

General Provisions

**PART 1**

**GENERAL PROVISIONS**

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**SECTION 1-101      HOW CODE DESIGNATED AND CITED**

The provisions embraced in the following Chapters and Sections shall constitute and be designated the "Code of Ordinances, Town of Oologah, Oklahoma," and may be so cited.

State of Law Reference: Adoption and revision of codes of ordinances, *11 Okla. Stat. Sections 14-108 and 14-109.*

**SECTION 1-102      RULES OF CONSTRUCTION**

In the construction of this Code and of all Ordinances, the following rules are observed unless the construction would be inconsistent with the manifest intent of the Board of Trustees:

1. "Board of Trustees" or "Town Board" means the Board of Trustees of the Town of Oologah, Oklahoma;
2. "Computation of time". Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which the notice is given or the act is done shall be counted in computing the time but the day on which the proceeding is to be had shall not be counted;
3. "County" or "this County" means the County of Rogers County;
4. "Gender". A word importing one gender only shall extend and be applied to other genders and to firms, partnerships, and corporations, as well;

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5. "Joint authority". All words giving "joint authority" to three (3) or more persons or officers shall be construed as giving such authority to a majority of such person or officers;
6. "Law" includes applicable Federal law, provisions of the Constitution and statutes of the State of Oklahoma, the Ordinances of the Town, and, when appropriate, any and all rules and regulations promulgated thereunder;
7. "Mayor" means the Mayor of the Town;
8. "Month" means a calendar month;
9. "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;
10. "Number". A word importing the singular number only may extend and be applied to several persons and things, as well as to one person and thing. Words used in the plural number may also include the singular unless a contrary intention plainly appears;
11. "Oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted or an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed;"
12. "Or, and". "Or" may be read "and", and "and" may be read "or", if the sense requires it;
13. "Other officials or officers, etc." Whenever reference is made to officers, agencies or departments by title only, i.e., "Clerk", "Town Clerk", "Town Attorney", "Fire Chief", "Chief of Police", etc., they shall mean the officers, agencies or departments of the Town;
14. "Person" shall extend and be applied to an actual person, any persons and to associations, clubs, societies, firms, partnerships, and bodies politic and corporate, or the manager, lessee, agent, servant, officer or employee of any of them, unless a contrary intention plainly appears;
15. "Preceding, following" means next before and next after, respectively;
16. "Property" shall include real and personal property;
17. "Signature or subscription" includes a mark when a person cannot write;
18. "State" or "this State" shall be construed to mean the State of Oklahoma;
19. "Statutory references" means references to statutes of the State of Oklahoma as they now are or as they may be amended to be;

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

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

22. "Town" means the town of Oologah, Oklahoma;

23. "Week" means seven (7) days; and

24. "Year" means a calendar year.

### **SECTION 1-103**      **CATCHLINES OF SECTIONS; CITATIONS**

The catchlines of Sections in this Code are printed in CAPITAL LETTERS and citations included at the end of Sections are intended to indicate the contents of the Section and original historical sources, respectively, and shall not be deemed or taken to be titles and official sources of such Sections; nor as any part of the Section, nor, unless expressly so provided, shall they be so deemed when any of the Sections, including the catchlines, or citations, are amended or re-enacted.

### **SECTION 1-104**      **EFFECT OF REPEAL OF ORDINANCES**

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

B. The repeal of an Ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed, under the Ordinance repealed.

### **SECTION 1-105**      **SEVERABILITY OF PARTS OF CODE**

It is hereby declared to be the intention of the Board of Trustees that the Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, or Section of this Code or of any Ordinance in the Code shall be declared unconstitutional, illegal or otherwise invalid by the valid judgment or decree of a Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this Code of Ordinances.

**SECTION 1-106      AMENDMENT TO CODE; EFFECT OF NEW ORDINANCES;  
AMENDATORY LANGUAGE**

A. All Ordinances passed subsequent to this Code or Ordinances which amend, repeal or in any way affect this Code of Ordinances may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. when subsequent Ordinances repeal any Chapter, Section or Subsection or any portion thereof, the repealed portions may be excluded from this Code by omission from reprinted pages.

B. Amendments to any of the provisions of this Code may be made by amending the provisions by specific reference to the Section of this Code in substantially the following language: "Be it ordained by the Board of Trustees of the Town of Oologah, Oklahoma, that Section \_\_\_\_\_ of the Code of Ordinances of the Town of Oologah, Oklahoma, is hereby amended to read as follows:" (Set out new provision in full.)

C. When the Board of Trustees desires to enact an Ordinance of a general and permanent nature on a subject not heretofore existing in the Code, which the Town desires to incorporate into the Code, a Section in substantially the following language may be made part of the Ordinance:

"Section \_\_\_\_\_ Be it ordained by the Board of Trustees of the Town of Oologah, Oklahoma, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Oologah, Oklahoma, and the Sections of this Ordinance may be numbered to accomplish this intention."

D. All Sections, Articles, Chapters or provisions of this Code desired to be repealed may be specifically repealed by Section or Chapter number, as the case may be.

State Law Reference: Enactment of ordinances, *11 Okla. Stat. Sections 14-103, et seq.*

**SECTION 1-107      ALTERING CODE**

It is unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with this Code in any manner whatsoever which will cause the law of the Town to be misrepresented thereby. Any person violating this Section shall be punished as provided in Section 1-108 of this Code.

**SECTION 1-108      GENERAL AND SPECIFIC PENALTIES**

A. Except as otherwise provided by State law, whenever in this Code or in any Ordinance of the Town an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the Code or Ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, when no specified penalty is provided therefor, the

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violation of any provision of this Code or of any Ordinance, upon conviction, shall be punished by a fine and not exceeding Five Hundred Dollars (\$500.00). Each day or any portion of a day during which any violation of this Code or of any Ordinance shall continue shall constitute a separate offense. (Ord. No. 2014-01, 09/2014)

B. Specific penalties for violations of specific provisions of this Code may be adopted by the Board of Trustees from time to time by Motion or Resolution. Such specific penalties as adopted or amended are adopted and incorporated herein by reference.

C. Any person who shall aid, abet or assist in the violation of any provision of this Code or any other ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in this Section. (Ord. No. 2014-01, 09/2014)

State Law Reference: See 11 Okla. Stat. Ann. tit 11, Sections 14-111 and 27-119.

D. A specific penalty excluding costs of not more than Ten Dollars (\$10.00) is provided as punishment for violation of any parking violations of the Ordinances of the Town of Oologah, Oklahoma, except handicap parking, which shall be punishable by a fine not to exceed Fifty Dollars (\$50.00) excluding costs.

### **SECTION 1-109**      **FINES RECOVERABLE BY CIVIL ACTION**

All fines shall be recoverable by civil action before any Court of competent jurisdiction in addition to any other method provided by law.

### **SECTION 1-110**      **ORDINANCES IN EFFECT IN OUTLYING TERRITORY OF TOWN**

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

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**CORPORATE AND WARD LIMITS**

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**SECTION 1-201      MAP OF TOWN DESIGNATED AS OFFICIAL MAP**

The map of the Town showing its territorial limits is hereby designated as the official map of the Town, and the corporate limits as shown thereon are declared to be the true and correct corporate limits of the Town, including all annexations made to the Town through and including the date of January 1, 1983.

**SECTION 1-202      WARD BOUNDARIES**

A. The Town is divided into five (5) Wards, as follows:

1. First Ward. The First Ward shall be that part of the Town lying North of Alta Avenue and West of Elm Street (U.S. Highway 169);
2. Second Ward. The Second Ward shall be that part of the Town lying North of Cooweescoowee Avenue and East of Elm Street;
3. Third Ward. The Third Ward shall be that part of the Town lying North of the South line of Blocks 31, 32, 33, 34 and 35, South of Alta Avenue and West of Elm Street;
4. Fourth Ward. The Fourth Ward shall be that part of the Town lying South of the South line of Blocks 31, 32, 33, 34 and 35, and West of Elm Street; and
5. Fifth Ward. The Fifth Ward shall be that part of the Town lying South of Cooweescoowee Avenue and East of Elm Street.

B. The Brunson Addition, Brunson Second Addition and Brunson Third Addition are including in the Fourth Ward of the Town. All previous ordinances in conflict herewith are repealed to the extent that they place those areas in Ward Five (5). (Ord. No. 81-9, 11/2/81)

State Law Reference: See 11 Okla. Stat. Ann. tit 11, Sections 14-111 and 27-119.

**SECTION 1-203**      **REVIEW OF WARDS AFTER EACH FEDERAL CENSUS**

As soon as practicable following each Federal Census, the Board of Trustees shall review the wards and ward boundaries of the Town of Oologah. The Board of Trustees shall change the boundaries or number of wards, if necessary, in the manner provided by *Oklahoma Statutes, Title 11, 1971 (as amended 1977), Section 20-101 through 20-106*. Any changes made will be in such manner so that the wards are formed of compact and contiguous territory and are substantially equal in population.

**SECTION 1-204**      **PROCEDURE FOR CHANGING WARDS**

A. A change in the boundaries or number of wards in the Town of Oologah may be proposed by:

1. A Resolution of the Town Board of Trustees; or
2. A Petition filed with the Board of Trustees signed by at least Fifty-Five Percent (55%) of the registered voters of the Town of Oologah, as shown by the preceding general election.

B. Any change in the number or boundaries of wards shall be made with due regard to the equitable apportionment of the population, as required by law, and the convenience and contiguity of the wards.

**SECTION 1-205**      **CHANGES PROPOSED BY BOARD OF TRUSTEES - NOTICES**

At least thirty (30) days notice must be given of the Board of Trustees' proposal to change the boundaries or the number of wards. The notice shall be published at least once in a newspaper, then by posting a copy of the Order in ten (10) of the most public places in the Town of Oologah. One of the ten (10) posting places shall be in the front entrance of the building where regular Board of Trustees meetings are held. After the thirty (30) day notice period, the Board of Trustees may make the proposed changes, by Ordinance, which shall be approved by a two-thirds (2/3) vote of its members.

**SECTION 1-206      CHANGES PROPOSED BY PETITION**

Within ten (10) days after the filing of a Petition requesting a change in the boundaries or number of wards, the Board of Trustees of the Town of Oologah, by Ordinance, shall make the requested changes.

**SECTION 1-207      EFFECT OF CHANGE**

The effective date of a change in the boundaries or number of wards shall be the effective date of the Board of Trustees' Ordinance making such a change unless the Board of Trustees provides otherwise. Election of Trustees for wards which have no representation due to such changes shall take place at the next regular Town election, and their terms of office shall be as provided by the law applicable to the Town of Trustees form of government. A change in the boundaries or number of wards shall not disqualify a Trustee from completing the term for which he was elected.

**SECTION 1-208      RECORD OF CHANGE**

The Board of Trustees shall provide for the recording and filing of changes made in the boundaries or number of Town wards of the Town of Oologah.

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