

# TITLE 1

## GENERAL PROVISIONS

### Chapters:

- 1.01 (Reserved)
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**Chapter 1.01**

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## CHAPTER 1.04

### GENERAL PROVISIONS

#### Sections:

- 1.04.010** How code is designated and cited.
- 1.04.020** Rules of construction.
- 1.04.030** Special provisions.
- 1.04.040** Effect of repeal of ordinances.
- 1.04.050** Amendment to code - Effect of new ordinances – Amendatory language.
- 1.04.060** Altering code.
- 1.04.070** Severability of parts of this code.
- 1.04.080** Ordinances in effect in outlying territory of city.

#### **1.04.010** How code is designated and cited.

The provisions embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Sand Springs, Oklahoma," and may be so cited. (Prior code § 1-101)

#### **1.04.020** Rules of construction.

In the construction of this code and of all ordinances, the following rules are observed unless the construction would be inconsistent with the manifest intent of the council:

- A. "City" or "this City" shall be construed as if the words "of Sand Springs, Oklahoma," followed them;
- B. "Council" or "City Council" means the City Council of Sand Springs;
- C. "Computation of time." Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which the notice is given or the act is done shall be counted in computing the time but the day on which the proceeding is to be had shall not be counted;
- D. "County" or "this County" means the County of Tulsa, Oklahoma;
- E. "Gender." A word importing one gender only shall extend and be applied to other genders and to firms, partnerships, and corporations as well;
- F. "Joint authority." All words giving "joint authority" to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers;
- G. "Law" includes applicable federal law, provisions of the Constitution and statutes of the State of Oklahoma, the ordinances of the city, and, when appropriate, any and all rules and regulations promulgated thereunder;
- H. "Manager" or "City Manager" means the City Manager of the city;
- I. "Mayor" means the mayor of the city;
- J. "Month" means a calendar month;

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

L. "Number." A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. Words used in the plural number may also include the singular unless a contrary intention plainly appears;

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

N. "Or, and." "Or" may be read "and," and "and" may be read "or," if the sense requires it;

O. "Other officials or officers, etc." Whenever reference is made to officers, agencies or departments by title only, i.e. "clerk," "City Clerk," "City Attorney," "fire chief," "chief of police," etc., they shall mean the officers, agencies or departments of the city;

P. "Person" shall extend and be applied to an actual person, any persons and to associations, clubs, societies, firms, partnerships, and bodies politic and corporate, or the manager, lessees, agent, servant, officer or employee of any of them, unless a contrary intention plainly appears;

Q. "Preceding, following" means next before and next after, respectively;

R. "Property" shall include real and personal property;

S. "Signature or subscription" includes a mark when a person cannot write;

T. "State" or "this state" shall be construed to mean the State of Oklahoma;

U. "Statutory references" means references to statutes of the State of Oklahoma as they now are or as they may be amended to be;

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

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

X. "Week" means seven days; and

Y. "Year" means a calendar year.

(Prior code § 1-102)

#### **1.04.030 Special provisions.**

Any general provision of this code which is of general application to the entire code shall, in case of conflict with any provision of a special or limited application and which fully, adequately and effectively operates, be subordinate to such special provision insofar as is necessary to give full effect to the special provision. (Prior code § 1-103)

**1.04.040 Effect of repeal of ordinances.**

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

B. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution and proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed. (Prior code § 1-105)

**1.04.050 Amendment to code – Effect of new ordinances – Amendatory language.**

A. All ordinances passed subsequent to this code of ordinances which amend, repeal or in any way affect this code of ordinances may be numbered in accordance with the numbering system of this code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, the repealed portions may be excluded from this code by omission from reprinted pages.

B. Amendments to any of the provisions of this code may be made by amending the provisions by specific reference to the section of this code in substantially the following language:

"Be it ordained by the City Council of the City of Sand Springs, Oklahoma, that Section \_\_\_\_\_ of the code of ordinances of the City of Sand Springs, Oklahoma, is hereby amended to read as follows:" (Set out new provisions in full.)

C. When the Council desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the code, which the Council desires to incorporate into the code, a section in substantially the following language may be made part of the ordinance:

"Section \_\_\_\_\_. Be it ordained by the City Council of the City of Sand Springs, Oklahoma, that the provisions of this ordinance shall become and be made a part of the code of ordinances of the City of Sand Springs, Oklahoma, and the sections of this ordinance may be re-numbered to accomplish this intention."

D. All sections, articles, chapters or provisions of this code desired to be repealed may be specifically repealed by section or chapter number, as the case may be.

E. Each section as set forth and clearly indicated herein, and each numbered or lettered clause or paragraph or each such section, is hereby declared to be an entire unit and shall constitute a section for the purpose of amendment or repeal, as required by law. (Prior code § 1-106)

**1.04.060 Altering code.**

It is unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or temper with this code in any manner whatsoever which will cause the law of the City to be misrepresented thereby. Any person violating this section shall be punished as provided in Chapter 1.20 of this code. (Prior code § 1-107)

**1.04.070 Severability of parts of this code.**

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph, or section of this code or of any ordinance in the code shall be declared unconstitutional, illegal or otherwise invalid by the valid judgment or decree of court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code of ordinances. (Prior code § 1-110)

**1.04.080 Ordinances in effect in outlying territory of city.**

All ordinances of the City now in effect within the City are hereby extended to all real property belonging to, or under the control of, the City outside the corporate limits of the City, and shall be in full effect therein, insofar as they are applicable. All ordinances of the City which shall go into effect in the future, shall also apply to, and be in full effect within the boundaries of all outlying real property, insofar as they may be applicable. Any words in any ordinance indicating that the effect of an ordinance provision is limited to the corporate limits of the City shall be deemed to mean and include also the outlying real property belonging to, or under the control of, the City, unless the context clearly indicates otherwise. (Prior code § 1-111)

## Chapter 1.08

### CITY SEAL

#### Sections:

- 1.08.010 City seal design.**
- 1.08.020 Use of City seal.**
- 1.08.030 City symbol design.**
- 1.08.040 Use of the City symbol.**

#### **1.08.010 City seal design.**

The City shall have a seal which shall be made of metal and have engraved thereon the words, as follows: "The City of Sand Springs--State of Oklahoma." The word "Seal" shall be engraved in the center of the seal. (Prior code § 1-301)

#### **1.08.020 Use of City seal.**

The seal herein prescribed shall be the corporate seal of the City and shall be used for the authentication of all documents required by law, and for all documents which require the seal of the City. It shall be used for no other purpose. The seal shall remain in the custody of the City Clerk at all times. No person, save the City Clerk, shall have the authority to attach or affix the City Seal to any instrument. (Prior code § 1-302)

#### **1.08.030 City symbol design.**

The City shall have a symbol which shall be of a design approved by the City Council by resolution. (Prior code § 1-303; 1232, amended 08/27/2012)

#### **1.08.040 Use of the City symbol.**

The symbol herein described shall be the official symbol of the City and shall be used to identify City vehicles, City properties and to mark and identify events and objects with which the City takes part. The City symbol may be used only for the above purposes and as directed by the Council of the City. No person, firm or corporation shall have the authority to use the City symbol without the approval and consent of the Council of the City. (Prior code § 1-304)

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## Chapter 1.12

### CITY BOUNDARIES AND WARD BOUNDARIES

#### Sections:

**1.12.010 Map of city designated as official map.**

**1.12.020 Ward number and boundaries.**

**1.12.010 Map of city designated as official map.**

The City Clerk shall maintain a map of the City showing its territorial limits, and said map is hereby designated as the official map of the City, and the corporate limits as shown thereon are declared to be the true and correct corporate limits of the City, including all annexations made to the City. (Prior code § 1-201; 1221, Amended by recodification 11/19/2012)

**1.12.020 Ward number and boundaries.**

A. The City Clerk should maintain a map showing the ward boundaries of the City, and said map is designated as the official ward boundary map of the City. (1107, Amended 09/12/2005; 1221, Amended by recodification 11/19/2012)

B. The City Clerk for the City is hereby directed to cause notification to the public, of the change in the boundaries of the wards within the City, by publication of this ordinance in a newspaper of general circulation within the municipality in the manner provided by law for publication of ordinances. (Prior code § 1-202, 1107, Amended, 09/12/2005, Revised ward boundaries; 1221, Amended by recodification 11/19/2012)

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## Chapter 1.16

### ELECTION

#### Sections:

- 1.16.010**     **Absentee ballots in municipal elections.**
- 1.16.020**     **Eligibility to be a candidate for municipal office.**
- 1.16.030**     **Candidacy protest procedure.**
- 1.16.040**     **Eligibility to hold municipal office.**

#### **1.16.010**     **Absentee ballots in municipal elections.**

Absentee ballots shall be furnished in all primary, general, special and recall elections in the City. The absentee ballots shall be furnished pursuant to provisions of the state constitution and laws applicable to City elections unless otherwise changed by ordinance or charter amendment.

#### **1.16.020**     **Eligibility to be a candidate for municipal office.**

In order to be a candidate for City Council, an individual must: (a) be at least 25 years of age; (b) be a qualified elector of the City, meaning a registered voter at an address within the City or at an address within a ward if filing for a specific ward; (c) have never been convicted of a crime involving moral turpitude. In order to be included on an election ballot, a candidate shall provide a sworn Declaration of Candidacy with the City Clerk, specifically stating the above requirements are met by the candidate and shall provide to the City Clerk the following documentation at the time of filing:

1. A photo identification;
2. Proof of age;
3. Authorization allowing criminal records to be searched.

Further, the City Clerk shall confirm with the County Election Board that the candidate is a registered voter at an address within the City or at an address within the ward if filing for a specific ward. Upon confirmation the above requirements have been met, the City Clerk shall accept the candidate's Declaration of Candidacy. Upon the failure of the candidate to meet any of the above requirements, the City Clerk shall refuse to accept the Declaration of Candidacy. The same information set forth above shall be obtained prior to the appointment of any individual to fill an unexpired term.

#### **1.16.030**     **Candidacy protest procedure.**

Any candidate for municipal election may contest the candidacy of any other candidate for the same office by filing with the City Clerk a written objection to the candidacy. In the event only one person files for an office, a registered voter eligible to vote for the candidate may file an objection.

Any objection shall be filed no later than 5:00 p.m. on the second day following the close of the filing period, and shall require a filing fee equal to the fee charged for contest by the State Election Board.

Upon the filing of an objection, the City Clerk shall:

1. Schedule a hearing within one week of the filing of the objection, providing notice to the candidate and the party filing the objection;
2. Conduct a hearing at which time both parties shall have the opportunity to present evidence related to the eligibility requirements set forth above;
3. Issue a determination concerning the protest.

#### **1.16.040 Eligibility to hold municipal office.**

State law regulates both the eligibility for candidacy and the eligibility to hold office. Although the City Clerk must determine eligibility for candidacy, the City is responsible for ensuring compliance with state law as it concerns eligibility to hold office. The Sand Springs Charter, at Section 2-1, provides as follows concerning eligibility to hold office:

Only persons who are qualified electors of the City at least twenty-five years of age shall be qualified for the office of councilman at large. Only persons who are qualified electors of their respective wards at least twenty-five years of age shall be qualified for the offices of councilmen from the wards.

In order to ensure compliance with the above provision, the following procedures are adopted by the City of Sand Springs to apply to ALL elected officials of the City of Sand Springs:

In those instances in which the qualification to hold office is questioned by an elected official, or a resident of Sand Springs, the City Clerk shall be authorized to investigate the lack of qualifications, and shall be authorized to request from the elected official any information necessary for a full and complete investigation. Upon conclusion of the investigation, if the information provided by the elected officials does not satisfy the City Clerk and City Attorney that the requirements of the City's Charter and of state law are met, the City Attorney is authorized and directed to proceed as follows:

1. Immediately request such additional information as necessary to resolve the eligibility issue;
2. Bring an action in Tulsa County District Court requesting the Court to resolve the eligibility to hold office issue;

The City Council by approval of this ordinance directs that the City Clerk, and all other officials of the City, are precluded from administering the oath of office to any individual in which the eligibility to hold office issue has not been fully resolved, as set forth above.

## Chapter 1.20

### GENERAL PENALTY

#### Sections:

**1.20.010 General penalty.**

**1.20.020 Fines recoverable by civil action.**

**1.20.010 General penalty.**

A. CLASS "A" VIOLATIONS. Any person, upon conviction of a "Class A Violation" offense shall be punishable by a fine set by the Municipal Court not to exceed the amount established by resolution of the City Council for such individual offense or class of offenses, excluding costs, or sixty (60) days imprisonment. Such offenses shall include:

1. Actual Physical Control
2. Assault and Battery on a Police Officer
3. Driving Under the Influence
4. Driving While Impaired
5. Eluding or Attempting to Elude a Police Officer
6. Resisting a Police Officer/Public Official/Arrest
7. Violation of the provisions of Title 8, Health and Safety, Chapters 8.04, Emergency Medical Services; 8.08, Explosives; and 8.40, Oil and Gas Drilling; of the Code of Ordinances.
8. Violation of the provisions of Title 9, Public Peace Morals and Welfare, Chapter 9.24, Housing Discrimination, and 9.44 – Offense to Permit or Allow Gatherings Where Minors Are Consuming Alcohol, of the Code of Ordinances.
9. Violation of the provisions of Title 13, Public Services, Chapters 13.08 – Water Service System, 13.12 – Sewer Service System, and 13.20 – Stormwater Discharge Regulations (subsequent offenses), of the Code of Ordinances.
10. Tampering with a Public Utility  
(985, Amended 05/15/2004; 1073, Amended 03/22/2004; 1181, Amended 05/18/2009)

B. CLASS "B" VIOLATIONS. Any person, upon conviction of a "Class B Violation" offense shall be punishable by a fine set by the Municipal Court not to exceed the amount established by resolution of the City Council for such individual offense or class of offenses, excluding costs; and upon a subsequent conviction of a Class B Violation listed below, shall be punishable by a fine set by the Municipal Court not to exceed the amount established by resolution of the City Council or sixty (60) days imprisonment. Such offenses shall include:

1. Possession of Marijuana
2. Possession of Paraphernalia
3. Assault and Battery
4. Damaging Property
5. Prohibited/Obscene Conduct
6. Reckless Conduct

7. Tampering With an Automobile
8. Failure to Yield to an Emergency Vehicle
9. Leaving a Scene of an Accident
10. Reckless Driving
11. Driving Under Suspension, Revocation of Cancellation
12. Speeding more than 25 m.p.h. over the Speed Limit
13. Sale of Alcohol or Beer to a Minor
14. Disorderly House
15. Harmful Deception

(1181, Amended 05/18/2009)

C. CLASS "C" VIOLATIONS. Whenever in the Code of Ordinances an act is prohibited or made or declared to be unlawful or an offense or misdemeanor, or whenever in the Code of Ordinances the doing of any act as required or the failure to do any act is declared to be unlawful, except for the offenses referred to in Sections A and B hereof, any person, upon conviction thereof, shall be punishable by a fine set by the Municipal Court not to exceed the amount established by resolution of the City Council for such individual offense or class of offenses, excluding costs. (1181, Amended 05/18/2009)

D. Each day or any portion of a day during which any violation of the Code of Ordinances occurs shall constitute a separate offense. (1181, Amended 05/18/2009)

E. Any person who shall aid, abet, or assist in the violation of any provisions of the Code of Ordinances shall be deemed guilty of an offense and upon conviction therefore, shall be punished in accordance with the punishment provided for violation of the provision such person aided, abetted, or assisted in violating. (985, Amended, 12/14/2005, Showed Ordinance reference; 1073, Amended, 03/22/2004, Amended 1.20.010; 985, Amended 05/14/2001; 1181, Amended 05/18/2009)

F. Any fines and costs properly assessed against any child and which remain unpaid after three (3) months may be assessed by the Municipal Judge against the child's parent, parents, legal guardian, or legal custodian, and collected and paid as provided for in Oklahoma Statutes. Provided, however, prior to such latter assessment, the Court Clerk shall give such child's parent, parents, legal guardian, or legal custodian notice by certified mail at their place of residence or by personal service of such action proposed to be taken. (1181, Amended 05/18/2009)

**1.20.020 Fines recoverably by civil action.**

All fines shall be recoverable by civil action before any court of competent jurisdiction in addition to any other method provided by law. (Prior code § 1-109)