NOTICE AND AGENDA FOR SPECIAL MEETING OF
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE
OF THE CITY COUNCIL OF THE CITY OF SAPULPA, OKLAHOMA
2ND FLOOR CONFERENCE ROOM CITY HALL
425 E. DEWEY, SAPULPA, OKLAHOMA
MONDAY, AUGUST 29, 2016
5:30 O'CLOCK P.M.

TAKE NOTICE that a special meeting of the Community and Economic Development the City of Sapulpa will be held in the 2ND floor the City Hall, 425 E. Dewey, Sapulpa, Oklahoma at 5:30 o'clock p.m. on Monday, August 29, 2016, for the purpose of discussing and possible action on the following:

1) Call to Order.

2) Consider approval of Minutes from the previous meeting.

3) Consider and discuss recommending to Council, the adoption of a resolution to initiate eminent domain proceedings to obtain easement across a tract in Section 2, Township 17 North, Range 11 East for a water line to the City Dog Park.

4) Consider and discuss the agreement with Sapulpa Area Chamber of Commerce for tourism services.

5) Consider and discuss agreement with Main Street/Uptown Sapulpa Action, Inc for economic development.

6) Consider and discuss an update on the activities of Retail Attractions, LLC concerning retail development services.

7) Consider and discuss process for becoming a Certified Healthy Community, including prohibiting tobacco use on all property owned or operated by the City.

8) Consider and discuss a request for de-Annexation of a tract of land in Section 5, Township 17 North, Range 12 East, Creek County, Oklahoma.

9) Consider and discuss recommending to Council the adoption of an ordinance providing for the regulation of the collection, removal and disposal of refuse and garbage.

10) Consider and discuss recommending to Council the adoption of an ordinance providing business registration and licensing for all new businesses in the City of Sapulpa.

11) Discuss and consider potential partnership opportunities with Sapulpa Public Schools.

Reg Green, Mayor
David Widdoes, City Attorney
City of Sapulpa, Oklahoma

Received at 3:00 o'clock, P.M. on the 25 day of August, 2016 and posted in prominent public view at the City Hall, 425 E. Dewey, Sapulpa, Oklahoma at 3:10 o'clock, P.M. on the 25 day of August, 2016.

Amy Hoehner
Administrative Assistant
City of Sapulpa, Oklahoma

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RESOLUTION NUMBER_____

A RESOLUTION DECLARING THE PUBLIC NECESSITY FOR THE TAKING, APPROPRIATING, AND CONDEMNING OF A CERTAIN TRACT OF LAND IN SECTION 2, TOWNSHIP 17 NORTH, RANGE 11 EAST, OF THE INDIAN BASE AND MERIDIAN, IN CREEK COUNTY, STATE OF OKLAHOMA, FOR PUBLIC PARK UTILITY PURPOSES, AND AUTHORIZING AND DIRECTING THE PROPER OFFICIALS OF THE CITY OF SAPULPA TO INSTITUTE PROCEEDINGS TO CONDEMN SAID LANDS; AND DECLARING AN EMERGENCY.

WHEREAS, there has been a need identified by the City of Sapulpa, Oklahoma to acquire an interest inland that is necessary to allow for the installation, operation and maintenance of a water line, and other utilities to service the Wiggly Field Dog Park improvement project and to construct said public improvements; and

WHEREAS, the employees and agents of the City of Sapulpa have located an area available for such acquisition but have been unable to acquire said interest in the tract of land at the fair cash market value thereof; and

WHEREAS, the public health, safety and welfare necessitates that an easement interest in said tract of land be acquired in order to install, operate and maintain a potable water service line for the City of Sapulpa, Wiggly Field Dog Park, and therefore protect and promote the health, safety and welfare of the community and the inhabitants of the City of Sapulpa.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, CITY OF SAPULPA, OKLAHOMA, AS FOLLOWS:

Section 1. It is hereby declared to be necessary for the public health, safety and convenience of the City of Sapulpa to acquire an easement interest in and to the following described land situated in the County of Creek, State of Oklahoma, and more particularly described as follows:

OWNER: Robert & Diana Kay Neal
905 N Butternut Avenue
Broken Arrow, Oklahoma 74012

PROPERTY: The west fifteen (15) feet of the following described tract of land lying in Lot Three (3) Section Two (2) Township Seventeen (17) North Range Eleven (11) East of the Indian Base and Meridian, described as follows: A fifteen (15) foot wide easement begining the west fifteen (15) feet of the following tract: Beginning at a point N 00°31'83" W a distance

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of 415.45 feet and thence along a 4° curve to the left in a Northwesternly direction said curve having a radius of 1457.66 feet a distance of 130.25 feet from the SE corner of Lot 3; thence N 30°9'45" E a distance of 38.73 feet; thence in a Northwesternly direction along a curve to the left having a radius of 1495.35 feet a distance of 133.29 feet; thence S 25°2'36" W a distance of 62.73 feet; thence in a Southeasternly direction along a curve to the right having a radius of 1432.66 feet a distance of 128.22 feet; thence N 30°9'45" E a distance of 25 feet to the point of beginning, containing 0.19 acres, more or less.

in order to provide an easement on the property on which to construct and maintain public utilities for the use of the inhabitants of the City of Sapulpa.

Section 2. It is hereby found and determined that and easement interest in said tract of land cannot be acquired by negotiation or purchase at its fair market value and by reason thereof, upon the recommendation of the City Manager and City Council be and they are hereby authorized and directed to institute the necessary legal proceedings to acquire said tract of land by the exercise of the power of eminent domain, and to take such further action as may be convenient or necessary to acquire said fee simple title to said real property.

Section 3. That an emergency is hereby declared to exist for the preservation the public peace, health and safety, by reason whereof this Resolution shall be in full force and effect immediately from and after its adoption and approval as provided by law.

ADOPTED by the City Council of the City of Sapulpa, Oklahoma this ____ day of _____, 2016, with the emergency measure voted upon separately.

_____
Reg Green, Mayor

ATTEST:

_____
Shirley Burzio, City Clerk

APPROVED AS TO FORM:

_____
David R. Widdoes, City Attorney

AGREEMENT

This Agreement is entered into this ___ day of _____ 2016, by and between the City of Sapulpa, Oklahoma, a municipal corporation, having its principal place of business at 425 East Dewey, Sapulpa, Oklahoma 74066, (hereinafter "City") and the Sapulpa Area Chamber of Commerce, a non-profit corporation, having its principal place of business at 101 East Dewey Avenue, Sapulpa, Oklahoma 74066, (hereinafter "Chamber").

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WITNESSETH:

For and in consideration of the mutual covenants hereinafter provided, City and Chamber agree as follows, to-wit:

PURPOSE – The City is desirous of the Chamber conducting activities within the corporate limits of City and environs in close proximity thereto, such activities calculated to encourage, foster and promote tourism development within said City. The Chamber is amenable to performance of such activities. The parties are desirous of setting forth each party's understanding in terms of (i) the activities required of Chamber by City and (ii) the monetary assistance the City shall provide Chamber in respect thereto.

TERM – The term of this Agreement shall be for a period of one year beginning the 1st day of July, 2016, and ending the 30th day of June, 2017. Renewal hereof, under like terms and conditions, may only occur by virtue of affirmative action taken by the governing bodies of both respective entities.

ACTIVITIES – The Chamber shall undertake, promote, carry out, and complete the following programs, to-wit:

> Tourism Development Services – The Chamber shall promote products and services, facilities, attractions and activities available in the Sapulpa market area that encourage, foster and promote tourism in the City. These activities shall be promoted via Chamber activities as well as through use of regional and state publications and other means of advertisement. Eligible tourism development services include any and all tourism activities defined or identified in City Ordinance No. _____.

COMPENSATION – All funds paid pursuant to this contract shall be deposited into a separate and distinct account of the Chamber which shall be maintained solely for the purpose of processing public funds provided by the City of Sapulpa, and shall not be commingled with any other funds of the Chamber. The account identified herein shall be subject to audit or review by the City at the discretion of the City, with all account records made available to the City upon request.

4

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Expenditures from the above account shall be authorized for the following purposes:

1. Preparation, mailing and publication of written materials used to promote the City of Sapulpa;
2. Advertising that is beneficial to the merchants & hoteliers of the City of Sapulpa;
3. Expenses for trade shows promoting the City of Sapulpa;
4. Advertising expenses for local events;
5. Expenses for expos and promotional events;
6. Promotional discounts to local area attractions and merchants;
7. Administrative expenses (overhead/salary) in an amount not to exceed ten percent (10%);
8. Other purposes subject to approval

Items 1 through 8 requesting more than five hundred dollars ($500.00) must submit a written application to be approved by the Tourism Committee. All financial approvals will be based on available funds.

For the performance of the services set forth above, the City shall pay unto the Chamber the sum of eighteen and three quarters percent (18.75%) of the funds actually collected by the City from the hotel/motel tax, Ordinance No._____.

In addition, the Chamber may make written application to the City Council for additional funds as may be available to perform services authorized by this agreement.

The Chamber shall provide invoices to support each of the above expenditures. Further, the City shall have access to all records related to the above expenditure, including but not limited to bank account records, invoices and ledgers, and shall have the authority to examine or audit said account as it deems necessary.

TERMINATION – Chamber may terminate this agreement at anytime upon City's failure to make the payments hereto set forth provided ten (10) days written notice thereof is given to City. City may terminate this agreement at anytime upon Chamber's failure to perform the activities herein contracted for. Irrespective of any breach of the provisions set forth herein, the City shall have the right to cancel the contract upon thirty (30) days written notice to the Contractor. The Contractor shall have the right to cancel the contract upon thirty (30) days written notice to the City.

REPORT AND OPERATING STATEMENT – Chamber shall prepare an annual budget describing in detail a program of work for tourism related advertising and promotion services. Chamber shall submit the budget to the City Council no later than June 15 of each year for approval.

4

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Chamber shall provide and present to the City a written report City of Sapulpa a quarterly financial report within fifteen (15) days of the end of each quarter. Such report shall describe the financial condition of the organization, how Sapulpa citizens were served, and how funds paid pursuant to the contract were spent; specifically listing the expenditure of the funds provided hereunder, showing the vendor's name; the item or service purchased; a short explanation; and the dollar amount. The report need not be lengthy, but should be specific as to the tasks accomplished (annually) detailing expended funds and the Chamber's performance of the activities funded, and any proposed expenditures for the remaining contract period.

Chamber shall provide unto City Clerk of the City of Sapulpa, Oklahoma, on or before July 1, 2016, an Operating Statement from a Public Accountant licensed to practice in the State of Oklahoma, accounting for and certifying that expenditure of the amounts herein provided by City unto Chamber were utilized by Chamber exclusively for the purposes herein contracted for. The final report should include an evaluation of each project undertaken as to its effectiveness.

These reports shall be submitted to the City Clerk, P.O. Box 1130, Sapulpa, OK 74067. Failure to provide these reports could result in the loss of future contracts. The City or its authorized representative shall be allowed to inspect financial records and services upon request of the City.

RELATIONSHIP – The services to be performed for City by Chamber, as called for herein, are performed by Chamber as an independent contractor to the City. Under no circumstance shall the provisions hereof be construed so as to create an agency or employment relationship between City and Chamber. Chamber shall hold harmless and indemnify the City from any cost, damage, expense, or loss, including attorney fees and litigation or alternative dispute resolution costs, that City may incur arising out of the Chamber's performance of the activities herein contracted for.

ENTIRE AGREEMENT – The provisions hereof shall constitute the entire agreement between the parties hereto. No modification, amendment, or alteration of the terms hereof shall be effective unless reduced to writing and executed by both the parties to this Agreement.

GOVERNING LAW – The construction, interpretation, and enforcement of the terms of this Agreement shall be governed in accordance with the laws of the State of Oklahoma.

SUCCESSORS, ASSIGNS -- The provisions of this Agreement shall inure to the benefit and be binding upon the successors and assigns of the parties hereto.

4

CITY OF SAPULPA:

_____
Mayor

Attest:

_____
City Clerk

Approved As to Form:

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_____
City Attorney

Sapulpa Area Chamber
Of Commerce:

By:_____
President

Attest:

_____
Secretary

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Downtown Revitalization Program

This Contract is made this ___day of _____, between the City of Sapulpa, Oklahoma, hereinafter referred to as "City", and Uptown Sapulpa Action, Inc. hereinafter referred to as "Contractor".

WHEREAS, the City of Sapulpa is a municipal corporation in Creek County, Oklhaoma; and

Uptown Sapulpa Action, Inc., a non-profit corporation, is an independent contractor able to provide an economic development program that enhances the growth, image, and development of downtown Sapulpa; and

The City Charter empowers the City to protect and safeguard the rights, interest, safety, morality, heath and welfare of its inhabitants;

NOW, THERFORE, the City and Uptown Sapulpa Action, Inc., hereby agree as follows:

1. The contractor will provide an economic development program that will assist in the revitalization of the Sapulpa downtown district.

2. The contract shall extend for the term from July 1, 2016, to June 30, 2017, unless terminated sooner by the City. The City reserves the right to terminate the contract at any time for any reason, without penalty or recourse, on thirty (30) days written notice to the contractor. The contract may be extended upon mutual consent of the Board of Councilors and the contractor; however, this option may under no circumstances be construed as conferring a right to or preference for renewal.

3. The City will pay a not to exceed fee for each of the services detailed in this contract. It is understood that the contractor is free to contract with other parties or to otherwise provide additional services, but under not circumstances will the City be obligated to provide more than the total sum for each of the services. These funds shall be released based on the attached payment schedule, Attachment "A".

   Any unencumbered funds, which have been advanced to the contractor and remain in its possession at the end of any of the services, contract period or at the time of termination of this contract, shall be refunded to the City within fifteen (15) days thereafter.

4. Uptown Sapulpa Action, Inc. shall provide to the City of Sapulpa a quarterly financial report within fifteen (15) days of the end of each quarter. Such report shall describe the financial condition of the

5

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organization, how Sapulpa citizens were served, and how funds paid pursuant to the contract were spent; specifically listing the expenditure of the funds provided hereunder, showing the vendor's name; the item or service purchased; a short explanation; and the dollar amount. The report need not be lengthy, but should be specific as to the tasks accomplished. The final report should include an evaluation of each project undertaken as to its effectiveness. These reports shall be submitted to the City Clerk, P.O. Box 1130, Sapulpa, OK 74067. Failure to provide these reports could result in the loss of future contracts. The City or its authorized representative shall be allowed to inspect financial records and services upon request of the City.

5. All services to be provided by the contractor shall be performed at the contractor's place of business or as otherwise provided by the contractor. The contractor shall furnish the qualified personnel, materials, equipment and other items necessary to carry out the terms of this agreement. The contractor shall be responsible for and in full control of the work of all such personnel.

6. The parties agree that the contractor provides specialized services and that the contractor enters this contract with the City as an independent contractor. Nothing in this contract shall be construed to constitute the independent contractor or any of the contractor's agents or employees as the agent, employee or representative of the City of Sapulpa. As an independent contractor, Uptown Sapulpa Action, Inc. is solely liable for all labor and expenses in connection with its contract and for any and all damage, which may result in connection with this contract.

7. Although the contractor is responsible for all control and supervision of work performed under this contract, the work provided must meet the approval of the city and shall be subject to a general right of inspection and supervision to ensure satisfactory completion. This right of inspection and supervision shall include but not limited to a monthly activity and financial report to be provided by the contractor to the City and the right of the City to audit the contractor's records.

8. The contractor agrees to comply with all federal, state and municipal laws, ordinances, rules or regulations applicable to the contractor's business or services or to performance of these services.

9. The contractor agrees to fully indemnify the City against any all claims, demands suits or judgments made by any person in connection with the services provided under this contract.

10. The contractor agrees to obtain comprehensive general liability insurance coverage. The contractor agrees to obtain and keep in force

throughout the term of this contract broad form comprehensive general liability insurance with the limits of not less than $1,000,000 combined single limit per occurrence. The contractor shall provide the City with a certificate of insurance that shows the contractors insurance policy to be primary and name the City as an additional insured.

Dated this _____day of _____, 2016

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City of Sapulpa:

_____
Mayor

Attest:

_____
City Clerk

Approved As to Form:

_____
City Attorney

Uptown Sapulpa Action, Inc.:

_____
Vice President

Attest:

_____
Treasurer

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Attachment "A"
Payment Schedule

Economic Development Program - The total amount is thirty thousand dollars ($30,000). This sum shall be paid to the contractor in equal monthly installments of $2,500 payable on or about the 15th day of the month.

Update on Retail Attractions, LLC to be provided by City Manager

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6

City of Sapulpa

Oklahoma's Most Connected City

Parks Make Life Better

Healthy Parks. Healthy Lifestyles. Healthy Communities.

Memo

To: **Rick Rumsey, Interim City Manager**

From: **John Waytula, Director of Parks & Recreation**

Cc:

Date: **2-22-16**

Re: **Tobacco-Free Ordinance Recommendation**

The Park Board has directed staff to request that this item be placed on the March 7th City Council Agenda.

At their February 16, 2016 meeting, the Sapulpa Parks and Recreation Advisory Board voted unanimously to recommend that Council consider approving a Tobacco-Free Ordinance.

The Park Board has recommended that the Tobacco-Free Ordinance include the following requirements as set forth by the Tobacco Settlement Endowment Trust (TSET).

By meeting the requirements listed below, the City would qualify for grants funding up to a maximum of $100,000. The Sapulpa School District would also then qualify for grants funding.

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 area:* means any indoor city-owned/operated property. An indoor area includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees or the public, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor areas at any given time, whether or not work is being performed;

b) *Outdoor area:* means any covered area, partially covered area or area open to the sky that is on a property owned or operated by the city;

c) *Recreational area:* means any area that is owned, controlled or used by the City of Sapulpa and open to the general public for recreational purposes, regardless of any fee or age requirement. The term 'Recreational Area' includes but is not limited to parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, roller- and ice-skating rinks, beaches surrounding lakes and skateboard parks;

d) *Tobacco product:* means any product that contains or is derived from tobacco and is intended for human consumption excluding drugs or devices approved for cessation by the United States Food and Drug Administration. This includes e-cigarettes and vapor products, with or without nicotine.

e) *Tobacco-free:* means to prohibit the use of any tobacco product by anyone, anywhere, at any time.

f) *Vapor product:* shall mean noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. "Vapor products" shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor products" do not include any products regulated by the United States Food, Drug and Cosmetic Act.

PROHIBITION OF TOBACCO PRODUCTS AND VAPOR PRODUCTS ON CITY-OWNED/OPERATED PROPERTY

a) The use of tobacco in any form is dangerous to the health of both adults and children, and sets an unhealthy example for the City of Sapulpa's youth and children. Therefore, the use of tobacco in any form shall be prohibited in in any indoor or outdoor areas owned or operated by the City.

b) All buildings and other properties, including indoor and outdoor areas, owned or operated by this city, shall be entirely tobacco free to include all forms of tobacco products including vapor products.

c) All indoor and outdoor recreational areas owned or operated by the City, including areas in and around all public restrooms and parking lots, shall be entirely tobacco free to include all forms of tobacco products including vapor products.

POSTING

a) The City of Sapulpa shall be responsible for posting a sign or decal, at least four inches by two inches in size, at each entrance of city owned/operated property indicating the property is tobacco-free. *All signs to be provided by TSET.*

b) The posting of signs or decals is the responsibility of the manager and/or supervisor of the city owned/operated facility.

Attachments: Healthy Communities Incentive Grants (Pages 1-4)

7

Amy Hoehner

From: John Waytula <jwaytula@cityofsapulpa.net>
Sent: Wednesday, August 24, 2016 11:02 AM
To: 'Amy Hoehner'
Subject: RE: smoking / tobacco ban

Amy,

The Park Board recommendation did not include the following sections. Not sure why they were left off the TSET recommendation.

SECTION IV: VIOLATION AND PENALTY

a) Any person who knowingly violates this article is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as set by the city.

SECTION V: ENFORCEMENT

The State or local governmental agency shall, at a minimum, do the following in order to prevent tobacco and vapor product use in city owned/operated places:

a) Post signs at entrances to city owned/operated places which state that tobacco use is prohibited; and

b) Ask tobacco users to refrain from using any form of tobacco products, including vapor products upon observation of anyone violating the provisions of this act.

From: Amy Hoehner [mailto:ahoehner@cityofsapulpa.net]
Sent: Wednesday, August 24, 2016 10:29 AM
To: 'John Waytula'
Cc: parkrec@cityofsapulpa.net
Subject: smoking / tobacco ban

Good morning,

Could you please provide me the document/ordinance you would like to have discussed regarding the ban of tobacco/nicotine products? I need to have it today if possible so that I may get it on the special meeting agenda.

Thanks!

Amy Hoehner
City Attorney's Office
P.O. Box 1130
Sapulpa, Oklahoma 74067
(918) 248-5921
(918) 224-8404 (Fax)

7

FREQUENTLY ASKED QUESTIONS

Smoking in Public Places & Indoor Workplaces

What are the benefits of being smokefree?
Reducing exposure to secondhand tobacco smoke reduces heart disease, strokes, and lung cancer among nonsmokers. For children, the benefits include reduction of pneumonia, bronchitis, inner ear infections and asthma. Because most smokers want to quit, smokefree or tobacco-free policies increase the number of "quit attempts" and improve quit rates. Fiscal benefits include reductions in both long-term and short-term tobacco-caused healthcare costs and other expenses such as cleaning costs.

Why adopt a local ordinance on smoking in public places if there's already a state law?
Since 1987, Oklahoma state statutes have limited most regulation of smoking by cities in this state. Title 63 of the Oklahoma Statutes, Section 1-1527 says (in part) "Cities and towns may enact and enforce laws prohibiting and penalizing conduct under provisions of this act, but the provisions of such laws shall be the same as provided in this act and the enforcement provisions under such laws shall not be more stringent than those of this act." No other state in our region restricts local control of smoking.

Despite this limitation on how far Oklahoma communities can go to limit smoking and protect health, there are important reasons to enact local ordinances that largely mirror the state law. Local ordinances can benefit cities by simplifying any enforcement that might be needed, by preserving enforcement revenues for the city, and by helping to improve compliance with these important laws.

From a public health perspective, local ordinances help assure that the laws will be enforced and that they will provide the intended protection from harmful exposure to secondhand tobacco smoke. Additionally, compliance with the state laws and local ordinance – especially if the city chooses to make all municipal properties entirely smokefree (or tobacco-free) – will help young people grow up without becoming addicted and will also provide important incentives for adults to quit.

Are municipal facilities required to be smokefree?
State law allows each city council to decide whether their facilities will be totally smokefree or allow for smoking rooms. If smoking rooms are built, stringent ventilation requirements must be met.

What about vehicles?
Some cities have adopted smokefree policies for their vehicles. Smoking is prohibited in all vehicles owned by the State of Oklahoma and all of its agencies and instrumentalities.

What about tobacco-free policies on municipal property?
To help encourage a healthy lifestyle in the community and to send a more consistent message to youth, a growing number of cities and towns are adopting policies to make all municipal property, including parks, ballfields and governmental facility grounds entirely tobacco-free. This trend towards tobacco-free properties is also growing at many tribal government facilities in Oklahoma.

Oklahoma State Senate

Communications Division
State Capitol
Oklahoma City, Oklahoma 73105

For Immediate Release: April 30, 2013

Gov. signs anti-smoking/local control legislation

(For digital audio, go to www.oksenate.gov and select "Media")

OKLAHOMA CITY –Legislation giving communities local control over smoking in public parks and municipal facilities has been signed into law. Gov. Mary Fallen signed Senate Bill 501, by Sen. Frank Simpson and Rep. Pat Ownbey, on Monday. The measure also places Fallin's Executive Order prohibiting the use of all tobacco products in state-owned or leased buildings, land and vehicles into state law.

The legislation gives local governments the authority to ban smoking on any property they own or operate, including municipal parks and sports complexes. Some communities had already enacted such bans; however, the Attorney General ruled that was a violation of state law limiting local government control over the use of tobacco.

"This is a victory for public health," said Simpson, R-Springer. "Parents and grandparents should be able to take their children to the park or to a little league game without having to worry about second-hand smoke—now cities that want to ban smoking in those facilities have the legal authority to do it."

According to the Oklahoma State Department of Health, about 6,000 Oklahomans die each year as a result of smoking, and 700 die from second-hand smoke.

"I am not surprised by the support this bill has received," said Ownbey, R-Ardmore. "I think any time we are giving local communities the ability to set policy, we are supporting community efforts to address problems such as second-hand smoke. The legislation gives cities and towns the opportunity to make their public-owned buildings smoke-free."

The governor issued an Executive Order in 2012 banning all tobacco from state properties, including vehicles. Executive Orders remain in effect throughout a governor's tenure, but the next governor must approve it within 90 days or the order expires. By placing it in the statutes, the smoking ban on state property becomes permanent.

SB 501 will go into effect beginning November 1, 2013.

-END-

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Tahlequah

ORDINANCE NO. 1170- 2010

AN ORDINANCE RELATING TO THE PROHIBITION OF TOBACCO USE IN CITY PARKS AND RECREATION AREAS, AND PROVIDING FOR PENALTIES AND ENFORCEMENT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAHLEQUAH, OKLAHOMA, IN SESSION ASSEMBLED, THAT THE PROVISIONS OF THIS ORDINANCE SHALL AMEND AND BE MADE A PART OF CHAPTER 4, OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS, OF PART 10, OFFENSES AND CRIMES, OF THE CODE OF ORDINANCES OF THE CITY OF TAHLEQUAH, OKLAHOMA, AND THE SECTIONS OF THIS ORDINANCE MAY BE RE-NUMBERED TO ACCOMPLISH THIS INTENTION.

SECTION I: Sections 10- 426.5 through 10- 426.7 of Chapter 4, Part 10, of the Code of Ordinances of the City of Tahlequah are hereby renumbered with no change to the text:

10- 426.6: POSTING.

10- 426.7: VIOLATION AND PENALTY.

10-426.8: ENFORCEMENT.

SECTION II: A new Section 10- 426.5 of Chapter 4, Part 10, of the Code of Ordinances of the City of Tahlequah is hereby added to read as follows:

§ 10-426.5: TOBACCO USE IN CITY PARKS PROHIBITED.

A. The use of tobacco is a public nuisance, is dangerous to the health of both adults and children, and sets an unhealthy example for the City of Tahlequah's youth and children. Therefore, the use of tobacco in any form is hereby prohibited in all City-owned parks. The use of tobacco in any form shall also be prohibited in and around all public restrooms located in City-owned parks, and in and around all parking lots adjacent to City-owned parks.

B. For purposes of this section, a "City-owned park" shall be defined as any parcel of open land which is owned by the City of Tahlequah 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.

C. Any person who knowingly violates this section is guilty of a misdemeanor and upon conviction thereof, shall be punished in accordance with the penalty provisions of Section 10-426.7.

SECTION III: REPEALER

All ordinances or parts of ordinances, in conflict with this ordinance are hereby repealed to the extent of the conflict only.

MAY
BACCO USE
ATION SERVICE

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CITY OF OWASSO, OKLAHOMA
ORDINANCE NO. 906

AN ORDINANCE RELATING TO PART 10, OFFENSES AND CRIMES, CHAPTER 9, SMOKING AND TOBACCO, OF THE CODE OF ORDINANCES OF THE CITY OF OWASSO, OKLAHOMA, AMENDING SAME BY PROHIBITING THE USE OF TOBACCO IN CITY PARKS; PENALTIES FOR VIOLATIONS.

THIS ORDINANCE AMENDS PART 10 OF THE CITY OF THE OWASSO CODE OF ORDINANCES BY CREATING SECTION 10-913, TOBACCO USE IN CITY PARKS PROHIBITED.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OWASSO, OKLAHOMA, THAT, TO-WIT:

SECTION ONE (1): Part 10, Offenses and Crimes, Chapter 9, Smoking and Tobacco, of the Code of Ordinances of the City of Owasso, Oklahoma, shall be amended by enacting and codifying as follows:

SECTION TWO (2):
SECTION 10-913 TOBACCO USE IN CITY PARKS PROHIBITED

A. The use of tobacco is a public nuisance, is dangerous to the health of both adults and children, and sets an unhealthy example for the City of Owasso's youth and children. Therefore, the use of tobacco in any form is hereby prohibited in all City owned parks. The use of tobacco in any form shall also be prohibited in and around all public restrooms located in City owned parks, and in and around all parking lots adjacent to City owned parks.

B. For purposes of this section, a "City owned park" shall be defined as any parcel of open land which is owned by the City of Owasso and used for recreational activities, including all walking and bicycle trails, and fields used for sporting events. However, the provisions of this ordinance shall not be applicable to the Bailey Ranch Golf Course.

C. Any person who knowingly violates this section is guilty of a misdemeanor, and upon conviction thereof, shall be punished by imposition of a fine of not less than TEN DOLLARS ($10.00) nor more than TWO HUNDRED DOLLARS ($200.00), excluding costs, fees, and assessments.

SECTION THREE (3): REPEALER

All ordinances or parts of ordinances, in conflict with this amended ordinance are hereby repealed to the extent of the conflict only.

x

CITY OF SAND SPRINGS
SAND SPRINGS, OKLAHOMA

RESOLUTION No. 12-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND SPRINGS, OKLAHOMA RELATING TO A HEALTHY EATING ACTIVE LIVING (H.E.A.L.) POLICY

WHEREAS, the State of Oklahoma has a strategic goal to promote and develop safe and healthy cities; and

WHEREAS, the First Lady Michelle Obama has asked that Cities' support the national *Let's Move Campaign*, and encourages Oklahoma cities to adopt preventative measures to fight obesity; and

WHEREAS, more than 30% of Oklahoma's adults are overweight or obese and therefore at risk for many chronic conditions including diabetes, heart disease, cancer, arthritis, stroke, and hypertension; and

WHEREAS, in 2010, Oklahoma was the 6th most obese state in the Nation; and

WHEREAS, one in four children in Oklahoma is overweight.

WHERAS, more children are being diagnosed with diseases linked to overweight and obesity previously seen only in adults, such as Type 2 diabetes and heart disease; and

WHEREAS, the current generation of children are expected to have shorter lives than their parents due to the consequences of obesity; and

WHEREAS, obesity takes a tremendous toll on the health, productivity of all Oklahomans;

WHEREAS, the annual cost to Oklahoma in medical bills, workers compensation and lost productivity for overweight, obesity, and physical inactivity exceeds $854 Million;

WHEREAS, teens and adults who consume one or more sodas or sugar sweetened beverages per day are more likely to be overweight or obese;

WHEREAS, local land use policy governs development of the built environment in which individuals make personal nutrition and physical activity choices; and

WHEREAS, by supporting the health of residents and the local workforce would decrease chronic disease and health care costs and increase productivity; and

X

Tulsa County Clerk - EARLENE WILSON
Doc # 2012085425 Page(s): 6
Recorded 08/30/2012 at 03:53 PM
Receipt # 356262 Fee $23.00

CITY OF SAND SPRINGS, OKLAHOMA
AMENDED ORDINANCE NO. 1188

AN ORDINANCE RELATING TO TITLE 9 – PUBLIC PEACE, MORALS AND WELFARE, OF THE CODE OF ORDINANCES OF THE CITY OF SAND SPRINGS, OKLAHOMA; CODIFYING AND INSERTING A NEW CHAPTER 9.36 – Use of All Tobacco Related Products REGULATED IN CERTAIN PUBLIC PLACES; PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY.

WHEREAS the possession of tobacco products in any form has been determined by medical authorities to be a hazard to the public's health; contributing to such diseases as lung cancer, emphysema and heart disease;

WHEREAS it has been demonstrated that the possession of lighted tobacco products in places of public accommodation, including indoor and outdoor environments, can have an involuntary adverse impact upon the health of others;

WHEREAS the possession of lighted tobacco products is prohibited or otherwise regulated in public places by Oklahoma statute: "Smoking in Public Places and Indoor Workplaces Act" (63 O.S. 1-1521); and

WHEREAS the City of Sand Springs, as a function of its governmental duties and responsibilities, shall promulgate ordinances that prohibit or otherwise regulate activities deemed detrimental or hazardous to the public's health, safety and welfare; therefore

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

Section One: Title 9 – Public Peace, Morals and Welfare; Chapter 9.36 – Smoking Regulated in Certain Public Places; is hereby codified and inserted to the Code of Ordinances of the City of Sand Springs, Oklahoma, as follows, to-wit:

Section 9.36 – Smoking Regulated in Certain Public Places.

Section 9.36.010 – Smoking Prohibited in Certain Public Places.

The possession of lighted tobacco products in any form in any place used by or open to the public – including public buildings, public transportation, public grounds, or other place of public accommodation – within the city limits of the City of Sand Springs, Oklahoma, is hereby deemed a public nuisance and is prohibited except where specifically allowed by this ordinance or other county, state or federal laws, rules or regulations.

Section 9.36.020 – Smoking Prohibited In City Buildings

(A) The possession of any form of lighted tobacco products is prohibited inside any portion of any building owned, leased or otherwise controlled by the City of Sand Springs, the Sand Springs Municipal Authority, or other trusts or entities thereof. This section shall apply to all areas of buildings, including areas and buildings not accessible to, or otherwise used by, the public.

(B) The possession of lighted tobacco products in any form is prohibited within 25 feet of any exterior entrance or exit doorway from any building owned, leased or otherwise controlled by the City of Sand Springs, the Sand Springs Municipal Authority, or other trusts or entities thereof.

Section 9.36.030 – Smoking Regulated on City Properties and Facilities

(A) The City Council may adopt policies regulating the possession of lighted tobacco products in any form upon properties and facilities other than buildings – including vehicles and equipment – that are owned, leased or otherwise controlled by the City of Sand Springs, the Sand Springs Municipal Authority, or other trusts or entities thereof. The Council, by resolution, may delegate the adoption and implementation of such policies to the City Manager or his designee, or to specific boards or commissions charged with oversight of such properties and facilities.

(B) The provisions of this Section shall not apply to the public street rights-of-way of the city opened for public use.

Section 9.36.040 – Use of Tobacco Products Prohibited on Other Governmental Properties

(A) For purposes of this section, a "City owned park" shall be defined as any parcel of open land which is owned or operated by the City of Sand Springs and used for recreational activities, including all walking and bicycle trails, and fields used for sporting events.

(B) The use of any form of tobacco products inside any portion of any facility owned, leased or otherwise controlled by a federal, state or county governmental entity, or other trusts or entities thereof, within the city limits for the City of Sand Springs shall be prohibited unless otherwise allowed by applicable federal, state or county laws, rules and regulations.

(C) 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

(10) 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 applicable sections of the Internal Revenue Code, 26 U.S.C., when such facility is utilized exclusively by its members and their families and for the conduct of post or organization nonprofit operations except during an event or activity which is open to the public.

(11) Any outdoor seating area of a restaurant; provided, smoking shall not be allowed within 25 feet of any exterior public doorway or any air intake facility of a restaurant.

(C) An employer not otherwise restricted from doing so may elect to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed and exhausted directly to the outside in such a manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within 25 feet of any building entrance, exit, or air intake facility.

(D) If smoking is to be permitted in any space exempted in the foregoing portions 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 25 feet of any building entrance, exit, or air intake facility.

(E) Any employer may choose a more restrictive smoking policy, including being totally nonsmoking.

Section 9.36.060 – Smoking Regulated in Restaurants

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 building entrance, exit, or air intake facility. Such room shall be subject to verification for compliance with the provisions of this Section by the Oklahoma State Department of Health.

Collinsville, OK

Sec. 26-40. - Tobacco use in city parks prohibited.

(a) The use of tobacco is a public nuisance, is dangerous to the health of both adults and children, and sets an unhealthy example for the City of Collinsville's youth and children. Therefore, the use of tobacco in any form is hereby prohibited in all city-owned parks.

(b) For purposes of this section, a "city-owned park" shall be defined as any parcel of open land which is owned by the City of Collinsville and used for recreational activities, including all walking and bicycle trails, and fields used for sporting events.

(c) Any person who knowingly violates this section is guilty of a misdemeanor, and upon conviction thereof, shall be punished by imposition of a fine of $10.00 excluding costs, fees and assessments. Any second or subsequent conviction shall be punished by imposition of a fine of not less than $10.00 nor more than $100.00 excluding costs, fees and assessments.

(Ord. No. 856, § 1, 10-3-2011)

Sec. 26-41. - 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:

Indoor area means any indoor city-owned/operated property. An indoor area includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees or the public, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor areas at any given time, whether or not work is being performed.

Outdoor area means any covered area, partially covered area or area open to the sky that is on a property owned or operated by the city.

Recreational area means any area that is owned, controlled or used by the City of Collinsville and open to the general public for recreational purposes, regardless of any fee or age requirement. The term "recreational area" includes, but is not limited to, parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, roller- and ice-skating rinks, beaches, surrounding lakes, and skateboard parks.

Tobacco product means any product that contains or is derived from tobacco and is intended for human consumption excluding drugs or devices approved for cessation by the United States Food and Drug Administration. This includes cigarettes, cigars, chewing tobacco, e-cigarettes and vapor products, with or without nicotine.

Tobacco-free means to prohibit the use of any tobacco product by anyone, anywhere, at any time.

Vapor product means noncombustible products that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. "Vapor products" shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be

CITY OF NOBLE ORDINANCE NO. 487

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF NOBLE, OKLAHOMA, AMENDING PART 3, CHAPTER 5, SECTIONS 3-501 THROUGH 3-505 OF THE CODE OF ORDINANCES OF THE CITY OF NOBLE BY EXPANDING THE EXISTING ORDINANCE REGULATING SMOKING TO REGULATE ALL TOBACCO USE AND TO PROHIBIT THE USE OF ALL TOBACCO IN ANY FORM ON MUNICIPAL PROPERTY AND IN CERTAIN DESIGNATED PUBLIC AREAS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY AND PROVIDING FOR THE DECLARATION OF AN EMERGENCY IF BY SEPARATE VOTE THE CITY COUNCIL DETERMINES THAT AN EMERGENCY EXISTS NECESSITATING THAT THIS ORDINANCE BE DECLARED TO BE EFFECTIVE IMMEDIATELY UPON ITS ADOPTION.

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

SECTION 1. That Part 3, Chapter 5 of the Code of Ordinances of the City of Noble is hereby amended and shall, from and after the effective date of this Ordinance read as follows:

Part 3, Chapter 5 TOBACCO FREE AREAS (THE NOBLE TOBACCO FREE ORDINANCE)

SECTION 2. That Part 3, Chapter 5, Section 3-501 of the Code of Ordinances of the City of Noble, Oklahoma, is hereby amended and shall, from and after the effective date of this Ordinance read as follows:

SECTION 3-501 PURPOSE

Tobacco Use in all forms has been determined to be injurious to human health, to constitute a source of annoyance, and discomfort to non tobacco users and to the public as a whole, and to be a public nuisance due to the following:

A. Reliable studies have shown that breathing side stream or secondhand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

B. Health hazards induced by breathing side stream or secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchspasm; and

C. Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing side stream or secondhand smoke may experience a

7

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

E. "Oral use of Tobacco" includes chewing and dipping of tobacco or any tobacco based product.

F. "Outdoor event" *includes, but is not limited to*, a scheduled outdoor musical, dance, theatrical, dramatic, sporting, or entertainment or performance event, or a scheduled outdoor community fair, parade, event or market, that is organized, licensed or permitted by the owner of an outdoor venue and to which the public is invited.

G. "Outdoor venue" *includes, but is not limited to,* an outdoor theater, arena, stadium, amphitheater, plaza, street or other improved area that is used as a public venue or forum to which members of the general public are invited to listen, view or otherwise participate in an outdoor event that is organized, licensed or permitted by the owner of the venue.

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

I. "Public entrance" means the doorway or other entrance to a public place that is open to and intended for use by the general public for ingress and egress to the public place.

J. "Public park" means a public park or recreation area that is open to and used by the general public.

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

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

M. "School grounds" mean the grounds of any educational facility, but excluding any open areas specifically designated and permitted by the school administration for smoking by adults who are invited to use such area for smoking.

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

O. "Stand-alone bar", "stand-alone tavern", and "cigar bar" mean an establishment that derives more than sixty percent (60%) of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low-point beer and no person under twenty-one

7

opened and no air is recirculated to nonsmoking areas of the building;

2. Career and technology centers may designate tobacco use areas outside of buildings, away from general traffic areas and completely out of sight of children under eighteen (18) years of age, for use by adults attending training courses, sessions, meetings or seminars.

3. An educational facility may designate tobacco use areas outside the buildings for the use of adults during certain activities or functions, after 4:00 p.m. and before 7:00 a.m., including, but not limited to, athletic contests.

4. A private residence is not a "public place", except those areas in a private residence that are used as a licensed child care facility during hours of operation are "public places"

5. An employer not otherwise restricted from doing so may elect to provide tobacco use areas including 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 manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within fifteen (15) feet of any entrance, exit or air intake. If smoking is to be permitted in any space exempted in subsection G of this section or in a smoking room pursuant to subsection H 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 fifteen (15) feet of any entrance, exit or air intake.

E. Tobacco Use shall not be prohibited in the following:

1. Stand-alone bars, stand-alone taverns or cigar bars;

2. The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;

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SECTION 3-504 PROHIBITION OF TOBACCO USE IN UNENCLOSED PUBLIC PLACES

A. No Person shall engage in the use of tobacco in any form in the following unenclosed public places:

1. In publicly owned outdoor arenas, stadiums and amphitheaters and on publicly owned property upon which said facilities are located.

2. Public parks and recreation areas.

3. School grounds

4. Public sidewalks within twenty-five (25) feet of a public entrance, but excluding any person who is temporarily in such area for the purpose of walking or traversing through such area.

B. No person shall engage in any form of tobacco use in or within twenty-five (25) feet of an outdoor venue during the time that an outdoor event is taking place.

C. Exceptions:

1. The owner or operator of an outdoor venue may, during the time that an outdoor event is taking place, designate tobacco use areas for the use of adults, so long as designated tobacco use area is not within twenty-five (25) feet of said outdoor venue.

SECTION 6. That Part 3, Chapter 5, Section 3-505 of the Code of Ordinances of the City of Noble, Oklahoma, is hereby amended and shall, from and after the effective date of this Ordinance read as follows:

SECTION 3-505 PENALTY

A. Any person violating this section shall be punished as provided in Section 1-108 of this code.

SECTION 7. Provisions Severable.

The provisions of this ordinance are severable and if any section, subsection, subdivision, paragraph, sentence, clause or phrase or any part thereof is for any reason determined to be unconstitutional or adjudged invalid or ineffective by any Court of competent jurisdiction, such determination or adjudication shall not affect or impair the validity or effectiveness of the remaining parts, provisions or portions hereof.

7

Item 8

August 4, 2016

COPY

The Honorable Reg Green
Mayor, City of Sapulpa
425 E. Dewey Ave.
Sapulpa, OK 74066

Re: De-Annexation of property pursuant to Ordinance # 2560 adopted by City Council on Sept 2, 2008

Dear Honorable Mayor Green:

In 2008 our family presented the City a request to extend annexation of a tract of land into the City, for which the City accommodated in the above referenced action. The description of the subject property is as follows:

The East 25 feet of the NW/4 of Section 5, T17N, R12E; and
The South 25 feet of the SW/4 NE/4 of Section 5, T17N, R12E; and
The NE/4 SE/4 of Section 5, T17N, R12E; and
The SE/4 NE/4 of Section 5, T17N, R12E, all in Creek County, Oklahoma.

Attached please find a copy of said Ordinance with map exhibit.

Due to circumstanced beyond our control, we find that it will not be possible at this time, nor do we anticipate how at any time in the foreseeable future, it will be possible for us to proceed with the use once envisioned for this property.

For that reason, we respectfully request the City to reverse and repeal the previous action annexing the aforementioned property into the City, and that an Ordinance be adopted to De-Annex the same at the earliest convenience.

Sincerely,

Dana B. Hudgins

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COPY

Item 8

ORDINANCE NUMBER 2560

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF SAPULPA, OKLAHOMA, MAKING FINDINGS OF FACT; ANNEXING AN AREA ADJACENT TO THE CITY OF SAPULPA IN SECTION 5, TOWNSHIP 17 NORTH, RANGE 12 EAST, CREEK COUNTY, OKLAHOMA, INTO AND AS A PART OF THE CORPORATE LIMITS OF THE CITY OF SAPULPA; DESIGNATING THE TRACTS TO BE ANNEXED; PROVIDING FOR THE ZONING AND WARD CLASSIFICATION OF THE ANNEXED AREA; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, a petition has been presented to the City Council of the City of Sapulpa, Oklahoma, proposing consideration, approval and passage of an ordinance extending and annexing into the corporate limits of the City of Sapulpa certain real property adjacent or contiguous to the City under the Charter of the City of Sapulpa, the Sapulpa City Code, and the laws of the State of Oklahoma, and

WHEREAS, after due consideration of the facts and being sufficiently advised, the City Council hereby finds that all requirements necessary for annexation of the following described real property into the City of Sapulpa and to extend the corporate limits thereof have been complied with as provided by the Charter of the City of Sapulpa, the Sapulpa City Code and the laws of the State of Oklahoma as set out in Title 11 Oklahoma Statutes Section 21-105, *et seq.*, including but not limited to, the following:

a. That the property to be annexed is adjacent or contiguous to property already within corporate limits of the City of Sapulpa, Oklahoma; and

b. That at least three-fourths of the registered voters and the owners of at least three-fourths in value of the property to be annexed have petitioned in writing to be annexed to and into the corporate limits of the City of Sapulpa; and

c. That notice of the proposed annexation and public hearing has been published in compliance with statutory mandate; and

d. That a public hearing of such annexation has been held by the governing body following publication of said notice in compliance with statutory mandate.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL, CITY OF SAPULPA, OKLAHOMA:

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COPY Ordinance #2560

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Section 1. Annexed Territory. That the following described tracts of land lying adjacent or contiguous to the present corporate limits of the City of Sapulpa, Oklahoma, to-wit:

The East 25 feet of the NW/4 of Section 5, T17N, R12E; and

The South 25 feet of the SW/4 NE/4 of Section 5, T17N, R12E; and

The NE/4 SE/4 of Section 5, T17N, R12E; and

The SE/4 NE/4 of Section 5, T17N, R12E, all in Creek County, Oklahoma,

be and the same are hereby annexed to the City of Sapulpa, Oklahoma, and the corporate limits of said City are hereby extended to include the above described tracts of land. After the effective date of this ordinance, all property located therein, and all persons residing or otherwise occupying said land shall be subject to the jurisdiction of this City and all laws made pursuant thereto. The City Council hereby expressly finds that all requirements of 11 O.S. Section 21-105 necessary for annexation of the described real property into the City of Sapulpa, Oklahoma have been fully complied with in advance of the issuance of this ordinance.

Section 2. Map. The annexation of the above-described land is represented as identified on the map attached hereto as Exhibit "A" and incorporated herein by reference and made a part hereof.

Section 3 Zoning Classification. Said land shall, upon and after inclusion into corporate limits, be assigned the applicable zoning classification of RE.

Section 4. Ward Classification Said land shall, upon and after inclusion into corporate limits, be assigned to and made a part of Ward 3 of the City.

Section 5. Amendment and Severability. The terms of this Ordinance shall amend and supersede Ordinance No. 2557. If any one or more of the sections, sentences, clauses or parts of this ordinance shall for any reason be held invalid, the invalidity of such section, sentence, clause or part shall not affect or prejudice in any way the applicability and validity of any other section, sentence, clause or provision of this ordinance.

Section 6. Emergency. Being immediately necessary that the provisions of this ordinance be put into full force and effect for the preservation of the public peace, health and safety of the City of Sapulpa, Oklahoma, an emergency is hereby declared to exist and this ordinance shall be in full force and effect after its passage, approval and publication as required by law.

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Ordinance 2560 8

PASSED AND APPROVED this 2nd day of September, 2008, with emergency clause ruled and voted upon separately.

DATED this 2nd day of September, 2008.

COPY

Doug Haught
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CITY OF SAPULPA
INCORPORATED
SEAL
SAPULPA, OKLAHOMA

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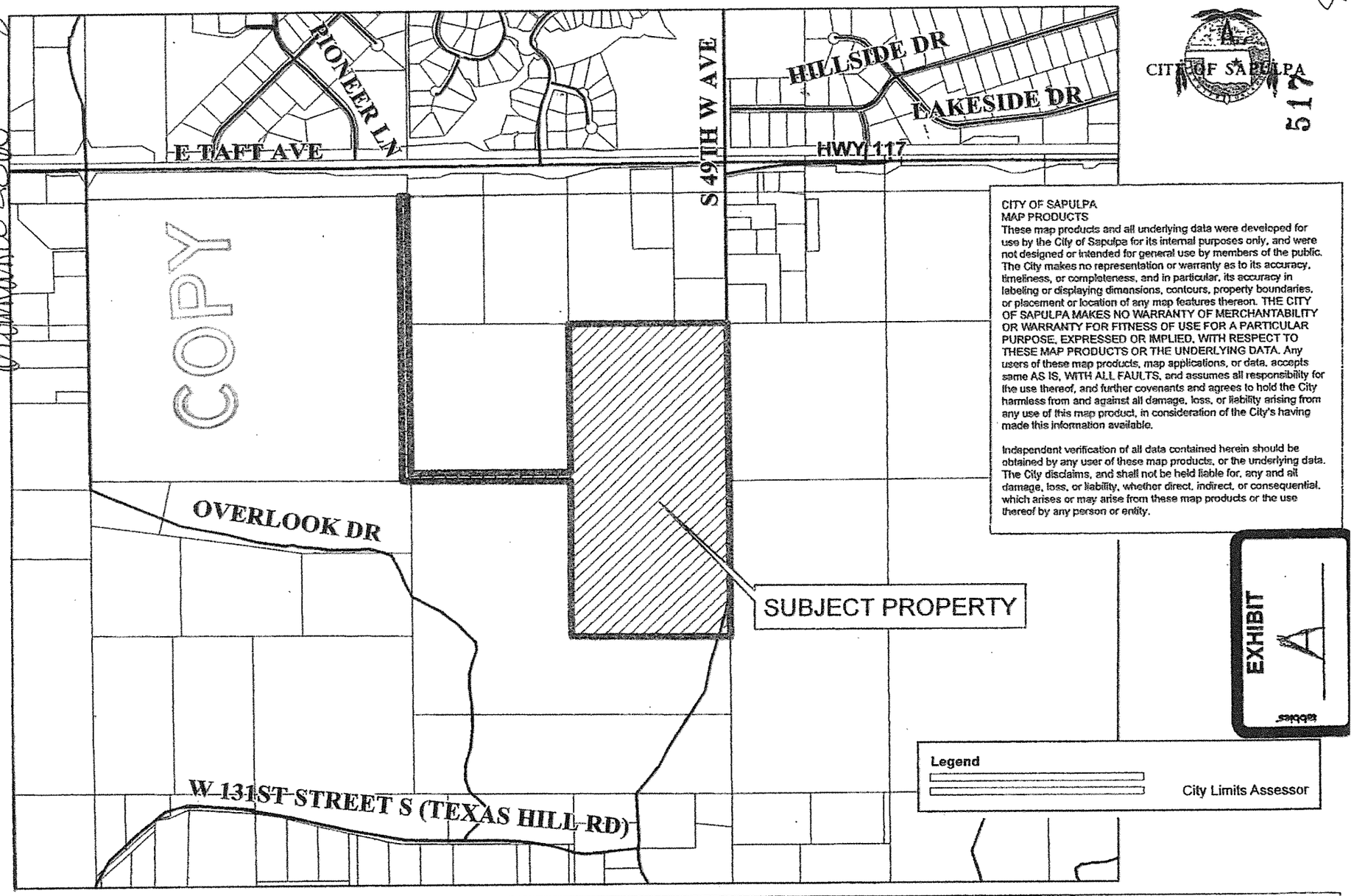
Ordinance #2510



CITY OF SAPULPA

CITY OF SAPULPA
MAP PRODUCTS
These map products and all underlying data were developed for use by the City of Sapulpa for its internal purposes only, and were not designed or intended for general use by members of the public. The City makes no representation or warranty as to its accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon. THE CITY OF SAPULPA MAKES NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR A PARTICULAR PURPOSE, EXPRESSED OR IMPLIED, WITH RESPECT TO THESE MAP PRODUCTS OR THE UNDERLYING DATA. Any users of these map products, map applications, or data, accepts same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold the City harmless from and against all damage, loss, or liability arising from any use of this map product, in consideration of the City's having made this information available.

Independent verification of all data contained herein should be obtained by any user of these map products, or the underlying data. The City disclaims, and shall not be held liable for, any and all damage, loss, or liability, whether direct, indirect, or consequential, which arises or may arise from these map products or the use thereof by any person or entity.

EXHIBIT A

Vicinity Map

Annexation Proposal - An Area Adjacent to the City of Sapulpa in Section 5, Township 17 North, Range 12 East, Creek County, Oklahoma

N W E S

Item 9

CHAPTER 5

REFUSE COLLECTION

ARTICLE A

COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE

Section 17-501	Definitions.
Section 17-502	Reservation of rights by city.
Section 17-503	Containers required.
Section 17-504	Depositing garbage or trash not in containers for collection.
Section 17-505	Unauthorized collection, removal or transportation.
Section 17-506	Unlawful accumulations.
Section 17-507	Tampering with containers.
Section 17-508	Contracts for collection and removal.
Section 17-509	Vehicles; place of disposal.
Section 17-510	Frequency of collections.
Section 17-511	Rates and charges; billing.
Section 17-512	Enforcement of article.

ARTICLE B

COLLECTION AND CONTROL OF SOLID WASTE

Section 17-521	Definitions.
Section 17-522	Waste collector's license.
Section 17-523	License application, requirements, issuance, denial.
Section 17-524	Waste management restrictions.
Section 17-525	Solid waste manifest, required.
Section 17-526	Falsification of solid waste manifest, failure to provide, penalty.
Section 17-527	Disposal.
Section 17-528	Impoundment of vehicles.
Section 17-529	Special orders of city manager.

ARTICLE C

SAPULPA CONVENIENCE STATION USE REGULATIONS

Section 17-530	Definitions.
Section 17-531	Sapulpa convenience station fees.
Section 17-532	Requirements for vehicles used for hauling.

Section 17-533 Acceptable waste and material.
Section 17-534 Unacceptable waste/banned waste.
Section 17-535 Proof of residency.
Section 17-536 Refuse from outside of the City of Sapulpa.
Section 17-537 Recycling
Section 17-538 Littering, unlawful dumping
Section 17-539 Hazards associated with convenience station operations.
Section 17-540 Scavenging unlawful.
Section 17-541 Rules and regulations.
Section 17-542 Prohibitions.

ARTICLE A

COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE

SECTION 17-501 DEFINITIONS.

For the purpose of this article, the following words shall have the following meanings:

1. Garbage - every accumulation of animal or vegetable matter, or both, likely to decay or usually discarded as waste matter from kitchens, dining rooms, hotels, restaurants, boardinghouses and dwelling houses of every kind, and such term shall include such waste animal or vegetable matter from public institutions, businesses, stores, markets, or other establishments; and

2. Trash - any accumulation of broken or discarded boxes, paper, straw, sawdust, ashes, iron or other metal, clothing and other similar waste matter, other than garbage as defined above, usually discarded by business establishments or occupants of dwellings and living quarters; provided, that waste building materials accumulated from the remodeling or repairing of buildings or dwellings shall not be considered trash for the purpose of collection.

3. Multifamily Dwelling -- All buildings, the primary purpose and use of which is for residential occupancy by three or more separate and distinct families, tenants and/or household units; a row- or townhouse dwelling which contains three or more single or duplex dwelling units which are owned, including the land upon such they are erected, in fee simple by separate persons.

4. Resident -- A person who lives in a residential structure.

5. Residential Dwelling -- Any occupied single-family or multifamily dwelling having up to and including three dwelling units per structure for which the municipality provides municipal waste collection service. Service is billed directly through each individual water meter or storm water account.

6. Person – Any individual, partnership, corporation, association, institution, cooperative enterprise or any other legal entity whatsoever which is recognized by law as the subject of rights and duties

7. Commercial ESTABLISHMENT -- Those properties used primarily for commercial or industrial purposes and those multiple dwelling residential buildings containing more than **four** dwelling units

   Commercial establishment shall mean an establishment which is not a residential service unit where the operation or establishment may be characterized as commercial, industrial or institutional in nature. Commercial establishments shall include, but are not limited to, office buildings, government offices, retail establishments, manufacturing plants, grocery stores, shopping centers, hotels and motels, warehouse facilities, schools, colleges, places of worship, medical facilities including veterinary hospitals and nursing homes, food services including full service and fast food restaurants, taverns and bars, entertainment, recreation, leisure, sports and convention facilities; and shall also include apartment buildings, condominiums, rooming houses, mobile home parks and other multifamily structures or complexes having **four (4)** or more units where the solid waste collection container or containers are used jointly by the occupants of such structures so that no single occupant has exclusive use thereof and where such container or containers are serviced manually, mechanically or semi-mechanically for loading into a solid waste collection vehicle, and/or where no individual family unit within the multifamily structure or complex is serviced or billed directly through an individual water meter. In the event an commercial estalishement has separate connections, the franchisee shall place and the City shall bill for individual containers for each unit.

SECTION 17-502 RESERVATION OF RIGHTS BY CITY.

The city hereby reserves unto itself the exclusive right and privilege of the collection, removal and disposition of all garbage and trash within the city, either by contracting with a suitable person for the collection and removal thereof or by the collection and removal thereof by employees of the city, either method to be at the discretion of the city council.

A. Each family residence, be it single home, one residence in a row structure, one-half of a double home, an apartment in an apartment building, each unit in a semi-detached home, each unit in a duplex home, each unit in a garden apartment, each unit in apartments inside double homes, each unit in apartments located above commercial establishments, each mobile home and each dwelling unit as defined in Chapter 9 of the Zoning Ordinance of the City of Sapulpa shall be considered an individual residential unit and the owner, occupant, tenant or lessee of each such residential unit shall pay a fee for the collection and disposal of garbage for each such residential unit. All apartment complexes with **three (3)** or more units shall have a commercial container. In the event an apartment complex has separate connections, the franchisee shall place individual containers for each unit. Property owners who have a private septic tank or other means of sewage disposal other than by the Sapulpa sewer system, or for any other reason, who are not listed on the City records for garbage billing purposes, must notify the office of the Utility Billing Supervisor for purposes of establishing a billing address. Failure to do so shall subject the property owner to a penalty as defined in Section 17-513 of this Article. The City of Sapulpa has the exclusive right to charge the collection and disposal fee even if the owner has made alternative arrangements for collection and disposal.

B. The garbage collection and disposal fee shall be paid monthly by the person in possession, charge or control of any dwelling or real property homeowner. The garbage collectionand disposal fee rates are set by the Master Fee Schedule.

C. Fees for the collection and disposal of garbage shall be billed by the Utility Billing Department of the City of Sapulpa. Payments for the collection and disposal of garbage shall be paid to the City of Sapulpa before the due date of payment. If the payment is not received on or before the said due date, then a penalty payment of ten (10%) percent shall be added to the bill. Any unpaid bill that remains unpaid shall be charged interest at 1.5% interest per month per residential unit.

D. Responsibilities of landlord and tenant

1. The owner of rental property located in the City of Sapulpa (Landlord) shall provide to Tenant a document specifying the requirements, as set forth in § 41 O.S. 127 that the tenant shall meet as to the storage and disposal of refuse, recyclables, and yard debris, and the legal

penalties for violation of those requirements. Such document shall be signed by the tenant indicating agreement to abide by the requirements. For purposes of this provision, "rental property" shall include single family dwellings, small apartment buildings and commercial property as defined in this Chapter..

2. This document, completed, initialed, and signed by the Landlord and the Tenant, shall be maintained as part of the Landlord's records subject to City review upon request.

3. It is the intent of this section that the landlord shall review each requirement with the tenant, and the tenant shall initial each requirement indicating the requirement was explained by the landlord, and further indicating a commitment to abide by the requirement.

4. In the event that the tenant is out of compliance with City regulations governing trash storage, and disposal then the City shall issue a citation against the landlord of the property.

E. This Article shall apply to any real property in the City of Sapulpa or annexed into the city after the first publication of this ordinance. All refuse and solid waste produced by any developed area that is annexed into the city shall be required to utilize the services of the city or its designee for collection, conveyance and disposal of solid waste and refuse. .....has XX (30-90) days to notify current and switch?

Collection in the developed area will begin XX (30-90) days after the annexation has been approved by the City Council.

SECTION 17-503 CONTAINERS REQUIRED; PLACEMENT.

A. It is hereby made the duty of every owner, occupant, tenant or lessee occupying a business establishment, dwelling house or apartment, and every person in charge of a hotel or other living quarters in the city, to place all household generated garbage and trash securely within in collection carts/containers provided by the city.

B. Collection carts/containers and any yard waste shall only be placed at curbside on designated neighborhood collection days and thereafter shall be set back and remain at least twenty-five (25) feet from curbside. No

residential collection cart/container shall be placed at curbside any earlier than 6 p.m. the day before collection and shall be removed from curbside the same day of collection. Curbside means that portion of the right-of-way adjacent to a paved or traveled road or street. On collection days, collection carts/containers shall be placed no more than (3) three feet from curbside and as close as practical without interfering with or endangering the movement of vehicles and/or pedestrians and otherwise placed within the sanitation collector's view. The city or it's agent may refuse to collect any non-conforming container or any container that is improperly placed at curbside or that does not meet any of the requirements of this chapter.

C. Any permanent structure placed in the city's right-of-way or easement shall be immediately removed. Any permanent structure outside the city's right-of-way or easement existing as of July 20, 1999 and which completely conceals the presence of the collection carts/containers within said structure shall be allowed to remain where located. Any other existing permanent structure and all permanent structures built after July 20, 1999 shall be located at least twenty-five (25) feet from curbside. Permanent structure means any structure with a minimum of two (2) inch concrete, brick or similar hard surfaced base material affixed to the ground and with brick, wood, or similar rigid materials for wall enclosures.

D. The owner, person having control, or occupant of any premises in the city who fails, neglects or refuses to use or deposit garbage or trash into the collection carts/containers provided for by this chapter, or who fails or refuses or neglects to pay without just cause any uncontested bills for service rendered under this chapter for a period of ten (10) days after notice of such failure, neglect or refusal, or who violates any of the provisions of this article is guilty of an offense punishable under Section 1-108 of the code. (Prior Code, Sec. 22-6; Ord. No. 2288, Sec. 1.)

SECTION 17-504 DEPOSITING GARBAGE OR TRASH NOT IN CONTAINERS FOR COLLECTION.

It shall be unlawful for any person to deposit upon the streets, alleys, parking or on private property any garbage or trash for collection unless the same is placed in a container as required by this chapter, except that yard waste consisting of leaves, grass clippings etc. may be placed at curbside in plastic bags, appropriately secured, or two (2)

foot by four (4) foot secured bundles, the collective weight of which is fifty (50) pounds or less. (Prior Code, Sec. 22-7; Ord. No. 2288, Sec. 1)

SECTION 17-505 UNAUTHORIZED COLLECTION, REMOVAL OR TRANSPORTATION.

It shall be unlawful for any person, except as duly authorized under the terms of this article, to collect or remove any garbage or trash as defined herein and to transport, haul or carry the same over the streets and alleys of this city. (Prior Code, Sec. 22-8; Ord. No. 739, Sec. 5.)

SECTION 17-506 UNLAWFUL ACCUMULATIONS.

It shall be unlawful for any owner, occupant or other person to charge of any lot, tract of ground or other premises in the city to allow garbage or trash to accumulate thereon and to permit water or other putrid substances whether animal or vegetable, to so accumulate, so as to cause an offensive odor to be emitted therefrom or to cause a condition dangerous to the health of any person. (Prior Code, Sec. 22-9; Ord. No. 739, Sec. 6.)

SECTION 17-507 TAMPERING WITH CONTAINERS.

It shall be unlawful for any person not duly authorized as provided in this article, to tamper with, overturn, remove or destroy any garbage or trash container of a residence, business or other establishment in this city. (Prior Code, Sec. 22-10; Ord. No. 739, Sec. 7)

A. A solid waste cart supplied to a residential service unit by the authority remains the property of the authority. It is assigned to a specific address, and must not be removed from the residential service unit unless authorized by the Utility Billing Department.

B. The customer in control of the residential service unit shall keep each cart clean.

C. The customer in control of the residential service unit shall not alter, mark, decorate or modify a cart.

D. Carts must not be abused or mutilated. A fee is charged for replacement of a cart damaged by negligence or abuse.

E. The customer in control of the residential service unit shall promptly notify the City of the theft of a solid waste or recycling cart or of a need for repair or replacement of a solid waste or recycling cart.

F. When not placed for collection, carts shall be stored by the residential service unit in a secure place at that residential service unit. The carts shall be stored behind the front building line of the residential service unit (for corner properties, behind the front and side building lines) and either (1) on the side of the residential service unit within three feet of the residential service unit or (2) hidden from sight so as not to be visible to a person standing in front of the residential service unit. Residents who use physically limited services are not required to store their carts behind the front building line of the residential service unit.

SECTION 17-508 CONTRACTS FOR COLLECTION AND REMOVAL.

The city council of the city may contract with some suitable person for the collection and removal of garbage and trash upon such terms and conditions as may under the terms of this article be deemed for the best interests of this city; provided, that any party so contracting with the city shall furnish to the city clerk a bond in a sum set by the city, conditioned upon the faithful performance of such contract, and shall further furnish and deposit with the city clerk a policy of contractor's liability insurance in an amount set by the city, and policies of public liability and property damage insurance covering the vehicles to be used by him in an amount set by the city, such policies of insurance to be in companies accepted to the city clerk; and, provided further, that unless such a contract is duly entered into, the city shall have the right to provide for the collection and removal of garbage and trash by its own employees. (Prior Code, Sec. 22-11; Ord. No. 739, Sec. 8.)

A. It shall be a violation of this article for any persons unauthorized by the City of Sapulpa to collect or pick up or cause to be picked up any refuse.

SECTION 17-509 VEHICLES; PLACE OF DISPOSAL.

A. All vehicles used in the collection, removal and disposal of garbage and trash shall be so constructed as to prevent such waste matter from spilling, blowing, or falling off while being transported, and all garbage and trash shall be removed to and dumped at the place designated therefor by the city manager.

B. The vehicles mentioned in this section shall at all times by subject to inspection by any person duly authorized to enforce the provisions of this article and if found to be defective or unfit for such service shall not be used therefor until such defect is remedied and the use of the vehicle approved by such official. (Prior Code, Sec. 22-12; Ord. No. 739, Sec. 9.)

SECTION 17-510 FREQUENCY OF COLLECTIONS.

Collections of garbage and trash shall be made not less than once a week from all residences in the city and not less than twice a week from all business establishments; provided, that collection of garbage and trash either from residences or business establishments shall be made at shorter intervals where necessary for sanitary purposes and when required by the city manager. (Prior Code, Sec. 22-13; Ord. No. 739, Sec. 10; Ord. No. 742, Sec. 3)

SECTION 17-511 RATES AND CHARGES; BILLING.

Rates and charges for the refuse collection services shall be as set forth in the Master Fee Schedule.

SECTION 17-512 ENFORCEMENT.

The city manager shall be charged with the enforcement of the terms of this article, and for such purpose he is authorized to designate such other employees of the city as shall be necessary to assist in the enforcement hereof; provided, that nothing in this section shall in any way abrogate the duty of other officers of the city to enforce this article.

SECTION 17-513 PENALTY.

Every person convicted of a violation of any provisions of the chapter shall be punished as provided in Section 1-108 of this code. (Prior Code, Sec. 22-37; Ord. No. 2035, 2/5/90)

ARTICLE B

COLLECTION AND CONTROL OF SOLID WASTE

SECTION 17-521 DEFINITIONS.

As used in this article, and any rules and regulations promulgated hereunder, the following terms shall have the following meanings:

1. Collectable residential solid waste - solid waste, except non-collectable solid waste, generated from any unit used as a place of habitation with facilities for living, sleeping, cooking and eating;

2. Commercial solid waste - all solid waste emanating from all units having zoning classification other than low or medium intensity residential uses;

3. Commercial waste collector - any person who collects, removes, or transports commercial solid waste as defined herein;

4. Construction and demolition waste collector - any person who collects, removes, transports, or disposes of waste or large bulky items, such as brush, tree cuttings, lumber, concrete, bricks, plumbing fixtures, plastics and other waste generated by construction and demolition activities;

5. Garbage - such accumulation of animal or vegetable matter, or both, that is the refuse matter from any place where such putrescible wastes are prepared for food for immediate consumption and shall include all waste containing organic matter that was intended to be used as food or has resulted from the preparation of food;

6. Hazardous waste - any portion of solid waste which is defined as hazardous under Title 42 U.S.C., Chapter 82 et seq., as amended and Section 1-2001 et seq., of Title 63 of the Oklahoma Statutes as amended, including any material that is harmful, toxic or dangerous to handle by collectors or transport for disposal;

7. Hazardous waste collector - any person who collects, removes, or transports wastes which are flammable, explosive, corrosive, toxic, infectious or are otherwise classified as hazardous or controlled industrial waste under federal, state or municipal laws, ordinances, rules or regulations;

8. Non-collectable solid waste - includes hazardous wastes, large bulky objects (such as automobile frames, large trees or limbs and materials that may cause damage to collection equipment or personal injury to collectors), dirt, rocks or debris resulting from construction projects, body waste, animal excretion or any article or substance soiled by

human or animal excretion that has not been wrapped and tightly sealed in containers prior to placement for collection;

9. Person - every natural person, firm, partnership, association or corporation;

10. Residential waste collector - any person who collects, removes, or transports residential solid waste;

11. Solid waste - all putrescible and non-putrescible refuse in solid or semi-solid form;

12. Trash and rubbish - the normal accumulation of non-putrescible solid wastes by families or commercial establishments of matter other than garbage that is a threat to public health or offensive to sight or smell; and

13. Vehicle - any truck, trailer, semi-trailer or other equipment used to collect, remove, transport or dispose of solid waste, and over any public way, street, avenue, road, alley or highway.

(Prior Code, Sec. 22-36; Ord. No. 2035, 2/5/90)

SECTION 17-522 WASTE COLLECTOR'S LICENSE. (Existing section - not a current practice)

A. No person, except as otherwise provided in this article, shall engage in the business, trade, avocation, operation or occupation of collection, removal, or transportation of solid waste, including hazardous waste, within the jurisdiction and control of the city, unless such person possesses a valid waste collector's license issued pursuant to the provisions of this article.

B. It shall be unlawful and an offense for any commercial waste collector, construction and demolition waste collector, hazardous waste collector, or residential waste collector to be engaged in the business, trade, avocation, operation, or occupation of collection, removal, or transportation of solid waste or hazardous waste within the city, without first being in possession of a valid and effective waste collector's license, issued by the city clerk of the city.

C. Every person convicted of a violation of this section shall be punished as provided in Section 1-108 of this code. (Prior Code, Sec. 22-37; Ord. No. 2035, 2/5/90)

SECTION 17-523 LICENSE APPLICATION, REQUIREMENTS, ISSUANCE, DENIAL.

A. The waste collector's license, as referenced above, shall be issued by the office of the city clerk of the city. Prior to the issuance of the waste collector's license, application for a waste collection compliance permit shall be made to and approved by the Northeast Oklahoma Solid Waste Management Authority which may charge a fee in an amount not to exceed the sum set by the city council by motion or resolution for the processing thereof. Applications for such permit shall include the following information:

1. Name and home address of the applicant;

2. Business name and address;

3. Business and home telephone number;

4. Make, model and year of each truck;

5. Color of cab and packer or truck bed;

6. Packer or truck bed capacity;

7. Current state safety inspection number;

8. An attached schedule of all waste collection services, indicating type of solid waste collected, site, or area if residential, of collection;

9. Landfills used;

10. Name of liability insurance company and policy number;

11. Information regarding rates, frequency of pickups and other limitations on service; and

12. Any other information deemed necessary by the Northeast Oklahoma Solid Waste Management Authority or the city.

B. At the time of the application, the applicant shall secure and present to the Northeast Oklahoma Solid Waste Management Authority a Certificate of Insurance upon a form provided by the Northeast Oklahoma Solid Waste Management Authority and then issued by an insurance company licensed to do business in the state, providing liability insurance coverage for each

vehicle in an amount not less than Two Hundred Fifty Thousand Dollars ($250,000.00) for bodily injury to or death of one person in any one occurrence, respectively, and property damage insurance in the amount of Two Hundred Fifty Thousand Dollars ($250,000.00) arising out of damage to or destruction of property of others in any one occurrence. The policy must run concurrently with the waste collector's license. All certificates of insurance shall contain statements that at least ten (10) days' written notice of cancellation shall be given by the insurer to the Northeast Oklahoma Solid Waste Management Authority. If any waste collector licensee shall fail within the ten (10) days to provide another policy of like kind, then the license provided for herein shall terminate and shall be of no further effect.

C. Upon presentment of the Northeast Oklahoma Solid Waste Management Authority waste collection compliance permit, and payment of the fee set forth below, waste collector's license shall be issued, but for a period not to exceed one year, and will expire at the end of such fiscal year for which such license is issued. The fee may be pro-rated on a monthly basis where less than twelve (12) months remain in the fiscal year at the time of the application. For collectors under contract with the city, multi-year licenses whose period of effect are co-terminus with the contracts, may be permitted. For such contract the fee shall be the sum set by the city per year times the number of years covered by the term of the license.

D. Otherwise, the annual fee for the waste collector's license shall be in the amount set by the city, and shall be payable to the city clerk of the city, in advance of issuance of the waste collector's license. Should the city clerk determine to deny a license, or revoke same under authority of this article, notice thereof shall be provided to the applicant/licensee containing such proposed denial or revocation and the reasons therefore. Revocation of any license issued under this article shall not be effective until the expiration of ten (10) days from the date of serving notice upon licensee of such revocation, absent an emergency situation. Any applicant denied a license, or licensee whose license is revoked, may appeal such denial or revocation to the city commission of the city. Appeal from denial of application for license or revocation of same shall occur upon written notice requesting same addressed to the city clerk within ten (10) days of the denial of the application for license or, as pertains to the revocation of such license, within the ten (10) days preceding the effective date of such revocation as above provided. In the event a licensee shall request an appeal before the city commission regarding revocation of such license, the effective date of the revocation shall be stayed pending determination by the city commission of the city. (Prior Code, Sec. 22-38; Ord. No. 2035, 2/5/90)

SECTION 17-524 WASTE MANAGEMENT RESTRICTIONS.

A. Waste collectors who in the course of their business provide containers for the collection of solid waste shall display information on each container, such as a business name, trade name or license number, which shall sufficiently identify the licensee providing waste collection services to the establishment using the waste container. Characters, letters and numbers displaying the foregoing information shall be at least two (2) inches tall, one-half (1/2) inch wide and applied in such a way so as to become permanent. Characters shall be no lower than twelve (12) inches from the bottom of the container and shall be in a contrasting color to the container so as to be clearly visible. Containers shall be constructed in such a way as to prevent leakage, spillage or blowing debris from escaping in order to secure the public health and safety.

B. No person shall collect any solid waste inside the corporate limits of the city within six hundred (600) feet of any residential building unless it is after 6:00 A.M. and before 10:00 P.M.

C. Any vehicle used in the collection, removal, transportation or disposal of solid waste shall:

1. Be maintained in such a manner as will prevent any solid waste from spilling, falling or blowing out of the vehicle on to any public way, street, avenue, alley, highway, road, or any other public or private place, except when being loaded or unloaded;

2. Bear a numbered windshield decal annually issued by the city clerk, designed to have a distinct color which shall change annually, decals shall be affixed to the upper left hand corner of the windshield, all expired or otherwise invalid decals shall be immediately removed;

3. Be parked at least one hundred (100) feet from any residential building, if parked over six (6) consecutive hours while containing a partial load of solid waste;

4. Be required to be reasonably clean and sanitized if the vehicle is declared to be a health hazard by the Creek County Health Department; and

5. Comply with all other requirements and restrictions imposed pursuant to the rules and regulations of solid waste management adopted by the city commission of the city.

D. Every licensed waste collector shall maintain a full, true, current and legible list of all residential and non-residential customers and clients that are provided waste collection services, which shall include an itemization of the customer's names, service address, waste container size or sizes, the frequency of service measured in days per week, and an indication of the type of customer, i.e., residential, commercial, office or industrial. Upon written notice from the director of the Northeast Oklahoma Solid Waste Management Authority or the city manager of the city, waste collectors shall permit authorized designees of the city and agents of the Northeast Oklahoma Solid Waste Authority reasonable access to customer lists at the offices of the waste collector. It is the purpose of such examination to verify the accuracy of reports provided to the Trust by the haulers. Such lists are not to be reproduced or removed from the premises.

E. Any vehicle used in the collection, removal, transportation or disposal of solid waste within the jurisdiction and control of the city shall be subject to reasonable inspections initiated to insure compliance with this section and conducted by duly authorized inspectors of the city, Creek County Health Department or the city police department.

F. No person shall collect, remove or transport solid waste, including hazardous waste, in a manner so as to scatter or spill such waste, either at the point of collection or while transporting the same of disposal unless such waste is immediately retrieved and removed in its entirety. Immediately after collection, containers which have been used to store solid waste shall be closed, with each lid or cover being reasonably secured. In the event of spillage of hazardous waste as defined herein, the person responsible for transport of such hazardous waste shall immediately notify the hazardous materials section of the city fire department. (Prior Code, Sec. 22-39; Ord. No. 2035, 2/5/90)

SECTION 17-525 SOLID WASTE MANIFEST, REQUIRED.

A. Every operator of a motor vehicle licensed to a waste collector shall maintain a daily solid waste manifest, which shall be full, true, current and legible record of all residential waste collected, removed, transported or disposed of during each day such vehicle is operated.

B. Each solid waste manifest required by this section shall be maintained on a form provided by the city clerk and the Northeast Oklahoma Solid Waste Management Authority; the forms to be utilized for residential and non-residential shall be those attached to the Ordinance 2035, made a part hereof and marked Exhibit "A" and "B", respectively. The city clerk may

approve alternative forms if in his or her opinion the relevant information is contained upon such alternative forms.

C. Every operator of a motor vehicle licensed to a waste collector shall have an accurate and current daily solid waste manifest in his immediate possession at all times and shall display same on demand of any officer of the city or the Northeast Oklahoma Solid Waste Management Authority who shall show written evidence of authority to examine same.

D. Each waste collector shall, on a monthly basis, forward to the Northeast Oklahoma Solid Waste Management Authority, postage prepaid, a report on the forms provide by the Northeast Oklahoma Solid Waste Management Authority.

E. Each waste collector shall retain each operator's daily solid waste manifest for a period no less than five (5) years from the date the manifest was completed. Manifests shall be retained separately for each vehicle, in chronological order and shall be surrendered to the city manager or the director of Northeast Oklahoma Solid Waste Management Authority upon written notice. (Prior Code, Sec. 22-40; Ord. No. 2035, 2/5/90)

SECTION 17-526 FALSIFICATION OF SOLID WASTE MANIFEST, FAILURE TO PROVIDE, PENALTY.

A. It shall be unlawful and an offense for any person to willfully and knowingly prepare or execute a false solid waste manifest; or to induce or coerce any other person to prepare or execute a false solid waste manifest, or for any waste collector to fail or refuse to provide the solid waste manifest or access thereto as called for in this article.

B. Every person convicted of a violation of this section shall be punished as provided in Section 1-108 of this code.

C. In addition to the penalty provided for in Subsection B above, any violation of this section shall be deemed just cause for the cancellation, suspension, or revocation of the person's waste collector's license. (Prior Code, Sec. 22-41; Ord. No. 2035, 2/5/90)

SECTION 17-527 DISPOSAL.

Waste collectors shall, upon ninety (90) days written notice to the waste collector, provide for disposal of all collectable residential solid waste and commercial solid waste at disposal sites authorized, created and operated, in accordance with the procedures and provisions of the Oklahoma Solid Waste Management Act, as amended, Sections 2251 et seq. of Title 63 of the Oklahoma Statutes, by the Northeast Oklahoma

Solid Waste Management Authority. Waste haulers shall maintain written evidence of such disposal. (Prior Code, Sec. 22-42; Ord. No. 2035, 2/5/90)

SECTION 17-528 IMPOUNDMENT OF VEHICLES.

A. It shall be unlawful and a public nuisance for any person, owner or operator to park, drive or permit to be parked or permit to be driven on any public way, street, avenue, alley, road or other public property while engaging in the business, trade, avocation, operation, or occupation of collection, removal, transportation, or disposal of solid waste without first having been issued a waste collector's license or while such a waste collector's license is under a period of suspension or revocation. Any vehicle used in violation of the provisions of this section is hereby declared to be a public nuisance and after notice set forth herein may be impounded or caused to be impounded by any police officer or other duly authorized person.

B. Before impoundment of a vehicle as provided herein, written notice shall fist be given to the owner of such vehicle that impoundment is contemplated, the grounds therefore and the place to which the vehicle will be removed. The owner of the vehicle shall be given five (5) working days to show cause in writing, filed with the city clerk as to why his vehicle should not be impounded. Within five (5) working days the city clerk shall notify the owner in writing, by mail as to whether impoundment has or has not been ordered and stating or restating the grounds therefore.

C. The charge for towing or removal of any vehicle under this section, including storage charges, shall be based upon the actual expenses incurred in such towing and storage.

D. Any vehicle impounded pursuant to this section shall be released upon the owner obtaining the license provided for herein or the execution of a written assurance that the vehicle will not be used in violation of this chapter and the payment of all towing and storage charges.

E. Any vehicle impounded and stored under the terms of this article and which is not claimed and removed by the owner thereof upon the expiration of sixty (60) day period of time may be sold in accordance with surplus property provisions of the city and Section 91 of Title 42 of the Oklahoma Statutes. (Prior Code, Sec. 22-43; Ord. No. 2035, 2/5/90)

SECTION 17-529 SPECIAL ORDERS OF CITY MANAGER.

A. The city manager of the city is hereby authorized and directed to develop and promulgate rules and regulations governing the collection of solid waste

within the city. Application for an acceptance of a license shall be deemed to constitute the licensee's acceptance of the provisions of this article as well as any rules and regulations promulgated pursuant hereto. Failure to adhere to the provisions of this article, or any rules and regulations promulgated pursuant hereto, shall constitute grounds for denial or revocation of the license.

B. The rules and regulations shall, subsequent to development and promulgation, be adopted, amended, or repealed by the city commission of the city. (Prior Code, Sec. 22-44; Ord. No. 2035, 2/5/90)

SECTION 17-530 PENALTY

Every person convicted of a violation of any provisions of the chapter shall be punished as provided in Section 1-108 of this code. (Prior Code, Sec. 22-37; Ord. No. 2035, 2/5/90)

ORDINANCE NUMBER ____ DRAFT

Item 10

AN ORDINANCE OF THE CITY OF SAPULPA, OKLAHOMA, AMENDING THE MASTER FEE SCHEDULE TO THE SAPULPA CITY CODE, APPENDIX A, SECTIONS 9.9-101, BY PROVIDING FOR A RATE FOR A GENERAL BUSINESS LICENSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING THAT IF ANY PART OR PARTS OF THIS ORDINANCE ARE HELD INVALID OR INEFFECTIVE, THE REMAINING PORTIONS SHALL NOT BE AFFECTED; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL, CITY OF SAPULPA, OKLAHOMA:

Section 1. The Sapulpa City Code, Appendix A, Section 9.9-101, of the Sapulpa City Code is amended to tread as follows:

The fees referenced in Section 9-101 are as follows:

Any business, occupation or trade not specifically listed (General business license):	$25.00 annually
Food Service Establishment:	$25.00 annually upon production of affidavit from county health department.
Billiard/Pool Hall:	$50.00 annually
Auctioneer:	$50.00 annually
Duplicate/Replacement:	$5.00"

Section 2. All ordinances, or parts of ordinances, in conflict with this ordinance are repealed.

Section 3. If any part or parts of this ordinance are held invalid or ineffective, the remaining portion shall not be affected but remain in full force and effect.

Section 4. EMERGENCY. Being immediately necessary that the provisions of this ordinance be put into full force and effect for the preservation of the public peace, health and safety of the City of Sapulpa, Oklahoma, an emergency is hereby declared to exist and this ordinance shall be in full

force and effect after its passage, approval and publication as required by law.

PASSED AND APPROVED in regular session this _____ day of _____ 2012.

_____
Mayor

ATTEST:

_____
Shirley Burzio, City Clerk

APPROVED AS TO FORM:

DRAFT

_____
David R. Widdoes, City Attorney

10

Chapter 1 BIXBY
BUSINESS LICENSES

3-1-1: LICENSE DEFINED:

A license is the written authority of the city, issued by its duly authorized agent, employee or officer, conferring permission on some person to pursue and exercise a trade, occupation or business for a definite period of time within the limits of the city, under the conditions prescribed by ordinance. (1993 Code § 13-111)

3-1-2: ADMINISTRATION:

The issuance of all licenses, collection of all license fees, inspection of all licenses, and the enforcement of license conditions and revocation of licenses shall be under the jurisdiction of the city clerk, except where such duties are placed elsewhere by the ordinance prescribing the particular license. (1993 Code § 13-112)

3-1-3: LICENSE REQUIRED:

It shall be and is hereby declared to be unlawful for any person, either as principal, officer, agent, servant or employee or any corporation, partnership, limited liability company and other business entity formed for the purposes of engaging in any trade, profession, business or occupation to engage in any of the callings, trades, professions or occupations for which a license is required, without first paying to the city the fee or tax required, and procuring from the city a license. All such persons, principals, officers, agents, servants, employees, corporations, partnerships, limited liability companies or other business entities formed to conduct such activities shall upon obtaining or renewing their business license as required within the city of Bixby present, as a part of the application, their sales tax permit issued for the collection and payment of sales taxes in connection with their business activity. (1993 Code § 13-113; amd. Ord. 962, 2-26-2007)

3-1-4: ISSUANCE OF LICENSE:

All licenses shall be issued by the city clerk. No license shall be issued until all conditions

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prescribed by ordinance have been complied with, and a certificate of examination or inspection filed with the city clerk, in those cases where examination or inspection is required by ordinance. Any applicant for a license shall make application upon such forms as may be prescribed by ordinance or may be prescribed by the city clerk. (1993 Code § 13-114)

3-1-5: RECORDS MAINTAINED:

The city clerk shall procure a blank book, with proper index, in which he shall keep a record of each license issued by him under the ordinances of this city, showing the date of issuance of each license, to whom issued, the time for which the license is issued, the amount paid to the city clerk, the receipt number, and the nature of the license. (1993 Code § 13-115)

3-1-6: LICENSE PERIOD:

All licenses shall be issued for the current fiscal year and shall expire on June 30 of the year for which it is issued, unless a different date of expiration is provided by the ordinance providing for the particular license; provided, however, that licenses authorized to be issued per month or per day shall expire at the end of the time paid for. (1993 Code § 13-116)

3-1-7: PAYMENT OF FEES; PRORATION:

All license fees shall be paid in advance for the license period for which issued. All license fees for annual licenses shall be paid as follows: for the first issuance of an annual license, if issued between July 1 and December 31, the full annual fee; if issued between January 1 and June 30, one-half ($^1/_2$) of the annual fee; and for a renewal of an existing license for the same occupation to the same licensee or for an annual license issued to a licensee to whom an annual license for the same occupation was issued in the previous fiscal year, the full annual fee shall be collected regardless of the issuance date. There shall be no semiannual or quarterly prorated payment of any annual license unless the particular license ordinance so provides. License fees for monthly or daily licenses shall be paid in advance for the requested period. There shall be no refund of any license fee. The city council may waive any part or all of a required license tax where the applicant is a charitable, eleemosynary, religious, fraternal or educational organization or group, and all of the proceeds of such occupation or device go to such organization or group. (1993 Code § 13-117)

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3-1-8: TRANSFERABILITY:

No license shall be sold or otherwise transferred. Each and every license is for a particular business or person and is issued on consideration of his peculiar fitness to pursue the occupation, as determined by previous examination or inspection, and the same shall not be transferred. (1993 Code § 13-118)

3-1-9: LOST LICENSE; DUPLICATES:

Whenever any original license has been lost or destroyed, it shall be the duty of the city clerk, on application in writing of the owner thereof, to issue a duplicate of the same; provided, that the same has not been lost or destroyed by any act of connivance on the part of the licensee and that he has made diligent search for the same and has not been able to find it. A service charge in such amount as established by resolution of the city council shall be made and collected for each duplicate. (1993 Code § 13-119; amd. 2006 Code)

3-1-10: DISPLAY OF LICENSE:

It shall be the duty of any person, having obtained a license for any authorized purpose, to have the same placed or posted in a secure manner in some public place on the premises occupied and used for such business and where the license may be readily seen at any time by any person entering the place of business. Any licensee who does not occupy any certain premises for the conduct of such licensed business shall carry his license on his person and shall display the same whenever requested. (1993 Code § 13-120)

3-1-11: REVOCATION OR SUSPENSION OF LICENSE; APPEAL:

All licenses issued by the city shall be subject to revocation by the duly authorized officer of the city council upon any breach of any condition prescribed by ordinance for the regulation of such licensed occupation or if the licensee operates the licensed occupation or business in violation of the laws of the city or the state or in violation of any law or regulation of the United States government. The duly authorized officer shall mean the city clerk in all instances except when some other person or board is given the authority by ordinance to revoke or suspend the particular license. The duly authorized officer shall either give written notice, by personal service or by mail, to the licensee, of the revocation of his license or the suspension of the same, which notice, if mailed, shall be mailed to the address given on the application or license. The license shall stand revoked or suspended from the time of the giving of such notice; provided, that any licensee may appeal to the city council from such

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decision within ten (10) days after the aforesaid notice by filing a written request with the city clerk for a hearing. The hearing shall be held by the city council at the next regular meeting following the filing of the appeal, but may be continued from day to day. The appealing licensee may be represented by counsel. The hearing shall be conducted in an informal manner, but no license shall be revoked or suspended except upon a preponderance of the evidence. The council may affirm, modify or vacate the order of revocation or suspension, and its decision shall be final. No suspension shall be in excess of sixty (60) days. (1993 Code § 13-121)

3-1-12: AGRICULTURE EXEMPTIONS:

The provisions of this chapter shall not be construed as to prevent any farmer or gardener or person engaged in a similar occupation from selling products which he himself produces, without obtaining a license therefor. (1993 Code § 13-122)

3-1-13: LICENSE SCHEDULE:

There is hereby assessed and levied a tax or license fee upon each person engaging in any vocation, occupation or trade as established by resolution of the city council, for the purpose of meeting the expense of supervising, regulating and policing such trades or businesses, and every person who engages in any occupation, trade or business shall first procure a license therefor. Any person who shall engage in more than one business, trade or occupation on which any license fee is required by city ordinance shall pay the license fee required for each of such businesses, trades or occupations, the same as if each were maintained, operated or exercised independently and exclusively of all others. The amount of such fees shall be as established by resolution of the city council. The license fee shall be an annual fee, except where specified for a shorter period. (1993 Code § 13-123; amd. 2006 Code)

3-1-14: PENALTY:

Except as stated otherwise, violations of this title are punishable as provided in section 1-4-1 of this code. (1993 Code § 13-1)

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Exhibit 10

Chapter 5
GENERAL LICENSING AND BUSINESS REGULATIONS

9-501: BUSINESS PERMIT REQUIRED:

All new businesses moving into the city limits are required to obtain a business permit in order to assist these new businesses in adhering to the existing city ordinances and to ensure all permits and uses of land are in compliance with city ordinances. The permit fee will be ten dollars ($10.00). (Ord. 04-8-1, 8-2-2004)

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Chapter 1 Enid
BUSINESS LICENSES

3-1-1: SCOPE:

The provisions of this chapter shall be applicable to all licenses issued by the city, unless otherwise specifically provided. (1994 Code § 16-1)

3-1-2: LICENSE ISSUANCE AND TERM; REFUND OF FEES:

A. Term: Licenses issued by the city shall expire one year from the date of their issuance unless otherwise provided, and all licenses shall state thereon their date of expiration.

B. Payment Of Fees: Licenses shall not be issued until the fees prescribed therefor shall have been paid; the fees shall not be prorated, neither shall any rebates or refunds be allowed or made, except as otherwise provided. (1994 Code § 16-2)

3-1-3: SEPARATE LICENSE REQUIRED; TRANSFER:

A separate license shall be obtained for each branch established or separate place of business in which the trade, profession, calling or occupation is carried on and each license for a particular place of business shall not be transferred to another location until the application for such transfer shall have been approved. The transfer shall be made without additional fee. No license shall be transferred to another person. Transfer of a majority of the stock of a corporation or the controlling interest in any corporation or association shall constitute a transfer. (1994 Code § 16-3)

3-1-4: OCCUPATION TAX NONTRANSFERABLE, NONREFUNDABLE:

An occupation tax shall cover only the person paying the tax. It shall not be transferable or refundable. (1994 Code § 16-4)

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3-1-5: SUSPENSION OR REVOCATION OF LICENSE OR PERMIT:

A. Mayor And Board Of Commissioners; Due Process Hearing: After a hearing affording due process, the mayor and board of commissioners may revoke or suspend any business license or permit issued pursuant to ordinance if its holder has violated any ordinance or state law having a reasonable relationship to his fitness to conduct the business.

B. Chief Of Police: The chief of police, after a hearing affording due process, may suspend such a license or permit for a period of time not to exceed thirty (30) days if its holder has violated any ordinance or state law having a reasonable relationship to his fitness to conduct business.

C. Supplemental Provisions: The provisions of this section shall be supplemental to all other ordinances. (1994 Code § 16-5)

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Chapter 1 Anadarko
GENERAL LICENSING PROVISIONS

3-1-1: LICENSE REQUIRED; FEE:

A. A license is hereby required for all business occupations, and a fee of ten dollars ($10.00) is hereby levied on every person, firm, association or corporation engaging in, exercising or pursuing any businesses, professions, trades or occupations in the city.

B. It shall be unlawful for any person, firm, association or corporation to engage in, exercise or pursue any business, profession, trade, occupation or privilege for which a license is required hereinabove, or by any other ordinance or ordinance provision, without paying the license fee, and securing and possessing a valid license therefor. (1988 Code § 5-7)

3-1-2: LICENSE ISSUANCE; CONDITIONS:

Upon making proper application to the city clerk, the payment of the license fee and fulfillment of any other condition which may be prescribed by law and/or ordinance, the city clerk shall issue a license therefor. (1988 Code § 5-7)

3-1-3: TERM OF LICENSE; PRORATION OF FEE:

Annual licenses shall expire on June 30 of the year for which they are issued. When an annual license is issued after July 1 for the remainder of the year to a person, firm, association or corporation just beginning to engage in, exercise or pursue a business, profession, trade, occupation or privilege, the tax collected shall be a fractional part of the annual tax equal to the fraction of the year remaining, with a minimum of one dollar ($1.00). (1988 Code § 5-7)

3-1-4: MULTIPLE BUSINESSES:

Every person, firm, association or corporation who engages in, exercises or pursues a

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business, profession, trade, occupation or privilege for which a license is required, at or from more than one place in the city, or who engages in, exercises or pursues more than one such business, profession, trade, occupation or privilege, shall pay the fee, and secure a separate license for, each such place and/or for each such business, profession, trade, occupation or privilege. (1988 Code § 5-7)

3-1-5: DISPLAY OF LICENSE:

Every holder of a license to engage in, exercise or pursue a business, profession, trade, occupation or privilege shall conspicuously display the license at all times in some part of his place of business or activity where a person who has entered the place may readily see it. If he has no particular place of business or activity, he shall carry the license and shall display it to any person who requests to see it; provided, that, in lieu of the above manner of displaying such licenses, when licenses are required for coin operated music or amusement devices, vending machines, and similar devices and equipment, the license may be placed on or attached to such device or equipment in such position and manner that it will be clearly visible, and shall be so placed or attached if the license so states on its face. It shall be unlawful to fail or refuse to display the license as required in this section. (1988 Code § 5-7)

3-1-6: DUPLICATE LICENSE ISSUANCE; FEE:

A. Application; Affidavit: Whenever any license to engage in, exercise or pursue a business, profession, trade, occupation or privilege has been lost or destroyed without any wrongful act or connivance by the holder, the city clerk, on application, shall issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make, and file with the city clerk, an affidavit that the license has not been transferred, that it has been lost or destroyed without any wrongful act or connivance by the holder, and that, if believed lost, he has made diligent search for it and has not been able to find it.

B. Fee: The fee for every duplicate License issued, payable to the city clerk, shall be one dollar ($1.00). (1988 Code § 5-7)

3-1-7: LICENSE NONTRANSFERABLE:

Oklahoma Statutes prohibit the assignment or transfer of licenses, and hence assignment or transfer of licenses shall not be permitted in the city. (1988 Code § 5-7)

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3-1-8: SALE OF MERCHANDISE ON VACANT PROPERTY:

It shall be unlawful for any person, firm or corporation to sell, trade or transfer any merchandise of any kind on or in any vacant property without the consent of the owner or person in control of said property. (1988 Code § 5-50)

3-1-9: AUCTIONS ON STREETS AND SIDEWALKS UNLAWFUL:

It shall be unlawful for any person to hold any public or private auction for sale of property on any of the streets or sidewalks of the city; provided, that this section shall not apply to the sale of property under any lien, execution or order of any court of the state of Oklahoma or of the United States of America. (1988 Code § 5-51)

3-1-10: 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. (1988 Code § 5-53)

3-1-11: REVOCATION OF LICENSE; HEARING:

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

1. That the licensee is engaging in, exercising or pursuing the business, profession, trade, occupation or privilege in such a manner that he has created or is creating a public nuisance as defined by Oklahoma statutes; or

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

B. Limitation On Power: Provided, that, valid licenses may be revoked only when the business, profession, trade, occupation or privilege is one which the city council has

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power to prohibit because of its nature or because of the manner in which it is engaged in, exercised or pursued. (1988 Code § 5-7)

3-1-12: PENALTY:

Any person who violates any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed the limits established in section 1-10-24 of this code, and is subject to revocation of any license. Each day upon which a violation continues shall constitute a separate offense. Conviction shall also void any and all licenses and permits issued, under the provisions of this chapter, to the person, firm or corporation in violation of said provisions. (1988 Code § 5-80)

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