

PART II - CODE OF ORDINANCES  
Chapter 1 GENERAL PROVISIONS

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## Chapter 1 GENERAL PROVISIONS

### *ARTICLE I. IN GENERAL*

#### **Sec. 1-1. How Code designated and cited.**

The provisions embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Bristow, Oklahoma," and may be so cited.

(Code 1984, § 1-101)

State law reference(s)—Adoption and revision of Codes of Ordinances, 11 O.S. §§ 14-108, 14-109.

#### **Sec. 1-2. Definitions and rules of construction.**

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

*City or this city.* The term "city" or "this city" shall be construed as if the words "of Bristow, Oklahoma," followed them.

*Code.* The term "Code" means the city's Code of Ordinances as designated in section 1-1.

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*Computation of time.* Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which the notice is given or the act is done shall be counted in computing the time but the day on which the proceeding is to be had shall not be counted.

*Council or city council.* The term "council" or "city council" means the city council of Bristow.

*County or this county.* The term "county" or "this county" means the county of Creek, Oklahoma.

*Delegation of authority.* Whenever a provision appears requiring the city manager or the head of a department of the city to do some act or make certain inspections, it is to be construed to authorize the city manager or the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.

*Gender.* A word importing one gender only shall extend and be applied to other genders and to firms, partnerships, and corporations as well.

*Joint authority.* All words giving "joint authority" to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

*Law.* The term "law" includes applicable federal law, provisions of the Constitution and statutes of the state of Oklahoma, the ordinances of the city, and, when appropriate, any and all rules and regulations promulgated thereunder.

*May.* The term "may" is to be construed as being permissive.

*Mayor.* The term "mayor" means the mayor of the city.

*Month.* The term "month" means a calendar month.

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

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

*O.S.* The abbreviation "O.S." means Oklahoma Statutes, as amended.

*Oath.* An affirmation may be substituted for an oath, and in such cases, the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

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

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

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

*Preceding, following.* The term "preceding, following" means next before and next after, respectively.

*Property.* The term "property" includes real and personal property.

*Shall.* The term "shall" is to be construed as being mandatory, and not permissive.

*Signature or subscription.* The term "signature" or "subscription" includes a mark when a person cannot write.

*State or this state.* The term "state" or "this state" means the State of Oklahoma.

*Statutory references.* The term "statutory references" means references to statutes of the State of Oklahoma as they now are or as they may be amended to be.

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

*Tense.* Words used in the past or present tense include the future as well as the past and present.

*Week.* The term "week" means seven days.

*Year.* The term "year" means a calendar year.

(Code 1984, § 1-102)

### **Sec. 1-3. Citations and catchlines.**

Catchlines at the beginning of sections are intended to indicate the contents of the sections and citations at the end of sections disclose the original historical source material. Catchlines and historical source citations shall not be deemed or taken to be titles and official sources of such sections or part of the section.

(Code 1984, § 1-103)

### **Sec. 1-4. Effect of repeal of ordinances.**

- (a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.
- (b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

(Code 1984, § 1-104)

### **Sec. 1-5. Severability of parts of Code.**

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

(Code 1984, § 1-105)

### **Sec. 1-6. Amendment to Code; effect of new ordinances; amendatory language.**

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

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- (b) Amendments to any of the provisions of this Code may be made by amending the provisions by specific reference to the section of this Code in substantially the following language: "Be it ordained by the mayor and city council of the City of Bristow, Oklahoma, that section \_\_\_\_\_ of the Code of Ordinances of the City of Bristow, Oklahoma, is hereby amended to read as follows: (set out new provisions in full)."
- (c) When the council desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the Code, which the council desires to incorporate into the Code, a section in substantially the following language may be made part of the ordinance: "Section \_\_\_\_\_. Be it ordained by the mayor and city council of the City of Bristow, Oklahoma, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Bristow, Oklahoma, and the sections of this ordinance may be re-numbered to accomplish this intention."
- (d) All sections, articles, chapters or provisions of this Code desired to be repealed may be specifically repealed by section or chapter number, as the case may be.

(Code 1984, § 1-106)

State law reference(s)—Enactment of ordinances, 11 O.S. § 14-101 et seq.

### **Sec. 1-7. Altering Code.**

It is unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with this Code in any manner whatsoever which will cause the law of the city to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-8.

(Code 1984, § 1-107)

### **Sec. 1-8. General and specific penalties.**

- (a) Except as otherwise provided by state law or ordinance, whenever in this Code or in any ordinance of the city an act is prohibited or is made or is declared to be unlawful or an offense or a misdemeanor, or whenever in the Code of Ordinances the doing of any act is required or the failure to do any act is declared to be unlawful where no specific penalty is provided therefor, the violation of any provision of this Code or of any ordinance shall be punished by a fine not exceeding \$750.00, or by imprisonment in the city jail not exceeding 60 days, or both such fine and imprisonment. Each day or any portion of a day during which any violation of this Code or of any ordinance shall continue shall constitute a separate offense.
- (b) The maximum fine or deferral fee in lieu of a fine for traffic-related offenses related to speeding or parking shall not exceed \$750.00.
- (c) The maximum fine or deferral fee in lieu of a fine for alcohol or drug-related offenses shall not exceed \$800.00.
- (d) Any violation of a municipal ordinance regulating the pre-treatment of wastewater and regulating stormwater discharges shall be \$1,000.00 in costs or imprisonment not to exceed 90 days or both such fine and imprisonment for such violations.
- (e) Specific penalties for violations of specific provisions of this Code may be adopted by the council and mayor from time to time by motion or resolution. Such specific penalties as adopted or amended are incorporated herein by reference.
- (f) Any person who shall aid, abet, or assist in the violation of any provision of this Code of Ordinances shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in this section.

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- (g) Defendant to pay. The city clerk shall tax the defendant in a sum not exceeding \$30.00 plus the fees and mileage of jurors and witnesses, all of which the defendant shall pay, in addition to any fine or administrative fees that may be imposed, and in addition to any state mandated fees or costs. No court cost will be assessed for parking or seat belt violation.
- (h) Collection fee. A collection fee of 30 percent of court penalties, costs, fines, and fees in cases in which the accused has failed to appear or otherwise failed to satisfy a monetary obligation imposed by the court shall be added to any such case which is referred to a collection agency for collection.

(Code 1984, § 1-108; Ord. No. 6-20-88, 6-20-1988; Ord. No. 91-121806, § 1; Ord. No. 123-080513, § 1, 8-5-2013)

State law reference(s)—Maximum fine levied in courts not of record \$200.00, 11 O.S. § 14-111; fines over \$100.00 to be set by jury trial, 11 O.S. § 27-119.

**Sec. 1-9. Bail bond schedule.**

- (a) For all arrests for which 11 O.S. § 27-117.1 does not apply, the following bail bond schedule shall apply:

<i>Traffic</i>	
Op. A.M.V. in manner not reasonable and proper	\$241.00
Failure to carry insurance verification	\$341.00
Failure to display current number plates	\$241.00
Failure stop at stop sign or traffic control device	\$241.00
Illegal parking (parking in excess of 24 hrs., parking in no parking zone, etc.)	\$141.00
Op. A.M.V. without having been issued a valid driver's license	\$191.00
Op. A.M.V. w/no D.L. in possession	\$191.00
No state driver's licenses (under suspension) DUS or while the driving privilege and driver's license is under suspension, revocation, denial, or cancellation	\$891.00
Driving or being in actual physical control of A.M.V. while impaired or under the	\$891.00

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influence of alcohol, drugs, or other intoxicating substances	
Speeding in posted zone (10 miles & under)	\$216.00
Speeding in posted zone (11 miles & over)	\$291.00
Speeding in posted school zone (10 miles & under)	\$216.00
Speeding in posted school zone (11 miles & over)	\$291.00
Speeding in posted construction zone (10 miles & under)	\$216.00
Speeding in posted construction zone (11 miles & over)	\$291.00
Failure to wear seat belt	\$20.00
Failure to place child in safety restraint	\$65.00
All other traffic (Note*** all not listed)	\$216.00
<i>Animals</i>	
Keeping livestock within the city limits	\$141.00
Failure to vaccinate and pay city tax for licenses (no tags)	\$141.00
Harboring a vicious animal (dog bite)	\$441.00
Failure to obey the lease ordinance	\$141.00
Cruelty to animal	\$341.00
<i>Offenses and Crimes</i>	
Petit larceny	\$391.00
Shoplifting (corporation)	\$391.00
Destroying private property	\$291.00
Destroying city property	\$341.00
Violation of Ordinance No. 8-101	\$276.00
Trespassing on city property	\$141.00

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(swimming pool)	
Defacing private and public property	\$291.00
Disturbing the peace, (loud music, reckless conduct)	\$206.00
Shooting fireworks within city limits	\$141.00
Discharging weapons within city limits	\$491.00
Carrying a concealed weapon	\$341.00
Public intoxication and drinking in public place	\$191.00
Possession of marijuana	\$396.00
Possession drug paraphernalia	\$391.00
Indecent exposure	\$391.00
Assault and battery	\$391.00
Resisting an officer, refusing or failing to assist an officer, interfering with an officer	\$491.00
Escape from custody	\$691.00
Eluding an officer	\$691.00
Fighting	\$291.00
Unlawful assembly (large group)	\$216.00
T.O.C.	\$521.00
All other offenses (Note*** all not listed)	\$216.00

(b) All posted bail bonds may be used as payment of the fines and costs upon a plea of guilty or nolo contendere as provided for in 22 O.S. § 1115.1.

(Code 1984, § 1-108.1; Ord. No. 93-011607, § 1; Ord. No. 132-011916, § 1, 1-19-2016; Ord. of 11-1-2017)

**Sec. 1-10. Fines recoverable by civil action.**

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

(Code 1984, § 1-109)

**Sec. 1-11. Ordinances in effect in outlying territory of city.**

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

(Code 1984, § 1-110)

**Secs. 1-12—1-40. Reserved.**

***ARTICLE II. CORPORATE AND WARD LIMITS***

**Sec. 1-41. Map of city designated as official map.**

The map of the city showing its territorial limits is hereby designated as the official map of the city, and the corporate limits as shown thereon are declared to be the true and correct corporate limits of the city, including all annexations.

(Code 1984, § 1-201; Ord. No. 9-21-92A, 9-21-1992; Ord. No. 6-41999, § 1)

**Sec. 1-42. Ward number and boundaries.**

(a) The city is divided into four wards. The boundaries of these wards are as follows:

(1) Ward 1 shall consist of that portion of the city that lies both:

- a. South of the following line: Commencing at the intersection of the centerlines of West 1st Street and Country Club Drive; thence northerly along the centerline of Country Club Lane to the intersection of the centerlines of Country Club Lane and Spruce Street; thence southerly along the centerline of Spruce Street to the intersection of the centerlines of Spruce Street and Roland Avenue; thence southerly along the centerline of Roland Avenue to the intersection of the centerlines of Roland Avenue and West 4th Avenue; thence easterly along the centerline of West 4th Avenue to the intersection of the centerlines of West 4th Avenue and Main Street; thence southerly along the centerline of Main Street to the intersection of the centerlines of Main Street and East 3rd Avenue; thence easterly along the centerline of East 3rd Avenue to the intersection of the centerlines of East 3rd Avenue and Walnut Street; and
- b. West of the following line: Commencing at the intersection of the centerlines of East 3rd Avenue and Walnut Street; thence southerly along the centerline of South Walnut Street to the intersection of the centerlines of South Walnut Street and East Lincoln Avenue; thence easterly along the centerline of East Lincoln Avenue to the intersection of the centerlines of East Lincoln Avenue and South Chestnut; thence southerly along the centerline of South Chestnut to the intersection of the centerlines of South Chestnut and the Northeast corner of the South Acre Mobile Home Park; thence westerly along the northern boundary of the South Acre Mobile Home Park; thence southerly along the Western boundary of South Acre Mobile Home Park to the city limits; provided, however, that area encompassed by the Bristow Housing Authority/Senior Citizens Center shall not be a part of Ward 1.



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- (2) Ward 2 shall consist of all that portion of the city lying:
- a. South of the following line: Commencing at the intersection of the centerlines of East Harrison Avenue and Rosebud Street; thence westerly along the centerline of East Harrison Avenue to the intersection of the centerlines of East Harrison Avenue and South Oak Street; thence northerly along the centerline of South Oak Street to the intersection of the centerlines of South Oak Street and East Washington Avenue; thence easterly along the centerline of East Washington Avenue to the intersection of the centerline of East Washington Avenue and South Walnut Street; and
  - b. East of the following line: Commencing at the intersection of the centerlines of East Washington Avenue and South Walnut Street; thence southerly along the centerline of South Walnut Street to the intersection of the centerlines of South Walnut Street and East Lincoln Avenue; thence easterly along the centerline of East Lincoln Avenue to the intersection of the centerlines of East Lincoln Avenue and South Chestnut Street; thence southerly along the centerline of South Chestnut Street to the northeast corner of South Acre Mobile Home Park; thence westerly along the North boundary of South Acre Mobile Home Park; thence southerly along the western boundary of South Acre Mobile Home Park to the city limit; provided, however, that area encompassed by the Bristow Housing Authority/Senior Citizens Center shall be included in and is made a part of Ward 2.
- (3) Ward 3 shall consist of all that portion of the city that lies both:
- a. North of the following line: Commencing at the centerlines of the intersection of East Harrison Avenue and Rosebud Street; thence westerly along the centerline of East Harrison Avenue to the intersection of the centerlines of East Harrison Avenue and South Oak Street; thence northerly along the centerline of South Oak Street to the intersection of the centerlines of South Oak Street and East Washington Street; thence westerly along the centerline of East Washington Street to the intersecting centerlines of East Washington Street and South Walnut Street; and
  - b. East of the following line: Commencing at the intersection of centerlines of East Washington Street and South Walnut Street; thence northerly along the centerline of South Walnut Street to the intersecting centerlines of North Walnut Street and Pine Street; thence northerly along the centerline of Pine Street to the intersection of the centerlines of Pine Street and East 12th Avenue; thence westerly along the centerline of West 12th Avenue to the intersection of East 12th Avenue and State Highway 66; thence northerly along the centerline of Highway 66 to the boundary limits of the city.
- (4) Ward 4 shall consist of all that portion of the city that lies both:
- a. West of the following line: Commencing at the intersection of the centerline of Highway 66 and the most northerly boundary of the city limits; thence southerly along the centerline of Highway 66 to the intersecting centerlines of Highway 66 and East 12th Avenue; thence easterly along the centerline of East 12th Avenue to the intersecting centerlines of East 12th Avenue and Pine Street; thence southerly along the centerline of Pine Street to the intersection of the centerlines of Pine Street and North Walnut Street; thence southerly along the centerline of North Walnut Street to the intersecting centerlines of North Walnut Street and East 3rd Avenue; and
  - b. North of the following line: Commencing at the intersection of the centerlines of North Walnut Street and East 3rd Avenue; thence westerly along the centerline of East 3rd Avenue to the intersection of the centerlines of East 3rd Avenue and Main Street; thence northerly along the centerline of Main Street to the intersection of the centerlines of Main Street and West 4th Avenue; thence westerly along the centerline of West 4th Avenue to the intersection of the centerlines of West 4th Avenue and Roland Avenue; thence northerly along the centerline of

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Roland Avenue to the intersection of centerlines of Roland Avenue and Spruce Street; thence northerly along the centerline of Spruce Street to the intersection of the centerlines of Spruce Street and Country Club Lane; thence westerly along the centerline of Country Club Lane to the intersection of the centerlines of Country Club Lane and West 1st Avenue; thence westerly along the centerline of West 1st Avenue to the city limits.

- (b) The above established dividing lines shall be extended in a straight line beyond their present limits in order to place all territory which may now be or hereafter become a part of the city within one of these above wards.

(Prior Code, ch. 30, Art. A, Sec. 1; Code 1984, § 1-202; Ord. No. 3-2-92; Ord. No. 119-041612, § 1, 4-16-2012)

State law reference(s)—Review of wards after each federal census, 11 O.S. § 20-101; establishment and number of wards in aldermanic city, 11 O.S. § 2-105, changing wards, 11 O.S. §§ 20-102 to 20-105.