

OKLAHOMA CITY
MUNICIPAL CODE
2020

VOLUME I

Published by Order of the Council

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT
(Through December 2023)



info@municode.com | 800.262.2633 | www.municode.com

P.O. Box 2235 Tallahassee, FL 32316

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

PUBLISHER'S AFFIDAVIT

Tallahassee, Florida
December 2023

I, Tassy Spinks, being duly sworn as Director of the Supplement Team of Municipal Code Corporation of 1700 Capital Circle SW, Tallahassee, Florida, engaged in service to municipalities, including the codification and printing of city codes, and as an officer of the corporation, qualified to sign for myself and said corporation and printing of city codes, and as an officer of the corporation, qualified to sign for myself and said corporation, do hereby attest that the Oklahoma City Municipal Code, December 2020—2023 Cumulative Annual Supplement, attached hereto was printed by Municipal Code Corporation and that the printed copy is a true and correct reproduction thereof.

/s/ Tassy Spinks
Tassy Spinks,
Director, Supplement Team

/s/ _____
Notary Public

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

CURRENT OFFICIALS

of

THE CITY OF

OKLAHOMA CITY, OKLAHOMA

David Holt
Mayor

Bradley Carter (Ward 1)
James Cooper (Ward 2)
Barbara Peck (Ward 3)
Todd Stone (Ward 4)
Matt Hinkle (Ward 5)
JoBeth Hamon (Ward 6)
Nikki Nice (Ward 7)
Mark K. Stonecipher (Ward 8)
Council

Craig Freeman
City Manager

Kenneth D. Jordan
Municipal Counselor

Amy K. Simpson
City Clerk

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

(Published in The Journal Record on September 2, 2020)

ORDINANCE NO. 26,550

AN ORDINANCE ADOPTING AND DESIGNATING THE OKLAHOMA CITY MUNICIPAL CODE, 2020, (THE "2020" CODE); PROVIDING FOR THE REPEAL OF CERTAIN PRIOR ORDINANCES; PROVIDING THAT CERTAIN PRIOR SUPPLEMENTAL ORDINANCES SHALL REMAIN IN FORCE; ACCEPTING THE PUBLISHER'S AFFIDAVIT; DIRECTING THE CITY CLERK TO TAKE CERTAIN ACTIONS; PROVIDING A SUMMARY OF CONTENTS OF THE 2020 CODE AS REQUIRED BY 11 O.S. §§ 14-107, 14-108(C); AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

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

SECTION 1. *Adoption and designation.* The ordinances and codes of a general and continuing character affecting the public at-large of The City of Oklahoma City ("City"), and except for those hereinafter designated, said ordinances and code, having been compiled and codified by the authority of the Oklahoma City Council pursuant to the terms of a certain agreement entered into by and between the City and the Municipal Code Corporation of Tallahassee, Florida ("Municipal Code Corporation"), are hereby approved, adopted and ordained to be the code of ordinances of the City upon the subjects therein set out and said ordinances shall be in full force and effect from and after the date hereinafter specified. The code of ordinances, consisting of Chapters 1 through 60, each inclusive, is hereby adopted and enacted as the "Oklahoma City Municipal Code, 2020," (the "2020 Code"), which Code shall supersede all general and permanent ordinances of the City adopted on or before December 17, 2019 to the extent provided in Section 2 hereof.

SECTION 2. *Repeal of prior ordinances.* All prior codified City ordinances of a general and permanent nature adopted on final passage on or before December 17, 2019, and not included in the 2020 Code or recognized and continued in force by reference therein, are hereby repealed; and, in addition, all prior uncoded City ordinances or parts of ordinances of a general and permanent nature and enacted prior to December 17, 2019 that conflict with the provisions of the 2020 Code are hereby repealed to the extent of such conflict.

SECTION 3. *Supplemental ordinances to remain in force.* Any ordinances amending the Oklahoma City Municipal Code, 2010, (the "2010 Code"), adopted on final passage after December 17, 2019, shall be construed as if they amend or refer to like provisions of the 2020 Code. Any and all additions and amendments to the 2010 Code, when passed in such form as to indicate the intention of the City Council to make the same a part of the 2010 Code, shall be deemed to be incorporated in the 2020 Code, so that reference to the 2010 Code shall be understood and intended to include such additions and amendments as part of the 2020 Code.

SECTION 4. *Acceptance of the publisher's affidavit, City Clerk's certificate; and entry of certain findings in official minutes of City Council.* The City Clerk has certified to the City Council that she has received a publisher's affidavit, which is attached as Exhibit "B" and incorporated and made a part hereof, and it is the finding of the City Council that the copies of the Oklahoma City Municipal Code, 2020, received from Municipal Code Corporation, are true and correct copied of the manuscript for said Code as authorized and said finding shall be entered in the Journal of Council Proceedings. The City Clerk's certification is attached hereto as Exhibit "C".

SECTION 5. *Directions to City Clerk.* The City Clerk, upon publication of the 2020 Code by Municipal Code Corporation, is hereby directed to take all actions necessary to comply with the provisions of the Oklahoma City Charter and Article XIV of Title 11 of the Oklahoma Statutes concerning the codification of the ordinances of the City.

SECTION 6. *Summary of contents of 2020 Code.* As required by 11 O.S. §§ 14-107, 14-108(C), the contents of the 2020 Code are hereby summarized as follows; [See Exhibit A, "Summary of Contents of 2020 Code," attached to Ordinance No. 26,550 as adopted in final passage by the Oklahoma City Council and on file in the Office of the Oklahoma City Clerk.

SECTION 7. *Emergency.* WHEREAS, it being immediately necessary for the preservation of the peace, health, safety and public good of The City of Oklahoma City and the inhabitants thereof that the

OKLAHOMA CITY MUNICIPAL CODE, 2020

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 and effect from and after its passage, as provided by law.

INTRODUCED AND CONSIDERED in open meeting of the Council of The City of Oklahoma City on the 4th day of August, 2020.

PASSED by the Council of The City of Oklahoma City on the 1st day of September, 2020.

SIGNED by the Mayor of The City of Oklahoma City on the 1st day of September, 2020.

/s/ _____ David Holt
MAYOR

ATTEST:

/s/ _____ Frances Kersey
CITY CLERK

/s/ _____ David Holt
MAYOR

REVIEWED as to form and legality.

/s/ _____ Laura McDevitt
Assistant Municipal Counselor

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Code will be able to gain a more complete picture of the Municipal Code's historical evolution.

Ord. No.	Date Adopted	Include/ Omit	Supp. No.
Supp. No. 1			
26348	1- 7-20	Include	Supp. No. 1, Update 1
26349	1- 7-20	Include	Supp. No. 1, Update 1
26368	1-21-20	Include	Supp. No. 1, Update 1
26369	1-21-20	Include	Supp. No. 1, Update 1
26370	1-21-20	Include	Supp. No. 1, Update 1
26371	2- 4-20	Include	Supp. No. 1, Update 1
26390	2-18-20	Include	Supp. No. 1, Update 1
26393	3- 3-20	Include	Supp. No. 1, Update 1
26394	3- 3-20	Include	Supp. No. 1, Update 1
26424	4-14-20	Include	Supp. No. 1, Update 1
26434	4-28-20	Include	Supp. No. 1, Update 1
26463	6- 9-20	Include	Supp. No. 1, Update 1
26482	6-16-20	Include	Supp. No. 1, Update 1
26483	6-16-20	Include	Supp. No. 1, Update 1
26484	6-16-20	Include	Supp. No. 1, Update 1
26523	8-18-20	Include	Supp. No. 1, Update 1
26525	9- 1-20	Include	Supp. No. 1, Update 1
26526	9- 1-20	Include	Supp. No. 1, Update 1
26550	9- 1-20	Include	Supp. No. 1, Update 1
26570	10-13-20	Include	Supp. No. 1, Update 2
26579	10-27-20	Include	Supp. No. 1, Update 2
26588	11-10-20	Include	Supp. No. 1, Update 2
26604	11-24-20	Include	Supp. No. 1, Update 2
26614	12- 8-20	Include	Supp. No. 1, Update 2
26626	12-22-20	Include	Supp. No. 1, Update 2
26627	12-22-20	Include	Supp. No. 1, Update 2
Amend. of	1-15-21	Include	Supp. No. 1, Update 2
26647	1-19-21	Include	Supp. No. 1, Update 2
26672	2-16-21	Include	Supp. No. 1, Update 3
26673	2-16-21	Include	Supp. No. 1, Update 3
26674	3- 2-21	Include	Supp. No. 1, Update 3
26695	3-16-21	Omit	Supp. No. 1, Update 3
26701	3-30-21	Include	Supp. No. 1, Update 3
26729	4-13-21	Include	Supp. No. 1, Update 3

OKLAHOMA CITY MUNICIPAL CODE, 2020

Ord. No.	Date Adopted	Include/ Omit	Supp. No.
26746	5-11-21	Include	Supp. No. 1, Update 4
26755	5-25-21	Include	Supp. No. 1, Update 4
26790	7- 6-21	Include	Supp. No. 1, Update 5
Char. Ord.	8- 4-21	Include	Supp. No. 1, Update 5
26832	8-31-21	Include	Supp. No. 1, Update 5
26833	8-31-21	Include	Supp. No. 1, Update 5
26850	9-14-21	Include	Supp. No. 1, Update 5
26869	9-28-21	Include	Supp. No. 1, Update 5
26871	10-12-21	Include	Supp. No. 1, Update 6
26906	10-26-21	Include	Supp. No. 1, Update 6
26913	11- 9-21	Include	Supp. No. 1, Update 6
26922	11-23-21	Include	Supp. No. 1, Update 6
26923	11-22-21	Include	Supp. No. 1, Update 6
26514	7-17-20	Include	Supp. No. 1, Update 7
26539	9-15-20	Include	Supp. No. 1, Update 7
26648	1-19-21	Include	Supp. No. 1, Update 7
26679	3- 2-21	Include	Supp. No. 1, Update 7
26946	1- 4-22	Include	Supp. No. 1, Update 7
26947	1- 4-22	Include	Supp. No. 1, Update 7
27030	3-29-22	Include	Supp. No. 1, Update 7
27046	4-26-22	Include	Supp. No. 1, Update 7
27047	4-26-22	Include	Supp. No. 1, Update 7
27048	4-26-22	Include	Supp. No. 1, Update 7
26967	2- 1-22	Include	Supp. No. 1, Update 8
26968	2- 1-22	Include	Supp. No. 1, Update 8
26993	2-15-22	Include	Supp. No. 1, Update 8
26994	2-15-22	Include	Supp. No. 1, Update 8
26995	2-15-22	Include	Supp. No. 1, Update 8
27065	5-10-22	Include	Supp. No. 1, Update 8
Supp. No. 2			
27097	7- 5-22	Include	Supp. No. 2, Update 1
27108	7-19-22	Include	Supp. No. 2, Update 1
27109	7-19-22	Include	Supp. No. 2, Update 1
27170	9-13-22	Include	Supp. No. 2, Update 1
27206	10-25-22	Include	Supp. No. 2, Update 1
27211	11- 8-22	Include	Supp. No. 2, Update 2
27216	11-22-22	Include	Supp. No. 2, Update 2
27218	11-22-22	Include	Supp. No. 2, Update 2
27272	1-31-23	Include	Supp. No. 2, Update 2
27276	2-14-23	Include	Supp. No. 2, Update 2
27290	2-28-23	Include	Supp. No. 2, Update 2
27301	3-28-23	Include	Supp. No. 2, Update 2
27302	3-28-23	Include	Supp. No. 2, Update 2
27316	4-11-23	Include	Supp. No. 2, Update 3
27342	5- 9-23	Include	Supp. No. 2, Update 3
27390	8- 1-23	Include	Supp. No. 2, Update 3

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

Ord. No.	Date Adopted	Include/Omit	Supp. No.
27391	8-15-23	Include	Supp. No. 2, Update 3
27413	8-29-23	Include	Supp. No. 2, Update 3
27440	9-26-23	Include	Supp. No. 2, Update 4
27441	9-26-23	Include	Supp. No. 2, Update 4
27420	9-26-23	Include	Supp. No. 2, Update 5
27456	11- 7-23	Include	Supp. No. 2, Update 5
27463	11-21-23	Include	Supp. No. 2, Update 5

OKLAHOMA CITY MUNICIPAL CODE, 2020

Section 2.	Mayor and City Council Elections and Term of Office.
Section 6.	Qualifications for Office of Mayor or Councilmember.
Section 4.	City Manager—Exclusive Control of Personnel—Certain Information May Be Provided to the City Manager by the Mayor or a Councilmember.
Section 6.	Division of Public Affairs and Division of Public Management.
Section 12.	Accepting things of value from certain privately-owned businesses operating pursuant to a City franchise or other contract-Exception.
Section 11.	City Clerk to Amend Terms in the Charter to Consistently Refer to Officers Elected from Wards as "Councilmember," "Councilmembers," "Councilor," or "Councilors."

Article X. General Elections and Runoff Elections

Section 1.	General Elections and Runoff Elections for Mayor and Council.
Section 3.	Mayor and City Council Elections—How Called—Notice—Terminology for Elections to be Revised to be Consistent Throughout this Charter.
Section 6.	Runoff Elections—When Held.

ARTICLE I. ORGANIZATION AND POWERS

Section 3. General Grant of Powers. (a) The City shall have all powers given to it by the Oklahoma Constitution, the laws of this State, or by this Charter.

(b) The City shall have the power to enact and enforce all ordinances necessary to protect health, safety, welfare, life, or property within the City.

(c) The City shall have the power to define, prevent and summarily abate and remove nuisances and to preserve and enforce good government and order for the security of the City and its inhabitants.

(d) The City shall have the power to enact and enforce all ordinances upon any subject.

(e) No ordinance shall be enacted that is inconsistent with the Oklahoma Constitution, the general laws of the State of Oklahoma that are of statewide interest and concern, or with this Charter.

(Charter, 3-14-1911; am. 4-2-1957; am. 8-4-2021)

ARTICLE II. LEGISLATIVE DEPARTMENT

Section 1. Legislative Department. The legislative branch of the City Government shall consist of the City Council. The City Council shall be composed of the Mayor and one Councilor from each ward. When used hereinafter the words "the Council" or "the City Council" shall be understood to mean the Mayor and "the Councilors."

(Charter, 2-8-1927; am. 4-2-1957, am. 3-16-1971; am. 8-4-2021)

Section 2. Mayor and City Council Elections and Term of Office. (a) The Mayor and Councilmembers shall be nominated and elected as provided in Article X of this Charter.

(b) The Mayor and each Councilmember shall qualify and assume office four weeks after the date of the City runoff election as provided in Article X of this Charter, and each officer shall serve a term of four years and hold office until a successor to such office has been elected, qualified and assumed office.

(Charter, 2-8-1927; am. 4-2-1957, am. 6-26-1990; am. 8-4-2021)

Section 3. Change of Ward Lines—New Lines. Should ward lines be shifted or changed, or new numbered wards be created so that the total of all wards is less than eight, then, and in that event, any incumbent Councilor, whose residence may be included in another or new numbered ward, may serve out the elective term as Councilor for the numbered ward from which elected, irrespective of the Councilor's non-residence therein. In case new numbered ward or wards be created, which, together with existing wards, total less than eight, then at the next succeeding election two Councilors shall be elected from each such ward, of whom, the one receiving the highest number of votes shall hold office for four years, and until the Councilor's successor shall be elected and qualified, and the one receiving the next highest

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

number of votes shall hold office for two years and until the Councilor's successor shall be elected and qualified. After the first election in a new numbered ward, one Councilor at a time shall be elected from such ward and the term of office shall be four years.

(Charter, 4-2-1957; am. 8-4-2021)

Section 4. Vacancies in the Council other than in the office of Mayor. (a) Whenever a vacancy occurs in the Council by reason of death, resignation, incapacity, or removal of a member, the Council shall, within 30 days after the occurrence of such vacancy, by a majority vote, appoint a qualified person to fill the vacancy in the Council. The appointee shall serve in such capacity only until a person has been duly elected to fill the vacated office at a special or regular Council election as provided by Subsection (b) of this section.

(b) Within 30 days after the vacancy occurs, the Council shall call a special election to take place within the shortest period of time permitted by the election laws of the State of Oklahoma for the purpose of electing a person to fill the balance of the unexpired term of office. The person duly elected at said special election shall thereafter fill the balance of the unexpired term of office of the vacating Councilmember. Provided:

- (1) If the vacancy in the Council occurs on or after July 1 in an even-numbered year and the regular Council election in the same ward will be held in the following year, then no special election shall be called and the person appointed under Subsection (a) of this section shall serve until a successor is elected in that ward as a result of the regular election in the ward.
- (2) If the vacancy in the Council occurs on or after July 1 and prior to December 1 in an even-numbered year, but no regular Council election in the ward in which the vacancy occurred is scheduled for the following year, Council shall, within 30 days after the vacancy occurs, call a special election to be held to fill the balance of the unexpired term of office, with the said special election to be set for the same dates as the ensuing regular Council elections in the other wards. The person appointed under Subsection (a) of this section shall serve until a successor is elected at said special election to fill the balance of the unexpired term of office.

(Charter, 2-8-1927; am. 3-18-75, am. 3-15-1994; am. 11-4-2008; am. 8-4-2021)

Section 5. Removal by Council. Whenever any person elected to the office of Mayor or Councilor neglects, refuses, or fails to qualify within ten days of the beginning of the term for which the Mayor or Councilor has been chosen, or whenever the Mayor or a Councilor neglects, refuses, or fails, except in case of sickness, to attend the meetings of the Council for five consecutive regular meetings without first having the consent of the Council, which consent must be entered upon its records, or removes from the City, is convicted of a felony or judicially declared an incompetent as defined by statute, the Council shall declare that a vacancy exists in such office and proceed to fill such vacancy or elect a successor to such official who shall serve until the next general election, at which election a person shall be elected to serve out any unexpired term in such office or to fill the next regular term in such office.

(Charter, 2-8-1927; am. 4-2-1957; am. 8-4-2021)

Section 6. Qualifications for Office of Mayor or Councilmember. No person shall be eligible to the office of Mayor or Councilmember unless such person meets the following qualifications prior to filing a declaration of candidacy as required by this Charter:

- (a) The person must be a citizen of the United States and of the State of Oklahoma;
- (b) The person must be at least 21 years of age;
- (c) The person must have been a resident of Oklahoma City or an area annexed into Oklahoma City for at least one year;
- (d) For the office of the Mayor, the person must have been a registered voter at an address within Oklahoma City for at least one year immediately preceding the filing of a declaration of candidacy; and
- (e) For a Councilmember position representing a ward, the person must have been a registered voter at an address within the ward for at least one year immediately preceding the filing of a declaration of candidacy.

(Charter, 2-8-1927; am. 4-2-1957; am. 11-4-2008; am. 8-4-2021)

OKLAHOMA CITY MUNICIPAL CODE, 2020

Section 7. Holding Other Office. Neither the Mayor nor a member of the Council shall be appointed to any office or position under the City during the term of office for which the Mayor or Councilor was elected or appointed.

(Charter, 2-8-1927; am. 8-4-2021)

Section 8. No Direct Interest in City Expenditures. Neither the Mayor nor a member of the Council shall have any financial interest in or reap any financial benefit, directly or indirectly, from any expenditure of the City, save as the result of the general benefit arising from the maintenance of public works and the making of special improvements in the streets, alleys, parks and public places in The City of Oklahoma City. Any violation of this section by the Mayor or any Councilor shall disqualify same, and the Mayor or Councilor shall forfeit office.

(Charter, 2-8-1927; am. 4-2-1957; am. 8-4-2021)

Section 9. Compensation. The Mayor and Councilors may receive reimbursement for actual and necessary expenses incurred in traveling on business of the City, but only when so directed by a resolution passed by two-thirds roll call vote of the entire Council-elect, duly recorded and made prior to the incurring of said expenses. Statements shall be submitted of the items of such expenses on regular forms to be provided, and when approved by the Council shall be paid by the financial officer of the City.

(Charter, 2-8-1927; am. 4-2-1957; am. 8-4-2021)

Section 10. Vice-Mayor—Vacancies in Office of Mayor. (a) Each Councilmember shall serve as Vice-Mayor for a term of six months according to seniority based upon assumption of office, or when such office was assumed on the same date, according to alphabetical order of the Councilmember's surname. The Vice-Mayor shall act as Mayor during the temporary absence or disability of the Mayor and while so acting shall vote as Council member and not as Mayor.

(b) In the event the office of Mayor shall become vacant by reason of death, resignation, removal from the City, conviction of a felony, judicial declaration of incompetency, or from any other cause, the Council shall, within 30 days after the occurrence of such vacancy, call a special election to take place within the shortest period of time permitted by the election laws of the State of Oklahoma, to fill the balance of the unexpired term of such office; provided, if such vacancy shall occur within the final year of the Mayor's term of office, it shall be filled by majority vote of the remaining members of the Council within 30 days after the occurrence of the vacancy.

(Charter, 4-2-27; am. 3-18-75, am. 3-15-1994; am. 10-14-2003; am. 11-4-2008; am. 8-4-2021)

Section 11. Regular Meetings. The Council shall hold regular meetings at such time as the Council may by ordinance designate, and may hold such adjourned meetings as it may find necessary for the dispatch of its business, provided that if the regular meeting falls on a legal holiday, the meeting shall be held upon the next succeeding business day.

(Charter, 2-8-1927; am. 8-4-2021)

Section 12. Special Meetings. Special meetings of the Council may be called by the Mayor, or by five Councilors, at any time on such written notice as the Council may prescribe by ordinance, but the purpose of such meeting shall be set forth in such call and no other business shall be transacted at such meeting.

(Charter, 2-8-1927; am. 8-4-2021)

Section 15. Removal for Misconduct. In case of misconduct, inability or willful neglect in the performance of the duties of the Mayor's or Councilor's office, the Mayor or any Councilor may be removed from office by the Council, but the Mayor or Councilor shall be given an opportunity to be heard in the Mayor's or Councilor's own defense and shall have the right to appear by counsel and have process issued to compel the attendance of witnesses who shall be required to give testimony if the Mayor or Councilor so elects. In such cases the hearings for such removal, if the Mayor or Councilor be removed, together with the findings of fact as made by the Council, shall be filed by the Council with the Clerk and shall become a matter of public record.

(Charter, 2-8-1927; am. 8-4-2021)

Section 16. Selection of City Manager and Other Officers. The Council shall select a City Manager, City Auditor, Municipal Counselor, and Municipal Judges, and whenever a vacancy shall occur in any of these offices, the Council shall select some qualified person to fill such vacancy. Such officers shall be selected without regard to their political affiliation. Their salaries shall be fixed or changed by a

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

two-thirds roll call vote of the entire Council-elect. They shall serve during the pleasure of the Council and the Council shall not bind the City by any term contract with any officer or employee. Provided however, the Municipal Judges shall serve for a term of two years, expiring on a date fixed by ordinance, and until their successors are appointed and qualified, unless sooner removed by the vote of a majority of all members of the Council, for such cause as is provided by the laws of the State for the removal of public officers. In the event that the Manager shall for any reason be incapable of performing the duties of the office or a vacancy occurs, the Council shall immediately, upon receiving notice of such inability, select a Manager pro tem, who shall perform all of the duties imposed upon the Manager by this Charter, or by ordinance, until the Manager shall return to duty, or a new Manager be selected.

(Charter, 2-8-1927; am. 4-2-1957, am. 3-16-1971; am. 8-4-2021)

Section 17. Removal of Officers Selected by Council. The Council shall have the power at any time to remove any officer or employee whose successor it has the power to select and to select a successor to the officer or employee.

(Charter, 2-8-1927; am. 8-4-2021)

Section 33. Mayor and Council—Salary. (a) Until lawfully changed pursuant to Subsection (b) of this section, the Mayor shall receive as compensation for the Mayor's services a salary of \$2,000.00 per annum, payable monthly and no more. Until lawfully changed pursuant to Subsection (c) of this section, each Councilmember shall receive as compensation for the Councilmember's services \$20.00 for each meeting at which a quorum is present, the total amount received for any month not to exceed \$100.00.

(b) Commencing on the earliest possible date consistent with Section 10 of Article XXIII of the Oklahoma Constitution, the Mayor shall receive as compensation for the Mayor's services a salary of \$24,000.00 per annum, payable monthly and no more.

(c) Commencing on the earliest possible date consistent with Section 10 of Article XXIII of the Oklahoma Constitution, each Councilmember shall receive as compensation for the Councilmember's services a salary of \$12,000.00 per annum, payable monthly and no more.

(Charter, 2-8-1927; am. 4-2-1957; am. 11-7-2000; am. 8-4-2021)

ARTICLE III. MUNICIPAL EMPLOYEES

Section 2. Personnel Director—Duties. The Personnel Director shall have had training and experience in personnel administration. The Director's duties shall be such as shall be prescribed by ordinance or resolution implementing the Personnel Service Department and as prescribed by the City Manager.

(Charter, 4-2-1957; am. 8-4-2021)

ARTICLE IV. DUTIES OF CITY OFFICERS AND EMPLOYEES

Section 1. Duties of Mayor. The Mayor shall be the Chief Executive of the City, shall be President of the Council and shall preside at its sessions and shall have all the powers and prerogatives of a member of the Council and shall have an equal vote at all times with the members of the Council. In addition to other duties imposed upon the Mayor by State and municipal laws, and by the Council, the Mayor shall endorse thereon the approval of all official bonds when same shall be approved by the Council, shall sign all warrants and orders drawn upon the Treasurer for money, shall sign all bonds, contracts, conveyances, and other written obligations of the City, and all ordinances passed by the Council, and shall cause each of the above enumerated instruments to be attested by the Clerk under the seal of the City. The City Clerk shall be the Clerk of the Council and shall keep a journal of the Council proceedings which shall be open for inspection to the public and shall, with the Mayor, sign and attest all ordinances and resolutions.

(Charter, 2-8-1927; am. 4-2-1957, am. 3-16-1971; am. 8-4-2021)

Section 2. Official Oath. The Mayor, Councilors and all other officers of the City, upon entering the duties of their offices, shall take the oath of office prescribed by the Constitution of this State.

(Charter, 2-8-1927; am. 8-4-2021)

OKLAHOMA CITY MUNICIPAL CODE, 2020

Section 3. The City Manager. The City Manager shall:

- (a) Be the Chief Administrative Officer of the City and shall have charge and supervision of all branches of the City service, except as otherwise in this Charter provided.
- (b) See to the faithful execution of all laws and ordinances of the State and City.
- (c) Appoint all officers and employees of The City of Oklahoma City except the elective officers and the officers whose election is vested in the Council by this Charter.
- (d) Dismiss any officer or employee appointed by the City Manager whenever, in the City Manager's judgment, the interests of the City service so require.
- (e) Control, supervise and direct the several officers, boards, and departments of the City which are within and under the City Manager's control and management.
- (f) At any time investigate the affairs of any department. The City Manager, or any person appointed by the City Manager for that purpose, shall have power to compel the attendance of witnesses and the production of books, papers and other evidence.
- (g) Attend all meetings of the Council and may take part in the discussions, but shall not vote.
- (h) Keep the Council advised of all the needs of the City and shall recommend measures for adoption.
- (i) Prepare and submit to the Council, annually during the month of July, an estimate in detail of the probable receipts and the expenditures of funds and needs of the City in its operation for the ensuing fiscal year.
- (j) Perform all such other duties as may be imposed on the City Manager by this Charter or by the Council.

(Charter, 2-8-1927; am. 4-2-1957; am. 8-4-2021)

Section 4. City Manager—Exclusive Control of Personnel—Certain Information May Be Provided to the City Manager by the Mayor or a Councilmember. (a) Neither the Mayor, the Council, nor any of its members shall direct or request the appointment of any person to, or removal from, office by the City Manager or by any of the City Manager's subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City. Except for the purpose of inquiring, the Mayor, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Mayor, the Council, nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Any of the above officials violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, may be charged with a misdemeanor and upon conviction thereof shall cease to hold office.

(b) Notwithstanding the prohibitions set forth in Subsection (a) of this section, the Mayor or any Councilmember may at any time provide information to the City Manager regarding the positive or negative job performance of any officer or employee in the administrative service of the City. Such information must be based on the direct personal knowledge of the Mayor or Councilmember or on a signed written statement provided by a resident to the Mayor or Councilmember. Providing information to the City Manager pursuant to this Subsection (b) will never be considered to constitute a violation of Subsection (a) of this section.

(Charter, 4-2-1957; am. 8-4-2021)

Section 5. Delegation of Duties—Divisions. The distribution of all powers of City Government not reserved herein to the Mayor, City Council or Manager is divided into two divisions, one to be known as the Division of Public Affairs, which shall be under the control of the Mayor and Council; the other to be known as the Division of Public Management, which shall be under the control of the City Manager, who shall have complete control of the division and the City Manager may make assignments of administrative duties to such departments as the City Manager shall deem best. The City Council may, by ordinances adopted by the affirmative vote of at least two-thirds of its members, redistribute powers, create more departments, divisions or subdivisions thereof, combine or abolish existing departments, functions or establish temporary agencies for special work.

(Charter, 4-2-1957; am. 8-4-2021)

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

Section 6. Division of Public Affairs and Division of Public Management. (a) The Division of Public Affairs, which is under the control of the Mayor and Council pursuant to Section 5 of this article, shall include all the following officers:

- (1) City Manager;
- (2) Municipal Counselor;
- (3) City Auditor;
- (4) Municipal Judges;
- (5) All City boards, commissions, and committees created by the Mayor or created by the City Council; provided, the personnel of all boards, commissions, and committees created by the City Council shall be appointed by the Mayor with the consent and approval of the Council; and
- (6) All other personnel placed in the Division of Public Affairs by ordinance passed by the affirmative vote of at least two-thirds of the members of the City Council.

(b) The Division of Public Management, which is under the control of the City Manager as provided by this article, shall comprise all departments, functions, agencies, commissions and boards not specifically placed under the Division of Public Affairs by this Charter or by ordinance adopted hereafter pursuant hereto.

(Charter, 4-2-1957; am. 3-16-1971; am. 8-4-2021)

Section 7. Duties of the Municipal Counselor. The Municipal Counselor shall conduct all actions and proceedings wherein the City shall be party plaintiff or defendant, or otherwise a party in interest. The Municipal Counselor shall be legal advisor to the Mayor, Council, City Manager, and heads of departments in relation to their duties, and shall perform such other duties not inconsistent herewith as may be required.

(Charter, 2-8-1927; am. 4-2-1957; am. 8-4-2021)

Section 9. No Compensation Except Salary. No elective or appointive officer shall receive any further compensation than specified in the salary attaching to the position at the time of the officer's election or appointment, no person being permitted under any circumstances to draw more than one salary from the City for any and all services, and all fees collected shall be accounted for by the proper officer and turned over to the City Treasurer; provided however, nothing contained in this Section shall prohibit the payment or reimbursement of authorized expenses incurred or to be incurred by City employees, the making to City employees of authorized payments in lieu of such expenses, and/or the making of authorized incentive or merit payments to City employees, to the extent not otherwise prohibited by the law of the State, and such payments or reimbursements shall in no event be deemed to be compensation for the purposes of this Section.

(Charter, 2-8-1927; am. 6-18-1985; am. 8-4-2021)

Section 12. Accepting things of value from certain privately-owned businesses operating pursuant to a City franchise or other contract-Exception. (a) No officer or employee of the City, elective or appointive, shall directly or indirectly accept or receive, any salary, commission, compensation, free or discounted service, or other thing of value of any kind upon terms more favorable than is granted to the public generally from any person, firm or corporation operating any of the following privately-owned businesses within the City pursuant to a franchise or contract with the City:

- (1) any interurban or street railway,
 - (2) any airline,
 - (3) any bus line,
 - (4) any natural gas or electricity service or business, or
 - (5) any telephone service business.
- (b) Any violation of this section shall be grounds for removal from office or employment.

(c) This section shall not prevent the granting of a franchise or other contract conditioned upon free service to the City and to its officers and employees while they are engaged in the performance of their official duties.

(Charter, 2-8-1927; am. 4-2-1957; am. 8-4-2021)

OKLAHOMA CITY MUNICIPAL CODE, 2020

Section 15. Nepotism Prohibited. No person who is a relative by blood or by marriage of the Mayor, of any of the Councilors, or any of the officers appointed by the Council shall be appointed to any City office or employment.

(Charter, 2-8-1927; am. 4-2-1957; am. 8-4-2021)

Sections 17, 18. Reserved.

Section 19. Mayor and Officials—Automobiles. No automobile or motor vehicle, nor the gasoline or oil used therein, shall be furnished by the City to the Mayor, the Councilors, or any other City officials or employees, except for use in discharging the official duties of such employees or officers. The using of any City automobile, gasoline or oil by any such City official or employee, except as aforesaid, shall be unlawful, and the allowance and payment of any claim for expense in operating such automobile shall be unlawful and subject any such officer or employee to civil liability and recovery by the City of the value of the use of such automobile and the gasoline or oil used therein. Action for such recovery may be instituted in the name of the City in any court of competent jurisdiction upon the relation of not less than ten voting citizens and residents of the City and shall be prosecuted as any other civil action.

(Charter, 2-8-1927; am. 4-2-1957; am. 8-4-2021)

ARTICLE VI. RECALL OF ELECTIVE OFFICERS

Section 1. Elective Officers May be Removed by Recall. The holder of any elective office may be removed at any time after six months from the date of accession to said office by the electors qualified to vote for the election of a successor to such incumbent, in the following manner:

Thirty-five per cent of the qualified electors of the area from which the incumbent was elected as shown by the County registration records at the time the petitions are filed must file with the City Clerk petitions demanding the election of a successor to the person sought to be removed; provided, that said petitions, within 60 days of the commencement thereof, and the filing of the affidavits required, shall be filed with the City Clerk, and each and all of them contain in the heading thereof the reason for said recall in not more than 200 words, and the reasons against such recall in not more than 200 words.

(Charter, 3-14-1911; am. 4-2-1957; am. 8-4-2021)

Section 2. Petition for Recall. No petition shall contain more than 100 names, and each name shall be followed by the address of the petitioner; and at least one of the signers of each petition shall make affidavit that the reasons for recall stated, the affiant believes, are true; that each signature to said petition is genuine and made after each reading the petition; that same was circulated and signed within 60 days, and that each signer thereof, the affiant believes, is a qualified elector of the City.

(Charter, 3-14-1911; am. 8-4-2021)

Section 3. Duties of City Clerk Affecting Recall. Within 30 days from the date of filing such petitions the City Clerk shall ascertain whether a sufficient total number of qualified signatures appear by checking the same with the last registration list, and, if sufficient, the City Clerk shall certify such fact to the Council. Upon proper certification from the City Clerk that a sufficient petition has been filed, it shall be the duty of the Council to order and fix a date for holding said election petitioned for, not less than 20 nor more than 30 days from the date of the Clerk's certificate. If the petition is found insufficient, no further recall proceedings may be instituted against said official within 12 months from the date of the Clerk's certificate.

(Charter, 3-14-1911; am. 4-2-1957; am. 8-4-2021)

Section 4. Election—How Conducted. Said election shall be called and conducted, and the result declared in all respects as other City elections. The successor of any officer so recalled or removed shall hold office during the unexpired term of the predecessor.

(Charter, 3-14-1911; am. 4-2-1957; am. 8-4-2021)

Section 6. Who May Be Candidates. Any person sought to be removed may be a candidate to succeed said person, and no one may be a candidate for the office until the person shall qualify in the same manner as candidates before an official general election. In any such recall election, the candidate receiving the highest number of votes shall be declared elected. If at such election some person other than the incumbent receives the highest number of votes, the said incumbent shall be deemed to have been

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

removed and shall vacate the office from the declaration of the result. If the incumbent receives the highest number of votes the incumbent shall continue in office, and no subsequent petition for recall of said officer may be entertained during the remainder of the term of office.

(Charter, 3-14-1911; am. 4-2-1957; am. 8-4-2021)

Section 7. Recalled Officer Ineligible for Appointment. No person who has been removed from an office by recall, or who has resigned from such office while recall proceedings were pending against the officer, shall be appointed to any office or employment under the City Government within one year after such removal by recall or resignation.

(Charter, 3-14-1911; am. 4-2-1957)

ARTICLE VII. REVENUE

Section 5. Grafting Prohibited. The receiving, directly or indirectly, by any officer of said City for the officer's own use and benefit or any other use or purpose other than is authorized and provided in this Charter and the laws of the State, of any interest, profit or perquisites arising from the use or loan of public funds in the officer's hands or to be raised through the officer's agency for city purposes, shall be deemed sufficient cause to forfeit office, and the person so receiving shall then and there forfeit the office and be disqualified to hold office.

(Charter, 3-14-1911; am. 8-4-2021)

ARTICLE IX. GENERAL PROVISIONS

Section 4. Contracts—How Let—Advertisements—Bids, Plans, Specifications, Profiles and Estimates. Except in the case of contracts for purchase of books, periodicals, pamphlets, or manuscripts, all contracts pertaining to public improvements, maintenance of public property, and construction of whatever character involving an outlay and expenditure of City funds in excess of an amount to be established by the Council and those for purchase of public printing, purchases of supplies or non-professional services, and all other contracts on the part of the City of similar character involving an outlay and expenditure of City funds in excess of an amount to be established by the Council shall be based upon an agreement approved by Council. Such contracts shall be entered into only after advertisement not less than one time in a daily newspaper published in the City inviting competitive bids; provided, however, should the Council find that an immediate emergency exists, which findings should be entered on the journal of its proceedings, by reason of which an immediate outlay of City funds, in an amount to be established by the Council, is necessary in order to avoid loss of life, substantial damage to property, or damage to the public peace, or safety, then contracts may be made and entered into without advertisement or competitive bids. Such competitive bids shall be submitted in the manner to be established by the Council, and one copy of each bid shall be filed with the City Clerk. Each successful bidder shall accompany the contract with a statement in writing that the bidder has not, directly or indirectly, entered into any agreement, express or implied, with any other bidder or bidders, having for its object the controlling of the price or amount of such bid or any bids, the limiting of the bids or bidders, the parceling or farming out to any bidder or bidders or other persons of any part of the contract or any part of the subject matter of the bid or of the profits thereof. No bidder shall divulge the contents of the bid to any person whomsoever, except those having a partnership or other financial interest with the bidder in said bid, until after the bids are opened. A violation of any one of the foregoing provisions on the part of the bidder shall make void any contract made by the bidder with the City based upon such bid. The awarding of a contract upon a successful bid shall give the bidder no right to action or claim against the City upon such contract until the same shall have been reduced to writing and duly signed by the contracting parties. The bid filed with the City Clerk shall be opened in the presence of the Purchasing Agent or the Purchasing Agent's designee, the City Clerk or the City Clerk's designee and the City Auditor or the City Auditor's designee and shall remain on file with the City for two days before any contract shall be entered into based upon such bid. As used in this section, "opened" shall mean publicly revealed on the date and at the time and place provided in the bid specifications.

The Council shall consider the bids, and may reject all bids and readvertise for bids, or may enter into contract with the party offering the lowest and best bid, or may have such work done under the supervision of the proper department, keeping account of the expense thereof.

OKLAHOMA CITY MUNICIPAL CODE, 2020

Pending advertisement for bids, the plans, specifications and profiles shall remain on file in the office of the City Clerk, subject to the inspection of any person. For the safeguarding of the interests of the City, the Council shall make such regulations providing for the filing of the estimate of cost furnished them by the City Engineer as they shall deem best. The Council shall have power to require of bidders such bonds or cash deposits as it may deem proper to secure the performance of the contract, and to cover and reimburse the City for any losses or damage arising from the failure to comply with the bid.

Notwithstanding the above, City Purchasing Agent(s) designated by the City Manager shall have the option to purchase:

- (a) In those instances where purchases below an amount to be established by the Council can advantageously be made or in those instances where purchases can advantageously be made under State contracts which have been let by the State pursuant to Title 74 O.S. § 85.7; provided, for purchases under a State contract, the State contract shall be presented to Council for its approval prior to purchases in an amount to be established by the Council.
- (b) In those instances where it would be advantageous for the City to participate in purchasing under joint purchasing arrangements with other cities in or out of State; provided that such purchases shall be made pursuant to bid procedures which substantially comply with those of The City of Oklahoma City and provided that such bid procedures and purchases shall be approved by the Council prior to purchases in an amount to be established by the Council.
- (c) From competitively bid contracts entered by a public trust of which the City is a beneficiary, provided that the procedure followed by the trust for establishing the purchase price complied with the same or substantially similar competitive bidding advertisement procedures as set forth in this section.

(Charter, 3-14-1911; am. 4-2-1957, am. 6-18-1985; am. 11-7-2000; am. 10-14-2003; am. 8-4-2021)

Section 6. Reserved.

Section 7. Individual Liability of Officers. Every officer who shall approve, allow or pay any demand on the treasury of the City not authorized by law, ordinance or this Charter shall be liable to the City individually and on the officer's official bond for the amount of the demand so illegally approved, allowed or paid.

(Charter, 3-14-1911; am. 8-4-2021)

Section 8. Reserved.

Section 11. City Clerk to Amend Terms in the Charter to Consistently Refer to Officers Elected from Wards as "Councilmember," "Councilmembers," "Councilor," or "Councilors." The City Clerk shall work with the Municipal Counselor to redraft all references to "Councilman" or "Councilmen" to consistently refer to officers elected from wards as "Councilmember," "Councilmembers," "Councilor," or "Councilors," as grammatically appropriate.

(Charter, 11-3-2020; am. 8-4-2021)

ARTICLE X. GENERAL ELECTIONS AND RUNOFF ELECTIONS

Section 1. General Elections and Runoff Elections for Mayor and Council. (a) On the second Tuesday of February of each odd-numbered year, a general election shall be held in the City for the nomination of candidates for the office of Councilmember from each ward for which the term of the incumbent Councilmember expires in that year. Candidates for Councilmember shall be nominated by the qualified electors of the respective wards, of which wards said candidates must be residents.

(b) On the second Tuesday of February in the year 2022, and each succeeding fourth year thereafter, a general election shall be held in the City for the nomination of candidates for the office of Mayor. Candidates for the office of Mayor shall be nominated by the qualified electors of the City voting at-large.

(c) At any general election when there are two or more candidates for the office of Councilmember in any ward, then the two candidates receiving the highest number of votes for such office shall be declared the nominees from that ward, and when there are two or more candidates for Mayor, the two candidates receiving the highest number of votes from the City at-large shall be declared the nominees for Mayor, and

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

the names of the candidates for Councilmember or for Mayor so nominated shall appear accordingly on the City runoff election ballot on the succeeding first Tuesday of April. Provided, if any candidate for the office of Mayor or Councilmember is unopposed in the general election or subsequent thereto, or receives a majority of all the votes cast in the general election, then such candidate shall be deemed elected to the office for which such person was a candidate, and it shall not be necessary for the candidate's name to be placed on the ballot at the succeeding City runoff election, and it shall be the duty of the County Election Boards of each of the respective counties within which the corporate limits of The City of Oklahoma City are situated, to issue jointly to such candidate, within six days after the date designated for the City runoff election, a certificate of election in due and proper form as provided by law.

(d) In the event the Council exercises its authority under Article XI of this Charter to enact an ordinance creating more than eight (8) wards within the City, the Council shall provide in such ordinance for the initial special election of, and the initial terms of office for, the Councilmembers from the additional wards, which initial terms of office may commence on any Tuesday of the year specified in such ordinance by Council. The terms of office of the initial Councilmembers from the additional wards shall expire thereafter on the second Tuesday in April in the odd-numbered year or years specified in the ordinance by Council. The successors of the initial Councilmembers from the additional wards shall be elected in the odd-numbered year or years in which the terms of the initial Councilmembers expire in accordance with Subsections (a) and (c) of this section. Such successors shall serve full four (4) year terms as provided by Section 2 of Article II of this Charter. Any other applicable provisions of this Charter and Oklahoma law shall be followed by Council in carrying out the provisions of this Subsection.

(Charter, 2-8-57; am. 4-2-1957; am. 3-16-1971, am. 6-26-1990; am. 10-14-2003; am. 8-4-2021)

Section 2. Declaration of Candidacy—Procedure. (a) Any person qualified to hold the office of Mayor or Councilmember under this Charter may become a candidate for such office by filing a declaration of candidacy with the Oklahoma County Election Board during the time period provided by State law and designated by the Oklahoma County Election Board. The declaration of candidacy shall be in writing and shall set forth the following information:

- (1) The candidate's name as the candidate desires it to appear upon the ballot, and
- (2) The candidate's address by street number, and
- (3) The candidate's ward, and
- (4) The office for which the candidate desires to become a candidate.

(b) A declaration of candidacy must be accompanied by a cashier's check or certified check in the amount of \$200.00; or in the alternative by a petition supporting the candidate's filing signed by 2,500 registered voters eligible to vote for the candidate if the filing is for the office of Mayor or by 500 registered voters eligible to vote for the candidate if the filing is for the office of Councilmember. If a cashier's or certified check is submitted to the Oklahoma County Election Board pursuant to this subsection, said check shall be forfeited to the said Election Board and the proceeds therefrom used to defray the costs of the election for the office for which the declaration of candidacy was filed; provided, said check shall be returned to the candidate immediately if the candidate is unopposed in the general election, receives more than fifteen percent (15%) of the total votes cast in the general election, or becomes a candidate in the runoff election.

(Charter, 4-2-1957; am. 3-16-1971, am. 12-14-1976, am. 3-15-1994; am. 10-14-2003; am. 8-4-2021)

Section 3. Mayor and City Council Elections—How Called—Notice—Terminology for Elections to be Revised to be Consistent Throughout this Charter. (a) The Mayor or the Chief Executive Officer of The City of Oklahoma City shall call the general and runoff elections of officers provided for in this Charter and its amendments, and the City Clerk shall give notice of such elections as provided for by State law.

(b) The term "primary election" wherever used in this Charter prior to the effective date of this amendment shall be revised by the City Clerk to read "general election" and the term "general election" wherever used in this Charter prior to the effective date of this amendment shall be revised by the City Clerk to read "runoff election."

(Charter, 2-8-1927; am. 6-26-1990; am. 8-4-2021)

Section 4. Nominees—How Voted On. Any candidate for the office of Councilor who was a nominee at the general election but who is not entitled to a certificate of election as provided for in Section 1 of this

OKLAHOMA CITY MUNICIPAL CODE, 2020

Article shall be voted upon in the runoff City election only by the qualified voters in their respective wards. Any candidate for the office of Mayor who was nominated for the office at the general election but who is not entitled to a certificate of election as provided for in Section 1 of this Article shall be voted upon at large in the runoff City election.
(Charter, 4-2-1957; am. 8-4-2021)

Section 5. General Election Laws Applicable. Except as in this Article X provided, in said general election for the nomination of the Mayor and the Councilors and in the runoff election and canvass of returns and all other proceedings whatever relating to said elections, either general or runoff, the general laws of this State applicable to municipal elections and primaries are hereby adopted and put into full force and effect with the further exception and proviso that on the general and runoff election ballots no party emblem or party designation shall appear and the names of all nominees who are required to be on the ballot shall appear in one column.
(Charter, 2-8-1927; am. 4-2-1957; am. 8-4-2021)

Section 6. Runoff Elections—When Held. The election of one Councilor in each ward to succeed the incumbent whose term of office first expires shall be had and held on the first Tuesday in April of each odd numbered year, beginning in the year 1957, and on the first Tuesday in April every four years thereafter. The election of a Mayor shall be had and held on the first Tuesday in April in the year 1959 and on the first Tuesday in April each four years thereafter until and including the year 1991. Following the year 1991, the election of a Mayor shall be had and held on the first Tuesday in April in the year 1994 and on the first Tuesday in April each four years thereafter.
(Charter, 4-2-1957; am. 6-26-1990; am. 8-4-2021)

Section 7. Reserved.

Amendment Date	Disposition	Article	Section
8- 4-2021		I	3
		II	1—12, 15—17, 33
		III	2
		IV	1—7, 9, 12, 15, 19
		VI	1—4, 6, 7
		VII	5
	§ 2-902.	Contracts for or purchases of professional services for other than public construction projects.	
	§ 2-903.	Contracts for professional services related to public construction projects.	

§ 2-30. Regular meetings of Council; providing regular meeting schedule.

(a) As authorized by Art. II, Section 11 of the City Charter, the City Council shall hold regular meetings as follows:

On the first Tuesday in July and bi-weekly thereafter on Tuesday throughout the fiscal year except for the last Tuesday in April and five consecutive weeks thereafter, the meeting will be held weekly.

(b) Whenever the date for a regular meeting falls on a legal holiday, the meeting shall be held upon the next succeeding business day.

(c) The regular meeting schedule provided by this section shall continue annually.
(Ord. No. 25582, § 1, 3-14-17; Ord. No. 26482, § 1, 6-16-20; Ord. No. 27440, § 1, 9-26-23)

§ 2-37. Disclosure of certain gifts received and accepted by the Mayor or a Councilmember.

(a) As used in this section:

(1) "Gift" shall mean a voluntary transfer of property, real or personal, or services provided to another gratuitously and without consideration, including but not limited to money, travel expenses, tickets, meals and personal services.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

- (2) *"Economic interest"* shall mean a personal financial interest in a City or City-beneficiary public trust purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services when the person who has the economic interest is taking action to influence the City or public trust purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services.
- (3) *"First degree of consanguinity"* shall mean the Mayor's or Councilmember's parents, children and their spouses.
- (4) *"First degree of affinity"* shall mean the Mayor's or Councilmember's spouse, spouse's parents and spouse's children.
- (5) *"Second degree of consanguinity"* shall mean the Mayor's or Councilmember's grandparents, grandchildren, uncle, aunt, first cousin, nephew, niece, brother, sister and their spouses.
- (6) *"Second degree of affinity"* shall mean the grandparents, grandchildren, uncle, aunt, first cousin, nephew, niece, brother and sister of the spouse of the Mayor or Councilmember.

(b) Beginning on February 1, 2023 and then on February 1 of every year occurring thereafter, the Mayor and each Councilmember shall file a written disclosure statement with the City Clerk, on a form provided by the City Clerk, listing all gifts received and accepted by the Mayor or Councilmember from any single person, or from any agent or employee of such person, during the preceding calendar year, if such gifts, in the aggregate, exceed a value of more than six hundred dollars (\$600.00) and if the Mayor or Councilmember accepting such gifts knows or should know that such person, or the agent or employee on behalf of such person:

- (1) is seeking to do business or is doing business with the City or any public trust with the City as its beneficiary; or
- (2) has an economic interest in actions or matters before or affecting the City or any public trust with the City as its beneficiary.

(c) The disclosure required by this section shall include: (i) the nature of each gift, (ii) the approximate value of each gift, and (iii) the identity of the person, or the agent or contractor of such person, who tenders the gift. The disclosures required by this section shall be filed on a form provided by the City Clerk.

(d) This section shall not apply to the following:

- (1) Election campaign contributions, as defined by Oklahoma law, donated to or for the benefit of the Mayor or Councilmember.
- (2) Gifts given to the Mayor or Councilmember by his or her relative in the first or second degree of consanguinity or first or second degree of affinity.
- (3) Any property or services received and accepted by the Mayor or Councilmember in exchange for lawful consideration.
- (4) Any property or services received and accepted by the Mayor or Councilmember from the City, from any City-beneficiary public trust, or from any officer, employee, agent, or contractor of the City or City-beneficiary public trust if such property or services are tendered for the purpose of facilitating the performance of the official duties and/or the public services performed by the Mayor or Councilmember on behalf of the City, the City-beneficiary public trust, or the public.

(e) Failure to comply with the provisions of this section shall constitute a violation of this Code. Any person violating the provisions of this section shall, upon conviction thereof, be guilty of a Class "a" offense as provided in Section 1-6 of this Code.

(Ord. No. 24879, § 1, 4-29-14, eff. 6-1-14; Ord. No. 27108, § 1, 7-19-22)

§ 2-351. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Agent or procurement purchasing agent* means the person designated by the City Manager or designated appropriate authority, as the procurement purchasing agent of the City.

OKLAHOMA CITY MUNICIPAL CODE, 2020

- (2) *Award* means the presentation, after careful consideration, of a purchase agreement or contract to the selected bidder or offeror.
- (3) *Back order* means that portion of an order for merchandise not available for delivery at the scheduled time and promised for delivery at a later date.
- (4) *Bid* means an offer at a quoted price submitted electronically in response to a request for bid (RFB) which can become a contract upon acceptance by the City.
- (5) *Bidder* means a vendor who submits a response to a request for bids.
- (6) *Bid bond* means a written agreement or check by which a third party guarantees that a bidder will accept a contract as bid, if it is awarded.
- (7) *Bid opening* means the public opening of electronic bids which are publicly revealed on the date and at the time and place provided in the bid specifications, and recorded and made available for public inspection.
- (8) *Blanket purchase order* means a purchase order used to place orders on a repetitive basis for goods or services.
- (9) *Can* means not always mandatory, a negotiable item.
- (10) *Certificate of insurance* means a form from an insurance company licensed to do business in Oklahoma which shows that the vendor is insured for the term of the contract for the amount stated in the specifications and listing the City as an additional insured.
- (11) *Competitive bidding* means a fair and equitable means of allowing several vendors to offer price quotations and the City to award contracts to the vendor offering the lowest and best bid for the purchase of specified equipment, materials or service by the departments/divisions of the City.
- (12) *Confirming purchase order* means a purchase order restating the same terms originally encumbered and placed orally or in conjunction with a confirming purchase request.
- (13) *Confirming purchase request* means a purchase request submitted with all supporting documentation for an item or service that has already been received by the ordering department or division as a result of an emergency purchase. Supporting documentation should include an invoice, delivery ticket and any other documentation that might be particular to the purchase.
- (14) *Contract* means a legally binding agreement between two or more parties for the doing or providing of certain goods or services that is binding by law. Contracts of the City must be in writing and executed in accordance with the provisions of this chapter.
- (15) *Contractor* means a vendor that has been awarded a contract. A contractor may be an individual or a firm.
- (16) *Contractual services* means all City services governed by the provisions of the City Charter and more specifically including all telephone, gas, water, electric light and power service, towel and cleaning service, insurance, leases for all grounds, buildings, offices or other space required by the using agencies, and the rental, repair or maintenance of equipment, machinery and other City-owned personal property. The term shall not include professional and other contractual services which are unique and not subject to competition, nor shall it include public improvement contracts for the construction, maintenance or repair of streets, alleys, sidewalks, storm sewers, water and sanitary sewer lines and plant facilities where such public improvement contracts are awarded pursuant to Charter provisions.
- (17) *Departmental representative* means a representative from the department in which the vendor is bidding on a contract.
- (18) *Disadvantaged owned business* means a business enterprise owned by racial minorities, women and handicapped. The City awards contracts on a strictly nondiscriminatory basis without regard to race, sex, age or other nonrelevant criteria.
- (19) *Emergency purchase* means a purchase that is made without competitive bidding due to a situation that could not have been reasonably foreseen and, whereby the immediate procurement of needed supplies and/or services is essential to prevent delays in the work of the ordering department, which may vitally affect the life, health or convenience of the citizens.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

- (20) *Equal* (. . . or *equal*) means an item which may be substituted for a required item if it is matched, with no advantage on either side.
- (21) *Evaluation of bids* means the examination of bids after opening to determine the bidder's responsibility, responsiveness to requirements, and other characteristics of the bids relating to the award.
- (22) *Expedite* means to speed up an action; to facilitate a delivery of goods or services; to rush.
- (23) *Fiscal year contract* means the period of time specified for the performance of a contract covering July 1, _____ to the end of the then current fiscal year June 30, _____.
- (24) *Formal competitive bid* means a bid which must be submitted in a manner to be established by the City Council and in conformance with a prescribed format as stated in the bid specifications which is to be publicly revealed on the date and at the time and place provided in the bid specifications.
- (25) *Gratuity* means something given voluntarily and beyond obligation usually in return for or in anticipation of some service.
- (26) *Informal bid* means a request for price quotations for commodities or services that do not require a sealed bid, public opening, or public reading of bids.
- (27) *Invoice* means a detailed list of goods sold or services provided, together with the charges and the payment terms, which is furnished by the vendor to the City.
- (28) *Lowest and best bid* means the lowest dollar bid in response to a request for bid that conforms to the specifications and best meets the City's needs.
- (29) *May* means not always mandatory, a negotiable item.
- (30) *Multiple award* means contracts awarded to more than one vendor for comparable supplies and services. Awards are made for the same generic types of items at various prices where the award to a single vendor would be impractical or fail to satisfy the total requirements.
- (31) *Must* means mandatory requirement.
- (32) *No bid* means a response to an invitation for bids stating that respondent does not wish to submit an offer.
- (33) *Nonconformance* means the failure of materials or services to conform to specified requirements for any quality characteristic.
- (34) *Non-responsive bid* means a bid that does not conform to the mandatory or essential requirements of the invitation for bid.
- (35) *Notarization and acknowledgement* means verification of a signature made under oath, and verified with an electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law and is attached to or logically associated with the signature.
- (36) *One-time contract* means a single purchase of a specific item of equipment or specific quantity of material by competitive bidding.
- (37) *Open market purchase* means any purchase of supplies and/or contractual services that is made without formal competitive bidding.
- (38) *Open market purchase authority* means that supplies and/or contractual services that cost \$50,000.00 or less in City funds may be purchased on the open market by the procurement purchasing agent without a formal bid and without Council action. Items that cost in excess of \$50,000.00 in City funds can only be purchased on the open market by City Council action. This action is in the form of a resolution that waives competitive bidding and authorizes the open market purchase.
- (39) *Performance bond* means conditions of guarantee by a third party in certain substantial bids, particularly, building and construction, for the faithful performance of a contract by the vendor.
- (40) *Performance specification* means a specification setting forth performance requirements determined necessary for the item involved to perform and last as required.

OKLAHOMA CITY MUNICIPAL CODE, 2020

- (41) *Pre-bid conference* means a conference between the prospective bidders and representative(s) of the City held following the advertisement of request for bids, but before bid opening, to review and discuss the specifications without discussing prices.
- (42) *Pre-specification conference* means a meeting with buyer(s), departmental technical staff and prospective bidders to review and clarify the draft or proposed specifications of a complex nature, prior to advertising for request for bids.
- (43) *Price agreement or pricing agreement* means a continuing formal offer, from a vendor or contractor to the City, to provide products/services at a firm price for a set period of time and which agreement does not obligate any City funds at the time the agreement is approved by the Council. Pricing agreements shall contain a provision stating that the City is not obligated to make any purchases pursuant to the agreement.
- (44) *Professional services contract or professional service* means a contract or service that requires the contractor to perform services that are technical or professional in nature, that require professional or scientific judgment or other special skills, training, taste or discretion, or that are not subject to uniform specifications.
- (45) *Public purchasing* means the process of obtaining goods and services for public purpose, following procedures implemented to protect public funds from being expended extravagantly or capriciously.
- (46) *Purchase order* means the City's written document to a vendor that formally states all terms and conditions of a proposed purchase transaction.
- (47) *Purchase order number* means a number from a purchase order that is used to keep track of a purchase and that is sometimes issued verbally to authorize City purchase of services or materials.
- (48) *Qualified bidder* means a bidder determined by a buying organization to meet minimum set standards of business competence, reputation, financial ability, and product quality for placement on the bidder's list.
- (49) *Quotation* means a statement of price, terms of sale, and description of goods or services offered by a seller to a prospective buyer (informal bid).
- (50) *Request for bid (RFB)* means an invitation to bidders requesting formal and informal bids that complies in all respects to detailed specifications.
- (51) *Request for proposal (RFP)* means an invitation requesting formal proposals for professional services for which detailed specifications are impractical and price is not the primary evaluation factor.
- (52) *Requisition* means a standard transaction that the user departments complete in order to initiate purchases and encumbrances.
- (53) *Service contract* means a contract between a vendor and the department/division to perform certain work, especially not connected with a manufacturing result (e.g., industrial or electrical maintenance services) over a certain period of time, normally the fiscal year.
- (54) *Shall* means mandatory requirement.
- (55) *Sole source* means a vendor that is the only source for a service or item to be purchased. An example of a sole source is the purchase of maintenance on a machine that only the manufacturer can supply.
- (56) *Specifications* means a detailed and concise description of the materials/services including terms and conditions that tell the seller (vendor) what the buyer wants to purchase.
- (57) *Split purchase* means a purchase which is divided into orders involving sums of \$50,000.00 or less for the purpose of avoiding the requirement of this article which mandates competitive bidding when the total amount is in excess of \$50,000.00.
- (58) *State contract* means any contract let by the State pursuant to 74 O.S. § 85.7, as currently existing or as subsequently amended by the Oklahoma Legislature.
- (59) *Supplies* means and includes all supplies, materials, and equipment.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

- (60) *Surplus property* means property which has become obsolete or has been determined to be in excess of the City's needs.
- (61) *Tabulation of bids* means the recording of bids and bidding data submitted in response to a specific invitation for purposes of comparison, analysis, and recordkeeping.
- (62) *Technical specifications* means specific words, measurements, quantities or terms used to describe the components in the make-up of a product or service, so that the prospective bidder has an exact understanding of what the buyer is trying to purchase.
- (63) *Using agency* means any department, division, section, or other unit in the City government or other governing body using supplies, procuring contractual services, or otherwise utilizing the City's purchasing policies and procedures as provided for in this article.

(Code 1970, § 14-19; Code 1980, § 2-216; Ord. No. 19343, § 1, 1-9-90; Ord. No. 20270, § 1, 1-4-95; Ord. No. 21624, § 1, 12-19-00; Ord. No. 21721, § 1, 5-22-01; Ord. No. 22100, § 1, 12-17-02; Ord. No. 22404, § 1, 2-17-04; Ord. No. 24570, § 1, 11-20-12; Ord. No. 24741, § 1, 9-24-13; Ord. No. 24940, § 1, 8-12-14; Ord. No. 27276, § 1, 2-14-23)

Cross reference—Definitions and rules of construction generally, § 1-2.

§ 2-383. Purchases under State contracts: cooperative purchasing with other governmental units.

(a) The agent shall have the authority to purchase under any State contract whenever advantageous for the City; provided, prior to a purchase under a State contract for any sum in excess of \$50,000.00, the agent shall present the State contract to Council for its approval.

(b) The agent shall have the authority to join with other units of government in cooperative purchasing plans whenever advantageous for the City; provided, such purchases shall be made pursuant to bid procedures which substantially comply with those of the City, and the bid procedures and purchases shall be approved by the Council prior to any purchase in excess of \$50,000.00.

(Code 1970, § 14-29; Code 1980, § 2-238; Ord. No. 20270, § 1, 1-4-95; Ord. No. 21624, § 1, 12-19-00; Ord. No. 27276, § 1, 2-14-23)

§ 2-411. Formal contracts; when required.

(a) All supplies and/or contractual services with an estimated cost exceeding \$50,000.00 in City funds shall be purchased by formal written contract from the lowest and best bidder, after due notice inviting bids.

(b) All sales, other than sales to other units of government, of surplus property, when the estimated value of such property exceeds \$50,000.00, shall be sold by formal written contract or through a public auction to the highest and best bidder, after due notice inviting bids.

(c) The provisions of Article IX, Section 4, of the City Charter that relate to letting contracts by competitive bids shall apply to any purchase of supplies and/or contractual services that exceeds \$50,000.00 in City funds.

(Code 1970, § 14-38; Code 1980, § 2-271; Ord. No. 19343, § 2, 1-9-90; Ord. No. 21624, § 1, 12-19-00; Ord. No. 24940, § 2, 8-12-14; Ord. No. 27276, § 1, 2-14-23)

§ 2-441. Generally.

(a) All purchases of supplies and/or contractual services of an estimated value of \$50,000.00 or less in City funds shall be made by the City procurement purchasing agent on the open market, without newspaper advertisement and without observing the procedure prescribed by Division 3 of this article. The City procurement purchasing agent is authorized and may execute purchasing agreements and contracts with a value of \$50,000.00 or less, with the forms for such purchasing agreements and contracts to be approved by the City Manager and Municipal Counselor; provided, the agent shall have the approval of the Finance Director prior to signing any such purchasing agreements or contracts. The City procurement purchasing agent shall also have the sole authority to sign renewal documents for these agreements and contracts as deemed appropriate.

(b) All purchases of supplies and/or contractual services with an estimated value that exceeds \$50,000.00 may only be made on the open market by City Council action. This action is in the form of a resolution that waives competitive bidding and authorizes the open market purchase.

OKLAHOMA CITY MUNICIPAL CODE, 2020

(c) All sales or other disposals of City surplus property with an estimated value of \$50,000.00 or less may be made by the Finance Director or designee on the open market, without newspaper advertisement and without observing the procedure prescribed by Division 3 of this article. The Finance Director or designee shall approve all sales or other disposals of surplus property of any value.

(Code 1970, § 14-49; Code 1980, § 2-296; Ord. No. 19343, § 3, 1-9-90; Ord. No. 21624, § 1, 12-19-00; Ord. No. 24940, § 3, 8-12-14; Ord. No. 27276, § 1, 2-14-23)

§ 2-471. Emergency purchases by procurement purchasing agent.

If the Council finds by a majority vote of its members that an emergency exists within the meaning of Art. IX, Section 4, of the City Charter that requires an outlay of City funds in excess of \$50,000.00, the agent shall secure by the open market procedure, set forth in this article, at the lowest obtainable price, any necessary supplies or contractual services.

(Code 1970, § 14-53; Code 1980, § 2-311; Ord. No. 20270, § 1, 1-4-95; Ord. No. 21624, § 1, 12-19-00; Ord. No. 27276, § 1, 2-14-23)

§ 2-801. Claims of private entities and payroll.

(a) Claims which are made pursuant to an invoice for payment to private entities, including, without limitation, contractors, suppliers, engineers, architects or professional service contractors pursuant to 11 O.S. § 17-102 and 62 O.S. § 310.1; or claims pursuant to The Governmental Tort Claims Act, 51 O.S. § 151 et seq. (hereinafter referred to as "Tort Claims Act"), will be processed in the following manner:

- (1) The City Manager, or designee, is authorized to administer contracts, verify performance and approve payments of invoices.
- (2) Claims for payment for goods and services may be paid pursuant to a valid invoice. The claimant shall make their federal identification number or social security number available to the Procurement Services Division prior to submitting any invoice for payment. When submitted, claimant's invoice shall include:
 - a. the claimant's name and address;
 - b. description of each item purchased (name of item or stock number) or service provided;
 - c. unit price of each item (if applicable);
 - d. number and/or volume of each item purchased (if applicable);
 - e. total price;
 - f. invoice total;
 - g. delivery date;
 - h. purchase order number; and
 - i. any other information required by the applicable contract/agreement/purchase order.
- (3) Pursuant to 62 O.S. § 304.1, claims for payment of payroll shall be paid upon approval by the authorized department's payroll manager or designee at the authorized rate of pay or salary and disbursed to verified employees on designated pay days.

Payroll-related disbursements (withheld Federal tax, F.I.C.A., withheld Oklahoma tax, payments for provision of approved benefits, etc.) shall be disbursed as required by applicable regulations or procedures.

- (4) Pursuant to 61 O.S. Section 123, all statements or invoices submitted to the City for work performed on construction projects or other projects pursuant to the Oklahoma Competitive Bidding Act shall contain a certification by the supervising architect or engineer, or other supervisory official if no supervisory architect or engineer is employed for the project, that the work for which payment is claimed has been performed and that such work conforms to the plans and specifications for the project. No invoice shall be paid by the City without such certification. The execution of a certificate, as herein provided, shall not constitute a defense or in any other manner affect any cause of action which the City might otherwise have against the contractor for nonperformance of a public construction contract. If progress payments are based on the City's estimated quantities of materials provided and work performed, certifications are not required. Progress payments of estimates shall not constitute a defense or in any manner affect any cause of action which the City might have against the contractor for failure to properly perform in

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

accordance with the contract/agreement/purchase order. Final estimates shall contain a sworn certification signed by the contractor that the work performed and the material provided conform to the requirements of the contract/agreement/purchase order.

- (5) Vendors submitting invoices for any goods or services related to a City public construction project, including invoices not falling under the Oklahoma Competitive Bidding Act shall submit a sworn statement swearing that: (1) the invoice or claim the vendor submitted is true and correct; (2) the goods and services for which the invoice is being submitted were completed or supplied in accordance with the contract/agreement/or request of the City; and (3) the vendor has made no payment of money or anything of value for the purpose of obtaining payment from the City, directly or indirectly, to any elected official, officer, or employee of the City.
- (6) Claims submitted for the collection of damages against the City pursuant to the Tort Claims Act shall be submitted in writing to the City Clerk within the statutory term after the alleged loss or injury. The claim must be submitted on a claim voucher for property damage or personal injury; it must be verified by the claimant, or claimant's attorney or agent, and must contain the following information:
 - a. the date, time and location of the incident.
 - b. the circumstances surrounding the incident.
 - c. the amount of compensation demanded.
 - d. claimant's Federal identification number or social security number.
 - e. claimant's mailing address.

The City Clerk will forward such claims to the office of the Municipal Counselor. After investigation of the claim, the Municipal Counselor will make an appropriate recommendation to City Council for approval, denial, or confession of judgment based upon the applicable law. Upon approval of the tort claim by the City Council, the claim may be paid as a confession of judgment or as otherwise provided elsewhere in this section.

- (7) Claims for payment shall be processed by attaching the documentation required herein, together with any other supporting documentation, to the claim voucher, comparing and reconciling these documents with the purchase order, and forwarding all documentation for inclusion on a claims and payroll listing for payment.
- (8) Disbursements to pay claims, except as noted in Section 2-801(a)(4), shall be authorized by the department administering the provision of goods or services. The City Manager shall designate disbursement cycles and related internal control procedures to promote compliance with laws and regulations, the safeguarding of City assets, and the timely release of checks by the City's Controller.
- (9) Internal control procedures should provide reasonable assurance that one person does not control every aspect of a financial transaction to protect the City from loss or fraud and that the City is in compliance with laws and regulations. Where applicable, such procedures should include, but not be limited to:
 - a. appropriate segregation of duties;
 - b. assurance that purchasing transactions comply with provisions of the City's budget and applicable budgetary laws and regulations and that appropriations are adequate to pay claims;
 - c. assurance that purchase orders, receiving reports and other purchasing documents are properly prepared, authorized, and comply with any applicable contractual provisions;
 - d. verification that goods and services are received in acceptable condition and/or to specifications; and
 - e. verification that related purchasing documents (i.e., purchase order, receiving report, invoice, etc.) are consistent as to terms, conditions, pricing, authorizations, and other matters.
- (10) A listing of claims and payroll approved for payment shall be posted on the City's website and submitted as an information item on the next following regularly scheduled City Council agenda.

OKLAHOMA CITY MUNICIPAL CODE, 2020

(11) The City Auditor shall timely evaluate and report to the City Council and the City Manager on the adequacy and the effectiveness of the internal control structure established and utilized over the payment of municipal funds as contemplated within this ordinance.

(b) Payment for some services may be made in a manner other than pursuant to an invoice. In very limited circumstances as approved by the City Manager or designee, payments may be deducted by the service provider from City funds held or collected by the service provider. If payment by fee deduction is allowed by the City Manager or designee, the department administering the contract shall follow procedures established by the Finance Director to address financial reporting, budgetary, contractual, and internal control requirements.

(Code 1980, § 2-490; Ord. No. 19714, § 1, 2-25-92; Ord. No. 20205, § 1, 8-16-94; Ord. No. 21266, § 1, 6-15-99; Ord. No. 24940, § 4, 8-12-14; Ord. No. 26463, § 1, 6-9-20)

State law reference—Municipal finances, 11 OS § 17-101 et seq.

§ 2-841. Petty cash procedure, reconciliation, replenishment, affidavit, personal liability.

(a) Petty cash from the office of the City Treasurer shall be available on draw to the City Manager, the City Auditor, the City Clerk, Code Enforcement, and the Municipal Counselor, or their designated assistants and deputies, and to the Chief of Police, or designee, in single draws not to exceed the then current departmental budget appropriation from which the available draw balance will be replenished when reconciled as provided below. Each such draw shall be entered as an encumbrance against such appropriation. No single draw shall exceed \$2,499.00 and the cumulative outstanding balance of such draws shall be limited to \$100,000.00 for the City Manager, \$5,000.00 for the City Auditor, \$2,000.00 for the City Clerk and Code Enforcement, and \$10,000.00 for the Municipal Counselor and the Chief of Police. Additionally, the Chief of Police shall have a covert investigations petty cash fund for which no single draw shall exceed \$30,000.00 and the cumulative outstanding balance of said covert investigations petty cash fund draws shall be limited to \$150,000.00. Said petty cash funds shall be kept in a safe place and may be maintained in a checking account in the name and under the tax identification number of the City, with the drawer and designees as signatories; provided, any service charge shall be accounted for as an expenditure from the relevant petty cash fund and any interest earned shall be deposited with the City Treasurer as general fund revenue.

(b) Petty cash funds in the amount of \$500.00 or less may be maintained at remote locations in the custody of an agent of the City Treasurer upon designation of such locations and agents by the City Manager. Said agency shall be strictly limited to purposes of petty cash custody, reconciliation and replenishment as contemplated herein.

(c) Any person responsible for any petty cash fund or draw authorized herein shall reconcile their respective accounts with the City Treasurer as often as necessary for replenishment, but at least once each quarter, and as of the end of each fiscal year within the ensuing 30 days. Upon such reconciliation, the relevant draw balance or fund shall be replenished pursuant to the payment procedure set out above, to the limits set out herein. Said reconciliation shall be accompanied by such documentation as may be required by the City Treasurer, and shall have the following affidavit attached:

STATE OF OKLAHOMA)
) SS.
COUNTY OF _____)

The undersigned person, of lawful age, being first duly sworn on oath, says that this petty cash replenishment and reconciliation request is true and correct and that \$ _____ (amount) was expended by _____ (name) for _____ (purpose), as itemized in the attached documentation, and that affiant has received no personal gain as a result of the expenditure here documented and that the City has received all the benefit therefrom.

Name

Department

Title

Subscribed and sworn to before me this _____ day of _____, 20____.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

Notary Public (or officer having power to administer oaths)

My Commission expires: _____

Commission No. _____

- (1) Amounts drawn, maintained or expended hereunder remaining unreconciled when the books of a given fiscal year are closed, or upon termination of an officer or employee making such draw or expenditures, become the personal responsibility of the person making such draw or expenditure. The City Treasurer, its remote agents, and the Human Resources Department shall keep appropriate records to ensure identification of such persons at termination.

(Code 1980, § 2-496; Ord. No. 19714, § 1, 2-25-92; Ord. No. 20022, § 1, 8-31-93; Ord. No. 20205, § 1, 8-16-94; Ord. No. 23759, § 1, 12-9-08; Ord. No. 24135, § 1, 9-28-10; Ord. No. 24909, § 1, 6-17-14)

§ 2-871. Definitions.

For public construction contracts and projects, the following terms shall have the meaning set forth herein:

- (1) *Addenda or addendum* means a written or graphic instrument issued prior to the opening of bids which clarifies, corrects or changes the bidding documents or the contract documents.
- (2) *Agent or construction purchasing agent* means the person designated by the City Manager as the construction purchasing agent of the City.
- (3) *Amendment* means a change order authorizing an addition, deletion or revision in the work or an adjustment in the contract price based upon the unit prices set forth in the bid.
- (4) *Bid* means a complete and properly signed proposal to do the work for the sums stated therein, submitted electronically in accordance with the bidding documents. A submission shall not be considered a bid if it is untimely. A submission by a proposed contractor or bidder who is not prequalified shall not be considered a bid unless prequalification is specifically waived in the bidding documents.
- (5) *Change order* means a document recommended by the engineer, which is signed by the contractor and owner and authorizes an addition, deletion or revision in the work, or an adjustment in the contract price or the contract time, issued on or after the effective date of the agreement.
- (6) *Construction claim form* means a form used by the City that must be completed by contractor(s) in order to process payments for construction or engineering related claims.
- (7) *Open market purchase* means any purchase of construction that is made without formal competitive bidding.
- (8) *Prequalification* means compliance with the procedure set forth in the bidding documents as a precondition to submitting a bid.
- (9) *Public construction contract* shall have the meaning set forth in the Oklahoma Public Competitive Bidding Act of 1974, as applicable and as may be amended.
- (10) *Public construction project* shall mean any City project for construction work to be paid for by an outlay and expenditure of City funds and/or that requires a public construction contract.

(Code 1980, § 2-501; Ord. No. 19973, § 1, 6-22-93; Ord. No. 21624, § 2, 12-19-00; Ord. No. 24741, § 2, 9-24-13; Ord. No. 24940, § 5, 8-12-14; Ord. No. 27276, § 1, 2-14-23)

Cross reference—Definitions and rules of construction generally, § 1-2.

§ 2-872. Emergency public construction contracts.

(a) The Council may, by two-thirds majority vote of the entire Council, enter into emergency public construction contracts, without notice and bids, pursuant to Article IX, Section 4 of the Charter and the Oklahoma Public Competitive Bidding Act of 1974, as applicable and as may be amended, also including emergency public construction contracts subsequently ratified by two-thirds majority vote of the entire Council.

(b) The Council may, by two-thirds majority vote of the entire Council, delegate to the City Manager the authority to declare an emergency pursuant to Article IX, Section 4 of the Charter and the Oklahoma Public Competitive Bidding Act of 1974, as applicable and as may be amended, without notice and bids,

OKLAHOMA CITY MUNICIPAL CODE, 2020

and the authority to award emergency public construction contracts up to the amount authorized in the Oklahoma Public Competitive Bidding Act of 1974, as applicable and as may be amended. The emergency public construction contract and the related bonds will be on forms approved by the Municipal Counselor. Within ten (10) days following such declaration, the City Manager will give the Council a copy of such declaration containing a statement of the reasons for the emergency action. The declaration and the emergency public construction contract and related bonds will be recorded in the official minutes of the Council.

(Code 1980, § 2-502; Ord. No. 19973, § 1, 6-22-93; Ord. No. 21624, § 2, 12-19-00; Ord. No. 21882, § 1, 12-11-01; Ord. No. 27276, § 1, 2-14-23)

§ 2-873. Competitive bidding on public construction projects; when required; purchase of construction below certain amount on the open market.

(a) Any City public construction contract in excess of the bidding requirement in the Oklahoma Public Competitive Bidding Act of 1974, as applicable and as may be amended, shall be let by formal written public construction contract to the lowest and best bidder, after due notice inviting bids, less and except emergency public construction contracts. The provisions of Article IX, Section 4, of the City Charter and of this article with reference to notice and bids, and the provisions of the Oklahoma Public Competitive Bidding Act of 1974, as applicable and as may be amended, shall apply to any City public construction project. Plans and specifications for such projects shall be prepared by the City Engineer and/or his/her designees and shall be approved by Council prior to advertisement of the request for bids; provided, plans and specifications for an emergency contract to be let pursuant to the provisions of Section 2-872 of this article shall not require Council approval prior to the letting of such contract. Provided further, nothing in this section shall affect or prohibit the Council or the City Manager from exercising their respective powers to declare an emergency situation and to thereby obtain emergency public construction on the open market without notice and bids pursuant to the provisions of Section 2-872 of this article (see the provisions of City Charter, Art. IX, Section 4, the provisions of the Oklahoma Public Competitive Bidding Act of 1974, as applicable and as may be amended, and the provisions of Section 2-872 of this article).

(b) Any public construction project not exceeding the bidding requirement threshold in the Oklahoma Public Competitive Bidding Act of 1974, as applicable and as may be amended, may be purchased on the open market by the City construction purchasing agent without Council action and without notice and bids; provided, the agent shall have the approval of the Public Works Director prior to making any such purchase. In purchasing construction not exceeding the bidding requirement threshold in the Oklahoma Public Competitive Bidding Act of 1974, as applicable and as may be amended, the agent shall use the same informal bid procedures as set forth in Sections 2-442, 2-443 and 2-444 of Division 4 of Article V of this chapter for open market purchases by the procurement purchasing agent. In purchasing construction pursuant to the provisions of this Subsection (b), the City construction purchasing agent is hereby authorized and may execute the necessary public construction contracts and related bonds, with the forms for such contracts and bonds to be approved by the City Manager and Municipal Counselor.

(Code 1980, § 2-503; Ord. No. 19973, § 1, 6-22-93; Ord. No. 21624, § 2, 12-19-00; Ord. No. 21882, § 1, 12-11-01; Ord. No. 24940, § 5, 8-12-14; Ord. No. 27276, § 1, 2-14-23)

§ 2-891. Construction purchasing agent.

(a) The City construction purchasing agent shall be the City Manager or the designee of the City Manager.

(b) The construction purchasing agent shall have the following powers and perform the following duties:

- (1) He/she shall assist the Council, the City Manager and the Public Works Department in letting emergency public construction contracts as authorized by Art. IX, Section 4, of the City Charter, Section 2-872 of this article, and/or by the Oklahoma Public Competitive Bidding Act of 1974, as applicable and as may be amended;
- (2) He/she shall assist the Council, the City Manager and the Public Works Department in letting public construction contracts with notice and bids pursuant to Art. IX, Section 4, of the City Charter, Section 2-873(a) and other sections of this article, and pursuant to the Oklahoma Public Competitive Bidding Act of 1974, as applicable and as may be amended;
- (3) He/she shall make open market purchases for public construction projects not exceeding the bidding requirement threshold in the Oklahoma Public Competitive Bidding Act of 1974, as applicable and as may be amended, as authorized by Section 2-873(b) of this article;

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

- (4) He/she shall assist the Public Works Director in the performance of the Director's various duties; and
- (5) He/she shall perform such other duties as may be assigned to him/her by the City Manager and/or the Public Works Director.

(Ord. No. 21624, § 2, 12-19-00; Ord. No. 24940, § 6, 8-12-14; Ord. No. 27276, § 1, 2-14-23)

§ 2-902. Contracts for or purchases of professional services for other than public construction projects.

(a) All City professional services contracts, in an amount that exceeds \$50,000.00, for other than public construction projects, shall be entered into and approved by Council, signed by the Mayor and attested by the City Clerk.

(b) All purchases of professional services by the City that are in an amount of \$50,000.00 or less and that are not related to a City public construction project, as defined in Article X of this chapter, may be made on the open market. The department head of the requesting City department may request that the City procurement purchasing agent execute the necessary contracts, with the forms for such contracts to be approved by the City Manager and Municipal Counselor, provided, the agent shall have the approval of the Finance Director prior to signing any such purchasing agreements or contracts. The City procurement purchasing agent shall also have the sole authority to sign renewal documents for these contracts when required.

(c) All City professional services contracts covered by the provisions of the Guidelines and Procedures for Professional Consultant selection shall be made and entered into pursuant to such guidelines and procedures, and all such contracts shall be entered into and approved by Council, signed by the Mayor and attested by the City Clerk.

(d) All City contracts or purchase orders for professional services shall contain a certificate of encumbrance as required by 62 O.S. § 310.1, as currently existing or as subsequently amended by the Oklahoma legislature.

(Ord. No. 21624, § 3, 12-19-00; Ord. No. 21721, § 3, 5-22-01; Ord. No. 24940, § 7, 8-12-14; Ord. No. 27276, § 2, 2-14-23)

§ 2-903. Contracts for professional services related to public construction projects.

(a) All City professional services contracts, in an amount that exceeds \$100,000.00, related to a public construction project, as defined in Article X of this chapter, shall be entered into and approved by Council, signed by the Mayor and attested by the City Clerk.

(b) All City professional services contracts, in an amount of \$100,000.00 or less, related to a public construction project, as defined in Article X of this chapter, may be made on the open market. The department head of the requesting City department may request that the Public Works Director execute the necessary contracts, with the forms for such contracts to be approved by the City Manager and Municipal Counselor. The Public Works Director shall also have the authority to sign renewal of these professional services contracts when required.

(c) All City contracts or purchase orders for professional services shall contain, as applicable, a certificate of encumbrance as required by 62 O.S. § 310.1, as currently existing or as subsequently amended by the Oklahoma legislature.

(Ord. No. 27276, § 3, 2-14-23)

§ 6-2.	Medical Director/Chief Medical Officer.
§ 6-5.1.	Supplemental services by qualified supplemental service providers.
§ 6-11.	Clinical scope of practice of ambulance services.
§ 6-14.	Emergency medical response agency certification.

OKLAHOMA CITY MUNICIPAL CODE, 2020

[ARTICLE I. IN GENERAL]*

§ 6-1. Definitions.

The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Ambulance* means any ground, air or water vehicle which is designed and equipped to transport a patient or patients and to provide appropriate on-scene and/or enroute patient stabilization and care to or from health care facilities.
- (2) *Ambulance response time standards* means: For all jurisdictions except the Eastern Division non-beneficiary jurisdictions:

priority 1 10 minutes 59 seconds
priority 2 24 minutes 59 seconds
priority 3 60 minutes 0 seconds
priority 4 20 minutes 0 seconds*

(*after agreed-upon pickup appointment)

For Eastern Division non-beneficiary jurisdictions:

priority 1 10 minutes 59 seconds
priority 2 24 minutes 59 seconds
priority 3 60 minutes 0 seconds
priority 4 20 minutes 0 seconds*

(*after agreed-upon pickup appointment)

- (3) *Ambulance service* means a person or organization, governmental or private, which operates one or more ambulances as defined herein for purposes of transporting a patient or patients and to provide appropriate on-scene and/or enroute stabilization and care to or from health care facilities.
- (4) *Amended and Restated Trust Indenture* means the Second Amended and Restated Trust Indenture for the Emergency Medical Services Authority dated October 25, 2022 and any amendments thereto.
- (5) *Contract for special arrangements* means a contract between EMSA and a beneficiary or non-beneficiary member jurisdiction which defines the terms of any special arrangements which have been agreed regarding subsidy, fee schedules, response times and supplemental ambulance services. If the contract for special arrangements provides for supplemental ambulance services, it shall detail the operational response plan for the supplemental service provider, resource deployment, delineation of command authority, reporting requirements, compensation, if any, between EMSA and the supplemental service provider, and such other provisions as deemed appropriate for the efficient and cost effective delivery of ambulance services within the regulated service area.
- (6) *Supplemental service provider* means any beneficiary member jurisdiction or non-beneficiary member jurisdiction within the regulated service area that maintains its own ground ambulance license and maintains a contract for special arrangements with EMSA for the provision of supplemental ambulance services within the boundaries of the municipality or district of such beneficiary or non-beneficiary member jurisdiction.
- (7) *On-line medical control physician* means an emergency department or destination facility based physician licensed to practice medicine in the State of Oklahoma, from whom ambulance and emergency medical response agency personnel may take medical direction by radio or other remote communications device.
- (8) *Beneficiary member jurisdiction* means The City of Tulsa and The City of Oklahoma City.

***Editor's note**—Ord. No. 27211, § 1, adopted Nov. 8, 2022, amended Art. 1 in its entirety to read as herein set out. Former Art. 1, §§ 6-1—6-17, pertained to similar subject matter.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

- (9) *Eastern Division* means that portion of the regulated service area which is located east of The City of Stroud.
- (10) *Emergency Medical Services Authority (EMSA)* means the trust established by The City of Tulsa, pursuant to 60 O.S. § 176 et seq., as amended and whose beneficiaries are, jointly, The City of Tulsa and The City of Oklahoma City, and which is established to provide ambulance services to the cities of Tulsa, Oklahoma City, and other jurisdictions within the regulated service area.
- (11) *Emergency call* means a request for ambulance service by or for a patient whose apparent condition, at the time the call is received, presumptively meets the criteria for classification as priority 1 or priority 2, when classified in accordance with telephone algorithms and medical priority dispatch protocols approved by the Medical Control Board.
- (12) *Emergency medical personnel/EMS personnel* means those persons who participate directly in the performance of one or more emergency medical services and are certified or licensed by the Oklahoma State Department of Health and credentialed by the Medical Director in the EMSA system.
- (13) *Emergency medical services (EMS)* means the following prehospital and interhospital services:
 - a. *Access and coordination.* The answering and processing of telephone requests from the public for ambulance or first responder services, and including EMS dispatching, emergency and routine; the giving of medical prearrival instructions to callers by telephone; but excluding the process of 9-1-1 complaint-taking when the caller is immediately transferred to an EMS control center;
 - b. *Emergency Medical Responder services.* Those emergency services, which are performed by an emergency medical response agency within the regulated service area and credentialed by the Medical Director;
 - c. *Medical transportation.* Ambulance services, both emergency and non-emergency, including patient assessment, transportation, and medical procedures performed on-scene, en route, during interfacility transport, at an emergency receiving facility when performed at the request of the receiving physician, or non-emergency transfer; and
 - d. *On-line medical direction.* Instructions given by on-line medical control physicians to Emergency medical responders or ambulance personnel at the scene of an emergency, while en route to a hospital, or during an interfacility patient transfer.
- (14) *Emergency Physicians Foundation (EPF)* means that administrative agency established jointly by this and other jurisdictions which have approved the EMS Interlocal Cooperation Agreement, pursuant to the Interlocal Cooperation Act (74 O.S. § 1001 et seq.), as amended and have adopted this Uniform Code for Emergency Medical Services.
- (15) *EMS control center (or "control center")* means either of two facilities operated by EMSA, one of which serves as central EMS communications center for the Eastern Division, and the other of which serves as central EMS communications center for the Western Division. EMSA may, when an emergency declaration is made by the EMSA Board of Trustees or its CEO in order to avoid loss of life or damage to public peace and safety or in order to maintain operation continuity, consolidate the operations of the two EMS control centers to create a single EMS control center to serve the entire regulated service area until such time as the emergency declaration has been rescinded by the EMSA Board of Trustees, or upon cessation of the circumstances which required operational continuity changes. The EMSA Board of Trustees shall meet at its first opportunity following a written request for rescission from a beneficiary member jurisdiction to consider rescinding the emergency declaration.
- (16) *EMS Interlocal Cooperation Agreement* means that certain agreement titled Amended and Restated EMS Interlocal Cooperation Agreement and approved by the governing body of the beneficiary member jurisdictions.
- (17) *Emergency Medical Dispatcher (EMD)* means a person credentialed by the Medical Director as trained and competent to properly employ telephone algorithms, medical priority dispatching protocols, and prearrival instructions approved by the Medical Control Board, and to operate the EMS control center's computer-aided dispatch system in accordance with the system status plan, so as to maintain the best possible ambulance coverage of the regulated service area, given the remaining resources available at any point in time.

OKLAHOMA CITY MUNICIPAL CODE, 2020

- (18) *Emergency Medical Response Agency (EMRA)* means an organization of any type company, or governmental entity certified by the Oklahoma State Department of Health to provide emergency medical care and limited transport in an emergency vehicle as defined in Section 1-103 of Title 49 of the Oklahoma Statutes. A certified emergency medical response agency shall only provide transport upon approval by the Medical Director or his/her clinical staff at the time of transport and upon a determination that a licensed ambulance provider is not readily available. Certified emergency medical response agencies may utilize certified emergency medical personnel; provided, however, that all personnel so utilized shall function under the direction of and consistent with transport protocols and other guidelines as required by the Medical Director.
- (19) *Emergency Medical Responder (EMR)* means any person, fire department unit, law enforcement unit, or non-transporting rescue unit certified by the Oklahoma State Department of Health capable of providing appropriate emergency medical responder service, under the auspices of an Emergency Medical Response Agency.
- (20) *Ground ambulance license* means a license issued by the Oklahoma State Department of Health for the provision of basic, intermediate, advanced or paramedic life support ambulance services.
- (21) *Medical Control Board* means that body of 11 physicians established jointly by this and other jurisdictions pursuant to the EMS Interlocal Cooperation Agreement and this Code for purposes of providing medical supervision, monitoring, and regulation as described in the Amended and Restated EMS Interlocal Cooperation Agreement.
- (22) *Medical Director/Chief Medical Officer (CMO)* means the licensed physician appointed by the Medical Control Board to perform the duties and responsibilities granted and ascribed to the Medical Director herein and in the EMS Interlocal Cooperation Agreement, which includes authorizing certified and licensed emergency medical personnel to perform procedures and interventions detailed in the medical protocols.
- (23) *Medical protocol* means any diagnosis-specific or problem-oriented written statement of standard procedure, or algorithm, promulgated by the Medical Director and approved by the Medical Control Board as the medically appropriate standard of prehospital care for a given clinical condition.
- (24) *Mutual aid agreement* means a written agreement between EMSA and a primary provider of ambulance services in an adjoining community to the regulated service area, whereby the signing parties agree to lend emergency aid to one another subject to conditions and terms specified in the agreement.
- (25) *Non-beneficiary member jurisdictions* means jurisdictions that are not beneficiary member jurisdictions as defined herein, including municipalities, counties, EMS districts, ambulance districts, school districts, Indian Nations, or other governmental entities that elect to contract with EMSA in order to be included in the regulated service area upon such terms which are mutually agreeable to EMSA and which approves and signs the EMS Interlocal Agreement.
- (26) *Operations contract* means any contract awarded by EMSA by competitive bid award for provision of any ambulance services throughout the regulated service area, but does not include a contract for special arrangements with beneficiary member jurisdictions and non-beneficiary member jurisdictions.
- (27) *Operations contractor(s)* means the person(s) or firm(s) contracted by EMSA pursuant to an operations contract.
- (28) *Patient* means any human being that has a complaint suggestive of potential illness or injury, requests evaluation for potential illness or injury, has obvious evidence of illness or injury, or has experienced an acute event that could reasonably lead to illness or injury and who may need transport by ambulance, as determined in accordance with applicable provisions of the system standard of care.
- (29) *Person* means and includes any individual, firm, association, partnership, corporation, or other group or combination acting as a unit.
- (30) *Presumptive priority classification* means the designation by an emergency medical dispatcher (EMD) of a request for service as priority 1, 2, 3, or 4, in accordance with telephone algorithms and medical priority dispatching protocols approved by the Medical Control Board.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

- (31) *Priority* means the call priority number (i.e., priority 1, 2, 3, or 4) assigned to every request for service received by an EMS control center. Such priorities shall be assigned only by a credentialed EMD, pursuant to telephone algorithms and priority dispatch protocols established by the Medical Director and approved by the Medical Control Board. Classifications shall be consistent with the following definitions:
- a. *Priority 1 call* means a presumptively classified life-threatening emergency call;
 - b. *Priority 2 call* means a presumptively classified non-life-threatening emergency call;
 - c. *Priority 3 call* means a presumptively classified request for routine patient transport scheduled less than 24 hours in advance of the requested time of pick-up or an unscheduled, nonemergency request for service; and
 - d. *Priority 4 call* means a presumptively classified request for routine patient transport scheduled 24 hours or more in advance of the requested time of pickup.
- (32) *Quality assurance fund* means the fund account which is established pursuant to the EMS Interlocal Cooperation Agreement and, concurrently, by adoption of this Code, and which is administered by EMSA on behalf of the Medical Control Board, and which shall be used solely to fund the activities and related expenses of the Medical Control Board in carrying out its duties and responsibilities as set forth herein and in the EMS Interlocal Cooperation Agreement.
- (33) *Regional EMS system* means that network of organizations, individuals, facilities, and equipment which provides emergency medical services, as defined herein, to jurisdictions within the regulated service area, subject to the system standard of care approved by the Medical Control Board.
- (34) *Regulated service area* means the combined area which is contained within the boundaries of the municipalities, ambulance districts, EMS districts, school districts, Indian Nations, and other governmental entities which make up the beneficiary member jurisdictions and non-beneficiary member jurisdictions.
- (35) *Ambulance Response time* means the actual elapsed time between receipt by the EMS control center of the call and the arrival of a permitted ambulance or mutual aid ambulance at the scene of the incident. For scheduled nonemergency (priority 4) requests, "scheduled time of pick up" shall be substituted for the "time call received" in the response time calculation.
- (36) *Emergency Medical Responder Response time* means the actual elapsed time between notification of the emergency medical response agency by the EMS control center that an emergency medical response unit is needed at a given location, and the arrival of an emergency medical response unit at the incident scene.
- (37) *Non-emergency call* means a request for ambulance service by or for a patient whose apparent condition, at the time the call is received, presumptively meets the criteria for classification as priority 3 or priority 4, when classified in accordance with telephone algorithms and medical priority dispatch protocols approved by the Medical Control Board.
- (38) *Special events ambulance standby service* means the positioning of an ambulance and crew at the location of a publicly or privately sponsored event.
- (39) *Sub-area* is a section of the Eastern Division's beneficiary member jurisdiction or the Western Division's beneficiary member jurisdiction drawn so as to divide the service area into three geographical areas for the purpose of equalizing response times within the area.
- (40) *System standard of care* means the written body of standards, policies, and protocols governing all clinical aspects of the EMS system, which is approved by the Medical Control Board and which is developed and periodically updated in accordance with procedures set forth in the EMS Interlocal Cooperation Agreement. As used in this context, system standard of care is a comprehensive term including:
- a. Input standards including but not limited to personnel credentialing requirements, training requirements, equipment specifications, on-board inventory requirements, and other requirements which the system must fulfill before receipt of a request for service;
 - b. Performance standards including but not limited to medical priority dispatching protocols and prearrival instructions, medical protocols, standing orders, response time standards,

OKLAHOMA CITY MUNICIPAL CODE, 2020

protocols governing authority for on-scene control of patient care, and other performance specifications describing how the system should behave upon receipt of a request for service; and

- c. Outcome standards are results the system intends to achieve by meeting its input and performance standards.

(41) *System status plan* means the plan and protocols for staffing, deployment, and redeployment of ambulances which is developed and implemented by EMSA as to all ambulance service providers within the regulated service area, in order to meet response time compliance. The system status plan specifies how many ambulances will be staffed and available within the regulated service area each hour of the day, each day of the week, including the locations of available ambulances (not assigned to calls) within the regulated service area, specified separately for each hour of the day, for each day of the week, and every remaining number of ambulances then available in the system, and including protocols for event-driven redeployment of those remaining ambulances.

(42) *Western Division* means that portion of the regulated service area which is located west of Stroud, and which may include the City of Stroud subject to requirements set forth in the EMS Interlocal Cooperation Agreement.

(Code 1980, § 6-100; Ord. No. 19392, § 1, 4-3-90; Ord. No. 20997, § 1, 2-17-98; Ord. No. 23873, § 1, 6-16-09; Ord. No. 24756, § 1, 10-1-13; Ord. No. 27211, § 1, 11-8-22, eff. 12-1-22)

Cross reference—Definitions and rules of construction generally, § 1-2.

§ 6-2. Medical Director/Chief Medical Officer.

The Medical Director/Chief Medical Officer shall be appointed by the Medical Control Board as provided for in the EMS Interlocal Cooperation Agreement, shall recommend a system standard of care designed to achieve a state of the art quality of emergency medical care within the regulated service area, shall set standards for clinically equipping ambulances and EMRA apparatus/vehicles and credential personnel as meeting the requirements of this ordinance, and shall have those powers and duties granted and ascribed to him/her in the EMS Interlocal Cooperation Agreement, plus such additional powers and duties as are granted and ascribed to him/her herein.

(Code 1980, § 6-101; Ord. No. 19392, § 1, 4-3-90; Ord. No. 20997, § 1, 2-17-98; Ord. No. 27211, § 1, 11-8-22, eff. 12-1-22)

§ 6-3. Medical Control Board.

The Medical Control Board is hereby designated as the elected representatives constituting the Board of Directors of the EPF. Its members shall be as provided for in the EMS Interlocal Cooperation Agreement. The Medical Control Board shall be the policy-making, rule-making, and factfinding body that shall review and establish all aspects of the system standard of care; and shall have those powers and duties granted and ascribed to it in the Amended and Restated EMS Interlocal Cooperation Agreement.

(Code 1980, § 6-102; Ord. No. 19392, § 1, 4-3-90; Ord. No. 27211, § 1, 11-8-22, eff. 12-1-22)

§ 6-4. Emergency Physicians Foundation (EPF).

The Emergency Physicians Foundation, acting through its appointed Medical Control Board, is established, concurrently herewith, by adoption of the EMS Interlocal Cooperation Agreement as the administrative agency to oversee clinical aspects of the care rendered by the regional EMS system to the citizens of the regulated service area. The EPF shall have the powers and duties granted and ascribed to it in the Amended and Restated EMS Interlocal Cooperation Agreement.

(Code 1980, § 6-103; Ord. No. 19392, § 1, 4-3-90; Ord. No. 27211, § 1, 11-8-22, eff. 12-1-22)

§ 6-5. Emergency Medical Services Authority (EMSA).

EMSA is hereby designated as the sole provider of emergency, and non-emergency ambulance transport in the regulated service area, pursuant to 63 O.S. § 1-2515. No person or entity may provide emergency, non-emergency or special events ambulance services in the regulated service area unless acting as a subcontractor to EMSA or pursuant to a written contract for special arrangements.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

EMSA is authorized and directed to take such steps as are necessary to ensure the availability of both emergency and non-emergency ambulance services within the regulated service area, subject to the following requirements:

- (1) EMSA shall at all times comply with the terms of: the Amended and Restated EMS Interlocal Cooperation Agreement, the Second Amended and Restated Trust Indenture, this Uniform Code for Emergency Medical Services, and all other applicable laws, rules, and regulations;
- (2) EMSA shall at all times be a direct provider of ambulance services in the regulated service area, unless the EMSA Board of Trustees elects to contract all or a portion of such ambulance service, pursuant to an operations contract, and in such case shall: employ a competitively selected operations contractor to operate the EMS control centers (Eastern and Western Divisions), or directly provide ambulance services rendered under EMSA's trade name, or any combination thereof;
- (3) In contracting with an operations contractor for the provision of any ambulance services, EMSA shall employ such bidding processes and contracting methods as are reasonable and effective in ensuring the uninterrupted and reliable delivery of quality ambulance services to the citizens of the regulated service area;
- (4) All ambulance services provided within the regulated service area shall meet or exceed the standards set forth herein and in the system standard of care, as approved and periodically updated by the Medical Control Board; and
- (5) Any operations contractor selected by EMSA shall operate as a subcontractor to EMSA and under EMSA's ground ambulance license. EMSA shall maintain a valid Oklahoma ground ambulance license at all times.

(Code 1980, § 6-104; Ord. No. 19392, § 1, 4-3-90; Ord. No. 20997, § 1, 2-17-98; Ord. No. 27211, § 1, 11-8-22, eff. 12-1-22)

§ 6-5.1. Supplemental services by qualified supplemental service providers.

A beneficiary or non-beneficiary member jurisdiction may contract for supplemental ambulance service with EMSA pursuant to a contract for special arrangements for purposes of ensuring the availability of ambulance services to respond to ambulance service within its municipality or district, subject to the following requirements:

- (a) such supplemental service provider shall at all times comply with the terms of the Amended and Restated EMS Interlocal Cooperation Agreement, the Second Amended and Restated Trust Indenture, this Uniform Code for Emergency Medical Services, all other applicable laws, rules, and regulations, and the terms of the contract for special arrangements;
- (b) all services provided by such supplemental provider shall meet and exceed the standards set forth herein and in the system standard of care, as approved and periodically updated by the Medical Control Board;
- (c) such supplemental service provider shall acquire and maintain at all times the appropriate level of ground ambulance license for the level of ambulance services required by this Code;
- (d) such supplemental service provider shall have a written contract for special arrangements detailing the supplemental ambulance services, including an operational response plan, delineation of command authority, resource deployment, reporting requirements, and compensation, and shall operate as a subcontractor to EMSA;
- (e) such supplemental service provider shall be solely responsible for staffing such supplemental ambulance services detailed in the contract for special arrangements and shall operate as a subcontractor to EMSA.

(Ord. No. 27211, § 1, 11-8-22, eff. 12-1-22)

§ 6-6. Mandatory centralized call processing.

(a) All telephone requests for ambulance services, both emergency and routine, originating within the regulated service area shall terminate at an EMS control center where a credentialed EMD shall establish the call's priority classification, determine the patient's location, and if appropriate, deliver prearrival instructions. The EMD shall also determine the need for first responder service; alert the emergency medical response agency, if appropriate, and directly dispatch the call.

OKLAHOMA CITY MUNICIPAL CODE, 2020

(b) During times of disaster, such as a natural disaster or civil unrest impacting the entire system and declared by the Chief Executive Officer of EMSA or designee, the EMS control center shall at all times have full authority to direct the positioning, movements, and run responses of all ambulance units of all ambulance services, including such units under a contract for special arrangements with EMSA, until such time as the declaration has been lifted.

(c) All calls processed by an EMS control center shall be recorded to facilitate subsequent auditing of the EMD's actions and decisions by the Medical Director, and all such recordings shall be safely stored and shall be erased after an appropriate interval or as provided by law.

(Code 1980, § 6-105; Ord. No. 19392, § 1, 4-3-90; Ord. No. 20997, § 1, 2-17-98; Ord. No. 27211, § 1, 11-8-22, eff. 12-1-22)

§ 6-7. Mandatory EMS data system and reporting standards.

EMSA, as well as every operations contractor, supplemental service provider, and certified emergency medical response agency, shall comply with EMS data system and reporting standards as prescribed by the Medical Director; provided, however, that changes in data collection or reporting requirements which may reasonably be expected to require costly modification of existing computer hardware or software shall be approved by EMSA prior to implementation.

(Code 1980, § 6-106; Ord. No. 19392, § 1, 4-3-90; Ord. No. 20997, § 1, 2-17-98; Ord. No. 27211, § 1, 11-8-22, eff. 12-1-22)

§ 6-8. Insurance requirements.

(a) Any operations contractor shall keep in full force and effect a policy or policies of public liability and property damage insurance, executed by a financially stable insurance carrier(s) acceptable to EMSA and licensed or permitted to write insurance by the Oklahoma Insurance Commission, with coverage provisions insuring the public from any loss or damage that may arise to any person or property by reason of the operation of EMSA ambulances, and providing that amount of recovery shall be in limits of not less than the following sums:

- (1) commercial general liability insurance, including but not limited to commercial owner and contractor protection, operational products, completed operations, property and personal injury, with limits of not less than \$1,000,000.00 per occurrence; and \$2,000,000.00 aggregate. Coverage shall be on an occurrence basis.
- (2) workers compensation coverage to statutory limits as required by law; employer's liability insurance of not less than \$1,000,000.00 bodily injury by incident; and \$1,000,000.00 bodily injury by disease for each employee.
- (3) comprehensive automobile liability covering all vehicles used by the operations contractor, including owned, hired, and non-owned vehicles, with minimum limits of \$1,000,000.00 combined single limit for bodily injury (including death), per occurrence, and property damage of not less than \$1,000,000.00 per occurrence.
- (4) automobile physical damage insurance for comprehensive and collision covering all vehicles provided by EMSA and used under this contract.

(b) Any operations contractor shall keep in full force and effect a general comprehensive liability and professional liability policy or policies issued by a casualty insurance company, licensed or permitted to write insurance by the Oklahoma Insurance Commission with coverage provisions insuring the public from any loss or damage that may arise to any person or property by reason of the actions of the operations contractor or any of its employees, and providing that the amount of recovery shall be in limits of not less than the following sums:

- (1) professional medical liability insurance including errors and omissions with minimum limits of \$1,000,000.00 per occurrence and \$2,000,000.00 annual aggregate.
- (2) "umbrella" coverage in the amount of at least \$5,000,000.00 shall be provided as additional coverage to all underlying policies.

(c) Any operations contractor shall furnish to EMSA an original and duplicate certificate of insurance which shall indicate the types of insurance, the amount of insurance and the expiration dates of all policies carried by the ambulance service. Each certificate of insurance shall name all jurisdictions in the regulated service area as an additional named insured, and shall contain a statement by the insurer issuing the certificate that the policies of insurance listed thereon will not be canceled or materially altered by the said insurer absent 60 days written notice received by all jurisdictions.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

(d) Self insurance programs must meet and comply with all applicable laws and regulations; be reasonable and limited to an amount of potential fiscal liability which would, if realized, not impair the operations contractor's ability to perform under the contract, and, offer coverage to that required in Sections (a) through (c) above.

(e) EMSA and any supplemental service providers who are entitled to the immunities and protections of the Oklahoma Governmental Tort Claims Act, Okla. Stat. tit. 51 § 151 et seq. may insure as deemed appropriate by their governing bodies.

(Code 1980, § 6-107; Ord. No. 19392, § 1, 4-3-90; Ord. No. 20997, § 1, 2-17-98; Ord. No. 27211, § 1, 11-8-22, eff. 12-1-22)

§ 6-9. Reserved.

Editor's note—Ord. No. 20997, § 1, adopted Feb. 17, 1998, repealed § 6-9, which pertained to ambulance service license required. See the Code Comparative Table.

§ 6-9.1. Quality assurance fee.

EMSA shall pay a monthly medical quality assurance fee, as determined by the Medical Control Board and approved by the beneficiary member jurisdictions. The monthly fee shall be equal to one-twelfth of the annual MCB budget approved by the beneficiary jurisdictions. The fee may be recalculated every July using the same formula. Such fee shall be paid to the quality assurance fund of the Medical Control Board. The fee shall be paid during each calendar month within 30 days after the end of the month.

(Ord. No. 20997, § 2, 2-17-98; Ord. No. 27211, § 1, 11-8-22, eff. 12-1-22)

§ 6-10. Specialized mobile intensive care certification.

Any hospital in the regulated service area, EMSA, and any operations contractor shall be eligible to apply to the Medical Control Board for certification to operate a specialized mobile intensive care unit, which unit shall be used solely for interhospital transport of patients requiring specialized en route medical monitoring and advanced life support which exceed the capabilities of the equipment and personnel on board a paramedic ambulance. Such certification shall be subject to review every two years. Failure by the holder of such certification to limit the vehicle to interhospital transports of the types of patients specified within the certification shall constitute grounds for revocation of the certification.

(Code 1980, § 6-109; Ord. No. 19392, § 1, 4-3-90; Ord. No. 20997, § 1, 2-17-98; Ord. No. 27211, § 1, 11-8-22, eff. 12-1-22)

§ 6-11. Clinical scope of practice of ambulance services.

The ambulances responding to any location within the regulated service area shall employ a tiered system of both Advanced Life Support (ALS) and Basic Life Support (BLS) equipped ambulances, which will be staffed and dispatched by EMSA, any operations contractor, or supplemental service provider in accordance with the standards as approved by the Medical Control Board.

(Code 1980, § 6-110; Ord. No. 19392, § 1, 4-3-90; Ord. No. 20997, § 1, 2-17-98; Ord. No. 26922, § 1, 11-23-21; Ord. No. 27211, § 1, 11-8-22, eff. 12-1-22)

§ 6-12. Ambulance response time performance required.

(a) EMSA, any operations contractor, or any supplemental service provider shall employ sufficient personnel, acquire sufficient equipment, and manage its resources as necessary to meet the following response time standards on all emergency calls and non-emergency calls originating within the regulated service area.

- (1) *Response time standards for the Eastern Division beneficiary member jurisdiction and Western Division beneficiary member jurisdictions.* On the effective date of this Code, subject to the exclusions set forth in Subsection (c) below, the following standards of response time reliability shall be applicable to all patient transports originating from within the Eastern Division beneficiary member jurisdiction and the combined Western Division beneficiary and non-beneficiary jurisdiction of the regulated service area:

<i>standard</i>	<i>reliability percent</i>
priority 1	90 reliability or better
priority 2	90 reliability or better
priority 3	90 reliability or better

OKLAHOMA CITY MUNICIPAL CODE, 2020

<i>standard</i>	<i>reliability percent</i>
priority 4	90 reliability or better

- (2) *Response time standards for the non-beneficiary member jurisdictions of the Eastern Division.* On the effective date of this Code, subject only to the exclusions set forth in Subsection (c) below, the following standards of response time reliability shall be applicable to all patient transports originating within a non-beneficiary member jurisdiction in the Eastern Division:

Priority 1 and 2 standard	75% minimum during each month in each individual non-beneficiary member jurisdiction priority 1 and 2 transports combined, and a 90% minimum during each month for combined priority 1 and priority 2 transports within the combined non-beneficiary jurisdictions.
Priority 3 standard	90% reliability or better during each month
Priority 4 standard	90% reliability or better during each month

(b) Three sub-areas defined by EMSA in the area comprising the Eastern Division beneficiary jurisdiction and the three sub-areas defined by EMSA in the area comprising the Western Division for compliance measurement for priority 1 transports and discrimination. EMSA, any operations contractor, or any supplemental service provider, shall use best efforts to ensure response time equity for priority 1 transports among sub-areas, keeping response times in each sub-area within ten percentage points of the compliance required for the entire jurisdiction. Variations of ten percentage points or more from the jurisdiction standards within the same sub-area for more than three consecutive months, or more than six months during any 12-month period, shall be considered chronic response time discrimination and shall give rise to the provisions of the Amended and Restated EMS Interlocal Cooperation Agreement and the Amended and Restated Trust Indenture which provide beneficiary member jurisdictions certain options to address such response time discrimination with EMSA.

(c) Response time exclusions. EMSA shall employ such mechanisms for reserve production capacity, including the use of any operations contractor or any supplemental service provider, to increase production should a temporary system overload persist. However, it is understood that from time-to-time unusual factors beyond EMSA's reasonable control may affect the achievement of specified response time standards. These unusual factors are limited to unusually severe weather conditions, or declared disasters.

(Code 1980, § 6-111; Ord. No. 19392, § 1, 4-3-90; Ord. No. 20997, § 1, 2-17-98; Ord. No. 27211, § 1, 11-8-22, eff. 12-1-22)

§ 6-13. Prohibition against refusal to transport.

It shall be a violation of this Code for any ambulance service within the regulated service area to fail to respond to a call or to transport or to render emergency medical patient assessment and treatment, as required by Oklahoma law, or to otherwise refuse or fail to provide any ambulance services originating within the regulated service area because of the patient's perceived, demonstrated or stated inability to pay for such services, or because of the location of the patient within the regulated service area or because of the unavailable status or the location of any ambulance unit at the time of the request.

(Code 1980, § 6-112; Ord. No. 19392, § 1, 4-3-90; Ord. No. 20997, § 1, 2-17-98; Ord. No. 27211, § 1, 11-8-22, eff. 12-1-22)

§ 6-14. Emergency medical response agency certification.

Any person or agency providing emergency medical responder services within this jurisdiction shall be credentialed by the Medical Director as an emergency medical responder or an emergency medical response agency.

(Code 1980, § 6-113; Ord. No. 19392, § 1, 4-3-90; Ord. No. 20997, § 1, 2-17-98; Ord. No. 27211, § 1, 11-8-22, eff. 12-1-22)

§ 6-15. Procedures for denial, revocation or suspension of a certification.

For any proposed denial, suspension or revocation of credentials issued to an EMS personnel, emergency medical response agency or ambulance service provider within the regulated service area, the following standards, shall apply:

- (1) written notice prior to any final action of the action (denial, suspension, or revocation) pending against the person or entity whose credentials may be denied, suspended, or revoked;

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

- (2) written notice of any final action by the Medical Director which results in the denial, suspension or revocation of credentials issued by the Medical Director;
- (3) a right to an appeal of any adverse action by the Medical Director to the Medical Control Board, requested in writing within 30 days from the date the final action was issued in writing;
- (4) the appeal to the Medical Control Board shall be a de novo hearing which shall include, a right to cross examine witnesses, and to present witnesses and evidence on the person's own benefit.

(Code 1980, § 6-114; Ord. No. 19392, § 1, 4-3-90; Ord. No. 20997, § 1, 2-17-98; Ord. No. 27211, § 1, 11-8-22, eff. 12-1-22)

§ 6-16. Violations.

- (a) It shall be unlawful and an offense for any person to commit any of the following acts:
 - (1) to perform or permit anyone to perform duties as an ambulance operator, attendant (EMT, EMT-intermediate, AEMT, or paramedic), EMD, or emergency medical responder without complying with the terms of this chapter, or for any EMT or paramedic to seek or accept medical direction by radio or remote communication device contact from anyone who is not an on-line medical control physician, the Medical Director or a member of the Medical Director's clinical staff, as defined herein;
 - (2) to use, or cause to be used, an ambulance service other than EMSA, any operations contractor, or supplemental service provider except for those services described in Paragraph (a) of this Section 6-16;
 - (3) for any person, firm or organization to respond to emergency calls originating within the regulated service area, other than EMSA, any operations contractor, any supplemental service provider, or any EMRA;
 - (4) for any person, firm or organization to provide special events standby ambulance service within the regulated service area, other than EMSA, any operations contractor, any supplemental service provider;
 - (5) for any person, firm or organization to respond to non-emergency transport calls originating within the regulated service area, other than EMSA, any operations contractor, any supplemental service provider;
 - (6) to knowingly give false information to induce the dispatch of an ambulance, or emergency medical response agency apparatus or vehicle.
- (b) It shall not be a violation of this Code if the vehicle or ambulance is:
 - (1) a privately owned vehicle not used in the business of transporting patients who are sick, injured, wounded, incapacitated or helpless;
 - (2) a vehicle rendering services as an ambulance in the event of a major catastrophe or emergency when credentialed ambulances based in the locality of the catastrophe or emergency are incapacitated or insufficient in number to render the services needed;
 - (3) an ambulance owned or operated by, or under contract with, the Federal or State government;
 - (4) an ambulance transporting a patient to a location within the regulated service area, which transport originated from a point outside the regulated service area;
 - (5) an ambulance responding to a call pursuant to a mutual aid agreement with EMSA;
 - (6) a vehicle engaged in a non-emergency transport call to transport a patient from a hospital, nursing home or freestanding dialysis center (i.e., a dialysis center not located on hospital grounds) which is located within the regulated service area to any jurisdiction outside the regulated service area (the "receiving jurisdiction"), if the receiving jurisdiction allows EMSA to lawfully engage in non-emergency transport calls to transport patients from hospitals, nursing homes, and freestanding dialysis centers located within that receiving jurisdiction to destinations within the regulated service area;
 - (7) a vehicle engaged in a non-emergency transport call to transport a patient from a hospital, nursing home, or freestanding dialysis center located within the regulated service area to any unincorporated area;

OKLAHOMA CITY MUNICIPAL CODE, 2020

(8) a vehicle engaged in a non-emergency transport call to transport a patient from a hospital, nursing home, or freestanding dialysis center located in either the Eastern or Western Division of the regulated service area, to a destination in the other division of the regulated service area;

(9) a vehicle engaged in the interstate transport of a patient.

(Code 1980, § 6-115; Ord. No. 19392, § 1, 4-3-90; Ord. No. 20997, § 1, 2-17-98; Ord. No. 27211, § 1, 11-8-22, eff. 12-1-22)

§ 6-17. Penalties.

(a) Any person convicted of violating any of the provisions of this Code shall be punished by fine and costs not to exceed the sum of \$1,200.00 excluding costs and/or imprisonment for a period of not more than six months.

(b) Each day that any violation of the provisions of this Code is committed or permitted to continue shall constitute a separate offense.

(Code 1980, § 6-116; Ord. No. 19392, § 1, 4-3-90; Ord. No. 20444, § 1, 10-24-95; Ord. No. 20997, § 1, 2-17-98)

State law reference—Penalty for ordinance violations, 11 O.S. § 14-111.

§§ 6-18—6-99. Reserved.

§ 6-101. Medical service program and fee; terms and conditions of the program.

(a) Each single-family residential utility customer and multi-family residential utility customer within the corporate limits of the City shall be included in the medical service program, unless the utility customer affirmatively declines participation in said program in the manner set forth in Section 6-102 of this article.

(b) Single-family residential utility customers participating in the program shall have included within their utility bills a charge of \$3.65 per month.

(c) Multifamily residential utility customers participating in the program shall be billed \$3.65 per month per occupied living unit. There is a rebuttable presumption that 50 percent of the total number of living units served solely by a single Oklahoma City utility bill are occupied. The number of presumed living units shall be rounded down, but to not less than one.

(d) The total number of living units attributed to multifamily residential utility customers and landlords shall be based upon the number of housekeeping units on record with the Oklahoma City Utilities Department. It is the responsibility of all multifamily residential utility customers and landlords to annually confirm with the Utilities Department whether this number of housekeeping units is in fact accurate. Adjustments may be made to the number of housekeeping units on record with the Utilities Department based on information provided by sworn affidavit from the multifamily residential utility customer or landlord and confirmed by the City. Multifamily residential utility customers and landlords shall make staff available to meet at the subject residences with City Utilities Department personnel to confirm the number of living units as provided for by the utility customer in the sworn affidavit mentioned herein.

(e) Any customer whose account is in disconnection of service for nonpayment status per Section 55-79, following the Utilities Department current administrative policies and procedures, shall be automatically removed from the program and said customer and the customer's household shall not receive the benefits of the Medical Service Program. The utility bill shall be deemed to have been notice to the customer and the customer's household of any delinquency or failure to pay the Medical Service Program. Should any customer be removed from the Medical Service Program for failure to pay or late payment, then neither said customer nor any member of said customer's household shall be permitted to re-enroll at the customer's address until the utility bill of such address is no longer considered delinquent as defined in Section 55-78 of this Code.

(f) Program benefits. Any customer who participates in the Medical Service Program, shall receive the benefits of membership in EMSA's EMSAcare Program and is subject to all rules applicable to said program. EMSAcare membership covers the participating customer and all permanent members of that customer's household. A "permanent household member" shall mean all individuals permanently residing at a specific residence, regardless of age or whether there is a blood relation, and includes a utility customer's spouse being cared for in a nursing home facility. A person visiting the residence for a temporary period of time is not considered a permanent household member. EMSAcare membership

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

benefits are applied to emergency and non-emergency ambulance transports provided by EMSA within the EMSA service area. Emergency transports are fully covered. An emergency is defined as an unforeseen condition that requires urgent and unscheduled medical attention. Emergency transports always result in the ambulance taking the patient to a hospital emergency room.

(g) Non-emergency transports are fully covered if insurance or other third-party coverage provides benefits for the service (even if subject to deductible, co-payment or co-insurance). If no insurance or other third-party coverage is available or if the claim is denied, the EMSAcare member is charged a reduced fee (40 percent off EMSA's standard non-emergency rate). A non-emergency transport is a medical transfer that does not have a hospital emergency room as the final destination.

(h) Excluded services. EMSAcare members must present a completed physician certification statement (PCS) to receive benefits for non-emergency transports. EMSAcare provides no coverage for non-emergency transports without a PCS. The patient's physician usually completes certificates. Repetitive transports for services such as dialysis, radiation therapy and chemotherapy are not eligible for EMSAcare benefits without additional screening and insurance approvals. EMSAcare does not cover non-emergency transports to and from doctors' offices, dentists' offices, physical therapy centers, pharmacies, freestanding clinics and other facilities. Transports outside of EMSA's service area are also not included in the program. Members will receive a full bill for excluded services.

(i) Customer's obligations under the program. A participating utility customer shall provide to EMSA and/or The City of Oklahoma City, whichever entity provided emergency medical services, within 60 days of the date of receiving EMS services, any valid insurance and third-party payer information pertaining to the customer or anyone living in their household who receives EMS services. Failure to provide said information, nullifies the benefits under this Program. Said customer must furnish any information requested by their insurance company in order to facilitate payment of ambulance claims for the customer or any permanent residents of customer's household. In consideration for payment of the monthly membership fee, the customer assigns to EMSA, The City of Oklahoma City, or whichever entity provided the subject EMS service, all ambulance benefits that any covered family member or the customer may otherwise be entitled to receive from any insurance or other third-party payer for services provided under the EMSAcare program membership. EMSA, or The City of Oklahoma City, will accept this assignment as payment in full for emergency transports, and for non-emergency transports if insurance or other third-party payer coverage provides benefits for the transport. EMSA, or The City of Oklahoma City, will file ambulance insurance claims for each covered person and is entitled to receive payment from all insurance or other third-party payers up to the amount of EMSA's usual charges. Any insurance or other third-party payment the customer receives, related to EMS services provided under the EMSAcare membership, shall immediately be delivered to EMSA, or The City of Oklahoma City, whichever is applicable, if there is an outstanding balance on the customer's account. Violation of these terms will result in termination of the customer's participation in the EMSAcare program and the customer will be billed for all charges related to services provided.

(Ord. No. 23765, § 2, 12-16-08; Ord. No. 24494, § 1, 7-17-12; Ord. No. 24978, § 1, 9-23-14; Ord. No. 27441, § 1, 9-26-23)

§ 6-102. Nonparticipation election.

(a) Any utility customer who desires not to participate in the Medical Service Program for the next program year shall either 1) provide over the telephone to the Utilities Department all necessary information to properly identify their account, or 2) sign and file a declaration of nonparticipation, on forms prescribed and provided by the City, or 3) file the proper internet-based form, prior to September 30 immediately preceding the beginning of the next program year, or upon opening a utility service account for an Oklahoma City residential address. The utility customer's election to either participate or not participate in the program shall remain unchanged for the following program year unless affirmatively changed by the utility customer before the September 30 immediately preceding the program year at issue.

(b) If a multifamily residential utility customer or landlord or his or her authorized representative elects for a property not to participate in the Medical Service Program, the multifamily residential utility customer or landlord or their authorized representative shall obtain from each tenant a written and signed acknowledgement stating that the tenant: (1) understands that the tenant and the tenant's household are not included in the Medical Service Program; (2) understands that the tenant may affirmatively elect to personally participate in the Medical Service Program by contacting EMSA and enrolling in the program at the same price as offered to participating single-family residential utility customers; (3) understands failure to participate in the program will subject the tenant and tenant's

OKLAHOMA CITY MUNICIPAL CODE, 2020

household to the full costs associated with EMSA services; and (4) has been informed of the estimated per trip cost for an emergency ambulance transport run. The written and signed acknowledgment described herein shall be maintained in the multifamily residential utility customer's or landlord's or their authorized representative's records and available for inspection by The City of Oklahoma City upon request. This acknowledgement must be obtained for all tenants existing at the beginning of the program year and all new tenants moving into the landlord's or multifamily residential utility customer's property at any time during the program year.

(c) Failure to obtain and maintain on file the written acknowledgement from each tenant shall be a separate violation of this section. In addition, every 30-day period from the beginning of a lease until written acknowledgment is received or the multifamily residential utility customer or landlord or their authorized representative elects for a property to participate in the Medical Service Program shall constitute a separate offense for each tenant affected.

(Ord. No. 23765, § 2, 12-16-08; Ord. No. 27441, § 1, 9-26-23)

§ 6-104. Accountability for funds received.

The City is not responsible for either the provision of services by EMSA, its operations contractor(s), any other supplemental service provider, or the EMSAcare Program. The City's responsibility is to properly receive, record and transfer the funds paid by the participating utility customers for EMSAcare benefits under the Medical Services Program, and provide EMS services pursuant to an applicable contract for special arrangements and supplemental service. The City shall be allowed to retain funds sufficient to cover those administrative/ banking costs necessary to provide administrative services to EMSA, which costs shall be negotiated pursuant to a contract between EMSA and the City. The City may, in its discretion, retain Program funds for a rate stabilization fund for the purpose of keeping the monthly Program cost charged to customers, at a consistent rate for as long as possible. Rate stabilization includes the use of Program funds by The City for the provision of emergency medical services approved in the City Budget and pursuant to a contract for special arrangements between EMSA and The City of Oklahoma City. Remittance of Program funds to EMSA, pursuant to its approved budget, shall have priority and shall not be detrimentally impacted by the dispersal of Program funds to the City for the provision of emergency medical services pursuant to any contract for special arrangements.

(Ord. No. 23765, § 2, 12-16-08; Ord. No. 24287, § 1, 6-21-11; Ord. No. 24494, § 1, 7-17-12; Ord. No. 24978, § 1, 9-23-14; Ord. No. 27441, § 1, 9-26-23)

§ 6-105. Adjustment of charges, appeal.

Any utility customer who considers the Medical Service Program charges applicable to their living unit to be erroneous because said utility customer opted out of the program, may request review of the charges by the City's Utilities Department. Additionally, any landlord or multifamily residential utility customer who encounters special circumstances that would justify modifying the number of occupied living units determined in accordance with the provisions of Section 6-102 (such as fire, Act of God, or renovations), may request review thereof by the City's Utilities Department. Any other problems experienced by the utility customer with regard to their EMSAcare benefits shall be referred to the Chief Executive Officer of EMSA or their designee. The determination by said Chief Executive Officer or designee may be appealed to the EMSA Board of Trustees by written notice of appeal filed with the EMSA Board of Trustees within ten (10) days of the Chief Executive Officer's or designee's determination. Any problems experienced by the utility customer with regard to their services, excluding personnel actions, provided by The City of Oklahoma City as supplemental ambulance service provider pursuant to a contract for special arrangements with EMSA shall be referred to the City Manager or designee. The determination by the City Manager or designee may be appealed to the City Council by written notice of appeal filed with the City Clerk within ten (10) days of the City Manager's or designee's determination.

(Ord. No. 23765, § 2, 12-16-08; Ord. No. 24978, § 1, 9-23-14; Ord. No. 27441, § 1, 9-26-23)

§ 8-20. Reserved.

Article III. Menacing and Dangerous Animals

§ 8-132. Dangerous animals prohibited.
§ 8-133. Menacing animals prohibited.
§ 8-135. Defenses.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

§ 8-5. Definitions.

(a) The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Abandonment of an animal* means the act of forsaking the animal entirely or neglecting or refusing to provide or perform the legal obligations for care and support of the animal.
- (2) *Animal* means any mammal, bird, fish, reptile, amphibian or invertebrate, including wild and domesticated species, other than a human being, and shall include "exotic wildlife," "domesticated fowl," "fowl" and "livestock," even though separately defined herein.
- (3) *Animal shelter* means any nonprofit, private or publicly-owned and/or operated facility where stray or unwanted animals are held.
- (4) *At large* means the status of any dog, livestock or domesticated fowl other than homing pigeons that is/are not confined to the property of the owner of the animal, or when the dog or livestock is not confined to the property of the owner and is not under the direct control of the owner or a person able to safely and humanely restrain the animal.
- (5) *Direct control* means immediate continuous physical control of a dog at all times by means of a leash, cord, rope or chain of such strength to restrain the dog, and controlled by a person capable of restraining the dog, or safe and secure restraint within a vehicle. If the controlling person is at all times fully and clearly within unobstructed sight and hearing of the dog, voice control shall be considered direct control when the dog is actually participating in training or official showing, obedience, or field events. Direct control shall not be required of dogs actually participating in a legal sport in an authorized area or K-9 dogs.
- (6) *Domesticated fowl* means domesticated chickens, turkeys, ducks, geese, peacocks, homing pigeons and any other domesticated birds including ostriches, emus and rheas.
- (7) *Feral animal* means any wild cat or dog, whether the animal was born in the wild or has reverted to a wild state due to abandonment or lack of domestication.
- (8) *Exotic wildlife* shall mean those animals defined and regulated in Chapter 35, Article VIII of this Code.
- (9) *Fowl* means a bird of any kind, excluding "domesticated fowl."
- (10) *Health Department* means the Oklahoma City-County Health Department.
- (11) *Impoundment* means the taking up and confining of an animal by the Superintendent or designee in a manner consistent with professionally recognized standards of humane treatment.
- (12) *K-9* means a dog specifically trained and being used by a public law enforcement agency.
- (13) *Kennel* means any place other than a federal, state or municipal facility, veterinary hospital or medical research institute, where more than four dogs and/or more than four cats beyond the age of six months are kept, harbored, boarded, sheltered or bred.
- (14) *Kitten* means a cat under the age of six months.
- (15) *Livestock* means any burros, cattle, horses, sheep, goats, llamas, donkeys, mules, and swine.
- (16) *Municipal Court* and *Municipal Judge* mean the Municipal Court of The City of Oklahoma City and any duly appointed judge or special judge thereof.
- (17) *Non-human primate* shall mean any animal that is a member of the order of Primata, except human beings.
- (18) *Non-human primate breeder* shall mean any person licensed and regulated by the United States Department of Agriculture (USDA) as a breeder of non-human primates.
- (19) *Owner* means any person, firm, business, organization, or corporation owning, possessing, harboring, or keeping any animal, or having an interest in or control of an animal, or in the case of a person under 18 years of age, that person's parent or legal guardian. This definition shall not apply to any animal shelter, veterinary clinic or kennel that is boarding animals belonging to another.

OKLAHOMA CITY MUNICIPAL CODE, 2020

- (20) *Person in lawful presence on owner's property* means a person who is on the property of the owner of the animal in the performance of any duty imposed upon him by the laws of this State, or by the laws of the United States, or by local ordinance, or by the postal regulations of the United States, or when reading meters, or making repairs to any public utility or service located on said property, or when responding to a public emergency, or when working on said property at the request of the owner or of a tenant having a lease upon any portion of said property, or when on such property upon the invitation, either expressed or implied, of the owner or lessee of such property.
- (21) *Pet placement partner* means a municipal animal shelter, or an animal welfare organization, or approved breed rescue group or other facility which receives animals from the division for the purpose of re-homing them and which has:
 - (a) provided the Animal Welfare Division with a copy of the certificate of incorporation, if it is a non-profit animal welfare organization or rescue group, and a list of individuals who are authorized to sign for receipt of animals from the division.
 - (b) entered into an agreement with the City for receipt of the animals, which agreement requires, among other things, that animals received from the division be vaccinated against rabies and be spayed or neutered, and that proof of the same be provided to the division in accordance with the division's policies.
 - (c) agreed that no animal held by the Pet Placement Partner shall be re-homed without having first been surgically spayed or neutered, regardless of the source of that animal.
- (22) *Primary enclosure* means an enclosed area in which an animal normally rests or sleeps and which allows the animal to move and exercise freely.
- (23) *Proof of ownership* means a bill of sale or other evidence acceptable to the Superintendent which shows ownership. Animals without a bill of sale or identifiable marking (tattoo, microchip, brand, etc.) shall be released only after the Superintendent or his/her designee is satisfied the person is the rightful owner of the animal.
- (24) *Puppy* means a dog under the age of six months.
- (25) *Rabies exposure* means any and all forms of exposure or suspected exposure to rabies virus or resulting from a bite; or contact with saliva, or neurological tissue and fluids of infected animals; or animals suspected of such rabies infection; or exposure to rabies virus resulting from a scratch, other than a scratch from the claws of a dog.
- (26) *Run* means a large, enclosed area designed to allow an animal to move about and exercise freely.
- (27) *Secondary enclosure* means the room or structure that houses or contains the primary enclosure.
- (28) *Spayed* or *neutered* means rendered permanently incapable of reproduction or permanently incapable of reproduction because of physiological sterility, but only where the neutered condition has been certified by a veterinarian licensed in any state.
- (29) *Superintendent* means the Superintendent of Animal Welfare of the City and his or her designees.
- (30) *Tagged animal* means any animal whose owner is able to be identified by visible marking on the animal, such as a metal tag, or by a tattoo or by a scannable microchip or by a brand.
- (31) *Unknown owner* means a person whose ownership of an animal cannot be determined because the animal is found at large and is not a tagged animal.
- (32) *Veterinarian* means a person who is currently licensed to engage in the practice of veterinary medicine in the State of Oklahoma.
- (33) *Veterinary hospital* or *clinic* means any place or facility owned or operated by a licensed veterinarian and used for the practice of veterinary medicine in the diagnosis, treatment, and care of diseases of and injuries to animals, or used for the boarding of animals during the diagnosis, treatment or care, or used for the temporary boarding of animals belonging to the veterinarian's clients.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

(b) All references to "Division," "Animal Welfare Division," "City Animal Shelter" or "Animal Welfare Division Superintendent," and all references to "Animal Welfare Supervisor or Officer," shall mean and refer to the respectively designated division, shelter, Superintendent, supervisor, officer or person of and within the Animal Welfare Division of the City.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 26483, § 1, 6-16-20)

§ 8-15. Authority and duties of Animal Welfare Division Superintendent.

(a) The Animal Welfare Superintendent shall be responsible for the administration and operation of the Animal Welfare Division and the City Animal Shelter.

(b) The Superintendent shall be responsible for the enforcement of ordinances pertaining to animals within the City and shall work to promote responsible animal ownership and to protect the health, safety and welfare of the citizens and of all animals within the City.

(c) The Superintendent or designee shall have authority and control over the City Animal Shelter and the care and disposition of the animals held therein and shall have the authority to waive or modify fees in whole or in part for hardship or special cases involving pet-owner death, or when the owner is incarcerated or in the hospital; to rectify adoption disputes; and for situations in which the best interests of all parties are served by such modification or waiver.

(d) The Superintendent shall provide care and sustenance for all impounded animals, including veterinary care to relieve or prevent suffering.

(e) The Superintendent or designee shall have the authority to humanely euthanize any impounded animal, including those being held because the owner is charged with a violation of this Code, or held in protective custody, or held during the course of an appeal from a decision of the Municipal Court, if a veterinarian recommends such action for humane purposes.

(f) The Superintendent or designee may establish requirements for animal owners to facilitate the provision of humane care and treatment of an animal as set forth in Article II, Division 1 of this Chapter or for animal owners who allow an animal to commit a prohibited act as set forth in Article I, Division 4 of this Chapter.

(g) The Superintendent or designee shall have the authority to make a decision in the event of a dispute between parties as to the ownership of an animal.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 26483, § 2, 6-16-20)

§ 8-18. Authority of Animal Welfare Officer to enter private property without a warrant.

For the purpose of investigating complaints, impounding animals and carrying out other actions necessary to enforcing the provisions of this Code, Animal Welfare Officers shall have authority to enter private property without a warrant when:

(a) entry is by permission of the occupant of the property or of the person in apparent charge;

(b) there is imminent danger to public safety; or

(c) there is an urgent need enter premises to preserve the life and health of an animal in imminent danger of death or serious injury.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 26968, § 1, 2-1-22)

§ 8-19. When warrant required.

If the conditions stated in Section 8-18 do not exist, the Superintendent or Animal Welfare Officer authorized by the Superintendent may apply to a Judge of the Municipal Court for a warrant to enter the property for inspection or to remove and impound an animal inside or outside of homes and other buildings as permitted by 11 O.S. § 28-121.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 26968, § 1, 2-1-22)

§ 8-20. Reserved.

Editor's note—Ord. No. 26968, § 2, adopted Feb. 1, 2022, repealed § 8-20, which pertained to impoundment by judicial order and derived from Ord. No. 23145, § 2, 10-3-06.

OKLAHOMA CITY MUNICIPAL CODE, 2020

§ 8-38. Animals running at large prohibited; registration required; exceptions.

(a) It shall be unlawful for the owner, keeper or other person in control of any dog, livestock or domesticated fowl other than homing pigeons to permit the same to be at large, or to trespass upon the property of any other person.

(b) A violation of this section, upon conviction, shall be a Class "a" offense.

(c) Any dog which is at large or trespassing shall be impounded and shall only be reclaimed as established in this article.

(d) Provided, however, this section shall not apply to:

- (1) any person who takes a dog upon private property with the consent of the owner or person in control of the property, or upon a street or other public place when the dog is under direct control.
- (2) any person utilizing a designated City-approved dog park in accordance with the provisions of Section 38-107 of this Code.
- (3) any person riding or leading a horse along a street or right-of-way provided the horse is under the control of the person riding or leading the same and in compliance with any other provisions of this Code.
- (4) any livestock ridden or driven in compliance with the provisions of Section 8-70 of this Chapter.
- (5) any menacing or dangerous dog at large or trespassing, which instead shall be subject to the provisions of Article III of this Chapter unless the dog has an unknown owner.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 25674, § 2, 7-5-17; Ord. No. 26483, § 3, 6-16-20)

§ 8-57. Reclamation of impounded animals; registration of at-large, unconfined, menacing or dangerous dogs; spaying or neutering and microchipping requirement; no release without required proof of confinement or compliance with Court order and payment of fees; exceptions.

(a) The owner of an impounded animal may reclaim the animal upon providing the Animal Welfare Division with proof of ownership and paying any and all fees and other charges as authorized in this division, except as provided herein:

- (1) Impoundment fees and board and care fees shall be waived if the owner provides medical proof that the dog or cat was spayed or neutered at the time of impoundment, except for dogs and cats housed in special handling areas.
- (2) An amount not greater than \$150.00 of the combined impoundment fees and board and care fees shall be waived upon the reclaim of a dog or cat housed in special handling areas, such as rabies observation and evidence holding, if the dog or cat was spayed or neutered prior to impoundment.

(b) All dogs and cats shall be spayed or neutered and micro-chipped prior to being released, including those reclaimed or otherwise returned to their owners. The Animal Welfare Superintendent may exempt the owner of a full-breed registered animal from the requirement to spay or neuter an animal prior to release upon the owner's presentation satisfactory proof of pure breed status as verified by the American Kennel Club or similar entity and payment of a registration fee or if a licensed veterinarian certifies in writing that the animal is incapable of reproduction or that spaying or neutering the animal would be injurious to the animal's health, provided, however, that if the health condition of the animal is of a temporary nature, then the animal shall be spayed or neutered immediately after the health condition has been corrected.

(c) The owner of a dog impounded for being at large or unconfined may reclaim the dog upon registering the dog on forms required by the Animal Welfare Division that include the owner's written verification that the fence or enclosure in which the dog is to be kept is in good repair, along with photographic evidence of the fence or enclosure and payment of the required fees.

- (1) Upon second or subsequent impoundment of a dog for being at large or unconfined, the owner may reclaim the dog upon producing to Animal Welfare an additional owner-written verification that the fence or enclosure in which the dog is to be kept is in good repair along with photographic evidence of the fence or enclosure and payment of required fees. As a condition of release, the owner shall provide to Animal Welfare a written statement, as described in this section, along

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

with photographic evidence of the fence or enclosure every 30 days for a period of six months from the date of reclamation. At any time during the six months, the Animal Welfare Superintendent or his or her designee may visually verify that the fence or enclosure in which the dog is to be kept is in good repair.

- (2) Failure to provide to Animal Welfare the required owner- written statements and photographic evidence after the release of the dog from a second or subsequent impoundment shall constitute a class "a" offense. Failure to keep the fence or enclosure in which the dog is to be kept in good repair at any time during the referenced six month period shall result in the impoundment of the dog until such time as the animal is abandoned or the Animal Welfare Superintendent or his or her designee has visually verified that the enclosure is secure.

(d) The division shall not release to its owner an animal being held for a judicial determination of whether it is menacing or dangerous or because the owner has been charged with cruelty to an animal or with failure to provide humane care and treatment for an animal until such case has been decided in a court or the charges are declined or dismissed. If the charges are declined or dismissed, the animal is determined to be not a menacing or dangerous animal, or the defendant is found not guilty, no fees shall be assessed to the owner. Otherwise, the animal shall only be released back to the owner pursuant to Court order and the Animal Welfare Division shall verify that any release requirements ordered by the Court and mandatory registration, spaying or neutering and micro-chipping requirements in this chapter have been met and fees required by this chapter are paid.

(e) An animal impounded because the owner has been charged with cruelty to an animal or with failure to provide humane care and treatment for an animal may be transferred to a foster facility approved by the Animal Welfare Superintendent until the court has decided the case or the charges are declined or dismissed. The Court in its discretion may order the Superintendent to modify the placement of the animal on motion of the owner at any time prior to final disposition of the case.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 23766, § 1, 12-16-08; Ord. No. 25674, § 3, 7-5-17; Ord. No. 26647, § 1, 1-19-21; Ord. No. 27301, § 1, 3-28-23)

§ 8-58. Abandonment.

(a) *Abandonment as result of failure to appear for a hearing before the Municipal Court.* If the owner of an impounded animal fails to appear for a hearing before the Municipal Court after notice has been provided to the owner as provided in Section 8-149 of this Chapter setting forth the date, time, and location of the hearing, the animal shall be deemed abandoned upon the passage of five days following the date of such hearing. If the owner of an impounded animal fails to appear at any hearing or trial scheduled in connection with a charge of cruelty to an animal or failure to provide humane care and treatment for an animal, the animal shall be deemed abandoned upon the passage of 15 days following the date of such hearing or trial, unless a motion to recall warrant has been filed before that date. If the owner fails to appear a second time at any hearing or trial, the animal shall be deemed abandoned upon the passage of five days following the date of such hearing or trial, unless a motion to recall warrant has been filed before that date.

(b) *Abandonment as a result of failure to pay penalties, costs, charges and fees.* Failure to pay any and all penalties and costs imposed by the Municipal Court and/or to pay the fees and charges for the boarding care and treatment of the animal within five days of the Court's decision, unless the Court grants a longer time, shall be deemed abandonment of the animal.

(c) *Abandonment as a result of failure or refusal to sign terms and conditions statement.* Failure to sign a terms and conditions statement as provided in Article I, Division 4 or in Article II, Division 1 of this Chapter may be deemed abandonment.

(d) *Abandonment generally.* Any animal may be deemed abandoned as otherwise provided in this Chapter.

(e) *Disposition of abandoned animals.* Any abandoned animal shall be subject to immediate disposition by the Animal Welfare Superintendent or his/her designee in accordance with the provisions of this division.

(f) *Impoundment of abandoned animals.* Any abandoned animal may be impounded by the division.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 26483, § 3, 6-16-20; Ord. No. 26647, § 1, 1-19-21)

OKLAHOMA CITY MUNICIPAL CODE, 2020

§ 8-59. Disposition of unclaimed, relinquished, abandoned, and impounded animals.

(a) Unclaimed impounded animals which are not reclaimed within the holding times described below, abandoned animals, animals voluntarily relinquished to the division, and impounded animals, may be adopted, transferred to approved Pet Placement Partners or to animal sanctuaries, humanely euthanized, or held in custody for longer than the minimum period of holding time at the discretion of the Superintendent.

(1) Untagged impounded animals, other than livestock and domesticated fowl, shall be impounded for a minimum of three full working days, not including the day of arrival and excluding holidays and other days the shelter is closed to the public, except as provided below.

(A) Cats that appear to be feral and to be stray may be deemed to be community cats and shall immediately become the property of The City of Oklahoma City. They may be placed into the Community Cats Project upon intake without being held a minimum number of days. Feral or stray cats not placed into the Community Cats Project shall be held for three working days, not including holidays or days the shelter is closed.

(B) Cats eligible for the Community Cats Project include:

- (i) feral or stray cats living outdoors,
- (ii) feral kittens that are at least 12 weeks old that can be vaccinated against rabies and sterilized and
- (iii) friendly, socialized cats. However, friendly, socialized cats may be kept for the City's adoption program or transferred to a rescue organization for adoption.

(C) Cats ineligible for the Community Cats Project include:

- (i) indoor-only cats,
- (ii) cats who have a known or suspected owner,
- (iii) unhealthy cats as determined by the Shelter Veterinarian,
- (iv) cats that test positive for Feline Leukemia or Feline AIDS,
- (v) injured cats that require hospitalization, fosterage or long-term care,
- (vi) kittens under four months of age that are not able to be vaccinated,
- (vii) declawed cats, and
- (viii) cats involved in unprovoked bites or attacks.

(D) Community cats may be returned to their place of origin after being sterilized, vaccinated against rabies, and ear notched to identify them as being sterilized. Cats shall not be returned to their place of origin if they have been the subject of abuse in their place of origin or have been threatened with abuse if they return to their place of origin, in such case, the cat can be transferred to a rescue organization or euthanized.

(2) Tagged impounded animals, and all livestock and domesticated fowl, shall be impounded for a minimum of five full working days, not including the day of arrival and excluding holidays and other days the shelter is closed to the public.

(3) Abandoned animals, animals with unknown owners and animals voluntarily relinquished by their owners may immediately be adopted, transferred to approved Pet Placement Partners or animal sanctuaries, humanely euthanized, held in custody or otherwise placed at the discretion of the Superintendent.

(4) Animals that are deemed abandoned pursuant to section 8-58(a) and are alleged to be dangerous may be transferred to approved Pet Placement Partners or animal sanctuaries, humanely euthanized, held in custody or otherwise placed at the discretion of the Superintendent. The Superintendent shall notify the Municipal Counselor's Office of the disposition of the animal.

(b) Foster-to-Transfer Program for animals impounded as strays. Stray puppies under six months of age, all stray kittens, and the lactating mothers of such puppies or kittens, and cats may be eligible for the Foster-to-Transfer Program. Such animals may be fostered by Animal Welfare Division foster homes or by

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

Pet Placement Partners upon intake, and cared for until their stray holding time has elapsed, after which the fostered pets may be chosen for the Animal Welfare Division's adoption program, transferred to one or more Pet Placement Partners, or returned to the animal shelter.

- (1) Photographs of pets in the Foster-To-Transfer Program shall be kept in the Animal Shelter during the pet's stray holding period in the event the pet is lost and the owners are looking for him or her.
- (2) If an owner identifies a pet as his or hers prior to the end of the stray holding period, the Pet Placement Partner must return the animal to the animal shelter within 24 hours for the owner to reclaim the pet. Prior to reclaiming the pet, the reclaiming owner shall pay to The City any fees accrued by The City prior to the pet's reclaim, pursuant to laws and policies in place at the time of reclaim.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 24456, § 1, 5-29-12; Ord. No. 24684, § 1, 6-18-13; Ord. No. 24813, § 1, 1-14-14; Ord. No. 25001, § 1, 10-7-14; Ord. No. 25673, § 1, 7-5-17; Ord. No. 26483, § 4, 6-16-20)

§ 8-62. Animals held during appeal of a decision of the Municipal Court.

An animal that is the subject of an appeal from a decision of the Municipal Court shall be confined at the City Animal Shelter during the course of such appeal. Provided, however, at the sole discretion of the Municipal Court Judge the animal may be confined in a licensed veterinary clinic or other licensed facility at the owner's expense no matter what the outcome of the appeal. If the appeal is decided in favor of the owner, resulting in dismissal or acquittal of the defendant, all costs of confinement in the City Animal Shelter shall be at the expense of the City.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 26647, § 1, 1-19-21)

§ 8-96. Standards of humane care and treatment.

The following standards of humane care and treatment are established for all animals within the City:

- (a) *Food requirements.* Food shall be free from contamination and of sufficient quantity and nutritive value to maintain an animal in good health. An animal shall be fed at least once a day except as dictated by hibernation, veterinary treatment, normal fasts or other professionally accepted practices. All food receptacles shall be kept clean and sanitary.
- (b) *Water requirements.* Safe, clean water shall be provided as often as necessary for the health and comfort of each animal. Frequency of watering shall consider age, species, condition, size and type of animal. Animals shall be watered as required by applicable State and Federal laws. All water shall be provided in sturdy, stable receptacles of adequate size for the animal and shall be kept clean and sanitary.
- (c) *Space requirements.* Enclosures or shelters for animals shall be constructed and maintained to provide sufficient space for each animal to make normal postural and social adjustments and to provide each animal with adequate freedom of movement to maintain good physical condition.
- (d) *Indoor shelter requirements.* Facilities shall be sufficiently heated, cooled and ventilated as to protect the animal from extremes of temperature and to provide for its health and prevent injury or disease. Sufficient light shall be provided, but lighting of primary enclosures shall be designed to protect the animal from physical harm. Such lighting shall be uniformly distributed and of sufficient intensity to permit routine inspection and cleaning.
- (e) *Outdoor shelter requirements.* For purposes of this subsection, "outdoor" shall mean not within an enclosed structure, and subject to the weather and elements. Natural or artificial shelters appropriate to the local climatic conditions for the particular species of animal shall be provided for all animals left outdoors. A suitable method of drainage shall be provided to rapidly eliminate excess water.
 - (1) shelter for a dog or cat shall consist of a moisture proof and windproof structure of suitable size to accommodate the animal and to allow retention of body heat. It shall be made of durable material and shall be provided with a sufficient quantity of suitable bedding material to provide insulation and protection against cold and dampness and to promote retention of body heat. A dog will be considered "outdoors" regardless of access to an outdoor doghouse or similar structure, unless the structure has an independent source of heat that is safe for use in outdoor structures and does not pose a danger to the animal. The

OKLAHOMA CITY MUNICIPAL CODE, 2020

animal's body heat is not a sufficient source when the temperature is below 32 degrees Fahrenheit in Oklahoma City. A vehicle shall not be considered an adequate shelter and shall be prohibited, as described in Section 8-115 of this Chapter.

- (2) shelter for livestock or domesticated fowl shall protect the animal from the weather.
- (3) shelter for exotic wildlife shall be appropriate to the size and needs of the animal and in compliance with the requirements set forth in Chapter 35, Article VIII of this Code.
- (f) It shall be unlawful and a violation of Section 8-95 for any person to leave any dog outdoors and unattended for a period of one-half hour or longer, during such a period when the temperature is below 32 degrees Fahrenheit in Oklahoma City.

In the event temperatures are as described in subsection or facilities are not available as required in (e)(1) of this Section, then the dog shall be brought indoors and remain indoors until outdoor temperatures allow placement of an animal outdoors.

- (g) *Sanitation requirements.* All shelters, enclosures, cages, and litter boxes shall receive necessary cleaning to remove excreta, waste materials, dirt, and trash to minimize disease hazards and to reduce odors. Litter in litter boxes and shaving or other materials used in cages or enclosures shall be changed as frequently as necessary to minimize disease hazards and to reduce odors.
- (h) *Veterinary and other care requirements.* All animals shall have the veterinary and other care necessary to prevent suffering.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 24523, § 1, 8-28-12; Ord. No. 26995, § 1, 2-15-22)

ARTICLE III. MENACING AND DANGEROUS ANIMALS

§ 8-131. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning.

- (a) *Animal bite* means any penetration, laceration, or contusion of the skin of a person or domestic animal, caused by the teeth of an animal.
- (b) *Attack* means any aggressive, threatening, or hostile behavior by an animal directed toward a domestic animal or a person, regardless of whether actual physical contact occurs. Attack also means any aggressive, threatening, or hostile behavior by an animal that causes a person or other animal to take evasive action to prevent injury.
- (c) *Dangerous animal* means any animal:
 - (1) that bites or inflicts an injury upon a person or domestic animal; or
 - (2) that is owned, trained, used, or harbored, primarily or in part, for the purpose of animal fighting.
- (d) *Domestic animal* means an animal kept for pleasure or for utility, that has adapted to life in association with and to the use of human beings, and shall not include animals which normally can be found in the wild state. For the purposes of this article, homeless, free-roaming (a.k.a. community) cats shall be considered domestic animals.
- (e) *Menacing animal* means an animal that growls, snarls, takes an aggressive stance, or shows its teeth toward a domestic animal or person, or that destroys property (e.g., a fence) in an attempt to get to a person or domestic animal.
- (f) *Owner* means any person, firm, business, organization, or corporation owning, possessing, harboring, or keeping any animal, or having an interest in or control of an animal, or in the case of a person under 18 years of age, that person's parent or legal guardian. This definition shall not apply to any animal shelter, veterinary clinic or kennel that is boarding animals belonging to another.
- (g) *Provoked* means an animal that is acting:
 - (1) in response to being tormented, abused, or assaulted by any person;
 - (2) in response to pain or injury;

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

- (3) in protection of itself or its food, kennel, immediate territory, or nursing offspring; or
- (4) in response to an assault or attempted assault on a person.

(h) *K-9* means a dog specifically trained and being used by a public law enforcement agency. Article III of this chapter shall not apply to any *K-9*.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 25674, § 4, 7-5-17; Ord. No. 27302, § 1, 3-28-23)

§ 8-132. Dangerous animals prohibited.

(a) It shall be unlawful for any person to own, harbor, possess, or maintain a dangerous animal, except as authorized by order of the Municipal Court. No person who has an ownership interest in real property shall permit another person to harbor, possess, or maintain on that property any dangerous animal, except as authorized by order of the Municipal Court.

(b) Any animal that is the subject of a dangerous animal citation shall be immediately impounded.

(c) Any dog or cat that is judicially determined to be a dangerous animal shall be micro-chipped and spayed or neutered, as set out in § 8-57, before the dog or cat is released from impoundment.

(d) The owner of any animal that is judicially determined to be a dangerous animal shall, as a condition of release, register the animal as a dangerous animal and pay the fees set forth in § 60-8-1 before the animal is released from impoundment.

(Ord. No. 23238, § 1, 12-19-06; Ord. No. 25674, § 4, 7-5-17; Ord. No. 27302, § 1, 3-28-23)

§ 8-133. Menacing animals prohibited.

(a) It shall be unlawful for any person to own, harbor, possess or maintain a menacing animal, except as authorized by order of the Municipal Court. No person who has an ownership interest in real property shall permit another person to harbor, possess, or maintain on that property any menacing animal, except as authorized by order of the Municipal Court.

(b) Any animal that is the subject of a menacing animal citation shall be immediately impounded.

(c) The Animal Welfare Division may release an impounded animal that is the subject of a menacing animal citation to the animal's owner prior to any hearing or final adjudication, subject to one or more of the following restrictions as a condition of release. The Superintendent, or designee, shall determine which restrictions or conditions are appropriate for the particular animal.

- (1) If the animal is a dog or cat, it shall be micro-chipped and spayed or neutered;
- (2) Confinement in a suitable enclosure constructed to prevent escape of the animal;
- (3) Use of a muzzle to sufficiently prevent biting whenever the animal is outside of an enclosure;
- (4) Use of a physical restraint whenever the animal is outside of an enclosure;
- (5) Timely notification to Animal Welfare of escape or death of the animal;
- (6) Timely notification to Animal Welfare of the owner's change of address or any change in ownership or transfer of the animal;

(d) If the owner does not agree with the restrictions required by the Superintendent, or designee, the owner is entitled to a hearing before the Superintendent, or designee, to contest the required restrictions. The hearing shall be scheduled within five (5) business days of the owner being provided with notice of the required restrictions. The Superintendent, or designee, shall determine the place, time, and manner of the hearing. The order issued after the hearing shall be final for the City. The owner may reclaim the animal by complying with any restrictions imposed by the Superintendent, or designee, payment of the required fees, and visual verification by the Superintendent, or designee, that the owner has complied with all required restrictions. Upon the failure to comply with the restrictions required by the Superintendent, or designee, the Superintendent, or designee, may take corrective action including, but not limited to, impounding the animal for the duration of the owner's pending Municipal Court proceedings regarding the animal or animals. Animals impounded for the owner's failure to comply with the required restrictions are not eligible for further release under this section.

(e) Upon release of any animal under subsection (c), the Superintendent, or designee, shall attempt to timely notify any witnesses and victims of the animal's release.

OKLAHOMA CITY MUNICIPAL CODE, 2020

(f) Any dog or cat judicially determined to be a menacing animal shall be micro-chipped and spayed or neutered pursuant to Section 8-57, before the dog or cat is released from impoundment by order of the Municipal Court.

(g) The owner of any animal that is judicially determined to be a menacing animal shall, as a condition of release, register the animal as a menacing animal and pay the fees set forth in § 60-8-1 before the animal is released from impoundment.

(Ord. No. 27302, § 2, 3-28-23)

§ 8-135. Defenses.

(a) It is a defense to prosecution under Article III if the animal was provoked as defined in Section 8-131 of this chapter.

(b) It is a defense to prosecution under Article III if the animal's behavior was directed toward:

- (1) a person committing or attempting to commit a willful trespass or other tort upon the property where the animal was owned, harbored, kept, or maintained;
- (2) a person not lawfully present upon the property where the animal was owned, harbored, kept, or maintained;
- (3) a person committing or attempting to commit a crime.

(c) It is a defense to prosecution under Section 8-133 of this chapter that the animal's behavior occurred while the animal was on the property where it was being owned, harbored, kept, or maintained.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 27302, § 3, 3-28-23)

§ 8-146. Superintendent to investigate complaints; file report; and maintain records.

(a) The Superintendent or designee shall investigate any incident appearing to involve a menacing or dangerous animal, or any citizen complaint of a menacing or dangerous animal, or any impoundment of an animal believed to be a menacing or dangerous animal. If the incident or impoundment meets the criteria for classification of an animal as menacing or dangerous, a citation shall be issued in accordance with the provisions of Article I of this chapter unless the animal has an unknown owner.

(b) During the course of the investigation, the Superintendent shall cause photographs to be taken of the animal and shall collect other information gathered pertaining to the animal's size, weight, markings or other distinctive characteristics.

(c) The Superintendent shall maintain a record of all animals upon which menacing or dangerous animal charges have been filed and the disposition of each case, together with the photographs and other information pertaining to each animal.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 25674, § 6, 7-5-17; Ord. No. 26483, § 5, 6-16-20)

§ 8-148. Confinement.

An animal that is impounded at the time of an incident that resulted in the owner being charged with harboring or possessing a menacing or dangerous animal, or an animal impounded by order of the Municipal Court, shall be confined in the City Animal Shelter pending the disposition of the animal, except as provided in § 8-133(c). Such confinement shall be at the owner's expense unless the Municipal Court does not find the animal to be a menacing or dangerous animal or the charge is declined or is dismissed.

Provided, however, that upon the owner's request or due to a medical necessity, the Animal Welfare Superintendent is authorized to place the animal in a licensed veterinary clinic or other licensed facility prior to a hearing for disposition of the animal before the Municipal Court. In all other circumstances, placement of the animal in a licensed veterinary clinic or other licensed facility shall be determined by the Municipal Court. Any placement of the animal in a licensed veterinary clinic or other licensed facility shall be at the owner's expense regardless of the outcome of the court hearing, if the placement was requested by the owner. Otherwise, the owner is not responsible for the costs of such placement if the animal is determined not to be a menacing or dangerous animal.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 25674, § 6, 7-5-17; Ord. No. 27302, § 4, 3-28-23)

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

§ 8-149. Notice of hearing to determine nature of the animal.

The Municipal Counselor shall determine whether prosecution shall be undertaken or declined under this article with respect to the animal. If prosecution is determined, the Municipal Counselor shall file an information with the Municipal Court Clerk and a copy of the pleading together with a notice to appear and notice of hearing concerning disposition of the animal shall be served by first class mail at the last known address of the defendant. At the option of the Municipal Counselor, a notice of hearing may be combined with an order to impound the animal and served in accordance with Section 8-20 of this Chapter. A certificate of service of the notice or order shall be filed with the Municipal Court in any case in which charges have been filed.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 26483, § 5, 6-16-20)

§ 8-150. Hearing and adjudication.

(a) If, after notice as set forth in this article, the owner does not appear at the hearing, the animal shall be deemed abandoned and subject to disposition under the provisions of Article I, Division 5 of this chapter.

(b) The Municipal Court, after the presentation of all evidence at the hearing and upon a finding that the animal is a menacing or dangerous animal, may order the animal euthanized or may order the animal released from impound under certain restrictions designated by the Municipal Court.

(c) If the Municipal Court finds an animal to be menacing or dangerous, the Municipal Court may order the animal's owner to comply with certain restrictions, as provided in § 8-151, as a condition of release of the animal.

(d) Upon a conviction for a violation under this Article, the Municipal Court may suspend the execution of a sentence of euthanasia and order the animal released pursuant to the restrictions imposed by the Municipal Court. The Municipal Court may suspend the execution of such sentence for a period not to exceed six months. During those six months, any subsequent violation of this chapter or violation of any restrictions ordered upon the owner of the animal by the Municipal Court shall constitute cause for revocation of the suspended sentence. The Municipal Counselor's Office may petition the Municipal Court to revoke the suspension of the sentence and set the matter for a hearing before the Municipal Court. If the suspension of the sentence is revoked, the Municipal Court shall order the animal impounded and euthanized.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 25674, § 6, 7-5-17; Ord. No. 27302, § 4, 3-28-23)

§ 8-154. Penalty.

(a) Any person who violates any of the provisions of Article III shall upon conviction be guilty of a Class "a" offense.

(b) Upon a second or subsequent conviction, any person who shall be convicted of any of the provisions of Article III shall be guilty of a Class "b" offense, even if the first conviction involved a different menacing or dangerous animal.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 25674, § 6, 7-5-17; Ord. No. 27302, § 4, 3-28-23)

Article II. Reserved

§§ 9-26—9-50. Reserved.

ARTICLE II. RESERVED*

~~§§ 9-26—9-50. Reserved.~~ 55, § 1, adopted May 25, 2021, repealed §§ 9-26—9-35, which pertained to licenses and derived from Code 1970, § 9-15—9-20, 9-22(f), 9-26—9-35; Ord. No. 19525, § 1, adopted Feb. 26, 1991.

OKLAHOMA CITY MUNICIPAL CODE, 2020

Article V. Reserved

§§ 13-108—13-142.	Reserved.
§ 13-402.	Authorization of prequalification review board chairman to approve and execute surety bonds.
§ 13-403.	Reserved.
§ 13-404.	Reserved.
§ 13-405.	Reserved.
§ 13-406.	Reserved.
§ 13-407.	Reserved.
§ 13-408.	Reserved.
§ 13-409.	Reserved.
§ 13-410.	Reserved.
§ 13-411.	Reserved.
§ 13-412.	Reserved.
§ 13-413.	Reserved.
§ 13-414.	Reserved.
§ 13-415.	Reserved.
§ 13-416.	Reserved.
§ 13-417.	Reserved.

ARTICLE V. RESERVED*

§§ 13-108—13-142. Reserved.

§ 13-401. Prequalification required.

- (a) Except as specifically provided in this Code, any person:
- (1) Bidding or performing work on a public construction contract;
 - (2) Engaging in work to provide a public improvement; or
 - (3) Engaging in work on public property, for which a prequalification class of such work has been established, must be prequalified by the Prequalification Review Board for that class of work, except that Class "D" contractors may be administratively prequalified by the Prequalification Review Board's designee.

(b) The City has established prequalification classes for the work as set forth by the Prequalification Review Board. The Prequalification Review Board may establish the qualification and requirements for such classes thereto established by the Prequalification Review Board. In addition, the Prequalification Review Board may revise and establish such other and additional prequalification classes of work as it deems in the best interest of the City. Further, the Prequalification Review Board may designate prequalification classes. Any adopted reference for prequalification classes and subclasses of work will be placed on file in the City Clerk's Office.

- (c) Provided, however, prequalification is not required:
- (1) to bid on certain public construction contracts whenever prequalification is waived by the City in the specifications;
 - (2) to work on public property or to contract or provide a public improvement whenever the person performing the work obtains the appropriate prequalification and provides the required insurance and bond as provided in this Code;
 - (3) as outlined in the Prequalification Classification Categories as adapted by the Prequalification Review Board; or
 - (4) as otherwise expressly provided in this Code.

***Editor's note**—Ord. No. 26755, § 2, adopted May 25, 2021, repealed §§ 13-108, 13-109, 13-123—13-128, which pertained to fire extinguisher repairmen or servicemen and derived from Code 1970, §§ 9-139—9-144; Code 1980, §§ 13-108, 13-109, 13-123—13-128.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

(d) The Prequalification Review Board is directed and authorized to categorize and determine what types, kinds and nature of work shall be included in each of the classes and subclasses of work set forth in Subsection 13-401(b) above. The Prequalification Review Board shall establish policies and procedures for prequalification, including but not limited to investigation, review and consideration of applicants and applications and the granting, renewing, denying, suspending, limiting, conditioning and revoking prequalification. All policies and procedures established by the Prequalification Review Board shall be in accordance with its establishing resolution, adopted Prequalification, Classification Categories and this Code. The Prequalification Review Board shall establish an application form and such other forms and documents as it deems necessary.

(e) A condition of prequalification shall be the requirement that the applicant or prequalified person have an employee or employees, as determined by the Prequalification Review Board, obtain or possess such licenses and obtain all permits as may be required by this Code.

(f) Prequalification and renewal of any existing prequalification shall be for a period of one year from the determination of the Prequalification Review Board, or administrative approval of applicable Class "D" contractors. Provided however, should any prequalified person during the period of any prequalification seek to modify or amend the prequalification, the period of the amended prequalification shall be the remainder of the existing prequalification period and the period of the existing prequalification shall not be affected or extended by any such modification or amendment granted by the Prequalification Review Board.

(Ord. No. 26061, § 1, 12-18-18, eff. 2-1-19; Ord. No. 26614, § 1, 12-8-20)

§ 13-402. Authorization of prequalification review board chairman to approve and execute surety bonds.

The Chairman of the Prequalification Review Board, or designee, is authorized to approve and execute Prequalification Class D surety bonds, on behalf of the City, on forms approved by the Municipal Counselor or assigned Assistant Municipal Counselor.

(Ord. No. 27276, § 4, 2-14-23)

§ 13-403. Reserved.

Editor's note—Ord. No. 26614, § 2, adopted Dec. 8, 2020, repealed § 13-403, which pertained to water pipeline contractor prequalification and derived from Ord. No. 26061, § 1, 12-18-18, eff. 2-1-19.

§ 13-404. Reserved.

Editor's note—Ord. No. 26614, § 2, adopted Dec. 8, 2020, repealed § 13-404, which pertained to water facilities contractor prequalification and derived from Ord. No. 26061, § 1, 12-18-18, eff. 2-1-19.

§ 13-405. Reserved.

Editor's note—Ord. No. 26614, § 2, adopted Dec. 8, 2020, repealed § 13-405, which pertained to wastewater pipeline contractor prequalification and derived from Ord. No. 26061, § 1, 12-18-18, eff. 2-1-19.

§ 13-406. Reserved.

Editor's note—Ord. No. 26614, § 2, adopted Dec. 8, 2020, repealed § 13-406, which pertained to wastewater facilities contractor prequalification and derived from Ord. No. 26061, § 1, 12-18-18, eff. 2-1-19.

§ 13-407. Reserved.

Editor's note—Ord. No. 26614, § 2, adopted Dec. 8, 2020, repealed § 13-407, which pertained to building contractor prequalification and derived from Ord. No. 26061, § 1, 12-18-18, eff. 2-1-19.

§ 13-408. Reserved.

Editor's note—Ord. No. 26614, § 2, adopted Dec. 8, 2020, repealed § 13-408, which pertained to traffic signal contractor prequalification and derived from Ord. No. 26061, § 1, 12-18-18, eff. 2-1-19.

§ 13-409. Reserved.

Editor's note—Ord. No. 26614, § 2, adopted Dec. 8, 2020, repealed § 13-409, which pertained to storm water contractor prequalification and derived from Ord. No. 26061, § 1, 12-18-18, eff. 2-1-19.

OKLAHOMA CITY MUNICIPAL CODE, 2020

§ 13-410. Reserved.

Editor's note—Ord. No. 26614, § 2, adopted Dec. 8, 2020, repealed § 13-410, which pertained to bridge contractor prequalification and derived from Ord. No. 26061, § 1, 12-18-18, eff. 2-1-19.

Sec. 13-411. Reserved.

Editor's note—Ord. No. 26614, § 2, adopted Dec. 8, 2020, repealed § 13-411 which pertained to demolition contractor prequalification and derived from Ord. No. 26061, § 1, 12-18-18, eff. 2-1-19.

§ 13-412. Reserved.

Editor's note—Ord. No. 26614, § 2, adopted Dec. 8, 2020, repealed § 13-412, which pertained to roofing contractor prequalification and derived from Ord. No. 26061, § 1, 12-18-18, eff. 2-1-19.

§ 13-413. Reserved.

Editor's note—Ord. No. 26614, § 2, adopted Dec. 8, 2020, repealed § 13-413, which pertained to electrical contractor prequalification and derived from Ord. No. 26061, § 1, 12-18-18, eff. 2-1-19.

§ 13-414. Reserved.

Editor's note—Ord. No. 26614, § 2, adopted Dec. 8, 2020, repealed § 13-414, which pertained to plumbing contractor prequalification and derived from Ord. No. 26061, § 1, 12-18-18, eff. 2-1-19.

§ 13-415. Reserved.

Editor's note—Ord. No. 26614, § 2, adopted Dec. 8, 2020, repealed § 13-415, which pertained to heating and air conditioning (HVAC) contractor prequalification and derived from Ord. No. 26061, § 1, 12-18-18, eff. 2-1-19.

§ 13-416. Reserved.

Editor's note—Ord. No. 26614, § 2, adopted Dec. 8, 2020, repealed § 13-416, which pertained to streetcar contractor prequalification and derived from Ord. No. 26061, § 1, 12-18-18 eff. 2-1-19.

§ 13-417. Reserved.

Editor's note—Ord. No. 26614, § 2, adopted Dec. 8, 2020, repealed § 13-417, which pertained to bore contractor prequalification and derived from Ord. No. 26061, § 1, 12-18-18, eff. 2-1-19.

§ 14-22. Application and investigation for license.

Division 2. Reserved

- §§ 14-36—14-50. Reserved.
- § 14-51. Scope and Compliance.
- § 14-52. Reserved.
- § 14-53. Reserved.
- § 14-54. Reserved.
- § 14-55. Reserved.
- § 14-56. Reserved.
- § 14-72. Reserved.
- § 14-74. Reserved.
- § 14-75. Reserved.
- § 14-76. Reserved.
- § 14-77. Reserved.
- § 14-78. Reserved.
- § 14-79. Reserved.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

§ 14-1. Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Basement* means that portion of a building or structure having one half ($\frac{1}{2}$) or more of its clear height below the ground level.
- (2) *Child care center* means nursery as defined in this Section.
- (3) *Day camp* means any camp with a primary emphasis on outdoor education and recreation which exercises custodial care over children ages (5) five to eighteen (18) years, except for older disabled participants, and which operates only during periods of operation specifically designated as vacation from the school in which the child is enrolled, scheduled for no more than 12 hours per day or a day camp which is accredited by the American Camping Association or other national standard-setting agency or church camp accreditation program.
- (4) *DHS* means the Department of Human Services
- (5) *Day care center* means nursery as defined in this Section.
- (6) *Department* means the Development Services Department.
- (7) *Director* means the Director of the Development Services Department or designee.
- (8) *Electrical appliance* means any device which utilizes electricity to produce light, heat or power.
- (9) *Exit* means a means of egress which is specifically designed for the purpose of allowing access from one floor to another or to the ground level outside the building.
- (10) *Fire Chief* means the Chief of the Fire Department or designated representative.
- (11) *Gas appliance* means any device which utilizes gas fuel to produce light, heat or power.
- (12) *Large family child care home* means a residential family home which provides care and supervision for eight (8) to twelve (12) children for part of the 24-hour day.
- (13) *Licensee* means any person licensed to operate a nursery or day camp as defined in this Chapter.
- (14) *Nonprofit corporation* means any corporation organized under the laws of this State as a nonprofit corporation, and/or any corporation organized in another state or nation and authorized to function in this State as a nonprofit corporation.
- (15) *Nonprofit organization* means any nonprofit partnership, company, corporation, or other business entity, or any nonprofit group or association of two or more persons united for a common purpose.
- (16) *Nursery* means, except as otherwise provided for in this Chapter, any day nursery, nursery school, foster home, or preschool or any place, home or institution which receives eight (8) or more children under the age of eighteen (18) years, not of common parentage, for foster care apart from their natural parents, legal guardians or custodians.
- (17) *Operator* means an owner or designated person in charge of the nursery facility or day camp or, if no one person is in charge, any employee or individual providing care at the nursery or day camp location.
- (18) *Part-time child care program* means any nonprofit corporation or nonprofit organization which receives eight (8) or more children under the age of eighteen (18) years, not of common parentage, for foster care apart from their natural parents, legal guardians or custodians, when received for periods not exceeding six hours in a 24-hour calendar day, which operates no more than 20 hours per week and where no food service is provided by such nonprofit corporation or nonprofit organization to the children participating in such part-time child care program.
- (19) *Working day* means a day in which the Department is open for public business.

(Code 1970, § 9-202; Code 1980, § 14-1; Ord. No. 18580, § 1, 9-16-86; Ord. No. 18627, § 1, 11-18-86; Ord. No. 19107, § 1, 10-25-88; Ord. No. 19845, §§ 1, 2, 10-27-92; Ord. No. 21733, § 1, 6-5-01; Ord. No. 27390, § 1, 8-1-23)

Cross reference—Definitions and rules of construction generally, § 1-2.

OKLAHOMA CITY MUNICIPAL CODE, 2020

§ 14-2. Scope.

The provisions of this Chapter shall apply to any type of establishment outside of the child's own home, but shall not apply to the custody of any child or children of school age, as set forth in 70 O.S. § 1-114 as amended or superseded, in a public or private school organized, operated, or approved under the laws of this State or to those whose custody is fixed by a court of competent jurisdiction, or to children related by blood or marriage within the third degree to the custodial person, or to churches or religious institutions caring for children while their parents or legal guardians are attending church services or engaged in church activities.

(Code 1970, § 9-202.1; Code 1980, § 14-2; Ord. No. 18580, § 1, 9-16-86; Ord. No. 27390, § 1, 8-1-23)

§ 14-3. Compliance.

No person shall operate or maintain a nursery or day camp subject to the terms of this Chapter unless such nursery or day camp conforms to the requirements, specifications, and provisions of all applicable ordinances in this Code. This Chapter does not apply to part-time day care programs as defined in Section 14-1(14) of this Chapter.

(Code 1980, § 14-3; Ord. No. 18580, § 1, 9-16-86; Ord. No. 18627, § 1, 11-18-86; Ord. No. 19107, § 1, 10-25-88; Ord. No. 27390, § 1, 8-1-23)

§ 14-4. Enforcement.

Except as otherwise provided in this Chapter, the Director shall enforce the provisions of this Chapter. The Director shall perform all acts and duties necessary to secure strict enforcement of this Chapter. Inspections shall be performed by the Department of Human Services (DHS) as part of the State licensing requirements. In addition, the Director, or designee, shall be authorized to enter every building, room, basement, or cellar occupied, used, or suspected of being occupied or used for purposes of daycare as described within this Chapter as a nursery or day camp. The Director shall propose for adoption by the City Council such ordinances - which establish minimum standards for nurseries and day camps as the Council may deem necessary or advisable to protect the health, safety, and general welfare of the public.

(Code 1970, § 9-207.1; Code 1980, § 14-4; Ord. No. 18520, § 1, 9-16-86; Ord. No. 19107, § 1, 10-25-88; Ord. No. 27390, § 1, 8-1-23)

§ 14-5. Inspections.

DHS shall perform a facility inspection of all nurseries or day camps licensed under this Chapter as often as DHS shall deem such facility inspections necessary to assure the adequate supervision thereof, or advisable to protect the health, safety, and general welfare of the public. DHS and the Director or the designee of DHS or the Director shall have the right to enter all such places at any reasonable time for the purpose of making a facility inspection. Acceptance of a license shall constitute expressed consent to such facility inspections.

(Code 1970, § 9-205; Code 1980, § 14-5; Ord. No. 18580, § 1, 9-16-86; Ord. No. 19107, § 1, 10-25-88; Ord. No. 27390, § 1, 8-1-23)

Cross reference—Inspections generally, § 2-66 et seq.

§ 14-6. Violations.

(a) Any person who shall violate any of the provisions of this Chapter shall be guilty of an offense for each such violation. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue. The application of such penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day a violation exists shall constitute a separate violation and is subject to all penalties therein.

(b) Any person who shall violate any of the provisions of this Chapter shall be guilty of a Class "a" offense for the first or second conviction of the same offense. A third or subsequent conviction shall be a Class "b" offense and shall be punished by a fine of up to \$750.00, excluding costs or imprisonment in the City Jail for a term not to exceed six months, or both such fine and imprisonment.

(Code 1970, § 9-208.1; Code 1980, § 14-6; Ord. No. 18580, § 1, 9-16-86; Ord. No. 20450, § 1, 10-24-95; Ord. No. 23182, § 8, 11-7-06; Ord. No. 27390, § 1, 8-1-23)

State law reference—Penalty for ordinance violations, 11 O.S. § 14-111.

§ 14-21. Required.

(a) No person shall open, operate or maintain a nursery, large family child care home, or day camp without having first obtained a license to do so from the Supervisor of Licenses.

(b) Large family child care homes shall comply with the same standards as nurseries set forth in this Chapter.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

(c) Day care centers already licensed, who run a camp program, must follow the minimum standards for nurseries (Article III). If a day care and a day camp share the same facility, the combined number of children attending must not exceed at any time the number for which the nursery is licensed.

(d) Prior to issuance of an initial license, approval shall be obtained from Oklahoma City's Planning Department (Zoning), Development Services Department (Plan Review), and the Fire Department (Fire Prevention Services). Additionally, a Department of Human Services Monitoring Summary shall be obtained. Any required inspection shall have occurred within six (6) months of the date of license application. Department of Human Services approval is required for day camps.

(Code 1970, § 9-203; Code 1980, § 14-21; Ord. No. 18580, § 2, 9-16-86; Ord. No. 19107, § 2, 10-25-88; Ord. No. 21733, § 2, 6-5-01; Ord. No. 27390, § 2, 8-1-23)

§ 14-22. Application and investigation for license.

(a) *Application submitted to department.* An application for license shall be submitted to the Supervisor of Licenses. A change in ownership will require a new application, pursuant to Section 26-13 of this Code.

(b) *Investigation by Director.* An applicant shall submit an affidavit to attest that all requirements by DHS have been submitted and approved. The Director shall have full authority to approve or disapprove the issuance of a license based on the findings of an investigation.

(c) *Changes in designated owner, operator or person in charge.* Any change in information regarding the designated owner, operator or person in charge shall be communicated in writing within ten working days of such a change to the Supervisor of Licenses.

(Code 1970, § 9-204; Code 1980, § 14-22; Ord. No. 18580, § 2, 9-16-86; Ord. No. 19107, § 2, 10-25-88; Ord. No. 27390, § 2, 8-1-23)

§ 14-23. Fee.

Prior to the issuance of a nursery or day camp license, all applicants for same shall pay to the City the fee established in Chapter 60, the General Schedule of Fees. The license fee shall not be prorated for any fraction of a year.

(Code 1970, §§ 9-204, 9-207; Code 1980, § 14-23; Ord. No. 18580, § 2, 9-16-86; Ord. No. 19107, § 2, 10-25-88; Ord. No. 27390, § 2, 8-1-23)

Cross references—Fee for nursery license, § 60-14-6; fee for day camp license, § 60-14-11.

§ 14-24. Records and reports.

Every licensee shall keep and maintain such records and make such reports to the Director as the Director may reasonably require upon such forms as the Director may prescribe.

(Code 1970, § 9-206; Code 1980, § 14-24; Ord. No. 18580, § 2, 9-16-86; Ord. No. 27390, § 2, 8-1-23)

§ 14-25. Revocation, suspension or denial.

(a) A City Daycare or Day Camp license shall not be issued without DHS approval. A revocation, suspension or denial by DHS shall be immediately reported to the Supervisor of Licenses, who may take additional action as appropriate.

(b) *Notice of denial, suspension, or revocation.* If the Director, based upon the Director's findings, determines that a denied, suspended, or revoked license shall not be issued or renewed, the Director shall then give written notice to the operator of such denial, suspension, or revocation. The procedure for hearing on said notice and any appeal therefrom shall be as is set forth in Chapter 26 of this Code.

(Code 1970, § 9-208; Code 1980, § 14-25; Ord. No. 18580, § 2, 9-16-86; Ord. No. 19107, § 2, 10-25-88; Ord. No. 19247, § 1, 7-18-89; Ord. No. 27390, § 2, 8-1-23)

DIVISION 2. RESERVED*

§§ 14-36—14-50. Reserved.

***Editor's note**—Ord. No. 27390, § 2, adopted Aug. 1, 2023, repealed Div. 2, §§ 14-36—14-40, which pertained to the Board of Governors and derived from Code 1970, § 9-202(j); Code 1980, §§ 14-36—14-39; Ord. No. 18580, § 2, 9-16-86; Ord. No. 19247, § 1, 7-18-89; Ord. No. 20011, § 1(14-40), 8-10-93; Ord. No. 20494, § 1, 12-12-95.

OKLAHOMA CITY MUNICIPAL CODE, 2020

§ 14-51. Scope and Compliance.

The provisions of this Article shall be applicable to nurseries. All applicants for a license under this Chapter shall comply with this Article and all DHS standards and requirements, and no license shall be issued, continued, or reissued unless such compliance is shown.

(Code 1970, § 9-207.3; Code 1980, § 14-51; Ord. No. 18580, § 3, 9-16-86; Ord. No. 27390, § 3, 8-1-23)

§ 14-52. Reserved.

Editor's note—Ord. No. 27390, § 3, adopted Aug. 1, 2023, repealed § 14-52, which pertained to physical facilities and derived from Res. of 7-15-75, § I(1); Ord. No. 17595, § 1, 4-3-84; Code 1980, § 14-52; Ord. No. 18580, § 3, 9-16-86.

§ 14-53. Reserved.

Editor's note—Ord. No. 27390, § 3, adopted Aug. 1, 2023, repealed § 14-53, which pertained to care of infants and toddlers and derived from Res. of 7-15-75, § I(2); Code 1980, § 14-53; Ord. No. 18580, § 3, 9-16-86.

§ 14-54. Reserved.

Editor's note—Ord. No. 27390, § 3, adopted Aug. 1, 2023, repealed § 14-54, which pertained to health program and derived from Res. of 7-15-75, § I(3); Code 1980, § 14-54; Ord. No. 18580, § 3, 9-16-86.

§ 14-55. Reserved.

Editor's note—Ord. No. 27390, § 3, adopted Aug. 1, 2023, repealed § 14-55, which pertained to food and nutrition and derived from Res. of 7-15-75, § I(4); Code 1980, § 14-55; Ord. No. 18580, § 3, 9-16-86.

§ 14-56. Reserved.

Editor's note—Ord. No. 27390, § 3, adopted Aug. 1, 2023, repealed § 14-56, which pertained to transportation and derived from Res. of 7-15-75, § I(5); Code 1980, § 14-56; Ord. No. 18580, § 3, 9-16-86.

§ 14-57. Construction and fire safety.

(a) *Standards.* New construction, additions to or any major alterations to an existing structure, the selling or leasing of a structure, or conversion of an existing building, shall conform to the following standards:

- (1) Current adopted Oklahoma City Building codes.
- (2) Current adopted Oklahoma City Fire Codes.
- (3) Current adopted Oklahoma City Mechanical Codes.
- (4) Current adopted Oklahoma City Electrical Codes.
- (5) The use of mobile homes for nurseries is prohibited.

(b) *Fire protection.* Buildings in use as nursery facilities shall accomplish a standard of fire safety which will meet the approval of the authority having jurisdiction.

(c) *Heating.* The following heating requirements shall be met:

- (1) All gas heating and cooking equipment shall be connected to a gas service line with rigid pipe. (Exception: Cooking ranges may be connected to service line with listed flexible tubing not to exceed six feet in length. Gas-fed hot water heaters may be connected with listed flexible tubing not to exceed 18 inches in length.)
- (2) With the exception of kitchen cooking ranges, all gas-fed appliances shall be equipped with pilot lights and an automatic control valve to cut off the gas supply in case of fault.
- (3) A quarter-turn shutoff valve, located between the union and the source of supply, shall be provided for each gas-fed appliance.
- (4) Each gas-fed appliance shall be vented vertically to the exterior to a point 24 inches above the roofline or any other structure within a 15-foot radius. Such vent shall be a Class B vent with proper clearance and shall be provided a rain cap.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

- (5) Every central gas heating unit and gas-fed hot water heater shall be enclosed in rooms or closets having a fire-resistance rating of one hour with exterior air provided for combustion. These enclosures shall not be used as habitable space.
- (6) Use of open-face heaters is prohibited. Use of any unvented space heater is prohibited.
- (7) A pressure relief valve shall be installed on all new and existing hot water tanks.
- (8) Vents and burner adjustments shall be inspected annually by a competent plumber or local gas supplier. A record of the required annual inspection shall be kept by the operator of the nursery, and shall be made available to the Director upon request.
- (d) *Electrical requirements.* The following electrical requirements shall be met:
 - (1) Use of extension cords or temporary wiring is prohibited.
 - (2) Appliance cords shall not be spliced, knotted, stapled, run over nails or piping, run through concealed space, or run from one room to another.
 - (3) An electric outlet shall be provided for each appliance and shall be GFCI protected and tamper resistant.
 - (4) Electric outlet covers, within the reach of children, shall have safety covers. Breaker panel, switches and panel and outlet covers shall be intact.
 - (5) Major electrical appliances shall be bonded and properly grounded.
 - (6) Circuits/breakers shall be properly fused.
 - (7) All electrical outlets in new construction shall be located four (4) feet above the floor and shall be GFCI protected and tamper resistant.
 - (8) All exterior receptacles will be GFCI protected, tamper resistant, and have a hard usage in use cover. All circuits outside will be GFCI protected.

(e) *Exterior.* The exterior play area shall be free of trash and grass that exceeds twelve (12) inches. The burning of trash on the premises is not permitted.

(Res. of 7-15-75, § 1(6); Code 1980, § 14-57; Ord. No. 18580, § 3, 9-16-86; Ord. No. 27390, § 3, 8-1-23)

Cross references—Buildings and building regulations, Ch. 12; electrical code, Ch. 18; fire prevention code, § 20-20 et seq.; mechanical systems, Ch. 29; plumbing code, Ch. 42.

§ 14-58. Administration.

(a) *Floor plan.* A floor plan of the building used for day care shall be exhibited on each floor of the building showing prime and alternate evacuation routes from each area of the building.

(b) *Fire drills.* A minimum of 12 fire drills shall be held in each one-year period. A minimum of three fire drills shall be held in each quarter-year period. All employees and children shall participate in each drill; infants and toddlers may be exempted during periods when climate conditions may endanger their health. The operator shall maintain an accurate record of required drills.

(c) *Attendance records.* Current attendance records shall be kept daily for each child. Daily attendance records shall be kept a minimum of 90 days and be available at the day care center for inspection as required by the Director.

(Res. of 7-15-75, § 1(7); Code 1980, § 14-58; Ord. No. 18580, § 3, 9-16-86; Ord. No. 27390, § 3, 8-1-23)

§ 14-59. Personnel.

(a) *Fire safety.* Each staff member shall be familiar with the location and use of portable fire extinguishers. All fire extinguishers shall be serviced at least annually.

(b) *Evacuation.* Each staff member shall be familiar with evacuation procedures and routes.

(c) *Person in charge.* Should the owner, operator and/or manager of a center need to be away, a staff member shall be appointed person in charge in their absence to take responsibility for operation of the Center.

(Res. of 7-15-75, § 1(8); Code 1980, § 14-59; Ord. No. 18580, § 3, 9-16-86; Ord. No. 27390, § 3, 8-1-23)

OKLAHOMA CITY MUNICIPAL CODE, 2020

§ 14-70. Scope and compliance.

(a) The provisions of this Article shall apply to all day camps located within the corporate limits of the City. All applicants for a license under this Chapter shall comply with the provisions of this Article and all DHS standards and requirements, and no license shall be issued, continued or re-issued unless such compliance is shown.

(b) Day camps shall be subject to on-site, unannounced inspections by the Director or designee.
(Code 1980, § 14-70; Ord. No. 19107, § 4, 10-25-88; Ord. No. 27390, § 4, 8-1-23)

§ 14-71. Site standards.

The site for a day camp shall meet the following requirements:

- (1) Annual notice shall be given to fire and law enforcement officials for the protection of the camp. A current approved Fire report shall be available if requested by the Department when permanent structures are used for a Camp. There shall be compliance with Current local Fire codes.
- (2) Shelter from inclement weather shall be available for all persons in the camp.
- (3) Adequate shade shall be provided.
- (4) The following camp site conditions shall be present prior to Camp opening, and shall be inspected for daily:
 - a. Risks from hazards such as cliffs, pits, poisonous plants and animals, dead trees, abandoned buildings, low wires and cables shall be eliminated.
 - b. Grounds shall be free of broken glass, nails and other dangerous objects.
 - c. The site shall provide privacy and protection from intrusion.
 - d. The address and phone number of the day camp and at least the following emergency numbers shall be prominently displayed beside all phones: police, fire, ambulance, poison control.

(Code 1980, § 14-71; Ord. No. 19107, § 4, 10-25-88; Ord. No. 27390, § 4, 8-1-23)

§ 14-72. Reserved.

Editor's note—Ord. No. 27390, § 4, adopted Aug. 1, 2023, repealed § 14-72, which pertained to administrative standards and derived from Code 1980, § 14-72; Ord. No. 19107, § 4, 10-25-88.

§ 14-73. Safety standards.

A day camp shall have written policies and procedures for the protection of campers and staff.

Such procedures shall include the following requirements:

- (1) All firearms, ammunition, and other weapons shall be stored in locked cabinets which are under the direct supervision of the day camp director or designee.
- (2) Gasoline, kerosene, explosives and flammable materials shall be:
 - a. stored in covered, safe containers that are plainly labeled as to contents.
 - b. handled only by persons trained or experienced in their safe use.
- (3) Hand and power tools shall be:
 - a. equipped with all necessary safety devices, used according to manufacturer's instructions and maintained in good repair.
 - b. used only by those trained and experienced in the safe operation of such tools.
- (4) All staff shall be provided with written disaster procedures, and with adequate training and review to assure that said procedures are known to staff prior to exercising responsibility over camp children or participants.
- (5) There shall be written search and rescue procedures for persons who become lost, missing or whom have left the Camp without permission, which procedures are reviewed and rehearsed by staff prior to their assumption of responsibility for camp children or participants.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

- (6) In case of personal emergency, transportation for medical services shall be available at all times and provided by either the camp or by community emergency services with whom prior arrangements have been made in writing.

(Code 1980, § 14-73; Ord. No. 19107, § 4, 10-25-88; Ord. No. 27390, § 4, 8-1-23)

§ 14-74. Reserved.

Editor's note—Ord. No. 27390, § 4, adopted Aug. 1, 2023, repealed § 14-74, which pertained to transportation standards and derived from Code 1980, § 14-74; Ord. No. 19107, § 4, 10-25-88.

§ 14-75. Reserved.

Editor's note—Ord. No. 27390, § 4, adopted Aug. 1, 2023, repealed § 14-75, which pertained to personnel standards and derived from Code 1980, § 14-75; Ord. No. 19107, § 4, 10-25-88; Ord. No. 19974, § 1, 6-22-93.

§ 14-76. Reserved.

Editor's note—Ord. No. 27390, § 4, adopted Aug. 1, 2023, repealed § 14-76, which pertained to health care standards and derived from Code 1980, § 14-77; Ord. No. 19107, § 4, 10-25-88.

§ 14-77. Reserved.

Editor's note—Ord. No. 27390, § 4, adopted Aug. 1, 2023, repealed § 14-77, which pertained to routine health care and medical treatment and derived from Code 1980, § 14-78; Ord. No. 19107, § 4, 10-25-88.

§ 14-78. Reserved.

Editor's note—Ord. No. 27390, § 4, adopted Aug. 1, 2023, repealed § 14-78, which pertained to sanitation standards and derived from Code 1980, § 14-79; Ord. No. 19107, § 4, 10-25-88.

§ 14-79. Reserved.

Editor's note—Ord. No. 27390, § 4, adopted Aug. 1, 2023, repealed § 14-79, which pertained to food storage and preparation and derived from Code 1980, § 14-80; Ord. No. 19107, § 4, 10-25-88.

§ 16-18. Applicability of provisions.

(a) The flood prone area provisions of this chapter shall apply to all lands, tracts, parcels or lots in part or in whole which are traversed by, encompassed by or lying within 200 feet of the external boundaries of the delineated floodplain for that watercourse as shown on the official floodplain maps or an area deemed flood prone by the City Engineer.

(b) The location and boundaries of the floodplain are shown upon the "Official Flood Plain Maps" of the City, which are hereby incorporated into this regulation and placed on file in the office of the City Clerk. The said maps, together with everything shown thereon and all amendments thereto, shall be as much a part of this section as if fully set forth and described herein. Application of this chapter may be modified on portions of major river channels, primary channels and secondary channels only by specific application of "Type 15" or "Type 19" Federal Insurance Administration studies (Flood Hazard Boundary Maps) as completed and received from the Administrator.

(c) The boundaries of the floodplain shall be as they appear on the official floodplain maps kept on file with the City Clerk. The boundary lines on the map shall be determined by the use of the scale appearing on the map. Where there is conflict between the boundary lines on the map and actual field conditions, the dispute shall be settled by the City Engineer. In all cases the person contesting the location of the boundary shall be given a reasonable opportunity to present his case to the City Engineer and to submit his own technical evidence if he so desires. The City Engineer shall not allow deviations from the boundary line as mapped unless the evidence clearly and conclusively establishes that the mapped location of the line is incorrect.

(d) The areas of special flood hazard are identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Canadian County, Oklahoma and Incorporated Areas" dated June 7, 2019, with accompanying Flood Insurance Rate Map (FIRM), are hereby adopted by reference and declared to be a part of this chapter.

OKLAHOMA CITY MUNICIPAL CODE, 2020

(e) The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Cleveland County, Oklahoma and Incorporated Areas" dated January 15, 2021, with accompanying Flood Insurance Rate Map (FIRM), are hereby adopted by reference and declared to be a part of this chapter.

(f) The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Oklahoma County, Oklahoma and Incorporated Areas" dated December 18, 2009, with accompanying Flood Insurance Rate Map (FIRM), are hereby adopted by reference and declared to be a part of this chapter.

(g) The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Pottawatomie County, Oklahoma and Incorporated Areas" dated May 16, 2019 with accompanying Flood Insurance Rate Map (FIRM), are hereby adopted by reference and declared to be a part of this chapter. However, the current areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for The City of Oklahoma City" dated May 3, 1982, with accompanying FIRM area to remain in effect until September 3, 2010 for applicable portions of The City of Oklahoma City within Pottawatomie County, Oklahoma.

(Code 1970, § 15A-15; Ord. No. 16505, § 15A-15, 12-29-81; Ord. No. 16931, § 1, 11-9-82; Code 1980, § 16-18; Ord. No. 23640, § 1, 7-15-08; Ord. No. 23975, § 1, 11-10-09; Ord. No. 24071, § 1, 6-1-10; Ord. No. 24611, § 1, 2-19-13; Ord. No. 26155, § 1, 5-14-19; Ord. No. 26539, § 1, 9-15-20)

§ 17-16. Created.

For the purpose of creating more nearly equal representation for the people of this City from their respective wards in the election of and representation in the legislative branch of the City government, and for other purposes, the City, pursuant to Article XI of the Charter, is hereby divided into eight political districts, to be known as Wards One, Two, Three, Four, Five, Six, Seven, and Eight, as described in this article.

(Code 1980, § 17-16.1; Ord. No. 19715, § 2, 3-3-92; Ord. No. 21896, §§ 1, 2, 1-2-02; Ord. No. 24318, §§ 1, 2, 8-30-11; Ord. No. 27030, §§ 1, 2, 3-29-22)

§ 17-17. Ward One.

Ward One shall embrace and be limited to all of the area which is embraced within the corporate limits of The City of Oklahoma City and bounded as follows:

Beginning at a point on the centerline of N. Richland Road one-half mile north of the centerline of N.W. 150th Street;

thence east along a line one-half mile north of and parallel to the centerline of N.W. 150th Street to a point one-quarter mile east of the centerline of N. Cemetery Road; thence south along a line one-quarter mile east of and parallel to the centerline of N. Cemetery Road to the centerline of N.W. 150th Street;

thence east along the centerline of N.W. 150th Street to the centerline of N. Mustang Road;

thence north along the centerline of N. Mustang Road to the centerline of N.W. 164th Street;

thence east along the centerline of N.W. 164th Street to the centerline of N. Council Road;

thence south along the centerline of N. Council Road to the centerline of N.W. 122nd Street;

thence east along the centerline of N.W. 122nd Street to the centerline of N. Rockwell Avenue;

thence south along the centerline of N. Rockwell Avenue extending to the centerline of W. Hefner Road;

thence east along the centerline of W. Hefner Road extending to the centerline of W. Lake Hefner Drive;

thence south along the centerline of W. Lake Hefner Drive to the centerline of W. Wilshire Boulevard;

thence westerly, southerly, and westerly along the corporate limits of The City of Oklahoma City adjacent to the City of Warr Acres;

thence continuing westerly, southerly, and easterly along the corporate limits of The City of Oklahoma City adjacent to the City of Bethany to the intersection of the centerline of N.W. 16th Street and the centerline of N. Rockwell Avenue;

thence south along the centerline of N. Rockwell Avenue to the centerline of N.W. 10th Street;

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

thence west along the centerline of N.W. 10th Street to the centerline of S. Yukon Parkway;
thence north along the west right-of-way line of S. Yukon Parkway to the centerline of N.W. 23rd Street;
thence east along the centerline of N.W. 23rd Street to a point one-half mile west of the centerline of N. Sara Road;
thence north along a line one-half mile west of and parallel to the centerline of N. Sara Road to a point one-half mile north of the centerline of N.W. 36th Street;
thence east along a line one-half mile north of and parallel to the centerline of N.W. 36th Street to the centerline of N. Sara Road;
thence north along the centerline of N. Sara Road to the centerline of W. Wilshire Boulevard;
thence west along the centerline of W. Wilshire Boulevard to the centerline of N. Richland Road;
thence north along the centerline of N. Richland Road to the point of beginning;
that the designation "corporate limits" of The City of Oklahoma City shall mean the same as now exists or may be hereafter extended between and within the boundary lines of Ward One extended in a straight line.

(Code 1980, § 17-17.1; Ord. No. 19715, § 2, 3-3-92; Ord. No. 21896, §§ 1, 2, 1-2-02; Ord. No. 24318, §§ 1, 2, 8-30-11; Ord. No. 27030, §§ 1, 2, 3-29-22)

§ 17-18. Ward Two.

Ward Two shall embrace and be limited to all of the area which is embraced within the corporate limits of The City of Oklahoma City and bounded as follows:

Beginning at the intersection of the centerline of N.W. 16th Street and the centerline of N. Peniel Street;
thence northerly along the corporate limits of The City of Oklahoma City adjacent to the City of Bethany and the City of Warr Acres to the intersection of the centerline of W. Wilshire Boulevard and the centerline of W. Lake Hefner Drive;
thence north along the centerline of W. Lake Hefner Drive to the centerline of Bluff Creek Canal;
thence east along the centerline of Bluff Creek Canal to the high water line of the west shoreline of Lake Hefner;
thence continuing generally southerly and easterly along the high water line of the west and south shoreline of Lake Hefner to the point where the high water line intersects with the centerline of N. Portland Avenue extended;
thence south along the centerline of N. Portland Avenue to the centerline of the S. Lake Hefner Drive;
thence east along the centerline of S. Lake Hefner Drive to the centerline of Lake Hefner Parkway;
thence northerly along the centerline of Lake Hefner Parkway to the centerline of W. Britton Road;
thence east along the centerline of W. Britton Road to the corporate limits of The City of Oklahoma City adjacent to the City of The Village;
thence southerly along the corporate limits of The City of Oklahoma City adjacent to the City of The Village to the corporate limits of The City of Oklahoma City adjacent to the City of Nichol's Hills;
thence southerly, easterly, northerly and westerly along the corporate limits of The City of Oklahoma City adjacent to the City of Nichols Hills and the City of The Village to the intersection of the centerline of W. Britton Road and the centerline of Waverly Avenue;
thence east along the centerline of W. Britton Road to the centerline of the Broadway Extension;
thence southerly along the centerline of the Broadway Extension to the centerline of N.W. 50th Street;
thence west along the centerline of N.W. 50th Street to the centerline of Interstate 235 (I-235);
thence southerly along the centerline of Interstate 235 (I-235) to the centerline of N.W. 23rd Street;
thence west along the centerline of N.W. 23rd Street to the centerline of N. Meridian Avenue;

OKLAHOMA CITY MUNICIPAL CODE, 2020

thence south along the centerline of N. Meridian Avenue to the centerline of N.W. 19th Street;
thence west along the centerline of N.W. 19th Street to the centerline of N. Ann Arbor Avenue;
thence south along the centerline of N. Ann Arbor Avenue to the centerline of N.W. 16th Street;
thence west along N.W. 16th Street to the point of beginning;

that the designation "corporate limits" of The City of Oklahoma City shall mean the same as now exists or may be hereafter extended between and within the boundary lines of Ward Two extended in a straight line.

(Code 1980, § 17-18.1; Ord. No. 19715, § 2, 3-3-92; Ord. No. 21896, §§ 1, 2, 1-2-02; Ord. No. 24318, §§ 1, 2, 8-30-11; Ord. No. 27030, §§ 1, 2, 3-29-22)

§ 17-19. Ward Three.

Ward Three shall embrace and be limited to all of the area which is embraced within the corporate limits of The City of Oklahoma City and bounded as follows:

Beginning at the intersection of the centerline of N.W. 36th Street and the centerline of N. Gregory Road;

thence easterly and southerly along the corporate limits of the City of Oklahoma City adjacent to the City of Yukon to the intersection of the centerline of N. Mustang Road and the centerline of N.W. 10th Street;

thence east along the centerline of N.W. 10th Street to the centerline of N. Rockwell Avenue;

thence north along the centerline of N. Rockwell Avenue to the centerline of N.W. 16th Street;

thence easterly following the corporate limits of The City of Oklahoma City adjacent to the corporate limits of The City of Bethany to the centerline of N. Peniel Street;

thence east along the centerline of N.W. 16th Street to the centerline of N. Ann Arbor Avenue;

thence north along the centerline of N. Ann Arbor Avenue to the centerline of N.W. 19th Street;

thence east along the centerline of N.W. 19th Street to the centerline of N. Meridian Avenue;

thence north along the centerline of N. Meridian Avenue to the centerline of N.W. 23rd Street;

thence east along the centerline of N.W. 23rd Street to the Centerline of N. Portland Avenue;

thence south along the centerline of N. Portland Avenue to the centerline of S. Portland Avenue;

thence south along the centerline of S. Portland Avenue to the centerline of S.W. 54th Street;

thence easterly and southerly along the centerline of S.W. 54th Street to the centerline of S. Interstate 44 (S. I-44);

thence southerly along the centerline of S. Interstate 44 (S. I-44) to the centerline of the South Canadian River;

thence northwesterly along the centerline of the South Canadian River to the centerline of S. Gregory Road;

thence north along the centerline of S. Gregory Road being the west corporate boundary of The City of Oklahoma City to the point of beginning;

that the designation "corporate limits" of The City of Oklahoma City shall mean the same as now exists or may be hereafter extended between and within the boundary lines of Ward Three extended in a straight line.

(Code 1980, § 17-19.1; Ord. No. 19715, § 2, 3-3-92; Ord. No. 21896, §§ 1, 2, 1-2-02; Ord. No. 24318, §§ 1, 2, 8-30-11; Ord. No. 27030, §§ 1, 2, 3-29-22)

§ 17-20. Ward Four.

Ward Four shall embrace and be limited to all of the area which is embraced within the corporate limits of The City of Oklahoma City and bounded as follows:

Beginning at the point of the intersection of the centerline of S.E. 15th Street and the centerline of Shields Boulevard;

thence east along the centerline of S.E. 15th Street to the centerline of S. Bryant Avenue;

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

thence south along the centerline of S. Bryant Avenue to the centerline of S.E. 44th Street;
thence east along the centerline of S.E. 44th Street to the centerline of S. Sooner Road;
thence north along the centerline of S. Sooner Road to the south right-of-way line of S.E. 29th Street;
thence commencing in an easterly direction and continuing generally east and south and following the corporate limits of The City of Oklahoma City adjacent to the City of Midwest City, the City of Choctaw and an unincorporated area of Oklahoma County to the centerline of S. Harrah Road that is one-half mile north of the centerline of S.E. 59th Street;
thence south along the centerline of S. Harrah Road and following the corporate limits of The City of Oklahoma City to the point where the centerline of S. Harrah Road intersects with the abandoned railroad right-of-way just north of the high water line of the north shore line of the North Deer Creek Reservoir;
thence east along the abandoned railroad right-of-way line and following the high water line of the north shore line of the North Deer Creek Reservoir to the centerline of S. Pottawatomie Road;
thence south along the centerline of S. Pottawatomie Road to the centerline of S.E. 104th Street;
thence east along the centerline of the right-of-way of S.E. 104th Street to the centerline of Fishmarket Road;
thence south along the centerline of Fishmarket Road to a point one-half mile south of the centerline of S.E. 104th Street;
thence west along a line one-half mile south of and parallel to the centerline of S.E. 104th Street to the centerline of S. Pottawatomie Road;
thence south along the centerline of S. Pottawatomie Road to the centerline of the right-of-way line of S.E. 164th Street;
thence west along the centerline of the right-of-way line of S.E. 164th Street to the centerline of the right-of-way of S. Luther Road;
thence south along the centerline of the right-of-way of S. Luther Road to a point one-half mile south of the centerline of the right-of-way of S.E. 164th Street and the centerline of the right-of-way of S. Luther Road;
thence west along a line one-half mile south of and parallel to the centerline of the right-of-way of S.E. 164th Street to the centerline of S. Peebly Road;
thence north along the centerline of S. Peebly Road to the centerline of S.E. 149th Street;
thence west along the centerline of S.E. 149th Street to a point one-half mile west of the centerline of S. Peebly Road;
thence north along a line one-half mile west of and parallel to the centerline of S. Peebly Road to a point one-half mile south of the centerline of the right-of-way of S.E. 134th Street;
thence west along a line one-half mile south of and parallel to the centerline of the right-of-way of S.E. 134th Street to the centerline of S. Triple X Road;
thence north along the centerline of S. Triple X Road to the centerline of the right-of-way of S.E. 119th Street;
thence west along the centerline of the right-of-way of S.E. 119th Street to the centerline of S. Indian Meridian;
thence south along the centerline of S. Indian Meridian to the centerline of S.E. 149th Street;
thence west along the centerline of S.E. 149th Street to a point one-half mile west of the centerline of S. Hiwassee Road;
thence south along a line one-half mile west of and parallel to the centerline of S. Hiwassee Road to a point one-half mile south of the centerline of S.E. 149th Street and one-half mile east of the centerline of S. Anderson Road;
thence west along a line one-half mile south of and parallel to the centerline of S.E. 149th Street to the centerline of S. Westminster Road;

OKLAHOMA CITY MUNICIPAL CODE, 2020

thence south along the centerline of S. Westminster Road to the centerline of S.E. 179th Street;
thence west along the centerline of S.E. 179th Street to a point one-half mile west of the centerline of S. Air Depot Boulevard;
thence north along a line one-half mile west of and parallel to the centerline of S. Air Depot Boulevard to a point one-half mile south of the centerline of S.E. 149th Street; thence west along a line one-half mile south of and parallel to the centerline of S.E. 149th Street to the centerline of S. Sunnyslane Road;
thence north along the centerline of S. Sunnyslane Road to a point one-quarter mile north of the centerline of S.E. 119th Street;
thence west along a line one-quarter mile north of and parallel to the centerline of S.E. 119th Street to a point one-quarter mile west of the centerline of S. Sunnyslane Road; thence north along a line one-quarter mile west of and parallel to the centerline of S. Sunnyslane Road to a point one-half mile south of the centerline of S.E. 104th Street; thence west along a line one-half mile south of and parallel to S.E. 104th Street to the east right-of-way line of S. Bryant Avenue;
thence north along the east right-of-way line of S. Bryant Avenue to the centerline of S.E. 104th Street;
thence west across the intersection of S. Bryant Avenue and S.E. 104th Street to the west right-of-way line of S. Bryant Avenue;
thence north along the west right-of-way line of S. Bryant Avenue to a point one-half mile south of the centerline of S.E. 89th Street;
thence west along the centerline of S.E. 89th Street to the centerline of S. Santa Fe Avenue;
thence north along the centerline of S. Santa Fe Avenue to Interstate 240 Service Road (I-240 S.R.);
thence west along the centerline of Interstate 240 Service Road (I-240 S.R.) to centerline of S. Western Avenue;
thence north along S. Western Avenue to the centerline of eastbound S.W. Grand Boulevard;
thence easterly on S.W. Grand Boulevard and S.E. Grand Boulevard to the centerline of Shields Boulevard;
thence northwesterly along the centerline of Shields Boulevard to the point of beginning;
that the designation "corporate limits" of The City of Oklahoma City shall mean the same as now exists or may be hereafter extended between and within the boundary lines of Ward Four extended in a straight line.

(Code 1980, § 17-20.1; Ord. No. 19715, § 2, 3-3-92; Ord. No. 21896, §§ 1, 2, 1-2-02; Ord. No. 24318, §§ 1, 2, 8-30-11; Ord. No. 27030, §§ 1, 2, 3-29-22)

§ 17-21. Ward Five.

Ward Five shall embrace and be limited to all of the area which is embraced within the corporate limits of The City of Oklahoma City and bounded as follows:

Beginning at the point of the centerline of east bound S.W. 59th Street and South Interstate 44/Highway 3;
thence east along the centerline of S.W. 59th Street to the centerline of S. Western Avenue;
thence south along the centerline of S. Western Avenue to the centerline of West Interstate 240 (W. I-240);
thence east along the centerline of West Interstate 240 (W. I-240) to the centerline of S. Santa Fe Avenue;
thence south along the centerline of S. Santa Fe Avenue to a point one-half mile south of the centerline of S.W. 104th Street to the corporate limits of Oklahoma City adjacent to the City of Moore;
thence west along a line one-half mile south of and parallel to the centerline of S.W. 104th Street to a point one-half mile west of the centerline of S. Santa Fe Avenue; thence south along a line one-half mile west of and parallel to S. Santa Fe Avenue to a point one-half mile north of the centerline of S.W. 134th Street;

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

thence east along a line one-half mile north of and parallel to the centerline of S.W. 134th Street to the centerline of S. Santa Fe Avenue;

thence south along the centerline of S. Santa Fe Avenue to the south right-of-way line of S.W. 149th Street;

thence west along the south right-of-way line of S.W. 149th Street to a point one-half mile west of the centerline of S. Santa Fe Avenue;

thence south along a line one-half mile west of and parallel to the centerline of S. Santa Fe Avenue to the centerline of S.W. 164th Street;

thence east along the centerline of S.W. 164th Street to the centerline of S. Santa Fe Avenue;

thence south along the centerline of S. Santa Fe Avenue to a point 330 feet north of the centerline of S.W. 179th Street;

thence west along a line 330 feet north of and parallel to the centerline of S.W. 179th Street to a point one-half mile east of the centerline of S. Western Avenue;

thence south along a line one-half mile east of and parallel to the centerline of S. Western Avenue to the centerline of S.W. 179th Street;

thence west along the centerline of S.W. 179th Street to the centerline of the South Canadian River;

thence westerly and following the centerline of the South Canadian River to the centerline of South Interstate 44 (S. I-44);

thence northeasterly and following the centerline of South Interstate 44 (S. I-44) to the centerline of S.W. 59th Street to the point of beginning;

that the designation "corporate limits" of The City of Oklahoma City shall mean the same as now exists or may be hereafter extended between and within the boundary lines of Ward Five extended in a straight line.

(Code 1980, § 17-21.1; Ord. No. 19715, § 2, 3-3-92; Ord. No. 21896, §§ 1, 2, 1-2-02; Ord. No. 24318, §§ 1, 2, 8-30-11; Ord. No. 27030, §§ 1, 2, 3-29-22)

§ 17-22. Ward Six.

Ward Six shall embrace and be limited to all of the area which is embraced within the corporate limits of The City of Oklahoma City and bounded as follows:

Beginning at the point of the intersection of the centerline of S.W. 23rd Street and the centerline of S. Portland Avenue;

thence east along the centerline of N.W. 23rd Street to the centerline of North Interstate 235 (N. I-235);

thence southerly along the centerline of North Interstate 235 (N. I-235) to the centerline of Harrison Avenue;

thence westerly along the centerline of Harrison Avenue to the centerline of N.E. 4th Street;

thence west along the centerline of N.E. 4th Street to the centerline of the Union Pacific Railroad right-of-way;

thence southerly along the centerline of the Union Pacific Railroad right-of-way to the centerline of N.E. 2nd Street;

thence west along the centerline of N.E. 2nd Street to the centerline of N.E. E.K.Gaylord Boulevard;

thence south along the centerline of N.E. E.K.Gaylord Boulevard to the centerline of E. Sheridan Avenue;

thence west along the centerline of E. Sheridan Avenue to the centerline of S. Robinson Avenue;

thence south along the centerline of S. Robinson Avenue to the centerline of the S.W. 15th Street;

thence east along the centerline of S.W. 15th Street to the centerline of S. Shields Boulevard;

thence southerly along the centerline of S. Shields Boulevard to the centerline of east bound S.E Grand Boulevard;

OKLAHOMA CITY MUNICIPAL CODE, 2020

thence west along the centerline of west bound S.E Grand Boulevard to the centerline of S. Western Avenue;

thence south along the centerline of S. Western Avenue to the centerline of S.W. 59th Street;

thence west along the centerline of S.W. 59th Street to the centerline of S.W. 54th Street;

thence northwesterly along the centerline of S.W. 54th Street to centerline of S. Portland Avenue;

thence north along the centerline of S. Portland Avenue to the centerline of S.W. 23rd Street;

thence west along the centerline of S.W. 23rd Street to the point of beginning;

that the designation "corporate limits" of The City of Oklahoma City shall mean the same as now exists or may be hereafter extended between and within the boundary lines of Ward Six extended in a straight line.

(Code 1980, § 17-22.1; Ord. No. 19715, § 2, 3-3-92; Ord. No. 21896, §§ 1, 2, 1-2-02; Ord. No. 24318, §§ 1, 2, 8-30-11; Ord. No. 27030, §§ 1, 2, 3-29-22)

§ 17-23. Ward Seven.

Ward Seven shall embrace and be limited to all of the area which is embraced within the corporate limits of The City of Oklahoma City and bounded as follows:

Beginning at the point of intersection of the centerline of Waverly Avenue and the centerline of W. Britton Road;

thence north along the corporate limits of the City of Oklahoma City adjacent to the City of The Village to the centerline of W. Hefner Road;

thence west along the centerline of W. Hefner Road to the centerline of N. May Avenue;

thence north along the centerline of N. May Avenue to the centerline of W. Memorial Road;

thence east along the centerline of W. Memorial Road to the centerline of N. Western Avenue;

thence northerly along the centerline of N. Western Avenue to the centerline of N.W. 164th Street;

thence east along the centerline of N.W. 164th Street to the centerline of N. Santa Fe Avenue;

thence south along the centerline of N. Santa Fe Avenue to the centerline of N.E. 150th Street;

thence east along the centerline of N.E. 150th Street to the centerline of N. Kelly Avenue;

thence south along the centerline of N. Kelly Avenue to a point one-half mile north of the centerline of E. Memorial Road;

thence east along a line one-half mile north of and parallel to the centerline of E. Memorial Road to a point one-half mile west of the centerline of N. Eastern Avenue; thence south along a line one-half mile west of and parallel to N. Eastern Avenue to the centerline of E. Memorial Road;

thence east along the centerline of E. Memorial Road to a point 1,172 feet west of the centerline of N. Eastern Avenue;

thence north along a line 1,172 feet west of and parallel to N. Eastern Avenue to a point 1,860 feet north of the centerline of E. Memorial Road;

thence east along a line 1,860 feet north of and parallel to the centerline of E. Memorial Road to the centerline of N. Eastern Avenue;

thence north along the centerline of N. Eastern Avenue to the south right-of-way line of Smiling Hill Boulevard, being one-half mile north of the centerline of E. Memorial Road;

thence east along the south right-of-way line of Smiling Hill Boulevard to the centerline of N. Bryant Avenue;

thence commencing east and following the corporate limits of The City of Oklahoma City generally along a line one-half mile north of and parallel to E. Memorial Road to the centerline of N. Coltrane Road;

thence south along the centerline of N. Coltrane Road to the north right-of-way line of E. Memorial Road;

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

thence east along the north right-of-way line of E. Memorial Road to the centerline of N. Sooner Road;
thence north along the centerline of N. Sooner Road to a point one-half mile north of the centerline of E. Memorial Road;
thence east along a line one-half mile north of and parallel to the centerline of E. Memorial Road to the centerline of N. Douglas Boulevard;
thence north along the centerline of N. Douglas Boulevard to the point where the right-of-way of N. Douglas Boulevard, if extended due north, intersects the centerline of the right-of-way of N.E. 150th Street, if extended due west;
thence east along the centerline of the right-of-way of N.E. 150th Street to the centerline of N. Hiwassee Road;
thence north along the centerline of N. Hiwassee Road to the centerline of N.E. 164th Street;
thence east along the centerline of N.E. 164th Street to the centerline of N. Choctaw Road;
thence north along the centerline of N. Choctaw Road to a point one-half mile north of the centerline of the right-of-way of N.E. 192nd Street;
thence east along a line one-half mile north of and parallel to the centerline of the right-of-way of N.E. 192nd Street to the centerline of the right-of-way of N. Peebly Road; thence south along the centerline of the right-of-way of N. Peebly Road to the centerline of the right-of-way of N.E. 192nd Street;
thence east along the centerline of the right-of-way of N.E. 192nd Street to a point one-half mile east of N. Peebly Road;
thence south along a line one-half mile east of and parallel to the centerline of N. Peebly Road to the centerline of N.E. 164th Street;
thence west along the centerline of N.E. 164th Street to the east right-of-way line of the Saint Louis and San Francisco Railroad;
thence commencing in a southwesterly direction following the east right-of-way line of the Saint Louis and San Francisco Railroad to a point approximately one-quarter mile south of the centerline of N.E. 150th Street;
thence east along a line one-quarter mile south of and parallel to N.E. 150th Street to the centerline of N. Peebly Road;
thence south along the centerline of N. Peebly Road to a point one-half mile north of the centerline of E. Memorial Road;
thence west along a line one-half mile north of and parallel to the centerline of E. Memorial Road to the east right-of-way line of the Saint Louis and San Francisco Railroad;
thence in a southwesterly direction along the east right-of-way line of the Saint Louis and San Francisco Railroad to the centerline of the right-of-way of N. Choctaw Road; thence north along the centerline of the right-of-way of N. Choctaw Road to the centerline of N.E. 122nd Street;
thence west along the centerline of N.E. 122nd Street to a point one-half mile east of the centerline of N. Westminster Road;
thence south along a line one-half mile east of and parallel to the centerline of N. Westminster Road to a point one-half mile south of the centerline of E. Britton Road; thence east along a line one-half mile south of and parallel to the centerline of E. Britton Road to a point one-half mile east of the centerline of N. Anderson Road; thence south along a line one-half mile east of and parallel to N. Anderson Road to the centerline of N.E. 63rd Street;
thence east along the centerline of N.E. 63rd Street to a point one-half mile east of the centerline of N. Hiwassee Road;
thence south along a line one-half mile east of and parallel to N. Hiwassee Road to the centerline of N.E. 50th Street;
thence east along the centerline of N.E. 50th Street to the centerline of N. Henney Road;

OKLAHOMA CITY MUNICIPAL CODE, 2020

thence south along the centerline of N. Henney Road to a point 660 feet north of the centerline of N.E. 36th Street;

thence west along a line 660 feet north and parallel to the centerline of N.E. 36th Street to a point 660 feet west of N. Henney Road;

thence south along a line 660 feet west and parallel to N. Henney Road to the centerline of N.E. 36th Street;

thence west along the centerline of N.E. 36th Street following the corporate limits of The City of Oklahoma City adjacent to the City of Choctaw, an unincorporated area of the County of Oklahoma, and the City of Spencer to a point 1,271 feet east of the centerline of N. Post Road;

thence north along a line 1,271 feet east of and parallel to the centerline of N. Post Road to a point one-quarter mile north of the centerline of N.E. 36th Street;

thence west along a line one-quarter mile north of and parallel to the centerline of N.E. 36th Street to the centerline of N. Post Road;

thence north along the centerline of N. Post Road to a point one-quarter mile south of the centerline of N.E. 63rd Street;

thence west along a line one-quarter mile south of and parallel to the centerline of N.E. 63rd Street to the centerline of N. Douglas Boulevard;

thence commencing south and continuing generally southerly and westerly following the corporate limits of The City of Oklahoma City (generally the right-of-way of the Saint Louis and San Francisco Railroad) adjacent to the City of Spencer, the City of Midwest City, an unincorporated area of the County of Oklahoma, and the City of Del City to a point 33 feet west of the centerline of the right-of-way of S. Bryant Avenue approximately 980 feet north of the centerline of E. Reno Avenue;

thence east along a line 980 feet north of and parallel to the centerline of E. Reno Avenue to the west right-of-way line of S. Bryant Avenue;

thence commencing south generally along the centerline of S. Bryant Avenue and following the corporate limits of The City of Oklahoma City adjacent to the City of Del City to the centerline of S.E. 15th Street;

thence west along the centerline of S.E. 15th Street to the centerline of S. Robinson Avenue;

thence north along the centerline of S. Robinson Avenue to the centerline of W. Sheridan Avenue;

thence east along the centerline of W. Sheridan Avenue to the centerline of the right-of-way of the Union Pacific Railroad;

thence northerly along the centerline of the right-of-way of the Union Pacific Railroad to the centerline of N.E. 4th Street;

thence east along the centerline of N.E. 4th Street to the centerline of Harrison Avenue; thence easterly along the centerline of Harrison Avenue to the centerline of North Interstate 235 (N. I-235);

thence northerly along the centerline of North Interstate 235 (N. I-235) to the centerline of Broadway Extension;

thence northerly along the centerline of Broadway Extension to the centerline of W. Britton Road;

thence west along the centerline of W. Britton Road to place of beginning;

that the designation "corporate limits" of The City of Oklahoma City shall mean the same as now exists or may be hereafter extended between and within the boundary lines of Ward Seven extended in a straight line.

(Code 1980, § 17-23.1; Ord. No. 19715, § 2, 3-3-92; Ord. No. 21896, §§ 1, 2, 1-2-02; Ord. No. 24318, §§ 1, 2, 8-30-11; Ord. No. 27030, §§ 1, 2, 3-29-22)

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

§ 17-24. Ward Eight.

Ward Eight shall embrace and be limited to all of the area which is embraced within the corporate limits of The City of Oklahoma City and bounded as follows:

Beginning at the point of intersection of the centerline of N. Council Road and the centerline of N.W. 164th Street;

thence east along the centerline of N.W. 164th Street to a point one-half mile east of the centerline of the right-of-way of N. Meridian Avenue, extended;

thence north along a line one-half mile east of and parallel to the centerline of N. Meridian Avenue extended to the centerline of N.W. 192nd Street;

thence east along the centerline of N.W. 192nd Street to the centerline of N. Portland Avenue;

thence north along the centerline of N. Portland Avenue to a point one-half mile north of the centerline of N.W. 192nd Street;

thence east along a line one-half mile north of and parallel to the centerline of N.W. 192nd Street to a point one-half mile east of the centerline of N. Western Avenue; thence south along a line one-half mile east of and parallel to the centerline of N. Western Avenue extended to the centerline of N.W. 164th Street;

thence west along the centerline of N.W. 164th Street to the centerline of N. Western Avenue;

thence south along the centerline of N. Western Avenue to the centerline of W. Memorial Avenue;

thence west along the centerline of W. Memorial Avenue to the centerline of N. May Avenue;

thence south along the centerline of N. May Avenue to the centerline of W. Hefner Road;

thence westerly and southerly along the corporate limits of The City of Oklahoma City adjacent to the City of the Village to the centerline of the Lake Hefner Parkway;

thence southeasterly along the centerline of the Lake Hefner Parkway to the centerline of South Lake Hefner Drive;

thence west along the centerline of South Lake Hefner Drive to the centerline of N. Portland Avenue;

thence north along the centerline of N. Portland Avenue extended to the high-water line on the south shore of Lake Hefner;

thence westerly along the high-water line of the south shore of Lake Hefner to the centerline of the Bluff Creek Canal;

thence westerly along the centerline of the Bluff Creek Canal to the centerline of W. Lake Hefner Drive;

thence northerly along the centerline of W. Lake Hefner Drive to the centerline of W. Hefner Road, extended;

thence west along the centerline of W. Hefner Road to the centerline of the N. Rockwell Avenue;

thence north along the centerline of N. Rockwell Avenue to the centerline of N.W. 122nd Street;

thence west along the centerline of N.W. 122nd Street to the centerline of N. Council Road;

thence north along the centerline of N. Council Road to the point of beginning;

that the designation "corporate limits" of The City of Oklahoma City shall mean the same as now exists or may be hereafter extended between and within the boundary lines of Ward Eight extended in a straight line.

(Code 1980, § 17-24.1; Ord. No. 19715, § 2, 3-3-92; Ord. No. 21896, §§ 1, 2, 1-2-02; Ord. No. 24318, §§ 1, 2, 8-30-11; Ord. No. 27030, §§ 1, 2, 3-29-22)

OKLAHOMA CITY MUNICIPAL CODE, 2020

§ 20-53. Burn permits for residential areas.

No person shall burn on any property within the City limits of Oklahoma City without first meeting the requirements for and obtaining a permit as required by the International Fire Code, 2015 Edition as amended by the City Council of Oklahoma City. No fee as described in Chapter 60 of this Code shall be collected for permits authorizing a burn on residential areas one acre or greater in size.

(Ord. No. 22223, § 1, 5-28-03; Ord. No. 22550, § 1, 9-28-04, eff. 12-28-04; Ord. No. 24828, § 4, 2-25-14, eff. 5-1-14; Ord. No. 26627, § 1, 12-22-20)

§ 21-91.	Special event food certificate of registration.
§ 21-92.	Certificate of registration fees and penalty.

§ 21-91. Special event food certificate of registration.

(a) To participate in an event, a vendor shall pay the required fee and apply for a special event food Certificate of Registration at least 48 hours prior to the start of the event. The fee is non-refundable.

(b) The holder of a special event food Certificate of Registration shall be authorized to sell or distribute to the public food or food products for consumption on the premises for which the Certificate of Registration is issued.

(c) A special event food Certificate of Registration shall be valid for a period not to exceed 14 consecutive days.

(d) The holder of a special event food Certificate of Registration shall be required to comply with Oklahoma State Health Department Codes, as included in the Oklahoma Statutes related to Public Health and Safety for Sellers of Food, 63 O.S. §1-1118 et seq.

(e) The ability of a special event food registrant, or an annual vehicle food sales licensee (as described in Section 416 of this Chapter), to sell or distribute food or food products at a special event, shall be conditioned upon the special event organizer notifying the Supervisor of Licenses of the food licensee's or registrant's participation in the event. Said notification shall be given ten business days prior to the start of the event.

(Code 1980, § 21-69; Ord. No. 19375, § 2, 3-13-90; Ord. No. 19422, § 2, 6-5-90; Ord. No. 23344, § 1, 10-4-11; Ord. No. 24950, § 1, 8-26-14; Ord. No. 27218, § 1, 11-22-22)

Cross reference—Special event license authorizing the sale of alcoholic beverages and low-point beer for consumption on the premises, § 5-131 et seq.

§ 21-92. Certificate of registration fees and penalty.

(a) No person shall operate a special event where any food or food products are manufactured, sold or distributed without first obtaining a Certificate of Registration from the Supervisor of Licenses.

(b) Persons required to obtain a Certificate of Registration pursuant to the provisions of this Article shall pay a fee to the City in the amount established in Chapter 60, the General Schedule of Fees; provided, that a charitable or nonprofit organization qualified under Section 501(c) of the Internal Revenue Code shall not be required to pay the fee.

(c) Any person who shall manufacture, sell or distribute food or food products without the Certificate of Registration required by this section shall be guilty of a Class "b" offense. Each day's continued violation of any of the provisions hereof shall be chargeable as a separate offense.

(Code 1980, § 21-70; Ord. No. 19375, § 2, 3-13-90; Ord. No. 19422, § 2, 6-5-90; Ord. No. 23344, § 1, 10-4-11; Ord. No. 27218, § 1, 11-22-22)

Cross reference—Special event license fee, § 60-21-26.

§ 21-93. Exemptions.

Holders of annual vehicle food licenses with six special events and holders of annual vehicle food licenses with unlimited special events shall not be required to obtain a food Certificate of Registration to participate in events held within the Oklahoma City limits, unless the number of special events in which the licensee has participated exceeds the number of special events permitted by its license.

(Ord. No. 24950, § 1, 8-26-14; Ord. No. 27218, § 1, 11-22-22)

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

Article III. COVID-19 Safety Code

§ 23-23.	Short title.
§ 23-24.	Statement of findings by the City Council of the City.
§ 23-25.	Definition.
§ 23-26.	Face coverings required.
§ 23-27.	Guidelines for face coverings.
§ 23-28.	Exceptions.
§ 23-29.	Effective and expiration dates and times.
§ 23-30.	Enforcement.
§ 23-31.	Violation and penalties.
§ 23-32.	Defense to violation.

ARTICLE III. COVID-19 SAFETY CODE

§ 23-23. Short title.

This article is entitled and shall be known to as the OKLAHOMA CITY COVID-19 SAFETY CODE.
(Ord. No. 26514, § 1, 7-17-20; Ord. No. 26526, § 1, 9-1-20)

§ 23-24. Statement of findings by the City Council of the City.

1. The United States is experiencing an outbreak of Novel Coronavirus-2019 also known as COVID-19; and
2. On March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic; and
3. On March 13, 2020, the President of the United States declared a National Emergency because of the COVID-19 pandemic and which declaration is still in effect today; and
4. On March 15, 2020, the Governor of Oklahoma declared a State of Emergency because of the COVID-19 pandemic and which declaration is still in effect today; and
5. The Center for Disease Control ("CDC") has emphasized the COVID-19 risk to individuals is dependent on exposure, and transmission is through respiratory droplets produced when an infected person coughs or sneezes; and
6. There have been COVID-19 related deaths statewide with over 110 deaths in the Oklahoma City metropolitan area; and
7. Oklahoma City-County Health Department ("OCCHD") states this is the worst public health crisis to face our city in the last half-century; and
8. The City Council of The City of Oklahoma City (City) finds that the Center for Disease Control (CDC) has identified a virus, COVID-19, which is causing a pandemic throughout the world and the United States remains present, extremely contagious, and potentially deadly within the City; and
9. After reaching a low point for positive tests and hospitalizations, in June Oklahoma City experienced a significant increase in the number of COVID-19 positive tests and hospitalizations; and
10. After a period where the rise in new cases subsided, the increase in new cases and positive testing percentages has resumed this past week and remains at an elevated level relative to previous phases of the pandemic; and
11. Since mid-June, hospitalizations have consistently remained at an elevated level that causes concern to public health officials; and
12. The OCCHD data have successfully identified safety measures that will substantially improve the City's response to this pandemic, preserving the health of the community; and

OKLAHOMA CITY MUNICIPAL CODE, 2020

13. Based upon information provided by local healthcare providers and public health experts, the current surge occurred, in part, due to public gatherings associated with the Fourth of July holiday where social distancing and mask wearing protocols were not observed; and

14. One strong recommendation by the CDC and OCCHD is the adoption of the safety measure for the mandatory wearing of face coverings (masks) over the nose and mouth to help prevent air-borne virus particles from causing new infections and, depending on the design of the mask, can also help prevent the persons wearing the face covering to not become infected with COVID-19; and

15. With the transmission of COVID-19 and COVID-related hospitalizations continuing at an elevated level, provisions for the safety of the life, health, and property of Oklahoma City residents are still necessary; and

16. The City Council of the City declares that the continuing occurrence and threat of widespread or severe damage, injury or loss of life or property from COVID-19, including severe economic damage to the City and the State of Oklahoma, which can result from COVID-19 justifies action by the City to help avert such danger or damage and to protect the public health.

17. The City Council further declares a need for an ordinance containing the COVID-19 safety measure for the mandatory wearing of face coverings over the nose and mask whenever persons are in any place or setting open to the general public; and

18. The City Council of the City notes that on Friday, July 10, 2020, Dallas Federal Reserve Bank President Robert Kaplan publicly stated that:

- i. The "key to ensuring a faster U.S. economic recovery is wearing masks to slow the spread of the coronavirus;" and
- ii. "How the [COVID-19] virus proceeds, and what the incidence is, is going to be directly related to how fast we grow [economically]"...; and
- iii. "While monetary and fiscal policy have a key role to play, the primary economic policy from here is broad mask wearing and good execution of...health care protocols; if we do that well, we'll grow faster"; and
- iv. "The message I'd have today about the economy (is that) while monetary policy and fiscal policy are very important, they are not as important right now in us doing a good job of flattening this curve on the virus, and if we do that, we'll grow faster."

19. The City Council of the City further notes that the recent surge in COVID-19 cases in several U.S. states is raising concern that the economic recovery that likely began in May could falter if authorities re-impose lockdowns or consumers reduce spending out of fear that getting out and about could mean they get the sometimes fatal disease.

20. The City Council of the City further notes that Goldman Sachs Group Inc. economists have argued that a national mask mandate would boost the chances of a faster recovery; and that Mr. Kaplan, a former Goldman Sachs bank officer, reiterated that the U.S. economy will likely shrink by 4.5% to 5% in 2020, even after what he expects to be growth during the third and fourth quarters.

21. The City Council also finds that it is appropriate and in the interests of the public health, safety, and welfare and would further protect property and civil order, for the City Council to adopt this COVID-19 Safety Code with a regulation mandating the wearing of masks over the nose and mouth whenever persons are entering and while inside any indoor place open to the public; and

22. The City Council of the City states that this COVID-19 Safety Code measure is being enacted to help limit the health impacts and slow the spread of COVID-19 by mandating the wearing of face coverings over the nose and mouth whenever persons are entering and while inside any indoor place open to the public; and City Council further states and declares that this ordinance should be enacted with only one or two hearings, not three, and Council further declares that adoption of this ordinance by not less than a majority of the City Council waives any City administrative policy for a third hearing before final passage; and

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

23. Accordingly, The City Council also finds that it is appropriate and in the interests of public health, safety, and welfare and would further protect property and civil order, for the City Council to limit the duration of this ordinance to and until 12:00 a.m. on November 30, 2020; provided, for the ages this requirement applies to, the City Council has determined that ages 11 and up is appropriate, but the public should keep in mind that the CDC recommends that persons 3 and up should wear masks.

(Ord. No. 26514, § 1, 7-17-20; Ord. No. 26526, § 1, 9-1-20)

§ 23-25. Definition.

The term "*face covering*" as used in this article shall mean a uniform piece of material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands and/or a face shield.

(Ord. No. 26514, § 1, 7-17-20; Ord. No. 26526, § 1, 9-1-20)

§ 23-26. Face coverings required.

All persons shall wear face coverings when entering and while inside any indoor place open to the public.

(Ord. No. 26514, § 1, 7-17-20; Ord. No. 26526, § 1, 9-1-20)

§ 23-27. Guidelines for face coverings.

The public is encouraged to wear face coverings that;

- a. fit snugly but comfortably against the side of the face;
- b. are secured;
- c. allow for breathing without restrictions; and

Face coverings may be of the disposable or non-disposable.

(Ord. No. 26514, § 1, 7-17-20; Ord. No. 26526, § 1, 9-1-20)

§ 23-28. Exceptions.

Nothing herein shall require the wearing of face coverings by:

- a. persons under 11 years of age unless required by a school or day care to wear a face covering;
- b. persons working in a professional office who do not have any face-to-face interactions with the public;
- c. restaurant patrons while eating or drinking;
- d. persons in a setting where it is not practical or feasible to wear a face covering, such as when receiving dental services, medical treatments, or while swimming or at a splash park;
- e. persons engaged in any competitive sporting activities, whether professional or amateur or merely for recreational purposes;
- f. persons engaged in performing cardio exercise, but they should make a reasonable effort to practice social distancing from persons not from their household;
- g. persons inside any Federal, State, or county government building or other facility;
- h. persons inside any public or private school building or other facility unless required by the school to wear a face covering;
- i. persons attending any indoor religious service or ceremony as long as all persons who do not live in the same household are social distancing from one another, meaning not less than six feet apart;
- j. persons with a development disability, including persons who are deaf and hard of hearing; and
- k. persons communicating with persons who are deaf and hard of hearing.

(Ord. No. 26514, § 1, 7-17-20; Ord. No. 26526, § 1, 9-1-20)

OKLAHOMA CITY MUNICIPAL CODE, 2020

§ 23-29. Effective and expiration dates and times.

This article will become effective and enforceable according to Oklahoma law upon adoption by City Council and will expire and become unenforceable at 12:00 a.m. on April 30, 2021.

(Ord. No. 26514, § 1, 7-17-20; Ord. No. 26526, § 1, 9-1-20; Ord. No. 26570, § 1, 10-13-20; Ord. No. 26604, § 1, 11-24-20; Ord. No. 26648, § 1, 1-19-21; Ord. No. 26679, § 1, 3-2-21)

§ 23-30. Enforcement.

This article may be enforced by any legally authorized code-enforcement inspectors or sworn police officers, as follows: authorized OCCHD inspectors, authorized Development Services Department Inspectors, and sworn peace officers of the Oklahoma City Police Department. However, Council prefers that OCCHD inspectors or Development Services Inspectors become the enforcers in the future.

(Ord. No. 26514, § 1, 7-17-20; Ord. No. 26526, § 1, 9-1-20)

§ 23-31. Violation and penalties.

a. Inspectors and officers, at the initial contact, shall offer a face covering or the option of leaving the indoor place to a person who is not excepted from the face covering requirement. No citation shall issue to a person who complies with one of the options. Failure to wear the face covering or failure to leave the indoor place shall constitute a violation of this article.

b. A violation of this article shall constitute a class "a" offense. Each violation of this article shall constitute a separate offense. Upon conviction, the penalty shall not exceed, for the first and second offenses, a \$9.00 fine only.

A third or subsequent violation shall constitute a class "a" offense, shall require a mandatory appearance in the Municipal Court and, upon conviction, shall be punishable with a penalty not exceeding \$100.00 inclusive of costs and State-mandated fees.

c. The amount of the penalty which may be accepted by the Department of Court Administration in satisfaction of first and second violations of this article shall be a \$9.00 fine only.

(Ord. No. 26514, § 1, 7-17-20; Ord. No. 26526, § 1, 9-1-20)

§ 23-32. Defense to violation.

It shall be a defense to any violation of Section 23-26 of this article if an individual produces a document demonstrating that his/her/their physician has verified that wearing a face covering could cause impairment or would constitute a hazard to the individual.

(Ord. No. 26514, § 1, 7-17-20; Ord. No. 26526, § 1, 9-1-20)

§ 25-1.	Declaration of policy.
§ 25-2.	Definitions.

Article II. Oklahoma City Human Rights Commission

§ 25-3.	Establishment of the Oklahoma City Human Rights Commission.
§ 25-4.	Size and composition of the commission.
§ 25-5.	Term of members; removal from office.
§ 25-6.	Rules; meetings; quorum.
§ 25-7.	Powers, duties, and functions.
§ 25-8.	Compliance officer.
§ 25-9.	Complaint, investigation, and resolution process.
§ 25-10.	Limitations and other remedies.

§ 25-1. Declaration of policy.

(a) Based on the authority of Section 1702 of Title 25 of the Oklahoma Statutes, it is the policy of The City of Oklahoma City that all persons within the corporate limits of the City should be free from discriminatory practices prohibited by Chapter 21 of Title 25 of the Oklahoma Statutes.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

(b) The Mayor and Council of the City declare that the policy stated in Subsection (a) of this Section 25-1 is intended to protect all persons within The City of Oklahoma City against the discriminatory practices prohibited by Chapter 21 of Title 25 of the Oklahoma Statutes.

(c) The Mayor and Council of the City hereby make the following pledge to all who come within its borders: that the City will use its authority, within the limits of Oklahoma law, to seek to protect all persons within its borders so they may lawfully enjoy everything this City and this community have to offer, all without regard to race, color, religion, creed, sex, gender, national origin, age, familial status, genetic information, or disability regarding employment, housing, and public accommodations, as defined by applicable laws.

(Ord. No. 27109, § 1, 7-19-22)

§ 25-2. Definitions.

As used in this Chapter 25, the following terms shall have the meanings indicated:

- (1) "*Discriminatory practice*" means a practice designated as discriminatory and unlawful by one or more sections codified in Chapter 21 of Title 25 of the Oklahoma Statutes.
- (2) "*National origin*" includes the national origin of an ancestor.
- (3) The terms "*sex*" and "*gender*" as used in this Article [I] shall be given the same meaning as provided in existing laws: (1) that are applicable in the State of Oklahoma and (2) that relate to discrimination in employment, housing, or public accommodations.

(Ord. No. 27109, § 1, 7-19-22)

ARTICLE II. OKLAHOMA CITY HUMAN RIGHTS COMMISSION

§ 25-3. Establishment of the Oklahoma City Human Rights Commission.

The "Oklahoma City Human Rights Commission" (hereinafter "Commission") is hereby established.

(Ord. No. 27109, § 2, 7-19-22)

§ 25-4. Size and composition of the Commission.

The Commission shall consist of nine (9) members to be appointed by the Mayor with the consent and approval of the Council. All members shall be residents of The City of Oklahoma City. One (1) member shall be an at-large appointment and such member shall serve as Chair of the Commission, with a Vice-Chair to be selected to serve on a calendar year basis by majority vote of the Commission. Eight (8) members shall be City Council Ward appointments, with at least one (1) member to be appointed from each Ward, and with the Mayor to consult with the City Councilors from the respective Wards before making such appointments. At least one (1) member appointed to the Commission shall be a person who practices law or is appropriately educated in law, as determined by the Mayor. The Mayor shall use reasonable efforts to appoint a majority of the members of the Commission from racial, religious, or other recognized minority groups. All appointments shall be made by the Mayor with the consent and approval of the Council. All members of the Commission shall serve without compensation.

(Ord. No. 27109, § 2, 7-19-22)

§ 25-5. Term of members; removal from office.

(a) Members of the Commission shall be appointed for an initial term of office of three (3) years or until a successor is appointed and confirmed, except that initially those members appointed from even-numbered wards shall serve a term of two (2) years. Thereafter, all terms shall be for a period of three (3) years.

(b) A member of the Commission may be removed by the Mayor without cause, with the consent of the City Council.

(Ord. No. 27109, § 2, 7-19-22)

OKLAHOMA CITY MUNICIPAL CODE, 2020

§ 25-6. Rules; meetings; quorum.

(a) The Commission shall adopt rules of procedure for the conduct of its meetings, and the times and places of its meetings, which shall take place at least every other month but no more often than monthly; provided, the Chair of the Commission may schedule special meetings as needed for the Commission to perform its functions and duties.

(b) Five (5) Commission members shall be present at a called meeting to constitute a quorum. Without a quorum present, a scheduled meeting cannot be convened, and no action can be taken. Any action taken at any meeting shall require a majority vote of the Commission members present. Meetings shall be held in compliance with the Oklahoma Open Meeting Act.

(Ord. No. 27109, § 2, 7-19-22)

§ 25-7. Powers, duties, and functions.

The Commission shall have the following powers, duties, and functions to address discriminatory practices relating to employment, housing, and public accommodations under the Oklahoma Anti-Discrimination Law, 25 O.S. § 1101 et seq. (hereinafter the "State Anti-Discrimination Law"):

- (a) To promote the purposes of the State Anti-Discrimination Law, 25 O.S. § 1101 et seq.
- (b) To promote freedom from discriminatory practices for all individuals within Oklahoma City.
- (c) To cooperate with individuals and state, local, and other agencies, both public and private, including agencies of the federal government and other states and municipalities in the pursuit of human rights protections.
- (d) To cooperate with law enforcement agencies by referring any violation, or apparent violation of criminal violations of anti-discrimination laws to the appropriate law enforcement agency for investigation.
- (e) To recommend the acceptance of gifts, bequests, grants, or other payments, public or private, to be received by the City Council for use in promoting the functions and duties of the Commission as set forth in this Article II.
- (f) To receive, initiate, investigate, and seek to conciliate complaints alleging violations of the State Anti-Discrimination Law, as it may be amended from time to time; provided:
 - (1) "Conciliate" or "conciliation" as used in this Article II means to seek to mediate and resolve such a complaint by agreement between or among all involved parties;
 - (2) The Commission itself may initiate such a complaint only if the party or parties claiming to have been harmed by an alleged discriminatory practice consent in writing to the initiation of the complaint by the Commission; and
 - (3) The Commission shall have the authority to recommend any remedy or remedies for any discriminatory practice factually confirmed after an investigation; provided, such remedies are limited to those now or hereafter set forth for local human rights commissions in Chapter 21 of Title 25 of the Oklahoma Statutes.
- (g) To recommend that the Council obtain studies or surveys that promote the purposes and policies set forth in the State Anti-Discrimination Law, with all such studies and surveys to be made available to the public.
- (h) To render at least annually a written report of the activities of the Commission, with a copy of such report to be furnished to the City Council, the City Manager, the Oklahoma Attorney General's Office of Civil Rights Enforcement, and to any other appropriate officers of the State of Oklahoma, including but not limited to the Governor, the Lieutenant Governor, the President Pro Tem of the Oklahoma Senate, and the Speaker of the Oklahoma House of Representatives.
- (i) To form advisory committees to assist the Commission in the exercise of its powers, duties, and functions as set forth in this Section 25-7 or elsewhere within this Article II.
 - (1) The Commission may establish such advisory committees as it deems necessary for assistance in the exercise of its powers, duties, and functions under this Article.
 - (2) The Commission may establish such an advisory committee to evaluate and recommend legislation amending the State Anti-Discrimination Law.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

- (3) Advisory committee members shall be jointly appointed by the Mayor and the Chair of the Commission, with appointments subject to the consent of the City Council and the Commission, and with at least one (1) Commission member to be appointed to each advisory committee and designated to serve as chairperson of such committee.
- (4) Advisory committees shall meet on dates established by the Commission and shall comply with the Oklahoma Open Meeting Act.
- (j) To sponsor or participate in at least one (1) annual forum or educational event designed to educate the public regarding human rights concerns.
- (k) To recommend policies to the Council or other governmental entities that are consistent with the belief that discriminatory practices threaten the rights and proper privileges of the inhabitants of this City and the foundations of freedom.

(Ord. No. 27109, § 2, 7-19-22)

§ 25-8. Compliance Officer.

(a) The City Manager shall appoint a Compliance Officer to exercise such authority as specified in this Article. The City Manager shall have sole discretion to appoint the Compliance Officer of his/her choice.

(b) The City Manager may assign such other City employees in the Division of Public Management as the City Manager may deem necessary in his/her sole discretion to assist the Compliance Officer or the Commission.

(c) An attorney from the Municipal Counselor's Office shall be assigned by the Municipal Counselor to serve as legal counsel for the Compliance Officer and the Commission.

(Ord. No. 27109, § 2, 7-19-22)

§ 25-9. Complaint, investigation, and resolution process.

(a) *Complaint.* Any person claiming to be harmed by a discriminatory practice may initiate a conciliation proceeding with the Commission by filing a sworn complaint ("Complaint") setting forth the particulars of the alleged act of discrimination and such other information as may be relevant or as may be required by the Compliance Officer. A person filing a Complaint is hereinafter referred to as the "Complainant." Such Complaints must be filed with the City Clerk and the Compliance Officer within ninety (90) days after the alleged discriminatory practice is alleged to have been committed or the Complaint shall not be considered.

(b) *Notice to Respondent and Commission.* Upon the timely filing of a Complaint, the Compliance Officer shall notify as soon as practicable the person alleged to have committed the discriminatory practice (hereinafter the "Respondent") of such filing and provide the Respondent with a copy of the Complaint. Such notice shall be given by email or personal delivery to the Respondent. The Compliance Officer shall also notify the Commission of such Complaint.

(c) *Initial review for discretionary referral.* Upon receipt of a sworn Complaint alleging a discriminatory practice, the Compliance Officer and an attorney from the Municipal Counselor's Office shall review the Complaint, and the Compliance Officer shall decide whether such Complaint should instead be referred immediately to the U.S. Department of Housing and Urban Development, the Equal Employment Opportunity Commission, the Office of Civil Rights Enforcement for the Attorney General of the State of Oklahoma, the Metropolitan Fair Housing Council, or to some other federal, state, county, or private agency or organization having jurisdiction over the subject matter of the Complaint.

(d) *Initial review and mandatory referral.* Upon receipt of a sworn Complaint alleging a criminal violation of any anti-discrimination law applicable in the State of Oklahoma, the Compliance Officer shall immediately refer the Complaint to the Oklahoma City Police Department or some other appropriate law enforcement agency with jurisdiction to investigate such a Complaint. The Compliance Officer shall take no further action related to the Complaint, other than to inform the Commission, and the parties to a Complaint, of the action taken.

(e) *Investigation by the Compliance Officer and notice of such investigation.* If a Complaint alleging a discriminatory practice is not referred to a federal, state, county, or private agency or organization, the Compliance Officer shall notify as soon as practicable the Complainant and the Respondent that such Officer intends to investigate the Complaint. Such notice shall be given by email or by personal delivery

OKLAHOMA CITY MUNICIPAL CODE, 2020

to the Complainant and the Respondent. Within ten (10) days of receipt of such notice, the Respondent may, within his or her sole discretion, file a sworn answer to the Complaint. The failure of the Respondent to file an answer cannot be considered to constitute an admission of the truth of any allegation made by the Complainant in the Complaint.

(f) *Results of the investigation; further review of Complaint.* After or during investigation, or both, the Compliance Officer and an attorney from the Municipal Counselor's Office shall confer, and the Compliance Officer shall decide whether there is reasonable cause to believe that the alleged discriminatory practice has occurred. Further review after such decision is made shall be as follows:

- (1) If the Compliance Officer decides that no reasonable cause exists to believe that a discriminatory practice has occurred, the Compliance Officer shall issue an Order setting forth the findings of the investigation and dismissing the Complaint. The Order shall be sent to the Complainant and the Respondent by mail and by email or personal delivery at their last known addresses. No further action will be taken on the Complaint.
- (2) If, after investigation, the Compliance Officer determines that reasonable cause exists to believe that a discriminatory practice has occurred, the Compliance Officer shall notify both the Complainant and the Respondent of such determination by email, phone call, and/or other means and shall offer to conciliate the dispute between the parties.
 - (A) If the Respondent elects in his or her sole discretion to participate in conciliation efforts with the Compliance Officer and if all conciliation terms are voluntarily agreed upon by the Complainant and the Respondent, a Conciliation Order that is signed by the Compliance Officer, the Respondent, and the Complainant will be issued, and the Complaint will be closed by the Compliance Officer. A copy of the Conciliation Order shall be provided to the Commission.
 - (B) In the event the parties do not conciliate the filed Complaint, or if, after conciliation, the Compliance Officer receives written notice that the Conciliation Order issued by the Compliance Officer has been violated, the Compliance Officer and an attorney from the Municipal Counselor's Office shall meet and the Compliance Officer shall decide whether:
 - (i) The Complaint should be referred to the U.S. Department of Housing and Urban Development, the Equal Employment Opportunity Commission, the Office of Civil Rights Enforcement for the Attorney General of the State of Oklahoma, the Metropolitan Fair Housing Council, or to such other federal, state, county, or private agency or organization having jurisdiction over the subject matter of the Complaint, with such referral to be made only upon the consent of the Complainant(s); or
 - (ii) No further action will be taken on the Complaint.

Following the decision by the Compliance Officer to refer or take no further action on the Complaint under this Subsection (2)(B), the Compliance Officer shall notify the Commission of such decision.

(Ord. No. 27109, § 2, 7-19-22)

§ 25-10. Limitations and other remedies.

(a) The Commission and the Compliance Officer shall not consider Complaints alleging a discriminatory practice if the allegation occurs from an incident involving any City official or employee acting in his/her capacity as a City official or employee. Complaints against City officials and/or employees shall be handled pursuant to existing City personnel/departamental procedures.

(b) The Commission and the Compliance Officer shall not consider Complaints alleging a discriminatory practice if the allegation occurs from an incident involving any federal, state, county, or public school official and/or employee acting in his/her capacity as a federal, state, county, or public school official or employee. Complaints against federal, state, county, or public school officials and/or employees will be referred to such other public entity and will not be handled by the Commission or the Compliance Officer.

(c) The Commission and the Compliance Officer shall not consider Complaints of an alleged discriminatory practice if the Complainant is also seeking a remedy from any other public body or entity. If a Complaint is filed and is being considered pursuant to the process set forth in this Article II, such

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

consideration shall be immediately terminated if the Commission or Compliance Officer becomes aware that the Complainant is seeking a remedy from some other public body or entity because of the same alleged discriminatory practice(s).

(d) Alleged discriminatory practice(s) shall be reviewed and processed by the Commission and the Compliance Officer solely through the administrative process set forth in this Article. Such alleged discriminatory practice(s) shall not be considered offenses under this Code and shall not be subject to prosecutions in Municipal Court.

(e) The provisions of this Article II shall be supplemental to any other remedies or procedures provided by law.

(Ord. No. 27109, § 2, 7-19-22)

Division 3. Reserved

§§ 28-46—28-51. Reserved.

Division 4. Reserved

§§ 28-52—28-59. Reserved.

§ 28-1. Definitions.

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

- (1) *Employee* means any person at least 18 years of age, other than a massage therapist, who renders any service in connection with the operation of a massage business and receives compensation from the manager of the business or patrons but has no physical contact with the customer.
- (2) *Licensee* means the person to whom a license has been issued to own or operate a massage establishment or to engage in massaging.
- (3) *Manager* means the person owning, controlling, conducting, operating or managing a massage establishment, but shall not include the massage therapist, as defined in this section.
- (4) *Massage* means any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, mud, paraffins, salts or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor. Massage shall include seated massage.
- (5) *Massage establishment* means any establishment having a source of income or compensation derived from the practice of massage as defined in Paragraph (4) and which has a fixed place of business where any person engages in or carries on any of the activities as defined in Paragraph (4).
- (6) *Massage therapist* means any person who, for any consideration whatsoever, engages in the practice of massage as defined in Paragraph (4).
- (7) *Off-site massage service* means any business, the functioning of which is to engage in or carry on massages as defined in Paragraph (4) above at a location designated by the customer or client or at a location other than at a massage establishment. Off-site massage service may include seated massage.
- (8) *Patron* means any person at least 18 years of age or if under 18 years of age with written parental or legal guardian consent who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

OKLAHOMA CITY MUNICIPAL CODE, 2020

- (9) *Person* means any individual, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form and character.
- (10) *Seated massage* means any massage of the neck, arms, shoulders and back area above the waist where the client is fully clothed, sitting in a special chair designed for upper body massage and done without the use of supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, mud, paraffins, salts, or other similar preparations commonly used in the practice of massage. Seated massage may be performed either at a massage establishment or off-site.
- (11) *Sexual misconduct* means any criminal violation, either misdemeanor or felony, within the City, this State or any other state for the crime of rape, child molestation, prostitution, acts of lewdness or any crime where a person is required to register as a sex offender under the statutes of this State.
- (12) *Sexual or genital areas* means genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

(Code 1970, § 9-163; Code 1980, § 28-1; Ord. 23531, § 1, 1-29-08; Ord. No. 27046, § 1, 4-26-22)

Cross reference—Definitions and rules of construction generally, § 1-2.

§ 28-30. Issuance.

If the Health Department approves the issuance of a massage establishment license, it shall cause such approval to be delivered to the Supervisor of Licenses who shall issue the license unless she/he finds:

- (1) The correct license fee has not been tendered to the City, and, in the case of a check or bank draft, not honored with payment upon presentation.
- (2) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the City's building, zoning and health ordinances.
- (3) The applicant, if an individual; or any of the stockholders holding more than ten percent of the stock of the corporation, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses, or has a pending charge for any of the following offenses:
 - a. an offense involving the use of force and violence upon the person of another that amounts to a felony.
 - b. an offense involving sexual misconduct, as defined in Section 28-1 of this chapter.
 - c. an offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony.

The Supervisor of Licenses may issue a license to any person convicted of any of the crimes described above if such conviction occurred at least five years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for any such crime mentioned above.

- (4) The applicant has knowingly made any false, misleading, or fraudulent statement of fact in the application or in any document required by the City in conjunction therewith.
- (5) The applicant has had a massage establishment, massage therapist or other similar permit or license denied, revoked, or suspended by the City or any other state or local agency within five years prior to the date of the application.
- (6) The applicant, if an individual; or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not at least 18 years of age.
- (7) The applicant's facility has not met the requirements of Section 28-29.
- (8) The applicant is applying to do business at an address in which sexual misconduct has occurred within the last two years.

(Code 1970, §§ 9-172, 9-176; Code 1980, § 28-29; Ord. 23531, § 3, 1-29-08; Ord. No. 27046, § 2, 4-26-22)

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

DIVISION 3. RESERVED*

§§ 28-46—28-51. Reserved.

DIVISION 4. RESERVED†

§§ 28-52—28-59. Reserved.

***Editor’s note**—Ord. No. 26755, § 3, adopted May 25, 2021, repealed §§ 28-46—28-51, which pertained to massage therapist license and derived from Code 1970, §§ 9-165, 9-172, 9-174, 9-175(a), 9-176, 9-176(b), (c); Code 1980, §§ 28-46—28-51; Ord. No. 21689, § 3, adopted March 27, 2001; Ord. No. 23531, § 4, adopted Jan. 29, 2008.

†**Editor’s note**—Ord. No. 26755, § 3, adopted May 25, 2021, repealed §§ 28-52, 28-53, which pertained to off-site massage license and derived from Ord. 23531, § 5, adopted Jan. 29, 2008.

Division I. Title

Division II. International Mechanical Code

Division III. International Fuel Gas Code

Division I. Administration

§ 29-26. Inspections.

Division I. Permits

§ 29-44. Reserved.

Division II. Fees

Division IV. Reserved

§§ 29-186—29-200. Reserved.

Division I Membership, Powers and Duties, Etc.

Division II Appeals Procedure

Division I License/Registration Required

Division II Definitions

Division III Boiler Operator Regulations

Division IV Boiler Contractor

Division V Boiler Contractor Regulations

OKLAHOMA CITY MUNICIPAL CODE, 2020

ARTICLE I. IN GENERAL

DIVISION I. TITLE*

DIVISION II. INTERNATIONAL MECHANICAL CODE†

§ 29-2. Intent.

International Mechanical Code adopted. For the purpose of providing for basic minimum provisions considered necessary to protect health, safety and general welfare of the citizens of The City of Oklahoma City, a Mechanical Code known as the International Mechanical Code, being more specifically the 2015 Edition thereof, as amended by Resolution of the Council of the City, duly adopted and signed by the Mayor on March 3, 2020, three copies of which, each together with said resolution, having been and now filed in the office of the City Clerk, and the same as so amended and changed is hereby adopted and incorporated and considered as a part of this Code.

(Ord. No. 25053, § 2, 12-16-14, eff. 3-16-15; Ord. No. 26393, § 1, 3-3-20, eff. 4-3-20)

§ 29-3. Summary.

Pursuant to the authority granted by Section 26, Article II of the Charter of The City of Oklahoma City, the title and a brief gist or summary of the provisions of the International Mechanical Code as amended are hereby ordered published in conformity with the provisions of said Section 26, Article II of the Charter, and for the purpose of such publication a summary of the provisions of said Code is hereby given as follows:

Chapter 1.	Scope and Administration (as amended).
Chapter 2.	Definitions.
Chapter 3.	General Regulations (as amended).
Chapter 4.	Ventilation.
Chapter 5.	Exhaust Systems (as amended).
Chapter 6.	Duct Systems (as amended).
Chapter 7.	Combustion Air.
Chapter 8.	Chimneys and Vents.
Chapter 9.	Specific Appliances, Fireplaces and Solid Fuel-Burning Equipment.
Chapter 10.	Boilers, Water Heaters and Pressure Vessels
Chapter 11.	Refrigeration.
Chapter 12.	Hydronic Piping.
Chapter 13.	Fuel Oil Piping and Storage.
Chapter 14.	Solar Systems.
Chapter 15.	Referenced Standards.
Appendix A.	Chimney Connector Pass-Throughs.
Appendix B.	Mechanical Permit Fee Schedule is deleted in favor of Chapter 60 of the Oklahoma City Municipal Code currently adopted.

(Ord. No. 25053, § 2, 12-16-14, eff. 3-16-15; Ord. No. 26393, § 1, 3-3-20, eff. 4-3-20)

DIVISION III. INTERNATIONAL FUEL GAS CODE‡

§ 29-5. Intent.

International Fuel Gas Code adopted. For the purpose of providing for basic minimum provisions considered necessary to protect health, safety, and general welfare of the citizens of The City of Oklahoma

*Editor's note—Ord. No. 26393, § 1, adopted March 3, 2020, renumbered Art. I, Div. 1 as Art. I, Div. I.

†Editor's note—Ord. No. 26393, § 1, adopted March 3, 2020, renumbered Art. I, Div. 2 as Art. I, Div. II.

‡Editor's note—Ord. No. 26393, § 2, adopted March 3, 2020, renumbered Art. I, Div. 3 as Art. I, Div. III.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

City, a Code known as the International Fuel Gas Code, being more specifically the 2015 Edition thereof, as amended by Resolution of the Council of the City duly adopted and signed by the Mayor on March 3, 2020, three copies of which, each together with said resolution, having been and now filed in the office of the City Clerk, and the same as so amended and changed is hereby adopted and incorporated and considered as a part of this Code.

(Ord. No. 25053, § 2, 12-16-14, eff. 3-16-15; Ord. No. 26393, § 2, 3-3-20, eff. 4-3-20)

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION I. ADMINISTRATION*

§ 29-21. Generally.

The administration and enforcement of this Code shall be the responsibility of the Chief Mechanical Inspector, who is supervised by the Development Services Director, or designated representative.

(Ord. No. 25053, § 2, 12-16-14, eff. 3-16-15; Ord. No. 26393, § 3, 3-3-20, eff. 4-3-20)

§ 29-22. Appointments; Chief Mechanical Inspector and assistants.

(a) There is hereby created the office of the Chief Mechanical Inspector.

(b) The Chief Mechanical Inspector shall be a resident of the State of Oklahoma and shall have at least five years' experience as a licensed mechanical contractor in a municipality of 20,000 or larger population and have at least five years' experience as a mechanical inspector in a municipality of 20,000 or larger population. The Chief Mechanical Inspector shall hold a current State mechanical contractor license or must obtain a State of Oklahoma mechanical contractor license within one year of the date of hire in each required category. The holding of such State mechanical license shall not be construed as authorization to perform mechanical or boiler work within The City of Oklahoma City. The Chief Mechanical Inspector shall possess a current State mechanical inspector license, and possess a current national certification in mechanical plan review or obtain a State mechanical inspector license and national certification in mechanical plan review within one year of the date of hire. The Chief Mechanical Inspector shall give his/her entire time to the duties of said office, and shall not be interested directly or indirectly in any way with any contractor engaged in mechanical, boiler or gas-fitting business within the City. The Chief Mechanical Inspector shall not perform any mechanical, boiler or gas fitting work within the City.

(c) Assistant Mechanical Inspectors, as may be necessary to carry out the duties of this office may be assigned. Assistant Mechanical Inspectors shall have at least five years' experience as a licensed mechanical contractor or journeymen in each required category in a municipality of 20,000 or larger population or have at least five years' experience as a boiler or mechanical inspector in each required category in a municipality of 20,000 or larger population. Assistant Mechanical Inspectors shall hold at least a current State mechanical journeymen license in each required category and possess a current State mechanical inspector license in each required category or must obtain a State of Oklahoma mechanical inspector license within one year of the date of hire. Assistant Mechanical Inspectors shall not be interested directly or indirectly in any mechanical or boiler business within the City. Assistant Mechanical Inspectors shall not perform any mechanical or boiler work within the City.

(d) With prior approval of the Development Services Director or the Development Center Manager, the Chief Mechanical Inspector and assistants shall be reimbursed all monies expended to obtain, renew or maintain their State Mechanical and Plumbing contractor, journeyman, inspector licenses and Mechanical and Plumbing national certifications.

(Ord. No. 25053, § 2, 12-16-14, eff. 3-16-15; Ord. No. 26393, § 3, 3-3-20, eff. 4-3-20)

§ 29-23. Duties of Chief Mechanical Inspector.

(a) The Chief Mechanical Inspector shall be charged with the duty of enforcing all sections of this Code relating to any mechanical, gas or boiler system installations, repairs, alterations, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning, gas work and refrigeration systems, incinerators and maintenance of mechanical systems including inspections. The Chief Mechani-

*Editor's note—Ord. No. 26393, § 3, adopted March 3, 2020, renumbered Art. II, Div. 1 as Art. II, Div. I.

OKLAHOMA CITY MUNICIPAL CODE, 2020

cal Inspector or assistants shall inspect, or re-inspect as authorized in this Code, all mechanical, gas or boiler work within the City or outside the City that is regulated by this Code in either new or existing buildings, to ensure that the terms and provisions of this Code, and any amendments thereto are complied with in full.

(b) The Chief Mechanical Inspector shall institute by and with the advice of the Municipal Counselor, or delegated assistants, such prosecution as may be necessary against any violators of any ordinance with the enforcement for which he is charged. In the event the violation pertains to a defective mechanical, gas or boiler installation for which a permit may or may not have been obtained by the responsible party and the same fails to commence proper corrections within 48 hours and/or complete the necessary corrections within a timely manner after receiving notice from the Chief Mechanical Inspector or assistant, the Chief Mechanical Inspector shall take necessary action. The Chief Mechanical Inspector shall maintain files on violations of any provisions of this code.

(c) The Chief Mechanical or Chief Plumbing Inspector shall notify, in writing the service company, firm or individual furnishing the gas supply to disconnect when such gas system is found to be unsafe or hazardous to life or property. Upon receipt of such notice, the service company, firm or individual furnishing gas service to such defective gas system or equipment shall, within 24 hours, disconnect the service and cease to supply gas to the defective installation until the Chief Mechanical or Chief Plumbing Inspector shall give notice that the defects have been corrected. The Chief Mechanical or Chief Plumbing Inspector shall notify in writing the person, firm or corporation owning, using or operating the same to place them in a safe condition before gas service will be restored.

(d) The Chief Mechanical Inspector shall inspect for unsafe or hazardous conditions as may be necessary for public safety relative to any mechanical system in or on any building or structure used for public, educational, religious, entertainment, and commercial purposes.

- (1) When any portion or all of the mechanical or fuel gas system in or on any building, structure or premises is ordered changed for any reason, the Mechanical Inspector shall leave a notice showing the date of the order, a memorandum of the correction to be made, and the signature of the inspector making the order.
- (2) The Mechanical Inspector, in the discharge of his duties, may enter any building or premises as provided for in Chapter 2 of this Code.

(e) The Chief Mechanical Inspector or assistant shall check the workers performing mechanical, gas, boiler, plumbing and electrical work to assure that each worker possesses a valid license and/or registration.

(f) Copies of notices of violation and citations shall be filed in the office of the Chief Mechanical Inspector.

(Ord. No. 25053, § 2, 12-16-14, eff. 3-16-15; Ord. No. 26393, § 3, 3-3-20, eff. 4-3-20)

§ 29-26. Inspections.

The Chief Mechanical Inspector or assistants shall make all required inspections, or may accept reports of inspections by authorized and recognized services or individuals; and all reports of such inspections shall be in writing and certified by a responsible officer of such authoritative service or by the responsible individual; or may engage such expert opinions as deemed necessary to report upon unusual technical issues that may arise, subject to the approval of the Director of Development Services, or designated representative. All medical gas systems and medical-surgical vacuum system installations shall be inspected and certified as compliant with the current state adopted edition of NFPA 99 prior to being placed in operation. The medical gas system certifier shall submit a copy of each individual system certification report to the City's Development Center within ten days of such certifications. After inspecting any mechanical, gas or boiler work, the mechanical inspector shall leave notice of the result of the inspection. It shall be unlawful for any person other than an Oklahoma City inspector to remove, alter or damage any notice of the result of the inspection left by the mechanical inspector. No person shall in any manner conceal any mechanical, gas and/or boiler work until such work has been inspected and approved. Proper conveniences such as ladders shall be provided for inspectors on work to be inspected. The Chief Mechanical Inspector and his/her assistants shall be responsible to ensure that all inspections are made as needed. The mechanical, gas or boiler contractor or authorized representative shall call for

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

final inspection within ten days after completion of mechanical, gas or boiler work performed under any mechanical or boiler permit. No structure shall be occupied prior to the final mechanical inspection without approval by the authority having jurisdiction.

- (1) The address listed on the permit shall be posted at all building sites to verify correct location.
- (2) A medical gas system certifier must be approved prior to certifying any systems within the municipal limits of The City of Oklahoma City. All medical gas system certifier applicants must first submit credentials and proof of medical gas system certification qualifications in accordance with the current State adopted NFPA 99 standard, to The City of Oklahoma City Development Center.

(Ord. No. 25053, § 2, 12-16-14, eff. 3-16-15; Ord. No. 26393, § 3, 3-3-20, eff. 4-3-20)

ARTICLE III. PERMITS AND FEES

DIVISION I. PERMITS*

§ 29-36. Permit required.

No permit shall be issued under this article except in the name of the building/property owner through a State licensed, City registered mechanical, gas or boiler contractor by whom such mechanical, gas or boiler work is to be performed. Permits shall be required for any new construction, maintenance work or for repair work where mechanical systems, gas systems or boilers are altered, replaced or rearranged. Prior to commencement of any mechanical, gas or boiler work the mechanical, gas or boiler contractor shall contact the Development Services Department and obtain a permit. The permit shall include the name of the contractor, job address, permit number, scope of mechanical, and gas or boiler installation proposed. When the permit is requested electronically or by telephone, the contractor's copy shall be sent electronically or mailed to the business address. The permit covers only that work listed thereon. Any additions or changes shall be reported to the Development Services Department and additional inspection fees, as required, shall be assessed prior to requesting final inspection.

- (a) Permits shall be required for all boiler, gas or mechanical work, including, but not limited to, the alteration or installation of both new and used mechanical equipment and appliances regardless of size or type, which are listed in the International Mechanical Code or International Fuel Gas Code.
- (b) A permit shall be required for all gas services or gas piping systems including medical gas and medical-surgical vacuum systems. Where fuel gas pressure in systems exceed the normal utility delivery pressure, the contractor shall indicate piping installation is for an elevated pressure system.
- (c) A permit shall also be required where existing mechanical equipment is to be removed and reinstalled at the same location, where work such as roofing, remodeling, etc., is to be done. Reinstalled mechanical equipment shall comply with the requirements of this Code.
- (d) Mechanical, gas, or boiler permits shall be transferable upon approval by the Development Services Department.

(Ord. No. 25053, § 2, 12-16-14, eff. 3-16-15; Ord. No. 26393, § 4, 3-3-20, eff. 4-3-20)

§ 29-37. Permit not required for certain work.

Permits shall not be required under this article for maintenance work or repair work if the work performed does not require alteration or rearrangement of the mechanical installation.

(Ord. No. 25053, § 2, 12-16-14, eff. 3-16-15; Ord. No. 26393, § 4, 3-3-20, eff. 4-3-20)

§ 29-44. Reserved.

Editor's note—Ord. No. 26393, § 4, adopted March 3, 2020, repealed § 29-44, which pertained to electronic/telephone request and derived from Ord. No. 25053, § 2, 12-16-14, eff. 3-16-15.

***Editor's note**—Ord. No. 26393, § 4, adopted March 3, 2020, renumbered Art. III, Div. 1 as Art. III, Div. I.

OKLAHOMA CITY MUNICIPAL CODE, 2020

DIVISION II. FEES*

ARTICLE IV. APPRENTICES, JOURNEYMEN AND CONTRACTORS

§ 29-75. Mechanical apprentice.

Mechanical apprentice shall mean any person whose principal occupation is learning and working at the mechanical trade to assist a mechanical contractor or journeyman, in the work of installing or repairing mechanical systems. Mechanical apprentices shall be registered with the Construction Industries Board of the State of Oklahoma and at all times while working, shall have the apprentice registration on his/her person. An apprentice, at all times while working, shall be under the direct supervision of an appropriately licensed mechanical journeyman or mechanical contractor and shall, at all times while working, have on his/her person a valid State license in the appropriate categories. No more than three apprentices shall work under the direct supervision of a licensed journeyman or contractor at any time.

(Ord. No. 25053, § 2, 12-16-14, eff. 3-16-15; Ord. No. 26393, § 5, 3-3-20, eff. 4-3-20)

§ 29-76. Mechanical journeyman.

An Oklahoma State licensed mechanical journeyman shall, at all times while working have on his/her person a valid State license in the appropriate categories, and be in the employment of a person who is licensed and registered under the terms of this Code as a Mechanical Contractor.

(Ord. No. 25053, § 2, 12-16-14, eff. 3-16-15; Ord. No. 26393, § 5, 3-3-20, eff. 4-3-20)

ARTICLE V. MECHANICAL CODE REVIEW AND APPEALS COMMISSION

DIVISION I. MEMBERSHIP, POWERS AND DUTIES, ETC.†

DIVISION II. APPEALS PROCEDURE‡

ARTICLE VI. BOILER OPERATORS, BOILER CONTRACTORS (ISR), AND BOILER INSTALLER TECHNICIANS

DIVISION I. LICENSE/REGISTRATION REQUIRED**

DIVISION II. DEFINITIONS††

DIVISION III. BOILER OPERATOR REGULATIONS‡‡

DIVISION IV. RESERVED***

§§ 29-186—29-200. Reserved.

DIVISION V. BOILER CONTRACTOR REGULATIONS†††

***Editor's note**—Ord. No. 26393, § 4, adopted March 3, 2020, renumbered Art. II, Div. 2 as Art. II, Div. II.

†**Editor's note**—Ord. No. 26393, § 6, adopted March 3, 2020, renumbered Art. V, Div. 1 as Art. V, Div. I.

‡**Editor's note**—Ord. No. 26393, § 6, adopted March 3, 2020, renumbered Art. V, Div. 2 as Art. V, Div. II.

****Editor's note**—Ord. No. 26393, § 6, adopted March 3, 2020, renumbered Art. VI, Div. 1 as Art. VI, Div. I.

††**Editor's note**—Ord. No. 26393, § 6, adopted March 3, 2020, renumbered Art. VI, Div. 2 as Art. VI, Div. II.

‡‡**Editor's note**—Ord. No. 26393, § 6, adopted March 3, 2020, renumbered Art. VI, Div. 3 as Art. VI, Div. III.

*****Editor's note**—Ord. No. 26755, § 4, adopted May 25, 2021, repealed §§ 29-186—29-188, which pertained to boiler contractors and derived from Ord. No. 25053, § 2, 12-16-14, eff. 3-16-15.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

§ 30-306.	Transporting loaded or unloaded pistol in motor vehicle.
§ 30-451.	Furnishing of tobacco products or vapor products to persons under 21 prohibited; proof of age; fines.
§ 30-452.	Purchase, receipt or possession of tobacco products or vapor products by persons under 21 prohibited; falsifying proof of age; fines.

Article XVIII. Smoking and Vaping in Public Places and Indoor Workplaces

§ 30-471.	Smoking and vaping in certain places prohibited.
§ 30-473.	Designated rooms and areas for smoking and vaping.
§ 30-476.	Preventive measures.

†††**Editor's note**—Ord. No. 26393, § 6, adopted March 3, 2020, renumbered Art. VI, Div. 5 as Art. VI, Div. V.

§ 30-58. Obstructing officers.

(a) No person shall obstruct, attempt to obstruct or disobey a lawful command of any officer in the discharge of the officer's duties by threat or intimidation or force, including but not limited to area control devices used by the Police Department for the purpose of crime scene investigations, regulating, warning or guiding vehicles or pedestrians, unless otherwise directed by an authorized person.

(b) Any person convicted of violating any of the provisions of Subsection (a) shall be guilty of a Class "b" offense.

(Code 1970, § 21-27(b); Code 1980, § 30-58; Ord. No. 19800, § 1, 8-4-92; Ord. No. 20511, § 1, 1-16-96; Ord. No. 21845, § 1, 11-6-01; Ord. No. 22210, § 1, 5-6-03; Ord. No. 26906, § 1, 10-26-21)

State law references—Intimidating officers, 21 O.S. § 545; obstructing officer, 21 O.S. § 540.

§ 30-301. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Pistol* means any firearm capable of discharging single or multiple projectiles from a single round of ammunition composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than 16 inches in length, and using a combustible propellant charge, but not to include any firearm with an overall length of 26 inches or more, flare guns, underwater fishing guns or blank pistols.
- (2) *Shotgun* means any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than 18 inches in length, and using a combustible propellant charge, but not to include any weapon so designed with a barrel less than 18 inches in length unless the overall length of the firearm is 26 inches or more. In addition, any "shotgun" capable of firing single projectiles but primarily designed to fire multiple projectiles such as "shot" will be regarded as a shotgun.
- (3) *Stun gun* means any firearm, weapon, instrument or electronic device capable of discharging an electrical charge which may reasonably be expected to stun, temporarily paralyze or cause a debilitating or lethal injury as result of the electrical charge.
- (4) *Rifle* means any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than 16 inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include archery equipment, flare guns or underwater fishing guns. In addition, any rifle capable of firing "shot" but primarily designed to fire single projectiles will be regarded as a rifle.
- (5) *Sawed-off shotgun* means any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than 18 inches in length, and using a combustible propellant charge, but does not include any weapon so designed with a barrel less than 18 inches in length, provided it has an overall length of 26 inches or more.

OKLAHOMA CITY MUNICIPAL CODE, 2020

- (6) *Sawed-off rifle* means any rifle having a barrel or barrels of less than 16 inches in length or any weapon made from a rifle (whether by alteration, modification, or otherwise) if such a weapon, as modified, has an overall length of less than 26 inches in length, including the stock portion.

(Code 1980, § 30-246; Ord. No. 18218, § 2, 8-6-85; Ord. No. 26371, § 1, 2-4-20)

Cross reference—Definitions and rules of construction generally, § 1-2.

§ 30-306. Transporting loaded or unloaded pistol in motor vehicle.

Any person stopped pursuant to a moving traffic violation who is transporting a pistol without a valid handgun license authorized by the Oklahoma Self-Defense Act or valid license from another state, or in violation of 21 O.S. § 1272, whether the pistol is loaded or unloaded, concealed or unconcealed in the vehicle, may be issued a traffic citation. In addition to the traffic citation provided in this section, the person may also be arrested for any other violation of law.

(Code 1980, § 30-251; Ord. No. 18218, § 2, 8-6-85; Ord. No. 23693, § 1, 9-23-08; Ord. No. 26371, § 1, 2-4-20)

State law reference—Firearms in vehicles, 21 O.S. § 1289.7.

§ 30-450. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

- (1) *Person* means any individual, firm, fiduciary, partnership, corporation, trust or association, however formed;
- (2) *Proof of age* means a driver's license, license for identification only, or other generally accepted means of identification that describes the individual as 21 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 promoting 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;
- (6) *Transaction scan* means the process by which a seller checks, by means of a transaction scan device, the validity of a driver license or other government-issued photo identification;
- (7) *Transaction scan device* means any commercial device or combination of devices used at a point of sale or entry that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver license or other government-issued photo identification;
- (8) *Vapor product* shall mean noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. Vapor products shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or electronic device. Vapor products do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

(Ord. No. 25293, § 1, 12-22-15; Ord. No. 26672, § 1, 2-16-21)

State law reference—Similar provisions, 63 O.S. § 1-229.1 et seq.

§ 30-451. Furnishing of tobacco products or vapor products to persons under 21 prohibited; proof of age; fines.

(a) It is unlawful for any person to furnish by gift, sale or otherwise any cigarettes, cigarette papers, cigars, bidis, snuff, chewing tobacco, or any other form of tobacco product, or vapor products to a person under 21 years of age. It shall not be unlawful for an employee under 21 years of age to handle tobacco products when required in the performance of the employee's duties.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

(b) A person engaged in the sale or distribution of tobacco products or vapor 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 21 years of age.

If an individual engaged in the sale or distribution of tobacco products or vapor products has demanded proof of age from a prospective purchaser or recipient who is not under 21 years of age, the failure to subsequently require proof of age shall not constitute a violation of this subsection.

(c) 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 section. A person cited for violating this section shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of the violation if such person proves that:

- (1) the individual who purchased or received the tobacco product or vapor product presented a driver license or other government-issued photo identification purporting to establish that such individual was 21 years of age or older, or
- (2) the person cited for the violation confirmed the validity of the driver license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.

Provided that this defense shall not relieve from liability any person cited for a violation of this section if the person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver license or other government-issued photo identification was that of the individual who presented it. The availability of this defense does not affect the availability of any other defense under any other provision of law.

(d) Any person who shall violate Subsection (a) of this section shall be guilty of a Class "a" offense and, upon conviction, may be assessed a fine not to exceed \$ \$100.00 plus costs. Any person who shall commit a second or subsequent violation of Subsection (a) of this section shall be guilty of a Class "a" offense and, upon conviction, may be assessed a fine only, not to exceed \$200.00 plus costs.

(e) Any person who shall violate Subsection (b) of this section shall be guilty of a Class "a" offense and, upon conviction, may be assessed a fine of not more than \$100.00 plus costs for the first offense and not more than \$200.00 plus costs for the second offense within a two-year period following the first offense and not more than \$300.00 plus costs for a third or subsequent offense within a two-year period following the first offense.

(Ord. No. 25293, § 1, 12-22-15; Ord. No. 26672, § 1, 2-16-21)

State law references—Furnishing tobacco or vapor products to minors, 63 O.S. § 1-229.13; similar provision, 21 O.S. § 1241; penalty for ordinance violations, 11 O.S. § 14-111.

§ 30-452. Purchase, receipt or possession of tobacco products or vapor products by persons under 21 prohibited; falsifying proof of age; fines.

(a) Except as provided under Section 30-451(a), it is unlawful for a person who is under 21 years of age to purchase, receive, or have in his or her possession a tobacco product or vapor product or to present or offer a purported proof of age which is false or fraudulent, for the purpose of purchasing or receiving any tobacco product or vapor product.

(b) Upon conviction of an individual for a Class "a" offense under Subsection (a) of this section, the Court may for a first offense, impose a fine of not more than \$100.00 plus costs and, for a second or subsequent offense, impose a fine of not more than \$200.00 plus costs.

(Ord. No. 25293, § 1, 12-22-15; Ord. No. 26672, § 1, 2-16-21)

State law references—Similar provision, 10A O.S. § 2-8-224; penalty for ordinance violations, 11 O.S. § 14-111.

§ 30-453. Distribution of tobacco products, vapor products or product samples restricted; fines.

(a) It shall be unlawful for any person or retailer to distribute tobacco products, vapor products or product samples to any person under 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 300 feet of any playground, school, or other facility when the facility is being used primarily by persons under 21 years of age.

OKLAHOMA CITY MUNICIPAL CODE, 2020

(c) Any person who shall violate this section shall be guilty of a Class "a" offense and, upon conviction, may be assessed a fine of not more than \$100.00 plus costs for the first offense, of not more than \$200.00 plus costs for the second offense and of not more than \$300.00 plus costs for a third or subsequent offense.

(Ord. No. 25293, § 1, 12-22-15; Ord. No. 26672, § 1, 2-16-21)

State law references—Similar provision, 63 O.S. § 1-229-18; penalty for ordinance violations, 11 O.S. § 14-111.

§ 30-455. Public access to displayed tobacco or vapor products; assistance from store owner or other required; fine.

(a) It is unlawful for any person or retail store to display or offer for sale tobacco products or vapor products in any manner that allows public access to the tobacco products or vapor products without assistance from the person displaying the tobacco products or vapor products or an employee or the owner of the store. The provisions of this section shall not apply to retail stores which do not admit into the store persons under 21 years of age.

(b) Any person who shall violate this section shall be guilty of a Class "a" offense and, upon conviction, may be assessed a fine of not more than \$200.00 plus costs for each offense.

(Ord. No. 25293, § 1, 12-22-15; Ord. No. 26672, § 1, 2-16-21)

ARTICLE XVIII. SMOKING AND VAPING IN PUBLIC PLACES AND INDOOR WORKPLACES

*

§ 30-470. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Educational facility* means any property, building, permanent structure, facility auditorium, stadium, arena or recreational facility owned, leased or under the control of a public school district or private school, provided, a public school district shall not include a technology center school district;
- (2) *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;
- (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) *Marijuana product* means any product, regardless of form, that contains cannabinoids derived or extracted from the cannabis plant or the resin therefrom, and also includes synthetic cannabinoids and cannabis plant material.
- (5) *Public place* means any enclosed indoor area where individuals other than employees are invited or permitted; the term is synonymous with the phrase any indoor place used by or open to the public;
- (6) *Restaurant* means any eating establishment regardless of seating capacity;
- (7) *Smoking* means the carrying by a person of a lighted cigar, cigarette, pipe or any other device that produces smoke or fumes from burning materials;

***Editor's note**—Ord. No. 26390, § 1, adopted Feb. 18, 2020 renamed Art. XVIII. Smoking in Public Places and Indoor Workplaces as Art. XVIII. Smoking and Vaping in Public Places and Indoor Workplaces.

State law reference—Smoking in Public Places and Indoor Workplace Act, 63 O.S. § 1-1521 et seq.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

- (8) *Stand-alone bar, stand-alone tavern, and cigar bar* mean an establishment that derives more than 60 percent of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low-point beer and no person under 21 years of age is admitted, except for members of a musical band employed or hired as provided in Paragraph 2 of Subsection B of Section 537 of Title 37 of the Oklahoma Statutes and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including a restaurant;
- (9) *Tobacco product* shall mean any bidis, cigars, cheroots, stogies, smoking tobacco and chewing tobacco, however prepared. Tobacco products shall also include any other articles or products made of tobacco or any substitute thereof;
- (10) *Vaping* means the action or practice of inhaling and exhaling the vapor produced by a vapor product, electronic cigarette, or similar device; and
- (11) *Vapor product* means noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form; vapor products shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. Vapor products do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

(Ord. No. 22314, § 1, 9-23-03; Ord. No. 25294, § 1, 12-22-15; Ord. No. 26267, § 5, 10-8-19; Ord. No. 26390, § 1, 2-18-20)

§ 30-471. Smoking and vaping in certain places prohibited.

(a) Smoking and vaping is a public nuisance and dangerous to public health and is hereby prohibited, when such smoking or vaping 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 parks, whether indoors or outdoors, in any 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. Commercial airport operators may prohibit smoking and vaping in any area that is open to or used by the public whether located indoors or outdoors, provided that the outdoor area is within 175 feet from an entrance.

(b) Except as otherwise provided in this article, smoking and vaping are prohibited in all buildings owned or operated by The City of Oklahoma City. Except as otherwise provided in this article, smoking and vaping are also banned outdoors within the boundaries of all property owned or operated by The City of Oklahoma City, except for streets, alleys, sidewalks adjacent to a street and any other similar public ways used solely for the purpose of public travel, unless they are within the boundaries of a City park and except for any facility operating pursuant to a license issued by the Oklahoma Horse Racing Commission on City-owned lands and public golf courses on City-owned lands. Smoking and vaping are prohibited on City trails (identified in the Oklahoma City Trails Master Plan until superseded by and then identified in the Oklahoma City Bicycle Pedestrian Master Plan) filed with the City Clerk and posted with signage. Smoking and vaping are also prohibited on any closed street, alley or sidewalk pursuant to a revocable permit if the permit prohibits smoking and vaping and signage is posted.

(c) Smoking and vaping in an educational facility, a school vehicle, or at any school-sponsored or school-sanctioned event or activity shall be prohibited. The use of any tobacco product and vapor product shall be prohibited in or on an educational facility that offers an early childhood education program or in which children in grades kindergarten through 12 are educated, in a school vehicle, or at any school-sponsored or school-sanctioned event or activity. 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 and marijuana free, including smoking or smokeless tobacco, and smoking and vaping may be prohibited, by the institution upon adoption of a policy stating the restrictions for the institution. A technology center school district which offers an early childhood education program or in which children in grades kindergarten through 12 are educated shall prohibit smoking and vaping, the use of marijuana products, snuff, chewing tobacco or any other form of tobacco product in the buildings and on the grounds of the facility by all persons during the hours of 7:00 a.m. to 4:00 p.m., during the

OKLAHOMA CITY MUNICIPAL CODE, 2020

school session, or when class or any program established for students is in session; provided, a technology center school district may designate tobacco smoking areas outside of educational facility buildings, away from general traffic areas and completely out of sight of children under 18 years of age, for use by adults attending training courses, sessions, meetings or seminars. A technology center school district or college or university may designate tobacco 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) Notwithstanding (b), (c) and (d), no smoking or vaping shall be allowed within 25 feet of the entrance or exit of any building specified in Subsection (b), (c) or (d) of this section.

(e) Veterans centers operated by the State pursuant to the provisions of Section 221 et seq. of Title 72 of the Oklahoma Statutes, shall be designated nonsmoking; veterans centers may establish outdoor designated tobacco smoking areas for resident veterans only.

(f) The prohibition or regulation of smoking or vaping as established in this Article shall include the smoking or vaping of any marijuana product.

(Ord. No. 22314, § 1, 9-23-03; Ord. No. 25294, § 1, 12-22-15; Ord. No. 26390, § 1, 2-18-20)

§ 30-472. Exemptions.

Except for smoking or vaping of any marijuana product, the restrictions provided in Section 30-471 shall not apply to the following:

- (a) stand-alone bars, stand-alone taverns and cigar bars;
- (b) the room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;
- (c) up to 25 percent 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 tobacco smokers, if the workplace has only incidental public access;
- (g) private offices occupied exclusively by one or more smokers;
- (h) private residences and workplaces within private residences, except that smoking or vaping shall not be allowed inside any private residence that is used as a licensed child care facility during hours of operation;
- (i) medical research or treatment centers, if smoking is integral to the research or treatment;
- (j) a facility operated by a post or organization of past or present members of the Armed Forces of the United States which is exempt from taxation pursuant to Sections 501 (c)(8), 501 (c)(10) or 501 (c)(19) of the Internal Revenue Code, 26 U.S.C., Sections 501 (c)(8), 501 (c)(10) or 501 (c)(19), when such facility is utilized exclusively by its members and their families and for the conduct of post or organization nonprofit operations except during an event or activity which is open to the public; and
- (k) any outdoor seating area of a restaurant; provided, smoking or vaping shall not be allowed within 15 feet of any exterior public doorway or any air intake of a restaurant.

(Ord. No. 22314, § 1, 9-23-03; Ord. No. 25294, § 1, 12-22-15; Ord. No. 26390, § 1, 2-18-20)

§ 30-473. Designated rooms and areas for smoking and vaping.

The following do not include or permit the smoking or vaping of any marijuana product:

- (a) An employer not otherwise restricted from doing so pursuant to State law may elect to provide rooms for smoking and vaping where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking or vaping, provided each room is fully enclosed

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

and exhausted directly to the outside in such a manner that no smoke or vapor can drift or circulate into a nonsmoking area. No exhaust from a room designated for smoking or vaping shall be located within 15 feet of any entrance, exit or air intake.

- (b) If smoking or vaping is to be permitted in any space exempted in Section 30-472 of this article or in a room designated for smoking or vaping pursuant to Subsection (a) of this section, such space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the space shall be fully enclosed, exhausted directly to the outside with no air from the space circulated to any nonsmoking area, and under negative air pressure so that no smoke or vapor can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from a smoking or vaping room shall not be exhausted within 15 feet of any entrance, exit or air intake. Any employer may choose a more restrictive policy, including being totally smoke and vapor free.
- (c) A nursing facility licensed pursuant to the Nursing Home Care Act may designate tobacco 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.

Restaurants shall be totally nonsmoking or may provide smoke-free and vapor-free areas and designated smoking or vaping rooms. Food and beverage may be served in such designated rooms which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so any smoke or vapor cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within 25 feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health.

(Ord. No. 22314, § 1, 9-23-03; Ord. No. 25294, § 1, 12-22-15; Ord. No. 26390, § 1, 2-18-20)

§ 30-474. Posting.

(a) The person who owns or operates a place where smoking or vaping or the use of tobacco products or marijuana products are prohibited by law shall be responsible for posting a sign or decal, at least four inches by two inches in size, at each entrance to the building indicating such prohibitions.

(b) Responsibility for posting signs or decals shall be as follows:

- (1) in privately owned facilities, the owner or lessee, if a lessee is in possession of the facilities, shall be responsible;
- (2) in corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and
- (3) in publicly owned facilities, the manager and/or supervisor of the facility shall be responsible.

(Ord. No. 22314, § 1, 9-23-03; Ord. No. 26390, § 1, 2-18-20)

§ 30-476. Preventive measures.

The 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 or vaping in public places:

- (a) post signs at entrances to places where smoking is prohibited which state that smoking or vaping is prohibited or that the indoor environment is free of smoke or vapor; and
- (b) ask persons smoking or vaping to refrain from doing so, upon observation of anyone violating the provisions of this Act.

(Ord. No. 22314, § 1, 9-23-03; Ord. No. 26390, § 1, 2-18-20)

§ 32-33.	Authority to make temporary traffic regulations.
§ 32-493.	Electric-assisted bicycles.

OKLAHOMA CITY MUNICIPAL CODE, 2020

§ 32-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (1) *Accessible electric vehicle charging station* means an electric vehicle charging station location where the battery charging equipment is located within accessible reach of a barrier-free access aisle and the electric vehicle.
- (2) *All-battery electric vehicle* means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries.
- (3) *Alley* means any narrow highway ordinarily located in the interior portion of platted blocks and ordinarily used for service or delivery purposes at the rear of stores, dwellings or buildings.
- (4) *Ambulance* means a motor vehicle constructed, reconstructed or arranged for the purpose of transporting ill, sick, or injured persons.
- (5) *Battery charging station* means electric vehicle charging equipment designed to provide source electricity to charge batteries within electric vehicles.
- (6) *Bicycle* means a device propelled by human power upon which any person may ride, having two tandem wheels.
- (7) *Bicycle lane* means a portion of a roadway designated for bicycle use and defined by pavement markings, curbs, signs, or other traffic control devices.
- (8) *Bicycle path* means an area which is on a completely separate right-of-way designated for the exclusive use of bicycles and pedestrians with cross flows by motorists minimized.
- (9) *Bicycle route* means any roadway so designated and signed which allows a bicycle operator to use the full traffic lane, notwithstanding the traffic lane's continued use by other vehicles. On roadways consisting of two or more lanes in the same direction of travel, the bicycle route shall be the outside or furthest right-hand through traffic lane only. The Traffic and Transportation Commission is hereby authorized to designate bicycle routes in accordance with this article and the Oklahoma City Bicycle Transportation Plan, or as may hereafter be amended. A Share the Road sign does not indicate a designated bicycle route.
- (10) *Business district* means the territory contiguous to and including a highway if there are buildings within 600 feet of the highway in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.
- (11) *Cellular telephone* means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones.
- (12) *Commercial vehicle* means a vehicle designed, maintained, or used primarily for the transportation of goods or fare-paying passengers.
- (13) *Commission* means the Traffic and Transportation Commission of the City.
- (14) *Compose, send or read with respect to a text message* means the manual entry, sending or retrieval of a text message to communicate with any person or device.
- (15) *Crosswalk* means:
 - (a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway; and
 - (b) any portion of a roadway at an intersection or elsewhere distinctly designated for pedestrian crossing by lines or other markings on the surface.
- (16) *Director* means the Public Works Director.
- (17) *Double park* means parking or stopping a vehicle on the roadway side of another vehicle already parked adjacent to the edge or curbing of the roadway.
- (18) *Driver or operator* means a person who drives or is in actual physical control of a vehicle.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

- (19) *Electronic communication device* means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a device that is physically or electronically integrated into a motor vehicle or a voice-operated global positioning or navigation system that is affixed to a motor vehicle, or a hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function.
- (20) *Electric-assisted bicycle* means any bicycle with:
- (a) two or three wheels; and
 - (b) fully operative pedals for human propulsion and equipped with an electric motor with a power output of not more than 750 watts that meets the requirements of one of the following three classes:
 1. Class 1 electric-assisted bicycle shall mean an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour,
 2. Class 2 electric-assisted bicycle shall mean an electric-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour, and
 3. Class 3 electric-assisted bicycle shall mean an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.
- (21) *Electric vehicle* means any vehicle that is licensed and registered by the State of Oklahoma or any other state to operate lawfully on public roads, streets, and other public rights-of-way; which derives its power either partially or exclusively, from electrical energy from a battery for motive purposes. Electric vehicles include only:
- (a) a plug-in all battery electric vehicle; or
 - (b) a plug-in hybrid electric vehicle.
- (22) *Electric vehicle parking space* means any marked parking space that identifies the use to be only for the parking and charging of an electric vehicle.
- (23) *Emergency* means an unforeseeable occurrence of temporary duration causing or resulting in an abnormal increase in traffic volume, cessation or stoppage of traffic movement, or creation of conditions hazardous to normal traffic movement, including fire, storm, accident, riot, or spontaneous assembly of large numbers of pedestrians in such a manner as to impede the flow of traffic.
- (24) *Emergency vehicle* means vehicles of the Fire and Police Departments and legally authorized ambulances and emergency vehicles of municipal departments or public service corporations while acting in an emergency in accordance with their officially-designated function.
- (25) *Intersection* means the point at which two or more roadways, streets or highways meet, cross or otherwise intersect.
- (26) *Laned roadway* means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.
- (27) *Limit lines* means boundaries of parking areas, loading zones and non-traffic areas and lines indicating the proper place for stopping where stops are required.
- (28) *Limited access highway* means a highway, street, or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access, except at such points and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.
- (29) *Loading zone* means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.
- (30) *Median* means the dividing area, either paved or unpaved, that is located approximately in the center of a highway, street, or roadway and that separates lanes of traffic going in opposite directions.

OKLAHOMA CITY MUNICIPAL CODE, 2020

- (31) *Motorcycle, motor scooter, and motor bicycle* means a motor vehicle, other than a tractor, having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground.
- (32) *Motorized scooter* means any vehicle having no more than three wheels in contact with the ground, handlebars and a foot support or seat for the use of the operator, and a power source that is capable of propelling the vehicle at a maximum design speed of not more than 25 miles per hour on level ground.
 - (a) if the power source is a combustion engine, the engine will have a piston or rotor displacement of no greater than 35 cubic centimeters (35 cu cm) regardless of the number of chambers in the power source.
 - (b) if the power source is electric, the power output will not exceed one thousand (1,000) watts.
- (33) *Motor vehicle* means a vehicle which is self-propelled or propelled by electric power obtained from overhead wires, but not operated upon rails.
- (34) *Multi-space parking pay station* means an automated kiosk which collects payment in exchange for the right to park a vehicle in a multi-space parking zone or parking meter space for a designated amount of time.
- (35) *Multi-space parking receipt* means a document which specifies the total amount paid and the amount of time reserved for the multi-space parking zone or parking meter space.
- (36) *Multi-space parking zone* means designated multiple parking spaces for which payment is made at a multi-space parking pay station, and which may additionally encompass one or more electric vehicle parking spaces.
- (37) *Multiuse trail* means any hard-surfaced path for two-directional travel by pedestrians and users of various devices and equipment traveling at different speeds to be utilized for multi-purpose recreational activities such as walking, jogging, running, rollerblading, roller-skating, skateboarding and cycling.
- (38) *Natural trail* means a route, path, or track with a natural surface tread made by clearing and grading the native soil with no added surfacing material.
- (39) *Non-electric vehicle* means any vehicle that does not meet the definition of electric vehicle.
- (40) *Off-road recreational vehicle* means any multi-wheeled vehicle designed to travel over unimproved terrain which weighs less than 500 pounds and has an engine total displacement volume of less than 500 cubic centimeters.
- (41) *Park or parking* means the standing of a vehicle, whether occupied or not, other than for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers, providing such loading and unloading is in an authorized place.
- (42) *Parking meter* means a device which collects payments in exchange for the right to park a vehicle in a designated and corresponding parking space for a limited amount of time.
- (43) *Parking meter space* means that area corresponding to a designated parking meter intended to accommodate a single stationary vehicle.
- (44) *Parklet* means an expansion of the sidewalk into one or more on-street parking spaces to create a people-oriented place for public use and enjoyment.
- (45) *Pedestrian* means any person on foot or operating a wheelchair.
- (46) *Plug-in hybrid electric vehicle* means an electric vehicle that (1) contains an internal combustion engine or other propulsion source in combination with an electric motor, which allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the electrical utility grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.
- (47) *Police officer* means an officer of the Police Department or any person authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

- (48) *Private road or roadway* means a way or place in private ownership or leading to property in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner.
- (49) *Railroad* means a carrier of persons or property upon cars other than streetcars, operated upon stationary rails.
- (50) *Railroad train* means a locomotive or engine, with or without cars attached, which is operated upon fixed rails and is not a streetcar.
- (51) *Recumbent bicycle* means a bicycle which places the operator in a reclining position.
- (52) *Residential district* means the territory contiguous to and including a highway, street or roadway not comprising a business district.
- (53) *Right-of-way* means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.
- (54) *Roadway* means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. If a highway or street includes two or more separate roadways, the term "roadway" as used herein shall mean any one of the roadways included in the highway or street and not all such roadways collectively.
- (55) *Safety zone* means the area of space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by adequate signs so as to be plainly visible at all times.
- (56) *School zone* means any street, roadway, or highway or portion thereof officially designated and marked as a school zone.
- (57) *Shoulder* means an area contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.
- (58) *Sidewalk* means that portion of a roadway, street, or highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.
- (59) *Skateboard* means a device consisting of a short narrow board of any material with wheels affixed to the underside, designed to be ridden by a person.
- (60) *Standing* means any stopping of a vehicle whether occupied or not.
- (61) *Stop, when required*, means the complete cessation of movement.
- (62) *Stop or stopping, when not required*, means any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a Police Officer or traffic signal.
- (63) *Street or highway* means the entire width between the boundary lines of every way publicly maintained roadway when any part thereof is open to the use of the public for purposes of vehicular travel.
- (64) *Text message* includes a text-based message, instant message, electronic message, photo, video or electronic mail.
- (65) *Through street or boulevard* shall mean a street, roadway, or highway or portion thereof at the entrances to which:
 - (a) vehicular traffic from intersecting streets, roadways, or highways is required by law to come to a full stop before entering or crossing; and
 - (b) stop signs are erected as provided in this chapter.
- (66) *Traffic* means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any street, roadway, or highway for purposes of travel.
- (67) *Traffic control device* means any device legally authorized and used for the purpose of regulating, warning or guiding traffic.
- (68) *U-turn* means a turn by which a vehicle reverses its course of travel on the same street.

OKLAHOMA CITY MUNICIPAL CODE, 2020

- (69) *Vehicle* means a device in, upon, or by which any person or property is or may be transported or drawn upon a street, roadway, or highway, to include electric vehicles, except devices used exclusively upon stationary rails or tracks and wheelchairs, skateboards, and other devices not suitable for travel on roadways.

(Code 1970, § 34-3; Ord. No. 15924, § 1, 8-12-80; Ord. No. 17509, § 1, 1-24-84; Code 1980, § 32-1; Ord. No. 19523, § 1, 2-12-91; Ord. No. 24273, § 1, 5-24-11; Ord. No. 25,203, § 1, 9-1-15; Ord. No. 25,283, § 1, 12-9-15; Ord. No. 25709, § 1, 8-29-17; Ord. No. 26009, § 1, 9-25-18; Ord. No. 26113, § 1, 3-26-19; Ord. No. 26131, § 1, 4-23-19; Ord. No. 26833, § 1, 8-31-21)

Cross reference—Definitions and rules of construction generally, § 1-2.

§ 32-32. Persons authorized to direct traffic.

(a) Officers of the Police Department or any officers designated by the Chief of Police and in construction and maintenance areas any person who has successfully completed and holds a current certificate of completion for the course "Traffic Control for Flaggers," conducted by the Oklahoma City transportation division, are hereby authorized to direct traffic by voice, hand, or signal in conformance with traffic laws. In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws. Officers of the Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic in the immediate vicinity.

(b) Off-duty Police Officers, or any officer authorized by the Chief of Police, may direct traffic, by voice, hand, or signal, provided the officers have obtained written approval to direct traffic from the traffic engineer and the Chief of Police, or their designees.

(c) Civilian police employees designated by the Chief of Police are hereby authorized to direct traffic by voice, hand, or signal for the specific purpose of regulating processions and before, during, and after special events.

(d) No unauthorized person shall direct or attempt to direct traffic, except in case of emergency where no officer is present.

(Code 1970 §§ 34-297, 34-298; Ord. No. 17380, § 1, 10-11-83; Code 1980, § 32-32; Ord. No. 19491, § 1, 11-13-90; Ord. No. 27463, § 1, 11-21-23)

§ 32-33. Authority to make temporary traffic regulations.

(a) The City Manager, City Engineer/Public Works Director or designee are hereby empowered to make temporary traffic regulations in cases of emergency or to meet special conditions. In making such regulations, the health, safety and welfare of the public shall be considered.

(b) Such regulations, when drawn by the City Manager, City Engineer/Public Works Director or designee, or duly made, shall remain in full force and be enforced for the duration of the emergency or special condition, or until changed by official action of the Commission or City Council. Violation of such emergency orders shall be punishable as other ordinances.

(Code 1970, § 34-313; Code 1980, § 32-33; Ord. No. 26369, § 1, 1-21-20)

§ 32-92. Authorized generally.

(a) Members of the Police Department are hereby authorized, within the limits set forth in this division, in Division 6 of this article to tow and/or impound motor vehicles under the circumstances hereinafter enumerated. No impoundment shall be valid unless made under order of an authorized police officer. Each authorized impound of a motor vehicle shall impose an administrative fee which shall be paid by the person to whom the vehicle is released or collected upon sale if the vehicle is not claimed. The amount of such fee shall be established in Chapter 60, the General Schedule of Fees.

(b) In addition to the members of the Police Department, the Director of the Public Transportation and Parking Department, as defined in section 2-632 of this Code, is hereby authorized to cause any vehicle or other physical obstruction which constitutes a hazard or an obstruction to the normal movement of Streetcar along the City of Oklahoma City Streetcar route to be towed and/or impounded. The Director of the Public Transportation and Parking Department may authorize employees of the Public Transportation and Parking Department to cause any vehicle or other physical obstruction, which constitutes a hazard or an obstruction to the normal movement of Streetcar along the City of Oklahoma City Streetcar route to be towed and/or impounded.

(Code 1970, § 34-284; Code 1980, § 32-92; Ord. No. 23450, § 3, 9-25-07; Ord. No. 23904, § 1, 8-4-09; Ord. No. 24274, § 1, 5-24-11; Ord. No. 25709, § 3, 8-29-17; Ord. No. 26946, § 1, 1-4-22)

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

§ 32-93. Disabled vehicles.

A disabled vehicle upon a street or highway may be impounded under the following circumstances:

- (1) if left unattended and improperly parked on a street or highway;
- (2) if left unattended longer than 48 hours on the shoulder of any highway;
- (3) if the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal.
- (4) if left unattended within a bicycle lane for more than two hours.

(Code 1970, § 34-286; Code 1980, § 32-93; Ord. No. 26674, § 1, 3-2-21)

§ 32-96. Vehicle constituting traffic hazard or obstruction.

(a) A vehicle left unattended upon any street, sidewalk, alley or thoroughfare, which constitutes a hazard or obstruction to the normal movement of vehicular, public transit, or pedestrian traffic, may be towed and/or impounded. An unattended vehicle shall be deemed to constitute an obstruction if any portion of the vehicle remains in the lane of traffic designated by traffic lane markings or if any portion of the vehicle is outside of the designated parking location and protrudes into the lane of traffic.

(b) Along the City of Oklahoma City Streetcar route, an unattended vehicle shall be deemed to constitute an obstruction if any portion of the vehicle remains in the lane of traffic designated by traffic lane markings or if any portion of the vehicle is outside of the designated parking location or protrudes into the lane of traffic utilized for the Oklahoma City Streetcar route. Such vehicle may be towed and/or impounded in accordance with Section 32-92.

(Code 1970, § 34-289; Code 1980, § 32-96; Ord. No. 23761, § 1, 12-9-08; Ord. No. 26002, § 1, 9-11-18; Ord. No. 26009, § 3, 9-25-18; Ord. No. 26579, § 1, 10-27-20; Ord. No. 26946, § 1, 1-4-22)

§ 32-237. Designation of restricted turns.

(a) The Commission is hereby authorized to determine those street intersections at which drivers of vehicles shall not make right turns, left turns, or U-turns.

(b) The determinations of the Commission shall specify each intersection or location affected and the particular restriction or relaxation of prohibition applicable thereto.

(c) The determinations of the Commission shall be made on the basis of a competent traffic engineering survey and investigation which shall consider the public health, safety and welfare.

(d) Each intersection or location regulated under this section shall be plainly marked with signs indicating such regulations and the hours applicable, if any.

(Code 1970, § 34-39; Ord. No. 17545, § 1, 2-14-84; Code 1980, § 32-237; Ord. No. 26370, § 1, 1-21-20)

§ 32-314. Parking close to curb.

Except as otherwise provided in this article, every vehicle stopped or parked upon a roadway shall be so stopped or parked parallel with the curb or edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 18 inches of the curb or edge of the roadway except where a parking lane is situated between a bicycle lane and a motor vehicle travel lane the edge of the bicycle lane or bicycle lane buffer immediately adjacent to the parking lane shall be considered the curb or edge of the roadway for determining parking distance.

(Code 1970, § 34-122; Code 1980, § 32-314; Ord. No. 26579, § 2, 10-27-20; Ord. No. 26674, § 1, 3-2-21)

State law reference—Distance from curb, 47 O.S. § 11-1004(a).

§ 32-478. Obedience to traffic control devices.

(a) Except as specified in subsection (b) of this Section, any person operating a bicycle shall obey the instructions of official traffic control signs, and other control devices applicable to vehicles, unless otherwise directed by a Police Officer.

(b) A person operating a bicycle approaching a stop sign shall:

- (1) slow down and enter the intersection with caution;

OKLAHOMA CITY MUNICIPAL CODE, 2020

- (2) yield the right of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection; and
- (3) make a complete stop at the stop sign before entering the intersection, if required to avoid an immediate hazard. If a person operating a bicycle determines there is no immediate hazard, he or she may cautiously make a right or left turn, or proceed through the intersection, without first stopping at the stop sign.
- (c) A person operating a bicycle approaching a steady red traffic-control signal shall:
 - (1) make a complete stop at the steady red traffic-control signal before entering the intersection; and
 - (2) yield the right-of-way to all oncoming traffic that constitutes an immediate hazard during the time that he or she is moving across or within the intersection. If a person operating a bicycle determines there is no immediate hazard, he or she may proceed through a steady red traffic-control signal with caution after first having made a complete stop.
- (d) A person operating a bicycle may:
 - (1) make a right-hand turn at a steady red traffic-control signal without stopping, only after first slowing to a reasonable speed and after yielding the right-of-way to any oncoming traffic that constitutes an immediate hazard; or
 - (2) make a left-hand turn onto a one-way street at a steady red traffic-control signal after first stopping and after yielding to any oncoming traffic that constitutes an immediate hazard.
- (e) "*Immediate hazard*" shall mean a vehicle is approaching a person operating a bicycle at a proximity and rate of speed sufficient to indicate to a reasonably careful person that there is a danger of collision or accident.
- (f) Whenever authorized signs are erected indicating that a turning movement is restricted no person operating a bicycle shall disobey the direction of any such sign, except where that person dismounts from the bicycle to make the turn, in which event such person shall then obey the regulations applicable to pedestrians.
- (g) No person shall ride or operate a bicycle in any direction except that permitted of vehicular traffic traveling on the same side of the roadway.
(Code 1970, § 34-242(a)—(c); Ord. No. 15924, § 1, 8-12-80; Code 1980, § 32-478; Ord. No. 27065, § 1, 5-10-22)

§ 32-484. Motor vehicles in bicycle lanes.

Except as otherwise provided in this article, no person shall stand, park or drive a motor vehicle in a bicycle lane except as follows:

- (a) to park where parking is permitted,
- (b) to enter or leave the roadway,
- (c) while actually executing a turn,
- (d) when a motor vehicle is disabled, and no other means are available to park the motor vehicle on the side of the road; or
- (e) when a motor vehicle is actively loading or unloading passengers or materials.
(Code 1970, § 34-242(f); Ord. No. 15924, § 1, 8-12-80; Code 1980, § 32-484; Ord. No. 26674, § 1, 3-2-21)

§ 32-493. Electric-assisted bicycles.

(1) An electric-assisted bicycle shall meet the manufacturing and equipment requirements adopted by the Consumer Product Safety Commission for bicycles and shall operate in such a manner that the electric motor disengages or ceases to function when the rider stops pedaling or the brakes are applied.

(2) Any electric-assisted bicycle that was manufactured or purchased on or after January 1, 2020 and is operated on any street, highway, trail or other public right-of-way, shall have a label that is permanently affixed to the bicycle in a prominent location. The label shall contain the correct classification number, top assisted speed and motor wattage of the electric-assisted bicycle to which the label is affixed.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

- (3) Operation.
- (a) A Class 1 electric-assisted bicycle may be operated wherever bicycles are permitted to be operated, except where prohibited by ordinance or by official signs or markings. Unless otherwise prohibited, a Class 1 electric-assisted bicycle may be operated on any portion of a multiuse trail or natural trail, as defined in § 32-1.
 - (b) A Class 2 electric-assisted bicycle may be operated wherever bicycles are permitted to be operated, except where prohibited by ordinance or by official signs or markings. Unless otherwise prohibited, a Class 2 electric-assisted bicycle may be operated on any portion of a multiuse trail but may not be operated on any portion of a natural trail.
 - (c) A Class 3 electric-assisted bicycle may be operated wherever bicycles are permitted to be operated, except where prohibited by ordinance or official signs or markings. Unless otherwise prohibited, a Class 3 electric-assisted bicycle may be operated on any portion of a multiuse trail but may not be operated on any portion of a natural trail.
 - (d) Unless otherwise prohibited, a Class 1, 2 or 3 electric-assisted bicycle may be operated on any portion of a natural trail only when being used as a mobility aid by an individual with a disability as defined in 42 U.S.C. § 1213, et seq., of "The Americans with Disabilities Act." Parks Department employees and police officers are permitted to ask a person using an electric-assisted bicycle as a mobility aid to provide credible assurance that the device is used because of a disability.
 - (e) It is the sole responsibility of the operator of any electric-assisted bicycle to determine whether or not they can safely operate the device on any particular trail. Operators shall at all times exercise due caution while operating an electric-assisted bicycle on any City trail.
- (4) Restrictions.
- (a) No person shall operate any electric-assisted bicycle at a speed greater than the speed limit posted by official signs or markings. At no time, however, shall a person operate an electric-assisted bicycle at a speed or in such a manner that is unsafe or that poses a hazard or risk of injury to the operator or to other persons in the vicinity of the operator.
 - (b) No person under 16 years of age may operate a Class 3 electric-assisted bicycle. A person under 16 years of age may ride as a passenger on a Class 3 electric-assisted bicycle that is designed to accommodate passengers.
 - (c) No person shall operate a Class 3 electric-assisted bicycle unless the bicycle is equipped with a speedometer that is capable of displaying the speed the electric-assisted bicycle is traveling in miles per hour.
- (5) Penalty.
- (a) A violation of any provision of this section shall be a Class "a" offense.
- (Ord. No. 26833, § 2, 8-31-21)

§ 33-100.	Reserved.
§ 33-101.	Stolen and other seized property hearing requirements.

§ 33-64. Schedule of fines for parking violations.

The amount of the fine which may be accepted by the Department of Court Administration in satisfaction of a parking violation shall be as follows:

		<i>minimum fine</i>	<i>fine after arraignment date</i>
(1)	parking meter	15.00	24.00
(2)	Sections 32-304, 32-305, 32-306, 32-308, 32-310, 32-406, 32-407, 32-409, 10-109, 10-112 and 56-60B parking (unless otherwise provided in this Schedule)	50.00	70.00

OKLAHOMA CITY MUNICIPAL CODE, 2020

		<i>minimum fine</i>	<i>fine after arraignment date</i>
(3)	parked with improper tag	50.00	100.00
	if obtained, proof required	30.00	
(4)	physically disabled parking	150.00	200.00
(5)	fire-related parking Sections 32-304(a)(4) and (10) and 20-102	100.00	125.00
(6)	other	15.00	24.00
(7)	trespassing	50.00	70.00
(8)	residential yard parking	100.00	125.00
(9)	Section 32-626 electric vehicle parking space	50.00	70.00
(10)	Parallel parking along the Streetcar route; Sections 32-96(b) and 32-314(b)	130.00	150.00

(Code 1970, § 2-37; Code 1980, § 33-63; Ord. No. 16612, § 2, 3-30-82; Ord. No. 19221, § 1, 6-20-89; Ord. No. 19363, § 1, 2-27-90; Ord. No. 19386, § 1, 3-27-90; Ord. No. 20076, § 1, 12-14-93; Ord. No. 20363, § 1, 6-13-95; Ord. No. 24072, § 1, 6-1-10; Ord. No. 24121, § 2, 8-17-10; Ord. No. 24417, § 5, 2-21-12; Ord. No. 25316, § 4, 1-12-16; Ord. No. 25709, § 7, 8-29-17; Ord. No. 26579, § 3, 10-27-20)

Cross references—Citations for illegal parking, § 32-128; Municipal Court fees, § 60-33-1 et seq.

§ 33-100. Reserved.

Editor's note—Ord. No. 26869, § 1, adopted Sept. 28, 2021, repealed § 33-100, which pertained to notice of stolen property and derived from Code 1980, § 33-100; Ord. No. 19177, § 1, 4-11-89.

§ 33-101. Stolen and other seized property hearing requirements.

(a) A party asserting ownership of or a property interest in personal property in custody of the Oklahoma City Police Department may make application to the Clerk of Municipal Court for return of the property. The Municipal Court shall hear cases only where the Municipal Court has criminal jurisdiction.

(b) The Clerk of Municipal Court will notify other parties involved of the hearing date. This will be done by first class mail.

(c) The term "parties" shall mean any person(s) who may make a claim of ownership or interest in the property.

(d) If the parties cannot be served by mail, the Clerk of Municipal Court shall provide notice of the hearing date in one publication of a newspaper of general circulation in the county where the property is held in custody.

(e) The hearing shall be held not less than 15 days after the Municipal Court has sent the notice. If the notice is returned as undeliverable but with a forwarding address, the notice shall be sent to the party's new last known address, if any, and the hearing shall be rescheduled if the hearing date is less than 15 days from the date of mailing. If no current address can be found, the notice of hearing shall be published not less than three days prior to the hearing, weekends and holidays excluded.

(f) The property shall be released by the court to the owner or the owner's designated representative upon determination of satisfactory proof of ownership or right of possession; provided, if the property is being held as evidence, the court may order the property to remain in police custody.

(g) This section shall in no way waive the statutory time under 11 O.S. § 34-104, for the Chief of Police to make application in District Court to dispose of unclaimed property, except as provided above in Paragraph "f" of this section. No continuance or rescheduling of hearing shall extend this period of time.

(Code 1980, § 33-101; Ord. No. 19177, § 1, 4-11-89; Ord. No. 26869, § 2, 9-28-21)

§ 33-102. Fees.

(a) The applicant for return of property under this article shall pay a fee to cover the notice by mailing, and, if publication notice becomes necessary, the notice by publication. The amount of these fees shall be as established in Chapter 60, the General Schedule of Fees.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

(b) If none of the interested parties appear at the original hearing and have failed to schedule an appropriate continuance, any interested party requesting an additional hearing shall be charged a notice fee. The amount of such fee shall be as established in Chapter 60, the General Schedule of Fees.

(Code 1980, § 33-102; Ord. No. 19177, § 1, 4-11-89; Ord. No. 26869, § 2, 9-28-21)

Cross references—Notice fee for return of property hearing, § 60-33-26; rescheduling fee for return of property hearing, § 60-33-27.

§ 35-189.	Vehicle used for prostitution-related transportation or prostitution-related criminal activity, a drive-by shooting, a speed contest violation, to block vehicular traffic, or for an eluding a peace officer violation declared a public nuisance per se.
§ 35-190.	Procedure used to abate public nuisance per se relating to a vehicle used for prostitution-related transportation or prostitution-related criminal activity, a drive-by shooting, a speed contest violation, to block vehicular traffic, or for an eluding a peace officer violation as declared by this division.

§ 35-175. Definitions.

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

- (1) *Adult-entertainment-related violations* means any violations of Section 59-9200 of this Code that arise from failing to obtain a conditional use permit pursuant to Section 59-6200.2 of this Code and in accordance with Section 59-4200.4 of this Code or from failing to qualify for a conditional use permit pursuant to Section 59-9350.4 of this Code, in connection with a bar or tavern that requires a conditional use permit for Adult Entertainment Uses as described in Section 59-8300.3 of this Code or in Section 59-2150.2 of this Code.
- (2) *Bar or tavern* means any place where alcoholic beverages are sold or served to the public for on-premises consumption.
- (3) *Bar- or tavern-related violations* means any violations of Sections 30-97 or 30-98 of this Code, or any violations of Chapter 5 of this Code or Title 37A of the Oklahoma Statutes by a bar or tavern owner, operator, licensee, permittee, employee or agent.
- (4) *CDS statutes* means 63 O.S. §§ 2-101 et seq., as amended, or 21 U.S.C. §§ 801 et seq., as amended.
- (5) *Drive-by shooting* means any violation of the drive-by shooting statute.
- (6) *Drive-by shooting statute* means 21 O.S. § 652(B).
- (7) *Drug-related criminal activity* means the sale, distribution or use of illegal drugs in violation of any CDS statute.
- (8) *Eluding a peace officer and eluding a peace officer violation* means any violation of the eluding a peace officer statute or of the eluding a police officer ordinance.
- (9) *Eluding a peace officer statute* means 21 O.S. § 540A.
- (10) *Eluding a police officer ordinance* means Section 32-11 of this Code.
- (11) *Illegal drugs* means any substance whose possession, sale, manufacture, storage, or gift is prohibited by a CDS statute.
- (12) *Involved licensee* means a licensee of a vehicle who was the driver of or a passenger in the vehicle and who was involved using the vehicle in the commission of a drive-by shooting, blocking vehicular traffic, a speed contest violation, an eluding a peace officer violation, prostitution-related transportation or prostitution-related criminal activity.
- (13) *Involved owner or lessee* means an owner or lessee of a vehicle who was the driver of or a passenger in the vehicle and who was involved using the vehicle in the commission of a drive-by shooting, blocking vehicular traffic, a speed contest violation, an eluding a peace officer violation, prostitution-related transportation or prostitution-related criminal activity.

OKLAHOMA CITY MUNICIPAL CODE, 2020

- (14) *Known unlawful drug user, possessor, or seller* means any person who has, within the knowledge of law enforcement personnel, been convicted in any court of any violation of a CDS statute.
- (15) *Known prostitute* means any person who has, within the knowledge of law enforcement personnel, been convicted in any court of any violation of the prostitution or solicitation for prostitution statutes or any violation of the prostitution or solicitation for prostitution ordinances.
- (16) *Lessee* means any person who has a provable express or implied leasehold interest in and right to possess and use real property or a vehicle.
- (17) *Licensee of a vehicle* means any person using a vehicle with the express or implied consent of an owner or lessee thereof.
- (18) *Open lot* means any real estate on the outside of a building upon which there occur assemblies or gatherings of people, including but not limited to the outdoor premises of a business establishment or of apartment units, which includes the parking and pedestrian access portions of areas owned or controlled by the owner, proprietor or manager, provided, however, that open lot shall not include property owned by a government body and shall not include the outdoor premises of a duplex or a single-family residence unless the general public has been invited to assemble or gather there.
- (19) *Open lot disturbance violations* means any violations in an open lot of Sections 30-17 (assault or battery), 30-81 (disorderly conduct), 30-82 (disturbing the peace), 30-85 (public intoxication), 30-308 (discharge of firearms), 30-372 (throwing injurious substances), or 30-373 (throwing objects) of this Code, unlawful possession of offensive weapons in violation of 21 O.S. § 1272, drug-related criminal activity, prostitution-related criminal activity, or any act constituting a violent felony as defined in 57 O.S. § 571.
- (20) *Non-involved owner or lessee* means an owner or lessee of a vehicle who was not the driver of or a passenger in the vehicle and who was not involved using the vehicle in the commission of a drive-by shooting, blocking vehicular traffic, a speed contest violation, an eluding a peace officer violation, prostitution-related transportation or prostitution-related criminal activity.
- (21) *Owner of a vehicle* means any individual, corporation, partnership, trust, association, joint venture, or other person, and their respective agents who have a demonstrable right to exert exclusive control over or be in possession of a vehicle, including a record co-owner, a record joint owner, or any other legal entity recognized under Oklahoma law who has a record interest in and right to immediate possession of a vehicle.
- (22) *Prostitution or solicitation for prostitution ordinance* means Section 30-152 of this Code.
- (23) *Prostitution or solicitation for prostitution statute* means 21 O.S. § 1028, § 1029 or § 1030.
- (24) *Prostitution-related criminal activity* means violating the prostitution or solicitation for prostitution statute or the prostitution or solicitation for prostitution ordinance.
- (25) *Prostitution-related transportation* means the use of a vehicle in any manner by a prostitute, pimp, panderer or any other person to facilitate or participate in the commission of prostitution-related criminal activity.
- (26) *Real property* means property that meets the definition set forth in 60 O.S. § 5.
- (27) *Real property used for drug-related criminal activity* means any real property or the improvements or fixtures located thereon that are used in whole or in part for drug-related criminal activity.
- (28) *Real property used for prostitution-related criminal activity* means any real property or the improvements or fixtures located thereon that are used in whole or in part for prostitution-related criminal activity.
- (29) *Speed contest ordinance* means Section 32-174 of this Code.
- (30) *Trespasser* means any person or other legal entity that possesses or formerly possessed a vehicle without the express or implied consent of or against the will of the owner or lessee of the vehicle.
- (31) *Vehicle* means personal property that meets the definition set forth in Section 32-1 of this Code.

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

- (32) *Vehicle used for a drive-by shooting or vehicle used in the commission of a drive-by shooting* means any vehicle that is or was used to commit or facilitate the commission of a drive-by shooting.
- (33) *Vehicle used for a speed contest violation* means a vehicle that is or was used to commit a motor vehicle speed contest or exhibition on a public street or highway in violation of the speed contest ordinance.
- (34) *Vehicle used for eluding a peace officer or vehicle used in the commission of an eluding a peace officer violation* means any vehicle that is or was used to commit or facilitate the commission of eluding a peace officer.
- (35) *Vehicle used to block vehicular traffic* means any vehicle used on a street or highway, individually or in coordination with other vehicles, to intentionally block the normal flow of traffic.

(Ord. No. 23450, § 2, 9-25-07; Ord. No. 23692, § 1, 9-23-08; Ord. No. 24352, § 1, 10-18-11; Ord. No. 24408, § 1, 2-14-12; Ord. No. 25000, § 1, 10-7-14; Ord. No. 25,205, § 2, 9-1-15; Ord. No. 26267, § 6, 10-8-19; Ord. No. 27170, § 1, 9-13-22)

§ 35-189. Vehicle used for prostitution-related transportation or prostitution-related criminal activity, a drive-by shooting, a speed contest violation, to block vehicular traffic, or for an eluding a peace officer violation declared a public nuisance per se.

(a) Pursuant to the authorities cited in Section 35-172 of this article, the City declares that any vehicle used by an involved owner or lessee or an involved licensee for prostitution-related transportation or prostitution-related criminal activity is a public nuisance per se, and while in the possession of the involved owner or lessee or the involved licensee, the vehicle constitutes a continuing danger to the comfort, repose, health or safety of City residents, visitors, businesses and neighborhoods, rendering them insecure in life and in the use of property. Due to the existence of this public nuisance per se, the City declares that it is necessary for the City to provide for the impoundment of a vehicle used by the involved owner or lessee or the involved licensee for prostitution-related transportation or prostitution-related criminal activity and to hold the vehicle from further use by the involved owner or lessee or the involved licensee for the mandatory holding period provided for by Section 35-190 of this division. The purpose of such impoundment and mandatory holding period is to abate the public nuisance per se declared herein. The procedures for such impoundment are set forth in Section 35-190 of this division.

(b) Pursuant to the authorities cited in Section 35-172 of this article, the City declares that any vehicle used by an involved owner or lessee or an involved licensee for a drive-by shooting is a public nuisance per se, and while in the possession of the involved owner or lessee or the involved licensee, the vehicle constitutes a continuing danger to the comfort, repose, health or safety of City residents, visitors, businesses and neighborhoods, rendering them insecure in life and in the use of property. Due to the existence of this public nuisance per se, the City declares that it is necessary for the City to provide for the impoundment of a vehicle used by the involved owner or lessee or the involved licensee to commit a drive-by shooting and to hold the vehicle from further use by the involved owner or lessee or the involved licensee for the mandatory holding period provided for by Section 35-190 of this division. The purpose of such impoundment and mandatory holding period is to abate the public nuisance per se declared herein. The procedures for such impoundment are set forth in Section 35-190 of this division.

(c) Pursuant to the authorities cited in Section 35-172 of this article, the City declares that any vehicle used by an involved owner or lessee or an involved licensee for a speed contest violation is a public nuisance per se, and while in the possession of the involved owner or lessee or the involved licensee, the vehicle constitutes a continuing danger to the comfort, repose, health or safety of City residents, visitors, businesses and neighborhoods, rendering them insecure in life and in the use of property. Due to the existence of this public nuisance per se, the City declares that it is necessary for the City to provide for the impoundment of a vehicle used by the involved owner or lessee or the involved licensee to commit a speed contest violation and to store and hold the vehicle from further use by the involved owner or lessee or the involved licensee for the mandatory holding period provided for by Section 35-190 of this division. The purpose of such impoundment and mandatory holding period is to abate the public nuisance per se declared herein. The procedures for such impoundment are set forth in Section 35-190 of this division.

(d) Pursuant to the authorities cited in Section 35-172 of this article, the City declares that any vehicle used to block vehicular traffic by an involved owner or lessee or an involved licensee is a public nuisance per se, and while in the possession of the involved owner or lessee or the involved licensee, the vehicle constitutes a continuing danger to the comfort, repose, health or safety of City residents, visitors, businesses and neighborhoods, rendering them insecure in life and in the use of property. Due to the existence of this public nuisance per se, the City declares that it is necessary for the City to provide for the

OKLAHOMA CITY MUNICIPAL CODE, 2020

impoundment of a vehicle used to block vehicular traffic by the involved owner or lessee or the involved licensee and to store and hold the vehicle from further use by the involved owner or lessee or the involved licensee for the mandatory holding period provided for by Section 35-190 of this division. The purpose of such impoundment and mandatory holding period is to abate the public nuisance per se declared herein. The procedures for such impoundment are set forth in Section 35-190 of this division.

(e) Pursuant to the authorities cited in Section 35-172 of this article, the City declares that any vehicle used by an involved owner or lessee or an involved licensee for eluding a peace officer is a public nuisance per se, and while in the possession of the involved owner or lessee or the involved licensee, the vehicle constitutes a continuing danger to the comfort, repose, health or safety of City residents, visitors, businesses and neighborhoods, rendering them insecure in life and in the use of property. Due to the existence of this public nuisance per se, the City declares that it is necessary for the City to provide for the impoundment of a vehicle used by the involved owner or lessee or the involved licensee to commit an eluding a peace officer violation and to store and hold the vehicle from further use by the involved owner or lessee or the involved licensee for the mandatory holding period provided for by Section 35-190 of this division. The purpose of such impoundment and mandatory holding period is to abate the public nuisance per se declared herein. The procedures for such impoundment are set forth in Section 35-190 of this division.

(f) No vehicle shall be impounded and held under the provisions of this section if the criminal activity causing the public nuisance per se has been committed by a trespasser.

(Ord. No. 23450, § 2, 9-25-07; Ord. No. 23692, § 3, 9-23-08; Ord. No. 24352, § 1, 10-18-11; Ord. No. 25000, § 1, 10-7-14; Ord. No. 27170, § 2, 9-13-22)

§ 35-190. Procedure used to abate public nuisance per se relating to a vehicle used for prostitution-related transportation or prostitution-related criminal activity, a drive-by shooting, a speed contest violation, to block vehicular traffic, or for an eluding a peace officer violation as declared by this division.

(a) The City Manager or designated agent, as designated by the applicable provisions of this section, acting on behalf of the City, or City Police Officers, are authorized to use the procedures set forth in this section to abate a public nuisance per se as declared by Section 35-189 of this division.

(b) Any vehicle used by an involved owner or lessee or an involved licensee in a manner that creates a public nuisance per se as declared in Section 35-189 of this division may be impounded as authorized by this section. The purpose of impounding the vehicle is to hinder the continuation of the public nuisance declared by Section 35-189 of this division. The procedure for impoundment of such a vehicle shall follow the applicable procedures for impoundments as set forth in Division 4 of Article II of Chapter 32 of this Code, except that the specific additional procedures set forth in this section shall also apply and be controlling as to the impoundment of a vehicle as a public nuisance.

(c) Impoundment of a vehicle under this division may be done by a City Police Officer immediately, in the field, when the impoundment is incident to an arrest of an involved owner or lessee or an involved licensee for commission of prostitution-related transportation or prostitution-related criminal activity, a drive-by shooting, a speed contest violation, blocking vehicular traffic, or an eluding a peace officer violation. Immediate impoundment in such cases without prior notice to and an opportunity to be heard for vehicle owners and lessees is necessary to summarily abate the public nuisance and prior notice to and an opportunity to be heard for vehicle owners and lessees are impracticable under the circumstances. Following such impoundment incident to an arrest, the post-impoundment procedures set forth in Subsection (f) of this section shall be followed.

(d) As soon as reasonably possible following the summary abatement by impoundment of the vehicle, as authorized by Subsection (c) of this section, the Police Department shall notify each titled owner, lessee and lien holder of the abatement and the costs thereof. The notice shall inform any titled owner, lessee and lien holder that they may attend upon request a hearing concerning the impoundment of the vehicle as a public nuisance per se which shall be conducted at a specific date, time and place, if requested as prescribed in the notice.

(e) When the impoundment of a vehicle under this division is not incident to an arrest in the field, and the vehicle remains in the possession of the involved owner, lessee or licensee, the following procedures shall apply:

- (1) The impoundment shall be preceded by five business days' prior notice to the vehicle lien holders, owners and lessees, and an opportunity for them to be heard, if this can be given. Notice shall be

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

directed to the last known addresses of such record lien holders, owners and lessees. Notice may be served by personal delivery or by certified mail, with return-receipt requested, and proof of service shall be placed in the City file regarding the matter. The notice shall inform said lien holders, owners and lessees that a hearing shall be held before the City Manager or designated agent acting on behalf of the City at a date, time, and place to be specified in the notice to determine whether or not reasonable cause exists that the vehicle should be impounded as a public nuisance per se as declared by Section 35-189 of this division and inform them that they have the right to appear at a hearing and be heard and present evidence.

- (2) The hearing shall be held before the City Manager or designated agent acting on behalf of the City, who shall act as the hearing officer and exercise quasi-judicial powers. At the hearing, the hearing officer shall determine whether the vehicle should be impounded as a public nuisance per se, as declared by Section 35-189 of this division. The standards to be applied by the said hearing officer in determining whether the vehicle should be impounded as a public nuisance per se shall be the same as those set forth in Subsection (f) of this section concerning vehicles impounded incident to an arrest.
 - (3) Following the hearing at which the said order is issued by the City Manager or designated agent acting on behalf of the City, with appropriate findings having been made by the said hearing officer, the Municipal Counselor is authorized to bring an action in the appropriate district court in the name of the City pursuant to 50 O.S. § 17 for the issuance of a court order authorizing the Chief of Police or his designee to impound the vehicle and to remove it from the possession of the involved owner or lessee or the involved licensee and to thereafter hold it for the mandatory holding period, subject to the other provisions of this division, including the provisions authorizing non-involved owners or lessees, if any exist, to redeem the vehicle at any time in accordance with this section. Following the issuance of the court order by the District Court, the Chief of Police or designee shall impound the vehicle.
- (f) The following additional post-impoundment procedures shall apply whenever a vehicle is impounded by a City Police Officer in the field pursuant to Subsection (c) of this section:
- (1) Within five business days following the impoundment of a vehicle in the field as a public nuisance per se under this section, notice of seizure shall be served on all record lien holders, owners and lessees. Notice of seizure shall be directed to the last known addresses of such record lien holders, owners and lessees and, if known, the vehicle driver. Notice may be served by personal delivery or by first-class mail, and proof of service shall be placed in the City file regarding the matter. The notice of seizure shall inform said driver, lien holders, owners and lessees that upon request a hearing shall be held before the City Manager or designated hearing officer acting on behalf of the City at a date, time, and place to be specified by the hearing officer to determine whether or not reasonable cause exists that a vehicle that said driver, lien holders, owners or lessees have an interest in should be impounded as a public nuisance per se as declared by Section 35-189 of this Division. The notice scheduling a requested hearing shall be sent by first-class mail to the driver, lien holders, owners and lessees and inform them that they have the right to appear at the hearing and be heard and present evidence. The hearing shall be set within ten business days from the date the notice of hearing is given. If no request for hearing is received within the time period provided in the notice of seizure, the hearing officer shall consider the evidence available from police reports to determine whether the vehicle shall be held as a public nuisance per se and shall issue an order in accordance with the evidence.
 - (2) The hearing if requested shall be held before the City Manager or designated hearing officer acting on behalf of the City at a date, time, and place to be specified in the notice of hearing to determine whether or not reasonable cause exists that a vehicle that said lien holders, owners or lessees have an interest in should be impounded as a public nuisance per se, as declared by Section 35-189 of this division.
 - (3) The requested hearing shall be held before the City Manager or designated agent acting on behalf of the City, who shall act as the hearing officer and exercise quasi-judicial powers. The procedure to be followed and the standards to be applied by the said hearing officer in determining whether the vehicle should be impounded as a public nuisance per se, as declared by Section 35-189 of this division shall be the following:
 - a. The hearing affords the lien holder, owner or lessee an opportunity to appear, respond and present evidence and argument on the pertinent issues of the hearing;
 - b. Only relevant, competent and material evidence is allowed;

OKLAHOMA CITY MUNICIPAL CODE, 2020

- c. Unduly repetitive evidence is excluded;
- d. Judicial notice is taken of judicially cognizable facts;
- e. A record of the proceedings is made that reflects:
 - 1. Documentary evidence considered;
 - 2. A list of witnesses who testify and an audio or video recording of their testimony or a transcript of proceedings;
 - 3. Content of matters officially noticed;
 - 4. Any offers of proof; and
 - 5. A list of other evidence or data submitted;
- f. At the conclusion of the hearing or as soon as possible thereafter, the hearing officer shall issue a written order indicating the decision and addressing the following issues:
 - 1. Whether the vehicle at issue was used in a criminal activity as identified in the Criminal Activities Public Nuisance Abatement Ordinance;
 - 2. Whether the vehicle, if used in criminal activity, is a public nuisance pursuant to the provisions of the Criminal Activities Public Nuisance Abatement Ordinance; and
 - 3. Whether a 90-day mandatory impound of the public nuisance vehicle is appropriate;
- g. The burden of proof at any such hearing shall be a preponderance of the evidence based upon a totality of the circumstances;
- h. Once a vehicle has been adjudicated by the hearing officer to be a public nuisance, no other such hearing for that vehicle for that incident shall be allowed;
- i. The written order of the hearing officer shall be served in person or by mail at the last-known address of the persons who received the notice of seizure, shall be final and shall be subject only to review of a court of competent jurisdiction as allowed by law; and
- j. Notwithstanding an order to abate the availability of a vehicle pursuant to this section, an involved owner or involved lessee may still obtain possession as otherwise allowed in this article.

(g) Any vehicle impounded under this section and for which the City Manager or designated agent acting on behalf of the City as the hearing officer finds reasonable cause to exist that the vehicle is a public nuisance per se under Section 35-189 of this division shall be held by the City and not released to any involved owner or lessee for the mandatory holding period, which shall be a period of 90 days from and after the date of impoundment. Any vehicle impounded as a public nuisance shall be held at a location as duly determined by the City.

(h) Following the mandatory holding period, the involved owner or lessee shall have the right to redeem the vehicle from the City upon payment of all impoundment and storage fees due as of the date of redemption. Provided, as stated in Subsection (i)(1) of this section, the mandatory holding period shall not apply as to any non-involved owner or lessee who wishes to assume possession of the vehicle or redeem the vehicle upon payment of all costs, if any, relating to the impoundment and storage of the vehicle as of the date the non-involved owner or lessee assumes possession or redeems the vehicle, as provided by Subsection (j) of this section.

(i) A vehicle declared a public nuisance per se and impounded under this division shall also be subject to the following provisions:

- (1) The mandatory holding period shall not apply as to non-involved owners or lessees and any non-involved owner or lessee who wishes to claim the vehicle and who can prove a lawful right to possess the vehicle shall have a right to assume possession of the vehicle or to redeem the vehicle at any time upon payment of all costs, if any, relating to the impoundment and storage of the vehicle as of the date the non-involved owner or lessee assumes possession or redeems the vehicle. Provided, to assume possession of the vehicle or to redeem the vehicle once impounded, the non-involved owner or lessee (or agent if the said owner or lessee is not an individual) must sign a notice stating that he or she will not permit any involved owner, lessee or licensee to drive or ride in the vehicle for a one-year period from the date of the incident that caused the vehicle to be declared a public nuisance per se and as specified in the notice, and that the non-involved owner or lessee understands that any violation of this notice shall be a Class "a" offense and may

2020—2023 CUMULATIVE ANNUAL SUPPLEMENT

subject him or her to prosecution and make the vehicle subject to impoundment as a method of summary abatement of the public nuisance caused by any such involved owner or licensee driving or riding in the vehicle during the said one-year period.

- (2) When a vehicle is being used in violation of the notice provided for in Subsection (i)(1) above and the driver of the vehicle is arrested in the field, the vehicle will be considered to be a continuing public nuisance per se and may be summarily abated by immediate impoundment at the time of the arrest with the post-impoundment procedures in Subsection (f) of this section to be followed. When a vehicle is being used in violation of the notice provided for in Subsection (i)(1) above but the driver of the vehicle is not arrested in the field, the vehicle will be considered to be a continuing public nuisance per se, but it will not be immediately impounded; but rather shall be subject to impoundment as allowed in Subsection (e) of this section. When a vehicle is impounded pursuant to the provisions of this Subsection (i), the mandatory impoundment period for such continuing public nuisance per se shall be 180 days from the date of the violation of the notice provided for in Subsection (i)(1) above.

(j) The release of a vehicle impounded under the provisions of this section shall take place under the circumstances set forth in this division and any applicable provisions of the Oklahoma Statutes.

(k) In the event no owner or lessee of a vehicle impounded under the provisions of this division takes possession of or redeems the vehicle when permitted herein, then disposition of the vehicle shall take place pursuant to the provisions of Section 32-111 of this Code and the applicable provisions of the Oklahoma Statutes.

(l) Vehicles used by trespassers for prostitution-related transportation or prostitution-related criminal activity, a drive-by shooting, a speed contest, blocking vehicular traffic, or eluding or attempting to elude a peace officer shall not be impounded pursuant to this section, but may be impounded or released, pursuant to any applicable provision of Division 4 of Article II of Chapter 32 of this Code.

(m) Once a vehicle has been determined by a hearing officer under this section to be a public nuisance per se, no other such administrative hearing for that vehicle for that incident shall be allowed; provided, no owner of a vehicle shall be deprived of an opportunity for a hearing regarding his or her right to possession of the vehicle.

(n) A written order entered by a hearing officer under this section shall be final and subject only to review by a court of competent jurisdiction as allowed by law.

(o) Notwithstanding an order to abate the availability of a vehicle pursuant to this section, a non-involved owner or a non-involved lessee may still obtain possession as otherwise allowed in this article.

(p) Nothing in the division shall be construed to prohibit the filing of any criminal charges or of any other civil action or actions, including but not limited to forfeiture proceedings, against any owner or lessee of the vehicle as may otherwise be allowed by law.

(Ord. No. 23450, § 2, 9-25-07; Ord. No. 23692, § 3, 9-23-08; Ord. No. 24352, § 1, 10-18-11 ; Ord. No. 25000, § 1, 10-7-14; Ord. No. 26746, § 1, 5-11-21; Ord. No. 27170, § 2, 9-13-22)

