

**TOWN OF DISNEY, OKLAHOMA
ORDINANCE NO. 2016-04**

**AN ORDINANCE RELATING TO SECTION 15, CHAPTER 7, SECTION 15-701
= CONCERNING OPERATION OF GOLF CARTS, UTILITY VEHICLES AND ALL
TERRAIN VEHICLES ON TOWN STREETS BY AMENDING SECTION 15-701(4)
SETTING A SPEED LIMIT AND REQUIRING THE DISPLAY OF A SLOW-
MOVING DECAL/SIGN, AND DECLARING AN EMERGENCY.**

WHEREAS Title 47 O.S. § 11-1116 of the Oklahoma Statutes authorizes municipalities to regulate the operation of golf carts, utility vehicles, and all-terrain Vehicles on town streets; and,

WHEREAS to set a speed limit on those vehicles and more fully identify them for the safety of the public and in operation of the vehicles;

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA, THAT:

Section One: Section 15-701(4) of the Code of Ordinances of the TOWN OF DISNEY is hereby modified and amended, and shall read as follows:

4. Golf carts, utility vehicles and all-terrain vehicles shall be operated in a safe and reasonable manner at a speed not in excess of 5 mph, and display a slow-moving decal or sign on the rear of said vehicle consistent with public safety and in compliance with all other state and local applicable rules of the road and registration requirements.

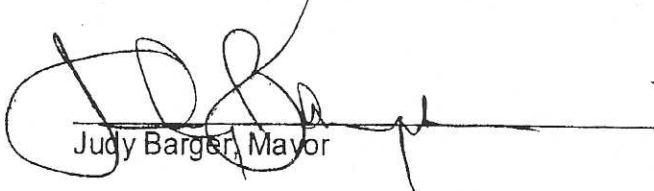
Section Two: If any provision of this ordinance or the application thereof, to any person or circumstance, is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.


Section Three: In order to assure the public safety and well-being of the Town of Disney and its citizens, it is necessary for such Ordinance to go into effect immediately upon publication. Further, in order that said Ordinance may do so, an emergency is thereby declared, with such emergency being voted on and approved separately.

Dated this 14th day June, 2016.

ORDAINED THIS 14th day of June, 2016, BY THE MAYOR AND TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA

10⁰⁰ Town of Disney


Judy Barger, Mayor

ATTEST

Jessica Sharp

Jessica Sharp, City Clerk

APPROVED AS TO FORM:
Harlan S. Pinkerton, Jr.

Harlan S. Pinkerton, Jr., City Attorney

**TOWN OF DISNEY, OKLAHOMA
ORDINANCE NO. 2016-07**

AN ORDINANCE RELATING TO SECTION 7-206 – FINANCE AND BUSINESS OF THE CODE OF ORDINANCES OF THE TOWN OF DISNEY, OKLAHOMA; RESTATING THE TAX RATE, AND AMENDING SECTION 7-206(6), BY DELETING CABIN, CAMP GROUND, BUNGALOW, LODGE, RV, 5TH WHEEL OR TRAILER RENTED TO AND OCCUPIED BY ONE NOT THE OWNER THEREOF, AND BUNKHOUSE IN THE TOWN, AND DELETING THE SECOND PARAGRAPH ON EXEMPTIONS.

WHEREAS, the current excise tax rate as established in 1992, is Three and 7/8 percent (3.875%).

WHEREAS, to bring the Town of Disney ordinance in conformity with 68 O.S. §1354(A)(7); and,

WHEREAS, Section 7-206 provides: There is hereby levied as an excise tax of three and 7/8 percent (3.875%) upon the gross receipts or gross proceeds derived from all sales taxable under the Oklahoma Sales Tax Code, including, but not exclusive of the following:

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA, THAT:

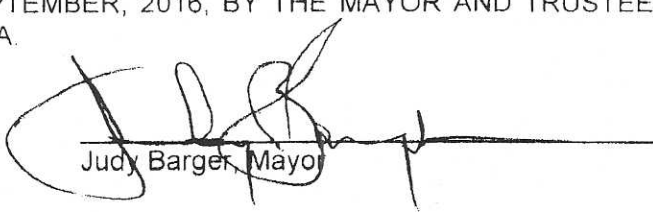
Section One: Section 7-206(6) of the Code of Ordinances of the TOWN OF DISNEY is hereby modified and amended, and shall read as follows:


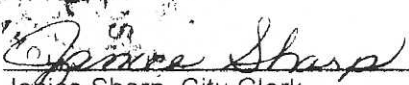
6. Service of furnishing rooms by hotel, apartment hotel, public rooming house, motel, public lodging house or tourist camp;

Section Two: If any provision of this ordinance or the application thereof, to any person or circumstance, is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

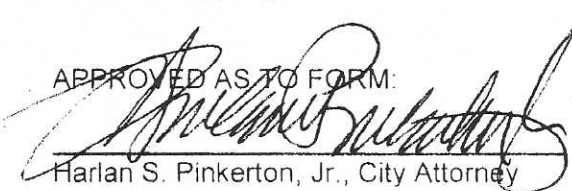
Dated this 13th day of September, 2016.

ORDAINED THIS 13TH DAY OF SEPTEMBER, 2016, BY THE MAYOR AND TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA.


Judy Barger, Mayor



Janice Sharp, City Clerk

APPROVED AS TO FORM:


Harlan S. Pinkerton, Jr., City Attorney

8⁰⁰ Town of Disney



**TOWN OF DISNEY, OKLAHOMA
ORDINANCE NO. 2016-07**

AN ORDINANCE RELATING TO SECTION 7-206 – FINANCE AND BUSINESS OF THE CODE OF ORDINANCES OF THE TOWN OF DISNEY, OKLAHOMA; RESTATING THE TAX RATE, AND AMENDING SECTION 7-206(6), BY DELETING CABIN, CAMP GROUND, BUNGALOW, LODGE, RV, 5TH WHEEL OR TRAILER RENTED TO AND OCCUPIED BY ONE NOT THE OWNER THEREOF, AND BUNKHOUSE IN THE TOWN, AND DELETING THE SECOND PARAGRAPH ON EXEMPTIONS.

WHEREAS, the current excise tax rate as established in 1992, is Three and 7/8 percent (3.875%).

WHEREAS, to bring the Town of Disney ordinance in conformity with 68 O.S. §1354(A)(7); and,

WHEREAS, Section 7-206 provides: There is hereby levied as an excise tax of three and 7/8 percent (3.875%) upon the gross receipts or gross proceeds derived from all sales taxable under the Oklahoma Sales Tax Code, including, but not exclusive of the following:

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA, THAT:

Section One: Section 7-206(6) of the Code of Ordinances of the TOWN OF DISNEY is hereby modified and amended, and shall read as follows:

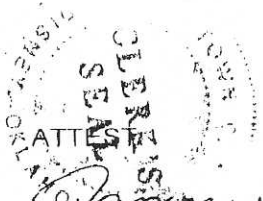
- 6. Service of furnishing rooms by hotel, apartment hotel, public rooming house, motel, public lodging house or tourist camp;

Section Two: If any provision of this ordinance or the application thereof, to any person or circumstance, is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

Dated this 13th day of September, 2016.

ORDAINED THIS 13TH DAY OF SEPTEMBER, 2016, BY THE MAYOR AND TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA.

Judy Barger, Mayor



Janice Sharp, City Clerk

APPROVED AS TO FORM:

Harlan S. Pinkerton, Jr., City Attorney

8⁰⁰ Town of Disney

TOWN OF DISNEY, OKLAHOMA
ORDINANCE NO. 2016-08

AN ORDINANCE RELATING TO SECTION 15, CHAPTER 7, SECTION 15-701 - CONCERNING OPERATION OF GOLF CARTS, UTILITY VEHICLES AND ALL-TERRAIN VEHICLES ON TOWN STREETS BY AMENDING SECTION 15-701(4) RESTATING A SPEED LIMIT AND DELETING THE DISPLAY OF A SLOW-MOVING DECAL/SIGN.

WHEREAS, Title 47 O.S. § 11-1116 of the Oklahoma Statutes authorizes municipalities to regulate the operation of golf carts, utility vehicles, and all-terrain vehicles on town streets; and,

WHEREAS, to set a speed limit on those vehicles;

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA, THAT:

Section One: Section 15-701(4) of the Code of Ordinances of the TOWN OF DISNEY is hereby modified and amended, and shall read as follows:

4. Golf carts, utility vehicles and all-terrain vehicles shall be operated in a safe and reasonable manner at a speed not in excess of 5 mph, and consistent with public safety and in compliance with all other state and local applicable rules of the road and registration requirements.

Section Two: If any provision of this ordinance or the application thereof, to any person or circumstance, is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

Dated this 13th day of September, 2016.

ORDAINED THIS 13TH DAY OF SEPTEMBER, 2016, BY THE MAYOR AND TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA.



Janice Sharp
Janice Sharp, City Clerk

Judy Barger
Judy Barger, Mayor

APPROVED AS TO FORM:

Harlan S. Pinkerton, Jr.
Harlan S. Pinkerton, Jr., City Attorney

8⁰⁰ Town of Disney

**TOWN OF DISNEY
RESOLUTION NO. 2016-09**

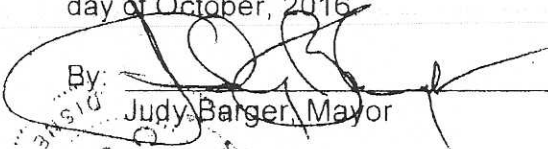
**AUTHORIZING APPLICATION FOR FINANCIAL ASSISTANCE
FROM THE RURAL ECONOMIC ACTION PLAN FUND**

WHEREAS, the Town of Disney desires to seek funding from the Rural Economic Action Plan Fund for flooring, outdoor LED sign, fire-resistant file cabinet, and copier for Town Hall in said Town of Disney; and

WHEREAS, it is in the best interest of the residents of the Town of Disney to expedite the preparation and submission of an application for financial assistance from the Rural Economic Action Plan Fund, in the form of a grant.

NOW, THEREFORE, BE IT RESOLVED that the Town Clerk of the Town of Disney is hereby authorized and directed to sign an application and related documents necessary to file and process a grant application through Grand Gateway EDA's Rural Economic Action Plan Fund on behalf of the Town of Disney.

PASSED AND APPROVED by the Board of Trustees of the Town of Disney on this 11th day of October, 2016

By: 
Judy Barger, Mayor

Subscribed and sworn to before me this 11th day of October, 2016.




Clerk/Notary Public

My Commission Expires: 10-2-18



8⁰⁰ - Town of Disney



I-1996-686562 02/26/2018 9:00 am
Book 1350 Page(s) 0602-0603
Fee: \$ 15.00 Doc: \$ 0.00
Brittany True-Howard - Mayes County
State of Oklahoma

**TOWN OF DISNEY, OKLAHOMA
ORDINANCE NO. 2018- 01**

AN ORDINANCE RELATING TO SECTION 12 – PLANNING, ZONING AND DEVELOPMENT AND CHAPTER 4 – MOBILE HOME PARKS AND REGULATIONS OF THE CODE OF ORDINANCES OF THE TOWN OF DISNEY, OKLAHOMA; AND AMENDING 12-405 – FREE-STANDING MOBILE HOME NOT PERMITTED BY STATING THAT A MOBILE HOME MAY BE PARKED ON A TEMPORARY BASIS OR HAS BEEN APPROVED BY THE BOARD OF TRUSTEES ON A CASE BY CASE BASIS, AND DECLARING AN EMERGENCY.

WHEREAS the current ordinance does not limit the length of time a mobile home may be parked for storage in the corporate limits of the Town of Disney; and

WHEREAS the current ordinance does not set forth who may grant permission for a mobile home to be parked within the corporate limits of the Town of Disney.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA, THAT:

Section Twelve, Chapter 4: Section 12-405 of the Code of Ordinances of the TOWN OF DISNEY is hereby modified and amended, and shall read as follows:

No free-standing mobile home shall be permitted in the corporate limits of the town unless it is being offered for sale, or parked temporarily for storage, and has been approved by the Board of Trustees on a case-by-case basis. Those free-standing mobile homes which are now nonconforming use under the provision of the zoning ordinance of the town may continue as nonconforming uses provided that they shall not be stored in front yards or on the side yards abutting a street or corner lots, and provided that they conform to all the regulations of this article.

Section Two: If any provision of this ordinance or the application thereof, to any person or circumstance, is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

Section Three: In order to assure the public safety and well-being of the Town of Disney and its citizens, it is necessary for such Ordinance to go into effect immediately upon publication. Further, in order that said Ordinance may do so, an emergency is thereby declared, with such emergency being voted on and approved separately.

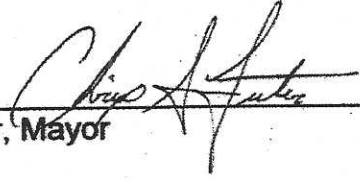
10.00 Town of Disney

BOOK 1350 PAGE 602

Dated this 13th day February, 2018.

ORDAINED THIS 13th day of February, 2018, BY THE MAYOR AND TRUSTEES
OF THE TOWN OF DISNEY, OKLAHOMA

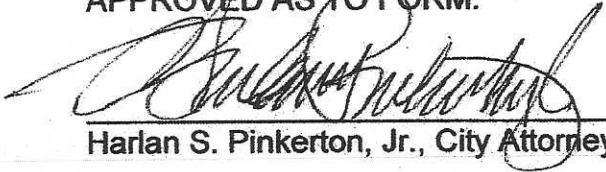



Chris Tuter, Mayor

ATTEST:


Janice Sharp, City Clerk

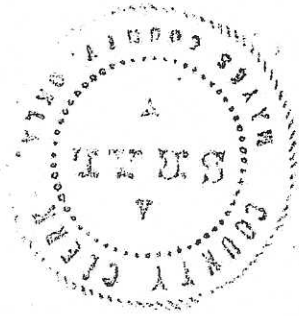
APPROVED AS TO FORM:


Harlan S. Pinkerton, Jr., City Attorney

BOOK 1350 PAGE 603

Town of Disney, Oklahoma

ORDINANCE NO. 2019-01



I-1996-693859 01/28/2019 2:48 pm
Book 1374 Page(s) 0494-0495
Fee: \$ 15.00 Doc: \$ 0.00
Brittany True-Howard - Mayes County
State of Oklahoma

AN ORDINANCE RELATING TO SECTION 12 - PLANNING, ZONING AND DEVELOPMENT AND CHAPTERS 2&3 – GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS AND REGULATIONS OF THE CODE OF ORDINANCES OF THE TOWN OF DISNEY, OKLAHOMA; IN AMENDING 12 -227 - TRAILERS AND COMMERCIAL VEHICLES; DISPLAY IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

WHEREAS the current ordinance does not limit the length of time a commercial trailer, a commercial vehicle, food service, retail sales, or product displays shall be parked or stored.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA, THAT:

Section 12, Chapters 2 & 3: Section 12-227 of the Code of Ordinances of the TOWN OF DISNEY is hereby modified and amended, and shall read as follows:

Commercial vehicles and trailers of all types may be displayed in such commercial districts allowing sales of the vehicles or in such industrial districts allowing their manufacture; provided, however, that they are in accordance with the following provisions:

1. The vehicles may not be used for dwelling purposes either temporarily or permanently except in a mobile home park authorized under the ordinances of the town.
2. All commercial trailers, commercial vehicles, food service vehicles and trailers, retail sales vehicles, product display(s) shall not be parked for more than 10 days or stored for more than 10 days unless it is located behind the front building line.

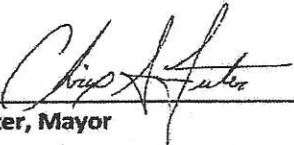
Section Two: If any provision of this ordinance or the application thereof, to any person or circumstance, is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

Section Three: In order to assure the public safety and wellbeing of the Town of Disney, and its citizens, it is necessary for such Ordinance to go into effect immediately upon publication. Further, in order that said Ordinance may do so, an emergency is there by declared, with such emergency being voted on and approved separately.

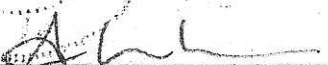
BOOK 1374 PAGE 494

TOWN OF DISNEY /
1000 Anna Marie Davidson

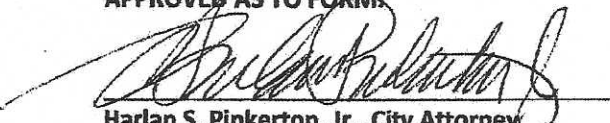
Dated this 18th day January, 2019


Chris Tuter, Mayor




Anna Marie Davidson, City Clerk

APPROVED AS TO FORM:


Harlan S. Pinkerton, Jr., City Attorney



**TOWN OF DISNEY, OKLAHOMA
ORDINANCE NUMBER 2019-02**

AN ORDINANCE RELATING TO HEALTH AND SANITATION PART II, CHAPTER 26 ADDING ARTICLE III, MEDICAL MARIJUANA; ESTABLISHING REGULATIONS FOR BUSINESS LICENSING; ESTABLISHING REGULATIONS FOR RETAIL MEDICAL MARIJUANA DISPENSARIES; ESTABLISHING REGULATIONS FOR COMMERCIAL MEDICAL MARIJUANA GROWING FACILITIES; ESTABLISHING REGULATIONS FOR MARIJUANA PROCESSORS AND STORAGE FACILITIES; AND ESTABLISHING REGULATIONS FOR MEDICAL MARIJUANA GROWING FACILITIES FOR PERSONAL USE, PROVIDING FOR SEVERALABILITY, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DISNEY, MAYES COUNTY, STATE OF OKLAHOMA, AS FOLLOWS:

SECTION 1: An ordinance relating to Part II, Chapter 26, adding Article III, Section 26-41 et seq. establishing regulations for business licensing; establishing regulations for retail medical marijuana dispensaries; establishing regulations for commercial medical marijuana growing facilities; establishing regulations for marijuana processors and storage facilities; and establishing regulations for medical marijuana growing facilities for personal use.

ARTICLE III MEDICAL MARIJUANA

SECTION 26-41 Definitions

The following terms are defined as set forth for use in this article:

- (1) Medical Marijuana Dispensary is defined as an entity that is licensed by the Oklahoma State Department of Health pursuant to Title 63 O.S. § 421A which allows the entity to purchase medical marijuana from a Commercial Grower or Processor and sell medical marijuana only to qualified patients and caregivers.
- (2) Commercial Grower is defined as an entity that is licensed by the Oklahoma State Department of Health pursuant to Title 63 O.S. § 422A, which allows the entity to grow, harvest, and package medical marijuana for the purpose of selling medical marijuana to a dispensary, processor or researcher.
- (3) Marijuana Processor is defined as an entity that is licensed by the Oklahoma State Department of Health pursuant to Title 63 O.S. § 423A which allows the entity to purchase marijuana from a commercial grower; prepare, manufacture, package, sell to and deliver medical marijuana products to a dispensary licensee or other processor licensee; and may process marijuana received from a qualified patient into a medical marijuana concentrate, for a fee.

- (4) Qualified Patient means a person that has been issued a medical marijuana license pursuant to 63 O.S. § 420A *et seq.*
- (5) Caregiver means a person that has been issued a medical marijuana license pursuant to 63 O.S. § 420A *et seq.*
- (6) Commercial Establishment License means a license issued to a Medical Marijuana Dispensary, Commercial Grower or Processor by the Oklahoma State Department of Health pursuant to 63 O.S. § 420A *et seq.*

SECTION 26-42 Medical Marijuana Dispensary Requirements

- A. State Licensing Requirement. All operators of a Medical Marijuana Dispensary within the Town of Disney must maintain a valid commercial establishment license from the Oklahoma Department of Health. Each person operating a Medical Marijuana Dispensary within the Town of Disney shall provide the Town with a copy of their commercial establishment license issued by the Oklahoma Department of Health prior to commencing operation and shall further provide the Town with a copy of any renewal of the commercial establishment license not later than September 1st of each calendar year.
- B. Applications for Medical Marijuana Dispensary permit. Any person seeking to obtain a Medical Marijuana Dispensary permit shall submit a written application to the Disney Town Clerk on a Town prescribed form to include, at a minimum, the following:
 - 1. The name of the establishment;
 - 2. Physical address of the establishment;
 - 3. Phone number of the establishment;
 - 4. Operating hours of the establishment;
 - 5. The applicant's first name, middle name, last name and suffix if applicable;
 - 6. The applicant's residence address and mailing address;
 - 7. The applicant's date of birth;
 - 8. The applicant's preferred telephone number and email address;
 - 9. An attestation that the information provided by the applicant is true and correct;
 - 10. An application submitted on behalf of a business organization shall include an attestation that the applicant is authorized to make application on behalf of the business organization, full name of the business organization, type of business organization, mailing address for the business organization.
- D. Location Restrictions for Medical Marijuana Dispensary.

Medical Marijuana Dispensary Permit will not be granted to any applicant where the proposed location is not allowed by the Disney Zoning Ordinances.

- E. Business Permit Fee. A business permit fee of \$500.00 for a medical marijuana dispensary shall be due and payable to the Town of Disney before any medical marijuana dispensary business shall be permitted to engage in business within the Town of Disney. All business license fees shall be paid for the full year and no such fees shall be prorated. An annual renewal fee of \$500.00 for the license to operate a medical marijuana dispensary within the Town of Disney shall be due on or before September 1st of each year.

SECTION 26-43 Commercial Grower Requirements

- A. State Licensing Requirement. All operators of a Commercial Grower within the Town of Disney must maintain a valid commercial establishment license from the Oklahoma Department of Health. Each person operating a Commercial Grower within the Town of Disney shall provide the Town with a copy of their commercial establishment license issued by the Oklahoma Department of Health prior to commencing operation and shall further provide the Town with a copy of any renewal of the commercial establishment license not later than September 1st of each calendar year.
- B. Town Permit Requirement. All operators of a Commercial Grower within the Town of Disney must obtain a Commercial Grower permit from the Disney Town Clerk prior to commencing operation.
- C. Applications for a Commercial Grower permit. Any person seeking to obtain a Commercial Grower permit shall submit a written application to the Disney Town Clerk on a Town prescribed form to include, at a minimum, the following:
1. The name of the establishment;
 2. Physical address of the establishment;
 3. Phone number of the establishment;
 4. Operating hours of the establishment;
 5. The applicant's first name, middle name, last name and suffix if applicable;
 6. The applicant's residence address and mailing address;
 7. The applicant's date of birth;
 8. The applicant's preferred telephone number and email address;
 9. An attestation that the information provided by the applicant is true and correct;
 10. An application submitted on behalf of a business organization shall include an attestation that the applicant is authorized to make application on behalf of the business organization, full name of the business organization, type of business organization, mailing address for the business organization,
- D. Location Restrictions for Commercial Grower.

A Commercial Grower Permit will not be granted to any applicant where the proposed location is not allowed by the Disney Zoning Ordinances.

- E. Business Permit Fee. A business permit fee of \$500.00 for a commercial grower shall be due and payable to the Town of Disney before any commercial grower business shall be permitted to engage in business within the Town of Disney. All license and occupational fees shall be paid for the full year and no such fees shall be prorated. An annual renewal fee of \$500.00 for the license to operate as a commercial grower within the Town of Disney shall be due on or before September 1st of each year.

SECTION 26-44 Marijuana Processor Requirements

- A. State Licensing Requirement. All operators of a Marijuana Processor within the Town of Disney must maintain a valid commercial establishment license from the Oklahoma Department of Health. Each person operating a Marijuana Processor within the Town of Disney shall provide the Town with a copy of their commercial establishment license issued by the Oklahoma Department of Health prior to commencing operation and shall further provide the Town with a copy of any renewal of the commercial establishment license not later than September 1st of each calendar year.

- B. Applications for a Marijuana Processor permit. Any person seeking to obtain a Marijuana Processor permit shall submit a written application to the Disney Town Clerk on a Town prescribed form to include, at a minimum, the following:

1. The name of the establishment;
2. Physical address of the establishment;
3. Phone number of the establishment;
4. Operating hours of the establishment;
5. The applicant's first name, middle name, last name and suffix if applicable;
6. The applicant's residence address and mailing address;
7. The applicant's date of birth;
8. The applicant's preferred telephone number and email address;
9. An attestation that the information provided by the applicant is true and correct;
10. An application submitted on behalf of a business organization shall include an attestation that the applicant is authorized to make application on behalf of the business organization, full name of the business organization, type of business organization, mailing address for the business organization,

- C. Location Restrictions for Marijuana Processor.

A Marijuana Processor Permit will not be granted to any applicant where the proposed location is not allowed by the Disney Zoning Ordinances.

- D. Business Permit Fee. A business permit fee of \$500.00 for a marijuana processor shall be due and payable to the Town of Disney before any marijuana processor

business shall be permitted to engage in business within the Town of Disney. All license and occupational fees shall be paid for the full year and no such fees shall be prorated. An annual renewal fee of \$500.00 for the license to operate a marijuana processor within the Town of Disney shall be due on or before September 1st of each year.

SECTION 26-45 Medical Marijuana Growing Facilities for Personal Use

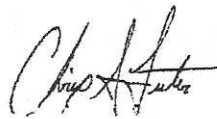
A. All homegrown medical marijuana plants must be grown so that the marijuana is not accessible to a member of the general public and is only accessible to the patient or caregiver. If grown outdoors, it must be grown behind an opaque fence that is at least six (6) feet in height. The marijuana plants must be completely enclosed by the fence and the fence must be secured with a lock and key. No marijuana plants may be visible from any street adjacent to the property.

SECTION 2: The provisions of this ordinance are severable and if any part or parts of this ordinance are held to be invalid, then the decision of the court so holding shall not affect the remaining provisions.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are expressly repealed.

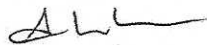
SECTION 4: In order to assure the public safety and well-being of the Town of Disney and its citizens, it is necessary for such Ordinance to go into effect immediately upon publication. Further, in order that said Ordinance may do so, an emergency is thereby declared, with such emergency being voted on and approved separately.

ORDAINED THIS _____ day of JUNE, 2019, BY THE MAYOR AND TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA



Chris Tuter, Mayor

ATTEST:



Anna Marie Davidson, Town Clerk

APPROVED AS TO FORM:

BOOK 1378 PAGE 0667

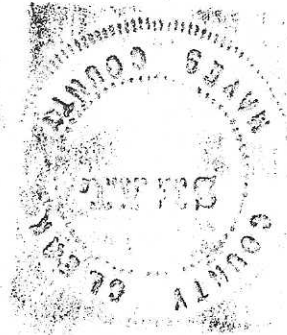
Harlan S. Pinkerton Jr.

Harlan S. Pinkerton Jr., Town Attorney

BOOK 1378 PAGE 0668

June 2017
2019-03

I-1996-697520 07/24/2019 2:27 pm
Book 1386 Page(s) 0903-0924
Fee: \$ 55.00 Doc: \$ 0.00
Brittany True-Howard - Mayes County
State of Oklahoma



FLOOD DAMAGE PREVENTION ORDINANCES

PART 12, CHAPTER 5: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION 1.1. STATUTORY AUTHORIZATION

The Legislature of the State of Oklahoma has in the Oklahoma Floodplain Management Act, Sections 1601 through 1620.1 of Title 82 of the Oklahoma Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Disney Town Council of *Disney*, Oklahoma, does hereby ordain that these Flood Damage Prevention Ordinances as set forth herein, including Sections 1.1 through 5.8, and any lawfully enacted amendments thereto, be hereby enacted.

SECTION 1.2. FINDINGS OF FACT

(1) The flood hazard areas of are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION 1.3. STATEMENT OF PURPOSE

It is the purpose of these Flood Damage Prevention Ordinances to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

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- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is in a flood area.

SECTION 1.4. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, these Flood Damage Prevention Ordinances use the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

CHAPTER 2: DEFINITIONS

SECTION 2.1. DEFINITIONS

Unless specifically defined below, words or phrases used in these Flood Damage Prevention Ordinances shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

ACCESSORY STRUCTURE - Structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principal structure, but not limited to garages and storage sheds.

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF FUTURE CONDITIONS FLOOD HAZARD - means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

AREA OF SHALLOW FLOODING - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION- The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for zones A, AE, AH, A1-30 and AR that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding in any given year - also called the base flood.

BASEMENT - means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING - means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD DAMAGE PREVENTION ORDINANCES - means Sections 1.1 through 5.8, and any lawfully enacted amendments or revisions thereto.

FLOOD ELEVATION STUDY - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - see *Flood Elevation Study*

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - see *Regulatory Floodway*

FUNCTIONALLY DEPENDENT USE - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior or;

(b) Directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

RIVERINE - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA - see *Area of Special Flood Hazard*

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of

a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE - means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10) or (d)(3) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in floodplains.

CHAPTER 3: GENERAL PROVISIONS

SECTION 3.1. LANDS TO WHICH THIS ORDINANCE APPLIES

These Flood Damage Prevention Ordinances shall apply to all areas of special flood hazard with the jurisdiction of Town of Disney.

SECTION 3.2. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Town of Disney dated March 13, 2019, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated March 13, 2019} are hereby adopted by reference and declared to be a part of these Flood Damage Prevention Ordinances.

SECTION 3.3. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION 3.4. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION 3.5. ABROGATION AND GREATER RESTRICTIONS

These Flood Damage Prevention Ordinances are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these ordinances and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 3.6. INTERPRETATION

In the interpretation and application of these Flood Damage Prevention Ordinances, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION 3.7. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by these Flood Damage Prevention Ordinances is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. These Flood Damage Prevention Ordinances do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These Flood Damage Prevention Ordinances shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

CHAPTER 4: ADMINISTRATION

SECTION 4.1. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Floodplain Administrator is hereby appointed to administer and implement the provisions of these Flood Damage Prevention Ordinances and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION 4.2. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

(2) Review permit applications to determine whether to ensure that the proposed building site projects, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of these Flood Damage Prevention Ordinances.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the Oklahoma Water Resources Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Chapter 3, Section 3.2, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Chapter 5.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that

the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community **first** completes all of the provisions required by Section 65.12.

(11) Become accredited by the OWRB in accordance with Title 82 O.S. §§ 1601-1620, as amended.

(12) After a disaster or other type of damage occurrence to structures in the community of Disney, determine if the residential and non-residential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement.

(13) Maintain a record of all actions involving an appeal from a decision of the Board of Trustees.

SECTION 4.3. PERMIT PROCEDURES

(1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Chapter 5, Section 5.2(2);

(d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(e) Maintain a record of all such information in accordance with Chapter 4, Section 4.2(1);

(2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

(a) The danger to life and property due to flooding or erosion damage;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed use with existing and anticipated development;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(h) The necessity to the facility of a waterfront location, where applicable;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

SECTION 4.4. VARIANCE PROCEDURES

(1) The Appeal Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of these Flood Damage Prevention Ordinances.

(2) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or

determination made by the Floodplain Administrator in the enforcement or administration of these Flood Damage Prevention Ordinances.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of these Flood Damage Prevention Ordinances.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 4.3(2) of this Chapter have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of these Flood Damage Prevention Ordinances, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of these Flood Damage Prevention Ordinances (Chapter 1, Section 1.3).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

[10] Prerequisites for granting variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would

result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Chapter 4, Section 4.4(1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

CHAPTER 5: PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION 5.1. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

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(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION 5.2. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Chapter 3, Section 3.2, (ii) Chapter 4, Section 4.2(8), or (iii) Chapter 5, Section 5.3(3), the following provisions are required:

(1) **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated at or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Chapter 4, Section 4.3(1)(a) is satisfied.

(2) **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated at or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(3) **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a

registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than 1 foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes -

(a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such bottom of the I-beam of the manufactured home is elevated at or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. The home shall be installed by a licensed installer according to Oklahoma state law and compliance herewith shall be certified in writing to the Floodplain Administrator by said installer prior to habitation of the manufactured home.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the

provisions of paragraph (4) of this section be elevated on a permanent foundation such that the bottom of the I-beam of the manufactured home is elevated at or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) Recreational Vehicles – Require that recreational vehicles placed on sites within Zones A, A1-30, AH and AE on the Community name FIRM either:

- (a) Be on the site for fewer than 180 consecutive days, or
- (b) Be fully licensed and ready for highway use, or
- (c) Meet the permit requirements of Chapter 4, Section 4.3, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(6) Accessory Structure – Accessory structures to be placed on sites within Zones A and AE on the Disney, OK shall comply with the following:

- (a) The structure shall be used only for parking and limited storage;
- (b) The structure shall not be used for human habitation. Prohibited activities or uses include but are not limited to working, sleeping, living, cooking, or restroom use;
- (c) The structure shall be unfinished on the interior.
- (d) Structures shall be small in size, not exceed 600 square feet in size.
- (e) Structures exceeding 600 square feet in size will be required to meet all applicable standards of Chapter 3 Section 3.3, Chapter 4, Section 4.4, Chapter 5, Sections 5.1 and 5.2, including relevant subsections.
- (f) Service facilities such as electrical and heating equipment must be elevated to or above the BFE plus one (1) foot Freeboard;
- (g) The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (h) The structure shall be considered low in value, designed to have low flood damage potential and constructed with flood resistance materials;
- (i) The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement;
- (j) Floodway requirements must be met in the construction of the structure;
- (k) Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE; and be placed on opposing walls with the net

BOOK 1386 PAGE 920

area of not less than 1 square inch for every square foot of the size of the footprint of the structure (Flood Vents);

- (l) The Openings (Flood Vents) shall be located no higher than 1 foot above grade;
- (m) The openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

SECTION 5.3. STANDARDS FOR SUBDIVISION PROPOSALS

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Chapter 1, Sections 1.2, 1.3, and 1.4 of these Flood Damage Prevention Ordinances.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Chapter 3, Section 3.3; Chapter 4, Section 4.3; and the provisions of Chapter 5 of these Flood Damage Prevention Ordinances.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Chapter 3, Section 3.2 or Chapter 4, Section 4.2(8) of these Flood Damage Prevention Ordinances.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION 5.4. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Chapter 3, Section 3.2, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where

velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated at or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).

(2) All new construction and substantial improvements of **non-residential** structures;

a) have the lowest floor (including basement) elevated at or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or

(b) together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Chapter 4, Section 4.3 are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

SECTION 5.5. FLOODWAYS

Floodways - located within areas of special flood hazard established in Chapter 3, Section 3.2, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

BOOK 1386 PAGE 922

(2) If Chapter, Section 5.5(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Chapter 5.

(3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** completes all of the provisions required by Section 65.12.

SECTION 5.6. SEVERABILITY

If any section, clause, sentence, or phrase of these Flood Damage Prevention Ordinances are held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of these Flood Damage Prevention Ordinances.

SECTION 5.7. Community of Disney, OK Floodplain Management Fee Schedule

Disney, OK Board of Trustees establishes the following fee schedule not to exceed \$500.00 for any one service:

- a. Notice of Intent Fee- \$25.00 maximum
- b. Floodplain Development Permit Application Review-\$100.00
- c. Floodplain Development Permit Fee-\$25.00
- d. Inspection Fee-per inspection-\$50.00
- e. Variance Request Filing Fee-\$25.00

SECTION 5.8. PENALTIES FOR NON COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than one (1) year, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Disney, OK Town Council

from taking such other lawful action as is necessary to prevent or remedy any violation.

It is hereby found and declared by Disney, OK that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program, and in order to effectively remedy the situation described herein, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect and after its passage and approval.

SECTION 5.9. In order to assure the public safety and well-being of the Town of Disney and its citizens, it is necessary for such Ordinance to go into effect immediately upon publication. Further, in order that said Ordinance may do so, an emergency is thereby declared, with such emergency being voted on and approved separately.

SECTION 5.10. CERTIFICATION OF ADOPTION

ORDAINED THIS 8 DAY OF JULY, 2019, BY THE MAYOR AND TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA


APPROVED:


Chris Tuter, Mayor

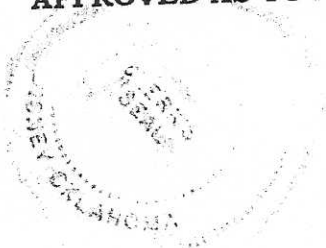
ORDINANCES BECOME EFFECTIVE:

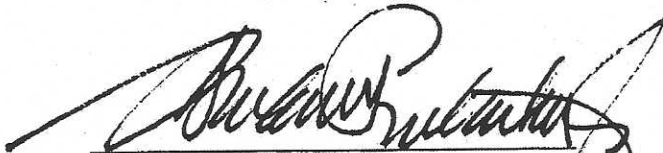
7-18-2019
(effective date)

ATTEST:

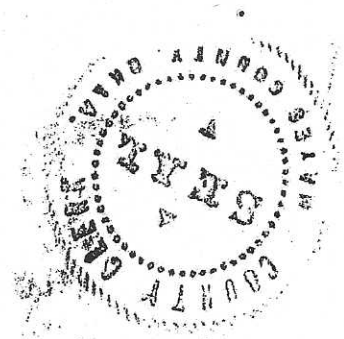

Anna Marie Davidson, Town Clerk

APPROVED AS TO FORM:




Harlan S. Pinkerton, Jr., City Attorney





Town of Disney, Oklahoma

Ordinance No. 2019-04

AN ORDINANCE RELATING TO SECTION 2, ADMINISTRATION AND GOVERNMENT, CHAPTER 1, GOVERNMENT ORGANIZATION, SECTION 2-102 MEETING OF THE BOARD OF TRUSTEES.

WHEREAS the current ordinance discourages public participation in the many local events held within the corporate limits of the Town of Disney; and

WHEREAS the current ordinance does allow future growth of the many local events held within the corporate limits of the Town of Disney.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA, THAT:

Section One: SECTION 2-102 MEETINGS OF THE BOARD OF TRUSTEES.

A. Regular meetings of the board of trustees shall be held on the second Monday of every month at 7:00 p.m. at the town hall unless, in the case of an emergency, the board of trustees designates another place. If such a Monday falls on a town holiday, the regular meeting shall be held at that time on the next day which is not a holiday. Any adjourned meeting may be held at any other place in the town designated by the board of trustees.

B. The board of trustees may from time to time adopt rules to govern the proceedings of the board of trustees.

State Law Reference: See also Open Meetings Act, 25 O.S. Sec. 301 et seq.

Section Two: If any provision of this ordinance or the application thereof, to any person or circumstance, is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

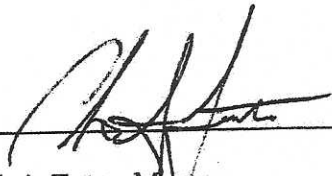
Section Three: In order to assure the public safety and well-being of the Town of Disney and its citizens, it is necessary for such Ordinance to go into effect immediately upon publication. Further, in order that said Ordinance may do so, an emergency is thereby declared, with such emergency being voted on and approved separately.


Dated this 15th Day of October, 2019

ORDAINED THIS 15 day of October, 2019, BY THE MAYOR AND TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA


10.00 Town of Disney

BOOK 1393 PAGE 0602


Chris Tuter, Mayor


Anna Marie Davidson, Town Clerk



APPROVED AS TO FORM:

Harlan S. Pinkerton, Jr., Town Attorney

BOOK 1393 PAGE 0603



**TOWN OF DISNEY, OKLAHOMA
ORDINANCE NO. 2019-06**

**AN ORDINANCE RELATING TO CHAPTER 4, ARTICLE G LICENSING AND RABIES,
AND DELETING SECTIONS 4-161 LICENSE REQUIRED AND 4-162 LICENSE TAX,
VACCINATION REQUIRED.**

WHEREAS, THE CURRENT PET LICENSE ORDINANCE IS INEFFICIENTLY
ENFORCED;

WHEREAS, THE COST TO ADMINISTER THE PROGRAM IS LESS THAN IS MADE BY
THE TOWN OF DISNEY;

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF
DISNEY, OKLAHOMA, DELETE THE FOLLOWING ORDINANCES:

ARTICLE G

LICENSING AND RABIES

SECTION 4-161 LICENSE REQUIRED

It shall be unlawful for any dog or cat over the age of six (6) months to be
kept or t remain in the town unless such dog or cat shall be registered and the tax
imposed by this article shall be paid by the owner thereof.

SECTION 4-162 LICENSE TAX. VACCINATION REQUIRED

- A. All persons living within the town and owning a dog or cat shall pay an
annual fee for a pet license for each dog or cat over six (6) months of age
as set by the town board by motion or resolution for:
1. Dog
 2. Dog (neutered)
 3. Cat
 4. 4. Cat (neutered)
 5. Guide or hearing dog-No Fee; and
 6. Fee for senior citizens-50% discount
- B. The owner shall pay such tax to the town clerk for every calendar year
for the first of May thereof, or upon acquiring after the day any dog or
cat with the town upon which the tax has not been paid for the year in
which acquired, or upon bringing a dog or cat into the town after the
day.
- C. Before the town clerk accepts any money offered in payment of the tax
for a dog or cat, or issues a license for a dog or cat, the person offering

\$10.00 Town of Disney

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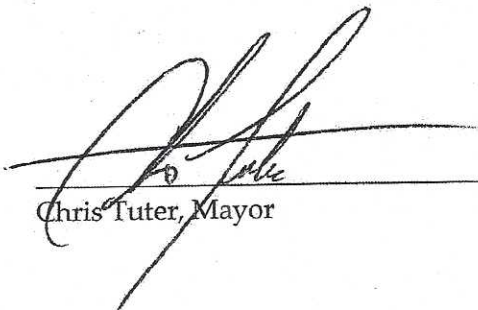
the tax shall present to the clerk the certificate of a veterinarian or other person legally authorized to immunize dogs or cats, showing that the dog or cat has been immunized against rabies during the calendar year. (That is, since the 31st of the last December).


- D. When such tax is paid the clerk shall issue to the owner of such dog or cat, a tag and original receipt as now provided by the ordinances of the town and it shall be the duty of the owner of the dog or cat to keep around the neck of such registered dog or cat a collar to which such tag shall be attached.
- E. It shall be the duty of the town clerk to procure metallic plates having cast, raised or stamped thereon the words: "Disney Animal Tax" and date indicating the date for which the tax has been paid, and number corresponding to the number on a book in which dogs and cats shall be registered.
- F. In case a tag is lost before the end of the year for which it was issued, the owner may secure another for the dog or cat by applying to the town clerk, presenting the original receipt and paying a fee as set by town board by motion or resolution.

Dated this 11 day November, 2019.

ORDAINED THIS 11 day of November, 2019, BY THE MAYOR AND TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA

Dated this 11 day of November, 2019


Chris Tuter, Mayor


Anna Marie Davidson, Town Clerk



APPROVED AS TO FORM:



Harlan S. Pinkerton, Jr., Town Attorney



I-1996-701445 01/21/2020 3:05 pm
Book 1400 Page(s) 0238-0242
Fee: \$ 26.00 Doc: \$ 0.00
Brittany True-Howard - Mayes County
State of Oklahoma

**TOWN OF DISNEY, OKLAHOMA
ORDINANCE NO. 2020-01**

AN ORDINANCE RELATING TO ORDINANCE SECTION 2, ADMINISTRATION AND GOVERNMENT, CHAPTER 3, TOWN RECORDS, SECTION 2-304; REQUESTS TO BE DIRECTED TO CUSTODIANS.

WHEREAS the current ordinance provides out of date prices for Open Records Act requests.
WHEREAS the current ordinance costs the Town of Disney excessively for administrative costs for Open Records Requests.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA, THAT:

Section One:

SECTION 2-302 DESIGNATION OF ADDITIONAL RECORD CUSTODIANS.

A. Each of the official custodians appointed in Section 2-301 of this code is hereby authorized to designate any subordinate officers or employees to serve as record custodian. The record custodians shall have such duties and powers as are set out in the Oklahoma Open Records Act.

B. Whenever an official custodian shall appoint another person as a record custodian, he shall notify the town clerk of such designation and the town clerk shall maintain a register of all such designations.

SECTION 2-303 DUTIES OF CUSTODIANS.

All town officials and employees appointed or designated under this chapter shall: protect public records from damage and disorganization; prevent excessive disruption of the essential functions of the town; provide assistance and information upon request; insure efficient and timely action and response to all applications for inspection of public records; and shall carry out the procedures adopted by this town for inspecting and copying open public records.

SECTION 2-304 REQUESTS TO BE DIRECTED TO CUSTODIANS.

A. All members of the public, in seeking access to, or copies of, a public record in accordance with the provisions of the Oklahoma Open Records Act, shall address their requests to the custodian charged with responsibility for the maintenance of the record sought to be inspected or copied.

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\$ 16 Town of Disney

B. Whenever any town official or employee appointed or designated as a custodian under this chapter is presented with a request for access to, or copy of a public record which the custodian does not have in his possession and which he has not been given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. The person making the request shall be informed as to which custodian the request should be addressed to, if such is known by the custodian receiving the request.

SECTION 2-305 PROCEDURES REGARDING BOTH INSPECTION AND COPYING OF OPEN PUBLIC RECORDS.

The following procedures are hereby adopted and shall be applied by each official custodian and record custodian:

1. Consistent with the policy, duties and procedures established by the Oklahoma Open Records Act, record custodians shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records;
2. Record custodians shall protect the integrity and organization of public records with respect to the manner in which such records are inspected and copied;
3. Record custodians may prevent excessive disruptions of essential functions and provide the record at the earliest possible time;
4. All inspections and copying of open public records shall be performed by or under the supervision of the record custodian responsible for such records;
5. All persons requesting the inspection of or a copy of open public records shall make such request in writing prior to the request being honored, except that no form shall be required for requests made for records which have been reproduced for free public distribution;
6. All record inspection and copying forms are to be completed by the person requesting the record. The record custodian may demand reasonable identification of any person requesting a record;
7. Any fees for record inspection or for copies are due at the time the records, or copies thereof, are provided to the requester, unless the record custodian has demanded that prepayment of all or part of such fees be made. Fees are to be paid to the record custodian or town clerk;
8. The record custodian or town clerk shall demand full or partial prepayment of fees whenever the estimate for such fees exceeds the amount set out in Section 2-308 of this code;
9. No record search or copying fee shall be assessed against officers or employees of the town who make requests which are reasonably necessary to the performance of their official duties;
10. Hours for making requests for inspection or copying shall be all regular working hours for each day the office maintains regular office hours;
11. Removal of open public records from the office where kept and maintained, for purposes of inspection or the making of copies, shall not be permitted; and

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12. The above procedures, as well as any other inspection and copying procedures, shall be posted in a conspicuous place in the office of the record custodian.

Ed. Note: Town board has set fee for photo reproduction at \$.25 per page; \$5.00 for digital copy per disc.

SECTION 2-306 PROCEDURES REGARDING INSPECTION OF OPEN PUBLIC RECORDS.

The following procedures are hereby adopted and shall be applied by every official custodian and record custodian:

1. Record custodians shall handle all inspection request,; in accordance with their duties to protect and preserve public records and to assist persons requesting inspection of open public records;
2. All request forms must be completed by the party requesting the record. In all cases the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the record custodian and presented to the record custodian;
3. A written request is sufficient if it reasonably describes the record sought. In instances where the requester cannot provide sufficient information to identify a record, the custodian shall assist in making such identification; and
4. The record custodian shall, upon making a denial of an inspection request, forward a copy of the denial to the town clerk and notify the person who requested the document.

SECTION 2-307 PROCEDURES REGARDING COPIES OF OPEN PUBLIC RECORDS.

The following procedures apply regarding copies of records:

1. Record custodians shall handle all copy requests in accordance with their duties to protect and preserve public records and to assist persons requesting copies of open public records;
2. All request forms must be completed by the party requesting the copies. In all cases the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the record custodian;
3. Mechanical reproduction of a record shall not be undertaken when it is the judgment of the record custodian that any available means of mechanically reproducing the subject record is likely to cause damage to such records; and
4. No copy fee shall be assessed when multiple copies of the record requested have been prepared for free public distribution, or when the record custodian determines that the cost of charging and handling the fee exceeds the cost of providing a copy without charge.

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SECTION 2-308

FEES

A. Where a request has been made for the inspection of an open public record, no fee shall be charged.

B. A fee per page as set by the board of trustees by motion or resolution shall be charged for photocopying an open public record, such fee to cover the cost of labor, materials and equipment. The charges shall be \$.25 per page and \$5 for a disc.

C. For researching, preparation and copying any open public records the requester shall be charged the hourly fee of the person or entity that does the search.

D. For copying any open public record which cannot be reproduced by photocopying, such as a computer printout or a blueprint, the requester shall be charged the actual cost to the town, including the cost of labor, materials and equipment.

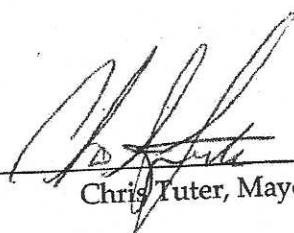
E. A record custodian may demand prepayment of a fee whenever the estimated amount exceeds Twenty Dollars (\$20.00). The prepayment amount shall be an estimate of the cost of copying, mechanical reproduction or searching for the record. Any overage or underage in the prepayment amount shall be settled prior to producing the requested record or delivering the copy or mechanical reproduction of the record.

Section Two: If any provision of this ordinance or the application thereof, to any person or circumstance, is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

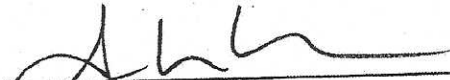
Section Three: In order to assure the public safety and well-being of the Town of Disney and its citizens, it is necessary for such Ordinance to go into effect immediately upon publication. Further, in order that said Ordinance may do so, an emergency is thereby declared, with such emergency being voted on and approved separately.

ORDAINED THIS 13 day of January, 2020, BY THE MAYOR AND TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA

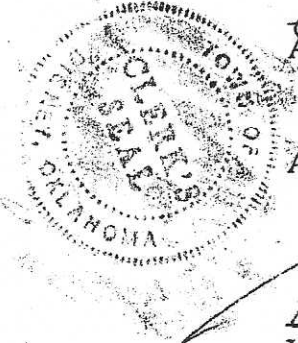
Dated this 13 day of January, 2020


Chris Tuter, Mayor

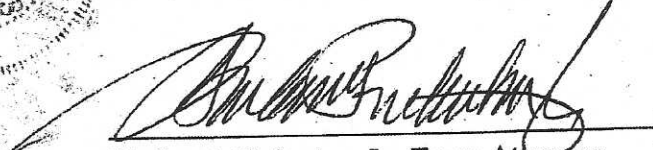
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Anna Marie Davidson, Town Clerk



APPROVED AS TO FORM:



Harlan S. Pinkerton, Jr., Town Attorney

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**TOWN OF DISNEY, OKLAHOMA
ORDINANCE NO. 2020-02**

**AN ORDINANCE RELATING TO PART 12, ARTICLE D GENERAL PROVISIONS
APPLYING TO ALL OR SEVERAL DISTRICTS, AND AMENDING SECTION 12-226
TRAILERS AND COMMERCIAL VEHICLES, STORAGE AND PARKING IN
RESIDENTIAL DISTRICTS.**

WHEREAS the current ordinance does not appropriately define all synonyms for camping vehicles of; and

WHEREAS the new ordinance provides the appropriate descriptors inclusive of campers, trailers, recreational vehicles, motor coaches, etc.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA, THAT:

Section One: Commercial vehicles, recreational vehicles, motor homes, travel trailers, campers, and trailers of all types, including travel, camping and hauling, and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:

1. No more than one commercial vehicle, which does not exceed one and one-half (1½) tons rated capacity, per family living on the premises shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted;
2. No more than three campers, trailers, travel trailers, recreational vehicles, or motor coaches on the premises shall be permitted, nor shall the above mentioned be parked or stored for more than 96 hours unless it is located behind the front yard building line. A camper, recreational vehicle, motor coaches, or travel trailer shall not be occupied for more than 96 hours without an emergency permit.
3. A mobile home shall be parked or stored only in a mobile home park which is in conformity with ordinances of the town.

Section Two: If any provision of this ordinance or the application thereof, to any person or circumstance, is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

BOOK 1410 PAGE 900

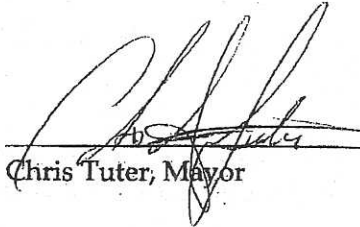
① 1000 Town of Disney

Section Three: In order to assure the public safety and well-being of the Town of Disney and its citizens, it is necessary for such Ordinance to go into effect immediately upon publication. Further, in order that said Ordinance may do so, an emergency is thereby declared, with such emergency being voted on and approved separately.

ORDAINED THIS 11th day of May, 2020, BY THE MAYOR AND TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA

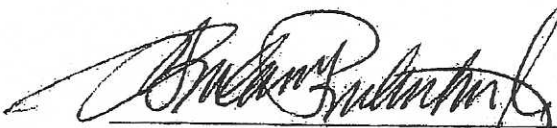
Dated this 8 day of June, 2020




Chris Tuter, Mayor


Anna Marie Davidson, Town Clerk

APPROVED AS TO FORM:


Harlan S. Pinkerton, Jr., Town Attorney



**TOWN OF DISNEY, OKLAHOMA
ORDINANCE NO. 2021-01**

**AN ORDINANCE RELATING TO PART 12, ARTICLE D GENERAL PROVISIONS
APPLYING TO ALL OR SEVERAL DISTRICTS, AND AMENDING SECTION 12-226,
ITEM #2 TRAILERS AND COMMERCIAL VEHICLES, STORAGE AND PARKING IN
RESIDENTIAL DISTRICTS**

WHEREAS the current ordinance does not appropriately support the needs of the residents; and

WHEREAS the new ordinance allows for an unlimited number of trailers

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA, THAT:

Section One: Commercial vehicles, recreational vehicles, motor homes, travel trailers, campers, and trailers of all types, including travel, camping and hauling, and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:

1. No more than one commercial vehicle, which does not exceed one and one-half (1½) tons rated capacity, per family living on the premises shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted;
2. No trailers shall be parked or stored for more than 96 hours unless it is located behind the front yard building line. A camper, recreational vehicle, motor coaches, or travel trailer shall not be occupied for more than 96 hours without an emergency permit.
3. A mobile home shall be parked or stored only in a mobile home park which is in conformity with ordinances of the town.

Section Two: If any provision of this ordinance or the application thereof, to any person or circumstance, is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

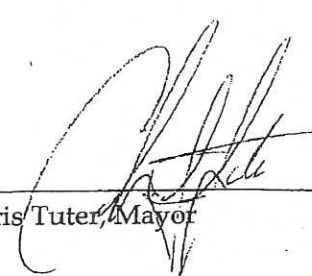
BOOK 1434 PAGE 750

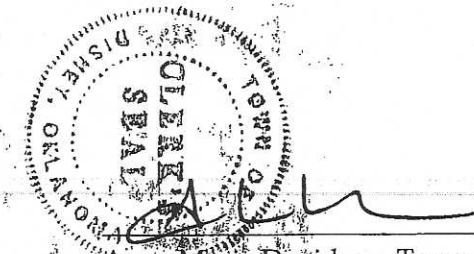
\$10.00 Town of Disney

Section Three: In order to assure the public safety and well-being of the Town of Disney and its citizens, it is necessary for such Ordinance to go into effect immediately upon publication. Further, in order that said Ordinance may do so, an emergency is thereby declared, with such emergency being voted on and approved separately.


ORDAINED THIS 8th day of February, 2021, BY THE MAYOR AND TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA

Dated this ___ day of February, 2021


Chris Tuter, Mayor


Anna Marie Davidson, Town Clerk

APPROVED AS TO FORM:


Harlan S. Pinkerton, Jr., Town Attorney