

PART 13

PUBLIC SAFETY

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SECTION 13-101

ADOPTION OF FIRE PREVENTION CODE.

That a certain document, three copies of which are on file in the office of the City Clerk of the City of Sapulpa, being marked and designated as the *International Fire Code, 2009 Edition*, be and is hereby adopted as the Fire Prevention Code of the City of Sapulpa in the State of Oklahoma regulating and governing the safeguarding of life and property from fire and explosion hazards to life or property in the occupancy of buildings and premises as herein provided and each and all of the regulations, provisions, penalties, conditions, and terms of said Fire Prevention Code on file in the office of the City of Sapulpa are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with additions, insertions, deletions, and changes, if any, prescribed in Section 13-102 of this Ordinance. [Prior Code, Sec. 10-22, as amended; Ord. 2110; Ord. 2662, 05/21/2012]

The **International Fire Code** as published by the International Code Council, and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC), is adopted as the Fire Prevention Code of the City of Sapulpa in the State of Oklahoma by the City for the purpose of establishing rules and regulations for regulating and governing the safeguarding of life and property from fire and explosion hazards to life or property in the occupancy of buildings and premises as herein provided and each and all of the regulations design, construction, quality of materials, repair, alteration, change of use or occupancy, addition or relocation of existing buildings and structures as therein provided. Each and all of the regulations, provisions, conditions and terms of the International Fire Code, as well as any Appendices referenced, as adopted and amended by the OUBCC are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in

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this code, said amendment, incorporation and codification occurring automatically upon (i) the publication of such later edition by the International Code Council and IFOBC; and (ii) the receipt and approval of said edition by the City Fire Marshal. At least one (1) copy of the Code is to be kept on file in the office of the City Clerk or his or her designee.

Cross Reference: Fire district delineated, see Part 5 of this code.

SECTION 13-102 ADDITIONS, INSERTIONS, AND CHANGES.

The following sections of the fire code are hereby revised as follows:

- A. Section 101.1. Insert: "City of Sapulpa, Oklahoma."

[Prior Code, Sec.10-25, Ord. 2110; Ord. 2662, 05/21/2012]

SECTION 13-103 LIMITS WITHIN WHICH STORAGE OF EXPLOSIVES ARE PROHIBITED.

That the geographic limits referred to in certain sections of the 2009 *International Fire Code* are hereby designated to be those areas located within the municipal limits of the City of Sapulpa, Oklahoma. [Prior Code, Sec. 10-26; Ord. 2110; Ord. 2662, 05/21/2012]

SECTION 13-104 MODIFICATIONS.

The City Manager and Fire Chief, with the approval of the City Council, shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code provided that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the manager, Fire Chief, and City Council thereon shall be entered upon the records of the City Council, and a signed copy shall be furnished the applicant.

SECTION 13-105 NEW MATERIALS, PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The City Manager, the Chief of the fire department, and one person appointed by the City Council shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies, which shall require permits, in addition to those now enumerated in the fire code. The Fire Chief shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

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SECTION 13-106 APPEALS.

Whenever the Fire Chief or the City Manager shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the City Manager to the City Council within thirty (30) days from the date of the decision appealed.

SECTION 13-107 PENALTIES.

- A. Any person who violates any of the provisions of the Fire Prevention Code hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed therein, shall severally for every such violation and noncompliance respectively, be guilty of an offense, punishable as provided in Section 1-108 of this Code. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

[Prior Code, Sec. 10-29]

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CONTROLLED OPEN BURNING

- Section 13-110 Lawful and Unlawful Burning.
- Section 13-111 Permit Requirements.
- Section 13-112 Liability for Burning.
- Section 13-113 Penalty.

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SECTION 13-110

LAWFUL AND UNLAWFUL BURNING.

- A. The open burning of permissible materials by any person shall be unlawful within the City except as allowed only upon authorization and issuance of a permit from the City Fire Marshal as provided for herein. The open burning of any impermissible materials by any person shall be unlawful within the City.
- B. Permissible materials shall mean all naturally occurring materials such as wood products, tree limbs, branches, shrubbery, clippings, leaves, etc. Impermissible materials shall mean tires, asphalt shingles, paints, plastics or other products containing rubber, styrofoam, or leather.

[Ord. 2531, 08/20/2007]

SECTION 13-111

PERMIT REQUIREMENTS.

An adult person within the city limits may burn permissible materials only from sunrise to sunset provided the following conditions are met:

- A. Any burning must occur during daylight hours on a lot of at least one hundred (100) feet by fifty (50) feet in dimension and must occur on a non-combustible surface or in a non-combustible container which is no closer than fifty (50) feet to any structure other than a structure owned by the permit holder burning said materials. The amount of permissible materials to burn shall not exceed in size a five (5) foot by five (5) foot by five (5) foot dimension and no burning shall be allowed during a time when wind conditions exceed ten (10) miles per hour. In addition, commercial pit burning shall be allowed only under the following conditions: (i.) any such burning must occur on a lot of at least one (1) acre or more in a fire pit located no closer than three hundred (300) feet to any structure other than a structure owned by the permit holder burning said materials, (ii.) blowers must be used to accelerate the rate of combustion; and (iii.) compliance with the following provisions.
- B. The person shall obtain a permit from the City at a cost set forth in the Master Fee Schedule, said permit identifying the adult in charge of this use by name and address, and also identifying the proposed location on the permit holder's property. No application shall be approved unless applicant produces documentation of ownership of the site location and proof of insurance on the property where the controlled burn will take place. All applications for said permits shall be made available and accepted at the Sapulpa Fire Department Central Station on Monday thru Friday, 8:00 a.m.

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to 12:00 p.m. and 1:00 p.m. to 4:00 p.m. and are valid only for seventy-two (72) hours following approval from the Fire Marshal's office. No permits will be issued after 4:00 p.m. [Ord. 2703, 09/15/2014]

- C. The adult permit holder in charge of the use must be physically present during the controlled burn and have the permit available for examination by any law enforcement officer or fire department personnel. Adequate fire extinguishing equipment shall be on-site and available for immediate use by the person at all times during the controlled burn.
- D. Notwithstanding the issuance and approval of any permit, the Fire Marshal, or his designee retains the authority to prohibit, delay, or cancel any open burning if atmospheric conditions or local circumstances make such burning hazardous, offensive, or objectionable.
- E. No offsite materials shall be burned on any site for commercial purposes unless the site has been approved as a commercial pit burn.
- F. No more than four (4) residential burn permits may be issued for any one (1) site during a calendar year period and at least thirty (30) days must exist between expiration and issuance of any permits.

[Ord. 2531, 08/20/2007]

SECTION 13-112 LIABILITY FOR BURNING.

Any person engaged in the actual burning of materials pursuant to this article shall at all times remain liable for any damages, injuries, or other consequences which may result from such conduct; the City does not assume any responsibility and hereby disclaims any and all liability for any claims or damages that may result from such conduct even when conducted in compliance with these provisions. [Ord. 2531, 08/20/2007]

SECTION 13-113 PENALTY.

Failure to comply with any of the foregoing provisions of this Chapter and/or any violation thereof shall constitute an offense punishable under Section 1-108 of the Code. Each day any such provision is violated shall constitute a separate offense. [Ord. 2531, 08/20/2007]

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Section 13-206	Contracts Authorized Outside City Limits.
Section 13-207	Contract Terms, Fees for Service.
Section 13-208	Authority to Answer Calls.
Section 13-209	Firefighters Serving in Regular Line of Duty.
Section 13-210	Department Considered Agent of State.

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FIRE DEPARTMENT

SECTION 13-201 FIRE DEPARTMENT, CHIEF OF THE DEPARTMENT.

There shall be a fire department, the head of which shall be the Chief of the Fire Department. The Chief of the Fire Department shall be an officer of the City and shall have supervision and control of the fire department. There shall be such additional firefighters as may authorized. It is the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to, persons injured in or about burning structures, or elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire.

State Law Reference: Fire departments in general, 11 O.S. §§ 29-101 et seq.; volunteer departments, 11 O.S. §§ 29-201 et seq.

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SECTION 13-202

FIRE MARSHAL.

- A. The office of Fire Marshal within the fire department of the City is hereby established. The Fire Marshal shall have such qualifications and duties as prescribed by the City and shall, within twelve (12) months of his appointment be certified by the State as a full time peace officer.
- B. The position of assistant Fire Marshal is hereby established and shall be filled by the Fire Marshal.
- C. The Fire Marshal and Assistant Fire Marshals shall perform those duties necessary for the investigation of the cause, origin, and circumstances of fires and explosions of a suspicious nature within the City and as otherwise directed by the Fire Chief, including duties relating to the enforcement of all laws and ordinances pertaining to fire protection and prevention.
- D. The Fire Marshal and Assistant Fire Marshals shall be deemed peace officers with full power to execute within the corporate limits any and all legal process, to administer oaths, subpoena witnesses, issue citations, and effect arrests. The Fire Marshal, subject to direction of the Fire Chief and Police Chief, shall have jurisdiction over all investigations of the loss of life or property which occur as the result of fire or explosion or which occur as a result of or are associated with the crime of arson as defined by state law. [Prior Code, Secs. 10-47 - 10-49]
- E. The Fire Marshal and Assistant Fire Marshals shall have the authority at all times of day or night, when necessary in the performance of the duties imposed by the provisions of this article, to enter upon or within any building, structure, vehicle or property and examine the same in regard to any fire or explosion having occurred therein, provided that in all instances said Fire Marshal and Assistant Fire Marshals shall exercise discretion in so entering said locations and shall do so at all times consistent with applicable law. [Ord. 2025, 11/06/1989]
- F. The Fire Marshal and Assistant Fire Marshals shall have the right, upon complaint of any person having an interest in any building or structure (except single family dwellings), to enter upon said property for the purpose of investigating such complaint during reasonable hours and upon notification of inspection. [Ord. 2025, 11/06/1989]
- G. Whenever the Fire Marshal shall find any building or other structure especially hazardous or determines that the same endangers other buildings or property and is a fire hazard, or whenever he shall discover a violation of

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applicable ordinances or other law or improper or dangerous conditions by reason of the construction or additions of appurtenances thereto; or by the use of gas pipes, fixtures or appliances; or the improper use or arrangement of electric accessories, services or fixtures; or dangerous or unlawful storage of explosives, compounds or any other combustible or flammable material or refuse; or any condition which may be dangerous in its character and capable of creating fire or explosion or render any place or premises hazardous to the members of the fire department in fighting fires thereon, or to the occupants of such place; then in any of these cases, the Fire Marshal shall issue a written order that the cause of such danger or hazard abated or removed, and shall order the owner or the person in possession of such premises to immediately abate or remove the cause of the dangerous condition with a stated period of time, and thereupon it shall be the duty of the owner, agent or occupant of such place to comply with said order. When such order is made by the Fire Marshal, the owner or occupant may, within forty-eight (48) hours, appeal the requirements of said order to the chief of the fire department by stating such appeal and the reasons therefore in writing. In the event of such appeal, the chief shall immediately review such order and render a written opinion thereupon, and unless by his authority the order of the Fire Marshal is revoked or modified, said order shall remain in full force and compliance required as provided. Failure to comply with such order of the Fire Marshal shall constitute a violation of this Code punishable under Section 1-108, and each day of non-compliance thereafter shall be considered a separate violation. The maintenance of or continuance of any dangerous condition after expiration of the time in which the Fire Marshal shall have ordered that same removed or abated shall constitute a public nuisance. [Ord. 2025, 11/06/1989]

- H. Service of any notice or order herein mentioned may be made upon the owner, agent, or occupant of the premises either by delivering a copy of same to such occupant personally, or by delivering the same to and leaving it with any person in charge of the premises, or by affixing a copy thereof in a conspicuous place upon the premises and mailing a copy thereof to the owner at his last known address. [Ord. 2025, 11/06/1989]

SECTION 13-203

HAZARDOUS MATERIALS CLEANUP, REPORTING.

- A. The Fire Chief is authorized to clean up or abate or cause to be cleaned up or abated the effects of any hazardous substance or waste unlawfully, accidentally, or negligently released, discharged, or deposited upon or into any property or facilities within the City's jurisdiction. The following persons shall be jointly and severally liable to the City for the payment of all costs incurred by the City as a result of such cleanup or abatement activity:

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1. The person whose accidental, negligent or wilful act or omissions proximately caused such release, discharge or deposit;
 2. The person who owned or had custody or control of the hazardous substance or waste at the time of such release, discharge, or deposit without regard to fault or proximate cause; and
 3. The person who opened or had custody or control of the container which held such hazardous waste or substance at the time or immediately prior to such release, discharge, or deposit without regard to fault or proximate cause.
- B. In the event that any person undertakes, either voluntarily or upon order of the Fire Chief or other city official to clean up or abate the effects of any hazardous substance or waste negligently, unlawfully, or accidentally released, discharged, or deposited upon or into any property or facilities within the City, the Fire Chief may take such action as is necessary to supervise or verify the adequacy of the cleanup or abatement. The persons described in Subsection A of this section shall be liable to the City for all costs incurred as a result of such supervision or verification.
- C. For the purpose of this section:
1. "Costs incurred by the City" shall include, but shall not necessarily be limited to, the following: actual labor costs of city personnel, including benefits and administrative overhead; cost of equipment operation; cost of any contract labor and materials;
 2. "Hazardous material" means any material that, because of its quantity, concentration or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.
- D. An adjustment by a budget amendment to the fire department budget will be made for the cost incurred from overtime and loss of or damage to equipment or apparatus pursuant to this section.
- E. The remedies provided by this section shall be in addition to any other remedies provided by law.
- F. The authority to recover costs under this section shall not include actual fire

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suppression services which are normally or usually provided by the fire department. [Ord. 2142]

- G. The Fire Chief is authorized to request a report of hazardous materials information from any person, business, and/or industry within the city limits and from those persons, businesses and industries outside City limits that have contracts for fire protection from the City fire department. Every person, business, industry, or facility having hazardous materials in sufficient quantity according to the Oklahoma Hazards Communications Standard, is hereby required to annually submit a hazardous materials information report to the Fire Chief between January 1 and March 1 of each year, and to pay a filing fee in the amount reflected by the Master Fee Schedule, which fees shall be used for the purchase and/or maintenance of equipment and materials used by the Hazardous Materials office of the fire department. Failure to file said report shall operate to alleviate the fire department from any responsibility to conduct an interior fire attack on a facility until an authorized representative of said facility provides a complete and verified list of chemicals and other hazardous materials and their locations within the structure. In addition, failure of any person, business, or industry from submitting the required report within the stated time frame shall constitute a violation of this Code punishable under Section 1-108 of the Code, and the Fire Chief shall notify the EPA and State Insurance Commission of said failure to report. Each day of non-compliance after March 1 shall constitute a separate violation punishable under Section 1-108. For purposes of this provision, "hazardous material" shall mean any substance with a sufficient health, detonative, explosive, or reactive character, or potential and in sufficient quantity or concentration, that it requires reporting to the fire department under the Oklahoma Hazard Communications Standard. [Ord. 2238, 02/02/1998]

SECTION 13-204

RESCUE AND RECOVERY DEFINED.

For purposes of this section, "rescue" is defined as the efforts and equipment associated with the locating and removal of human persons whether alive or dead; "recovery" is defined as the efforts and use of equipment associated with the locating and removal of any private property incidental to an actual on scene rescue operation and as specifically requested by the person, business entity, or their agents.

SECTION 13-205

RESCUE AND RECOVERY FEES, CHARGES AND DISPOSITION.

No charge shall be levied for any rescue activities or for any mutual aid assistance rendered to any other fire department or law enforcement agency except as otherwise provided by this Code. A fee as set by the Master Fee Schedule is hereby imposed for

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recovery activities involving private property and shall be paid by the person, business entity, or their agents requesting the recovery. Fifty percent (50%) of any funds received for recovery activities shall be deposited into the fire department sales tax fund for repairs, replacement and/or upgrading rescue related equipment; the remaining fifty percent (50%) of said funds shall be deposited into the General Fund of the City. [Ord. 2165, 12/18/1995]

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CALLS OUTSIDE LIMITS

SECTION 13-206

CONTRACTS AUTHORIZED OUTSIDE CITY LIMITS.

- A. The City is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the State for fire protection outside the corporate limits of the City, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the State in furnishing, maintaining, and operating fire equipment for outside aid or mutual aid upon such terms and conditions as it may deem to be in the best interest of the contracting parties.
- B. The contract specified in the preceding subsection may be entered into by the City Clerk on behalf of the City when furnished satisfactory evidence that the person has in force with a reputable insurance company a policy of insurance providing for the payment of a minimum sum of One Thousand Dollars (\$1,000) to the City for such fire protection. The contract shall be executed by the City Clerk only after approval by the Fire Chief or his deputy who shall endorse his approval on the contract when satisfied that the City can afford such protection to the property covered thereby without foreseeable or hazardous lessening of the fire protection to the property within the City, giving consideration to the location of the property, its accessibility and other facts which might enter into the making of a fire run thereto. [Prior Code, Secs. 10-12 - 10-14]

State Law Reference: Mutual aid, fire contracts outside limits, 11 O.S. §§ 29-106 to 29-109.

SECTION 13-207

CONTRACT TERMS, FEES FOR SERVICE.

Any contract entered into by the City with an individual owner, firm, private corporation, or association, for outside aid, or mutual aid for fire protection, shall provide for the payment by the owner, firm, private corporation, or association, or political

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subdivision to the City for such fire apparatus and personnel and for annual contracts at the rates and charges as set by Master Fee Schedule. All monies received from the calls shall go into the general fund or fire pension fund, all as may be directed by the City Council. [Prior Code, Sec. 10-13, in part]

SECTION 13-208 AUTHORITY TO ANSWER CALLS.

The fire department of the City is hereby authorized and directed to answer calls for its services in connection with a fire within an area enclosed by the outside corporate limits of the City, or when property endangered by fire is within the City E911 emergency response area. In the event such a call is answered on a location without an annual contract for fire services, the property owner of the location responded to shall be obligated to pay the charges and fees set forth in the Master Fee Schedule. The Fire Chief, however, is authorized to refuse to make such fire runs or to prevent the use of fire fighting personnel and equipment when in his judgment it is not expedient to do so on account of fires within the City, broken, or insufficient apparatus or equipment, dangerous highways, and any other condition which in his opinion makes it necessary to hold firefighting equipment and personnel for protection of property within the City. [Prior Code, Sec. 10-15; Ord. 2085, 04/20/1992]

SECTION 13-209 FIREFIGHTERS SERVING IN REGULAR LINE OF DUTY.

All firefighters of the fire department of the City attending and serving at fires or doing fire prevention work outside the corporate limits of the City, as herein provided, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the City. The firefighters shall be entitled to all the benefits of any firemen's pension and relief fund in the same manner as if the fire fighting or fire prevention work was being done within the corporate limits of the City. [Prior Code, Sec. 10-16]

SECTION 13-210 DEPARTMENT CONSIDERED AGENT OF STATE.

All firefighters of the fire department of the City attending and serving at fires or doing fire prevention work outside the corporate limits of the City, as herein provided, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the City. The firefighters shall be entitled to all the benefits of any firefighters' pension and relief fund in the same manner as if the fire fighting or fire prevention work was being done within the corporate limits of the City. [Prior Code, Sec. 10-16]

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POLICE DEPARTMENT AND SERVICES

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GENERAL PROVISIONS

Section 13-301	Police Department Created, Chief.
Section 13-302	Duties.
Section 13-303	Emergency Duties in Other Cities.
Section 13-304	Police Dogs.

SECTION 13-301 POLICE DEPARTMENT CREATED, CHIEF.

There is a police department, the head of which is the Chief of Police, or Police Chief. The Police Chief has supervision and control of the police department.

State Law Reference: Municipal police department generally, 11 O.S. §§ 34-101 et seq.

SECTION 13-302 DUTIES.

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the City; to suppress all riots, affrays, and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating Federal or State law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers.

SECTION 13-303 EMERGENCY DUTIES IN OTHER CITIES.

- A. Approval is hereby given for service of members of the regular police department of this City as police officers of any other city or town, in an emergency situation, in the state, not more than one hundred (100) miles distant from this city, when such service is requested by the Mayor or Chief of Police of the city or town.
- B. Requests for service under this section shall be made by writing or by telephone, or other means of communications, to the Chief of Police, and in

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his absence, the City Manager who, if he determines that the request can be granted consistently with the continuance of the proper police protection to the inhabitants of this City, shall cause to be furnished the number of officers requested and to arrange their transportation to the requesting municipality.

- C. The City Manager or Police Chief is hereby authorized to request assistance from police departments of other cities or towns in case of an emergency in the City necessitating such assistance. [Prior Code, Secs. 21-14 to 21-16]

SECTION 13-304 POLICE DOGS.

- A. The use of police dogs by the police department in performing the duties of the department is hereby authorized subject to such rules as may be adopted by the Police Chief and City Manager.
- B. It is unlawful for any person to willfully or maliciously torment, beat, strike, injure, disable, or kill any dog used by the police department of the City in the performance of the functions or duties of such department or to interfere or meddle with any such dog while being used by the department or any officer or member thereof. [Prior Code, Secs. 21-1, 21-2]

State Law Reference: See also state law for police dogs.

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POLICE RESERVE

Section 13-310	Established.
Section 13-311	Rules and Regulations.
Section 13-312	Selection and Compensation.

SECTION 13-310 ESTABLISHED.

A reserve police force for the City is hereby authorized and directed for the purpose of assisting the regularly constituted law enforcement officers of the City. The Chief of Police has authority over the reserve police force and its members. His decisions in all matters in connection therewith shall be final. [Prior Code, Secs. 21-17, 21-19]

SECTION 13-311 RULES AND REGULATIONS.

The Police Chief shall promulgate rules and regulations for the police auxiliary force.

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When such rules and regulations are established, they shall be approved by the City Manager and shall govern the membership, dues, and functions of the reserve police force. [Prior Code, Sec. 21-18]

SECTION 13-312 SELECTION AND COMPENSATION.

- A. The Police Chief and the City Manager shall select members of the reserve police force. The reserve police officer shall meet the requirements established by state law and shall have the authority granted by state law.
- B. Members of the reserve police force shall serve without compensation and shall not be considered members of the police department of the City.

[Prior Code, Sec. 21-20, 21-21]

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911 EMERGENCY NUMBER SERVICE

Section 13-320	Purpose.
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Section 13-322	Emergency Telephone Service and Fee.
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Section 13-324	False Alarm, Complaint; Violations and Penalty.

SECTION 13-320 PURPOSE.

It is the purpose of this article to establish the telephone number 9-1-1 as the primary emergency telephone number for use throughout the City in order to expedite the response of law enforcement, fire, medical, rescue, and other emergency services to any person requiring such assistance.

SECTION 13-321 DEFINITIONS.

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

“Emergency telephone service” means any telephone system utilizing a three-digit number, 9-1-1, for reporting an emergency to the appropriate public agency providing law enforcement, medical, or other emergency services, including ancillary communications

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systems and personnel necessary to pass the reported emergency to the appropriate emergency service and personnel.

“Local exchange telephone company” means any company providing exchange telephone services to any service user in this City.

“Person” means any service user, including but not limited to any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, private corporation, whether organized for profit or not, fraternal organization, nonprofit organization, estate, trust, business, or common law trust, receiver, assignee for the benefit of creditors, trustee, or trustee in bankruptcy, the United States of America, the State, any political subdivision of the State, or any Federal or State agency, department, commission, board, or bureau, or any other service user.

“Service user” means any person not otherwise exempt from taxation, who is provided exchange telephone service in this City.

“Tariff rate” means the rate or rates billed by a local exchange telephone company stated in tariffs applicable for such company, as approved by the Oklahoma Corporation Commission, which represent the recurring charges of such local exchange telephone company for exchange telephone service or its equivalent, exclusive of all taxes, fees, licenses, or similar charges whatsoever.

“VoIP” means voice over internet protocol.

“VoIP carrier” means a person who offers a dial tone telephone service to a customer under authority of the Federal Communications Commission and who is required to collect a fee for funding of emergency telephone service.

SECTION 13-322

EMERGENCY TELEPHONE SERVICE AND FEE.

- A. The City hereby provides for the operation of an emergency telephone service within the City and hereby imposes an emergency telephone fee in accordance with state law upon customers and providers of dial tone for all service within the City. The emergency telephone fee shall be imposed only as permitted by State law. If an applicable tariff rate exists for services provided by that carrier with customers located in the City, the City hereby imposes an emergency telephone fee at the rate set forth in the Master Fee Schedule. For any provider of dial tone or telephone service in the City whose charges are not regulated by the Oklahoma Corporation Commission, and whose fee has not been established by State law, the Council hereby imposes a fee upon such providers that is equal to the cost of providing emergency telephone and dispatch services, in the same ratio as the number

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of customers for that carrier bears to all customers in the City. All local exchange telephone companies having customers in the City shall provide an annual census of customers to the City no later than sixty (60) days after the first day of each calendar year.

- B. The City hereby adopts and imposes a fee upon VoIP customers whose businesses or residences are located within the City at the rate set forth in the Master Fee Schedule in accordance with State law. The emergency telephone fee shall be imposed only as permitted by State law. All VoIP carriers having customers in the City shall provide an annual census of customers to the City no later than sixty (60) days after the first day of each calendar year.
- C. All wireless carriers having customers whose businesses or residences are located within the City according to the records of the wireless carrier shall provide to the City a census of customers located or residing in the City upon request.
- D. Every billed service user shall be liable for any fee imposed pursuant to this article until it has been paid to the local exchange telephone company or other provider of dial tone. Fees imposed pursuant to the authority of this article and that are required to be collected by the local exchange telephone company or other provider of dial tone shall be added to and may be stated separately in the billings to the service user.
- E. The local exchange telephone company or other provider of dial tone shall have no obligation to take any legal action to enforce the collection of any fee imposed pursuant to authority of this article; however, should any service user tender a payment insufficient to satisfy all charges, tariffs, fees, and taxes for telephone service, the amount tendered shall be credited to the emergency telephone fee in the same manner as other taxes and fees. The local exchange telephone company or other provider of dial tone shall annually provide the City Treasurer with a list of amounts uncollected along with the names and addresses of those service users which carry a balance that can be determined by the local exchange telephone company or other provider of dial tone to be nonpayment of any fee imposed pursuant to the authority of this article.
- F. Any fee imposed pursuant to the authority provided by this article shall be collected insofar as practicable at the same time as, and along with, the charges for telephone service in accordance with the regular billing practice of the telephone company.

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SECTION 13-323

COLLECTION OF FEE.

The fee imposed pursuant to authority of this article and the amounts required to be collected are due monthly. The amount of fee collected in one month shall be remitted to the City Treasurer no later than thirty (30) days after the close of the month in which such fees were collected. On or before the last day of each month, a return for the preceding month shall be filed with the City Treasurer in such form as the City Treasurer shall require. The local exchange telephone company or other dial-tone provider required to file the return shall deliver the return together with a remittance of the amount of the fee payable to the City Treasurer for deposit into a special revenue fund. The local exchange telephone company or other provider of dial tone shall maintain records of the amount of any fee collected in accordance with the provisions of this article. Such records shall be maintained for a period of three (3) years from the time the fee is collected unless a shorter holding period is authorized by State law. From every remittance to the City Treasurer made on or before the date when the same becomes due, the local exchange telephone company or other provider of dial tone required to remit the same shall be entitled to deduct and retain, as an administrative fee, an amount not exceeding three percent thereof.

SECTION 13-324

FALSE ALARM, COMPLAINT; VIOLATIONS AND PENALTY.

No person shall call the number 9-1-1 for the purpose of making a false alarm or complaint or reporting false information which could result in the dispatch of emergency services from any public agency. Any person violating the provisions of this section, upon conviction, shall be guilty of an offense punishable under Section 1-108 of the Code.

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CHAPTER 4

CIVIL EMERGENCY MANAGEMENT

Section 13-401	Purpose of Civil Emergency Management Organization.
Section 13-402	Definitions.
Section 13-403	Co-Directors of Civil Emergency Management.
Section 13-404	Co-Directors—Planning, Training, and Function.
Section 13-405	Co-Directors' General Powers During Emergencies.
Section 13-406	Other Functions.
Section 13-407	Authorization and Termination of Emergency Powers.
Section 13-408	Proclamation of State of Emergency.
Section 13-409	Mayor's Emergency Powers.
Section 13-410	Riots.

SECTION 13-401 PURPOSE OF CIVIL EMERGENCY MANAGEMENT ORGANIZATION.

The purpose of this chapter is to create a civil emergency management organization for the City to be prepared for, and to function in the event of, emergencies endangering the lives and property of the people of the City. The duty of the civil emergency management organization shall be the protection of the lives and health of the citizens of the City and of property and property rights, both public and private, and to perform all functions necessary and incident thereto. [Prior Code Sec. 8-1; Ord. 2302, 10/18/1999]

SECTION 13-402 DEFINITIONS.

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

“Civil Emergency Management” shall mean the preparation for and the carrying out of all emergency functions other than functions for which primary responsibility is assigned elsewhere by Federal, State, or local law or ordinance, to protect the public peace, health, and safety and to preserve lives and property in the City during an emergency or catastrophe in or near the City and involving imminent or actual peril to life and property in the City. The functions include admission, organization, planning, recruiting, training, education, information, welfare service, relief service, police service, warden service, fire service, rescue service, medical service, health service, transportation service, communication service, streets and sewer service, utility service, general engineering service, radio-logical service, plant protection service supply service, mutual aid, mobile support, evacuation, public shelter use and management, warning, and all other functions

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necessary or incidental to the preparation for and the carrying out of the foregoing functions.

“Co-Directors” shall mean the Co-Directors of the Civil Emergency Management Organization.

“Curfew” shall mean a prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises, excepting persons officially designated to duty with reference to the emergency.

“Disaster” shall mean any occurrence or catastrophe resulting in or imminently threatening substantial damage or injury to persons or property in the City whether such occurrence is caused by an act of nature or of man, including an enemy of the United States.

"Disorderly" shall mean a course of conduct by a person which:

- A. Causes public inconvenience, annoyance, or alarm, or recklessly creates a risk thereof, by:
 - 1. Engaging in fighting or in violent, tumultuous, or threatening behavior; or
 - 2. Making an unreasonable noise or an offensively coarse utterance, gesture, or display, or addressing abusive language to any person present; or
 - 3. Dispersing any lawful procession or meeting of persons, not being a peace officer of this City and without lawful authority; or
 - 4. Creating a hazardous or physically offensive condition which serves no legitimate purpose; or
 - 5. Engages with at least one (1) other person in a course of disorderly conduct as defined in Subparagraph A above which is likely to cause substantial harm or serious inconvenience, annoyance, or alarm, and refuses or knowingly fails to obey an orderly to disperse, made by a peace officer to the participants.

"State of emergency" shall mean an emergency and shall be deemed to exist whenever, by reason of any disaster, such proper authority proclaims same to exist as provided in this chapter, and such state of emergency shall continue until terminated by proclamation of proper authority as provided by this chapter.

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[Ord. 2302, 10/18/1999]

SECTION 14-403 CO-DIRECTORS – GENERALLY.

The Chief of Police and Fire Chief of the City are hereby designated as Co-Directors. The Co-Directors shall serve as executive heads of the Civil Emergency Management Organization. The Co-Directors shall perform such other duties pertaining to safety as may be assigned by the City Manager. [Ord. 2302, 10/18/1999]

SECTION 13-404 CO-DIRECTORS - PLANNING, TRAINING, AND FUNCTIONS.

Prior to an emergency, and within the limits of any funds appropriated or received by grant therefore, the Co-Directors shall:

- A. Prepare an operational plan of the departments of City government which shall provide a coordinated assignment of activities and responsibilities to each department in the event of an disaster or state of emergency as provided in this chapter.
- B. Establish necessary emergency operation centers.
- C. Establish public warning systems and acquire and cause to be installed such devises as may be necessary to implement such systems.
- D. Establish and carry out recruiting and training program for purposes of developing qualified civil emergency management volunteer works.
- E. Plan, supervise, and conduct drills and exercises under simulated disaster conditions.
- F. Plan and develop mutual aid arrangements for reciprocal civil emergency management assistance consistent with State and Federal plans of civil emergency management.
- G. Plan and develop a public shelter system to include identification, marking and stocking of public shelters and shelter use and management training.

[Ord. 2302, 10/18/1999]

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SECTION 13-405 CO-DIRECTORS' GENERAL POWERS DURING EMERGENCIES.

If an actual emergency is proclaimed by the City Manager of the City Council, as provided in this chapter, the Co-Directors, with the approval of the City Manager of City Council as provided in this chapter, may exercise the power to enforce all rules and regulations relating to civil emergency management during such emergency.

If the Co-Directors are acting under the authority of the City Manager as an agent of the Governor of this State, then the Co-Directors may take control of all means of transportation and communications, all stocks of fuel, food, clothing, medicine, and supplies and all facilities including buildings, and plants, and exercise all power necessary to secure the safety and protection of the civilian population, to the extent necessary as provided by law.

SECTION 13-406 OTHER FUNCTIONS.

The Co-Directors shall properly coordinate the activities of the Civil Emergency Management. They are specifically charged in such emergency with the collection, evaluation and dissemination of information to all agencies both public and private participating in the City's Civil Emergency Management or cooperating in any such emergency.

The Co-Directors shall have the power to recommend appropriate action, but they shall not otherwise exercise control over the participating agencies.

The Co-Directors shall recommend to the City Council the allocation of any funds received from the Federal or State Governments or from any other source to alleviate distress and aid in restoring normal conditions.

[Ord. 2302, 10/18/1999]

SECTION 13-407 AUTHORIZATION AND TERMINATION OF EMERGENCY POWERS.

The emergency powers conferred in this article shall be effective immediately upon the issuance of a proclamation of the existence of emergency:

- A. By a proper officer or agency of the State as provided by law; or
- B. By resolution of the City Council if the Council finds that the disaster causing the emergency is local to the City and its environs and is locally controllable, and it is so noted in the resolution.

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If the urgency of the situation requires, the City Manager is authorized to declare the existence of emergency until such time as the City Council may meet and determine that a state of emergency exists. The exercise of the emergency powers conferred in this article is limited to the duration of emergency as determined according to law and by the provisions of this chapter.

During the period of such local emergency the exercise of emergency powers shall be in conformity with all applicable provisions of the City Charter.

Locally proclaimed states of emergency shall be terminated upon adoption by the City Council of a resolution of termination not in conflict with State laws.

[Ord. 2302, 10/18/1999]

SECTION 13-408 PROCLAMATION OF STATE OF EMERGENCY.

The Mayor, after finding that a public disorder, disaster, or riot exists which affects life, health, property, or the public peace, may proclaim a state of emergency in the area affected. The proclamation of a state of emergency and other proclamations issued pursuant to this section shall be in writing and shall be signed by the Mayor and filed with the City Clerk.

The Mayor shall give as much public notice as practical through the news media of the issuance of proclamations pursuant to this section.

The state of emergency shall cease to exist upon the issuance of a proclamation of the Mayor declaring its termination; provided that the Mayor shall terminate the proclamation when order has been restored in the area affected.

[Ord. 2302, 10/18/1999]

SECTION 13-409 MAYOR'S EMERGENCY POWERS.

- A. The Mayor, during the existence of a state of emergency, by proclamation, may in the area affected by public disorder, disaster, or riot at the time the proclamation is issued, prohibit:
1. Any person being on the public streets, or in the public parks or at any other public place during the hours declared by the Mayor to be a period of curfew;
 2. A designated number of persons from assembling or gathering on the public streets, parks, or other areas either public or private;

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3. The manufacture, transfer, use, possession, or transportation of a Molotov Cocktail or any other devise, instrument, or object designed to explode or produce uncontained combustion;
4. The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;
5. The possession of firearms or any other deadly weapon by a person (other than a law enforcement officer) in a place other than that person's place of residence or business;
6. The sale, purchase, or dispensing of alcoholic beverages.
7. The sale, purchase, or dispensing of other commodities or goods, as he reasonably believes should be prohibited to help preserve and maintain life, health, property, or the public peace;
8. The use of certain streets, highways, or public ways by the public; and
9. Such other activities as he reasonably believes should be prohibited to help preserve and maintain life, health, property, or the public peace.

In imposing the restrictions provided for in this section, the Mayor may impose them for such times, upon such conditions, with such exceptions and in such areas he from time to time deems necessary.

SECTION 13-410

RIOTS.

No three (3) or more persons shall assemble together or act in concert to do any act with force or violence against the peace, or to the terror of others or make any movement or preparation therefore. No person who is present at the meeting or assembly shall fail to endeavor to prevent the commission or perpetration of such an act. [Ord. 2302, 10/18/1999]

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CHAPTER 5

UNCLAIMED PROPERTY

Section 13-501	Complete Record Required.
Section 13-502	Disposition of Unclaimed Property.
Section 13-503	Property Found by a Private Person.
Section 13-504	Recovery by Owner.

SECTION 13-501

COMPLETE RECORD REQUIRED.

All personal property which comes into the possession of any police officer, which has been found or stolen or taken off the person or out of the possession of any prisoner or person suspected of, or charged with, being a criminal, and which is not known to belong to some person laying claim thereto, shall be, by the officer securing possession thereof, delivered into the charge of the Chief of Police. The Chief shall, in a permanent record book kept for that purpose, make a record sufficient to identify the property, with the date and circumstances of the receipt thereof, the name of the person from whom it was taken and the place where it was found; and the record shall also disclose the subsequent disposal thereof, giving the date of sale, name and address of the purchaser, and the amount for which it was sold.

State Law Reference: Disposition of personal property by Police Chief, procedures, application to destroy, 11 O.S. § 34-104; Uniform unclaimed property disposition act, 60 O.S. § 655; relating to finders of lost goods, 15 O.S. §§ 511 et seq.; disposal of stolen or embezzled property coming into hands of police officers, 22 O.S. §§ 1321 et seq.; disposal of liquor and gambling equipment seized by police officers, 22 O.S. §§ 1261 et seq.; alcoholic beverages seized in violation of law, 37A O.S. § 6-127.

Charter Reference: See Sec. 16 of Article IV on sale of abandoned equipment and property.

SECTION 13-502

DISPOSITION OF UNCLAIMED PROPERTY.

Any unclaimed personal property, other than animals, which remains in the possession of the Chief of Police, unclaimed, or the ownership of which is not to him satisfactorily established, for a period of more than thirty (30) days, shall be sold, or disposed of in the manner required by law, except such personal property as in the opinion of the City Manager can be more advantageously used by some department or office of the city government.

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SECTION 13-503

PROPERTY FOUND BY A PRIVATE PERSON.

Any personal property found by a person other than a public official or employee, which is delivered to any police officer for identification, if not claimed or identified within thirty (30) days, shall, within ten (10) additional days thereafter, if requested by the finder, be returned to him, and a record of such disposal made thereof. If the finder does not request return of the property to him within such additional ten (10) days, then the Chief of Police shall sell the property in the manner required by law as if it had been found by a public official or employee, or on instruction by the City Manager deliver it to some department or office of the city government for its use.

SECTION 13-504

RECOVERY BY OWNER.

If any property is sold as herein provided, and the owner thereof takes and recovers possession of same from the purchaser, the amount paid therefor shall be returned to the purchaser, upon verified claim being submitted and approved by the City Council.