CODE OF ORDINANCES

CITY OF COMANCHE

(STEPHENS COUNTY)

OKLAHOMA

(Adopted by Ordinance 588-26, January 13, 2026)

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CHAPTER 1

ADMINISTRATION AND MANAGEMENT

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Article 1. Incorporation; Form of Government; Powers

Section 1-1. Incorporation.

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

Section 1-2. Form of Government.

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

Section 1-3. General Powers of the Municipality.

1. The City of Comanche, Oklahoma, shall have all the powers, functions, rights, privileges, franchises and immunities specifically granted to the cities, municipalities, or not prohibited by the State Constitution and Laws, and all the implied powers necessary to carry into execution all the powers granted.

2. The City of Comanche, Oklahoma, shall have the power to adopt a corporate seal and alter the same, to sue and be sued, to make contracts and grant, extend and renew franchises. It shall have the power to issue bonds, in accordance with the State Constitution and Laws. It shall have the power, in accordance with the State Constitution and Laws, to accept and administer Federal and State grants-in-aid. It shall have the power to ordain and enforce local legislation, consistent with the State Constitution and Laws, for the proper organization and functioning of the municipal

government and order, for the protection health, life, peace, safety, morals and property, for the preservation, summary abatement and removal of nuisances, and otherwise for the promotion of the common welfare.

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

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

Article 2. Municipal Government

Section 1-10. Election and Terms of Council Members and Officers.

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

2. The terms of Council Members shall be staggered, so that, at any one (1) general municipal election, the Council Members from Wards One (1) and Two (2) are to be elected for four (4) year terms; and at the next general municipal election, the Council Members from Wards Three (3) and Four (4) and the Council Member At Large are to be elected for four (4) year terms.

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

4. Pursuant to Title 11 O.S., Section 16-302 (effective November 1, 2013), the City of Comanche, Oklahoma, declares that it shall not be governed by the Oklahoma Town Meeting Act as a means of electing its Council Members and deciding Initiative and Referendum questions. The city of Comanche is less than 2,000 residents as of the 2010 Federal census.

5. The City of Comanche, Oklahoma, shall continue to elect its Council Members and decide Initiative and Referendum questions through Elections conducted by the County Election Board, pursuant to Title 11 O.S., Section 16-101, et seq. and Title 26 O.S., Section 13-301, et seq.

(Ordinance 514-14, November 12, 2014)

Section 1-11. Powers of The City Council.

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

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

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

Section 1-12. Municipal Policy and Business.

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

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

Section 1-13. City Council Meetings.

1. Municipal business shall be conducted at regularly scheduled open and public meetings held in the City Hall or another agreed upon place which is open to the public), on the 2nd Tuesday of each month, or the next following day which is not a holiday, in the event of conflict with a holiday, beginning at a time prescribed by the City Council. (Ord. 393-93, December 8, 1992)

2. Special or emergency City Council meetings may be called by the Mayor, or by a majority of the Council members, upon the serving of notice, as required by current State Law.

Section 1-14. Removal of Council Members; Vacancies.

1. Any Council Member may be removed from office for any cause specified by, and by the methods prescribed and specified by, applicable State Law for the removal of officers, including Title 22, Oklahoma Statues, 1971, Sections 1181, et seq.

2. Whenever a member of the City Council is absent from more than one-half (1/2) of all meetings of said Council (regular and special) held within any period of four (4) consecutive months, he shall thereupon cease to hold office.

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

Sections 1-15 through 1-24. (Reserved for future use.)

Article 3. Municipal Personnel

Section 1-25. Mayor; Vice-Mayor.

1. The City Council shall elect one (1) of its members as Mayor and one (1) as Vice-Mayor. The Mayor and Vice-Mayor shall be elected in each odd-numbered year, at the 1st Council meeting held

after the Council Members' terms begin, or as soon thereafter as practicable, and they shall serve until their respective successors have been elected and qualified.

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

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

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

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

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

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

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

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

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

3. **At the time of his appointment, the City Manager need not be a resident of the City of Comanche, Oklahoma, but during the tenure of holding office the city manager shall reside within the boundaries of the city, the school district or districts that overlap the city boundaries, or within ten (10) miles of the city or school district.**

(Ord. 584-24, December 10, 2024)

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

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

6. The City Council may suspend or remove the City Manager (or Acting City Manager), at any time, by a majority vote of all its members.

7. The City Manager may appoint a qualified municipal administration officer to be Acting City Manager during the temporary absence or disability of the City Manager, by filing a letter of appointment with the City Clerk.

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

9. Neither the City Manager nor the Acting City Manager shall make an administrative policy denying any municipal employee from discussing matters with members from the City Council.
(Ord. 342-86, March 11, 1986)

10. The City Manager may transfer any unexpended and unencumbered appropriation or any portion thereof from one account to another within the same department or from one department to another within the same fund; except that no appropriation for debt service or other appropriation required by law or ordinance may be reduced below the minimums required. The foregoing authority shall be exercised as provided in 11 O. S. 1991, § 17-215.
(Ord. 397-93, April 26, 1993)

Section 1-27. City Clerk.

1. The City Clerk shall be appointed by, and may be removed by, the City Manager. The appointment shall be for an indefinite term. (Ord. 362-87, August 11-1987)

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

3. The City Clerk shall have custody of all documents, records and archives of the City, AS may be provided by Law or Ordinance, as well as be custodian of the Municipal Seal.
(Ord. 362-87, August 11, 1987)

4. The City Clerk shall attest and affix the Seal of the City to documents as required by law or ordinance.

5. The City Clerk shall enroll, in a book kept for such purposes, all ordinances and Resolutions passed by the City Council, and shall see that all Ordinances and Resolutions passed are kept on file, in triplicate, in the office of the City Clerk. (Ord. 362-87, August 11, 1987)

6. The City Clerk shall countersign warrants as required by State Law.
(Ord. 362-87, August 11, 1987)

7. The City Clerk shall have such other powers, duties and functions as may be prescribed by Law or Ordinance. (Ord. 362-87, August 11, 1987)

8. In addition to the Clerk's performance of the statutory duties of the Office, there is hereby created a position for the performance of such duties relating to the maintenance of the books and records and office operations of the City of the City Council shall prescribe. The position may include, but shall not be limited to, acting in the capacity of Assistant Purchasing Agent, Utility Clerk, Planning Commission Secretary, and such other responsibilities may be assigned from time to time. This position shall be filled by the person serving as the City Clerk or as may otherwise be provided by the City Council. The person shall be an employee of the City and shall be appointed, and may be removed, in the same manner as any other person employed by the City, by the City Manager. The pay period for such position shall be the same for other Municipal employees. The wages or salary for the position shall be as set by the City's annual budget for each pay period. Benefits, holidays and sick leave shall be provided in accordance with any personnel policy or other policy of the City. The wages or salary of this position shall not be subject to Constitutional restrictions. (Ord. 362-87, August 11-1987)

Section 1-28. City Treasurer.

1. The City Treasurer shall be an officer of the City, appointed by the City Council for an indefinite term; the City Council may provide, by Ordinance, that the same person may hold both the Office of City Clerk and the office of City Treasurer.

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

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

4. The City Treasurer shall deposit daily funds received for the City in such depositories as may be designated. (Ord. 362-87, August 11-1987)

5. The City Treasurer shall provide for the disbursement of funds and countersign warrants as required by Law. (Ord. 362-87, August 11, 1987)

6. The City Treasurer shall have such further powers and duties as may be prescribed by this Code of Ordinances, by applicable State Law or by the City Council.
(Ord. 362-87, August 11, 1987)

7. In addition to the Treasurer's performance of the statutory duties of the Officer, there is hereby created a position for the performance of such duties relating to the financial maintenance of the books and records of the City as the City Council shall prescribe. The position may include, but shall not be limited to, acting in the capacity of Finance Director and such other responsibilities as may be assigned from time to time. This position shall be filled by the person serving as the City Treasurer or as otherwise provided by motion or other action of the City Council. The person shall be an employee of the City and shall serve at the pleasure of the City Council. The person may also be appointed by the City Manager or by the Administrative Assistant to the City Manager and shall serve in that capacity at the pleasure of the City Manager. The pay period for such position shall be the same as for other Municipal employees. The wages or salary for the position shall be the same

as set by the City's annual budget for each pay period. Benefits, holidays and sick leave for such position shall be as provided in accordance with any personnel policy or other policy of the City. The wages or salary of this position shall not be subject to Constitutional restrictions.

(Ord. 362-87, August 11, 1987)

Section 1-29. Chief of Police; Police Officers.

1. The Chief of Police shall be appointed by, and may be removed by, the City Manager; his appointment shall be for an indefinite term and shall be made solely on the basis of merit and fitness; his removal shall be made solely for the good of the service. An Assistant Chief of Police shall also be appointed by, and may be removed by, the City Manager; his appointment shall be made solely on the basis of merit and fitness; his removal shall be made solely for the good of the service. The Assistant Chief of Police shall, in the absence of the Chief of Police, command the Department and be held responsible thereof in all respects, with the full powers of responsibilities of the Chief of Police. One (1) or more regular full-time police officers, as provided for in the City's annual budget, may be appointed by the City Manager; such appointments shall be made solely on the basis of merit and fitness; said police officers may be removed by the City Manager, for the good of the service. The City Manager may also, when necessary or found to be in the interest of the City, solely on the basis of merit and fitness, provide for the appointment of Volunteer Auxiliary or Reserve Municipal police officers. Persons appointed as Auxiliary or Reserve Municipal police officers shall, at a minimum, meet and conform to the qualification and duty requirements as provided for such appointees in state law. Auxiliary or Reserve Municipal police officers shall be on duty only at such times as they may be expressly assigned to duty by the City Manager or the Chief of Police, or his designee. When on duty, such Auxiliary or reserve Municipal police officers shall have the same powers and responsibilities as regular full-time police officers, and shall be subject to all the same policies, resolutions, ordinances, and laws of the city and state as are regular full-time police officers of the city. Auxiliary or Reserve Municipal police officers may be appointed for a temporary or indefinite term and may be removed by the City Manager, for the good of the service. (Ord. 412-97, January 2, 1997)

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

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

4. All personal property coming into the possession of any police officer, which has been found, stolen or taken off a person, or out of the possession of, any prisoner or person suspected of, or charged with being a criminal, and which is not known to belong to some person laying claim thereto, shall be delivered into the charge of the Chief of Police, who shall make permanent, written record of said property, including the date and circumstances of the receipt thereof, the name of the person from which it was taken (or the place where it was found), the subsequent disposal thereof, the date of sale, name and address of the purchaser and the amount for which it was sold.

5. Any personal property (other than animals) which remains unclaimed and in the possession of the Chief of Police, or the ownership of which is not satisfactorily established to him for a period of thirty (30) days, shall be sold and the proceeds of the sale paid over to the City Clerk, who shall issue his receipt thereof and deposit the same to the credit of the General Fund of the City, except for such personal property as in the opinion of the City Manager can be more advantageously used by some department or office of the municipal government. Ten (10) days before sale of such unclaimed property, The Chief of Police shall have posted in a conspicuous place in the City Hall, notice of the time, place and manner of such sale, including the general description of the property to be sold. If, in the opinion of the City Manager, all or any portion of the personal property may be more advantageously used in any municipal department or office, he shall so instruct the Chief of Police in writing and said Police Chief shall thereupon deliver the designated property to that department or office of municipal government and make a permanent record of its disposition.

6. Any personal property found by a person other than a public official or employee, which is delivered to any police officer for identification, if not claimed or identified within thirty (30) days, shall, within ten (10) additional days thereafter, if requested by the finder, be returned to him, and record such disposal made thereof. If the finder does not request return of the property to him within such additional ten (10) days, then the Chief of Police shall sell the property as if it had been found by a public official or employee, or, on the instruction of the City Manager, deliver it to some department for its use.

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

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

Section 1-30. Municipal Judge; Alternate and Acting Judges.

1. There shall be one (1) Judge of the Municipal Court and he shall be appointed by the Mayor, with consent of the City Council.

(See Chapter 13, this Code of Ordinance.)

2. The Municipal Judge shall be at least thirty (30) years of age and be of good moral character. A judge who is not licensed to practice law in Oklahoma must be a resident of Stephens County (or an adjacent county). A Judge who is an attorney licensed to practice law in Oklahoma must be a resident of Stephens County (or an adjacent county) or must maintain a permanent office in Comanche. A Judge who is a licensed attorney may engage in the practice of law in other courts, but he shall not accept employment inconsistent with his duties as a Municipal Judge or arising out of facts which give rise to, or are connected with, cases within the jurisdiction of the Municipal Court, either pending therein or which might become the subject of proceedings therein.

(Ord. 461-05, May 10, 2005)

3. If the Judge of the Municipal Court is not a licensed attorney and has not complied with the educational requirements specified in 11 OS 27-104, the trial shall be to the Court, and the Court may not impose a fine which exceeds fifty dollars ($50.00), and may not order the defendant imprisoned, except for the nonpayment of fines or costs.

(Ord. 489-11, July 12, 2011)

4. The official term of the Municipal Judge shall be two (2) years, expiring on the 30th day of June, in each odd-numbered year. The Municipal Judge, unless sooner removed for proper cause, shall serve until his successor is appointed and qualified.

5. A Judge, other than an Alternative Judge or an Acting Judge, shall receive a salary of sixty dollars ($60.00) monthly, paid in the same manner as the salary of other officials of the City of Comanche, Oklahoma.

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

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

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

b. If, at any time, there is no Municipal Judge or Alternative Judge, duly appointed and qualified, available to sit as Municipal Judge, The City Council may appoint some person possessing the qualifications required by this Chapter for the Municipal Judge, who shall preside as Acting Judge, over Municipal Court in the disposition of pending matters until such time as a Municipal Judge or Alternate Judge shall be available.

8. An Alternate Judge or an Acting Judge shall be paid; as prescribed by the City Council, for each day devoted to the performance of his duties, except that, for any month, the total payments so calculated shall not exceed the salary of the Municipal Judge in whose stead he sits. An Alternate or Acting Judge who sits for an entire month shall receive the amount specified by the City Council as the salary of the Municipal Judge in whose stead he sits.

9. Judges shall be subject to removal from office by the City Council, for the causes prescribed by the State Constitution and Laws for the removal of public officers. Provisions of the Oklahoma Administrative Procedure Act governing individual proceedings (Title 75, Oklahoma Statutes, Sections 309-317 and any amendments or additions thereto in affect at the time of the hearing) shall govern removal proceedings hereunder so far as they can be made applicable.

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

Section 1-31. City Attorney.

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

2. It shall be the duty of the City Attorney to give legal advice on questions submitted to him by the City Council, when the subject matter concerns the powers of any municipal officials or employees, or the performance of their duties.

3. The City Attorney shall draw such ordinances, resolutions, notices, forms, leases, deeds, papers or other documents as may be required of him by the City Council.

4. The City Attorney shall be authorized to appear, prosecute, and defend all actions wherein the City of Comanche, Oklahoma, is a party, and he shall institute proceedings in courts of law upon the order of said City Council.

5. The City Attorney shall be allowed actual and necessary traveling and hotel expenses while outside the City of Comanche, Oklahoma, and on official business for said City; provided that this business has been approved and directed by the City Council.

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

Section 1-32. Fire Chief.

1. There is hereby created the Office of Chief of the Fire Department, who shall be appointed by the City Manager. His term of office shall be indefinite.

(See Chapter 8, this Code of Ordinances.)

2. Duties of the Fire Chief shall include:

a. The Fire Chief shall have supervision and control of the Fire Department, subject to the State Law, the provisions of this Chapter and other ordinances of the City and the City Council; he shall diligently perform the duties imposed upon him by law or ordinance;

b. The Fire Chief shall be held responsible for the general condition and efficient operation of the Fire Department and the training of members, and may assign duties to other members of said Department;

c. The Fire Chief shall inspect, or cause to be inspected by members of the Department, the fire hydrants and water supply sources of the City at least once each year.

d. The Fire Chief should maintain a library of file of publications on fire prevention and fire protection;

e. The Fire Chief should attend all fires and direct and have complete charge of the officers and members of the Fire Department in the performance of their duties;

f. The Fire Chief should ensure that the City Manager, the City Council and the City's citizens are kept informed on fire hazards in the community and on the activities of the Fire Department;

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

h. The Fire Chief shall see that complete records are kept of all fires, inspections, apparatus, equipment, personnel and other information about the work of the Fire Department.

Section 1-33. Assistant Fire Chief; Other Officers.

1. The Assistant Chief of the Fire Department shall be appointed by the City Manager. In the absence of the Fire Chief, the Assistant Fire Chief shall command the Department and be held responsible therefor in all respects, with the full powers and responsibilities of the Fire Chief.
(See Chapter 8, this Code of Ordinances.)

2. The officers of the Fire Department shall be selected upon their ability to lead men and their knowledge of fire-fighting and fire-fighting equipment.

3. One (1) member elected by the members of the Fire Department shall be Secretary-Treasurer. His duties shall consist of calling the roll at each meeting, keeping the minutes of each meeting and collecting any money due said Department by the members.

Section 1-34. Building Inspector.

1. There is hereby created the Office of Building Inspector for the City of Comanche, Oklahoma. The Building Inspector shall be appointed by, and may be removed for cause by, the City Manager; his appointment shall be for an indefinite term. (Ord. 362-87, August 11, 1987)

2. The Building Inspector shall be in good health and physically capable of performing the duties of his office.

3. The powers and duties of the Building Inspector shall be as follows:

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

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

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

d. To examine premises for which Permits have been issued under such Codes or this Code of Ordinances and make necessary inspections to see that the provisions of the Codes or this Code of Ordinances are complied with and that construction is done safely;

e. To investigate, when requested by the City Manager or the City Council, or when the public interest so requires, matters referred to in such Codes and render written reports on the same;

f. To issue such notices or orders as may be necessary to enforce compliance with the adopted Codes or this Codes of Ordinances, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction or to require adequate exit facilities in buildings and structures; and

g. To make inspections required under the provisions of the Codes adopted by this Code or This Code of Ordinances, or to ensure that inspections are made by his duly appointed assistant.

Section 1-37. Civil Defense Director.

1. The office of Civil Defense Director is hereby created, to be appointed by the City Council.
(See Chapter 7, this Code of Ordinances.)

2. The Civil Defense Director shall be executive head of the Department of Civil Defense and shall be responsible for carrying out the Civil Defense Program of the City of Comanche, Oklahoma.

3. The Civil Defense Director shall reside within the corporate limits of the City.
(Ord. 347-86, June 10, 1986)

4. The Director of Civil Defense shall have the authority, duty and responsibility to:

a. Form an organization to prepare and implement a Civil Defense Program;

b. Form committees to perfect such an organization;

c. Appoint the chairman of such committees;

d. Cooperate with other governmental civil defense agencies;

e. Formulate plans, gather information and maintain records for said Civil Defense Organization.

5. The Director of Civil Defense may be reimbursed for expenses incurred in the performance of his duties; provided such expenses are at the direction of, and approved by, the City Council.

6. In the event of an enemy-caused emergency or emergency resulting from natural causes, the Civil Defense Director, after authorization from the Mayor, shall have the authority to enforce all regulations relating to civil defense, for the purpose of protecting the residents of the City of Comanche, Oklahoma.

Sections 1-38 through 1-44. (Reserved for future use.)

Article 4. Municipal Departments

Section 1-45. Municipal Departments.

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

Section 1-46. Police Department.

There shall be a Police Department, the head of which shall be Chief of Police.
(See Section 1-29, this Code of Ordinances.)

Section 1-48. Department of Law.

There shall be a Department of Law, the head of which shall be the City Attorney.
(See Section 1-31, this Code of Ordinances.)

Section 1-49. Finance Department.

There shall be a Finance Department, the head of which shall be the City Treasurer.
(Ord. 362-87, August 11, 1987)

Section 1-50. Public Works Department.

1. There shall be a Public Works Department. The City Manager shall be ex-officio Superintendent of Public Works, unless he appoints another to said position; the Public Works Superintendent shall have supervision and control of the Public Works Department.

2. The Public works Department shall have the following municipal duties, except where said duties are performed by the Comanche Public works Authority:

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

b. To construct, improve, maintain and operate storm and sanitary sewers and sewage disposal facilities;

c. To maintain all buildings and grounds used by the City;

d. To maintain and operate all parks, playgrounds, swimming pools and other recreational facilities and programs operated by the City;

e. To maintain and operate all cemeteries administered by the City;

f. To collect and dispose of refuse whenever the City provides this service by its own forces (rather than by contract);

g. To maintain City-owned motor equipment;

h. To maintain and operate the City electric system;

i. To maintain and operate the City water system and the City Lake; and

j. To perform such other functions relating to maintenance, repair, improvement and operation of the physical facilities owned or used by the City government as the City Manager may prescribe, consistent with State or Federal Law and Ordinance.

Section 1-51. Civil Defense Department.

1. There is hereby established a Civil Defense Department under the executive branch of the municipal government, which shall consist of a Director of Civil Defense and a Civil Defense Advisory Committee. (See Sections 1-37 and 1-61, this Code of Ordinances.)

2. The purpose of said Department shall be to be prepared for, and function in the event of, emergencies endangering the lives and property of the City of Comanche, Oklahoma, and to perform all functions necessary and incident to the protection of the lives, health and property of the citizens of said community. (See Chapter 7, this Code of Ordinances.)

Section 1-52. Cooperative Health Department.

The Cooperative Health Department of Stephens County and its Director shall have the powers of a City Health Department and City Health Officer respectively for the City of Comanche, Oklahoma. References to "Health Department" and "Health Officer" or "Director of the Health Department" in this Code of Ordinances and in other ordinances of the City shall be deemed to mean the Cooperative Health Department and its Director, unless the context clearly indicates another meaning.

Sections 1-53 through 1-59. (Reserved for future use.)

Article 5. Municipal Advisory Boards and Commissions

Section 1-60. Municipal Planning Commission.

1. There is hereby created a Municipal Planning Commission of the City of Comanche, Oklahoma, to be composed of at least five (5) members. The Mayor and the City Manager shall serve as ex-officio members of said Commission, with voting powers.

(See Chapter 18, this Code of Ordinances.)

2. Upon the initial appointment of members to the Municipal Planning Commission, the Mayor shall designate one (1) member of the Municipal Planning Commission to serve for a period of one (1) year, two (2) members to serve for a period of two (2) years, and two (2) members to serve for a period of three (3) years. All subsequent appointments of members shall be for a three (3) year term and until their successors are appointed and qualified.

3. The members of the Municipal Planning Commission shall be nominated for appointment by the Mayor and confirmed by the City Council, shall be residents of the City of Comanche, Oklahoma, and shall serve without salary.

4. The members of the Municipal Planning Commission may be removed by the City Council only for inefficiency, neglect of duty or malefaction in office; vacancies occurring otherwise than through the expiration of a term shall be filled only for the unexpired term by the City Council.

5. Within five (5) days of the appointment and qualification of the members of the Municipal Planning Commission, said Commission shall meet and elect one (1) of their number as chairman and (1) as Secretary; in addition, the Municipal Planning may create and fill such other offices as it may deem necessary. The term of all such other offices shall be one (1) year, with eligibility for re-election.

Section 1-61. Civil Defense Advisory Committee.

1. The Civil Defense Advisory Committee shall consist of the Mayor, who shall serve as Committee Chairman, and five (5) members appointed by the Mayor, with the approval of the City Council. Said members shall serve at the pleasure of the City Council.

2. The Civil Defense Advisory Committee shall select from its members a Vice-Chairman and a Secretary.

3. The Civil Defense Advisory Committee shall hold such meetings as are directed by the Mayor or the City Council.

4. The function of the Civil Defense Advisory Committee shall be to act in an advisory capacity to, and as needed or requested by, the Mayor or the City Council.

Section 1-62. Fair Housing Board Created.

(Section 1-62 deleted by Ordinance 405-95, March 14, 1995.)

Section 1-63. License Review Board Created.

A Private Club License Review Board is hereby created for the City of Comanche, Oklahoma.
(See Article 4, Chapter 2, this Code of Ordinances.)
(Ord. 305-81, March 10, 1981)

Section 1-64 through 1-74. (Reserved for future use.)

Article 6. Municipal Finance and Business

Section 1-75. Purchasing Policy.

1. The City Manager shall contract for purchase or issue purchase authorizations for all goods, supplies, materials, or contractual services for offices, departments, and agencies of the City Government, subject to any regulations which the Council may prescribe. Every such purchase items exceeding the amount established in Section 1-76, Subsection 1, by the City shall require the prior approval of the Council. (Ord. 446-02, March 12, 2002)

2. The Council may prescribe procedures for competitive bidding. Notice and opportunity for competitive bidding shall be given before a purchase of goods, supplies, materials or contractual services is made, except as provided in Section 1-76. (Ord. 446-02, March 12, 2002)

3. All personnel of the City who are in way involved in purchasing for their Department shall abide by the following policies relative to purchasing (Ord. 446-02, March 12, 2002)

a. Purchases for all requirements of all Municipal Departments operating under the direction of the City Manager are to be made through the centralized purchasing division of the Manager's Office and shall be made by the designated Purchasing Agent. (Ord. 446-02, March 12, 2002)

b. Those Administrative Boards which are not under the direction of the City Manager are encouraged to utilize the services of the Purchasing Division. (Ord. 446-02, March 12, 2002)

c. All purchases shall be made on competitive bids or quotations, as provided for in Article 6, Sections 1-75 and 1-76. (Ord. 446-02, March 12, 2002)

d. All purchases shall be made of a quality and quantity to suit the intended use of the using Department at the least expense. (Ord. 446-02, March 12, 2002)

e. The City Manager shall furnish tabulations of all sealed bids and explanations of exceptions to the City Council. (Ord. 446-02, March 12, 2002)

f. All things being equal, the Purchasing Agent shall give all possible consideration to local business establishments, but said businesses in turn should not expect preferential treatment if they are not competitive in their bidding or quotations.
(Ord. 446-02, March 12, 2002)

4. “Contractual services” for the purposes of this Chapter, shall mean services performed for the City by persons not in employment of the City and may include the use of equipment or the furnishing of commodities in connection with such services under express or implied contract. “Contractual services” shall include travel, freight, express, parcel post, postage, telephone, telegraph, utilities, rents, printing, and binding, repairs, alterations and maintenance of buildings, equipment, streets, bridges and other facilities of the City.
(Ord. 341-86, March 11, 1986)

5. Subject to the provisions of this Section, surplus or obsolete supplies, materials or equipment belonging to the City may be sold by the City Manager. (Ord. 341-86, March 11,1986)

6. No sale shall be made under this Section of obsolete supplies, materials or equipment of a value of a value of more than three hundred dollars ($300.00) until the City Council has declared the supplies, materials or equipment involved to be surplus or obsolete.
(Ord. 341-86, March 11, 1986)

7. Except as otherwise provided in Subsection 8 (below), the City Manager shall advertise any sale under this Section in a newspaper of general circulation in the City or County, or in such other manner as deemed necessary to adequately reach prospective buyers to give them an opportunity to make bids. All bills shall be sealed and opened in public at a designated time and place, except when the sale is by auction. The City Council may repeatedly reject all bids and authorize re-advertisement. Such Supplies, materials and equipment shall be sold to the highest responsible bidder and, if necessary, lots shall be cast, in case of a tie, to determine to whom to sell.
(Ord. 341-86, March 11, 1986)

8. The City Manager may sell surplus or obsolete supplies, materials or equipment, the total value of which does not exceed five hundred dollars ($500.00) in a single transaction, without giving an opportunity for competitive bidding. (Ord. 341-86, March 11, 1986)

Section 1-76. Purchasing Procedures.

1. **Informal purchasing describes the process by which open market purchases for goods, supplies, materials, equipment or contractual services are made for the City in amounts not exceeding five thousand dollars ($5,000.00) except as provided by Law. Whenever the City makes a purchase as defined above, then the City Manager is authorized to make the purchase without the approval of the City Council and without having to comply with the formal competitive bidding process.**
(Ord. 583-24, May 14, 2024)

   a. “Contractual Services” for the purposes of this Section shall mean “services performed for the City by persons not in the employment of the City and may include the use of equipment or the furnishings of commodities in connection with such services under express or implied contract.” “Contractual Services” shall include travel, freight, express, parcel post, postage, telephone, telegraph, utilities, rents, printing and binding, repairs, alterations and maintenance of buildings, equipment, streets, bridges and other physical facilities of the City. (Ord. 446-02, March 12, 2002)

b. All purchases by the City must have prior written approval from the Purchasing Agent; approval certifies that there is a sufficient unencumbered appropriation balance, in excess of all unpaid obligations, to defray the amount of the purchases.
(Ord. 446-02, March 12, 2002)

c. The using Department makes a request to the Purchasing Agent for goods and services by means of a completed purchase requisition. (Ord. 446-02, March 12, 2002)

d. When ordered goods and services are received and delivered by the vendor to the receiving department, a receiving copy (third copy of purchase requisition) must be signed noting that said goods or services have been received in good order and the department's head signature indicated payment is approved for the amount of the purchase order. Using department forwards receiving copy to the agent and upon verification forwards to the Finance Department for payment to the vendor. (Ord. 446-02, March 12, 2002)

2. Competitive Bidding

Is that method of purchasing goods, supplies, materials, equipment or contractual services through a formal bidding process. The competitive bidding process only applies when the above items exceed $3,000.00 in amount on any single transaction.
(Ord. 446-02, March 12, 2002)

a. Invitation to Bid

Includes the date and place where the bids are to be received.
(Ord. 446-02, March 12, 2002)

b. Specifications

Purchasing agent is responsible for the preparation of bid specifications, with assistance of the using department. Said specifications shall at a minimum note minimum standards acceptable to the City, but should not be overly restrictive in order to allow as many vendors as possible to compete. (Ord. 446-02, March 12, 2002)

c. Bid Proposal Form

Bids must be submitted on a bid form supplied by the City. If several items are to be bid at one time and if a vendor desires not to bid on all items, bidders shall mark all items on which bidder is not bidding with the words "NO BID." Care shall be exercised that all amounts on the bid are correct. Extensions shall be checked to insure accuracy. Prices must be submitted either in ink or typewritten. Any corrections must be initialed by the person signing the bid proposal. In case of difference between unit price and extensions, the unit price shall be deemed to be correct. An appropriate officer or employee of the company bidding must sign the bid proposal. (Ord. 446-02, March 12, 2002)

1. Taxes:
   All bids shall include all applicable taxes. (Ord. 446-02, March 12, 2002)

2. Delivery Date:
   Bidder shall state the approximate delivery date. Time required for delivery may be one of the most important considerations in determining the award. Bids may require an accurate delivery date and may in rare cases even include the cancellation or penalty for late delivery. (Ord. 446-02, March 12, 2002)

3. Terms:
   Bidder shall specify terms desired, except when specified by City.
   (Ord. 446-02, March 12, 2002)

4. Shipping Point:
   All bids shall be F.O.B (Free On Board), City of Comanche with delivery to any required point within the City, unless otherwise stated in call for bids and shall include all shipping and delivery charges. Any variation from this requirement shall be clearly stated in bidder's proposal. (Ord. 446-02, March 12, 2002)

d. Bid Bond

A bid bond and supply bond or check may be required in certain instances for formal sealed bids. A bid check shall be either a certified bank check or cashier's check. City may require the successful bidder to furnish a performance bond. Such a bond, when required, shall be furnished within seventy-two (72) hours after formal notification of award in an amount equal to one hundred percent (100%) of total bid price. (Ord. 446-02, March 12, 2002)

e. Competitive Bidding Process

Before any purchase of goods, supplies, materials, equipment or contractual services are made in any single transaction for an amount of more than $3,000.00 then the City Manager shall submit to at least three (3) persons, firms or corporations dealing in and able to supply the same, or to a small number if there are not three dealing in and able to supply the same, a request for quotation (or invitation to bid) and specifications, to give them opportunity to bid; or publish notice of the proposed purchase in a newspaper of general circulation within the city or county, one time per week for two consecutive weeks. The City Manager shall favor a person, firm, or corporation in the city when this can be done without additional cost to the City; but he shall submit request for quotations) or invitation to bid) to those outside the city when this may be necessary to secure bids or to create competitive conditions, or when he thinks that by so doing he makes a savings for the City. All bids shall be sealed and shall be opened in public at a designated time and place. The bid invitation shall specify the time when the bid shall be submitted to the City. The invitation shall also specify the date, time and place of the bid opening. He may repeatedly reject all bids, and again submit to the same persons, firms, or corporations the request for quotations (or invitation to bid), or again publish notice of the proposed purchase. He shall purchase from the bidder whose bid is most advantageous to the City, considering price, quality, date of delivery, etc., and in the case of a tie, may purchase from one of those tying, or may divide

the purchase among those tying, always accepting the bid or bids most advantageous to the City. (Ord. 446-02, March 12, 2002)

f. Tabulation and Award

After tabulation of bids, a copy shall be sent to the using department for their evaluation and recommendation. If the award is recommended to a vendor other than the lowest bidder, justification shall be made in writing by the City Manager. (Ord. 446-02, March 12, 2002)

All competitive bids shall be opened only at the time and place mentioned in the bidding documents, and read aloud in the presence of an administrative officer of the awarding public agency. Such bid opening shall be open to the public and to all bidders.
(Ord. 476-08, October 14, 2008)

State Law Reference:

Public Competitive Bidding Act applicable to capital improvements, as defined in the Act over twenty-five thousand dollars ($25,000.00), 61 O.S. Sec. 101 et seq.
(Ord. 446-02, March 12, 2002)

3. When Competitive Bidding Is Not Required:

The following may be purchased without giving an opportunity for competitive bidding (written quotations or sealed bids);

a. Small purchases – goods or services whose costs do not exceed $3,000.00 in a single transaction;

b. Sole source – goods or services which can be furnished only by a single vendor or which has a uniform price wherever bought;

c. Government agencies – goods or services purchased from another unit of government, a price not exceeding a price set theretofore by the State purchasing Agency or any other State agency hereafter authorized to regulate prices for things purchased by the State, whether such price is determined by contract negotiated with the vendor or otherwise;

d. Unique items – goods or services that by their own nature are unique and as such are impossible or impractical to purchase by competitive bidding. These items may include professional services, such as attorney, auditor, physician, financial or personnel consultant, etc.; real property; special purpose items such as insurance; or used equipment.

e. Miscellaneous – goods or services that are impossible or impractical to purchase by competitive bidding because of vendor availability or qualifications; economical situation; opportunities; and necessity; or when in the best interest of the City. This may include maintenance services, hauling, agricultural services; items with unstable prices such as fuel or asphalt; and items that become available for immediate purchase;

f. Emergency purchases – goods or services purchased where delivery is critical to life, health, or convenience to the City and its inhabitants.

(Ord. 446-02, March 12, 2002)

4. Sales, Council to Declare Surplus or Obsolete; Competitive Bidding

a. The City Manager may sell or issue authorization for the sale of surplus or obsolete supplies, materials or equipment, subject to the provisions of this section.

b. No surplus or obsolete supplies, materials or equipment of a value may be sold until the City Council has declared them surplus or obsolete.

c. Before the City Manager sells any surplus or obsolete supplies, materials or equipment, he shall advertise them for sale in a newspaper of general circulation in the manner as provided in Section 1-76, Subsection 2, e, or give notice in such other manner as he deems necessarily adequate to reach prospective buyers to give them opportunity to make bids. All bids shall be sealed and shall be opened in public at a designated time and place, except when the sale is by auction. The City Manager may repeatedly reject all bids and advertise or give notice again. He shall sell such supplies, materials or equipment to the highest responsible bidder for cash. In case of a tie, he may sell to either of the bidders tying or may divide the sale among two or more tying, always selling to the highest responsible bidder or bidders for cash. (Ord. 446-02, March 12, 2002)

Section 1-77. Insurance.

1. The City Council and City Manager may insure municipal property, as authorized by Oklahoma Statutes. Any money received as a result of destruction, damages or loss of such insured property shall be accounted for, and used as provided by, said Statutes.

2. Insurance may be purchased to pay damages to persons sustaining injuries or damages to property as a result of negligent operation of motor vehicles or motorized equipment of the City of Comanche, Oklahoma.

Section 1-78. Employee Retirement System.

The employee Retirement System of the City of Comanche, as amended by Ordinance Number 326 (March 13, 1984); 359-87 (June 9, 1987) and 365 (December 8, 1987) is hereby continued in effect for the employees of said City. (See Appendix)

(Ord. 365-87, December 8, 1987)

Section 1-79. Warrants and Checks, Signatures Required.

1. All warrants or checks issued by the City for payments approved by the City Council shall be signed by an employee of the City of Comanche and an individual holding the elective office of Councilman for the City of Comanche. The City Treasurer shall be the designated City employee for signing warrants and/or checks. In the absence of the City Treasurer, the City Clerk is authorized to sign warrants and/or checks as the designated City employee. In the absence of the City Treasurer and City Clerk the Utility Billing Clerk is authorized to sign warrants and/or checks as the designated City employee. The Mayor shall be the designated Council member for signing warrants and/or checks. In the absence of the Mayor, the Vice-Mayor is authorized to sign warrants and/or checks as the designated council member.
(Ord. 403-94, October 11, 1994)

2. Absence as herein used shall be defined to mean inability or failure or refusal to sign warrants and/or checks duly authorized by Ordinance, or State Law or by the Council at a reasonable time and place. Reasonable time and place shall include but not be limited to office hours of the City Hall at the City of Comanche or any duly called City Council Meeting. Absence shall further include those situations in which the designated City employee or the designated elective official can not be located through reasonable efforts. (Ord. 403-94, October 11, 1994)

Section 1-80 through 1-84. (Reserved for future use.)

Article 7. Sales Tax

Section 1-85. Citation.

This Article constitutes, shall be known and may be cited as the City of Comanche, Oklahoma, Sales Tax Ordinance of 2000 and is hereinafter referred to simply as the "Ordinance."
(Ord. 436-00, May 9, 2000)

Section 1-86. Definitions.

The definitions of words, terms and phrases contained in Section 1352 of the Oklahoma Sales Tax Code are hereby adopted by reference and made a part of this Ordinance.
(68 O.S. 1971, § 1302, as amended.) (Ord. 436-00, May 9, 2000)

Section 1-87. Tax Collector Defined.

The term "Tax Collector" as used herein means the department of the City Government or the official agency of the State duly designated according to law to contract which is authorized by law to administer the collection of the tax herein levied. (Ord. 436-00, May 9, 2000)

Section 1-88. Classification of Taxpayers.

For the purpose of this Ordinance, the classification of taxpayers hereunder shall be as prescribed by State law for the purpose of the Oklahoma Sales Tax Code. (Ord. 436-00, May 9, 2000)

Section 1-89. Subsisting State Permits.

All valid and subsisting permits to do business by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purpose of this Ordinance, hereby ratified, confirmed and adopted in lieu of any requirement for an additional City permit for the same purpose.
(Ord. 436-00, May 9, 2000)

Section 1-90. Effective Date.

This Ordinance shall become and be effective on and after the 1st day of October, 2000, subject to approval of a majority of the registered voters of the City of Comanche voting on the same in the manner prescribed by law. (Ord. 436-00, May 9, 2000)

Section 1-91. Purpose of Tax.

It is hereby declared to be the limited purpose of the sales tax increase set out in this ordinance to provide revenues for funding emergency services including, but not limited to, ambulance services, police protection, and fire protection. (Ord. 436-00, May 9, 2000)

Section 1-92. Tax Rate; Sales Subject to Tax.

Section 1. Citations and Codification. This Ordinance shall be known and may be cited as the City of Comanche Sales Tax Ordinance of 2010, and the same shall be codified and incorporated into the Code of Ordinances of the City of Comanche, Oklahoma.

Section 2. Tax Imposed. There is hereby imposed an excise tax (sales tax) of one-half of one percent (1/2%) (in addition to any and all other excise taxes now in force) to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code.

Section 3. Purpose of Revenues. It is hereby declared that the tax to be levied and collected by this Ordinance shall be used to pay the financial obligation of the City of Comanche ("City") owing to the Waurika Project Master Conservancy District for the right of the City to store water for its Municipal use at Waurika Lake or to pay for any other financial obligation which the City may owe to Waurika Project Master Conservancy District. During any fiscal year once sufficient funds have been levied and collected to make all payments due to Waurika Project Master Conservancy District as provided for in this paragraph for that fiscal year any excess revenues levied and collected by this Ordinance for that fiscal year may be transferred to the capital improvement account of the City and used by the City for present or future Capital Improvements to the Water or Sewer System of the City.

Section 4. Effective Date and Termination Date. The provisions of this Ordinance and the collection of the excise tax referenced herein shall become effective on and after April 1, 2011, subject to approval by a majority of the qualified electors of the City voting on the same in the manner prescribed by law. The provisions of this Ordinance and the collection of the excise tax referenced herein shall terminate and said excise tax shall not be collected after March 31, 2036.

Section 5. No Repeal of Tax. This Ordinance and the excise tax levied pursuant hereto shall not be repealed by the City Council of the City or by referendum of the registered qualified voters of the City in the event the proceeds of the referenced excise tax are being used or have been pledged by the City or any public trust having the City as beneficiary for the purpose of paying debt service on obligations issued by the City or any public trust having the City as beneficiary.

Section 6. Subsisting State Permits. All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purposes of this Ordinance, hereby ratified, confirmed and adopted in lieu of any requirement for an additional City permit for the same purpose.

(Ord. 484-10, September 14, 2010)

Sections 1-93. Exemptions.

There is hereby specifically exempted from the tax levied by this Ordinance the gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code (68 O. S. § 1350, et seq.).

(Ord. 436-00, May 9, 2000)

Section 1-94. Other Exempt Transfers.

Also, there is hereby specifically exempted from the tax herein levied the transfer of tangible personal property exempted from the Oklahoma Sales Tax Code. (68 O. S. § 1350, et seq.)

(Ord. 436-00, May 9, 2000)

Section 1-95. Tax Due When; Returns; Records.

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

(Ord. 436-00, May 9, 2000)

Section 1-96. Payment of Tax.

The tax herein levied shall be paid to the Tax Collector at the time and in the manner and form provided for payment of the State Sale Tax under the Oklahoma Sales Tax Code.

(Ord. 436-00, May 9, 2000)

Section 1-97. Tax Constitutes Debt.

Such taxes, penalty and interest due hereunder shall at all times constitute a prior, superior and paramount claim as against the claims of unsecured creditors, and may be collected by suit as any other debt. (Ord. 436-00, May 9, 2000)

Section 1-98. Vendor's Duty to Collect Tax

1. The tax levied hereunder shall be paid by the consumer or user to the vendor, and it shall be the duty of each and every vendor in this City to collect from the consumer or user the full amount of the tax levied by this Ordinance, an amount equal as nearly as possible or practicable to the average equivalent thereof. (Ord. 436-00, May 9, 2000)

2. Vendors shall add the tax imposed hereunder or the average equivalent thereof, to the sales price or charge, and when added, such tax shall constitute a part of such price or charge, and shall be a debt from the consumer or user to the vendor until paid, and shall be recoverable at law in the same manner as other debts. (Ord. 436-00, May 9, 2000)

3. A vendor, as defined herein, who willfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied hereof, or willfully or intentionally fails, neglects or refuses to comply with the provisions or remits or rebates to a consumer or user, either directly or indirectly, and by whatsoever means, all or any part of the tax herein levied herein, or makes in any form of advertising, verbally or otherwise, any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any matter whatsoever shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine as provided by law. Provided, sales by vending machines may be at a stated price which includes state and any municipal sales tax. (Ord. 436-00, May 9, 2000)

Section 1-99. Returns and Remittances; Discounts.

Returns and remittances of the tax levied herein shall be made to the Tax Collector at the time and in the manner, form and amount as prescribed for returns and remittances required by the State Sales Tax Code; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by said Code for collection of State Sales Taxes. (Ord. 436-00, May 9, 2000)

Section 1-100. Interest and Penalties - Delinquency.

Section 217 of Title 68 of the Oklahoma Statutes, as it may be amended from time to time, is hereby adopted and made a part of this Ordinance and interest and penalties at the rates and in the amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this Ordinance. Provided, that the failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in the time and manner required by this Ordinance shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the taxpayer shall forfeit his claim to any discount allowed under this Ordinance. (Ord. 436-00, May 9, 2000)

Section 1-101. Waiver of Interest and Penalties.

The interest and penalty or any portion thereof accruing by reason of a taxpayer's failure to pay the tax herein levied may be waived or remitted in the same manner as provided for said waiver or remittance as applied in the administration of the State Sales Tax provided in Section 220 of Title 68 of the Oklahoma Statutes, as it may be amended from time to time, and to accomplish the purposes of this Section, the applicable provisions of said Section 220 are hereby adopted by reference and made a part of this Ordinance. (Ord. 436-00, May 9, 2000)

Section 1-102. Erroneous Payment; Claim for Refund.

Refund of erroneous payment of the Sales Tax herein levied may be made to any taxpayer making such erroneous payment in the manner and procedures, and under the same limitations of time, as provided for administration of the State Sales Tax as set forth in Section 227 of title 68 of the Oklahoma Statutes, as it may be amended from time to time, and to accomplish the purposes of this Section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Ordinance. (Ord. 436-00, May 9, 2000)

Section 1-103. Fraudulent Returns.

In addition to all civil penalties provided by this Ordinance, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to fine as provided by law. (Ord. 436-00, May 9, 2000)

Section 1-104. Records Confidential.

The confidential and privileged nature of the records and files concerning the administration of the Sales Tax is legislatively recognized and declared, and to protect the same the provisions of Section 205 of title 68 of the Oklahoma Statutes, as it may be amended from time to time, and each subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the Sales Tax as if it here set forth in full. Nothing contained herein shall be construed to be inconsistent with the provisions of the Oklahoma Open Records Act, 51 O. S. § 24.1 et seq., as it may be amended from time to time. (Ord. 436-00, May 9, 2000)

Section 1-105. Amendments.

The people of the City of Comanche, Oklahoma, by approval of this Ordinance at the election duly held, hereby authorized the Mayor and Council of the City of Comanche, by Ordinances duly enacted to make such administrative and technical changes or additions in the method and manner of administration and enforcing this Ordinance as may be necessary or proper for efficiency and fairness except that the rate of the tax herein provided and the purposes set forth in the proposition shall not be changed without the approval of the qualified electors of said City as provided by law. (Ord. 436-00, May 9, 2000)

Section 1-106. Provisions Cumulative.

The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the City Ordinances. (Ord. 436-00, May 9, 2000)

Section 1-107. Provisions Severable.

The provisions hereof are hereby declared to be severable, and if any section, paragraph, sentence or clause of this Ordinance is for any reason held invalid or inoperative by any court of competent jurisdiction such decision shall not affect any other section, paragraph, sentence or clause hereof. (Ord. 436-00, May 9, 2000)

Section 1-108. Effect of Ordinance.

Upon approval of this ordinance by a majority of the registered voters, the gross sales tax will remain at three and one half of one percent (3.50%). The current three and one half of one percent (3.50%) sales tax will be allocated and used as follows: (A) Revenues from two percent (2.00%) sales tax shall be dedicated to the general functions of the municipal government of the City of Comanche; (B) Revenues from one and one half of one percent (1.50%) sales tax shall be dedicated to (1) making capital improvements in the City of Comanche; (2) payment of the principal of and interest on indebtedness incurred by said City or any duly constituted authority thereof for such capital improvements, including but not limited to indebtedness incurred by the Comanche public Works Authority to the United States of America acting through the Farmers Home Administration or the Oklahoma Water Resources Board and/or issuance of revenue bonds; or (3) funding emergency services including, but not limited to, ambulance services, police protection, and fire protection. (Ord 472-08, May 13, 2008)

Article 8. Firemen's Pensions

Section 1-108. Participation in State Firemen's Relief and Pension Fund.

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

2. From and after the effective date of this Code of Ordinances, it shall be the duty of the City Treasurer to deduct, or have deducted, from salaries or wages of each member of the Fire Department an amount equal to four percent (4%) of the annual salaries or compensation paid to such members. The deductions shall be made at the time such firemen are paid and, when so deducted, shall be deposited in the Firemen's Relief and Pension Fund."

Section 1-109. (Reserved for future use.)

Article 9. Social Security for Town Officers and Employees

Section 1-110. Extension of Benefits.

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

Section 1-111. Execution of Agreements.

The Mayor of the City of Comanche, Oklahoma, is hereby authorized and directed to execute all necessary agreements and amendments thereto, with the State Department of Public Welfare as agent or agency, to secure coverage of employees and officials as provided in Section 1-110 (above).

Section 1-112. Withholdings from Salaries.

Withholdings from salaries or wages of employees and officials for the purpose provided in Section 1-110 (above) are hereby authorized to be made in the amounts and at such times as may be required by applicable State or Federal Laws or regulations, and shall be paid over to the State or Federal agency designated by such laws and regulations.

Section 1-113. Contributions by City.

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

Section 1-114. Records and Reports.

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

Section 1-115. Excluded Officers and Employees.

1. There is hereby excluded from this Article and the benefits established hereunder, any authority to make any agreement with respect to any position or any employee or official of the City of Comanche, Oklahoma.

2. There is hereby excluded from this Article and the benefits established hereunder, any authority to make any agreement with respect to any position, employee or official not authorized to be covered by applicable State or Federal Law or regulations.

Section 1-116 through 1-119. (Reserved for future use.)

Article 10. Telephone Exchange Fee

Section 1-120. Inspection Fee.

There is hereby levied an annual inspection fee and service charge upon every person, firm or corporation operating a telephone exchange or rendering telephone service in the City of Comanche, Oklahoma, in an amount equal to two percent (2%) of the gross revenues for each current year, for exchange telephone transmission service rendered wholly within the corporate limits of the City of Comanche, Oklahoma, to compensate the municipality for the expenses incurred and services rendered incident to the regulation and exercise of its police power, supervision, police regulation and control during construction and operation of lines and equipment of said telephone company in said municipality. Said fee shall be due and payable on or before the 1st day of March of each year and shall be paid into, and expended from, the General Fund of the City of Comanche, Oklahoma.

Section 1-121. Fee in Lieu of Taxes.

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

Section 1-122. Failure to Pay Inspection Fee.

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

Section 1-123 through 1-124. (Reserved for future use.)

Article 11. Miscellaneous Provisions

Section 1-125. Officers to Give Bonds.

1. The City Clerk, City Treasurer and the Municipal Judge shall each give bonds, payable to City of Comanche, Oklahoma, within ten (10) days after their election or appointment, in the following amounts:

a. City Clerk ---------- $10,000.00

b. City Treasurer ----------$10.000.00

c. City Clerk-Treasurer
(Combined Office) -------- $10,000.00

d. Municipal Judge ---------- $1,000.00

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

3. The City of Comanche, Oklahoma, shall pay the premiums on such bonds.

Section 1-126. Succession in Government.

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

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

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

Section 1-127. Nepotism; Compatibility of Offices.

1. No member of the City Council, nor any other authority of the municipal government, including the City Manager, may appoint, or vote for the appointment of, any person related to himself/herself by affinity or consanguinity within the 3rd degree, to any office or position of profit in the municipal government. The provisions of this section shall not prohibit an officer or employee already in the service of the municipality from continuing and such service or from promotion therein. (Ordinance 519-16, February 15, 2016)

2. Except as may be otherwise provided by ordinance, the same person may hold more than one (1) office or position in the municipal government.

Section 1-128. Ordinances.

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

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

3. The Mayor shall have no power to veto.

4. Every ordinance, except those excepted by State Law, shall be published by title or in full, within ten (10) days after its passage, in a newspaper of general circulation within the City or County.

5. Every ordinance, except an emergency ordinance, shall become effective thirty (30) after its final passage.

6. An emergency ordinance is an ordinance which, in the judgment of the City Council, is necessary for the immediate preservation of the peace, health and safety, and which should become effective prior to the time when a regular ordinance would become effective. Every such ordinance shall contain, as a part of its title, the words "and declaring an emergency" and, in a separate section (herein called the emergency section), shall declare the emergency. The City Council shall vote on the emergency section separately and must adopt the emergency section by a vote of at least three-fourths (3/4) of all the members of said City Council. An emergency ordinance shall take effect upon passage unless it specifies a later date.

Section 1-129. Ordinances: Adoption by Reference.

The City Council, by ordinance, may adopt by reference Codes, ordinances and standards relating to building, plumbing, electrical installations and other matters which it has the power to regulate. Such a Code, ordinance or standard so adopted need not be enrolled in this Code of Ordinances; provided that three (3) copies are filed and kept in the Office of the City Clerk.

Section 1-130. Ordinances: Compilation.

1. Every ten (10) years, the City of Comanche, Oklahoma, shall compile and publish its effective penal ordinances in a permanent form.

2. One (1) copy of the compilation of ordinances shall be deposited by the City in the county Law Library, and two (2) copies shall be filed with the Clerk of the State Supreme Court.

3. Every two (2) years, the City of Comanche, Oklahoma, shall publish supplements to its compiled penal ordinances, and no ordinance shall be enforced if it is not reflected in such compilation or supplement, if such ordinance was adopted more than one (1) year prior to the latest compilation or supplement.

4. When the City has compiled and published its ordinances, the City Council shall adopt a resolution notifying the public of such compliance and cause certified copies of the resolution to be filed in the Office of the Stephens County Clerk and in the Office of the Clerk of the State Supreme Court.

Section 1-131. Amendments or Additions to the Code of Ordinances.

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

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

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

4. In the event a new Section not heretofore existing in the Code of Ordinances is to be added, the following language shall be used: "That the Code of Ordinances, City of Comanche, to be

numbered ___, which said Section reads as follows: ____.'" The new Section shall then be set out in full as desired.

Section 1-132. Municipal Personnel Commission. (Ord. 298, June 10, 1980)

1. There is hereby created a Municipal Personnel Commission of the City of Comanche, Oklahoma, to be composed of three members.

2. The members of the Municipal Personnel Commission shall be nominated for appointment by the Mayor and confirmed by the City Council, shall be residents of the City of Comanche, Oklahoma, and shall serve without pay.

3. Upon initial appointment of members to the Municipal Personnel Commission, the Mayor shall designate one member of the commission to serve for a period of one (1) year; one member to serve for a period of two (2) years; and one member to serve for a period of three (3) years. All subsequent appointments shall be for a term of three (3) years and until their successors are appointed and qualified.

4. Members of the Municipal Personnel Commission may be removed by the City Council only for good cause; vacancies occurring otherwise than through expiration of a term shall be filled only for the unexpired term by the City Council.

5. The Clerk of the City of Comanche, Oklahoma shall serve as Secretary of the Municipal Personnel Commission.

6. The Municipal Personnel Commission shall, when requested, conduct hearings in cases involving dismissal, demotion or suspension of individual employees of the City of Comanche, Oklahoma.

7. In event the City Manager determines circumstances exist which justify dismissal, demotion or suspension of any employee of the City of Comanche, Oklahoma, the City Manager shall furnish the employee with a written notice containing the following information:

a. Notice of the proposed dismissal, demotion or suspension.

b. A detailed explanation of charges against the employee.

c. The effective date of the proposed dismissal, demotion or suspension.

b. Notice that the action shall be final unless the employee files a written request for hearing with the secretary of the Municipal Personnel Commission within ten (10) days after receipt of the notice.

8. In event the employee does not file a written request for hearing within ten (10) days after receipt of notice of proposed dismissal, demotion, or suspension, such proposed action shall become final.

9. If the employee files a written request for hearing with the Secretary of the Municipal Personnel Commission within ten (10) days after receipt of notice of proposed dismissal, demotion, or suspension, the Municipal Personnel Commission shall hold a hearing within (10) days after receipt of the request. The employee shall be given at least five (5) days written notice of the date, time and place of such hearing.

10. The hearing shall be a public hearing. The rules of evidence shall be applicable to such hearing. The Commission shall rule upon questions of admissibility of evidence, competency of witnesses, and questions of law. The employee may be represented by counsel. The burden of proof shall be upon the party proposing such dismissal, suspension of demotion, and the proposed action shall not be approved unless sustained by a preponderance of the evidence.

11. The Commission shall make written findings of fact and shall render its decision in writing.

12. The Commission shall order the employee restored to his former position, without loss of pay or other benefits, if it finds that (1) the factual allegations relied upon to support the removal demotion or suspension are not supported by a preponderance of the evidence, or (2) that such allegations, if true, do not justify disciplinary action.

13. The Commission may approve or modify the proposed disciplinary action if it finds the factual allegations relied upon are supported by a preponderance of the evidence and that such facts warrant disciplinary action.

Section 1-133. Personnel Manual Adopted.

1. The City Council shall adopt by Resolution a Personnel Manual which shall incorporate policies, procedures, rules and regulations that shall apply to and govern the conduct of all City officials, appointees, employees, volunteers and independent contractors. The most recent Personnel Manual with its updates and amendments shall at all times be adopted and incorporated by reference herein in its entirety.

2. In the event there is a conflict between the Personnel Manual and any collective bargaining agreement, personnel services contract, Federal or State law, or City Ordinance, the terms and conditions of that contract, law or Ordinance shall prevail. In all other cases, the policies and procedures of the Personnel Manual shall prevail.

3. The Personnel Manual is intended to provide guidelines covering public service by City employees and is not a contract. To the maximum extent permitted by law, employment practices for the City shall operate under the legal doctrine known as “employment at will.”

4. The provisions of the Personnel Manual may be amended and updated at the sole discretion of the City Council from time to time without notice via Resolution of the City Council of the City of Comanche. Said amendments and updates shall be incorporated by reference herein upon the effective date of said Resolution.

(Ord. 538-17 NOVEMBER 14,2017)

Article 12. Use Tax (Ord. #352-87)

Section 1-150. Excise Tax on Storage, Use or Other Consumption of Intangible, Personal Levied.

There is hereby levied and there shall be paid by every person storing, using otherwise consuming within the municipality tangible personal property purchased or brought into this municipality, an excise tax on the storage, use or other consuming within the municipality of such property at the rate of two percent (2%) of the purchase price of such property. Such tax shall be paid by every person storing, using or otherwise consuming, within the municipality, tangible personal property purchased or brought into the municipality. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the municipality and shall be assessed to only property purchased outside Oklahoma; provided, that the tax levied herein shall not be levied against tangible personal property intended solely for use outside the municipality, but which is stored in the municipality pending shipment outside the municipality for the purpose of the fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the tax authorized herein, may deduct from such tax any local or municipal sales tax previously paid on such goods or services; provided, that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the municipality had been levied on the sale of such goods or services.

Section 1-151. Exemptions.

The provisions of this Ordinance shall not apply:

1. In respect to the use of an article of tangible personal property brought into the municipality by a non-resident individual visiting in this municipality for his or her personal use or enjoyment while within the municipality.

2. In respect to the use of tangible personal property purchased for resale before being used.

3. In respect to the use of any article of tangible personal property on which a tax, equal to or in excess of that levied by both the Oklahoma Use Tax Code and the City of Comanche Use Tax Ordinance, has been paid by the person using such tangible personal property in the municipality, whether such tax was levied under the laws of Oklahoma or some other state or municipality of the United States. If any article of tangible personal property has already been subjected to a tax by Oklahoma or any other state or municipality in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma Use Tax Code and the City of Comanche Use Tax Ordinance, the provisions of this Ordinance shall also apply to it by a rate measured by the difference only between the rate provided by both the Oklahoma Use Tax Code and the City of Comanche Use Tax Ordinance, and the rate by which the previous tax upon the sale or use was computed. Provided, that no credit shall be given for taxes paid in another state or municipality, if that state or municipality does not grant like credit for taxes paid in Oklahoma and the municipality.

4. In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the municipality, and machinery and equipment purchased and used by persons to the operation of manufacturing plants already established in the municipality. Provided, this exemption shall not apply unless such machinery and equipment is so incorporated into, and is directly used in, the process of manufacturing property subject to taxation under the Sales Tax Code of the municipality. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such.

5. In respect to the use of tangible personal property now specifically exempted from taxation under the Sales Tax Code of the municipality.

6. In respect to the use of any article of tangible personal property brought into the municipality by an individual with intent to become a resident of this municipality where such personal property is for such individual's personal use or enjoyment.

7. In respect to the use of any article of tangible personal property used or to be used by commercial airlines or railroads.

8. In respect to livestock purchased outside Oklahoma and brought into this municipality for feeding or breeding purposes, and which is later resold.

Section 1-153. Time When Due, Returns, Payment.

The tax levied by this Ordinance is due and payable at the time and in the manner and form prescribed for payment of the State Use Tax under the Use Tax Code of the State of Oklahoma.

Section 1-153. Tax Constitutes Debt.

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

Section 1-154. Collection of Tax by Retailer or Vendor.

Every retailer or vendor maintaining places of business both within and without the State of Oklahoma, and making sales of the tangible personal property from a place of business outside this state for use in this municipality shall at the time of making such sales collect the use tax levied by this Ordinance from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the Tax Commission, if the Tax Commission shall, by regulation, require such receipt. Each retailer or vendor shall list with the Tax Commission the name and address of all his agents operating in this municipality and location of any and all distribution of sales houses or offices or other places of business in this City.

Section 1-155. Collection of Tax by Retailer or Vendor not Maintaining a Place of Business within State or Both Within and Without State; Permits.

The Tax Commission may, in its discretion, upon application, authorize the collection of the tax herein levied by any retailer or vendor not maintaining a place of business within this state but who makes sales of the tangible personal property for use in this municipality and by the out-of-state place of business of any retailer or vendor maintaining place of business both within and without Oklahoma and making sales of tangible personal property at such out-of-state place of business for use in this municipality. Such retailer or vendor may be issued, without charge, a permit to collect such taxes, by the Tax Commission in such manner and subject to such regulations and agreements as it shall be prescribe. When so authorized, it shall be the duty of such retailer or vendor to collect the tax upon all tangible and personal authority and permit may be canceled when at any time the Tax Commission considers that such tax can more effectively be collected from the person using such property in this municipality. Provided, however, that in all instances where such sales are made or completed by delivery to the purchaser within this municipality by the retailer or vendor in such retailer's or vendor's vehicle, whether owned or leased (not by common carrier), such sales or transactions shall continue to be subject to applicable municipality Sales Tax at the point of delivery and the tax shall be collected and reported under taxpayer's sales tax permit number accordingly.

Section 1-156. Revoking Permits.

Whenever any retailer or vendor not maintaining a place of business in this state, or both within and without this state, and authorized to collect the tax herein levied, fails to comply with any of the provisions of this Ordinance or the Oklahoma Use Tax Code or any order, rules or regulations of the Tax Commission, the Tax Commission may, upon notice and hearing as provided for in 68 O.S. 1981, Section 1408, by order revoke the use tax permit, if any, issued to such retailer or vendor, and if any such retailer or vendor is a corporation authorized to do business in this state may, after notice and hearing above provided, cancel said corporation's license to do business in this state and shall issue a new license only when such corporation has complied with the obligations under this Ordinance, the Oklahoma Use Tax Code, or any order, rules or regulations of the Tax Commission.

Section 1-157. Remunerative Deductions Allowed Vendors or Retailers of Other States.

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

Section 1-158. Interest and Penalties; Delinquency.

Section 217 of Title 68 O.S. 1981 is hereby adopted and made a part of this Ordinance, and interest and penalties at the rates and in the amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this Ordinance. Provided, that the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of the tax in the time and manner required by this Ordinance shall cause such tax to be

delinquent. In addition, if such delinquency continues for a period of five (5) days, the retailer or vendor shall forfeit his claim to any discount allowed under this Ordinance.

Section 1-159. Waiver of Interest and Penalties.

The interest or penalty or any portion thereof accruing by reason of a retailer's or vendor's failure to pay the municipality Tax herein levied may be waived or remitted in the same manner as provided for said waiver or remittance as applied in administration of the State Use Tax provided in 68 O.S. 1981, Section 220, and to accomplish the purpose of this section the applicable provisions of said Section 220 are hereby adopted by reference and made a part of this Ordinance.

Section 1-160. Erroneous Payments; Claim for Refund.

Refund or erroneous payment of the municipality Use Tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the State Use Tax as set forth in 68 O.S. 1981, Section 227, and to accomplish the purpose of this section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Ordinance.

Section 1-161. Fraudulent Returns.

In addition to all civil penalties provided by this Ordinance, the willful failure or refusal of any taxpayer to make reports and remittance herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due this Ordinance shall be an offense, and conviction thereof the offending taxpayer shall be punished by a fine of not more than one hundred dollars ($100.00) and costs. Each day of noncompliance with this Ordinance shall constitute a separate offense.

Section 1-162. Records Confidential.

The confidential and privileged nature of the records and files concerning the administration of the Municipal Use Tax is legislatively recognized and declared, and to protect the same the provisions of 68 O.S. 1981, Section 205, of the State Use Tax Code, and each subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the municipal Use Tax as is herein set forth in full.

Section 1-163. Provisions Severable.

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

Section 1-164. Provisions Cumulative.

The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the municipality ordinances.

Section 1-165. Definitions.

The definitions of words, terms and phrases defined in the Oklahoma Use Tax Code, Section 1401, 68 O.S. 1981, are hereby adopted by reference and made a part of this Ordinance. In addition thereto, the following words and terms shall be defined as follows:

1. City shall mean the City of Comanche, Oklahoma.

2. Transaction shall mean sale.

Section 1-166. Tax Collector Defined.

The term "tax collector" as used herein means the department of the municipality government or the official agency of the state, duly designed according to law or contract authorized by law, to administer the collection of the tax herein levied.

Section 1-167. Classification of Taxpayers.

For the purpose of this Ordinance, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Use Tax Code.

Section 1-168. Subsisting State Permits.

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

Section 1-169. Purpose of Revenues.

It is hereby declared to be the purpose of this Ordinance to provide revenues for the support of the functions of the municipal government of the municipality, and any and all revenues derived hereunder may be expended by the governing body of the municipality for any purpose for which funds may be lawfully expended as authorized.

Section 1-170. Citation and Codification.

This Ordinance shall be known and may be cited as "City of Comanche Use Tax Ordinance" and shall be codified as Article 12 of Chapter 1 of the Code of Ordinance, 1979, as amended, City of Comanche, Oklahoma.

Section 1-171. Effective Date.

That this Ordinance shall become effective on and after March 1, 1987.

CHAPTER 2

ALCOHOLIC BEVERAGES

Article 1. General Provisions.
Article 2. Occupational Tax; Sales for On Premises Consumption.
Article 3. Retail Stores; Off Premises Consumption.

Article 1. General Provisions

Section 2-1. Definitions.

1. "ABLE Commission" or "Commission" means the Alcoholic Beverage Laws Enforcement Commission;

2. "Alcohol" means and includes hydrated oxide of ethyl, ethyl alcohol, ethanol or spirits of wine, from whatever source or by whatever process produced. It does not include wood alcohol or alcohol which has been denatured or produced as denatured in accordance with Acts of Congress and regulations promulgated thereunder;

3. "Alcoholic beverage" means alcohol, spirits, beer and wine as those terms are defined herein and also includes every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by human beings;

4. "Applicant" means any individual, legal or commercial business entity, or any individual involved in any legal or commercial business entity allowed to hold any license issued in accordance with the Oklahoma Alcoholic Beverage Control Act;

5. "Beer" means any beverage of alcohol by volume and obtained by the alcoholic fermentation of an infusion or decoction of barley, or other grain, malt or similar products. "Beer" may or may not contain hops or other vegetable products. "Beer" includes, among other things, beer, ale, stout, lager beer, potter and other malt or brewed liquors, but does not include sake, known as Japanese rice wine;

6. "Beer keg" means any manufacturer-sealed, single container that contains not less than four (4) gallons of beer;

7. "Beer distributor" means and includes any person licensed to distribute beer for retail sale in the state, but does not include a holder of a small brewer self-distribution license or brewpub self-distribution license. The term "distributor", as used in this act, shall be construed to refer to a beer distributor;

8. "Bottle club" means any establishment in a county which has not authorized the retail sale of alcoholic beverages by the individual drink, which is required to be licensed to keep, mix and serve alcoholic beverages belonging to club members on club premises;

9. "Brewer" means and includes any person who manufactures for human consumption by the use of raw materials or other ingredients any beer upon which a license fee and a tax are imposed by any law of this state;

10. "Brewpub" means a licensed establishment operated on the premises of, or on premises located contiguous to, a small brewer, that prepares and serves food and beverages, including alcoholic beverages, for on-premises consumption;

11. "Convenience store" means any person primarily engaged in retailing a limited range of general household items and groceries, with extended hours of operation, whether or not engaged in retail sales of automotive fuels in combination with such sales;

12. "Convicted" and "conviction" mean and include a finding of guilt resulting from a plea of guilty or nolo contendere, the decision of a court or magistrate or the verdict of a jury, irrespective of the pronouncement of judgment or the suspension thereof;

13. "Distiller" means any person who produces spirits from any source or substance, or any person who brews or makes mash, wort or wash, fit for distillation or for the production of spirits (except a person making or using such material in the authorized production of wine or beer, or the production of vinegar by fermentation), or any person who by any process separates alcoholic spirits from any fermented substance, or any person who, making or keeping mash, wort or wash, has also in his or her possession or use a still;

14. "Drug store" means a person primarily engaged in retailing prescription and nonprescription drugs and Medicines;

15. "Grocery store" means a person primarily engaged in retailing a general line of food, such as canned or frozen foods, fresh fruits and vegetables, and fresh and prepared meats, fish and poultry;

16. "Hotel" or "motel" means an establishment which is licensed to sell alcoholic beverages by the individual drink and which contains guestroom accommodations with respect to which the predominant relationship existing between the occupants thereof and the owner or operator of the establishment is that of innkeeper and guest. For purposes of this section, the existence of other legal relationships as between some occupants and the owner or operator thereof shall be immaterial;

17. "Legal newspaper" means a newspaper meeting the requisites of a newspaper for publication of legal notices as prescribed in Sections 101 through 114 of Title 25 of the Oklahoma Statutes;

18. "Licensee" means any person holding a license under the Oklahoma Alcoholic Beverage Control Act, and any agent, servant or employee of such licensee while in the performance of any act or duty in connection with the licensed business or on the licensed premises;

19. "Manufacturer" means a brewer, distiller, winemaker, rectifier or bottler of any alcoholic beverage and its subsidiaries, affiliates and parent companies;

20. "Manufacturer's agent" means a salaried or commissioned salesperson who is the agent authorized to act on behalf of the manufacturer or nonresident seller in the state;

21. "Meals" means foods commonly ordered at lunch or dinner and at least part of which is cooked on the licensed premises and requires the use of dining implements for consumption. Provided, that the service of only food such as appetizers, sandwiches, salads or desserts shall not be considered "meals";

22. "Mini-bar" means a closed container, either refrigerated in whole or in part, or non-refrigerated, and access to the interior of which is:

a. restricted by means of a locking device which requires the use of a key, magnetic card or similar device, or

b. controlled at all times by the licensee;

23. "Mixed beverages" means one or more servings of a beverage composed in whole or part of an alcoholic beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage, beer and wine, caterer, public event, charitable event or special event license;

24. "Motion picture theater" means an establishment which is licensed by Section 2-110 of Title 37A of the Oklahoma Statutes to sell alcoholic beverages by the individual drink and where motion pictures are exhibited, and to which the general public is admitted;

25. "Nonresident seller" means any person licensed pursuant to Section 2-135 of Title 37A of the Oklahoma Statutes;

26. "Retail salesperson" means a salesperson soliciting orders from and calling upon retail alcoholic beverage stores with regard to his or her product;

27. "Occupation" as used in connection with "occupation tax" means the sites occupied as the places of business of the manufacturers, wholesalers, beer distributors, retailers, mixed beverage licensees, on premises beer and wine licensees, bottle clubs, caterers, public event and special event licensees;

28. "Original package" means any container of alcoholic beverage filled and stamped or sealed by the manufacturer;

29. "Package store" means any sole proprietor or partnership that qualifies to sell wine, beer and/or spirits for off-premise consumption and that is not a grocery store, convenience store or drug store, or other retail outlet that is not permitted to sell wine or beer for off-premise consumption;

30. "Patron" means any person, customer or visitor who is not employed by a licensee or who is not a licensee;

31. "Person" means an individual, any type of partnership, corporation, association, limited liability company or any individual involved in the legal structure of any such business entity;

32. "Premises" means the grounds and all buildings and apput1enances pe1taining to the grounds including any adjacent premises if under the direct or indirect control of the licensee and the rooms and equipment under the control of the licensee and used in connection with or in furtherance of the business covered by a license. Provided that the ABLE Commission shall have the authority to designate areas to be excluded from the licensed premises solely for the purpose of:

a. allowing the presence and consumption of alcoholic beverages by private parties which are closed to the general public; or

b. allowing the services of a caterer serving alcoholic beverages provided by a private party.

This exception shall in no way limit the licensee's concurrent responsibility for any violations of the Oklahoma Alcoholic Beverage Control Act occurring on the licensed premises;

33. "Private event" means a social gathering or event attended by invited guests who share a common cause, membership, business or task and have a prior established relationship. For purposes of this definition, advertisement for general public attendance or sales of tickets to the general public shall not constitute a private event;

34. "Public event" means any event that can be attended by the general public;

35. "Regulation" or "rule" means a formal rule of general application promulgated by the ABLE Commission as herein required;

36. "Restaurant" means an establishment that is licensed to sell alcoholic beverages by the individual drink for on-premises consumption and where food is prepared and sold for immediate consumption on the premises;

37. "Retail container for spirits and wines" means an original package of any capacity approved by the United States Bureau of Alcohol, Tobacco and Firearms;

38. "Retailer" means a package store, grocery store, convenience store or drug store licensed to sell alcoholic beverages for off-premise consumption pursuant to a Retail Spirits License, Retail Wine License or Retail Beer License;

39. "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever, and includes and means all sales made by any person, whether as principal, proprietor or as an agent, servant or employee. The term "sale" is also declared to be and include the use or consumption in this state of any alcoholic beverage obtained within or imported from without this state, upon which the excise tax levied by the Oklahoma Alcoholic Beverage Control Act has not been paid or exempted;

40. "Special event" means an ente1taimnent, recreation or marketing event that occurs at a single location on an irregular basis and at which alcoholic beverages are sold;

41. "Spirits" means any beverage other than wine or beer, which contains more than one-half of one percent (1/2 of 1%) alcohol measured by volume, and obtained by distillation, whether or not mixed with other substances in solution and includes those products known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and fortified wines and similar compounds, but shall not include any alcohol liquid completely denatured in accordance with the Acts of Congress and regulations pursuant thereto;

42. "Wine and spirits wholesaler" or "wine and spirits distributor" means and includes any sole proprietorship or partnership licensed to distribute wine and spirits in the state. The term "wholesaler", as used in this act, shall be construed to refer to a wine and spirits wholesaler; and

43. "Wine" means and includes any beverage containing more than one-half of one percent (1/2 of 1%) alcohol by volume and not more than twenty-four percent (24%) alcohol by volume at sixty (60) degrees Fahrenheit obtained by the fermentation of the natural contents of fruits, vegetables, honey, milk or other products containing sugar, whether or not other ingredients are added, and includes vermouth and sake, known as Japanese rice wine.

Additional definitions contained within the Oklahoma Alcoholic Beverage Control Act (37A §§ 1-101 et seq.) not contained herein are incorporated into this ordinance by reference. Words in the plural include the singular, and vice versa, and words imparting the masculine gender include the feminine, as well as persons and licensees as defined in this section.

Section 2-2. Possession of Unauthorized Intoxicating Beverages Prohibited.

It is unlawful for any person to have in their possession or under their control any alcohol of any kind except as authorized by law.

Section 2-3. Loitering on Premises Where Sold.

It is unlawful for any person to loiter in any place where alcohol of any kind is bartered, sold, given away or otherwise furnished contrary to law.

Section 2-4. Keeping, Maintaining Place of Sale in Violation of Laws.

It is unlawful for any person to keep, maintain or aid or abet in keeping or maintaining, in the city a place where alcohol is manufactured, sold, bartered, given away or otherwise furnished in violation of the ordinances of the City.

Section 2-5. Transporting Alcoholic Beverages in Vehicle.

1. It shall be unlawful for any person to knowingly transport in any vehicle upon a public highway, street or alley within the corporate limits of the City of Comanche, Oklahoma, any alcoholic beverage except in the original container which shall not have been opened and the seal upon which shall not have been broken and from which the original cap or cork shall not have been

removed, unless the open container be in the rear trunk or rear compartment, or any outside compartment which is not accessible to the driver or any other person in said vehicle while it is in motion.

2. Any person violating this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars ($500.00).

Section 2-6. Employees of Licensed Establishments Not To Solicit Patrons To Purchase Beverages for Employees.

1. It shall be unlawful for any licensee, owner, manager, or employee of any business or establishment licensed pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act contained in Title 37A O.S. 2017, as amended, to permit an employee to solicit a patron to purchase an alcoholic or nonalcoholic beverage for the employee or any other employee, or knowingly serving any employee with a beverage purchased by a patron or permitting any employee to remain on the licensed premises who solicits a patron to purchase a beverage for any employee or who solicits a patron to purchase a beverage for himself or herself or for any person not a patron, or permitting an employee to mingle or fraternize with patrons of such licensed business or establishment, except in the furtherance of service of food and/or drinks.

2. Any licensee, owner, manager, or employee of a licensed business or establishment who violates any provision of this section is guilty of an offense, and upon conviction thereof shall be punished by a fine not to exceed the sum of five hundred dollars ($500.00), excluding costs.

Section 2-7. Nudity in Licensed Business or Establishment.

No owner, operator, partner, manager or person having supervisory control of any establishment licensed to sell or serve intoxicating beverages shall permit any of the following on or about any commercial premises where intoxicating beverages are dispensed or consumed:

1. The performance by any person of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are otherwise prohibited by law;

2. The actual intentional touching or caressing or fondling by any person of the breasts, anus or genitals;
3. Any person on the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the areola of the female breast or any portion of the pubic hair, buttocks or genitals; or

4. Any person to perform acts of, or acts which simulate, sexual acts which are prohibited by law, or permit any person to use artificial devices or inanimate objects to depict any prohibited activities or permit the showing of films, still pictures, electronic reproductions or other visual reproductions depicting any of the prohibited activities described in this paragraph.

Section 2-8. Certificate of Compliance with Zoning, Fire, Safety and Health Codes.

1. Requirement of Certificate. Every applicant for an original or renewal license, as required under Title 37A of the Oklahoma Statutes, except applicants for a special event, shall be required to furnish the Alcoholic Beverage Laws Enforcement Commission a certificate of compliance with zoning, fire, safety, and health codes.

2. Application and Fee. Applications for such certificates shall be in writing on a form provided by the City Clerk. Each applicant shall pay at the time of filing the application a fee of fifty dollars ($50.00). Upon receipt of an application for a certificate of compliance, the City Clerk shall cause an investigation to be made to determine whether the premises proposed for licensed operations comply with the provisions of the zoning ordinance and any health, fire, building and other safety codes applicable to it.

3. This certificate shall be reviewed and approved by the following City departments:

a. The applicant's proposed location and use thereof must comply with all municipal zoning ordinances, verified by the Code Enforcement Officer or City Manager, or his designee;

b. The applicant's proposed site and structure must comply with all building codes as required by the Code of the City of Comanche, verified by the Code Enforcement Officer;

c. The applicant's proposed site, structure, and location must comply with all Fire Code requirements required by the Code of the City of Comanche, verified by the Fire Inspector for the City of Comanche or his designee; and

d. The applicant's proposed location and use thereof must comply with all provisions regarding food service requirements as required by the Code of the City of Comanche, verified by the Stephens County Health Department Inspector, or his designee.

Section 2-9. Location of Licensed Mixed Beverage Establishment, Beer and Wine Establishment, or Bottle Club.

1. It shall be unlawful for any mixed beverage establishment, beer and wine establishment or bottle club which has been licensed by the ABLE Commission and which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, or package store, to be located within three hundred (300) feet of any public or private school or church property primarily and regularly used for worship services and religious activities.

2. The distance indicated in this section shall be measured from the nearest property line of such public or private school or church to the nearest perimeter wall of the premises of any such mixed beverage establishment, beer and wine establishment, bottle club or package store which has been permitted by the City to sell alcoholic beverages.

3. The provisions of this section shall not apply to:

a. Mixed beverage establishments, beer and wine establishments, or bottle clubs, which have been permitted by the City to sell alcoholic beverages for on-premises consumption or retail package stores prior to November 1, 2000; provided, if at the time of application for an occupational tax permit renewal the previously permitted location has not been in actual operation for a continuous period of more than sixty (60) days, the permit shall not be renewed; or

b. Establishments licensed prior to October 1, 2018, to sell low-point beer which were permitted to be located within three hundred (300) feet of any public or private school or church property primarily and regularly used for worship services and religious activities, pursuant to the provisions of Section 163.27 of Title 37 of the Oklahoma Statutes. Such establishments shall be permitted to have any license in effect on October 1, 2018, transferred to a mixed beverage license by the ABLE Commission and would thereafter be eligible to apply for an occupational tax permit with the City pursuant to this Chapter; provided, if such an establishment ceases to regularly be open to the public or changes ownership, the provisions of this paragraph shall cease to apply.

4. If any school or church shall be established within three hundred (300) feet of any package store, mixed beverage establishment, beer and wine establishment or bottle club subject to the provisions of this Section after such package store, mixed beverage establishment, beer and wine establishment or bottle club has been granted an occupational tax permit by the City, the provisions of this Section shall not be a deterrent to the renewal of such permit if there has not been a lapse of more than sixty (60) days. When any mixed beverage establishment, beer and wine establishment or bottle club subject to the provisions of this section which has been granted an occupational tax permit by the City to sell alcoholic beverages for on-premises consumption, or package store, changes ownership or the operator thereof is changed and such change of ownership results in the same type of business being conducted on the premises, the provisions of this Section shall not be a deterrent to the issuance of such a permit to the new owner or operator if he or she is otherwise qualified.

Section 2-10. Prohibited Acts by Persons.

It shall be unlawful for any person to:

1. Knowingly sell, deliver, or furnish alcoholic beverages to any person less than twenty-one (21) years of age;

2. Sell, deliver, or knowingly furnish alcoholic beverages to an intoxicated person or to any person who has been adjudged insane or mentally deficient;

3. Open a retail container or consume alcoholic beverages on the premises of a package store, grocery store, convenience store or drug store, unless otherwise permitted by law;

4. Import into this state, except as provided for in the Oklahoma Alcoholic Beverage Control Act, any alcoholic beverages; provided, that nothing herein shall prohibit the importation or possession for personal use of not more than one (1) liter of alcoholic beverages upon which the Oklahoma excise tax is delinquent;

5. Receive, possess or use any alcoholic beverage in violation of the provisions of the Oklahoma Alcoholic Beverage Control Act;

6. Transport into, within or through this state more than one (1) liter of alcoholic beverages upon which the Oklahoma excise tax has not been paid unless the person accompanying or in charge of the vehicle transporting same shall possess a true copy of a bill of lading, invoice, manifest or other document particularly identifying the alcoholic beverages being transported and showing the name and address of the consignor and consignee; provided, this prohibition shall not apply to the first one hundred eighty (180) liters of alcoholic beverages classified as household goods by military personnel, age twenty-one (21) or older, when entering Oklahoma from temporary active assignment outside the contiguous United States;

7. Knowingly transport in any vehicle upon a public highway, street or alley any alcoholic beverage except in the original container which shall not have been opened and the seal upon which shall not have been broken and from which the original cap or cork shall not have been removed, unless the opened container be in the rear trunk or rear compartment, which shall include the spare tire compartment in a vehicle commonly known as a station wagon or panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion;

8. Consume spirits in public except on the premises of a licensee of the ABLE Commission who is authorized to sell or serve spirits by the individual drink, or be intoxicated in a public place. This provision shall be cumulative and in addition to existing law;

9. Forcibly resist lawful arrest, or by physical contact interfere with an investigation of any infringement of the Oklahoma Alcoholic Beverage Control Act or with any lawful search or seizure being made by a law enforcement officer or an employee of the ABLE Commission, when such person knows or should know that such acts are being performed by a state, county or municipal officer or employee of the ABLE Commission;

10. Manufacture, duplicate, counterfeit or in any way imitate any bottle club membership card required to be issued by the ABLE Commission without the permission of the ABLE Commission;

11. Consume or possess alcoholic beverages on the licensed premises of a bottle club unless such person possesses a valid membership card for that club issued by the club;

12. Knowingly possess any bottle club membership card required to be issued by the ABLE Commission which has been manufactured, counterfeited, imitated or in any way duplicated without the permission of the ABLE Commission; or

13. Knowingly and willfully permit any individual under twenty-one (21) years of age who is an invitee to the person's residence, any building, structure or room owned, occupied, leased or otherwise procured by the person or on any land owned, occupied, leased or otherwise procured by the person, to possess or consume any alcoholic beverage as defined by Section 2-1 of this Chapter, any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, or any combination thereof, in such place.

14. No person who shall engage in any of the following and disturb the peace of any person:

a. In any public place, or in or upon any passenger coach, streetcar, or in or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, waiting station or room, drink or otherwise consume any intoxicating liquor unless authorized by this act, intoxicating substance or intoxicating compound of any kind, or inhale glue, paint or other intoxicating substance;

b. Be drunk or intoxicated in any public or private road, or in any passenger coach, streetcar or any public place or building, or at any public gathering, from drinking or consuming such intoxicating liquor, intoxicating substance or intoxicating compound or from inhalation of glue, paint or other intoxicating substance; or

c. Be drunk or intoxicated from any cause.

Section 2-11. Prohibited Acts by Licensees.

It shall be unlawful for any licensee of the ABLE Commission within the corporate limits of the City of Comanche, Oklahoma to:

1. Receive, possess or sell any alcoholic beverage except as authorized by the Oklahoma Alcoholic Beverage Control Act and by the license or permit which the licensee holds;

2. Employ any person under eighteen (18) years of age in the selling of beer or wine or employ any person under twenty-one (21) years of age in the selling of spirits, provided:

a. a mixed beverage, beer and wine, caterer, public event, special event, bottle club, retail wine or retail beer licensee may employ servers or sales clerks who are at least eighteen (18) years of age, except persons under twenty-one (21) years of age may not serve in designated bar or lounge areas; and

b. a mixed beverage, beer and wine, caterer, public event, special event or bottle club licensee may employ or hire musical bands who have musicians who are under eighteen (18) years of age if each such musician is either accompanied by a parent or legal guardian or has on their person, to be made available for inspection upon demand by any employee of the ABLE Commission or law enforcement officer, a written, notarized affidavit from the parent or legal guardian giving the underage musician permission to perform in designated bar or lounge areas;

3. Give any alcoholic beverage as a prize, premium or consideration for any lottery, game of chance or skill or any type of competition;

4. Use any of the following means or inducements to stimulate the consumption of alcoholic beverages, including but not limited to:

a. deliver more than two drinks to one person at one time;

b. sell or offer to sell to any person or group of persons any drinks at a price that is less than six percent (6%) below the markup of the cost to the mixed beverage licensee; provided, a mixed beverage licensee shall be permitted to offer these drink specials on any particular hour of any particular day and shall not be required to offer these drink specials for an entire calendar week or from open to close;

c. sell or offer to sell to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;

d. sell or offer to sell drinks to any person or group of persons on any one day or portion thereof at prices less than those charged the general public on that day, except at private functions not open to the public;

e. increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week; or

f. encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.

The provisions of this paragraph 4 shall not prohibit the advertising or offering of food or entertainment in licensed establishments;

5. Permit or allow any patron or person to exit the licensed premises with an open container of any alcoholic beverage. Provided, this prohibition shall not be applicable to closed original containers of alcoholic beverages which are carried from the licensed premises of a bottle club by a patron, closed original wine containers removed from the premises of restaurants, hotels and motels, or to closed original containers of alcoholic beverages transported to and from the place of business of a licensed caterer by the caterer or an employee of the caterer;

6. Serve or sell alcoholic beverages with an expired license issued by the ABLE Commission;

7. Permit any person to be drunk or intoxicated on the licensee's licensed premises; or

8. Furnish alcoholic beverages to any person during any hours or days not authorized under the Alcoholic Beverage Control Act.

Section 2-12. Penalty.

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

Sections 2-13 through 2-19. (Reserved for future use.)

Article 2. Occupational Tax; Sales for On Premises Consumption.

Section 2-20. Occupational Tax Levied.

1. No person shall operate or maintain any business serving mixed beverages or beer or wine without having previously paid the occupational tax as shown below. An annual Municipal Occupation Tax is hereby levied on persons engaging in the following businesses within the City of Comanche, Oklahoma:

a.	Brewer		$1,250.00
b.	Small Brewer		$125.00
c.	Distiller		$3,125.00
d.	Winemaker		$625.00
e.	Small Farm Winer		$75.00
f.	Rectifier		$3,125.00
g.	Wine and Spirits Wholesaler		$3,000.00
h.	Beer Distributor		$750.00
i.	Retail Spirits		$225.00
j.	Retail Wine		$225.00
k.	Retail Beer		$ 25.00
l.	Mixed Beverage:	(Initial)	$1,005.00
		(Renewal)	$905.00
m.	Mixed Beverage/Caterer Combination		$1,250.00
n.	On-Premises Beer and Wine:	(Initial)	$500.00
		(Renewal)	$450.00
o.	Bottle Club:	(Initial)	$1,000.00
		(Renewal)	$900.00
p.	Caterer:	(Initial)	$1,005.00
		(Renewal)	$905.00
q.	Special Event		$55.00
r.	Hotel Beverage:	(Initial)	$1,005.00
		(Renewal)	$905.00
s.	Winemaker Self-Distribution		$750.00
t.	Annual Public Event		$1,005.00
u.	One-Time Public Event		$255.00
v.	Brewpub		$1,005.00

w. Brewpub Self-Distribution $750.00

Section 2-21. Payment Required and Penalty.

1. Any state licensee originally entering upon any occupation herein listed shall pay the tax therefor at the office of City Clerk on or before the date upon which he enters upon such occupation. Said licensee shall provide a copy of a current state license before payment of an occupation tax will be accepted. Thereafter, the licensee shall pay the tax annually on or before the first day of April now and through October 31, 2019. Effective November l, 2019, the licensee shall pay the tax annually on or before the first day of November.

2. The occupation tax subject to this section shall be prorated on a monthly basis for the year in which an occupation began operations.

3. Upon payment of the said occupation tax, the City Clerk shall issue a receipt to said state licensee, which said licensee shall post in a conspicuous place on the occupation premises to exhibit that said licensee is permitted by the City to enter upon such occupation on said premises.

4. Any person who engages in any of the occupations taxed by this Chapter without paying said occupation tax imposed therefor in advance of such operation, is guilty of an offense against the City, and upon conviction thereof shall be fined the sum of not more than five hundred dollars ($500.00), excluding costs. Each day of such violation shall constitute a separate offense.

Section 2-22. Annual Report.

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

Section 2-23. Hours of Operation.

No establishment to which the mixed beverage or on premises beer and wine occupational tax is applicable, nor any agent, servant or employee of such establishment shall sell, dispense, serve or allow to be consumed any mixed beverages, beer or wine on the premises between the hours of 2:00 am and 8:00 am.

Section 2-23. Employment.

No person shall employ any person under eighteen (18) years of age in the selling of beer or wine or employ any person under twenty-one (21) years of age in the selling of spirits. Provided that:

1. a mixed beverage, beer and wine, caterer, public event, special event, bottle club, retail wine or retail beer licensee may employ servers or sales clerks who are at least eighteen (18) years of

age, except persons under twenty-one (21) years of age may not serve in designated bar or lounge areas, and

2. a mixed beverage, beer and wine, caterer, public event, special event or bottle club licensee may employ or hire musical bands who have musicians who are under eighteen (18) years of age if each such musician is either accompanied by a parent or legal guardian or has in their person, to be made available for inspection upon demand by any employee of the ABLE Commission or law enforcement officer, a written, notarized affidavit from the parent or legal guardian giving the underage musician permission to perform in designated bar or lounge areas.

Section 2-24. Mixed Beverage/Caterer Combination Permit.

A mixed beverage/caterer combination occupational tax permit shall authorize the holder thereof to purchase or sell mixed beverages as specifically by law for the holder of a mixed beverage license or a caterer license. A separate permit shall be required for each place of business. Prior to obtaining a City occupational tax permit, a mixed beverage/caterer combination license must be issued by the Alcoholic Beverage Laws Enforcement Commission.

Section 2-25. Special Event Temporary Permit.

A special event temporary permit may be issued to an organization, association, or nonprofit corporation organized for political, fraternal, charitable, religious or social purposes. The holder of a special event temporary permit is authorized to sell and distribute alcoholic beverage on the premise for which the permit is issued. A special event temporary permit shall be valid for a period not to exceed ten (10) consecutive days, and no qualified organization may obtain more than one (1) such permit in a 90-day period. Prior to obtaining a City occupational tax permit, a special event license must be issued by the Alcoholic Beverage Laws Enforcement Commission.

Section 2-26. Breweries and Brewpubs.

1. No person shall operate or maintain a brewery or brewpub without having previously paid the occupational tax as provided in this Chapter.

2. No brewery or brewpub to which the brewery or brewpub occupational tax is applicable, nor any agent, servant or employee of such establishment shall sell, dispense, serve or allow to be consumed any beer, as that term is defined in 37A § 1-103(5), on the premises between the hours of 2:00 am and 8:00 am.

Section 2-27. Revocation of License.

If any person having an occupational tax permit as provided for herein is convicted more than once of a violation of the terms hereof, said permit may be revoked by the City Council. Furthermore, if any person having a license as provided for in the Alcoholic Beverage Control Act is convicted more than once of a violation of the terms hereof, said license may be revoked as provided in the Alcoholic Beverage Control Act.

Sections 2-28 through 2-29. (Reserved for future use.)

Article 3. Retail Stores; Off Premises Consumption.

Section 2-30. Occupational Tax Levied.

No person shall operate, manage, or work in any retail establishment that sells, for off premises consumption only, any type of alcoholic beverage, as that term is found in 37A § 1-103, without having previously paid the occupational tax as provided in this Chapter in the amount indicated in Section 2-20, Article 2, of this Chapter.

Section 2-31. Payment Required and Penalty.

1. Any state licensee originally entering upon any occupation herein listed shall pay the tax therefor at the office of the City Clerk on or before the date upon which he enters upon such occupation. Said licensee shall provide a copy of a current state license before payment of an occupation tax will be accepted. Thereafter, the licensee shall pay the tax annually on or before the first day of April now and through October 31, 2019. Effective November 1, 2019, the licensee shall pay the tax annually on or before the first day of November.

2. The occupation tax subject to this section shall be prorated on a monthly basis for the year in which an occupation began operations.

3. Upon payment of the said occupation tax, the City Clerk shall issue a receipt to said state licensee, which said licensee shall post in a conspicuous place on the occupation premises to exhibit that said licensee is permitted by the City to enter upon such occupation on said premises.

4. Any person who engages in any of the occupations taxed by this Chapter without paying said occupation tax imposed therefor in advance of such operation, is guilty of an offense against the City, and upon conviction thereof shall be fined the sum of not more than five hundred dollars ($500.00), excluding costs. Each day of such violation shall constitute a separate offense.

Section 2-32. Deliveries.

No wholesale dealer in alcoholic beverages shall sell or deliver to any retail spirits store any alcoholic beverages on Sundays, New Year's Day, Fourth of July, Thanksgiving, or Christmas Day.

Section 2-33. Duty of Operators and Prohibited Conduct on Sales Premises.

It is hereby declared unlawful for any person operating any retail establishment that sells, for off premises consumption only, any type of alcoholic beverage, to permit any person under the age of twenty-one (21) years to loiter in or be in such a place, or to permit any intoxicated person to loaf or loiter or be in or about said place of business, or to permit any person to violate any of the law of the state.

Section 2-34. Hours of Operation.

1. Retail spirit stores. No retail spirits store may sell any alcoholic beverages at any hour other than between the hours of 8:00 a.m. and midnight Monday through Saturday. Further, no person shall open or operate a retail spirits store on the following days:

a. Thanksgiving Day; or

b. Christmas Day.

2. Retail beer or retail wine stores. A retail wine or retail beer establishment may offer wine or beer for sale on Monday through Sunday between the hours of 6:00 a.m. and 2:00 a.m. the following day, Monday through Sunday.

Section 2-35. Employment.

No person shall employ any person under eighteen (18) years of age in the selling of beer or wine or employee any person under twenty-one (21) years of age in the selling of spirits.

Section 2-36. Revocation of License.

If any person having an occupational tax permit as provided for herein is convicted more than once of a violation of the terms hereof, said permit may be revoked by the City Council. Furthermore, if any person having a license as provided for in the Alcoholic Beverage Control Act is convicted more than once of a violation of the terms hereof, said license may be revoked as provided in the Alcoholic Beverage Control Act.

Section 2-37. Enforcement.

1. The Comanche Police Department is authorized and empowered to enforce the provisions of this Chapter. The provisions shall be enforced in a manner that can reasonably be expected to reduce the extent to which alcohol is sold or distributed to persons under twenty-one (21) years of age.

2. Persons under twenty-one (21) years of age may be enlisted by the Comanche Police Department to assist in enforcement. Provided, however, that such persons may be used to test compliance only if the testing is conducted under the direct supervision of the Comanche Police Department; provided, written parental consent shall be obtained prior to the use of any person under the age of eighteen (18) years. Any other use of persons under twenty-one (21) years of age to test compliance shall be unlawful and punishable by assessment of an administrative fine of five hundred dollars ($500.00).

ORD. 543-18 September 18, 2018

CHAPTER 3

ANIMALS

Article 1. General Provisions

Section 3-1. Definitions.

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

1. Animal. The word "animal" shall mean every non-human species of animal, both domestic and wild, including but not limited to any horse, mule, donkey, pony, bull, cow, calf, sheep, goat, hog, dog, pig, cat, rat, rabbit, chicken, duck, goose, turkey, or other fowl or non-human species animal.

2. Animal At-Large. The term "animal-at-large" or "at large" shall mean any animal which is either:

   a. Not securely confined by a fence or other means on premises under the control of, or occupied by, the owner; or

   b. Not under the control by leash or lead and obedient to that person's commands, whether on the owner's premises or not. (Ord. 539-17, December 12, 2017)

3. Animal Shelter. The term "animal shelter" shall mean any facility or premises designated by the City of Comanche and operated by the City of Comanche, its authorized agents or a humane society, for the purpose of impounding animals under the authority of this chapter for care, confinement, return to owner, adoption, or euthanasia, whether such facility or premises be located within or without the corporate limits of the City of Comanche.

   a. Animal Control Officer or Humane Officer. The term "animal control officer" or "humane officer" shall mean any person so designated by the City of Comanche and charged with the responsibility for enforcing the provisions of this chapter.

   b. Auction. The word "auction" shall mean any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this section. The word "auction" shall not mean or apply to individual sales of animals by owners, nor to any livestock auction or animal sales barn regulated and/or licensed by the State of Oklahoma.

c. Circus. The word "circus" shall mean a commercial variety show featuring animal acts for public entertainment.

d. Commercial Animal Establishment. The phrase "commercial animal establishment" shall mean any pet shop, grooming shop, guard dog training center, auction, riding school or stable, zoological park, circus, performing animal exhibition, or boarding or breeding kennel, as defined elsewhere in this section.

e. Grooming Shop. The term "grooming shop" shall mean any commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

f. Guard Dog. The term "guard dog" shall mean any dog that will detect and warn its handler that an intruder is present in or near an area that has been or is being secured, or protects a secured premises, facility, building, or other property from unlawful intrusion.

g. Kennel or Cattery. The words "kennel" or "cattery" shall mean any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs and/or cats.

h. Livestock. The word "livestock" shall mean any cattle, swine, sheep, goats, nutria, poultry, fowl, or any other recognized farm animal.

i. Owner. The word "owner" shall mean any person, firm, partnership, or corporation owning, keeping or harboring one or more animals. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, and is fed or sheltered for a period of three (3) consecutive days or more, shall be deemed to be keeping or harboring the animal.

j. Performing Animal Exhibition. The phrase "performing animal exhibition" shall mean any spectacle, display, act, or event, other than circuses, in which performing animals are used.

k. Pet or Companion Animal. The words "pet" or "companion animal" shall mean any animal kept for pleasure rather than utility, or any animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

l. Pet Shop. The term "pet shop" shall mean any person, firm, partnership, or corporation, whether operated separately or in connection with another business enterprise, excluding a licensed kennel or cattery, that buys, sells or boards any species of animal.

m. Public Nuisance. The term "public nuisance" shall mean any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property.

n. Public Nuisance Animal. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

(1) Is repeatedly found at large;

(2) Damages the property of anyone other than its owner;

(3) Molests or intimidates pedestrians or passersby;

(4) Chases vehicles;

(5) Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(6) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(7) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

(8) Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained;

(9) Attacks other domestic animals; or

(10) Has been found by the Comanche City Council or Judge of the Comanche Municipal Court, after notice to its owner and a hearing, to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety.

o. Restraint. The word "restraint" shall mean that the animal is secured by a leash or lead under the control of a responsible person over twelve (12) years of age and obedient to that person'' commands, or that the animal is confined within a building, or in a complete enclosure, or by a fence at least six (6) feet in height, or attached to a chain at least three (3) feet in length, but not longer than the distance to the nearest property line, and having a tensile strength of three hundred (300) pounds, or other acceptable means on premises under the control of, or occupied by its owner.

p. Riding School or Stable. The term "riding school" or the word "stable" shall mean any place that boards or has available for hire and/or riding instruction any horse, pony, donkey, mule, or burro; or any place that regularly buys, sells or trains any horse, pony, donkey, mule, or burro, including a racetrack, trotting track, or rodeo.

q. Veterinary Hospital. The term "veterinary hospital" shall mean any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

r. Vicious Animal. The term "vicious animal" shall mean any animal which has bitten, injured or attacked, or attempted to bite, injure or attack human beings or domesticated animals without adequate provocation; or which attacks, or barks or growls at and acts as if it intends to attack, bite or injure human beings or domesticated animals when not unduly provoked; or which, because of temperament, conditioning or training, has a known propensity to attack, bite or injure human beings or domesticated animals; or which is harbored or trained for dog fighting.

s. Wild Animal. The term "wild animal" shall mean any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes or jackels), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds. It shall also include any venomous reptiles including snakes or lizards. (Ord. 239-17, Dec 12, 2017)

t. Zoological Park. The term "zoological park" shall mean any facility operated by a person, firm, partnership, corporation, or government agency, other than a pet shop or kennel, which displays or exhibits one or more species of non-domesticated animals.

u. Service Animal. Service Animal Defined by Title II and Title III of the ADA. A service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Most animals, including but not limited to those labeled Companion Animals, Emotional Support Animals and Therapy Animals or pets are NOT service animals according to ADA's Definition, as they have NOT been individually trained to perform disability mitigating tasks. Thus their handlers do not legally qualify for public access rights. Typically, these animals also lack the months of training on obedience and manners needed to behave properly under challenging conditions in places of public accommodation. The City of Comanche does not recognize any certifications not recognized by the Americans with Disabilities Act (ADA) and/or the Department of Justice. (Ord. 539-17, December 12, 2017)

Section 3-2. Unlicensed Dogs and Cats Unlawful.

It shall be unlawful for any person, firm, partnership, or corporation to own, keep, harbor, or shelter any unlicensed dog or cat within the incorporated area of the City of Comanche except in accordance with the provisions of this Chapter.

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

1. No owner shall permit any animal, except a cat, owned, harbored or kept by him to be at large, to run at large or to trespass upon the premises of another person. It shall be unlawful for any animal, except as provided herein, to be at large at any time within the corporate limits of the City of Comanche.

2. It shall be unlawful for any person to permit or allow any dog, public nuisance animal, or vicious animal to be placed on a leash of inadequate length and strength, or to be inadequately confined or restrained so that such dog or animal can reach, attack, bite, molest, or injure any person who may be using the public thoroughfares of the city, reach beyond the limits of the premises upon which such dog or animal is kept, harbored or confined, or reach, attack, bite, molest, or injure any person who may be rendering necessary services to the property, structure, or facilities of the owner or agent of the owner, upon the premises where such dog or animal is kept, harbored or confined.

Section 3-4. Turning Animals At Large Unlawful.

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

Section 3-5. Animals to be Under Restraint.

1. All dogs and public nuisance animals shall be kept under adequate restraint or securely confined in an enclosure which is to be a fenced area or structure that is:
   a. Secured
   b. Capable of preventing the entry of the general public, including children; and
   c. Capable of preventing the escape or release of an animal or any part of the animal that can cause harm to another animal or human.
   d. The term enclosure does not mean a wireless or electric fence.

2. No owner shall fail to exercise reasonable and proper care and prudent control of his animals so as to prevent them from becoming a public nuisance.

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

4. Every vicious animal, as defined by ordinance, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

5. Animals in public areas or not confined on the owner's premises shall be on a leash, lead, cord or rope not greater than six feet in length and that is attended by a person at all times and used as a temporary restraint. (Ord. 539-17, December 12, 2017)

Section 3-6. Keeping of Vicious Animals.

It shall be unlawful for any person, firm, partnership, or corporation to own, keep, harbor, or shelter within the incorporated area of the City of Comanche any:

1. Vicious animal, unless the same is kept upon the private premises of such person, firm, partnership or corporation and securely locked within a sufficient enclosure to prevent any possible means of escape; or

2. Rabid animal, unless the same is kept upon the premises of a veterinary facility or other approved animal facility for the purposes of quarantine and observation, or upon the private premises of the animal's owner in accordance with instructions of the County Health Department, the regulations of this chapter, and securely locked and isolated within a sufficient enclosure to prevent any possible means of escape or unauthorized entry.

No license or permit issued under the provisions of this chapter shall be authority to allow or permit any rabid or vicious animal to run at large within the city, whether muzzled or not.

Section 3-7. Animals Which Disturb Prohibited.

It is hereby declared to be a nuisance for any person to keep or harbor any animal within the city which by barking, howling, whining or otherwise, disturbs the peace and quiet of any person at any time.

Section 3-8. Vicious Animal May be Killed.

Any person may kill an animal in self-defense or in defense of another human being when the animal, without undue provocation, bites him or the other, or attacks, or attempts to bite or attack, him or the other in such a manner that an ordinarily prudent person would be led to believe that the person toward whom the efforts of the animal are directed is about to be bitten or otherwise physically harmed.

Section 3-9. Keeping Animals for Breeding Purposes.

1. It is hereby declared to be a nuisance for any person to keep, harbor or shelter any animal for breeding purposes within the corporate limits of the City of Comanche, except in private enclosed locations which are entirely out of public view.

2. This section shall not be construed as permitting the conditional keeping of any animal otherwise prohibited or regulated by the Code of Ordinances.

Section 3-10. Pasturing in Public Areas Unlawful.

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

Section 3-11. Swine Not to be Kept Within City.

It is unlawful for any person being the owner of or having the care, custody, or control thereof, to keep or allow to be kept any swine, hogs, shoats or pigs at any time within the corporate limits of the City of Comanche, with the exception of FFA and/or 4H projects kept on the fairgrounds or appropriate school properties.

Section 3-12. Livestock Not Permitted Within City.

1. It shall be unlawful for any person to keep any livestock within the corporate limits of the City of Comanche except in accordance with ~~the provisions of this chapter for the keeping of animals.~~ exemptions identified below.
2. Exemptions: The keeping of livestock shall be permitted in agricultural zoned districts and the temporary keeping of livestock in any public facilities and institutions for the purposes and in the locations outlined as follows:
   a. Comanche Rodeo Grounds
   b. Comanche Public Schools Ag Barn
   c. Exhibitions at fairs, carnivals, circuses and stock shows.
   d. Slaughter establishment with proper zoning and permits.

(Ord. 539-17, December 12, 2017)

3. Chickens

Section 1. Definitions

A. Chicken run or pen: A fenced or other type of enclosure that is mostly open to the elements, for the purpose of allowing chickens to leave the henhouse or coop while remaining in a predator-safe environment. The chicken run or pen is typically attached to the henhouse or chicken coop.

B. Domesticated chicken: A subspecies of the species *Gallus domesticus*.

C. Henhouse or chicken coop: A structure providing shelter for chickens which is completely enclosed.

Section 2. Purpose and General Regulations.

A. Purpose. The purpose of this article is to provide minimum standards for the keeping of domesticated chickens. This article enables residents to keep chickens on a noncommercial basis as an accessory use to a residence, while limiting the adverse effects of the activity on surrounding properties. Such adverse effects can include noise, odors, unsanitary conditions, attraction of predators, chickens running at large, unsightly conditions, and similar adverse conditions.

B. Special Exception Required. The keeping of domesticated chickens may be permitted as an accessory use to a single-family dwelling by special exception, and a permit shall be required.

C. Periodic Inspection. The City may periodically inspect the facility, upon reasonable notice, to ensure that all conditions of the special exception are continuously met.

D. Non-commercial Use Only. Domesticated chickens shall be kept for non-commercial purposes only; however, the incidental sale of eggs is not prohibited, provided that all other City regulations relating to the accessory sales are met.

E. Enclosed Structure Required. Chickens shall be kept in an enclosed structure at all times. No chicken shall be permitted to roam freely.
F. Permits will only be issued for single family homes and agriculture zoned lots.
G. Permits will only be issued to owner occupied homes unless the lease agreement clearly allows for chickens.
H. Citizens are encouraged to attend a training on “raising chickens in an urban setting”

Section 3. Lot Size and Limits on Numbers of Chickens.
A. Minimum lot size. 0.33 Acre (1/3 Acre or lots larger than 14,520 sq/ft)
B. Number of chickens per lot.
1. Lots between 0.33 – 0.68 acres (14,520 - 30,000 sq/ft) limit 4 hens
2. Lots between 0.68 & 1 acre (30,000 – 43,560 sq/ft) limit 8 hens
3. Lots greater than 1 acre limit 12 hens (no more than 12 hens per any lot or parcel)
4. No rooster shall be permitted

C. Setbacks.
1. Chicken runs, pens, henhouses and chicken coops shall be set back from all adjacent residences that are not occupied by the applicant by not less than fifty (50) feet.
2. Chicken henhouses and coops shall be set back not less than ten (10) feet from the applicant’s residence.
3. All structures relating to chickens shall be located to the rear of the residence.

Section 4. Structures, Chicken Pens, Runs, and Coops.
A. Enclosed and Predator Resistant Structure. Chicken runs, pens, henhouses and coops shall be enclosed and constructed of durable materials to prevent entry by predators or the escape of chickens. All walls and ceiling and roof areas shall also be protected against entry by predators.
B. Construction Materials. Chicken pens, henhouses and chicken coops shall be constructed of weather-resistant that can readily be cleaned and maintained and kept in good appearance.
C. Prevention of Entry by Burrowing. A horizontal at-grade area not less than one (1) foot in
width along the interior or exterior perimeter of the chicken run or pen shall be composed of chain link or other material to prevent entry by burrowing predators. Alternatively, a barrier to burrowing not less than one (1) foot in depth may be placed along the perimeter of the chicken run or pen.
D. Elevation of Structures. Henhouses and chicken coops shall be elevated at least 18 inches above grade, with an elevated floor that will prevent entry by predators. The applicant shall provide details of how manure will be properly cleaned from henhouse and chicken coop floors.
E. No External Illumination. The exterior areas of henhouses and chicken coops shall not be illuminated.
F. Minimum Area per Chicken in Henhouse or Coop. The henhouse or chicken coop shall provide not less than one square foot (144 square inches) of area per chicken, as well as separate roosting or egg-laying areas.

G. Minimum Area per Chicken Run or Pen. A chicken run or pen shall be provided and be large enough to allow freedom of movement, but shall provide not less than four (4) square feet per chicken.
H. Feed and Water Required. Adequate feed and water shall be continuously provided, with
protection against freezing.

Section 5. Conduct of the Owner.
A. Odor and Noise. Odors shall not be perceptible at the lot line. Noise shall not be perceptible at lot lines to the extent that it results in a public nuisance or is in violation of the municipal noise ordinance.
B. Waste and manure storage and removal. No more than three cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken run and pen and surrounding area must be kept free from trash and accumulated manure.
C. Mortality. Dead animals shall be disposed of promptly and consistent with applicable waste disposal regulations of the municipality.
D. Slaughtering. Slaughtering of chickens shall be conducted in a fully-enclosed structure not visible to the public.

Section 6. Permits.
A. The cost of the permit is $25 per lot (not per chicken) and must be included with the application.
B. The permit shall identify the maximum number of hens allowed
C. Permits are valid from July 1 – June 30
D. Any coop or chicken structure over 200 sq/ft will require a separate building permit.
E. Permits will be issued after a complete site inspection has been conducted to ensure compliance of all ordinances.
F. Permit holder should notify city clerk if they wish to terminate the permit. All renewals will be billed on the July utility bill.

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Section 3-13. Premises Where Animals are Kept, Location.

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

2. Every such building or structure, if located within two hundred (200) feet of any apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a water-tight and fly-tight receptacle for manure and/or other animal wastes and refuse, of such size as to hold all accumulations of manure and/or other animal wastes and refuse.

   Such receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times except when

open during the deposit or removal of manure and/or other animal waste or refuse. No manure and/or other animal waste or refuse shall be allowed to accumulate on such premises except in such receptacle.

3. No building, place or establishment wherein animals are kept, shall be maintained closer than forty (40) feet to any apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept.

Section 3-14. Animal Waste.

1. Manure shall be hauled outside of the city in a manner which does not jeopardize the public health and disposed of in accordance with regulations of the County or State Health Department, or else shall be spread evenly upon the ground and turned under at once or as soon as the weather permits. (Ord. 364, October 13, 1987)

2. The owner of every animal shall be responsible for the removal of any excreta, or other animal waste or refuse deposited by his animal on public walks, recreation areas, or private property. (Ord. 364, October 13, 1987)

3. Manure, excreta, or other animal waste or refuse may be deposited in trash, refuse or garbage receptacles serviced by the City of Comanche Sanitation Division only if such waste or refuse is placed in a tightly sealed plastic bag or other similar air tight and fly proof container. (Ord. 364, October 13, 1987)

Section 3-15. Premises to be Kept Clean.

Every premises, place, building, structure or establishment where any animal is kept or permitted to be shall be maintained in a clean and sanitary condition, devoid of rodents and vermin and free from objectionable odors.

Section 3-16. Health Officer to Inspect.

The city or county health officer, code enforcement officer, animal control officer, humane officer, chief of police, or any police officer or other person designated by the city shall, upon complaint of any person, inspect any premises, structure, place, building or other establishment where any animal is kept, and may do so on his own initiative. He may issue any such reasonable order as he may deem necessary to the owner of the animal to cause the animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance. He may make a complaint before the municipal judge against any person for violation of any provision of this chapter or of any reasonable order, but this procedure shall not abridge the right of others to make such complaint.

Article 2. Dog and Cat Vaccination and Health.

Section 3-20. Dogs and Cats to be Vaccinated.

The owner or keeper of any dog or cat of four (4) months of age or older within the corporate limits of the City of Comanche, shall have such dog or cat vaccinated against rabies every calendar year. Owners shall affix, or have affixed, to the collar or harness of each vaccinated dog or cat a metal tag with sufficient information thereon that any vaccination certificate covering the animal may be readily traced. Owners shall retain a readily accessible record or proof of current rabies vaccination for each dog or cat owned or kept and shall produce such proof of rabies vaccination upon reasonable request by any health officer, animal control officer, humane officer, police officer, code enforcement officer, or other person designated and authorized by the city charged with responsibility for enforcement of the provisions of this chapter or any part thereof.

(Ord. 364, October 13, 1987)

Section 3-21. Dogs Muzzled and Cats Confined.

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

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

Section 3-22. Rabies Control and Procedures.

1. It shall be unlawful for any person to remove any vaccination or identification tag from the collar of any dog or cat, except where it is necessary for a police officer to examine such tag.

(Ord. 364, October 13, 1987)

2. Every animal that bites or scratches a human being shall be reported within four (4) hours to the animal control officer or chief of police. Any animal which has bitten or severely scratched a human being on or about the facial or neck area, and is found to have not been vaccinated against rabies by a licensed veterinarian, shall be immediately destroyed and the head of such animal sent to the State Health Department for pathological examination. In those instances where an animal has bitten or severely scratched a human being on any part of the body other then the facial or neck area, or where it is found that the animal has been vaccinated against rabies by a licensed veterinarian and that such vaccination is current, such animal shall thereupon, following report of the incident, be immediately placed in confinement under the supervision of a licensed veterinarian for a period of not less than ten (10) days, and shall not be released from such quarantine except by permission of the city's health officer and the licensed veterinarian under whose observation the animal was placed. Any expenses, fees, or other costs incurred due to this subsection shall be the responsibility of the person owning, keeping or

harboring the animal. Failure of the owner to quarantine his animal shall make him guilty of an offense. (Ord. 364, October 13, 1987)

In the case of stray animals, or in the case of animals whose ownership is not known or can not be determined, it shall be assumed by the city that the animal has not been vaccinated for rabies by a licensed veterinarian and the animal dealt with in accordance with the appropriate provisions of the foregoing paragraph and those provisions of this chapter pertaining to the disposition of impounded animals. Quarantine of stray and unknown ownership animals shall, at the city's discretion, be at either the animal shelter or a veterinarian hospital. (Ord. 364, October 13, 1987)

3. Any person owning, harboring, or keeping an animal that has bitten or scratched a human being, or which is suspected as having been exposed to rabies, shall, upon demand of the city's health officer, animal control officer, or chief of police, surrender such animal for supervised quarantine, the expense for which shall be borne by the owner and the animal may be reclaimed by the owner if adjudged free of rabies. (Ord. 364, October 13, 1987)

4. It shall be the duty of the veterinarian under whose supervision the animal is placed, to keep the animal isolated in a separate pen or kennel and under observation for any symptoms of rabies. The veterinarian shall report immediately, to the city's and county's health officer, any changes occurring in the condition of the animal. (Ord. 364, October 13, 1987)

5. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian of being rabid, and dies while under such observation, the animal control officer or veterinarian shall immediately send the head of such animal to the State Health Department for pathological examination and shall notify the proper health officer(s) of reports of human contacts and diagnosis made of the suspected animal. (Ord. 364, October 13, 1987)

a. When one or both reports give a positive diagnosis of rabies the city's health officer may recommend a city-wide quarantine for a period of six (6) months, and upon the invoking of such quarantine, no animal shall be taken into the streets or permitted to be at large during such period of quarantine. During such quarantine no animal shall be taken or shipped from the city without written permission of the health officer or the animal control officer. During such period of rabies quarantine as herein designated, every animal bitten by an animal adjudged to be rabid shall be treated for such rabies infection by a licensed veterinarian or held under six (6) months quarantine observation.
(Ord. 364, October 13, 1987)

b. In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six (6) months. (Ord. 364, October 13, 1987)

6. Payment of any fees incurred and the cost of boarding the animal shall be the responsibility of the person owning, keeping or harboring the animal. (Ord. 364, October 13, 1987)

7. In the event there is not a licensed veterinarian to provide supervision for isolation and observation of the suspect animal within the county and/or where, in the opinion of the County Health Department, the person owning, keeping or harboring the suspect animal is a responsible individual, such person shall, in accordance with instructions received from the County Health Department, keep the suspect animal securely penned and shall immediately advise the appropriate health officials of any changes occurring in the condition of the animal. (Ord. 364, October 13, 1987)

8. Any domestic dog or cat which is not effectively immunized against rabies virus encephalitis and is exposed to rabies through a rabid animal shall either be euthanized immediately either by the veterinarian in charge or by the local rabies control officer or his agent, or such non-immunized rabies exposed dog or cat shall be strictly quarantined and observed for a period of six (6) months by either a veterinarian or by the local rabies control officer or his agent, and such animal shall be immunized against rabies at least thirty (30) days prior to release. Expenses of quarantine and immunization shall be borne by the owner or other person responsible for the animal.

(Ord. 364, October 13, 1987)

9. Any domestic animal, other than a dog or cat, which is not immunized against rabies and is exposed to a rabid animal shall be immediately reported to the Rabies Control Division of the State Department of Health for consultation concerning the disposition of that animal. (Ord. 364, October 13, 1987)

10. Any non-immunized domestic animal which is exposed to a wild skunk, bat or carnivore, where the biting animal has escaped and/or is not available for laboratory study, shall be considered exposed to rabies and shall be dealt within accordance with the provisions of Section 3-22.8. herein above. (Ord. 364, October 13, 1987)

11. Any effectively immunized domestic animal which is exposed to a rabid animal shall be immediately re-immunized and restrained by leashing and confinement, for a period of at least ninety (90) days. (Ord. 364, October 13, 1987)

12. It shall be unlawful for anyone to administer rabies vaccine to any animals, unless said vaccine is licensed for use in the particular animal species in question. (Ord. 364, October 13, 1987)

13. No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting or scratching a human being, except as herein provided, nor remove any such animal from the city limits without written permission from the city's health officer or the animal control officer.

(Ord. 364, October 13, 1987)

14. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the animal control officer. (Ord. 364, October 13, 1987)

15. The animal control officer shall direct the disposition of any animal found to be infected with rabies. (Ord. 364, October 13, 1987)

16. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the health officer, animal control officer, or chief of police in the enforcement of this chapter. Such refusal shall be deemed an offense. (Ord. 364, October 13, 1987)

17. Any person who keeps, owns, harbors or possesses an animal within the corporate limits of the City of Comanche, hereby consents to the right of the city's health officer, animal control officer, or chief of police, or their designated representatives, to come upon the premises where said animal may be located and situated, for the purpose of taking possession of the same to enforce the provisions of this chapter, and consent of such is hereby given for such purposes, in compliance with the terms of this chapter, in the keeping of such animal within the corporate limits of the City of Comanche. (Ord. 364, October 13, 1987)

18. It shall be the duty of every physician, veterinarian or other practitioner to report to the animal control officer the names and addresses of persons treated for bites or severe scratches inflicted by animals, together with such other information as will be helpful in rabies control. (Ord. 364, October 13, 1987)

19. It shall be the duty of every licensed veterinarian to report to the city's animal control officer his diagnosis of any animal observed by him to be a rabid suspect. (Ord. 364, October 13, 1987)

Section 3-23. Restrictions on number per household

1. It shall be unlawful for any person to keep or cause to be kept over 4 dogs cats, rabbits, or ferrets or any combination thereof per household on at or within the city limits. With the exception being a female dog cat ferret or rabbit which has given birth. Under such circumstances the animal owner will have 120 days from the animal's date of birth to reduces the animals to the required number. (Ord. 539-17, Dec 12, 2017)

Section 3-24. Keeping of Wild Animals.

1. It shall be illegal for any person to keep any wild animal within the city limits unless approved in advance by the city and all necessary permits and license have been obtained by the Oklahoma Department of Wildlife. (Ord, 539-17, Dec 12, 2017)

Section 3-25. Trapping within the City Limits

1. All traps must be HUMANE live animal traps unless set by a federally licensed trapper.
2. There is no trapping after 4:00 pm Thursday. Traps may be reset at 6:00 pm on Sunday
3. No trapping on holidays.
4. No animal may be left in a trap longer than 24 hours

5. There shall be no trapping in severe weather including temperatures over 95 F or below 32 F
6. Regardless if it is a city trap or you own it, YOU are responsible for the welfare of the animal in it. Mistreatment and cruelty charges may be filed if the guidelines are not followed. (Ord. 539-17, Dec 12, 2017)

Section 3-26. Impoundment of Animals.

1. Animals which are of no apparent value, taken into custody as provided in this Chapter, shall be destroyed in a humane manner by the Pound Supervisor, provided that no animal taken into custody shall be destroyed until such animal shall have been impounded at least seventy-two (72) hours. During such time, the owner may reclaim the animal or a proper home may be established for such animal by any person desiring the animal as a pet and willing to pay applicable license fees and expenses incurred in the dog's detention. (Ord. 411-97, October 8, 1996; NOTE: Ordinance 411-97 states that the wording of this subsection is amending Chapter 3, Article 2, Section 3-26, Number 5. No Section 3-26 was found.)

2. Should any licensed institution request of the Pound Supervisor that animals be delivered to it for scientific or educational research, such animals may be released to said institution, provided that no animal taken into custody shall be delivered to such institution until such animal shall have been impounded for at least seventy-two (72) hours and remain unclaimed and unredeemed by their owners or any other person desiring such animal as a pet. (Ord. 411-97, October 8, 1996; NOTE: Ordinance 411-97 states that the wording of this subsection is amending Chapter 3, Article 2, Section 3-26, Number 6. No Section 3-26 was found.)

Section 3-27. Impoundment of Animals.
(NOTE: Section title is the same as Section 3-26; ordinance 415-97 states this to be the title of Section 3-27.)

1. If animals impounded under this Ordinance are claimed by and returned to the owners of said animals, in addition to other fees for impounding and keeping said animals, the owners shall be charged as follows:

a. $20.00 for any animal which has been impounded for the first time in any twelve (12) month period.
b. $25.00 for any animal which has been impounded two or more times in any twelve (12) month period. (Ordinance 525-16, September 6, 2016)

Section 3-28 through 3-29 (Reserved for future use)

Article 3. Licensing and Permits.

Section 3-30. Licensing and Regulations, Fees, and Exceptions.

Any person owning, keeping, harboring, maintaining, or having custody of any dog or cat over four (4) months of age within the corporate limits of the City of Comanche must register and license such animal each year as provided herein:

1. Written application for licenses shall include name and address of applicant, description of the animal and rabies certificate issued by a licensed veterinarian or anti rabies clinic, ~~or signed affidavit of the animal's owner when the rabies vaccine has been administered by someone other than a licensed veterinarian or anti rabies clinic~~. For a license to be issued and remain valid, the owner must maintain a record of the animal's current rabies vaccination on file with the city clerk.
(Ord. 539-17, December 12, 2017)

2. If not revoked, licenses for the keeping of dogs and cats shall be for a period of one (1) year.
(Ord. 364, October 13, 1987)

3. The licensing period shall run concurrent with the fiscal year beginning on the 1st day of July in each calendar year. A license application may be made thirty (30) days prior to the next year ~~and up to sixty (60) days after the start of the fiscal year. Persons applying for a license during the last ten (10) months of the licensing year for a dog or cat not previously licensed in Comanche shall be required to pay a pro-rated fee but not less than seventy-five (75) percent of the full license fee.~~
(Ord. 539-17, December 12, 2017)

4. Application for a license must be made within thirty (30) days after obtaining a dog or cat over four (4) months of age; this requirement shall not apply to a nonresident keeping a dog or cat within the city for not longer that sixty (60) days.
(Ord. 364, October 13, 1987)

5. Upon acceptance of the license application and payment of a five dollar ($5.00) license fee for each dog or cat being licensed, the city clerk shall issue a durable tag, stamped with an identifying number and the year of issuance. Tags are to be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.
(Ord. 364, October 13, 1987)

6. License fees shall not be required for certified service dogs as defined in the definitions section. ~~seeing eye dogs, hearing dogs, governmental police dogs, or other dogs certified as trained to assist the physically handicapped~~. A license will still be required but at no charge to the owner.

(Ord. 539-17, December 12, 2017)

7. Dogs and cats must wear identification tags or collars at all times ~~when off the premises of the owner.~~
(Ord. 539-17, December 12, 2017)

8. The city clerk shall maintain a record of the identifying numbers of all tags issued and shall make such record available to the public during normal business hours.
(Ord. 364, October 13, 1987)

9. A duplicate license may be obtained upon payment of a two dollar ($2.00) replacement fee. (Ord. 364, October 13, 1987)

Section 3-31. Tags, Counterfeiting, Placing on Other Dogs or Cats.

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

(Ord. 360-88, July 14, 1987)

Section 3-32. Permits, Commercial Animal Establishments.

No person, partnership, or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with the provisions provided herein. (Ord. 360-88, July 14, 1987)

1. When a permit application has shown that he is willing and able to comply with the regulations promulgated by the licensing authority, a permit shall be issued upon payment of the applicable fee. (Ord. 360-88, July 14, 1987)

2. The permit period shall begin with the fiscal year and shall run for one (1) year. Renewal applications for permits shall be made thirty (30) days prior to, and up to sixty (60) days after, the start of the fiscal year. Applications for a permit to establish a new commercial animal establishment under the provisions of the ordinance may be made at any time. (Ord. 360-88, July 14, 1987)

3. If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his name upon payment of a ten dollar ($10.00) transfer fee. (Ord. 360-88, July 14, 1987)

4, No person shall train any dog to be used as a guard or sentry dog without possessing a valid license. This section shall not apply to the city/county government or any of its agencies. The application for a guard or sentry dog training license shall state the name and address of the owner and trainer, location of the facility, and the maximum number of dogs to be housed at the training facility. (Ord. 360-88, July 14, 1987)

5. Annual permits shall be issued upon payment of the applicable fees:

Auction ---------- $100.00

Circus ---------- $200.00

Grooming shop ---------- $ 50.00

Guard-dog training center ---------- $200.00

Kennel authorized to house fewer
than ten (10) dogs or cats ---------- $ 50.00
Kennel authorized to house ten (10)
or more but fewer than fifty (50) ---------- $100.00
Kennel authorized to house fifty (50)
Or more dogs or cats ---------- $150.00
Pet shop ---------- $100.00
Petting zoo ---------- $150.00
Riding stable ---------- $100.00
Zoological park ---------- $200.00

(Ord. 360-88, July 14, 1987)

6. Every facility regulated by this section shall be considered a separate enterprise requiring an individual permit. (Ord. 360-88, July 14, 1987)

7. Persons operating kennels for the breeding of dogs or cats may elect to license such animals individually. (Ord. 360-88, July 14, 1987)

8. No fee shall be required of any veterinary hospital, animal shelter, or government-operated zoological park. (Ord. 360-88, July 14, 1987)

9. Any person who has a change in the category under which a permit was issued shall be subject to reclassification and readjustment of the permit fee.

(Ord. 360-88, July 14, 1987)

Article 4. Animal Shelter

Section 3-40. Animal Shelter Established.

1. A city animal shelter is hereby authorized to be established under the immediate control and jurisdiction of the animal control officer or of such other person as may be designated. The person in charge of the shelter shall provide proper sustenance for all animals impounded and shall treat them in a humane manner. (Ord. 360-88, July 14, 1987)

2. The city animal shelter may be established on a shared or contractual basis with other units of government or with a private individual firm, and need not be physically located within the City of Comanche. (Ord. 360-88, July 14, 1987)

Section 3-41. Animals to be Impounded, Entry on Property.

The animal control officer, a police officer, or such other officer or employee of the city as may be authorized or designated, shall take into custody and impound any animal found at large or in violation of any provisions of the ordinances of the city. In taking an animal into custody under the authority of this chapter, the animal control officer or other officer or employee may enter into private property to gain custody of the animal. (Ord. 360-88, July 14, 1987)

Section 3-42. Impoundment, Description, Notice, Disposition.

1. The animal control officer, upon receiving any animal, shall make a complete registry, entering the breed, color, and sex of such animal and whether or not licensed, and the date of impoundment. If a dog or a cat is licensed, he shall enter the name and address of the owner and the number of the license tag. (Ord. 360-88, July 14, 1987)

2. After impounding any animal where the ownership is known by city records, the animal control officer shall call the owner, if known, or mail notice at the address shown on city records, if any, to notify them of the provisions of this chapter and of the impoundment. (Ord. 360-88, July 14, 1987)

3. Animals taken into custody as provided in this chapter and impounded by the animal control officer, as required, shall not be destroyed or otherwise disposed of until expiration of an impoundment period of seventy-two (72) hours, except that during such time, the owner may reclaim the animal after having satisfied the animal control officer of the fact of ownership, or the right of possession, and payment of all charges, fees, fines and deposits due, as authorized by the provisions of this chapter. All inquires concerning lost or impounded animals shall be directed to the animal control officer. (Ord. 525-16, September 6, 2016)

Section 3-43. Breaking Into Shelter.

No unauthorized person shall:

1. Break or attempt to break open the animal shelter, or take or let out any animal therefrom; (Ord. 360-88, July 14, 1987)

2. Take or attempt to take from any officer or employee of the city any animal taken into custody as provided by this chapter; or (Ord. 360-88, July 14, 1987)

3. In any manner obstruct, interfere with, or hinder an officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals as provided in this chapter. (Ord. 360-88, July 14, 1987)

Section 3-44. Fees for Impounding.

1. Any person redeeming an impounded animal shall pay the required fees and deposits to the city clerk and present his receipt therefore to the animal control officer before the latter releases the animal. (Ord 364, October 13, 1987)

2. Any person redeeming, claiming, re-claiming or adopting an impounded animals shall be assessed the following fees:

a. Boarding Fee: $10.00 per day.

b. Inspection and Treatment Fee: $25.00

c. City Tag fee for untagged animals: $5.00 if animal is neutered and $10.00 if animal is not neutered.

d. Fees for Owners Claimed Impounded Animals:

(1). $20.00 for any animal which has been impounded for the first time in any twelve (12) month period.

(2). $25.00 for any animal which has been impounded two or more times in any twelve (12) month period.

e. Fee for Owners who fail to claim a licensed animal: $100.00 to cover costs of impounding, boarding, treating and euthanizing the animal.
(Ord 525-16, September 6, 2016)

3. In addition to the payment of fees and deposits, the owner of an impounded animal may also be proceeded against for violation of this chapter. (Ord. 364, October 13, 1987)

Section 3-45. Reclamation of Impounded Animals.

1. Reclamation of impounded animals may be made as provided in this chapter. The party desiring to reclaim an animal shall present to the animal control officer or other designated employee, proof of ownership, proof that any dog or cat is currently vaccinated for rabies, and proof that he/she has paid all the applicable shelter, licensing fees, health and impoundment fees prior to release of the animal (Ord. 525-16, September 6, 2016)

2. The animal control officer, before he releases any impounded animal to any person who claims that he is the owner thereof, shall satisfy himself of the fact that such representations are true and to this end shall have the right to make such inquiry as may be necessary to establish such facts. He shall have the unreserved right to require the affidavit of the claimant to the effect that he is the true and lawful owner of such animal and that he has owned such animal for the time which claimant alleges that he has owned such animal. He shall have the further right to require such claimant to produce witnesses of the fact whose representations may or may not be

reduced to writing and certified accordingly, as the animal control officer in his discretion shall determine. (Ord. 360-88, July 14, 1987)

Section 3-46. Disposition, Sale of Impounded Animals.

1. At the end of the impoundment period prescribed in this article, animals that have not been redeemed by the owner, and for which a proper home can not be established, shall be destroyed in a humane manner or sold in the manner hereinafter provided:

(Ord. 360-88, July 14, 1987)

a. As soon as practicable, but not less than three (3) days, after an animal has been impounded, the animal control officer shall inform the chief of police, who shall thereupon post a conspicuously visible notice thereof at the City Hall. Such notice shall describe the animal, notify the owner to pay the charges thereon and remove said charges prior to the time fixed for the sale thereof, and also state that, unless the animal is claimed, such animal will be sold at public auction at the time and place named in the notice. The time of holding such sale of dogs, cats and fowl shall not be before the third (3rd) day after posting of the notice and for all other animals such sale shall not be before the tenth (10th) day after such posting. (Ord. 360-88, July 14, 1987)

b. Sales herein provided shall be for cash to the highest bidder, but the animals shall not be sold in any event for less than that sum required to cover the impounding fee, board bill, vaccination, and license fees where applicable, plus a ten dollar ($10.00) fee to reimburse the City of Comanche for sale expense, and shall be conducted by, or under the direction of the chief of police. If there is no bid as herein provided, the animal control officer shall destroy such animal, unless he believes it to be in the best interests of the city to retain the animal and offer it for sale again. The proceeds of the sale shall be forthwith delivered to the city clerk.

(Ord. 360-88, July 14, 1987)

c. The purchaser of an animal at a sale held as provided herein, shall acquire absolute title to the animal purchased. (Ord. 360-88, July 14, 1987)

2. Any dog or cat impounded for more than three (3) days may be released to the county humane society in lieu of killing and the county humane society may dispose of such dogs and cats in the manner it deems proper under the circumstances. For each dog or cat that is released to the county humane society, the county humane society shall pay to the city a sum as agreed for each day such dog or cat has been impounded in excess of three (3) days.

(Ord. 525-16, September 6, 2016)

Section 3-47. Owner May Claim Excess Money.

The owner of an impounded animal sold as provided herein, may claim the excess of the sale price of the animal above the fees for impounding and keeping the animal and a fee of ten dollars ($10.00) to reimburse the City of Comanche for the expense it has incurred in making the sale. Such claim may be made at any time within ninety (90) days after the sale. If a claim is so made and approved by the City Council, the city clerk shall pay the claimant the excess; if a claim is not so made, the excess shall belong to the City. (Ord. 360-88, July 14, 1987)

Article 5. Cruelty to Animals

Section 3-50. Cruelty to Animals.

1. No owner shall fail to provide his animals with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.
(Ord. 360-88, July 14, 1987)

2. No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans. (Ord. 360-88, July 14, 1987)

3. No owner of an animal shall abandon such animal. (Ord. 360-88, July 14, 1987)

4. No person shall crop a dog's ears or dock a dog's tail, except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort. In no event shall any person except a licensed veterinarian perform such an operation. (Ord. 360-88, July 14, 1987)

5. Chickens, ducklings, or rabbits younger than eight (8) weeks of age may not be sold in quantities of fewer than twenty-five (25) to a single purchaser.
(Ord. 360-88, July 14, 1987)

6. No person shall give away any live animal, fish, reptile or bird as a prize for, or as an inducement to enter, any contest, game, or other competition, as an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade. (Ord. 360-88, July 14, 1987)

7. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such

operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society. (Ord. 360-88, July 14, 1987)

8. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substance. (Ord. 360-88, July 14, 1987)

Article 6. Wild Animals.

~~Section 3-60. Keeping of Wild Animals.~~

~~1. No person shall own, possess, or have custody on his premises any wild or vicious animal for display, training, or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to AAZPA accredited facilities.~~

~~(Ord. 360-88, July 14, 1987)~~

~~2. No person shall keep or permit to be kept any wild animal as a pet.~~

~~(Ord. 360-88, July 14, 1987)~~

~~3. The animal control officer shall have the power to release or order the release of any infant wild animal under temporary permit that is deemed capable of survival.~~

~~(Ord. 360-88, July 14, 1987)~~

(Ord 539-17, Dec 12, 2017)

Article 7. Performing Animal Exhibition.

Section 3-70. Performing Animal Exhibitions.

1. No person may sponsor, promote, train a wild animal to participate in, contribute to the involvement of a wild animal in, or attend as a spectator any activity or event in which any wild animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically or is induced or

encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause physical injury or suffering. This prohibition applies to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event or activities and irrespective of whether or not a fee is charges to spectators. (Ord. 360-88, July 14, 1987)

2. All equipment used on a performing animal shall fit properly and be in good working condition. (Ord. 360-88, July 14, 1987)

Article 8. Sterilization.

Section 3-80. Sterilization.

No unclaimed dog or cat shall be released for adoption without being sterilized or without written agreement from the adopter guaranteeing that such animal will be sterilized within thirty (30) days for adults and specified date in the contract for pups and kittens. A deposit of at least twenty-five dollars ($25.00) for cats and thirty-five dollars ($35.00) for dogs must be paid at the time of adoption. (Ord. 360-88, July 14, 1987)

Article 9. Zoning Ordinance to Prevail.

Section 3-90. Zoning Ordinance to Prevail.

In case of conflict between the provisions of this chapter and those of the present or any future zoning ordinance, the provisions of the zoning ordinance shall prevail and supersede the provisions of this chapter. (Ord. 360-88, July 14, 1987)

Article 10. Penalty.

Section 3-100. Penalty.

Any person, firm, partnership, or corporation who violates any of the provisions of this chapter, or who violates or neglects to carry out any reasonable order made by the health officer, the chief of police or animal control officer, pursuant to this chapter, shall be guilty of an offense and, upon conviction thereof, be fined in a sum not to exceed TWO HUNDRED DOLLARS ($200.00), including costs. Every day's violation of any provision of this chapter, or of such order of the health officer, chief of police or animal control officer, shall constitute a separate offense. (Ord. 489-11, July 12, 2011)

CHAPTER 4

BUILDING AND CONSTRUCTION

Article 1. Codes and Code Administration.
Article 2. Permits.
Article 3. Miscellaneous Provisions.
Article 4. Penalty.

Article 1. Codes and Code Administration

Section 4-1 - BUILDING CODE

4-1-1-101 - Adoption of International Building Code, 2018 edition—Incorporation by reference—Filing of copy with the city clerk.

The city hereby adopts the International Building Code, 2018 Edition, current editions and as updated and amended by the Oklahoma Uniform Building Code Commission (OUBCC), including as modified by the OUBCC as set forth in Title 748, Chapter 20 of the Oklahoma Administrative Code, more specifically Sections 748:20-1-1 to 748:20-1-19, at least one copy of which is on file in the office of the city clerk. Such code is hereby adopted and incorporated and shall be in full force and effect within the city to the same extent as if set forth in full in this section. A violation of any provision of such code shall constitute a misdemeanor and shall be punished as provided in the Code of Ordinances of the City of Comanche.

State Law reference— Power of city to adopt building code, 11 O.S. Sec. 14-107; 74 O.S. Sec. 324.8. ORD 578-23 FEB 7, 2023

4-1-1-102 - Amendments to the International Building Code, 2015 edition.

A. Section 101.1 entitled "Title" is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Building Code of Comanche, Oklahoma, hereinafter referred to as the "building code."

B. Section 105.2 entitled "Work exempt from permit" is hereby amended to read as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

1. Oil derricks.

2. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.

3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

4. Temporary theater stage sets and scenery.

5. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.

6. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

7. Swings and other playground equipment accessory to detached one- and two-family dwellings.

8. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.

9. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1,753 mm) in height.

ELECTRICAL

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

GAS

1. Portable heating appliance.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

MECHANICAL

1. Portable heating appliance.

2. Portable ventilation equipment.

3. Portable cooling unit.

4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

5. Replacement of any part which does not alter its approval or make it unsafe.

6. Portable evaporative cooler.

7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

PLUMBING

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

C. Section 109.2 entitled "Schedule of Permit Fees" is hereby amended to read as follows:

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fee schedule established by the City Code.

D. Section 113.1 entitled "General" is hereby amended to read as follows:

113.1 General. Any person shall have the right to appeal a decision of the code official to the Building Development Appeal Board, as referenced in this chapter. An appeal shall be based on a claim that the true intent of the building code or rules legally adopted thereunder have been

incorrectly interpreted, the provisions of the building code do not fully apply, or an equivalent form of construction is to be used. The request for an appeal shall be in the form of a letter and filed with the code official within twenty (20) calendar days after notice was served.

4-1-1-103 - Provisions declared to be minimum requirements.

The provisions of the International Building Code, 2018 Edition, in their interpretation and application shall be held to be minimum requirements adopted for the promotion of public health, safety, and general welfare. Wherever any of the provisions or requirements of the Building Code are inconsistent with the provisions of the city code or state statutes the provisions containing the most restrictive regulation shall apply and govern.

. ORD 578-23 FEB 7, 2023

4-1-1-104 - Adoption of International Residential Code—Incorporation by reference—Filing of copy with the city clerk.

The city hereby adopts the International Residential Code, 2018 Edition (IRC 2018), current editions and as updated and amended by the Oklahoma Uniform Building Code Commission (OUBCC), including as modified by the OUBCC as set forth in Title 748, Chapter 20 of the Oklahoma Administrative Code, more specifically Sections 748:20-5-1 to 748:20-5-28, at least one copy of which is on file in the office of the city clerk. Such code is hereby adopted and incorporated and shall be in full force and effect within the city to the same extent as if set forth in full in this section. A violation of any provision of such code shall constitute a misdemeanor and shall be punished as provided in the Code of Ordinances of the City of Comanche.

ORD 578-23 FEB 7, 2023

4-1-1-105 - Amendments to International Residential Code, 2015 Edition.

A. Section R101.1, entitled "Title," is hereby amended to read as follows:

R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of Comanche, Oklahoma, and shall be cited as such and will be referred to herein as "the residential building code."

B. Section R112.1, entitled "General" is hereby amended to read as follows:

R112.1 General. Any person shall have the right to appeal a decision of the code official to the Building Development Appeals Board, as referenced in this chapter. An application for appeal shall be based on a claim that the true intent of the residential building code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the residential building code do not fully apply, or an equivalent form of the construction is to be used. The application shall be filed with the code official on a form obtained from the code official within twenty (20) calendar days after notice was served.

C. Table R301.2(1) entitled "CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA" is hereby amended to read as follows:

1. Ground snow load; ten (10) pounds;

2. Wind speed: ninety (90) mph;

3. Seismic design category: Category B;

4. Weathering: moderate;

5. Frost line depth: yes sixteen (16) inches;

6. Termite: moderate to heavy;

7. Winter design temp: thirteen (13) degrees;

8. Ice barrier underlayment required: No;

9. Flood hazards: (a) February 14, 1978 (b) February 19, 1992 and November 2, 1995;

10. Air freezing index: two hundred fifty (250);

11. Mean annual temp: sixty-five (65).

D. In addition to the concrete and masonry foundation standards found in the International Residential Code, Figure 403.1(1) "Plain Concrete Footings with Masonry and Concrete Stem Walls in SDC A, B and C" is hereby enacted as an additional standard, to be known as the "Waffle Slab," as detailed in Figure 403.1(1), further shown as Figure 1 of this chapter and a copy is on file in the city clerk's office.

E. The following appendices have been created by the Oklahoma Uniform Building Code Commission and are hereby adopted by the City of Comanche.

1. 748:20-5-3. IRC 2015 Appendices.

   (a) The OUBCC through formal action has chosen not to adopt appendices A through Y of the IRC 2015 for inclusion in the statewide minimum code for residential construction in the State of Oklahoma. Appendices A through Y are informative and provide prescriptive requirements which are not mandatory unless specifically referenced in the adopting ordinance or order by other jurisdictions within the State of Oklahoma in accordance with 59 O.S. § 1000.29.

   (b) The OUBCC hereby creates a new appendix V, entitled "Appendix V Automatic Fire Systems." Sections R312.2.1 entitled "One- and two-family dwellings automatic fire systems" and "R312.2.1 entitled "Design and installation" have been removed from Chapter Three of the IRC 2015 and relocated to Appendix V, entitled "Appendix V, Automatic Fire Systems."

(c) The OUBCC hereby creates a new appendix W, entitled "Appendix W Energy Efficiency." Section N1101.14 entitled "Certificate" has been removed from Chapter Eleven of the IRC 2015 and relocated to Appendix W, entitled "Appendix W, Energy Efficiency."

(d) The OUBCC hereby creates a new appendix X, entitled "Appendix X, Swimming Pools, Spas and Hot Tubs." Appendix G has been carried forward from the previous adoption of IRC 2009 and relocated to Appendix X, entitled "Appendix X, Swimming Pools, Spas and Hot Tubs."

(e) The OUBCC hereby creates a new Appendix Y, entitled "Appendix Y, Residential Tornado Provisions."

4-1-1-106 - Provisions declared to be minimum requirements.

The provisions of the International Residential Code, 2015 Edition, shall be held as the minimum requirements adopted for the promotion of public health, safety, and general welfare. Wherever any of the provisions or requirements of the International Residential Code are inconsistent with the provisions of the city code or state statutes, the provisions or requirements containing the most restrictive regulation shall apply and govern.

4-1-1-107 - Building/construction permits required—Application.

A. Any owner or authorized agent intending to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. Accessory buildings not located on a permanent foundation and having a gross floor area of less than two hundred (200) square feet shall be exempt from the permit requirement. No building permit shall be issued except in conformity with the provisions of this chapter, except as the board of adjustment may amend in writing.

1. Additional improvements requiring a building/construction permit:

(a) Fences and walls.

(1) Construction of a new fence or wall;

(2) Modification or reconstruction of an existing fence or wall wherein such modification or reconstruction will include the placement of additional posts, the replacement of existing posts other than in the same location, or the performance of any new excavation greater than six (6) inches below the existing ground surface;

(3) Modification or reconstruction of an existing fence or wall located within a drainage easement or crossing any drainage facility;

(4) Construction of a retaining wall, excluding retaining walls constructed of interlocking blocks or other landscaping material that are thirty (30) inches or less in height, and do not include a concrete footing. Retaining walls that are greater than forty-eight (48) inches in height, as measured from the bottom of the footing to the top of the wall, are required to be designed by a professional engineer licensed by the State of Oklahoma.

(b) Construction or placement of concrete or asphalt flat work such as driveways, driveway extensions, approaches, parking lots, sidewalks, and patios.

(c) Construction or installation of swimming pools that are twenty-four (24) inches deep or greater. Swimming pools requiring a permit by this code shall be in accordance with the adopted building codes and Administrative Policy 6-5. All manmade bodies of water at least one (1) foot in depth regardless if a permit is required or not shall be in accordance with this code.

(d) Construction, placement or installation of any improvements requiring a permit elsewhere in this code.

B. All applications for building permits shall be accompanied by plans, in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such other information as may be required by the building official, including existing or proposed buildings or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this chapter.

C. One copy of the plans shall be returned to the applicant by the building official, after he shall have marked such copy either as approved or disapproved and attested to by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the building official.

D. A property owner whose structure or structures are being considered by the City Council to be declared dilapidated shall not be eligible for a building permit until such time as the City Council has made a decision as to whether the structure or structure(s) are dilapidated. Property owner(s) meeting this criterion are owner(s) who have been sent a notice by the Code Enforcement Officer that the City Council will consider the structure(s) dilapidated at a future public hearing.

E. It is unlawful to obtain a building permit or mobile structure permit for any tract of land on which floodplain zoning has been lifted unless satisfactory proof is furnished that the fill or drainage requirement established by the city has in fact been accomplished.

4-1-1-108 - Expiration of permit.

A. Permits issued for new construction or addition shall expire one (1) year from the date of issuance.

B. Permits issued for remodeling or renovating existing structures and/or any other work, excluding new construction and additions, requiring a permit shall expire one hundred eighty (180) days from the date of issuance or as specifically stated elsewhere in this code.

C. Permits for the remodel and/or reconstruction of a structure rendered unsafe or uninhabitable by an emergency event, such as a fire or severe weather event, shall expire ninety (90) days from the date of issuance. Any permit extensions shall be valid for a period set by the building official, not to exceed ninety (90) days from the date of issuance.

D. A permit for reconstruction, remodel or repair of a structure considered by the city council as dilapidated shall expire thirty (30) days from the date of issuance. Following said thirty (30) day term, and upon a determination by the city manager or his designee, that work is progressing satisfactorily, a thirty (30) day extension may be granted. No more than two such extensions may be granted after the permit's initial thirty (30) day term without specific authorization by the city council. The permit shall state the date of expiration. Upon permit's expiration, all work shall cease unless an extension is granted. The dilapidated structure must pass a City final building inspection. Unoccupied industrial and commercial structures must be issued a certificate of completion signifying compliance with all applicable Code provisions. Occupied industrial and commercial structures must be issued a certificate of occupancy. Residential structures, whether occupied or not, must be issued a certificate of occupancy. A structure shall remain deemed dilapidated until it passes a final building inspection and a certificate of occupancy or certificate of completion is issued.

E. An application to extend a permit must be made prior to the permit's expiration. A permit extension will only be granted if it is determined by the building official that progressive and continual work has been made toward the completion of the project, or circumstances outside of the contractor/owner's control have prevented the completion of the project. The permit extension fee shall be as provided in the fee schedule and said permit extension shall expire one hundred eighty (180) days from the date of issuance or as specifically stated elsewhere in this code. If an application for a permit extension has not been submitted prior to the permit expiring or if the building official determines that progressive and continual work has not been made toward the completion of a project, a new permit application shall be submitted and approved prior to work continuing on the project. Anyone found continuing work without a valid permit will be subject to citations pursuant to this code and/or subject to the late permit fee for any new permits. Abandoned or incomplete projects may be declared a public nuisance in accordance with Chapter 15 of this code.

4-1-1-109 - Variance from plans considered violation.

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the building official authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this chapter.

4-1-1-110 - Basis of approval or disapproval of plans.

The basis of approval or disapproval of plans and specifications by the building official, or of the condemnation of structures or materials by him, shall be the conditions and provisions of this code and other applicable ordinances of the city and statutes of the state, and shall not be the opinion or judgment of the building official unless sustained thereby.

4-1-1-111 - Fee for review of certain plans, specifications, inspections.

Whenever, in the discretion of the building official, plans, specifications or inspections require review or other action by persons or experts not employed by the city, the cost of such review or other action shall be charged directly to the applicant or permittee.

4-1-1-112 - Estimate of cost of building.

The building official may, in his discretion, estimate the cost of any proposed building or structure, or of any alteration or repair thereof, for which a permit is applied for; and in case of any disagreement relative thereto, the building official may, before the issuance of any permit, require the owner, agent, architect or builder to make an affidavit, stating the cost of the proposed building or building operations.

4-1-1-113 - Permit fees.

A. Before any permit required by this code shall be issued, the permit fees, as provided in the fee schedule, must be paid to the city. Inspection fees, as provided in the fee schedule, are in addition to the permit fees and depending on the type of permit may or may not be required to be paid at the time the permit is issued. No permit shall be considered complete or closed until all inspection fees have been paid.

    1. In determining the building/construction permit and inspection fees, "new construction" shall mean the construction of a new habitable structure or commercial/industrial building or the addition of new square footage that is attached to and under the roof line of such structure or building; "remodel" shall mean the change to or alteration of existing square footage that is under the roof line of an existing structure or building.

2. For building/construction permit and inspection fee purposes, the following permit categories have been established:

   (a) One- and two-family dwellings;

   (b) Multi-family dwellings containing more than two (2) units/apartments/hotels;

      (1) Multi-family dwellings containing more than two units, apartments and hotels may be further identified by one of the three following sub-categories: a) dwelling unit, b) common area, or c) kitchen, cafeteria, restaurant, lounge or bar area.

         a. "Dwelling unit" shall mean a complete dwelling unit when part of a multi-family dwelling, a complete individual unit or apartment if part of an apartment building or individual hotel room that is intended for overnight guest if part of a hotel. Dwelling unit shall also include the common egress path or hallway immediately adjacent to each unit, apartment or hotel room.

         b. "Common area" shall mean an area that is shared among residents or guests but shall not include kitchen, cafeteria, restaurant, lounge or bar areas. Laundry rooms, front desk/check-in area or lobbies and business offices are examples of common areas.

         c. "Kitchen, cafeteria, restaurant, lounge or bar area" means an area outside of a dwelling unit, apartment or hotel room that may be shared among residents or guests containing a commercial kitchen, cafeteria, restaurant, lounge or bar.

   (c) General commercial;

   (d) Institution/assembly-food and/or drink consumption;

   (e) Other permits.

B. If the construction, alteration, repair, removal, demolition or occupancy of any structure begins without first obtaining a permit to do so, the required permit fee shall be doubled.

C. If a certificate of occupancy or certificate of completion is required by code, the fee for same, as provided in the fee schedule, must be paid at the time the permit is issued.

D. If a temporary certificate of occupancy or temporary certificate of completion is requested by the contractor or owner, the fee for same, as provided on the fee schedule, must be paid at the time such request is made.

   1. Requests for a temporary certificate of occupancy or temporary certificate of completion must be made in writing. The request must state the reason a temporary certificate of

occupancy or temporary certificate of completion is needed along with a list of incomplete improvements. A temporary certificate of occupancy or temporary certificate of completion will not be issued if any life safety improvements remain incomplete. Temporary certificates of occupancy or temporary certificates of completion will be issued for thirty (30) days. Additional time may be granted by the building official when circumstances exist that are out of the contractor/owner's control.

2. The building official may grant an extension of a temporary certificate of occupancy or temporary certificate of completion when it is shown that substantial and continuous progress has been made towards the completion of the project or when the delay is due to circumstances outside of the contractor/owner's control. The fee for an extension of a temporary certificate of occupancy or temporary certificate of completion shall be as provided in the fee schedule.

4-1-1-114 - Permit for building on floodplain area.

Building, construction or development of any kind in a special flood hazard area as defined in this code shall be regulated by the provision of this chapter and the flood hazard regulations.

4-1-1-115 - Misleading statements.

Any person who furnishes, supplies, gives or offers any false or misleading information of a material fact in an application for a building permit, for a permit to move a building or structure, or in any other permit provided for in this chapter shall be guilty of an offense and punished as provided by the ordinances of the city. In addition to the penalty provided herein, such permit as shall have been issued based upon the application shall be void.

4-1-1-116 - Judicial relief.

No penalty imposed by this code for any violation of this chapter shall interfere with the right of the city also to apply to the proper courts of the state for a mandamus, an injunction or other appropriate action against the alleged violator.

4-1-1-117 - Governmental agencies exempt from fees.

The payment of fees for permits shall not be required for construction or improvements by or on behalf of the federal, state, county or city or other political subdivision of government. Charges and fees for work inspected and rejected shall be charged. This section shall not be construed as waiving the requirement of obtaining a building permit or obtaining inspections required by this code. Inspection fees as required by this code and provided in the fee schedule shall be paid by all governmental entities and political subdivisions for new construction except for inspection fees on buildings owned or controlled by the City of Comanche. The city manager or his designated

representative may waive or modify said inspection fees for building projects by governmental entities and political subdivisions, not to include new construction of buildings, when multiple inspections may be accomplished on the same inspection trip.

4-1-1-118 - Demolition of buildings and structures—Regulations.

A. The demolition of the building or structure shall commence within one week and be completed within thirty (30) days after the permit is issued. A thirty (30) day permit extension may be granted upon written application to the building official provided the entire demolition site is secured by a substantial fence or other suitable barrier to preclude accidental or casual entry. The work shall meet all requirements of this section.

B. Before demolition of the building or structure is started, all utility service connections will be removed and all storm and sanitary sewers leading from the building or structure shall be sealed. A statement of disconnection of utilities shall be provided to the building official.

C. For demolitions in which excavating, grading, re-grading, land filling, berming, or diking of land will disturb one acre or more, an earth change permit shall be required.

D. All floors, slabs and foundations which are a part of the building or structure being demolished shall be removed to a depth of one foot below existing grade, and the area shall be backfilled with suitable, uncontaminated dirt, concrete or asphalt. Basements of demolished buildings of structures shall also be backfilled to grade level.

E. All debris and rubble of demolished buildings or structures shall be disposed at an approved dumping site that meets all local codes and state health department regulations.

F. Upon completion of demolition and site clearance, the site shall be graded so that it will drain without significant erosion or scour. It shall not drain or shed onto neighboring property.

G. All lands disturbed by the demolition shall be re-vegetated and/or stabilized (sodded, seeded, hydro mulched, etc.) such as to achieve "final stabilization".

H. All demolition, site clearance work, site grading and final stabilization shall be inspected by a city official once completed. Inspection fee shall be provided in the fee schedule.

4-1-2 - Numbering Houses and Lots

4-1-2-121 - Starting lines for numbering.

A. The starting lines, or division lines, for numbering houses, lots, or parcels shall be:

    1. For numbers north and south, Oak Main (Hwy 53); and

    2. For numbers east and west, First Street.

4-1-2-122 - Assignment of odd and even numbers.

A. On streets or avenues running west from the division line, odd numbers shall be assigned on the north side and even numbers on the south side of the street or avenue, starting at the division line and proceeding west.

B. On streets or avenues running east from the division line, odd numbers shall be assigned on the south side and even numbers on the north side of the street or avenue, starting at the division line and proceeding east.

C. On streets running north from Oak Main, even numbers shall be assigned on the east side and odd numbers on the west side of the street.

D. On streets running south from Oak Main, odd numbers shall be assigned on the west side and even numbers on the east side of the street.

4-1-2-123 - Assignment of numbers to platted lots.

In single-family residential areas, individual numbers shall be assigned or allotted to each platted lot. Except, where the numbers to duplex or multi-family residential areas and commercial areas shall be made on twenty-five (25) foot frontage basis as required.

4-1-2-124 - Assignment of numbers to unplatted property.

Where property has not been platted, individual numbers will be assigned and reserved for each fifty (50) feet of frontage.

4-1-2-125 - Additional housing units on lot.

Where extra housing units are built on residential or business lots, the number assigned to the lot shall be used on the residence in front of the business operated on the lot. The extra housing units will be numbered as apartments by number in addition to the number assigned the lot. For example, two garage apartments built on the alley of 205 Church Street would carry a designation of 205 Church Street, Apartment 1, or Apartment 2, as the case may be.

4-1-2-126 - Alternatives in numbering.

The following alternative in numbering is authorized, if desired: The use of half numbers is permitted, but will be restricted to second-story housing units at the front of the lot.

4-1-2-127 - Uniform system of numbering.

A. All properties or parcels of land within the corporate limits of the city shall hereafter be identified by reference to the street numbering system adopted herein. However, existing

numbers of property and buildings at the time of the initial adoption of this numbering system shall not be affected.

B. The owner of any property or parcel of land containing new or existing structures including mobile homes, on individually owned lots within the city limits shall be responsible to procure the correct number or numbers as designated from the city for the property and display the correct number on the property visible from the public or private street which they abut.

C. The owner of any property or parcel of land containing new or existing mobile home parks as defined and licensed under the provisions of this code within the city limits shall be responsible to procure the correct address of the mobile home park. The correct address and the name of the mobile home park shall be posted at the entrance or entrances of the park visible from the abutting street. The owner of the mobile home park shall also be responsible for displaying the number or letter designation of each mobile home or trailer in the mobile home park visible from the abutting public or private street. No duplication of numbers or letters shall be used in the same mobile home park. The owner shall also be responsible for submitting to the building and safety division a current plot plan drawn to scale to indicate the number or letter assignment of each mobile home or trailer space or lot in the park.

D. The owner of any property or parcel of land containing new or existing multi-family apartment units within the city limits shall be responsible for procuring the correct address number or numbers as designated by the city for each apartment complex. The owner or owners of the apartment complexes shall be responsible for the following, except apartment complexes with eight units or less shall be exempt from below:

1. Permanently display the assigned numbered address and name of each apartment complex visible from the abutting public or private street;

2. Permanently display a guide map on a sign at the main entrance of each apartment complex or parcel of land containing apartment complexes with a minimum area of four feet by four feet and graphically showing the following:

    a. The traffic or street layout through and around the apartment complex;

    b. The arrangement of all the buildings in the apartment complex with corresponding parking areas;

    c. Directional north arrow;

    d. The street address of each building or an identification number or letter of each building; and

3. A number or letter or the individual assigned address shall be displayed on each building visible from the public or private street which the building abuts with corresponding units in the building; and

4. Each individual apartment unit shall display the apartment number or letter.

4-1-2-128 - New structures.

In order to preserve the continuity and uniformity of numbers of the houses, buildings and structures, it is the duty of the owner to procure the correct number or numbers as designated from the city for the property. No building permit shall be issued for any house, building or structure until the owner has procured from the city the official number of the premises. Final approval of any structure erected, repaired, altered or modified shall be withheld by the building official until permanent and proper numbers have been procured for the structure.

4-1-2-129 - Enforcement, administration.

The authority and responsibility of the city provided for in this article may be delegated by the city manager to such city employee or officer as the manager may so designate.

4-1-3 - Use of Streets for Building Purposes.

4-1-3-141 - Use of streets and alleys during construction.

When necessary or expedient during the construction, alteration or repair of any building, or structure, portions of the adjoining alleys and streets, including the sidewalk and parking space, may be used by the builder for building purposes; but the occupancy and use thereof shall be in strict accordance with the provisions of this article.

4-1-3-142 - Permit required to use streets for building purposes.

Before any street or alley or portion thereof is used or occupied for building purposes, the owner, or his duly authorized agent, of the building or structure, or proposed building or structure for which such use or occupancy is desired, must obtain a permit therefor from the building official, which permit shall not be issued except upon an application in writing signed by the owner and by his building contractor. If the application is for the occupancy of more than one-third (1/3) of the street or alley width or for a period in excess of nine months, the application must be reviewed by the city council.

4-1-3-143 - Application for permit.

The application for permit shall contain the address of the owner and the name and address of the contractor or other person who will be in charge of the work. If a permit is issued thereon, the privileges thereby granted shall be exercised in strict conformity with the provisions of this article and any other ordinance of the city relating thereto. The application shall contain an accurate description of the lot for which the occupancy of the street is needed. In addition, the applicant shall include in the application the reason for necessity for the occupancy of the street or alley, a

plan for emergency service responder, a plan from utility access company and a general description and sketch of the location of any structures or other material that will be placed in the street and the names of the streets and location of the alleys, the use or occupancy of which is desired

4-1-3-144 - Issuance of permit.

Every permit issued under the provisions of this article shall be signed by the building official. He shall keep a permanent record of all permits issued. The permit shall state the name of the owner and contractor to whom the same is issued and contain an accurate description of the lot or portion of lot upon which the building or structure is located or to be located, for which the use or occupancy of the streets or alleys is desired, and shall state upon its face that its issuance and validity is conditioned upon compliance with all the provisions of this article by the owner of such building or structure and all other persons concerned.

4-1-3-145 - Permit fees.

Before any permit is issued the fees as provided in the fee schedule shall be paid to the city.

4-1-3-146 - City to be indemnified for damages.

The use of any alley or street or portion thereof, including the sidewalk and parking spaces, for the preparation, handling or storage of any building material, earth, rubbish or waste of any character, or for the erection or operation of any derrick, engine or other machinery or apparatus thereon, or for any other purpose permitted by the provisions of this article, shall be upon the express condition that the owner and the contractor or other person using such street, alley or portion thereof shall be and are jointly and severally bound to indemnify and save harmless the city from any and all damages, loss, cost, expense or claims for damages arising either directly or indirectly from such use of such street, alley or portion thereof by such owner and contractor and their agents, servants, or employees.

4-1-3-147 - Duration and revocation of permits.

A. The use of the streets or alleys under the provisions of this article shall terminate with the completion of building or structure, provided continuous work is done on the building or structure. However in no case shall a street or alley or any part thereof be used for such purposes longer than nine months from the issuance of the permit unless approved by resolution of the city council.

B. Any permit may be revoked by the building official, or upon appeal, by the city council.

C. All materials or other obstructions shall be removed from the alley and streets within ten (10) days after the completion of the building or structure or notice of revocation is served.

4-1-3-148 - Extent of occupancy.

A. The portions of any street or alley allowed to be occupied for building purposes by the provisions of this article shall be as follows: The part of the street and sidewalk directly in front of the lot or lots upon which the building or structure is to be erected and not extending out into the street more than one-third (1/3) of the width of the roadway of the same. However, the city council may authorize more than one-third (1/3) to the full roadway width to be utilized for construction purposes upon evidence submitted by the applicant that the health, safety, convenience and general welfare of the public will not be harmed. The council will approve the request by resolution and may stipulate additional conditions as deemed appropriate to protect the health, safety, convenience and general welfare of the public.

B. No alley shall be occupied or any material be prepared for use therein in such manner or to such an extent as to necessitate closing the alley to public traffic unless authorized by resolution of the city council.

C. No building material or any other obstruction shall impede access at any time to any existing utility, public or private, located within the portion of any street or alley allowed to be occupied for building purposes under the provisions of this article.

D. No building material or other obstruction shall be placed or kept in such a position as to block or obstruct the approach from the street to any fire hydrant, and in no case shall any obstruction be placed within four feet of such hydrant.

E. No street, alley, sidewalk or any other public improvement located within the portion of any public street or alley right-of-way or easement allowed to be occupied for building purposes under the provisions of this article shall be damaged or destroyed by the applicant or his building contractor. Any damaged or destroyed public improvement as determined by the city shall be replaced or repaired to the satisfaction of the city at the time of reopening of the street or alley to the public. All costs of replacement or repairs shall be borne by the applicant and his building contractor.

4-1-3-149 - Use of adjacent property frontage.

The street, including any sidewalk space of adjacent property, may be used for storing and handling material, provided the written consent of the owner of such adjacent property waiving any and all claims for damages against the city therefrom is presented to the building official. Use of this frontage shall be restricted and regulated the same as specified in this article for frontage of the lot or lots upon which the building or structure is being built.

4-1-3-150 - Gutters and drainage not to be obstructed.

Any sand, gravel, crushed rock, other building material, all earth and rubbish, and all other obstructions of whatsoever character placed or kept upon any street or sidewalk by any person acting under the provisions of this article shall be so placed and kept that the same shall not obstruct any gutter or waterway or interfere with the drainage of any street.

4-1-3-151 - Protection of sidewalks.

A. Elevated sidewalks are prohibited.

B. If the building or structure is more than two stories high and is set at or near the lot line, a temporary roof shall be built over the sidewalk or temporary sidewalks built out into the street and around material stored there. If the building or structure is more than four stories high, such temporary sidewalk shall be roofed with two-inch timber or other material approved by the building official.

4-1-3-152 - Removal of excavated material and rubbish.

All excavated material or rubbish of any kind shall be promptly removed from day to day as produced. No dry dust or rubbish apt to produce dust shall be handled on any street, sidewalk or alley without first being wetted down.

4-1-3-153 - Guy lines—Derricks—Engines—Chutes.

A. All guy lines shall be at least fifteen (15) feet above the street, sidewalk or alley level.

B. Derricks for buildings or structures more than three stories high will not be permitted on the sidewalk or any other portion of any street. Hoists for any building or structure and engines for operating the same shall not be erected or used upon the street unless a temporary sidewalk as specified in Section 6-151 is built around them.

4-1-3-154 - Mortar beds.

A. Lime, cement or other mortar and concrete may be prepared upon any street or alley within the space designated in this article, to be used or occupied for building purposes.

B. If such mortar or concrete is prepared or deposited upon the roadway, sidewalk or parkage, it shall be upon a light bed of tongued and grooved boards, placed upon two-inch bearers or sleepers, leaving an air space below, and shall be properly protected as to prevent any splashing or dripping on the parkage, roadway or sidewalk.

4-1-3-155 - Danger signals.

A. Approved warning signals or lights shall be conspicuously displayed and maintained during the whole of every night wherever any excavation exists in or adjacent to any street, and also where any building material, machinery, sheds or other obstructions exist in any street, alley or other public place. Such signals or lights shall be in good working order before being put in place, and shall be securely posted in number and location as set out in Subsection B of this section.

B. One light or signal shall be posted on or near each such excavation, pile of building material, machine, shed or other obstruction, and when necessary, in order that a light or signal shall show in all directions, two or more lights or signals shall be so placed. When such excavations, piles of material or other obstructions form a continuous obstruction more than ten (10) feet long, then one light or signal shall be placed at each end of the obstruction; and when the length or breadth of such obstruction is twenty-five (25) feet or more, then one or more additional lights or signals shall be so placed that the lights or signals will be spaced not more than twenty (20) feet apart.

4-1-3-156 - Guardrails.

When excavations are made either within or bordering upon a street or alley, substantial guardrails shall be built around all sides of the excavations which are exposed to the public. Similar barriers shall be placed around any material with which such contact would be injurious to pedestrians, animals or vehicles or their occupants.

4-1-3-157 - Interfering with danger signals prohibited.

No person shall tamper with, displace, remove, injure, extinguish or destroy any light, signal, barricade, guardrail or other danger signal or guard placed about or upon any excavation or building material or other obstruction pursuant to the requirements of this article.

4-1-3-158 - Emergency precautions.

The building official is empowered hereby to use his discretion in enforcing additional measures not specifically required by this article to safeguard the public and all property interests against injury, loss or damage, as the occasion may arise, when streets, sidewalks or alleys are used for the storage and handling of material or any other purpose connected with any building operation within the city.

4-1-4 - Moving Buildings.

4-1-4-161 - Relocation of buildings.

No building or structure shall be moved or relocated unless such building, before being moved or relocated within the city, has been inspected and certified by the code official that such building can be made to comply with the requirements of codes and regulations governing the erection of new buildings or structures upon the proposed new location.

4-1-4-162 - Permit required to move building.

No person shall move any building or structure along or across any street, alley or roadway within the city without a permit therefor from the building official issued in accordance with the provisions of this article. No such permit shall be granted to any person except a bonded house mover. Proof of possession of a valid and current state license, and the number assigned by the

Oklahoma Corporation Commission, shall be provided to the building official prior to issuance of a permit.

4-1-4-163 - Application for permits.

All applications for permits to move buildings or structures upon or across the streets or other highways of the city shall be made to the building official. The application shall state the location of the building or structure proposed to be moved, its length, width and height, and the principal material of its walls and roof, and shall state definitely the route over which it is to be moved, the length of the time required for the removal, and the proposed new location thereof. Before granting such permit, the building official shall examine the building or structure, the route over which it is to be moved and the new location. If the condition of the building or structure, the character of such location, including the zoning requirements of the new location, and if the proposed route is such that the building or structure can be moved with safety and in accordance with this code and zoning regulations, the permit shall be granted; otherwise it shall be refused. Before issuing any permit, the building official shall consult with the person having charge of the maintenance of any electric wires or cables belonging to any public service corporation and suspended over or across any public street or alley, relative to the practicability of the route proposed. The building official shall have authority to require any change in such route which he shall deem proper under the attendant circumstances.

4-1-4-164 - Permit fees.

Before any permit to move a building or structure is granted under the provisions of this article, the applicant for such permit shall pay a fee as provided in the fee schedule. Said permit shall expire ten (10) days from the date of issuance.

4-1-4-165 - Bond required.

Before any person shall be granted a permit for the moving of any building or structure as provided in this article, he shall file with the city a bond in the sum as set in the city's bond schedule which shall run in favor of the city and any private person sustaining damages under the conditions thereof shall be entitled to sue thereon in his own name. The bond shall be conditioned, among other things, that if such permittee is granted the permit he shall promptly pay all damages and for all injuries that may accrue to any person or property, either public or private, within the city when such injury or damages are inflicted by the permittee or his agents, servants, employees, workers, contractors or subcontractors, and such bond shall be conditioned also that the permittee will save, indemnify and protect the city from all liability which may arise, either directly or indirectly from the moving of any building or structure by the permittee, his agents, servants, employees, workers, contractors or subcontractors, and that the permittee will in all respects comply with the ordinances of the city in regard to the moving of buildings or structures and to the use or obstruction of the streets and other public places of the city.

4-1-4-166 - Denial of permit.

If any mover, his servants, agents or employees, shall, while acting within the scope of this article, damage or destroy any public or private property and fail or refuse to repair, renew or pay for the same, or shall fail or refuse to pay for the expense of the raising, cutting or repair of any electric wire or cable or the removal and replacement of any pole bearing the same as required by the terms of this article, a written claim containing a statement of such damages or expense may be filed with the building official who shall investigate the same. If the building official finds the same to be just and reasonable, no further permits within the scope of this article shall be issued to such mover until the claim is satisfied. Denial of such permit may be appealed to the Building Development Appeal Board by filing a notice of appeal with the city clerk within ten (10) calendar days of the day of denial.

4-1-4-167 - Interference with trees and fixtures.

No tree on any street shall be removed or the branches of any tree be cut or trimmed in order to facilitate the moving of any building, except with the consent and under the supervision of the park superintendent. No fixture on any street or alley shall be removed, displaced or otherwise interfered with to facilitate the moving of any building except with the consent and under the supervision of the building official.

4-1-4-168 - Interference with poles and wires.

Whenever for the purpose of facilitating the moving of any building or structure it is necessary to raise or cut any telephone or telegraph wire or cable or any electric wire, or move any pole bearing any such wire or cable, or move or relocate any sign, pole or signaling device, whether it is privately or publicly owned, it is the duty of the mover having charge of the moving of such building or structure to give the person owning or operating the poles, wires or cables at least five working days' notice of the time and place when and where the removal of such poles or the raising or cutting of such wires or cables will be necessary. After the service of the five working days' notice it is the duty of the person owning or operating the poles, wires or cables to furnish competent workers or linemen to remove such poles or raise or cut such wires or cables. The regular wages of the workers or linemen while engaged at such work shall be paid by such movers. No mover shall raise, cut or move any such pole, wire or cable.

4-1-4-169 - Safety precautions and protection of property.

No building or structure shall be allowed to remain at a standstill in any public street or other public place for a longer period than twenty-four (24) hours without the consent in writing of the building official. When any building or structure is left in any street at night, two or more approved warning lights or signals shall be conspicuously posted at each end of such building or structure so as to give warning in both directions of the street. All other obstructions left in the street shall be safeguarded by similar lights or signals. All such lights and signals shall be in good working order when posted, and shall be securely placed in position. No such building or structure or other obstruction shall be left standing at night in any street intersection. The chief of the fire department and chief of police shall be notified of the location of any such building or structure left standing in the street at night. When necessary to protect pavement or sidewalk, plank of sufficient size and thickness to prevent injury to such pavement or sidewalk shall be laid for the wheels of the moving

trucks to travel on. The building official shall have the power to require the use of other precautionary measures than those specifically mentioned in this article when necessary or proper to protect life, limb or property.

4-1-4-170 - Obstruction of railway tracks.

If it is necessary to move any building or structure upon or across any railway tracks, it shall be done in such a manner and at such time as to interfere as little as possible with the operation of cars or trains thereon.

4-1-4-171 - Deposit required.

Whenever the moving of any building or structure requires the raising, cutting or relocation of wires, cables, traffic signals and/or masts, or other city facilities. The mover shall pay a deposit or file a bond as set forth in the city's bond schedule to the building official prior to issuance of the permit. Such charges for moves shall cover the regular wages of the workers or linemen engaging in such work and the costs related to equipment utilized to accomplish such work. Upon completion of the move, the deposit shall be credited toward the city's charges for the work. The balance, if any, will be refunded to the mover.

4-1-4-172 - Notice required.

The mover shall notify the director of public works seventy two (72) hours prior to moving of any structure or building. Any deviation from the scheduled moving date or other changes in schedule requires the seventy two (72) hours notification prior to actual moving.

4-1-5 - Miscellaneous Regulations.

4-1-5-181 - Lightning arresters on television aerials required.

Each person engaged in the installation of a television aerial shall affix thereto a lightning arrester.

4-1-5-183 - Private swimming pools—Fencing—Locks.

A. As used in this section, "swimming pool" shall include any manmade body of water at least one (1) foot in depth or intended to be used for wading or swimming and not supervised by the city authorities.

B. Every person in possession of land within the city, either as owner, purchaser under contract, lessee, tenant, or licensee, upon which is situated a swimming pool, shall at all times maintain on the lot or premises upon which such pool is located a fence or other solid structure not less than four (4) feet in height completely enclosing the premises or swimming pool, with no opening, other than secured doors or gates, that would allow passage of a four (4) inch

diameter sphere. All gates or doors opening through such enclosure shall be kept securely closed at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and capable of keeping such door or gate securely closed at all times when not in actual use.

4-1-5-185 - Surfaced walkway provisions.

A. All applicants for building permits for lots within commercial and residential subdivisions shall be required to install surfaced walkways in accordance with the construction plat of said subdivision approved by the planning commission and the city council, and said structure shall not be occupied until the surfaced walkway is completed and approved by the building official.

B. All applicants for building permits to construct new buildings or expand existing buildings shall be required to install surfaced walkways along public street frontages and said buildings shall not be occupied until the surfaced walkway is completed and approved by the building official.

1. For the construction of new buildings on undeveloped tracts of land, surfaced walkways shall be required along all public street frontages.

2. For the expansion of an existing building or the construction of new buildings within an existing development, surfaced walkways along public street frontages shall be required on a graduated scale based upon the ratio of the area of the new or expanded building(s) to the area of existing building(s). Said ratio shall be applied to the total length of surfaced walkways that would be required for the complete development. As an example, a project with an existing three thousand (3,000) square feet building with two hundred (200) linear feet of public street frontage that is being expanded to three thousand six hundred (3,600) square feet would require forty (40) linear feet of surfaced walkway construction (six hundred (600) square feet/three thousand (3,000) square feet*two hundred (200) linear feet). The location of required surfaced walkways along the street frontage shall be approved by the director of planning. When the required amount of surfaced walkways is less than twenty-five percent (25%) of the public street frontage, the developer may apply to pay a fee in lieu of constructing the walkway as provided herein.

3. Any area or space under a roof is considered a "building," or portion thereof, whether or not said space is enclosed by walls.

4. The director of planning may require the construction of surfaced walkways extending beyond the project street frontage in order to promote connectivity with existing walkways, but the required extension shall not exceed twenty-five percent (25%) of the frontage of the site.

C. An applicant required to construct surfaced walkways as described in paragraph B. herein may apply to pay a fee in lieu of constructing the walkway based on the unusual size, shape, topography, or unique geographic location of the tract proposed for development by filing an application to the director of planning for a preliminary review and decision on the question of

accepting the fee in lieu of construction. The director of planning shall review the application for payment in lieu using criteria that the waiver of the walkway construction requirement shall not diminish the goals of providing:

The safe pedestrian walkway systems along the arterial and collector street system;

A walkway network for school children;

Connectivity to adjacent property, major employers, and large retail commercial developments; and

Pedestrian system to support transit routes.

1. The planning commission shall make a decision on the approval of the request for a payment in lieu of constructing the walkway.

2. The amount of the fee in lieu of constructing the walkway shall be set out in Appendix A, Schedule of Fees and Charges, of the Comanche City Code.

3. All proceeds received as payment in lieu of walkway construction shall be used only for the purposes of repairing and installing walkways.

D. In the event of inclement weather, the applicant for the approved building permit may request additional time, not to exceed thirty (30) days, to comply with the requirement for a surfaced walkway; furthermore, the building official may grant the additional time to fulfill the surfaced walkway requirement upon submission of a performance bond in the amount of one and one-half (1½) times the estimated construction cost of the surfaced walkway.

E. The construction and location standards for the surfaced walkway shall be in accordance with the construction plat approved by the planning commission and the city council or construction plans approved with the building permit by the building official.

F. All surfaced walkway construction shall be in accordance with the City of Comanche's standard details as prepared by the city engineer and the requirements of the Americans with Disabilities Act (ADA).

G. Wherever surfaced walkways are required by this section, any existing surfaced walkways within the project frontage that do not meet applicable ADA standards for accessibility shall be repaired in accordance with said standards.

4-1-5-186 - Landscaping provisions.

A. Purpose: The purpose of these regulations is to require landscape elements, particularly plant materials, within proposed developments in an organized and harmonious fashion that will enhance, protect and promote the economic and aesthetic environment of the City of

Comanche, and provide for the prosperity, comfort and enjoyment of its citizens. The city recognizes the value of landscaping in achieving the following goals:

1. Promote the re-establishment of vegetation in urban areas for health, ecological and aesthetic benefits.

2. Provide new planting in concert with natural vegetation and careful grading.

3. Encourage the preservation of existing trees.

4. Promote compatibility between land uses by reducing the visual, noise and lighting impacts of development on users of the site and abutting properties.

5. Unify development, and enhance and define public and private places.

6. Provide an overall planting scheme that will:

    a. Reduce soil erosion, and the volume and rate of discharge of storm water runoff.

    b. Aid in energy conservation by shading and sheltering structures from energy losses caused by weather and wind.

    c. Mitigate the loss of natural resources.

    d. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.

    e. Provide shade, comfort and seasonal color.

    f. Reduce glare, noise and heat.

    g. Provide greater perceptual clarity along major streets and roads by more consistent planting of properly sized street trees.

7. It is further recognized that good landscaping attracts potential residents and businesses to Comanche, and creates a safer, more attractive and more pleasant living and working environment for all residents and visitors of Comanche.

8. These regulations are intended as minimum standards for landscape treatment. Owners and developers are encouraged to exceed this standard in seeking more creative solutions, both for the enhanced value of their land and for the collective health and enjoyment of all citizens of Comanche.

B. Scope and applicability: All applicants for building permits to construct new buildings and/or parking areas or to expand existing buildings and/or parking areas and to construct or expand new private schools and churches, and/or any parking areas associated with same in any zoning

district except industrial districts shall be required to meet the provisions of this article. However, the provisions of this article do not apply to the construction or expansion of one and two family residential dwellings or accessory structures, regardless of the zoning district in which they are located.

C. Regulations:

1. The definitions of landscaping terms are as follows:

a. Berm: An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.

b. Caliper: The diameter of a tree trunk less than twelve (12) inches in diameter. For trees less than four (4) inches in diameter, it is measured six (6) inches from the ground. For trees between four (4) inches and twelve (12) inches in diameter, it is measured twelve (12) inches from the ground.

c. Developed area: The area of a lot that is disturbed for the purpose of developing structures, parking facilities, loading or storage areas, paved access to off-street parking or loading areas or other areas paved with an all-weather material, drainage basin and landscaped areas.

d. Evergreen: A plant with foliage that persists and remains green year-around.

e. Existing significant tree: An existing tree with a caliper greater than eight (8) inches that is determined to be in good health. Landscape points will be awarded by the director of planning based on the health and general shape and appearance of the tree.

f. Groundcover: An evergreen or deciduous planting less than twenty-four (24) inches in height, excluding turf grass.

h. Landscape plan: Graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural and manmade features such as plantings, ground and water forms, circulation, walks, structures, and other features to comply with provisions of this ordinance. All landscape plans shall include calculations of the site and parking lot landscaping points required, along with a table indicating how said requirement has been met.

i. Landscaped area: Any area that contains trees, shrubs, and/or groundcover that have been claimed for point credits.

j. Parking lot island: An unpaved area within a parking lot that is surrounded on at least three (3) sides by the paved parking area but separated from the paved area by a barrier curb.

k. Planting plan: The preparation of graphic and written criteria of plant placement, plant specification of type, size and spacing, and other features to comply with the provisions of this ordinance.

l. Planting season: The most favorable time to plant trees in Comanche is established as the months between and including October and April.

m. Shrub: A living self-supporting woody deciduous or evergreen species no less than eight (8) inches in height and no greater than fifteen (15) feet in height, which will remain fully vegetated throughout the year.

n. Tree: A living self-supporting woody or evergreen plant that normally grows to a minimum height of fifteen (15) feet and which has one or several self-supporting stems or trunks and numerous branches.

o. Turf grass: Existing or installed grass that has been sodded, seeded, or hydro-mulched. Turf grass eligible for point credits must be located within the property lines of a development. The maximum credit for turf is twenty-five percent (25%) of the total landscape points required for any development. All turf credited for points shall completely cover all exposed areas of soil after one full growing season.

p. Xeriscape: Landscaping which incorporates only drought tolerant plant materials, as indicated in the approved City of Comanche Planting Materials list, which after establishment will not require supplemental water from irrigation.

2. Landscape point system.

a. The minimum amount of landscaping required for an individual development project is that amount of landscaping with a total landscaping point value (as determined from Table I below) equal to or exceeding the total required landscaping points, being the sum of the "site points" and the "parking lot points". Site points are determined by the size of the developed area, and parking lot points are determined by the number of parking spaces. For the purpose of calculating landscape points, the developed area may be submitted in the form of the legal description of the property or a scaled, dimensioned and well-defined area of development that is referenced on the site plan.

b. Number of landscaping points required:

1) Site points = One point for each two hundred (200) square feet of developed area with a minimum of twenty-five (25) points, regardless of the size of the developed area.

2) Parking lot points = Two (2) points per required parking space and one point for each proposed additional parking space. Paved areas for the outdoor display of merchandise, including vehicle sales, which are not open for public parking shall

require 0.5 points per two hundred (200) square feet, in addition to the site point requirement listed above.

c. When only a portion of a larger tract is developed (e.g. one acre of a ten (10) acre tract), only the developed area shall be considered when determining the number of points required. All required landscaping shall be placed within the developed area.

d. Sixty percent (60%) of the total landscaping shall be within the front and side yards.

e. One hundred percent (100%) of the parking lot points must be located within five (5) feet of the paved area associated with parking and maneuvering.

f. Forty percent (40%) of the landscaping requirement attributable to the parking area (parking lot points) shall be located within parking lot islands. For the purposes of this requirement, a parking lot island is any landscaped space greater than or equal to five (5) feet in width that is located or extends into a paved parking area for approximately the length of one or more parking spaces.

g. A maximum of twenty-five percent (25%) of the required points may be used for turf grass, river rock or other ground cover, and a maximum of fifty percent (50%) of the ground cover in any yard area may be non-live materials. Decomposed granite and other crushed stone material may only be used as ground cover when specifically approved by the city.

h. A minimum of twenty-five percent (25%) of the required points shall be used for evergreen plantings.

i. Only ten percent (10%) of the landscaping requirement may be used within the detention basin. Any additional landscaping provided within the detention basin shall not be assigned any landscape points for compliance with the provisions of this article.

j. Developments providing additional landscaping such that the total number of landscaping points provided is at least twenty percent (20%) more than the total required landscaping points, may reduce the total required number of parking spaces for said development by a maximum of ten percent (10%). This provision shall not apply to developments requiring less than ten (10) parking spaces. As an example, a twelve thousand (12,000) square foot project with twenty (20) required parking spaces would require one hundred (100) total landscaping points. If the project was developed with one hundred twenty (120) points of landscaping, the required parking may be reduced to eighteen (18) spaces.

k. The developer may use any combination of plantings to obtain the necessary number of points for the development. Different lots and landscapes will lend themselves to different types of plantings. These regulations attempt to encourage creativity and

diversity in landscaping. Different types of plantings shall be worth point values as shown in Table I - Landscaping Point Values.

l. Landscaping placed in a public right-of -way or easement shall be limited to turf and/or other groundcover, unless otherwise approved by the director of planning. All such landscaping shall be irrigated and maintained by the developer and may be counted towards compliance with the provisions of this article. An administrative revocable permit per Comanche City Code shall be required; the installation of such landscaping or irrigation material and any future repair or replacement of same following work by City of Comanche personnel during performance of their official duties shall follow the provisions of said permit.

m. All existing trees and other landscaping for which credit is requested must in good health and located within the developed area. Any such credits are subject to approval by the director of planning and will be awarded based on the type, size and condition of the existing trees and other landscaping in accordance with Table I of this chapter.

Table I - Landscaping Point Values			
Type of Plant Material			Point Value
	Deciduous Trees:	Evergreen Trees:	
Large Tree	8″ or larger caliper	22′ and greater in height	26
	7″ caliper	19′ to 21′ in height	24
	6″ caliper	16′ to 18′ in height	22
	5″ caliper	13′ to 15′ in height	20
	4″ caliper	11′ to 12′ in height	18
	3″ caliper	9′ to 10′ in height	15
Medium Tree	2″ caliper	7′ to 8′ in height	12
Small Tree	single trunk: 1″ caliper	5′ to 6′ in height	9
Ornamental Tree	multiple trunk (min. 3) smallest 1″ caliper	5′ to 6′ in height	9
Large Shrub/Cacti	5 gallon, 24″ in height at planting		3
Medium Shrub/Cacti	3 gallon, 12″ in height at planting		2
Small Shrub/Cacti	2 gallon, 8″ in height at planting		1
Ornamental Grasses	1 gallon		0.5
Groundcover	1 gallon		0.5
Groundcover	4 inch pots		0.25
Existing Significant Tree	greater than 8″ caliper		26 to 50

Landscaping Berm	30 in height; min 10 foot in length, 3:1 slope	2 per 5 l.f.
Turf Grass	N/A	0.25 per s.y.
Large Boulder	24″ dia, 500 lb.	5
Medium Boulder	12″ dia, 130 lb.	2
River Rock Ground Cover	1″ to 6″ rounded stones (not crushed), min 180 lbs per s.y.	0.25 per s.y.
Special Features:	(Points based on size and type)	
Statue/Figure		10 to 25
Fountain/Waterfall		20 to 50
Bench		5 to 10

3. Selection of plant materials:

    a. When selecting plant material to be used for compliance with the provisions of this article, attention should be given to the suitability of the material for use in southwestern Oklahoma, specifically the exposure, soil requirements, hardiness, and drought tolerance. The developer is strongly encouraged to consider selecting plant materials from Oklahoma Proven as published by the Department of Horticulture and Landscape Architecture at Oklahoma State University or the City of Comanche Planting Materials list as approved by the city.

    b. Certain trees due to their susceptibility to disease, decay, insects and/or their production of seeds, fruits, sap or other objectionable material are considered nuisances and are prohibited from being included on any landscaping plan submitted under this ordinance.

4-1-5-187 - Site lighting provisions.

A. Lighting: The objective of the lighting standards is to provide adequate and efficient security lighting for the parking lot while also protecting any adjacent residential properties. Site lighting is not a requirement, but when provided shall meet the following provisions:

    1. Lighting structures, including poles and light fixtures, shall provide for the functional and security needs of the project without adversely impacting adjacent properties. Lighting should enhance the overall aesthetics of the site. The lighting should be integrated with the architectural design of the buildings.

    2. Light sources (light bulbs) shall not be visible. They shall be shielded to reflect the light down on the ground and not onto the adjacent streets or adjacent property. Any light fixture installation that would interfere by reason of glare or distraction with traffic movement on the adjoining streets or produce other traffic hazards is prohibited.

3. The installed fixture height, spacing, mounting location, illumination levels, as well as the number and type of fixtures shall be reviewed as part of the site plan. The lighting design must meet the following criteria:

    a. Light trespass onto to adjacent residential properties: The illumination level beyond the property line shall not be greater than 0.1 foot-candles.

Section 4-2 - PLUMBING CODE AND REGULATIONS

4-2-1 - General Provisions.

4-2-1-201 - Application and scope.

The provisions of the International Plumbing Code, 2015 Edition, herein adopted shall apply to all new construction, relocated buildings, and alterations, repairs or reconstruction, except as provided for otherwise in this plumbing code.

State Law reference— Plumbers and plumbing generally, 59 O.S. Sec. 1001 et seq.

4-2-1-202 - Plumbing code adopted—Incorporation by reference—Appendices included—Filing of copy with the city clerk.

The city hereby adopts the International Plumbing Code, 2015 Edition, current editions and as updated and amended by the Oklahoma Uniform Building Code Commission (OUBCC), including as modified by the OUBCC as set forth in Title 748, Chapter 20 of the Oklahoma Administrative Code, more specifically Sections 748:20-15-1 to 748:20-15-17, hereinafter referred to as the "plumbing code," at least one copy of which is on file in the office of the city clerk. Such code is hereby adopted and incorporated and shall be in full force and effect within the city to the same extent as if set forth in full in this section. A violation of any provision of such code shall constitute a misdemeanor and shall be punished as provided in the Code of Ordinances of the City of Comanche.

State Law reference— Power of city to adopt codes, 11 O.S. Sec. 14-107 and 59 O.S. Sec. 1015, 1020.

4-2-1-203 - Amendments to the International Plumbing Code, 2015 edition.

A. Section 101.1 entitled "Title" is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Plumbing Code of Comanche, Oklahoma, hereinafter referred to as "the plumbing code".

B. Section 106.4.1 entitled "Permits issued to owners" is hereby created to read as follows:

106.4.1 Permits issued to owners. Any permit required by this article may be issued to any person to do any work regulated by this article in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, in the event that any such person is the bona fide owner of any such dwelling and accessory buildings and quarters, and that such are occupied by the owner. However, the owner shall perform all labor in connection therewith personally and the owner shall purchase all material personally.

C. Section 106.6.2 entitled "Fee schedule" is hereby amended to read as follows:

106.6.2 Fee schedule. The permit fees for all plumbing work shall be in accordance with the fee schedule of the Comanche City Code.

D. Section 108.4 entitled "Violation penalties" is hereby amended to read as follows:

108.4 Violation penalties. Any person who shall violate a provision of the plumbing code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this plumbing code, shall upon conviction thereof be punishable. Each day or any portion thereof during which any violation of this adopted code occurs or continues shall be deemed to constitute a separate offense.

E. Section 108.5 entitled "Stop work orders" is hereby amended to read as follows:

108.5 Stop work orders. Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this plumbing code or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property or the owner's agent or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall issue a verbal stop work order at which time the work shall immediately cease. The code official shall thereafter issue a written stop work order. Any person who continues any plumbing work in or about the structure after having been served with a verbal or written stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall upon conviction be punishable as provided by Comanche City Code. Each separate day or any portion thereof during which any violation of this adopted code occurs or continues shall be deemed to constitute a separate offense.

F. Section 109.1 entitled "Application for Appeal" is hereby amended to read as follows:

109.1 Application for Appeal. A person shall have the right to appeal a decision of the code official to the Building Development Appeal Board. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed with the city clerk on a form obtained from the code official within twenty (20) calendar days after the notice was served.

4-2-1-204 - Administration.

The administration and enforcement of this article shall be the responsibility of the code official or the code official's designee, unless another official is appointed.

4-2-1-205 - Dangerous and insanitary construction.

A. Any portion of a plumbing system found by the code official to be insanitary as defined herein is hereby declared to be a nuisance.

B. Whenever brought to the attention of the city that any insanitary conditions exist or that any construction or work regulated by this code is dangerous, unsafe, insanitary, a nuisance or a menace to life, health or property or otherwise in violation of this code, city personnel may request an investigation by the code official who, upon determining such information to be fact, shall order any person using or maintaining any such condition or responsible for the use or maintenance thereof to discontinue the use or maintenance thereof or to repair, alter, remove or demolish same as may considered necessary for the proper protection of life, health or property, and in the case of any gas piping or gas appliance may order any person applying gas to such piping or appliance to discontinue supplying gas thereto until such piping or appliance is made safe to life, health or property. Every such order shall be in writing, addressed to the owner, agent or person responsible for the premises in which such condition exists and shall specify the date or time for compliance with such order.

C. Refusal, failure or neglect to comply with any such notice or order shall be considered a violation of this code.

D. When any plumbing system is maintained in violation of this code and in violation of any notice issued pursuant to the provisions of this section or where a nuisance exists in any building or on a lot on which a building is situated, the plumbing official shall institute any appropriate action or proceeding in any court of competent jurisdiction to prevent, restrain, correct or abate the violation or nuisance.

4-2-1-206 - Violations and penalties.

A. Any person violating any provisions of this code shall, upon conviction, be punishable as provided in this code or by revocation of the plumber's registration certificate, or by both fine and revocation of the plumber's registration certificate. Each separate day or any portion thereof during which any violation of this code occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punished as herein provided.

B. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid, except insofar as the work or use which it authorized is lawful.

C. The issuance or granting of a permit or approval of plans shall not prevent the plumbing official from thereafter requiring the correction of errors in the plans and specifications or from preventing construction operations being carried on thereunder when in violation of this code or any other ordinance or from revoking any certificate of approval when issued in error.

D. Every permit issued by the plumbing official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within ninety (90) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced a new permit shall be first obtained to do so, and the fee therefor shall be one-half (½) the amount required for a new permit for such work, provided no changes have been made, or will be made in the original plans and specifications for such work. Such suspension or abandonment shall not have exceeded one year in order to obtain a new permit.

4-2-1-207 - Cost of permit.

A. Every applicant for a permit to do work regulated by this code shall state in writing on the application form provided for that purpose, the character of work proposed to be done and the amount and kind in connection therewith, together with such information pertinent thereto as may be required.

B. An applicant shall pay for each permit at the time of issuance a fee in accordance with the schedule authorized by the city.

C. Any person who shall commence any work for which a permit is required by this code without first having obtained a permit therefor shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed for such work; however, this provision shall not apply to emergency work when it shall be proved to the satisfaction of the plumbing official that such work was urgently necessary and that it was not practical to obtain a permit therefor before the commencement of the work. In all such cases a permit must be obtained as soon as it is practical to do so; and if there be an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged.

D. For the purpose of this section a sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be a fixture. Fees for reconnection and retest of existing plumbing systems in relocated buildings shall be based on the number of plumbing fixtures, gas systems, water heaters involved.

E. When interceptor traps or house trailer site traps are installed at the same time as a building sewer on any lot, no sewer permit shall be required for the connection of any such trap to an appropriate inlet fitting provided in the building sewer by the permittee constructing such sewer.

F. When a permit has been obtained to connect an existing building or existing work to the public sewer or to connect to a new private disposal facility, backfilling or abandonment of private sewage disposal facilities consequent to such connection is included in the building sewer permit.

4-2-1-208 - All work to be inspected.

All work requiring a permit by this code shall be inspected by the appropriate city official to ensure compliance with all the requirements of this code. Inspections shall be subject to an inspection fee as provided in the fee schedule.

4-2-1-209 - Notification.

A. The person doing work authorized by the permit shall notify the plumbing official orally or in writing, that the work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected.

B. The person doing the work authorized by the permit shall make sure that the work will stand the tests prescribed elsewhere in this code before giving the above notification.

4-2-1-210 - Permit required.

A. No person shall install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired or replaced any plumbing, gas or drainage piping work or any fixture or water heating or treating equipment in a building or premise without first obtaining a permit to do such work from the plumbing official.

B. A separate permit shall be obtained for each building or structure.

C. No person shall allow any other person to do or cause to be done any work under a permit secured by a permittee except persons in his employ.

4-2-1-211 - Work not requiring permit.

No permit shall be required in the case of any repair work as follows: The stopping of leaks in drains, soil, waste or vent pipe; however, should any trap, drainpipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material in any part or parts, the same shall be considered as such new work and a permit shall be procured and inspection made as hereinbefore provided. No permit shall be required for the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures when such repairs do not involve or require the replacement of valves, pipes or fixtures.

4-2-1-212 - To whom permits may be issued.

A. No permit shall be issued to any person to do or cause to be done any work regulated by this article except to a person holding a valid unexpired and unrevoked plumbing contractor's certificate of registration as required by this code, except as otherwise provided in this section.

B. A permit may be issued to a properly licensed person not acting in violation of any current contractor licensing law.

C. Any permit required by this article may be issued to any person to do any work regulated by this article in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings in the event that any such person is the bona fide owner of any such dwelling and accessory buildings and quarters, and the premises on which such dwelling, accessory building or quarters are located, and that the same are occupied by the owner; however, the owner shall personally purchase all material and shall personally perform all labor in connection therewith.

4-2-1-213 - Application for permit.

A. Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. He shall give a description of the character of the work proposed to be done, and the location, ownership, occupancy and use of the premises in connection therewith. The plumbing code official may require plans, specifications or drawings and such other information as he may deem necessary.

B. If the plumbing official determines that the plans, specifications, drawings, descriptions or information furnished by the applicant are in compliance with this article, he shall issue the permit applied for upon payment of the required fee as hereinafter fixed.

4-2-1-214 - Minimum facilities, minimum requirements.

A. The minimum plumbing facilities are established in Chapter 4 of the International Plumbing Code, 2015 edition.

B. The provisions of the International Plumbing Code, 2015 edition, in their interpretation and application shall be held to be minimum requirements adopted for the promotion of public health, safety, and general welfare. Wherever any of the provisions or requirements of the International Plumbing Code are inconsistent with the provisions of the city code or state statutes, the provisions or requirements containing the most restrictive regulation shall apply and govern.

4-2-2 - Plumbers Registration.

4-2-2-221 - Definitions.

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

1. "Apprentice" or "plumber's apprentice" means any person sixteen (16) years of age or over who is engaged in learning and assisting in the installation of plumbing under the direct supervision of a licensed journeyman plumber or plumbing contractor;

2. "Journeyman plumber" means any person who performs the manual work of a plumber under the direction of a plumbing contractor. This definition may be construed to mean any person who has qualified and is licensed under the Oklahoma State Plumbing Licensing Law to act as a journeyman plumber according to the requirements of the Oklahoma State Plumbing Licensing Law; and

3. "Plumbing contractor" means any person skilled in the planning, superintending and practical installation of plumbing and is familiar with the laws, rules and regulations governing the same. This definition may be construed to mean any person who has qualified and is licensed under the Oklahoma State Plumbing Licensing Law, who may operate as an individual, a firm, partnership or corporation to engage in the business of plumbing, or the business of contracting to do, or furnish labor or labor and materials for, the installation, repair, maintenance or renovation of plumbing, according to the requirements of the Oklahoma State Plumbing Licensing Law.

State Law reference— State plumbing licensing law, 59 O.S. Secs. 1001 et seq.

4-2-2-222 - License and registration required—Regulations.

A. No person, on behalf of himself or of a plumbing partnership, firm, corporation or business trust, shall conduct, carry on or engage in, by advertisement or otherwise, any plumbing work within the city without first having had issued to him an active, valid and unrevoked plumbing contractor's license by the Oklahoma Construction Industries Board and a current plumbing contractor's registration certificate issued by the city unless he is a qualified homeowner as set forth herein.

B. It shall be unlawful for any person to labor at the plumbing trade in the capacity of a plumbing journeyman within the city without first having had issued to him a valid and unrevoked journeyman plumber's license by the Oklahoma Construction Industries Board.

C. It shall be unlawful for any person to labor at the plumbing trade in the capacity of an plumbing apprentice within the city without first having had issued to him a valid and unrevoked apprentice plumber registration certificate by the Oklahoma State Health Department and a current apprentice plumber registration certificate by the Oklahoma Construction Industries Board.

D. A partnership, firm, corporation or business trust may only engage in the plumbing business within the city through one bona fide member of the partnership or firm, or one officer of the corporation or business trust, who has legal authority to act for such partnership, firm,

corporation or business trust, and who carries and holds a registration certificate as a plumbing contractor as required by this article. In the event the person or member holding the registration certificate should leave or sever his connection with or lose his status as a member or officer of the partnership, firm, corporation or business trust the right of the partnership, firm, corporation or business to do plumbing work shall cease within ten (10) calendar days and they or it must qualify under and comply with the terms of this code before any further or other business is conducted or done; except in the event of the death of the holder of the license or in the event the license holder is called for, and while he is serving in the armed forces of the United States, such firm, partnership, corporation or business trust, may continue to engage in the plumbing business for a period of not to exceed six months from such death or call to service provided all fees required by this code shall be paid and kept in full force, and that a duly registered plumbing contractor shall assume in writing the supervision of such work within ten (10) calendar days.

E. Every person engaged in the plumbing business or operating under a state license and city registration certificate as a plumbing contractor within the city shall maintain a telephone listed with the telephone company as a business telephone.

F. Any permit required by this article may be issued to any person to do any work regulated by this article in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, in the event that any such person is the bona fide owner of any such dwelling and accessory buildings and quarters, and that such are occupied by the owner. However, the owner shall perform all labor in connection therewith personally and the owner shall purchase all material personally.

4-2-2-223 - Application for plumbing registration certificate.

Any person who is required by this code to possess a plumbing registration certificate shall make application therefor to the city on application forms provided for that purpose by the city and pay the fee as provided in the fee schedule.

4-2-2-224 - Registration fee.

Every person applying for a city plumber's registration certificate shall, upon acceptance of his qualifications by the city at the time he makes such application, pay to the city the fees as provided in the fee schedule.

4-2-2-225 - Issuance of plumber's registration certificates.

The city shall issue a plumbing contractor's certificate to every person who makes application for such certificate, can demonstrate and pays the required fee and presents a valid, unrevoked license issued by the Oklahoma Construction Industries Board for contractor status.

4-2-2-226 - Expiration of certificates—Renewal.

A. Every plumber's registration certificate authorized by this chapter shall remain in force and effect until its expiration date unless revoked. All plumbers' certificates shall expire annually on the month in which the state license expires.

B. No applicant for renewal or initial registration certificate may engage in any plumbing work in the city without issuance of the certificate required herein. All registration certificates authorized by this code, except those that have been revoked, may be renewed from year to year upon request and payment of the required renewal fee. If the renewal of a registration is not requested and the required fee paid within thirty (30) days of expiration, a new application shall be required.

4-2-2-227 - Denied renewal, suspension or revocation of plumber's registration certificates.

A. The code official or the Building Development Appeal Board may suspend, revoke or deny renewal of any city issued plumber's certificate if such plumber demonstrates or has recurrently demonstrated incompetency or lack of knowledge in matters relevant to such certificate, repeated violations of state statutes or city codes, fails to perform normal business obligations without just cause, if such certificate was obtained by fraud, or if the license issued to the plumber by the Oklahoma Construction Industries Board is suspended or revoked. However, the filing of an appeal to such renewal denial, suspension or revocation shall temporarily stay these actions until such time as the appeal action is completed.

B. Registration certificates denied renewal, suspended or revoked by the code official that are appealed to the Building Development Appeal Board shall be handled by the board as if the initial action was taken by the board, that being a review held and action taken for renewal, reinstatement or revocation of certificate.

C. Registration certificates are not transferable from one person to another, and the lending of any certificate or the obtaining of permits thereunder for any other person shall be deemed cause for revocation.

D. The application shall be filed with the city clerk on a form obtained from the code official within twenty (20) calendar days after notice of suspension or revocation was served.

4-2-2-228 - Display of state license number and firm name.

All contractors or firms shall, on all vehicles used to transport materials and tools in the operation of the business, display the firm name and the state license number bearing the initials "OK" preceding that number issued by the Oklahoma Construction Industries Board. Such names and license numbers shall be printed in letters and numerals at least two (2) inches high in a conspicuous location on both sides of each vehicle in a contrasting color to the background color.

Section 4-3 - ELECTRIC CODE

4-3-1 - General Provisions.

4-3-1-301 - Adoption of National Electrical Code.

The city hereby adopts the National Electrical Code, 2014 Edition, current editions and as updated and amended by the Oklahoma Uniform Building Code Commission (OUBCC), including as modified by the OUBCC as set forth in Title 748, Chapter 20 of the Oklahoma Administrative Code, more specifically Sections 748:20-9-1 to 748:20-9-8, hereinafter referred to as the "electrical code," at least one copy of which is on file in the office of the city clerk. Such code is hereby adopted and incorporated and shall be in full force and effect within the city to the same extent as if set forth in full in this section. A violation of any provision of such code shall constitute a misdemeanor and shall be punished as provided in the Code of Ordinances of the City of Comanche.

State Law reference— Power of city to adopt electrical code, 11 O.S. Sec. 14-107; Electrical license and requirements of state, 59 O.S. Secs. 1680 et seq.; state adoption of National Electrical Code, 59 O.S. Sec. 1696.

4-3-1-302 - Provisions declared to be minimum requirements.

The provisions of the National Electrical Code, 2014 edition, in their interpretation and application shall be held to be minimum requirements adopted for the promotion of public health, safety, and general welfare. Wherever any of the provisions or requirements of this code are inconsistent with the provisions of the city code or state statutes, the provisions or requirements containing the most restrictive regulation shall apply and govern.

4-3-1-303 - Definitions.

A. As used in this article:

1. "Electrical apprentice" means any person sixteen (16) years of age or older whose principal occupation is the learning of and assisting in the installation of electrical work under the direct supervision of a licensed journeyman electrician or electrical contractor. Each apprentice shall be in possession of a valid electrical apprentice license issued by the state;

2. "Electrical contractor" means any person skilled in the planning, superintending and practical installation of electrical facilities who is familiar with the laws, rules and regulations governing such work. This definition may be construed to mean any person who has qualified and is licensed under the Oklahoma State Electrical Licensing Law, who may operate as an individual, a firm, partnership or corporation to engage in the business of electrical work, or the business of contracting to do, or furnish labor or labor and materials for, the installation, repair, maintenance or renovation of electrical facilities, according to the requirements of the Oklahoma State Electrical Licensing Law.

3. "Journeyman electrician" means any person who performs the manual work of an electrician under the direction of an electrical contractor. This definition may be construed to mean any person who has qualified and is licensed under the Oklahoma State Electrical

Licensing Law to act as a journeyman electrician according to the requirements of the Oklahoma State Electrical Licensing Law.

4-3-1-304 - Electrical provisions in plans.

Architects and builders shall, when preparing plans and specifications for the erection of buildings in the city, make provisions for channeling and pocketing the structures for electrical conductors as required by this article, and shall define in such specifications and mark on such plans the location of all switches (except main line switch and cut out),and shall state in such specifications the maximum number of watts at each outlet, and shall furnish such plans and specifications for the proposed work as may be deemed necessary for the electrical inspector before any permit for the same shall be issued. No permit shall be issued by the city unless such plans and specifications are in accordance with the rules and regulations of this chapter.

4-3-1-305 - Electrical installation permit required—Exception.

A. No person shall begin work on any electrical facilities installation within the corporate limits of the city without first securing the required permit from the city; however, no permit shall be required for minor work such as repairing flush switches, replacing fuses, replacing light fixtures and receptacles.

B. Permits shall be issued only to electrical contractors with current unrevoked state licenses and city registration certificates or to homeowners who qualify as set forth herein.

C. Any permit required by this article may be issued to any person to do any work regulated by this article in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, in the event that any such person is the bona fide owner of any such dwelling and accessory buildings and quarters, and that such are occupied by the owner. However, the owner shall perform all labor in connection therewith personally and the owner shall purchase all material personally.

4-3-1-306 - Add-on permits.

Additional work during construction and before final inspection may be added on the original permit as an add-on at the regular item rate by obtaining and paying for an add-on permit.

4-3-1-307 - Temporary permit—Fees.

Where for good and sufficient cause it is necessary to have electricity on any installation before the final inspection certificate can be issued, the city may, if all parts to which currents are applied are in a safe and satisfactory condition, issue a temporary permit. However, before the temporary permit is issued, the party requesting it shall pay to the city the fee as provided in the fee schedule. The temporary permit shall be in force for a period of thirty (30) calendar days from its date of issue. Two succeeding additional thirty (30) calendar day permits may be issued with the

payment of appropriate fees as provided in the fee schedule. No more than three temporary permits may be issued.

4-3-1-308 - Denial of permit—Certificate of inspection.

A. The code official shall have and is hereby given the authority to refuse to issue a permit for the installation of electrical facilities in or on any building when, in his estimation, the wiring done or proposed to be done is unsafe or not in accordance with the provisions of this article. If after a permit is issued and the electrical work installed under such permit for any reason does not comply with the regulations of this article, a certificate of inspection will not be issued.

B. No electric light or power company shall connect to any electrical facilities of any kind whatsoever until furnished with a certificate of inspection or a permit for such connection duly executed by the electrical inspector. All electric light or power companies, whether operating under a regular franchise granted by the city or not, shall, upon written notice from the code official or electrical inspector, disconnect from any circuit or service designated by the notice.

C. The electrical inspector shall enforce all the provisions of this article whenever he shall be notified by any citizen of any violation of this chapter or of the existence of any dangerous or defective electrical facilities, he shall make an investigation thereof without delay.

D. Whenever any electrical facilities are found by the electrical inspector to be unsafe or defective or in an insecure condition, he shall notify the owner or person in control thereof, in writing, to repair or remove the defective facilities, and upon such person's failure to repair or remove same within such time as the inspector may deem necessary, which time shall be stated in such notice, the inspector shall cause the service connected to such facilities to be discontinued.

4-3-1-309 - Wiring protection - When inspected.

A. No owner, contractor or worker shall in any manner interfere with any electrical facilities being installed in or on any building. If in the course of the erection of a building the facilities are in such a position as to interfere with its erection or completion as called for by the plans, notice shall be immediately given to the person installing the facilities, and the needed change shall be made by such person upon approval for such modification by the electrical inspector. Upon inspecting the electrical facilities of any building, the electrical inspector shall leave notice in the form of a tag or label attached to the electrical facilities. The notice shall clearly state whether the electrical facility is approved or is to be kept open for corrections; and no person shall lath, ceil or in any way conceal any electrical facility until he is informed and knows that such wiring has been approved.

B. The electrical inspector shall furnish such person or licensed electrical contractor with a "rough in" inspection certificate, which shall state that such electrical facility is approved only so far as "roughing-in" is concerned, and that it is not the final certificate, and does not entitle the electric light or power company to connect its service to electrical facilities. A "final" inspection certificate entitling the electric light or power company to connect its service to

electrical facilities shall be furnished only after all fixtures are in place and final inspection made.

C. The electrical inspector shall in all cases inspect any electrical facility within the corporate limits of the city within twenty-four (24) hours of receipt of written notice from the electrical contractor that the work is completed (holidays and Sundays shall not be included in this time). All steam fitting, furnace work, gas fittings and telephone wiring which are to be concealed shall be placed before the electrical facilities are completed. No wiring will be considered as complete until the work is in place.

4-3-1-310 - Liability for defective wiring.

No person owning, operating or installing any electrical facilities shall be relieved from liability for damage to any person injured by any defect therein, nor shall the city or any agent of the city be held as assuming any such liability by reason of the inspection authorized herein or the certificate of inspection by the electrical inspector.

4-3-1-311 - Changes in wiring—Duty of owner—Inspection.

When any alterations or changes are made in the wiring of any building or any new wires or electrical facilities are installed, the person doing or having such work done shall notify the electrical inspector in writing of such installation immediately after completing the work. On receipt of such notice, the inspector shall inspect the work as herein provided. On business blocks, hotels and apartment houses, an inspection will be made of different sections of the work in connection with the construction of the building.

4-3-1-312 - Wires outside building inspected.

All electric wires not included within buildings may be inspected by the electrical inspector at least once each year. Where such lines are in dangerous condition, the person owning, using or operating them shall be notified in writing to place them in a safe and secure condition forthwith. Any person failing or refusing, within forty-eight (48) hours after such notice, to make the necessary repairs or changes, and have the work completed within ten (10) calendar days after receipt of such notice, upon conviction thereof shall be punishable as provided in this code. Each separate day or any portion thereof during which any violation of this code occurs or continues shall be deemed to constitute a separate offense.

4-3-1-313 - Certificates of inspection.

On the completion of the work covered by a permit, and to the satisfaction of the electrical inspector, the electrical inspector shall issue a certificate of inspection certifying that the work is in accordance with the rules governing the respective class to which it belongs, as specified in this article. Whenever a permit is issued for an addition to old work, which does not conform to the rules laid down in this article, he shall thereupon issue a statement that the new work complies with

the rules but that a certificate cannot be issued owing to its condition with the old work which does not comply with the rules. If the old work is safe, in the judgment of the electrical inspector, a written permit may be given by him, as heretofore stated, to the electric light or power company to connect with such work.

4-3-1-314 - Right of entry.

A. Whenever it is necessary to make an inspection to enforce the provisions of this article, or whenever the code official has reasonable cause to believe that there exists in any building or upon any premises any conditions or violations of this article which make the building or premises unsafe, dangerous or hazardous, the code official shall have the authority to enter the building or premises at all reasonable times to inspect or perform the duties imposed upon the code official by this article. If such building or premises is occupied, the code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the code official shall have recourse to every remedy provided by law to secure entry.

B. When the code official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as is herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

4-3-1-315 - Protection of public property.

Nothing contained in this article shall be construed as granting permission for excavation in streets, alleys or sidewalks or other public grounds of the city, without full compliance with all laws and ordinances of the city covering excavations in the streets and other public grounds of the city.

4-3-1-316 - Labeling and listing required—Defined.

A. No person shall sell or offer for sale any electrical equipment or materials that are not labeled and listed. For the purpose of this section:

1. "Labeled" means equipment or materials having a label, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of production of labeled equipment or materials and by whose labeling is indicated compliance with nationally recognized standards or tests to determine suitable usage in a specified manner; and

2. "Listed" means equipment or materials included in a list published by a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of production of listed equipment or

materials, and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner.

4-3-1-317 - Penalty.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in the city's code of ordinances, or by revocation of the registration certificate, or by both such punishment and revocation.

4-3-1-318 - Right of appeal.

Any person aggrieved by any decision or interpretation by the code official may appeal to the Building Development Appeal Board as referenced in this chapter. The application for the appeal shall be filed on a form obtained from the code official and shall be filed with the city clerk within twenty (20) calendar days after notice of adverse decision has been given.

4-3-1-319 - All work to be inspected.

All work requiring a permit by this code shall be inspected by the appropriate city official to ensure compliance with all the requirements of this code. Inspections shall be subject to an inspection fee as provided in the fee schedule.

4-3-2 - Electrical Contractors and Electricians Registration.

4-3-2-331 - Registration required—Regulations.

A. No person, on behalf of himself or of an electrical partnership, firm, corporation or business trust, shall conduct, carry on or engage in, by advertisement or otherwise, any electrical work within the city, without first having had issued to him a valid electrical contractor's license by the Oklahoma Construction Industries Board and a valid electrical contractor's registration certificate issued by the city unless he is a qualified homeowner as set forth herein.

B. It shall be unlawful for any person to labor at the electrical trade in the capacity of an electrical journeyman within the city without first having had issued to him a valid journeyman electrician's license issued by the Oklahoma Construction Industries Board.

C. It shall be unlawful for any person to labor at the electrical trade in the capacity of an electrical apprentice within the city without first having had issued to him a valid apprentice electrician registration certificate by the Oklahoma Construction Industries Board.

D. A partnership, firm, corporation or business trust may only engage in the electrical business within the city through one bona fide member of the partnership or firm, or one officer of the corporation or business trust, who has legal authority to act for such partnership, firm, corporation or business trust, and who carries and holds a registration certificate as an electrical contractor as required by this article. In the event the person or member holding the

certificate should leave or sever his connection with or lose his status as a member or officer of the partnership, firm, corporation or business trust the right of the partnership, firm, corporation or business to do contracting shall cease within ten (10) calendar days and they or it must qualify under and comply with the terms of this code before any further or other business is conducted or done; except in the event of the death of the holder of the license or in the event the license holder is called for, and while he is serving in the armed forces of the United States, such firm, partnership, corporation or business trust, may continue to engage in the electrical business for a period of not to exceed six months from such death or call to service, provided all fees required by this code shall be paid and kept in full force, and that a duly registered electrical contractor shall assume in writing the supervision of such work within ten (10) calendar days.

E. Every person engaged in the electrical business or operating under a state license and city certificate of registration as an electrical contractor within the city shall maintain a telephone listed with the telephone company as a business telephone.

F. Any permit required by this article may be issued to any person to do any work regulated by this article in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, in the event that any such person is the bona fide owner of any such dwelling and accessory buildings and quarters, and that such are occupied by the owner. However, the owner shall perform all labor in connection therewith personally and the owner shall purchase all material personally.

State Law reference— Electrical licensing act, 59 O.S. Secs. 1680 et seq.

4-3-2-332 - Application for electrical registration certificate.

A. Any person who is required to possess an electrical certificate of registration shall make application therefor to the city on application forms provided for that purpose by the city and pay the fee as required.

B. Every person applying for an electrical registration certificate shall, upon acceptance of his qualifications by the city, at the time he makes such application, pay to the city the fees as provided in the fees schedule.

4-3-2-333 - Issuance of electrical registration certificate.

A. The city shall issue electrical certificates of registration pursuant to the following provisions:

An electrical contractor's certificate shall be issued to every person who makes application for such certificate, pays the required fee, and presents a valid license issued by the Oklahoma Construction Industries Board for contractor status.

4-3-2-334 - Expiration of certificates of registration—Renewal.

A. Every electrician's registration certificate authorized by this chapter shall remain in force and effect until its expiration date unless revoked. All electricians' certificates shall expire annually on the month in which the State license expires.

B. No applicant for renewal or initial registration certificate may engage in any electrical work in the city without issuance of the certificate required herein. All registration certificates authorized by this code, except those that have been revoked may be renewed from year to year upon request and payment of the required renewal fee. If the renewal of a registration is not requested and the required fee paid within thirty (30) days of expiration a new application shall be required.

4-3-2-335 - Denied renewal—Revocation of electrician's certificate of registration.

A. The code official or the Building Development Appeal Board may revoke or deny renewal of any city issued electricians' certificate of registration if such electrician demonstrates or has recurrently demonstrated incompetence or lack of knowledge in matters relevant to such certificate, has repeated violations of state statutes or city codes, fails to perform normal business obligations without just cause, if such certificate was obtained by fraud, or if the license issued to the electrician by the Oklahoma Construction Industries Board is revoked. However, the filing of an appeal to such renewal denial, suspension or revocation shall temporarily stay these actions until such time as the appeal action is completed.

B. Certificates denied renewal or revoked by the code official that are appealed to the Building Development Appeal Board shall be handled by the board as if the initial action was taken by the board, that being a review held and action for renewal, reinstatement or revocation of certificate.

C. Certificates are not transferable from one person to another, and the lending of any certificate or the obtaining of permits thereunder for any other person shall be deemed cause for revocation.

4-3-2-336 - Display of state license number and firm name.

All contractors or firms shall, on all vehicles used to transport materials and tools in the operation of the business, display the firm name and the state license number bearing the initials "OK" preceding that number issued by the Oklahoma Construction Industries Board. Such names and license numbers shall be printed in letters and numerals at least two (2) inches high in a conspicuous location on both sides of each vehicle in a contrasting color to the background color.

Section 4-4 - MECHANICAL CODE AND REGULATIONS

4-4-1 - General Provisions.

4-4-1-401 - Adoption of International Mechanical Code, 2015 edition—Incorporation by reference—Filing of copy with the city clerk.

The city hereby adopts the International Mechanical Code, 2015 Edition, current editions and as updated and amended by the Oklahoma Uniform Building Code Commission (OUBCC), including as modified by the OUBCC as set forth in Title 748, Chapter 20 of the Oklahoma Administrative Code, more specifically Sections 748:20-13-1 to 748:20-13-11, hereinafter referred to as the "mechanical code," at least one copy of which is on file in the office of the city clerk. Such code is hereby adopted and incorporated and shall be in full force and effect within the city to the same extent as if set forth in full in this section. A violation of any provision of such code shall constitute a misdemeanor and shall be punished as provided in the Code of Ordinances of the City of Comanche.

4-4-1-402 - Amendments to the International Mechanical Code, 2015 edition.

A. Section 101.1 entitled "Title" is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Mechanical Code of Comanche, Oklahoma, hereinafter referred to as the "mechanical code".

B. Section 106.5.2 entitled "Fee schedule" is hereby amended to read as follows:

106.5.2 Fee schedule. The fees for mechanical work shall be in accordance with the fee schedule of the Comanche City Code.

C. Section 108.4 entitled "Violation Penalties" is hereby amended to read as follows:

108.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall upon conviction, be punishable as provided in the Comanche City Code. Each separate day or any portion thereof during which any violation of the mechanical code occurs or continues shall be deemed to constitute a separate offense.

D. Section 108.5 entitled "Stop work orders" is hereby amended to read as follows:

108.5 Stop work orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall issue a verbal stop work order at which time the work shall immediately cease. The code official shall thereafter issue a written stop work order. Any person who continues any work on the system after having been served with a verbal or written stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall upon conviction be punishable as provided in the Comanche City Code. Each separate day or any portion thereof during which any violation of the mechanical code occurs or continues shall be deemed to constitute a separate offense.

E. Section 109.1 entitled "Application for Appeal" is hereby amended to read as follows:

109.1 Application for Appeal. A person shall have the right to appeal a decision of the code official to the Building Development Appeal Board. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed with the city clerk on a form obtained from the code official within twenty (20) calendar days after the notice was served.

4-4-1-403 - Provisions declared to be minimum requirements.

The provisions of the International Mechanical Code, 2015 edition, in their interpretation and application shall be held to be minimum requirements adopted for the promotion of public health, safety and general welfare. Wherever any of the provisions or requirements of the mechanical code are inconsistent with the provisions of the city code or state statutes the provisions or requirements containing the most restrictive regulation shall apply and govern.

4-4-1-404 - Reserved.

4-4-1-405 - Reserved.

4-4-1-406 - Adoption of International Fuel Gas Code, 2015 edition—Incorporation by reference—Filing of copy with the city clerk.

The city hereby adopts the International Fuel Gas Code, 2015 Edition, current editions and as updated and amended by the Oklahoma Uniform Building Code Commission (OUBCC), including as modified by the OUBCC as set forth in Title 748, Chapter 20 of the Oklahoma Administrative Code, more specifically Sections 748:20-11-1 to 748:20-11-10, hereinafter referred to as the "fuel gas code," at least one copy of which is on file in the office of the city clerk. Such code is hereby adopted and incorporated and shall be in full force and effect within the city to the same extent as if set forth in full in this section. A violation of any provision of such code shall constitute a misdemeanor and shall be punished as provided in the Code of Ordinances of the City of Comanche.

4-4-1-407 - Amendments to the International Fuel Gas Code, 2015 edition.

A. Section 101.1 entitled "Title" is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Fuel Gas Code of Comanche, Oklahoma, hereinafter referred to as the "fuel gas code."

B. Section 106.6.2 entitled "Fee schedule" is hereby amended to read as follows:

106.6.2 Fee Schedule. The fees for work shall be in accordance with the fee schedule of the Comanche City Code.

C. Section 108.4 entitled "Violation Penalties" is hereby amended to read as follows:

108.4 Violation penalties. Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, construct, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall upon conviction, be punishable as provided in the Comanche City Code. Each separate day or any portion thereof during which any violation of this code occurs or continues shall be deemed to constitute a separate offense.

D. Section 108.5 entitled "Stop work orders" is hereby amended to read as follows:

108.5 Stop work orders. Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall issue a verbal stop work order at which time the work shall immediately cease. The code official shall thereafter issue a written stop work order. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall upon conviction be punishable as provided in the Comanche City Code. Each separate day or any portion thereof during which any violation of this code occurs or continues shall be deemed to constitute a separate offense.

E. Section 109.1 entitled "Application for Appeal" is hereby amended to read as follows:

109.1 Application for Appeal. A person shall have the right to appeal a decision of the code official to the Building Development Appeal Board. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The application shall be filed with the city clerk on a form obtained from the code official within twenty (20) calendar days after the notice was served.

4-4-1-408 - Provisions declared to be minimum requirements.

The provisions of the International Fuel Gas Code, 2015 edition, in their interpretation and application shall be held to be minimum requirements adopted for the promotion of public health, safety and general welfare. Wherever any of the provisions or requirements of the fuel gas code are inconsistent with the provisions of the city code or state statutes, the provisions or requirements containing the most restrictive regulation shall apply and govern.

4-4-1-409 - Violations and penalties.

A. Any person, firm or corporation violating any provisions of this code shall, upon conviction, be punishable as provided by this code or by revocation of the applicable city registration

certificate. Each separate day or any portion thereof during which any violation of this code occurs or continues shall be deemed to constitute a separate offense.

B. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid except insofar as the work or use which it authorized is lawful. The issuance or granting of a permit or approval of plans shall not prevent the building official from thereafter requiring the correction of errors in the plans and specifications or from preventing construction operations being carried on thereunder when in violation of this code or any other ordinance or from revoking any certificate of approval when issued in error.

4-4-1-410 - To whom permits may be issued.

A. No permit shall be issued to any person to do or cause to be done any work regulated by this article except to a person holding a valid Plumbing and/or Mechanical contractor's license registration as required by this article, or to a qualified homeowner as set forth herein.

B. Any permit required by this article may be issued to any person to do any work regulated by this article in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings in the event that any such person is the bona fide owner of any such dwelling and accessory buildings and quarters, and the premises on which such dwellings, accessory buildings or quarters are located, and that the same are occupied by the owner, provided, that the owner shall personally purchase all material and shall personally perform all labor in connection therewith. Any person desiring a permit required by this article shall, at the time of filing an application therefor, pay a fee as required by this article in the city's schedule of fees and charges.

4-4-1-411 - All work to be inspected.

All work requiring a permit by this code shall be inspected by the appropriate city official to ensure compliance with all the requirements of this code. Inspections shall be subject to an inspection fee as provided in the fee schedule.

4-4-2 – REGISTRATION.

4-4-2-421 - Definitions.

A. As used in this division, the following terms shall have the meanings ascribed to them in this section:

1. "Mechanical contractor" shall mean any person skilled in the planning, superintending and practical installation of mechanical systems and is familiar with the laws, rules and regulations governing the same. This definition may be construed to mean any person who has qualified and is licensed under the Oklahoma State Mechanical Law, who may operate as an individual, a firm, partnership or corporation to engage in the mechanical business,

or the business of contracting to do, or furnish labor and/or labors and materials for, the installation, repair, maintenance or renovation of mechanical systems, according to the requirements of the Oklahoma State Mechanical Licensing Law.

2. "Mechanical journeyman" shall mean any person who performs the manual work of installing mechanical equipment under the direction of a mechanical contractor. This definition may be construed to mean any person who has qualified and is licensed under the Oklahoma State Mechanical Licensing Law to act as a mechanical journeyman according to the requirements of the Oklahoma State Mechanical Licensing Law.

3. "Mechanical apprentice" shall mean any person sixteen (16) years of age or older whose principal occupation is learning mechanical work on the job under the direct supervision of a journeyman or contractor.
4. "Mechanical work" means the installation, maintenance, repair, or renovation, in whole or in part, of any heating system, cooling system, mechanical refrigeration system or ventilation system or any equipment or material including process piping used in the installation, maintenance, repair, or renovation of such systems; provided that minor repairs are excluded.

State Law reference— State Mechanical License Act, 59 O.S. Secs. 1850.1 et seq.

4-4-2-422 - License and registration required.

A. No person, on behalf of himself or of a mechanical partnership, firm, corporation or business trust, shall conduct, carry on or engage or offer to conduct, carry on or engage in, by advertisement or otherwise, any mechanical work within the city without first having had issued to him a valid mechanical contractor's license by the Oklahoma Construction Industries Board and a valid contractor's registration certificate issued by the city unless he is a qualified homeowner as set forth herein.

B. It shall be unlawful for any person to labor at the mechanical trade in the capacity of a mechanical journeyman within the city without first having had issued to him a valid mechanical journeyman license by the Oklahoma Construction Industries Board.

C. It shall be unlawful for any person to labor at the mechanical trade in the capacity of a mechanical apprentice within the city without first having had issued to him a valid mechanical apprentice license by the Oklahoma Construction Industries Board.

D. Each new installation, servicing, alteration or repair job shall be performed by a registered mechanical contractor or technician on each installation regulated by this article except as provided in subsection B of Section 6-405 of this code. A mechanical contractor or mechanical journeyman is authorized in existing structures only, when replacing an air conditioning condensing unit, to disconnect and reconnect the power to the unit provided that the electrical service meets the current electrical codes. Under no circumstances shall the contractor or mechanical journeyman be authorized to work between the disconnect box and the power

main. In other cases an electrical contractor shall be required to disconnect and reconnect the system and modify the electrical system to the standards of the electrical code.

E. A partnership, firm, corporation or business trust may only engage in the contracting business, as regulated by this article, through one bona fide member of the partnership or firm, or one officer of the corporation or business trust, who has legal authority to act for such partnership, firm, corporation or business trust and who carries and holds a registration certificate as a contractor as required by this article. In the event the person or member holding the certificate and or bond should leave or sever his connection with or lose his status as a member or officer of the partnership, firm, corporation or business trust the right of the partnership, firm, corporation or business trust to do contracting shall cease within ten (10) calendar days, and they, or it, must qualify under and comply with the terms of this code before any further or other business is conducted or done; except that in the event of the death of the holder of the license, or in the event the license holder is called for, and while he is serving in the armed forces of the United States, such firm, partnership, corporation or business trust may continue to engage in the contracting business for a period of not to exceed six months from such death or call to service, provided that all fees required by this code shall be paid and kept in full force and that a duly registered contractor assumes, in writing, the supervising of such work within ten (10) calendar days.

F. Every person engaged in the mechanical business or operating under a state license and a city registration certificate as a mechanical contractor within the city shall maintain a telephone listed with the telephone company as a business telephone.

G. Any permit required by this article may be issued to any person to do any work regulated by this article in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, in the event that any such person is the bona fide owner of any such dwelling and accessory buildings and quarters, and that such are occupied by the owner. However, the owner shall perform all labor in connection therewith personally and the owner shall purchase all material personally.

4-4-2-423 - Application for mechanical registration certificate.

Any person who is required by this code to possess a mechanical contractor's certificate of registration shall make application therefor to the city on application forms provided for that purpose by the city and pay the fee as required.

4-4-2-424 - Registration fee.

Every person applying for a city mechanical contractor's certificate shall, upon acceptance of his qualifications by the city at the time he makes such application, pay to the city the fees as provided in the fee schedule.

4-4-2-425 - Issuance of registration certificates.

The code official shall issue registration certificates pursuant to the following provisions:

A mechanical contractor's registration certificate shall be issued to every person who makes an application for such registration certificate, pays the required fee, and presents a valid license issued by the Oklahoma Construction Industries Board for mechanical contractor status in the classifications qualified for.

4-4-2-426 - Expiration of registration certificates—Renewal.

A. All registration certificates authorized by this code shall remain in force and effect until their expiration date unless revoked. All classifications of registration certificates provided for herein shall annually on the month in which the state license expires.

B. No applicant for renewal or initial registration certificate may engage in any mechanical work in the city without issuance of the certificate required herein. All registration certificates authorized by this code, except those that have been revoked, may be renewed from year to year upon request and payment of the required renewal fee. If the renewal of a registration is not requested and the required fee paid within thirty (30) days of expiration a new application shall be required.

4-4-2-427 - Renewal denial, revocation of certificates.

A. The code official or the building development appeals board may revoke or deny renewal of any city issued mechanical registration certificate if the holder of such registration certificate demonstrates or has recurrently demonstrated incompetency or lack of knowledge in matters relevant to such certificate, if such certificate was obtained by fraud or if the license issued by the Oklahoma Construction Industries Board is revoked. However, the filing of an appeal to such renewal denial or revocation shall temporarily stay these actions until such time as the appeal action is completed.

B. Certificates denied renewal or revoked by the code official that are appealed to the Building Development Appeal Board shall be handled by the board as if the initial action was taken by the board, that being a review held and action taken for renewal, reinstatement or revocation of certificate.

C. Certificates are not transferable from one person to another, and the lending of any certificate or the obtaining of permits thereunder for any other person shall be deemed cause for revocation.

4-4-2-428 - Display of state license number and firm name.

All contractors or firms shall, on all vehicles used to transport materials and tools in the operation of the business, display the firm name and the state license number bearing the initials "OK" preceding that number issued by the Oklahoma Construction Industries Board. Such names and license numbers shall be printed in letters and numerals at least two (2) inches high in a conspicuous location on both sides of each vehicle in a contrasting color to the background color.

Section 4-5 - PROPERTY MAINTENANCE CODE, EXISTING BUILDING CODE AND REGULATIONS

4-5-1 - Property Maintenance Code.

4-5-1-501 - Adoption of International Property Maintenance Code, 2015 edition—Incorporation by reference—Filing of copy with the city clerk.

The city hereby adopts the International Property Maintenance Code, 2015 Edition, at least one copy of which is on file in the office of the city clerk. Such code shall be in full force and effect within the city to the same extent as if set forth in full in this section. A violation of any provision of such code shall constitute a misdemeanor and shall be punished as provided in the Code of Ordinances of the City of Comanche.

4-5-1-502 - Summary of International Property Maintenance Code, 2015 edition.

The International Property Maintenance Code, 2015 edition, establishes minimum standards governing the conditions and maintenance of all structures and dwellings; establishes minimum standards governing supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; establishes minimum standards governing the condition of dwellings offered for rent; fixes certain responsibilities and duties of owners and occupants of structures, and the condemnation of dwellings unfit for human habitation and the demolition of such dwellings and structures; and fixes penalties for violations.

4-5-1-503 - Amendments to International Property Maintenance Code, 2015 edition.

The International Property Maintenance Code, 2015 edition, is hereby amended, revised and supplemented as follows:

A. Section 101.1 entitled "Title" is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of Comanche, Oklahoma, hereinafter referred to as the "property maintenance code".

B. Section 106.4 entitled "Violation Penalties" is hereby amended to read as follows:

106.4 Violation Penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall upon conviction be subject to a penalty as provided in the Comanche City Code. Each separate day or any portion thereof during which any violation of this property maintenance code occurs or continues shall be deemed to constitute a separate offense.

C. Section 107.1 entitled "Notice to person responsible" is hereby amended to read as follows:

107.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this property maintenance code or has grounds to believe that a violation has occurred, or whenever the governing body has condemned any structure or equipment under the provisions of Section 108, notice shall be given in the manner prescribed herein or in accordance with applicable state statutes to the person responsible for the violation as specified in the property maintenance code. The code official shall give notice to the owner and to the occupants of the intent to placard and to vacate the property or to order equipment out of service.

D. Section 107.3 entitled "Method of service" is hereby amended to read as follows:

107.3 Method of service. Notice of violations shall be deemed to be properly served upon the owner if copy thereof is delivered to the owner personally, by leaving the notice at the usual place of abode, by mail addressed to the owner at the last known address, or by posting a copy thereof in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent, or upon the person responsible for the structure, shall constitute service upon the owner. Notice of condemnation of building structures shall be served in accordance with applicable state statutes.

E. Section 108.1 entitled "General" is hereby amended to read as follows:

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of state statutes and shall be placarded and vacated. It shall not be reoccupied without the approval of the code official. Unsafe equipment shall be placarded and placed out of service.

F. Section 108.1.6 entitled "Dilapidated Buildings" is hereby enacted to read as follows:

108.1.6 Dilapidated building is:

1. a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety or welfare of the general public;

2. a structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health, safety and welfare of the general public;

3. a structure which is determined by the municipal governing body or administrative officer of the municipal governing or administrative officer of the municipal governing body to be an unsecured building, as defined by paragraph 108.2.1.1 of this section, more than three (3) times within any twelve-month period;

4. a structure which has been boarded and secured as defined by paragraph 108.2.1.2 of this section, for more than eighteen (18) consecutive months; or

5. a structure declared by the municipal governing body to constitute a public nuisance.

G. Section 108.1.7 entitled "Post emergency event reconstruction" is hereby enacted to read as follows:

108.1.7 Post emergency event reconstruction. A structure which becomes unsafe or unfit for human occupancy due to an emergency event such as but not limited to wind, fire or flood, must be permitted for reconstruction within ninety (90) days of the event. The initial permit for reconstruction shall be as provided in Section 6-1-1-108(G) of the code. Boarding and securing and/or emergency stabilization of damaged buildings must be accomplished immediately upon release of access control to the owner or person or persons responsible for the property. If the property is not boarded and secured then action as outlined in Section 108.2 shall be taken.

H. Section 108.2 entitle "Closing of vacant structures" is hereby amended to read as follows:

Section 108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance.

I. Section 108.2.1.1 entitled "Definitions" is hereby enacted to read as follows:

108.2.1.1 Definitions.

1. "Unsecured structure or building" means any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar hatchways, unlocked basement or cellar hatchways or other similar unsecured openings which would facilitate an unauthorized entry into the structure.

2. "Boarding and securing" means the closing of an unsecured structure or building as prescribed herein. All exterior openings including doors, windows, basement or cellar hatchways, and holes in exterior walls shall be covered with a minimum of one-half (½) inch exterior sheeting, affixed to the structure with wood screws. All such covering shall be painted with a minimum of one prime coat and one exterior coat which harmonize with the color of the structure. If an access door is required, the front door may be used for this purpose, however, the door lock on the front door must be in good repair and capable of securing the door. Exterior sheets shall not be required on garage doors provided that the garage door has no holes or breaks and may be firmly secured to prevent entry.

J. Section 108.3 entitled "Notice" is hereby amended to read as follows:

108.3 Notice. Whenever the code official or the governing body has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment, as well as any mortgage holders. The code official shall give the owner, person responsible for the property and any mortgage holders ten (10) calendar days' notice to secure the structure; such notice shall be given by first-class mail with the City obtaining a receipt of mailing from the postal service, which receipt shall indicate the date of mailing, and the name and address of the addressee. A copy of the notice and administrative order shall also be posted on the property affected.

K. Section 108.4 entitled "Placarding" is hereby amended to read as follows:

108.4 Placarding. After the condemnation notice required under the provisions of state statutes had resulted in an order by virtue of failure to comply within the time given, the code official shall post on the premises or structure or parts thereof, or on defective equipment, a placard bearing the words: "Condemned as unfit for human occupancy or use," and a statement of the penalties provided for any occupancy or use or equipment use or for removing the placard. The owner of the person or persons responsible for the correction of violations shall have removed themselves from the property on failure to comply with the correction order in the time specified, but other occupants shall be given a reasonable time thereafter to vacate.

L. Section 108.8 entitled "Written consent to securing" is hereby enacted to read as follows:

108.8 Written consent to securing. The owner may give written consent to the municipality authorizing the boarding and securing of such unsecured building and to the payment of any costs incurred thereby. By giving said written consent, the owner waives the right to a hearing by the governing body or administrative officer.

M. Section 108.9 entitled "Appeals of administrative orders" is enacted to read as follows:

108.9 Appeals of administrative order. A property owner or mortgage holder may appeal to the governing body the administrative order to board or secure an unsecured building or structure by filing a written notice with the city clerk within ten (10) calendar days after the administrative order is rendered. The date of the hearing of the appeal shall be set by the governing body. The filing of an appeal from the administrative order to the governing body shall stall all actions regarding furtherance of the order until the appeal can be heard.

N. Section 108.10 entitled "Assessment of costs" is enacted to read as follows:

108.10 Assessment of costs. If the owner or mortgage holder fails to board or secure the unsecured building or structure as specified in the administrative order of the administrative officer or governing body, the municipality may cause the boarding or securing of the unsecured building and the costs of such work assessed against the real property.

1. After the administrative officer or governing body orders the boarding and securing of such unsecured building, the city clerk shall immediately file a notice of unsecured building and lien with the county clerk describing the property, stating the findings of the municipality at the hearing at which such building was determined to be unsecured and stating that the municipality claims a lien on said property for the costs of boarding and securing such building and that such costs are the personal obligation of the property owner from and after the date of filing said notice.

2. Pursuant to the order of the administrative officer or the governing body if appealed, the agents of the municipality are granted the right of entry onto the property for the performance of the boarding and securing of such building and for the performance of all necessary duties as governmental functions of the municipality.

3. After an unsecured building has been boarded and secured, the building official shall determine the actual costs of such actions and any other expenses that may be necessary in conjunction therewith. The city clerk shall forward a statement of the actual costs attributable to the boarding and securing of the unsecured building and a demand for such payment of such costs to any property owners and mortgage holders as provided in Section 108.3 of this Code.

4. If a municipality boards and secures any unsecured building, the cost to the property owner shall not exceed the actual cost of the labor, materials, and equipment required for the performance of such action. If such actions are done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

5. When payment is made to the municipality for costs incurred, the city clerk shall file a release of lien, but if payment attributable to the actual costs of the boarding and securing of the unsecured building is not made within thirty (30) calendar days from the date of the mailing of the statement to the owner of such property, the city clerk shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property is located. Said costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. The costs and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. Said lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The municipality, in addition to other means of collection, may pursue any civil remedy for collection of the amount owing and interest thereof. Upon receiving payment, the city clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

O. Section 110.1 entitled "General" is hereby amended to read as follows:

110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that the governing body has declared that is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure, or where utilities required to make a structure habitable have not been provided for a period of more than one year to cause an inspection by the code official to determine if the structure is fit for human habitation or occupancy.

P. Section 110.1.1 entitled "Unreasonable repairs" is hereby enacted to read as follows:

110.1.1 Unreasonable repairs. Wherever the governing body determines that the cost of such repairs would exceed fifty percent (50%) of the current value of such structure, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this section that such structure is a public nuisance which shall be ordered razed without option on the part of the owner to repair.

Q. Section 110.3 entitled "Failure to comply" is hereby amended to read as follows:

110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the governing body or other designated officer shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private person, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

R. Sections 110.4 entitled "Salvage materials", 111.2 entitled "Membership of board", 111.2.1 entitled "Alternate members", 111.2.2 entitled "Chairman", 111.2.3 entitled "Disqualification of member", 111.2.4 entitled "Secretary", 111.2.5 entitled "Compensation of members", 111.3 entitled "Notice of meeting", 111.4 entitled "Open Hearing", 111.5 entitled "Postponed hearing", 111.6 entitled "Board decisions", 111.7 entitled "Court Review" are hereby deleted.

S. Section 301.4 entitled "Storage areas" is hereby enacted to read as follows:

301.4 Storage areas. All approved open salvage yards and open storage areas shall be completely obscured from surrounding property by a solid screen not less than six feet (1829 mm) in height except as provided by the Comanche City Code. Storage of debris, junk or construction materials which are not associated with an approved use or permitted construction at that site, shall be prohibited.

4-5-1-504 - Enforcement.

The official designated as being responsible for the enforcement of the International Property Maintenance Code shall be the code official. Those things specified in said 2015 edition code shall be performed by the code official.

4-5-1-505 - Provisions declared to be minimum.

The provisions of the International Property Maintenance Code, 2015 edition, in their interpretation and application, shall be held to be minimum requirements adopted for the promotion of public health, safety and general welfare. Wherever any of the provisions or requirements of the property maintenance code are inconsistent with the provisions of the city code or state statutes, the provisions or requirements containing the most restrictive regulation shall apply and govern.

4-5-1-506 - Right of entry.

The code official or his representative and the members of the Building Development Appeal Board, in the discharge of their official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

4-5-1-507 - Permits required to reconstruct, remodel or demolish structures declared dilapidated.

A. Following a declaration by the city that a structure constitutes a dilapidated public nuisance no work shall be done by the owner or anyone else at the direction of the owner to abate said nuisance without the owner having first obtained from the city a permit to either reconstruct, remodel or demolish the dilapidated structure.

B. A permit to reconstruct, remodel or demolish a dilapidated structure must be obtained within the time period provided in the resolution of the city council declaring the structure a dilapidated public nuisance. Failure to timely obtain a permit may lead to the city summarily abating the public nuisance by demolishing the dilapidated structure.

C. No certificate of completion, certificate of occupancy or approval of the demolition of a dilapidated structure shall issue until:

    1. All remodeling or demolition work has been completed;

    2. All violations under the Property Maintenance Code affecting the property have been corrected;

    3. All costs incurred by the City in any abatement process related to the property, including court costs, costs of mailing, cost of lien filings, and the actual costs of abating any nuisance, have been paid in full;

    4. Payment of any outstanding municipal dilapidation, mowing or securing liens filed against the property on behalf of the City.

4-5-2 - Existing Building Code and Regulations.

4-5-2-221 - Adoption of International Existing Building Code, 2015 edition—Incorporation by reference—Filing of copy with the city clerk.

The city hereby adopts the International Existing Building Code, 2015 edition, including as modified by Oklahoma Uniform Building Code Commission (OUBCC) as set forth in Title 748, Chapter 15 of the Oklahoma Administrative Code, more specifically Sections 748:20-7-1 to 748:20-7-9, as and for the Existing Building Code of the City of Comanche regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including, but not limited to, historic buildings, as herein provided; providing for the issuance of permits and collections of fees; and each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code, at least one copy of which is on file in the office of the city clerk, are hereby referred to, adopted and made a part of hereof. Such code shall be in full force and effect within the city to the same extent as if set forth in full in this section. A violation of any provision of such code shall constitute a misdemeanor and shall be punished as provided in the Code of Ordinances of the City of Comanche.

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4-5-2-222 - Amendments to the International Existing Building Code, 2015 edition.

A. Section 101.1 entitled "Title" is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Existing Building Code of Comanche, Oklahoma, hereinafter referred to as "the existing building code".

B. Section 108.2 entitled "Schedule of permit fees" is hereby amended to read as follows:

108.2 Schedule of permit fees. On buildings, electrical, gas, mechanical, and plumbing systems or alternations requiring a permit, a fee for each permit shall be paid as required in accordance with the fee schedule of the Comanche City Code.

C. Section 112.1 entitled "General" is hereby amended to read as follows:

112.1 General. Any person shall have the right to appeal a decision of the code official to the Building Development Appeal Board, as referenced in this chapter. The request for an appeal shall be in the form of a letter and filed, with the code official, within twenty (20) calendar days after notice was served.

D. Section 112.3 entitled "Qualifications" is hereby repealed and that section number is reserved for further use.

E. Section 113.4 entitled "Violation Penalties" is hereby amended to read as follows:

113.4 Violation penalties. Any person who violates a provision of the existing building code or fails to comply with any of the requirements thereof or who repairs or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the code official or of a permit or certificate issued under the provisions of the existing

building code shall, upon conviction, be punishable as provided in the Comanche City Code. Each separate day or any portion thereof during which any violation of the Existing Building Code occurs or continues shall be deemed to constitute a separate offense.

F. Section 114.2 entitled "Issuance" is hereby amended to read as follows:

114.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume. Where an emergency exists, the code official shall issue a verbal stop work order at which time the work shall immediately cease. The code official shall thereafter issue a written stop work order. Any person who continues any work in or about the structure after having been served with a verbal or written stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall upon conviction be punishable as provided in the Comanche City Code. Each separate day or any portion thereof during which any violation of the existing building code occurs or continues shall be deemed to constitute a separate offense.

G. Section 114.3 entitled "Unlawful continuance" is hereby amended to read as follows:

114.3 Unlawful continuance. Any person who shall continue work after having been served with a verbal or written stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall upon conviction be punishable as provided in the Comanche City Code. Each separate day or any portion thereof during which any violation of the existing building code occurs or continues shall be deemed to constitute a separate offense.

4-5-2-223 - Provisions declared to be minimum requirements.

The provisions of the International Existing Building Code, 2015 edition, in their interpretation and application shall be held to be minimum requirements adopted for the promotion of public health, safety and general welfare. Wherever any of the provisions or requirements of the existing building code are inconsistent with the provisions of the city code or state statutes, the provisions or requirements containing the most restrictive regulation shall apply and govern.

4-5-2-224 - Violations and penalties.

A. Any person, firm or corporation violating any provision of the Existing Building Code shall, upon conviction, be punishable as provided by this code or by revocation of the applicable city registration certificate. Each separate day or any portion thereof during which any violation of the Existing Building Code occurs or continues shall be deemed to constitute a separate offense.

B. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of the Existing Building Code. No permit presuming to give authority to violate or cancel the provisions of the Existing Building Code shall be valid except insofar as the work or

use which it authorized is lawful. The issuance of granting of a permit or approval of plans shall not prevent the code official from thereafter requiring the correction of errors in the plans and specifications, or from preventing construction operations being carried on thereunder when in violation of the Existing Building Code or any other ordinance, or form revoking any certificate of approval when issued in error.

4-5-2-225 - To whom permits may be issued.

A. No permit shall be issued to any person to do or cause to be done any work regulated by this article except to a person holding a valid contractor's license registration as required by this article unless he is a qualified homeowner as set forth herein.

B. Any permit required by this article may be issued to any person to do any work regulated by this article in a single-family dwelling used exclusively for living purposes, including the usual accessory building and quarters in connection with such building in the event that any such person is the bona fide owner of any such dwelling and accessory buildings and quarters, and the premises on which such dwellings, accessory building or quarters are located, and that the same are occupied by the owner, provided, that the owner shall personally purchase all material and shall personally perform all labor in connection therewith. Any person desiring a permit required by this article shall, at the time of filing an application therefore, pay a fee as required by this article in the city's schedule of fees and charges.

4-5-2-226 - Change of occupancy/use and/or alterations within existing buildings.

A. A change of occupancy/use shall mean a change in the purpose or level of activity within a building that involves a change in application of the requirements of the most recently adopted version of the Existing Building Code.

B. No change shall be made in the occupancy/use of any building that would place the building in a different division of the same group of occupancies or in a different group of occupancies, unless such building is made to comply with the requirements of the most recently adopted version of the Existing Building Code for such division or group of occupancies. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of the most recently adopted version of the Existing Building Code for those groups, provided the new or proposed use is not more hazardous, based on life and fire risk, than the existing use.

C. Subject to the approval of the code official, when a change of occupancy/use occurs within an existing building, or when an existing building is undergoing alterations that do not include more than a limited structural alteration as defined in the most recently adopted version of the Existing Building Code, the codes that such change of occupancy/use or such alterations shall be made to comply with, are the codes in existence at the time the building or the affected portion of the building was built. This provision shall not apply to changes of occupancy/use from an existing occupancy/use that was not permitted by the City of Comanche, or to

buildings or portions thereof that were constructed or modified without first obtaining the required permits for same.

Section 4-6 - BUILDING CONTRACTOR'S REGISTRATION CERTIFICATE

4-6-1 - Building Contractors Registration Certificate.

4-6-1-601 - General provisions.

A. It shall be unlawful for any person to erect, move, add to, or structurally alter any building or other structure upon any lot or parcel of land within the City of Comanche without registering as either a building contractor or a residential structural building contractor with the City of Comanche. Prior to issuance of any building permit required by this chapter or the adopted building codes for the City of Contractor, the applicant for the permit shall have a valid building contractor or residential structural contractor registration certificate. A residential structural building contractor shall be defined as a person who is issued a building permit for new construction, remodel, or addition to an existing single-family or duplex residential structure. A building contractor shall be defined as a person who is issued a building permit for any work that is not covered by the residential structural contractor permit.

B. Persons who have a valid certificate for other specialized trades required by this code are not required to register as a building contractor or residential structural building contractor provided the work performed falls under the requirements of that trade certification.

C. Resident owners of property are not required to register as a building contractor or residential structural building contractor when performing work on their own property provided all work is performed by the owner, except for required specialized trade contractors who hold a valid certificate from the City of Comanche. This exemption does not relieve the owner from obtaining a building permit as required by this code.

D. It shall be unlawful for any building contractor to fail to ensure the licensing compliance of the specialized trade contractors they hire to perform work under the building contractor's building permit. The building contractor may therefore be cited at any time a specialized trade contractor performing work under said permit violates the licensing requirements of this code. Citation or prosecution of any specialized trade contractor for a licensing violation shall not be a prerequisite to prosecution of a building contractor under this provision.

4-6-1-602 - Method of registration.

A. Any person who is required by this article to possess a building contractor's registration certificate shall make an application to the City of Comanche on application forms provided for that purpose by the city.

B. When the applicant has had a building contractor's certificate revoked in the past or has shown a history of incompetency in matters pertaining to such license, or a lack of knowledge in matters to such license, or failed to perform normal business obligations, the application shall be denied and a hearing scheduled with the building development appeals board.

C. The lending of any certificate or the obtaining of permits thereunder for any other person shall be deemed cause for revocation. A Buildings Contractor Certificate issued by the city is not transferable, and violation of this provision is a cause for revocation in addition to other penalties in this code.

4-6-1-603 - Registration fee—Annual renewal fee.

A. The registration certificate and renewal fees shall be provided in the fee schedule of this code. Applicants for registration shall pay to the city the required registration certificate fee prior to its issuance. The fee shall be paid after all requirements are met.

B. The registration certificate shall expire annually on June 30.

C. Annual renewal of registration certificates shall be accomplished by payment of renewal fees as provided herein and documentation of meeting requirements provided herein.

D. The renewal application, appropriate documentation and fees must be received by the city on or before September 10 of each year hereafter, otherwise the applicant must proceed in the manner required for a new or initial applicant.

4-6-1-604 - Insurance requirements.

A. Each building contractor and residential structural building contractor who is defined in the Workers' Compensation Act, Title 85, Oklahoma Statutes 1992 Supp., Section 1 et seq. (the "Act") as an employer of employees as defined in the Act and not exempt, which contractor is registered under this article shall be required to document to the City of Comanche and to keep in force during the life of his registration, a workers' compensation insurance policy to protect the contractor's employees against occupational hazards and diseases as regulated and defined in the Act.

B. A Certificate of insurance for workers' compensation with the city named as a certificate holder from an insurance company duly licensed to do business in the State of Oklahoma or proof of exemption or own risk status shall be submitted with the application for registration to the city. Persons who are self-employed and do not fall under the jurisdiction of the Workers' Compensation Act are not required to submit a certificate of insurance. However, in lieu of the certificate of insurance requirement, the applicant must execute an affidavit certifying he is wholly self-employed and does not fall under the jurisdiction of the Workers' Compensation Act with proof of exemption. The city attorney will establish acceptable criteria for proof of exemption.

C. In addition, each residential structural building contractor who is obtaining a residential building permit as set forth in 11 O.S. § 43-109.2 (A) shall be required to document to the City of Comanche and to keep in force during the life of his registration, a general liability insurance policy in the minimum amount of fifty thousand dollars ($50,000.00). This provision shall not apply to a person or persons performing the construction or remodeling to his, her, or their own existing single-family or duplex structure on their own property, unless the modifications are being performed by and the permit acquired by a general contractor or subcontractor, in which case the general contractor or subcontractor shall meet the requirements set forth in this section.

D. A building permit shall be invalid and the City shall not be liable if the documentation provided is false or if the workers' compensation or general liability insurance lapses after the building permit is issued.

4-6-1-605 - Violation and penalties.

Any person violating any provisions of this code shall, upon conviction, be punishable as provided in this code. Each separate day or any portion thereof during which any violation of this article occurs or continues shall be deemed to constitute a separate offense.

4-6-1-606 - Administrative authority.

The code official shall administer this article and continue through the chain of authority that is in effect with applying or enforcing this article.

4-6-1-607 - Revocation of building contractor registration certificate.

A. The code official or the building development appeals board may revoke any city issued building contractor's registration certificate if the holder of such registration certificate shows incompetency or lack of knowledge in matters relevant to such certificate, fails to perform normal business obligations or if such certificate was obtained by fraud. The filing of an appeal to such revocation by the code official shall act as a stop to all actions regarding such revocation until such time as the appeal action is completed.

B. Certificates revoked by the code official that are appealed to the Building Development Appeal Board shall be handled by the board as if the initial action was taken by the board, that being a review held, and action for reinstatement of certificate or revocation of certificate.

Section 4-7 - TELECOMMUNICATION TOWERS AND INFRASTRUCTURES

4-7-1 - Telecommunication Towers and Infrastructures.

4-7-1-801 - Purpose.

A. The purpose of this article is to regulate the placement, construction and modification of antenna support structures, towers and telecommunication facilities used in support of personal wireless services, in order to protect the health, safety, and welfare of the public, while not unreasonably interfering with the development of any telecommunication system within the city.

B. Specifically, the purposes of this article are:

1. To direct the location of antenna support structures, towers and telecommunication facilities within the city;

2. To protect residential areas and land uses from potential adverse impact of antenna support structures, towers and telecommunication facilities;

3. To promote and encourage shared use and collocation of antennas on towers as a primary option rather than the construction of additional single-use towers;

4. To minimize adverse visual impacts of antenna support structures, towers and telecommunication facilities through careful design, siting, landscaping and innovative techniques;

5. To avoid potential damages to adjacent properties caused by antenna support structures, towers and telecommunication facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed;

6. To the greatest extent feasible, ensure that antenna support structures, towers and telecommunication facilities are compatible with surrounding land uses;

7. To ensure that the airspace of the city as regulated by the Federal Aviation Administration and the Airport Zoning Commission is protected and does not endanger the operation of fixed and rotary wing aircraft.

4-7-1-802 - Definitions.

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

1. "AGL" means the measurement of tower height "Above Ground Level" at the site the tower is placed;

2. "Airport Zoning Ordinance" means any regulations enacted by the Joint Airport Zoning Board pursuant to Title 3, Section 100 et seq. of the Oklahoma Statutes;

3. "Antenna" means a transmitting and/or receiving device used in telecommunications that radiates or captures a signal;

4. "Antenna support structure" means any structure that is or may be used for the support of antenna(s). An antenna support structure may include but is not limited to:

   (a) Buildings;

   (b) Towers constructed for the primary purpose of supporting an antenna; and

   (c) Other structures that may support antenna(s) ancillary to the primary purpose of the structure.

5. "Camouflaging techniques" means the use of paint, fencing, screening, landscaping or design to cause the blending architecturally and aesthetically to the area;

6. "Code official" means the person appointed by the city manager and designated as the city's building official;

7. "Legal non-conforming tower" means a tower erected prior to February 1, 1997 within the city that does not comply with all the requirements of this article;

8. "Personal Wireless Services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services; such as cellular, specialized mobile radio and personal communications services as defined in Section 704 of the Telecommunications Act of 1996;

9. "Telecommunication facility" means the antenna support structure, antenna, supporting equipment for the transmission and/or reception of radio signals that may include, but is not limited to shelter(s) for equipment, electric power generators and fences;

10. "Tower" means a structure designed primarily for the purpose of support of antenna(s) utilized for the transmission/reception of radio signals. This includes but is not limited to:

    (a) Self-supporting, or free-standing;

    (b) Guyed towers;

    (c) Monopole;

    (d) Lattice;

11. "Tower height" means the height calculated in conformance with Federal Communications Commission guidelines. All measurements to top of tower shall include any support structure that the tower may be placed on. All measurements shall be given as AGL.

4-7-1-803 - Applicability.

All antenna support structures, towers or telecommunication facilities used in support of personal wireless services, or any portion of which are located within the City of Comanche, are subject to the regulations of this article.

4-7-1-804 - Placement.

A. The placement of towers in support of personal wireless services shall be located in the appropriate zoning district as set forth in this section.

1. Towers may be located in any zoning district, except the R-1, R-2, or R-3 zoning districts, as defined by the zoning ordinance of this code providing other requirements of this article are complied with.

2. Towers shall not be constructed, emplaced, or erected unless the minimum setback between the center of the base of the structure and any adjacent property line or public street right-of-way or street easement is equal to the height of the tower from ground level multiplied by a safety factor of one hundred ten percent (110%).

(a) If the tower is a collapsible monopole type tower, the minimum setback defined above may be reduced to the distance of the theoretical failure zone, if certified by a professional structural engineer licensed within the State of Oklahoma, multiplied by a safety factor of one hundred fifty percent (150%) when adjacent to any property zoned R-1, R-2, R-3 or any property containing an existing one- or two-family dwelling.

(b) If the tower is a collapsible monopole type tower, the minimum setback defined above may be reduced to the distance of the theoretical failure zone, if certified by a professional structural engineer licensed within the State of Oklahoma, multiplied by a safety factor of one hundred ten percent (110%) when adjacent to any property zoned other than R-1, R-2, or R-3, provided the adjacent property does not contain an existing one- or two-family dwelling.

3. Towers, as regulated by this article, shall not be constructed, emplaced or erected within a radius of one-half (½) mile from any other tower when either the new or the existing tower is greater than one hundred (100) feet in height, otherwise the minimum separation shall be a radius of one thousand (1,000) feet from any other tower.

B. The placement of antennas which are not attached to towers may be attached to any commercial, industrial, professional, institutional, or multi-family structure, regardless of the zoning restrictions applicable to the zoning district where the structure is located; provided that any person making such attachment obtains a building permit as provided for in this chapter, pays appropriate fees and certifies to the code official the following:

1. That the total height of the projection of the telecommunication facility measured AGL does not exceed the building height restrictions in the applicable zoning district under this code by more than twenty (20) feet; and

2. That the antenna support structure and telecommunication facility complies with any applicable laws and does not encroach on the public rights-of-way or public easements; and

3. That any telecommunication facilities and antennas located on the roof or the side of a building shall comply with setbacks required by the zoning ordinance of this code, if any, and do not extend more than twenty-four (24) inches in the horizontal plane from the side of such an antenna support structure unless the purpose of said protrusion is to permit signal coverage in an area that will not receive such coverage but for an extension beyond twenty-four (24) inches; and

4. That the telecommunication facilities will utilize camouflaging techniques in order that the telecommunication facilities harmonize with the character and environment of the area in which they are located. Provided, that such camouflaging will not degrade or distort the service signal.

4-7-1-805 - Collocation.

A. No permits for construction of new towers used for personal wireless services with height in excess of one hundred (100) feet will be issued unless such tower is shown to be capable of accommodating the antennas necessary for one or more similar telecommunications function. Construction plans will demonstrate the capability of the site to collocate no less than one similar telecommunications facility at the location.

B. Any tower constructed prior to January 1, 2017 that is modified by an increase in height or structure design to accommodate personal wireless services will meet the requirement of providing for collocation of similar telecommunications facilities on the tower as required in this article.

C. For the propose of encouraging the collocation of antennas, any legal non-conforming tower may be used as a collocation site providing it meets requirements of this article.

4-7-1-806 - Construction standards for towers.

A. Any person desiring to construct, emplace, modify, or erect any antenna support structures, towers or telecommunication facilities shall obtain a building permit from the city building official, pay appropriate fees, as provided in the fee schedule, and comply with the adopted building codes of the city and other applicable codes.

B. The following standards shall govern the construction, emplacement, erection, or modification of any antenna support structure, tower, or telecommunication facility:

1. Antenna support structures, towers or telecommunication facilities shall be constructed, emplaced, erected, or modified, employing sound engineering and building method to ensure safety to the public.

2. All antenna support structures, towers or telecommunication facilities in excess of thirty-five (35) feet must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with the city's building code, any applicable state laws, and other standards outlined in the code.

3. Any person desiring to construct, emplace, erect, or modify any antenna support structures, towers or telecommunication facilities shall obtain required permits or licenses from the Federal Aviation Administration for compliance with structures being constructed, emplaced, or erected within the airspace of the city. A building permit will not be issued if the applicant fails to obtain the required permit or statement of waiver from the Federal Aviation Administration.

4. Any person desiring to construct, emplace, erect, or modify any antenna support structures, towers or telecommunication facilities antenna support structures, towers and telecommunication facilities shall comply with the Airport Zoning Ordinance, as now in existence, or hereafter amended pursuant to Title 3, Section 105, et. seq. of the Oklahoma Statutes. In the event of any conflict between the Federal Aviation Administration regulations and the Airport Zoning Ordinance, the more restrictive regulations shall govern.

5. Illumination of antenna support structures or towers shall not be artificially lighted above twenty (20) feet AGL, except as required by the Federal Aviation Administration or the Airport Zoning Ordinance and the provisions of this code.

6. The site of the antenna support structures, towers or telecommunication facilities shall be screened by ornamental fences, walls, or permanent evergreen planting around the parcel of land containing the antenna support structures, towers or telecommunication facilities and shall be developed in accordance with other provisions of this code.

7. The site area shall also be secured to protect against trespass or unauthorized use of the facility.

8. All parcels of land upon which antenna support structures, towers or telecommunication facilities are located shall provide adequate means of draining the property without any adverse effect on surrounding property and subject to the approval of the city engineer.

9. All parcels of land on which antenna support structures, towers or telecommunication facilities are located shall provide adequate vehicular access to the structure and equipment for construction and maintenance of the facilities. When such vehicular access is limited to occasional use for maintenance purposes, the access drive and on site maneuvering area may be surfaced with a six-inch thick traffic bound surface course per ODOT Specification 403, except that a concrete driveway apron shall be provided per the requirements of Chapter 18 of this code.

10. All persons shall make every reasonable effort to design and construct new antenna support structures, towers or telecommunication facilities to blend into the character and environment of the area in which these improvements are located, including the use of camouflage techniques, party array antennas and side mounting antennas unless such use will create a hazard for the public or it is not technically feasible to use such design and collocate other facilities on the structure. The city code officer may request alternative camouflage techniques and select the most appropriate technique to blend into the character and environment of the area.

11. Any person owning, operating or maintaining a telecommunication facility shall place a sign not to exceed six (6) square feet in size, identifying the facility, the owner or operator of the facility and a contact telephone number for emergency purposes. There shall be no advertising on the telecommunication facility site.

4-7-1-807 - Maintenance.

A. Any person who owns, operates or maintains a telecommunication facility shall:

1. At all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failure and accidents which are likely to cause damage, injuries, or nuisance to the public.

2. Maintain antenna support structures, towers, telecommunication facilities, wire, cables, fixtures and other equipment in compliance with the requirements of the electrical safety code, adopted by the city, and all Federal Communications Commission, Federal Aviation Administration, state and local regulations, as now in existence or as may be adopted or amended, in such manner so as it will not interfere with the use of other property.

B. All antenna support structures, towers and telecommunication facilities shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.

4-7-1-808 - Inspections.

A. The code official shall be responsible for inspection of any antenna support structures, towers and telecommunication facilities as regulated by this article for compliance.

4-7-1-809 - Discontinuance of use.

The code official will initiate action to have the facility removed if the code official has reason to believe that a telecommunications facility has not been in use for a period of greater than ninety (90) days.

4-7-1-810 - Nonconforming tower.

A. The provisions of this article do not apply to antenna support structures, towers or telecommunication facilities emplaced, constructed, or erected prior to January 1, 2017. However, any such non-conforming antenna support structures, towers or telecommunication facilities shall not be structurally modified or relocated unless it is in compliance with all of the requirements of this article.

4-7-1-811 - Variance and exceptions.

A. The Building Development Appeal Board shall hear appeals of a decision of the code official refusing to grant a permit for the construction, erection, emplacement, modification or notice of enforcement of any provision of this chapter, relating to antenna support structures, towers or telecommunication facilities.

B. An application for appeal with appropriate fees to the Building Development Appeal Board shall be filed with the code official within twenty (20) days after refusal of a permit for construction, erection, emplacement, modification or notice of enforcement of any provision of this article.

C. The powers of the Building Development Appeal Board under this article are as follows:

1. To hear an appeal based on a claim by the applicant that the provisions of this article have been incorrectly interpreted or enforced by the code official.

2. To grant exceptions by demonstration by the applicant to the board that the separation distance as set forth in Section 4-7-1-804(A)3 will have an effect of preventing service to an area of the city, constitute a barrier to entry to the market place, or will constitute a technical hardship.

3. To grant an exception for an extension beyond the twenty-four (24) inch requirement as set forth in Section 4-7-1-804(B)3, by a sufficient showing by the applicant that telecommunication coverage is unavailable unless an exception is granted. Provided, however, that the extension does not violate any building or zoning code of the city, does not encroach upon a public right-of-way or does not pose any threat or danger to the public.

D. No grant of exception shall be approved by the board that would conflict with the purpose and intent of this article, would create a blight on the adjacent property or interfere with adjacent uses.

Section 4-8 - BUILDING DEVELOPMENT APPEAL BOARD.

Section 4-8-1 - Building Development Appeal Board.

A. *Created; purpose.* The city council has created a Building Development Appeal Board to hear and decide appeals of orders, decisions or determinations made by building officials relative to the application and interpretation of city building and construction codes. The

members of the Building Development Appeal Board shall be appointed by the mayor and confirmed by the city council and shall hold office at its pleasure.

B. *Limitations of authority.* An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive the requirements of the codes.

C. *Qualifications.* The Building Development Appeal Board shall consist of five members who are qualified by experience and training to pass on matters pertaining to building construction.

D. *Members.* The members shall consist of a general building contractor, either residential or commercial, a licensed engineer or architect, an individual representing building trades (plumbing, electrical, mechanical, etc.), an individual property owner, and a city council member or city manager.

E. *Member qualification exception.* At the city council's discretion, the Board of Appeals may sit as the Building Development Appeal Board and shall have all the powers and authority designated herein.

Section 4-9 FEE SCHEDULE.

General Fees:		
4-1-1-113	Permit deposit, due with permit application submittal (Deposit will be deducted from the total permit cost) *Deposit is non-refundable once the City has begun the permit review process*	50% of permit cost, minimum 10.00, maximum 500.00
4-1-1-113	Late permit fee, projects started before obtaining permit	2 × Permit fee
4-1-1-113	Permit extension	25.00
4-1-1-113	Permit/inspection state fee per 59 O.S. 1000.25	4.00 per trade
4-1-1-113	Permit/inspection administrative fee per 59 O.S. 1000.25	0.50 per trade

1-2 Family Dwellings Fees: (For fences, accessory buildings, swimming pools, etc., see "Other Permits")		
New construction or addition of new square footage:		
4-1-1-113	Building permit fee (Includes flat concrete work such as approach, driveway and sidewalk)	0.06 × SF, minimum 20.00

4-1-1-113	Inspection fee per trade (Includes electrical, plumbing, mechanical, and site work)	4.00 per trade
Remodel or alteration of existing square footage:		
4-1-1-113	Building permit fee	0.06 × SF, minimum 14.00
4-1-1-113	Inspection fee, per trade as required (Building, plumbing, mechanical and/or electrical, excludes re-inspections and	4.00 per trade

Multi-Family Dwellings over 2 units/Apartments/Hotels Fees:		
New construction or addition of new square footage:		
4-1-1-113	Building permit fee, per area	
	Dwelling units	50.00 per unit
	Building permit fee (Includes flat concrete work such as approach, driveway and sidewalk)	0.15 × SF 50.00 minimum
4-1-1-113	Inspection fee, per area (Includes building, electrical, plumbing, mechanical, fire and landscaping, but excludes re-inspections)	
	Dwelling units	5.00 per trade per unit
Remodel or alteration of existing square footage:		
4-1-1-113	Building permit fee, per area	
	Dwelling units	25.00 per unit
4-1-1-113	Inspection fee, per area, per trade as required (Building, Plumbing, Mechanical, Electrical and/or Fire, excludes re-inspections and electrical service change) (For electrical service change fee, see Article A-6-3 of fee schedule)	
	Dwelling units	5.00 Per trade Per unit

General Commercial Fees (Excludes Multi-Family Dwellings over 2 units/Apartments/Hotels and Institution):		
New construction or addition of new square footage:		
4-1-1-113	Building permit fee	0.15 × SF, minimum 50.00
4-1-1-113	Inspection fee per trade (Includes electrical, plumbing, mechanical, and site work)	5.00 Per Trade
Remodel or alteration of existing square footage:		
4-1-1-113	Building permit fee	0.12 x sf, minimum 30.00
4-1-1-113	Inspection fee per trade (Includes electrical, plumbing, mechanical, and site work)	5.00 Per Trade

Other Permit Fees:		
4-1-1-113	Building permit fee, gazebos, canopies, and accessory buildings without heating, air-conditioning or plumbing and not attached to the main structure	.04 × SF, minimum 14.00
4-1-1-113	Fence or retaining wall permit fee	0.05 per LF, minimum 14.00
4-1-1-113	Concrete/asphalt flat work permit fee (Unless specifically included elsewhere in 4-1-1-113) (Example: parking lot, driveway, approach, sidewalk, patio without cover not attached to building)	0.05 × SF, minimum 14.00
4-1-1-113	Swimming pool permit fee, 2 feet deep or greater	0.25 × SF, minimum 25.00
4-1-1-113	Roofing Permit	14.00
4-1-1-113	Permit fee, other improvements requiring a permit not categorized elsewhere (Plumbing only improvements or repairs, see Article A-6-2) (Electrical only improvements or repairs, see Article A-6-3) (Mechanical only improvements or repairs, see Article A-6-4)	0.25% of project cost, minimum 20.00
4-1-1-118	Demolition permit	20.00 w/o inspection 30.00 with inspection
4-1-3-145	Temporary road closure permit (non highway)	200.00
4-1-4-164	Moving of structure permit fee:	

	Structure mounted on skids, designed to be moved, up to 16 feet wide and less than 13 feet in height loaded	35.00
	Structure mounted on skids, designed to be moved, over 16 feet wide but not more than 25 feet wide and 18 feet in height loaded	70.00
	Any type of structure from outside of city limits to outside of city limits (passing through city)	100.00
4-1-1-113	Inspections for all permits listed in "Other Permits"	See "Inspections"

Inspection Fees:		
4-1-1-113	Building or site inspection fee, per hour, minimum one hour (Unless specifically included elsewhere in 6-113) (Assessed in 30 minute increments after first hour)	25.00
4-1-5-186	Landscape inspection fee, per hour, minimum one hour (Unless specifically included elsewhere in 6-113) (Assessed in 30 minute increments after first hour)	25.00
4-1-1-113	Fire Inspections (Unless specifically included elsewhere)	25.00

Certificate of Occupancy Fees:		
4-1-1-113	Temporary Certificate of Occupancy or Temporary Certificate of Completion fee, Commercial	20.00
4-1-1-113	Temporary Certificate of Occupancy or Temporary Certificate of Completion fee, Residential	10.00
4-1-1-113	Temporary Certificate of Occupancy or Temporary Certificate of Completion extension fee	10.00
4-1-1-113	Certificate of Occupancy or Certificate of Completion fee, per structure	20.00

Miscellaneous Fee:

4-1-5-185	Fee in lieu of constructing walkway, per square foot	1.00
Plumbers Fee:		
4-2-1-208	Minimum inspection fee, per hour, minimum one hour (Unless specifically included elsewhere) (Assessed in 30 minute increments after first hour)	25.00
4-2-1-208	Re-inspection fee due to incomplete or incorrect installation, per hour, minimum one hour	25.00
4-2-1-208	Street/Sidewalk Cutting Permit	250.00
4-2-1-208	City Sewer Tap Fee	100.00
4-2-1-208	City New Water Meter Fee	3/4” Tap ----------$750 1” Tap ----------$1,200 2” Tap ----------$2,000 3” + Tap ------ Actual Cost
4-2-1-210	Permit/inspection state fee per 59 O.S. 1000.25	4.00 per project
4-2-1-210	Permit/inspection administrative fee per 59 O.S. 1000.25	0.50 per project
4-2-2-224	Plumbing contractor, registration, initial (Good from July 1 – June 30)	25.00
4-2-2-224	Plumbing contractor registration renewal, annual (If renewed prior to July 1)	15.00
Electrician Fee:		
4-3-1-305	Permit/inspection state fee per 59 O.S. 1000.25	4.00 per project
4-3-1-305	Permit/inspection administrative fee per 59 O.S. 1000.25	0.50 per project
4-3-1-319	Minimum inspection fee, per hour, minimum one hour (Unless specifically included elsewhere in 6-113) (Assessed in 30 minute increments after first hour)	25.00
4-3-1-319	Re-inspection fee due to incomplete or incorrect installation, per hour, minimum one hour	25.00
OTHER INSPECTIONS RELATING TO ALTERATIONS, REMODELING AND ADDITIONS BASED ON POWER AT SERVICE POINT		
4-3-1-319	Residential service changes, 200 amps or less	25.00
4-3-1-319	Residential service changes, over 200 amps	35.00
4-3-1-319	Commercial service changes	50.00
REGISTRATION AND RENEWAL FEES		

4-3-2-334	Electrical contractor, registration initial (Good from July 1 – June 30)	25.00
4-3-2-334	Electrical contractor, renewal, annual (If renewed before July 1)	15.00
Mechanical/HVAC Fee:		
4-4-1-410	Permit/inspection state fee per 59 O.S. 1000.25	4.00 per project
4-4-1-410	Permit/inspection administrative fee per 59 O.S. 1000.25	0.50 per project
4-4-1-411	Minimum inspection fee, per hour, minimum one hour (Unless specifically included elsewhere in 6-113) (Assessed in 30 minute increments after first hour)	25.00
4-4-1-411	Re-inspection fee due to incomplete or incorrect installation, per hour, minimum one hour	25.00
4-424	Mechanical contractor, registration initial (Good from July 1 – June 30)	25.00
4-4-2-424	Mechanical contractor, renewal, annual (If renewed before July 1)	15.00

General Contractor Fee:		
4-6-1-603	Building Contractors Registration Fees, Annual (Good from July 1 – June 30)	25.00
4-6-1-603	Building Contractors Registration Renewal Fee (If renewed before July 1)	15.00

Telecommunication towers and infrastructures		
4-7-1-806	Permit fee, new tower or increase in overall height of existing tower	500.00
4-7-1-806	Permit fee, modification, removal or addition to existing tower without increasing overall height	250.00

Penalties	
Any person, firm or corporation who fails to do anything required by this chapter or by any code adopted by this chapter or who shall violate any lawful	500.00

regulation, shall be guilty of an offense and upon conviction thereof, shall be fined in any sum not to exceed five hundred dollars. Each violation and each day shall constitute a separate offense.	

ORD 574-22 MAY 10, 2022

SECTION III. Repealer. All ordinances or parts thereof which are inconsistent with this Ordinance are repealed upon the effective date of this Ordinance.

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

SECTION V. Emergency.

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety and welfare of the City of Comanche, Oklahoma, and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

(Ord. 537-17, November 14, 2017)

Sections 4-9 through 4-14. (Reserved for future use.)

Article 2. Permits

Section 4-15. Building Permits.

1. No person shall erect, enlarge, construct, relocate, substantially improve or repair, place, alter, move or demolish any building, structure, mobile or modular home, or other construction without first obtaining a separate Building Permit for each such building or structure.

(Ord. 457-04, December 14, 2004)

2. No man-made change to improved or unimproved real estate located within a designated "Flood Hazard Area," including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be initiated until a separate Building Permit has been obtained for each such operation from the Office of the City Clerk.

3. No mobile or modular home shall be placed on improved or unimproved real estate without first obtaining a separate Building Permit for each mobile home from the Office of the City Clerk.

4. No Permit required for ordinary repairs or renovation of buildings or structures that do not change the square footage of the structure, do not require any mechanical modification or additions, do not conflict with any other portion of this ordinance and of which the cost of repairs or renovations shall not exceed five thousand dollars ($5,000.00) for labor or material cost. ORD 568-21 AUGUST 10, 2021

5. All applications for Building Permits shall be signed and in writing, upon an official blank form supplied by the Office of the City Clerk or the Building Inspector, and shall be submitted to either of said officials. After the building permit is approved by the City Council, the City Clerk shall submit an invoice to the applicant for the cost of the permit in accordance with the fee schedules adopted. (Ord. 482-10, April 13, 2010)

6. Residential Building Permit Fees: $0.02 per square foot. If not for construction, the fee is $1.00 per 1,000 square feet. Minimum fee is $10.00. In addition to the building permit fee, there is hereby added a fee to be remitted to the Oklahoma Uniform Building Code Commission in the amount of four dollars ($4.00). The City Clerk shall remit these fees on a monthly basis no later than the twentieth (20th) day of each month for the fees collected during the preceding calendar month. (Ord. 482-10, April 13, 2010)

7. Commercial/Industrial/Other Building Permit Fees: $1.00 per $1,000 of project value up to $100,000; $0.50 per $1,000 over $100,000 of value. Minimum fee is $10.00. In addition to the building permit fee, there is hereby added a fee to be remitted to the Oklahoma Uniform Building Code Commission in the amount of four dollars ($4.00). The City Clerk shall remit these fees on a monthly basis no later than the twentieth (20th) day of each month for the fees collected during the preceding calendar month. (Ord. 482-10, April 13, 2010)

8. The Office of the City Clerk shall be responsible for the administration of the Building Permit process within said community; provided that, Building Permit application forms may be obtained from, and submitted to, the Building Inspector.

9. Applications for Building Permits shall contain all applicable information required on the Building permit form, and shall be accompanied by drawings of the proposed work (drawn to scale), showing floor plans, structural details, computations and such additional information as may be required of the applicant by the Office of the City Clerk, the Building Inspector, the City Manager, the adopted Code of Ordinances or the City Council.

10. Upon receipt of a complete Building Permit application, the City Clerk shall immediately turn the application over to the Building Inspector, who shall review the application to ensure that:

a. The involved land is properly zoned for the proposed use;

b. Applicable Zoning District provisions (including Floodway and Floodway Fringe District provisions) have been met.

c. Roadway access is available.

d. Adequate and sanitary provisions have been made for utilities.

e. All easements provided in the recorded plat, if any, are not encroached upon;

f. All other floodplain regulations, if applicable, have been met and the required information provided; and

g. All other required permits have been obtained.

(Ord. 482-10, April 13, 2010)

11. Replaced by Ord. 483-10, August 10, 2010. See Appendix.

12. Replaced by Ord. 483-10, August 10, 2010. See Appendix.

13. Issuance of a Building Permit for development within an identified "Flood Hazard Area" shall not create liability on the part of any municipal official for any flood damages resulting from reliance upon the provisions of this Section, or any administrative decision lawfully made thereunder.

(Ord. 482-10, April 13, 2010)

14. If the Building Inspector is satisfied that the proposed work described in the application and attached materials conform to the requirements of the adopted Zoning Ordinance, Building Code and other requirements and regulations, he shall sign the application and forward it to the City Clerk. The City Clerk shall place the building permit application on the agenda of the next available regular or special meeting of the Planning Commission. The Planning Commission shall review the building permit application and either return it to the Building Inspector for further review and information or pass a motion recommending the City Council approve the application. If the Planning Commission recommends approval, the City Clerk shall place the building permit application on the agenda of the City Council for their next available regular or special meeting. The City Council shall review the building permit application and either return it to the Planning Commission for further review and information or pass a motion approving the application. If the City Council approves the application, the City Clerk shall issue a permit and forward it to the applicant.

(Ord. 482-10, April 13, 2010)

15. If the application or attached materials do not conform to pertinent municipal regulations, the Building Inspector shall not approve said application, but shall return the application to the City Clerk, along with written reason(s) for disapproval. The City Clerk shall return the application, with written reason(s) attached, to the applicant. The applicant may subsequently amend his application, if possible, and re-submit it, or initiate other action to correct the deficiencies.

(Ord. 482-10, April 13, 2010)

16. The Building Inspector and the Office of the City Clerk shall complete all required review processes in an efficient and effective manner, without unreasonable or unnecessary delay. (Ord. 482-10, April 13, 2010)

17. A Building Permit, once approved and issued, shall be construed as a license to proceed with the work and shall not be construed as authority to violate, cancel, alter or to set aside any municipal regulations, nor shall such issuance prevent the Building Inspector from thereafter requiring a correction of errors in plans, construction or a violation of this Ordinance.

(Ord. 482-10, April 13, 2010)

18. If the work allowed under an issued Building Permit has not been initiated within six (6) months from the issuance date of said Permit, such Permit shall become null and void, unless a request for an extension is submitted to, and approved by, the City Manager. If said Permit becomes null and void, a new Permit must be obtained and the regular fee incident thereto collected, in order for the work to be initiated or resumed.

(Ord. 482-10, April 13, 2010)

19. The Building Inspector shall keep a permanent and accurate accounting of all Building Permits. The City Clerk shall keep a permanent and accurate record of all Building Permit fee payments. (Ord. 482-10, April 13, 2010)

20. The City Clerk may revoke a Building Permit in case there has been any false statement or misrepresentation as to a material fact in the application or attached materials on which the Building Permit approval was based.

(Ord. 482-10, April 13, 2010)

21. Appeals from any aggrieved person concerning a decision of the City Clerk or Building Inspector, relative to the granting of Building Permits, shall be taken to the Planning Commission. The Planning Commission shall receive evidence and information from the aggrieved person and the City Clerk and the Building Inspector and shall recommend to the City Council if the decision of the City Clerk or Building Inspector shall be upheld, modified, or overturned and shall state its reasons for such recommendation. The City Council, who shall act as the Board of Appeals for the City of Comanche, Oklahoma, shall confirm or deny the recommendation of the Planning Commission.

(Ord. 482-10, April 13, 2010)

22. In the event of any conflict between these Building Permit provisions delineating herein and any provision(s) of the Building Code adopted by the City Council, the provisions of this Chapter shall prevail.

(Ord. 482-10, April 13, 2010)

23. No building permit shall be issued to any person or entity seeking the same to construct any structure without there having first been presented to the issuing authority satisfactory proof of the applicant's intention to place on the front of the building the street number of the building. Said numbering shall measure at least four (4) inches in height and shall be of a color which will make it visible from the street running in front of the building.

(Ord. 482-10, April 13, 2010)

Section 4-16. Liquefied Petroleum Gas State Permits and City Requirements.

1. Except as otherwise permitted herein, it shall be unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install or repair any system, container, apparatus or appliance to be used for the transportation, storage, dispensing or utilization of petroleum gas, flammable or combustible liquids (including propane and butane); or to transport, handle or to store such gas, unless such person, firm or corporation is and remains in compliance with all provisions of the State Law and local ordinances relating thereto, and obtains and maintains any permits which may be required by State Law and/or local ordinances.

2. No above-ground storage of liquefied petroleum gas, except by retail customers in reasonable amounts for their own use, shall be permitted within the corporate limits of the City of Comanche, Oklahoma except as provided within the Code of Ordinances of the City of Comanche.

3. No container, tank-truck, or receptacle of any kind or nature containing such liquefied petroleum gas, flammable or combustible liquids shall be placed, parked, left or permitted to remain within the City of Comanche except for purposes of and only for such time as may be necessary in making deliveries for use within and authorized by the City of Comanche.

4. Liquefied petroleum gas, flammable or combustible liquids (including propane and butane) shall not, unless otherwise authorized herein, be left, kept, stored, or otherwise handled:

    (a) within one hundred twenty-five (125) feet of any building within the City of Comanche;

    (b) within one hundred twenty-five (125) feet of any property owned by any person, other than the handler or dealer of such liquefied petroleum gas, flammable or combustible liquids where such other person might legally construct a building.

5. Commercial retail sites (C-1 or C-2 zoned property) shall be allowed to store and possess containers of liquefied petroleum gas, specifically propane, for the specific use of exchange provided that all of the following provisions have been met and approved by the Fire Chief of the City of Comanche.

    a. Each container shall be an approved Department of Transportation container, not capable of storing more than five (5) gallons of propane. The aggregate amount of liquefied petroleum gas on site shall not exceed two hundred (200) gallons at any time, specifically; there shall be no more than forty (40) filled five (5) gallon liquefied petroleum gas cylinders and twenty (20) empty liquefied petroleum gas cylinders on site at any given time.

b. Containers at locations open to the public shall be protected by having an approved noncombustible enclosure and a locked ventilated noncombustible locker or rack that prevents tampering with valves and pilferage of the cylinder.

c. Protection against vehicle impact shall be provided where vehicle traffic normally is expected at the container site.

d. Containers awaiting exchange shall not be stored within five (5) feet of any doorway in a building open to the public.

e. Container storage sites shall not be located within twenty (20) feet of any motor fueling operations, flammable or combustible liquid dispensing operations or any associated tank fill or off load operations involving a flammable or combustible liquid.

f. All containers and cylinders shall be stored in a secure and upright position or in a manner that ensures transmission of the vapor space to the pressure relief valve.

g. Portable containers shall not be allowed to be taken into the building and a sign stating the same shall be posted at the storage site acceptable to the Fire Chief of the City of Comanche.

h. The area surrounding the storage site shall be of noncombustible construction and free from any and all ignition sources for a distance not less than ten (10) feet from the storage site.

i. There shall be no dispensing, refilling, or discharging of any container or cylinder at the retail location. These sites shall be specifically utilized as exchange sites only.

j. Commercial retailers shall remain in compliance with all provisions of the State Law and local ordinances relating thereto, and obtain and maintain any permits which may be required by State Law and/or local ordinances.

6. Industrial sites (I-2 zoned property) shall be allowed the wholesale or bulk storage of gasoline, propane or butane or other petroleum products provided that all of the provisions of the Code of Ordinances, especially Chapter 18, and further provided that all of the following provisions have been met and approved by the Fire Chief of the City of Comanche.

    a. The business location upon which the storage site is located shall not be less than four (4) acres in total size.

b. The storage site shall not be located less than one thousand (1,000) feet from the nearest residentially zoned property.

c. The use and installation of said liquefied petroleum gas must conform with N.F.P.A. 58 (2004 edition, as subsequently amended) and the International Fire Code (2003 edition, as subsequently amended).

d. The owner/operator of the storage site or wholesaler shall remain in compliance with all provisions of the State Law and local ordinances relating thereto, and obtain and maintain any permits which may be required by State Law and/or local ordinances.

e. Such other requirements as are necessary to ensure public safety as determined by the Fire Chief of the City of Comanche.

7. These provisions are minimum requirements and shall not supersede the requirements of N.F.P.A. 58, the BOCA National Fire Prevention Code or any applicable State law or City Ordinance.

8. "Liquefied Petroleum Gas" as used in this Code of Ordinances shall mean and include any material which is composed predominantly of any of the following hydrocarbons or mixtures of the same: Propane, Propylene, Butanes (normal Butane and Isobutane), and Butylenes.

9. "Flammable Liquids" shall mean liquids which have flash points below 100 degrees Fahrenheit (38 degrees centigrade).

10. "Combustible materials" shall mean materials which have flash points at or above 100 degrees Fahrenheit (38 degrees centigrade).

11. Modifications. The Fire Chief of the City of Comanche, with approval of the City Council, shall have the power to modify any of these provisions upon application in writing by the owner or his duly authorized agent when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety is secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Fire Chief of the City of Comanche thereon shall be entered upon the records of the Fire Department and a signed copy shall be furnished to the applicant.

12. Appeals. Whenever the Fire Chief of the City of Comanche shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the Code of Ordinances do not apply or that the true intent and meaning of the Code of Ordinances have not been applied, the applicant has the right to appeal the decision of the Fire Chief. The appeal process shall be conducted in accordance with the provisions of the Code of Ordinances Chapter 18, Article 18.

(Ord. 481-10, April 13, 2010)

Section 4-17. House Moving Permit.

1. Before any person shall move any house, building or heavy structure on or over any street, it shall first be necessary to obtain a permit from the City Manager.

2. The fee for a permit to move such house or structure shall be twenty dollars ($20.00). In the event it is necessary to move utility lines, poles, signs or other structures to facilitate the move, the cost therefor will be paid by the applicant, in addition to the normal fee.

3. No permit shall be issued to any person to move a house or structure unless the person has in effect a bond in the sum of one thousand dollars ($1,000.00), conditioned that the mover will indemnify the owners of any property (public or private, including pavement, curbs, etc.) for any damage thereto resulting from the moving of any house or structure by him or by his agents or employees, and holding the City of Comanche, Oklahoma, harmless from liability for any such damages.

4. It shall be the duty of the City Manager to determine what streets or alleys may be used, the length of time necessary and the injury, if any, to the adjoining property which may arise. He shall prescribe such rules and regulations as are necessary to promote the speedy moving or removal of such house or structure and the protection of persons and property. The mover shall erect all necessary danger signals during the operation of moving and sufficient danger signals at night-time to appraise any ordinary-observant person of impending danger.

5. Any person moving any house or any other structure on or over any street or alley, shall be liable personally and upon his bond for any damage to trees, public property, persons or any matter whatsoever resulting from such moving. This shall not be construed to authorize any person to cut or trim any trees, or commit any injury to any public or private property which cannot be immediately restored to its former condition, and no permit shall authorize any moving under any conditions which will result in such injury.

Section 4-18. Pavement Cutting Permits.

1. Any public utility contractor, firm or other person desiring to bore or cut into or in any manner cross any public street, alley, sidewalk or public ground of any sort, whether paved, graveled, bricked, blacktopped or not, for any purpose whatever, shall first obtain a permit from the City Clerk to cross or open such street, alley, sidewalk or ground. (Exception to this requirement will be made only when a bona fide emergency exists. In such case, the Building Inspector or the City Manager shall be notified at the earliest practical time.)

2. On all all-weather streets or alleys with bituminous or concrete surface, boring will be required without exception; cutting or ditching will be allowed on all streets or alleys with dirt or gravel surface. If for any reason these regulations cannot be complied with, cutting of a street will be allowed, but shall require the street surface to be replaced with a minimum of

six (6) inches of concrete, twenty-four (24) inches wider than the cut or the ditch (causing bridge effect).

3. When any street, alley, sidewalk or public ground has been crossed for the purposes of laying gas, water or sewage pipe, or for any other purpose, the surface will be restored with similar material and workmanship to that existing in the street, alley, sidewalk or public ground before the same was torn up; all work shall be completed and refilled to the satisfaction of the Inspector within the time specified in the Permit. All work shall be inspected by the Inspector, or his representative, and approval issued as previously stated.

4. Materials used to backfill any opening in a street or alley shall be placed in lifts not to exceed ten (10) inches, and each lift shall be tamped either mechanically or by hand to ninety-five percent (95%) compaction. Six (6) inches of crushed aggregate base material shall be used to fill to the existing surface on all streets and alleys. Openings in concrete surfaces shall be filled with base material to within four (4) inches of the bottom of the slab. The remaining four (4) inches of the opening shall be filled with sand to the bottom of the concrete slab to be replaced. On major streets, the thickness or crushed aggregate base material required may vary.

5. In all cases where the surface of the street, alley, sidewalk or public ground is disturbed, the party so cutting into the opening shall place lights at night and maintain suitable barricades at all times to protect persons from dangers.

6. Should any person, firm, corporation, contractor or franchise holder with the City of Comanche, Oklahoma, fail to comply, said party(s) shall be summoned before the City Council for removal of their license or franchise. Any person not licensed with the City who fails to comply, shall be fined and required to pay costs of repair plus labor.

7. The fee for such Permits shall be:

   a. Excavation in concrete pavement or surface:
   $30.00 minimum plus $15.00 per square yard.

   b. Excavation in brick, asphalt or oil mat pavement or surface:
   $20.00 minimum plus $10.00 per square yard.

   c. Excavation in untreated or unimproved street or surface:
   $5.00 minimum plus $1.00 per square yard.

   d. Modification of removal of curb or curbing:
   $10.00.

(Ord. 306; October 13, 1981)

Sections 4-19 through 4-24. (Reserved for future use.)

Article 3. Miscellaneous Provisions

Section 4-25. Flood-Prone Areas.

1. The Municipal Planning Commission and the City Council shall review subdivision and other development proposals to determine whether such proposals will be safe from flooding.

2. If a subdivision or other development proposal is in a flood-prone area, the Municipal Planning Commission and the City Council shall ensure that:

   a. Such proposals are consistent with the community's adopted Comprehensive Plan and the need to minimize flood damage;

   b. All public utilities and facilities are located and constructed to avoid, minimize or eliminate flood damage;

   c. Adequate drainage provisions are made; and

   d. Proposals of more than fifty (50) lots or five (5) acres shall include base flood elevation data.

Section 4-26. Movement of Frame Buildings.

No frame building shall be moved from without to within the corporate limits of the City of Comanche, Oklahoma, which by reason of its age, state of repair, condition of wiring or which, for any other reason, is unfit for human habitation or which might endanger the public peace, safety, health or welfare.

Section 4-27. Fire Limits.

1. The following territory within the corporate limits of the City of Comanche, Oklahoma, shall embrace and constitute the "fire limits" of said community:

> Beginning at center of the intersection of Oak-Main and First Street, thence north along the centerline of First Street to Church Avenue, thence west along the centerline of Church Avenue to Fifth Street, thence south along the centerline of Fifth Street to Hill Avenue, thence east along the centerline of Hill Avenue to First Street, thence north along the centerline of First Street to Oak-Main, the point of beginning. (Ord. 468-08, March 11, 2008)

2. It shall hereafter be unlawful for any person, firm or corporation to build, erect, construct or cause to be built, erected or constructed, or place or move within the territory described in

Subsection 1 (above), any building or addition thereto, unless the walls of such building or addition shall be built or constructed of stone, brick or other noncombustible material; it shall also be unlawful to rebuild any building which has been more than fifty percent (50%) destroyed by fire, except as herein stated.

Section 4-28. Parking of Mobile Homes.

1. "Mobile Home," as used in this Section, shall mean any vehicle used, or so constructed as to permit it being used, as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons.

2. It shall be unlawful for any person, firm, corporation, partnership or other entity to park or place a mobile home for more than one (1) night on any tract of land that does not have a direct access thereto by a street or highway.

3. It shall also be unlawful for any mobile home to be parked on any tract of land on which the only access thereto is an alley.

Section 4-29. Registration of Plumbers; Fees.

1. No person shall practice or engage in the business, trade or occupation of a journeyman plumber, a plumbing contractor or a plumber's apprentice unless he is registered as such with the municipal plumbing inspector as required by the Oklahoma Standard Plumbing Code.

2. The registration fees to be paid to the City Clerk are as follows:

    a. For the initial year's registration as a plumbing contractor, twenty-five dollars ($25.00), and Fifteen dollars for each succeeding year, provided that the renewal of said registration is made on or before July 1 of each year and provided that on or after July 2 of each succeeding year the renewal registration fee will be Twenty-five dollars ($25.00);

    b. For annual registration as a journeyman plumber, five dollars ($5.00; and

    c. For annual registration as a plumber's apprentice, no charge.

3. All persons who desire to do any plumbing in or on any property in the City limits shall furnish the city with a good surety bond in the sum of Three Thousand dollars ($3,000.00) as a guarantee that the plumbing shall be in accordance with the requirements of the Code of Ordinances of the City of Comanche and the Oklahoma Standard Plumbing Code; and it is further conditioned that such persons shall, without further cost to the person for whom the work is done, remedy any defective or faulty work caused by incompetent workmen or inferior or nonstandard material, for a period of one year; and such bond as is furnished shall be liable for the correction and any additional cost arising from above mentioned causes. (Ord. 322; October 11, 1983)

Section 4-30. Licensing of Electricians.

1. 1. No person shall practice or engage in the business, trade or vocation of electrical contractor or journeyman electrician unless he is licensed as such with the Oklahoma State Department of Heath, Electrical Division (Oklahoma Committee of Electrical Examiners), and registered with the City Clerk of the City of Comanche. The fee for such registration shall be:

    a. For the initial year's registration as an electrical contractor, twenty-five dollars ($25.00), and fifteen ($15.00) dollars for each succeeding year, provided that the renewal of said registration is made on or before July 1 of each year and provided that on or after July 2 of each succeeding year the renewal registration fee will be Twenty-five dollars ($25.00);

    b. For annual registration as a journeyman electrician, five dollars ($5.00), per year.

        2. Except in case of renewal, said applicant must have passed an examination given by the City and demonstrating the qualifications of the applicant for the license applied for. The fee for an examination shall be two dollars ($2.00). All such license shall expire June 30th.
        3. For the installation of bell, telephone, or signal systems not using over twelve (12) volts, no license will be required; the installation of same must comply with all other requirements of the ordinances of the City.

        4. After adequate opportunity for a hearing, the City Council may revoke the license of an electrical contractor or of a journeyman electrician for any of the following causes:

    a. Serious or repeated violations of the laws, ordinances, or other regulations relating to electrical installations;

    b. Grossly unethical conduct in connection with the electrical trade or business;

    c. Poor workmanship or service; or

    d. Installing inferior or substandard materials, fixtures, or equipment.

        5. All persons who desire to do any electrical wiring in or on any property in the City limits shall furnish the city with a good surety bond in the sum of Three Thousand dollars ($3,000.00) as a guarantee that the installation of electrical wiring, fixtures and apparatus shall be in accordance with the requirements of the Code of Ordinances of the City of Comanche and the National Electrical Code; and it is further conditioned that such persons shall, without further cost of the person for whom the work is done, remedy any

defective or faulty work caused by incompetent workmen or inferior or non-standard material, for a period of one year; and such bond as is furnished shall be liable for the correction and any additional cost arising from above mentioned causes.

(Ord. 322; October 11, 1983)

Section 4-31. Removal of Unsafe Structures.

1. When, in the opinion of the Building Inspector, any building, wall or other structure upon, adjoining or near any street, avenue, alley or public ground within the City of Comanche, Oklahoma, becomes dangerous, insecure or liable to collapse from inherent structural weakness or decay, or which from fire damage or other cause, becomes a menace to life or property, the same is hereby declared to be a nuisance. (See also the procedures for abatement of nuisances in Chapter 14 of the Code of Ordinances.)

   a. Any such building shall be reported by the Building Inspector to the City Council together with the lot and block number, the owner or his agent and a description of the condition.

   b. Upon receipt of such report, the City Council shall, by resolution, declare such building or structure to be a nuisance and shall serve legal written notice on the owner or his agent to wreck or remove the same.

   c. Said resolution shall fix a time and a place at which the owner or his agent may appear and show cause why such building shall not be condemned.

   d. Upon the aforesaid date, the City Council shall hear all objections and evidence in relation thereto and, unless the owner can show good and sufficient reason why the building should not be condemned, the original order of said City Council shall be executed by resolution.

   e. Said resolution shall fix a reasonable time for the owner to comply with the order. At the expiration of such time, if the owner or agent has not complied with the order, the City Council shall cause such building or structure to be torn down.

   f. The materials salvaged in wrecking such building or structure shall be sold at public or private sale and the proceeds therefrom used to defray the City's expenses in wrecking said building; any unexpended balance shall be returned to the owner. If such proceeds be insufficient therefor, the balance shall be provided, by resolution, from whatever municipal fund available, and the amount thereof shall be levied against the lot or tract of land upon which said building was located (in the manner provided by law for assessment and levy of other special taxes).

2. The Building Inspector shall have the right to stop the construction of any building or structure, or the alteration, repair or wrecking of the same, if the same is being done in a careless or reckless manner, or in violation of the provisions of this Chapter or the Codes adopted by this Chapter.

Section 4-32. Officers and Employees Not Liable.

1. Any officer or employee of the City of Comanche, Oklahoma, charged with the enforcement of this Chapter and acting in good faith and without malice, for the City of Comanche, Oklahoma, in the discharge of his duties, shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act or omission required or permitted in the discharge of such duties.

2. Any suit brought against any officer or employee because of such act or omission performed by him in the enforcement of any provisions of such Codes may be defended by the City Attorney until the final termination of the proceedings.

Section 4-33. Street Numbers Visible

1. Each and every building within the corporate limits of the City of Comanche shall have the street number placed on the front of the building. This number shall measure at least four (4) inches in height and shall be of a color which will make it visible from the street running in front of the building.

   In the alternative, street numbers may be placed upon any mailbox which sits immediately next to the curb or street if the building is set more than forty (40) yards from the street.

2. This Section shall apply to both businesses and residential dwellings.

(Ord. 420-98; adopted November 13, 1997; effective April 1, 1998)

Sections 4-34 through 4-44. (Reserved for future use.)

Article 4. Penalty

Section 4-45. Penalty.

Any person, firm or corporation who shall fail to do anything required by this Chapter or by any Code adopted by this Chapter, who shall otherwise violate any provision of this Chapter or of any Code adopted by the Chapter, or who shall violate any lawful regulation or order made by any of the officers provided for in this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed five hundred dollars ($500.00). Each day upon which a violation continues, shall be deemed a separate offense. (Ord. 493-11, September 13, 2011)

CHAPTER 5

BUSINESSES AND OCCUPATIONS

Article 1. Itinerant Occupations.
Article 2. Fair Housing.
Article 3. Miscellaneous Provisions.
Article 4. Penalty.
Article 5. Junk Dealers and Dealers in Second Hand Goods.
Article 6. Recreation Centers
Article 7. Mobile Food Vendors (Food Truck Freedom Act)

Article 1. Itinerant Occupations."

Section 5-2. Itinerant Occupation Licenses; Fees.

1. It shall be an offense for any person to engage in any kind of itinerant occupation in the City of Comanche, Oklahoma, without first having obtained an Itinerant Occupation License from the Office of the City Clerk.

2. There is hereby levied an itinerant occupation tax in the amount of ten dollars ($10.00 per person, per day, or one hundred dollars ($100.00) per year against persons, firms, associations and corporations, engaged in itinerant occupations trades, businesses or solicitations within the City of Comanche, Oklahoma. The annual tax shall be for the period January 1 through December 31 of each calendar year and shall not be prorated.

(Ord. 480-09, August 11, 2009)

Section 5-3. Itinerant Occupation License Provisions.

1. Every person, firm, association or corporation who engages in an occupation or business for which an Itinerant Occupation License is required, shall pay the fee and secure a separate license for each such business or occupation.

2. Every holder of a license to engage in, exercise or pursue a business, profession, trade, occupation or privilege, shall carry the license and shall display it to any person who requests to see it.

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

4. Whenever an Itinerant Occupation License has been lost or destroyed without any wrongful act or connivance by the holder, the City Clerk, on application, may issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make and file with said City Clerk an affidavit that the license has not been transferred, that it has been lost or destroyed without any wrongful act or connivance by the holder, and that, if believed lost, he has made diligent search for it and has not been able to find it. The fee for every duplicate license issued, payable to said City Clerk, shall be one dollar ($1.00).

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

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

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

6. Each person, firm or corporation engaged in occupations, trades or businesses hereinbefore defined as "itinerant occupations," shall be prohibited from door-to-door solicitation in all areas within the corporate limits of the City of Comanche, Oklahoma, with the exception of the Central Business District; provided that this shall not apply to persons selling farm products produced within this State, by themselves, nor shall this prohibit solicitation for activities excluded under the definition of "itinerant occupation" hereinbefore set forth.

7. No person, firm, association or corporation to whom an Itinerant Occupation License has been issued, shall conduct, exercise or pursue the business or occupation for which such license is issued, between the hours of 7:00 o'clock p.m. and 6:00 o'clock a.m. (on the following day), on any day. The City Council reserves the right to adjust the time limits stated above by motion granted on a case by case basis after consideration of any legitimate and unique circumstances of the business being conducted. (Ord. 480-09, August 11, 2009)

Section 5-4. Itinerant Junk Dealers and Dealers in Second Hand Goods.

Any person, firm, association or corporation engaged in business or occupation for which an itinerant occupation license is required and who is a junk dealer or dealer in second hand goods as defined by Section 5-31 of this Chapter, shall also comply with all provisions of Article 5 of this Chapter 5. (Ord. 296-80, May 16, 1980)

Section 5-5. Comanche Open Air and Flea Market Permit Regulation.

1. "Comanche Open Air and Flea Market Permit Regulation" defined
   a. This ordinance shall be referred to as the "Comanche Open Air and Flea Market Permit Regulation"

b. The purpose of this Ordinance is to protect the comfort, health, repose, safety and general welfare of the residents of the City of Comanche by establishing minimum standards when operating an outdoor flee market. It is the intent of this ordinance that any outdoor flea market is temporary in nature, such as the use of a parking lot or vacant land.
c. This ordinance shall not regulate indoor booth rentals or "antique malls" that are totally enclosed.

2. Location & Permitting Requirements
   a. An outdoor flea market shall be permitted to operate with special permit from the City of Comanche. Permits shall be obtained from City Hall during normal business hours. The location of these events will be restricted to commercial zoned districts within the city limits of Comanche.
   b. The outdoor flea market will be limited to three (3) days per week unless special provision is granted by the City of Comanche.

3. Application Requirements
   a. A proposed site plan or onsite inspection will be required. This is to ensure the safety and wellbeing of the public and to ensure adequate parking and traffic flow.
   b. Operators of the market shall pay a fee of $5.00 per booth per day, not to exceed $200.00 per day. Fees shall be paid within five (5) days of the event.
   c. Non-profit organizations may obtain a permit at no charge with the approval of the city council.
   d. Events that are to be held on city or public property must have prior approval of the City Council. A liability insurance policy of $1 million in commercial coverage, naming the City of Comanche as an additional insured will be purchased and maintained by the operator for the duration of the event.
   e. Events held on private property operated by someone other than the property owner shall provide a notarized letter from the property owner stating the operator has permission to use the property for an open air market.

4. Operating Requirements
   a. The following is a list of items that may not be sold at the outdoor market within the City Limits of Comanche:
      i. Any item, novelty or material that is considered sexually oriented.
      ii. Live Farm Animals (Domesticated pets will be allowed provided they are properly confined or secured for the duration of the event)
      iii. Fireworks
      iv. Alcoholic Beverages
      v. Paraphernalia associated with drug and/or tobacco use.
      vi. Counterfeit or copyright-infringing items.
      vii. No mobile food vendors without a permit from the health department.
      viii. No stolen property or goods.
   b. Sales shall be made from booths and tables and not directly from motor vehicles.

c. All signage for the event shall comply with all city sign ordinances.
d. The flea market operator shall, on a regular basis, inspect the merchandise offered for sale by all vendors and report to the Comanche Police department any suspicious or prohibited items.
e. Hours of operation are restricted from 7am – 7pm unless special consideration is granted by the city.
f. The operator shall provide adequate trash receptacles for the event. The property shall be kept clean and free of accumulated trash, refuse or garbage during and after the event. All receptacles must be removed or emptied by the next business day.
g. Merchandise, stalls, tables or other materials shall not be stored outdoors while the market is not open for business.

5. Revocation/Private Property Rights of Owners

a. The operator may not allow the flea market to become a public nuisance. The City Manager or designee may revoke the permit should the following conditions exist during the operation of the flea market. The existence of any of the following conditions is hereby declared to constitute a public nuisance:
    i. Accumulation of any garbage or rubbish.
    ii. Any condition that may threaten the health, safety or economic welfare of abutting or adjacent property owners.
    iii. If the flea market presents a visual blight.
    iv. Improper parking including parking on neighboring private property or blocking public access or streets.
    v. The presence of any prohibited items as listed above.

6. Penalty

a. Any person, firm or corporation that violates the provisions of this section, shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed five hundred dollars ($500.00) including cost. Each day upon which the violation continues constitutes a separate offence. (Ord. 531-17, April 11, 2017)

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

Article 2. Fair Housing

(Sections 5-10 through 5-13 deleted and replaced
by Ordinance 405-95, March 14, 1995)

See Fair Housing Ordinance 405-95, Appendix to this Code of Ordinances

Sections 5-14 through 5-19. (Reserved for future use.)

Article 3. Miscellaneous Provisions

Section 5-20. Sale of Merchandise on Vacant Property.

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

Section 5-21. Short Weights and Measures prohibited.

It shall be unlawful for any person, firm or corporation to sell or offer for sale, and 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.

Section 5-22. Pool, Billiard and Other Recreational Halls.

1. It shall be unlawful for any owner, manger or operator to employ or permit any minor (as defined by current State Law) to work in a pool, billiard, domino or card hall or parlor; it shall be unlawful for any minor (as defined by current State Law) to work in such a hall or parlor.

2. It shall be unlawful for any person in charge of any hall or parlor mentioned in Subsection 1 (above) to permit any minor (as defined by current State Law) to resort to or loiter in, such a hall or parlor, or to play games therein, unless he is accompanied by a parent or guardian, it shall be unlawful for such person to resort to or loiter in, such a hall or parlor, or to play games therein, unless he is accompanied by a parent or guardian.

3. It shall be unlawful for the owner, manager or operator of a pool, snooker, billiard, domino or card hall or parlor, or bowling alley to permit therein gambling, betting, operation of a lottery, sale, furnishing or drinking of intoxicating liquor, disorderly conduct, loud or disturbing language, noise, loud music, profane language or any other violation of State Laws or this Code of Ordinances.

4. Subsections 1 through 3 (above) shall not, however, apply to establishments created as family entertainment and recreation centers for the use and enjoyment of the entire family, regardless of age. It shall be unlawful for the owner, manager or operator of such a family center to permit the sale, furnishing or drinking of non intoxicating beverages or alcoholic beverages of any type.

Section 5-23 through 5-29. (Reserved for future use.)

Article 4. Penalty

Section 5-30. 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 five hundred dollars ($500.00) and is subject to revocation of his license. Each day upon which a violation continues shall constitute a separate offense. (Ord. 493-11, September 13, 2011)

Article 5. Junk Dealers and Dealers in Second Hand Goods.

Section 5-31. Junk Dealers and Dealers in Second Hand Goods Defined.

1. The term junk dealer is defined to include any person who shall carry on the business of buying second hand brass, copper, iron, precious metals, precious stones, coins, jewelry, leather belting, plumbing fixtures, electrical fixtures, burlap bags, tools, materials, machinery or supplies.

2. Dealer in second hand goods is defined to include any person who carries on the business of purchasing any kind of previously used goods.

(Ord. 296-80, May 15, 1980)

Section 5-32. Registry of Property.

Every junk dealer, keeper of a junk shop, or dealer in second hand goods, shall keep at his place of business a registry in which he shall enter the following:

1. The date of purchase of each item.
2. The name and address of the Seller or Transferor.
3. The items purchase or received.
4. The price paid for each item.
5. The signature of the Seller or Transferor.

All entries shall be made in ink, and shall not in any manner be obliterated or erased. All persons, firms or corporations, carrying on such business, shall keep all property purchased in their place of business within the City of Comanche, Oklahoma, in the same condition said property was in at the time of purchase or receipt of such property and keep the same available for inspection during said fifteen (15) days after the date of purchase or receipt of such property. (Ord. 296-80, May 15, 1980)

Section 5-33. Duty to Report to Police.

It is the duty of every junk dealer, keeper of a junk shop or dealer in second hand goods, to make out and deliver to the Chief of Police, upon request, a legible and correct copy of any part or parts purchased; provided that no junk dealer, keeper of a junk shop or second hand goods shall be required to keep a registry or furnish such description of any property purchased from any person having an established place of business in the City, nor of goods purchased at public sale; but such goods must be accompanied by a bill of sale or other evidence of open and legitimate purchase, and must be shown to any member of the Police Department when required.

(Ord. 296-80, May 15, 1980)

Sections 5-34 through 5-600. (Reserved for future use.)

Article 6. Recreation Centers

(Note: This entire Article was adopted by 367-88, February 9, 1988)

Section 5-601. Recreation Centers Defined.

For purposes of this Chapter a "Recreation Center" means any place, business or premises which maintains one (1) or more pool table, snooker table or billiard table or one (1) or more electronic or video game, pinball machine table game or other similar device or service; provided, that, the following shall not be considered Recreation Centers:

1. Private homes;

2. Duly licensed clubs dispensing alcoholic beverages for consumption on premises, taverns, bars or dance halls;

3. Churches and church recreation or activity centers; or

4. Business where tables, games, machines or devices are maintained occupying floor space equivalent to less than five percent (5%) of the maximum occupancy of the business, as established by the Building Code of the City.

Section 5-602. License Required.

It shall be unlawful for any person to operate or maintain a Recreation Center as defined in this Chapter without a valid annual license there for issued by the Clerk of the City.

Section 5-603. License Requirements.

Application for an annual license shall be made on forms provided by the Clerk of the City:

1. Licenses shall be issued on an annual basis and shall expire on June 30th of the year for which it is issued;

2. The annual fee for the license for the operation of a recreation center shall be twenty dollars ($20.00) or as may be set subsequent hereto by motion or Resolution of the City Council, payable upon the issuance of the annual license;

3. Holders of Recreation Center Licenses shall conspicuously display such licenses on the premises of the licensed Recreation Center; and

4. The application for an annual license to operate a Recreation Center shall contain the following:

a. The name of the applicant, who must be the owner of such business;

b. The location where it is intended to conduct such business and the telephone number, if available at the time of application, of such business;

c. The age of the applicant;

d. The business and residence address of the applicant for the five (5) years next preceding the date of the filing of the application, and current residence telephone number;

e. The name (s) and ages (s) of any partners (s) or other person (s) having a financial interest in the Recreation Center for which the license application is being made, the business and residence address of such partner (s) and/or persons (s) for the five (5) years next preceding the date of the filing of the application, and current residence telephone number for such partners (s) or person (s);

f. The name (s) and age (s), current residence address and residence telephone number (s) of any manger (s) or operator (s) of such Recreation Center, if other than the applicant, and the name (s), age (s), current residence address and residence telephone number (s) of any persons employed who will have supervisory control over the premises of the Recreation Center;

g. The State of Oklahoma Sales Tax Permit number under which the business is to be operated; and

h. Whether anyone on the premises has or holds a United States Internal Revenue License or special liquor dealer's license.

5. The application shall be verified by oath of the applicant.

Section 5-604. Prohibition of Slot Machines and Punch Boards

It is unlawful for any person, firm or corporation to expose or operate in his place of business within the City any punch board or slot machine, which contains any element of chance or in the operation of which chance plays any material part.

Section 5-605. Regulations for Operation of Recreation Centers.

It is an offense punishable as hereafter set forth for any Recreation Center owner, manager, operator or person having supervisory control thereof, or employee to do or permit to be done any of the following acts:

1. Operate a Recreation Center at any location in violation of the City's Zoning Ordinance;

2. Violate any provision of this Chapter or other applicable provision of the Comanche Code of Ordinances;

3. Violate any of the Statutes of the State of Oklahoma;

4. Operate or be open for operation during hours other than specified as follows:

a. Monday, Tuesday, Wednesday, and Thursday -- 8:00 A.M. to 12:00 midnight;

b. Friday -- 8:00 A.M. to 1:00 A.M. the following Saturday morning;

c. Saturday -- 8:00 A.M to 1:00 A.M. the following Sunday morning; and

d. Sunday -- 1:00 P.M. to 12:00 midnight;

5. Sell, barter, give away or knowingly permit the consumption of alcoholic beverages in or about the premises of such Recreation Center;

6. Knowingly permit any intoxicated person whether by alcohol, drugs, or other substances to be in or abut the premises;

7. Permit on the premises during a school day between the hours of 8:30 A.M. to 11:30 A.M., and 12:30 P.M. to 3:00 P.M. any person who is under the age of eighteen (18) years and who is enrolled in either a public, private or parochial elementary, middle or secondary school, except when accompanied by a parent, legal guardian, or a part of a recognized school sponsored activity; or

8. Permit any person not an employee to be or remain on the licensed premises or in that portion of the premises wherein the recreation activities take place more than fifteen (15) minutes after closing time.

Section 5-606. Suspension or Revocation of License.

1. All complaints concerning Recreation Centers shall be submitted or forwarded to the Chief of Police for investigation. If the Chief of Police finds that a violation of the provisions of this Chapter has been committed, he may file a complaint with the Clerk of the City, setting forth the alleged acts constituting the violation. Further, upon completion of any complaint investigation, whether he files a complaint with the Clerk of the City or not, the Chief of Police shall submit a written, fully detailed, investigation report to the City Manager. Upon the filing of such complaint by the Chief of Police with the City Clerk, the Clerk shall fix a date for hearing of the complaint by the City Council, and shall cause to be served upon the licensee a copy of the complaint and notice of the time and place of the hearing. Such complaint and notice of hearing to be served not less than fifteen (15) days prior to the date set for hearing. The complaint and notice of hearing may be served upon the owner, manager, operator, partner or person shown on the license application as having supervisory control over the premises of the Recreation Center; or if such person (s) may not be found, by mailing the same by registered or certified mail addressed to such persons (s) at

the licensed premises. At the hearing thereon, the complainant, the licensee or any interested person may be present and present such evidence as may be relevant and material. If, at the conclusion of such hearing the City Council finds that the licensee has violated any of the provisions of this Chapter, the City Council shall suspend for not more than fifteen (15) days or revoke the license issued hereunder. Upon suspension or revocation, the licensee shall immediately cease operating as a Recreation Center.

2. Following the revocation of any Recreation Center license, any application for a license as a Recreation Center upon the same premises shall not be accepted by the City Clerk for a period of thirty (30) days following the revocation.

Sections 5-607 through 5-649. (Reserved for future use.)

Article 7. Mobile Food Vendors (Food Truck Freedom Act)

5-607. Purpose and Authority.
This Article is enacted pursuant to the authority of Title 11 of the Oklahoma Statutes and the *Oklahoma Food Truck Freedom Act*, codified at 63 O.S. §§1-1150 through 1-1154 as may be amended.

The purpose of this Article is to recognize and implement the provisions of said Act while establishing a uniform annual registration process for mobile food vendors operating within the City of Comanche, consistent with state law and municipal authority.

5-608. Definitions.
Unless otherwise defined herein, all terms used in this Article shall have the same meanings as set forth in the *Oklahoma Food Truck Freedom Act*, including but not limited to:

1. **Mobile Food Vendor means any person who dispenses food or beverages from a mobile food establishment, mobile push cart, or mobile retail food establishment.**
2. **Mobile Food Establishment means a vehicle-mounted, road-approved facility from which food or beverages are prepared and sold, and which is readily movable.**
3. **Local Authority means the City of Comanche, Oklahoma.**
4. **State Food Establishment License means a license issued under 63 O.S. §1-1118.**

5-609. Registration Required.
A. Every mobile food vendor operating within the corporate limits of the City of Comanche shall register annually with the City Clerk.
B. Registration is an administrative recognition of a valid State Food Establishment License and does not constitute a separate local permit or impose any requirements inconsistent with state law.
C. To register, a mobile food vendor shall provide:

1. **A copy of a valid State Food Establishment License issued under 63 O.S. §1-1118;**
2. **A completed registration form provided by the City Clerk; and**
3. **Payment of a Ten Dollar ($10.00) registration fee, representing the administrative cost of processing registration in accordance with 63 O.S. §1-1151(B)(12).**

D. Upon receipt of the materials described above, the City Clerk shall recognize the vendor's registration and issue a City registration certificate within five (5) business days.
E. Each registration shall be valid for one (1) year from the date of issuance.

5-610. Operational Requirements.
Mobile food vendors operating within the City shall comply with all applicable provisions of the *Oklahoma Food Truck Freedom Act* and other City ordinances not inconsistent with that Act, including:

1. **Display of the State Food Establishment License in a conspicuous location for public view;**
2. **Maintenance of the food vending vehicle in good operating order and in compliance with applicable fire and safety codes;**
3. **Provision of visible waste receptacles for customer use and removal of all refuse within twenty-five (25) feet of the vending area upon conclusion of operations;**
4. **Operation only in lawful locations and with the consent of private property owners where applicable; and**
5. **Compliance with all traffic, parking, and noise regulations of the City.**

5-611. Limitations on Municipal Regulation.
Consistent with the *Oklahoma Food Truck Freedom Act*, the City of Comanche shall not:

1. **Impose distance, insurance, bonding, or commissary requirements inconsistent with the Act;**
2. **Require additional inspections, fingerprinting, or tracking devices;**
3. **Prohibit lawful operation by a mobile food vendor holding a valid State Food Establishment License and complying with all applicable state and local laws not in conflict with the Act; or**
4. **Charge any fee for registration or operation beyond the actual administrative cost of registration.**

5-612. Penalties and Enforcement.
A. Any person operating as a mobile food vendor within the City of Comanche without completing the registration required by this Article, or who violates any provision of this Article or other municipal regulation consistent with the *Oklahoma Food Truck Freedom Act*, shall be guilty of an offense and subject to a fine not to exceed One Hundred Dollars ($100.00) for each day the violation continues.
B. Any suspected violation relating to the validity or status of a State Food Establishment License shall be referred to the Oklahoma State Department of Health for investigation and enforcement pursuant to 63 O.S. §1-1152.
C. Nothing in this section shall be construed to authorize the City to suspend, revoke, or penalize a State Food Establishment License. (Ord. 586-25, 11-4-2025)

CHAPTER 6

CEMETERIES

Article 1. Cemetery Administration

Section 6-1. Cemetery Administration.

1. The Municipal Cemetery shall be controlled and administered by the Public Works Department. (See Chapter 1, Code of Ordinances)

2. Within the Public Works Department, care and maintenance of the Municipal Cemetery shall be the responsibility of the Cemetery Sexton employed by the City of Comanche, Oklahoma

(Ord. 353-87, May 12, 1987)

Section 6-2. Cemetery Care Fund.

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

(Ord. 353-87, May 12, 1987)

Section 6-3. Charges and Fees.

1. A. The Municipal Cemetery Lot Fee is $400.00 per lot.
   B. The Interment Fee is $400.00 for interments that occur on Monday, Tuesday, Wednesday and Thursday, unless said day is also a holiday. **The Interment Fee is $600.00 for interments and $100.00 for cremains that occur on Friday, Saturday, and those holidays which are not closed to interments in Section 6-12.**

(Ord. 582-24, February 13, 2024)

   C. The City Council shall determine and establish the permit fees for the setting of monuments and grave markers and the construction of vaults and mausoleums and charges for other cemetery services by motion or resolution.
   D. The rate for lots in Fairlawn North is established as Premium Lots (those two lots nearest any roadway) are $500 each and Standard Lots (all others not designated as premium) are $400 each.

(Ord. 536-17, August 8, 2017)

2. All grave service charges and lot sale charges are payable in advance by lot owners at the Office of the City Clerk.

3. A permit will be secured and paid for at the Office of the City Clerk prior to the setting of any monument or grave marker, or the construction of any approved vault or mausoleum.

4. There will be no charge to the government to set veterans' monuments or grave markers, or to any veteran or lot owner to set their own monuments or grave markers. Settings, however, shall be in accordance with and conform to the required specifications and regulations for monuments and grave markers as set out in this Chapter, and shall be done under the indirect supervision of the Sexton.

(Ord. 353-87, May 12, 1987)

Section 6-4. Municipal Responsibilities.

1. The City shall take every reasonable precaution to protect all private property of lot and grave owners in the cemetery from loss or damage, but distinctly disclaim all responsibilities for loss or damage from causes beyond its reasonable control, and from all acts of providence or winds, tornadoes, cyclones, fire, hail, rain, snow or frost, whether the damage be direct or incidental.

2. The City shall not be responsible for failure of equipment or for the negligence of undertakers.

3. The City shall maintain all lots, unless otherwise requested by lot owners, and will not be responsible for flowers, grass, shrubs, trees or other plant materials planted by the lot owner unless the Sexton has been notified and special lot care has been authorized.

4. If special care of lots or graves is requested, the City Council reserves the right to decide if the Sexton is to perform this service; when such special care is authorized, reasonable prices will be charged to the lot owner.

5. All grass grave sites shall be maintained by the City at ground level.

6. The Sexton shall remove any plant, shrub or tree which becomes diseased or endangers other plants.

7. The Sexton shall remove funeral designs and floral pieces from graves when they become wilted or unsightly. Persons desiring to retain funeral designs and floral pieces must inform the Sexton and shall remove them within one (1) week after being placed. In no instance will cemetery employees attempt to locate designs and floral pieces after their removal from a lot.

8. The City Council reserves the right to forbid placement within the cemetery any structure or object which they deem to be objectionable.

9. The City Council reserves the right to make exceptions to any rule or regulation pertaining to the cemetery where the waiver of such rule or regulation would clearly, in the opinion of the City Council, be of a general benefit to the appearance or operation of the cemetery.

10. All employees of the cemetery shall conduct themselves in a uniformly courteous manner at all times. (Ord. 353-87, May 12, 1987)

Section 6-5. Purchase of Cemetery Lots and Deeds.

1. Deeds to cemetery spaces and lots shall not be issued until lots are fully paid for.
(Ord. 353-87, May 12, 1987)

2. When cemetery spaces or lots are purchased by contract and the purchaser neglects or fails to pay the remaining balance due thereunder within one (1) year, the purchaser will be deemed to have forfeited all rights and interests therein to such spaces or lots, and all sums previously paid to the City by such contract purchaser shall be forfeited to the City as liquidated damages. A minimum payment of twenty-five dollars ($25.00) per cemetery lot shall be paid before a contract for purchase of cemetery lot shall be issued. (Ord. 407-95, May 9, 1995)

3. No burial shall be made on any cemetery space until such space has been paid for in full.
(Ord. 353-87, May 12, 1987)

4. All deeds for cemetery spaces or lots shall contain the following clause: "Subject to the rules and regulations of the Municipal Cemetery as adopted by the City Council of the City of Comanche, Oklahoma." (Ord. 353-87, May 12, 1987)

5. All assignments, deeds or other conveyances of spaces or lots in the cemetery made by persons owning them shall be null and void unless permission therefor shall have been obtained from the City Clerk. (Ord. 353-87, May 12, 1987)

6. Upon the death of a lot owner, intestate, the heirs shall be recognized according to the laws of the State of Oklahoma; or if such lot owner leaves a will, the devisees will be recognized. It shall be the responsibility of the heirs or devisees of a deceased lot owner to file with the City satisfactory proof of the new ownership. No interments will be permitted until each proof is given, and written authority must be secured from such hairs or devisees for any interments therein.
(Ord. 353-87, May 12, 1987)

7. When two (2) or more persons have a joint interest as owners of a lot, no dividing lines within each lot shall be recognized by the City and all owners shall have equal rights of interment.
(Ord. 353-87, May 12, 1987)

8. Lot owners shall notify the City Clerk of any change in their mailing address.
(Ord. 353-87, May 12, 1987)

9. No platted or designated areas reserved for non-burial uses, such as roadways, alleyways, municipal use areas within the City of Comanche Cemetery shall be sold or utilized for interments or burials. Any such areas sold for the purpose of interments or burials as of the date of this ordinance shall be honored and burials may occur in accordance with City Ordinances and State Law. The City Council, by motion, may waive the prohibition of sales in any of these areas based upon special or unusual circumstances.
(Ord. 485-10, October 12, 2010)

Sections 6-6 Prohibited Uses and Activities

The following prohibitions shall apply within the Comanche(Fairlawn) cemetery:

(a) No person shall destroy, deface, apply graffiti to or otherwise injure any monument, sign, tree or other lawful item

(b) No person shall disturb the peace or unreasonably annoy, harass or disturb any other person who is lawfully present on the grounds

(c) No vehicles shall be permitted to drive on lawns or cemetery plots in a cemetery.

(d) There shall be no entry or presence in the cemetery by any person when the cemetery is closed or outside of authorized times.

(e) There shall be no destruction of cemetery property.

(f) There shall be no disturbing of the peace or engaging in any loud or boisterous conduct.

(g) There shall be no driving of an automobile, truck or any vehicle on any portion of a cemetery except the designated roads or drives.

(h) There shall be no ATVs, four-wheelers, go-carts or similar vehicles.

(i) There shall be no gathering of persons in excess of 75 people without prior City approval (except during or incidental to a funeral occurring concurrent with burial).

(j) There shall be no disinterment or grave openings

(k) There shall be no possession or consumption of any alcoholic beverage.

(l) There shall be no picnicking or consumption of food without prior City approval.

(m) There shall be no music, playing of any radio, or the use of any amplification device or similar item, except pursuant to a military ceremony or a funeral.

(n) There shall be no solicitation or peddling of services or goods or any signs or placards advertising any goods or services.

(o) There shall be no littering or dumping.

(p) There shall be no unlawful interference with or disruption of a lawful funeral procession.

(q) No children under twelve (12) years of age shall be allowed in the cemetery unless accompanied by an adult and are properly supervised by an adult.

(r) There shall be no speeding in excess of 10 miles per hour.

(s) No person shall engage in any fight, quarrel or disturbance.

(t) Cremains or ashes of a deceased person shall not be scattered or dispersed.

(u) There shall be no dumping, vandalizing or tipping over of any lawful garbage container or receptacle.

(Ord. 552-19, February 12, 2019)

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

Article 2. Rules and Regulations

Section 6-10. General Provisions.

1. Hours of general admission to the Municipal Cemetery shall be from 7:30 a.m. to sunset daily.
(Ord. 463-05, October 11, 2005)

2. All vehicles shall drive slowly and shall not turn around on streets within the cemetery; all trucks must secure permission before entering the cemetery.
(Ord. 353-87, May 12, 1987)

3. No hunting, picnics, intoxicated persons, children (unless accompanied by parents or guardian), peddlers, solicitors, drinking, gambling, disorderly conduct, dogs or livestock shall be allowed in the cemetery at any time. Any such person, dog, livestock or persons engaged in such activities may be ejected from cemetery property by the Sexton.
(Ord. 353-87, May 12, 1987)

4. No person shall be allowed to burn any trash or grass inside of the cemetery, nor to set fire to any articles within the cemetery. (Ord. 353-87, May 12, 1987)

5. No sign shall be placed in the cemetery indicating that a lot, space, vault or mausoleum is for sale, nor shall any sign, card or advertisement of any nature be permitted within the cemetery.
(Ord. 353-87, May 12, 1987)

6. All persons are prohibited from pulling flowers, breaking or injuring any tree, shrub or other plant, or in any manner defacing any monument, building or structure within the cemetery.
(Ord. 353-87, May 12, 1987)

7. Rules and regulations governing lot improvements and monumental works should be carefully reviewed by lot owners prior to commencing any lot improvements or before purchasing monuments. (Ord. 353-87, May 12, 1987)

Section 6-11. Lot Improvements.

1. Lot owners shall consult the Sexton prior to making any lot improvements.

2. No lot, space or plot shall be enclosed by any fence, curb, coping or border of any kind which protrudes above ground level. Walkways shall be permitted only within the boundary of lots or plots. Walkways, curbs, copings and other borders shall only be constructed in conformance to specifications of the Sexton, and shall be of concrete material. Walkways shall be below or at ground level.

3. Corner stones or markers shall not be permitted.

4. No boxes, chairs, settees, glass vases, shells, trinkets, toys or other articles shall be permitted on lots or graves. Receptacles for flowers shall be sunk below the surface level of the ground, be of an unbreakable material and of such character so as to not interfere with mowing.

5. The planting of trees and shrubs shall be permitted with the approval of the Sexton. The planting of flowers is prohibited. All plantings shall be restricted to the monument side of each lot and so grouped so as to allow all lots to be easily mowed.

6. All trees and shrubs planted on lots shall be the responsibility of the lot owner and shall be maintained by the lot owner. If the lot owner fails to maintain the trees and shrubs or does not provide for special lot care, such trees and shrubs may be removed by the Sexton.

7. Grass shall be planted only with the permission of the Sexton. Grasses which require special care shall be prohibited.

8. Fertilization of lots by the lot owner shall be permitted only with the approval of the Sexton.

9. Private water lines will be permitted only with the approval of the City.

(Ord. 353-87, May 12, 1987)

Section 6-12. Interments.

1. Notice for grave openings shall be given not less than twenty-four (24) hours prior to interment services. Provided, however, that the twenty-four (24) hour notice requirement shall not apply to persons whose genuine and sincere religious and spiritual beliefs and tenets require that interment occur within such time and therefore not allowing twenty-four (24) hour notice. In such cases and only in such cases, notice shall be given as soon as reasonably possible, but not less than eight (8) hours prior to interment. (Ord. 428-98, May 12, 1998)

2. Interment services shall be within the cemetery no later than 3:45 P.M. Monday through Saturday. Later afternoon services shall be allowed by the Sexton in those instances where travel makes it unreasonable for services to be within the cemetery before 3:45 p.m.

(Ord. 353-87, May 12, 1987)

3. The cemetery shall be closed to interment services on Sundays, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day and New Year's Day.

(Ord. 353-87, May 12, 1987)

4. Schedules of lot prices, grave service charges and other fees will be furnished upon request to the Sexton or City Clerk. (Ord. 353-87, May 12, 1987)

5. All grave service charges and lot fees must be paid at the Office of the City Clerk prior to service time. (Ord. 353-87, May 12, 1987)

6. The City shall provide an attendant to all interments without cost.

(Ord. 353-87, May 12, 1987)

7. Outside containers shall be concrete or of an equivalent material approved by the Sexton. Wooden containers, except for interment of infant children, shall not be permitted.
(Ord. 353-87, May 12, 1987)

8. Two (2) bodies shall not be interred in one grave, except remains consisting of one (1) adult and one (1) infant, two (2) infants, twins, two (2) bodies from deaths occurring simultaneously or at least one such person's remains consist only of body parts. In no case shall the interment of more than two (2) cremated remains in a single grave be permitted.
(Ord. 453-03, May 13, 2003)

9. No lot owner shall have the right to have a body interred within the bounds of the owner's lot for remuneration, sale or hire, without special permission of the City Council.
(Ord. 353-87, May 12, 1987)

10. No disinterment will be allowed without permission of the City and a permit from the proper authorities. (Ord. 353-87, May 12, 1987)

11. The removal of the body of a deceased lot owner or his immediate family by the heirs or devisees, for profit to themselves, is absolutely forbidden.
(Ord. 353-87, May 12, 1987)

12. Associations of lodges owning lots must give a written order for interments signed by the proper officers thereof. (Ord. 353-87, May 12, 1987)

13. No interment of any body other than that of a human being shall be permitted.
(Ord. 353-87, May 12, 1987)

Section 6-13. Flower Placement.

1. Planting of flowers shall be prohibited.

2. Artificial and cut flowers shall be placed at the back side of the lot beside or in line with the monument.

3. Receptacles for flowers must be sunk below the surface of the ground. Such receptacles shall be of an unbreakable material and of such character as not to interfere with mowing. Glass vases or paper-board boxes shall not be permitted and shall be removed by the Sexton.

4. Flower receptacles mounted to upright monuments or mounted in flat stones shall be permitted.

5. Flowers, cut or artificial, spread or placed upon the grave site shall be permitted only in observance of Memorial Day and Easter, or following interment services, provided that such shall be removed by the Sexton within two (2) weeks of each observance or upon his discretion

when such flowers become wilted or unsightly, or as necessary for cemetery maintenance.
(Ord. 353-87, May 12, 1987)

Section 6-14. Monuments, Grave Markers and Mausoleums.

1. By direction of the City Council, sections of the cemetery may be designated for flat grave markers only. The Sexton or City Clerk shall be consulted before purchase of any monument to be located in the cemetery in order to assure compliance with cemetery rules and regulations.
(Ord. 353-87, May 12, 1987)

2. Specifications and charges for the setting of monuments and grave markers may be obtained upon request to the Sexton or City Clerk. (Ord. 353-87, May 12, 1987)

3. The Sexton shall be notified prior to the setting of any monument or grave marker. The Sexton shall approve monument and grave marker foundations prior to the setting of the monument or grave marker. No monument or grave marker shall be set nor shall any foundation work be conducted on a Saturday, Sunday or holiday when the Sexton's office is closed.
(Ord. 353-87, May 12, 1987)

4. All monument and grave marker setting fees shall be paid at the Office of the City Clerk prior to construction of the monument or grave marker foundation. (Ord. 353-87, May 12, 1987)

5. Monuments and grave markers shall be set on concrete foundations having a concrete mixture of two (2) parts cement, three (3) parts sand, and four (4) parts rock. All monument and grave marker foundations shall provide for an apron which shall be six (6) inches larger than the base on the monument or grave marker in all directions. The depth and construction of the monument and grave marker foundation shall be in accordance with the methods described in the following diagrams and instructions, which determine the required depth of foundation for grave markers, common, tall and uncommon shaped monuments. In no instance, however, shall any monument or bevel top grave marker foundation be less than six (6) inches in depth. Flat top marker foundations shall not be less than four (4) inches in depth.
(Ord. 422-98, January 14, 1998)

SECTION 2. That the diagrams and instructions attached hereto and marked as Exhibit "A" shall be included as part of Chapter 6, Cemeteries, Article Two, Rules and Regulations, Section 6-14, Monuments, Grave Markers and Mausoleums, of the Code of Ordinances of the City of Comanche, Oklahoma. The diagrams which currently appear in Chapter 6, Cemeteries, Article Two, Rules and Regulations, Section 6-14, Monuments, Grave Markers and Mausoleums, of the Code of Ordinances of the City of Comanche, Oklahoma, shall be removed from said Code of Ordinances and replaced with the diagrams and instructions attached hereto and marked as Exhibit "A." (Ord. 422-98, January 14, 1998)

6. All monuments placed above ground shall be set in line with the west back side of lots, plots or single grave spaces and all flat markers shall be set at or below ground level.
(Ord. 353-87, May 12, 1987)

7. Both family monuments and grave markers may be erected on all burial lots or spaces. Family monuments shall be centered on each lot or plot. (Ord. 353-87, May 12, 1987)

8. All lots are marked by cemetery officials. Any other boundary posts are unnecessary and shall not be permitted. (Ord. 353-87, May 12, 1987)

9. Vaults and mausoleums will be permitted, when design and construction has been approved by the City Council, on certain lots designated for such by the said Council.
(Ord. 353-87, May 12, 1987)

10. Vaults built partially or entirely above ground must be of granite, unpolished marble or reinforced concrete material. They must, in all cases, be furnished with catacombs, where interments may be made separately and hermetically-sealed at the time of depositing a body. Walls of vaults erected above ground must be at least sixteen (16) inches in thickness. Any lot owner desiring to erect a vault or mausoleum shall submit to the City Council a statement in writing giving the lot number and section where the structure is to be placed, along with detailed plans and specifications as to the materials and construction; no work shall be done until approved by the City Council. Erection of mausoleums or vaults shall not be permitted during the months of December, January or February. ; No vault or mausoleum shall be built on lots having less than four hundred (400 square feet in area. (Ord. 353-87, May 12, 1987)

11. In the erection of stone work, no workman shall enter on any lot when the surface is in a soft condition due to grounds maintenance, heavy dew, rain or snow. Before leaving, workman shall clean up the grounds. Workmen engaged in the erection of stone work shall not attach ropes or chains to any monument, trees or permanent structure without special permission of the Sexton. No monument work will be permitted other than during normal working hours of cemetery personnel. All work shall be supervised by the Sexton or other designated cemetery personnel.
(Ord. 353-87, May 12, 1987)

Section 6-15. Water Use.

1. The water system in the cemetery is owned and maintained by the City. Private water lines will be permitted only with approval by the City. The laying and maintaining of approval private water lines shall be the responsibility of the lot owners and such shall be laid in accordance with specifications prescribed by the Sexton. Use of water in the cemetery will be controlled by the Sexton.

2. Lot owners are prohibited from leaving water running within the cemetery during their absence from the cemetery.

3. Lot owners shall be limited to two (2) hours of watering in any twenty-four (24) hour period.

4. No lot owner shall leave a water hose unattended in the cemetery. Any unattended water hose found in the cemetery may be removed by the Sexton.

5. When special care of a lot is required, the lot owner shall make arrangements through the Sexton for the providing of any such special care.

(Ord. 353-87, May 12, 1987)

Sections 6-16 through 6-24. (Reserved for future use.)

Article 3. Penalty

Section 6-25. Penalty.

Any person, firm or corporation who violates any provisions of this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed two hundred dollars ($200.00) including costs. Each day upon which a violation continues shall be deemed a separate offense. (Ord. 493-11, September 13, 2011)

CHAPTER 7

CIVIL DEFENSE

Section 7-1. Civil Defense Department Created.

(See Chapter 1, Sections 1-37, 1-51 and 1-61.)

Sections 7-2, et. Seq. (Reserved for future use.)

CHAPTER 8

FIRE PREVENTION

Article 1. Fire Prevention.
Article 2. Rural Fire Protection.
Article 3. Miscellaneous Provisions.
Article 4. Penalty.

Article 1. Fire Prevention

Section 8-1. Volunteer Fire Department.

1. There is hereby established for the City of Comanche, Oklahoma, a Volunteer Fire Department under the Provisions of the Oklahoma Volunteer Firemen's Act.
(See Chapter 1, Sections 1-32, 1-33 and 1-47, this Code of Ordinances.)

2. The Comanche, Oklahoma Volunteer Fire Department shall consist of not less than twelve (12) and not more than twenty-five (25) members. Members of the Comanche, Oklahoma, Fire Department may continue as members of the Volunteer Fire Department established under this Code of Ordinances without probation, but shall be subject to the by-laws authorized under this Code of Ordinances. (Ord. 495-11, September 13, 2011)

3. All new members shall be on probation for one (1) year after their appointment to the Department and shall not become regular members of the Department upon completion of their probation period until their approval by the majority of the regular members of the Comanche, Oklahoma, Volunteer Fire Department.

4. The Comanche, Oklahoma, Volunteer Fire Department shall adopt by-laws (a copy of which shall be deposited with the City Clerk), which shall include the following:

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

b. All volunteer fire fighters are required to be present at all regular meetings, call meetings and schools presented for the benefit of the fire fighters;

Article 2. Rural Fire Protection

Section 8-10. Charges for Fire Calls.

1. The following fees shall be charged, to persons or property owners involved, for fire calls outside the corporate boundaries of the City of Comanche, Oklahoma:

a. Calls made within five (5) miles of the corporate limits of the City of Comanche, Oklahoma, shall cost a minimum of one hundred and fifty dollars ($150.00) for the 1st hour, plus one hundred dollars ($100) per each additional hour, or portion thereof, for every hour in service.

b. Calls made outside of five (5) miles from the corporate limits of the City of Comanche, Oklahoma, shall cost a minimum of two hundred and fifty dollars ($250.00) for the first hour, with an additional hourly charge of one hundred dollars ($100) for each additional hour, or portion thereof, in service.

c. Oil lease fires, including tank battery, wells and pipelines, railroad right-of-way fires, or other hazardous material related fires shall cost a minimum of five hundred dollars ($500.00) for the first hour, with an additional hourly charge of one hundred dollars $(100.00) for each additional hour or portion thereof.

d. In a single "not a fault" incident response covering multiple property owners, the total fee will be calculated and divided equally among all property owners. Those with annual fire dues that are current will not be assessed a fee. In the event of an "at fault" incident, the entire fee will be assessed to the responsible party(s).

e. No single fee shall exceed two thousand dollars ($2,000.00).

2. Mileage and distances shall be based on actual miles traveled; time shall be as reported by the Fire Chief or Assistant Fire Chief.

3. All vehicle accidents requiring a fire response regardless of location will be assessed an emergency response fee of two hundred and fifty dollars ($250.00). The fee will be assessed to the insurance company of the "at-fault" driver. If the "at-fault" driver is uninsured they will be responsible for the fee. ORD 561-20 JANUARY 21, 2020

Section 8-11. "Rural Fire Service" Established.

1. There is hereby established the "Comanche Rural Fire Service," to be operated by the Comanche, Oklahoma, Volunteer Fire Department and be under the direction of the Comanche City Council, the City Manager and the Board of Governors of the "Comanche Rural Fire Service."
(Ord. 346-86, April 8, 1986)

2. The "Comanche Rural Fire Service" shall be operated primarily for the purpose of providing fire protection to rural residents living outside of the corporate limits of the City of Comanche, Oklahoma, but within the area encompassed generally by a South boundary line being Jefferson County line; an East boundary line running north and south from Johnson's Corner; a West boundary line being Cotton County Line; and the North boundary line being OLIVER ROAD. Members of the "Comanche Rural Fire Service living outside this specified area will continue to have fire protection service until such time as their present dues expire, however, no such member will be allowed to renew membership nor will membership be accepted from any

new member outside this specified area. The policy for assisting other Fire Departments will remain the same.

ORD 561-20 JANUARY 21, 2020

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

(Res. 304-17, December 12, 2017)

4. The costs of fire calls to rural residents who are not paying members of the "Rural Fire Service" shall be the same as the costs established in Section 8-10 of this Chapter.

(Ord. 346-86, April 8, 1986)

5. Annual payment of the fifty-dollar ($50.00) membership fee shall be due on or before July 1st of each year.

(Res. 304-17, December 12, 2017)

6. Payment of claims and other financial transactions involving the use of funds derived from the "Comanche Rural Fire Service" shall be made and processed in accordance with the requirements of Oklahoma Statutes, municipal ordinances and accepted municipal procedures.

(Ord. 346-86, April 8, 1986)

7. In performance of fire prevention or protection services outside the corporate limits of the City of Comanche, Oklahoma, the Comanche, Oklahoma, Volunteer Fire Department shall not assume responsibility for damages to structures incurred prior to the arrival of the said Department, nor shall the said Department assume responsibility for damages to structures incurred as a result of late notification of the members of the said Department. (Ord. 346-86, April 8, 1986)

8. Unpaid fees, charges or annual membership may be subject to collection by the City of Comanche, Oklahoma, in any manner normally employed by said municipality, including the use of small claims court. (Ord. 346-86, April 8, 1986)

Section 8-12. "Rural Fire Service" Advisory Board Created.

1. There is hereby established a "Comanche Rural Fire Service" Advisory Board, for the purpose of advising the City Council concerning the operation of the "Comanche Rural Fire Service."

2. The Advisory Board shall consist of the Municipal Fire Chief and four (4) additional members, who shall be appointed, from the rural area encompasses by the "Comanche Rural Fire Service," by said Fire Chief, subject to the approval of the City Council.

4. All paying members of the "Comanche Rural Fire Service" shall be eligible to serve on the Advisory Board.

4. The Advisory Board shall meet at least once each month.

5. The Fire Chief shall be responsible for insuring that proposed fire-protection related purchases and activities are submitted to the Advisory Board for their recommendation and comment, prior to final action by the City Council; provided, however, that failure to submit such proposals to the Advisory Board shall not invalidate City Council action on any such proposal

SECTION 8-13

1: The Comanche Fire Department shall initiate mitigation rates for the delivery of all emergency and non-emergency services by the fire department for personnel, supplies and equipment to the scene of emergency and non-emergency incidents as listed in the City of Comanche Schedule of Fees Ordinance. The mitigation rates shall be based on actual costs of the services and that which is usual, customary and reasonable (UCR) as shown in the City of Comanche Schedule of Fees Ordinance, which may include any services, personnel, supplies, and equipment and with baselines established by addendum to this document.

2: A claim shall be filed to the responsible party(s) through their insurance carrier. In some circumstances, the responsible party(s) will be billed directly.

3: The City Council may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with this Section, as they may deem necessary or expedient in respect to billing for these mitigation rates or the collection thereof.

4: It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in accordance with all legal requirements.

5: The Mitigation Rates will be reflected in the City of Comanche – Schedule of Fees Ordinance. ORD 579-23 FEB 7,2023

Sections 8-14 through 8-19. (Reserved for future use.)

Article 3. Miscellaneous Provisions

Section 8-20. Sale or Possession of Fireworks Prohibited.

It shall be unlawful and an offense for any person, firm or corporation to sell or to discharge, ignite or in any manner aid, assist or abet in the discharging or igniting of any firecrackers, of any size, type or description, skyrockets, pistols, torpedoes, roman candles, flash salutes, flash crackers, balloons or other fireworks or substances designed and intended for pyrotechnic display, or small display ground pieces, canes, cap pistols, cannons or other appliances using caps containing chlorate or potash mixture within the corporate limits of the City of Comanche, Oklahoma.

Section 8-21. Explosives.

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

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

Sections 8-22 through 8-29. (Reserved for future use.)

Article 4. Penalty

Section 8-30. Penalty.

Any person, firm or corporation who violates any provision of this Chapter, including the provisions of any Code adopted by the City of Comanche, Oklahoma, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed five hundred dollars ($500.00). Each day upon which a violation continues shall be deemed a separate offense.

(Ord. 493-11, September 13, 2011)

CHAPTER 9

GENERAL AND MISCELLLANEOUS PROVISIONS

Article 1. Rules of Construction.
Article 2. Miscellaneous Provisions.
Article 3. Penalty; Judicial Relief.

Article 1. Rules of Construction

Section 9-1. Rules of Construction.

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

1. Chief of Police or Police Chief. Reference to the "Chief of Police" or the "Police Chief," shall mean the Chief of Police or the Police officer in charge of the police force of the City of Comanche, Oklahoma.

2. City or Municipality. The words the "city" or the "municipality" shall mean the City of Comanche, in Stephens County, Oklahoma.

3. City Attorney or Corporation Counsel. Reference to the "City Attorney" or the "Corporation Counsel" shall mean the Municipal Attorney of the City of Comanche, Oklahoma.

4. City Clerk or Clerk of the Municipality. Reference to the "City Clerk" or the "Clerk of the Municipality" shall mean the City Clerk of the City of Comanche, Oklahoma.

5. City Council or Council. The terms "City Council" or "Council" shall mean the governing body of the City of Comanche, Oklahoma.

6. City Manager. The term "City Manager" shall mean the Chief Executive and Administrative Officer of the City of Comanche, Oklahoma.

7. City Treasurer or Treasurer. Whenever reference is made to the "City Treasurer" or the "Treasurer," it shall mean the City Treasurer of the City of Comanche, Oklahoma.

8. Code. Reference to "this Code" or "the Code" shall mean the Code of Ordinances of the City of Comanche, Oklahoma.

9. Computation of Time. Whenever notice is required to be given, or an act to be done, a certain length of time before any proceeding shall be held, the day on which such notice is given, or

such act is done, shall be excluded in computing the time, but the day on which such proceeding is to be held shall be included.

10. County. The term "county," "the county" or "this county" shall mean Stephens County, Oklahoma.

11. Court. The word "Court" shall mean the Municipal Court of the City of Comanche, Oklahoma.

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

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

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

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

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

17. Judicial District. The Term "Judicial District" shall mean the District Court Judicial District of the State of Oklahoma, wherein the situs of government of the City of Comanche, Oklahoma, is situated.

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

19. Mayor. Whenever reference is made to the "Mayor," it shall mean that member of the Comanche, Oklahoma, City Council elected by the members of said Council to preside over its meetings.

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

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

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

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

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

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

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

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

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

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

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

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

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

33. Statutory References. Reference to the Statutes of the State of Oklahoma means the Statutes as they now are or as they may be amended to be; a reference to the 1971 Statutes also means the comparable provision when included in future codifications or supplementations of said Statutes.

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

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

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

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

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

Article 2. Miscellaneous Provisions

Section 9-5. Certain Ordinances or the ordinance adopting this Code shall be construed to repeal, or otherwise affect the validity of, any of the following, and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length here in.

1. Ordinances promising or guaranteeing the payment of money for the City of Comanche, Oklahoma, authorizing the issuance of any municipal bonds or any evidence of the municipality's indebtedness;

2. Appropriation ordinances, or ordinances providing for the levy of taxes, for an annual budget or prescribing salaries for municipal officers and employees;

3. Ordinances annexing territory to the City of Comanche, Oklahoma, or excluding territory as a part thereof;

4. Ordinances approving, authorizing or otherwise relating to, any contract, agreement, lease, deed or other instrument, or granting any franchise;

5. Ordinances authorizing or otherwise relating to specific public improvements;

6. Ordinances vacating, opening or dedicating specific streets and alleys;

7. Ordinances relating to specific street improvements and assessments therefor;

8. Ordinances relating to the grade or alignment of specific streets;

9. Ordinances naming or renaming specific streets;

10. Ordinances granting railroads the right to use specific streets and alleys;

11. Ordinances changing the Zoning District classification of a specific parcel of real property; or

12. Temporary or special ordinances.

Section 9-6. Enumeration of Provisions.

1. Provisions of State Law which affect the City of Comanche, Oklahoma, because of its general relationship to the State, may not be enumerated herein, but may be adopted by reference as inseparable parts of this Code of Ordinances.

2. Provisions of State Law which prescribe specific actions or laws for the City of Comanche, Oklahoma, and its citizens, may be included in this Code of Ordinances for purposes of clarity.

3. Provisions of State law in matters of wider public concern which are not enumerated herein, but which affect the City of Comanche, Oklahoma, and its citizens in a general way, may not be enumerated herein, but may nevertheless be made a part of this Code of Ordinances through adoption by reference.

4. All provisions which are of purely local concern shall be specifically enumerated in this Code of Ordinances. The regulations, rules, prohibitions, nuisances, offenses and other provisions which are of purely local concern, as provided by State Law, and are specifically enumerated herein in detail, shall be enforced by the City of Comanche, Oklahoma; duly authorized officers and agents of said City shall have all power, duties and responsibilities necessary to enforce the same.

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

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

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

1. All provisions of this Code of Ordinances and other ordinances of the City of Comanche, Oklahoma, now in effect or adopted in the future, are hereby extended to all real property belonging to, or under the control of, the City, and shall be in full force and effect thereon insofar as they are applicable.

2. Any words in any such provision indicating that its effect is limited to the corporate limits of the City of Comanche, Oklahoma, shall be deemed to mean and include also such outlying real property belonging to, or under the control of, said City, unless the context clearly indicates otherwise.

Section 9-9. Designation and Citation of Code.

The ordinances embraced in this and all other Chapters and Sections shall constitute and be designated the “Code of Ordinances, City of Comanche, Oklahoma“ and may be so cited. Such

Code may also be cited as the "Comanche, Oklahoma, City Code" or the "Comanche, Oklahoma, Municipal Code."

Section 9-10. Catchlines of Sections.

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

Section 9-11. Separability of Parts of Code.

i. It is hereby declared to be the intention of the City Council of the City of Comanche, Oklahoma, that the Sections, paragraphs, sentences, clauses and phrases of this Code of Ordinances are separable and if any phrase, clause, sentence, paragraph or Section of said Code shall be declared invalid by the judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of said Code, since the same would have been enacted by the City Council without the incorporation in this Code of any such invalid phrase, clause, sentence, paragraph or Section.

ii. Further, if any word, phrase, clause, sentence, paragraph or Section of this Code of Ordinances shall seem invalid through printing or typographical error, such error or misprint shall not serve to misconstrue or invalidate the intent thereof, nor affect in any way the intent or validity of any or all other words, phrases, clauses, sentences, paragraphs or Sections of this Code.

Section 9-12. Municipal League Membership.

The City of Comanche, Oklahoma, is hereby authorized to procure the services of the Oklahoma Municipal League, to have membership therein and to appropriate funds to pay for such services and membership.

Section 9-13. Membership in Municipal Electric Systems of Oklahoma Association.

The City of Comanche, Oklahoma, is hereby authorized to accept membership in the Municipal Electric Systems of Oklahoma Association, and pay annual dues to said Association to help pay the costs of its operation.

SECTION 9-14. PUBLIC AND PRIVATE SHARED RESPONSIBILITIES BETWEEN PRIVATE PROPERTY OWNERS AND/OR RESIDENTS AND THE CITY OF COMANCHE.

WHEREAS, Public-Private shared responsibilities exist in various forms. The following material attempts to establish standards defining responsibilities of the City of Comanche and the private property owners and/or residents for ownership, construction, repair, maintenance and any other action on public and private property. These standards may be modified from time to time and new statements of clarification of areas of responsibility may be established from time to time.

TERMS

a. City means the municipal government of the City of Comanche including the Comanche Public Works Authority.

b. Customer means the owner, renter, lessee, occupant of property within the City and/or served by a City utility or service or action.

c. Main Line means the water and sewer pipes located within public rights-of-way to which the private property owner's service line is connected.

d. Service Line means the water or sanitary sewer pipe connecting property plumbing to main line.

e. Meter means the device installed on water or electric lines to allow the measurement of quantities of utility moved through it.

f. Meter Base means the electric device to which the electric meter is connected.

g. Meter Box means the container within which a meter is placed.

h. Manhole means a container connected to the sewer main pipe and positioned in street rights-of way, alleys or easements.

i. Clean Out means a pipe connected to a sewer pipe and extended to the surface of the ground, allowing a sewer line cleaning machine to enter it in order to remove blockage of the sewer line.

j. Right-Of-Way (ROW) means the platted width of a public street or alley.

k. Easement means the defined width and length of a portion of private property for which a legal agreement allows for the use and/or placement of public utilities. Ownership of the land area remains privately owned but public utility construction and repair may occur and land area must be accessible.

l. Alley means a defined area through a parcel of land that is owned by the City for the purpose of construction, maintenance and repair of public utilities, either above or below ground.

m. Culvert means a pipe located in line with the flow direction of surface rain water to allow traffic movement over the area collecting the rain water.

n. On-Street Parking means the area of a street right-of-way beyond the driving lanes dedicated for the parking of vehicles.

1. Water

The City is responsible for the construction, repair and maintenance of the main line, the portion of the service line from the main line to the meter and the meter box. The City is also responsible for water hydrants and valves attached to the public main lines. The City provides and installs the shut off valve in the meter box. The Customer is responsible for the construction, repair and maintenance of the portion of the service line from the meter to the structure and within the structure. The Customer's point of responsibility begins with and includes the sealing surface and threaded nut that connects their service line to the meter. For new service, the City taps the main line, installs the water line to the property line and installs the meter and meter can. Multiple meters and service lines are allowed on one property.

2. Sanitary Sewer

a. The City is responsible for the construction, repair and maintenance of the main line and manholes.

b. If a property service line is to be constructed or repaired, the property owner shall use a licensed plumber to do the work that lies within a public right-of-way.

c. Connection of the private property service line to the City's main sewer line shall be done by a licensed plumber after obtaining a permit from the City Clerk. The connection shall be inspected by the City's Plumbing Inspector prior to the trench being backfilled. Inspector must be able to visually observe the point of connection of the service line to the main line.

d. If the waste water is not properly discharging from the private property (i.e., sewer line is clogged), it is recommended that the property owner or occupant contact the City first. The City will inspect the main line upstream and downstream from the property by opening the manholes to visually determine if the main sewer line is clogged or flowing. If the main line is clogged, the City is responsible for clearing obstructions in order to resume free flowing conditions. If the upstream and downstream manhole inspections determine that the sewage in the main lines is flowing normally, the City representative will inform the property owner or occupant that the main line is not clogged and, therefore, it is assumed that the property service line is clogged.

e. Property owner shall use a licensed plumber to clear the obstructions from the part of the service line that lies within the public right-of-way.

3. <u>Electricity</u>

a. City is responsible for the distribution wires, service line wire to the weather head.

b. Property owner is allowed to perform electrical wiring but all work must be done in accordance with all current electrical codes in effect within the community. City does not supply the customer with the meter base.

c. City does not supply the customer with pole for temporary construction electricity or other items for the purpose of providing temporary construction electricity to a building site. All customer-related work is to be done by a licensed electrician hired and compensated by the customer.

d. City provides electricity service to the customer's temporary power pole or other means of obtaining temporary construction electricity service.

e. Customer is responsible for all means and devices of surge protection and/or lightning protection. City is not responsible or liable for damage to personal items due to lightning. City is not responsible or liable for damage to personal items due to surges that have not been reported and reasonable time provided for City to investigate and correct. If City investigated and/or found no cause or source of surges related to City areas of responsibility, City is not responsible or liable for damages.

f. New underground service lines shall be coordinated with the PWA. The PWA shall extend the wire in conduit from the top of the power pole to the ground, dig the trench and install the wire and conduit. The customer shall reimburse the PWA for the wire and conduit. All underground electrical wires shall be inside conduit.

4. <u>Streets</u>

a. City surfaces, resurfaces and repairs deficiencies on street surfaces.

b. City constructs or contracts for construction of curbs and gutters, when applicable.

5. Street Right-Of-Way
    - **a.** Mowing, General Maintenance – Abutting property owner or occupant mows and trims to the edge of public street pavement, fills ruts, picks up trash and does general maintenance, as needed. City repairs any trenching or ruts it created as a result of City utility work done in that right-of-way area.
    - **b.** Drainage – City re-shapes drainage ditch, as needed; cleans out culvert pipes under roadways and alleys.
    - **c.** Tree Trimming, Removal – Abutting property owner removes or trims trees, shrubs and other vegetation in rights-of-way and if vegetation is causing a blockage of public signs. City trims tree limbs to a point below electric lines.
    - **d.** Drainage Culverts at Street Intersections – City opens & maintains.
    - **e.** Drainage Culverts under driveways to private property – Abutting property owner opens and maintains. Property owner reimburses City for cost of culvert pipe, City installs culvert.
    - **f.** Other utility companies, such as natural gas, telephone, cable television, internet, or others obtain a right-of-way use authority from the City. They may install, repair and/or replace their utilities within the street rights-of-way. They are responsible for traffic safety, all installation and site clean up.
    - **g.** Ordinance 16-61 (6): An any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth which obstructs sight lines at elevations between two feet six inches (2'6") and six (6) feet above any portion of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five (25) feet along the front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersections. The property owner or occupant of the corner lot is responsible for complying with the provisions of this ordinance. Exceptions to this ordinance are electric, telephone, cable television or other utility poles, equipment pedestals or cabinets or other public utility devices.

6. Alleys
    - **a.** Mowing, Rut Filling, General Maintenance – Abutting property owner mows to center of alley (as a minimum) and trims trees, shrubs, bushes or other vegetation encroaching into the alley; City repairs and fills ruts or does general maintenance if needed as a result of City work done in that alley. City trims tree limbs to a point below electric lines.
    - **b.** Other utility companies, such as natural gas, telephone, cable television, internet, or others obtain a right-of-way use authority from the City. They may install, repair and/or replace their utilities within the alleys. They are responsible for traffic safety, all installation and site clean up.

7. Drive Ways Construction, Maintenance, Repair
    - **a.** From public street surface to private property line – City provides gravel, if and when available. City replaces or repairs driveway areas if City had to dig to repair

underground utility or any other type of City responsibility work. City does not provide asphalt or concrete in any portion of a driveway.

b. From private property line onto private property – Private property owner is responsible for all actions, including removal of overhanging vegetation, tree limbs, etc.

8. On-Street Parking

a. On-Street Parking lanes are permitted along Main St. from 1st St. to 4th St. Main St. is also designated as State Highway 53. The Oklahoma Department of Transportation (ODOT) governs the construction of on-street parking lanes and none may be constructed without ODOT authorization. The City is responsible for all maintenance of the parking lanes, including parking stall striping and surface repairs.

b. The abutting property owner/occupant shall maintain any parking surfaces created within street rights-of-way for parking purposes.

9. Permits

a. Water-Sewer-Electricity-Sanitation Service Permits must be obtained from City Clerk, in accordance with all local procedures, ordinances and adopted codes.

b. Sewer connection - Permit must be obtained from City Clerk, in accordance with all local procedures, ordinances and adopted codes.

c. Water connection - Permit must be obtained from City Clerk, in accordance with all local procedures, ordinances and adopted codes.

d. Building - Permit must be obtained from City, in accordance with all local procedures, ordinances and adopted codes, including final occupancy permit if applicable. Actions included are: erect, enlarge, construct, relocate, substantially improve or repair, place, alter, move or demolish and building, structure, mobile or modular home, or other construction. [ordinance 4-15 (1)]

e. Street Cut - Permit must be obtained from City Clerk, in accordance with all local procedures, ordinances and adopted codes.

f. House Moving – Permit must be obtained from the City Manager to move any house, building or heavy structure on or over any street.

g. Pavement Cutting – Permit must be obtained from City Clerk by any contractor, firm or person desiring to bore or cut into or cross any public street, alley, sidewalk or public ground.

10. Parks

a. City shall be responsible for all construction, installation, maintenance and repairs within all parks.

b. Donations by private citizens, local organizations or any other source are allowed. City shall authorize and manage all improvements made from donations. All donated items are owned and maintained by City.

11. Removal of Discarded Items

a. Removed by solid waste contractor (contracting with City) from location next to trash container. This is done only on the scheduled trash collection days for that location. Discarded items must be only those items allowed by law. Some things that may not be

collected by the public contractor are: refrigerators, freezers, air conditioners, other freon gas items unless the gas has been properly removed; tires; batteries; paint, thinner, stain; aerosol containers; blood or bloody items; discarded or used medical supplies.

b. City will collect tree limbs and brush if placed in a safe location near street or alley. This collection occurs periodically but not offered each week. Limbs and brush must be cut in no longer than 4 foot length and stacked properly next to curb without blocking streets, street signs, alleys or fire hydrants.

c. City conducts a "Spring Clean Up" week, usually in April. City will collect bulky items not normally collected. Some things that may not be collected by the City during Spring Clean Up are: refrigerators, freezers, air conditioners, other freon gas items unless the gas has been properly removed; tires; batteries; paint, thinner, stain; aerosol containers; blood or bloody items; discarded or used medical supplies.

d. The collection contractor operates a "Convenience Center" within the City. Local utility customers may take discarded items to the Convenience Center during its hours of operation at no cost. Some things that may not be taken to the Convenience Center are: refrigerators, freezers, air conditioners, other freon gas items unless the gas has been properly removed; tires; batteries; paint, thinner, stain; aerosol containers; blood or bloody items; discarded or used medical supplies.

12. Cemetery

a. City sells lots. Customers meet with City employees at City Hall to review maps of available plots. Unless already sold, plots desired by customers will be sold to them. Price of plots is established by City Council action.

b. City is informed by funeral home of the time and location of an upcoming burial. City digs grave, sets up and removes tent and chairs, covers grave. Cost to customer for grave "opening and closing" is established by City Council action.

c. Headstones and foundations are constructed and placed by contractors hired by customers.

d. City maintains cemetery grounds.

e. City ordinances define rules and regulations.

(Entire Section 9-14 added by Ord. 497-11, November 11, 2011)

Section 9-15 Removal of Solid Waste

If the resident or property owner trim trees or hedges themselves, they can request a collection once a month without charge. If they hire anyone (general contractor, handyman service, lawn service, roofer, tree trimmer, etc.) the City will not pick up the brush.

Free yard waste collections cannot exceed 1 ½ cubic yards. Any piles in excess of 1 ½ cubic yards will be subject to a fee of $50 for each additional yard.

A pile of 1 ½ cubic yards is: 4 feet long, 3 feet wide, and 3 feet high. The ordinance requires all material not to exceed 6 inches in diameter and 4 feet in length and must be free of wire, nails, screws, plastic bags, or other foreign objects. Yard waste should be stacked neatly and be accessible by city crews for hand removal. The city will not be responsible for the removal of twigs

or leaves left after the collection of bulk yard waste piles.

Yard waste shall be placed directly adjacent and parallel with the street (along the edge of the street), with no limbs, branches, or other pieces of the yard waste resting on or overhanging the curb or street edge. Yard waste shall be placed without blocking drainage ditches, sidewalks, or obstructing the view of pedestrians, cyclists, or vehicles. Yard waste cannot be placed with 10 feet of a fire hydrant, gas meter, water meter, sewer manhole cover, telephone pedestal, or any other obstruction that would hinder collection or a utility service.

There shall be no importation of yard waste from other properties for the purpose of collection by the City. Importation of waste from other properties or outside city limits will constitute illegal dumping and will carry applicable fines and penalties.

Once wooden yard waste has been placed at the curb or street edge, the property owner/resident shall request a yard waste collection from the Street Department within 72 hours of placement. If you have any questions or need to schedule a pickup, please contact City Hall at 580-439-8832.

Any pile of yard waste that does not meet the guidelines listed in this section should be removed by the property owner. They can be hauled to the transfer station at no charge with a copy of your city bill. Any yard waste remaining on site for longer than ten (10) days is subject to a nuisance violation in accordance with Chapter 14 of this ordinance.

ORD 569-21 AUGUST 10, 2021

Sections 9-16 through 9-19. (Reserved for future use.)

Article 3. Penalty; Judicial Relief

Section 9-20. General Penalty for Violations.

Whenever, in this Code of Ordinances or in any ordinance of the City of Comanche, Oklahoma, an act is prohibited, is made or declared to be unlawful, an offense or misdemeanor, or wherever in said Code or ordinance the doing of any act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provision of this Code of Ordinances or of any such ordinance shall be punishable by a fine in any amount not exceeding five hundred dollars ($500.00). Each day on which any violation of this Code or of any ordinance shall continue shall constitute a separate offense and shall be punishable as such.

(Ord. 493-11, September 13, 2011)

Section 9-21. Judicial Relief.

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

CHAPTER 10

HEALTH AND SAFETY

Article 1. Contagious Diseases.
Article 2. Sanitary Facilities.
Article 3. Miscellaneous Provisions.
Article 4. Penalty.

Article 1. Contagious Diseases

Section 10-1. Introducing Diseases.

1. It shall be unlawful for any person affected with, or exposed to, any contagious or infectious disease, to appear upon any street or in any public place in the City of Comanche, Oklahoma, so as to expose other persons to such disease.

2. It shall be unlawful for any parent, guardian or person having charge of any child or children to allow, or permit, such child or children to attend any classes, school or any gathering of people, or to appear upon any street or in any public place in the City of Comanche, Oklahoma, while infected with, or exposed to, any contagious or infectious disease, or in any manner to allow other persons to be exposed to such disease.

3. No person suffering from, or infected with, the communicable form of a venereal disease, shall engage in any occupation involving intimate contact with children, other persons, food or food products.

Section 10-2. Report of Contagious Diseases.

1. Every physician practicing in the City of Comanche, Oklahoma shall report to the County Health Official within six (6) hours after the diagnosis of the same, the appearance of any of the following diseases: diphtheria (including membranous croup), scarlet fever, smallpox, yellow fever, typhoid fever, typhus fever, Asiatic cholera, chicken pox, tuberculosis, undulant fever, acute anterior, poliomyelitis (infantile paralysis), epidemic cerebrospinal meningitis, whooping cough, mumps, or any other pestilential, infectious or contagious disease.

2. Syphilis, gonococcus infection and chancroid are hereby and hereinafter recognized and declared to be contagious, infectious, communicable and dangerous to the public health. The term “venereal disease,” as used in this Chapter, shall include all such diseases.

3. The Statutes of the State of Oklahoma governing the diseases stated herein before shall apply to all cases of this nature, after said report is made.

Section 10-3. Quarantine.

1. It shall be unlawful for any person to enter or go upon any ground or premises under quarantine, without first having obtained permission of the local or County Health Official to do so.

2. It shall be unlawful for any person whom the local or County Health Official shall have ordered to be detained in quarantine, to neglect or refuse to be so detained, or to willfully violate any quarantine regulation thereof.

3. It shall be unlawful for any person to tear down, remove, deface, mutilate or destroy any order, notice or flag that may be posted or displayed by the local or County Health Official.

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

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

Article 2. Sanitary Facilities

Section 10-10. Definitions.

1. Human Excrement. The term "human excrement" is used herein to mean the bowel and kidney discharge of human beings.

2. Sanitary Water Closet. The term "sanitary water closet" is used herein to mean the flush-type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times.

3. Sanitary Pit Privy. The term "sanitary pit privy" is used herein to mean a privy which is built, rebuilt or constructed so as to conform to the specifications approved by the Oklahoma State Department of Health.

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

1. Every owner of a residence or other building in which humans reside, are employed or congregate, shall install, equip and maintain, adequate sanitary facilities for the disposal of human excrement; this requirement shall include a sanitary water closet or closets, a water closet or closets connected to an approved septic tank, or a sanitary pit privy or privies.

2. The closets and toilets herein required shall be of the sanitary water closet type when located within three hundred (300) feet of any municipal sanitary sewer line and accessible thereto. It shall be the duty of every owner of property so located, to connect, or cause to be connected,

his toilet(s) with the municipal sanitary sewer system, and to make every proper connection to the end that each toilet is properly connected with such sewer system in such manner that the refuse therefrom will be delivered to the sanitary sewer.

3. When not so located, the closet or toilet shall be of (a) the sanitary water closet type, so connected to a sanitary sewer (notwithstanding the distance from it), (b) the water closet type, connected to a septic tank approved by the County Health Officer, or (c) the sanitary pit privy type, approved by the County Health Officer.

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

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

Section 10-13. Unauthorized Facilities Declared Public Nuisances.

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

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

(1985 Supplement)

Article 3. Miscellaneous Provisions

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

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

Section 10-21. Food Service Establishment Employee Permit.

1. Food Service Establishment shall mean any fixed or mobile restaurant, coffeeshop, cafeteria, short-order café, luncheonette, grill, tea room, sandwich shop, soda fountain, delicatessen, tavern, bar, cocktail lounge, night club, industrial feeding establishment, organization or institution routinely serving food, catering kitchen, commissary or similar place in which food is served or provided for the public, with or without charge.

2. It shall be unlawful for any person who operates a food service establishment in the City of Comanche, Oklahoma, to hire, permit to be hired, or permit to work gratis, any person who

does not possess a current and unrevoked Permit approved by the Local or County Health Officer.

3. It shall be unlawful for any person to work in any food service establishment in the City of Comanche, Oklahoma, who does not have in his or her possession a current and unrevoked Permit approved by the Local or County Health Officer.

4. Application for such a Permit must be made to the Health Officer by such person. Prior to approval of such application, the Health Officer shall instruct such person in the proper sanitation requirements and in approved sanitation practices in food handling; provided, that, the Health Officer is hereby authorized, in lieu of the above, to require applicants for Permits to attend a course of instruction in sanitary practices of food handling, prior to approval of such application.

5. Upon approval of such application by the Health Officer, the City Clerk shall issue said person such Permit; provided there shall be a fee of ten dollars ($10.00) for each Permit issued, and said Permit shall entitle such person to work in food service establishment during the fiscal year in which said permit is issued.

6. The City Clerk is hereby authorized to issue a Temporary Permit permitting said applicant to work in a food service establishment until the next regular course of instruction in sanitary practices of food handling is conducted; provided, that, such Temporary Permits shall expire on the day the above-mentioned course of instruction begins.

7. Before approval of applications for Permits, the Health Officer may require such medical and laboratory examination which he deems necessary to minimize the possibility of transmission of communicable diseases.

8. All Permits provided for in this Section shall be issued on July 1st and shall be effective to, and including June 30th of the following year, at which time they shall be renewable.

Section 10-22. Safety Regulations for Private Swimming Pools.

1. "Private swimming pool" means any man-made pool which is located on private property, which is more than one (1) foot in depth and which is intended to be used for wading or swimming.

2. All private swimming pools, whether above-ground or in-ground, must be located in the back yard of the property.

3. All private swimming pools, whether above-ground or in-ground, must be surrounded by a fence or other solid structure not less than four (4) feet in height, completely enclosing either the back yard or the swimming pool which is located in the back yard. The fence or other solid structure shall have no opening, other than secured doors or gates, that would allow passage of a sphere four (4) inches or more in diameter. All gates or doors opening through such enclosure shall be kept securely closed at all times when not in actual use and shall be equipped with a

self-closing and self-latching device designed to keep and capable of keeping such door or gate securely closed at all times when not in actual use.

4. Spas or hot tubs are not considered to be private swimming pools for purposes of this ordinance so long as they are located in the back yard and are covered with a safety cover when not in use.

5. Owners of existing swimming pools that do not conform with the provisions of this ordinance as of the effective date of this ordinance shall have until June 1, 2015 to take all actions necessary to comply with the provisions of this ordinance.

(Ord. 515-14, December 9, 2014)

Section 10-23

A. It shall be unlawful for any person or retailer to distribute tobacco products, vapor products or product samples to any person under twenty-one (21) years of age.
B. No person shall distribute tobacco products, vapor products or product samples in or on any public street, sidewalk, or park that is within three hundred (300) feet of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one (21) years of age.

ORD 567-21 JANUARY 12, 2021

Sections 10-24 through 10-34. (Reserved for future use.)

(Ord. 327, April 10, 1984)

Article 4. Penalty

Section 10-35. Penalty.

Any person who violates any provision of this Chapter or of any ordinance, Code or standard adopted by reference by this Chapter, or maintains or permits to continue any public nuisance as defined by this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed five hundred dollars ($500.00). Every day upon which a violation continues shall be deemed a separate offense. (Ord. 493-11, September 13, 2011)

Article 5. Smoking or Use of Tobacco in Public Places and Indoor Workplaces.

Section 10-40. Definitions.

As used in this Article:

1. "Educational facility" means a building owned, leased or under the control of a technology center school district or a public or private college or university;

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

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

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

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

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

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

8. "Smoking" means the carrying by a person of a lighted cigar, cigarette, pipe, *E-Cigarettes or vaping devices,* or other lighted smoking device; and

(ord. 546-18 September 18,2018)

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

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

Section 10-41. Prohibition Against Smoking – Exemptions.

1. Except as specifically provided in this Article, no person shall smoke in a public place, in any part of a zoo to which the public may be admitted, whether indoors or outdoors, in an indoor workplace, in any vehicle providing public transportation, at a meeting of a public body, in a

nursing facility licensed pursuant to the Nursing Home Care Act, or in a child care facility licensed pursuant to the Oklahoma Child Care Facilities Licensing Act. A nursing facility licensed pursuant to the Nursing Home Care Act may designate smoking rooms for residents and their guests. Such rooms shall be fully enclosed, directly exhausted to the outside, and shall be under negative air pressure so that no smoke can escape when a door is opened and no air is recirculated to nonsmoking areas of the building. Commercial airport operators may prohibit the use of lighted tobacco in any area that is open to or used by the public whether located indoors or outdoors, provided that the outdoor area is within one hundred seventy-five (175) feet from an entrance.

2. a. Except as otherwise provided in paragraph 2 of this subsection, a technology center school district which offers an early childhood education program or in which children in grades kindergarten through twelve are educated shall prohibit smoking, the use of snuff, chewing tobacco or any other form of tobacco product in the educational facility buildings and on the grounds of the facility by all persons including, but not limited to, full-time, part-time, and contract employees, during the hours of 7:00 a.m. to 4:00 p.m., during the school session, or when class or any program established for students is in session.

b. A technology center school district may designate smoking areas outside of buildings, away from general traffic areas and completely out of sight of children under eighteen (18) years of age, for use by adults attending training courses, sessions, meetings or seminars.

c. A technology center school district or college or university may designate smoking areas outside the educational facility buildings for the use of adults during certain activities or functions, including, but not limited to, athletic contests.

d. Smoking shall be prohibited in an educational facility as defined in the 24/7 Tobacco-free Schools Act and as provided for in Section 1210.213 of Title 70 of the Oklahoma Statutes.

3. Nothing in this section shall be construed to prohibit educational facilities from having more restrictive policies regarding smoking and the use of other tobacco products in the buildings or on the grounds of the facility.

4. A private residence is not a "public place" within the meaning of this Article except that areas in a private residence that are used as a licensed child care facility during hours of operation are "public places" within the meaning of this Article.

5. Smoking is prohibited in all vehicles owned by this municipality and all of its agencies and instrumentalities.

6. Veterans centers operated by the state pursuant to the provisions of Section 221 et seq. of Title 72 of the Oklahoma Statutes may establish outdoor designated smoking areas for resident veterans only. Smoking shall only be allowed in designated outdoor smoking areas.

7. 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 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 H of this section or in a smoking room pursuant to subsection I 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.

8. The Smoking in Public Places and Indoor Workplaces Act shall not prohibit smoking in:

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

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

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

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

e. Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access;

f. Workplaces occupied exclusively by one or more smokers, if the workplace has only incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;

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

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

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

j. Any outdoor seating area of a restaurant; provided, smoking shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant; and

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

9. Notwithstanding any other provision of the Article, 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 twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health.

Section 10-42. Owner Prevention of Smoking in Nonsmoking Areas.

The state or local governmental agency or the person who owns or operates a public place shall, at a minimum, do the following in order to prevent smoking in public places:

1. Post conspicuous signs at entrances to and in prominent locations within places where smoking is prohibited which state that smoking is prohibited or that the indoor environment is free of tobacco smoke; and

2. Ask smokers to refrain from smoking upon observation of anyone violating the provisions of this Article.

Section 10-43. Promulgation of Rules.

The City Manager, subject to any direction which the City Council may give by motion, resolution or ordinance, is hereby empowered to promulgate rules and regulations necessary to implement the provisions of this Article. Such rules and regulations shall not impose liability on the owner or operator of any facility for the violation of a provision of this Article by another person who is not an employee of such owner or operator.

Section 10-44. Violations and Penalities.

In addition to any other penalties authorized by law, violation of this Article by a person who owns, manages, operates, or otherwise controls a public place or place of employment shall be subject to a penalty of Fifty Dollars ($50.00) for the first offense within a one-year period, One Hundred Dollars ($100.00) for the second offense within a one-year period, and Two Hundred Dollars ($200.00) for a third or subsequent offense within a one-year period.

(Ord. 540-17, December 12, 2017)

Article 5.
Medical Marijuana

Section 10-45. Legislative Intent and Purpose.

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

   a. Any person, persons, or entity violating any provisions of this Article, either by doing anything which is prohibited or by failing to do anything which is commanded, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars ($500.00), plus court costs. Each separate violation of this article shall constitute a separate offense. Where a lesser fine is mandated by State Law then the lesser amount of fine shall be applicable.

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

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

   d. The regulations for medical marijuana uses are not adequate at the state level to address the impacts of medical marijuana on the City, making it appropriate for local regulation of the impacts of medical marijuana uses.

   e. Nothing in this Chapter is intended to promote or condone the production, distribution, or possession of marijuana in violation of any applicable law.

   f. This Chapter is to be construed to protect the public over medical marijuana business interests. Operation of a medical marijuana business is a revocable privilege and not a right in the City. There is no property right for an individual or business to have medical marijuana in the City.

   g. Medical marijuana is a heavily regulated industry in the City and all permittees are assumed to be fully aware of the law. The City shall not therefore be required to issue warnings before issuing citations for violations of this Chapter.

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

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

   b. Protect public health and safety through reasonable limitations on business operations as they relate to noise, air and water quality, food safety,

neighborhood and patient safety, security for the business and its personnel, and other health and safety concerns.

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

d. Adopt a mechanism for monitoring compliance with the provisions of this Chapter.

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

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

g. Issue medical marijuana business permits only to individuals and entities that have demonstrated an intent and ability to comply with this Chapter without monitoring by City officials.

Section 10-46. Oklahoma State Department of Health Regulations Title 310, Chapter 681, Medical Marijuana Control Program Adopted by Reference.

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

2. Any crimes specified in the rules or other laws as felonies are specifically excluded from inclusion in this Chapter.

3. The penalty for a misdemeanor violation of the rules as adopted by this Chapter shall be the maximum penalty allowed by state law but not exceeding the jurisdictional limits of the Comanche Municipal Court.

Section 10-47. Definitions.

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

1. “Applicant” means the natural person in whose name a permit would be issued.

2. “Complete Application” means a document prepared in accordance with the rules and the forms and instructions provided by the City of Comanche, including any supporting documentation required as well as the application fee.

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

4. “Dispensary” means an entity that has been licensed by the Oklahoma State Health

Department pursuant to Title 63 O.S. § 421A and permitted by the City of Comanche pursuant to this Chapter, which allows the entity to purchase medical marijuana from a processer permittee or grower permittee and sell medical marijuana only to qualified patients and caregivers.

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

6. “Entity” means an individual, general partnership, a limited partnership, a limited liability company, a trust, an estate, an association, a corporation or any other legal or commercial entity.

7. “Grower” or “Commercial Grower” means an entity that has been licensed by the Oklahoma State Department of Health and permitted by the City of Comanche, which allows the entity to grow, harvest, and package medical marijuana to a dispensary, processor or researcher.

8. “Manufacture” means the process of converting harvested plant material into medical marijuana concentrate by physical or chemical means for use as an ingredient in a medical marijuana product.

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

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

11. “Medical Marijuana” means marijuana that is grown, processed, dispensed, tested, possessed, or used for a medical purpose.

12. “Medical Marijuana Business” means any business licensed by the Oklahoma State Health Department and permitted by the City of Comanche to dispense, grow, research or process medical marijuana.

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

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

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

16. “Permittee” means any natural born person or entity that holds a marijuana permit

provided for in this Chapter.

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

18. “Processor” means an entity that has been licensed by Oklahoma State Department of Health and permitted by the City of Comanche, which allows the entity to: purchase marijuana from a commercial grower; prepare, manufacture, package, sell to and deliver medical marijuana products to a dispensary permittee or other processor permittee; and may process marijuana received from a qualified patient into a medical marijuana concentrate, for a fee.

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

20. “Retailer” as used in Title 63 O.S. § 421A et seq. means a dispensary.

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

22. “Revocation” means the City of Comanche's final decision that any permit issued pursuant to this chapter is rescinded because the individual or entity does not comply with the applicable requirements in this chapter.

23. “School” means either public or private nurseries, kindergartens, elementary, which may include either K-6 or K-8, secondary schools and technology center schools, not to exceed two (2) years of junior college work, night schools, adult and other special classes, vocational and technical instruction and such other school classes and instruction as may be authorized by laws which are now in effect or which may hereafter be enacted.

24. “Seedling” means an immature marijuana plant that has no flowers.

25. “State Question” means Oklahoma State Question No. 788 and Initiative Petition Number 412.

Sections 10-48. Commercial Medical Marijuana Business Permit Required.

It shall be unlawful for any person, persons or other business entity to operate as a commercial medical marijuana dispensary, commercial medical marijuana grower, commercial medical marijuana manufacturer, commercial medical marijuana processor within the corporate limits of the City of Comanche without first having obtained a permit therefor as provided herein. The fees for the permits required hereunder shall be established by ordinance of the City Council of the City of Comanche.

Section 10-49. Additional Licenses and Permits May Be Required.

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

Section 10-50. Permit Does Not Provide Any Exception, Defense, or Immunity from Other Laws.

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

Section 10-51. Separate Permit Required for Each Location.

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

Section 10-52. Permit Nontransferable.

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

Section 10-53. Ventilation, Fire, and Life Safety Requirements.

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

1. Ventilation. A plan for ventilation of all medical marijuana facilities that describes the ventilation systems that will be used to prevent any odor of marijuana off the premises of the establishment must be submitted to the City. For retail and cultivation facilities, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises.
    a. The required outdoor ventilation rate required for each retail marijuana establishment or a medical marijuana cultivation facility will be as follows:
        i. For marijuana cultivation facilities, eight (8) persons per 1,000 square feet with a ventilation rate of 60 cubic feet per minute per person;
        ii. For retail marijuana stores, the licensed premises for marijuana transporters, retail marijuana product manufacturing facilities, and retail marijuana testing facilities and medical marijuana testing facilities eight (8) persons per 1,000 square feet with 15 cubic feet per minute per person.
2. Fire Separation Requirements. For medical marijuana dispensaries, a minimum of a two-hour fire separation will be required between all medical marijuana dispensaries and any adjacent business; unless higher performance is required by applicable law.
3. Fire Suppression Requirements. For all buildings regardless of size containing

medical marijuana cultivation, production, storage, or manufacturing, a Type 13 Automatic Sprinkler System will be required.

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

Section 10-54. Defense to Criminal Prosecutions.

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

Section 10-55. Inspections.

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

Section 10-56. Costs of Inspection and Clean-Up.

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

Section 10-57. Forfeiture of Permit.

In the event that a commercial medical marijuana business does not commence operations within thirty (30) days of issuance of a permit from the City, the permit shall be deemed forfeited and the business may not commence operations. This requirement will go in effect beginning January 1, 2019.

Section 10-58. Landlord Duty.

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

Section 10-59. Locations of Medical Marijuana Businesses.

1. Fixed Location Required.
   a. Mobile medical marijuana sales of all types are prohibited within the City of

Comanche. This includes but is not limited to trailers, recreational vehicles, and trucks.

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

2. Permitted Use in Zoning District. A commercial medical marijuana business permit may be issued only if the business qualifies as a use permitted as a matter of right in the zoning district where it is proposed to be located. Conditional use permits shall not be applicable for medical marijuana businesses. Commercial medical marijuana business permits are permitted by right:

a. As "retail sales" for a medical marijuana dispensary;

b. As "agriculture" for a medical marijuana grower;

c. As "manufacturing and production" for a medical marijuana manufacturer, storage, or processor.

Section 10-60. Commercial Medical Marijuana Businesses Prohibited.

1. No Commercial Medical Marijuana Business within the Fire Limits. It shall be unlawful to operate a commercial medical marijuana business or grow medical marijuana within the City of Comanche's fire limits as described by Chapter 4, Article 3, Section 4-27 of the Code of Ordinances of the City of Comanche, 2018.

2. No Commercial Medical Marijuana Business in Buildings with Residences or Residential Zoning Districts. It shall be unlawful to operate a commercial medical marijuana business in a building which contains a residence, or within a dwelling unit within any zoning district, or within a residential zoning district, or within a mixed-use development that includes a residence.

3. No Retail Sales in Cultivation Facilities or Manufacturing. It shall be unlawful for any person to permit retail sales within a medical marijuana business that is a cultivation facility or processes medical marijuana.

4. Separation from Uses. No commercial medical marijuana permit shall be issued for a location within one thousand (1,000') feet of any private or public school.

a. Distances shall be computed by direct measurement in a straight line from the nearest point of ingress and/or egress of the school property to the nearest property line of the site in which the proposed commercial medical marijuana business would be located.

Section 10-61. Application Requirements.

An application for a commercial medical marijuana permit shall be made to the City on forms provided by the City Clerk for that purpose. The applicant shall use the application to demonstrate its compliance with this Chapter and any other applicable law, rule, or regulation. The application shall include the following information:

1. The Oklahoma Medical Marijuana Authority Business License Number

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

a. If an owner is a corporation, the name and address of any officer or director of the corporation and of any person holding issued and outstanding capital stock of the corporation.

b. If an owner is a partnership, association, or company, the name and address of any person holding an interest therein and the managing members. If a managing member is an entity rather than an individual, the same disclosure shall be required for each entity with an ownership interest until a managing member that is a natural person is identified.

c. If an owner is not a natural person, the organizational documents for all entities identified in the application, identification of the natural person that is authorized to speak for the entity, and contact information for that person.

3. An operating plan for the proposed medical marijuana business, including the following information:

a. A description of the products and services to be provided by the medical marijuana business.

b. A dimensioned floor plan, clearly labeled, showing:

i. The layout of the structure and the floor plan in which the medical marijuana business is to be located;

ii. The principal uses of the floor area depicted on the floor plan, including, but not limited to, the areas where non-patients will be permitted, private consulting areas, storage areas, retail areas, and restricted areas where medical marijuana will be located;

iii. Areas where any services other than the distribution of medical marijuana are proposed to occur in the premises; and

iv. The separation of the areas that are open to persons who are not patients from those areas open to patients.

c. For cultivation facilities, a plan that specifies the methods to be used to prevent the growth of harmful mold, humidity, and other related problems.

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

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

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

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

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

Section 10-62. Modifications to Approved Commercial Medical Marijuana Business Permit.

Prior to making a modification of a commercial medical marijuana business that would require a building permit or change items required by subsections (4), (5), or (7) of the above section, the permittee shall submit to the City and have approved a completed application for modification of premises on a form provided by the City. The application shall be accompanied by a nonrefundable modification application fee.

Section 10-63.- Fees Required.

Any application for a commercial medical marijuana permit shall be accompanied by a nonrefundable application fee in the amount of $_____. After the application review period, if the City Clerk deems the application to be complete, a nonrefundable permit fee in the amount of $_____ will be due prior to the approval and issuance of the commercial medical marijuana permit.

Section 10-64. Inspection of Premises for Permit.

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

Section 10-65. Application Processing.

The processing of the application by the City Clerk is not complete until the Planning and Zoning Commission has:

1. Determined the application is complete;
2. Determined the medical marijuana business is prepared and able to operate in compliance with all applicable laws;
3. Conducted an inspection of the business;
4. Obtained all other information the Planning and Zoning Commission determines necessary for the City Council to make a decision whether to approve or deny the permit application, or approve it with conditions; and
5. Prepared the documentation necessary to support the recommendation made by the Planning and Zoning Commission to the City Council on the application.

Section 10-66. Approval Requirements.

The City Council may:

1. Issue a commercial medical marijuana business permit if:
    a. The inspection, and all other information available to the City verify that the applicant has submitted a full and complete application; and improvements have been made to the business location consistent with the application; and
    b. The applicant is prepared to operate the business with other owners and managers as set forth in the application; and
    c. The applicant and the business location are in compliance with this Code and any other applicable law, rule, or regulation; and
    d. The Planning and Zoning Commission makes an affirmative recommendation prior to being presented to the City Council for consideration.
2. Deny any application that does not meet the requirements of this chapter or any other applicable law, rule, or regulation, or that contains any false or incomplete information. The conditions of an approval of a medical marijuana business permit shall include, at a minimum, operation of the business in compliance with all of the plans and info1mation made part of the application.

Section 10-67. Persons Prohibited as Permittees.

It shall be unlawful for any of the following persons to have an ownership or a financial interest in a medical marijuana business, and no permit provided by this chapter shall be issued to or held by, and no medical marijuana business shall be managed by:

1. Any person until the annual fee for the permit has been paid;
2. Any natural person who is under eighteen (18) years of age;
3. Any person who operates or manages a medical marijuana business contrary to the provisions of this chapter, any other applicable law, rule, or regulation or conditions imposed on land use or permit approvals, or contrary to the terms of the plans submitted with the permit application, as such plans may be amended as provided in this chapter, or has operated a business in violation of any law;
4. A sheriff, deputy, police officer, or prosecuting officer, or an officer or employee of the state licensing authority or a local permitting authority;
5. A person whose authority to be a primary caregiver has been revoked by the state health agency;

Section 10-68. Onsite Use Prohibited.

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

Section 10-69. Restriction on Access to Restricted Area.

1. No person, other than a patient, permittee, employee, or a caregiver, shall be in the

restricted area. No patient shall be allowed entry into the restricted area without showing a valid Oklahoma Medical Marijuana Patient License and a valid picture ID.

2. No person, other than an employee or caregiver of the business shall be permitted in the restricted area of the business. No access to the restricted area may be permitted by non-Oklahoma residents or for compensation. A log shall be maintained on the business premises and available for inspection upon request by the City Manager or City Manager's designee.

Section 10-70. Display of Permit Required.

A valid City issued commercial medical marijuana business permit shall be conspicuously posted in the business.

Section 10-71. Business Conducted Within Building.

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

Section 10-72. Use of Pesticides.

No pesticides or insecticides which are prohibited by applicable law for fertilization or production of edible produce shall be used on any marijuana cultivated, produced, or distributed by a medical marijuana business.

Section 10-73. Ventilation Required.

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

Section 10-74. Use of Metals, Butane, Propane or Other Flammable Products.

1. No medical marijuana business may use metals, butane, propane, or other flammable product, or produce flammable vapors, to process marijuana unless the process used and the premises are verified as safe and in compliance with all applicable codes by a qualified industrial hygienist.

2. The City may require the business to obtain verification from a qualified industrial hygienist that the manner in which the business is producing medical marijuana complies with all applicable laws and does not produce noxious or dangerous gases or odors or otherwise create a danger to any person or entity in or near the businesses.

Section 10-75. Disposal of Medical Marijuana and Marijuana Byproducts.

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

2. Disposal of medical marijuana products or byproducts, made unusable and unrecognizable or otherwise, shall not be permitted in City sanitation facilities, through City-contracted waste management services, or through City water or sewer systems.

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

Section 10-76. Delivery Between Medical Marijuana Businesses.

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

1. All medical marijuana is transported in a locked container, shielded from public view and labeled "Medical Marijuana or Derivative."

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

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

Section 10-77. Advertisement.

A commercial medical marijuana business may not advertise in a manner that is inconsistent with the medicinal use of medical marijuana. A medical marijuana business may not advertise in a manner that is misleading, deceptive, false, or designed to appeal to minors. Advertisement that promotes medical marijuana for recreational or any use other than for medicinal purposes shall be a violation of this code. The following conditions shall apply:

1. Any person pe1tnitted as a medical marijuana business shall include in any advertisement for medical marijuana or any medical marijuana-infused product the following language: "For registered Oklahoma medical marijuana patients only." Provided, however, this language shall not be required to be displayed upon any sign identifying a medical marijuana business, as permitted by Subparagraph 2(b) of this section.

2. Except as otherwise provided in this paragraph, it shall be unlawful for any person permitted under this chapter or any other person to advertise any medical marijuana or medical marijuana-infused product anywhere in the city where the advertisement is in plain view of or in a place open to the general public, including advertising utilizing any of the following media; any bill board or other outdoor general advertising device as defined by the zoning code; any sign mounted on a vehicle; any handheld or other portable sign; or any handbill, leaflet, or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property. The prohibition set forth in this paragraph shall not apply to:

   a. Any sign located on the same zoned lot as a medical marijuana business which exists solely for the purpose of identifying the location of the medical marijuana business and which otherwise complies with this Code and any other applicable City laws and regulations;

   b. Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the city or on the internet, which may include coupons;

   c. Any products marked with the name or logo of a marijuana business,

including wearable or non-consumable merchandise, packaging in which marijuana is sold, or on medical marijuana accessories sold;

d. Advertising which is purely incidental to sponsorship of a charitable event by a medical marijuana business;

e. A booth at a job fair or educational seminar where the only items distributed are company or educational materials, and no other items are distributed, shown or sold;

f. A booth at an adult event where the only items distributed are company or educational materials, and no other items are distributed, shown or sold.

3. It is an affirmative defense if a medical marijuana business employee provided another individual, upon request, a business card for the purpose of providing that person's name and business affiliation, including, without restriction, title, mailing address, email address, and telephone number.

4. No medical marijuana business shall distribute or allow the distribution of any marijuana or products marked with its name or logo without charge within a marijuana business or any place open to the public for the purpose of promotion or adve1iising except as permitted in subsections 2(e) and (f) of this section.

5. No medical marijuana business shall distribute or allow the distribution of any coupon or similar writing, electronically or on paper, which purports to allow the bearer to exchange the same for any marijuana product, either free or at a discount except as permitted in subsections 2(e) and (f) of this section.

6. No medical marijuana business shall sell, distribute, or provide, or allow the sale, distribution, or provision of, products marked with its name or logo, in child sizes, designed for the use of minors, or which is misleading, deceptive, false, or appealing to minors.

Section 10-78. Organization of Cultivation Facilities.

All cultivation facilities shall be organized in orderly rows with aisles at least three feet wide, and no more than eight feet between an aisle and the next aisle or an aisle and a wall, and with clear access to all exits, unless the Planning and Zoning Commission determines that the business has provided a dimensioned floor plan that provides equivalent access and separation between plants and to exits.

Section 10-79. Reporting of Source, Quantity, and Sales.

The records to be maintained by each medical marijuana business shall include the source and quantity of any marijuana distributed, produced, or possessed within the premises. Such reports shall include, without limitation, for both acquisitions from wholesalers and transactions to patients or caregivers, the following:

1. Oklahoma Medical Marijuana License number of seller or purchaser; and

2. Date, weight, type of marijuana, and dollar amount or other consideration of transaction.

Section 10-80. Requirements for Public Health and Labeling.

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

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

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

Section 10-81. Compliance with Other Applicable Law.

Except as may be provided otherwise in this Chapter, or rules adopted pursuant to this Chapter or interpretations by the City, any law or regulation adopted by the state governing the cultivation, production, possession, or distribution of marijuana for medical use shall also apply to medical marijuana businesses in the City. Provided however, if a state law or regulation permits what this Chapter prohibits, this Chapter shall prevail. Compliance with any applicable state law or regulation that does not permit what this Chapter prohibits shall be deemed an additional requirement for issuance or denial of any permit under this Chapter, and noncompliance with any applicable state law or regulation is unlawful and shall be grounds for revocation or suspension of any permit issued under this Chapter. No medical marijuana business shall continue operations in violation of au additional state law or regulation, which does not permit what this Chapter prohibits, applicable within the city after the effective date of the state law or regulation.

Section 10-82. Revocation of Permit upon Denial or Revocation of State License or Applicable Federal Prohibition.

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

Section 10-83. Revocable Privilege.

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

Section 10-84. Prohibited Acts.

It shall be unlawful for any person to commit any of the following acts unless such act is permitted under the provisions of State Question 788 or the Oklahoma Health Department regulations:

1. Cultivate, distribute, or produce marijuana in plain view of or in a place open to the general public.
2. Smoke, use, or ingest any marijuana on the premises of the commercial medical marijuana business.
3. Operate or be in physical control of any commercial medical marijuana business, liquor establishment, vehicle, aircraft, or motorboat while under the influence of alcohol, medical marijuana, or other intoxicant.
4. Possess medical marijuana that is not in a sealed package in a location where the possessor is not authorized to possess or consume medical marijuana.
5. Possess more than six (6) mature and six (6) seedling marijuana plants without a commercial medical marijuana business permit for a cultivation facility.
6. Possess any marijuana without a medical marijuana license or a marijuana business permit; further a holder of a medical marijuana license shall not possess more than three (3) ounces of marijuana on their person.
7. Possess more than one (1) ounce of concentrated marijuana without a commercial medical marijuana permit for a business or a medical marijuana-infused product manufacturer.
8. Possess more than seventy-two (72) ounces of edible marijuana without a commercial medical marijuana permit for a business or a medical marijuana-infused product manufacturer.
9. Possess more than eight (8) ounces of marijuana in their residence.
10. Obtain marijuana from a person who is not permitted as a commercial medical marijuana business.
11. Possess or operate a commercial medical marijuana business in violation of this Chapter.
12. Produce, distribute, or possess more medical marijuana than allowed in this Chapter than disclosed in the application to the state for a medical marijuana business permit or other applicable law.
13. Distribute medical marijuana without a commercial medical marijuana business permit or outside of the restricted area of the medical marijuana business.
14. Possess medical marijuana, own or manage a medical marijuana business, or own or manage a building with a medical marijuana business, where there is possession of medical marijuana by a person who is not a patient, caregiver, or a permittee of a medical marijuana business.
15. Possess or operate a medical marijuana business in a location or in a manner for which a medical marijuana business permit is prohibited by the terms of this Chapter.
16. Operate a medical marijuana business without a commercial medical marijuana business permit from the City.
17. Operate a medical marijuana business in a manner that is not consistent with the items disclosed in the application for the medical marijuana business, or is in violation of any plan made part of the permit application.
18. Distribute, or own or manage a medical marijuana business where distribution

occurs, from a medical marijuana business, a medical marijuana-infused product that was produced in a manner that is not in compliance with this Chapter.

19. Cultivate, manufacture, distribute, or possess any medical marijuana at a location without a commercial medical marijuana business permit prior to passing the inspection required by this Chapter.

20. Make any changes, or for the permittee to allow any changes, to the items included in the plans submitted with the permit application and approved by the Planning and Zoning Commission, or the individuals identified in the application, without prior approval of the City Council.

21. Attempt to use or display a medical marijuana business permit at a different location or for a different business entity than the location and business entity disclosed on the application for the issued permit.

22. Cultivate, produce, distribute, or possess medical marijuana, or own or manage a medical marijuana business in which another cultivates, produces, distributes, or possesses medical marijuana, in violation of this Chapter or any other applicable law.

23. Own, manage, or possess a medical marijuana business where medical marijuana is outside of the restricted area portion of such business. It shall be an affirmative defense to a violation of this section if the medical marijuana outside of the restricted area was: (i) in the custody and control of a patient or caregiver; (ii) purchased by that patient or caregiver from the business and the patient or caregiver has not left the business since purchase; and (iii) the amount of medical marijuana in the custody and control of the patient or caregiver does not exceed the amount the patient or caregiver may possess lawfully.

24. Dispose of medical marijuana or any by-product of medical marijuana containing marijuana in a manner contrary to this Chapter.

25. Deliver or transport medical marijuana between medical marijuana businesses except in strict compliance with this Chapter.

26. Advertise or publish materials, honor coupons, sell or give away products, or display signs that are in violation of this Code;

27. Violate any provision of this Code or any condition of an approval granted pursuant to this Code or any law, rule, or regulation applicable to the use of medical marijuana or the operation of a medical marijuana business.

28. Permit any other person to violate any provision of this Code or any condition of an approval granted pursuant to this Code, or any law, rule, or regulation applicable to the use of medical marijuana or the operation of a medical marijuana business.

29. Lease any property to a medical marijuana business that has marijuana on the property without a medical marijuana business permit that has been issued by the City Council.

30. Label or distribute a marijuana-infused product that is not labeled as required by this Code or other applicable law.

31. Distribute or deliver marijuana from a medical marijuana cultivation facility to any location other than a medical marijuana business.

32. Printing or allowing the printing of a coupon that is not a newspaper, magazine, or other periodical of general circulation within the City or on the internet.

33. Fail to provide a copy or record of a coupon authorized under this Chapter upon request of an authorized City employee.

Section 10-85. Suspension or Revocation of Permit; Imposition of Fines.

1. A medical marijuana business permit may be suspended or revoked for any of the following violations:

a. Conviction of the business, a permittee, or any owner, or primary caregiver of any violation of this Chapter or any other law, rule, or regulation applicable to the use of medical marijuana or operation of a medical marijuana business.

b. Misrepresentation or omission of any material fact, or false or misleading information, on the application or any amendment thereto, or any other information provided to the city related to the medical marijuana business.

c. Violation of any law by which, if occurring prior to submittal of the application, could have been cause for denial of the permit application.

d. Distribution of medical marijuana, including, without limitation, transporting marijuana, in violation of this Chapter or any other applicable law, rule, or regulation.

2. In the event a business or permittee is charged with violation of any law, upon which a final judgment would be grounds for suspension or revocation of the permit, the City may suspend the permit pending the resolution of the alleged violation.

3. Fines for violations of this Chapter may be imposed by the City against the person or any permittee up to $500.00 per person and any permittee per occurrence. Any person or permittee subjected to fines, revocation or suspension of its permit shall be entitled to a hearing by the Comanche Municipal Court to contest such penalties.

4. If the City revokes or suspends a permit, the business may not move any marijuana from the premises except under the supervision of the City of Comanche Police Department.

5. In the event of the suspension of a marijuana business permit, during the period of suspension, the business:

a. Shall post two notices provided by the City of Comanche's City Clerk, in conspicuous places, one on the exterior and one on the interior of its premises for the duration of the suspension; and

b. Shall not distribute or produce or test or transport marijuana, nor allow any customers into the permitted premises.

Section 10-86. Term of Permit: Renewals, Expiration of Permit.

1. Term of Permit. A commercial medical marijuana business permit shall be valid for one (1) year. The permit shall expire on the last day of the month in which the permit is issued of the year following issuance or renewal of the permit.

2. Renewal of Permit. The permittee shall apply for renewal of the commercial medical marijuana business permit at least forty-five (45) days before the expiration of the permit. The permittee shall apply for renewal using forms provided by the City Clerk. If the applicant fails to apply for renewal at least forty-five (45) days before the expiration of the permit but does apply for renewal prior to expiration of the permit, the City Clerk may process the renewal application if the applicant submits a late filing fee of five hundred dollars ($500.00) at the time of submittal of the renewal application.

a. The renewal application fee, and late fee if applicable, shall accompany the

renewal application. Once the application is deemed approved by the Planning and Zoning Commission, the permit fee will be due prior to permit issuance. Such fees are nonrefundable.

b. In the event there has been a change to any of the plans identified in the permit application which were submitted to and approved by the Planning and Zoning Commission with the application or an earlier renewal, the renewal application shall include specifics of the changes or proposed changes in any of such plans.

c. In the event any person who has an interest as described in the disclosures made to the City pursuant to this Chapter, or any agent as defined herein, or employee has been charged with or accused of violations of any law since such disclosure, the renewal application shall include the name of the violator, the date of the violation, the court and case number where the violation was filed, and the disposition of the violation with the renewal application.

d. In the event the business permit has been suspended or revoked or a permittee has received any notice of violation of any law that would impact renewal, the renewal application shall include a copy of the notice, suspension, or revocation.

e. The renewal application shall include verification that the business has a valid state license and the state license is in good standing.

f. The renewal application shall include a summary report for the previous twelve months showing the amount of marijuana purchased, the amount of marijuana sold, the forms in which marijuana was sold, the number of patients and the number of primary caregivers who received marijuana, the police report numbers or case numbers of all police calls to the medical marijuana business and, for calls resulting in a charge of a violation of any law, the charge, case number, and disposition of any of the charges.

g. The City Clerk shall not accept renewal applications after the expiration of the permit, but instead shall require the applicant to file a new permit application.

h. In the event there have been allegations of violations of this Code by any of the permittees or the business submitting a renewal application, the City may hold a hearing prior to approving the renewal application. The hearing shall be to determine whether the application and proposed permittees comply with this Chapter and whether the operation of the business has been in compliance with this Code. If the City does not hold a hearing and the application and the permittees do not meet the requirements of this Chapter, or the business has been operated in the past in violation of this Code, the renewal application may be denied or issued with conditions, and the decision shall be final subject to the City Manager's review.

3. Expiration of Permit. Expiration of a commercial medical marijuana business permit for any reason shall be considered an inactive local permit.

Section 10-87. Employment of Medical Marijuana License Holder.

1. Unless a failure to do so would cause an employer to imminently lose a monetary or licensing related benefit under federal law or regulations, an employer may not discriminate against a person in hiring, termination or imposing any term or condition of employment or otherwise penalize a person based upon either:

a. The person's status as a medical marijuana license holder; or

b. Employers may not take action against the holder of a medical marijuana license solely based upon the status of an employee as a medical marijuana license holder or the results of a drug test showing positive for marijuana or its components.

2. Employers may take action against a holder of a medical marijuana license if the holder uses, possesses, or is under the influence of marijuana while in the holder's place of employment or during the hours of employment.

Section 10-88. Penalty.

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

ORD. 544-18 SEPTEMBER 18, 2018

CHAPTER 11

INDUSTRIAL WASTES

Article 1. Industrial Wastes.
Article 2. Industrial Waste Surcharge.
Article 3. Penalty.

Article 1. Industrial Wastes.

Section 11-1. Discharge of Certain Substances Prohibited.

9. No person shall discharge, or cause to be discharged, the following substances if it appears likely, in the opinion of the City Council, that such wastes can harm the sewers, the sewage treatment process or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, limb or public property, or otherwise constitute a nuisance. Prohibited substances are:

   a. Flammable or explosive materials;

   b. Water or waste containing fats, wax, grease or oils in excess of 100 mg/l, or containing any substance which may solidify or become viscous at temperatures higher than 32º (F);

   c. Any liquid or vapor having a temperature higher than 150º (F);

   d. Any garbage or food waste not properly shredded (the installation and operation of any grinder or shredder equipped with a motor of three-fourths horsepower or greater shall be subject to review and approval by the City Council);

   e. Any waters or wastes containing the metals listed below or other toxic substances in quantities determined by the sewer inspector to be harmful:

(1) Antimony	(13) Manganese
(2) Arsenic	(14) Mercury
(3) Barium	(15) Molybdenum
(4) Beryllium	(16) Nickel
(5) Bismuth	(17) Rhenium
(6) Boron	(18) Selenium
(7) Cadmium	(19) Silver
(8) Chromium	(20) Strontium
(9) Cobalt	(21) Tellurium
(10) Copper	(22) Tin
(11) Iron	(23) Uranium
(12) Lead	(24) Zinc

   f. Any water or waste containing iron-pickling wastes or plating solutions;

g. Any waters or wastes containing phenols or other taste or odor-producing substances;

h. Any radioactive wastes or a half-life or concentration determined by the City Council to be harmful;

i. Any water or wastes having pH lower than 5.5, or having a pH higher than 10.5, or having any corrosive property capable of damaging installations, equipment or personnel of the sewerage works;

j. Solid or viscous substances of such size or in such quantities capable of causing obstruction of sewers or interference with operation of sewage works, such as ashes, cinders, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage whole blood, paunch manure, hair, fleshings, entrails and paper containers;

k. Wastes containing unusual concentrations of suspended solids, such as fuller's earth, lime or clay;

l. Wastes containing unusual concentrations of dissolved substances, such as sodium chloride or sodium sulfate;

m. Water or wastes containing excessive coloration, such as that caused by dye wastes and tanning solutions;

n. Wastes containing unusual concentrations of organic material, such as whey, milk, yeast, blood, or unusual biochemical oxygen demand (BOD), chemical oxygen demand (COD), or chlorine requirement, constituting a significant load on the sewage treatment facilities; or

o. Material which cause unusual volume or flow or concentration of wastes constituting slugs which adversely affect the sewage treatment process.

10. If any waters or wastes are discharged or proposed to be discharged, or if in the opinion of the City Council might be accidentally discharged, which contain the substances described above, said Council may prohibit their discharge, require the establishment to alter or initially construct its facilities so that accidental discharges may not occur, require the responsible party to pre-treat the wastes before discharge, limit the quantity rates and times of discharge, require the installation of a control manhole for observation, sampling, and metering of the wastes, or assess a surcharge based on the quantity and strength of the wastes. If pretreatment is to be accomplished, the design, installation and operation of the plant and equipment shall be subject to the review and approval of the City Council.

Section 11-2. Permits for Industrial Sewer Connections.

1. Applications for permits for sewer connections for industrial wastes shall show the following information:

a. A plat of the property showing all existing sewers and storm drains;

b. Plans and specifications covering any work proposed to be done under the permit;

c. A schedule of all process waters and industrial wastes produced or to be produced, a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analysis; and

d. The name of the firm or person who will perform the work covered by the application.

2. The Mayor shall cause to be served on the owner or occupant of any establishment having sewer connections which do not conform to the provisions hereof at the time of passage of this Code, a notice in writing, advising that requirements must be met within ninety (90) days. If, after ninety (90) days from the day of service of the notice, the proper measures have not been taken, enforcement action may be initiated as set forth elsewhere in this Chapter.

3. The Mayor shall cause samples of wastes from industrial establishments to be obtained and tested periodically to determine the quantity and composition thereof.

Sections 11-3 through 11-4. (Reserved for future use.)

Article 2. Industrial Waste Surcharge.

Section 11-5. Surcharges for Excessive Strength of Industrial Waste.

1. Where industrial wastes having excessive concentrations of suspended solids or biochemical oxygen demand (BOD) are permitted to be discharged in the municipal sewer system, a surcharge shall be levied, in addition to the regular sewer charges.

2. The surcharge shall be three dollars ($3.00) for each part of suspended solids in excess of the normal concentration of two hundred (200) parts per million, and seven dollars ($7.00) for each pound of BOD in excess of the normal concentration of two hundred twenty-two (222) parts per million.

3. The City of Comanche, Oklahoma, shall determine the quantity and strength of the waste, or the user may install measuring devices and perform tests satisfactory to the City Council, and the results thereof may be used to compute the surcharge.

Sections 11-6 through 11-9. (Reserved for future use.)

Article 3. Penalty

Section 11-10. Penalty.

Any person, firm or corporation who violates any provision of this Chapter, including the provisions of any Code adopted by the City of Comanche, Oklahoma, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed five hundred dollars ($500.00). Each day upon which a violation continues shall be deemed a separate offense.

(Ord. 493-11, September 13, 2011)

CHAPTER 12

MOBILE AND MODULAR HOUSING

Section 12-1. Citation and Codification.

This Ordinance shall be known and may be cited as the Mobile Home Placement Ordinance of 1998, and is hereinafter referred to simply as the "Ordinance."

(Ord. 431-98, October 13, 1998)

Section 12-2. Definitions.

For the purposes of this Ordinance, the following definitions shall apply:

1. A mobile home is any single-family dwelling designed for transportation on streets and highways on its own wheels or on flatbed or other trailers (both highway and rail) and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, located on jacks or permanent foundations, and connection to utilities and similar operations.

2. A modular home is any movable or portable dwelling consisting of one or more components or of two (2) or more units separately towable but designed to be joined into one integral unit designed for towing or transport on streets and highways on its own wheels, chassis or flatbed or other trailers, both complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, located on jacks or permanent foundations, and connection to utilities and similar operations.

3. A travel trailer is any vehicle or portable structure built on a chassis, designed as a temporary or permanent dwelling and which is primarily used for travel, recreation, or vacationing.

4. A contractor or construction trailer is any mobile home, modular home, or travel trailer used in a nonresidential manner by construction companies in a temporary manner while construction is being performed at a particular location.

5. A mobile home park, modular home park, or travel trailer park is any plot of ground upon which two (2) or more mobile homes, modular homes, or travel trailers, as the case may be, or any combination thereof, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a fee is charged for such accommodations.

(Ord. 431-98, October 13, 1998)

Section 12-3. Mobile Home, Modular Home, and Travel Trailer Parks; Annual Permit.

It shall be unlawful for any person, corporation, partnership, or any other legal entity to construct, maintain or operate any mobile home park, modular home park, or travel trailer park within the

corporate limits of the City of Comanche without having first obtained a valid permit for the same which shall be issued by the City of Comanche.

(Ord. 431-98, October 13, 1998)

Section 12-4. Issuance of Permit for Mobile Home Parks, Modular Home Parks and Travel Trailer Parks.

Permits may be obtained from the City of Comanche for any mobile home park, modular home park, or travel trailer park within the limits of the City of Comanche. A fee shall be charged by the City of Comanche for the issuance of any permit required hereunder. The fee shall be established by the Mayor and Council and shall be based upon the number of spaces available in said mobile home park, modular home park, or travel trailer park. Permits shall be valid for a period of one (1) year from the date of issuance and shall be renewed annually.

(Ord. 431-98, October 13, 1998)

Section 12-5. Location of Mobile Homes and Modular Homes Outside Designated Parks, Approval of Surrounding Property Owners.

Mobile homes and modular homes may be placed outside of designated mobile home parks and modular home parks. Provided, however, that prior to the placement of any such mobile or modular home outside of any designated mobile home park or modular home park, the person wishing to place any mobile home or modular home shall apply for the approval of the Planning and Zoning Commission and the Mayor and Council of the City of Comanche. Approval shall only be granted for the placement of any such mobile home or modular home outside of a designated mobile home park or modular home park after the following conditions are met:

1. The applicant pays to the City of Comanche an application fee to be established by the Mayor and Council which shall be based upon the costs incurred by the City in following the procedures under this Section. (Ord. 431-98, October 13, 1998)

2. Written notice has been given to the owners of all property located within five hundred (500) feet of the proposed location. (Ord. 431-98, October 13, 1998)

3. Eighty percent (80%) of the owners of all property located within five hundred (500) feet of the proposed location have consented to the placement of the mobile or modular home at the proposed location. All consents must be in writing and signed by the necessary property owners. (Ord. 431-98, October 13, 1998)

4. The Planning and Zoning Commission and the Mayor and Council conduct a public hearing on the issue of the placement of the mobile or modular home and approve the same.
(Ord. 431-98, October 13, 1998)

5. The Planning and Zoning Commission shall have a current photo of the mobile home, modular home that shows all views and or the location of the home to be moved into the city limits of Comanche so we may take pictures before permit shall be approved.
(Ord. 450-02, October 8, 2002)

Section 12-6. Contractor or Construction Trailers, Exceptions.

Contractor trailers or construction trailers shall not be subject to the provisions of this Ordinance requiring that approval for their placement be obtained. Provided, however, that any contractor or construction trailer shall not be used for residential purposes and shall not remain in the same location for more than nine (9) months or for more than two (2) weeks following the completion of any construction activities. (Ord. 431-98, October 13, 1998)

Section 12-7. Requirements for Mobile Homes and Modular Homes.

Regardless of whether any mobile home or modular home is located within a designated mobile home park or modular home park, all such mobile homes and modular homes shall meet the following requirements:

1. It shall be placed upon and permanently anchored with cast-in-place concrete dead men, screw augers, arrowhead anchors or other acceptable devices capable of sustaining four thousand eight-hundred (4,800) pounds of tension without failure. Tie downs or anchors shall be located at each corner and also approximately one-fourth (1/4) of the home length from each corner. Frame and over-the-top ties are required.

2. Those mobile homes which are not placed on permanent foundations shall have skirting made of material of the same or complimentary color and composition as the exterior of the home. The skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard.

3. Public utilities shall be hooked up to mobile homes and all mobile homes are required to use all utility services provided by the City of Comanche. The use of bottled gasses for fuel is expressly prohibited.

4. Each mobile home shall be placed on a lot or space containing a minimum of four thousand (4,000) square feet, excluding any and all adjoining roadway, alleys and easements. Each mobile home shall be set back from all roadways and shall have a minimum front and back yards.

5. All requirements created hereunder shall be met within sixty (60) days of the placement of the mobile home or modular home. (Ord. 431-98, October 13, 1998)

Section 12-8. Outside Fuel Tanks Permitted for Travel Trailers, Limitations.

Travel trailers within the City of Comanche shall be permitted to use outside fuel tanks while located in designated travel trailer parks. Provided, however, that the use of outside fuel tanks allowed hereunder shall not extend to travel trailers staying in excess of ten (10) days.
(Ord. 431-98, October 13, 1998)

Section 12-9. Severability.

It is hereby declared to be the intention of the Mayor and Council of the City of Comanche, Oklahoma, that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of the Ordinance shall be declared to be unconstitutional, illegal or otherwise invalid by a valid decree of judgment of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

(Ord. 431-98, October 13, 1998)

CHAPTER 13

MUNICIPAL COURT

Article 1. Application of Chapter; Jurisdiction of Court.
Article 2. Organization and Procedure.
Article 3. Penalty.

Article 1. Application of Chapter; Jurisdiction of Court

Section 13-1. Application of Chapter.

1. This Chapter shall govern the organization and operation of the Municipal Court of the City of Comanche, Oklahoma, as put into operation by resolution, duly passed and filed in accordance with State Law, on the 12th day of February 1969.

2. To the extent of conflict between any provisions of this Chapter and the provisions of any other ordinance of the City of Comanche, Oklahoma, the provisions of this Chapter shall control.

Section 13-2. Jurisdiction of Court.

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

Sections 13-3 through 13-4. (Reserved for future use.)

Article 2. Organization and Procedure

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

(See Chapter 1, Section 1-30, this Code of Ordinances.)

Section 13-6. Compensation of Judges.

The compensation of the Judge and the Alternate or Acting Judges of the Municipal Court of the City of Comanche, Oklahoma shall be as determined by resolution of the City Council.

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

1. In prosecutions before the Municipal Court, no change of venue shall be allowed, but the Municipal Judge before whom the case is pending may certify his disqualification or he may be

disqualified from sitting, under the terms, conditions and procedures provided by law for Courts of Record.

2. If the Municipal Judge is disqualified, the matter shall be heard by an Alternative or Acting Judge, appointed as provided in this Code of Ordinances.

Section 13-8. Chief of Police.

All writs or process of the Municipal Court shall be directed, in his official title, to the Chief of Police of the City of Comanche, Oklahoma, who shall be the principal officer of the Municipal Court.

Section 13-9. Clerk of Court.

1. The City Clerk, or a deputy designated by him, shall be the Clerk of the Court. Duties of the Court Clerk shall include the following:

    a. He shall assist the Municipal Judge in recording the proceedings of the Court and in preparing writs, process and other papers.

    b. He shall administer oaths required in proceedings before the Court.

    c. He shall enter all pleadings, process and proceedings in the dockets of the Court.

    d. He shall perform such other clerical duties relating to the proceedings of the Court as the Municipal Judge shall direct.

    e. He shall receive and receipt for forfeitures, fees, deposits and sums of money payable to the Court.

    f. He shall pay to the City Treasurer or the City Clerk on the 1st and the 15th day of each month, all money so received by him, except such special deposits or fees as shall be received to be disbursed by him for special purposes. All money paid to the City Treasurer or the City Clerk shall be placed in the General Fund of the municipality, or in such other fund as the City Council may direct.

2. The Clerk of the Court shall give bond to the City in the sum of one thousand dollars ($1,000.00).

Section 13-10. Attorney.

The Municipal Attorney, or his duly designated assistant, shall be the prosecuting officer of the Municipal Court. He shall be authorized to prosecute all alleged violations of the ordinances of the City of Comanche, Oklahoma, and to prosecute and resist appeals and proceedings in error and

review from the Court to any other courts of the State; he shall also be authorized to represent the City of Comanche, Oklahoma, in all proceedings arising out of matters of the Court.

Section 13-11. Contempt.

1. Obedience to the orders, rules and judgments made by the Municipal Judge or by the Municipal Court, may be enforced by said Judge, who may fine or imprison for contempt committed as to him while holding Court, or committed against process issued by him, in the same manner and to the same extent as the District Court of this State.

2. It shall be an offense to be in contempt, directly or indirectly, of the Municipal Court of the City of Comanche, Oklahoma, and of its orders.

Section 13-12. Traffic Violations.

1. If a police officer observes facts which he believes constitute a violation of the traffic ordinances of the City of Comanche, Oklahoma, committed by a resident thereof, in lieu of arresting such person, he may take his name, address, operator's license number, the registered license number of the motor vehicle involved and any other pertinent and necessary information, and may issue him, in writing in a form prescribed by the City Manager (or his duly designated delegate), a traffic citation embracing the above information, stating the traffic violation alleged to have occurred and notifying him to answer to the charge against him in the Municipal Court at a time, not later than five (5) days thereafter or the next Municipal Court date, specified in the citation. The officer, upon receiving the written promise of the alleged violator (endorsed on the citation) to answer as specified, shall release said person from custody. If the person to whom a citation is issued fails to answer as prescribed in the citation, a complaint shall be filed and the case shall be prosecuted as otherwise provided in this Article.

2. If the alleged traffic violation is committed by a non-resident of the City of Comanche, Oklahoma, the police officer shall take him into custody under arrest. The arrested person either (a) shall be taken immediately before the Municipal Judge for further proceedings according to law, or (b) shall have bail fixed for his release in accordance with the provisions of this Chapter. Upon providing bail, as fixed, and upon giving his written promise to appear upon a day certain, as provided in the preceding Subsection of this Article, he shall be released from custody.

3. If the alleged offense be a violation of an ordinance restricting or regulating the parking of vehicles, including any regulations issued under such an ordinance and the operator be not present, the police officer shall place on the vehicle, at a place reasonably likely to come to the notice of the operator, a citation conforming substantially to that prescribed hereinabove, with such variation as the circumstances require. The operator of the vehicle shall be under the same obligation to respond to the citation as if it had been issued to him personally under the provisions of this section.

Section 13-13. Traffic Violations Bureau.

A. Established: A Traffic Violations Bureau is hereby established as a division of the office of the Clerk of the Court, to be administered by said Clerk, or by subordinates designated for that purpose. (Ord. 489-11, July 12, 2011)

B. Fine Schedule: Persons who are cited for violation of one (1) of the traffic regulatory ordinances of the City of Comanche, Oklahoma, other than (a) a second traffic offense within a twelve (12) month period, (b) a driver's license offense or (c) an offense punishable by a fine of more than thirty five dollars ($35.00), may elect to pay a fine or post bond in the office of the Violations Bureau according to the following schedule:

47 OS 11-806.1	SPEEDING IN SCHOOL ZONE	$200.00
	DRIVING LEFT OF CENTER	
47 OS 11-308	Driving wrong way on one-way road	$140.00
47 OS 11-301	Unauthorized driving left of center on divided four-lane	$140.00
47 OS 11-306	Unauthorized driving left of center on grades, curves or view obstructed	$140.00
47 OS 11-306	Unauthorized driving left of center within 100' of intersection (railroad crossing)	$140.00
47 OS 11-306	Unauthorized driving left of center within 100' of any tunnel, bride or viaduct when view is obstructed	$140.00
47 OS 11-307	Unauthorized driving on left side of road in a marked zone	$140.00
	RECKLESS DRIVING	
47 OS 11-901A	Reckless driving	$340.00
47 OS 11-801	Operating a motor vehicle in a manner not reasonable and proper	$150.0
47 OS 11-1107A	Coasting or operating vehicle with gears in neutral	$100.00
	DRIVERS LICENSE VIOLATIONS	
47 OS 6-112	Fail to have DL in immediate possession	$60.00
47 OS 6-303B	Operating m/v while license is revoked	$300.00
	Operating m/v while license is suspended	$300.00
	Driving after DL is denied/cancelled	$300.00
47 OS 6-113.D	Violation of License Restriction	$100.00
47 OS 6-303A	Operate vehicle without valid Driver License	$240.00
47 OS 6-304	Permit unauthorized minor to drive vehicle	$200.00
47 OS 6-305	Permit unauthorized person to drive	$200.00
47 OS 7-602A1	Fail to carry current copy of insurance in m/v vehicle	$60.00
47 OS 7-606A1	Fail to comply with compulsory insurance law	$150.00
47 OS 7-602	Forge evidence of proof of financial responsibility	$500.00

	TAG/DECAL VIOLATIONS	
47 OS 74-1151A5	Fail to pay all taxes due to State of Oklahoma	$150.00
47 OS 74-1151A5	Display temporary tag more than 30 days	$150.00
47 OS 74-1151	Alter Cert. Title Regis. Plate/Decal	$240.00
47 OS 74-1151	Remove License Plate from or Affix unauthorized license plate to vehicle w/intent to conceal identity	$500.00
47 OS 74-1151	Failure to register within 30 days	$150.00
	EQUIPMENT VIOLATIONS	
47 OS 12-101	Operating a m/v with defective equip	$60.00
47 OS 12-203	Operating a m/v with defective headlight	$60.00
47 OS 12-608	Operating a m/v with defective brake system	$200.00
47 OS 12-402	Operating a m/v with defective muffler system	$140.00
47 OS 12-405	Operating a m/v with defective tires	$140.00
47 OS 12-405	Use of equipment prohibited by law	$240.00
47 OS 12-402	Modified/improper exhaust system	$140.00
	EQUIPMENT MISUSE	
47 OS 11-110	Leaving vehicle unattended with engine running	$140.00
47 OS 12-101.A	Overload vehicle with passengers, cargo	$100.00
47 OS 12-203.2	Fail to dim lights when meeting	$60.00
47 OS 12-227	Improper display of flashing lights (front red or blue flashing light)	$100.00 $500.00
	STOPPING/STANDING/PASSING	
47 OS 11-403.B	Fail to stop at stop sign	$150.00
47 OS 11-705.A	Fail to stop for school bus to load or unload	$300.00
47 OS 11-1003	Improper stop on roadway	$60.00
47 OS 11-304	Improper overtake on right	$150.00
47 OS 11-305	Pass without sufficient clearance	$150.00
47 OS 11-309	Changing lanes unsafely	$150.00
47 OS 11-311	Improperly crossing center dividing section	$150.00
	SIGNS AND TRAFFIC CONTROL DEVICES	
47 OS 11-103	Fail to follow instruction of a police officer	$250.00
47 OS 11-201	Fail to obey traffic control sign, device	$150.00
47 OS 11-207.A	Obscuring, tampering with, or illegally displacing a traffic control device or instrument	$200.00
	IMPROPER TURNING	
47 OS 11-601.1	Improper right turn	$100.00
47 OS 11-601.2	Improper left turn	$100.00
47 OS 11-604.A	Improper turn from direct course	$60.00

47 OS 11-604.A	Improper turn in front of oncoming traffic	$150.00
47 OS 11-602	Improper turnabout	$60.00
	FAILURE TO YIELD RIGHT OF WAY	
47 OS 11-405.A	Failure to yield to emergency vehicle	$300.00
47 OS 11-403.C	Failure to yield to pedestrian	$100.00
47 OS 11-404	Failure to yield from private drive	$100.00
47 OS 11-402	Failure to yield to vehicle while turning	$100.00
47 OS 11-314	Failure to yield to, proceed with caution when passing state emergency vehicle	$200.00
	SIGNAL VIOLATIONS	
47 OS 11-604	Failure to signal intention to turn left/right	$60.00
47 OS 11-605.B	Giving improper signal	$60.00
	SEATBELT VIOLATIONS	
47 OS 12-417	Failure to wear proper adjusted seatbelt	$20.00
47 OS 11-1112	Failure to protect child under age 6	$20.00
47 OS 11-1112.	Failure to protect child under age 13	$20.00
	ACCIDENT VIOLATIONS	
10-103	Failure to stop, remain at scene of accident resulting in vehicle damage	$500.00
10-104	Failure to give info, render aid at accident scene	$500.00
10-104	Intentionally giving false info at accident scene	$500.00
	ALCOHOL VIOLATIONS	
47 OS 11-902.A	Driving under the influence	$500.00
47 OS 11-902A	Driving while under the influence	$500.00
21 OS 1215	Minor in possession of alcohol	$300.00
37 OS 8	Public Intoxication	$150.00
21 OS 1220	Transporting open container of beer	$250.00
37 OS 537	Transporting open container of liquor	$250.00
37 OS 241	Providing low point beer or alcohol to person under 21	$300.00
	DRUG VIOLATIONS	
63 OS 2-402	Possession of Marijuana	$500.00
63 OS 2-405	Possession of Drug Paraphernalia	$400.00
	OTHER VIOLATIONS	
47 OS 12-609	Operating a motorcycle without headgear (under 18)	$150.00
47 OS 11-1116	Operating all-terrain vehicle on public roadway except as allowed by law	$75.00
37 OS 600.4	Possession of tobacco by person under 18	$100.00

21 OS 540	Obstructing a police officer	$300.00
21 OS 540.A	Eluding a police officer	$500.00
47 OS 11-1119	Leaving child or vulnerable adult unattended in motor vehicle	$150.00
47 OS 11-1119	Leaving child or vulnerable adult unattended in a motor vehicle on premises which hold a liquor license	$300.00
47 OS 11-1114	Allowing a passenger to ride outside the passenger compartment of a vehicle	$25.00
	LITTERING FROM A MOTOR VEHICLE AND ILLEGAL DUMPING	
21 OS 1753.3	Littering from a Motor Vehicle	$150.00
21 OS 1753.3	Littering flaming or glowing substance from a vehicle	$200.00
21 OS 1753.3	Littering flaming or glowing substance from a vehicle during a burn ban	$300.00
21 OS 1761.1	Dumping trash on public or private property without consent	$150.00
21 OS 1761.1	Dumping flaming or glowing substance on public or private property without consent	$200.00
21 OS 1761.1	Dumping flaming or glowing substance on public or private property without consent during burn ban	$300.00
21 OS 1761.1	Dumping trash on public or private property without consent (filed as a traffic citation)	$150.00
	MUNICIPAL VIOLATIONS	
3-50	Cruelty to animals	$200.00
15-19	Violation of curfew 10:00pm everyday 15 or younger 12:00 midnight Su-Th, 1:00 pm, Fri-Sat 16-17	$100.00
19-55	Burning of Solid Waste	$100.00

	ALL OTHR MUNICIPAL OFFENSES NOT LISTEDABOVE	$150.00 or the amount specified in the Comanche Code of Ordinances

(Ord. 489-11, July 12, 2011)

C. Amounts Stated are Exclusive of Additional Fees and Costs. The amount of fine set forth above does not include the Court Costs or any other fees or costs (e.g., AFIS administrative fee, forensic science improvement assessment fee, medical expense liability fee) mandated or allowed by the State of Oklahoma. Court Costs and state

mandated fees and costs shall be paid in addition to the bond/fines set forth above. (Ord. 489-11, July 12, 2011)

D. Rules Adopted; Failure to Pay Fine: The Court may adopt further rules to implement this section. Payment of a fine under this section shall constitute a final determination of the case against the Defendant. If a Defendant who has elected to pay a fine under this section fails so to do, prosecution shall proceed under other provisions of this Chapter. (Ord. 489-11, July 12, 2011)

E. In the event that the municipal judge grants any Defendant a deferred sentence, the Defendant shall be obligated to pay an administrative fee in the amount of fifty dollars ($50.00), which fee shall be in addition to the fine, court costs and any other fee established by this Code or by the law of the State of Oklahoma. (Ord. 489-11, July 12, 2011)

4. An AFIS administrative fee for the penalty assessment and AFIS fees in the amount of $0.08 will be assessed and retained by the municipal courts upon the assessment of fines provided for by this section. (Ord. 442-01, August 14, 2001)

5. Upon the assessment fines provided for in this section there is hereby added a forensic science improvement assessment fee in the amount of $5.00 to be collected at the same time and in the same manner as the penalty assessment in AFIS fees. The municipal court will retain 5% of the amount collected as the administrative fee. (Ord. 442-01, August 14, 2001)

6. Upon the assessment fines provided for in this section there is hereby added a Medical Expense Liability Fee in the amount of $10.00 to be collected at the same time and in addition to existing fines and fees. This Medical Expense Liability Fee is to be assessed on any person convicted of any offense, excluding traffic offenses and parking and standing violations, but including violations of Section 11-902 of Title 47 of the Oklahoma Statutes, punishable by a fine of Ten Dollars ($10.00) or more or by incarceration or any person forfeiting bond when charged with such offense. The clerk shall remit the monies on a monthly basis to the Medical Expense Liability Revolving Fund, to be used for the purposes and in the manner provided in 20 O.S. §1313.7. (Ord. 454-04, November 10, 2003)

Section 13-14. Style of Prosecutions.

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

Section 13-15. Summons.

1. Upon the filing of a complaint charging a violation of this Code of Ordinances or other ordinance of the City of Comanche, Oklahoma, the Municipal Judge, unless he determines to issue a warrant of arrest, unless the defendant previously has been issued a citation, or unless he has been arrested and given bond for his appearance, shall issue a summons, naming the person charged, specifying his address or place of residence (if known), stating the offense with which he is charged and giving him notice to answer. the charge in the Municipal Court on a day certain, five (5) days (Sundays and holidays excepted), or the next Municipal Court date after the summons is served upon him, containing a provision for the official return of the summons and including such other pertinent information as may be necessary.

2. The summons shall be served by delivering a copy to the defendant personally. If he fails to appear and answer the summons within the prescribed period, a warrant shall be issued for his arrest, as provided by this Chapter.

Section 13-16. Complaints Against a Corporation.

1. Upon complaint against a corporation being filed with the Municipal Judge of the City of Comanche, Oklahoma, said Judge shall issue a summons in a form as outlined in this Chapter, signed by him with his title of office, requiring the corporation to appear before him at a specific time and place to answer the complaint.

2. The summons must be served at least two (2) days before the day of appearance fixed therein, by delivering a copy thereof and showing the original to the president, head, secretary, cashier or managing agent of the corporation.

3. At the time appointed in the summons, the Municipal Judge shall try the complaint in the same manner as in the case of any other person brought before him.

4. When a fine is imposed upon a corporation upon conviction, it may be collected by the Municipal Judge making a transcript of his proceedings thereof, together with the judgment of the Court duly certified and filed with the Clerk of the District Court, and execution shall be issued thereon and served by the Sheriff of the County as in cases of execution generally.

Section 13-17. Warrant of Arrest.

1. Except as otherwise provided in this Code of Ordinances, upon the filing of a complaint, approved by the endorsement of the City Attorney or by the Municipal Judge, there shall be issued a warrant of arrest in substantially the following form:

Complaint upon oath having this day
been made by _____ that
the offense of _____ has
been committed and accusing _____
thereof, you are commanded therefore

forthwith to arrest the above named (Defendant or Defendants) and bring (Him, her, them) before me at my office at the Comanche, Oklahoma, Municipal Court Room.

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

Judge of the Municipal Court
Of the City of Comanche, Oklahoma.

2. It shall be the duty of the Chief of Police, personally, through a duly constituted member of the police force of the City of Comanche, Oklahoma, or through any other persons lawfully authorized to act, to execute such warrant as promptly as possible.

Section 13-18. Bail; Temporary Bonds.

1. Whenever a resident of the City of Comanche, Oklahoma is arrested for a violation of any ordinance by a police officer of said City, the officer shall immediately release such person if he acknowledges receipt of a citation by signing it, unless it reasonably appears to the officer that the person may cause injury to himself or others, or damage to property, if released, or if it reasonably appears that the person will not appear in response to the citation. (If such person fails to appear in response to the citation, a warrant shall be issued for his arrest and his appearance in Court shall be compelled.)

2. Whenever a resident of the City of Comanche, Oklahoma, is arrested by a police officer of said City for the violation of any ordinance, and is not released by being permitted to sign a citation as provided hereinabove (Subsection 1), said resident shall be admitted to bail either before or after arraignment, or released on his own recognizance.

3. Whenever a non-resident of the City of Comanche, Oklahoma, is arrested by a police officer of said City for a violation other than a traffic violation, the defendant shall be eligible to be admitted to bail either before or after arraignment.

4. The City of Comanche, Oklahoma, may require any person who is arrested by a police officer of said City for a municipal traffic violation to comply with Statutory procedures for State traffic violations, with respect to the release of the arrested person. The following methods of posting bail shall apply:

    a. Posting cash bail;

    b. Depositing with the arresting officer a “guaranteed arrest bond certificate” or

    c. Depositing with the arresting officer a valid motor vehicle operator’s license, in exchange for a receipt therefore issued by the arresting officer, which shall be

recognized as an operator's license and shall authorize the person's operation of a motor vehicle to the date of his hearing, but not to exceed twenty (20) days.

5. The amount and conditions of bail granted under this Section shall be determined by the Municipal Judge, who shall prescribe rules for the receipt of bail and for release by personal recognizance. In the event of arrests at night, other emergencies or when the Municipal Judge is not available, the Chief of Police (or his designated representative) shall be authorized by the Municipal Judge, under such conditions as shall be prescribed by said Judge, to accept a temporary cash bond in a sufficient amount to secure the appearance of the accused, but in no event shall the cash bond be more than the allowable maximum fine for each offense charged. The Chief of Police (or his designated representative) is authorized, subject to such conditions as shall be prescribed by the Municipal Judge, to release a resident of the City of Comanche, Oklahoma, on his own recognizance.

Section 13-19. Arraignment.

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

Section 13-20. Postponement of Trial.

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

Section 13-21. Trial Procedure.

In all trials in the Municipal Court as to matters not covered in this Chapter by the Statutes relating to Municipal Criminal Courts or by rules duly promulgated by the Supreme Court of Oklahoma, the procedure applicable in trials of misdemeanors in the District Courts shall apply to the extent that they can be made effective.

Section 13-22. Defendant to be Present at Trial; Failure to Appear.

1. The defendant must be present in person at the trial of his case in the Municipal Court.

2. If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of his bond, either for hearing, arraignment, trial or judgment, or upon any other occasion when his presence in Court or before the magistrate may be lawfully required, the Municipal Judge may direct that fact to be entered upon the Court minutes, thereby declaring the bond to be forfeited. Without advancing Court costs, said Judge shall then cause the forfeiture to be certified to the District Court of the county where situs of government is situated, where it shall be entered upon the judgment docket and shall have the full force and effect of a District Court

Judgment. At such time as the forfeiture is entered upon the District Court Judgment Docket, the District Court Clerk shall proceed in accordance with the applicable provisions of State Statutes.

Section 13-23. Judgment,

1. At the close of a trial in the Municipal Court, judgment must be rendered by the Municipal Judge, who shall cause it to be entered in his docket.

2. If the judgment of the Municipal Court is of acquittal and the defendant is not to be detained for any other legal cause, he must be discharged at once.

3. If the defendant pleads guilty or is convicted after trial, the Municipal Court must render judgment thereon, fixing the penalty within the limits prescribed by this Code of Ordinances or other applicable ordinance, and imposing sentence accordingly.

Section 13-24. Costs Upon Judgment of Conviction.

If judgment of conviction is entered, the Clerk of the Court shall tax the costs to the defendant, in a sum not to exceed one hundred dollars ($100.00).

(Ord. 371, July 19, 1989)

Section 13-25. Enforcement of Payment of Fines or Costs by Imprisonment; Persons Unable to Pay.

1. If a defendant who is financially able, refuses or neglects to pay a fine or costs, or both, payment may be enforced by imprisonment, until the same shall be satisfied at the rate of two dollars ($2.00) per day.

2. If the defendant is without means to pay the fine or costs, the Municipal Judge of the City of Comanche, Oklahoma, may direct the total amount due to be entered upon the Court minutes and to be certified to the District Court of the county wherein the situs of government is situated, where it shall be entered upon the District Court Judgement Docket and shall have the full force and effect of a District Court Judgment. Thereupon, the same remedies shall be available for the enforcement of said Judgment as are available to any other judgement creditor.

Section 13-26. Suspension of Sentence.

After conviction and sentence of a defendant in the Municipal Court of the City of Comanche, Oklahoma, the Municipal Judge may suspend sentence in accordance with the provisions of, and subject to the conditions and procedures imposed by, applicable provisions of Title 11, Oklahoma Statutes, 1971, as amended.

Section 13-27. Witness Fees.

1. Witnesses in any proceeding in the Municipal Court, other than police officers or peace officers, shall be entitled to two dollars ($2.00) for each day of attendance, plus ten (10) cents for each mile actually and necessarily traveled in going to, and returning from, the place of attendance, if their residence is more than five (5) miles outside the corporate limits of the City of Comanche, Oklahoma. No witness shall receive fees or mileage in more than one (1) case for the same period of time or the same travel.

2. A defendant seeking to subpoena witnesses must deposit, with the Clerk of the Court, a sum sufficient to cover fees and mileage for one (1) day of attendance for each witness to be summoned; such deposit shall not be required from an indigent defendant who files an affidavit setting out:

    a. The name of no more than three (3) witnesses;

    b. That the defendant, by reason of his poverty, is unable to provide fees and mileage allowed by law;

    c. That the testimony of such witnesses is material; and

    d. That their attendance at the trial is necessary for his proper defense.

3. The fees of witnesses in such cases (Subsection 2 above) shall be paid by the City of Comanche, Oklahoma.

Section 13-28 Collection Fee

(A) A collection fee of Thirty-five (35%) of Court penalties, cost fines, and fees in cases in which the accused has failed to appear or otherwise failed to satisfy a monetary obligation imposed by the Court shall be added to any such case which is referred to a collection agency for collection.

ORD. 550-18 OCTOBER 9, 2018

Section 13-29 through 13-34. (Reserved for future use.)

Article 3. Penalty

Section 13-35. Penalty.

1. If the Judge of the Municipal Court of the City of Comanche, Oklahoma is a licensed attorney or if the Judge is not a licensed attorney but has complied with the educational requirements specified in 11 OS 27-104 and the trial is to the Court, the Court may impose a fine not to exceed five hundred dollars ($500.00). (Ord. 389-11, July 12, 2011)

2. If the Judge is not a licensed attorney and has not complied with the educational requirements specified in 11 OS 27-104, the Court may impose a fine not to exceed fifty dollars ($50.00). (Ord. 389-11, July 12, 2011)

CHAPTER 14

NUISANCES

Chapter 14, in its entirety, changed by Ordinance 456-04, September 14, 2004.

Article 1. General Provisions.
Article 2. Abatement of Nuisances.
Article 3. Penalty

Article 1. General Provisions

Section 14-1. Nuisance Unlawful.

It shall be unlawful for any person (owner, lessee or other) to create or maintain a nuisance, or to permit a nuisance to remain on premises under his control, within the corporate limits of the City of Comanche, Oklahoma.

Section 14-2. City Council May Determine and Define Nuisances.

The City Council has the power to determine what is and what shall constitute a nuisance within the corporate limits of the City of Comanche, Oklahoma, and, for the protection of the public health, parks and water supply, outside of said City's corporate limits.

Section 14-3. Nuisance Defined.

1. A nuisance consists of unlawfully doing an act, omitting to perform a duty or any thing or condition which:

    a. Annoys, injures or endangers the comfort, repose, health or safety of others;

    b. Offends public decency;

    c. Unlawfully interferes with, obstructs, tends to obstruct, or renders dangerous for use, any lake, drainage way or easement, stream, stream basin, public park, street, or other public property; or

    d. In any way renders other persons insecure in life or in the use of property.

2. In addition to those definitions in the above subsection (a), a nuisance shall be further defined by mention or definition of any act, omission, or thing constituting a nuisance or public nuisance anywhere within this chapter, Chapter 14, Nuisances, of the Code of Ordinances of the City of Comanche, which shall include, but is not limited to:

a. Dilapidated buildings;

b. Weeds;

c. Trash;

d. Graffiti; and

e. Abandoned, wrecked, junked, or non-operating vehicles.

(Ord. 516-15, May 12, 2015)

Section 14-4. Public Nuisances; Possible Remedies.

1. A public nuisance is one which affects, at the same time, an entire community, neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

2. The possible remedies against a public nuisance are:

    a. Prosecution on complaint before the Municipal Court;

    b. Prosecution of information or indictment before another appropriate court;

    c. Civil action; and

    d. Abatement:

        (1) By the person injured; or

        (2) By the municipality, in accordance with law or ordinance.

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

Section 14-5. Private Nuisances; Possible Remedies.

1. Every nuisance not included in Section 14-4 (above) is a private nuisance.

2. The possible remedies against a private nuisance are:

    a. Civil action; and

    b. Abatement:

        (1) By the person injured; or

        (2) By the municipality, in accordance with law or ordinance.

Section 14-6. Person Liable.

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

Section 14-7. Procedure Cumulative.

The various procedures for abating nuisances prescribed by this Chapter and by other provisions of law and ordinances shall be cumulative one (1) to the other; the City Council may elect to follow any such procedure which is applicable in abating any particular nuisance.

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

Article 2. Abatement of Nuisances

Section 14-15. Designation of Hearing Officer and Right to Appeal.

a. For the purposes of this Section, the City of Comanche shall appoint or designate a Code Enforcement Officer to serve as the Hearing Officer for all hearings as provided herein. The Code Enforcement/Hearing Officer shall complete the certification training required in 11 O.S. 22-112.3. (Ord. 494-11, September 13, 2011)

b. Following any hearing by the hearing officer, the property owner or any affected party shall have a right to appeal to the City Council of the City of Comanche any finding or order of the hearing officer. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered.

(Ord. 494-11, September 13, 2011)

Section 14-16. Condemnation of dilapidated buildings

(a) The City of Comanche may cause dilapidated buildings within the municipal limits to be torn down and removed in accordance with the provisions of this Section 14-16.

(Ord. 494-11, September 13, 2011)

(1). At least ten (10) days' notice that a building is to be torn down or removed shall be given to the owner of the property before the Hearing Officer holds a hearing. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of

the mailee. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication as defined in Section 1-102 of Title 11 of the Oklahoma Statutes. The notice may be published once not less than ten (10) days prior to any hearing by the Hearing Officer or action by City pursuant to the provisions of this section.

(Ord. 494-11, September 13, 2011)

(2). A hearing shall be held by the Hearing Officer to determine if the property is dilapidated and has become detrimental to the health, safety, or welfare of the general public and the community, or if the property creates a fire hazard which is dangerous to other property. (Ord. 494-11, September 13, 2011)

(3). Pursuant to a finding by the Hearing Officer that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by the removal of such conditions, the City of Comanche may cause the dilapidated building to be torn down and removed. The City shall fix reasonable dates for the commencement and completion of the work. The municipal clerk shall immediately file a notice of dilapidation and lien with the county clerk describing the property, the findings of the Hearing Officer at the hearing, and stating that the municipality claims a lien on the property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of the notice. The agents of the municipality are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the municipality if the work is not performed by the property owner within dates fixed by the City. (Ord. 494-11, September 13, 2011)

(4). The City shall determine the actual cost of the dismantling and removal of dilapidated buildings and any other expenses that may be necessary in conjunction with the dismantling and removal of the buildings, including the cost of notice and mailing. The municipal clerk shall forward a statement of the actual cost attributable to the dismantling and removal of the buildings and a demand for payment of such costs, by mail to the property owner. In addition, a copy of the statement shall be mailed to any mortgage holder at the address provided for in paragraph 1 of this section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. If the municipality dismantles or removes any dilapidated buildings, the cost to the property owner shall not exceed the actual cost of the labor, maintenance, and equipment required for the dismantling and removal of the dilapidated buildings. If dismantling and removal of the dilapidated buildings is done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

(Ord. 494-11, September 13, 2011)

(5). When payment is made to the municipality for costs incurred, the municipal clerk shall file a release of lien, but if payment attributable to the actual cost of the dismantling and removal of the buildings is not made within six (6) months from the date of the mailing of the statement to the owner of such property, the municipal clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located. The costs shall be levied on the property and collected by the county treasurer as are other taxes

authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice of dilapidation and lien is filed with the county clerk. In addition the cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At the time of collection, the county treasurer shall collect a fee of Five Dollars ($5.00) for each parcel of property. The fee shall be deposited to the credit of the general fund of the county. At any time prior to collection as provided for in this paragraph, the municipality may pursue any civil remedy for collection of the amount owing and interest thereon including an action *in personam* against the property owner and an action *in rem* to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. (Ord. 494-11, September 13, 2011)

(6). Upon receiving payment, the municipal clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.
(Ord. 494-11, September 13, 2011)

(7). For the purposes of this section:

"Dilapidated building" means a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public or a vacant structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable and is a hazard to the health, safety, and welfare of the general public, and

"Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

(8). Nothing in the provisions of this section shall prevent the municipality from abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the general public.

(9). The officers, employees or agents of the municipality shall not be liable for any damages or loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this section or as otherwise prescribed by law.

(10). The provisions of this Ordinance shall not apply to any property zoned and used for agricultural purposes. (Ord. 494-11, September 13, 2011)

Section 14-17. Boarding and securing dilapidated buildings – Definitions

(a) After a building has been declared dilapidated, as provided in Section 14-16 of this Chapter 14, and before the commencement of the tearing down and removal of a dilapidated

building, the City may authorize that such a building be boarded and secured. However, if the dilapidated building is vacant and unfit for human occupancy, the City may authorize the structure to be demolished pursuant to Section 14-16 of this Chapter 14.

(Ord. 494-11, September 13, 2011)

(1). The City of Comanche may cause the premises on which an unsecured building is located to be cleaned of trash and weeds in accordance with the provisions of Section 14-18 of this Chapter. (Ord. 494-11, September 13, 2011)

(2). The City of Comanche may cause an unsecured building to be boarded and secured in accordance with the following procedures: (Ord. 494-11, September 13, 2011)

(3). Before the City orders such action, at least ten (10) days' notice that such unsecured building is to be boarded and secured shall be given by mail to any property owners and mortgage holders as provided in Section 14-16 of this Chapter. At the time of mailing of notice to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. A copy of the notice shall also be posted on the property to be affected. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property or by publication as defined in Section 1-102 of Title 11 of the Oklahoma Statutes. Such notice shall be published one time, not less than ten (10) days prior to any hearing or action by the Hearing Officer pursuant to the provisions of this section. If the City anticipates summary abatement of a nuisance in accordance with the provisions of paragraph 10 of this subsection, the notice shall state that:

Any subsequent need for boarding and securing the building within a six-month period after the initial boarding and securing of the building pursuant to such notice may be summarily boarded and secured by the City; that the costs of such boarding and securing shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner or mortgage holder.

(Ord. 494-11, September 13, 2011)

(4). The owner of the property may give written consent to the municipality authorizing the boarding and securing of such unsecured building and to the payment of any costs incurred thereby. By giving written consent, the owner waives any right the owner has to a hearing by the Hearing Officer. (Ord. 494-11, September 13, 2011)

(5). If the property owner does not give written consent to such actions, a hearing may be held by the Hearing Officer to determine whether the boarding and securing of such unsecured building would promote and benefit the public health, safety or welfare. Such hearing may be held in conjunction with a hearing on the accumulation of trash or the growth of weeds or grass on the premises of such unsecured building. In making such determination, the Hearing Officer shall apply the following standard: the Hearing Officer may order the boarding and securing of the unsecured building when the boarding and securing thereof would make such building less available for transient occupation, decrease a fire hazard created by such building, or decrease the hazard that such building would constitute an attractive nuisance to children.

Upon making the required determination, the Hearing Officer may order the boarding and securing of the unsecured building. (Ord. 494-11, September 13, 2011)

(6). After the Hearing Officer orders the boarding and securing of such unsecured building, the municipal clerk shall immediately file a notice of unsecured building and lien with the county clerk describing the property, stating the findings of the Hearing Officer at the hearing at which such building was determined to be unsecured, and stating that the municipality claims a lien on the property for the costs of boarding and securing such building and that such costs are the personal obligation of the property owner from and after the date of filing the notice.
(Ord. 494-11, September 13, 2011)

(7). Pursuant to the order of the Hearing Officer, the agents of the municipality are granted the right of entry on the property for the performance of the boarding and securing of such building and for the performance of all necessary duties as a governmental function of the municipality. (Ord. 494-11, September 13, 2011)

(8). After an unsecured building has been boarded and secured, the City shall determine the actual costs of such actions and any other expenses that may be necessary in conjunction therewith including the cost of the notice and mailing. The municipal clerk shall forward a statement of the actual costs attributable to the boarding and securing of the unsecured building and a demand for payment of such costs, by mail to any property owners and mortgage holders as provided in Section 22-112 of Title 11 of the Oklahoma Statutes. At the time of mailing of the statement of costs to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee.

If the City boards and secures any unsecured building, the cost to the property owner shall not exceed the actual cost of the labor, materials and equipment required for the performance of such actions. If such actions are done on a private contract basis, the contract shall be awarded to the lowest and best bidder. (Ord. 494-11, September 13, 2011)

(9). When payment is made to the municipality for costs incurred, the municipal clerk shall file a release of lien, but if payment attributable to the actual costs of the boarding and securing of the unsecured building is not made within thirty (30) days from the date of the mailing of the statement to the owner of such property, the municipal clerk shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property is located. The costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until fully paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date the notice of unsecured building and lien is filed with the county clerk. In addition the costs and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the costs and interest are fully paid. At any time prior to collection as provided for in this paragraph, the municipality may pursue any civil remedy for collection of the amount owing and interest thereon

including an action i*n personam* against the property owner and an action *in rem* to foreclose its lien against the property. A mineral interest, if severed from the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, the municipal clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien. (Ord. 494-11, September 13, 2011)

(10). If the City or the Hearing Officer orders or causes a structure within the municipal limits to be boarded and secured, any subsequent need for boarding and securing within a six-month period constitutes a public nuisance and may be summarily boarded and secured without further prior notice to the property owner or mortgage holder. At the time of each such summary boarding and securing, the municipality shall notify the property owner and mortgage holder of the boarding and securing and the costs thereof. The notice shall state that the property owner may request an appeal with the municipal clerk within ten (10) days after the mailing of the notice. The notice and hearing shall be as provided for in paragraph (3) of this subsection. Unless otherwise determined at the hearing the cost of such boarding and securing shall be determined and collected as provided for in paragraphs (8) and (9) of this subsection. (Ord. 494-11, September 13, 2011)

(11). The City may determine that a building is unsecured and order that such building be boarded and secured in the manner provided for in this subsection even though such building has not been declared, by the Hearing Officer to be dilapidated.

(Ord. 494-11, September 13, 2011)

(12). For the purposes of this Section 14-17:

"Boarding and securing" or "boarded and secured" means the closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure.

"Unsecured building" shall mean any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar hatchways, unlocked basement or cellar hatchways or other similar unsecured openings which would facilitate an unauthorized entry into the structure.

"Unfit for human occupancy" means a structure that due to lack of necessary repairs is considered uninhabitable and is a hazard to the health, safety, and welfare of the general public. (Ord. 494-11, September 13, 2011)

(13). The provisions of this Section 14-17 shall not apply to any property zoned and used for agricultural purposes. (Ord. 494-11, September 13, 2011)

Section 14-18. Cleaning and mowing of property – Notice – Consent – Hearing – Right of Entry - Costs – Lien – Definitions

(a) The City of Comanche may cause property within the municipal limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the following procedure: (Ord. 494-11, September 13, 2011)

(1). At least ten (10) days' notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the county treasurer's office before the Hearing Officer holds a hearing or the City takes action. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and said notice shall further state that unless such work is performed within ten (10) days of the date of the notice the work shall be done by the municipality and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the municipality. At the time of mailing of notice to the property owner, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if the property owner cannot be located within ten (10) days from the date of mailing by the City, notice may be given by posting a copy of the notice on the property or by publication, as defined in Section 1-102 of Title 11 of the Oklahoma Statutes, one time not less than ten (10) days prior to any hearing or action by the municipality. If the City anticipates summary abatement of a nuisance in accordance with the provisions of paragraph (7) of this section, the notice, whether by certified mail, posting or publication, shall state that:

Any accumulations of trash or excessive weed or grass growth on the owner's property occurring within six (6) months from and after the date of this notice may be summarily abated by the City; that the costs of such abatement shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner. (Ord. 494-11, September 13, 2011)

(2). The owner of the property may give his written consent to the municipality authorizing the removal of the trash or the mowing of the weeds or grass. By giving said written consent, the owner waives his right to a hearing by the Hearing Officer.
(Ord. 494-11, September 13, 2011)

(3). A hearing may be held by the Hearing Officer to determine whether the accumulation of trash or the growth of weeds or grass has caused the property to become detrimental to the health, benefit, and welfare of the public and the community or a hazard to traffic, or creates a fire hazard to the danger of property. (Ord. 494-11, September 13, 2011)

(4). Upon a finding that the condition of the property constitutes a detriment or hazard, and that the property would be benefited by the removal of such conditions, the agents of the municipality are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, and performance of the necessary duties as a governmental function of the municipality. Immediately following the cleaning or mowing of the property, the municipal clerk shall file a notice of lien with the county clerk describing the property and the work performed by

the municipality, and stating that the municipality claims a lien on said property for the cleaning or mowing costs. (Ord. 494-11, September 13, 2011)

(5). The City shall determine the actual cost of such cleaning and mowing and any other expenses as may be necessary in connection therewith, including the cost of notice and mailing. The municipal clerk shall forward by mail to the property owner specified in paragraph 1 of this subsection a statement of such actual cost and demanding payment. If the cleaning and mowing are done by the municipality, the cost to the property owner for said cleaning and mowing shall not exceed the actual cost of the labor, maintenance, and equipment required. If the cleaning and mowing are done on a private contract basis, the contract shall be awarded to the lowest and best bidder. (Ord. 494-11, September 13, 2011)

(6). If payment is not made within thirty (30) days from the date of the mailing of the statement, the municipal clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located and the same shall be levied on the property and collected by the county treasurer as other taxes authorized by law. Until fully paid, the cost and the interest thereon shall be the personal obligation of the property owner from and after the date the cost is certified to the county treasurer. In addition the cost and the interest thereon shall be a lien against the property from the date the cost is certified to the county treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost shall be fully paid. At the time of collection, the county treasurer shall collect a fee of Five Dollars ($5.00) for each parcel of property. Said fee shall be deposited to the credit of the general fund of the county. At any time prior to the collection as provided in this paragraph, the municipality may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, if any, the municipal clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien.

(Ord. 494-11, September 13, 2011)

(7). If notice is given by the City to a property owner ordering the property within the municipal limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the procedures provided for in paragraph (1) of this section, any subsequent accumulations of trash or excessive weed or grass growth on the property occurring within a six-month period may be declared to be a nuisance and may be summarily abated without further prior notice to the property owner. At the time of each such summary abatement the municipality shall notify the property owner of the abatement and the costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. The notice and hearing shall be as provided for in Section 14-16. Unless otherwise determined at the hearing the cost of such abatement shall be determined and collected as provided for in paragraphs (5) and (6) of this subsection. Provided, however, that this subsection shall not apply if the records of the county clerk show that the property was transferred after notice was given pursuant to paragraph (1) of this section.

(Ord. 494-11, September 13, 2011)

(8). As used in this Chapter 14, Nuisances:

a. "Weed" includes but is not limited to poison ivy, poison oak, or poison sumac and all vegetation at any state of maturity which:

i. exceeds twelve (12) inches in height, except healthy trees, shrubs, or produce for human consumption grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of said weeds,

ii. regardless of height, harbors, conceals, or invites deposits or accumulation of refuse or trash,

iii. harbors rodents or vermin,

iv. gives off unpleasant or noxious odors,

v. constitutes a fire or traffic hazard, or

vi. is dead or diseased.

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

b. "Trash" means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, or waste, or matter of any kind or form which is uncared for, discarded, or abandoned;

c. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer; and

d. "Cleaning" means the removal of trash from property.

State Law Reference: *Cleaning, mowing property, municipal powers, 11 O.S. §22-111D.*

(Ord. 516-15, May 12, 2015)

(9). The provisions of this section shall not apply to any property zoned and used for agricultural purposes. (Ord. 494-11, September 13, 2011)

Section 14-19. Removal of graffiti.

(a). The City of Comanche may cause graffiti to be removed from property within the municipal limits in accordance with the following procedures:

(Ord. 494-11, September 13, 2011)

(1). The property owner and the tenant, if any, may give their written consent to the municipality authorizing removal of the graffiti. By giving such written consent, the owner and the tenant each waives the right to notice and a hearing by the Hearing Officer as otherwise required by this section. (Ord. 494-11, September 13, 2011)

(2). If the consent of the property owner and the tenant, if any, to remove graffiti from the property cannot be obtained, the municipality may remove the graffiti without such consent pursuant to the procedures set forth in this section.

(Ord. 494-11, September 13, 2011)

(3). To remove graffiti from property without the consent of the property owner and the tenant, if any, at least ten (10) days' notice shall be given by mail directed to the address shown by the current year's tax rolls in the county treasurer's office. Notice to the tenant, if any, shall be given by mail directed to the property address. The notice shall order the property owner and the tenant, if any, to remove graffiti from the property and shall further state that unless such work is performed within twenty (20) days of the date of the notice the work shall be done by the municipality. At the time of mailing of notice to the property owner and the tenant, if any, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee(s). In addition, notice shall be given by posting a copy of the notice on the property at least one time not less than ten (10) days prior to any hearing by the Hearing Officer or action by the City. If the City anticipates summary abatement of graffiti in accordance with the provisions of paragraph (6) of this section, the notice shall state that any accumulations of graffiti on the property occurring within one (1) year from and after the date of the notice may be summarily abated by the municipality without a hearing and further prior notice to the property owner or the tenant, if any, except by posting of notice at least one time on the property once not less than two (2) business days prior to such summary abatement. (Ord. 494-11, September 13, 2011)

(4). A hearing may be held by the Hearing Officer to determine whether the accumulation of graffiti on the property has caused the property to become detrimental or a hazard to the health, safety, or general welfare of the public and the community.

(Ord. 494-11, September 13, 2011)

(5). Upon finding that the condition of the property constitutes a detriment or hazard, and that the property, the public, and the community would be benefited by removal of such conditions, the agents of the municipality are granted the right of entry onto the property for the removal of the graffiti thereon and for performance of the necessary duties as a governmental function of the municipality. (Ord. 494-11, September 13, 2011)

(6). If a notice is given by the City to a property owner and tenant, if any, ordering graffiti to be removed from property within the municipal limits in accordance with the procedures

provided for in paragraph 1 of this section, any subsequent accumulations of graffiti on the property occurring within a one (1) year period may be summarily abated without further prior notice to the property owner or the tenant, if any. However, prior to the summary abatement by the municipality, notice thereof shall be posted at least one time on the property not less than two (2) business days prior to such summary abatement. This subsection shall not apply if the records of the county clerk show that the ownership and/or tenancy of the property was transferred after notice was given pursuant to paragraph (1) of this section. (Ord. 494-11, September 13, 2011)

(7). Removal of graffiti by the City pursuant to the provisions of this section shall be performed at the sole expense of the municipality. In removing the graffiti, the municipality shall restore the property as nearly as possible to the condition as it existed immediately prior to the graffiti being placed on the property.

(Ord. 494-11, September 13, 2011)

(8). Nothing in the provisions of this section shall prevent the municipality from abating graffiti as a nuisance or otherwise exercising its police power to protect the health, safety, or general welfare of the public. (Ord. 494-11, September 13, 2011)

(9). The municipality and its officers, employees or agents shall not be liable for any damages or loss of property due to the removal of graffiti performed pursuant to the provisions of this section. (Ord. 494-11, September 13, 2011)

(10). For the purposes of this Section 14-19:

a. "Advertising" means any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner or tenant of the property, or an agent of such owner or tenant, for the purpose of promoting products or services or conveying information to the public. (Ord. 494-11, September 13, 2011)

b. "Graffiti" means, without limitation, any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind visible to the public that is drawn, painted, chiseled, scratched or etched on a rock, tree, wall, bridge, fence, gate, building or other structure; provided, this definition shall not include advertising or any other letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner of the property, a tenant of the property, or by an authorized agent for such owner or tenant.

(Ord. 494-11, September 13, 2011)

c. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer. (Ord. 494-11, September 13, 2011)

d. "Removal", "remove", or "removed", when used in relation to the eradication of graffiti means the act of taking graffiti off of, or masking the presence of graffiti on,

a rock, tree, wall, bridge, fence, gate, building or other structure. (Ord. 494-11, September 13, 2011)

e. "Tenant" means any person shown by the records of the county clerk's office as a lessee of property, or any person lawfully in actual physical possession of property." (Ord. 494-11, September 13, 2011)

Section 14-20. Abandoned, wrecked, non-operating vehicles prohibited; exceptions, presumptions, impoundment. (Ord. 494-11, September 13, 2011)

1. Except as otherwise provided, no person shall park, store, or leave, or permit the parking, storing or leaving of, any abandoned, partially dismantled, non-operating, wrecked or junked vehicle, nor leave such vehicle for such time and under such conditions as to cause it to reasonably appear to have been abandoned, upon and private property, city street, public easement or right-of-way; and vehicles so abandoned or left shall constitute a public nuisance.

2. Persons excepted from the above subsection (a) are those who maintain such vehicles:

   a. In enclosed buildings;

   b. On premises of a business enterprise operated in a lawful place and manner when such vehicle is necessary to the operation of such business;

   c. In an appropriate storage facility or depository which is maintained by or for the city.

3. A presumption shall exist that vehicles have been abandoned when:

   a. Weed and/or grass undergrowth indicates to a reasonable person that the vehicle has not been moved, thereby permitting such growth to occur;

   b. One or more wheels are flat or missing;

   c. Portions of the vehicle, which are needed for its operation or control, are missing;

   d. Neighbors offer statements as to the time length such vehicle has been standing in one place without removal, or statements that parts are taken from or added to such vehicle which would indicate a salvage or garage operation;

   e. Evidence exists that provisions of this code pertaining to zoning or to junk and salvage yards are being violated; or

   f. License plate or plates are not current.

4. Appropriate city officers may remove and impound, or cause to be removed and impounded, those vehicles which appear:

a. In violation of this section;

b. Lost;

c. Stolen; or

d. Unclaimed.

5. Notice to Remove. Prior to the removal and impoundment of any abandoned vehicle located on private property, the appropriate City officer shall attempt to notify, by certified mail, the registered owner or tenant or occupant of such location that such vehicle appears to be in violation of this Article and that he has ten (10) days from the date of the notification and the posting of the vehicle, with a notice affixed to the vehicle containing similar provisions to remove or repair the same. (Mailing of notification and posting will be completed on the same day.) The notice should inform the owner or tenant or occupant that, if he does not remove or repair the vehicle, after ten (10) days the City can remove the vehicle and that he could be responsible for the costs of removal by the City.

6. Upon removal of any abandoned vehicle located on highways or other public property, notice will be provided as required pursuant to the provisions of 47 O.S. §901 et. seq.

7. Redemption of Vehicles.

   a. Vehicles removed from highways or public places may b e redeemed in accordance with regulations of the Department of Public Safety upon payment of reasonable costs of removal and storage of such vehicle.

   b. Vehicles removed from private property may be redeemed anytime after the vehicle's removal upon proof of ownership, posting of any required bond, payment of any fines and costs assessment by the Court for violations of this Chapter and payment of any towing and storage fees to the party(ies) removing and/or storing said vehicle.

8. The party lawfully in possession of any removed vehicle shall have a lien thereon for the compensation due him from the owner for all expenses incurred.

9. After the lien has accrued for at least ten (10) days, said lien may be foreclosed upon by sale of such abandoned vehicle upon the giving of notice, by mail, to the owner and any other persons claiming an interest in the abandoned vehicle at their last known mailing address by registered mail. Additionally, notice of said sale shall be posted in three (3) public places in the county in which the vehicle is to be sold at least ten (10) days prior to the time specified for such sale.

10. The notice required by said Subsection 14-21, 5 shall include:

    a. The name of the party bringing action and the name of the owner or any person claiming interest therein;

b. A full description of the vehicle, giving all available information as to the make, year, serial number and license tag with year and the state from which the tag was issued;

c. A full statement of all of the facts;

d. The amount of the claim, giving a full description of the work, labor, storage or any other costs involved;

e. The date, time and place of the sale.

11. Funds received from the sale of the abandoned vehicle shall first be applied to the costs of the sale of the vehicle then to the satisfaction of the lien. Any remaining available funds will go to the owner of the vehicle, if known, and if unknown to the general fund of the municipality.

12. For the purposes of this article, the following terms, phrases, words, or their derivations shall have the meanings respectfully ascribed to them in this section.

a. Abandoned: To cease from maintaining or using a vehicle as originally intended.

b. Motor vehicle: Any vehicle which is self-propelled and/or designed to travel along the ground or water, and the term shall include, but not be limited to, automobiles, boats, buses, motor bikes, motorcycles, motorscooters, trucks, tractors, and recreational vehicles.

c. Non-operating: Any motor vehicle, as defined herein, which does not have lawfully affixed thereto both an unexpired license plate or plates or is in such condition that it cannot be driven.

d. Private property: Any real property within the city, which is privately owned, and which is not public property, as defined in this section.

e. Wrecked: Something disabled or in a state of ruin or dilapidation.

Sections 14-21 through 14-24. (Reserved for future use.)

Article 3. Penalty

Section 14-25. Penalty.

Any person who violates any provision of this chapter by doing any act prohibited, declared to be unlawful thereby or declared to be a nuisance, an offense or misdemeanor thereby, or who fails to do any act required by any such provision, who fails to do any act when such provision declares such failure to be unlawful or to be an offense or misdemeanor, who violated any legal order or regulation made pursuant to this Chapter, or who maintains any nuisance as defined in this Chapter,

shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars ($500.00). Each day upon which any such violation continues shall constitute a separate offense. (Ord. 493-11, September 13, 2011)

CHAPTER 15

OFFENSES

Article 1. Offenses in General.
Article 2. Offenses Against Public Decency, Morality and Policy.
Article 3. Offenses Against the Peace.
Article 4. Offenses Against Persons.
Article 5. Offenses Against Property.
Article 6. Offenses Against Public Authority.
Article 7. Penalty.
Article 8. Oklahoma Prevention of Youth Access to Tobacco Act.

Article 1. Offenses in General

Section 15-1. Offense Defined.

An "offense" is hereby defined as the doing of any act or thing which, by this Chapter or any ordinance of the City of Comanche, Oklahoma, is prohibited, forbidden or declared to be unlawful, or any provision of this Chapter or by any ordinance of the City of Comanche, Oklahoma, is commanded or required to be done.

Section 15-2. Attempts to Commit an Offense.

Every person who attempts to commit an offense against the Code of Ordinances of the City of Comanche, Oklahoma, and in such attempt does any act toward the commission of such offense, but fails, is prevented or intercepted in the perpetration thereof, shall be guilty of an offense and shall be punished in the manner prescribed for the offense itself.

Section 15-3. Aiding in an Offense.

When no punishment for counseling or aiding in the commission of a particular offense is expressly prescribed by ordinance, every person who counsels or aids another in the commission of such, shall be guilty of an offense and punishable in the same manner as the principal offender.

Sections 15-4 through 15-9. (Reserved for future use.)

Article 2. Offenses Against Public Decency, Morality and Policy

Section 15-10.

No person, firm or corporation (or agent or employee thereof) shall play, open or cause to be opened, operate, carry on or conduct any game of faro, monte, poker, roulette, craps, any banking, percentage or other game played with dice, cards or any device, for money, checks, chips, credit or any other things of value; or shall set up, operate or permit to be operated, any slot machine or

other device whatsoever where money, checks, chips, credit or any other things of value are played, when the act of playing the same might result in a gain or loss to the party playing; or shall gamble knowingly in any other manner; or knowingly shall permit his or its premises, houses, lot or other property to be used in connection with or for, any act declared unlawful in this Chapter.

Section 15-11. Loitering.

1. It shall be unlawful for any person, without lawful reason, between the hours of 12:00 o'clock midnight and 5:00 o'clock a.m., to sleep upon any street or in any other public place or on any property of another person, without the express or tacit consent of the owner or person in charge of such place.

2. It shall be unlawful for any person to loiter in or about any public building, in or about the station or depot of a public carrier or on or about the premises of a public or private school.

3. No person shall loiter in the immediate vicinity where a person or persons are gambling by the use of any means or device.

4. It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle, either alone or in consort with others, in a public place or building, in such a manner as to:

    a. Obstruct any public street, highway, sidewalk or any other public place or building by hindering, impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or

    b. Commit in or upon any public street, highway, sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or any business lawfully conducted by anyone in, upon, facing or fronting on any such public street, highway, sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto.

Section 15-12. Offenses Relating to Controlled Dangerous Substances.

It shall be unlawful for any person to be in possession of or, to be under the influence of any narcotic or other controlled dangerous substance, to appear or be upon or in any street, alley, place of business or other public place within the City of Comanche, Oklahoma; or for any person to use any narcotic or other controlled dangerous substance upon or in any street, alley, place of business or other public place within the City; or for any person to use any narcotic or other controlled dangerous substance in any place within said City, except as legally prescribed by a physician licensed to practice in the State; or for any person to loiter about a place where any narcotic or other controlled dangerous substance is sold or furnished illegally; of for any per to sell or furnish illegally to another person any narcotic or other controlled dangerous substance.

Section 15-13. Illicit Use of Certain Chemical Compounds.

1. It shall be unlawful for any person deliberately to smell, inhale, breathe, drink or otherwise consume any compound, liquid, chemical, narcotic, drug or any other substance or chemical containing any ketones, aldehydes, organic acetones, ether, chlorinated hydrocarbons, such as gasoline, glue, fingernail polish, adhesive cement, mucilage, dope or any other substance or combination thereof containing solvents releasing toxic vapors, with the intent to cause conditions of intoxication, inebriation, excitement, elation, stupefaction, paralysis, irrationality, dulling of the brain or nervous system or any other changing, distorting or disturbing of the eyesight, thinking processes, judgment, balance or coordination of such person.

2. The provisions of this Section shall not pertain to any person who inhales, breathes, drinks or otherwise consumes such material or substance pursuant to the direction or prescription of any licensed doctor, physician, surgeon, dentist or podiatrist, nor to the consumption of intoxicating liquor.

Section 15-14. Immoral Conduct, Shows or Exhibitions; Nudity.

1. It shall be unlawful for any person to conduct himself in a lewd or immoral manner in any public place within the City of Comanche, Oklahoma.

2. It shall be unlawful to show obscene or immoral motion pictures or present any kind of a show or exhibition within the City of Comanche, Oklahoma which is obscene or immoral.

3. It shall be unlawful for any person to appear in any public place within the City of Comanche, Oklahoma, in a state of total nudity, or for any person to make an indecent public exposure of his or her person.

Section 15-15. Prostitution; Illicit Sexual Relations.

1. For the purpose of this Section, “illicit sexual relations” shall mean sexual relations with any person other than one’s lawful husband or wife.

2. It shall be unlawful for any person to offer, submit, or give himself or herself to a lewd or immoral use; such as illicit sexual relations, or to engage in any lewd or immoral act for money or any other thing of value.

3. It shall be unlawful for any person to engage in illicit sexual relations or any other immoral act, to knowingly consort with a prostitute or other person of immoral vocation, or to consort with another for an immoral purpose, in any public place within the City of Comanche, Oklahoma.

4. It shall be unlawful for any person, firm or corporation, or any agent or employee thereof, to keep, or assist in keeping, a house of prostitution or a house or place within

the City of Comanche, Oklahoma, where persons meet or assemble for illicit sexual relations or for any other lewd or immoral purpose, or to permit a known prostitute or other person of a known immoral vocation to become or remain a guest in a hotel or rooming house.

5. It shall be unlawful for any person to be an inmate or resident of a house of prostitution or of a house or place devoted to lewd or immoral acts.

6. It shall be unlawful and an offense for any person to act as a pimp or procurer for any house or place of prostitution or for any prostitute or other person engaged in an immoral vocation, or to procure, assist in procuring or attempt to procure any person for another for illicit sexual relations or any other immoral purpose.

Section 15-16. Certain Conduct and Acts Prohibited on or Near School Grounds.

No person shall engage in any conduct or commit any of the acts enumerated herein, around or on the grounds of, any school in the City of Comanche, Oklahoma, or in any street or alley adjacent to a school:

1. Loitering by any person not having lawful business in connection with the school, an employee thereof or student therein;

2. Any conduct that disturbs the orderly conduct of the school;

3. Annoying or molesting any student or employee of the school;

4. Lewd or wanton conduct; or

5. Moving or parking any vehicle in the vicinity of any school or in any street or alley adjacent thereto, in such a manner as to annoy or molest any student or employee of the school.

Section 15-17. Alcoholic or Intoxicating Beverages.

1. It shall be unlawful for any person under twenty-one (21) years of age to misrepresent his age in writing or by presenting false documentation of age for the purpose of inducing any person to sell him alcoholic beverages.

2. It shall be unlawful for any person under twenty-one (21) years of age to have in his or her possession any intoxicating liquor or any alcoholic beverages, while such person is upon any street, alley, road or highway, or in any public place within the City of Comanche, Oklahoma.

3. It shall be unlawful for any person to open a retail container or consume alcoholic beverages on the premises of a retail package store.

4. No person drunk or in a state of intoxication shall appear or be upon or in any street, alley, place of business or other public place, nor shall any person drink any intoxicating liquor or beverage upon or in any street, alley, place of business or other public place within the City of Comanche, Oklahoma.

5. It shall be unlawful for any person to transport in any vehicle upon any street, alley, or other public way within the City of Comanche, Oklahoma, any alcoholic beverage except in the original container, which shall not have been opened, the seal of which shall not have been broken and from which the original cap or cork shall not have been removed, unless the opened container be in the trunk or any closed compartment or other container out of public view and out of reach of the driver or any occupant of the vehicle.

6. It shall be unlawful for any person, firm or corporation to buy any alcoholic beverages, either at retail or wholesale, from any person other than a dealer licensed under the laws of the State of Oklahoma, or to receive, possess, sell, barter, give away, manufacture or use any alcoholic beverages in violation of the State Constitution and Laws or the Code of Ordinances of the City of Comanche, Oklahoma. (See Chapter 2, this Code of Ordinances.)

Section 15-18. Non-Intoxicating Beverages.

1. It shall be unlawful for any minor (as defined by current State Law) to remain, or be within, any place of business where non-intoxicating beverages are sold for consumption on the premises.

2. It shall be unlawful for any minor (as defined by current State Law) to purchase, receive or procure any non-intoxicating beverage.

3. It shall be unlawful for any minor (as defined by current State Law) to work in a place where non-intoxicating beverages are sold for consumption on the premises, except an eating place where the service of such beverages is incidental to the main business of serving food.

4. It shall be unlawful for any person, whether a minor or of age, to be in possession of, or to drink, any intoxicating beverage while such person is upon any public street, alley, or other public highway, or in any public building or other public place, within the City of Comanche, Oklahoma; provided that this shall not prohibit a person who is of age from drinking such beverage in a place licensed to sell it for consumption on the premises.

5. It shall be unlawful for any person to knowingly transport in any moving vehicle, upon any public highway, street, alley or roadway within the corporate limits of the City of Comanche, Oklahoma, or in or upon any property owned by said City outside of its corporate limits, any non-intoxicating beverage, except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed, unless the opened container is in the rear truck or rear compartment, which

shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion. (See Chapter 2, this Code of Ordinances.)

Section 15-19. Curfew of Minors.

a. Title

This article shall be known and may be cited as the "Ordinance Regulating the Presence and Conduct of Minors on Streets and Public Places." (Ord. 395-93, February 9, 1993)

b. Definitions

For the purposes of the Curfew Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein.

(1) 'City' is the City of Comanche, Stephens County, Oklahoma.

(2) 'Minor' is any person under the age of eighteen (18).

(3) 'Parent' is any person having legal custody of a minor (I) as a natural or adoptive parent, (ii) as a legal guardian, (iii) as a person who stands in loco parentis or (iv) as a person to whom legal custody has been given by order of the court.

(4) 'Public Place' shall mean any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public place shall include but not be limited to any store, shop, restaurant, tavern, bowling alley, café, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

(5) 'Remain" means to stand behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four (4) of more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home.

(6) "Street" is a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term street includes the legal right of way, including but not limited to the cartway or traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right of way of a street.

(7) 'Time of night' referred to herein is based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Saving Time, generally observed at that hour by the public.

(8) 'Year of age' continues from one birthday, such as the seventeenth (17^{th}) to (but not including the day of) the next, such as the eighteenth (18^{th}) birthday, making it clear that seventeen (17) or less years of age is herein treated as equivalent to the phrase "under eighteen (18) years of age."

(Ord. 395-93, February 9, 1993)

C. Curfew Hours.

It shall be unlawful for any person seventeen (17) or less years of age (under 18) to be or remain in or upon the streets within the City of Comanche at night during the period ending 6:00 A.M. and beginning

(1) At 11:00 pm for minors any person seventeen (17) or less years of age (under 18) on Sunday through Thursday.

(2) At 1:00 am on Saturday morning and Sunday morning for minors any person seventeen (17) or less years of age (under 18). ORD. 548-18 OCTOBER 9,2018

D. Exceptions.

In the following exceptional cases a minor on a city street during the nocturnal hours for which Section 15-19(c) is intended to provide the maximum limits of regulation shall not, however, be considered in violation of the Curfew Ordinance.

(Ord. 498-11, November 11, 2011)

(1) When accompanied by a parent of such minor.

(2) When accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area, provided the minor has a written communication in the minor's possession, countersigned by a parent indicating the minor's home address and telephone number, the name and home address of the authorized adult taking the parent's place, and when, where and for what purpose said minor will be on the streets at night with said authorized adult. (Ord. 498-11, November 11, 2011)

(3) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fides of such exercise by possessing a written communication, signed by such minor and countersigned, by a parent of such minor with their home address and telephone number, specifying when, and where and in what manner said minor will be on the streets at night (during hours when the Curfew Ordinance is otherwise applicable to said minor) in the exercise of a First Amendment right specified in such communication.

(4) In case of reasonable necessity, but only if the minor has in said minor's possession a written communication signed by the minor, countersigned by a parent of such minor evidencing their home address and telephone number, and establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including points of origin and destination.

(5) When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor not communicating an objection to the police officer.

(6) When returning home, by a direct route from (and within thirty (30) minutes of the termination of) a school activity, or activity of a religious or the voluntary association, provided the minor has a written communication in the minor's possession, countersigned by a parent indicating the home address and telephone number, the purpose for the event, when, where and in what manner said minor will be on the streets at night.

(7) When authorized by regulation issued by the City Council, in other similar cases of reasonable necessity, similarly handled but adopted to necessary night-time activities of more minors than can readily be dealt with on an individual special permit basis. Normally such regulation by the City Council permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the streets permitted, the period of time involved not to extend more than thirty (30) minutes beyond the time for termination of such activity, and the reason for finding that such regulation is reasonably necessary and is consistent with the public interest and the purposes of this Curfew Ordinance.

(8) When the minor carries a certified card of employment, briefly identifying the minor, the addresses of his home and his place of employment and his hours of employment or carries a valid proof of employment which may include the latest payroll receipt not over thirty (30) days old.

(9) When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel. This clearly exempts bona fide interstate movement through the city, particularly on normal routes.

(Ord. 395-93, February 9, 1993)

5. Parental responsibility

It shall be unlawful for a parent having legal custody of a minor knowingly to permit or by inefficient control to allow, such minor to be or remain upon any city street under circumstances not constituting an exception to, or otherwise beyond the scope of, the Curfew Ordinance. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable

community standard of parental responsibility through an objective test. It shall be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor. (Ord. 395-93, February 9, 1993)

6. Responsibility of Owners of Public Places.

It shall be unlawful for any person operating or having charge of any public place to knowingly allow, permit or suffer to presence of minors in violation of the curfew established by this Article. (Ord. 395-93, February 9, 1993)

Section 15-20. Police Procedures and Penalty.

a. Upon finding or having attention called to any minor on the streets in prima facie violation of the Curfew Ordinance, a police officer of the City shall normally take the minor into the City Police Station, or other place designated by the Chief of Police, where a parent shall immediately be notified to come for such minor, whereupon they shall be interviewed. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the personnel then on duty for accurate, effective, fair, impartial and uniform enforcement, and recording, thus making available experienced supervisory personnel, the best facilities and access to information and records. In the absence of convincing evidence such as a birth certificate, a police officer on the street shall in the first instance use his best judgment in determining age.

(1) Police procedures shall constantly be refined in the light of experience and may provide, inter alia, that the police officer may deliver to a parent thereof a minor under appropriate circumstances. For example, a minor of tender age near home whose identity may readily be ascertained or is known.

(2) In any event such police officer shall within twenty-four (24) hours, file a written report with the Chief of Police. Said report shall be treated for purposes of juvenile records in accordance with State Statutes.

(3) When a parent, immediately called, has come to take charge of the minor, and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located, or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will on behalf of a parent assume the responsibility of caring for the minor pending the availability or arrival of a parent.

(4) In the case of first violation by a minor, the Chief of Police shall cause to be personally delivered or by certified mail, send to a parent written notice of said violation with a warning that any subsequent violation shall result in full enforcement of the Curfew Ordinance, including enforcement of parental responsibility and of applicable penalties.

b. If after the warning notice pursuant to Section 15-20(a)(4) of a first violation by a minor, a parent violates Section 15-19(e) (in connection with a second violation by said minor), this shall be treated as an offense by the parent. The penalty upon a plea of guilty, nolo contendere, or finding of guilt shall be a fine of one hundred dollars ($100.00).

(Ord. 395-93, February 9, 1993)

Section 15-21. Smoking *and tobacco* in Certain Public Places Prohibited.

1. The possession of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor place used by or open to the public, all parts of a zoo to which the public may be admitted, whether indoors or outdoors, public transportation, or any indoor workplace, except where specifically allowed by law. Commercial airport operators may prohibit the use of lighted tobacco in any area that is open to or used by the public whether located indoors or outdoors, provided that the outdoor area is within one hundred seventy-five (175) feet from an entrance.

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

2. All buildings and other properties, or portions thereof, owned or operated by this state shall be designated as nonsmoking. Veterans centers operated by the state pursuant to the provisions of Section 221 et seq. of Title 72 of the Oklahoma Statutes may establish outdoor designated smoking areas for resident veterans only. Smoking shall only be allowed in designated outdoor smoking areas.

3. All buildings and other properties, or portions thereof, owned or operated by the City shall be designated as entirely *tobacco free*.

4. All educational facilities or portions thereof as defined in the Chapter 10, Health and Safety, Article 5, Smoking in Public Places and Indoor Workplaces, of this Code, and all educational facilities as defined in the 24/7 Tobacco-free Schools Act, shall be designated as nonsmoking as provided for in Section 10-41 of Article 5, Chapter 10 of this Code. All campuses, buildings and grounds, or portions thereof, owned or operated by an institution within The Oklahoma State System of Higher Education may be designated as tobacco free, including smoking or smokeless tobacco, by the institution upon adoption of a policy stating the tobacco restrictions for the institution and an intent to enforce the penalty for violations as set forth in subsection M of this section.

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

6. The restrictions provided in this section shall not apply to stand-alone bars, stand-alone taverns and cigar bars as defined in Section 10-40 of Article 5, Chapter 10 of this Code.

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

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

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

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

    d. Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;

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

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

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

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

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

    j. Any outdoor seating area of a restaurant; provided, smoking shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant.

8. An employer not otherwise restricted from doing so may elect to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed and exhausted directly to the outside in such a manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within fifteen (15) feet of any entrance, exit or air intake.

9. If smoking is to be permitted in any space exempted in subsection F or 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. Any employer may choose a more restrictive smoking policy, including being totally smoke free.

10. Notwithstanding any other provision of this section, 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 twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health.

11. The person who owns or operates a place where smoking or tobacco use is prohibited by law shall be responsible for posting a sign or decal, at least four (4) inches by two (2) inches in size, at each entrance to the building indicating that the place is smoke-free or tobacco-free.

12. Responsibility for posting signs or decals shall be as follows:

    a. In privately owned facilities, the owner or lessee, if a lessee is in possession of the facilities, shall be responsible;
    b. In corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and
    c. In publicly owned facilities, the manager and/or supervisor of the facility shall be responsible.

13. Any person who knowingly violates the provisions of this section shall be punished by a citation and fine of not more than One Hundred Dollars ($100.00).

(Ord. 540-17, December 12, 2017)

Sections 15-21 through 15-24. (Reserved for future use.)

Article 3. Offenses Against the Peace

Section 15-25. Carrying Concealed Weapons.

It shall be unlawful for any person to carry concealed upon or about his person any pistol, revolver, knife, dagger, metal knuckle or other dangerous or deadly weapon or instrument, except doing so in the line of duty or as may be permitted by law.

Section 15-26. Discharging Firearms.

It shall be unlawful for any person to discharge a firearm within the corporate limits of the City of Comanche, Oklahoma, except when doing so in the line of duty, when lawfully doing so in defense of oneself or of another person or property, or when otherwise authorized by law or ordinance or for the preservation of the peace, health or safety of residents or for the abatement of nuisances (as in the case of authorized hunting or other related activities); it shall also be unlawful to discharge an air rifle or BB gun within the City of Comanche, Oklahoma, in such a manner as to harm or damage persons or property.

Section 15-27. Unlawful Assembly.

It shall be unlawful for two (2) or more persons to assemble together to act in concert to do any unlawful act against the peace, to the terror of others, to make any movement thereto or any preparation therefor, or otherwise to assemble together unlawfully or riotously.

Section 15-28. Disturbing Lawful Assemblies.

It shall be unlawful for any person to disturb any lawful public gathering, including any congregation or assembly of persons meeting for religious worship, by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof.

Section 15-29. Disturbing the Peace; Obscene Phone Calls.

1. It shall be unlawful for any person to disturb the peace of another or others by violent, obstreperous or improper conduct or carriage, by loud or unusual noise, by unseemly, obscene, offensive or abusive language, by insulting another or others with such conduct or language, or by conducting himself in a disorderly manner.

2. It shall be unlawful for any person, by means of a telephone, to:

    a. Make any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent;

b. Make a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten or harass any person at the called number;

c. Knowingly permit any telephone under his control to be used for any purpose prohibited in this Subsection; or

d. In conspiracy or concerted action with other persons, make repeated or continuous calls solely to harass and person at the called number.

3. Use of a telephone facility under this Section shall include all use made of such a facility between the points of origin and reception. Any offense under this Section is a continuing offense and shall be deemed to have been committed at either the place of origin or reception.

Sections 15-30 through 15-39. (Reserved for future use.)

Article 4. Offenses Against Persons

Section 15-40. Assault and Battery.

1. An assault is any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another.

2. A battery is any willful and unlawful attempt or offer with force or violence upon the person of another.

3. It shall be unlawful to commit an assault or an assault and battery within the City of Comanche, Oklahoma.

4. It shall be unlawful and an offense for any person, without justifiable or excusable cause, to knowingly commit any assault, battery, or assault and battery upon the person of a police officer or officer of the law, while said person is performing his duties.

Sections 15-41 through 15-44. (Reserved for future use.)

Article 5. Offenses Against Property

Section 15-45. Petty Larceny.

1. Petty larceny is the taking of personal property of value not to exceed twenty dollars ($20.00), accomplished by fraud or stealth, or with intent to deprive another thereof when the property is not taken from the person of another.

2. Petty larceny is unlawful and any person who commits petty larceny shall be guilty of an offense.

Section 15-46. Receiving Stolen Property.

It shall be unlawful for any person to buy, receive or bring into the City of Comanche, Oklahoma, any property which he knows has been stolen.

Section 15-47. Damaging or Destroying Property.

It shall be unlawful for any person to destroy, injure, deface, besmear or molest any structure, building, outbuilding, fence or any other property, real or personal, public or private, belonging to another, including automobiles or other vehicles, to use any such property wrongfully to the detriment of the owner or other person entitled to its use, or to interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.

Section 15-48. Unlawful Entry.

It shall be unlawful for any person to enter upon the property of another or into an area or structure on such property (whether such property, area of structure is public or private), when such entrance is plainly forbidden by signs or otherwise or when the property, area or structure is enclosed, except when such entrance is in line of duty, with the expressed or tacit consent of the owner or person in charge, or otherwise by authority of law or ordinance.

Section 15-49. Unlawful Intrusion Upon Land.

Every person who intrudes or squats upon any lot or piece of land within the City of Comanche, Oklahoma, without a license or authority from the owner thereof, or who erects or occupies thereon any hut, hovel, shanty or other structure without such license or authority, and every person who places, erects or occupies within the bounds of any street, alley or avenue of the City, any hut, hovel, shanty or other structure whatever, shall be guilty of an offense.

Section 15-50. Posting Advertising Matter on Property of Another.

It shall be unlawful for any person to place, stick, tack, paste, post, paint, mark, write or print any sign, poster, picture, announcement, advertisement, bill, placard, device or inscription upon any public or private building, fence, sidewalk, bridge, automobile, other vehicle or other property of another without the consent of the owner or person in charge thereof.

Section 15-51. Marking, Etc. on Utility Poles.

1. It shall be unlawful for any person to mark, write, print, paint upon or otherwise make any signs or marks, by indentation or otherwise, or by posting signs or posters, upon any

telephone, television, telegraph, electric or power pole, either wood, concrete, steel or of any other substance, within the corporate limits of the City of Comanche, Oklahoma. The word "pole" shall be construed to mean any pole supporting telephone, television, telegraph, electric or power wires or braces, and any device used to support or brace such a pole.

2. This Section shall not apply to the owners of such poles who may make such marks or signs thereon as may be needed for the purpose of protecting the public from danger by reason of such poles, and who may make such marks of identification as are necessary in the proper accounting of their properties.

Section 15-52. Unlawful Throwing or Shooting of Objects.

It shall be unlawful for any person to throw or shoot any stone, shot or other object into or across any street or alley, or in any place where he is likely to hit another person wrongfully or to injure property, or to throw or shoot any stone, shot or other object at any person, vehicle, structure, electric light or other property of another, whether public or private, except in the case where such is done in defense of oneself, of another person or of property.

Section 15-53. Littering.

1. For the purpose of this Section, "littering" is defined to be any garbage, refuse, ashes, street cleanings, dead animals, abandoned automobiles, paper, wrappings, cigarette butts, cardboard, tin cans, yard clippings, leaves, wood, grass, bedding or crockery and similar materials commonly referred to as rubbish or trash.

2. No person shall throw or deposit litter in or upon any open or vacant property within the City of Comanche, Oklahoma, irrespective of ownership of such property.

3. No person shall throw or deposit litter in or upon any street, alley, sidewalk or other public place within the City of Comanche, Oklahoma, except in public receptacles, authorized private receptacles or in the Municipal Sanitary Landfill.

Sections 15-54 through 15-59. (Reserved for future use.)

Article 6. Offenses Against Public Authority

Section 15-60. Resisting Arrest.

It shall be unlawful for any person knowingly or willfully to resist, oppose or obstruct the Chief of Police, any policeman, the Municipal Judge or other municipal officer or employee in the discharge of his official duties; or, by threats or otherwise, to intimidate, or attempt to intimidate, any such officer or employee from the discharge of his official duties; or to assault, beat, revile, abuse, be disrespectful to or use abusive or indecent language toward or about, any such officer or employee, while such officer or employee is in the discharge of his official duties.

Section 15-61. Impersonating Municipal Officer or Employee.

It shall be unlawful for any person to impersonate any municipal officer or employee, or exercise, or attempt to exercise, any of the duties, functions or powers of any municipal officer or employee, without being duly authorized to do so.

Section 15-62. False Representations to Municipal Officers or Employees.

It shall be unlawful for any person knowingly to make any material misrepresentation to any municipal officer, employee or agency in any official application to, or official dealing or negotiation with, such officer or agency, or to commit perjury before any tribunal or office of the City.

Section 15-63. Escape of Prisoners.

It shall be unlawful for any person confined in the Municipal Jail or other place of confinement by the City, working upon the streets or other public places of the City in pursuance of any judgment, or otherwise held in legal custody by authority of the City, to escape, or attempt to escape, from any such Municipal Jail, prison or custody.

Section 15-64. Assisting Prisoners to Escape.

It shall be unlawful for any person, in any unlawful manner, to set at liberty, rescue or attempt to set at liberty or rescue, any prisoner from any officer or employee of the City of Comanche, Oklahoma, having legal custody of such prisoner, or from the Municipal Jail or other place of confinement by the City, or to assist such prisoner in any manner to escape from such prison or custody, or to give such prisoner any weapon or object which might be used as a weapon or instrument to assist him in escape, or to give such prisoner any alcoholic beverages, narcotics or other controlled dangerous substances.

Section 15-65. Removal of Barricades.

No person, unless authorized by proper authority, shall remove any barricade or obstruction placed by authority of the City of Comanche, Oklahoma, to keep traffic off any pavement, street, curb, sidewalk or other area.

Section 15-66. Flight From An Officer.

A person commits the offense of flight from an officer, if he is:

1. The operator of a vehicle and refuses to stop his vehicle as soon as is safely possible, when signaled to do so by a law enforcement officer; or upon stopping his vehicle at the signal of a law enforcement officer, abandons said vehicle and leaves, or attempts to leave, the immediate area without the permission of the law enforcement officer; or is

2. A passenger in a vehicle and abandons the vehicle after a law enforcement officer has signaled the vehicle to stop, or, after the vehicle has stopped, leaves the immediate area without the permission of the law enforcement officer; or

3. A pedestrian leaves, or attempts to leave, the immediate area after being directed by a law enforcement officer to stop, or to remain in said area for a reasonable length of time.

Section 15-67. Refusing or Failing to Assist a Policeman.

1. Any policeman of the City of Comanche, Oklahoma, making or about to make an arrest, or executing or about to execute a warrant or other process, in accordance with the Code of Ordinances of said municipality or with State or Federal Law, or suppressing or about to suppress a riot, affray or unlawful assembly, may call upon a person or persons to assist him in making such arrest, executing such process or suppressing such riot, affray or unlawful assembly.

2. No person lawfully called upon thus to assist any policeman of the City of Comanche, Oklahoma, shall refuse or fail to do so, whenever such assistance is reasonably possible.

Section 15-68. False Fire Alarms.

No person shall turn in a false fire alarm, or in any manner shall deceive or attempt to deceive the Fire Department or any officer or employee with reference to any fire alarm or reported fire, or knowingly shall cause the Fire Department or its officers or employees to make a useless run.

Sections 15-69 through 15-79. (Reserved for future use.)

Article 7. Penalty

Section 15-80. Penalty.

Any person, firm or corporation who shall violate any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed five hundred dollars ($500.00.) Each day's continuation of any such violation shall be a separate offense.

(Ord. 489-11, July 12, 2011)

Article 8. Oklahoma Prevention of Youth Access to Tobacco Act

Section 15-81. Definitions.

1. "Person" means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed;

2. "Proof of age" means a driver license, license for identification only, or other means of identification that describes the individual is 18 years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid;

3. "Sample" means a tobacco product distributed to members of the public at no cost for the purpose of providing the product.

4. "Sampling" means the distribution of samples to members of the public in a public place;

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

(Ord. 414-97, March 11, 1997)

Section 15-82. Selling or Furnishing Tobacco Products; Proof of Age.

A. It is unlawful for any person to sell or furnish in any matter any tobacco product to another person who is under 18 years of age, or to purchase in any matter a tobacco product on behalf of any such person. Provided, however, that is shall not be unlawful for an employee under 18 years of age to handle such products when required in the performance of the employees duty.

B. A person engaged in the sale or distribution of tobacco products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be under 18 years of age.

C. Any person violating subsection A or B of this section, shall be guilty of an offense, and upon conviction thereof, shall be fined $25.00 for the first offense within a one year period, $50.00 for the second offense within a one year period, and $75.00 for a third offense or subsequent offense within a one year period. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age, shall be a defense to any action brought pursuant to this subsection.

D. If the sale is made by an employee of the owner of a store at which tobacco products are sold at retail, the employee shall be guilty of the violation, and shall be subject to the fine.

E. Upon failure of the employee to pay the fine within 90 days of the day of the assessment of such fine, the Municipal Court shall notify the Department of Public Safety, and the Department shall suspend or not issue a driver license to said employee until proof of payment has been furnished to the Department of Public Safety.

F. For purposes of determining the liability of a person controlling franchises or business operations in multiple locations for any violation of subsection A or B of this section, each individual franchise or business location shall be deemed a separate entity.

(Ord. 414-97, March 11, 1997)

Section 15-83. Purchasing, Accepting and Possessing Tobacco Products; False or Fraudulent Proof of Age.

A. It is unlawful for a person who is under 18 years of age to purchase, accept receipt of, or have in their possession a tobacco product, or to present or offer to any person any purported proof of age which is false, fraudulent, or not actually his or her own, for the purpose of purchasing or receiving any tobacco product. Provided, however, that it shall not be unlawful for such a person to handle such tobacco products when required in the performance of such persons duties.

B. A person violating subsection of this section shall be guilty of an offense, and upon conviction thereof, shall be fined $25.00 for a first offense within a one year period, and $50.00 for a second or subsequent offense within a one year period. Upon failure of the individual to pay such fine within 90 days of the say of such fine, the Municipal Court shall notify the Department of Public Safety and the Department shall suspend or not issue a driver license to said individual until proof of payment has been furnished to the Department of Public Safety.

(Ord. 414-97, March 11, 1997)

Section 15-84. Distributing Tobacco Product Samples.

A. It shall be unlawful for any person to distribute tobacco product samples to any person under 18 years of age.

B. Notwithstanding subsection A of this section, no person shall distribute tobacco product samples in or on any public street, sidewalk, or park that is within 300 feet of any playground, school, or other facility when the facility is being used primarily by persons under 18 years of age.

C. Any person violating subsection A or B of this section shall be guilty of an offense, and upon conviction thereof, shall be fined $25.00 for the first offense within a one year period, $50.00 for the second offense within a one year period, and $75.00 for a third offense or subsequent offense within a one year period.

(Ord. 414-97, March 11, 1997)

Section 15-85. Sale of Cigarettes.

A. It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.

B. Any person violating subsection A of this section shall be guilty of an offense, and upon conviction thereof, shall be fined $200.00 for each offense.

(Ord. 414-97, March 11, 1997)

CHAPTER 16

OIL AND GAS DRILLING

Article 1. General Provisions.
Article 2. Regulatory Provisions.
Article 3. Penalty

(NOTE: This entire Chapter was repealed and a new Chapter adopted by Ordinance Number 366, March 29, 1988 as follows):

Article 1. General Provisions.

Section 16-1. Definitions.

1. The following terms used in this Article are hereby defined to have the following meanings:

   a. "Circulating Mud Pit" means the working pit from which drilling muds are continuously recirculated during the drilling process into and from the drilling hole, for the purpose of flushing therefrom the drill bit cuttings and as a lubricant to reduce torque, drag, heat, friction and differential sticking during the drilling process.

   b. "Disposal Well" means any well drilled or actually used for injection of saltwater or other substances into the earth at a point other or different than the point of extraction or production thereof from the earth.

   c. "Mud" means the drilling fluid used and recirculated through the drilling hole as a lubricant to reduce torque, drag, heat, friction and differential sticking and to flush drill bit cuttings from the hole during the drilling process.

   d. "Mud Program" means the planned usage of drilling fluid lubricants, specifying with particularity the type, name and physical and chemical composition and characteristics of all ingredients thereof, together with such laboratory and other technical data as may be necessary or required by the building official to evaluate the same as pollutive, deleterious or otherwise.

   e. "Oil and Gas Well" means and includes any well drilled, operated or maintained for the production of oil, gas, casing-head gas or any of them or their by-products or derivatives.

   f. "Reserve Pit" means any excavation, pit or receptacle designed or actually used to receive, store or hold rocks, drill bit cuttings, shale, sand, fresh water, drilling mud containing no saltwater, or other waste products or deleterious substances produced or used in the drilling, swabbing, cleaning or reworking of any oil, gas or disposal well.

Sections 16-2 through 16-19. (Reserved for future use.)

Article 2. Regulatory Provisions

Section 16-20. Drilling Permit.

1. It is unlawful for any person to drill an oil, gas or disposal well within the corporate limits of the City without first having procured a permit to do so.

2. Every person desiring to drill an oil, gas or disposal well in the City shall file a written application for a permit to do so with the City Clerk. Such application shall be in the form as required by the City Council and shall be signed by the applicant or his agent authorized to sign the same. Such application shall specify the quarter section thereof so as to identify the well location within a particular ten (10) acre tract. All equipment to be utilized in the drilling, operating or maintenance of the well shall be specified in the application with surface casing stating one hundred fifty (150) feet or the depth of surface casing required by the State of Oklahoma Corporation Commission, whichever is greater, and a copy of insurance and bonds shall be attached in writing thereto for approval by the City Clerk.

3. At the time of filing an application for a permit under this Section, the applicant shall pay to the city clerk a fee in the amount of Six Thousand Five Hundred Dollars ($6,500.00) to defray the expenses of inspecting the location and drilling operations and, if the well is completed as a producing well, in payment of the annual permit fee for the initial year of production and operation. No portion of any such fee shall be refunded for any reason. (Ord. 465-07, February 13, 2007)

4. A permit required by this Section shall be issued by the City Clerk if the application is in compliance with applicable provisions of the Comanche Code of Ordinances and if the applicant has complied with Section 16-23 of this Article.

Section 16-21. Seismographic Permit.

1. It is unlawful for any person to conduct seismographic exploration, survey or testing within the corporate limits of the City without first having procured a permit to do so.

2. Every person desiring to conduct seismographic operations, surveys or testing in the City shall first file a written application for a permit to do so with the City Clerk. Such application shall be in the form required by the City Council and shall be signed by the applicant or his agent authorized to sign the same. Such application shall specify the quarter section, township and range, and the location within the quarter section thereof so as to identify the testing or survey site.

3. At the time of filing an application for permit under this Section, the applicant shall pay to the City Clerk a fee in the amount of Two Hundred Dollars ($200.00). A permit required by this Section shall be issued by the City Clerk if the application is in compliance with all applicable provisions of the Comanche Code of Ordinances. The permit shall expire ninety (90) days after issuance and may not be extended or transferred in any manner whatsoever.

Section 16-22. Annual Permit for Operation, Maintenance, Cleaning, Swabbing or Reworking.

1. It is unlawful for any person to engage in the operation, maintenance, cleaning, swabbing or reworking of any completed and operating oil, gas or disposal well, unless a current annual permit has been issued for such well. Such permit shall be obtained from the City Clerk on the anniversary date of the drilling permit issued under the provisions of Section 16-20 for wells drilled after April 15, 1988. For those wells drilled before April 15, 1988, the initial annual permit shall be obtained within sixty (60) days after the effective date of this Article and subsequent permits shall be obtained on the anniversary date of such initial permit.

2. An annual permit required by this Section shall be issued by the City Clerk upon payment of a fee of Ten Dollars ($10.00). However no such permit shall be issued unless the applicant is in full compliance with Section 16-23 of this Article.

Section 16-23. Insurance and Bond.

1. No person shall drill, operate or maintain any oil, gas or disposal well within the City unless there is on file with the City Clerk a certificate of insurance issued by some corporate insurer licensed to do business in this State, evidencing current insurance coverage for the owner of such well and his driller, agents and employees, conditioned for the payment of all damages due to injury to persons or damage to property resulting from the drilling, operation or maintenance of the well or any structure, machinery, pipeline or appurtenance used in connection therewith. Such coverage shall be in an amount not less than Five Hundred Thousand Dollars ($500,000.00).

2. No person shall drill, operate or maintain any oil, gas or disposal well within the City unless there is on file with the City Clerk, in addition to the insurance certificate required by Subsection 1 of this Section, a bond in full force and effect, with minimum limits of Two thousand Dollars ($2,000.00) and with corporate surety by some insurer licensed to do business in Oklahoma, conditioned to assure compliance by the owner, his driller, agents and employees, with all requirements of this Article.

Section 16-24. Location of Wells.

Oil, gas or disposal wells may be located in any of the Zoning Districts within the City where no single-family residence or other dwelling is located within three hundred (300) feet of the proposed well site, unless a Zoning Variance is obtained in the manner as provided by the Zoning Ordinance of the City of Comanche.

Section 16-25. Earthen Slush Pits Prohibited.

Earthen disposal facilities (pits) shall not be constructed, built, maintained or used by any person or company to dispose of oil field waste in any location within the City.

Section 16-26. Use of Earthen Reserve Pits.

Earthen reserve pits which contain no saltwater, oil, oil derivatives, caustics, acids, or other deleterious substances harmful to soil or vegetation, or injurious to animal or human life shall be allowed to be constructed or used in connection with the drilling, swabbing, cleaning out or reworking of oil and gas wells within the City; and the contents thereof need not be transported from premises to a disposal facility, provided the same are leveled and the surface of the ground restored as nearly as possible to its original condition within ninety (90) days after completion of the drilling, swabbing, clean out or reworking operations.

Section 16-27. Tanks Containing Flammable Substances.

Storage tanks or other types of tanks containing flammable substances at any location within the City shall have earthen embankments constructed around them of sufficient size and height to be able to adequately contain one and one-half (1-1/2) times the volume of such tanks in the event of a rupture thereof at the floor of such tank. No drain plugs, openings or siphons shall be placed in the walls or dikes which will permit the escape of any liquids through the same. In no event shall any such tank be located nearer than one hundred (100) feet to a dwelling or business structure, street or highway within the City.

Section 16-28. Muffling of Internal Combustion Engines.

No steam, gasoline, natural gas, diesel or other internal combustion engine of any kind shall be operated within one hundred (100) feet of any dwelling or business structure within the City; unless the same is adequately muffled.

Section 16-29. Maintenance of Premises.

The premises upon which any oil, gas or disposal well is drilled, operated or maintained shall be kept free of all accumulations of rubbish, litter, unused equipment or materials, excess rotary mud, saltwater, waste oil or oil by-products and other waste, insofar as the same may be reasonably done in the conduct of operations covered by this Article.

Section 16-30. Approved Safety Equipment, Devices and Methods Required.

Approved equipment, standard devices and ordinary methods such as commonly known and used in the oil and gas drilling producing industry for the safety and protection of property from damage due to drilling and operating activities shall be used at all locations within the City.

Section 16-31. Surface Casing.

At least one hundred and fifty (150) feet, but not less than that required by the State of Oklahoma Corporation Commission, of surface casing shall be set in each well after notification of intention to do so has been given the Conservation Department of the State of Oklahoma Corporation Commission, whose representative shall be entitled to inspect the installation thereof and direct the type and amount of cement to be used in cementing the same in the hole.

Section 16-32. Production Casing.

Production casing of a size not less than four and one-half (4-1/2) inches outside diameter, in good condition, shall be set no higher than the top of the producing formation and cemented with a sufficient amount of cement to obtain a minimum of five hundred (500) feet of annular fill above the casing. All of such production casing shall be tested by pressure methods for either drilling the cement plug or perforating, if the cement is not drilled.

Section 16-33. Master-Gate; Blowout Preventors; Flow Lines and Valves.

All drilling wells shall be equipped with a master-gate, or its equivalent, adequate blowout preventors, flow lines and valves commensurate with the working pressure involved.

Section 16-34. Valves and Wellhead Equipment; Flow Tubing.

Upon completion of any flowing well, the wellhead equipment shall have on the tubing at least one (1) master valve plus a flow valve and a valve on the casing annulus. All wells shall be equipped with a flow tubing of a size at least two (2) inches inside diameter extending from not less than fifty (50) feet from the top of the lowest producing formation.

Section 16-35. Tubing and Pressure Gauge for Disposal Wells.

All disposal wells shall be equipped with at least two (2) inch inside diameter tubing set on a packer; and a pressure gauge shall be installed on the casing annulus at all times.

Section 16-36. Blasting Prohibited.

No blasting shall be allowed around or within any existing well.

Sections 16-37 through 16-49. (Reserved for future use.)

Article 3. Penalty.

Section 16-50. Penalty.

Any person, firm or corporation who shall engage in any business, trade or vocation for which a license, permit, certificate or registration is required by this Chapter, without having a valid license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this Chapter or by any Code adopted by this Chapter, or who shall violate any lawful regulation or order made by any of the officers provided for in this Chapter, shall be guilty of an offense and upon conviction thereof, shall be fined in a sum not to exceed five hundred dollars ($500.00). Each day upon which a violation continues shall be deemed a separate offense.

(Ord. 493-11, September 13, 2011)

Section 16-51. Relief in Courts.

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

CHAPTER 17

PARKS AND RECREATION

Article 1. Lake Comanche Rules and Regulations.
Article 2. Miscellaneous Provisions.
Article 3. Penalty.

Article 1. Lake Comanche Rules and Regulations.

Section 17-1. Definitions.

Whenever reference is made to the "Lake," "Lake Comanche," "Comanche Lake" or the "Comanche Lake Area," it shall mean all lands covered by Lake Comanche and all lands owned and controlled by the City of Comanche, Oklahoma, which are adjacent to, and surrounding, the Lake. Daily permits are valid until 10:00 a.m. the following day.

(Ord. 479-09, April 14, 2009)

Section 17-2. Municipal Ordinances in Effect.

All ordinances of the City of Comanche, Oklahoma, shall be in full force and effect on all Lake Comanche property.

Section 17-3. Caretaker to Supervise Lake.

1. The Lake Caretaker shall have immediate supervision and control of the Lake Comanche property. (Ord. 372, July 19, 1989)

2. He shall have the power to enforce the law and ordinances on all Lake property, including the power to arrest violators of the law or ordinances.

Section 17-4. Duck Hunting.

1. It shall be unlawful to hunt ducks on Lake Comanche at any time when it is prohibited by State or Federal Law, but lawful at all other times, in compliance with any applicable provisions of this "Code of Ordinances."

2. It shall be unlawful to hunt ducks on Lake Comanche without a permit from the City to do so. Permits may be secured from the Lake Caretaker, upon payment of the following fees:

   a. Season Duck Hunting Permit for youth aged 17 and under ---$12.00

   b. Season Duck Hunting Permit for those aged 18 through 59 ---$20.00

c. Season Duck Hunting Permit for Seniors aged 60 and above --- $12.00

(Ord. 528-16, November 8, 2016)

2. It shall be unlawful to construct and/or use a duck blind at Lake Comanche during any time when duck hunting is permitted at Lake Comanche without a permit to do so. Permits may be secured from the Lake Caretaker upon payment of a $10.00 fee. Any duck blind constructed shall be removed from Lake Comanche within ten (10) days of the end of duck hunting season.

(Ord. 423-98, February 10, 1998)

Section 17-5. Quail Hunting.

1. It shall be unlawful to hunt quail on Lake Comanche at any time when it is prohibited by State or Federal Law, but lawful at all other times, upon compliance with any applicable provisions of this "Code of Ordinances."

2. It shall be unlawful to hunt quail on Lake Comanche without a permit from the City to do so. Permits may be secured from the Lake Caretaker, upon payment of the following fee:

a. Seasonal Quail Hunting Permit --- $10.00.

(Ord. 528-16, November 8, 2016)

Section 17-6. Dogs Not Allowed.

No dogs shall be allowed on or near Lake Comanche.

Section 17-7. Shooting Near Dam Prohibited.

It shall be unlawful to discharge any firearm within two hundred (200) yards of the Lake Comanche Dam.

Section 17-8. Fishing.

1. It shall be unlawful for any person thirteen (13) years of age or older to fish in Lake Comanche without first obtaining a permit to do so from the Lake Caretaker.

2. Permits may be secured upon payment of the following fees:

a. Annual Fishing Permit for Single Person ----- $10.00.

b. Annual Fishing Permit for Family ----- $15.00.

c. Annual Jug Line Fishing Permit ----- $15.00.

d. Daily Fishing Permit ----- $5.00.

e. Any person holding a golden passport issued by the United States Army Corps of Engineers shall be charged fifty percent (50%) of the above-stated permit fees.

(Ord. 528-16, November 8, 2016)

f. There shall be no charge of the above stated fees for permits for employees of the City of Comanche, including members of the Police Reserve and members of the Volunteer Fire Department. (Ord. 416-98, October 14, 1997)

g. There shall be no charge of the above stated fees for permits for retired former employees of the City of Comanche, including former members of the Police Reserve and former members of the Volunteer Fire Department. (Ord. 416-98, October 14, 1997)

3. All Annual Permits shall be good from January 1st to December 31st of each year; all Annual Permits shall expire on December 31st.

4. Only two (2) poles per person shall be allowed when fishing from the Lake piers.

5. During bass and crappie contests, a special permit and entry fee of five dollars ($5.00) shall be good for seven (7) days.

6. It is unlawful for any person to keep a black bass (largemouth, spotted, and smallmouth) which is less than fourteen (14) inches in total length. All black bass (largemouth, spotted, and smallmouth) which are less than fourteen (14) inches in total length must be returned to the water unharmed immediately after being taken from Lake Comanche. Total length is measured from the tip of the snout to end of tail, with fish flat on a ruler, mouth closed and tail lobes pressed together.

(Ord. 399-94, September 14, 1993)

7. It is unlawful for any person to keep more than six (6) channel catfish per day of fishing.

(Ord. 399-94, September 14, 1993)

8. No person shall use a jug line for fishing without having first obtained a jug line fishing permit. The cost of a jug line fishing permit shall be $15.00 per year and shall be an annual permit as described in paragraph 3 above. No person shall use more than twelve (12) jug lines and no jug line shall have more than two (2) hooks.

(Ord. 528-16, November 8, 2016)

9. No Senior Citizen or disabled veteran shall be required to pay the permit fees referred to in this article. A Senior Citizen is an individual who is sixty-five (65) years of age or older.

(Ord. 400-94, September 14, 1993)

Section 17-9. Campsites.

1. Use of the Lake Comanche campsites shall be subject to all applicable provisions of this Code of Ordinances.

2. It shall be unlawful and an offense for any person to park or place any motor home, mobile home, pickup camper, trailer, tent or any other device or structure intended for camping or temporary living accommodations upon the grounds or lands of Lake Comanche without first obtaining a permit to do so from the Lake Caretaker. Permits may be secured upon payment of the following fees:

    a. Daily fee for campsites with water and electricity ----- $14.00.

    b. Daily fee for campsites without water and electricity ----- $8.00.

    c. Daily fee for use of tent ----- $5.00.

    d. Extended camping fee, per month -----$325.00. ORD. 570-21 NOVEMBER 9,2021

3. No daily permit will be issued for camping or the use of any campsite for a period exceeding fourteen (14) consecutive calendar days. Campers must then vacate the campsite for a period of forty-eight (48) hours. Those wishing to stay longer than fourteen (14) days must purchase an extended camping permit in advance. Extended camping permits are only valid in the RV park. (Ord. 528-16, November 8, 2016)

4. Swimming shall be permitted in designated swimming areas only.
(Ord. 355-87, January 13, 1987)

5. No swimming shall be permitted between the hours of 8:30 p. m. and sunrise.
(Ord. 355-87, January 13, 1987)

6. No swimming shall be permitted from or about any fishing dock or boat ramp.
(Ord. 355-87, January 13, 1987)

7. All swimmers shall swim at their own risk and signs shall be posted stating the same.
(Ord. 355-87, January 13, 1987)

8. Disabled veterans and any person holding a golden passport issued by the United States Army Corps of Engineers shall be charged fifty percent (50%) of the above-stated daily permit fees. This discount shall not apply to the extended camping fee.
(Ord. 528-16, November 8, 2016)

Section 17-10. Barges.

1. All barges on and around the Lake shall be locked up each night.

2. No such barges shall be used for any purposes which disturb the peace of others in the area, create a nuisance, or violate any laws or ordinances of the City of Comanche, Oklahoma.

Section 17-11. Fires.

1. It shall be unlawful and an offense for anyone to light a fire around the Lake, without first obtaining a permit to do so from the Lake Caretaker.

2. There shall be no charge for such a permit.

Section 17-12. Boats.

2. It shall be unlawful and an offense for anyone to place or use a boat of any type or size with or without a motor upon the waters of Comanche Lake without first obtaining a permit from the Lake Caretaker.

3. Permits may be secured upon payment of the following fees:

a. Daily boat permit ---------- $ 5.00

b. Annual (calendar year) boat permit ---------- $ 15.00

(Ord. 528-16, November 8, 2016)

Section 17-13. Prohibited Uses.

It shall be unlawful and an offense for anyone to water ski or tube on Comanche Lake. It shall be unlawful and an offense to place or operate a jet ski on Comanche Lake.

(Ord. 474-08, July 8, 2008)

Section 17-14. Pavilion Rental.

1. Pavilion Rental fees are as follows:

a. Pavilion #1 (located at campground) ----- $15.00 per day.

b. Pavilion #2 (located behind the dam) ----- $30.00 per day.

2. Daily rental rates are valid from 8:00 a.m. until 10:00 p.m.

3. Reservations are on a "first come, first served" basis. Reservations can be made up to one year in advance.

SECTION 8. THAT CHAPTER 17, PARKS AND RECREATION, OF THE CODE OF ORDINANCES OF THE CITY OF COMANCHE, OKLAHOMA IS HEREBY AMENDED TO ADD A NEW SECTION 17-15, EQUIPMENT RENTAL, WHICH SHALL HENCEFORTH READ AS FOLLOWS:

17-15. Equipment Rental.

1. Kayak, Canoe and Paddle Boat Rentals:

a. A credit card or $100.00 cash deposit required for all rentals.

b. Equipment rentals are only available from April through October as weather conditions permit.

c. Rental Rates:

i. 1-2 hours ----- $20.00.
ii. Half Day (10:00 a.m. – 2:00 p.m., 2:00 p.m – 6:00 p.m) --- $30.00.
iii. Full Day ----- $50.00.
iv. Multi-Day - $50.00 for first day, $30.00 for each additional consecutive day.

2. Daily rental rates for Life Jackets ----- $5.00.

3. A liability waiver must be signed prior to all equipment rentals.

(Ord. 528-16, November 8, 2016)

Sections 17-14 through 17-24. (Reserved for future use.) (Ord. 474-08, July 8, 2008)

Article 2. Miscellaneous Provisions.

Sections 17-25 through 17-34. (Reserved for future use.)

Article 3. Penalty.

Section 17-35. Penalty.

Any person, firm or corporation who violates, causes, orders, directs, aids, advises or assists in any manner, in the violation of this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed five hundred dollars ($500.00). Every separate and distinct act and each day upon which a violation shall continue, shall be deemed a separate offense.

(Ord. 493-11, September 13, 2011)

CHAPTER 18

PLANNING/COMMUNITY DEVELOPMENT

Article 1. Planning Commission.
Article 2. Zoning Citation, Purpose, Nature and Application of Zoning Regulations.
Article 3. Zoning.
Article 4. Zoning: Establishment of Districts.
Article 5. Repealed by Ordinance 530-17, April 11, 2017
Article 6. Repealed by Ordinance 530-17, April 11-2017
Article 7. A-1 Agricultural-Residential District.
Article 8. R-1 Single-Family Residential District.
Article 9. R-2 General Residential District.
Article 10. R-3 Multi-Family Residential District.
Article 11. C-1 Neighborhood Shopping District.
Article 12. C-2 General Commercial District.
Article 13. I-1 Restricted Manufacturing and Warehousing District.
Article 14. I-2 General Industrial District.
Article 15. General Provision Applying to All or to Several Districts.
Article 16. Off-Street Automobile and Vehicle Parking and Loading.
Article 17. Nonconforming Buildings, Structures and Uses of Land.
Article 18. Zoning Board of Adjustment.
Article 19. Zoning Ordinance Administration.

Section 18-1. Planning Commission Created.

There is hereby created a Planning Commission of the City of Comanche. The Commission shall be composed of five (5) appointive members, all of whom shall be residents of the City of Comanche, nominated by the Mayor and appointed by the City Council, and the Mayor and City Manager, who shall be ex-officio members of the Commission with the right to vote. Each appointed member shall hold office for a term of three (3) years, ending at 7:30 o'clock P.M. on the first Monday in May, or until his successor takes office, except that in the first instance, two (2) shall be appointed to serve until 7:30 o'clock P.M. on the first Monday in May 1966, two (2) shall be appointed to serve until that time in 1967, and one (1) to serve until that time in 1968. The appointed members of the Commission shall be nominated and appointed solely with reference to their fitness and without reference to party affiliation, and shall serve without compensation. Members may be removed by the Mayor with approval of the City Council, but only for the good of the service. Vacancies occurring otherwise than through the expiration of term shall be filled only for the unexpired term. Ex-officio members shall receive no compensation for their service on the Planning Commission.

Section 18-2. Quorum; Voting.

Four (4) members of the Planning Commission shall constitute a quorum for the transaction of business. No action shall be taken which is binding upon the Planning Commission unless concurred in by not less than a majority of the authorized membership of the Planning Commission.

Section 18-3. Organization and Rules.

The Commission shall elect a Chairman, a Vice-Chairman, and a Secretary, and may create and fill such other offices as it may deem necessary. The Secretary need not be a member of the Commission. The term of the Chairman, Vice-Chairman and Secretary shall be one (1) year ending at 7:30 o'clock P.M. on the first Monday in May, with eligibility for re-election. The Planning Commission shall hold at least one (1) Regular Meeting each month, unless the Commission or its Chairman dispenses with one (1) or more Regular Meetings for cause. The Chairman or any four (4) members may call Special Meetings of the Commission. The Planning Commission shall adopt rules for the transaction of business, and shall keep a record of its regulations, transactions, findings, and determinations, which record shall be a public record.

Section 18-4. Power to Employ Staff.

The Planning Commission shall have the power and authority to employ Planners, Engineers, Attorneys, Clerks, and other help deemed necessary within the limits of the appropriation fixed by the City Council. The salary and compensation of such employees shall be fixed by the Planning Commission, and shall be paid out of the City treasury as is the salary or compensation of other officers and employees.

Section 18-5. Powers and Duties.

The Planning Commission shall have the power and the duty to prepare and recommend to the City Council for adoption a Comprehensive Plan for the physical development of the City of Comanche, Oklahoma. In conducting its work, the Planning Commission may consider and investigate any subject matter tending to the development and betterment of such Municipality, and may make recommendations as it may deem advisable concerning the adoption thereof to the City Council. The Planning Commission may make or cause to be made surveys, studies, maps, and plans in the conduct of its activities. Before final action is taken by the City Council on the location or design of any public building, statue, memorial, park, boulevard, street, alley, playground, public grounds, bridge, or change in any location of any street or alley, such question shall be submitted to the Planning Commission for investigation and report. In the preparation of the Comprehensive Plan, the Planning Commission may, from time to time, prepare and recommend to the City Council for adoption a part or parts thereof, which parts shall cover one (1) or more major geographical divisions of the City or one (1) or more major elements of the Comprehensive Plan. The Planning Commission shall also have all other powers conferred upon a City Planning Commission by 11 O.S. 1991, §§ 421 to 425, and other State Law.

Section 18-6. Purposes of Plan.

In the preparation of such Plan, the Planning Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the City of Comanche, Oklahoma, with due regard to its relation to neighboring territory. The Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, best promote health,

safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provisions for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, and wise and efficient expenditure of public funds.

Section 18-7. Subdivision of Land.

The Planning Commission may prepare and recommend to the City Council for adoption, rules and regulations governing the subdivision of land within the corporate limits of the City of Comanche, Oklahoma. All plans, plats, or re-plats of land laid out in two (2) or more lots, plats, or parcels, or streets, alleys, or other ways intended to be dedicated to public use within the corporate limits of the City, shall first be submitted to the Planning Commission for its recommendations. The Planning Commission shall, with the help of appropriate Municipal Officials, check the proposed dedications or subdivision of land and with other elements of the Comprehensive Plan for the City of Comanche, Oklahoma. The disapproval of any such plan, plat, or re-plat by the City Council shall be deemed a refusal of the dedications shown thereon. No plat or re-plat of subdivision of land, or dedication of street or alley or other easement shall be entitled to record unless it bears the signature of the Mayor, attested by the City Clerk, certifying the approval and acceptance thereof by the City Council.

Section 18-8. To Have Powers of a Zoning Commission.

The Planning Commission shall also act as, and have the powers and duties of, a Zoning Commission. It shall have the power to prepare and to recommend to the City Council for adoption a Zoning Plan to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, and land for trade, industry, residences, and other purposes. The Planning Commission shall also have all other powers conferred upon Zoning Commissions by 11 O. S. 1991 §§ 401 to 410, and other State Law.

Section 18-9. Uniformity of Regulations.

The Planning Commission may recommend the division of the Municipality into Zoning Districts of such number, size, and area as may be deemed best suited to carry out the Zoning Plan. All such regulations shall be uniform for each class or kind of buildings throughout each District, but the regulations in one (1) District may differ from those in other Districts.

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

Zoning Regulations shall be made in accordance with a Comprehensive Plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers, to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the District and its peculiar

suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

Section 18-11. Zoning; Procedure.

1. The City Planning Commission shall make a preliminary report on recommended Zones and regulations, and shall hold public hearings thereon before submitting its final report to the Council. The Council shall not hold public hearings nor take action on the report until it has received such final report from the Commission.

2. No such regulation, restriction, or boundary, nor any change therein shall become effective until after a public hearing before the Council in relation thereto, at which interested parties and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in the City.

3. In case of a protest against a proposed change in such regulations, restrictions, and boundaries signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or by the owners of twenty percent (20%) or more of the area of the lots immediately abutting either side of the territory included in such proposed change or separated therefrom only by an alley or street, such amendment shall not become effective except by favorable vote of three-fourths (3/4) of all members of the Council.

Article 2. Zoning: Citation, Purpose, Nature and Application of Zoning Regulations.

Section 18-12. Citation.

These regulations, in pursuance of the authority granted by the legislature of the State of Oklahoma in Title 19, chapter 19a, Sections 866.1 through 866.34 of the Oklahoma Statutes, shall be known as the "Zoning Regulations of Comanche, Oklahoma", and may be cited as such.

(Zoning Ord. Art. 1§ 1.1.)

Section 18-13. Purpose.

The regulations contained herein are necessary to encourage the most appropriate uses of land; to maintain and stabilize the value of property; to reduce fire hazards and improve public safety and safeguard the public health; to decrease traffic congestion and its accompanying hazards, to prevent undue concentration of population; and to create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities and other facilities. In interpreting and applying the provisions of these regulations, they shall be held to be necessary for the promotion of the public health, safety, comfort, convenience and general welfare.

(Zoning Ord. Art. 1 § 2.1.)

Section 18-14. Nature and Application.

1. These regulations classify and regulate the use of land, buildings, and structures within the incorporated area of Comanche, under the jurisdiction of the Comanche Planning Commission, State of Oklahoma, as hereinafter set forth on the Zoning District Map. The regulations contained herein are necessary to promote the health, safety, convenience and welfare of the inhabitants by dividing the area into zones and regulating therein the use of the land and the use and size of buildings as to height and the number of stories, the location of buildings and the density of population. (Zoning Ord. Art. 1 § 3.1.)

2. Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged or rebuilt which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in conformity with the regulations contained herein.

(Zoning Ord. Art. 1 § 3.2.)

Article 3. Zoning.

Section 18-15. Definitions.

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory.

1. Accessory Building: A subordinate building or a portion of the main building located on the same lot as the main building, the use of which is incidental to that of the dominant use of the building or premises.

2. Accessory Use: A use customarily incidental, appropriate and subordinate to the principal use of land or buildings and located upon the same lot therewith.

3. Advertising Sign or Structure: Any cloth, card, paper, metal, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever, including a statuary placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building or structure. The term "placed" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure shall be determined as the area of the largest posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of these regulations.

4. Alley: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

5. Apartment House: See Multiple Family Dwelling.

6. Automobile: A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including but not limited to the following: passenger cars, trucks, busses, motor scooters and motorcycles.

7. Basement: A story partly or wholly underground. For purposes of height measurement a basement shall be counted as a story when more than one-half (1/2) of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

8. Boarding Housing: A dwelling other than a hotel where for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided for three (3) or more, but not exceeding twenty (20) persons on a weekly or monthly basis.

9. Building: Any structure intended for shelter, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate building.

10. Building Heights: The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deckline of a mansard roof or the average height of the highest gable or a pitch or hip roof.

11. Building, Main: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot in which it is situated.

12. Child Care Center: Any place, home or institution which receives three (3) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building.

13. Coverage: The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

14. District: Any section of the City for which regulations governing the use of land and the use, density, bulk, height and coverage of building and other structures are uniform for each class or kind of building therein.

15. Dwelling: Any building or portion thereof, which is designed or used as living quarters for one (1) or more families, but not including trailer homes. (See Trailer Home.)

16. Dwelling, One-Family: A detached dwelling designed to be occupied by one (1) family.

17. Dwelling, Two-Family: A detached dwelling designed to be occupied by two (2) families living independently of each other.

18. Dwelling, Multiple: A detached dwelling designed to be occupied by three (3) or more families living independently of each other, exclusive of hotels or motels.

19. Family: One (1) or more persons related by blood, marriage, or adoption, or a group of not to exceed five (5) persons not all related by blood or marriage, occupying a boarding or lodging house, hotel, club, or similar dwelling for group use.

20. Floodplain: That total area adjoining a river or stream, which has been or may be hereafter covered by flood water.

21. Flood Plain Management Regulations: The full range of codes, ordinances and other regulations relating to the use of land and construction within the limits of the floodplain; the term encompasses zoning ordinances, subdivision regulations and sanitary and building codes.

22. Floodway: The channel of a water course or drainageway and those portions of the floodplain adjoining the channel waters of any water course or drainageway.

23. Floodway Fringe: That portion of the floodplain outside of the floodway.

24. Garage Apartment: A dwelling unit for one (1) family erected above a private garage.

25. Garage, Parking: Any building, or portion thereof, used for the storage of four (4) or more automobiles in which any servicing which may be provided is incidental to the primary use for storage purposes and where repair facilities are not provided.

26. Garage, Private: An accessory building or a part of a main building used for storage purposes only for automobiles used solely by the occupants and their guests for the building to which it is accessory.

27. Garage, Repair: A building in which are provided facilities for the care, servicing, repair or equipping of automobiles.

28. Gasoline Service or Filling Station: Any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair or automatic automobile washing or the sale of butane or propane fuels.

29. Home Occupation: Any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which do not

change the character thereof, and which is conducted entirely within the main or accessory buildings; provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or advertising sign other than one (1) non-illuminated nameplate not more than two (2) square feet in area attached to the main or accessory building, and no mechanical equipment is used except as is customary for purely domestic or household purposes. A beauty or barber shop, tea room or restaurant, rest home or clinic, doctor's or dentist's office, child care center, tourist home, cabinet, metal or auto repair shop shall not be deemed a home occupation.

30. Hotel: A building or group of buildings under one (1) ownership containing six (6) or more sleeping rooms occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation but not including trailer court or camp, sanatorium, hospital, asylum, orphanage or building where persons are housed under restraint.

31. Kennel: Any lot or premises on which are kept four (4) or more dogs, more than six (6) months of age.

32. Lot: Any plot of land occupied or intended to be occupied by one (1) main building, or a group of main buildings, and accessory buildings and uses, including such open spaces as are required by these regulations and other laws or ordinances, and having its principal frontage on a street.

33. Lot, Corner: A lot which has at least two (2) adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees (135º).

34. Lots, Depth: The average horizontal distance between the front and rear lot lines.

35. Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

36. Lot, Interior: A lot other than a corner lot.

37. Lot, Area: The total area measured on a horizontal plane, included within lot lines.

38. Lot, Frontage: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

39. Lot Lines: The lines bounding a lot.

40. Medical Facilities:

Convalescent, Rest or Nursing Home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Dental Clinic or Medical Clinic: A facility for the examination and treatment of ill and afflicted human out-patients, provided that patients are not kept overnight except under emergency conditions.

Dental Office or Doctor's Office: Same as dental or medical clinic, including osteopath, oculist, optometrist or chiropractor.

Hospital: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

Public Health Center: A facility primarily utilized for a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.

Sanatoriums: An institution providing health facilities for in-patient medical treatment or treatment and recuperation making use of natural therapeutic agents.

41. Mobile Home Space: A plot of ground within a trailer court designed for the accommodation of one (1) mobile home.

42. Nonconforming Use: A structure or land lawfully occupied by a use which does not conform to the regulations of the district in which it is situated.

43. Planning Commission: The Comanche Planning Commission.

44. Rooming House: A building where lodging only is provided for compensation to three (3) or more, but not exceeding twenty (20) persons. A building which has accommodations for more than twenty (20) persons shall be defined as a hotel under the terms of these regulations.

45. Self-Service Laundry or Dry Cleaning Establishment: Any attended or unattended place, building or portion thereof, available to the general public for the purpose of washing, drying, extracting moisture from or dry cleaning wearing apparel, cloth, fabrics and textiles of any kind by means of a mechanical appliance which is operated primarily by the customer.

46. Stable, Private: A stable with the capacity for not more than two (2) horses or mules.

47. Stable, Public: A stable, other than a private stable, with a capacity for more than two (2) horses or mules.

48. Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

49. Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

50. Street: Any public or private thoroughfare which affords the principal means of access to abutting property.

51. Street, Intersecting: Any street which joins another street at an angle, whether or not it crosses the other.

52. Structure: Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground.

53. Structural, Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

54. Tourist Court: An area containing one (1) or more buildings designed or intended to be used as temporary sleeping facilities of one (1) or more transient families and intended primarily for automobile transients.

55. Tourist Home: A dwelling in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guests for compensation.

56. Trailer Home, Mobile Home or House Trailer: A portable or mobile living unit used or designed for human occupancy on a permanent basis.

57. Trailer, Travel or Camping: A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants.

58. Trailer, Hauling: A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats.

59. Trailer Court or Mobile Home Park: A parcel of land under single ownership which has been designed or improved or is intended to be used or rented for occupancy by one (1) or more trailer houses or mobile homes.

60. Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in those regulations that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot lines and the main building shall be used.

61. Yard, Front: A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

62. Yard, Rear: A yard extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

63. Yard, Side: A yard between the building and the side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

(Zoning Ord. Art. 2 § 1.1.)

Article 4. Zoning: Establishment of Districts.

Section 18-16. Number of Districts.

For the purpose of these regulations, the following Zoning Districts are hereby established for the incorporated area of Comanche over which the City Council has established Zoning jurisdiction:

Residential Districts
- A-1 Agricultural-Residential District
- R-1 Single-Family Residential District
- R-2 General Residential District
- R-3 Multi-Family Residential District

Commercial Districts
- C-1 General Commercial District
- C-2 Neighborhood Shopping District

Industrial Districts
- I-1 Restricted Manufacturing and Warehousing District
- I-2 General Industrial District

The incorporated portion of Comanche is hereby divided into Zoning Districts as shown on the Zoning Map, and all of the explanatory material thereon is hereby made a part of these regulations.

Section 18-17 through 18-22 repealed by Ordinance 530-17, April 11. 2017

Article 7. A-1 Agricultural-Residential District.

Section 18-22. General Description.

This District is intended to preserve land for agricultural and directly related residential and commercial uses, discourage premature development and prevent inefficient and expensive extension of Municipal utilities. The district is intended to also provide a location for the land situated on the fringe of the urban area that is used for agricultural purposes, but will be undergoing

urbanization in the future. Since most of these areas will be in close proximity to residential and commercial uses, the agricultural activities conducted in this district should not be detrimental to urban land uses. The types of uses, area and intensity of use of land which is authorized in this district, is designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made. As with uses permitted elsewhere in this district, all uses must conform with all other municipal ordinances. However, under no circumstances will swine be allowed in any A-1 District.

Section 18-23. Uses Permitted.

1. General farming, forestry, ranching and other agricultural activities and structures which are not in conflict with other ordinances and Zoning District fringe of the municipality.

2. Single family farm or ranch home meeting set aside and lot size requirements.

3. Mobile home converted to real estate, provided such home complies with all other municipal ordinances.

4. Public parks and recreation or play areas.

5. Fairgrounds or rodeo arenas or areas.

6. Elementary or secondary schools.

7. Churches and religious temples.

8. Golf courses and country clubs, except miniature golf courses or commercial driving ranges.

9. Community wide or neighborhood meetings or recreation buildings.

10. Temporary bulletin board or sign measuring no more than twenty (20) square feet in size pertaining to the lease, hire, or sale of a building or premises, which board or sign is to be removed as soon as the premises are leased, hired, or sold.

11. Public cemetery.

12. Kennel, provided that operation complies with all other municipal ordinances.

13. Public stable provided that operation complies with all other municipal ordinances.

14. Child care center, provided that operation complies with all other municipal ordinances.

15. Public buildings, utilities and railroads (but not including unscreened equipment storage and maintenance yards, or general administrative and sales offices) provided that requirements for set back or set aside is the same as other zoning district requirements.

16. Communication stations and towers provided they shall not be closer to a dwelling or place of public assembly than a distance equal to their height.

Section 18-24. Uses Permitted on Review.

The following uses may be permitted on review, in accordance with all other municipal ordinances.

1. Lodge hall, veteran's organization, service organization.

2. Airport.

3. Radio or television station and transmission tower.

4. Any use permitted on review in the R-1 Single Family dwelling district.

5. Convalescent, rest or nursing home.

6. Home occupation.

Section 18-25. Area Regulations.

1. Front yard: All buildings shall be set back from street or highway right of way lines to comply with the following minimum requirements.

   The front yard shall be set back one hundred (100) feet from section line roads and twenty-five (25) feet on non section line roads.

2. Side yard: There shall be a side yard minimum of twenty-five (25) feet.

3. Rear Yard: There shall be a minimum rear yard of fifty (50) feet.

4. Lot Width: There shall be a minimum lot width of one hundred fifty (150) feet for all uses except the single family dwelling and it may be one hundred (100) feet.

5. Intensity of use: For each dwelling and accessory building there shall be a lot area of not less than one (1) acre.

   Where a lot has less than one (1) acre and all of the boundary lines of that lot touch lands of other ownership at the effective date of this chapter, that lot may be used for any use described above, but not for the raising of animals.

   Main and accessory buildings may not cover more than twenty five percent (25%) of the land.

Section 18-26. Height Regulations.

No building shall exceed two and one half (2-1/2) stories or thirty-five (35) feet in height.

Article 8. R-1 Single-Family Residential District.

Section 18-27. General Description.

This is the most restrictive Residential District. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from the encroachment of uses which are not appropriate to residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwelling and related facilities and through consideration of the proper functional relationship of the different uses. (Zoning Ord. Art. 3 § 3.1.)

Section 18-28. Uses Permitted.

Property and buildings in an R-1 Single-Family District shall be used only for the following purposes:

1. Detached, single-family dwelling.

2. Churches, but not including missions or revival tents or arbors.

3. Public school or school offering general educational courses the same as ordinarily given in the public schools and having no rooms regularly used for housing and sleeping.

4. Public park or playground.

5. Library.

6. Agricultural crops but not the raising of farm animals or poultry.

7. Home occupation.

8. Transportation and utility easements, alleys and rights-of-way.

9. Accessory buildings which are not a part of a main building, including one (1) private garage, or accessory buildings which are a part of a main building, including one (1) private garage.

10. A temporary bulletin board or sign, not exceeding twelve (12) square feet in area pertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired or sold.

11. A church bulletin board or sign, not exceeding twelve (12) square feet in area pertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired or sold.

12. Temporary building of the construction industry which is incidental to the erection of buildings permitted in this District, and which shall be removed when construction work is completed.

13. Parking lot required to serve the uses permitted in this District.

(Zoning Ord. Art. 5 § 3.2.)

Section 18-29. Uses Permitted on Review.

The following uses may be permitted on review by the Board of Adjustment, in accordance with the provisions contained in Section 18-84:

1. County or Municipal use, public building and public utility.

2. Plant nursery in which no building or structure is maintained in connection therewith.

3. Golf course or country club.

(Zoning Ord. Art. 3 § 3.3.)

Section 18-30. Area Regulations.

All buildings shall be set back from street right-of-way and lot lines to comply with the following yard requirements:

1. Front Yard:

    a. The minimum depth of the front yard shall be twenty-five (25) feet.

    b. If twenty five percent (25%) or more of the lots on one side of the street between two intersection streets are improved with buildings all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than six (6) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings but this regulation shall not require a front yard of greater depth than fifty (50) feet.

    c. When a yard has double frontage the front yard requirement shall be complied with on both streets.

2. Side Yard:

    a. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet for dwellings of one (1) story, and of not less than ten (10) feet for dwellings of more than one (1) story, except as hereinafter provided in Section 18-45.

b. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front lot line.

c. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty-five (25) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.

d. Churches and main and accessory buildings, other than dwellings, and buildings accessory to buildings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

3. Rear Yard:

There shall be a rear yard for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

4. Lot Width:

For a dwelling, there shall be a minimum lot width of fifty (50) feet at the front building line, and such lot shall abut on a street for a distance of not less than thirty-five (35) feet.

5. Intensity of Use:

a. For each dwelling, and building accessory thereto, there shall be a lot area of not less than six thousand (6,000) square feet.

b. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this Section and the off-street parking areas required in Article 16; provided however, that the lot area for a church shall not be less than twenty-one thousand (21,000) square feet.

6. Coverage:

Main and accessory buildings shall not cover more than twenty five percent (25%) of the lot area on interior lots, and thirty percent (30%) of the lot area on corner lots. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

(Zoning Ord. Art. 3 § 3.5.)

Section 18-31. Height Regulations.

No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height except as provided in Section 18-62. (Zoning Ord. Art. 3 § 3.5.)

Article 9. R-2 General Residential District.

Section 18-32. General Description.

This is a Residential District to provide for medium and high population density. The principal use of land may range from single-family to multiple-family and garden apartment uses. Certain uses which are more compatible functionally with intensive residential uses than with commercial uses are permitted. The recreational, religious and educational facilities normally required to provide an orderly and attractive residential area are permitted. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the District. (Zoning Ord. Art. 4 § 4.1.)

Section 18-33. Uses Permitted.

1. Any use permitted in an R-1 residential district.

2. Two-family dwelling.

3. Multiple-family dwelling.

4. Rooming or boarding house.

5. Garage apartment, when located on a separate lot or on the same lot with another dwelling use.

6. Accessory buildings and uses customarily incidental to the above uses when located on the same lot. (Zoning Ord. Art. 3 § 4.2.)

Section 18-34. Uses Permitted on Review.

The following uses may be permitted on review by the Board of Adjustment in accordance with the provisions contained in Article 18:

1. Any Use Permitted on Review in an R-1 Single-Family Dwelling District.

2. Child care center.

3. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, and is operated only by the inhabitants thereof and does not exceed two (2) operators. The use shall be conducted in such a way that is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one (1) non-illuminated nameplate, not exceeding two (2) square feet in area, attached to the main building.

4. Private clubs, sororities, fraternities and lodges, excepting those the chief activity of which is a service customarily carried on as a business.

5. Medical facility.

6. Mobile home park.

7. An off-street parking lot associated with a commercial use as required under the provisions of Article 16 of these regulations. (Zoning Ord. Art. 3 § 4.3.)

Section 18-35. Area Regulations.

All buildings shall be set back from street right-of-way lines or lot lines to comply with the following yard requirements.

1. Front Yard:

    a. The minimum depth of the front yard shall be twenty-five (25) feet.

    b. If twenty five percent (25%) or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than six (6) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings, but this regulation shall not require a front yard of greater depth than fifty (50) feet.

    c. When a yard has double frontage the front yard requirements shall be complied with on both sides.

2. Side Yard:

    a. For dwellings located on interior lots there shall be a side yard on each side of the main dwelling of not less than five (5) feet for dwellings of one (1) story and an additional five (5) feet shall be provided on each side yard for each additional story or part thereof. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet provided, however, that unattached one (1) story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all part of the accessory building are located more than ninety (90) feet behind the front property line.

    b. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in cases such lots back to back to another corner lot, and twenty (20) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.

c. Mobile home parks shall be planned in such a manner that no mobile home, or related buildings, shall be located closer than ten (10) feet to any side lot line.

d. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings and trailers, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

3. Rear Yard:

a. For main buildings, other than garage apartments, there shall be a rear yard not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

b. Garage apartments may be located in the rear yard of another dwelling, but shall not be located closer than ten (10) feet to the rear lot line.

4. Lot Width:

a. There shall be a minimum lot width of fifty (50) feet at the front building line for single-family dwellings and ten (10) feet additional width at the front building line for each family, more than one (1).

b. However, a lot width at the front building line shall not be required to exceed one hundred fifty (150) feet. A lot shall abut on a street not less than thirty-five (35) feet.

5. Intensity of Use:

a. There shall be a lot area of not less than six thousand (6,000) square feet for a single-family dwelling, not less than eight thousand (8,000) square feet for a two-family dwelling, and an additional area of not less than two thousand (2,000) square feet for each family, more than two (2) occupying a dwelling, provided, however, that for a multiple-family dwelling five (5) or more stories in height the lot area shall not be required to exceed an area equal to the gross floor area of the building plus the coverage of the building.

b. There shall be a lot area of not less than eight thousand (8,000) square feet where a garage apartment is located on the same lot with a single-family dwelling. When a garage apartment is located in the rear yard of a two-family or multiple-family dwelling the lot area shall be not less than two thousand (2,000) square feet more than is required for the two-family or multiple-family dwellings.

c. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by

this section and the off-street parking area required in Article 16; provided, however, that the lot area for a church shall not be less than twenty-one thousand (21,000) square feet.

6. Coverage:

   a. Main and accessory buildings shall not cover more than thirty five percent (35%) of the lot area.

   b. Accessory buildings shall not cover more than thirty percent (30%) of the rear yard.

(Zoning Ord. Art. 3 ¶ 4.4.)

Section 18-36. Height Regulations.

No buildings shall exceed eight (8) stories or ninety (90) feet in height, except as provided in Section 18-62. (Zoning Ord. Art. 3 ¶ 4.5.)

Article 10. R-3 Multi-Family Residential District.

(Ord. 310, April 13, 1982)

Section 18-37. General Description.

This District is intended to provide for medium and high residential population density and to help establish, stabilize and/or protect neighborhoods whose structures includes multi-family residential units. Certain recreational, religious, educational and commercial uses which support, and are compatible with, more intensive residential uses, are also permitted.

Section 18-38. Uses Permitted.

1. Multi-family dwelling units.

2. Detached, single family dwelling, but not including a mobile home.

3. Community or neighborhood meeting or recreation buildings.

4. Park, playground or recreation areas.

5. Elementary or secondary schools.

6. Library.

7. Churches or religious temples, permanent structures only.

8. Rooming or boarding house, not to include hotels or motels.

9. Child daycare centers, located within a multi-purpose building which is also used for religious, educational or institutional purposes.

10. Nursing and convalescent homes, hospitals and other medical facilities.

Section 18-39. Area Regulations.

All buildings shall be set back from street right-of-way lines or lot lines to comply with the following yard requirements.

1. Multi-Family Dwelling:

   a. Seven thousand two hundred (7,200) square feet for first unit, plus one thousand five hundred (1,500) square feet for each additional unit up to twelve (12), and seven hundred fifty (750) square feet for each additional unit over twelve (12). Front and Rear setbacks: twenty-five (25) feet from the property lines; Side setbacks: five (5) feet for one-story dwellings and ten (10) feet for dwellings of more than one (1) story. Maximum height shall be four (4) stories or seventy (70) feet.

2. Single-Family Dwellings:

   a. Same as the R-1 Single-Family Residential District requirements for Single-Family Dwellings. Maximum height shall be two and one-half (2-1/2) stories or thirty-five (35) feet.

3. Two-Family Dwellings:

   Eight thousand (8,000) square feet.

   Width – Sixty (60) feet at the building line.

   c. Maximum height shall be two and one-half (2-1/2) stories or thirty-five (35) feet.

4. Schools, churches and Other Public and Institutional Buildings:

   Same as the R-1 Single-Family Residential District requirements for single-family dwellings.

   a. Front and Rear yard setbacks from property line: thirty-five (35) feet.

   b. Side yard setbacks from property line: twenty (20) feet for the interior side and twenty-five (25) feet for the street side/corner lot side.

   c. Maximum height: four (4) stories or seventy (70) feet.

5. Special Requirements:

a. The maximum height of any building or structure shall cast no shadow on the solar collector of any neighboring property, building or structure during critical times of the day, during any season.

b. Variances from the height limitation or the side yard setback requirements of this District shall not be considered by the Board of Adjustment unless the applicant for such variance provides data which establishes that the possible grant of such a variance will not adversely affect an existing solar collector or the future opportunity to reasonably install a solar collector upon adjacent property.

Section 18-40. Off-Street Parking.

1. Multi-Family Dwelling, Detached, Single-Family Dwelling:

   Two (2) spaces per dwelling unit.

2. Community or Neighborhood Meeting or Recreation Buildings:

   One (1) space for every fifty (50) square feet of floor area.

3. Park, playground or Recreation Areas:

   Five (5) spaces for each acre developed for active use.

4. Elementary or Secondary Schools:

   One (1) space per classroom/office, plus one (1) space per six (6) seats in the main auditorium or stadium.

5. Library:

   One (1) space for every fifty (50) square feet of floor area.

6. Churches or Religious Temples:

   One (1) space for every four (4) seats in the main auditorium.

7. Rooming or Boarding House:

   One (1) space for every two (2) beds.

8. Child Daycare Centers, located within a multi-purpose building which is also used for religious, educational or institutional purposes:

May be provided jointly or in a common area.

9. Nursing and Convalescent Homes:

   One (1) space per employee, plus one (1) space for every two (2) beds, or one (1) space for every fifty (50) square feet of floor area.

Section 18-41. Height Requirements.

The maximum height of any building or structure shall cast no shadow on the solar collector of any neighboring property, building or structure during critical times of the day, during any season.

Variances from the height limitation or the side yard setback requirements of this district shall not be considered by the Board of Adjustment unless the applicant for such variance provides data which establishes that the possible grant of such a variance will not adversely affect an existing solar collector or the future opportunity to reasonably install a solar collector upon adjacent property.

Article 11. C-1 Neighborhood Shopping District.

Section 18-42. General Description.

This Commercial District is for the conduct of retail trade and personal service enterprises to meet the regular needs and for the convenience of the people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood, closely associated with residential, religious, recreational and educational uses, more restrictive requirements for light, air, open space and off-street parking are made than are provided in other Commercial Districts.

(Zoning Ord. Art. 3 § 5.1.)

Section 18-43. Uses Permitted.

Property and buildings in a C-1 Neighborhood Shopping District shall be used only for the following purposes:

1. Any use permitted in an R-2 Residential District.

2. Any Use Permitted on Review in an R-2 Residential District.

3. Retail stores and shops which do not exceed fourteen thousand (14,000) square feet of gross floor area and which supply the regular and customary needs of the residents of the neighborhood and which are primarily for their convenience, as follows:

   a. Antique Shop.

b. Appliance Store.

c. Arts School, Gallery or Museum.

d. Artists Materials, Supply Studio.

e. Automobile Parking Lot.

f. Baby Shop.

g. Bakery Goods Store.

h. Bank.

i. Barber Shop.

j. Beauty Shop.

k. Book or Stationery Store.

l. Camera Shop.

m. Candy Store.

n. Catering Establishment.

o. Cleaning, pressing, and Laundry Pick-Up Agency.

p. Curio or Gift Shop.

q. Drug Store or Fountain.

r. Drygoods Store.

s. Dairy Products or Ice Cream Store.

t. Delicatessen.

u. Dress Shop.

v. Florist Shop, Greenhouse, Nursery.

w. Furniture Store.

x. Grocery Store or Supermarket.

y. Hardware Store.

z. Hotel.

aa. Jewelry or Notion Store.

bb. Lodge Hall.

cc. Meat Market.

dd. Medical Facility.

ee. Messenger or Telegraph Service.

ff. Musical Instrument Sales.

gg. Newspaper or Magazine Sales.

hh. Office Business.

ii. Optometrist Sales and Service.

jj. Photographer Studio.

kk. Pharmacy.

ll. Radio and Television Sales and Service.

mm. Restaurant-not to include Drive-In.

nn. Self-Service Laundry or Dry Cleaning.

oo. Sewing Machine Sales, Instructions.

pp. Sporting Goods Sales.

qq. Shoe Repair Shop.

rr. Tailor Shops.

ss. Toy Store.

tt. Variety Store.

4. Nameplate and sign relating only to the use of the store and premises or to products sold on the premises.

5. Accessory buildings and uses customarily incidental to the above uses.

6. A building used for any of the above enumerated uses may not have more than forty percent (40%) of its floor area devoted to purposes incidental to the primary use. No material or goods offered for sale or stored in connection with the uses enumerated in one (1) through five (5) above, shall be displayed or stored outside of a building.

(Zoning Ord. Art. 3 § 5.2.)

Section 18-44. Area Regulations.

The area requirements for dwellings shall be the same as the requirements of the R-2 General Residential District. The following requirements shall apply to all other uses permitted in this District.

1. Front Yard:

   All buildings shall set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.

2. Side Yard:

   On the side of a lot adjoining a Dwelling District there shall be a side yard of not less than ten (10) feet. There shall be a side yard setback from an intersecting street of not less than twenty-five (25) feet.

3. Rear Yard:

   There shall be provided an alley, service court, rear yard, or combination thereof, of not less than thirty (30) feet. (Zoning Ord. Art. 3 § 5.3.)

Section 18-45. Height Regulations.

No Building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except as hereinafter provided in Section 18-62. (Zoning Ord. Art. 3 § 5.4.)

Article 12. C-2 General Commercial District.

Section 18-46. General Description.

This Commercial District is intended for the conduct of personal and business services and the general retail business of the Community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will

be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

(Zoning Ord. Art. 3 § 6.1.)

Section 18-47. Uses Permitted.

1. Property and buildings in a C-2 General Commercial District shall be used only for the following purposes:

    a. Any use permitted in a C-1 Neighborhood Shopping District.

    b. Amusement enterprises.

    c. New automobile sales and services, new machinery sales and service and public garages, provided no gasoline is stored above ground; used automobile and machinery sales and service, and automobile and machinery repairing if conducted in conjunction with a retail agency and wholly within a completely enclosed building, but not including automobile or machinery wrecking establishment or junk yards.

    d. All of the following:

        (1) Advertising Signs or Structures.

        (2) Auto Court or Tourist Court.

        (3) Ambulance Service, Office or Garage.

        (4) Automobile Retail Gasoline Service Station.

        (5) Bait Sales.

        (6) Bakery.

        (7) Bath House.

        (8) Boat Sales.

        (9) Bus Terminal.

        (10) Cleaning Plant.

        (11) Clothing or Apparel Store.

        (12) Commercial School or Hall.

        (13) Dance Hall.

(14) Department Store.

(15) Drive-In Theater or Restaurant.

(16) Electric Transmission Station.

(17) Feed and Seed Store.

(18) Frozen Food Locker.

(19) Furniture Repair and Upholstery.

(20) Funeral Parlor or Mortuary.

(21) Golf Course, Miniature or Practice Range.

(22) Heating, Ventilating or Plumbing Supplies.

(23) Interior Decorating Store.

(24) Ice Storage Locker Plant or Storage House for Food.

(25) Key Shop.

(26) Kennel.

(27) Laboratories, testing and Experimental.

(28) Laundry.

(29) Leather Goods Shop.

(30) Liquor Shop.

(31) Music, Radio or Television Shop.

(32) Museums.

(33) Night Club.

(34) Novelty Shop.

(35) Outdoor Advertising Signs.

(36) Pawn Shop.

(37) Pet Shop.

(38) Printing Plant.

(39) Recreation Center.

(40) Research Laboratories.

(41) Roller Skating Rink.

(42) Sign Painting Shop.

(43) Hospital for Small Animals.

(44) Sporting Goods Store.

(45) Stock and Bond Broker.

(46) Storage Warehouse.

(47) Theater.

(48) Tavern.

(49) Toy Store.

(50) Trailer Park (Travel).

(51) Used Automobile Sales.

e. Buildings, structures and uses accessory and customarily incidental to any of the above uses, provided that there shall be no manufacture, processing or compounding of products other than such as are customarily incidental and essential to retail establishments.

f. Any other store or shop for retail trade or for rendering personal professional or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated above.

2. No article or material stored or offered for sale in connection with uses permitted under paragraphs a through f above shall be stored or displayed outside of a building unless it is so screened by permanent ornamental walls, fences or planting that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level; provided, however, that no screening in excess of seven feet (7') in height shall be required.

(Zoning Ord. Art. 3 § 6.2.)

Section 18-48. Open Display Uses Permitted.

1. The following uses shall be permitted in the C-2 General Commercial District, provided that they comply with the additional provisions of this subsection:

    a. Boat sales and service.

    b. Farm implement and machinery, new and used, sales.

    c. Metal and wood fencing, ornamental grillwork and decorative wrought iron work and play equipment sales.

    d. Mobile home and travel trailer sales.

    e. Monument sales.

    f. New and used automobile sales.

    g. Nursery or garden supply store.

    h. Prefabricated house sales.

    i. Trailers for hauling, rental and sales.

2. The uses enumerated in 18-48,1, above shall comply with the following provisions:

    a. All open storage and display of merchandise, material and equipment shall be so screened by ornamental fencing or evergreen planting that it cannot be seen by a person standing on ground level adjacent to the side or the rear of the lot on which said open storage or display occurs; provided, however, that screening shall not be required in excess of seven (7) feet in height. All planting shall be kept neatly trimmed and maintained in good condition at all times. Merchandise and materials which are not completely assembled or which are not immediately and actively being offered for sale, in addition to complying with the above screening requirements, shall be so screened by ornamental fences or evergreen planting or by permanent buildings that it cannot be seen from a public street.

    b. All yards, unoccupied with buildings or merchandise or used as traffic ways, shall be landscaped with grass and shrubs and maintained in good condition the year round.

    c. All of the lot used for the parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.

d. All servicing of vehicles carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.

e. Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns.

f. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which shall not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type.

(Zoning Ord. Art. 3 § 6.4.)

Section 18-49. Area Regulations.

The area regulations for dwellings shall be the same as the requirements of the R-2 General Residential District. The following requirements shall apply to all other uses permitted in this District.

1. Front and Side Yard:

   There are no specific front or side yard requirements for uses other than dwellings.

2. Rear Yard:

   There shall be provided with an alley, service court, rear yard, or combination thereof, of not less than thirty (30) feet in width.

3. Area for Off-Street Parking:

   Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Article 16.

Section 18-50. Height Regulations.

The height regulations for dwellings and buildings accessory to dwellings shall be the same as those of the R-2 General Residential District. For other uses, no building shall exceed forty-five (45) feet in height; except as hereinafter provided in Section 16-52.

(Zoning Ord. Art. 3 § 6.5.)

Article 13. I-1 Restricted Manufacturing and Warehousing District

Section 18-51. General Description.

This Industrial District is intended primarily for manufacturing and assembly plants and warehousing that are conducted so the noise, odor, dust and glare of each operation is completely confined within an enclosed building. These industries may require direct access to rail, air or street transportation facilities; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the General Industrial District. Buildings in this District should be architecturally attractive and surrounded by landscaped yards.

(Zoning Ord. Art. 3 § 7.1)

Section 18-52. Uses Permitted.

1. Property and Buildings in an I-1 Restricted Manufacturing and Warehousing District shall be used only for the following purposes:

    a. Any use, except a residential use, permitted in a C-2 General Commercial District. No dwelling uses except sleeping facilities for caretakers and night watchmen employed on the premises shall be permitted.

    b. Any of the following uses:

        (1) Bottling Works.

        (2) Book Bindery.

        (3) Candy Manufacturing.

        (4) Clothing Manufacturing.

        (5) Engraving Plant.

        (6) Electrical Equipment Assembly.

        (7) Electronic Equipment Assembly and Manufacture.

        (8) Food Products Processing and Packing.

        (9) Furniture Manufacturing.

        (10) Instrument and Meter Manufacturing.

        (11) Jewelry and Watch Manufacturing.

        (12) Laundry and Cleaning Establishment.

        (13) Leather Goods Fabrication.

(14) Optical Goods Manufacturing.

(15) Paper Products Manufacturing.

(16) Shoe Manufacturing.

(17) Sporting Goods Manufacturing.

(18) Wholesale or Warehousing Enterprise.

2. All of the uses permitted under this Section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any dust or smoke, or noxious odor or fumes outside of the building housing the operation, or produce a noise level at the property line that is greater than the average noise level occurring on the adjacent street. Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be so screened by ornamental walls and fences or evergreen planting that it cannot be seen from adjoining public street or adjacent lots when viewed by a person standing at ground level. (Zoning Ord. Art. 3 § 7.2.)

Section 18-53. Area Regulations.

1. All buildings shall be set back from the street right-of-way lines and lot lines to comply with the following yard requirements.

   a. Front Yard:

      All buildings shall set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.

   b. Side Yard:

      No building shall be located closer than twenty-five (25) feet to a side lot line.

   c. Rear Yard:

      No building shall be located closer than twenty-five (25) feet to the rear lot line.

   d. Coverage:

      Main and accessory buildings and off-street parking and loading facilities shall not cover more than eighty per cent (80%) of the lot area.

2. All yard areas required under this Section and other yards and open spaces existing around buildings, shall be landscaped and maintained in a neat condition.

(Zoning Ord. Art. 3 § 7.4)

Section 18-54. Height Regulations.

No building or structure shall exceed forty-five (45) feet in height, except as hereinafter provided in Section 18-62. (Zoning Ord. Art. 3 § 7.4)

Article 14. I-2 General Industrial District.

Section 18-55. General Description.

This Industrial District is intended primarily for the conduct of manufacturing, assembling and fabrication. These uses do not depend primarily on frequent personal visits of customers or clients, but usually require good accessibility to major rail, air or street transportation facilities.
(Zoning Ord. Art. 3 §8.1)

Section 18-56. Uses Permitted.

1. Property and buildings in an I-2 General Industrial District shall be used only for the following purposes:

    a. Any use, except dwellings, permitted in the C-2 Commercial District or in the I-1 Industrial District. No dwelling use, except sleeping facilities required by caretakers or night watchmen employed on the premises, shall be permitted in an I-2 Industrial District.

    b. Any of the following uses:

        (1) Building material sales yard and lumber yard, including the sale of the rock, sand, gravel and the like as an incidental part of the main businesses, but not including a concrete batch plant or transit mix plant.

        (2) Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.

        (3) Freighting or trucking yard or terminal.

        (4) Oil field equipment storage yard.

        (5) Public utility service yard or electrical receiving or transforming station.

        (6) Sale barn.

2. No article or material permitted in 1.b. above shall be kept, stored or displayed outside of a building unless it be so screened by fences, walls, or planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on ground level immediately adjacent to the lot on which the use is located; provided, however, that screening shall not be required in excess of seven (7) feet in height.

a. The following uses when conducted within a completely enclosed building:

(1) The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products.

(2) The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, yarn and paint not employing a boiling process.

(3) The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired by electricity or gas.

(4) The manufacture and maintenance of electric and neon signs, commercial advertising structure, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like.

(5) Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.

(6) Automobile assembly, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading and recapping and battery manufacturing.

(7) Machine Shop.

(8) Foundry casing lightweight nonferrous metal not causing noxious fumes or odors.

(9) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders and the like.

b. Buildings, structures and uses accessory and customarily incidental to any of the above uses.

3. The uses permitted under this Section shall be conducted in such a manner that no noxious odor, fumes or dust will be emitted beyond the property line of the lot in which the use is located.

(Zoning Ord. Art. 3 § 8.2.)

Section 18-57. Uses Permitted on Review.

The following uses may be permitted on review by the Board of Adjustment in accordance with the provisions contained in Article 18:

1. Cement, lime or gypsum manufacture.

2. Commercial feed pens for livestock.

3. Natural gas production and distribution.

4. Petroleum production and refining.

5. Wholesale or bulk storage of gasoline, propane or butane or other petroleum products.

6. Disposal plants of all types including trash and garbage, sewage treatment including lagoons and compost plants.

7. Salvage yards for automobiles, building materials, scrap metal, junk or for any other kind of salvage; provided, however, that all salvage operations shall be so screened by ornamental walls, fences or evergreen planting that it cannot be seen by a person standing at ground level at any place immediately adjacent to the lot on which the salvage operation is located.

8. Any use not otherwise authorized by these regulations.

(Zoning Ord. Art. 3 § 8.3)

Section 18-58. Area Regulations.

1. Front and Side Yard. There are no specific front or side yard requirements for uses in this District, provided, however, that a building shall set back a distance of not less than twenty-five (25) feet from the side lot line that adjoins a Dwelling District.

2. Rear Yard. Where a building is to be serviced from the rear there shall be provided an alley, service court, rear yard or combination thereof of not less than thirty (30) feet in width or of adequate area and width to provide for maneuver of service vehicles, whichever is the greater. In all other cases no rear yard is required; provided, however, that a building shall set back a distance of not less than twenty-five (25) feet from the rear lot line that adjoins a Dwelling District.

3. Yard Area. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Article 16.

(Zoning Ord. Art. 3 § 8.4.)

Section 18-59. Height Regulations.

No building shall exceed forty-five (45) feet in height, except as hereinafter provided in Section 18-62.

Article 15. General Provisions Applying to All or to Several Districts.

Section 18-60. Application of Regulations to Uses of More Restricted District.

1. Whenever the specific District regulations pertaining to one (1) District permit the uses of a more restricted District, such uses shall be subject to the conditions as set forth in the regulations of the more restricted District, unless otherwise specified.

(Zoning Ord. Art. 5 § 1.1.)

2. It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used for non-residential purposes. (Zoning Ord. Art. 5 § 1.2)

Section 18-61. Open Space.

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific District regulations:

1. An open space or lot area required for an existing building or structure shall not be counted as open space for any other building or structure.

2. Open eaves, cornices, window sills, and bolt courses may project into any required yard a distance not to exceed two (2) feet. Open uncovered porches or open fire escapes may project into a front or rear yard a distance not to exceed five (5) feet. Fences, walls and hedges in residential districts may be erected in any required yard, or along the edge of the yard, provided that no fence, wall or hedge located in front of the front building line shall exceed three (3) feet in height, and no other wall or fence shall exceed seven (7) feet in height.

3. Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured starting at a point twenty-five (25) feet from the center line of the street right-of-way.

4. No dwelling shall be erected on a lot which does not abut on at least one street, at least fifty (50) feet in width, for at least thirty-five (35) feet. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. A garage apartment may be built to the rear of a main dwelling if there is compliance with all other provisions of these regulations. Accessory buildings which are not a part of the main building may be built in the rear yard but shall not cover more than thirty percent (30%) of the rear yard.

5. No minimum lot sizes and open spaces are prescribed for commercial and industrial uses. It is the intent of these regulations that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for operation of the enterprise.

6. On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth which obstructs sight lines at elevations between two feet six inches (2’6”)

and six (6) feet above any portion of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five (25) feet along the front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersections.

(Ord. 460-05, March 8, 2005)

7. An attached or detached private garage which faces on a street shall not be located closer than twenty-five (25) feet to the street right-of-way line.

8. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used.

(Zoning Ord. Art. 5 § 2.1.)

Section 18-62. Height.

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific District regulations:

1. In measuring heights, a habitable basement or attic shall be counted as a story. A story in a sloping roof, the area of which story at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story.

2. Chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy may extend above the height limit.

3. Churches, schools, hospitals, sanatoriums, and other public and semi-public buildings may exceed the height limitation of the district if the minimum depth of the rear yards and the minimum width of the side yards required in the district are increased one (1) foot for each two (2) feet by which the height of such public or semi-public structure exceeds the prescribed height limit. (Zoning Ord. Art. 5 § 3.1.)

Section 18-63. Group Housing Projects.

In the case of a housing project consisting of a group of two (2) or more buildings to be constructed on a plot of ground of at least two (2) acres not subdivided into the customary streets and lots, and which will not be so subdivided, or where the existing or contemplated street or lot layout make it impracticable to apply the requirements of these regulations to the individual buildings in such housing project, the application of such requirements to such housing project, may be changed by the Board of Adjustment, in a manner that will be in harmony with the character of the neighborhood, will insure a density of land use no higher and a standard of open space at least as high as required by these regulations in the district in which the proposed project is to be located. In no case shall a use or building height or density of population be permitted, which is less than requirement of the district in which the housing project is to be located.

(Zoning Ord. Art. 5 § 4.1.)

Section 18-64. Storage and Parking of Trailers and Commercial Vehicles.

Commercial vehicles and trailers of all types, including travel, camping and hauling and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot in any Residential District, except in accordance with the following provisions:

1. Not more than one (1) commercial vehicle, which does not exceed one and one-half (1-1/2) tons rated capacity, per family living on the premises, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.

2. Not more than one (1) camping or travel trailer or hauling trailer per family living on the premises shall be permitted, and said trailer shall not exceed twenty-four (24) feet in length, or eight (8) feet in width; and further provided that said trailer shall not be parked or stored for more than forty-eight (48) hours unless it is located behind the front yard building line. A camping or travel trailer, or camper vehicles, shall not be occupied either temporarily or permanently while it is parked or stored in any Residential District, except when it is located in an authorized mobile home park.

(Ord. 460-05, March 8, 2005)

Section 18-65. Architectural Design of Accessory Buildings and Fences.

The architectural design and materials used for the construction of accessory buildings and fences shall harmonize with the main building to which said building or fence is accessory.

(Zoning Ord. Art. 5 § 6.1.)

18-65.1 Permitting

Any fence over two feet in height shall require a building permit. A simple plot plan should be submitted at the time of permit application indicating the location with any setbacks from property lines, streets and alley ways. The height and fencing material should also be identified on the plot plan or the application. A permit shall be required for any new fence, fence expansion, or the replacement of any existing fence greater than 50%.

18-65.2 Location Restrictions

All fencing must be located on your property and may not obstruct any easements, alleyway, or existing public sidewalks.

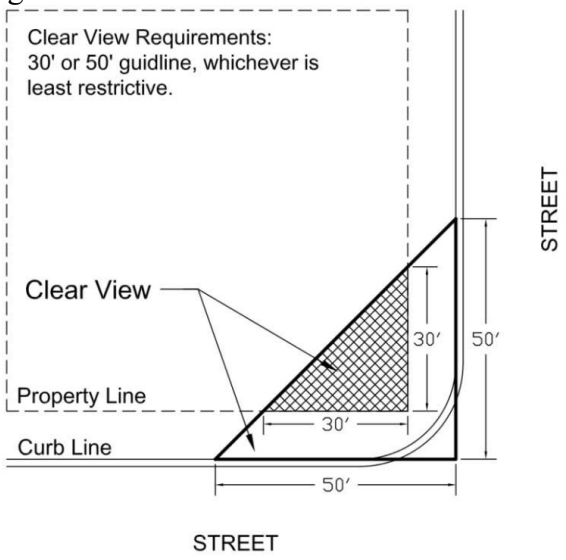
a. When sidewalk is present, a fence, retaining wall or other landscaping features may be placed within one foot of the location of the sidewalk:
b. When no sidewalk is present, a fence, retaining wall or other landscaping feature may be placed in such a manner that it will be located no closer than one foot to future sidewalk location.
c. No private fence or wall shall be erected, allowed or maintained on public property without City approval.
d. At intersecting streets a clear view at the intersection of two streets shall be maintained within a triangular area formed by the existing or future back-of-curb

lines extended and a line connecting them at points fifty feet (50') from the intersection of such lines or; the property lines and a line connecting them at points thirty feet (30') from the intersection of such lines; whichever is the least restrictive as shown in Figure 29.05.200.A. To maintain this clear view, the following standards shall apply, except for the exceptions noted in Section 29.05.200(D) below:

1. No solid-type fence or other visual obstructions between three feet (3') and seven feet (7') in height from the street elevation (measured from the elevation of the adjoining sidewalk) shall be allowed;
2. Open-type fences or other obstructions which are at least fifty percent (50%) transparent are allowed to a height of four feet (4') though they must be maintained to permit clear and unobstructed view; and
3. Pruning of trees is required to maintain an overhang at least seven feet (7') above the elevation of the adjoining sidewalk or street when no sidewalk is present in the clear view area.

e. Fences or any part of such Fence shall not be constructed to impede ingress or egress of a stairway, entrance, or exit of a building.
f. Fences shall not restrict access to fire hydrants or City utility reading devices.
g. No fence height shall exceed 36 inches in the front yard or 72 inches in the rear yard without approval from the city during the permitting process.

Figure 29.05.200.A Intersection of Two Streets



e. A clear view area shall also be maintained at the intersection of a street and a private drive within a triangular area formed by a diagonal line connecting the line of the back side of the sidewalk and the line of the edge of the private drive at points ten feet (10') from the projected intersection of such lines and a rectangular area extending from the two points of the triangular area at the location of the

sidewalk to the curb of the street as shown in Figure 29.05.200.B. When no sidewalk is present, the measurement shall be taken from the property line along the street right-of-way as shown in Figure 29.05.200.C. In order to maintain this clear view, the standards outlined in A(1), (2) and (3) above shall apply.

Figure 29.05.200.B Private Drive and Street (Sidewalk)

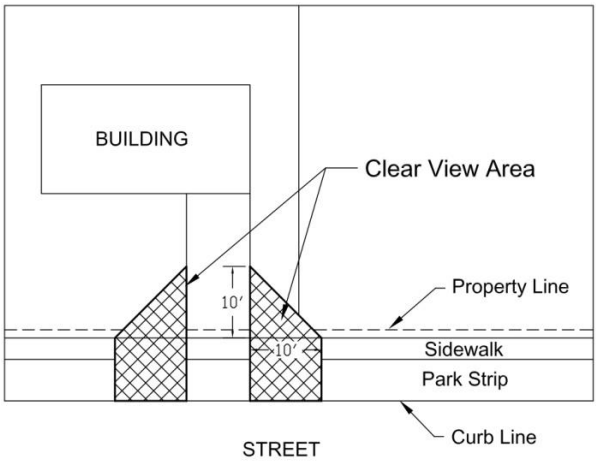
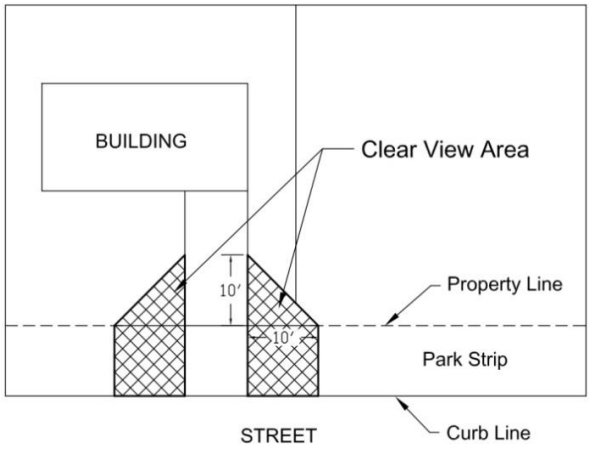


Figure 29.05.200.C Private Drive and Street (No Sidewalk)



18-65.3 Fencing Materials

a. Fences incorporating barbed wire or razor-wire are prohibited except:
1. When used to enclose livestock on a site where the primary property use is agricultural uses, buildings or structures; or
2. When used for public safety or security purposes for a public facility or correctional or penal institution.

b. Electrified fences are prohibited except if the electrification is of non-lethal voltage with current less than 100 mA (0.1 amp), warning sign is posted in a conspicuous location, and located at least five feet away from a lot line, and:
1. When used to enclose livestock on a site where the primary property use is agricultural uses, buildings or structures; or
2. When used for public safety or security purposes for a public facility or correctional or penal institution.

c. No fence, wall or retaining wall shall be constructed of scrap or waste materials unless those materials have been recycled or reprocessed into building materials for sale to the public.

d. Fences or fences combined with a wall shall be constructed of wood, stone, brick, decorative concrete block, wrought iron, (or products created to resemble these materials), vegetated cellular confinement system, or other material compatible with the primary building materials; or a combination of any of these materials.

e. Wood Fences shall be treated lumber or treated with weather-resistant material to prevent premature deterioration.

18-65.4 Fence Maintenance

a. Fences facing a thoroughfare shall be adequately maintained by the owner(s) or person(s) in charge of the property and shall not become dilapidated or deteriorated.
b. A Fence facing a thoroughfare shall be considered dilapidated if its pickets or structural members between vertical supports are substantially damaged, missing or rotted beyond repair; or if any portion of the Fence is more than (15°) degrees off vertical alignment.
c. All damaged, removed or missing portions of a Fence facing a thoroughfare shall be replaced or repaired with like materials to the remaining portion of such Fence.
d. Fences shall not have murals, graffiti, advertising or other illegal signage.

ORD. 545-18 september 18, 2018

Section 18-66. Storage of Liquefied Petroleum Gases.

This section is repealed by Ordinance 481-10, April 13, 2010.

Article 16. Off-Street Automobile and Vehicle Parking and Loading.

Section 18-67. General Intent and Application.

It is the intent of these requirements that adequate parking and loading facilities be provided off the street right-of-way for each use of land covered by these regulations. Requirements are intended to be eased on the demand created by each use. These requirements shall apply to all uses in all Districts. (Zoning Ord. Art. 5 § 8.1.)

Section 18-68. Required Open Space.

1. Off-street parking and loading space shall be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner.

2. The area required for off-street parking shall be in addition to the yard areas herein required; except that the front yard required in a C-1 Neighborhood Shopping District may be used for uncovered parking area; and further provided that the front yard required in a residential district may be used for the uncovered parking area for six (6) or less vehicles associated with a residential use when the area is surfaced with a sealed surface pavement adequate to prevent the occurrence of mud and dust with continued use, and may be used for uncovered parking area for more than six (6) vehicles in accordance with the provisions of Section 18-74.

Section 18-69. Location.

The off-street parking lot shall be located within two hundred (200) feet exclusive of street and alley widths, of the principal use and shall have direct access to a street or alley.

(Zoning Ord. Art 5 § 8.3.)

Section 18-70. Joint Parking Facilities.

Whenever two (2) or more uses are located together in a common building, shopping center or other integrated building complex, the parking requirements may be complied with by providing a permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements. (Zoning Ord. Art. 5 § 8.4.)

Section 18-71. Size of Off-Street Parking Spaces.

The size of a parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area of ingress and egress.

(Zoning Ord. Art. 5 § 8.5.)

Section 18-72. Amount of Off-Street Parking and Loading Required.

1. Off-Street parking and loading facilities shall be provided in all Districts in accordance with the following schedule:

    a. Dwelling, single-family or duplex: one (1) parking space for each separate dwelling unit within the structure.

    b. Dwelling, multiple-family: the number of spaces provided shall not be less than one and one-half (1-1/2) times the number of units in the dwelling.

    c. Boarding or rooming house or hotel: one (1) parking space for each two (2) guests provided overnight accommodations.

    d. Hospitals: one (1) space for each four (4) patient beds, exclusive of bassinets, plus one (1) space for each staff or visiting doctor, plus one (1) space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles.

    e. Medical or dental clinics or offices: six (6) spaces per doctor plus one (1) space for each two (2) employees.

    f. Sanatoriums, convalescent or nursing homes: one (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each two (2) employees including nurses.

g. Community center, theater, auditorium, church sanctuary: one (1) parking space for each four (4) seats, based on maximum seating capacity.

h. Convention hall, lodge, club, library, museum, place of amusement or recreation: one (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.

i. Office building: one (1) parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service.

j. Commercial establishments not otherwise classified: one (1) parking space for each one hundred fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public.

k. Industrial establishments: adequate area to park all employees and customers vehicles at all times and adequate space for loading, unloading and storing all vehicles used incidental to or as a part of the primary operation of the establishment.

2. For all uses not covered in a through k above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement of the permitted use. (Zoning Ord. Art. 5 § 8.6.)

Section 18-73. Paved Surface Required.

All parking spaces shall be paved with a sealed surface pavement and maintained in a manner that no dust will result from continued use. (Zoning Ord. Art. 5 § 8.7.)

Section 18-74. Off-Street Parking Lots in Residential Districts.

Whenever off-street parking lots for more than six (6) vehicles are to be located within or adjacent to a Residential District, the following provisions shall apply:

1. All sides of the lot within or abutting the residential district shall be enclosed with an opaque ornamental fence, wall or dense evergreen hedge having a height of not less than five (5) feet nor more than six (6) feet. Such fence, wall or hedge shall be maintained in good condition.

2. No parking shall be permitted within a front yard setback line established fifteen (15) feet back of the property line of interior and corner lots wherever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases no setback shall be required.

3. All yards shall be landscaped with grass and shrubs and maintained in good condition the year round.

4. Driveways used for ingress and egress shall be confined to and shall not exceed twenty-five (25) feet in width, exclusive of curb returns.

5. All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.

6. Whenever lighting is provided, the intensity of light and arrangement of reflectors shall be such as not to interfere with residential district use.

7. No sign of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lots. Only non-intermittent white lighting of signs shall be permitted. (Zoning Ord. Art. 5 § 8.8.)

Section 18-75. Trailer or Mobile Home Courts.

All trailer or mobile home courts shall comply with the following conditions:

1. The mobile home court shall be located on a well drained site, shall be so located that its drainage will not endanger any water supply. The mobile home area shall be sufficient to accommodate the number of mobile home spaces for which the court is designed, parking areas for motor vehicles and service areas.

2. Roads in the mobile home court shall be continuous and have a sealed surface pavement of not less than twenty-four (24) feet in width. Parking areas shall be provided to accommodate at least one (1) automobile for each mobile home space. Parking space shall be provided in separate parking areas off the roadway on each mobile home space or as parallel parking spaces on the roadway; provided, however, wherever parallel parking space is provided on the roadway the width of the paved surface shall be increased by eight (8) feet on each side of the roadway where parking is provided.

3. Each mobile home space shall contain a minimum of fifteen hundred (1,500) square feet, and shall be at least twenty (20) feet wide. Each space shall abut on a roadway or other clear area, with unobstructed access to a public street. Mobile home shall be located in each mobile home space so there will be not less than ten (10) feet between mobile homes or any mobile home coach and a building or structure, and at least ten (10) feet between any mobile home and the mobile home courts property line. No mobile home shall be parked closer than fifteen (15) feet to any public street or highway right-of-way or so that any part of the mobile home would obstruct any roadway or walkway. No greater number of mobile homes shall be permitted than there are mobile home spaces available. Service areas for drying clothes shall be provided on the basis of fifty (50) square feet per mobile home space.

4. Each mobile home court shall be provided with one or more service buildings adequately equipped with flush type toilet fixtures, if mobile homes without sanitary plumbing are

permitted. No service building shall contain less than one (1) toilet, one (1) lavatory and one (1) shower or bathtub for each sex. Each water closet and shower shall be in a separate compartment, with self-closing doors on water-closet compartment. Showers for women shall have a dressing compartment with stool and bench. A floor plan of the service building shall be prepared showing the number and location of toilets, urinals, showers or bathtubs and lavatories. Additional plans may be required by the building inspector showing details of water and sewer connections and such others as he may deem necessary.

5. An accessible, adequate, safe and potable supply of water, capable of furnishing a minimum of one hundred fifty (150) gallons per day per mobile home space, shall be provided in each mobile home court. Where a public supply of water of such quality is available, connection shall be made thereto and its supply shall be used exclusively. The development of an independent water supply to serve the mobile home court shall meet the requirements of the county health department and the county engineer.

6. Trailer courts shall be served by a sewer system which has the approval of the county health department and the county engineer. All sewage disposal apparatus, including appurtenances thereto, shall be provided, maintained and operated so as not to create a nuisance or health hazard. All plumbing in the mobile home court shall comply with the Oklahoma State Plumbing Code.

7. The storage, collection and disposal of refuse in the mobile home court shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident hazards or air pollution. All refuse shall be stored in flytight, watertight, rodent-proof containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing. Satisfactory container racks or holders shall be provided.

8. Insect and rodent control measures to safeguard public health, as recommended by the county health department, shall be applied in the trailer court.

9. An electrical outlet supplying at least one hundred ten (110) volts shall be provided for each mobile home space. The installation shall comply with the "Electrical Code" of the City of Comanche, Oklahoma.

10. No permanent additions of any kind shall be built onto or become a part of any mobile home. Skirting of mobile homes is permissible, but such skirting shall not permanently attach the mobile home to the ground, provide a harborage for rodents, or create a fire hazard. The wheels of the coach shall not be removed, except temporarily when necessary for repair. Jacks or stabilizers may be placed under the frame of the coach to prevent movement on the springs while the coach is parked and occupied. No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to commit any nuisance within the limits of any mobile home court.

11. Every mobile home court owner or operator shall maintain a register containing a record of all mobile homes and occupants using the mobile home court. Such register shall be available to any authorized person inspecting the court, and shall be preserved for a period of not less than

seven (7) years. Such register shall contain the names and addresses of all mobile home occupants stopping in the court and the make, model and license number of each mobile home coach, the state, territory or country issuing the mobile home license and the dates of arrival and departure of each mobile home. Every owner, operator, attendant, or other person operating a mobile home court shall notify the police department immediately of any suspected communicable or contagious disease within the mobile home court. In the case of disease diagnosed by a physician as quarantinable, such owner, operator, attendant or other person operating a mobile home court shall not permit the departure of a mobile home or occupants, or the removal therefrom of clothing or other articles which have been exposed to infection, without approval of the county health officer.

(Zoning Ord. Art. 5 § 8.9.)

Article 17. Nonconforming Buildings, Structures and Uses of Land.

Section 18-76. Nonconforming Buildings and Structures.

A nonconforming building or structure existing at the time of the adoption of theses regulations may be continued, maintained and repaired, except as otherwise provided in this Section.

(Zoning Ord. Art. 6 § 1)

Section 18-77. Alteration or Enlargement of Buildings and Structures.

A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the District in which it is located; provided however, that if a building or structure is conforming as to use, but nonconforming as to yards or height or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the district in which said building or structure is located. No nonconforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the District in which it is located. (Zoning Ord. Art. 6 § 1.1.)

Section 18-78. Outdoor Advertising Signs and Structures.

Any outdoor advertising sign, billboard, commercial advertising structures, or statuary, which is lawfully existing and maintained at the time these regulations became effective, which does not conform with the provisions hereof shall not be structurally altered and all such nonconforming advertising signs, billboards commercial advertising structures and statuary, and their supporting members shall be completely removed from the premises not later than three (3) years from the effective date of these regulations. (Zoning Ord. Art. 6 § 1.2.)

Section 18-79. Building Vacancy.

A building or structure or portion thereof, which is nonconforming as to use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the District in which it is located. (Zoning Ord. Art. 6 § 1.3.)

Section 18-80. Change in Use.

1. A nonconforming use of a conforming building or structure shall not be expanded or extended into any other portion of such conforming building or structure or changed except to a conforming use. If such nonconforming use, or a portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the District in which such building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date of these regulations, but otherwise it shall be used in conformity with the regulations of the District in which it is located.

2. The use of a nonconforming building or structure may be changed to a use of the same or a more restricted District classification; but where the use of the nonconforming building or structure is changed to a use of more restricted District classification, it thereafter shall not be changed to a use of a less restricted District classification; provided, however, that a building or structure that is nonconforming as to use at the time of adoption of these regulations or at any time thereafter, shall not be changed to a wholesale or retail liquor store unless such change in use conforms to the provisions of the District in which it is located. (Zoning Ord. Art. 6 § 1.4.)

Section 18-81. Nonconforming Uses of Land.

A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than one thousand dollars ($1,000.00), existing at the time of adoption of these regulations, may be continued for a period of not more than three (3) years therefrom, provided that:

1. Said conforming use may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of these regulations.

2. If said nonconforming use or any portion thereof is discontinued for a period of six (6) months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the District in which said land is located.

(Zoning Ord. Art. 6 § 2.)

Article 18. Zoning Board of Adjustment.

Section 18-82. Zoning Board of Adjustment; Methods of Appeal.

There is hereby created within Comanche a Zoning Board of Adjustment with the powers and duties as hereinafter set forth. (Zoning Ord. Art. 7 § 1.)

Section 18-83. Membership.

1. The Board of Adjustment shall be composed of five (5) members, residents of Comanche at least two (2) of whom shall reside in the incorporated area of Comanche and in the area over which the City Council has established Zoning jurisdiction. Each member shall be appointed by the City Council for a term of three (3) years; provided, however, that for the first appointment under the provisions of these regulations, one (1) member shall be appointed for a term of one (1) year; two (2) members shall be appointed for a term of two (2) years; and two (2) members shall be appointed for a term of three (3) years. (Ord. 464-06, September 12, 2006)

2. Not less than two (2) members shall be appointed from the membership of the Planning Commission. (Zoning Ord. Art. 7 § 2.2.)

3. The Board of Adjustment shall elect a Chairman from its membership to serve for a term of two (2) years. (Zoning Ord. Art. 7 § 2.3.)

Section 18-84. Procedure.

The Board of Adjustment shall adopt rules in accordance with the provisions of these regulations. Meetings of the Board of Adjustment shall be held at the call of the Chair and at such other times as the Board of Adjustment may determine. The Chair, or in his absence, the Acting Chair, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. Three (3) members shall constitute a quorum and the concurring vote of three (3) members of the Board shall be necessary to recommend to the City Council the reversal any order, requirement, decision or determination of any administrative official, or to recommend to the City Council in favor of the applicant on any matter upon which it is required to review under any such Ordinance, or to recommend to the City Council any variation in such Ordinance. (Ord. 464-06, September 12, 2006)

Section 18-85. Appeals.

1. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of Comanche affected by any decision of the Building Inspector. Such appeal shall be taken within ten (10) days from the date of the decision by filing with the officer from whom the appeal is taken and with the City a notice of appeal specifying the grounds thereof, and by paying a filing fee of one hundred dollars ($100.00) at the office of the City Clerk at the time the notice is filed. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him/her that by reason of facts stated in the certificate a stay, in his/her opinion, would cause imminent peril to life or property.

In such cases, the proceeding shall not be stayed otherwise than by a restraining order which may be granted by the City Council after recommendation from the Board of Adjustment or by court of record on the application and upon notice to the officer from whom the appeal is taken and on the cause shown. (Ord. 464-06, September 12, 2006)

2. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
(Zoning Ord. Art. 7 § 4.)

Section 18-86. Powers.

1. The Board of Adjustment shall have the following powers:

   a. To hear and recommend to the City Council appeals where it is alleged that there is error of law in any order, requirement, decision or determination made by the City Inspecting Officer in the enforcement of the City Zoning Regulations.
   (Ord. 464-06, September 12, 2006)

   b. To hear and recommend to the City Council requests for map interpretations or for decisions on other special questions upon which it is authorized to pass by the regulations adopted by the Board. (Ord. 464-06, September 12, 2006)

   c. Powers relative to variations: to make a recommendation to the City Council where, by reason of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under this act would result in peculiar and exceptional difficulties to, or exceptional and demonstrable undue hardship upon, the owner of such property; to recommend to the City Council, upon an appeal relating to such property, a variance from such strict application so as to relieve such demonstrable difficulties to, or exceptional and demonstrable undue hardship upon, the owner of such property; to recommend to the City Council, upon an appeal relating to such property, a variance from such strict application so as to relieve such demonstrable difficulties or hardships, provided such relief can be granted without substantially impairing the intent, purpose and integrity of the zone plan or other element of the Comprehensive Plan as embodied in the Zoning Regulations and Map.
   (Ord. 464-06, September 12, 2006)

   d. To review the uses listed in the specific District regulations as "Uses Permitted on Review." These are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the District; however, the nature of such uses may make it desirable that they be permitted to locate therein. The following procedure is established to integrate properly the uses permitted on review the other land uses located in the District. These uses shall be reviewed and authorized or rejected under the following procedure:

(1) An application shall be filed with the Board of Adjustment for review. Said application shall show the location and intended use of the site, the names and current mailing addresses of all the property owners and existing land uses within five hundred (500) feet, and any other material pertinent to the request which the Board of Adjustment may require. (Ord 464-06, September 12, 2006)

(2) The Board of Adjustment shall hold one (1) or more public hearings thereon.

(3) The Board of Adjustment, within forty-five (45) days of the date of application, shall study the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare, and recommend authorization or denial to the City Council of the issuance of a Permit for the use of land or buildings as requested.
(Ord. 464-06, September 12, 2006)

2. In exercising the above powers, such Board of Adjustment may, in conformity with the provisions of this act, recommend that the City Council take such action to reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
(Ord. 464-06, September 12, 2006)

3. In acting upon any appeal, such Board of Adjustment shall, in its consideration of and recommendation to the City Council thereon, apply the principles, standards and objectives set forth and contained in all applicable regulations, Ordinances and resolutions and in the Comprehensive Plan. (Ord. 464-06, September 12, 2006)

Section 18-87. Appeal to District Court.

An appeal to the District Court from any decision, ruling, judgment, or order of the City Council following a recommendation of the Board of Adjustment may be taken by any person, or persons, firm, or corporation jointly or severally, aggrieved thereby, or any department, board or official government by filing with the City Clerk within ten (10) days a notice of such appeal. No bond shall be required for such appeal, but costs may be required in the District Court as in other cases. Upon filing of such notice, the City Clerk shall forthwith transmit to the Clerk of the District Court the originals or certified copies of all papers constituting the record in such case, together with the order, judgement or decisions of the City Council following a recommendation of the Board of Adjustment. Said cause shall be tried de nova in the District Court and said Court shall have the same power and authority as the City Council together with all other powers of the District Court in law or in equity. An appeal to the Supreme Court from the decision of the District Court shall be allowed as in other cases. (Ord. 464-06, September 12, 2006)

Article 19 Zoning Ordinance Administration.

Section 18-88. Building Permit or Certificate of Occupancy Required.

These regulations shall be enforced by a Building Inspector, acting at the direction of the City Council. It shall be a violation of these regulations for any person to change or permit the change in the use of land or buildings or structure or to erect, alter, move or improve any building or structure until a Building Permit or Certificate of Occupancy has been obtained under the conditions set forth below; provided, however, that this requirement shall not apply to the erection or use of the usual farm buildings for agricultural purposes or to the planting of agricultural crops, nor to the extraction of oil or natural gas. (Zoning Ord. Art. 8 § 1.)

Section 18-89. Building Permit.

Whenever any structure or building is to be improved, erected, moved, or structurally altered, or any trailer or mobile court is to be established in an amount exceeding five hundred dollars ($500.00) a building permit shall be obtained from the City Clerk. The applicant for a building permit may be required to furnish the following information:

(Ord. 482-10, April 13, 2010)

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

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

3. Additional information relating to the proposed improvement needed to determine compliance with these regulations.

4. A survey prepared by an engineer or surveyor registered in the State of Oklahoma of the boundaries of the lot in which the improvement is proposed to be located.

(Ord. 460-05, March 8, 2005)

Section 18-90. Certificate of Occupancy.

No change shall be made in the use of any land or buildings or structure after the passage of these regulations until a Certificate of Occupancy is obtained from the City Clerk certifying that all the provisions of these regulations are complied with. Whenever a Building Permit is issued for the erection of a new building or structure, an occupancy permit shall not be required, except where the use of the building or structure is changed from that for which the permit is issued or where the intended use is not clearly stated on the Building Permit.

(Zoning Ord. Art. 8 § 1.2.)

Section 18-91. Amendments.

The City Council may from time to time, on its own motion or on petition, amend the regulations and Districts herein established. Every petition for amendment shall be submitted to the Planning Commission, for investigation and report to the City Council of Comanche. At least fifteen (15) days notice shall be published in a newspaper of general circulation in the County to advise of the time and place of the public hearing to be held on such proposed amendment before the City Council. (Zoning Ord. Art. 8 § 3.)

Section 18-92. Vacation of Public Easements.

Whenever any street, alley or other public easement is vacated, the portion vacated shall have the same district classification as the land to which the vacation portion accrues.
(Zoning Ord. Art. 8 § 4.)

Section 18-93. Invalidity of a Part.

In case any portion of these regulations shall be held to be invalid or unconstitutional, the remainder of the regulations shall not thereby be invalid, but shall remain in full force and effect.
(Zoning Ord. Art. 8 § 5.)

Section 18-94. Purpose and intent.

(A) These regulations are designed to promote the health, safety, morals and general welfare of the community by establishing standards for the construction, maintenance and usage of signs within the corporate limits of the City of Comanche.

(B) The provisions of this article are specifically designed in order to lessen the distraction and hazard that signs can create for motorists; reduce potential fire hazards; encourage proper construction of signs; reduce possible injury to persons or property; and preserve property values and aesthetic integrity of property in the City of Comanche.

Section 18-95. Title.
This ordinance shall be known as the “City of Comanche Sign Ordinance”.

Section 18-96. Authority.
This ordinance is enacted pursuant to Title 11 of the Statutes of the State of Oklahoma.

Section 18-97. Jurisdiction.
This ordinance shall govern the erection and maintenance of signs within the corporate limits of the City of Comanche, Oklahoma.

Section 18-98. Definitions.
The following words, terms, and phrases, when used in this ordinance shall have the meanings given to them in this section, except where the context clearly indicates a different meaning:

(1) “Advertising Flags”: Flags containing text whose primary purpose is to advertise some event or function of a business located on the premises

(2) "Area of sign, or display surface area": The area of the largest single face of the sign within a perimeter which forms the outside shape including any frame, forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled.

(3) “Awning”: An architectural projection extending from and supported by a building wall that may extend over a public sidewalk and provides weather protection, identity, or decoration

(4) "Changeable copy sign": A sign on which a copy is changed manually with changeable letters or changeable pictorial panels.

(5) “Electronic Graphic Display Sign”: A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED’s), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixalization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

(6) "Erect": To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of wall signs.

(7) "Facing or surface": The surface of the sign upon, against or through which the message is displayed or illustrated on the sign.

(8) "Future location signs": Signs identifying the future occupancy of an appropriately zoned tract of land.

(9) "Ground sign": A free-standing accessory sign of limited height which is secured to a fixed base, usually at ground level or a slight elevation above ground rather than being pole mounted.

(10) "Illuminated sign": Any sign which has characters, letters, figures, designs or the outline illuminated by electric lights or luminous tubes as a part of the sign proper.

(11) Incombustible material": Any material, which will not ignite at or below a temperature of one thousand two hundred (1,200) degrees Fahrenheit and will not continue to burn or flow at the temperature.

(12) “Ingress/egress sign": A sign for directional purposes located at points of entering and existing from alleys or driveways;

(13) "Nonilluminated sign”: Any sign which has characters, letters, figures, designs or the outline which is not illuminated by electric lights or luminous tubes as a part of the sign proper.

(14) "Other advertising structure": Any marquee, canopy, awning, or street clock as further defined herein.

(15) "Off-premise sign": Any sign, including a billboard or general outdoor advertising device, which advertises or directs attention to a business, commodity, service or activity conducted, sold, or offered elsewhere than on the same lot or within the same building upon which such sign is located.

(16) "Pole sign": An accessory sign, which is attached to or part of a completely self-supporting structure. The supporting structure is not attached to any building or any other structure and is anchored firmly to or below the ground surface.

(17) "Portable sign": A transportable sign designed for temporary or permanent use in compliance with the structural and electrical code of the City of Comanche.

(18) "Primary highway": Any highway at any time officially designated a part of the federal-aid primary system by the State Department of Transportation and approved by the appropriate authority of the federal government.

(19) "Project sign": A sign located upon the property under development for purposes of identifying construction site or future occupant.

(20) "Real estate sign": A sign indicating the availability for sale, rent or lease of the lot or parcel of land, building, or portion of a building upon which the sign is erected or displayed.

(21) "Rear entrance signs": Wall mounted signs identifying entrances or parking located in the rear of the subject occupancy.

(22) “Roof sign": A sign painted on the roof of a building; supported by poles, uprights or braces extending from the roof of a building; or projecting above the roof line of a building, but not including a sign projecting from or attached to a wall as permitted by this code.

(23) "Setback line": The line or lines described as coincidental to the property line.

(24) "Sight-triangle": An area which is clear of all structures or other sight impediments formed by measuring back equal distances along two intersecting lines of street right-of-way, curb

lines, or driveway lines then connecting the points to form a triangle adequate to provide safe ingress and egress for vehicular traffic, as determined by the City of Comanche.

(25) "Sign contractor": Any person engaged in the business of manufacturing, installing, erecting, repairing, altering, servicing, or removing signs.

(26) "Sign": Any structure or part thereof or any device, permanently or temporarily attached to, painted on, supported by, or represented on a building, fence, post or other structure which is used or intended to be used to attract attention.

(27) "Special event directory sign": A sign, which directs the public to a special event, located at a place other than where the sign is located.

(28) "Special event": One sign, which carries a message, regarding a special event or function, which is of general interest to the community.

(29) "Wall sign": An attached accessory sign painted on or attached to the wall or surface of a building or display surface which is parallel to the supporting surface.

(30) "Window sign": Any accessory sign painted on the surface of, located on the interior of, or flashing through a display window.

Section 18-99. Signs constituting an obstruction or hazard.

(A) No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape.

(B) No sign of any kind shall be attached to a standpipe or fire escape.

(C) No sign or other advertising structure as regulated by this article shall be erected at the intersection of any streets or at any location in such a manner as to obstruct free and clear vision.

(D) No sign or advertising structure shall be erected at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words, "STOP", "LOOK", "DRIVE-IN", "DANGER", or any other word, phrase, symbol or character tending to interfere with, mislead or confuse traffic.

(E) No sign, including the message area and supports, shall be permitted to extend beyond the setback line as defined herein; unless a revocable permit has been issued by the city council.

(F) No sign shall be placed or maintained within the sight triangle, except where the bottom of the sign is not less than ten (10) feet in height above the ground line, and the supports, including ornamental work, shall not exceed one foot in diameter.

Section 18-100. Illuminated signs.

All illuminated signs shall be subject to the provisions of the City's Electrical Code.

Section 18-101. Gooseneck lights.

Gooseneck lights shall be permitted on ground signs, roof signs and wall signs; provided the lights shall be used in such a manner as to concentrate the illumination on the face of the sign and prevent glare upon the street or adjacent property.

Section 18-102. Special Signs.

The following special signs are permitted subject to provisions found elsewhere in this article:

(1) "Special event" - One sign providing that sign does not exceed thirty-two (32) square feet per sign face, does not exceed seven (7) feet in height or be erected for a period longer than thirty (30) days;

(2) "Special event directory sign" - Provided that such sign not exceed nine (9) square feet per sign face, four (4) feet in height, or be erected for a period longer than thirty (30) days;

(3) "Rear entrance signs" - Providing that such sign be wall mounted and not to exceed an aggregate display surface area equal to two (2) square feet per linear foot of street frontage;

(4) "Ingress/egress signs" - Limited to one sign at each point of ingress and egress, not exceeding four (4) square feet per sign face;

(5) "Window signs" - Not to exceed an area equaling twenty percent (20%) of the window and/or glass area such sign is painted on or displayed in;

(6) "Project sign" - One sign not exceeding thirty-two (32) square feet per sign face, located on the premises being developed, which shall be removed within fifteen (15) days of the issuance of the occupancy permit for the subject property;

(7) "Future location signs" - One sign not exceeding thirty-two (32) square feet per sign face and seven (7) feet in height; and

(8) "Changeable copy sign" - One sign not to exceed one hundred (100) square feet per sign face.

Section 18-103. Temporary and portable signs.

(A) A "temporary sign" includes any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a short period of time only. Such signs are permitted in the "C-1", "C-2", "I-1" and "I-2" Zoning District provided that:

(1) No temporary sign of combustible material shall exceed four (4) feet in one of its dimensions or one hundred (100) square feet in area; such signs in excess of sixty (60) square feet shall be made of rigid materials, that is, of wall board or other light materials with frames;

(2) Every temporary sign weighing in excess of fifty (50) pounds must be approved by the building inspector as conforming to the safety requirements of the building code of the city;

(3) Temporary signs of flashing or intermittently lighted types shall be prohibited;

(4) No temporary sign shall extend over or into any street, alley, sidewalk, or other public thoroughfare. Temporary wall signs shall not extend a distance greater than four (4) inches from the wall upon which it is erected, and such sign shall not be placed or projected over any wall opening;

(5) Every temporary wall sign shall be attached to the wall with wire or steel cables and no strings, ropes or wood slats for anchorage or support purposes shall be permitted;

(6) Permits for temporary signs shall authorize the erection of the signs and their maintenance for a period not exceeding thirty (30) days; and a business may obtain up to 4 permits for temporary signs per calendar year

(7) The advertisement contained on any temporary sign shall pertain only to the business, industry, or pursuit conducted on or within the premises on which such sign is erected or maintained. This provision shall not apply to signs of a civic, political, or religious nature.

(B) A "portable sign" includes any sign or rollaway, portable, or mobile advertising display:

(1) No portable sign shall exceed six (6) feet in height as measured from ground level. Portable signs in excess of thirty-two (32) square feet in single face area shall be prohibited;

(2) Portable signs of flashing or intermittently lighted types shall be prohibited;

(3) All such signs shall be constructed of noncombustible material and all wiring and conduit running to, in, or around the sign shall meet all requirements of this code. Electrical cord from sign body to an appropriate outlet shall not exceed six (6) feet in length;

(4) No portion of a portable sign shall be placed upon, extend over, or extend into any street, alley, sidewalk, driveway, or public thoroughfare;

(5) Portable sign locations shall be regulated as provided in Sections 18-99 and 18-103 of this article;

(6) Portable signs shall be anchored with chains or steel cables attached to bolts embedded in pavement, a standard auger type of flex-type trailer anchor or approved equal;

(7) Permits for portable signs shall authorize erection of signs and their maintenance for a period not exceeding thirty (30) days.

Section 18-104. Obscene matter prohibited.

No sign or advertising structure shall display any obscene, indecent, or immoral matter or language. The term "obscene" means that to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest.

Section 18-105. Awnings.

(A) All awnings shall maintain a minimum of nine (9) feet between the sidewalk or ground level and the base of the awning.

(B) No awning shall have a projection greater than 72 inches.

(C) All awnings shall be maintained structurally and aesthetically.

(D) All awnings require a revocable permit issued by the City, and the City must be named as an additional insured in the property insurance policy of the business owner.

Section 18-106. Off-premise Advertising Signs.

A. General:

(1) No sign shall be erected closer than one thousand (1,000) feet to another off-premise sign.

(2) Signs shall be located a minimum of two hundred (200) feet from any residential zoned property.

(3) Back to back signs will be allowed with only one side being used to calculate square footage.

(4) Ground signs shall not be used for off-premise advertising. This shall not apply to signs of an educational, institutional, or religious nature that conform to Sections 18-99 and/or 18-103.

(5) Signs may have direct or indirect illumination.

(6) No sign shall be illuminated so that it interferes with the effectiveness of, or obscures an official traffic sign, device or signal; neither shall it be permitted to have beams or rays directed at any portion of the traveled ways and be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or which otherwise interferes with any driver's operation of a motor vehicle.

(7) Signs may not be permitted on a lot that has two hundred (200) square feet or more of existing on-premise ground or pole mounted signs, unless the signs are separated by a minimum of one thousand (1,000) feet. Lot is defined as a continuous parcel of land under the same ownership.

(9) No sign shall be constructed with more than two (2) upright supports.

(10) No sign, structure, landscaping, fence or other item associated with the sign may be installed on or overhanging the street or highway right-of-way or easement.

(11) All signs shall be maintained in good and safe condition. The painted portions shall be periodically repainted and kept in good condition.

(12) The general area of the sign shall be a kept free and clear of sign material, weeds, debris, trash and other refuse.

(13) The sign must be located and positioned in such a way that it is primarily visible from the zoning district or corridor that it is permitted for. It must be located as close as practical to the street, road, or highway that it is serving. If the sign is visible from two or more districts, it shall be at the discretion of the Community Development Director as to which district shall be primary.

(14) Signs located within six hundred sixty (660) feet of the nearest edge of the right-of-way of an interstate or Federal-aid primary highway shall be required to obtain a permit from the Oklahoma Department of Transportation in conformance with Title 69, Oklahoma Statutes, Section 1271, et. seq.

(15) Permits shall be required for all signs, and material change or alterations to existing signs or structure, except for message change.

(16) All signs within the city limits located on primary Federal-Aid highways shall comply with the regulations of such highways.

Section 18-107. Provisions apply to several or all zoning districts.

The following provisions shall apply to all signs in all zoning districts unless otherwise noted:

(1) Pole mounted signs shall maintain a minimum clearance of nine (9) feet between the sign panel base and average ground level;

(2) All hanging signs shall overhang at a height not less than nine (9) feet, and shall not have a projection of greater than seventy-two (72) inches;

(3) No portion of a roof sign shall exceed the structural height limitations of the zoning district it is located within;

(4) Ground and pole mounted signs shall not exceed the maximum height allowed for structures in the zoning district upon which it is located, unless specifically limited elsewhere in this article;

(5) No signs shall be permitted upon lots not containing one business establishment, except as provided elsewhere in this article

(6) Signs may be lighted, provided that the lighting is from within the sign or by spotlights illuminating the face of the sign. No flashing or intermittent lighting shall be permitted on the sign nor shall exposed bulbs be permitted; except that electronic message signs may be permitted if the image remains static for a minimum of 8 seconds and where all other requirements have been satisfied.

(7) All codes concerning wiring and construction standards shall be met prior to the issuance of a sign permit;

(8) Every sign shall be maintained in good structural condition at all times; and

(9) Off-premise signs providing direction to, or identifying lots for sale within new residential additions shall be permitted for a period of two (2) years after the issuance of a use-on-review permit, subject to the size, height and setback provisions found elsewhere in this article. The planning commission may grant renewals allowing extensions on the two (2) year placement period.

Section 18-108. Agricultural zoning district "A-1".

Signs constructed in "A-1", shall be required to meet the following criteria. Any change of existing signs shall comply with these standards:

(A) Agricultural related business signs:

(1) Shall not exceed fifteen (15) feet in height, or eighty (80) square feet in surface display area;

(2) Only one sign per street frontage;

(3) Shall only advertise goods, services or activities conducted on the premises; and

(4) Shall not apply to identification or advertisements when placed upon grain storage silos.

(B) Real estate signs:

(1) One sign per street frontage, not exceeding twelve (12) square feet in surface display area may be erected. Such sign shall advertise only the sale, rental or lease of premises on which the sign is located; and

(2) All portions of the sign must be a minimum of ten (10) feet from the curb line. No sign, on a corner lot shall be allowed within the sight-triangle of the street intersection.

(C) Signs advertising lots within subdivisions:

(1) Shall only advertise the sale or lease of property within the development upon which the sign is placed;

(2) Permits are valid for a two (2) year period from date of issuance;

(3) Shall be removed by developer upon sale of all lots and/or residences within the addition;

(4) Shall not exceed fifteen (15) feet in height or eighty (80) square feet in surface display area; and

(5) Only one sign per street frontage.

(D) Subdivision entrance signs:

(1) A subdivision entrance sign is permitted, provided that it is approved by the Comanche City Council in conjunction with final plat approval of the subdivision it is located within; and

(2) Proposed subdivision entrance signs; for existing subdivisions or subdivisions for which the final plat has been previously approved, shall require approval by the Comanche City Council.

(E) Home occupation signs:

(1) One non-illuminated name plat or sign attached to the main building two (2) square feet in display surface area is permitted.

(F) Educational, religious, institutional or similar uses:

(1) Sign shall not exceed fifteen (15) feet in height or eighty (80) square feet in surface display area;

(2) One sign or bulletin board not exceeding fifteen (15) feet in height and forty (40) square feet in surface display area announcing special activities for a period not exceeding forty-five (45) days; and

(3) One sign per street frontage.

Section 18-109. Residential zoning districts "R-1", "R-2", "R-3".

Signs constructed in "R-1", "R-2", "R-3", shall be required to meet the following criteria. Any change of existing signs shall comply with these standards.

(A) Real estate signs:

(1) One sign per street frontage, not exceeding twelve (12) square feet in surface display area may be erected. Such sign shall advertise only the sale, rental or lease of premises on which the sign is located; and

(2) All portions of the sign must be a minimum of five (5) feet from the curb line. No sign, on a corner lot shall be allowed within the sight-triangle of the street intersection.

(B) Signs advertising lots within subdivisions:

(1) Shall only advertise the sale or lease of property within the development upon which the sign is placed;

(2) Permit is valid for a two (2) year period from date of issuance;

(3) Shall be removed by developer upon sale of all lots and/or residences within the addition;

(4) Shall not exceed fifteen (15) feet in height or eighty (80) square feet in surface display area; and

(5) Only one sign per street frontage.

(C) Subdivision entrance signs:

(1) A subdivision entrance sign is permitted, provided that it is approved by the Comanche City Council in conjunction with final plat approval, of the subdivision it is located within. Proposed subdivision entrance signs for existing subdivisions or subdivisions for which the final plat has been previously approved shall require approval by the Comanche City Council.

(D) Home occupation signs:

(1) One non-illuminated nameplate or sign attached to the main building, not exceeding two (2) square feet in display surface area.

(E) Educational, religious, institutional or similar uses:

(1) Sign shall not exceed fifteen (15) feet in height or eighty (80) square feet in surface display area;

(2) One sign or bulletin board not exceeding fifteen (15) feet in height and forty (40) square feet in surface display area announcing special activities for a period not exceeding forty-five (45) days; and

(3) One sign per street frontage.

Section 18-110. Commercial and health facilities zoning districts "C-1"and "C-2".

Signs constructed in "C-1" and "C-2" districts shall be required to meet the following criteria. Any change of existing signs shall comply with these standards:

(A) Wall or canopy signs may be erected, not exceeding an aggregate surface display area of three (3) square feet per each linear foot of building wall to which the sign or signs are affixed.

(B) A lot containing one business establishment may erect pole or ground signs of two (2) square feet of display area per linear foot of street frontage providing however that if more than one such pole or ground sign is erected, an aggregate display area not exceeding 1.0 square foot per linear foot of street frontage shall be allowed. In determining display area size, only one side of a sign shall be considered in making such determination.

(C) Ground or pole signs shall not exceed the maximum height allowed for structures in the zoning district upon which it is located; and more than 1 advertising flag per 6,000 square feet of property space mounted on poles shall be prohibited.

(D) Off-premises advertising on developed and undeveloped lots is prohibited in “C-1” district.

(E) Real estate signs shall follow the provisions of Section 18-109 of this article.

(F) Educational, religious, institutional, or similar use signs shall follow the provisions of Section 18-109 of this article.

(G) Off-Premises Advertising in “C-2” district

(1) Sign may not exceed 72 square feet in size including the frame and/or border.

(2) All portions of the sign shall set a minimum of twenty-five (25) feet from the property line.

(3) Stacked or side by side signs will not be allowed.

(4) Maximum height shall be thirty-five (35) feet.

Section 18-111. Industrial zoning districts "I-1", "I-2".

Signs constructed in "I-1" and "I-2" districts shall be required to meet the following criteria. Any change of existing signs shall also comply with these standards:

(A) Wall or canopy signs may be erected, not exceeding an aggregate surface display area of three (3) square feet per linear foot of building wall to which sign or signs are affixed.

(C) Ground or pole signs shall not exceed the maximum height allowed for structures in the zoning district upon which it is located. ; and more than 1 advertising flag per 6,000 square feet of property space mounted on poles shall be prohibited.

(D) Real estate signs shall follow the provisions of Section 18-109 of this article.

(E) Off-Premises Advertising in “I-1” and “I-2” districts

(A) Sign may not exceed three hundred (300) square feet including frame and/or border.

(B) Stacked or side by side signs will not be allowed.

(F) Maximum height shall be forty-five (45) feet.

Administrative and Enforcement Procedures:

Section 18-112. Application and permits.

(A) Permits shall be required for all signs, and change or alterations to existing signs, except for message change in changeable copy signs. The City of Comanche will provide sign permit application forms, which must be completed.

(B) Application content shall include:

(A) Name, address, telephone number and signature of the owner of the premises upon which sign is to be located;

(B) Name, address, telephone number and signature of sign contractor, if any;

(C) Legal description of property upon which the sign is to be located;

(D) A scale drawing of the sign;

(E) A plot plan of sign location, drawn to scale;

(F) Current zoning of sign location; and

(G) The type and approximate value of the sign to be installed.

(C) The following types of signs shall be exempt from the requirements of obtaining a permit, subject to the terms and conditions contained below:

(1) Traffic or other municipal signs, legal notices, railroad crossing signs, danger and such temporary, emergency or no advertising signs as may be approved by the city council;

(2) Official flags of governmental jurisdictions;

(3) Seasonal/holiday signs, provided that their erection shall not occur prior to thirty (30) days before the holiday and their removal shall take place no more than thirty (30) days after the holiday; and

(4) Political signs provided that such signs are removed within thirty (30) days after the election to which the sign pertains.

(5) Window signs painted on the surface of the glass or vinyl letters adhering to the surface of the glass of a business establishment when the surface area of the sign is 36 square feet or less.

(6) Awning signs painted on or adhering to the surface of awnings provided the awning has been previously permitted.

(7) Repainting or refreshing of existing signs when the surface area of the sign is 36 square feet or less.

(D) The state highway department shall be called upon to approve applications or signs to be placed on primary highways within the City of Comanche.

(E) Application Fees

(A) Permanent Signs

Basic Application Fee--$30.00 for first sign per address
Secondary Application Fee - $10.00 for each additional sign per address
Additional Fees per each sign:
Size fee--$0.20 per square foot of display surface for each sign
Height fee—feet top of sign is above grade
0-6 feet - no fee
6-10 feet - $5.00
10-20 feet - $10.00
Over 20 feet - $5.00 per each additional 10 feet or fraction thereof

(B) Banners and Temporary Signs

Application Fee - $5.00

Section 18-113. Inspection required.

(A) The building inspection officer shall inspect at such times as he deems necessary each sign or other advertising structure regulated by this article for the purpose of ascertaining whether the sign or structure is secure or insecure, and whether it is in need of removal or repair.

(B) If the building inspection officer or other enforcement officer charged with enforcement of this article finds that any signs or other advertising structure regulated herein is unsafe or creates an immediate hazard to life and property, or the sign is located in any designated right-of-way; the officer or employee may cause such advertising sign to be removed summarily and without notice.

Section 18-114. Removal of obsolete signs.

Any sign now or hereafter existing, for a period of more than one year, which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found, within ten (10) days after written notification from the building inspection officer or other enforcement officer. Upon failure to comply with such notice within the time specified, the building inspector or other enforcement officer is hereby authorized to cause removal of such sign; and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

Section 18-115. Abatement of nuisance signs.

Any sign which has been constructed or maintained in such a manner as to endanger public health and safety, or any sign which may hereafter be erected which is constructed or maintained in such a manner as to endanger public health and safety, may be declared by the council by resolution to be a nuisance and then such sign may be abated.

Section 18-116. Nonconforming preexisting signs.

The use of any sign or advertising structure in prior existence upon approval of this article which violates or does not conform to the provisions hereof may be continued so long as such sign or structure is safe and secure; provided that such sign or structure is not existing on the street right-

of-way or extending over the street right-of-way, creating a nuisance, or constituting a hazard; and such sign or structure may not be enlarged or replaced except so as to conform with the provisions of this article.

Section 18-117. Temporary Off-Premises Event Direction Signs.

Signs constructed and displayed under this section shall meet the following criteria:

(A) The following must be submitted with the event application:

Application for signage must be submitted to the City Clerk's Office no less than thirty (30) days prior to the scheduled event.

(1) Photos or drawings of the signs to be installed, including dimensions.

(2) Location map with photos showing where the signs are to be placed.

(3) Written permission from the property owners where the signs will be placed.

(4) A letter from the state highway department shall be provided, approving signs to be placed on primary highways within the City of Comanche.

(5) Payment of non-refundable sign permit application fee, as authorized by the City Council by resolution.

(B) An "event directional sign" includes any sign or rollaway, portable, or mobile advertising display and shall conform with the following:

(1) No directional sign shall exceed six (6) feet in height as measured from ground level.

(2) Directional signs in excess of twenty-four (24) inches by thirty-six (36) inches in area shall be prohibited;

(3) Directional signs of flashing or intermittently lighted types shall be prohibited;

(4) All such signs shall be constructed of noncombustible material and all wiring and conduit running to, in, or around the sign shall meet all requirements of this code. Electrical cord from sign body to an appropriate outlet shall not exceed six (6) feet in length;

(5) No portion of a portable or temporary sign shall be placed upon, extend over, or extend into any street, alley, sidewalk, driveway, public thoroughfare, easement or right-of-way;

(6) Directional sign locations shall be regulated as provided in Section 16-12-6 of this article;

(7) Portable directional signs shall be anchored with chains or steel cables attached to bolts embedded in pavement, a standard auger type of flex-type trailer anchor or approved equal;

(8) Permits for temporary directional signs shall authorize erection of signs on the morning of the event with the removal of the sign being no more than twelve (12) hours after the end of the event;

(9) No more than four (4) signs may be located inside the city limits of Comanche.

(C) Variance or Appeal. Any person, firm or corporation, who is refused a sign permit, may appeal the decisions of Staff to the Comanche City Council. The appeal must be filed with the City Clerk no less than sixty (60) days prior to the start of the scheduled event. The City Council shall hear the appeal at a regularly scheduled meeting and shall determine by a majority of those present if a permit is to be issued and under what requirements. An appeal is valid for the upcoming event only and may not be used for future sign placement.

(D) Violations and Penalties. Any person, firm or corporation, who violates or refuses to comply with any provisions of this ordinance, shall be fined in an amount not to exceed the maximum amount allowed by law for non-jury trials plus court costs. Each sign and each day's violation will constitute a separate offense.

(E) An "event directional sign" includes any sign or rollaway, portable or mobile advertising display and shall conform with the following:

(F) Any person, firm or corporation who violates or refuses to comply with any provisions of this of this Chapter shall be fined in an amount not to exceed the maximum amount allowed by law for non-jury trials plus court costs. Each sign and each day's violation will constitute a separate offense. (Ordinance 521-16, April 12, 2016)

Section 18-118 Penalty.

(A) Any person, firm or corporation who violates, causes, orders, directs, aids, advises or assists in any manner, in the violation of this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed five hundred dollars ($500.00). Every separate and distinct act and each day upon which a violation shall continue, shall be deemed a separate offense.

CHAPTER 19

PUBLIC FACILITIES AND UTILITIES

Article 1. Municipal Utility Systems.
Article 2. Comanche Public Works Authority.
Article 3. Water District.
Article 4. Municipal Airport.
Article 5. Miscellaneous Provisions.
Article 6. Penalty.

Article 1. Municipal Utility Systems.

Section 19-1. Municipal Utility Systems.

1. The City of Comanche, Oklahoma, provides water, sewer, solid waste and electrical services for the residents of said City.

2. Said services (above) are operated through the Comanche Public Works Authority, a public trust of which said City is the beneficiary, which trust shall have control over the operation, maintenance and administration of said systems and services.

Section 19-2. Use of Water and Sewer Systems.

Every residential inhabitant within the corporate limits of the City of Comanche, Oklahoma, and every commercial or business entity or enterprise who may practically do so, shall secure all of its potable water requirements from the water system owned by said City and leased to the Comanche Public Works Authority.

Each occupied residence and each occupied business or commercial building in the City of Comanche shall connect to the City's sanitary sewer system within sixty (60) days after the adoption of this Ordinance; provided, however, that such service shall be brought within at least one hundred fifty (150) feet of the residence or business property line.

(Ord. 383-91, April 9, 1991)

Section 19-3. Mercury Lamps/Street Lights Rates. (Ord. 417-98, October 14, 1997)

The monthly rates for mercury lamps/street lights shall be as follows:

Pole provided by the City ---------- $ 6.50 per month.

Sections 19-4 through 19-19. (Reserved for future use.)

Article 2. Comanche Public Works Authority.

Section 19-20. Resolution Number 272.

A RESOLUTION RELATING TO A PUBLIC
TRUST FOR THE BENEFIT OF THE CITY
OF COMANCHE AND DECLARING AN EMERGENCY

BE IT RESOLVED BY THE MAYOR AND COUNCILMEN OF THE CITY OF COMANCHE, OKLAHOMA:

SECTION 1. The governing body of the City of Comanche, Oklahoma, hereby does accept, for and on behalf of said municipality, the beneficial interest in the public trust designated as The Comanche Public Works Authority provided for in the Declaration of Trust of said public trust, for the comprehensive purpose of furthering, and providing funds for the furthering of any authorized or proper function of the said municipality, including but not limited to the furnishing and supplying, of utility services and facilities in the municipality and in reasonable proximity thereto, and for purposes collateral thereto, in all respects in accordance with said Declaration of Trust; and the Mayor of the said municipality hereby is authorized and directed to endorse such acceptance of beneficial interest on said Declaration of Trust for and on behalf of the municipality and the governing body thereof.

SECTION 2. By reason of the need for the immediate preservation of the peace, health and safety, an emergency hereby is declared to exist and this Resolution shall be effective immediately upon its adoption

ADOPTED this 23rd day of May, 1978.

Section 19-21. Ordinance Number 277.

AN ORDINANCE PROVIDING FOR A SPECIAL ELECTION TO BE HELD IN THE CITY OF COMANCHE, OKLAHOMA, FOR THE PURPOSE OF SUBMITTING TO ALL OF THE QUALIFIED ELECTORS THEREOF THE QUESTION OF LEASING ALL OF THE CITY'S PROPRIETARY REVENUE-PRODUCING UTILITY SYSTEMS AND FACILITIES AND ENLARGEMENTS AND IMPROVEMENTS THEREOF TO THE TRUSTEES OF THE COMANCHE PUBLIC WORKS AUTHORITY SO THAT THEY MAY INCUR INDEBTEDNESS TO PROVIDE FUNDS TO ENLARGE AND/OR IMPROVE SAID SYSTEMS AND FACILITIES; AUTHORIZING LEASING THEREOF; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEN OF THE CITY OF COMANCHE, OKLAHOMA:

SECTION 1. The Mayor of the City hereby is authorized and directed to call a special election to be held in said City on the 29th day of June, 1978, for the purpose of referring and submitting to all of the qualified electors residing therein the following proposition:

PROPOSITION

Shall the City of Comanche, Oklahoma, lease to the Trustees of the Comanche Public Works Authority (a public trust of which said City is the beneficiary) all of the City's existing proprietary revenue-producing utility systems and facilities, together with any and all enlargements and improvements thereto and any other proprietary revenue-producing utility systems and facilities acquired by the City during the life of such Lease, in the form now on file with the City Clerk, to enable the Trustees of said Authority to enlarge and/or improve such systems and facilities, and, at this time, to incur indebtedness, and issue their bonds or notes, in the aggregate principal amount of $480,000.00 (for which the City and its taxpayers shall not be liable) to pay the costs and expenses of and incidental to such enlargements and improvements and incurring such indebtedness, to be secured by such leasehold and the net revenue or income of the leased systems and facilities after paying, or providing for the payment of all costs and expenses of operation and maintenance thereof, with the remainder of such net revenue or income being payable to or for the benefit of the beneficiary of said Authority, the City of Comanche?

SECTION 2. On the ballot used at such election, the following shall appear immediately below the proposition submitted:

/ ___ / YES / ___ / NO

(Explanatory Note: The voter will indicate approval of the foregoing proposition by stamping an "X" in the box in front of the word "YES" or disapproval of said proposition by stamping an "X" in the box in front of the word "NO").

SECTION 3. In the event a majority of the qualified electors of the City voting on the above proposition at the aforesaid special election approve the same, the City hereby consents and agrees to the leasing of all of the City's revenue-producing utility systems and facilities and any other proprietary revenue-producing utility system or facility acquired by the City during the life of said lease, together with any and all additions, enlargements, extensions and improvements thereto acquired by the City during the life of the lease for a primary term of fifty (50) years renewable for successive like terms, to the Trustees of the Comanche Public Works Authority (a public trust of which the City is beneficiary), with such Lease to become effective as of 12:01 o'clock a.m., on the day following said special election; and the Mayor of the City hereby is authorized and directed to execute the aforesaid Lease upon behalf of the City as lessor, in several multiple originals, and after the same shall have been attested by the City Clerk, to deliver such Lease to the Trustees of the aforesaid Authority.

SECTION 4. By reason of the urgent need to provide for certain public improvements, utility facilities and services and for the furtherance and preservation of the public peace, health, safety and welfare of the City and the inhabitants thereof, an emergency is declared to exist, by reason whereof this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 23rd day of May, 1978.

Sec. 19-22. - Intent and purpose.

(a) To provide for the public health, safety and welfare of the citizens of the City of Comanche, as well as to ensure the structural integrity of the City's streets and related infrastructures; to minimize the disruption to the traveling public; and to ensure costs incurred by the City to acquire, maintain and manage the rights-of-way are properly allocated among the various users of the rights-of-way, this Article establishes standards for authorizing and managing the placement of facilities in rights-of-way; performing installation, maintenance and other work in the rights-of-way; and appropriately recovering costs incurred by the City related to such activities.

(b) The intent of this Article is to charge those persons that own, manage, operate or control facilities located in the rights-of-way a fee based upon the proportion of facilities they have in the rights-of-way to the amount of costs the City of Comanche incurs in acquiring and maintaining the rights-of-way.

(c) The intent of this Article is that all trunk, mainline, area or system-wide facilities, unless otherwise authorized by a franchise or equivalent, shall only be located within public rights-of-way specified in this Article. It is intended that local or individual distribution lines directly attaching to individual customer service lines shall usually be located rights-of-way which are not rights-of-way governed by this Article. In any instance where the classification of a line as a trunk or local line is not clear due to specific circumstances pertaining to that line, the classification determination shall be made by the rights-of-way occupant with due regard to the primary function and purpose being served by the line.

Sec. 19-22.1. - Name and scope.

(a) This Article shall be known and may be cited as, "Small Cell Technology & Pole Attachments." Except as otherwise provided or prohibited by applicable law, this Article shall apply to all rights-of-way occupants, whether under the authority of a franchise, permit, license or any other type of grant.

(b) This Article shall not apply to any ownership, installation, operation or maintenance of the plants and systems of the Comanche Utilities Authority. If any provision of this Article is found by a court of competent jurisdiction to be inconsistent with or in conflict with any provision of any public service franchise, license or permit for use the rights of way granted by the City prior to the effective date of this Article, the provisions of the public service franchise, license or permit shall prevail as to all matters and questions arising out of the same subject matter.

Sec. 19-22.2. - Definitions.

As used in this Article, the following terms, phrases, words and abbreviations shall have the meanings provided in this section, unless otherwise expressly stated. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural include the singular; words in the singular number include the plural number; and words defined in upper and lower case shall have the same meaning as words in all lower case. The words "shall" and "will" are mandatory, and "may" is permissive. Unless otherwise expressly stated, words not defined in this Article shall be given the meaning prescribed in Title 47 of the United States Code, and, if not defined,

they shall be defined by their common and ordinary meaning. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. References to laws, ordinances or regulations shall include laws, ordinances and regulations now in force or as subsequently amended.

Communications service means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. Communication service shall also include, but not necessarily be limited to, basic local exchange carrier service, enhanced service, digital transmission service, non-digital point-to-point or private line service, and personal wireless service. Communication service does not include cable service.

Digital transmission service means digital transmission services, including but not limited to the following:

(1) Digital subscriber line (DSL);

(2) Asynchronous transfer mode (ATM);

(3) Packet switched data;

(4) Frame relay;

(5) Integrated services digital network (ISDN);

(6) Dedicated digital or switched digital connections, including but not limited to fractional T-I, T-1 and higher capacity offerings (*i.e.*, Optical Carrier, OC-3); and

(7) Virtual private networks (VPN) provided by LEC's within the City of Comanche.

Emergency means a condition that poses a clear and immediate danger to life or health, or a significant loss of property, or requires immediate repair or replacement in order to restore service to the public or a customer.

Elevation view means the product of the equipment's maximum height and width utilizing the largest side of the equipment. (For example, an equipment cabinet with exterior dimensions of three (3) feet × four (4) feet × two (2) feet would have an elevation view of twelve (12) square feet; a generator with exterior dimensions of four (4) feet × four (4) feet × five (5) feet would have an elevation view of twenty (20) square feet; and, a traffic control box with exterior dimensions of seven (7) feet × two (2) feet × four (4) feet would have an elevation view of twenty-eight (28) square feet.

Enhanced service means a service that is delivered over communications transmission facilities (whether owned or leased), including but not limited to:

(1) That which changes the content, format, code or protocol of transmitted information;

(2) Provides the customer new or restructured information;

(3) Involves end-user interaction with information stored in a computer;

(4) Service enhancements and features, including but not limited to call forwarding, call waiting, caller ID, automatic call back, call return, three-way calling, speed dialing or assisted dialing; and

(5) Provision of services or facilities to resellers of any of these services.

This definition does not include the resale of services to subscribers, or the provision of personal wireless service.

Excavate means to dig into, around or under, or in any way remove or physically disturb or penetrate any part of the rights-of-way, including but not limited to boring, blasting,

pushing and drilling holes for the installation of poles or conduit, installing driveways, sidewalks or any utility.

Facility or facilities means all or any part of a collective system of tangible things, including but not limited to pipelines, conduits, copper or fiber optic cabling, pedestals, guy wires, anchors, vaults, junction boxes, utility poles and electrical wiring, that is partly or entirely located in the rights-of-way and is used for the transmission of goods or services, including but not limited to natural gas, steam, chilled or potable water, electricity, video service or telecommunications service, regardless of whether the services are provided for a fee, or provided to the general public, to a limited group of private users, or solely for the benefit of the owner of the system.

Franchise holder means a holder of an approved public service franchise.

Local exchange carrier or LEC means any person that is engaged in the provision of telephone exchange service or exchange access over facilities located in the rights-of-way. This definition includes incumbent carriers, competitive access carriers, alternative carriers and integrated telecommunications service providers. This definition also includes subsidiaries of LEC's and carriers providing only or mainly specialized and broadband telecommunications services.

If an LEC employs a mix of terrestrial or guided media and wireless technologies, such as last mile radio or optical access, that LEC is not considered a wireless telephone service provider.

Major project means projects that exceed five hundred (500) feet in length, or require boring under any rights-of-way, or the cutting of any pavement in the rights-of-way, or involve the installation of an additional utility, transmission or small cell antenna pole, or the blockage of any traveling lane in any rights-of-way, for any amount of time.

Non-digital point to point or private line service means service over facilities dedicated for the use of a particular subscriber or carrying transmissions solely between specified points on behalf of such a subscriber, including but not limited to the following:

(1) E and M tie trunks; and

(2) Other lines or circuits for telemetry, signaling or other uses.

This definition does not include the resale of services to subscribers, or the provision of wireless telephone service.

Obstruct means to place any tangible object or material in the rights-of-way or the excavation of any opening or hole which in a manner that stops, hinders, disrupts or otherwise interferes with free and open passage over a specific area or part of the rights-of-way. The term does not include the otherwise legal parking of a vehicle subject to parking regulation ordinances.

Occupancy permit means a grant of authority from the City to occupy the rights-of-way for the purposes of placing, owning, operating or managing facilities in the rights-of-way.

Occupancy permit holder means any person holding an occupancy permit.

Permittee means any person to whom a ROW construction permit has been issued.

Person means any natural or corporate person, business association or other business entity, including but not limited to a partnership, a sole proprietorship, a political subdivision, a public or private agency or authority of any kind, a utility, a successor or assign of any of the foregoing or any other legal entity, but not the City.

Public service franchise means the authorization granted by the City, and approved by a vote of the people, giving the grantee the nonexclusive right to provide, through public facilities maintained or
operated upon, across, beneath or over any rights-of-way in the City, any general public service, but excluding telecommunications services or cable television service.
Rights-of-way occupancy fee means an annual charge that recovers an apportioned share of the actual costs to the City of acquiring and maintaining the rights-of-way.
Rights-of-way construction permit or ROW construction permit means an authorization to excavate in or obstruct rights-of-way at a specific place and time, for the purposes of installing, constructing or maintaining facilities within a specified portion of rights-of-way.
Rights-of-way occupant or ROW occupant means a person that owns, manages, operates, controls or has the ability to directly affect the facilities located in the rights-of-way.
Rights-of-way or ROW means the surface, the airspace above ground and the area below the surface of any public street, highway, parkway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, easement or similar property in which the City now or subsequently holds a property interest and/or a maintenance responsibility which, consistent with the purposes for which it was dedicated, may be used for the purpose of constructing, installing, operating and maintaining facilities of any kind, including but not limited to conduits, pipelines, cables, utility poles, junction boxes and duct banks. Rights-of-way does not include buildings, parks or other property owned or leased by the City, its trusts or authorities, but does include all rights-of-way as defined by this article. No reference in this definition, or in any franchise agreement or occupancy permit yet to be negotiated, to any rights-of-way, shall be deemed to be a representation or guarantee by the City that its interest or other right to control the use of such property is sufficient to permit its use for such purposes, and a franchise holder or occupancy permit holder shall be deemed to gain only those rights to use as are properly in the City and as the City may have the right and power to give.
Small cell facility means a low-powered wireless telecommunications base station which functions much in the same way as larger cells in a wide-area, mobile wireless network that are typically installed relatively high on a telecommunications tower, to provide signal coverage to a large geographic area. Small cells facilities cover a smaller, targeted, localized area to provide connectivity to wireless network subscribers in areas that typically present capacity and coverage challenges to traditional wide-area wireless networks.
Telecommunications means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received, as defined in the Communications Act of 1934, as amended.
Transfer means any transaction in which:
(1) All or a portion of a ROW occupant's facilities is sold or assigned;
(2) There is any change, acquisition, direct or indirect transfer of control of the ROW occupant; or
(3) The rights or obligations held by the ROW occupant are transferred, sold, assigned, or leased, in whole or in part, directly or indirectly, to another party.

Traveling surface means that portion of the rights-of-way, paved with either asphalt or concrete, or other material designed to support vehicular traffic, lying between those portions of the rights-of-way that are unpaved.

Sec. 19-22.3. - Administration.

General. Under the direction of the City Manager, the City Clerk shall be jointly responsible for the administration and enforcement of this Article.

(a) *The City Clerk* (or other designee of the City Manager) shall be the primary City official responsible for administration and enforcement of collection activities provided for in this Article.

Sec. 19-22.4. - Authority to occupy the rights-of-way.

(a) *General*. No person subject to this Article shall construct, install, operate or maintain any facilities in the rights-of-way without first obtaining proper authorization, as described in this section.

(b) *Occupancy Permit*. Every ROW occupant with more than one hundred (100) linear feet of facilities, including any City department and any City trust or authority, regardless of the authority under which the person occupies the rights-of-way, must register with the Development Services Department, and apply for an occupancy permit, no later than January 1, 2019, pursuant to Section 19-22.5. Thereafter, all new ROW occupants with more than one hundred (100) linear feet of facilities shall register and apply for an occupancy permit, upon completion of a new facility installation.

(c) *Rights-of-way Construction Permits*. No person shall obstruct the traveling surface or construct more than one hundred (100) linear feet of new facilities or do maintenance work on more than five hundred (500) feet of facilities or cut the pavement or put facilities under the pavement or any new pole installation in any defined rights-of-way without first obtaining a rights-of-way construction permit pursuant to Section 19-22.9. This section does not apply to any governmental unit or entity engaged in the official act of maintaining any element of its transportation system, including but not limited to the state of Oklahoma, the City of Comanche, or the U.S. Government.

Sec. 19-22.5. - Occupancy permits.

(a) *Application for Occupancy Permit.* Each ROW occupant with more than one hundred (100) linear feet of facilities shall apply for an occupancy permit. The Development Services Department shall provide an application requiring the following information:

(1) The name, address, telephone number and form of business of the applicant, and the names and addresses of all persons authorized to act on behalf of the applicant with respect to the application;

(2) The name, address and telephone number of a responsible person whom the City may notify or contact at any time concerning the applicant's facilities;

(3) Evidence of compliance with the provisions of title 63 Oklahoma Statutes, Sections 142.1, *et seq.*, the "Oklahoma Underground Facilities Damage Prevention Act," as amended;

(4) Identification of the ROW occupant's authority to occupy the rights-of-way, if already obtained, or evidence that the ROW occupant has applied for such authority; documentation of the location of existing facilities owned, operated, managed or leased

by the ROW occupant, including as-built maps and all other information required by Section 19-22.3;
(5) Demonstration of the applicant's technical ability to construct and operate the proposed or existing facilities, including identification of key personnel;
(6) A demonstration of the applicant's legal qualifications to construct and operate any proposed or existing facilities, including but not limited to a demonstration that the applicant has the necessary authority under Oklahoma law to construct a facility. The applicant shall not be issued an occupancy permit if it files materially misleading information in its application or intentionally withholds information that the applicant lawfully is required to provide;
(7) A demonstration of the financial qualifications of the applicant, including but not limited to a certified statement prepared by a certified public accountant regarding the applicant's financial ability to complete any construction proposed, and to meet any time frame proposed. If an applicant is a joint venture or partnership, the same information shall be provided for each participant in the joint venture or partnership;
(8) A description of the applicant's prior experience in facility ownership and construction, and an identification of each locality in which the applicant or any of its principals have, or have had, a license, franchise or other authorization or any interest therein, including the name, address and phone number of each local authority, and references from each authority;
(9) To the extent an applicant is in any respect relying on the financial or technical resources of another person, including an affiliate, the proofs required under paragraphs (5) and (7) above, shall be provided for that person;
(10) Copies of any agreements which the applicant has entered into or proposes to enter into with any other person relating to any facilities installed, to be owned, operated, managed or leased by the applicant;
Applicant may present a copy of a "Certificate of Convenience and Necessity" issued pursuant to Oklahoma Administrative Code (OAC), Section 165:55, in lieu of paragraphs (1) through (10) above.
(11) A declaration that the applicant agrees to comply with this Article, as it may be amended from time to time;
(12) A statement of the number of linear feet of the rights-of-way occupied by facilities owned, operated, managed or leased by the ROW occupant as of the end of the City's most recent fiscal year;
(13) The technical standards that the applicant proposes to follow in constructing the facilities;
(14) A detailed description of the physical facilities proposed to be installed within the City, including but not limited to an engineering site plan showing:
a. The proposed locations of the applicant's facilities, including any manholes or overhead poles,
b. The size, type and proposed depth of any conduit or other enclosures, and
c. The relationship of the system to all existing poles, utilities, sidewalks, pavement, telecommunication facilities and other improvements within the rights-of-way;

(15) An affidavit or declaration of the applicant or an authorized officer certifying the truth and accuracy of the information in the application, acknowledging the enforceability of application commitments and certifying that the application meets all federal and state law requirements, inasmuch as the information exceeds that which is required by Oklahoma Administrative Code (OAC), Section 165:55;
(16) For those ROW occupants who are eligible to make inspection fee and service charge payments as set forth in Subsection 19-22.6(b), an election of whether to make inspection fee and service charge payments as set forth in Subsection 19-22.6(b) or occupancy fee payments as set forth in Subsection 19-22.6(a); and
(17) Any additional information the City may require, which is reasonably necessary for ROW management;
(18) All applicable fees.
Applications for occupancy permits shall be submitted in writing to the Development Services Department. To be accepted, a complete, signed and original application shall be submitted as provided for in this section. If the application is incomplete, the application shall be returned as unacceptable.
(b) *Review of Application*. In evaluating an application, the Development Services Director shall consider:
(1) The applicant's technical, financial and legal qualifications to construct or operate the proposed facilities;
(2) The nature of the proposed facilities and equipment; and
(3) The effects of a grant of an occupancy permit on the present and future public use of the rights-of-way, including any foreclosure of future uses of the rights-of-way.
(c) *Review by Council*. After the application has been reviewed pursuant to Subsection 19-22.5(b), the Director shall present the application and recommendation to the City Council. The City Council, after reviewing any information deemed appropriate, shall either approve or deny the application.
(d) *Term and Renewal.* The Council may revoke any occupancy permit at will. In addition, an occupancy permit shall be rendered invalid and revoked by the Development Services Director if:
(1) ROW occupant fails to timely pay any fees due to the City, including but not limited to fees required to be paid under this Article; or
(2) ROW occupant fails to provide the City with the name, address and telephone number of a responsible person whom the City may notify or contact at any time concerning the occupant's facilities.
Sec. 19-22.6. - Occupancy fees or inspection fee and service charge.
(a) *Occupancy Fees*. Except as provided in this section, every occupancy permit holder shall pay an occupancy fee to reimburse the City for the cost of acquiring, maintaining and managing the rights-of-way. The occupancy fee shall be computed in accordance with this section.
(1) No later than February 15th of each year, each occupancy permit holder shall submit to the Development Services Department a sworn/certified statement of the number of linear feet of rights-of-way occupied by facilities by the ROW occupant as of January 1st of that same year.

(2) No later than February 15th of each year, those ROW occupants who are eligible to make inspection fee and service charge payments as set forth in 19-22.6(b) may select by filing a written statement of selection with the City Clerk whether to make inspection fee and service charge payments as set forth in Subsection 19-22.6(b) or occupancy fee payments as set forth below. A ROW occupant who does not file a written statement during that time period, and who has not previously filed a written statement with the City Clerk during that time period in a previous year electing a computation method, shall be deemed to have chosen the computation method to calculate occupancy fee payments. A ROW occupant who, in a previous year, has chosen a particular method and has not filed a written statement of selection with the City Clerk in the current year, shall be deemed to have chosen to continue to utilize that computation method utilized in the previous year.
(3) Each occupancy permit holder shall be notified of the amount of the fee and the basis on which it was calculated no later than ten (10) working days from the date the statement of linear feet is received by the Development Services Director. Unless the entire annual fee is paid when a payment is first due or otherwise authorized by the Director of Finance, one-twelfth (1/12) of the occupancy fee shall be due and payable monthly, on or before the 25th day of each month, commencing on the first day of the calendar month commencing after the date this Article goes into effect. The payment shall be made to the Director of Finance when due and shall be paid into, appropriated and expended from the General Revenue Fund of the City of Comanche. Upon failure or refusal to pay such fee, the City may, in addition to any other remedies provided in this Article, maintain an action against such person, firm or corporation for the amount of such fee and all expenses of collecting same, including reasonable attorney's fees. That occupancy fee shall be established as follows:
a. The Occupancy Fee shall be computed by multiplying the Occupancy Permit Holder's pro rata share of the burden on the rights-of-way by the applicable recovery rate. This pro rata share shall be equivalent to the linear feet occupied in the rights-of-way and shall be calculated as established by resolution of the city council. This Occupancy Fee does not include manholes or junction boxes.
b. The recovery rate per linear foot amount of the occupancy fee will be reviewed by the City Manager at least annually using a floating five-year average of the City's cost to provide rights-of-way and adjusted based on the CPI-U index. The purpose of this review is to examine whether the occupancy fee is under or over recovering costs associated with ROW use. The City Manager shall file the review with the City Clerk. In addition to any material the Manager deems relevant in establishing the recovery rate per linear foot amount of the occupancy fee, the Manager shall file a record of the calculation of the recovery rate per linear foot amount of the occupancy fee with the City Clerk.
c. In the event an occupancy permit holder or a current franchise holder occupies the rights-of-way by the installation of above-ground facilities or utility poles, an additional occupancy fee per utility pole per year shall be assessed.
(b) *Inspection Fee and Service Charge*. ROW occupants who provide communications services may, in lieu of the occupancy fee set forth in Subsection 19-22.6(a), pay an inspection fee and service charge in an amount equal to two percent (2%) of the

communications service gross revenues from within the corporate limits of the City of Comanche, Oklahoma, for each current year, if any.
This inspection fee and service charge is to compensate the City for the expenses incurred and services rendered incident to the exercise of its power, supervision, police regulation and police control of the construction and maintenance of lines and equipment in the City of Comanche. Unless otherwise authorized by the Director of Finance, this inspection fee and charge shall be due and payable monthly, on or before the 25th day of each month, on the gross revenues of the preceding month, commencing on the first day of the calendar month commencing after the date this Article goes into effect, and shall include a complete and accurate verified statement of all gross receipts from sales for communications service, within the City of Comanche during the period for which the monthly payment is made. The
statement and payment shall be made to the Director of Finance when due and shall be paid into, appropriated and expended from the General Revenue Fund of the City of Comanche. Upon failure or refusal to pay such fee, the City may, in addition to any other remedies provided in this Article, maintain an action against such person, firm or corporation for the amount of such fee and all expenses of collecting same, including reasonable attorney's fees.
In the event an occupancy permit holder or a current franchise holder occupies the rights-of-way by the installation of above-ground facilities or utility poles, an additional occupancy per utility pole per year shall be assessed.
(c) *Records Inspection*. The City shall have the right to audit the ROW occupant's records required to be kept by this Article. The City shall also have the right to audit and to recompute any amounts determined to be payable under this section. If it is determined that the occupancy permit holder has paid less than ninety-five percent (95%) of the amount due to the City, then the City's expenses related to such audit shall be borne by the occupancy permit holder. Any additional amounts due to the City as a result of the audit shall be paid within thirty (30) days following written notice, which shall include a copy of the audit report, to the occupancy permit holder by the City of the underpayment. If re-computation results in additional revenue to be paid to the City, such amount shall be subject to the interest charge described in Subsection (d), below. If the audit determines that there has been an overpayment by the occupancy permit holder, the occupancy permit holder shall credit any overpayment against its next quarterly payment.
(d) *Late Fees and Interest on Late Payments.*
(1) If any occupancy fee payment is not made on or before the required date, the occupancy permit holder shall pay interest computed from such due date at an annual rate equal to one and one-half percent (1½%) interest per month on the total amount of fees due from the last day of the month such was due, plus a penalty of ten percent (10%) of the total amount of the fee due.
(2) If any monthly inspection fee and service charge for communications service within the City of Comanche is not made on or before the required date, the ROW occupant will be charged a penalty of ten percent (10%) of the total amount of the fee due. In addition, the ROW occupant shall pay interest computed from such due date at an annual

rate equal to one and one-half percent (1½%) interest per month on the total amount of fees due from the last day of the month such was due.
a. If a complete and accurate verified statement of all gross receipts from sales for communications service within the City of Comanche during the period for which the monthly payment was due is provided within thirty (30) days of the original due date, the interest and penalty will be computed based on that actual amount.
b. If a complete and accurate verified statement of all gross receipts from sales for communications service within the City of Comanche during the period for which the monthly payment was due is not provided within thirty (30) days of the original due date, the amount of the monthly inspection fee and charge will be estimated and billed.
c. Adjustments to estimates after receipt of complete and accurate verified statements of all gross receipts will be made at the discretion of the Director of Finance.
(e) *No Deduction or Credit Against Taxes.* The payments required by this section shall be in addition to any and all taxes of a general nature or other fees or charges which an occupancy permit holder shall be required to pay to the City or to any local, state, or federal agency or authority, as required by law, all of which shall be separate and distinct obligations of the occupancy permit holder. The occupancy permit holder shall neither apply nor seek to apply all or any part of the amount of these payments as a deduction or other credit from or against any City taxes or other fees or charges, except as expressly permitted by law. The occupancy permit holder shall not apply or seek to apply all or any part of the amount of any taxes or other fees or charges as a deduction or other credit from or against any of its fee obligations provided in this Article, except as expressly permitted by law.
Sec. 19-22.7. - Rights-of-way construction permits.
(a) *Permit Requirement*. To apply for a rights-of-way construction permit, an applicant shall furnish the following:
(1) Name of the owner or operator of the facility; and
(2) A sketch or drawing of the project; and
(3) Dates of the construction activity, the proposed start and stop times and any proposal to temporarily reopen any roadway for any "peak hour" period; and
(4) The names of any known subcontractors working on the proposed project under the applicant's responsibility and authority; and
(5) Proof of payment of all money due the City for occupancy fees, rights-of-way construction permit fees, cable service fee, and any invoiced cost, loss, damage or expense suffered by the City as a result of the applicant's prior construction activity, including but not limited to any emergency action taken by the City; and
(6) Evidence that the applicant has obtained the insurance coverage required by Section 19-22.10 of this Article; and
(7) A traffic control plan in compliance with Subsection 19-22.9(g) of this Article; and
(8) A list of the applicant's emergency providers, including name of company, local contact person, mailing and e-mail address, 24-hour emergency phone number and pager or fax number. This information shall be kept current by written notice to the Development Services Department; and

(9) For Major Projects, as defined by Section 19-22.2 of this title, the following may, at the discretion of the Director of Development Services, be required:
a. Detailed engineering plans. The plans shall show:
1. The location and area of the proposed project,
2. The locations of all existing and proposed equipment and facilities,
3. The height and/or depth of the proposed equipment and existing facilities and
4. The spatial relationship with any adjacent infrastructure, rights-of-way line, easement, utility and/or other physical features.
The plans shall be prepared under the direction of and signed by a registered professional engineer, and shall meet the size and scale as established by the City of Comanche Standards; and
b. A copy of the engineering plans in an electronic format acceptable to the City; and
c. The applicant shall meet with the Development Services Director for a pre-work conference prior to issuance of rights-of-way permits.
(b) *Application and Permit Fees.* Rights-of-way occupants shall be required to pay both application and/or permit fees, as applicable, unless otherwise exempted. Upon submission of a permit application, an application fee of One Hundred Fifty Dollars ($150.00) shall be paid to the Development Services Department. This fee is nonrefundable and must be collected before review of the application begins. Upon approval of the rights-of-way construction permit, the applicant shall remit to the Development Services Department a permit fee. This fee shall be calculated based on the following components:
(1) *Traffic Disruption Fee*. A street traffic disruption fee shall be charged whenever either the time estimated for project completion indicates a planned street traffic disruption more than five (5) consecutive calendar days in duration or the actual project time has exceeded five (5) consecutive calendar days, as determined by the date from when street roadway excavation is commenced until the date when the Development Services Director is notified that the ROW excavation has been closed. In the event a disruption fee is payable, its amount shall be determined by multiplying the estimated or actual number of days in excess of five (5) by the traffic count number of vehicles, calculated at twelve cents ($0.12) per vehicle, and the length of the obstruction measured in one thousand (1,000) foot increments. (Fee = days x length x # of vehicles x .12). The number of vehicles shall be equal to the number of same lane direction vehicles as measured closest to the excavation location and on the same roadway by the current traffic count compiled by the City.
(2) *Parking Disruption Fee.* A parking space disruption fee, if applicable, shall be charged at the rate of Fifty Dollars ($50.00) per day, per space, for every public parking space disrupted, in whole or part. Exception: When adjacent traffic lanes are obstructed, this fee shall not be charged.
(3) *Sidewalk Disruption Fee*. A sidewalk disruption fee shall be charged at a rate of One Dollar ($1.00) per lineal foot of detour route of sidewalk disrupted by construction. When the Sidewalk is ADA accessible, the detour route shall also be ADA accessible.
(4) *Degradation Cost.* The permit fee for any project, whether a major project or not, that involves excavation shall also include:

a. All fees as established by the City Council; and
b. A degradation cost that is calculated as shown on the attached Schedule A of this Article.
ROW occupants which do not have an occupancy permit shall have the following components added to the application and permit fees:
(5) *Inspection Fee.* A charge of Nine and 50/100 Dollars ($9.50) per one hundred (100) feet of project area as defined in the application shall be charged as an inspection fee; and
(6) Project Plans Review Fee. A permit fee for a major project shall also consist of a plan review fee of Fifty Dollars ($50.00) per sheet. The minimum plan review fee shall be One Hundred Fifty Dollars ($150.00).
(c) *Permit Terms and Conditions.* Each rights-of-way construction permit shall describe:
(1) The general location of the permitted project,
(2) The size of the obstructed area,
(3) The duration of the permit, which shall be based on the amount of time estimated for completion of the permitted activity and
(4) Any special conditions or other information deemed relevant by the City. A rights-of-way construction permit shall be issued or denied within fifteen (15) days of submission of a completed application and payment of all required fees. In the event of denial, the Development Services Director shall advise the applicant of all steps necessary to secure approval of the permit.
(d) *Emergency Permits.*
(1) An emergency rights-of-way construction permit is available for projects. Any emergency excavation required to maintain the safety and well being of the general public should be commenced without delay. Notification shall be provided to the Development Services Director or the Director's designee within two (2) hours of the commencement of the project. This notification shall consist of the following:
a. Anticipated date, duration, start and stop time, location (site address if possible), including nearest cross street; and
b. Size of the obstruction and work area less any normal traffic control in advance; and
c. Applicant's company name, if applicable; and
d. Facility owner's name; and
e. Local contact information; and
f. General description of the type of construction activity and/or facilities installed.
(2) Holders of emergency ROW construction permits shall notify the Development Services Department upon the completion of the project. All persons, including franchise holders, engaged in an activity within the rights-of-way not specifically exempt in this section, shall notify the Development Services Department when an obstruction has or is anticipated to occur.
(3) A permittee shall possess a current occupancy permit in order to qualify for an emergency ROW construction permit.
(e) *Permit Conditions.* A permittee shall adhere to the following requirements:
(1) All current engineering requirements and construction standards as described in Section 19-22.9 of this Article; and

(2) All current rights-of-way construction permits shall be maintained on each work site. All rights-of-way construction permits shall be presented upon request to any representative of the City; and
(3) Excavation projects are subject to the requirements of Section 19-22.9 of this Article; and
(4) All restoration work required of any roadway pavement by any permit holder shall be performed by the permittee. Upon completion of the work and the subsequent removal of the obstruction, the permittee shall be obligated to notify the Transportation Director that the obstruction has been removed.
(f) *Renewal.* In the event that a permitted project does not conclude prior to expiration of the rights-of-way construction permit under which it is being performed, the permittee shall apply to the Development Services Department for an extension of the permit. In such an application, the following information shall be provided:
(1) A statement from the permittee indicating the reason for the delay in completion of the project;
(2) The date that the permittee anticipates the project to be completed; and
(3) Any applicable permit fees established at the time of issuance of the original permit.
Sec. 19-22.8. - Appeals.
An appeal may be taken to the City Manager, or the Manager's designee, by any person aggrieved, where it is alleged there is an error in any order, requirement, decision or determination made by any person in the enforcement of this Article. The appeal shall be presented upon written request to the City Manager, or the Manager's designee. The City Manager, or the Manager's designee, shall render a decision within ten (10) working days. A response from the Manager or designee shall be made in writing and shall be supported by written findings establishing the reasonableness of the decision. Appeal of any decisions made by the City Manager, or the Manager's designee, shall be made to the City Council.
Sec. 19-22.9. – Engineering, construction and location standards.
(a) *Allocation of Space in the Rights-of-way*. The City shall have the power to establish reasonable limitations on the placement of new or additional facilities within specific congested segments of the rights-of-way if there is insufficient space to accommodate all of the requests of ROW occupants. In making such decisions, the City shall strive to the extent possible to accommodate all existing and potential users of the rights-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the width and physical condition of the rights-of-way, the protection of existing facilities in the rights-of-way and future City plans for public improvements and development projects which have been determined to be in the public's interest.
(b) *Underground Policy.* Facilities may be installed above ground in areas where existing utility facilities are above ground and shall, unless otherwise approved by the Development Services Director, be installed underground in areas where existing facilities are installed underground, subject to all applicable safety codes. The City encourages the sharing of underground and overhead facilities. Leasing of excess space in ducts, conduits and on poles is a matter between interested parties; however, lessees of such physical

facilities must still comply with the terms of this Article, unless otherwise expressly exempted in this Article. Underground facilities shall be placed in such a manner so they can be located by the owner of the facilities or the owner's representative.

(c) *Location Criteria.*

(1) *Corridors.* The City of Comanche Design and Construction Standards assigns specific corridors within the rights-of-way, or any particular segment thereof as may be necessary, for each type of facility that is now or may in the future be located within the rights-of-way. An ideal cross section is established to identify the lateral and vertical position of each class of potential user. ROW occupants shall have the right to occupy only one corridor or section of each rights-of-way within the vertical zone established for the applicable class of user. Additional corridors in the same portion of the rights-of-way may be granted only upon consideration of future utility uses and a demonstration by the requesting party that its current corridor does not afford sufficient space to install its facilities. All permits issued by the Development Services Director involving the installation or replacement of equipment shall be reviewed as to the proper corridor for the facility.

(2) *Variance.* Any ROW occupant whose facility is located in the rights-of-way in a position at variance with established corridors shall move that facility at its own expense to its assigned position within the rights-of-way no later than at the time of the next reconstruction of the facility or roadway reconstruction which requires utility relocation by the City of the area where the facility is located. This requirement may be waived by the Director for good cause shown, upon a written request submitted through the Development Services Director, giving due consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs or hardship to the ROW occupant.

(3) *Interference.* A ROW occupant shall not place any fixtures or equipment where they will interfere with any existing facility. A ROW occupant shall locate its lines and equipment in such a manner as not to interfere unnecessarily with the usual traffic patterns (vehicular or pedestrian) or with the rights or reasonable convenience of owners of property that abuts any rights-of-way.

(d) *Construction Standards.*

(1) All utilities shall be placed within the rights-of-way according to City of Comanche Design and Construction Standards, provided that in circumstances where no placement is specified, the following minimum depth of installed facilities shall be as follows:

a. Twenty-four (24) inches in soil,

b. Twenty-four (24) inches below a projected slope from the flowline of a ditch at a three (3) horizontal and one (1) vertical slope,

c. Forty-eight (48) inches under a roadway measured from the surface of said roadway to the top of the installation,

d. Forty-eight (48) inches under a stormwater or creek channel design flowline, and

e. Cross under all water and natural gas lines at a depth of twenty-four (24) inches.

(2) *Backfilling/Testing.* Excavations shall be promptly backfilled according to City of Comanche Design and Construction Standards and the earth shall be restored to original grade to assure no hazard to vehicular, animal or pedestrian traffic. The permittee shall perform all necessary compaction tests in accordance with the latest design and

construction specifications setting forth requirements for backfill and paving cut repairs (*e.g.*, standard concrete pavement cut and repair; standard asphalt pavement cut and repair, etc.). All test reports shall be submitted to the Development Services Department.
(3) *Pavement Cutting.* All ROW occupants shall comply with the terms and conditions of Comanche City Code Chapter 19, prior to cutting any pavement.
(4) *Replacement*. The replacement of any sidewalk, any driving surface and the base of any roadway shall comply with requirements of the Americans with Disabilities Act (ADA) and City of Comanche Design and Construction Standards and may require additional removal to the nearest joint in all directions. Unless performed as a privately financed public improvement, this removal and all pavement restoration shall be the responsibility of the Transportation and Stormwater Services Department or its assigned contractor at the expense of the ROW occupant.
(5) *Trenching.* A permittee shall not proceed with additional trench work exceeding a maximum of five hundred (500) feet of open trench without prior approval of the City.
(6) *Crossings.* All underground crossings of paved roadways and stormwater and creek channels shall be made by a bore method approved by the Director of Transportation and Stormwater Services. Any alternate method shall be approved by the Director, then submitted to the Development Services Director. Voids and all holes shall be properly grouted. Crossings shall be at approximately right angles to the roadway and in no case shall any facility be placed in any culvert or drainage pipe or within ten (10) feet of a culvert or storm sewer.
(7) *Erosion*. Erosion prevention measures shall be incorporated into all work within the public way. All gutters, ditches and other drainage features shall be maintained free and unobstructed of sediment, dirt and debris. The handling, grading, excavating or moving of excess construction materials or the movement or cleaning of construction vehicles or equipment shall be conducted in such a manner that materials and washout will not be deposited into catch basins, gutters, ditches or areas where runoff may carry materials into any public or private stormwater system.
(e) *Dimension and Location Criteria.* Maximum dimensions and location of associated, above ground equipment, including but not limited to junction boxes, duct banks, electric generators, repeaters, antennas, satellite dishes or equipment cabinets, shall meet the following criteria:
(1) The "elevation view" shall not exceed thirty (30) square feet without written approval of the Development Services Director.
(2) Associated equipment shall not be installed in such a manner so as to obstruct the view of drivers upon or entering a public street. Equipment shall not be placed within any intersection "sight-distance triangle".
(3) No equipment, including poles, supporting structures for telecommunication antennas, cables and guy wires, shall be placed so as to obstruct, block, obscure or otherwise interfere with any traffic-control device, fire hydrant, wheelchair ramp or other safety device. Locations with existing or potential traffic signals shall have the overhead vehicle signal face display zones kept clear from wires and cables below a height of twenty-two (22) feet above the pavement grade. Power lines which require a ten (10) foot separation from other facilities shall be suspended no lower that thirty-two (32) feet above the

pavement grade around intersections with existing or potential traffic signals. This minimum clearance shall not be violated by sagging due to cable elongation.
(4) No equipment, including poles, supporting structures for telecommunication antennas, and guy wires, shall be placed so as to obstruct the flow of pedestrian traffic, and in no case result in less than six (6) feet of clear sidewalk.
(f) *Small Cell Supporting Structure Location Criteria.* The location of any new small cell facility and supporting structures located within any right-of-way shall meet the following criteria:
(1) Small cell supporting structures shall be located a minimum of five-hundred (500) feet from any other small cell supporting structure located on the same side of the right-of-way. This distance shall be measured in a straight line from the nearest point of each supporting structure, located at surface grade.
(2) Supporting structures located between any existing utility poles shall be sited equidistant between them, within ten (10) percent variance of the total distance. This distance shall be measured in a straight line from the nearest point of each utility pole, located at surface grade.
(3) Small cell facilities and supporting structures shall be set back from any traveling surface or curb no less than eight (8) feet to allow for a six (6) foot sidewalk or trail set back two (2) feet from any traveling surface or curb.
(4) Small cell facilities and supporting structures shall be located where there is no encroachment into any existing or planned corner sight triangles or sight line triangles. Supporting structures shall not interfere with any safe sight distances or otherwise block vehicular, bicycle or pedestrian traffic, or conflict with the installation, maintenance, or repair of any public utility.
(5) Small cell facilities, including support structures, shall not exceed fifty (50) feet in height measured at grade; provided that in no event shall any small cell facilities including its support structures exceed 110% of the tallest existing utility pole located within 500 feet along the same street right-of-way. This distance shall be measured in a straight line from a small cell facility's supporting structure the nearest point of any utility pole, located at surface grade.
(g) *Traffic Control and Safety.*
(1) Any permittee occupying any portion of rights-of-way shall erect a barrier around the perimeter of any excavation and provide any and all traffic-control devices, signs and lights appropriate to the level of complexity of the activity in order to protect, warn and guide the public (vehicular and pedestrian) through the work zone. The manner and use of these devices shall be described within a traffic-control plan in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Director of Transportation and Stormwater Services.
(2) Permittees shall implement each traffic-control plan. All permittees shall at all times comply with all applicable city, state and federal requirements and maintain all devices in good repair. Permittees with open excavations awaiting final restoration shall maintain all devices until the Transportation and Stormwater Services Department notifies the permittee in writing

that the City or the City's designated contractor is assuming responsibility for traffic control for the paving cut restoration or the permittee has completed his City-approved privately financed public improvement and it has been accepted by the City.
(3) Each ROW occupant shall designate a safety officer. The safety officer shall be responsible for safety-related issues affecting both the public and the ROW occupant's field employees and contractors for all job sites within the rights-of-way.
(h) *Miscellaneous Standards*.
(1) *Nuisance.* Two (2) years after the passage of this Article, any equipment found in the rights-of-way that has not been registered shall be deemed to be a nuisance. If the owner can be ascertained by the appearance of the equipment, then upon thirty (30) days' notice to the owner, or, where the owner cannot be ascertained by markings on the equipment, upon thirty (30) days' public notice published in a newspaper of general circulation, the City may exercise any remedies or rights it has at law or in equity, including but not limited to abating the nuisance by taking possession of the facilities and restoring the rights-of-way.
(2) *Identification.* The Development Services Director, at the Director's discretion, may require any new facility (aerial or underground) installed, replaced or repaired by or for a ROW occupant, after the effective date of this Article be permanently identified with the name or logo of the ROW occupant on but not limited to manhole covers, tags, poles, posts and signs. The maximum spacing between poles, posts and signs shall be no less than five hundred (500) feet for paved roadways and walkways. All ROW occupants shall make all reasonable efforts to ensure that all existing facilities shall be marked during the normal course of business.
(3) *Construction Zone Identification.* Any permittee excavating or obstructing any portion of the ROW shall erect a temporary sign displaying either:
a. The names of the ROW occupant, any contractors and/or subcontractors involved in the project and the City permit number authorizing said activity; or
b. The names of the ROW occupant and a local telephone number or toll free number manned during regular business hours by a person who is knowledgeable about the construction project.
The sign shall be visible from any adjacent traffic lane and shall be maintained throughout the duration of the project.
(4) *Vehicle Identification.* All vehicles used, parked or stored by or on behalf of a ROW occupant or permittee within a permitted construction zone shall be clearly marked, providing the name of the facility's owner, the permittee, the contractor or subcontractor. Any unmarked vehicles shall be subject to all moving and parking ordinances. Private vehicles shall not be permitted to be parked or stored within any permitted work zone at any time.
(5) *Permit.* A current rights-of-way construction permit shall be maintained on each work site. The rights-of-way construction permit shall be presented upon request to any City of Comanche officer or employee.
(6) *Tree Trimming.* A ROW occupant shall have the authority to trim trees upon or overhanging streets, alleys, sidewalks and rights-of-way so as to prevent the branches of such trees from coming into contact with the wires and cables of the ROW occupant.

(7) *Due Care.* A ROW occupant shall at all times employ due care during the installation and maintenance process and use commonly accepted standards, methods and devices including but not limited to safety standards of OSHA, NEC, FCC and the City of Comanche for preventing failures and accidents which are likely to cause damages, injuries or nuisances to the public. All structures and all lines, equipment and connections in, over, under and upon the streets of the City, wherever situated or located, shall at all times be kept and maintained in a safe and suitable condition, and in good order and repair.

Sec. 19-22.10. - Insurance.

(a) *Insurance Required.* Each ROW occupant and permittee shall carry and furnish proof of insurance of such kinds and with such limits of liability as set forth below:

(1) *Owner's and Contractor's Protective Insurance.*

a. An owner's and contractor's protective policy shall be carried, with the City as the named insured and issued by the same insurance company which provides the ROW occupant's or permittee's liability coverage in amounts not less than: Each occurrence (combined single limit for bodily injury and property damage)	$1,000,000.00
Annual aggregate.....	$1,000,000.00

Sections 19-23 through 19-29. (Reserved for future use.)

Article 3. Water District.

Section 19-30. Creation of Waurika Reservoir Water District.

Pursuant to 11 O. S. 1977 Supplement, § 37-110, there is hereby established and designated, by metes and bounds, a Water District for the sanitary protection of the water supply of the City of Comanche, Oklahoma. The District shall be known as the Waurika Reservoir Water District, and shall embrace all the lands in the counties of Jefferson, Stephens, Grady, Comanche and Cotton, State of Oklahoma, within the following metes and bounds, to-wit: Beginning at the Southeast corner of the Southwest Quarter (SW ¼) of Section One (1), Township Four South (T-4-S), Range Nine West (R-9-W); Thence East 4 miles; thence North .5 mile; Thence East .5 mile; Thence North 3.5 miles; Thence West .5 mile; Thence North 1 mile; Thence West .5 mile; Thence North 2 miles; Thence West .5 mile; Thence North 7 miles; Thence West .5 mile; Thence North 1.5 miles; thence West .5 mile; Thence North .5 mile; Thence East .5 mile; thence North .5 mile; Thence East .5

mile; Thence North .5 mile; thence East .5 mile; thence North .5 mile; Thence East .5 mile; Thence North .5 mile; Thence East 1 mile; thence North .5 mile; thence East .5 mile; Thence North 1.5 miles; Thence East to a point at the Southeast corner of the Southeast Quarter (SE ¼) of Section Twenty Five (25), Township One North (T-1-N), Range Eight West (R-8-W); Thence North 1 mile; Thence East .5 mile; Thence North .5 mile; Thence East 1 mile; Thence North .5 mile; Thence East .5 mile; Thence North 1.5 miles; thence East .5 mile; Thence North 1.5 miles; Thence West .5 mile; Thence North 3 miles; Thence West .5 mile; Thence North 1.5 miles; Thence East .5 mile; Thence North 1 mile; Thence East 1 mile; thence North .5 mile; Thence East .5 mile; Thence North 2 miles; Thence West .5 mile; Thence North 1 mile; Thence West .5 mile; Thence North .5 mile; Thence West 1 mile; Thence North 1.5 miles; Thence West .5 mile; Thence North 1 mile; Thence West .5 mile; Thence North .5 mile; Thence West .5 mile; Thence North .5 mile; Thence West 1 mile; Thence North .5 mile; Thence West .5 mile; Thence South .5 mile; Thence West 3 miles; Thence South .5 mile; Thence West 1 mile; Thence North .5 mile; Thence West 1 mile; Thence North 1 mile; Thence West 1.5 miles; Thence North 1 mile; Thence West 2.5 miles; Thence North .5 mile; Thence West 1.5 miles; Thence North .5 mile; Thence West .5 mile; Thence North .5 mile; Thence West .5 mile; Thence South .5 mile; Thence West .5 mile; Thence South 1 mile; Thence West .5 mile; Thence North .5 mile; Thence West 1.5 miles; Thence South .5 mile; Thence West .5 mile; Thence South 2 miles; Thence West .5 mile; Thence South 1 mile; Thence West .5 mile; Thence South 1 mile; Thence West .5 mile; Thence South 3 miles; Thence East .5 mile; Thence South 2 miles; Thence East 1 mile; Thence South 1.5 miles; Thence West .5 mile; Thence South 1.5 miles; Thence East .5 mile; Thence South .5 mile; Thence East .5 mile; Thence South .5 mile; Thence East .5 mile; Thence South 1.5 miles; Thence West .5 mile; Thence South 5.5 miles; Thence West .5 mile; Thence South 1 mile; Thence East to a point at the Northeast corner of the Northwest Quarter (NW ¼) of Section Five (5), Township One South (T-1-S), Range Ten West (R-10-W); Thence South 2 miles; Thence East .5 mile; Thence South .5 mile; Thence East .5 mile; Thence South .5 mile; Thence East 1 mile; Thence South 1 mile; Thence East .5 mile; Thence South 1 mile; Thence East .5 mile; Thence South 5.5 miles; Thence East .5 mile; Thence South 3.5 miles; Thence East .5 mile; thence South .5 mile; Thence East .5 mile; Thence South .5 mile; Thence East .5 mile; Thence South .5 mile; Thence East 1.5 miles; Thence South .5 mile; Thence East 1.5 miles; Thence South 1.5 miles; Thence East .5 mile; Thence South .5 mile; Thence East .5 mile; Thence South .5 mile; Thence East 1 mile; Thence South .5 mile, to the point of beginning.

Section 19-31. Applicable Regulations Extended to Water District.

1. Appropriate provisions of the police power of the City of Comanche, Oklahoma, are hereby extended over all lands embraced within the above-described Water District (Section 19-30), and it is hereby declared that the jurisdiction of the City of Comanche, Oklahoma, in the fullest degree conformable to law, extends over, and applies to, the entire Water District (above-described), for the protection of the health of the City's residents and the purity of the City's water supply.

2. All rules and regulations of the City, County and State Health Departments and Authorities now in force, are hereby extended over, applied to, and shall have full force and effect within, the Water District described in Section 19-30. All such rules and regulations that may be lawfully made in the future shall extend over, and have the same effect within the Water District, as within the corporate boundaries of the City of Comanche, Oklahoma.

Section 19-32. Additional Changes and/or Amendments Authorized.

The City Council of the City of Comanche, Oklahoma, may promulgate such additional rules and regulations as may be deemed advisable, and may (by ordinance) extend, modify or change the metes and bounds description of the Water District described in Section 19-30, so as to embrace any additional lands directly or indirectly flowing or shedding into the Waurika Reservoir basin, or so as to make any necessary corrections because of errors in the metes and bounds description.

Section 19-33. Pollution of Water Supply Unlawful.

No person, firm, partnership or corporation or any of the partners, officers, managers, or employees thereof, shall pollute, or permit the pollution of, the water supply, or any stream, pond, spring, lake or other reservoir fit to be used and used as a water supply. Pollution by salt water, or by crude oil or the bottom settlings thereof, or by sulfur water, or any other mineral water, or by the refuse of the products of any well or mine, by which the water supply is rendered unfit for use as a water supply for municipal purposes, shall be deemed unlawful pollution for the purposes of this Section.

Section 19-34. Action for Damages.

The City of Comanche, Oklahoma, shall have the right of action for damages resulting from pollution of its water supply, as provided in Section 19-33, and the measure of damages shall be the amount which will compensate for the detriment caused thereby, whether it could have been anticipated or not. Where such pollution is continued for a period of six (6) months or more, the injury shall be regarded as permanent.

Section 19-35 "Utility Collection Fees"

(A) A collection fee of Thirty-five (35%) of Utility penalties , and fees in cases in which the Consumer has failed to satisfy a monetary obligation imposed by the Municipality shall be added to any such case which is referred to a collection agency for collection.

ORD 551-18 OCTOBER 9, 2018

Section 19-36. Installation of Backflow Prevention Devices

SEWER: All businesses and residents located in a designated flood zone are required to install a backflow prevention device to all newly installed sewer lines or replacements of greater than 50% which connect to the City of Comanche sewer collection system. All devices shall prevent wastewater from being able to backup into the premises from which it originated.

POTABLE WATER: In accordance with residential and international building codes the City of Comanche requires the installation of a backflow prevention device on all water lines with a water meter one inch (1") or greater. All new water lines that meet this threshold must have a device installed before connection to the water meter. All existing lines must have a backflow prevention

device installed within one year of the passing of this ordinance. Failure to comply will result in disconnection from the city water system. The purpose of this ordinance is to protect the City's water system from contaminates or pollutants that could enter the distribution system by backflow from a customer's water supply system through the service connection. There is no exemption for landscaping systems.

BULK FILL STATIONS: Any bulk fill stations or bulk filling from a fire hydrant must have city approved back flow prevention or an approved air gap. Bulk filling systems must be inspected by approved city personnel. The use of fire hydrants for bulk use must be approved by the fire chief. All bulk water use is subject to metering and billing at the published rate.

INSTALLATION & INSPECTION: All backflow prevention devices shall be commercially manufactured with a mechanically engineered fitting. The installation of all devices must be visually inspected by city personnel for proper equipment and installation. In no case shall there be a tee between the meter and the backflow prevention device. In systems using storage water heating equipment where thermal expansion causes an increase in pressure, a device controlling pressure shall be installed. The only exemption will be in situations where existing fire suppression systems where the device will compromise the integrity of the fire suppression system.

Failure to comply with the requirements of this ordinance in part or as a whole will result in termination of services.

(Ord. 553-19, February 12, 2019)

Section 19-37 through 19-39. (Reserved for future use.)

Article 4. Municipal Airport.

Sections 19-40 through 19-49. (Reserved for future use.)

Article 5. Miscellaneous Provisions.

Section 19-50. Grass Clippings.

That grass clippings being disposed of by a customer paying a sanitation fee to the City of Comanche, shall be securely bagged or placed securely in boxes before said customer deposits the same in the sanitation containers owned by the Comanche Public Works Authority. That all food waste products shall be securely double bagged before customers deposit the same in the sanitation containers owned by the Comanche Public Works Authority. Further, that all limbs and/or brush shall be securely bound by nylon cord or wire; with said bound limbs and/or brush not to exceed the weight of 80 pounds and not to exceed the length of 36 inches, before such customer deposits the same beside sanitation containers owned by the Comanche Public Works Authority.

(Ord. 321, August 9, 1983)

Section 19-51. Collection and Disposal Declared to be a Municipal Function.

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

(Ord. 330, September 11, 1984)

Section 19-52. Purpose.

It is the purpose of this Article and it is hereby declared to be the policy of the City of Comanche, Oklahoma, pursuant to the authority of the Oklahoma Solid Waste Management Act (Title 63 O. S. 1981, Sections 2251-2265, inclusive and as amended), to regulate the collection and disposal of solid wastes in a manner that will protect the public health and welfare, prevent air and water pollution, prevent the spread of disease and the creation of nuisances, conserve the natural resources, and enhance and preserve the beauty and quality of the community's environment.

(Ord. 330, September 11, 1984)

Section 19-53. Definitions.

1. Refuse. The word "refuse" shall mean tree trimmings, junked building and roofing materials, manufacturing waste, rocks, dirt and other waste material not defined as "solid waste" or "trash".

2. Trash. The word "trash" shall mean paper, rags, containers of paper, tin cans, yard and house sweepings and all other household waste, but not tree trimmings, building and manufacturing waste, sewage and rocks, raw dirt, rainwater and other liquid refuse properly disposable through the sanitary sewers of the City.

3. Solid Waste. The term "solid waste" shall include all putrescible and nonputrescible refuse in solid or semi-solid form, including, but not limited to, garbage, refuse, ashes or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid or semi-solid commercial and industrial wastes and hazardous wastes (including explosives, pathological wastes, chemical wastes, herbicide and pesticide wastes).

4. Solid Waste Management System. The term "solid waste management system" shall mean the entire process of storage, collection, transportation, processing and burying solid wastes at or in a site approved by the Oklahoma State Department of Health.

(Ord. 330, September 11, 1984)

Section 19-54. Accumulation a Nuisance; Containers.

1. It shall be unlawful for any person in charge of any lot or piece of ground to allow solid waste to accumulate thereof, so as to cause an offensive odor to be emitted therefrom or to become injurious or dangerous to the health of the neighborhood or any inhabitant thereof. Any such condition is hereby declared a violation of this Article and punishable as such, and in addition is declared to be a nuisance and may be abated as such. (Ord. 330, September 11, 1984)

1. Any person constructing any structure within the City of Comanche, Oklahoma, shall, prior to construction on any premises, furnish and place on said premises a container of suitable size and design (35-gallon maximum) to contain all solid waste which might, by the winds or elements, be distributed and blown from the premises; said container shall be used by the person concerned at all times to keep the premises from becoming unsightly with solid waste, and shall always be kept covered. (Ord. 330, September 11, 1984)

2. Any person who fails to keep the premises on which any structure is being built or installed free from solid waste and who allows said waste to blow or be carried from the premises to adjoining or other property or into the streets, shall be deemed guilty of causing a nuisance, and shall be subject to the penalties in this Code of Ordinances prescribed therefor. (Ord. 330, September 11, 1984)

4. Solid waste containers shall be placed at the curb no earlier than 7:00 P.M. on the day preceding the scheduled collection day for that residence and shall be removed from the curb no later than 7:00 P.M. following collection. (Ord. 500-11, December 13, 2011)

Section 19-55. Burning of Solid Waste.

You may only burn *clean, dry wood* or fuels approved for cooking in the City of Comanche. Refuse (trash), cardboard, paper, construction material and other materials not identified in this ordinance may not be burned. Fire Codes do permit fires for cooking and approved outdoor fireplaces. The City of Comanche does not permit the burning of leaves, construction debris, brush pile, etc. If the City receives a complaint, they will respond and can, at the discretion of the Officer, extinguish the fire for any violation of the following conditions, or, if the fire is creating a hazard or nuisance. The Officer will determine if the fire is creating a hazard or nuisance. A citation may be issued for any violation of the following conditions.

Burning of Refuse: It shall be unlawful for any person to burn any refuse (trash) anywhere within the City. This section is hereby declared necessary for the proper protection of the property and health of the citizens of the city, and violation of this section is hereby declared to be a public nuisance and unlawful.

Permission of the property owner is required before starting a fire.

1. Campfires are only permitted in approved campgrounds which would be limited to approved campsites at Comanche Lake.

2. Outdoor Fireplaces

Outdoor fireplaces are available at many local department stores. They must be used in accordance with all of the manufacturer's safety requirements and Comanche's General Ordinance.

Outdoor fireplaces and pits are bowls or pits designed for the holding or burning of wood and shall be allowed without a license, if the following conditions are met:

- Fireplaces shall include a bowl with supports to ensure clearances to combustibles;
- Pits shall have an enclosure, heavy screen or spark arrestor to control and contain embers and sparks;
- Fireplaces or pits shall not be used within fifteen (15) feet of a building or lot line;
- Fireplaces or pits shall be used on a stable level surface;
- Fireplaces or pits shall not be used on any combustible deck, porch or patio;
- Only clean, dry wood is permitted to be burned in fireplaces or pits. No trash or construction material shall be burned;
- If the fireplace is a propane unit, only propane shall be burned;
- The smoke from a fireplace or pit shall not create a nuisance;
- A fire extinguisher, garden hose or other method of fire control shall be readily available;
- The fireplace or pit must be supervised at all times by a responsible adult. The fire must be completely extinguished before the fireplace or pit is left unsupervised;
- Fireplaces or pits shall not be operated when winds are greater than 15 MPH; and
- Manufactured outdoor fireplaces and pits shall be operated in accordance with the manufacturer's assembly, safety, and operating instructions.

3. Clay Fireplaces (Chimineas)

Clay fireplaces (chimineas) are permitted in Comanche. They must meet all of the requirements listed above for outdoor fireplaces as well as the following:

- Must have a spark arrester on the flue and a spark screen to cover the opening.
- Shall not be used within four (4) feet of any combustible materials or in high winds.

4. LP-Assisted Ignition Fireplaces

LP-assisted ignition fireplaces must meet all of the requirements listed above for outdoor fireplaces as well as the following:

- Do NOT store/use gasoline or other flammable liquids in the vicinity of this unit.
- Never leave hose assembly connected when wood is burning.
- Once the wood is burning, immediately turn the regulator knob to "OFF" and disconnect the LP bottle and hose assembly.

5. Charcoal & LP-Gas Grills and other Open-Flame Cooking Devices

Charcoal & LP-Gas Grills and other Open-Flame Cooking Devices shall comply with all city ordinance. Be sure to read the owner's manual!

6. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction. Exceptions: One- and

two-family dwellings and/or where buildings and decks are protected by an automatic sprinkler system. Make sure the coals are completely cooled down with water before disposing of them. Make sure all ashes are contained in a non-combustible container.

7. LP-gas burners: An LP-gas container with a water capacity greater than 2.5 pounds (nominal 1 pound LP-gas capacity) shall not be stored or operated on balconies.

8. Open Burning: No open burning shall be permitted within the city limits of Comanche. This would include piles of brush, leaves or yard debris.

9. Penalty: Any person, firm or corporation violating any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in the amount as follows:

A. First offence of any person or at any address shall be $100.
B. Second Offence shall be $250.
C. Third Offence shall be $500.
D. Any offence during a burn ban shall carry a separate offence of burning during a fire ban. This offence shall carry a penalty of $500 per offence.

ORD 573-22 MAY 10, 2022

Section 19-56. Water Rates Established.

2. Rates for water usage within the City of Comanche, Oklahoma, shall be as follows:

a. Up to 2,000 gallons per month ---------- $27.61 (minimum fee)

b. Over 2,000 gallons per month ---------- $3.24 per each 1,000 gallons in excess of 2,000 gallons per month

2. Rates for water usage if they have a separate meter designated for sprinkling systems within the City of Comanche, Oklahoma, shall be as follows:

a. No minimum is required ----------$3.24 per each 1,000 gallons

3. Rates for water users outside the Comanche, Okla. Corporate limits, with the exception of sales to other corporate entities on a contractual basis (i.e., the Meridian Rural Water and Consolidated Rural Water Districts) shall be as follows:

a. Up to 2,000 gallons per month ---------- $27.61 (minimum fee)

b. Over 2,000 gallons per month ---------- $3.24 per each 1,000 gallons in excess of 2,000 gallons per month

4. Water Meter Fee

Water meter and tap fees shall be:

3/4" Tap ----------$750
1" Tap ----------$1,200
2" Tap ----------$2,000
3" + Tap ---------- Actual Cost

ORD. 574-22 MAY 10, 2022

5. Rates for bulk water sold from the City of Comanche, Oklahoma (e.g., tanker truck sales) shall be as follows:

a. $25.00 per each thousand gallons.
ORD. 559-19 DECEMBER 10, 2019

6. Beginning January 1, 2022 water service charges shall increase annually at the published Consumer Price Index (CPI) or 1.5% whichever is less. This increase shall remain in effect in perpetuity unless removed by ordinance. ORD 571-21 NOVEMBER 9, 2021

Section 19-57. Sewer Fees and Charges.

1. Every residence or business discharging sewage from his premises into the Municipal sewer system shall pay a "Sewer Maintenance Charge" based upon water consumption.

   a. First 2,000 gallons ---------- $ 13.42 (minimum fee)
   (Ord. 506-13, April 9, 2013, $12.30; Ord. 510-14, February 11, 2014)

   b. Over 2,000 gallons ---------- $ 1.69 per 1,000 gallons in excess of 2,000 gallons per month
   (Ord. 510-14, February 11, 2014)

2. Out of this charge there shall be set aside into a special sewer improvement fund one dollar ($1.00) additional charge. (Ord. 447-02, April 9, 2002)

3. This charge shall appear on the customer's utility bill, along with the charges for water, electricity and/or garbage and shall become due, and if not paid, delinquent at the same time the bill becomes due, and if not paid, delinquent. (Ord. 447-02, April 9, 2002)

4. Municipal Ordinance Number 249 (October 8, 1974), relating to the OSDH-EPA required sewer user charge, shall continue in effect. (Ord. 447-02, April 9, 2002)

5. Sewer Taps shall be done by a certified plumbing contractor and inspected by the city before being covered. Fees shall be $100 Ord. 574-22 MAY 10, 2022

6. Beginning January 1, 2022 sewer service charges shall increase annually at the published Consumer Price Index (CPI) or 1.5% whichever is less. This increase shall remain in effect in perpetuity unless removed by ordinance. ORD 571-21 NOVEMBER 9, 2021

Section 19-58. Solid Waste Rates.

1. For polycart (residential and commercial) garbage removal, a charge of Twenty-seven Dollars and Eighty Cents ($27.80) per month for the first polycart and Seven Dollars and Eighty Cents ($7.80) per month for each additional polycart for a 2-times per week collection.

2. The commercial charge for dumpsters is at a rate of:

   2 yd. - $108.70, 4yd - $153.30, 6 yd. – $197.85, 8 yd. - $240.60, 10 yd. $283.35

3. The City Council may establish specific rates for other, specified commercial uses by motion, resolution or ordinance.

4. The solid waste removal charge shall be added to the electric and/or water bill for residences or commercial uses.

5. Any person failing or refusing to pay said amount shall have his electricity and/or water discontinued and/or disconnected, until the full amount due for all service is paid in full.
ORD 562-20 MAY 12, 2020

6. Beginning January 1, 2022 solid waste service charges shall increase annually at the published Consumer Price Index (CPI) or 1.5% whichever is less. This increase shall remain in effect in perpetuity unless removed by ordinance. ORD 571-21 NOVEMBER 9, 2021

Section 19-59. Deposit Levels Established.

The City of Comanche, Oklahoma, in cooperation with the Comanche Public Works Authority, shall require that the following amounts be provided as a deposit, before the initiation of water and electrical service within said City:

1. Homeowner's, Personal Home(s) Only ---------- $ 150.00

2. Rental Units, Each ---------- $350.00

3. Commercial Units, Each ---------- $250.00
(Ord. 526-16, October 18, 2016)

Section 19-60. Electrical Service Established.

1. Rates for Residential electrical usage for service provided by the City of Comanche shall be as follows:

   a. Monthly Customer Charge ---------- $ 26.43
   b. Energy Charge
   All KWH ---------- $ 0.1496 per kwh

2. **Rates for General Commercial and Industrial electrical usage for electrical service provided by the City of Comanche shall be as follows:**

   a. **Customer Charge ---------- $42.07**
   b. **Energy Charge**
      All KWH ---------- $ 0.1204 per kwh

3. **Rates for Institutional (tax exempt) electrical usage for electrical service provided by the City of Comanche shall be as follows:**

   a. **Customer Charge ---------- $42.07**
   b. **Energy Charge**
      All KWH ---------- $ 0.1207 per kwh

4. **Rates for Large Commercial (>150,000 KWH/Year) for electrical service provided by the City of Comanche shall be as follows:**

   a. **Customer Charge ---------- $119.25**
   b. **Energy Charge**
      1st 5,000 KWH ---------- $ 0.1173 per kwh
      Over 5,000 KWH ---------- $ 0.0991 per kwh

ORD. 585-25 JUNE 10, 2025

5. Renters must provide a copy of a lease or rental agreement for all connections and transfers. Proof of ownership through a copy of a valid deed, closing documents or letter from the County Assessor office will be required to establish or transfer any utility services within the City of Comanche.

6. Beginning January 1, 2022 electric service charges shall increase annually at the published Consumer Price Index (CPI) or 1.5% whichever is less. This increase shall remain in effect in perpetuity unless removed by ordinance. ORD 571-21 NOVEMBER 9, 2021

Section 19-61. Illegal Trash Disposal

PURPOSE: The purpose of this Ordinance is to control *illegally dumped materials* in *public places* and on private property within the incorporated areas of The City of Comanche, Oklahoma and to promote health, safety and general welfare of the community.

1. JURISDICTION: The provisions of this Ordinance shall apply to all of the incorporated city limits and all city owned property outside city limits of Comanche, OK.
2. APPLICATION OF REGULATIONS: The regulations set by this Ordinance shall be applicable to all *illegally dumped materials* in the City.
3. CITIZENS RESPONSIBILITY: It shall be the responsibility of all citizens to assure that their *solid waste* is discarded in accordance with the regulations set by this Ordinance.

4. INTERPRETATION OF STANDARDS: In interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Whenever the requirements of this Ordinance are at variance with the requirements of any lawfully adopted rules, regulations, ordinance, deed restriction, covenants, or other provisions of law, the most restrictive or that imposing the higher standards, shall govern.

5. DEFINITIONS: For use in this Ordinance, the following terms and words are hereby defined. The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Ordinance.

.01 SHALL AND MAY: The word "shall" is mandatory; the word "may" is permissible.

.02 PERSON: The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

.03 USED OR OCCUPIED: The word "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

.04 AUTHORIZED RECEPTACLE: A storage and collection receptacle designed for containment of *litter* in covered containers.

.05 CONSTRUCTION AND DEMOLITION WASTE: Waste building materials including wood, metals and rubble which result from construction or demolition of structures.

.06 DISCARD: To place, cause to be placed, throw, deposit or drop.

.07 GARBAGE: All solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial byproducts, and shall include all such substances from all public and private establishments and from all residences.

.08 LITTER: Litter shall include, but not be limited to *garbage, refuse, rubbish, solid waste,* and other similar solid or semi-solid materials resulting from industrial, commercial, agricultural and domestic activities.

.09 NONPUTRESCIBLE WASTE: A waste that is not liable to become putrid, decomposed, rotten, and foul smelling.

.10 PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.

.11 PUBLIC PLACE: Any and all public highway, county road, street, sidewalk, alley or thoroughfare, including any portion of the right-of- way thereof, or any other public lands, spaces, grounds or buildings. This term also includes any freshwater lake, river, canal, ditch or stream.

.12 PUTRESCIBLE: A waste that is liable to become putrid, decomposed, rotten, and foul smelling.

.13 REFUSE: Putrescible and nonputrescible wastes including but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleaning, market and industrial solid wastes and sewage treatment wastes in dry or semisolid form.

.14 RUBBISH: Nonputrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

.15 RUBBLE: Stone, brick or similar inorganic material.

.16 SOLID WASTE: Garbage, refuse, rubbish, litter, construction and demolition waste and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste includes but is not limited to: municipal solid waste, old corrugated

cardboard, waste paper, old tires, inoperative and abandoned household appliances, furniture, mechanical equipment, construction and demolition debris, brush or yard waste, junked or inoperable vehicles, junked or inoperable watercraft, aircraft, farm machinery, biosolids, or dead animals.

6. ILLEGAL DUMPING ON PUBLIC PLACE PROHIBITED: No *person* shall *discard solid waste* in or upon any *public place* within the *City*, except in *authorized receptacles.*
7. ILLEGAL BURNING: No person shall burn electrical building wire or solid waste in or upon any public place or private property within the City. This shall not be construed to include electric building wire that is located in and is a part of a structure which is being burnt as a training fire by a bona fide fire department for which a permit has been issued by the Oklahoma DEQ.
8. PLACEMENT OF LITTER IN RECEPTACLES AS TO PREVENT SCATTERING: *Persons* placing *solid waste* in *authorized receptacles* shall do so in such a manner that the elements of nature will not carry the *solid waste* upon *public places* or private property. Such *authorized receptacles* shall be constructed in such a manner as to be strong, not easily corrodible, rodent proof, insect proof and shall be kept covered at all times, except when *solid waste* is being deposited therein or removed there from. All *solid waste* shall be collected frequently enough to prevent nuisance.
9. LITTER DISCARDED FROM VEHICLES: No *person* shall *discard* any *litter* onto or into any water or land of this *City*, except that nothing in this Section shall be construed to affect the authorized collection and *discarding* of such *litter* in or on areas or receptacles provided for such purpose. When *litter* is *discarded* from a motor vehicle, the driver of the motor vehicle shall be responsible for the act, in any case where doubt exists as to which occupant of the motor vehicle actually *discarded* the *litter.*
10. LITTER FROM WRECKED OR DAMAGED VEHICLES: Any *person* removing a wrecked or damaged vehicle from or over a street or other *public place* shall remove all glass or other substances dropped upon the street or other *public place* from such vehicle.
11. LITTER ON PRIVATE PROPERTY: No *person* shall *discard litter* upon the private property of another, except in an *authorized receptacle,* as provided in this section.
12. UNAUTHORIZED RECEPTACLE: No one shall discard any solid waste in a, polycart, dumpster or other type receptacle without prior consent from the property owner or person responsible for the cost of the receptacle.
13. ANIMAL DISPOSAL: No one shall dispose of any fish, fowl, or other animal carcass in a dumpster or public land within city limits.
14. HAZARDOUS WASTE: It shall be illegal for any person to dispose of any hazardous, medical, biological or other related waste in any receptacle or dumpster located within city limits.
15. ENFORCEMENT IN PUBLIC PLACES: It shall be the duty of the Comanche Code Enforcement or The Comanche Police Department to administer and enforce this Ordinance in accordance with its provisions in a *public place.* This Ordinance may also be enforced in a public place by any other law enforcement officer or agency having jurisdiction in The City of Comanche, Oklahoma or any part thereof.
16. ENFORCEMENT ON PRIVATE PROPERTY: It shall be the duty of the *Code Enforcement Department* to administer and enforce this Ordinance in accordance with its provisions on private property. In the case of burning, it shall also be the duty of the Police Department to administer and enforce this Ordinance in accordance with its provisions on private property. This Ordinance may

also be enforced on private property by any other law enforcement officer or agency having jurisdiction.

17. VIOLATIONS AND PENALTIES: The penalty for violating the provisions of this Ordinance shall be as follows:

.01 For any person who engages in the act of illegal dumping in an amount not exceeding 10 pounds in weight or 15 cubic feet in volume:

a. First Offense $250

b. Second and Subsequent Offenses $375

.02 For any person who engages in the act of illegal dumping in amounts exceeding 10 pounds in weight or 15 cubic feet in volume:

a. First Offense $350

b. Second and Subsequent Offenses $500

.03 For any person who engages in the act of illegal burning:

a. First Offense $500

b. Second and Subsequent Offenses $500 plus restitution or associated cleanup cost. ORD 563-20 MAY, 12 2020

Section 19-62. Capital Improvement Fee.

1. There is hereby created and established a Capital Improvement Fee in the City of Comanche, Oklahoma, to be levied monthly on each customer receiving utility service from the City of Comanche, Oklahoma, in the amount of $10.00 per commercial customer and $7.50 per residential customer. (Ord. 496-11, November 11, 2011)

2. The revenues derived from said Fee, together with any interest and increments thereto, may, at the discretion of the City Council, be used for Capital Improvement purposes only, including but not limited to: (Ord. 496-11, November 11, 2011)

   a. Principal and interest obligations of the City or the Comanche Public Works Authority relating to any municipal debt incurred for the purpose of funding municipal or utility equipment or infrastructure; (Ord. 496-11, November 11, 2011)

   b. Cash expenditures, including lease-purchases, for capital improvements or equipment for parks and open space, streets and traffic, water, sewer, storm drainage and sanitation, electrical system, utilities, public buildings and other projects; (Ord. 496-11, November 11, 2011)

   c. Where transfers from said Fund or any part thereof to a Sinking Fund or other appropriate City of Comanche Fund or Comanche Public Works Authority Fund is necessary to accomplish such purposes, the City Council is authorized to make such transfer of funds. (Ord. 496-11, November 11, 2011)

Section 19-63. Special Utility Services and Equipment Requested by Consumers.

1. Special New Equipment Requested or Required

a. City utility customers will not be charged for the cost for standard equipment purchased and installed by the City which is necessary to furnish the utility customer with service, such as transformer with a rating for 50 KVA or less.

b. Any utility customer requiring the installation of a transformer larger than 50 KVA or other special equipment necessary for the utility customer to receive proper service shall make a request in writing to the City for the purchase and installation of said equipment. Such written request shall include all equipment specifications and plans which give rise to the utility customer's request for the larger transformer or special equipment. Upon receipt of the written request by the City for the purchase and installation of a transformer larger than 50 KVA or other special equipment the City shall review the written request and determine the necessity for said transformer or special equipment. If the City determines that the utility customer's needs require an electric transformer larger than 50 KVA or other special equipment then the City shall purchase and install said transformer or other special equipment at no charge to the utility customer. In reaching a determination as to whether or not there is a need for the larger transformer or other special equipment the City shall take into consideration the power needs, safety concerns, or additional benefits to the City of Comanche derived from the installation of the larger transformer or special equipment.

2. Charges for Burying Existing Electrical Lines

a. City utility customers who request that their existing aerial electrical lines be replaced with buried electrical lines must make that request in writing to the City and utility customer will be responsible for cost of supplies and special equipment, such as trenching equipment, needed to replace the existing aerial lines with buried lines. The City will not charge for the labor of City Employees to replace the aerial electrical lines with buried electrical lines.

b. If at the time the utility customer requests existing aerial electrical lines be replaced with buried electrical lines the City determines in its sole discretion that burying the electrical lines underground would provide a benefit to the City or is necessary for any other reason the City may elect to pay for the cost of supplies and equipment necessary to bury the electrical lines at the sole discretion of the City. This decision will be made on a case by case basis by the City Council.

c. When requested by the utility customer, the City will provide buried electrical service from the transmission line to the meter for any new building construction. The buried electrical lines will be placed on the utility customer's property in the most direct route from the City's transmission line to the meter. (Ord. 522-16, April 12, 2016)

4. Charges for New Tin Horns for Driveways

City customers who want the tin horns in their driveways replaced must make that request in writing and must pay for the new tin horn. The City will not charge for the labor.

(Ord. 504-13, January 8, 2013)

Section 19-64. Water Conservation Measures: Emergency Restrictions on Water Usage.

1. Definitions

   a."Odd-Even" watering schedule means that (1) if the last number of the building address ends in 0, 2, 4, 6, or 8, then permitted water usage is allowed on even-numbered calendar days and (2) if the last number of the building address ends in 1, 3, 5, 7 or 9, then permitted water usage is allowed on odd-numbered calendar days.

   b. "Customer" means the entity or individual that has contracted for water service with the City of Comanche through a master meter regardless of whether the customer actually resides within the City limits. If the customer has additional customers attached beyond the master meter, it is the customer's responsibility to insure compliance from all his/her customers with any restrictions on water usage required of all customers within the City limits. Customers are responsible for all family members and/or employees.

2. Stages of Water Restriction

   a. Stage 1—Voluntary Conservation of Odd-Even Outside Water Usage

      All customers are requested to conserve water voluntarily by limiting outside water usage to the hours of 7:00 PM to 7:00 AM each day and limiting usage to even-numbered days for street addresses ending in an even number and odd-numbered days for street addresses ending in an odd number.

   b. Stage 2—Mandatory Restriction - Odd-Even Outside Water Usage

      All customers shall restrict outside water usage, including but not limited to watering of lawns, trees, shrubbery, gardens and bedding plants, vehicle washing, washing or hosing down of sidewalks, driveways and streets, filling of pools or other recreational uses to the hours of 7:00 PM to 7:00 AM each day and limiting usage to even-numbered days for street addresses ending in an even number and odd-numbered days for street addresses ending in an odd number, unless the usage is exempt.

   c. Stage 3—Mandatory Restriction - Outside Water Usage Wednesday & Saturday Only

      All customers shall restrict outside water usage, including but not limited to watering of lawns, trees, shrubbery, gardens and bedding plants, vehicle washing, washing or hosing down of sidewalks, driveways and streets, filling of pools or other recreational uses to the hours of 7:00 PM to 7:00 AM on Wednesday and Saturday only, unless the usage is exempt.

   d. Stage 4—Mandatory Restriction of all Nonexempt Outside Water Usage
      All customers shall cease all non-exempt outside water usage. Non-exempt outside water usage includes but is not limited to watering of lawns, trees, shrubbery, gardens and bedding plants, vehicle washing, washing or hosing down of sidewalks, driveways and streets, filling of pools or other recreational uses of water.

3. Existence and Termination of Water Conservation Stages

Each Stage of water usage restrictions shall come into existence by a declaration of the Comanche City Council and proper publication of notice.

Each Stage of water usage restrictions shall terminate by a declaration of the Comanche City Council and proper publication of notice.

4. Exemption from Water Usage Restrictions

   a. Exemptions from Stage 2 and Stage 3 Restrictions:

      --Commercial car washes and service stations;

      --Washing of motor vehicles used in food transportation, food products, perishable goods or motor vehicles used for garbage collections;

      --Food producing crops for personal use or consumption only;

      --Newly planted lawns for a period of two weeks with the posting of a sign which sets out the date of the start of such two week period;

      --Watering around the foundations of property structures by use of a water hose.

   b. Exemptions from Stage 4 Restrictions.

      --Washing of motor vehicles used in food transportation, food products, perishable goods or motor vehicles used for garbage collections;

      --Watering around the foundations of property structures by use of a water hose.

5. Fire Hydrant Meters and Bulk Sales

The use of fire hydrant meters during Stages 2, 3, or 4 or the outside bulk sales to any party is prohibited except for approved construction projects and where building permits have been issued.

6. Penalties for Violations of Stage 2, Stage 3 or Stage 4 Water Usage Restrictions

VIOLATIONS OF ANY PROVISIONS OF STAGE 2, STAGE 3 OR STAGE 4 SHALL RESULT IN THE FOLLOWING PENALTIES:

a. First Offense shall be punishable by a fine of $100.00, plus court costs. In addition, water usage will be billed at 50% above the standard rate for the period in which the offense occurred.

b. Second Offense shall be punishable by a fine of $250.00, plus court costs. In addition, water usage will be billed at 100% above the standard rate for the period in which the offense occurred.

c. Third Offense shall be punishable by a fine of $500.00, plus court costs. In addition, water usage will be billed at 100% above the standard rate for the period in which the offense occurred.

d. For the purposes of this ordinance, any violation shall be considered a separate violation for each day of violation.

(Ord. 511-14, April 4, 2014; Watering Times Revised Ord. 512-14, July 15, 2014)

Section 19-65. Utility Reconnect Fee Established.

If a customer's utility service in the city of Comanche, Oklahoma is disconnected for failure to pay any utility bill and reconnection of utility service is necessary, the fee to reconnect any and all utility services shall be $70.00 per reconnection. (Ord. 526-16, October 18, 2016)

Section 19-66. Control and disposal of waste and refuge

In order to protect the health, safety and wellbeing of the citizens of Comanche, Oklahoma and to manage and handle all non-hazardous solid waste generated within the City, and any and all such non-hazardous solid waste so generated shall be required and deposited at a DEQ approved collection facility or in a DEQ Certified landfill.
Any and all non-hazardous waste and refuse as provided above collected by any commercial or private hauler shall be required to first obtain from the city a permit prior to the collection and hauling of such waste and refuse. Any such waste and refuse as so collected shall only be deposited at a DEQ approved collection facility or in a DEQ Certified landfill.

1. Refuse hauling licenses
    a. It is unlawful for any person who does not possess a license for refuse hauling from the city to engage in the business of refuse collection or refuse disposal for compensation.
    b. Each vehicle operated by the licensee shall display the name of the company and a vehicle number and shall be maintained in a clean and legible manner for easy identification by city personnel.
    c. Each vehicle covered by the approved license is required to pass an inspection conducted at the city hall. In order to pass said inspection the vehicle shall be sufficiently equipped to prevent material from spilling, blowing or falling off of the vehicle, it shall be maintained in good operating condition, and shall have no leaking fluids.
    d. Licenses shall be issued on an annual basis and will be valid from July 1st through June 30th.
2. Application and fee
    Each company desiring to engage in the collection or disposal of refuse shall make written application to the city stating the name of the business and the physical business address.

They shall also provide a description of equipment to be used in the collection or disposal of such refuse. Application forms shall be obtained at city hall. As part of the submittal of the application to the city, the applicant shall make payment of the license fee of $100 or as otherwise identified in the fee schedule. The applicant shall also provide a list of the DEQ approved facility(s) including DEQ facility number and physical address where such refuse will be delivered or disposed. The applicant shall also provide a list of all vehicles that will be operating within the city limits and schedule inspections of those vehicles prior to operations within the city limits. There will be no fee for the initial inspection however there will be a fee of $25 for each re-inspection of a failed vehicle.

3. Failure to obtain a license required herein, failure to adhere to all conditions as stated shall be punishable as provided in section 19-70 of this code.
4. Expiration & Renewal
   An annual license issued under this article shall expire on the last day of June. Licenses shall be renewable at no charge provided there are no changes since the initial application and are requested prior to the expiration. Renewal applications not submitted prior to the expiration of the license or that have operational changes since the initial application will be considered and processed as a new license.
5. Hours of Refuse collection
   Refuse may be collected at any time, except that when operating within a residential zoned district or within three hundred (300) feet of a residential dwelling, collection of refuse shall only be conducted during the hours of 7:00 A.M. to 7:00 P.M. In cases of urgent necessity and/or in the interest of public health and safety, the city manager or their designee may grant emergency collection of refuse outside the specified hours.
6. Placement of containers or misplacing of refuse
   a. It shall be unlawful for any person without the permission of the city manager or their designee to transport on streets, alleys or public places and garbage, refuse, rubbish or any other offensive matter. You may not deposit any garbage, refuse or other solid waste matter in any cart, dumpster or any other container which has not been specifically assigned to the depositor for disposal of waste.
   b. It shall be unlawful for anyone to place a container for collection on public property without the consent of the city manager or on private property without the consent of the property owner.
   c. Construction projects requiring dumpsters, roll-offs or other large collection containers must have a valid building permit and be set as to not impede traffic flow or cause a nuisance for adjacent property owners. All containers must be removed upon completion of the construction project or within three months, whichever is less.
7. Private and Not for profit
   Private citizens, non-profits, and volunteers may transport refuse without a permit. They are still required to adhere to all other conditions of this code, especially those related to the disposal at approved DEQ facilities or landfills.

(Ord. 542-18, June 12, 2018)

Section 19-67 Behind the Meter or Distributed Generation Electrical Service Fees

The City of Comanche, Oklahoma, in cooperation with the Comanche Public Works Authority,

shall require that an application be completed and the following amounts be provided, before the initiation of any distributed generation plan or installation within said City:

1. Plan Review Fee …….. $50.00

2. Inspection Fee ……. $50.00

Section 19-68 Purchase and Sale of Electricity generated Pursuant to Behind the Meter or Distributed Generation Electrical Plan

Customers of the Comanche Public Works Authority electric service who are participating in an approved "Behind the Meter/Distributed Generation Electrical Service Plan" shall have all inflows of electricity from the utility to the customer and all outflows of electricity from the customer to the utility separately measured. The rate paid to customers of the Comanche Public Works Authority for all outflows of electricity from the customer to the utility shall be Three (3) Cents per kwh and be credited on the customer's bill. All inflows of electricity from the utility to the customer shall be billed at the standard rate based on their classification (Institutional, General Commercial, Large Commercial or Residential).

1. The base rate charged to customers of the Comanche Public Works Authority who are enrolled in the "Behind the Meter or Distributed Generation Electrical Program" shall be ($45.00) Forty-five Dollars for Residential customers and ($60.00) Sixty Dollars for Institutional or General Commercial Customers and ($150.00) One hundred fifty Dollars for Large Commercial Customers in order to cover required infrastructure to keep the customer connected.

The foregoing adjustments to rates for the purchase of surplus generated electricity and the sale of electricity to customers who participate in the Behind the Meter/Distributed Generated Electrical Service Plan is necessary to cover grid and infrastructure costs of the Comanche Public Works Authority for distributing power produced by customers and for serving as a stand-by provider to those customers. ORD 571-21 NOVEMBER 9, 2021

2. The City of Comanche has a cap of 1% of total peak load for distributed generation based on their supply contract. Because of this we have must establish limits for our customers to ensure that all utility customers are eligible for a portion. Existing customers allocation will be limited to the prior year peak. New customers will be limited to 5KW of distributed generation. All permits submitted after the 1% cap has been reached will be denied. ORD 580-23 MARCH 14, 2023

Article 6. Penalty

Section 19-70. Penalty.

Any person, firm or corporation who violates, causes, orders, directs, aids, advises or assists in any manner, in the violation of this Chapter, shall be guilty of an offense and, upon conviction thereof,

shall be fined in an amount not to exceed five hundred dollars ($500.00). Every separate and distinct act and each day upon which a violation shall continue, shall be deemed a separate offense.

(Ord. 493-11, September 13, 2011)

CHAPTER 20

STREETS AND OTHER PUBLIC AREAS

Article 1. Use and Obstruction.
Article 2. Miscellaneous Provisions.
Article 3. Penalty.

Article 1. Use and Obstruction.

Section 20-1. Trees and Shrubbery.

1. The owner of any premises abutting on any street shall trim all trees and shrubbery growing in the public right-of-way and all trees and shrubbery growing on any part of the premises adjacent to any street or alley, in such a manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along any streets, sidewalks or alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as hereinbefore required of the owner.

2. It shall be unlawful for any person to injure any tree or shrubbery in a street or alley; provided that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

Section 20-2. Rights of Way and Easements.

1. It shall be unlawful for any person, firm or corporation to obstruct or otherwise prevent access to, any publicly used street, alley, easement or other municipally-owned property, whether platted or unplatted; provided that the City of Comanche, Oklahoma, may prevent or provide access to such streets, alleys, easements and municipally-owned properties from time to time, in the public interest.

2. The City Council may permit certain streets, alleys, easements and municipal properties which are dedicated, but not required for traffic or other public access or use, to be fenced or otherwise made inaccessible to the public, as in the case of land being farmed or grazed as a part of a larger field or pasture; provided that said Council or any of its officers or employees shall have the right in ingress, egress and easement for the purpose of installing or maintaining utilities, cleaning, grading, mowing or any other activity which is in the public interest.

3. Persons, companies, corporations or individuals who have fenced in, or are farming or grazing dedicated, but unopened streets, alleys, easements or municipally-owned properties, as permitted above, shall:

    a. Not construct any building, structure, earthworks or ponds, nor in any other way disturb the general grade and slope of the land;

b. Maintain the property so that no nuisance is created;

c. Immediately relinquish any rights presumed to be held concerning the property upon notice by the City of Comanche, Oklahoma; and

d. Permit access to the property at any time when requested to do so by a municipal officer or employee.

Section 20-3. Drainage of Polluting Substance.

It shall be unlawful for any residence, business or industry to allow drainage of a polluting substance (as defined by 82 O. S. 1971, § 926.1) into any street, alley, sidewalk or public right-of-way of the City of Comanche, Oklahoma.

Section 20-4. Obstructions.

1. It shall be unlawful for any person to use or obstruct the sidewalks, streets, alleys, easements or public rights-of-way of the City of Comanche, Oklahoma, in any manner so as to interfere unduly with pedestrian or other lawful traffic and parking thereon, or to interfere unduly with the purpose(s) of the easement or right-of-way.

2. It shall be unlawful for any person, firm or corporation to deposit, throw or sweep into or upon streets, alleys, parking areas or sidewalks any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes or other refuse of any kind.

3. It shall be unlawful for the owner or occupant of property abutting upon a sidewalk or sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk.

4. It shall be unlawful and an offense for any person to permit to be open or leave open any cellar door, manhole or grating of any kind in or upon any street, sidewalk or alley of the City of Comanche, Oklahoma.

5. It shall be unlawful for any person to make any excavation or cutting in any street, sidewalk, alley or public grounds, or to remove any earth or construction material therefrom, except where authorized to do so by the City Council; excavations so authorized shall be properly guarded and protected to prevent said excavations from being or becoming dangerous to life or limb.

6. It shall be unlawful for any person, firm or corporation to obstruct any street, sidewalk, alley or drainage easement by placing any approach, driveway or other obstruction or substance whatever, that will obstruct or prevent the natural flow of water through the easement or into the storm sewers or drains or dam the same so as to back any water upon the streets, alleys, sidewalks or gutters.

Sections 20-7 through 20-9. (Reserved for future use.)

Article 2. Miscellaneous Provisions.

Section 20-10. Procedure for the Closing of Public Ways.

The City Council by ordinance may close to the public use any public way or easement within the City of Comanche. In closing public ways or easements, the City of Comanche shall comply with the statutory procedure set forth in 11 O. S. § 42-110. (Ord. 443-01, September 11, 2001)

Section 20-11. Closing of Portions of Fourth Street and North Avenue.

1. Pursuant to the authority granted to the City of Comanche pursuant to 11 O. S. § 42-110 and the Comanche Code of Ordinances, the City hereby closes to the public use portions of Fourth Street and North Avenue more particularly described as follows:

   Beginning at the Northwest Corner of Lot 1, Block 7, Original Town, City of Comanche, Stephens County, Oklahoma, thence West 30 feet, thence South 108.5 feet, thence East 30 feet, thence North 108.5 feet to the point of beginning; and beginning at the Northeast Corner of Lot 1, Block 7, Original Town, City of Comanche, Stephens County, Oklahoma, thence North 30 feet, thence West 174 feet, thence South 30 feet, thence East 174 feet to the point of beginning.

The City pursuant to the provisions of 11 O. S. 42-110 retains the absolute right to reopen the above described roadway easement without expense to the City.

(Ord. 444-01, September 11, 2001)

2. The provisions of this ordinance closing the above described portions of Fourth Street and North Avenue shall in no way limit or interfere with Pioneer Telephone Cooperative, Inc.'s use of the roadway easement located within said closed portions of Fourth Street and North Avenue. (Ord. 444-01, September 11, 2001)

Sections 20-12 through 20-19. (Reserved for future use.)

Article 3. Penalty.

Section 20-20. Penalty.

1. Any owner or occupant who fails, refuses or neglects to trim trees and shrubbery as provided in Section 20-1, after receiving five (5) days' notice to do so, shall be guilty of an offense.

(Ord. 541-18, June 12, 2018)

2. Any violation of this Chapter shall be deemed an offense and, upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars ($500.00). Every day upon which a violation continues shall be deemed a separate offense. (Ord. 493-11, September 13, 2011)

Section 20-114. Use of Safety Seat Belts Mandatory.

1. Every operator and front seat passenger of a passenger car operated in the City of Comanche shall wear a properly adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard 208. For the purposes of this section, "passenger car" shall mean "vehicle" as defined in Title 47, Section 1102 of the Oklahoma Statutes, as it may be amended from time to time, except that "passenger car" shall not include trucks, truck-tractors, recreational vehicles, motorcycles, motorized bicycles or vehicles used primarily for farm use and licensed pursuant to the provisions of Title 47, Section 1134 of the Oklahoma Statutes, as it maybe amended from time to time.

2. This section shall not apply to an operator or passenger of a passenger car in which the operator or passenger possesses a written verification from a physician licensed in this state that he is unable to wear a safety seat belt system for medical reasons. Provided, the issuance of such verification by a physician, in good faith, shall not give rise to, nor shall such physician thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of such failure to wear a safety seat belt system.

3. This section shall not apply to an operator of a motor vehicle who is a route carrier of the U. S. Postal Service.

4. Notwithstanding any provision contained in this Code providing for penalties under this Chapter, fine and court costs for violating the provisions of this section shall not exceed Twenty Dollars ($20.00). (Ord. 421-98, December 9, 1997)

CHAPTER 21

TRAFFIC

Article 1. Title 47 of Oklahoma Statutes Adopted.
Article 2. Traffic Regulations.
Article 3. Vehicle and Equipment Prohibitions.
Article 4. Traffic Control Devices.
Article 5. Parking, Stopping and Loading.
Article 6. Bicycles.
Article 7. Pedestrians.
Article 8. Miscellaneous Provisions.
Article 9. Penalty.

Article 1. Title 47 of Oklahoma Statutes Adopted.

Section 21-1. Title 47 of Oklahoma Statutes Adopted.

1. Title 47 of the 1971 Oklahoma Statutes (the Oklahoma Highway Traffic Safety Code), as amended, and every ten (10) years' recompilation thereof, is hereby adopted and incorporated in the Code of Ordinances of the City of Comanche, Oklahoma, as if set out at length herein, for the purposes of establishing rules and regulations for the control of traffic within said municipality. (47 O. S. 1971, §§ 1-101 through 960.)

2. The definitions of words used in this Chapter shall be the same as those definitions in Title 47, Oklahoma Statutes, 1971, Sections 1-101 through 1-186.

Sections 21-2 Meeting or Overtaking Stopped School Bus

Sections 21-3 through 21-4. (Reserved for future use.)

Article 2. Traffic Regulations.

Section 21-5. Authority of City Manager to Enforce Regulations.

1. The City Manager, subject to any direction which the City Council may give by motion, resolution or ordinance, is hereby empowered to enforce regulations necessary to make the provisions of this Chapter and any other traffic or related ordinances of the City of Comanche, Oklahoma, effective, and to adopt temporary regulations to cover emergencies or special conditions.

2. No person shall willfully fail or refuse to comply with any lawful order or direction of the Chief of Police, any police officer, fireman or any other authorized municipal employee.

Section 21-6. Driver's License Required.

1. It shall be unlawful for any person who does not have a valid driver's license, as required by State Law, to operate a motor vehicle within the corporate limits of the City of Comanche, Oklahoma.

2. It shall also be unlawful and an offense for any person to permit an unlicensed driver to operate a motor vehicle within the corporate limits of the City of Comanche, Oklahoma.

Section 21-7. Speed Regulations.

1. No person shall drive a vehicle on any street within the corporate limits of the City of Comanche, Oklahoma, at a speed greater or less than is reasonable or prudent under the conditions then existing (including, among other things, the conditions of the vehicle, roadway, weather, visibility, amount of traffic, presence of pedestrians and any obstruction of view.)

2. No person shall drive any vehicle upon a street at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

3. No person shall drive any vehicle, except an authorized emergency vehicle (as provided in this Chapter), at a speed greater than:

    a. Fifteen (15) miles per hour on any street adjacent to any school between 8:00 o'clock a.m. and 5:00 o'clock p.m. on days when school is in session; and

    b. Twenty-five (25) miles per hour on other streets and on streets adjacent to schools at other times than that specified immediately above unless otherwise posted.

Section 21-8. Following Too Closely.

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of both vehicles and the traffic upon, and the condition of, the roadway.

Section 21-9. Reckless Driving.

It shall be unlawful for any person to drive any vehicle within the corporate limits of the City of Comanche, Oklahoma, in a careless, negligent or reckless manner, without regard for the safety of persons, property or the lawful use of the streets; such person shall be guilty of reckless driving.

Section 21-10. Driving Under the Influence.

It shall be unlawful for any person who is under the influence of alcohol beverages, narcotic drugs or other controlled, dangerous substances, to drive, or be in actual physical control of any vehicle within the corporate limits of the City of Comanche, Oklahoma.

Section 21-11. Vehicles Not to be Driven on Sidewalk.

The driver of any vehicle shall not drive upon a sidewalk or within any sidewalk area, except at a permanent or temporary driveway.

Section 21-12. Backing.

1. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

2. The driver of a vehicle shall not back the same a greater distance than is necessary to permit it to enter the immediately available proper driving lane; no extended backing shall be permitted.

Section 21-13. Accident Reports.

1. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to, or death of, any person, or damage to any vehicle or other property to an apparent extent of more than fifty dollars ($50.00), shall, as soon as practicable, report such accident to the Chief of Police or to the Police Department. Making out a written report of the accident in the Police Department, as soon as practicable after the accident (to be forwarded to the State Department of Public Safety in accordance with the law), shall be deemed compliance with this Section.

2. Leaving the scene of an accident, as defined by State Law, shall be unlawful within the corporate limits of the City of Comanche, Oklahoma.

Section 21-14. Citation Tags; Failure to Comply.

1. Police officers are hereby authorized to give notice to persons violating provisions of this Chapter, by delivering citation tags to violators or, in cases where vehicles without drivers are parked or stopped in violation of this Chapter, by affixing such tags to the vehicles by means of which the violation occurred. Such citation tags shall indicate briefly the charge, shall bear the registration number of the vehicle and shall direct the violator to present the tag at the Police Station or the designated place within five (5) days, or such other reasonable time as may be specified thereon. Nothing in this Section shall abridge the power to arrest any violator, to take him into custody or to file a complaint against him at any time.

2. The City Manager, subject to any direction the City Council may give by motion, resolution or ordinance, may require that police officers use serially-numbered citation tags furnished by the City Clerk or City Manager, and said City Manager may also regulate the use and handling of citation tags.

3. If a violator of any provision of this Chapter who has been given a citation tag as provided above, fails to appear in accordance with the instructions of such tag, the Chief of Police or his authorized agent shall send a letter or other written notice to the owner of the vehicle involved, informing him of the violation, warning him to appear and directing that, in the event such letter or notice is disregarded for a period of five (5) days, a complaint will be filed and a warrant of arrest issued; provided that nothing in this Section shall abridge the power to file a complaint against him prior to the expiration of such time.

4. In the event any person fails to comply with a citation tag given to such person, or attached to a vehicle, the Chief of Police shall have a complaint entered against such person before the Municipal Judge, and said Judge shall issue a warrant for his arrest.

Section 21-15. Authorized Emergency Vehicles.

1. The driver of an authorized emergency vehicle, when responding to an emergency call, when in the pursuit of an actual or suspected violator of a law or ordinance, or when responding to, but not upon returning from, a fire alarm, may exercise the following privileges:

    a. Park or stand (irrespective of the provisions of this Chapter);

    b. Proceed past a red or stop signal or sign (but only after slowing down as may be necessary for safe operation);

    c. Exceed the maximum speed limits so long as he does not endanger life or property; or

    d. Disregard regulations governing direction of movement or turning in specified directions.

2. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any such vehicle is making use of audible and/or visual signals, except that an authorized emergency vehicle, operated as a police vehicle, need not be equipped with, or display, a red light visible from the front of the vehicle.

3. Upon the immediate approach of any authorized emergency vehicle making required use of audible and/or visual signals, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way, immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection, or shall clear the roadway in the safest possible manner, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

4. This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Section 21-16. Stopped School Bus.

1. No person shall pass any school bus, as defined by State Law, when such bus is stopped for the purpose of discharging or taking on passengers, and is displaying flashing red lights, as required by State Law.

2. All persons shall stop upon approaching a stopped school bus (as described in Sub-section 1, above), regardless of the direction of said approach.

Section 21-17. Duties of Policemen and Firemen.

1. It shall be the duty of the Chief of Police and any police officers to enforce the traffic regulations of the City of Comanche, Oklahoma, and all of the State Vehicle Laws applicable to traffic in said municipality, to make arrests for traffic violations, to investigate accidents, to cooperate with other municipal officials in the administration of the traffic laws and in developing ways to improve traffic conditions, and to carry out those duties specifically imposed upon said officers by this Chapter and any other traffic or related ordinances of said municipality.

2. The Chief of Police and his assistants are hereby authorized to direct all traffic by voice, hand or signal, in conformance with the traffic laws and ordinances. In the event of a fire, other emergency or to expedite traffic or safeguard pedestrians, such officers may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws and ordinances.

3. Firemen, when at the scene of a fire, may direct or assist the police in directing traffic.

Section 21-18. Construction Zones.

1. Municipal personnel, contractors or utility companies, while repairing or improving the streets of the City of Comanche, Oklahoma, or when installing, improving or repairing lines or other utility facilities in the streets, are hereby authorized, subject to control by the City Council or City Manager, to close any street, or section thereof, to traffic during such activity and shall erect, or cause to be erected, proper control devices and barricades to warn the public that such street has been closed to traffic.

2. When any street has been closed to traffic under the provisions of Sub-section 1 (above) and traffic-control devices or barricades have been erected, it shall be unlawful for any person to drive any vehicle under, over, around or through such traffic-control devices or barricades, or otherwise to enter the closed area (except that the provisions of this Sub-section shall not apply to persons while engaged in such construction, maintenance and repair, to persons entering therein for the protection of lives or property or to persons having their places of residence or business within such closed area, who may travel through such area at their own risk).

3. Whenever construction, repair or maintenance of any street, utility line or facility is being performed, and the street is not closed to traffic in accord with this Section, the municipal personnel, contractor or utility company concerned shall erect warning devices for the public. Every person using such street shall obey such warning devices.

Section 21-19. Presumption in Reference to Illegal Parking.

1. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

2. The foregoing stated presumption shall apply only when the procedure of giving a citation tag has been followed.

Section 21-20. Authority to Impound Vehicles; Release of Vehicles.

1. The Chief of Police is hereby authorized to remove, or have removed, any vehicle from a street to a garage or other place of safety under any of the circumstances hereinafter enumerated:

    a. When a vehicle upon a street is so disabled as to constitute an obstruction to traffic, and the person(s) in charge of the vehicle are incapacitated to such an extent as to be unable to provide for its custody or removal;

    b. When any vehicle is left unattended upon a street or parked illegally, and constitutes a definite hazard or obstruction to the normal movement of traffic;

    c. When any vehicle has been parked for more than seventy-two (72) hours in excess of the time normally allowed for parking in any place; or

    d. When any vehicle which has been involved in two (2) or more violations of this Chapter for which citation tags have been issued and not presented as required, is parked in violation of any provision of this Chapter.

Section 21-21. CARELESS OR NEGLIGENT DRIVING, STOPPING, OR PARKING:

It is unlawful for any person to drive, use, operate, park, cause to be parked, or stop any vehicle in a careless or negligent manner, or in such a manner as to endanger life, limb, person, or property, or as to interfere with the lawful movement of traffic or use of the streets.

1. SPINNING TIRES “EXHIBITION DRIVING”

No person shall operate a motor vehicle on a public highway, street, parking lot, alley or other public property, or private property without the consent of the owner, in such a manner as to cause any of the following:

A. Spinning or skidding of the wheels or tires.

B. Squealing or similar noise from the driving tires.
C. Defacing the roadway with black marks or indenting the roadway by skidding or spinning of tires.
D. "Fishtailing" or skidding sideways.
E. Rapid intermittent application of the accelerator making the vehicle bounce up or down or make excessive noise.
F. Accelerating in an excessive manner in an apparent contest commonly referred to as "Drag racing". (b) Drive or operate a vehicle on a public highway, street, parking lot, alley, or other public property, or private property without consent of the owner, at erratic or irregular and changing speeds so as to create a hazard to themselves or other persons or property, or to interfere with other traffic in the area.
G. Driving onto or across private property to avoid intersections, stop sign, traffic control devices, traffic light.

ORD. 549-18 OCTEBER 9, 2018

Section 21-22. MEETING OR OVERTAKING A STOPPED SCHOOL BUS:

It is unlawful for any person to pass a school bus with the Stop Arm extended whether meeting or overtaking which could endanger life, limb, person, or property.

A. The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, is to stop the vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed past such school bus at a speed which is reasonable and with due caution for the safety of such school children and other occupants. Any person convicted of violating the provisions of this subsection shall be punished by a fine of two hundred and twenty-five dollars ($225).

B. Visual signals, meeting the requirements meeting all requirements of state law, shall be actuated by the driver of said school bus whenever, but only whenever such vehicle is stopped for the purpose of receiving or discharging school children.

C. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

D. If the driver of a school bus witnesses a violation of the provisions of subsection A of this section, within twenty-four (24) hours of the alleged offense, the driver shall report the violation, the vehicle color, license tag number, and the time and place such violation occurred to the law enforcement authority of the municipality where the violation occurred. The law enforcement authority of a municipality shall issue a letter of warning on the alleged violation to the person in whose name the vehicle is registered. The Office of the Attorney General shall provide a form letter to each municipal law enforcement agency in this state for the issuance of the warning provided for in this subsection. Such form letter shall be used by each such law enforcement agency in the exact form provided for by the Office of the Attorney General. A warning letter issued pursuant to this subsection shall not be recorded on the driving record of the person to whom such letter was issued. Issuance of a warning letter pursuant to this section shall not preclude the imposition of other penalties as provided by law. ORD. 558-19 OCTOBER 8, 2019

Section 21-23. SERVICE IMPOUND FEE

Imposition of Fee. In addition to any fines, court costs or other penalties provided by this Chapter, there is hereby imposed a service impound fee in the amount of $25.00 for each vehicle impounded by or at the direction of the City of Comanche Police Department pursuant to this Chapter.

Purpose of Fee. The service impound fee is imposed to defray the City's administrative and processing costs associated with vehicle impoundment, including, but not limited to, officer time, office staff time, inventory and documentation, preparation and mailing of notices, recordkeeping, and coordination with towing and storage providers.

Payment as Condition of Release. Except as otherwise ordered by the Municipal Judge, payment of the service impound fee, together with all towing and storage charges assessed by the towing or storage provider, shall be required prior to the release of any impounded vehicle to the owner or the owner's authorized representative.

Towing and Storage Charges. Towing and storage charges for an impounded vehicle shall be the responsibility of the registered owner or person entitled to possession of the vehicle and shall be paid directly to the towing or storage provider. The City of Comanche shall not be liable for any such towing or storage charges.

Service Fee in Addition to Other Remedies. The service impound fee shall be in addition to, and not in lieu of, any fines, court costs, penalties, or other lawful charges arising out of the same incident, and the imposition or collection of the fee shall not preclude prosecution for any violation of this Chapter or other applicable law.

Waiver or Refund. a. The Municipal Judge may waive or order a refund of the service impound fee upon a finding that the impoundment was not authorized by this Chapter or other applicable law, or upon a finding of not guilty or dismissal of all related traffic or parking charges, if justice so requires. b. The City Manager, or designee, may waive or reduce the service impound fee in cases of documented vehicle theft or in other extraordinary circumstances, where the City Manager determines that imposition of the fee would be inequitable and that waiver is consistent with the purposes of this Chapter. (ORDINANCE 587-25, DECEMBER 9, 2025)

Sections 21-24 through 21-34. (Reserved for future use.)

Article 3. Vehicle and Equipment Prohibitions.

Section 21-35. Certain Vehicles Prohibited, Vehicles Injurious to Streets.

No vehicle or object which injures, or is likely to injure, the surface of a street, shall be driven or moved on any street within the City of Comanche, Oklahoma.

Section 21-36. Obstructive and Dangerous Vehicles.

No person shall drive any vehicle in such condition, so constructed, or so loaded, as to cause delay, or be likely to cause delay, to traffic, or as to constitute a hazard to persons or property, except by permit issued by the City Manager and in accordance with the terms of such permit.

Section 21-37. Width, Height, Length, and Load.

No person shall drive or convey through any street any vehicle the width, length, height, weight, or load of which exceeds that authorized by State Law, except in accordance with a permit issued by state authority or by the City Manager.

Section 21-38. Certain Vehicles Over Three (3) Tons Prohibited.

1. Except for the purpose of making local deliveries, vehicles required by state statute to be licensed or permitted for three-ton, or greater, capacity shall be prohibited from using any public street, alley or place within the City of Comanche, Oklahoma, for travel, except legally designated truck routes or state and federal highways.

2. When it is necessary for vehicles of the class herein described to travel to and from a location on any of the municipality's public streets, alleys or places for the purpose of loading or unloading merchandise or the providing of necessary services at such location, the route traveled shall be as short and direct as possible from and to the most available, legally designated truck route or state or federal highway.

Section 21-39. Truck Routes.

1. The City Manager may prescribe routes through the municipality for the use of trucks in general or trucks of particular kinds and/or other vehicles, which are not ordinary private passenger vehicles, passing through the City of Comanche, Oklahoma.

2. The City Manager shall see that appropriate and adequate signs are placed along such routes so that drivers of such vehicles may follow the routes. When such signs are erected and in place, the driver of a truck or other vehicle for which a route has been so prescribed, while passing through the City of Comanche, Oklahoma, shall keep on such route and shall not deviate therefrom, except in case of emergency or as may be provided otherwise in this Code of Ordinances.

Section 21-40. Mufflers and Cut-Outs.

No motor vehicle with an internal combustion engine shall be operated within the corporate limits of the City of Comanche, Oklahoma, unless the exhaust from such engine is muffled by a suitable and sufficient muffler. No muffler cut-out or exhaust or vacuum whistle shall be used on any motor vehicle while operating within the corporate limits of said City, except that exhaust whistles may be used on authorized emergency vehicles.

Section 21-41. Use of Dynamic Braking Services Prohibited.

1. A dynamic braking device (commonly referred to as Exhaust Brakes, Jake Brakes, Jacobs Brake, Engine Brake or Compression Brake) means a device, primarily on trucks, that converts the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

2. No person shall operate any motor vehicle with a dynamic braking device engaged within the municipal boundaries of the City of Comanche, except for emergency situations for the purpose of avoiding a collision with another object or vehicle.

(Ord. 466-08, January 8, 2008)

Section 21-42. SPECIAL VEHICLES: MOTORIZED GOLF CARTS, ALL-TERRAIN VEHICLES, UTILITY TASK VEHICLES AND MINI-TRUCKS.

1. DEFINITIONS.
For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
ALL-TERRAIN VEHICLE. Means a motorized vehicle with: (1) not less than three, but not more than six low pressure or no pneumatic tires; (2) a total dry weight of 2,000 pounds or less; and (3) a total width from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does not include a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.
CLASS 1 ALL-TERRAIN VEHICLE (ATV). Means an all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is 50 inches or less.
CLASS 2 ALL-TERRAIN VEHICLE (ATV). Means an all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is greater than 50 inches but not more than 65 inches.
DESIGNATED ROADWAYS. City streets and alleys not specifically excluded in this ordinance. No motorized golf cart, all-terrain vehicle, utility task vehicle shall be allowed on Oak Main Street (Hwy 53) or Rodeo Drive (Hwy 81) except to cross at intersections.
DRIVER. The person driving and having physical control over the motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck and being the licensee.
MOTORIZED GOLF CART. A vehicle commonly known as a golf cart, having at least three wheels and either an electric or gas powered motor.
MINI-TRUCK. A motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less; has a total dry weight of 900 to 2,200 pounds; contains an enclosed cabin and a seat for the vehicle operator; commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle; and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, title 49, sections 571.101 to 571.404, and successor requirements. A mini-truck does not include: a neighborhood electric vehicle or a medium-speed electric vehicle or a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, section 571.500, as it may be amended from time to time.

UTILITY TASK VEHICLE (UTV). A utility task vehicle means a side-by-side, four-wheel drive, off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds.

2. AUTHORIZED USE; PERMIT.

1. Motorized golf carts, all-terrain vehicles, utility task vehicles and mini-trucks, are permitted on public roads, streets and alleys in the City of Comanche as provided in this ordinance.

2. It is prohibited for a person under age 16 to operate a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck on streets, alleys, sidewalks or other public property in the City of Comanche.

3. No person shall operate a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck on streets, alleys, sidewalks or other public property without obtaining a permit as provided herein.

(a) Every application for a permit shall be made on a form supplied by the city and shall contain all of the following information:

(1) The name and address of the applicant

(2) Model name, make, and year and number of the motorized golf cart, all-terrain vehicle, utility task vehicle, or mini-truck.

(3) Current driver's license.

(4) Other information as the city may require.

(b) The operator of an all-terrain vehicle or utility task vehicle shall either have a valid driver's license. Proof of the same must be in the possession of the operator at all times.

(c) The annual permit fee shall be $50.00. All permits will be granted based on a fixed annual period from July 1st through June 30th with no proration.

(d) No permit shall be granted or renewed unless the following conditions are met:

(1) The applicant must demonstrate that he or she currently holds or has held a valid Oklahoma driver's license.

(2) The applicant must provide evidence of insurance in compliance with the provisions of Oklahoma Statutes concerning insurance coverage for the golf cart, all-terrain vehicle, utility task vehicle or mini-truck.

(3) The applicant has not had his or her driver's license revoked.

(4) Permitted vehicle meets all other state requirements for operation of the specific vehicle to be permitted.

4. Motorized golf carts, all-terrain vehicles, utility task vehicles, and mini-trucks are prohibited from city sidewalks.

5. Motorized golf carts, all-terrain vehicles, and utility task vehicles may only be operated on designated roadways from sunrise to sunset. They shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet.

6. Motorized golf carts shall display the slow-moving vehicle emblem when operated on designated roadways.

7. Motorized golf carts, all-terrain vehicles, utility task vehicles, and mini-trucks shall be equipped with a rear-view mirror to provide the driver with adequate vision from behind.

8. The operator of a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck may cross any street or highway intersecting a designated roadway.

9. When operating a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck, the operator must have a copy of the permit in his or her possession, provide proof of insurance and properly display permit in plain sight as designated by permit.

10. Every person operating a motorized golf cart, an all-terrain vehicle, a utility task vehicle or a mini-truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle except when these provisions cannot reasonably be applied to motorized golf carts or mini-trucks.

11. Mini-truck equipment requirements:

(a) A mini-truck may be operated under permit on designated roadways if it is equipped with all of the following:

(1) At least two headlamps.

(2) At least two tail lamps.

(3) Front and rear turn-signal lamps.

(4) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror.

(5) A windshield.

(6) A seat belt for the driver and front passenger.

(7) A parking brake.

12. The Comanche Police Department may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this section or any other Oklahoma State Statutes. Also if there is evidence that the permit holder cannot safely operate the motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck on the designated roadways.

13. The number of occupants on the golf cart, all-terrain vehicle, utility task vehicle or mini-truck may not exceed the design occupant load.

14. The operator and all passengers must have DOT approved helmets and wear seatbelts if equipped.

3. EXEMPTIONS, NO PERMIT REQUIRED.

Nothing in this subchapter shall prohibit a person from operating a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck for the following purposes:

A. Authorized city staff may operate city owned motorized golf carts, mini-trucks, all-terrain vehicles or utility task vehicles without obtaining a permit within the City on city streets, sidewalks, trails, rights-of-way, and public property when conducting city business,

B. law enforcement purposes,

C. public safety purposes including fire department and ambulance service,

D. emergencies and exigent circumstances as determined by the City Manager, Chief of Police or Emergency Manager for the City of Comanche,

E. operation of any Golf Cart (only) at the Comanche Lake Golf Course for golfing only

F. Any parades or special events authorizing the use of these type vehicles by the City of Comanche

4. LIMITATION OF LIABILITY.
Nothing in this subchapter shall be construed as an assumption of liability by the City of any injuries to persons or damage to property which may result from the operation of a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck by a permit holder, other authorized user, the grant of such permit, or the failure by the City to revoke such permit.

5. VIOLATION AND PENALTIES.

1. Any person violating any provision of this ordinance shall have his or her permit granted under this subchapter revoked.
2. Any violation of the permit guidelines, operation without a permit or other related violation shall carry a penalty of:
    a. First offence will be $225.00 in accordance with §47-11-116.
    b. Second and each subsequent offence will receive a fine of $350.00
    c. In the event the offender is a minor fifteen years old or younger, the fine will be issued to the responsible parent or guardian.

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Sections 21-43 through 21-44. (Reserved for future use.)

Article 4. Traffic Control Devices.

Section 21-45. Installation of Traffic Control Devices.

The City Manager, subject to any direction which the City Council may give by motion, resolution or ordinance, shall have traffic-control signs, signals and devices placed and maintained, when and as required under the ordinances of the City of Comanche, Oklahoma, to make the provisions of such ordinances effective.

Section 21-46. Specifications for Traffic Control Devices.

All traffic-control signs, signals and devices shall conform to the manual and specifications approved by the Oklahoma State Highway Department. All signs and signals required hereunder for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the municipality. All traffic-control devices so erected and not inconsistent with the provisions of State Law or this Chapter, shall be official traffic-control devices.

Section 21-47. Turn Signs and Indicators.

1. The City Manager, subject to any direction which the City Council may give by motion, resolution or ordinance, is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall have placed proper signs at such

intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event, the same shall be plainly indicated on said signs.

2. Whenever authorized signs are erected, indicating that no right, left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

3. Unless otherwise indicated by such signs, a right turn on red or stop shall be permitted after the vehicle has come to a complete stop.

Section 21-48. Unauthorized Signs or Devices.

1. No person shall place, maintain or display upon or in view of any highway, an unauthorized sign, signal, marking or device which purports to be, is an imitation of or resembles an official traffic-control device or railroad sign or signal, which attempts to direct the movement of traffic, which projects any flashing or revolving beams of light, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

2. No person shall place or maintain, nor shall any public authority permit, upon any highway, any traffic sign, signal or device bearing thereon any commercial advertising.

3. This Section shall not be deemed to prohibit the erection, upon private property, of signs giving useful directional information and of a type that cannot be mistaken for official signs.

4. Every such prohibited sign, signal, marking or device is hereby declared to be a public nuisance, and the City Manager is hereby empowered to remove the same, or cause it to be removed.

Section 21-49. Designation and Marking of Crosswalks.

The City Manager, subject to any direction which the City Council may give by motion, resolution or ordinance, shall have the authority to designate, by appropriate devices or lines upon the surface of the roadway, crosswalks at intersections or other places where, in its opinion, there is particular danger to pedestrians crossing the roadway.

Section 21-50. Designation and Marking of Play Streets.

1. The City Manager, subject to any direction which the City Council may give by motion, resolution or ordinance, shall have the authority to declare any street, or part thereof, a play street and to have appropriate signs or devices placed in the roadway indicating and protecting the same.

2. Whenever authorized signs are erected designating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof, except drivers of vehicles having business or whose residences are within such closed area; any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

Section 21-51. Designation and Marking of One-Way Streets.

1. The City Manager, subject to any direction which the City Council may give by motion, resolution or ordinance, is hereby authorized to have traffic lanes marked upon the roadway of any street where the a regular alignment of traffic is necessary.

2. Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lanes, except when lawfully passing another vehicle, preparing to make a lawful turning movement or as otherwise authorized by ordinance.

(Section 21-52 left blank.)

Section 21-53.

1. The City Council may adopt (by resolution) a Street Classification System for the City of Comanche, Oklahoma. Whenever such a system is adopted, it shall be the duty of the City Manager to have stop signs placed and maintained, or if deemed more appropriate at any intersection, yield signs, on each and every street involved in the implementation of the Classification System (unless traffic at any intersection is controlled at all times by traffic-control signals).

2. The City Manager, subject to any direction which the City Council may give by motion, resolution or ordinance, is hereby authorized to determine and designate intersections where a particular hazard exists and to determine:

    a. Whether vehicles shall stop at one (1) or more entrances to any such intersection, in which event it shall cause to be erected a stop sign at every such place where a stop is required; or

    b. Whether vehicles shall yield the right-or-way to vehicles on a different street at such intersection, in which event, it shall cause to be erected a yield sign at every place where obedience thereto is required.

3. Every stop and yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersection roadway.

Section 21-54. Necessity of Signs.

No provisions of this Chapter for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular Section does not state that signs are required, such Section shall be effective even though no signs are erected or in place.

Article 5 Parking, Stopping, Loading and Parking Generally.

Section 21-55. Illegal Parking Declared Public Nuisance.

Any vehicle in violation of any regulation contained in this article governing, limiting or prohibiting the parking, standing or loading of a vehicle on any street, alley or public thoroughfare is hereby declared to constitute a public nuisance, and each separate traffic citation issued as authorized herein for such violation shall constitute a separate notice thereof to the owner or operator of such vehicle.

Section 21-56. Application of Standing or Parking Regulations.

The provisions of this Chapter shall not be applicable when it is necessary for a vehicle to stop to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

Section 21-57. Parking Time Limits May Be Established, Signs.

The City Council, by motion, resolution or ordinance, may establish parking time limits or prohibit parking on designated streets or parts of streets and have appropriate signs placed on the streets. When the signs are in place, it shall be unlawful for any person to park a vehicle in violation of the sign. No such time limits shall be effective unless a sign is erected and in place at the time of the alleged violation.

Section 21-58. Parking More Than Seventy-Two (72) Hours Prohibited.

No person shall park a vehicle on any street for a period of time longer than seventy-two (72) hours. This section shall not affect parking limits established for shorter periods.

Section 21-59. Brakes, Motor Not To Be Left Running.

Adequate brakes shall be set on all parked vehicles. No driver of a motor vehicle shall leave the vehicle with the motor running while parked.

Section 21-60. Angle Parking, Signs or Markings Indicating, and Obedience To Angle-Parking Signs or Markings.

1. The City Council, by motion, resolution or ordinance shall determine upon what streets and parts of streets angle parking shall be permitted, and shall have such streets marked or signed.

2. On those streets which have been so signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

Section 21-61. Parking in Spaces Marked Off.

In an area where parking spaces have been marked off on the surface of the street, a driver parking a vehicle shall park it within a parking space as thus marked off, and not on or over a line delimiting and/or delineating a parking space.

Section 21-62. Hazardous or Congested Places, Stopping, Standing, Parking.

1. The City Manager is hereby authorized to determine and regulate by proper signs the stopping, standing, or parking of vehicles when such stopping, standing, or parking would create an especially hazardous condition or would cause unusual delay to traffic.

2. When official signs are erected at hazardous or congested places, as authorized in sub-section 1 of this section, no person shall violate such signs.

Section 21-63. Stopping, Standing or Parking Prohibited in Specified Places.

1. No person shall stop, stand or park a vehicle, except in emergencies, or when necessary to avoid conflict with other traffic, or in compliance with the law, or the directions of a police officer or control device, in any of the following places:

    a. On a sidewalk, sidewalk area, or between the sidewalk and the street;

    b. In front of a public or private driveway;

    c. Within an intersection;

    d. Within fifteen (15) feet of a fire hydrant except in a parking space officially marked;

    e. On a crosswalk;

    f. Within twenty (20) feet of a crosswalk at an intersection;

    g. Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;

h. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length has been indicated by signs or markings;

i. Within fifty (50) feet of the nearest rail or railroad crossing;

j. Within twenty (20) feet of the driveway entrance to any fire station, police station or ambulance service, and on the side of the street opposite any such driveway entrance within seventy-five (75) feet of the entrance when properly signed;

k. Along side or opposite any street excavation or construction when stopping, standing, or parking would obstruct traffic;

l. On the roadway side of any vehicle stopped or parked at the edge of curb of a street;

m. Upon any bridge;

n. At any place where official signs prohibit stopping; or

o. On U. S. Highway 81 right-of-way within the corporate limits of the City of Comanche, Oklahoma.

2. No person shall move a vehicle not lawfully under his control into any prohibited area or an unlawful distance away from a curb.

Section 21-64. Blocking of an Intersection or Crosswalk Prohibited.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Section 21-65 Parking Adjacent to Schools.

The City Manager is hereby authorized to have signs erected indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, create a hazardous situation or interfere with traffic. No person shall park a vehicle in violation of any such signs.

Section 21-66. Parking Prohibited at Intersections.

The parking of vehicles at the curb where streets intersect shall be prohibited fifteen (15) feet in advance of the crosswalk on the near side of such intersection.

Section 21-67. Parking in Streets or Alleys, Blocking Driveway.

No person shall park a vehicle within a street or alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within a street or alley in such position as to block a driveway entrance to any abutting property.

Section 21-68. Entry on Private Property; Trespass; Evidence; Burden of Proof.

1. No person shall make an entry with any vehicle upon real property owned or legally occupied by another without the owner's or occupant's consent except where such private property is provided as public parking and the general use of the property is not restricted by signs or proper markings.

2. Where entry is made upon real property owned or legally occupied by another without the owner's or occupant's consent, except on unrestricted public parking, and is complained of by the owner or legal occupant of the premises, the burden is put upon the person making the entry to show that permission for such entry was given. The owner or legal occupant of such real property where entry is made without consent of the owner or legal occupant may cause such vehicle to be removed and impounded by an appropriate wrecker or towing service. The Police Department of the City of Comanche, Oklahoma, or any police officer of such Department is also hereby authorized to have unauthorized vehicles removed from private property upon direction of the owner or legal occupant of the property.

3. The City of Comanche, Oklahoma, or any owner or legal occupant of the real property shall not be liable for any damages which may occur to the trespassing vehicle under the provisions of this section, while the same is trespassing, while it is being removed from the property, or while it is in storage.

4. A property owner may clearly and conspicuously designate by sign that parking on the property is prohibited, or that parking is prohibited at specified times, and it is unlawful for any operator of a vehicle to park such vehicle at any place or any time thus prohibited.

Section 21-69. Loading Zones.

1. The City Manager, subject to any direction which the City Council may give by motion, resolution or ordinance, is hereby authorized to determine the location of passenger and freight curb loading zones, and such have appropriate signs placed, indicating the same and stating the hours during which the provisions of this section are applicable. By the same authority, such loading zones may be changed or discontinued.

2. When such a loading zone is established upon the request of any person, firm or corporation, the City Manager shall not have signs placed until the applicant has paid to the City Clerk an amount of money estimated by the City Manager to be adequate to reimburse the City for all costs of establishing and signing the same.

3. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as

freight curb loading zone during hours when the provisions applicable to such zones are in effect.

Section 21-70. Residential District Parking, Certain Vehicles Three (3) Tons and Over Prohibited.

1. It is unlawful and an offense for any person to park any of the following type of vehicles, where required by state statute to be licensed or permitted for three-ton, or greater, capacity, on any street or alley right-of-way in a residential district within the City of Comanche, Oklahoma, except where such parking is made necessary in the course of making local deliveries or the providing of necessary services to a residential property:

    a. Truck;

    b. Bus;

    c. Tractor Unit;

    d. Trailer longer than twelve (12) feet;

    e. Truck-trailer, semi-trailer, or any similar unit;

    f. Semi-trailer parked on a dolly; or

    g. Any combination of the above.

Section 21-71. Double Parking.

1. No driver shall double park or double stop a vehicle under the following conditions:

    a. Within fifty (50) feet of an intersection, except alley intersections, or within ten (10) feet of an alley intersection;

    b. Opposite a double parked or double stopped vehicle across the street;

    c. When double parking or double stopping would or does block or interfere materially with the normal movement of traffic;

    d. When parking space adjacent to the curb is available;

    e. When directed by a police officer to move on; or

    f. In any position other than parallel to the curb and within two (2) feet of the adjacent vehicle parked next to the curb.

2. A driver may double park or double stop a vehicle only as authorized in this Section. There must be a licensed driver in any vehicle while it is double parked or double stopped.

3. A driver may double park or double stop for the purpose of, but only while actually engaged in, the expeditious loading or unloading of passengers, subject, however, to all the general conditions hereinabove set out.

4. A driver may double park for the purpose of, but only while actually engaged in, the expeditious loading or unloading of merchandise, subject, however, to all the general conditions hereinabove set out. No such vehicle shall be double parked longer than ten (10) minutes.

Section 21-72. Parking Prohibited for Trucks Transporting Hazardous Materials.

Within any area of the City of Comanche, Oklahoma, it shall be and is unlawful to park, store or otherwise let stand a truck or other vehicle which is used for the purpose of transporting or delivering flammable and/or combustible liquids as defined by the fire prevention code of the American Insurance Association, and trucks or other vehicles which are used for the transportation and delivery of liquified petroleum gases, except as may otherwise be permitted by the City.

Section 21-73. Parking for Certain Purposes Prohibited.

1. No person shall park a vehicle upon any roadway for the purpose of:

    a. Displaying the vehicle for sale;

    b. Display advertising or displaying merchandise or other things for sale or selling merchandise or other things; or

    c. Washing, cleaning, or repairing the vehicle, except for repairs necessitated by an emergency.

Section 21-74. Method of Parking, Standing or Parking Close to Curb.

Except as otherwise provided in this Chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs, shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen (18) inches of the right-hand curb. Any vehicle stopped or parked upon the left-hand side of a one-way street where there are adjacent curbs shall be parked or stopped with the left-hand wheels parallel to and within eighteen (18) inches of the left-hand curb.

Section 21-75. Negligent Parking.

1. No person shall park, cause to be parked, stop or leave unattended any vehicle as follows:

    a. In a careless or negligent manner;

    b. In such a manner as to endanger life, limb, person, or property; or

c. In such a manner as to endanger or interfere with lawful traffic or use of the streets.

Section 21-76. Right-of-Way to Parallel Parking Space.

1. The driver of any vehicle intending to occupy a parallel parking space where a backing movement is necessary and which is being vacated by another vehicle shall stop his vehicle to the rear of the parking space until the vacating vehicle has cleared and entered normal traffic. He then shall be deemed to have the right-of-way to such parking space over any other vehicle attempting to park therein.

2. The first of two (2) or more vehicles to reach the rear boundary of an unoccupied parallel parking space where a backing movement is necessary to occupy, shall be deemed to have the right-of-way to such parking space.

Section 21-77. Handicapped Parking, Enforcement on Public or Private Property.

1. It is unlawful for any person to place or park a motor vehicle in any parking space on private property accessible to the public and where the public is invited or public property that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such person has a physical disability insignia as under the provisions of Section 15-112 of Title 47 of the Oklahoma Statutes, and such insignias are displayed as provided in Section 15-112 of Title 47 of the Oklahoma Statutes or regulations adopted pursuant thereto.

2. Any person who shall violate any of the provisions of this Section shall be guilty of an offense and upon conviction thereof shall be punishable by fine as provided in Article 9 of this Chapter.

Sections 21-78 through 21-79. (Reserved for future use.)

Article 6. Bicycles.

Section 21-80. Traffic Laws Applicable to Persons Riding Bicycles.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the Laws of this State declaring the rules of the road applicable to vehicles, or by the ordinances of the City of Comanche, Oklahoma, applicable to the driver of a vehicle, except as to special regulations in this Article and to those provisions of law or ordinances which, by their nature, can have no application.

Section 21-81. Bicycle Equipment.

Every bicycle in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from all distances, up to five hundred (500) feet to the front, and with a red reflector on the rear of a type which shall be visible from all distances up to three hundred (300) feet to the rear, when directly in front of lawful upper beams of headlamps on a motor vehicle.

Section 21-82. Obedience to Traffic Control Devices.

1. Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

2. Wherever authorized signs are erected indicating that no right, left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event, such person shall then obey the regulations applicable to pedestrians.

Section 21-83. Riding on Bicycles.

1. No bicycle shall be used to carry more persons at a time then the number for which it is designed and equipped.

2. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a vehicle standing or proceeding in the same direction.

3. Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and not the roadway.

4. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

5. The operator of a bicycle emerging from an alley, driveway or building shall yield the right-of-way to all approaching pedestrians upon any sidewalk, and upon entering a roadway, shall yield the right-of-way to all vehicles approaching on such roadway.

6. The City Manager, subject to any direction which the City Council may give by motion, resolution or ordinance, is authorized to have signs erected on any trafficway prohibiting the riding of bicycles thereon by any person; when such signs are in place, no person shall disobey the same.

Sections 21-84 through 21-89. (Reserved for future use.)

Article 7. Pedestrians.

Section 21-90. Application of Article.

Pedestrians shall be subject to traffic-control signals, but, at all other places, shall be granted those rights and be subject to those restrictions in this Article.

Section 21-91. Pedestrians.

1. When traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way slowing down or stopping, if need be, to so yield to a pedestrian crossing the roadway within a crosswalk.

2. No pedestrian shall suddenly leave any place of safety, and walk or run into the path of a vehicle.

3. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Section 21-92. Drivers to Exercise Due Care.

Notwithstanding the foregoing provisions of this Article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or confused or incapacitated person upon a roadway.

Sections 21-93 through 21-99. (Reserved for future use.)

Article 8. Miscellaneous Provisions.

Section 21-100. Obedience to Chapter.

1. It shall be unlawful for any person, firm or corporation to authorize or knowingly to permit any vehicle registered in his or its name, to be driven or be parked in violation of any provision of this Chapter.

2. The parent or guardian of any child or ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Chapter.

Section 21-101. Public Officials and Employees.

1. The provisions of this Chapter shall apply to the driver of any vehicle owned by or used in the service of the United States Government, and any State, county, municipal or other governmental unit or agency, as well as to other vehicles; it shall be unlawful for any said

driver to violate any of the provisions of this Chapter, except as otherwise permitted in this Chapter or by State Laws.

2. This Chapter shall not apply to the military forces of the United States and organizations of the National Guard when performing military duty.

Section 21-102. Equipment, Licensing and Inspection of Vehicles.

1. It shall be unlawful to operate a vehicle which is not equipped as required by law upon any street within the City of Comanche, Oklahoma. It shall also be unlawful to fail to use such equipment in the manner required by law, use it in a manner prohibited by law or to operate a vehicle which has equipment prohibited by law upon any street within said City.

2. It shall be unlawful to operate a vehicle of any kind upon a street of the City of Comanche, Oklahoma, unless such vehicle is licensed and displays a valid license plate thereon, as required by State Law.

3. (State Inspection Sticker required: repealed by Ordinance 441-01, August 14, 2001)

Section 21-103. Inspection of Vehicles.

Police officers shall have the authority to inspect and test any vehicle upon the streets of the City at any time, with reasonable cause, to determine whether it is safe, properly equipped and whether its equipment is in proper adjustment and repair.

Section 21-104. Persons Working on Streets.

1. Unless specifically made applicable, the provisions of this Chapter, except those relating to reckless driving and driving while intoxicated, shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a street, or to persons, motor vehicles and other equipment while actually engaged in construction, maintenance or repair of public utilities; provided that all highway and public utility operations shall be protected by adequate warning signs, signals, devices or flagmen.

2. However, the provisions of this Chapter shall apply to such persons and vehicles when traveling to or from such work.

Section 21-105. Riding or Clinging to Vehicles.

1. No person shall ride upon any vehicle or portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or persons riding within truck bodies in space intended for merchandise.

2. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

Section 21-106. Dangerous Objects in Streets.

It shall be unlawful for any person to place, cause to be placed, or let fall and remain, in or upon any street, any scrap iron, nail, tack, glass, stick or other thing which is likely to injure persons, damage property or render a street unsafe for traffic.

Section 21-107. Obstruction of Driver's View.

1. No person shall drive a vehicle when it is so loaded, or when there are, in the front seat, such a number of persons exceeding three (3) as to obstruct the view of the driver to the front or sides of the vehicle, or as to interfere with the driver's control over the driving mechanism of the vehicle.

2. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle.

Section 21-108. Funerals.

1. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated.

2. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

Section 21-109. Motorcycles.

A person operating a motorcycle, motorscooter or motorbicycle shall ride only upon the permanent and regular seat attached thereto and shall not carry any other person, nor shall any other person ride on the vehicle, unless it is designed to carry more than one (1) person, in which event, a passenger may ride only upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the operator.

Section 21-110. Eluding a Police Officer.

Any operator of a motor vehicle who has received a visual and/or an audible signal (red light and/or a siren) from a police officer driving a motor vehicle, with insignia showing the same to be an official police, Sheriff or Highway Patrol car, directing the operator to bring his vehicle to a stop; and who willfully increases his speed or extinguishes his lights in an attempt to elude such police officer, willfully attempts in any other manner to elude the police officer or who does elude such police officer within the City of Comanche, Oklahoma, shall be guilty of an offense.

Section 21-111. Following Fire Apparatus Prohibited.

The driver of any vehicle, other than when on official business, shall not follow any fire apparatus traveling in response to a fire alarm, closer than five hundred (500) feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

Section 21-112. Crossing Fire Hose.

No vehicle shall be driven over any unprotected hose of any Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

Section 21-113. Security Verification Form.

1. After the passage and approval of this Section, every operator of a motor vehicle registered in this state, shall, while operating or using such vehicle, carry either an operator's or an owner's security verification form issued by a carrier, providing the operator is not excluded from coverage thereon; or an equivalent form issued by the Department of Public Safety, reflecting liability coverage.

2. After the passage and approval of this Section, an owner or operator who fails to comply with the Compulsory Insurance Law of this state, or who fails to produce for inspection a valid and current security verification form or equivalent form which has been issued by the Department upon request of any peace officer, representative of the Department of Public Safety or other authorized person, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the Department reflecting liability coverage for such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge.

3. Every owner of a motor vehicle which is not being used upon the public highways or public streets or of a manufactured home while said manufactured home is on a permanent foundation in this state shall be exempt from the provisions of Sections 7-601 et. seq. of Title 47 of the Oklahoma Statutes, with respect to such vehicle; provided, however, that, the owner of such vehicle shall file an affidavit with the appropriate motor license agent which states that the vehicle shall not be driven upon the public highways or public streets during the uninsured period.

(Ord. 325, March 13, 1984)

Sections 21-114 through 21-124. (Reserved for future use.)

Article 9. Penalty.

Section 21-125. Penalty.

Any Person, firm, or corporation who violates any provision of this Chapter, performs any unlawful act as defined in this Chapter or fails to perform any act required in this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not to exceed five hundred dollars ($500.00). Each day upon which a violation continues shall be deemed a separate offense. (Ord. 489-11, July 12, 2011)

CHAPTER 22

TRANSPORTATION

Article 1. Railroads.
Article 2. Miscellaneous Provisions.
Article 3. Penalty.

Article 1. Railroads.

Section 22-1. Railroads to Improve Certain Streets and Alleys.

1. When a railway occupies or crosses any portion of a street, with its tracks either on or adjacent thereto, the railroad company shall improve as much of the street as is occupied by its tracks and two (2) feet on either side thereof, in a manner satisfactory to the City Council.

2. In case any railroad company shall occupy an alley with its track or tracks, such company shall improve, gutter, drain, grade, surface and/or pave such alley.

3. When more than one (1) track crosses a street within a distance of one hundred (100) feet (measuring from inside rail to inside rail), the railroad company shall grade, gutter, drain and curb the street area between its tracks and surface, in a manner satisfactory to the City Council.

4. Railroad companies shall keep all such improvements made by them in good state of repair at all times.

Section 22-2. Construction of Sidewalks by Railroads.

1. Railroad companies shall construct sidewalks crossing their right-of-way utilizing the same material used in adjacent sidewalks; they shall construct sidewalks on both sides of the streets when both sides are used by pedestrians.

2. The railroad company shall keep such sidewalks in a good state of repair at all times.

Section 22-3. Climbing on Trains.

It shall be unlawful for any person to climb upon, hold to or in any manner attach himself to, any railway train, locomotive or railroad car, while such is in motion within the City of Comanche, Oklahoma, unless such person is acting in the line of duty; or to board any train or railroad car (passenger, freight or other) without a proper ticket or the permission of the person in charge of the train or car, or not in the line of duty.

Section 22-4. Speed of Trains.

It shall be unlawful for any person to operate or drive a train or railroad engine at a speed greater than twenty-five (25) miles per hour within the corporate boundaries of the City of Comanche, Oklahoma.

Section 22-5. Loitering on Railroad Premises.

It shall be unlawful for any person not acting within the line of duty, not having any proper business or not being on any proper mission requiring his presence there, to loiter anywhere upon a railroad yard or other railroad premises.

Section 22-6. Blocking of Streets by Trains.

It shall be unlawful for the operator of any train to block more than two (2) street intersections within the corporate boundaries of the City of Comanche, Oklahoma, for any period of time longer than five (5) minutes, except when such train is in motion or engaged in switching.

Sections 22-7 through 22-14. (Reserved for future use.)

Article 2. Miscellaneous Provisions.

Section 22-15. License Required for Taxicab Operators.

1. It shall be unlawful for any person, firm or corporation to operate one (1) or more taxicabs in the City of Comanche, Oklahoma without securing an annual Taxicab Operator's License from the City Clerk.

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

    a. Paid a license tax of ten dollars ($10.00) per year for the 1st taxicab and five dollars ($5.00) per year for each additional taxicab;

    b. Filed with the City Clerk proof of financial responsibility (as outlined and required by 47 O. S. 1971, Section 8-104, as amended); and

    c. Appeared before the City Council for a hearing.

3. The City Council may approve or disapprove the issuance of a license.

4. Taxicab Operators Licenses shall expire on April 30th.

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

Sections 22-16 through 22-24. (Reserved for future use.)

Article 3. Penalty.

Section 22-25. Penalty.

Any person, firm or corporation who violates any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not exceeding five hundred dollars ($500.00). Each day's continuation of any such violation shall be deemed a separate offense. (Ord. 493-11, September 13, 2011)

CHAPTER 23

WARDS AND BOUNDARIES

Article 1. Ward Boundaries.
Article 2. Corporate Boundaries.
Article 3. Zoning District Boundaries.

Section 23-1. Ward Boundaries Established.

The City of Comanche, Oklahoma, is hereby divided into four (4) Wards, whose boundaries shall be as follows:

1. Ward One (1): All of that part of the incorporated City of Comanche, Oklahoma, lying west of a line described as commencing at the intersection of the centerlines of Church Avenue and Third Street (U.S. Highway 81), thence northerly along the centerline of said Third Street to its point of intersection with the centerline of Meridian Road (old U.S. Highway 81), thence continuing in a northerly direction along the centerline of said Meridian Road to the NE/corner of the SE ¼ NE ¼ NE ¼ SE ¼, Sec. 18, T2S, R7W, I.M., Stephens County, Oklahoma, such being the point of ending of the herein particularly described line, and north of a line described as commencing at the intersection of the centerlines of Third Street (U.S. Highway 81) and Church Avenue, thence westerly along the centerline of said Church Avenue to its point of intersection with the centerline of Seventh Street, thence northerly along the centerline of said Seventh Street to its point of intersection with the centerline of Brown Avenue, thence westerly along the centerline of said Brown Avenue to its point of intersection with the north/south centerline of Sec. 19, T2S, R7W, I.M., Stephens County, Oklahoma, thence due west to a point intersecting the west section line of Sec. 19, T2S, R7W, I.M., Stephens County, Oklahoma, such being the point of ending of the herein particularly described line. (Ord. 356-87, May 12, 1987)

2. Ward Two (2): All of that part of the incorporated City of Comanche, Oklahoma, lying west of the centerline of Fourth Street; south of a line described as commencing at the intersection of the centerlines of Fourth Street and Church Avenue, thence westerly along the centerline of said Church Avenue to its point of intersection with the centerline of Seventh Street, thence northerly along the centerline of said Seventh Street to its point of intersection with the centerline of Brown Avenue, thence westerly along the centerline of said Brown Avenue to its point of intersection with the north/south centerline of Sec. 19, T2S, R7W, I.M., Stephens County, Oklahoma, thence due west to a point intersecting the west section line of Sec. 19, T2S, R7W, I.M., Stephens County, Oklahoma, such being the point of ending of the herein particularly described line; and north of a line described as commencing at the intersection of the centerlines of Fourth Street and Hickory Avenue, thence westerly along the centerline of said Hickory Avenue to its point of intersection with the north/south centerline of Sec. 19, T2S, R7W, I.M., Stephens County, Oklahoma, thence northerly along the said north/south centerline of said Sec. 19, thence westerly along the east/west centerline of the SW ¼ of said Sec. 19 to a point intersecting the west section line of Sec. 19 to a

point intersecting the west section line of Sec. 19, T2S, R7W, I.M., Stephens County, Oklahoma, such being the point of ending of the herein particularly described line.

(Ord. 356-87, May 12, 1987)

3. Ward Three (3): All of that part of the incorporated City of Comanche, Oklahoma, lying west of a line described as commencing at the intersection of the centerlines of Hickory Avenue and Third Street (U.S. Highway 81), thence southerly along the centerline of said Third Street to a point on the east section line of Sec. 30, T2S, R7W, I.M., Stephens County, Oklahoma, 2,373 feet, more or less, south of the north section line of said Sec. 30, such point being the point of ending of the herein particularly described line; and south of a line described as commencing at the intersection of the centerlines of Third Street (U.S. Highway 81) and Hickory Avenue, thence westerly along the centerline of said Hickory Avenue to its point of intersection with the north/south centerline of Sec. 19, T2S, R7W, I.M., Stephens County, Oklahoma, thence northerly along the said north/south centerline of said Sec. 19 to the NE/corner of the SE ¼ SW ¼ of said Sec. 19, thence westerly along the east/west centerline of the SW ¼ of said Sec. 19 to a point intersecting the west section line of Sec. 19, T2S, R7W, I.M., Stephens County, Oklahoma, such being the point of ending of the herein particularly described line. (Ord. 356-87, May 12, 1987)

4. Ward Four (4): All of that part of the incorporated City of Comanche, Oklahoma, lying east of a line described as commencing at a point on the east section line of Sec. 30, T2S, R7W, I.M., Stephens County, Oklahoma, same also being the centerline of Third Street (U.S. Highway 81), 2,373 feet, more or less, south of the north section line of said Sec. 30, thence northerly along the centerline of said Third Street to its point of intersection with the centerline of Hickory Avenue, thence westerly along the centerline of said Hickory Avenue to its point of intersection with the centerline of Fourth Street, thence northerly along the centerline of said Fourth Street to its point of intersection with the centerline of Church Avenue, thence easterly along the centerline of said Church Avenue to its point of intersection with the centerline of Third Street (U.S. Highway 81), thence northerly along the centerline of said Third Street to its point of intersection with the centerline of Meridian Road (old U.S. Highway 81), thence continuing in a northerly direction along the centerline of said Meridian Road to the NE/corner of the SW# ¼ NW ¼ NW ¼ SW ¼, Sec. 17, T2S, R7W, I.M., Stephens County, Oklahoma, such being the point of ending of the herein particularly described line. (Ord. 356-87, May 12, 1987)

Sections 23-2 through 23-4. (Reserved for future use.)

Article 2. Corporate Boundaries.

Section 23-5. Corporate Boundaries Map.

1. A map depicting the current corporate boundaries of the City of Comanche, Oklahoma, shall be maintained and displayed in the Office of the City Clerk.

2. This map shall reflect all current annexation and de-annexation ordinances and orders, all plat and/or street vacation orders, and shall represent the official map of the corporate boundaries of the City of Comanche, Oklahoma.

3. This map may be combined with the official Zoning Districts Map (See Article 3 of this Chapter) and shall show all streets and alleys; vacated streets and alleys shall not be shown on said map, but shall be re-drawn by the methods provided by Oklahoma Statutes.

4. This map shall be available for public inspection.

Sections 23-6 through 23-9. (Reserved for future use.)

Article 3. Zoning District Boundaries.

Section 23-10. Zoning District Boundaries.

1. There shall be maintained, in the Office of the City Clerk, a map showing the boundaries of all current Zoning Districts within the entire corporate boundaries of the City of Comanche, Oklahoma.

2. This map shall reflect all current Zoning Ordinance provisions (See Chapter 18, this Code of Ordinances) and all current ordinances rezoning land, and shall represent the official Zoning Districts Map for the City of Comanche, Oklahoma.

3. This map may be combined with the official map of the corporate limits of the City of Comanche, Oklahoma. (See Article 2 of this Chapter.)

4. This map shall be available for public inspection.

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Ordinance 334	Taking of land for electric system sub-station
Ordinance 382-91	PWA Loan from Farmers Home Administration
Ordinance 387-92	Arkla Gas Franchise
Ordinance 405-95	Fair Housing
Ordinance 458-05	Pioneer Long Distance, Inc. Cable TV Franchise
Undated Ordinance	Gas Ordinance
Ordinances 326, 359-87, 391-93, 410-96A, 424-98, 451-03, 452-03, 478-09, 517-15 and Resolution 201-10	Employees and Retirees Retirement/ Pension System
Ordinance 472-08	Reallocate Sales Tax, Call For Election
Ordinance 483-10	Flood Damage Prevention Ordinance
Ordinance 484-10	Sales Tax Ordinance of 2010; ½ Cent for WLMCD Storage.
Ordinance 486-10 Ordinance 513-14	OMRF Pension, Retirees Only.
Ordinance 499-11	OMRF Pension, City Manager Only
Ordinance 508-14	Establishment of Prudential Annuity Fund for AGLIC Contract No. 408989 Deposits for WLMCD Debt for 1986 Water Storage and Conveyance

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