16(1 ):78-83. doi:10.1093/ntr/ntt117.

19. U.S. Department of Health and Human Services. The Health Consequences of Smoking - 50 Years of Progress  
A Report of the Surgeon General.; 2014. Available at: [www.surgeongeneral.gov/library/reports/50-years-of-progress/ful-report.pdf](http://www.surgeongeneral.gov/library/reports/50-years-of-progress/ful-report.pdf)
20. Guide to Community Preventive Services. Reducing Tobacco Use and Secondhand Smoke Exposure: Smoke-Free Policies. 2012. Available at: [www.thecommunityguide.org/tobacco/smokefreepolicies.html](http://www.thecommunityguide.org/tobacco/smokefreepolicies.html)
21. Oklahoma State Department of Health (OSDH). Smoke-free policies for all workplaces in city and towns. Oklahoma Behavioral Risk Factor Surveillance System. 2013. Available at: [www.health.state.ok.us/ok2share/](http://www.health.state.ok.us/ok2share/)
22. 63 Okla. Stat. Ann. § 1-1527.

## Section 28-2. Definitions

The following words and phrases, whenever used in this article shall have the meanings defined in this section unless the context clearly requires otherwise:

**Indoor Area** means any enclosed area used or visited by employees or the public, at all times, regardless of whether work is being performed. Indoor Area includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, as well as 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.

**Municipal Property** means all buildings, Indoor Areas, and Outdoor Areas, including but not limited to recreational areas, and other property, or portions thereof, owned or operated by the City of Antlers including but not limited to vehicles and equipment owned by the municipality.

**Outdoor Area** means any area that is not an Indoor Area, and includes outdoor recreational areas.

**Smoking** means the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.

**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.

**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.

### Section 28-3. Prohibited Conduct

- a. Smoking Tobacco Products is prohibited in all places in which Smoking Tobacco Products is prohibited by Oklahoma state law.
- b. Using Tobacco Products and Vapor Products is prohibited on all Municipal Property, indoor and outdoor, including parks and recreational areas.
- c. Nothing in this Article prohibits any person or entity from prohibiting the use of Tobacco Products or Vapor Products on their property, even if the use of Tobacco Products or Vapor Products is not otherwise prohibited in that area.
- d. No person or entity shall knowingly permit the use of Tobacco Products or Vapor Products in an area that is under the control of that person or entity and in which the use of Tobacco Products or Vapor Products is prohibited by law.
- e. No person or entity shall permit the placement of ash receptacles, such as ashtrays or ash cans, within an area under the control of that person or entity and in which Smoking is prohibited by law. However, the presence of ash receptacles shall not be a defense to a charge of the use of Tobacco Products or Vapor Products in violation of any provision of this article.
- f. No person or entity shall intimidate, threaten, or otherwise retaliate against another person or entity that seeks to attain compliance with this Ordinance.

### Section 28-4. Required Signs

- a. The person or entity that has legal or de facto control of an area in which the use of Tobacco Products or Vapor Products is prohibited by this Ordinance shall post a clear, conspicuous, and unambiguous sign at each point of entry to the area, and in at least one other conspicuous point within the area.
- b. 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, 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 15 inches by 15 inches in size, with lettering of at least 1 inch, and shall clearly state that smoking, tobacco use is prohibited, or that a tobacco-free environment is provided.

- c. For purposes of this section, the City Councilor his/her designee shall be responsible for the posting of signs on Municipal Property, both indoor and outdoor.
- d. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of the use of Tobacco Products or Vapor Products in violation of any other provision of this Ordinance.

#### Section 28-5. Penalties and Enforcement

- a. Enforcement of this chapter shall be the responsibility of the City of Antlers, Chief of Police. In addition, any peace officer or code enforcement official may enforce this chapter.
- b. Any person who knowingly violates this article shall be punished by a citation and fine of not less than \$10 and not more than \$100.
- c. The possession of a lighted Tobacco Product in violation of this article is a nuisance.
- d. The remedies provided by this Ordinance are cumulative and in addition to any other remedies available at law or in equity.
- e. Each instance of Tobacco Product or Vapor Product use in violation of this article shall constitute a separate violation.
- f. The use of a Vapor Product in violation of this article is a nuisance.
- g. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Ordinance regarding Tobacco Product or Vapor Product use shall also constitute a violation of this article.

#### Section 28-6. Statutory Construction & Severability

It is the intent of the City of Antlers of Pushmataha County 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 this 3<sup>rd</sup> day of December, 2018 by the City Council, City of Antlers, Oklahoma.