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CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1

USE AND CONSTRUCTION OF THE CODE

SECTION 1-101 HOW CODE DESIGNATED AND CITED

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

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

SECTION 1-102 RULES OF CONSTRUCTION

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

1. "Town" means the Town of Lamont;
2. "Board" means the Board of Trustees of the Town of Lamont;
3. "Computation of time." Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which the notice is given or the act is done shall be counted in computing the time but the day on which the proceeding is to be had shall not be counted;
4. "County" or "this county" means the County of Grant, Oklahoma;
5. "Gender." A word importing one gender only shall extend and be applied to other genders and to firms, partnerships, and corporations as well;
6. "Joint Authority." All words giving "joint authority" to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers;
7. "Law" includes applicable federal law, provisions of the Constitution and statutes of the State of Oklahoma, the ordinances of the town, and, when appropriate, any and all rules and regulations promulgated there under;
8. "Mayor" means the mayor of the town;
9. "Month" means a calendar month;
10. "Nontechnical and technical words." Words and phrases which are not specifically defined shall be construed according to the common and accepted usage of the language; but technical words and phrases

and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meanings;

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

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

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

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

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

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

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

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

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

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

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

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

23. "Week" means seven (7) days; and

24. "Year" means a calendar year.

#### SECTION 1-103      CATCHLINES OF SECTIONS; CITATIONS

The catch lines of sections in this code are printed in CAPITAL LETTERS and citations included at the end of sections are intended to indicate the contents of the section and original historical source respectively, and shall not be deemed or taken to be titles and official sources of such sections; nor as any

part of the section, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catch lines, or citations, are amended or re-enacted.

SECTION 1-104 EFFECT OF REPEAL OF ORDINANCES

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

B. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

SECTION 1-105 SEVERABILITY OF PARTS OF CODE

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

SECTION 1-106 AMENDMENT TO CODE; EFFECT OF NEW ORDINANCES; AMENDATORY LANGUAGE

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

B. Amendments to any of the provisions of this code may be made by amending the provisions by specific reference to the section of this code in substantially the following language: "Be it ordained by the Board of Trustees of the Town of Lamont, Oklahoma, that Section \_\_\_\_\_ of the code of ordinances of the Town of Lamont, Oklahoma, is hereby amended to read as follows:" (Set out new provisions in full).

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

Section \_\_\_\_\_. Be it ordained by the Board of Trustees of the Town of Lamont, Oklahoma, that the provisions of this ordinance shall become and be made a part of the code of ordinances of the Town of Lamont, Oklahoma, and the sections of this ordinance may be re-numbered to accomplish this intention.

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

*State Law Reference:* Enactment of ordinances, 11 O.S. Sections 14-103 et seq.

SECTION 1-107            ALTERING CODE

It is unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with this code in any manner whatsoever which will cause the law of the town to be misrepresented thereby. Any person violating this section shall be punished as provided in Section 1-108 of this Code.

SECTION 1-108            GENERAL PENALTIES

A. Except as otherwise provided by state law, whenever in this code or in any ordinance of the town an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of any provision of this code or of any ordinance, upon conviction, shall be punished by a fine of not exceeding One Hundred Dollars (\$100.00). Each day or any portion of a day during which any violation of this code or of any ordinance shall continue shall constitute a separate offense.

B. Any person who shall aid, abet or assist in the violation of any provision of this code or any other ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in this section.

*State Law Reference:* Maximum fine levied in courts not of record, \$200.00, 11 O.S. § 14-111. Maximum fine levied without jury trial, \$100.00, 11 O.S. § 27-119. Maximum fine levied by court with non-lawyer judge, \$50.00, 11 O.S. § 27-119.

SECTION 1-109 FINES RECOVERABLE BY CIVIL ACTION.

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

SECTION 1-110            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 shall be 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 1-111            SCHEDULE OF FEES AND CHARGES CREATED

A. There is hereby created a schedule of fees and charges, which shall contain those fees and charges for the various licenses, permits and other fees and charges as designated by the Town Board of Trustees. Where a fee or charge is authorized to be collected by the town in any ordinance the amount of the fee or charge shall be set by resolution and entered into the schedule of fees and charges. The schedule shall be kept on file in the office of the clerk, to whom all fees and charges shall be paid unless otherwise provided. A copy may be obtained upon payment of a fee as set forth in the schedule of fees and charges.

B. The schedule of fees and charges hereby created shall also be known and may be cited as the fee schedule.

SECTION 1-112 OKLAHOMA TOWN MEETING ACT NOT GOVERNING.

Pursuant to 11 Okla. Stat. § 16-302, the Town of Lamont hereby declares that it shall not be governed by the Oklahoma Town Meeting Act as a means of electing its officers and deciding initiative and referendum questions.

The Town of Lamont shall hereby elect its officers and decide initiative and referendum questions through elections conducted by the county election board pursuant to Title 11, Section 16-101 et. seq. of the Oklahoma Statutes.

ARTICLE 2

CORPORATE LIMITS

SECTION 1-201 MAP OF TOWN DESIGNATED AS OFFICIAL MAP

The map of the town showing its territorial limits is hereby designated as the official map of the town, and the corporate limits as shown thereon 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 this code.

SECTION 1-202 WARD BOUNDARIES.

The Town is divided into five (5) wards as follows:

1. Ward One consists of the area comprised within the following boundaries:

Beginning at the intersection of the south town limit to the centerline of Grant Avenue, thence west on Grant Avenue to the centerline of Linn Street, then North on Linn Street to the centerline of Madison Avenue, then West on Madison Avenue to the centerline of Walnut Street, thence South on Walnut Street to the centerline of Grant Avenue, thence East on Grant Avenue to the centerline of Maple Street, thence South on Maple Street to the centerline of Jackson Avenue, thence west on Jackson Avenue to the centerline of Walnut Street, thence South on Walnut Street to the town limit, thence East on the Town limit to the east town limit.

2. Ward Two consists of the area comprised within the following boundaries:

Beginning at the South Town limit and the centerline of Walnut Street intersection, thence North on Walnut Street to the centerline of Jackson Avenue, thence East on Jackson Avenue to the centerline of Maple Street to the centerline of Grant Avenue, thence West on Grant Avenue to the centerline of State Street, thence North on State Street to the centerline of Trowbridge Avenue, thence West on Trowbridge Avenue to the West Town limit, thence South along the West Town limit to the Town limit, thence East on the Town limit to the centerline of Walnut Street.

3. Ward Three consists of the area comprised within the following boundaries:

Beginning at the centerline of the intersection of Trowbridge Avenue and the West Town limit, thence East on Trowbridge Avenue to the centerline of State Street, thence South on State Street to the centerline of Grant Avenue; thence East on Grant Avenue to the centerline of Walnut Street, thence North on Walnut Street to the centerline of Madison Avenue, thence East on Madison Avenue to the centerline of Maple Street to the centerline of Washington Avenue, thence West on Washington Avenue to the centerline of the right of way located between Block 3, Original Town of Lamont, Oklahoma, and Block 43, East Addition to the Town of Lamont, Oklahoma, thence North on the right of way to the centerline of Lincoln Avenue, thence West on Lincoln Avenue to the centerline of State Street, thence South on State Street to the centerline of Madison Avenue, thence West on Martin Avenue to the Town limit, thence South along the West Town limit to the centerline of Trowbridge Avenue.

4. Ward Four consists of the area comprised within the following boundaries:

Starting at the West Town limit at the centerline of Martin Avenue, thence East on Martin Avenue to the centerline of State Street, thence North on State Street to the centerline of Lincoln Avenue, thence East on Lincoln Avenue to the centerline of the right of way between Block 3, Original Town of Lamont, and Block 43, East Addition, thence South on the right of way to Washington Avenue, thence East on Washington Avenue to the centerline of Maple Street, thence North to Maple Street to the centerline of Lincoln Avenue, thence West on Lincoln Avenue to the centerline of Walnut Street, thence North on Walnut Street to the centerline of Jefferson Avenue, thence West on Jefferson Avenue to the centerline of State Street, thence North on State Street to the Town limit, thence West along the North Town limit to the West Town limit, thence South along the West Town limit to the centerline of Martin Avenue.

5. Ward Five consists of the area comprised within the following boundaries:

Beginning at the centerline of Grant Avenue and the East Town limit of Lamont, thence West on Grant Avenue to the centerline of Linn Street, thence North on Linn Street to the centerline of Madison Avenue, thence West on Madison Avenue to the centerline of Maple Street, thence North on Maple Street to the centerline of Lincoln Avenue, thence West on Lincoln Avenue to the centerline of Walnut Street, thence North on Walnut Street to the centerline of Jefferson Avenue, thence West on Jefferson Avenue to the centerline of State Street, thence North on State Street to the North Town limit, thence East along the North Town limit to the East Town limit, thence South along the East Town limit to the centerline of Grant Avenue.

