

General Provisions

PART 1

GENERAL PROVISIONS

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SECTION 1-101 DESIGNATION AND CITATION OF CODE

The ordinances embraced in this and the following chapters and sections shall constitute and be designated as "The Town Code of Disney, Oklahoma," and may be so cited. The Code may also be cited as the Town Code or in the provisions which follow, as the "Code".

State Law Reference: Adoption and revision of codes and codes of ordinances, 11 O.S. Secs. 14-108, 14-109.

SECTION 1-102 RULES OF CODE CONSTRUCTION; DEFINITIONS

A. In the construction of this code and all ordinances, the following rules of construction and definitions shall be observed unless inconsistent with the manifest intent of the town board of trustees or the context clearly requires otherwise:

1. "And/or" means "or", and "or" may be read "and" if the sense requires it;
2. "Board of trustees" means the governing body of the town, the town board of trustees;
3. "Bond" means an obligation in writing, binding the signatory to pay a sum certain upon the happening or failure of an event;
4. "Building" means any structure intended to have walls and a roof;
5. "Building official" means the person appointed by the town and designated as the town's building official;
6. "Business" means any profession, trade, occupation and any other commercial enterprise conducted for monetary reward;
7. "County" means Mayes County, Oklahoma;

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8. "Definitions" given within a chapter or article apply only to words or phrases used in such chapter or article unless otherwise provided;

9. "Designee," following an official of the town, means the authorized agent, employee or representative of such official;

10. "Gender" Words importing the masculine gender include the feminine and neuter as well as the masculine;

11. "Health officer" means administrator of the cooperative department of the county and the town;

12. "Keeper" means one in possession of or who has the care, custody or superintendence of a thing, place or business whether or not the owner or proprietor, and includes any person, firm, association, corporation, club and copartnership whether acting by themselves or by a servant, agent or employee;

13. "Law" means applicable federal law and court decisions, court decisions and provisions of the constitution and statutes of the state and ordinances of the town, and, when appropriate, any and all rules and regulations promulgated thereunder;

14. "May" is permissive and discretionary;

15. "Mayor" means the mayor of the town;

16. "Month" means a calendar month;

17. "Number" Words used in the singular include the plural and the plural includes the singular;

18. "Oath" means any form of attestation by which a person signifies that he is bound in conscience to perform an act or to speak faithfully and truthfully, and includes an affirmation or declaration in cases where by law an affirmation may be substituted for an oath;

19. "Occupant" means tenant or person in actual possession;

20. "Operate" means carry on, keep, conduct, maintain, manage, direct or superintend;

21. "Ordinances" mean the ordinances of the town and all amendments and supplements thereto;

22. "Owner" means one who has complete dominion over particular property and who is the one in whom legal or equitable title rests; when applied to a building or land, "owner" means any part owner, joint owner, owner of a community or partnership interest, life tenant, tenant in common, or joint tenant, of the whole or part of such building or land;

23. "Person" means any individual, natural person, joint stock company, partnership, voluntary association, club, firm, company, corporation, business trust, organization, or any other bodies corporate or politic or group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer or employee of any of them including an executor, clerk, trustee, receiver, or other representative appointed according to law;

24. "Personal property" means any money, goods, movable chattels, things in action, evidence of debt, all objects and rights which are capable of ownership, and every other species of property except real property;

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

26. "Proprietor" means an owner of the property or premises, including any person, firm, association, corporation, club, partnership or other group acting as a unit, whether acting by themselves or by a servant, agent or employee;

27. "Public place" means and includes any public street, road or highway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, stadium, athletic field, park, playground, public building or grounds appurtenant thereto, school building or school grounds, public parking lot or any vacant lot, the elevator, lobby, halls, corridors and areas open to the public of any store, office, or apartment building, or any other place commonly open to the public;

28. "Real property" means land together with all things attached to the land so as to become a part thereof;

29. "Shall". The word "shall" is mandatory;

30. "Sidewalk" means that portion of a street between the curblines and the adjacent property along the margin of a street or other highway, designed, constructed and intended for the use of pedestrians to the exclusion of vehicles;

31. "Signature and subscription" means the name of a person, mark or symbol appended by him to a writing with intent to authenticate the instrument as one made or put into effect by him;

32. "State" means the State of Oklahoma;

33. "Statutes" means the Oklahoma Statutes as they are now or as they may be amended to be;

34. "Street" means all streets, highways, avenues, boulevards, parkways, roads, lanes, viaducts, bridges and the approaches thereto, docks built on the public street, alleys, courts, places, squares, curbs, sidewalks, recreation and park lands used for vehicular traffic, or other public ways or thoroughfares in this town, over which it has jurisdiction, which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state;

35. "Tenant" means any person occupying the premises, building or land of another in subordination to such other person's title and with his express or implied assent, whether he occupies the whole or a part of those premises, building or land, whether alone or with others;

36. "Tense" Words used in the past or present tense include the future, past and present where applicable unless the context clearly indicates otherwise;

37. "Time" means the hour of the day according to the official time of the day;

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38. "Time of performance: means the time within which an act is to be done as provided in any section or any order issued pursuant to any section, when expressed in days, and it computed by excluding the first and including the last day. If the last day is a Sunday or legal holiday, that day shall not be counted in the computation. When the time is expressed in hours, the whole of Sunday or a legal holiday from midnight to midnight is excluded;

39. "Town" means the Town of Disney, in the County of Mayes and State of Oklahoma;

40. "Town limits: means within the town and includes not only the corporate limits of the town but also any property which it owns or which is under its jurisdiction;

41. "Watercourse" means any drain, ditch and stream, flowing in a definite direction or course in a bed with banks;

42. "Week" means seven (7) days;

43. "Writing" and "written" means any representation of words, letters or figures, whether by printing or otherwise, capable of comprehension by ordinary visual means; and

44. "Year" means a calendar year.

B. Words and phrases are construed according to the common and approved usage of the language, but technical words and phrases and others that have acquired a peculiar and appropriate meaning in the law are construed and understood according to such meaning.

SECTION 1-103 AUTHORITY OF CODE.

This code is a revision and codification of the general ordinances of the town which have been enacted and published in accordance with the authority granted in Sections 14-108 and 14-109 of Title 11 of the Oklahoma Statutes.

SECTION 1-104 CONFLICTING PROVISIONS.

A. If the provisions of different parts, chapters, articles or sections of this code conflict with or contravene each other, the provisions of each part, chapter, article or section shall prevail as to all matters and questions growing out of the subject matter of that part, chapter, article or section.

B. If clearly conflicting provisions are found in different sections of the same chapter, the provisions of the section last enacted shall prevail unless the construction is inconsistent with the meaning of that section.

SECTION 1-105 REFERENCES INCLUDE AMENDMENTS; CONSTRUCTION.

A. Any reference in this code to an ordinance or provision of this code means such ordinance or provision as may now exist or is hereafter amended.

B. Any references in this code to parts, chapters, articles or sections shall be to the parts, chapters, articles or section of this code unless otherwise specified.

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SECTION 1-106 CATCHLINES AND HEADINGS; CONSTRUCTION.

All designations and headings of parts, chapters, articles and sections are intended only for convenience in arrangement and as mere catchwords to indicate the contents of such parts, chapters, articles or section, whether printed in capital letters or bold face type. They shall not be deemed or taken to be any part or title of such parts, chapters, articles or sections; nor, unless expressly so provided, shall they be so deemed upon amendment or reenactment; nor shall they be construed to govern, limit, modify, alter or in any other manner affect the scope, meaning or intent of any of the provisions of this code.

SECTION 1-107 CODE PROVISIONS AS CONTINUANCE OF EXISTING ORDINANCES

The provisions appearing in this code, insofar as they relate to the same subject matter and are substantially the same as those ordinance provisions previously adopted by the town and existing at the effective date of this code, shall be considered as restatements and continuations thereof and not as new enactments.

SECTION 1-108 GENERAL AND SPECIFIC PENALTIES; SUSPENSION OR REVOCATION OF LICENSE OR PERMIT.

A. Whenever in this code, in any ordinance of the town, or in any rule or regulation promulgated pursuant to this code, any act or failure to do a required act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided herein or therefor, the violation of any such provision of this code or any ordinance or rule shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) except where another specific penalty is established in this code. If a penalty is limited by state law, such violations shall be punishable by not to exceed the maximum permitted by state law or the amount declared by the town, whichever is greater.

B. The suspension or revocation of any license, certificate or other privilege conferred by the town shall not be regarded as a penalty for the purposes of this code but shall be in addition thereto.

State Law Reference: Maximum penalties, \$500.00 and 30 days, maximum fine in court with non-lawyer judge, \$50.00, 11 O.S. Sec. 14-111; Fines over \$100.00 or imprisonment by jury trial, 11 O.S. Sec. 27-119.

SECTION 1-109 EACH DAY OF VIOLATION OF CODE A SEPARATE OFFENSE.

Each day any person is in violation of any provision of this code, and each day any such violation occurs or continues to exist, shall be a separate offense.

SECTION 1-110 PROHIBITED ACTS INCLUDE CAUSING, PERMITTING, CONCEALING.

Whenever in this code any act or omission is made unlawful or prohibited, it shall include causing, allowing, permitting, aiding, abetting or concealing the fact of such act or omission.

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CHAPTER 2

CORPORATE AND WARD LIMITS

Section 1-201 Map of the town.
Section 1-202 Ward boundaries.

SECTION 1-201 MAP OF THE TOWN.

The map of the town showing its territorial limits, as maintained in the office of the town clerk, is hereby designated as the official map of the town, and the corporate limits as shown thereon, and as amended, are declared to be the true and correct corporate limits of the town, including all annexations made to the town through and including the date of February 1, 2014.

Ed. Note: See Ordinances for listing of ordinances adding territory to town, and office of the town clerk.

SECTION 1-202 WARD BOUNDARIES.

The town is not divided into wards.

State Law Reference: Review of wards after each federal census, 11 O.S. 20-101; changing wards, 11 O.S. 20-102 to 20-105.

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SECTION 1-111 CIVIL RELIEF FROM VIOLATIONS OF CODE OR ORDINANCES.

No penalty imposed by or pursuant to Section 1-108 or any other section of this code or other ordinance of the town shall interfere with the right of the town to apply to the proper courts of the state for a writ of mandamus, an injunction or other appropriate relief in the case of violations of this code or other ordinances.

SECTION 1-112 TERRITORIAL APPLICABILITY.

Except as provided otherwise, this code refers only to the commission or omission of acts within the territorial limits of the town and to that territory outside this town over which the town has jurisdiction, ownership or control by virtue of any constitutional or statutory provision, or any law.

SECTION 1-113 ORDINANCES IN EFFECT IN OUTLYING TERRITORY OF TOWN.

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

SECTION 1-114 CODE SEVERABILITY.

It is declared to be the intention of the board of trustees that the sections, subsections, paragraphs, sentences, clauses and words of this code are severable. If any section, subsection, paragraph, sentence, clause or word is declared unconstitutional or otherwise invalid by the judgment or decree of any court of competent jurisdiction, its unconstitutionality or invalidity shall not affect the validity of any of the remaining sections, subsections, paragraphs, sentences, clauses and words of this code, since the sections or parts of sections would have been enacted by the board of trustees without and irrespective of any unconstitutional or otherwise invalid section, subsection, paragraph, sentence, clause or word being incorporated into this code.

SECTION 1-115 TRUSTEES AMEND WARRANTS AND FINES BY RESOLUTION

In each case where the amount of bench warrants and/or fines for various violations change, the Town board of Trustees will be allowed to amend these amounts by resolution rather than by amending ordinance. The bond schedule will appear in the appendix of town codes.