

PART II

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS¹

Sec. 1-1. Designation and citation of Code.

The ordinances embraced in this and all other chapters and sections shall constitute and be designated the "Code of Ordinances, City of Pauls Valley, Oklahoma," and may be so cited. Such Code may also be cited as the "Pauls Valley, Oklahoma, City Code."

(Code 1977, § 9-6)

Charter reference—Codification of ordinances, § 2-16.

State law references—Codification of municipal ordinances, 11 O.S. § 14-108; mandatory compilation of penal ordinances, 11 O.S. § 14-109; notice and filing of penal ordinance compilation, 11 O.S. § 14-110.

Sec. 1-2. Definitions; rules of construction.

In the construction of this Code and of all ordinances and resolutions passed by the city council, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the council:

City. The word "city" shall mean the City of Pauls Valley, in Garvin County, Oklahoma.

City council & council. The term "city council" or "council" shall mean the city council of the City of Pauls Valley, Oklahoma.

Code. Reference to "this Code" or "the Code" shall mean the Code of Ordinances of the City of Pauls Valley, Oklahoma.

Computation of time. The time within which an act is to be done shall be computed by excluding the first day, and including the last; if the last day is Sunday, it shall be excluded.

County. The term "county," "the county" or "this county" shall mean Garvin County, Oklahoma.

Gender. Words used in the masculine gender include the feminine and neuter.

Health officer or health department. Wherever reference is made to the "health officer" or "health department," it shall be construed as meaning the Garvin County health officer or the Garvin County health department, respectively.

Highway. The term "highway" shall mean the entire width between the boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel.

Joint authority. Words purporting to give authority to three (3) or more officers or other persons, shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

May or shall. The word "may" is permissive; the word "shall" is mandatory.

Mayor. Whenever reference is made to the "mayor," it shall mean the chief executive officer of the city.

Month. The word "month" shall mean a calendar month.

Number. Words used in the singular number include the plural, and the plural shall include the singular.

¹**Charter references**—Authority of city to ordain and enforce local legislation, §§ 1-3, 2-4; enacting clause of ordinances, § 2-12; passage and effective date of ordinances, § 2-13; emergency ordinances, § 2-14; miscellaneous provisions, Art. VIII; amendment, Art. IX.

PAULS VALLEY CODE

Oath. Whenever an oath is required by this Code, the affirmation of a person, conscientiously scrupulous of taking an oath shall have the same effect.

Officer, department, etc. Whenever any officer, department, board, commission or other agency is referred to by title alone, such reference shall be construed as if followed by the words "of the City of Pauls Valley, Oklahoma."

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

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

Person. The word "person" shall apply to associations, corporations, firms, partnerships and bodies politic and corporate, as well as to individuals. Whenever used with respect to any penalty, the word "person," as applied to partnerships or associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

Policeman. Reference to a "policeman" shall mean the chief of police or any policeman of the city.

Preceding or following. The words "preceding" and "following" mean next before and next after, respectively.

Roadway. The word "roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately, but not to all such roadways collectively.

Shoulder. The word "shoulder" means the portion of the roadway contiguous with the traveled way, for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

Sidewalk. The word "sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

Signature or subscription. The word "signature" or "subscription" shall include a mark, when a person cannot write.

State. The words "the state" or "this state" shall mean the State of Oklahoma.

Statutory references. Reference to "O.S." or to the "Oklahoma Statutes" means the Oklahoma Statutes as they now are, or as they may be amended.

Street. The word "street" means the entire width between boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel.

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

Written or in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The word "year" means a calendar year.

(Code 1977, §§ 1-19, 9-1)

State law references—Affirmation, 12 O.S. § 72; computation of time, 12 O.S. § 73 (repealed 11-1-84); meaning of words in statutes, 25 O.S. §§ 1 *et seq.*, 47 O.S. §§ 1-101 *et seq.*; mayor as chief executive officer, 11 O.S. § 9-105.

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed, or taken to be, titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(Code 1977, § 9-7)

GENERAL PROVISIONS

Sec. 1-4. Code does not affect prior offenses or rights.

Nothing in this Code or the ordinance adopting it shall affect any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established or accruing, before the effective date thereof.

(Code 1977, § 9-3)

Sec. 1-5. Code and ordinances effective outside city on property owned or controlled by city.

All provisions of this Code and other ordinances of the city, now in effect or adopted in the future, are hereby extended to all real property belonging to, or under the control of, the city, outside the corporate limits of the city, and shall be in full force and effect thereon insofar as they are applicable. Any words in any such provision indicating that its effect is limited to the corporate limits of the city shall be deemed to mean and include also such outlying real property belonging to, or under the control of, the city, unless the context clearly indicates otherwise.

(Code 1977, § 9-4)

Sec. 1-6. Severability of parts of Code; validity of misprinted provisions.

(a) The sections, paragraphs, sentences, clauses and phrases of this Code are separable, and if any phrase, clause, sentence, paragraph or section thereof shall be declared invalid by the judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the city council without the incorporation in this Code of any such invalid phrase, clause, sentence, paragraph or section.

(b) If any word, phrase, clause, sentence, paragraph or section of this Code shall seem invalid through printing or typographical error, such error or misprint shall not serve to misconstrue or invalidate the intent thereof, nor affect in any way the intent or validity of any or all other words, phrases, clauses, sentences, paragraphs or sections of this Code.

(Code 1977, § 9-8)

Sec. 1-7. General penalty for violations of Code and ordinances; continuing violations.

Whenever in this Code; in any ordinance, code or standard adopted by reference in this Code; or in any ordinance of the city; an act is prohibited, is made or declared to be unlawful, an offense or misdemeanor, or wherever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, or a public nuisance as defined therein is maintained or permitted to continue, and no specific penalty is provided therefor, the violation of any such provision shall be punishable by a fine in any amount not exceeding the maximum amount allowed for such violation or offense pursuant to TIT. 11 OKLAHOMA STATUTES, §14-111, as the same is currently enacted, or as the same may be hereafter amended. Each day upon which any violation of this Code or any ordinance or maintenance of a nuisance shall continue shall constitute a separate offense and a separate fine may be imposed therefor.

(Code 1977, § 9-16; Ord. No. 734, §§ 1, 2, 10-5-82; Ord. No. 752, §§ 1, 2, 10-18-83; Ord. No. 860, 3-3-98; Ord. No. 925, § 1, 3-11-08)

Charter reference—for political activity, § 6-7.

Cross references—Municipal court, Ch. 11; enforcement of fines and costs, § 11-4.

State law references—Imposition of penalties for ordinance violations, 11 O.S. §§ 14-111, 27-104, 27-119; power of mayor to grant pardons, including remission of fines and costs, subject to council approval, 11 O.S. § 9-105.

Sec. 1-8. Judicial relief.

No penalty imposed by, and pursuant to, this Code shall interfere with the right of the city also to apply to the proper courts of the state for a mandamus, an injunction or other appropriate action against the defendant.

(Code 1977, § 9-17)

State law references—Mandamus, 12 O.S. § 1451 *et seq.*; injunction, 12 O.S. §§ 1381 *et seq.*

PAULS VALLEY CODE

Sec. 1-9. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting it shall be construed to repeal or otherwise affect the validity of any of the following, and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein:

- (1) Any ordinance promising or guaranteeing the payment of money for the city, authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;
- (2) Any appropriation ordinance or ordinance providing for the levy of taxes, for an annual budget or prescribing salaries for city officers and employees;
- (3) Any ordinance annexing territory to, or excluding territory from, the city;
- (4) Any ordinance approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument, or granting any franchise;
- (5) Any ordinance relating to land subdivision or zoning;
- (6) Any ordinance authorizing or otherwise relating to any specific public improvement; or
- (7) Any temporary or special ordinance.

(Code 1977, §§ 9-2, 18-21)

Cross references—Administration, Ch. 2; streets, sidewalks and other public areas, Ch. 16; taxation, Ch. 17; utilities, Ch. 18; certain ordinances relating to streets not affected by Code, § 16-1.

State law reference—Authority of city to omit certain provisions from Code, 11 O.S. § 14-108.

Sec. 1-10. Amendments or additions to Code.

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section or subsection, or any portion thereof, such repealed portions may be excluded from this Code by omission thereof from reprinted pages. Such inclusion of ordinances passed subsequent to this Code which amend or add to this Code (except in the case of repeal) shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new "Code of Ordinances" by the city council.

(b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the chapter, article and section numbers of this Code in the following language: "That section _____ of Article _____, Chapter _____, of the Code of Ordinances, City of Pauls Valley, Oklahoma, is hereby amended to read as follows: '_____'." The new provisions shall then be set out in full as desired.

(c) In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "Be it ordained by the council of the City of Pauls Valley that the Code of Ordinances is hereby amended by adding a section to Article _____ of Chapter _____, to be numbered _____, which reads as follows: '_____'." The new section shall then be set out in full as desired.

(Code 1977, § 1-149)

State law references—of city to amend and supplement Code, 11 O.S. §§ 14-108 *et seq.*; style of ordinances, 11 O.S. § 14-104.

Sec. 1-11. Supplementation of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the city council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

GENERAL PROVISIONS

(b) In the preparation of a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections ___ to ___" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code: but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

