

**CITY OF  
SAND SPRINGS**



**CODE OF ORDINANCES  
TITLE 2**

10/30/2018

## TITLE 2

### ADMINISTRATION AND PERSONNEL

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## CHAPTER 2.04

### CITY COUNCIL AND MAYOR

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#### **2.04.010 Form of government.**

The municipal government of the city shall be known as a "council-manager government." All powers of the city are exercised in the manner prescribed in the charter, or, if the manner is not thus prescribed, then in such manner as the council may prescribe. (Prior code § 2-101)

#### **2.04.020 Council created - Qualifications of members.**

There shall be a council composed of one councilmember from each ward of the city and one councilmember-at-large. The councilmembers from the wards shall be at least twenty-five (25) years of age and qualified electors of their respective wards at the time of their election; but removal of a councilmember from one ward or precinct to another within the city after his or her election, or a change in ward boundaries, shall not disqualify him or her from completing the term for which he or she was elected. The councilmember-at-large shall be at least twenty-five (25) years of age and a qualified elector of the city. If a councilmember ceases to be a resident of the city, he or she shall thereupon cease to be a councilmember. No councilmember may hold any position in the city government by appointment by the City Manager or any subordinate of the City Manager, nor shall he or she be appointed as City Manager for a period of two years after he or she ceases to hold office as a councilmember. (Prior code § 2-102)

#### **2.04.030 Powers vested in Council.**

Except as otherwise provided in this code or the City Charter, all powers of the city, including the determination of all matters of policy, shall be vested in the council. Without limitation of the foregoing, the council may:

A. Appoint and remove the City Manager as provided by this code; (1221, amended 11/19/2012)

B. Enact legislation subject to such limitations as may now or hereafter be imposed by the State Constitution, City Charter, law and ordinance;

C. Raise revenue, make appropriations, regulate salaries and wages, and all other fiscal affairs of the city, subject to such limitations as may now or hereafter be imposed by the State Constitution, City Charter, law or ordinance;

D. Inquire into the conduct of any office, department or agency of the city, and investigate municipal affairs;

E. Appoint or elect and remove its own subordinates, the members of the personnel board, the members of the planning commission, the members of the board of adjustment, members of the park board, members of the airport advisory board, and other quasi-legislative or quasi-judicial officers and authorities, when and if established, or prescribe the method of appointing or electing and removing them. If any member of any of the foregoing boards or commissions or any other quasi-legislative or quasi-judicial board or commission hereafter established by the City Council of the City of Sand Springs, Oklahoma, is absent from more than one-half of all regular meetings of such board or commission, held within any period of four consecutive calendar months within which regular meetings were held each month, such member shall thereupon cease to hold office;

F. To regulate elections, initiative and referendum, and recall;

G. Regulate the organization and functioning of the municipal court, and of the minor violations bureau, when and if established, within the limits prescribed by the State Constitution, City Charter, law and ordinance;

H. Create, change and abolish offices, departments and agencies other than the offices, departments and agencies established by state law; and assign additional functions and duties to offices, departments and agencies established by the City Charter or this code; and

I. Grant pardons, including the remission of fines and costs, upon the recommendation of the municipal judge. (Prior code § 2-103; Ord. 945, § 1, eff. April 26, 1999)

#### **2.04.040 Vacancies.**

The council, by majority vote of its remaining members, shall fill vacancies in its own membership for the unexpired terms or until successors are elected as provided in the City Charter. If a vacancy occurs before the beginning of a regular filing period for candidates for councilmembers to be elected that year, then a councilmember to fill the vacancy shall be elected at the elections of that year to serve the rest of the unexpired term of the vacated position. (Prior code § 2-104)

**2.04.050 Term of office.**

The terms of office of councilmembers shall begin at noon on the first Monday in May after their election. The council shall hold regular meetings at the time establish by annual meeting notice. If a councilmember-elect does not qualify within one month thereafter, his or her place shall become vacant; and the council shall fill the vacancy. (Prior code § 2-105)

**2.04.060 Meetings.**

The council shall meet at least once each month at such times as it may prescribe by ordinance or otherwise. The mayor or any four councilmembers may call special meetings. All meetings of the council shall be open to the public and the journal of its proceedings shall be open to public inspection. (Prior code § 2-106)

**2.04.070 Quorum, rules and voting.**

A majority of all the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day. The council shall determine its own rules and except as otherwise specifically provided by ordinance, or by special rule adopted by the City Council, Robert's Rules of order shall govern the proceedings of the City Council where applicable. On the demand of any member, the vote on any question shall be yeas and nays and shall be entered into the journal. (Prior code § 2-107)

**2.04.080 Limitation of authority.**

Neither the council nor any of its members may direct or request the appointment of any person to, or his or her removal from, office or employment by the City Manager or by any other authority, or except as provided by law, participate in any manner in the appointment or removal of officers and employees of the city. Except for the purposes of inquiry, the council and its members shall deal with the administrative service solely through the City Manager. Neither the council nor any member thereof may give orders on ordinary administrative matters to any subordinate of the City Manager either publicly or privately. (Prior code § 2-108)

**2.04.090 Minute book or journal.**

The final action of the City Council in each and every matter brought to its attention shall appear in the minute book or journal. All motions, together with second, postponements, and other action taken, which affect the progress, status or final action taken on any matter presented to the City Council for its consideration, shall be recorded in the minute book or journal. The date, time, and place of the meeting shall also be recorded in the minute book or journal. (Prior code § 2-109)

**2.04.100 Order of business.**

The items on the agenda of business for the meetings of the City Council shall consist of the following:

- A. Calling of roll and noting absent and present members;
- B. Reading, amending and approving minutes of previous meeting;

- C. Hearing of petitions and communications;
- D. Unfinished business;
- E. Report of officers and committees;
- F. Consideration and disposition of ordinances and resolutions; and
- G. Presentation of accounts and claims; and any other business which may require action or consideration by the City Council. (Prior code § 2-110)

**2.04.110 Agenda items.**

The Mayor, vice-mayor, any councilmember or the City Manager shall be permitted to include any item on the agenda of business for consideration by the council. Any other person can request an item or items be included in the council agenda by contacting any member of the council or the City Manager and submitting their request to the City Manager for consideration no later than twelve p.m. (noon) on the Wednesday preceding the council meeting at which the person wishes to appear. In the event an item is requested to be included on the agenda, and neither councilmember nor the City Manager approve the inclusion of the item on the agenda, such item shall be placed on the next printed agenda on the timely written request of twenty-five (25) or more qualified electors of the city. Such written request shall show the names and addresses of each citizen signing same, requests may be individual or joint and need not be notarized, subscribed or sworn to or in legal form. (Prior code § 2-111; Ord. 947, § 1, eff. April 26, 1999; 1221, amended by recodification 11/19/2012)

**2.04.120 Attendance of city officers at meetings of City Council.**

The City Manager, the directors of each department, the City Attorney, and such other officers as the council or City Manager may require from time to time shall be present at meetings of the City Council, unless unavoidably absent or excused by the City Manager. (Prior code § 2-112; 1221, Amended by recodification 11/19/2012)

**2.04.130 Council – Termination of membership and removal.**

Any councilmember may be removed from or terminated in office for any cause specified by applicable state law for the removal of officers, and by the method or methods prescribed hereby, and by recall as provided hereinafter.

A. If any councilmember is convicted of a crime involving moral turpitude, his or her office shall become vacant immediately when the case is finally determined.

B. If any councilmember is absent for more than one-half of all the regular meetings of the council, held within any period of four consecutive calendar months, he or she shall thereupon cease to hold office; and

C. The incumbent of any elective city office, including a person appointed to fill a vacancy in any such office, may be recalled from office by the electors qualified to vote for the election of a successor to the incumbent, in the manner provided in the City Charter. Any person who has been recalled from any office, or who has resigned from such office while recall proceedings were pending against him or her, may not hold any office or position of employment in the city government within three years after his or her recall or resignation. (Prior code § 2-113)

**2.04.140 Election of mayor and vice-mayor.**

At the first meeting after the time prescribed for the beginning of the terms of newly elected councilmembers, or as soon thereafter as practicable, the council shall elect from its membership a mayor and a vice-mayor, who shall serve until the time prescribed for the beginning of the terms of the next newly-elected councilmembers and until their respective successors have been elected. The mayor shall preside at meetings of the council. He or she shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law. He or she shall have no regular administrative duties except that he or she shall sign such written obligations of the city as the council may require. As a councilmember, he or she shall have all powers, rights, privileges, duties and responsibilities of a councilmember, including the right to vote on questions. The vice-mayor shall act as mayor during the absence, disability, or suspension of the mayor, or, if a vacancy occurs in the office of mayor, until another mayor is elected by the council for completion of the unexpired term and qualifies for such office. If the office of vice-mayor becomes vacant, the council shall elect from its membership another vice-mayor for completion of the unexpired term. (Prior code § 2-114)

**2.04.150 Compensation.**

Neither the mayor nor any other councilmember of the city shall receive any compensation as such or for any other services rendered the city, other than expenses incurred in the discharge of their official duties. (Prior code § 2-115)

**2.04.160 Duties of mayor and vice-mayor.**

The mayor shall perform all duties expressly enjoined upon him or her by the charter and ordinances of the city and by the laws of the state. He or she shall perform such duties with integrity and dispatch, giving due regard to his or her oath of office and the responsibilities of his or her position. He or she shall sign all warrants and vouchers for the withdrawal and payment of public funds, and shall execute all conveyances, written obligations and instruments in writing in his or her official capacity on behalf of the city, where the same is the result of the official action of the City Council and as the City Council may require, even though contrary to his or her vote on the subject. He or she shall attend the meetings of the City Council, and if compelled to be absent from the meetings he or she shall notify the vice-mayor, unless prevented from doing so by unavoidable casualty or misfortune. (Prior code § 2-116)



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## CHAPTER 2.08

### CITY MANAGER

#### Sections:

**2.08.010 Appointment by council and qualifications.**

**2.08.020 Duties.**

**2.08.030 Council may suspend or remove.**

**2.08.040 Designation of Acting City Manager.**

**2.08.050 Bond required.**

**2.08.010 Appointment by council and qualifications.**

There shall be a City Manager. The council shall appoint him or her for an indefinite term by a vote of a majority of all its members. The council shall choose him or her solely on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in, or his or her knowledge of, accepted practice in respect to the duties of his or her office as hereinafter set forth. At the time of his or her appointment, he or she need not be a resident of the city or state; but, during his or her tenure of office, he or she shall reside within the city. No councilmember may be appointed City Manager during the term for which he or she shall have been elected nor within two years after the expiration of his or her term. (Prior code § 2.201)

**2.08.020 Duties.**

The City Manager shall be the chief executive officer and head of the administrative branch of the city government. He or she shall execute the laws and administer the government of the city, and shall be responsible therefore to the council. He or she shall:

A. Appoint, and when necessary for the good of the service, remove all heads of administrative departments and other administrative officers and employees of the city, except as otherwise provided by this code and except as he, she or the council by ordinance may authorize the head of a department, an officer or an agency to appoint and remove subordinates in such department, office or agency, subject to such merit system regulations as the council may obtain;

B. Supervise and control all administrative departments, officers and agencies;

C. Prepare a budget annually and submit it to the council, and be responsible for the administration of the budget after it goes into effect;

D. Submit to the council a report as of the end of the fiscal year on the finances and administrative activities of the city for the preceding year;

E. Keep the council advised of the financial condition and future needs of the city, and make such recommendations as may seem desirable to him or her; and

F. Perform such other duties as may be prescribed by law or ordinance or by the council consistent with law or ordinance. (Prior code § 2-202)

**2.08.030 Council may suspend or remove.**

The council may suspend or remove the City Manager at any time by a vote of a majority of all its members. (Prior code § 2-203)

**2.08.040 Designation of Acting City Manager.**

To perform the duties of the City Manager during his or her temporary absence or disability or to perform other duties, the council or City Manager may appoint a qualified administrative officer of the city to the office of the Acting City Manager. The Acting City Manager shall have all of the powers and duties of the City Manager as shall be transferred or delegated to him or her by the City Manager or the council. The Acting City Manager may be suspended or removed by the City Manager at any time without approval of the council. (Prior code § 2.204; 1221, amended by recodification 11/19/2012)

**2.08.050 Bond required.**

The City Manager, before entering upon the duties of his or her office, shall provide bond for the faithful performance of his or her duties, payable to the city, in such form and amounts as the council may prescribe, with a surety company authorized to business in the state. (Prior code § 2-210)

## CHAPTER 2.12

### CITY DEPARTMENTS

#### Sections:

**2.12.010 Departments included.**

**2.12.020 City Manager may suspend or remove.**

**2.12.030 Limitation of authority.**

**2.12.040 Department responsibility.**

**2.12.010 Departments included.**

There shall be the following administrative departments: A department of finance; a department of law; a park and recreation department; a personnel department; and such other administrative departments, offices and agencies as the City Council may establish. (Prior code § 2-301)

**2.12.020 City Manager may suspend or remove.**

The City Manager may at any time suspend or remove a member of his or her staff. The City Manager may designate some administrative officer other than the director of the administrative departments to serve as the City Manager staff member. The same person may be designated by the City Manager with staff responsibility for more than one administrative department. (Prior code § 2-302)

**2.12.030 Limitation of authority.**

Except when direct inquiry is made in writing by any councilmember, or upon oral inquiry by a councilmember at a regular or special council meeting, no employee of the city shall communicate or discuss city business, or disclose general or specific details of his or her work or the administration of his or her department or any other department of the city to any person, publicly or privately, other than authorized by the City Manager or his or her designee or other than as may be required in the employee's normal scope of duties. (Prior code § 2-303)

**2.12.040 Department responsibility**

The director of each department, office or agency of the city shall be solely responsible to the City Manager for the efficient administration of his or her department, office or agency, the conduct of his or her employees, and the condition of city property used or operated by his or her department, office or agency. (Prior code § 2.304)

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## CHAPTER 2.16

### CITY CLERK/FINANCE DIRECTOR

#### Sections:

- 2.16.010 Director of Finance.**
- 2.16.020 City Clerk office created--Duties.**
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- 2.16.030 Bond of Clerk, Deputy Clerk.**
- 2.16.040 City Clerk to keep minutes of meeting.**
- 2.16.050 Depository.**
- 2.16.060 Powers and authority of the City Clerk.**
- 2.16.070 Demands to be made.**
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- 2.16.090 Issue license.**
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- 2.16.110 License record.**
- 2.16.120 Records of special improvement districts.**
- 2.16.130 Utility accounting.**
- 2.16.140 Purchasing office.**
- 2.16.150 City Auditor.**
- 2.16.160 Reports.**
- 2.16.170 Advise City Council.**

#### **2.16.010 Director of Finance, office created—Duties.**

There shall be a finance director and who shall be an officer of the city appointed by the city Manager with approval of the council for an indefinite term. The finance director shall be director, or head of the department of finance. He or she shall collect or receive revenue and other money for the city, and shall deposit the same with the City Treasurer or for the City Treasurer in an account or accounts maintained by the City Treasurer in a depository or depositories. The finance director shall maintain or have maintained a general accounting system for the city government. The finance director shall obtain a good and sufficient bond, at the cost of the City, to be approved by the City Manager, conditioned upon the faithful performance of his or her duties. He or she shall have such other powers, duties and functions as may be prescribed by the City Charter, by applicable law or by ordinance. (Prior code § 2-401; 1221, Amended by recodification 11/19/2012)

#### **2.16.020 City Clerk: Office created, duties.**

There shall be a city clerk, who shall be an officer of the city appointed by the city manager with approval of the council for an indefinite term. He shall have such other powers, duties and functions as may be prescribed by the charter, by applicable law or by ordinance. (1221, Amended by recodification 11/19/2012)

**2.16.025 Deputy City Clerk: Office created, duties.**

The City Clerk is hereby authorized to appoint one or more Deputy City Clerks to assist the City Clerk in the performance of the City Clerk's duties as directed and required of the City Clerk by provisions of the Charter of the City of Sand Springs, Oklahoma, as well as the Code of Ordinances of the City of Sand Springs, Oklahoma. The appointment of a Deputy City Clerk shall be subject to the approval of the City Manager. The duties to be performed by the Deputy City Clerk shall be those as are assigned and directed to such Deputy City Clerk by the City Clerk. (Ord. 99, § 1, eff. March 22, 1999; 1221, Amended by recodification 11/19/2012)

**2.16.030 Bond of clerk, deputy clerk.**

The City Clerk and deputy clerk shall obtain a good and sufficient bond, at the cost of the City, to be approved by the City Manager, conditioned upon the faithful performance of his or her duties. (Prior code § 2-403; 1221, Amended by recodification, 11/19/2012)

**2.16.040 City Clerk to keep minutes of meeting.**

The City Clerk or his or her deputy shall keep the minutes of every meeting of the City Council, regular and special. He or she shall keep in his or her custody the minute book, files, letters, bonds, contracts, ordinances and resolutions and other matter or materials, which are presented to the City Council for consideration, or upon which the City Council has taken any action. In the absence of the City Clerk, the Deputy City Clerk shall act in his or her place and stead, and if neither are available, the City Manager shall designate some other capable person to take the minutes of the meeting. The City Clerk or other person acting in his or her place and stead shall provide the minutes of the previous meeting, and unless exception is taken, the minutes shall be adopted and approved by vote of the City Council. (Prior code § 2-404; 1221, Amended by recodification, 11/19/2012)

**Section 2.16.050 Depository.**

The City Clerk shall be the depository for surety bonds, insurance policies, deeds, contracts, franchises, and other instruments, which are the property of the city and for which no other specific provision is made by statute or ordinance. (Prior code § 2-405)

**Section 2.16.060 Powers and authority of the City Clerk.**

The City Clerk shall have those powers and duties as assigned by the City Manager and as required by City Charter, ordinance and state law. (Prior code § 2-406; 1221, Amended by recodification, 11/19/2012)

**Section 2.16.070 Demands to be made.**

The director of finance shall make demands and receive from the County Treasurer, or other source, all money due the city. Whenever any person is indebted to the city in any manner, and the means of collection of such debt is not otherwise provided for by law or ordinance, the director of finance shall be authorized, and it is his or her duty

to demand and receive the same. When any claims shall not be collectable, he or she shall report the same to the City Attorney. He or she shall maintain a continuous inspection of all taxes, licenses, fees and other revenues due the city in order to effectuate their collection. (Prior code § 2-407)

**Section 2.16.080 License fees, receipts of funds collected.**

All license fees, taxes or other revenue collected by the finance department shall be deposited in the official depository of the city as designated by the City Council and shall be credited to the general fund except where the same is required by ordinance or state law to be deposited to the credit of a designated special fund. The finance director shall enforce the collection and payment of all taxes and license fees and where the same has not been paid he or she shall report all persons who fail or refuse to pay the same to the City Attorney for appropriate action. He or she shall give receipts for all moneys collected by him or her in behalf of the city, a copy of which shall be retained in his or her office. The receipts shall show the date of issue, to whom issued, the amount collected, the nature of same, and the fact of payment. He or she shall keep such books of account as shall set forth all moneys received by him or her, the date of collection, the source of same, the funds to which the same are applied, and the disposition of same. (Prior code § 2-408)

**Section 2.16.090 Issue license.**

The director of finance shall issue all licenses authorized by the City Ordinances, and the laws of the state. No license shall be issued until all of the conditions of the City Ordinances relating thereto have first been complied with and a certificate of examination or inspection shall first have been filed with the director of finance in cases where the same are required by ordinance. (Prior code § 2-409)

**Section 2.16.100 Notices to be issued.**

Wherever, by ordinance or otherwise, a notice is required for any obligation due the city, it is the duty of the City Clerk to issue the same, unless otherwise provided. (Prior code § 2-410)

**Section 2.16.110 License record.**

The City Clerk shall keep a record of all licenses issued by him or her under the ordinances of the city, showing the date of the issuing of same, to whom issued, the time for which same are issued, the amount paid to him or her for the same, the receipt number, and the nature of the license. The entries therein contained shall be competent evidence of the facts so set forth and shall be sufficient proof thereof. He or she shall issue all licenses authorized by ordinance upon compliance with the provisions of all ordinances relating thereto. (Prior code § 2-411)

**Section 2.16.120 Records of special improvement districts.**

The City Clerk shall keep an accurate record of all special improvement districts, including the ordinances creating same, amount of assessments made against property in the district, date assessments are due and collections are to be made, payments of



assessments, and date of making same, interest and penalties due thereon, and such other items as may be necessary to reflect a full, true and correct record of matters pertaining thereto. He or she shall certify all special assessments to the County Treasurer where required by law to do so, and shall make such collections in connection therewith as required of the office of City Clerk by law. (Prior code § 2-412)

**Section 2.16.130 Utility accounting.**

The department of finance shall have the responsibility for all utility accounting and collections. The director may provide for a subordinate employee to have immediate responsibility for operation and maintenance of this office. (Prior code § 2-413)

**Section 2.16.140 Purchasing office.**

The department of finance shall include a purchasing office and shall operate under the guidelines of all applicable state and federal law in addition to City Ordinances pertaining to competitive bidding and purchasing authorization and requirements. The director may delegate the duties of this office to a subordinate employee. All purchases for the city shall be made through the purchasing office. (Prior code § 2-415)

**Section 2.16.150 City Auditor.**

The council of the city shall designate a qualified public accountant or accountants who shall make an independent annual audit of the accounts and evidences of financial transactions of the department of finance and of all other departments, offices and agencies keeping separate or subordinate accounts or making financial transactions, as of the end of every fiscal year, and who shall report to the council and to the City Manager. (Prior code § 2-416)

**Section 2.16.160 Reports.**

It is the duty of the finance director, at the end of each month to report to the City Council, a statement of the financial transactions of his or her office for the month ending, which statement shall be in writing and under his or her oath, and shall set forth clearly and fully:

- A. The balance in the treasury at the beginning and the end of the month;
- B. The amount received during the month, and from whom and on what account received, and to what fund applied;
- C. The amount disbursed during the month, and to whom and on what account disbursed, and to what fund charged;
- D. The amount of bonds and interest coupons redeemed during the month;
- E. The amount that has been credited to the respective funds which are or may be approved by the City Council; and
- F. The amount of interest, profit, compensation or money received by him or her, or to be received by him or her from any person, bank or corporation for the use, control or deposit of the city funds in his or her charge, together with the amount of interest earned on warrants purchased with the sinking funds. (Prior code § 2-417)

**Section 2.16.170 Advise City Council.**

It is the duty of the finance director to keep the City Council fully advised at all times as to the true condition of any depository in which city funds have been deposited, and whether or not such deposits should be removed. (Prior code § 2-418)

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**CHAPTER 2.20**  
**CITY TREASURER**

**Sections:**

- 2.20.010 City Treasurer office created.**
- 2.20.020 Treasurer duties.**
- 2.20.030 Pay out money on check/warrants.**
- 2.20.040 Turn over books.**
- 2.20.050 Accounts.**
- 2.20.060 Check/warrant register.**
- 2.20.070 Bond register.**
- 2.20.080 Cancellations.**
- 2.20.090 Depository.**
- 2.20.100 Bond of treasurer.**

**2.20.010 City Treasurer office created.**

Within the department of finance there shall be a City Treasurer, who shall be an officer of the city appointed by the City Council for an indefinite term. The same person may be appointed both City Clerk and City Treasurer, and the council by ordinance may provide that the City Clerk shall be ex officio City Treasurer and that an Acting City Clerk shall be ex officio Acting City Treasurer. (Prior code § 2-420)

**2.20.020 Treasurer duties.**

Subject to such regulations as the City Council may prescribe, the City Treasurer shall deposit funds received for the city in such depositories as the council may designate. He or she shall have such other powers, duties, and functions as may be prescribed by the City Charter, by applicable law or by ordinance. (Prior code § 2-421)

**2.20.030 Pay out money on check/warrants.**

A. The City Treasurer shall cause to be issued money out of the treasury by a check authorized by the City Council. Such check shall be signed by the City Treasurer, Finance Director or City Manager.

B. Checks in the amount of fifty thousand dollars (\$50,000.00) or more shall require two signatures; the City Treasurer and Finance Director or City Manager. (Prior code § 2-422; Ord. 911, § 1, eff. May 5, 2997)

**2.20.040 Turn over books.**

At the expiration of his or her term of office, the City Treasurer shall deliver to his or her successor in office, all money, books, papers, records, and other property connected with his or her office. (Prior code § 2-423)

**2.20.050 Accounts.**

The City Treasurer shall keep full, complete and accurate accounts of all money collected and disbursed by his or her office, and the accounts to be kept in books clearly showing the date of receipt, from who received, the date of disbursement, to whom disbursed, and the amount of such disbursement. The account shall show also for what purpose such money was disbursed, and to what account the same was received or charged. The City Treasurer shall issue a receipt to every person from whom he or she receives money, which shall show the fund to which it is to be applied, and the purpose of the collection. One copy of the receipt shall be retained by the treasurer, and a copy thereof shall be furnished to the City Clerk. (Prior code § 2-424)

**2.20.060 Check/warrant register.**

The City Treasurer shall keep a register of registered check/warrants in numerical order, and note thereon the number of the check/warrant, the date of its issuance, to whom issued, the date of registration, the amount of the check/warrant, and the date of payment when paid. (Prior code § 2-425)

**2.20.070 Bond register.**

The City Treasurer shall keep in a book, to be kept for that purpose, a complete list of every bond and coupon showing the date of maturity, to whom sold, the amount of the payment falling due, whether principal or interest, and showing also the date of payment of any outstanding bond or interest coupon, the amount thereof actually paid, and the number of the bond or interest coupon retired. (Prior code § 2-426)

**2.20.080 Cancellations.**

The City Treasurer shall cancel all bonds, coupons, and other evidences of debt against the city whenever paid by him or her, by writing or stamping across the face there, "Paid by the City Treasurer" with the date of payment written or stamped thereon. (Prior code § 2-427)

**2.20.090 Depository.**

The City Treasurer shall examine the condition of the accounts in any depository, the standing of such depository, the collateral deposit against all deposits on hand, and shall report whether or not the same conform in all respects with City Ordinance or state statutes. (Prior code § 2-428)

**2.20.100 Bond of treasurer.**

The City Treasurer shall be required to execute and file with the city a good and sufficient surety bond in such sum as the City Council may require, and the City Council may from time to time, when deemed necessary, require him or her to give a new bond or additional bond. (Prior code §2-429)

## CHAPTER 2.24

### CITY ATTORNEY AND ASSISTANT CITY ATTORNEY

#### Sections:

- 2.24.010 City Attorney created.**
- 2.24.020 Qualifications of City Attorney.**
- 2.24.030 Duties of City Attorney.**
- 2.24.040 Assistant City Attorney created.**
- 2.24.050 Qualifications of Assistant City Attorney.**
- 2.24.060 Duties of Assistant City Attorney.**
- 2.24.070 City Attorney as prosecuting officer.**
- 2.24.080 Opinions.**

#### **2.24.010 City Attorney created.**

There is hereby created and established the office of City Attorney who shall be a director of the department of law. (Prior code § 2-501)

#### **2.24.020 Qualifications of City Attorney.**

The City Attorney shall be a regularly licensed and practicing attorney in the state with more than three years experience in the active practice of law. He or she shall reside in Tulsa County or reside in the City or maintain an office in the City.

#### **2.24.030 Duties of City Attorney.**

It is the duty of the City Attorney to attend the meetings of the City Council and to counsel and advise with the City Council. He or she shall give legal aid and render legal assistance to all city officers and employees engaged in the performance of their official duties when requested. He or she shall appear, prosecute and defend all actions wherein the city is a party, and perform such other professional duties as may be required of him or her, by the City Council or City Manager. He or she shall draw such ordinances, resolutions, notices, forms, letters, deeds or other papers or documents as may be required of him or her, by the City Council or City Manager. He or she shall, on request of the City Council or City Manager, examine the records of the different city officers, to give legal advice in connection with the same, and to make reports to the City Council or City Manager as the condition may warrant and justify. (Prior code § 2-503)

#### **2.24.040 Assistant City Attorney created.**

There is hereby created and established the office of Assistant City Attorney who shall be responsible to the City Manager and work under the direction of the City Attorney. (Prior Code § 2-504)

**2.24.050 Qualification of Assistant City Attorney.**

The Assistant City Attorney shall be a regularly licensed and practicing attorney in the state with more than three years experience in the active practice of law. He or she shall reside in Tulsa County or reside in the City or maintain an office in the City.

**2.24.060 Duties of Assistant City Attorney.**

It is the duty of the Assistant City Attorney to assist the City Attorney and to fulfill the duties of City Attorney during his or her absence or disability. (Prior code § 2-506)

**2.24.070 City Attorney as prosecuting officer.**

The City Attorney or the Assistant City Attorney of the city shall be the prosecuting officer of the municipal court, and the relation which he or she shall bear to the court shall be the same as that borne to the district courts by the district attorney. He or she shall have full power to prosecute for the violations of any ordinances of the city in the municipal court, and shall have the power to prosecute and resist appeals and proceedings in error and review from the municipal court. The Assistant City Attorney shall act when the City Attorney requests him or her to be present for any reason. (Prior code § 2-507)

**2.24.080 Opinions.**

Whenever any city officer desires an opinion of the City Attorney, such officer shall submit in writing to the City Manager the legal question to be answered, and if he or she concurs that an opinion should be requested, they shall present to the City Attorney the question for consideration by him or her and the passing of opinion thereon. When desired, a City Councilmember may request the City Attorney to give his or her legal opinion by making a written request to the City Manager of the legal question to be answered. The opinions of the City Attorney to city officers or City Councilmembers may be oral but shall be in writing if requested by the City Manager or City Council. (Prior code § 2-508)

## CHAPTER 2.28

### BUILDING OFFICIAL

#### Sections:

**2.28.010 Building official.**

**2.28.020 Duties of the building official.**

**2.28.010 Building official.**

The office of building official is hereby created and his or her office shall be maintained as a part of the inspections department of the city. The building official is head of the inspections department and shall appoint all inspectors required in this part, including but not limited to the plumbing and electrical inspectors. (Prior code § 5-101)

**2.28.020 Duties of the building official.**

It is the duty of the building official to inspect all construction, reconstruction and demolition carried on in the city, and, upon request or by assignment, inspect any existing structure located within the limits of the city. The building official may, as necessary in the performance of his or her duty, enter in the daytime any building, structure or premises located inside the corporate limits of the city. The building official shall review and approve or disapprove all plans, drawings and specifications for any construction proposed in the city and he or she shall issue building permits and collect fees and enforce compliance of codes as provided for in the ordinances of the city. It is the building official's responsibility to issue permits and perform inspections on the construction and related activities as specified by other sections and other codes and ordinances of the city. (Prior code § 5-102)



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**CHAPTER 2.32**  
**MUNICIPAL COURT**

**Sections:**

- 2.32.010**      **Creation of municipal court.**
- 2.32.020**      **Jurisdiction of court.**
- 2.32.030**      **Judge of the municipal court—Appointment and removal.**
- 2.32.040**      **Acting judge of the municipal court.**
- 2.32.050**      **Vacancies in office of judge of the municipal court.**
- 2.32.060**      **Compensation.**
- 2.32.070**      **Private practice of judge.**
- 2.32.080**      **Bond, oath of judge.**
- 2.32.090**      **Direction of writs and process to chief of police.**
- 2.32.100**      **Marshal, duties.**
- 2.32.110**      **Municipal court clerk, bond.**
- 2.32.120**      **Docket, records.**
- 2.32.130**      **Style of prosecutions.**
- 2.32.140**      **Powers of judge.**
- 2.32.150**      **Pleas.**
- 2.32.160**      **Appearance bond.**
- 2.32.170**      **Release of persons in custody, other authorized means.**
- 2.32.180**      **Forfeiture of bond.**
- 2.32.190**      **Commitment.**
- 2.32.200**      **Discharge from commitment.**
- 2.32.210**      **License, bond required of municipal court bondsman.**
- 2.32.220**      **Trial by jury and waiver.**
- 2.32.230**      **Jurors and jury trial procedures.**
- 2.32.240**      **Suspension of sentence.**
- 2.32.250**      **Imprisonment—Work by prisoners.**
- 2.32.260**      **Fines and costs.**
- 2.32.270**      **Conduct of sessions of court—Notice.**
- 2.32.280**      **Trials and judgments.**
- 2.32.290**      **Creation of traffic violations bureau.**

**2.32.010**      **Creation of municipal court.**

There is hereby created in the city of municipal court as authorized and set out by state statutes. (Prior code § 6-101)

**2.32.020 Jurisdiction of court.**

The jurisdiction conferred upon municipal courts of cities and towns of the state for offenses against City Ordinances is hereby accepted and adopted by the city. The municipal court shall have and possess original jurisdiction to hear and determine all offenses against the traffic ordinances of the city without previous proceedings being had in district court in cases where the person complained against has attained the minimum age required by state law for holding a special or restricted operator's license issued by the state or an operator's licenses issued by the state. (Prior code § 6-102)

**Section 2.32.030 Judge of the municipal court--Appointment and removal.**

A judge of the municipal court shall be appointed by the mayor with the advice and consent of the City Council. The judge shall be an attorney at law duly admitted to practice law in the state with more than three years experience in the active practice of law. He or she shall reside in Tulsa County or reside in the city or maintain an office in the city. The term of appointment of such judge shall be for a period of two years and until his or her successor is appointed and qualified, unless the judge is sooner removed by the City Council for cause as is provided by the laws of the state or by City Charter or Ordinance for the removal of public officers. Judges shall be subject to removal from office by the governing body for the causes prescribed by the constitution and laws of this state for the removal of public officers. (Prior code § 6-103)

**Section 2.32.040 Acting judge of the municipal court.**

In the event of the disqualification, absence or inability of the judge as set out in this chapter to act, the mayor of the city, with the advice and consent of the City Council, may appoint some attorney at law, having the same qualifications for appointment as herein provided, to serve as acting judge of the municipal court of the city, to serve in place of the regularly appointed judge during the period of disqualification, absence or inability of the regularly appointed judge to act. (Prior code § 6-104)

**Section 2.32.050 Vacancies in office of judge of the municipal court.**

Vacancies in the office of the judge of the municipal court shall be filled in the same manner as provided for the appointment of the judge in the first instance. (Prior code § 6-105)

**Section 2.32.060 Compensation.**

If the disqualification, absence or inability of the regularly appointed judge to perform the duties of his or her office necessitates the appointment of an acting judge of the court, such regularly appointed judge shall not draw any salary from such office during the period the acting judge, appointed as herein provided, acts, and such salary shall be paid to the acting judge of the court during the period the judge shall act. (Prior code § 6-106)

**Section 2.32.070 Private practice of judge.**

Nothing in this chapter shall prevent any attorney appointed as judge or acting judge of the court from practicing law in any other court of the state, but the municipal or acting municipal judge shall not practice in the municipal court of the city during any period of time he or she shall hold an appointment as judge or acting judge. (Prior code § 6-107)

**Section 2.32.080 Bond, oath of judge.**

Before the judge of the municipal court shall begin the performance of his or her duties, he or she shall sign and file with the City Clerk an oath of office in the form prescribed by the constitution of the state. He or she may be required by the City Council to execute and submit to the mayor of the city for approval, and upon approval thereof shall file with the City Clerk, bond for the faithful performance of the duties of his or her office in such sum as the City Council may require. (Prior code § 6-108)

**Section 2.32.090 Direction of writs and process to chief of police.**

All writs and process of the municipal court wherein a violation is charged shall be directed to the chief of police who shall be the principal officer of such court. (Prior code § 6-109)

**Section 2.32.100 Marshal, duties.**

The chief of police or corresponding officer of the city shall be ex officio marshal of the municipal court. It is the marshal' s duty to execute any writs and other process directed to him or her, except as herein otherwise provided and such duty may be performed by any member of the police department of the city. (Prior code § 6-110)

**Section 2.32.110 Municipal court clerk, bond.**

The City Clerk or his or her deputy shall be municipal court clerk. (Prior code § 6-111)

**Section 2.32.120 Docket, records.**

The court clerk shall keep a docket, in which he or she shall state the name of the complainant, the amount of bond, the nature or character of the offense, the date of the trial, the name of all witnesses, sworn and examined, the finding of the court, the judgment or fine and costs, the date of payment, the date of issuing commitment, if any, and every other fact necessary to show the full proceedings in such case. (Prior code § 6-112)

**Section 2.32.130 Style of prosecutions.**

All prosecutions for violating any City Ordinance shall be entitled: "The City of Sand Springs against \_\_\_\_\_ (naming the person or persons charged)." The complaint or arrest report against any person must be in writing; but when the accused is not in custody, the complaint shall be in writing and sworn to before a warrant be issued for the person' s arrest. The written complaint shall contain a clear and

concise statement of the acts constituting the offense with which any such person may be charged. A complaint may be amended in matter of form or substance at any time either before or at the trial by permission of the court. No amendment shall work a delay of the trial, unless for a good cause shown. (Prior code § 6-113)

**Section 2.32.140 Powers of judge.**

The municipal judge, in the exercise of powers conferred upon him or her, shall have the power to issue warrants of arrest upon the filing of written verified complaint. He or she shall have power to issue alias warrants at his or her discretion. He or she shall have power to issue subpoenas for all persons whose testimony may be deemed material as witnesses upon the trial, and to enforce their attendance by attachment, if necessary. He or she shall also have power to administer oaths, and enforce the obedience to all orders, rules and judgments made by him or her, and may fine and imprison for contempt offered to such judge while holding court. (Prior code § 6-114)

**Section 2.32.150 Pleas.**

When any person shall be arraigned before the court for trial, the municipal judge shall acquaint him or her with the nature of the complaint, and where written complaint has been filed, the complaint shall be read to him or her unless waived, he or she shall be advised of his or her right of appeal and the name of the person making complaint shall be stated to the defendant. The defendant shall be required to plead, and may plead "Guilty" or "Not Guilty" or "No Defense" to the charge, according to the circumstances of resistance or opposition to the charge and in keeping with his or her desires, and if he or she stands mute or fails to plead, the plea of "Not Guilty" shall be entered. If the plea of "Not Guilty" is entered, the trial shall proceed immediately, unless for good cause shown, a continuance be granted. If such person, when arraigned, shall plead "Guilty" or "No Defense", or if tried and found "Guilty", the court shall immediately pass sentence upon such person, but testimony may be introduced to show the aggravation or mitigation of the offense in all cases where the plea of "Guilty" is entered. When a trial shall be continued, it shall not be necessary to subpoena witnesses who are present at the time of continuance, but the judge shall verbally notify such witnesses as either party may require to appear before him or her to testify in the cause on the day set for trial, which verbal notice shall be valid as a subpoena. (Prior code § 6-115)

**Section 2.32.160 Appearance bond.**

A. Any person in custody shall have the right to enter into a recognizance with sufficient surety, who shall qualify by affidavit in double the amount of the bond, conditioned that the defendant will personally appear before the municipal judge at the time and place appointed for arraignment and trial, then and there to answer the complaint alleged against him or her, or in lieu of such written recognizance a cash bond may be posted and accepted. If the defendant shall fail to enter into such a proper recognizance, the defendant shall be committed to jail and be held to answer the complaint as aforesaid.

B. In the absence of the municipal judge, the chief of police may set the amount of bond or in his or her absence, the arresting officer is hereby authorized and directed to accept a cash bond of not less than ten dollars (\$10.00) nor more than the maximum amount of fine chargeable for the offense.

C. In lieu of such written recognizance or in lieu of cash bond, as set out in this section, and in the place thereof, the arresting officer is hereby further authorized and directed to accept a valid driver's license of the person charged with offense and shall give receipt to the alleged offender therefor. (Prior code § 6-116)

### **Section 2.32.170 Release of persons in custody, other authorized means.**

A. Persons in custody may also be released as follows:

1. Any person may be released to his or her attorney upon the attorney executing his or her agreement to produce such person in custody at the time and place appointed for arraignment, trial or other time designated by the municipal court of the city, provided however all such attorneys shall be duly licensed by the Oklahoma Bar Association and same must be approved by the municipal court prior to the release of any person;

2. Any person younger than eighteen (18) years may be released to his or her parent or parents upon their executing an agreement to produce such person at the time and place designated by the police officer in charge of juveniles or designated by the municipal court;

3. Any person may be released for medical reasons by the police officer in charge of the city jail when in his or her opinion the health, safety or welfare of the person in custody would be endangered or jeopardized by continued custody in the city jail. The officer authorizing such release must file a written statement of the facts which caused the release to be made and the statement of facts must be attached to the complaint or arrest report;

4. Any person may be released to another jurisdiction which has a pending charge against the person. A hold order on the person released must be placed with the jurisdiction to which the person is released for the return to the custody of the court for the prosecution of charges before the municipal court; and

5. Any person may be released on the written request of the judge of the municipal court or City Attorney; such request must be attached to the complaint or arrest report.

B. No person shall be released from custody or discharged from any offense except as set out in this chapter and no person shall be released to a city officer, employee, or member of the council nor to any other officer or employee of any other authority except as set out herein. (Prior code § 6-117)

### **Section 2.32.180 Forfeiture of bond.**

In case of the breach of any written recognizance entered into the same shall be deemed and declared forfeited, and the City Council shall cause the same to be prosecuted against the principal and surety, or the surety alone. Such action shall be in the name of the city as plaintiff, and may be prosecuted in a court of proper jurisdiction and venue, on the transcript of the proceedings before the municipal judge. A copy of such recognizance must be certified by the municipal judge. On the breach of forfeiture of

a cash undertaking for the appearance of the accused, such recognizance shall be summarily declared forfeited, and the forfeiture noted on the appearance docket. All money recovered by forfeiture of any recognizance, either written or in money, shall be paid over to the City Clerk, to be deposited in the general fund of the city. (Prior code § 6-118)

**Section 2.32.190 Commitment.**

Whenever any person shall have been arraigned before the municipal court for the violation of any City Ordinance and shall have pleaded "Guilty" to the charge, or when a plea of "Not Guilty" has been entered and on the trial thereof the defendant shall have been found "Guilty" by the court, the municipal judge shall declare and assess the punishment prescribed by ordinance, and render judgment accordingly, and for costs of suit. The defendant shall stand committed until the judgment is complied with. (Prior code § 6-119)

**Section 2.32.200 Discharge from commitment.**

Any defendant committed must be discharged on payment of fine and costs, or on perfecting an appeal as provided in this chapter. (Prior code § 6-120)

**Section 2.32.210 License, bond required of municipal court bondsman.**

All bonds provided to municipal court shall be provided by a bondsman licensed by the State of Oklahoma and in compliance with state law. (Prior code § 6-121; 1221, Amended by Recodification 11/19/2012)

**Section 2.32.220 Trial by jury and waiver.**

A. In all prosecutions for violations of ordinances punishable by fine of more than that amount set by state law which requires a jury trial, or by imprisonment, or by both such fine and imprisonment, trial shall be by jury, unless waived by the defendant. If trial by jury is waived, trial shall be to the court.

B. At arraignment, the defendant shall be asked whether he or she demands or waives trial by jury. His or her election shall be recorded in the minutes of the arraignment and entered on the docket of the court respecting proceedings in the case.

C. An election waiving jury trial, made at arraignment, may be changed by the defendant at any time prior to the day for which trial by the court is set; an election demanding jury trial may be changed at any time prior to the commencement of proceedings to impanel the jury for the trial, but if that change occurs after the case has been set for jury trial, it may not thereafter be rechanged so as again to demand trial by jury. (Prior code § 6-122)

**Section 2.32.230 Jurors and jury trial procedures.**

A. Whenever a calendar has been made up for the trial of cases by jury, the judge shall request, in writing, the presiding judge of the district court for this judicial district to cause the names of a stated number of jurors, deemed sufficient to dispose of the cases on the calendar, to be drawn from the jury wheel in accordance with the





E. After the jurors are sworn, they must sit together and hear the proofs and oral arguments of the parties, which must be delivered in public and in the presence of the defendant.

F. A verdict of the jury may be rendered by the vote of five jurors.

G. In all actions tried before a jury, the judge shall determine all questions of law, including questions as to the introduction of evidence, arising during the trial. He or she also shall instruct the jury as to the law.

H. The verdict of the jury, in all cases, must be general. When the jury has arrived at its verdict, it must deliver the verdict publicly to the court. The judge must enter the verdict in the docket or cause it to be so entered.

I. The jury must not be discharged after the cause is submitted to it until a verdict is rendered, unless the judge, for good cause, discharges it sooner, in which event the court may proceed again to trial, and soon, until a verdict is rendered. (Prior code § 6-123)

### **Section 2.32.240 Suspension of sentence.**

After conviction and sentence, the judge may suspend sentence, in accordance with the provisions of, and subject to the conditions and procedures imposed by Sections 27-123 and 27-124 of Title 11 of the Oklahoma Statutes. (Prior code § 6-124)

### **Section 2.32.250 Imprisonment--Work by prisoners.**

A. If, after conviction, judgment of imprisonment is entered, a copy thereof, certified by the clerk, shall be delivered to the chief of police, the sheriff of the county or other appropriate police officer. Such copy shall be sufficient warrant for execution of the sentence.

B. All prisoners confined to jail, on conviction or on plea of guilty may be compelled, if their health permits, to work on the public streets, avenues, alleys, parks, buildings, or other public premises or property. For each day of such work, the prisoner shall be credited for serving two days of imprisonment under his or her sentence.

C. The chief of police, subject to the direction of the City Manager, shall direct where the work shall be performed. The head of the department in charge of the place where the work is to be performed, himself, herself, or by some person designated by him or her, shall oversee the work. If a guard is necessary, the chief of police shall make provision therefor. (Prior code § 6-125)

### **Section 2.32.260 Fines and costs.**

A. If judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant, in addition to the total amount of fine. The fine may not exceed the amount set forth in Section 1.20.010 of this code.

B. The judge shall have the authority to assess costs at the maximum amount allowed by state law, and if not established by state law, in an amount established by municipal court rule or City Council resolution, said costs to include fees and mileage of jurors and witnesses if appropriate. In addition to the foregoing, the judge shall have the authority to assess all costs as may presently, or hereinafter, be mandated by state law to

be recovered upon conviction in municipal courts not of record. Such costs, mileage and juror or witness fees may be assessed in the following instances:

1. Against any person convicted of an offense against the City; and,
2. Against any person who files a complaint against another and without good cause fails to appear on the date and at the time set for hearing, or who otherwise fails to diligently prosecute such complaint.

C Jurors and witnesses shall be compensated jury and witness fees in an amount equal to that amount provided by state law for jury service and witness fees in proceedings brought in the District Courts of the State of Oklahoma. (1088, Amended, 01/24/2005, Amended 2.32.260 B and added 2.32.260 C.; Ord. 986, Amended, 05/14/2001)

### **Section 2.32.270 Conduct of sessions of court--Notice.**

The judge of the court shall conduct regular sessions of the municipal court. Notice of the sessions shall be given as prescribed in the Oklahoma Open Meetings Law, Section 301 et seq., of Title 25 of the Oklahoma Statutes. (Prior code § 6-127)

### **Section 2.32.280 Trials and judgments.**

A. Before trial commences, either party, upon good cause shown, may obtain a reasonable postponement thereof.

B. The defendant must be present in person at the trial.

C. In all trials, as to matters not covered in this chapter, or by the statutes relating to municipal criminal courts, or by rules duly promulgated by the Supreme Court of Oklahoma, the procedure applicable in trials of misdemeanors in the district courts shall apply to the extent that they can be made effective.

D. If the defendant pleads guilty or is convicted after the trial, the court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable ordinance and imposing sentence accordingly.

E. At the close of trial, judgment must be rendered immediately by the judge who shall cause it to be entered in his or her docket.

F. If judgment is of acquittal, and the defendant is not to be detained for any other legal cause, he or she must be discharged at once.

G. If a defendant who is financially able refuses or neglects to pay a fine or costs or both, payment may be enforced by imprisonment until the same shall be satisfied at the rate of five dollars (\$5.00) per day. If the defendant is without means to pay the fines or costs, the municipal judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court in the county where the situs of the municipal government is located where it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. Thereupon, the same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor. (Prior code § 6-128)

**Section 2.32.290 Creation of traffic violations bureau.**

A. A traffic violations bureau hereby is established as a division of the office of the clerk of the court, to be administered by the clerk, or by subordinates designated by him or her for that purpose. Persons who are cited for violation of one of the traffic regulatory ordinances of this city, other than:

1. A second traffic offense within a twelve (12) month period; and
  2. A driver's license offense punishable by a fine of more than the amount set forth in subsection B of Section 1.20.010 of this code;
- may elect to pay a fine in the traffic violations bureau according to the schedule of fines to be determined by the City Council.

B. The court may adopt rules to carry into effect this section. Payment of a fine under this section shall constitute a final determination of cause against the defendant. If a defendant who has elected to pay a fine under this section fails to do so, prosecution shall proceed under the provisions of this chapter. (Prior code § 6-129)

## Chapter 2.36

### POLICE DEPARTMENT

#### Sections:

- 2.36.010 Department established.**
- 2.36.020 Appointment or removal.**
- 2.36.030 Duties of chief of police.**
- 2.36.040 Other police personnel.**
- 2.36.050 Making record and disposition of unlawful controlled drugs.**
- 2.36.060 Duty to assist officers.**
- 2.36.070 Disposal of stolen property.**
- 2.36.080 Police dog interference.**
- 2.36.090 City Jail.**
- 2.36.100 City prisoners, care and custody.**

#### **Section 2.36.010 Department established.**

There is created and established a police department of the city. The chief of police shall be the executive head of the police department subject to the superior authority of the City Manager. The membership of the police department shall be of such numbers and rank, as in the discretion of the City Manager may be necessary to preserve and maintain order within the corporate limits. (Prior code § 13-301)

#### **Section 2.36.020 Appointment or removal.**

The chief of police and all or any members of the police department may be appointed or removed by the City Manager. (Prior code § 13-302)

#### **Section 2.36.030 Duties of chief of police.**

- A. The chief of police shall have the power to:
  - 1. Preserve the public peace;
  - 2. Prevent commission of crimes;
  - 3. Arrest offenders;
  - 4. Protect the rights and property of all persons;
  - 5. Suppress riots and insurrections;
  - 6. Disburse unlawful and dangerous assemblages; and
  - 7. Arrest any persons violating the ordinances of the city and state and federal laws and to do any and all other acts enjoined on him or her by City Charter, ordinances and state and federal law.
- B. He or she shall supervise and control the operations of the police department, and jail, and perform such other duties as may be assigned to him or her by the City Manager, all of which shall be in conformance with applicable city, state and federal decisions, laws and regulations. (Prior code § 13-303)

**Section 2.36.040 Other police personnel.**

The chief of police, under the supervision of the City Manager, shall cause to be made such rules and regulations governing and defining the duties and authority of the other officers and members and operations of the police department. Such rules and regulations shall govern the conduct, authority and duties of the officers and members of the police department except that no rule and regulation shall be promulgated or enforced which is in conflict with the provisions of this chapter, the ordinances of the city, the City Charter, or the laws of the state. (Prior code § 13-304)

**Section 2.36.050 Making record and disposition of unlawful controlled drugs.**

Upon seizure by the police department of all controlled dangerous substances which have been manufactured, distributed, dispensed, acquired, concealed or possessed in violation of the Uniform Controlled Dangerous Substances Act of the state of Oklahoma as well as all raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing or exporting any controlled dangerous substance in violation of the provisions of the Uniform Controlled Dangerous Substances Act of the state of Oklahoma. The officers shall cause a written inventory to be made and maintain custody of the foregoing until all legal actions have been exhausted unless such property has been placed in lawful custody of a court or state or federal law enforcement agency. After all legal actions have been exhausted with respect to such property, the property shall be surrendered by the police department to the Oklahoma State Bureau of Investigation to be destroyed as provided in Section 2-508 of Title 63 of the Oklahoma Statutes or any successor thereto. The property shall be accompanied with the written inventory on forms to be furnished by the Oklahoma State Bureau of Investigation. (Prior code § 13-305)

**Section 2.36.060 Duty to assist officers.**

It is unlawful, and a public offense for any person or persons, who being present, to refuse to assist any police officer in making an arrest when so requested by such officer to help preserve the peace or prevent the escape of a person charged with an offense. (Prior code § 13-306)

**Section 2.36.070 Disposal of stolen property.**

A. The chief of police is hereby authorized to dispose of personal property or money or legal tender or weapons which have come into his or her possession in any manner if:

1. The owner of the personal property or money or legal tender or weapon is unknown or has not claimed the property;
2. The property or money or legal tender or weapon has been in the custody of the chief of police for at least six months; and
3. The property or money or legal tender or any part thereof is no longer needed to be held as evidence or for any other purpose in connection with any litigation.

B. The disposition of personal property or money or legal tender or weapons shall be in accordance with the provisions of Section 34-104 of Title 11 of the Oklahoma Statutes, or any successor thereto. (Prior code § 13-307)

**Section 2.36.080 Police dog interference.**

It is unlawful and an offense for any person to torture, torment, beat, kick, strike, mutilate, 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 with or meddle with any such dog at any time, whether or not such dog is being used by the department or any officer or member. (Prior code § 13-308)

**Section 2.36.090 City Jail.**

As a part of the police department, and under its immediate jurisdiction and control, shall be the City Jail. The chief of police, or such member of the police department as may be designated by him or her shall receive all persons committed to the City Jail by the municipal court and detain the persons in the jail in execution of the judgment of the court. He or she shall detain all persons charged with the violation of any law or ordinance, pending orders of the municipal court in relation to such prisoners. (Prior code § 13-309)

**Section 2.36.100 City prisoners, care and custody.**

The chief of police shall have the care and custody of all city prisoners and, when requested to do so by the City Manager, shall deliver them over to other departments for the purpose of working as by law provided, if the city prisoners consent to such work. (Prior code § 13-310)

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## Chapter 2.40

### FIRE DEPARTMENT

#### Sections:

- 2.40.010** Fire department created.
- 2.40.020** Appointment and removal.
- 2.40.030** Equipment needs.
- 2.40.040** Control at fires.
- 2.40.050** Fire marshal--Qualifications and duties.
- 2.40.060** Fire department rules and regulations.
- 2.40.070** Right of ingress and egress.
- 2.40.080** Procedure for elimination of fire hazard.
- 2.40.090** Removal and injury to property of fire department.
- 2.40.100** Fire hydrants.
- 2.40.110** Fire hydrants, obstruction or molesting of.
- 2.40.120** Fire run contracts outside corporate limits.
- 2.40.130** Distance of outside fire run.
- 2.40.140** Persons at fire.
- 2.40.150** Acting as state agency.
- 2.40.160** Fire library, information and investigation.
- 2.40.170** Duties incumbent upon all members of the department.
- 2.40.180** Securing fire scene.

#### **Section 2.40.010 Fire department created.**

There is hereby created a fire department in and for the city, consisting of both paid and volunteer members. The fire chief shall be executive head of the fire department, subject to the superior authority of the City Manager. The membership of the fire department shall be of such number and rank as in the discretion of the City Manager may be necessary to preserve and protect property within the fire protection service area authorized by the City Council pursuant to ordinance and statutes of the state. (Prior code § 13-201)

#### **Section 2.40.020 Appointment and removal.**

The fire chief and all or any member of the fire department may be appointed or removed by the City Manager. (Prior code § 13-202)

#### **Section 2.40.030 Equipment needs.**

Whenever any apparatus, hose or other appliances or supplies are required for the use of the fire department, it is the duty of the chief of the fire department to make a written request of the City Manager to supply and furnish the same. (Prior code § 13-203)



**Section 2.40.040 Control at fires.**

The chief of the fire department shall have full control and command over all persons and property at fires, shall station the fire apparatus and see that all members of the fire department perform the duties prescribed by ordinance, City Charter and rules of the department. He or she shall direct such measures as he or she shall deem most advisable for the extinguishing of fires, and shall establish such lines or zones at the scene of any fire as may be required to properly manage the equipment, control the spread of fire, and shall take such measures as are necessary and expedient to require observance of the fire lines and fire zones, and may arrest any transgressor or trespasser thereon or therein. He or she shall, in the exercise of his or her sound discretion and to prevent spread of fire and to keep the same under control, raze or destroy any building or property in the path of the fire, when necessary to do so to prevent the spread of the conflagration and to keep same under control. (Prior code § 13-204)

**Section 2.40.050 Fire marshal--Qualifications and duties.**

A. The fire marshal in and for the city shall be responsible to the chief of the fire department for the performance of his or her duties and shall possess the following qualifications. He or she shall:

1. Have had, before appointment, at least three years actual experience with a paid fire department;
2. Have a high school education or equivalent;
3. Be certified in accordance with the laws of the state; and
4. Have such other qualifications as the City Manager may require, which shall be in writing.

B. The fire marshal in and for the city shall perform the following duties. He or she shall:

1. Inspect or cause to be inspected such buildings, premises and other structures in the city where he or she has reason to believe and does believe there exists any condition liable to cause fire or is in violation of the fire code of the city;
2. Have the authority to require and shall order corrections to be made of any condition that is in violation of the fire code of the city, provided that the chief of the fire department shall have co-extensive and concurrent jurisdiction and authority with the fire marshal in matters of fire prevention;
3. Maintain a file of copies of all inspection reports in his or her office, made by him or her or by his or her authority; and
4. Perform all other duties as may be assigned to him or her by the chief of the fire department. (Prior code § 13-205)

**Section 2.40.060 Fire department rules and regulations.**

The chief of the fire department, under the supervision of the City Manager, shall cause to be made such rules and regulations governing and defining the duties and authority of the other officers and members of the fire department. Such rules and regulations shall govern the conduct, authority and duties of the officers and members of

the fire department, except that no rule and regulation shall be promulgated or enforced which is in conflict with the provisions of this chapter, the ordinances of the city, the City Charter, or laws of the state. (Prior code § 13-206)

**Section 2.40.070 Right of ingress and egress.**

The chief of the fire department, or his or her designee, or the fire marshal, shall have the authority at all times, either by day or night, when necessary in the performance of the duties imposed by this chapter, to enter upon the premises or within any building, and inspect the same as herein provided. It is an offense for any person to fail or refuse admission hereunder, or in any way to hinder or prevent the chief of the fire department, the fire marshal, or their designees from entering on any premises for the purpose of inspecting the same as herein provided. (Prior code § 13-207)

**Section 2.40.080 Procedure for elimination of fire hazard.**

Whenever a finding has been made that where any building or any premises or other place is in violation of the fire code as adopted by the city, the same shall be ordered remedied by the fire marshal or chief of the fire department. Such order shall be complied with forthwith by the owner or occupant of the premises or building, or within such period of time as provided by the fire marshal or chief of the fire department, unless an appeal in writing be taken within twenty-four (24) hours to the City Manager who shall, within three days review such and make and file a written decision sustaining, revoking or modifying the order, as may be the case. Where the order is sustained or modified on appeal by the City Manager, such owner or occupant of the premises must then comply with the order as sustained or modified without further delay. Failure to do so shall be and constitute an offense, provided further that each day of violation after the period of time provided for the correction shall be a separate violation. (Prior code § 13-208)

**Section 2.40.090 Removal and injury to property of fire department.**

No person shall willfully and without authority of the City Manager remove, take away or conceal any tools, appliances or other articles belonging to any fire apparatus or the fire department, or anything used in any way by the fire department, nor use any such appliances, articles or apparatus for personal use. No person shall willfully injure in any manner any appliances or other articles, fire apparatus, or any building containing the same, and any violations hereof shall be and constitute a public offense, punishable as all other public offenses as herein provided. Such punishment shall not relieve the person from any civil liability to the city for such acts. (Prior code § 13-209)

**Section 2.40.100 Fire hydrants.**

The chief of the fire department, or his or her designee shall once in each six months determine whether or not the fire hydrants of the city are in proper order and condition, and where it is found that any such fire hydrant is not ready for immediate service, the person making the inspection shall immediately report such fact to the chief of the fire department or his or her designee who shall arrange to make immediate repairs to the hydrant. (Prior code § 13-210)

**Section 2.40.110 Fire hydrants, obstruction or molesting of.**

A. No person shall place or cause to be placed upon or about any fire hydrant any rubbish, building material, fence or other obstruction, of any character whatsoever, nor shall any person fasten to the same any guy rope or brace, nor back or stand a vehicle against any hydrant. Any fence or other obstruction now standing in violation of this section shall be removed by the owner of the adjoining premises or the occupant of the premises to a distance which shall provide a clearance of the fire hydrant so as to provide free access to the fire hydrant within one day after notice served by the fire department to remove the same.

B. No person shall use or cause to be used, or connect any hose or apparatus to or molest any fire hydrant without having secured written permission from the chief of the fire department, which written permission shall specify the hydrant to be used, the length of time and the purpose and conditions under which fire hydrant shall be used. Violating the provisions of this section shall be a public offense. (Prior code § 13-211)

**Section 2.40.120 Fire run contracts outside corporate limits.**

The city is hereby authorized to provide fire and emergency services to persons and property without the corporate limits and charge fees for such services. All contracts and agreements entered into by the city with an individual, owner, firm, private corporation or association for fire and emergency services outside the corporate limits of the city shall provide for the payment therefore by the individual, owner, firm, private corporation or association to the city as follows:

A. For the attendance of apparatus and personnel to the emergency scene, such individual, owner, firm, private corporation or association shall pay to the city a sum as set by the City Council for the first hour in the event that additional apparatus and personnel report to the emergency scene, such individual, owner, firm, or private corporation or association shall pay to the city a sum as set by the city for the first hour of attendance. If any apparatus and personnel attend the emergency scene for a period longer than one hour, then for the attendance of such apparatus and personnel in excess of such hour, such individual, owner, firm, private corporation or association shall pay to the city for such excess period, a sum as set by the City Council.

B. The total amount earned by the attendance of any and all such apparatus and personnel shall be paid to the City Clerk of the city, and the total amount shall be credited to and deposited into the general fund of the city. (Prior Code 13-212).

The rates and fees established by this ordinance may be amended by resolution of the City Council of the City of Sand Springs.  
(1103, Amended, 08/22/2005, Amended 2.40.120)

**Section 2.40.130 Distance of outside fire run.**

The fire department of the city is authorized and directed to make any outside calls, unless, in the opinion of the fire chief, or the assistant chief on duty, it is inexpedient to do so on account of another fire in the city or any other physical condition that may

exist. Nothing herein shall prohibit the chief of the fire department or his or her assistant on duty from dispatching fire or other emergency equipment outside the corporate limits of the city. (Prior code § 13-213)

**Section 2.40.140 Persons at fire.**

Every person at or near a fire who shall conduct himself or herself in a disorderly manner, or neglect or refuse to obey promptly any order of the chief of the fire department or member of such department, shall be guilty of an offense, and shall be forthwith arrested by the chief of the fire department, fire marshal, member of the fire department, or police officer. A member of the police department, if available, shall be on hand at the scene of any and all fires to keep idle and suspicious persons from the immediate vicinity of the fire, and to prevent any and all persons from interfering with or impeding the work of the fire department. The police officer shall aid insofar as possible in protecting all property placed at risk from theft or needless injury, and cooperate with the fire department in every possible way while at the fire. (Prior code § 13-214)

**Section 2.40.150 Acting as state agency.**

The fire department of the city answering any fire alarm or performing any fire prevention services outside of the corporate limits of the city shall be considered an agent of the state, and acting solely and alone in a governmental capacity. The city or any member of the department shall not be liable in damages for any act of commission, omission or negligence while answering or returning from any fire, or reported fire, or doing or performing any fire prevention work under and by virtue of this chapter. (Prior code § 13-215)

**Section 2.40.160 Fire library, information and investigation.**

The chief of the fire department shall maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members. He or she shall see that the citizens of the city are kept informed on fire hazards in the community and on the activities of the fire department. He or she shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of arson shall notify proper authorities and secure and preserve all possible evidence for future use in the case. (Prior code § 13-216)

**Section 2.40.170 Duties incumbent upon all members of the department.**

The duties and obligations set out in this chapter shall be equally incumbent upon all members of the City Fire Department, both paid members and volunteer members unless otherwise specifically set out in this title. (Prior code § 13-217)

**Section 2.40.180 Securing fire scene.**

The chief of the fire department or police officer of the city may empower and authorize some person to guard and protect any goods or property left in an exposed condition by reason of fire and the costs of such guard shall be at the expense of the owner of the goods or property being protected, unless the property owner, in writing, states no guard is required. (Prior code § 13-218)

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## Chapter 2.42

### EMERGENCY MEDICAL SERVICES PROGRAM

#### Sections:

- 2.42.010**     **Definitions.**
- 2.42.020**     **Emergency Medical Service Program.**
- 2.42.030**     **Fire Subscription Service.**
- 2.42.040**     **Nonparticipation Election.**
- 2.42.050**     **Collection of Service Charges.**
- 2.42.060**     **Adjustment of Charges, Appeal.**

#### **Section 2.42.010**   **Definitions.**

For the purpose of this chapter, the following words and phrases shall have meanings respectively ascribed to them by this section.

Director shall mean the Chief Executive Officer of EMSA.

Landlord shall mean any person, company, corporation, or other entity which owns or manages residential living units and leases the residential living units to Tenants and is responsible for payment of the utility bills for the living units.

Emergency Medical Service Program shall mean the products, expertise, equipment, and costs associated with EMSA providing medical treatment to a patient, including but not limited to the EMSAcare Program," billed monthly on the water customer's utility bill and shall additionally refer to the First Responder Services provided by the City of Sand Springs. (New section by Ord 1145, adopted 05/14/07; Amended by Ord 1255, adopted 07/14/14)

EMSA Subsidy represents an amount assessed by EMSA to the City of Sand Springs, annually, to cover the cost of uninsured and Medicare patient costs that are not fully reimbursed by the federal government.

Fire Subscription Service shall refer to a voluntary fire protection plan offered by the Sand Springs Fire Department within the service area of the Fire Department but outside the city limits.

Multifamily residential shall mean two (2) or more residential living units and served by one (1) water service connection.

Program Year shall be from July 1 through June 30 of the next calendar year. Each Program Year shall be designated by the calendar year in which the program year expires (e.g., July 1, 2007, through June 30, 2008, shall be designated Program Year 2008).

Single-family residential shall mean one (1) residential living unit served by one (1) or more water service connections.

Tenant shall mean everyone not included as a water customer or a landlord.

Water customer shall include all individuals permanently residing together in a residential living unit at a specific location, which living unit has water service billed directly to one (1) of the individuals residing in the living unit. (New section by Ord 1145, adopted 05/14/07)

**Section 2.42.020 Emergency Medical Service Program.**

A. Every single-family residential and multifamily residential water customer of the City shall be included in the Emergency Medical Service Program, unless they affirmatively decline participation in the program in the manner set forth herein, or are excluded from the program by the Fire Chief.

B. Single-family residential water customers participating in the program shall have included within their water utility bill a fee established by resolution or established as a part of the City's annual budget.

C. Multifamily residential water customers and landlords shall provide to the Director, on or before May 31 of the year immediately prior to the beginning of a Program Year, the total number of residential living units owned or operated by the person or entity providing the report, which shall be used to determine the occupancy figure set out in Subsection B, above. There is a rebuttable presumption that eighty-five percent of the total number residential living units served solely by a single water connection are occupied.

D. The Fire chief is authorized to exclude those customers or areas in which the City does not provide first responder services, and is authorized to negotiate and present to the City Manager proposed contracts for mutual aid, mutual billing or cooperative agreements for other rural fire and or rural water service areas. (New section by Ord 1145, adopted 05/14/07)

**Section 2.42.030 Fire Subscription Service.**

A. Every single-family residential and multifamily residential water customer outside the corporate limits of the City shall be included in the Fire Subscription Service, unless they affirmatively decline participation in the program.

B. Any water customer who desires not to participate in the Fire Subscription Service for the next Program Year shall sign and file a declaration of nonparticipation, on forms prescribed and approved by the Fire Chief, prior to June 30 immediately preceding the beginning of the next Program Year, or upon opening a water service account at a residential address.

C. In addition to the above fees, the Fire Chief and City Manager are authorized to establish reasonable voluntary subscription fees for non-residential uses outside the City. (New section by Ord 1145, adopted 05/14/07)

#### **Section 2.42.040 Nonparticipation Election.**

A. Any water customer or landlord who desires not to participate in EMSAcare for the next Program Year shall sign and file a declaration of nonparticipation, on forms prescribed and approved by the Director, prior to June 30 immediately preceding the beginning of the next Program Year, or upon opening a water service account at a residential address. A water customer who does not participate in the program shall remain out of the program until the customer affirmatively elects to join the program for the next Program Year prior to June 30 immediately preceding the beginning of the next Program Year. (New section by Ord 1145, adopted 05/14/07; Amended by Ord 1255, adopted 07/14/14)

B. If a landlord or multifamily residential water customer elects for a property not to participate in the EMSAcare Program, the landlord or multifamily residential water customer shall obtain from each tenant a written and signed acknowledgment stating that the tenant (1) understands that the property being leased by the tenant is not included in the EMSAcare Program; (2) understands that he/she may affirmatively elect to personally participate in the EMSAcare Program by contacting the Director and enrolling in the Program; (3) understands failure to participate in the EMSAcare Program will subject the tenant or water customer to the full fee for the costs associated with their treatment; (4) states the basic cost for an emergency ambulance transport run for the Program Year; and (5) acknowledges that he or she has received the telephone number and mailing address of the Director for the purposes of participating in the EMSAcare Program, if desired. The written and signed acknowledgment described herein shall be maintained in the landlord's records and available for inspection. (New section by Ord 1145, adopted 05/14/07; Amended by Ord 1255, adopted 07/14/14)

C. Failure to obtain and maintain on file the written acknowledgment from each tenant shall be a separate violation of this section. In addition, every thirty (30) day period from the beginning of a lease until written acknowledgment is received or the landlord elects for a property to participate in the program shall constitute a separate offense for each tenant affected. (New section by Ord 1145, adopted 05/14/07)

#### **Section 2.42.050 Collection of Service Charges.**

A. The service charges herein established for the use of Emergency Medical Service Program shall be billed to each water customer monthly, along with the bill for water and other City utility services and such penalties as are now or may hereafter be established for water service bills, and shall carry the same due date as now or may hereafter be established for water service bills.

B. In the event any person, firm, or corporation shall tender as payment of water service, Emergency Medical Service Program, sanitary sewer, nuisance abatement fees, sanitary sewer service, collection of solid waste, and/or service charges for the use of the City's stormwater drainage system an amount insufficient to pay in full all of the charges so billed, credit shall be given first to the charges for fees, penalties or any unpaid amounts of any kind owed the City, second for deposit, third to the service charge for the use of the City's stormwater drainage system, fourth to the charges for collection of solid waste, fifth to the charge for the Emergency Medical Service Program, sixth to any sanitary sewer fees, seventh to the charge for Fire Subscription Services, and lastly to the charges for water services.



C. In the event any utility account shall become delinquent, services may be terminated by the City until all delinquent charges shall be paid in full. The provisions for collection of charges provided herein shall be in addition to any rights or remedies which the City may have under the laws of the State of Oklahoma.

D. In addition to the established fees, the City shall bill and collect any amounts covered by insurance for fire and ambulance costs for both inside and outside city services, in addition to any fees set forth herein.

E. Disbursement of funds by the City to EMSA shall be upon the basis agreed to and approved through the annual budget process, or by subsequent budget amendments approved by the City Council. (New section by Ord 1145, adopted 05/14/07)

**Section 2.42.060 Adjustment of Charges, Appeal.**

Any person who considers the EMSAcare charges created herein to be inaccurate or erroneous may request review thereof by the Director. In addition, any landlord who encounters special circumstances that would justify modifying the number of occupied units determined in accordance with the provisions of Section 2.42.020, such as fire, Act of God, or renovations, may request review thereof by the Director. The determination by the Director may be appealed to the EMSA Medical Board by written notice of appeal filed with the Director within ten days of the Director's determination. The decision of the Board may be appealed to the City Council by such person or by the Director by written notice of appeal filed with the City Clerk within ten days of decision by the Board. (New section by Ord 1145, adopted 05/14/07; Amended by Ord 1255, adopted 07/14/14)

## Chapter 2.44

### CITY PLANNING COMMISSION

#### Sections:

- 2.44.010 Membership.**
- 2.44.020 Election.**
- 2.44.030 Qualifications.**
- 2.44.040 Terms.**
- 2.44.050 Compensation.**
- 2.44.060 Rules and procedure.**
- 2.44.070 Duties.**
- 2.44.080 Removal from commission membership--Absence from meetings.**

#### **Section 2.44.010 Membership.**

The membership of the City Planning Commission of the city is set at seven members. One member of the council of the city shall be appointed to serve as one of the members of the commission. (Prior code § 12-101)

#### **Section 2.44.020 Election.**

Each member of the commission shall be nominated by a councilmember of the city council. The nomination shall be seconded by a councilmember of the city council and the nominee' s name shall then be put to a vote of the council of the city. The nominee must be appointed to membership in the commission by a majority vote of the council of the city. (Prior code § 12-102)

#### **Section 2.44.030 Qualifications.**

At no time shall more than two residents of any ward serve upon the commission as a member thereof, except the ward of any council member serving shall not count toward this limitation. (Prior code § 12-103; 1266, eff. 07/13/2015)

#### **Section 2.44.040 Terms.**

A. On the first appointment of full membership hereunder, the members of the commission shall be appointed to serve terms as follows:

1. Members appointed to posts five and six shall be appointed for a term of one year;
2. Members appointed to posts three and four shall be appointed for a term of two years;
3. Members appointed to posts one and two shall be appointed for a term of three years; and
4. Members appointed to all posts thereafter, shall be appointed for terms of three years.

B. Each member appointed shall serve until his or her qualified successor is appointed. In the event of a member vacating or being removed from his or her appointment, the council shall appoint his or her replacement in the same manner as other members are appointed and the replacement member shall serve only the unexpired term of the member whom he or she replaced. (Prior code § 12-104)

**Section 2.44.050 Compensation.**

No member of the commission shall receive any item, money or thing of value for his or her services as a member of the commission and all members shall serve without pay. (Prior code § 12-105)

**Section 2.44.060 Rules and procedure.**

The members of the commission shall create the rules and regulations under and by which the commission shall function and shall determine and elect its officers and prescribe such officer' s duties. Commission shall determine all orders of business before the commission and shall set and determine dates and places of such meetings, both regular and special, as they may deem necessary. A majority of a quorum must vote aye or nay and a minimum number of four votes must be cast on each motion properly before the commission for action or such motion shall not carry or be denied. (Prior code § 12-106)

**Section 2.44.070 Duties.**

The City Planning Commission shall be responsible for the administration of the planning and zoning ordinances of the city and shall have all powers and functions as provided in state statutes relating to City Planning Commissions. (Prior code § 12-107)

**Section 2.44.080 Removal from commission membership--Absence from meetings.**

A. Any commission member, upon written charges and after public hearing, may be removed by the appointing council for any one of the following causes:

1. Actions and conduct unbecoming to a public official of the city; or
2. Repeated acts and conduct detrimental to the peace, health, safety and welfare of the citizens of the city.

B. If any member of the City Planning Commission is absent from more than four consecutive regular meetings or two-thirds of all the regular and special meetings of the City Planning Commission, held within any period of six consecutive calendar months, or moves from the ward from which he or she was appointed by the ward councilmember, he or she shall thereupon automatically cease to hold office without hearing or action by the council and his or her replacement shall be appointed by the council.

C. Members of the City Planning Commission shall not hold any other office including membership on their governing boards, except the councilmember thereon. (Prior code § 12-108, 1185 amended 06/22/2009)

## Chapter 2.48

### REGIONAL PLANNING COMMISSION

#### Sections:

- 2.48.010 Purpose and necessity.
- 2.48.020 Nature of regional plan.
- 2.48.030 Future tracts coming within three mile regional limit.
- 2.48.040 Membership.
- 2.48.050 Compensation.
- 2.48.060 Procedures.
- 2.48.070 Powers.
- 2.48.080 Review of plans, plats, private roadway requirements.
- 2.48.090 Public hearings required.
- 2.48.100 Fees.
- 2.48.110 Applications.
- 2.48.120 Enforcement.

#### **Section 2.48.010 Purpose and necessity.**

The purpose of this chapter shall be to assure the orderly and beneficial development of the regional area surrounding the city; to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, schools, parks and other public requirements; and with a view to conserving the value of buildings and to encourage the most appropriate use of land throughout the regional area. (Prior code § 12-201)

#### **Section 2.48.020 Nature of regional plan.**

A. The provisions of this chapter shall apply to all land outside of the incorporated limits of the city and within the area between the core or urbanized incorporated limits and the perimeter or fence line annexed strip and which all are within three miles of an area incorporated within the corporate limits of the city which include the following areas:

1. All those parts of the following described lands not presently within the corporate limits of the City of Sand Springs, Oklahoma:

OSAGE COUNTY: Section 1; Section 2; Section 3; Section 4; Section 5; Section 6; Section 7; Section 8; Section 9; Section 10; Section 11; Section 12; Section 13; Section 14; Section 15; Section 16; Section 17; Section 18; Section 19; Section 20; Section 21; Section 22; Section 23; Section 24; Section 25; Section 26; Section 27; Section 28; Section 29; Section 30; Section 31; Section 32; Section 33; Section 34; Section 35; Section 36; all in Township Twenty (20) North, Range Eleven (11) east, and Section 1; Section 2 less the Northwest Quarter (NW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) thereof; Section 3 less the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) thereof;

Section 4 less the Northwest Quarter (NW $\frac{1}{4}$ ) thereof; Section 9; Section 10; Section 11; Section 12; Section 13; Section 14; Section 15; Section 16 East of the centerline of the Arkansas River; Section 21 East of the centerline of the Arkansas River; Section 22; Section 23; Section 24; Section 25; Section 26; Section 27; Section 28; Section 29 East of the centerline of the Arkansas River; Section 32 East of the centerline of the Arkansas River; Section 33; Section 34; Section 35; and Section 36, all in Township Twenty (20) North, Range Ten (10) East, and Section 15; Section 16; Section 17; Section 18; Section 19; Section 20; Section 21; Section 22; the West Half (W $\frac{1}{2}$ ) of Section 23; Section 25; Section 26; Section 27; Section 28; Section 29; Section 30; Section 31; Section 32; Section 33; Section 34; Section 35; Section 36, all in Township Twenty-one (21) North, Range Eleven (11) East, and Section 13; Section 24; Section 25; and Section 36, all in Township Twenty-one (21) North, Range Ten (10) East, and

TULSA COUNTY: The East Half (E $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 9; the North Half (N $\frac{1}{2}$ ) of Section 10; the North Half (N $\frac{1}{2}$ ) of Section 11; Section 12 North of the centerline of the Arkansas River, all in Township Nineteen (19) North, Range Ten (10) East, and Section 1; Section 2; Section 3; Section 4; Section 5; Section 6; Section 7; Section 8; Section 9; Section 10; Section 11; Section 12; Section 13 less the East Half (E $\frac{1}{2}$ ) of the East Half (E $\frac{1}{2}$ ) thereof; Section 14; Section 15; Section 16; Section 17; Section 18; Section 19; Section 20; Section 21; Section 22; Section 23; Section 24; the North Half (N $\frac{1}{2}$ ) and the North Half (N $\frac{1}{2}$ ) of the South Half (S $\frac{1}{2}$ ) of Section 25; the North Half (N $\frac{1}{2}$ ) and the North Half (N $\frac{1}{2}$ ) of the South Half (S $\frac{1}{2}$ ) of Section 26; Section 27; Section 28; Section 29; the North Half (N $\frac{1}{2}$ ) of the North Half (N $\frac{1}{2}$ ) and the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) and the East Half (E $\frac{1}{2}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 30; the East Half (E $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 31; the North Half (N $\frac{1}{2}$ ) and the East Half (E $\frac{1}{2}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 32; Section 33; and the West Half (W $\frac{1}{2}$ ) of Section 34, all in Township Nineteen (19) North, Range Eleven (11) East, and the West Half (W $\frac{1}{2}$ ) and the West Half (W $\frac{1}{2}$ ) of the West Half (W $\frac{1}{2}$ ) of the East Half (E $\frac{1}{2}$ ) of Section 6; that part of the West Half (W $\frac{1}{2}$ ) of Section 7 North of the centerline of the Arkansas River; the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) and the West Half (W $\frac{1}{2}$ ) of the West Half (W $\frac{1}{2}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) and the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) and the South Half (S $\frac{1}{2}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) and the South Half (S $\frac{1}{2}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) and the South Half (S $\frac{1}{2}$ ) of the North Half (N $\frac{1}{2}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) and the North Half (N $\frac{1}{2}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 7, all in Township Nineteen (19) North, Range Twelve (12) East.

B. These provisions shall govern the location, use, size and design of public buildings, statues, memorials, parks, parkways, boulevards, playgrounds, public grounds or bridges and other public structures and improvements, and the area and open spaces about buildings or structures; and the approval or rejection of all plans, plats, or replats of land laid out in lots or plats and the streets, alleys or other portions of lands intended to be dedicated to public or private use within said regional district. (Prior code § 12-202)

**Section 2.48.030 Future tracts coming within three mile regional limit.**

Whenever any lot, parcel or tract of land, without three miles of the corporate limits of the city, which by annexation or otherwise comes within three miles of the corporate limits of the city, the area or tract of land upon coming within the area shall become subject to all provisions of this chapter. (Prior code § 12-203)

**Section 2.48.040 Membership.**

Membership of the regional planning commission of the city is hereby set as follows:

A. The mayor of the city, the City Engineer, the chairperson of the board of Tulsa and Osage County Commissioners and the Tulsa and Osage County Engineers shall all serve as ex officio members of the board; and

B. The City Planning Commission shall all serve as regular members. (Prior code § 12-204)

**Section 2.48.050 Compensation.**

No member of the regional planning commission shall receive any item, money or thing of value for his or her services as a member of the board and all members shall serve without pay. (Prior code § 12-205)

**Section 2.48.060 Procedures.**

The members of the regional planning commission shall create the rules and regulations under and by which the commission shall function and shall determine and elect its officers, prescribe such officers' duties, and hire employees as authorized by state statutes. The commission shall determine all orders of business before the commission and shall set and determine dates and places of such meetings, both regular and special, as they may deem necessary. (Prior code § 12-206)

**Section 2.48.070 Powers.**

A. The regional planning commission of the city shall be responsible for the development and betterment of such regional district and to that end make or cause to be made surveys, maps and plans.

B. Before final action shall be taken by any individual, corporation, business entity, municipal or county government or department thereof on the location and design of any public building, statue, memorial, park, parkway, boulevard, playground, public grounds or bridge, within such regional district, the location and design of the aforesaid shall be investigated and reported upon by the regional planning commission.

C. Before the filing of any plans, plat or replat of land laid out in lots or plats, all the plans, plats or replats shall first be submitted to the regional planning commission for consideration and approval. To this end the regional planning commission may make or cause to be made regulations governing the location, construction standards and size of streets, alley, utility right-of-ways or other portions of such lands intended to be dedicated to public or private use.

D. In addition to the powers herein granted, the regional planning commission shall have all powers, authority and functions as provided by state statutes relating thereto. (Prior code § 12-207)

**Section 2.48.080 Review of plans, plats, private roadway requirements.**

A. All plans, plats or replats of land laid out in lots or blocks, and the streets, alleys, or other portions of the same intended to be dedicated to public or private use, within such regional district, shall first be submitted to the regional planning commission and approved by it before it shall be entitled to record in the office of the County Clerk. It is unlawful to receive or record any such plat, plan or replat in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the regional planning commission. The disapproval of any such plan, plat or replat by the regional planning commission shall be deemed a refusal of the proposed dedication shown thereon.

B. In the areas of rural land in the regional district not served by water and sewer facilities by the city or other governmental entity, the use of private roadways in either platted or unplatted areas shall be recognized and authorized and building permits to property owners abutting upon the private roadways shall be issued without complying with standards as provided for dedicated streets under the following conditions:

1. The private roadway easement shall be at least fifty (50) feet in width;
2. The property abutting the private roadway shall contain not less than two acres;
3. The property shall be more than one-fourth mile from sewer and water facilities furnished by the governmental entity;
4. The private roadway shall not be dedicated to the public but reserved for future dedication and, until such future dedication, be the private roadway of the abutting property owners;
5. The private roadway shall be maintained by the owners of the property within the subdivision;
6. No municipality or county shall have responsibility for the maintenance and repair of the private roadway;
7. If the property is platted, there shall be shown on the face of the plat, clearly conspicuous, a notice that the streets and drives have not been dedicated to the public, and that the streets shall be maintained by the private property owners within the subdivision, but that the streets shall always be open to police, fire, and other official vehicles of all state, federal, county and municipal agencies;
8. Every deed shall clearly acknowledge that the roadway is private and not maintained by any municipality or county;

9. Prior to the sale of any parcel in the subdivision, a conspicuous sign shall be posted at the entrance to the subdivision: "Private roadway not maintained by \_\_\_\_\_ (the municipality or county)." At any time after use of such private roadway is recognized and authorized pursuant to law, a petition of at least sixty (60) percent of the owners, in area, to improve and dedicate the street shall bind all of the owners thereby to permanently improve the street or roadway in compliance with the applicable requirements of the municipality or county. All other ordinances and planning commission regulations pursuant to the provisions of this chapter relating to subdivisions not in conflict herewith shall be applicable in such cases. The provisions of any ordinance, planning commission regulation or statute relating to subdivisions which are in conflict with this section are hereby superseded; and

10. The planning commission may require the developer of such property to reserve appropriate utility easements for water, sewer and any other utility installations as may be required for present and future development. (Prior code § 12-208)

### **Section 2.48.090 Public hearings required.**

A. The council of the city may by ordinance amend, change or repeal this chapter or any part thereof. Before the council shall amend, change or repeal this chapter or any part thereof, it shall request the regional planning commission to submit its recommendation on such proposed amendment, change or repeal. Such recommendation shall be made after not less than one public hearing thereon, which hearing may be adjourned from time to time. After considering the commission's recommendation at public hearing, for which public notice shall be given, the council may approve the recommendation in whole or in part, or return the recommendation to the commission for further consideration.

B. The commission may, upon its own initiative, hold at least one public hearing on any proposed amendment, change or repeal of this chapter or any part thereof and any recommendations therefrom shall be by resolution transmitted to the council. The council shall consider and act upon such recommendation in the same manner as herein set forth for recommendations requested by the council.

C. Notices of public hearing as herein required shall consist of one publication of notice in a newspaper of general circulation in the city, not less than fifteen (15) days, but not more than thirty (30) days prior to such public hearing. The notice as herein referred shall state in terms certain, the nature of the proposed amendment, change or repeal of this chapter or any part thereof and the time and place of the public hearing. (Prior code § 12-209)

### **Section 2.48.100 Fees.**

Upon the filing of an application for action by the regional planning commission, the property owner or his or her duly authorized representative shall pay a filing fee equal to the fee charged for similar applications inside the city limits. The fee shall be paid to the commission by payment of the fee to the City Clerk, all of the fees to be credited to the general fund of the city. (Prior code § 12-210)



**Section 2.48.110 Applications.**

Every application for action by the regional planning commission shall be accompanied by a plat showing the shape and dimensions of the lot to be built upon, the exact size and location on the lot of existing buildings and structures, and the lines within which the proposed building or structure shall be erected or altered, the shape, size and location of all streets, alleys or other public or private dedications, the proposed location and type of water supply and sewage disposal facilities, and such other information with regard to the lot and neighboring lots and their use as may be necessary to determine if such plat indicates a betterment and beneficial development of the area platted, including the location and design of public buildings and structures. (Prior code § 12-211)

**Section 2.48.120 Enforcement.**

The provisions and requirements of this chapter shall be enforced by the director of the department of community development of the city. The director shall be empowered to cause any building, structure, or lot, parcel or tract of land to be inspected and examined and to order in writing the remedying of any condition found to exist therein, or thereon, in violation of any provision of this chapter, or requirement or regulation of the regional planning commission. After such order has been delivered to the violator or posted on the premises where such violation exists, no work or use shall proceed on or in any building, other structure, or on any lot, parcel or tract of land covered by such order, except to correct such violation or to comply with an order of the city. No tract, lot or parcel of land or building or structure in violation hereof shall be served with any utility service or other county or municipal service provided by the city or the Sand Springs Municipal Authority or any other county or municipality. (Prior code § 12-212)

## Chapter 2.52

### BOARD OF HEALTH

#### Sections:

**2.52.010 Board of health created.**

**2.52.020 Inspections.**

**2.52.030 Notices and orders of board of health and services thereof.**

#### **Section 2.52.010 Board of health created.**

A. The City Council shall be ex officio and shall constitute, compose and be the City Board of Health.

B. It is the duty of the board of health to examine into and consider all measures necessary to the preservation of the public health of the city, and to see that all laws, ordinances and regulations in relation thereto are properly observed.

C. The board of health shall, after advice from the health officer, have power to prescribe reasonable rules and regulations, and to examine into and consider all measures necessary to the preservation of the public health of the city and pursuant to the authority of state statutes; the city hereby delegates to the Tulsa City-County Health Department the authority to enforce ordinances, rules and regulations of the city and all state laws, rules and regulations of the State Health Department relating to public health. (Prior code § 8-101)

#### **Section 2.52.020 Inspections.**

It is the duty of the board of health to make or cause to be made an inspection of the city as often as it may deem necessary for the purpose of examining the sanitary conditions of the city. The board of health or health officer and all its members severally, or any person acting under its direction, shall have authority to enter into and examine at any time, any buildings, places and premises for the purpose of ascertaining the conditions thereof, so far as the public health may be affected thereby, and is necessary for the performance of any duty involving the board of health or any of its members. (Prior code § 8-102)

#### **Section 2.52.030 Notices and orders of board of health and services thereof.**

All notices and orders of the board of health shall be on forms provided for that purpose, and may be served by a member of the inspections department of the city or other person authorized for that purpose by the City Council. Any such officer of the city hereby authorized to serve orders shall have the powers of a peace officer in the performance of his or her duties. (Prior code § 8-103)

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## Chapter 2.56

### BOARD OF ADJUSTMENT

#### Sections:

- 2.56.010 Establishment of board of adjustment.**
- 2.56.020 Powers of the board.**
- 2.56.030 Proceedings of the board.**
- 2.56.040 Notice of public hearing.**
- 2.56.050 Fees.**
- 2.56.060 Appeals from the building inspector.**
- 2.56.070 Interpretation.**
- 2.56.080 Variances.**
- 2.56.090 Special exceptions.**
- 2.56.100 Appeals to the district court.**

#### **Section 2.56.010 Establishment of board of adjustment.**

A. There is hereby established a board of adjustment of the city with the powers and duties hereinafter set forth. The board of adjustment shall consist of five members who shall be residents of the city. Appointments of the members shall be made by the City Council. Each member shall serve without pay for a term of three years. Vacancies shall be filled for an unexpired term of any member in the manner set forth for appointments to a full term.

B. A board member, upon written charges and after public hearing, may be removed by the council for any one of the following causes:

1. Actions and conduct unbecoming to a public official of the city; and
2. Repeated acts and conduct detrimental to the peace, health, safety and welfare of the citizens of the city.

C. If any member of the board of adjustment is absent from more than two consecutive regular meetings or two-thirds of all the regular and special meetings of the board of adjustment, held within any period of six consecutive calendar months, he or she shall thereupon automatically cease to hold office without hearing or action by the council and his or her replacement shall be appointed by the council.

D. Members of the board of adjustment shall not hold any other office in the city government including membership on their governing boards. (Ord 1183 06/08/2009)

E. The board shall organize, elect its chairperson, vice-chairperson, and secretary and adopt rules necessary to the conduct of its affairs. (Prior code § 12-301)

#### **Section 2.56.020 Powers of the board.**

The board shall have the power to hear appeals from the determinations of the building inspector in enforcing this code, to grant special exceptions, to grant variances, and to make interpretations of the zoning map and text, in accordance with the substantive and procedural standards hereinafter set forth. (Prior code § 12-302)

**Section 2.56.030 Proceedings of the board.**

Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings, deliberations, and voting of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. In all matters, the board shall decide within ninety (90) days after the filing of an application for relief. The quorum, notice, filing and substantive requirements of the board shall be as set forth in the following sections concerning the board's exercise of a particular power. (Prior code § 12-303)

**Section 2.56.040 Notice of public hearing.**

A. The board of adjustment shall give fifteen (15) full days public notice, except for written notice which shall require ten (10) full days, and conduct a public hearing before acting on any appeal from a determination of the building inspector or before granting any special exception or variance, except for a minor variance or minor special exception, as the board has set forth in an adopted statement of policy constituting a minor variance or minor special exception, and which statement of policy has been approved by the City Council, after receiving prior review and recommendation of the planning commission.

B. The board shall give notice of public hearing on any minor variance or minor special exception as provided in this section.

C. Whenever notice of public hearing is required, the notice shall be given as follows:

1. By publication in a newspaper of general circulation; and
2. By mailing written notice to all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property ten (10) full days prior to the date of the public hearing. All written notice shall be given by certified mail.

D. The notice shall contain:

1. The legal description of the property and the street address or approximate location of the property;
2. The present zoning classification of the property and the nature of the relief sought; and
3. The date, time and place of the hearing.

E. The applicant shall be responsible for mailing the written notice to all owners of the property within a three hundred (300) foot radius of the exterior boundary of the subject property, and shall be responsible for the accuracy thereof. Any action taken by the board of adjustment on an application at a public hearing shall become null and void if the applicant fails to comply with requirements set forth in this section on notice of public hearing. (Prior code § 12-304)

**Section 2.56.050 Fees.**

An application for an appeal from the building inspector, variance, or special exception shall be accompanied by the payment of a fee as set by the City Council by motion or resolution. (Prior code § 12-305)

**Section 2.56.060 Appeals from the building inspector.**

A. An appeal to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureaus of the city affected, where it is alleged there is error in any order, requirement, decision or determination of the building inspector in the enforcement of the zoning regulations of the city.

B. An appeal shall be taken within ten (10) days from the determination complained of by filing with the building inspector and with the secretary of the board a notice of appeal, specifying the grounds thereof. The building inspector, upon receipt of notice, shall transmit to the secretary of the board and the City Clerk certified copies of all the papers constituting the record of the matter. Upon receipt of the record, the secretary shall cause an investigation to be made upon the appeal and shall set the matter for public hearing.

C. The board shall hold the public hearing. The board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The board shall make its decision within thirty (30) days after the final hearing, and the decision shall be in writing and filed of record in the office of the City Clerk. The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision, or determination of the building inspector. A decision of the board shall not become final until the expiration of fifteen (15) days from the date such decision is made, unless the board shall find the immediate taking of the decision is necessary for the preservation of property or personal rights and shall so certify on the record.

D. An appeal stays all proceedings in furtherance of the action appealed from, unless the building inspector from whom the appeal is taken certifies to the board of adjustment, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would in his or her opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the board or by the court of proper jurisdiction on due and sufficient cause shown. (Prior code § 12-306)

**Section 2.56.070 Interpretation.**

A. The board shall interpret the text of the zoning regulations or the official zoning map upon an appeal from a determination of the building inspector after compliance with the procedural standards of Section 2.56.060 of this chapter.

B. Where a question arises as to the zoning district classification of a particular use, the board of adjustment, upon written request of the building inspector, may find and determine the classification of the use in question and may, prior to such determination, order the giving of notice and hold a public hearing. (Prior code § 12-307)

**Section 2.56.080 Variances.**

A. The board of adjustment, upon application, and after notice and public hearing, and subject to the procedural and substantive standards hereinafter set forth, may grant such variance from the terms of this code as will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the city's zoning regulations, or the comprehensive plan, where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition, or circumstance peculiar to a particular property, the literal enforcement of the zoning regulations will result in unnecessary hardship. The board shall not vary any jurisdictional requirement, such as notice, when it is required. The board shall not permit by variance a principal use not otherwise permitted in the applicable district, it being the expressed spirit and intent of the zoning regulations that a change of the permitted principal uses shall be made by ordinance amendment of the zoning code or official zoning map.

B. A request for a variance shall be initiated by the filing of an application with the city and shall be set for public hearing by the secretary in accordance with the rules established by the board.

C. The board shall hold the public hearing and, upon the concurring vote of three members, may grant a variance after finding:

1. That by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure, or building involved, the literal enforcement of the terms of the zoning code would result in unnecessary hardship;

2. That such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and

3. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code, or the comprehensive plan.

D. The board in granting a variance shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

E. A variance which has not been utilized within two years from the date of the order granting the variance shall thereafter be void. For the purpose of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion. (Prior code § 12-308)

**Section 2.56.090 Special exceptions.**

A. The board of adjustment, upon application, and after notice and public hearing, and subject to the procedural and substantive standards hereinafter set forth, may grant the following special exceptions:

1. Special exception uses as designated and regulated within the permitted use provisions of the zoning districts;

2. The change of a nonconforming use as provided in Section 13.03(6), Chapter 13, Nonconformities, in the zoning code;

3. The restoration of a partially destroyed structure containing a nonconforming use as provided in Section 13.03(7), Chapter 13, Nonconformities, in the zoning code;

4. The restoration of a partially destroyed nonconforming structure as provided in Section 13.06, Chapter 13, Nonconformities;

5. The modification of a screening requirement, as provided in Section 2.14, Chapter 2, District Provisions, General; and

6. Off-street parking use of property located within a residential district, when the property is abutting an office, commercial, or industrial district.

B. A request for a special exception shall be initiated by the filing of an application with the city and shall be set for public hearing by the secretary in accordance with the rules established by the board.

C. The board of adjustment shall hold the public hearing and, upon the concurring vote of three members, may grant the special exception after finding that the special exception will be in harmony with the spirit and intent of the zoning code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The board in granting a special exception shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bonds as it may deem necessary to enforce compliance with the conditions attached.

D. A special exception which has not been utilized within two years from the date of the order granting same shall thereafter be void. For the purpose of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion. (Prior code § 12-309)

### **Section 2.56.100 Appeals to the district court.**

A. An appeal from any action, ruling, decision, judgment, or order of the board of adjustment may be taken by any person or persons aggrieved, or any taxpayer or officer, department, board, or bureau of the city to the district court, by filing with the City Clerk and with the secretary of the board within ten (10) days from the date of such action, a copy of the petition of appeal as filed in the district court of the county wherein the land is located, which shall specify the grounds of such appeal. No bond shall be required for such appeal unless ordered by the district court. Upon filing of the copy of the petition with the City Clerk, the City Clerk shall transmit to the court clerk of the county the original or certified copies of all the papers constituting the record in the case, together with the order, decision or ruling of the board. The case shall be heard and tried de nova in the district court of the county wherein the land is located. An appeal shall lie from the action of the district court as in all other civil actions. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings. Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence or in bad faith, or with malice in making the decision being appealed.

B. An appeal to the district court stays all proceedings in furtherance of the action appealed unless the chairperson of the board certifies to the court clerk, after a copy of the petition of appeal is filed with the City Clerk, that by reasons of fact stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the district court. (Prior code § 12-310)



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## Chapter 2.60

### JOINT AIRPORT ZONING BOARD

#### Sections:

**2.60.010 Joint airport zoning board policy.**

**2.60.020 Joint airport zoning board city members.**

#### **Section 2.60.010 Joint airport zoning board policy.**

The mayor and council of the city, acting in their official capacity for the city, under the terms and provisions of state statutes relating to aircraft and airports, deem it necessary in the interest of public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented and that the airport hazard area appertaining to the Sand Springs Municipal Airport located in Osage and Tulsa Counties, should be zoned. (Prior code § 12-401)

#### **Section 2.60.020 Joint airport zoning board city members.**

In accordance with the terms and conditions of the statutes of the state, the mayor and council are empowered and directed to appoint two persons to act jointly with other persons as provided by the statutes, as a board to be known as the joint airport zoning board of the Sand Springs Municipal Airport in Osage and Tulsa Counties. These persons shall, before entering upon the duties of their office, take and subscribe to the constitutional and statutory oaths of office provided for in the constitution and statutes of the state, after which they shall have all of the powers and duties provided by the "Airport Zoning Act" of the state. (Prior code § 12-402)

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## Chapter 2.64

### PARK AND RECREATION BOARD

#### Sections:

- 2.64.010 Control and Management of City Park Property and Facilities**
- 2.64.020 Parks and Recreation Advisory Board Appointed**
- 2.64.030 Election of Officers, Meetings, Quorum**
- 2.64.040 Duties**
- 2.64.050 Members Not to Hold Other Office**
- 2.64.060 Removal of Members**

#### **Section 2.64.010 Control and Management of City Park Property and Facilities**

All public park properties and recreation facilities within the jurisdiction of the City of Sand Springs, Oklahoma, including the municipal golf course, together with all property or facilities which may be hereafter acquired or used for park and recreation purposes, shall be under the management, care and control of the City Council. (1030, amended 08/12/2002; 1128, amended 04/10/2006)

#### **Section 2.64.020 Parks and Recreation Advisory Board Appointed**

The City Council shall appoint a Parks and Recreation Advisory Board consisting of seven (7) members, all of whom shall be residents of the City. The council shall select one council member to serve and the remaining six council members shall make one advisory board appointment each from within the city limits. Each appointive Board member shall serve for a term to run concurrently with the term of the Council member making their appointment, however, upon the council selection of a council member for the board, any member previously selected by that member shall cease service, unless reappointed. The City Council may remove an appointive Board member and may fill vacancies for unexpired terms. (1030, amended, 08/12/2002; 1128, amended, 04/10/2006)

#### **Section 2.64.030 Election of Officers, Meetings, Quorum**

Every year, at the time prescribed for the beginning of the term for new members, or as soon as is practicable thereafter, the Parks and Recreation Advisory Board shall elect a Chairman, Vice Chairman and Secretary.

The Board shall determine the time and place of its regular monthly meetings, and the Chairman or any four (4) members may call special meetings of the Board.

A majority of a quorum must vote aye or nay on each motion properly before the Board for action or such motion shall not carry or be denied. (1030, amended, 08/12/2002)

### **Section 2.64.040 Duties**

The duties of the Parks and Recreation Advisory Board shall be as follows, to wit:

(A) Consider and recommend for City Council approval, acceptance, acquisition or disposal of park property, both real and personal;

(B) Consider and recommend for City Council approval, future improvements to park property, both real and personal, and provide an estimate of the capital needs;

(C) Consider and recommend for City Council approval, adoption or repeal of park rules and regulations; and,

(D) Consider and recommend for City staff implementation of park and recreation events and programs.

(E) Consider and recommend for City Council and/or Municipal Authority approval, the following concerning the municipal golf course:

(a) Recommendations concerning accomplishing the various elements of the Golf Course Master Plan.

(b) Recommendations regarding overall objectives for management of the golf course.

(c) Recommendations regarding Green Fees and Cart Rental Fees.

(d) Recommendations regarding the long term use, and general improvement or rehabilitation of the Golf Course facility including the Pro Shop, adjoining buildings, grounds, parking areas, sheds, etc.

(e) Recommendations regarding requirements and qualifications for the Head Golf Professional and Golf Professional Employment contract.

In the performance of the Board duties as outlined above the Board shall be authorized to request of the City Manager provision of staff personnel as well as engineering, financial, legal and/or recreation assistance and guidance from the respective departments within the City.

Except for purposes of inquiry, the Board or individual members thereof shall not give orders to any employee of the Parks and Recreation Department either publicly or privately, or to any other employee of the City of Sand Springs, Oklahoma. (1030, amended, 08/12/2002; 1128, amended, 06/12/2006)

### **Section 2.64.050 Members Not to Hold Other Office**

Members of the Parks and Recreation Advisory Board shall not hold any other office or position in City government or hold office or position with the Sand Springs Municipal Authority, with the exception of the council member serving on the Board. (1030, amended 08/12/2002; 1128, amended 06/12/2006)

### **Section 2.64.060 Removal of Members**

Any Parks and Recreation Advisory Board member who is absent from more than one half (1/2) of all regular meetings of the Board held within any period of four (4) consecutive calendar months within which regular meetings are held each month, shall

thereupon automatically cease to hold office without hearing or action by the Council and his/her replacement shall be appointed by the Council. (1030, amended, 08/12/2002; 1128, amended, 06/12/2006)

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## Chapter 2.68

### EMERGENCY MANAGEMENT ADMINISTRATION

#### Sections:

- 2.68.010**      **Emergency management administration creation.**
- 2.68.020**      **Definitions.**
- 2.68.030**      **Office space and supplies.**
- 2.68.040**      **Emergency management director--Duties.**
- 2.68.050**      **Emergency management director--Powers.**
- 2.68.060**      **Emergency management director--Emergency powers.**
- 2.68.070**      **Emergency management director advisory capacity.**
- 2.68.080**      **Immunity.**
- 2.68.090**      **Gifts of property.**
- 2.68.100**      **Additional duties.**

#### **Section 2.68.010    Emergency management administration creation.**

There is hereby established an emergency management organization which shall consist of:

A.      A director of emergency management shall be appointed by the mayor with the advice and consent of the City Council and serve at the mayor' s pleasure. The director shall be the executive head of the office of emergency management, and shall be responsible to the City Manager for carrying out the emergency management program of the city. He or she shall coordinate the activities of all organizations for emergency management within the city, and shall maintain liaison with and cooperate with civil defense agencies and organizations of other governmental units both within and without the state, and of the federal government, and shall have such additional authority, duties, and responsibilities as may be authorized under this chapter, or amendments thereof; and

B.      Such other volunteer emergency management advisory committees as may be created by the director, for the evaluation of technical, professional or other phases of the work of the office of emergency management; and which may provide advisory assistance on any matters pertaining to the city' s emergency management, including but not limited to the following:

1.      An assistant director may be appointed by the City Manager. He or she shall carry out and be responsible for any and all activities as assigned by the director or City Manager,

2.      A communication coordinator may be appointed by the City Manager who shall be responsible for all of the communications activities of emergency management, or

3.      A shelter coordinator may be appointed by the City Manager who shall be responsible for all shelter activities of civil defense. (Prior code § 13-401; Ord. 872, § 1 (part), eff. June 12, 1995)



### **Section 2.68.020 Definitions.**

As used in this chapter, the following terms shall be construed as follows, unless a contrary intent appears clear from the context:

"Emergency management" means 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 any emergency resulting from enemy attack, sabotage or other hostile action, or from any flood, drought, fire, hurricane, earthquake, storm, and involving imminent or actual peril to life and property in the city. These functions include administration, organization, planning, recruiting, training, education, information, welfare service, relief service, police service, warden service, fire service, rescue service, medical service, health service, transportation service, communications service, streets and sewers service, utilities service, general engineering service, plant protection service, supply service, mutual aid, mobile support, evacuation, and all other functions necessary or incidental to the preparation for and carrying out of the foregoing functions.

"Enemy-caused emergency" means any state of emergency caused by actual or impending attack, sabotage or other hostile action, anywhere within the United States, and involving imminent peril to lives and property in the city. Such emergency shall be deemed to exist only when the mayor of the city shall so declare by public proclamation. Such emergency shall be deemed to continue to exist until the aforesaid mayor shall declare its termination by resolution.

"Natural emergency" means any state of emergency caused by any actual or impending flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in or near the city, and involving imminent peril to lives and property in the city. Such emergency shall be deemed to exist and to be terminated under the same conditions as prescribed for an "enemy-caused emergency." (Prior code § 13-402; Ord. 872, § 1 (part), eff. June 12, 1995)

### **Section 2.68.030 Office space and supplies.**

Appropriate office space, furniture, equipment, and supplies as required may be provided by the city for the office of emergency management. Expenditures for these purposes, within the appropriations therefor, shall be made only as in other departments of the city. The director shall also, within the appropriations therefor, establish control centers, as are necessary to serve during an enemy-caused or a natural emergency. (Prior code § 13-403; Ord. 872, § 1 (part), eff. June 12, 1995)

### **Section 2.68.040 Emergency management director--Duties.**

The director shall have general direction and control of the office of emergency management, and shall be responsible for carrying out the provisions of this chapter. In so carrying out the provisions of this chapter, the director is expressly authorized to cooperate, insofar as permitted by other appropriate legislation, with the federal government, the government of the state and its subdivisions, with other states and their subdivisions, and with private agencies, in all matters pertaining to emergency management in the city. (Prior code § 13-404; Ord. 872, § 1 (part), eff. June 12, 1995)

### **Section 2.68.050 Emergency management director--Powers.**

Prior to an emergency as defined in this chapter, the emergency management director shall have the following powers to:

A. Make, amend, and rescind the necessary orders, rules and regulations to carry out the provisions of this chapter within the limits of authority conferred upon him or her herein, with due consideration to be given to the plans and powers of the federal government, the government of Oklahoma, and other public and private agencies and organizations empowered to act in either enemy-caused emergencies or natural emergencies, or both;

B. Prepare comprehensive plans for the civil defense of the city in both enemy-caused and natural emergencies, such plans and programs to be integrated and coordinated with the plans and programs of the federal government, of the government of Oklahoma, and of other public and private agencies and organizations empowered to act in either enemy-caused emergencies or natural emergencies, or both;

C. Establish, within the limits of funds available, a public warning system, composed of sirens, horns, or other acceptable warning devices;

D. Establish and carry out recruitment and training programs as may be necessary to develop an adequate, qualified emergency management volunteer corps;

E. Conduct drills, exercises, and similar programs as may be necessary to develop a well-trained, alert, fully prepared emergency management organization;

F. Make such studies and surveys of the industries, resources, and facilities of this city as he or she deems necessary to ascertain its capabilities for emergency management, and plan for the most efficient emergency use therefor;

G. On behalf of the city, to enter into mutual-aid arrangements with surrounding communities, subject to the approval of the City Manager and City Council;

H. Delegate any administrative authority vested in him or her under this chapter and to provide for the subdelegation of any such authority if necessary; and

I. Take any other action proper and lawful under his or her authority to prepare for either an enemy-caused or a natural emergency. (Prior code § 13-405; Ord. 872, § 1 (part), eff. 06/12/1995)

### **Section 2.68.060 Emergency management director--Emergency powers.**

In the event of any actual enemy-caused emergency, as proclaimed by the mayor, the director of emergency management, with the approval of the City Manager and mayor, may exercise during such emergency, the power to enforce all rules and regulations relating to civil defense, and acting under the authority of statutes, as enacted, or under the authority of the mayor or as an agent of the Governor, may take control of all means of transportation and communication, all stocks of fuel, food, clothing, medicine and supplies, and all facilities including buildings and plants, and exercise all powers necessary to secure the safety and protection of the civilian population. In exercising such powers, he or she shall be guided by regulations and orders issued by the federal government, the mayor and the City Manager and the Governor relating to civil defense and shall take no action contrary to orders which may be issued by the Governor, City Manager or mayor under similar emergency powers. (Prior code § 13-406; Ord. 872, § 1 (part), eff. June 12, 1995)

**Section 2.68.070 Emergency management director advisory capacity.**

In the event of any natural emergency as proclaimed by the mayor, the director of emergency management, with the approval of the mayor and City Manager, shall coordinate in every way proper the activities of the emergency management organization. He or she is 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 emergency management organization or cooperating in any such emergency. He or she shall, as director, have the power to recommend appropriate action but he or she shall not otherwise have any control over the participating agencies. He or she shall also recommend to the mayor and 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. (Prior code § 13-407; Ord. 872, § 1 (part), eff. 06/12/1995)

**Section 2.68.080 Immunity.**

Neither the city nor any of its officers, nor any officer or member of the emergency management organization provided for in this chapter shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer emergency management worker or member of any agency engaged in emergency management activity prior to or during either an enemy-caused or a natural emergency. Nor shall the city or any of its officers or any such officer or member be liable for the death or injury of any persons, or damage to property, resulting from any lawful emergency management activity prior to or during either an enemy-caused or a natural emergency. Nor shall any of its officers nor any officer or member of the emergency management organization be guilty of trespass or any other breach of the peace resulting from going upon any premises or entering any structure as a part of any emergency management activity prior to or during either an enemy-caused or a natural emergency or activity hereunder. (Prior code § 13-408; Ord. 872, § 1 (part), eff. 06/12/1995)

**Section 2.68.090 Gifts of property.**

Whenever the federal government or the state, or any person, firm or corporation shall offer to the city any service, equipment, supplies, materials, or funds by way of gift, grant or loan, for purposes of emergency management, the mayor may accept such offer and may authorize the director of emergency management to receive same, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. (Prior code § 13-409; Ord. 872, § 1 (part), eff. 06/12/1995)

**Section 2.68.100 Additional duties.**

The emergency management director shall further discharge all other duties as may be required of him or her by the City Charter or the City Manager. (Prior code § 13-410; Ord. 872, § 1 (part), eff. 06/12/1995)

## Chapter 2.72

### AUXILIARY POLICE FORCE

#### Sections:

#### **2.72.010 Auxiliary police force.**

#### **Section 2.72.010 Auxiliary police force.**

A reserve or auxiliary police force for the City is authorized, pursuant to rules and regulations established by the Police Chief, in accordance with all requirements of state law. (Prior code § 13-501; 1199, amended 01/25/2010)

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## Chapter 2.76

### PURCHASING SYSTEM

#### Sections:

- 2.76.010**     **Definitions.**
- 2.76.020**     **City Purchasing Agent.**
- 2.76.030**     **Encumbrance of Funds.**
- 2.76.040**     **Prohibition of Interest.**
- 2.76.050**     **Competitive Bidding Required.**
- 2.76.060**     **Bidding Requirements.**
- 2.76.070**     **Bidding Procedures.**
- 2.76.080**     **Emergency Purchases.**

#### **Section 2.76.010**   **Definitions.**

Unless otherwise provided herein, for the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number included the singular number, and words in the singular number included the plural number. The word "shall" is always mandatory.

A.     City refers to the City of Sand Springs, Oklahoma, and means the City government in all its forms, including not only all City departments but also any agency, public trust, commission, board or other person or entity acting for or on behalf of the City of Sand Springs, provided, however, that any improvement district created pursuant to 11 O.S. 1991, § 39-101, et. seq., shall not be included in this definition thereby exempting such improvement districts from the provisions of this chapter.

B.     City Manager shall mean the chief executive officer of the City or his or her designee.

C.     City Purchasing Agent or Agent is the Purchasing Agent of the City, which shall be the City Manager or the designee of the City Manager of the City. The purchasing agent shall have the authority to delegate purchasing authority within the guidelines established for the city.

D.     Contractual Services means and includes, but is not limited to, all telephones, gas, water, electric light and power service; towel and cleaning service; leases for all grounds, buildings, office or other space required by the using agencies except leases from the state, a state agency, or a political subdivision (as defined herein); leases for all personal property required by the using agencies; and the rental, repair or maintenance of equipment, machinery and other city-owned personal property. The term shall not include professional services, which are services that are predominantly mental or intellectual in character rather than physical or manual and which do not involve the supplying of products. Professional services include services to support or improve municipal policy development, decision making, management, administration, or the operation of management systems. Professional services include those as defined in

Section 803 of Title 18 of the Oklahoma Statutes, those which are in their nature unique and not subject to competition, nor shall in include services or maintenance authorized and provided for an improvement district pursuant to 11 O.S. 1991, § 39-103.1. The City reserves the right to implement selection processes for professional services, including but not limited to request for proposals, requests for qualifications or bidding processes if in the best interest of the City. (Amended by Ord. 1295, 01/23/2017)

E. Competitive Bidding is a transparent procurement method in which bids from competing contractors, suppliers, or vendors are invited by openly advertising the scope, specifications, and terms and conditions of the proposed contract as well as the criteria by which the bids will be evaluated. Competitive bidding aims at obtaining goods and services at the lowest prices by stimulating competition, and by preventing favoritism. The competitive process can be achieved by sealed bids if required by state law or if determined beneficial for the project and can be achieved by soliciting quotes from qualified vendors through an open market procedure, so long as the purchasing agent is assured that a competitive process was used and the best product and price were achieved. (Amended by Ord. 1295, 01/23/2017)

F. Cooperative Purchasing Plan shall mean an agreement entered into between two or more entities of government for acquisitions pursuant to a single or joint contract obtained through a competitive bidding process or issued in accordance with the authority granted to governmental entity. (Prior code § 2-205; 1141 amended 02/12/2007; 1295 amended 01/23/2017)

G. Council is the legislative body of the City of Sand Springs, Oklahoma. (Prior code § 2-205; 1141 amended 02/12/2007; 1295 amended 01/23/2017)

H. "Lowest and best" bidder and "best value" bidder shall have those meanings attributed to them by the laws of the State of Oklahoma. (Prior code § 2-205; 1141 amended 02/12/2007; 1295 amended 01/23/2017)

I. Political Subdivision shall mean a municipality, school district, county, or public trust with a city, town, school district or county as its sole beneficiary or beneficiaries, and all their institutions, instrumentalities or agencies. (Prior code § 2-205; 1141 amended 02/12/2007; 1295 amended 01/23/2017)

J. Supplies mean and include all supplies, materials and equipment. (Prior code § 2-205; 1141 amended 02/12/2007; 1295 amended 01/23/2017)

K. Using Agency is any department, board, commission, agency division, section, bureau or other unit in the City government using supplies or procuring contractual services as herein provided, except as otherwise exempted by this chapter. (Prior code § 2-205; 1141 amended 02/12/2007; 1295 amended 01/23/2017)

L. Purchasing and/or Procurement Card means and includes the commercial credit card issued to authorized City employees for the purchase of supplies and services. (Prior code § 2-205; 1141 amended 02/12/2007; 1295 amended 01/23/2017)

M. A sole source product is one where there is only one vendor capable of providing an item or service, and therefore it is not possible to obtain competitive bids. There may be instances in which a specific product or service is necessary, and such purchases, if documented as a sole source, are authorized. (1295 added 01/23/2017)

## **Section 2.76.020 City Purchasing Agent.**

The Purchasing Agent shall have the powers and duties prescribed herein.

### **A. Scope of Purchasing Authority.**

1. The Agent shall have the power and it shall be the Agent's duty to purchase or contract for all supplies and contractual services needed by any using agency which derives its support wholly or in part from the City.

2. The Agent shall purchase or contract for those supplies and contractual services set forth herein in accordance with:

a. Purchasing procedures as prescribed by this title;

b. Such written rules and regulations as the Agent shall adopt for the internal management and operation of the Division of Purchasing;

c. Such other written rules and regulations as shall be prescribed by the Charter and Ordinances of the City of Sand Springs.

3. All rules and regulations adopted by the Agent for the internal management and operation of the Division of Purchasing shall be approved by the Council and filed in the office of the City Clerk.

4. Except as herein provided, it shall be unlawful for any city officer or employee to order the purchase of any supplies or make any contract within the purview of this chapter, other than through the Purchasing Agent and any such purchase ordered or any contract made contrary to the provisions herein shall not be approved by City officers, and the City shall not be bound thereby.

### **B. Additional Powers and Duties.**

In Addition to the purchasing authority conferred in Subsection A. above and in addition to any other powers and duties conferred by this chapter, the Agent shall perform the duties given herein.

1. **Minimum Expenditure.** The Agent shall act to procure for the City the highest quality in supplies and contractual services at least expense to the City.

2. **Encourage Competition.** The Agent shall discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.

3. **Rules and Regulations.** In conjunction with the Director of Finance, the Agent shall establish and amend, when necessary, rules and regulation authorized by this chapter and any others necessary to the operation of the Purchasing Division.

4. **Purchasing Analysis.** The Agent shall keep informed of current developments in purchasing, prices, market conditions, and new products, and shall secure for the City the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition, and by private businesses and organizations.

5. **Supplier Catalog File.** The Agent shall prepare, adopt, and maintain a supplier catalog file, indexed according to materials and containing descriptions of vendors' commodities, prices, and discounts.

6. **Bulk Purchases.** The Agent shall exploit the possibilities of buying in bulk so as to take full advantage of discounts.

7. **Federal and State Tax Exemptions.** The Agent shall act so as to procure for the City all federal and state tax exemptions to which it is entitled.



8. Disqualification of Bidders. The Agent shall have the authority to declare that vendors who default on their quotations are unsecured bidders and to disqualify them from receiving any business from the municipality for a stated period of time.

9. Written Specifications. The Agent shall adopt and enforce written specifications as required to procure all supplies, equipment, and services.

10. Standardization. The Agent shall adopt and enforce written specifications as required to procure all supplies, equipment, and services.

11. Effects of Adoption. After its adoption, each standard specification shall, until revised or rescinded, apply alike in terms and effect to every future purchase and contract for the supply described in such specification.

12. Pre-Bid conference. The Agent shall have the authority to conduct pre-bid conferences and make attendance mandatory for contractors wishing to submit a bid.

13. Purchase Documentation. The Agent shall have the authority, by written policy, to establish purchase limits for those purchases that require purchase orders or written contracts, and to establish purchasing guidelines for employee usage of city issued purchase or procurement cards.

14. Advanced Purchasing Methods. The Agent shall have the authority to implement advanced purchasing methods, in lieu of traditional means of advertising and bidding. Said methods may take advantage of modern modes of electronic communication, through the use of email, internet, and other electronic devices or systems that may be available. Advertising methods that provide bidding opportunities to a broad base of bidders, so long as the goals and objections of this ordinance are accomplished, may be utilized. These methods include but are not limited to reverse auctions, online bidding, and other similar electronic procurement methods.

15. Payment Procedure. The Finance Director or his/her designee shall accumulate all properly submitted and due claims and invoices to be processed for payment and present them to the City Manager or his/her designee for consideration and approval for payment. Upon such approval for payment, the City Treasurer or his/her designee shall issue properly signed checks, or other authorized forms of payment, in payment of said claims and invoices. A list of claims and invoices paid will be prepared and presented by the Finance Director or his/her designee and submitted, for informational purposes, to the City Council at the next regular meeting following the payment date.

16. The authority to represent the City at any Court ordered mediation or settlement conference, with full settlement authority without additional approval of the council.

17. The authority to contract, for the purpose of filling what have traditionally been employee positions, with either employees or independent contractors, if the expenditure will be within the limits of the budgeted funds.

18. The authority to establish utility account deposit amounts taking into account requirements necessary in those instances in which there is a greater risk of default based on past credit history, including obtaining sufficient guaranty for payment by deposit or otherwise.

19. The authority to negotiate with one or more bidders for more favorable terms prior to award of contract.

20. The authority to accept gifts, donations or grants to the City wherein the amount involved is within the purchasing authority limits set by council.

21. The authority to execute change orders for contracts, when necessary to save money for the City or to expedite a project, within the purchasing limits for the City Manager established by council.

(Prior code § 2-206; 1141 02/12/2007; Amended 1141 06/09/2008)

22. The authority to enter into lease agreements for the lease of real or personal property, so long as the total lease payments owed pursuant to the agreement are within the purchasing limits established by Council. (Added 1295 01/23/17)

### **Section 2.76.030 Encumbrance of Funds**

Except in cases of emergency, the Agent shall not issue any order for delivery on a contract or open market purchase until the Director of Finance or his/her designee shall have certified, that there is to the credit of the using department a sufficient unencumbered appropriation balance, in excess of all unpaid obligations, to defray the amount of such order for such purposes. (Prior code § 2-207; Amended 1141 02/12/2007)

### **Section 2.76.040 Prohibition of Interest.**

A. Any purchase order or contract within the purview of this chapter in which the Agent or any officer or employee, or spouse thereof, of the City is financially interested, directly or indirectly, shall be void.

B. For purposes of this section “financially interested” shall mean ownership of more than twenty-five percent (25%) of the business or of the common stock therein or any percentage which constitutes a controlling interest, but shall not include any such interest held by a blind trust. (Prior code § 2-208; Amended 1141 02/12/2007)

### **Section 2.76.050 Competitive Bidding.**

All purchases of and contracts for supplies and contractual services as defined herein and all sales of personal property which has become obsolete and unusable shall be based on competitive bids whenever possible, except as specifically provided herein or otherwise required by law. Purchases and contracts related to construction projects, labor, equipment, material and repairs by public trusts shall comply with 60 O.S. § 101 et. seq. (Prior code § 2-209; Amended 1141 02/12/2007)

### **2.76.060 Bidding Requirements.**

Except as otherwise required by law, the bidding requirements of the City shall be as follows:

A. Contractual Service Purchases.

Contractual services shall be purchased by formal written contract as follows:

1. Contractual services, when the estimated cost thereof exceeds Fifty Thousand Dollars (\$50,000.00), shall be purchased from the lowest and best bidder or from the best value bidder, after due notice inviting bids.

2. Contractual services, when the estimated cost thereof is Fifty Thousand Dollars (\$50,000.00) or less, may be purchased using the open market procedure as provided herein.

B. Supplies, Material and Equipment Purchases.

Supplies, material or equipment shall be purchases as follows:

1. All contractual purchases of supplies, materials, and equipment, when the estimated cost thereof exceeds Twenty-five Thousand Dollars (\$25,000.00), shall be purchased by formal written contract or by purchase order from the lowest and best bidder or from the best value bidder, after due notice inviting bids.

2. All contractual purchases of supplies, material, and equipment, when the estimated cost thereof is Twenty-five Thousand Dollars (\$25,000.00) or less, may be purchased using the open market procedure provided for herein.

C. Construction Projects.

Construction projects shall be purchased as follows:

1. All construction projects where by the estimated cost thereof is over the amount set by the Oklahoma Public Competitive Bidding Act shall be bid in accordance with the requirements of that statute.

2. All construction projects whereby the estimated cost thereof is less than the amount set by the Oklahoma Public Competitive Bidding Act may be procured by written contract or by purchase order from the lowest and best bidder or from the best value bidder, using the open market procedure provided for herein.

D. Exception for Cooperative Purchases.

Notwithstanding the foregoing limitations, competitive bidding shall not be required and the Purchasing Agent shall have the authority, instead, to make purchases from a Cooperative Purchasing Plan or under contracts let by the state of Oklahoma, when the best interests of the City would be served. Purchases from out of state purchasing cooperatives are authorized if the product is not available by Oklahoma state bid or is assured to be a price that is better than regularly available to the City (out of state cooperatives cannot be used for any contract governed by the Oklahoma Public Competitive Bidding Act) (Added 1295 01/23/17)

E. Bidding by Other Governmental Entities

The purchasing agent shall have the authority to rely upon and accept as a sufficient bid any bid submitted to another public body, upon a determination that the bid submitted is for supplies, materials, equipment or services that are substantially similar to that requested by the City, and that the bidding process was in compliance with state law or would meet the bidding requirements of the City. (Added 1295 01/23/17)

F. Surplus Property.

The City Manager may sell or contract for sale of surplus or obsolete supplies, materials, or equipment by at auction, including on-line auction, or by any other commercially reasonable manner authorized by the City Council. (Ord 1193 10/26/2009) No surplus or obsolete supplies, materials, or equipment of a value of more than five thousand dollars (\$5,000.00) may be sold until the Council shall have declared them obsolete or surplus. Surplus or obsolete supplies, materials, or equipment that do not sell or whose values are not likely to exceed the cost of sale in the judgment of the City Manager and City Clerk, may be disposed of by the City Manager in any commercially reasonable manner. (Ord 1193 10/26/2009) Before the City Manager sells any surplus or obsolete supplies, materials, or equipment with an individual value exceeding \$5,000.00 (Ord 1193 10/26/2009), except as otherwise provided herein, he or she shall

advertise them for sale in a newspaper of general circulation in the city or give notice in such other manner as he or she deems necessary adequately to reach prospective buyers to give them an opportunity to make bids. All bids shall be sealed and shall be opened in public at a designed time and place, except when the sale is by public or on-line (Ord 1193 10/26/2009) auction. The City Manager may repeatedly reject all bids and advertise or give notice again. He or she may sell such supplies, materials, or equipment only to the highest responsible bidder for cash or other reasonable form of payment, including cashier's check or credit card (Ord 1193 10/26/2009). In case of a tie, he or she may sell to either of the bidders tying, or may divide the sale amount the two or more tying, always selling to the highest responsible bidder or bidders. The sale of property valued at more than \$25,000.00 is governed by Charter Section 4-4. (Amended 1141 02/12/2007; Amended 1295 01/23/17)

Officers and employees of the City, and any spouse, or any business in which the officer or employee or their spouse has a proprietary interest may not buy or otherwise become interested in the transfer of any surplus property unless the surplus property is offered for sale to the public after notice of the sale is published. (Ord 1193 10/26/2009)

#### **2.76.070 Bidding Procedures.**

The following bidding procedures shall apply. (Amended 1295 01/23/17)

- A. For those purchases in which the open market purchase process is not allowed. (Amended 1295 01/23/17)
  1. Newspaper. The Agent shall cause to be published notice inviting bids in at least one (1) daily newspaper at least five (5) days preceding the last day set for the receipt of bids or conducting an auction. The newspaper notice required herein shall include a general description of the services required or the articles to be purchased or sold and shall state where bid forms and specifications may be obtained and the time and place for opening bids or the public auction.
  2. Bidders' List. The Agent shall also solicit sealed bids from all responsible prospective suppliers who have requested their names to be added to a "Bidders' List" maintained by the Agent by sending a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase or sale. In any case, invitations sent to the vendors on the Bidders' List shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.
  3. Bid Deposits. When deemed necessary by the Agent, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidder shall forfeit any surety required upon failure on his part to enter a contract within ten (10) days after the award. (Amended 1295 01/23/17)
  4. Bid Opening Procedures. (Amended 1295 01/23/17)
    - a. Sealed. Except in the case of public auctions, bids shall be submitted sealed to the office of the City Clerk and shall be identified on the envelopes as bids. (Amended 1295 01/23/17)
    - b. Opening. Bids for supplies, materials, equipment or contractual services shall be opened in public at the time and place stated in the public notices. (Amended 1295 01/23/17)

c. Tabulation. A tabulation of all bids received shall be made by the Agent and the tabulation shall be available for public inspection in the office of the City Clerk at all reasonable times. (Amended 1295 01/23/17)

B. Rejections of Bids. (Amended 1295 01/23/17)

1. Public Interest. The City shall have the authority to reject all bids, parts of any or all bids, or all bids for any one or more supplies or contractual services included in the proposed contract when the public interest will be served thereby.

2. Undue Influence. Bids shall be rejected if any bidder has attempted to exert undue influence over the results of the bid including:

a. The bidder or anyone subject to the bidder's direction or control attempts to pay, give or donate to any officer or employee of the City any money or other thing of value, either directly or indirectly, in procuring the bid; or

b. The bidder or anyone subject to the bidder's direction or control attempts to influence the award of the bid by threat, force or intimidation.

c. Any other contact by bidder to any officer or employee of the City other than the designated agent, which in the opinion of the Agent was an attempt to unduly influence the award of the bid.

3. Bidders in Default to City. The City shall not accept the bids of a contractor who is in default on the payment of taxes, licenses or other monies due the City.

4. Bidders Not Attending Pre-Bid Conference. The City shall not accept the bids of a contractor who did not attend a mandatory pre-bid conference.

C. Award of Contract (Amended 1295 01/23/17)

1. Authority in the City Manager. The City Manager shall have the authority to award contracts for all purchases of \$25,000.00 or less, and shall have the authority to bind the city and its' agencies in that regard. The limit set forth herein shall not apply to (a) emergency purchases as outlined in Section 2.76.080 below; (b) the purchase of regular city utilities and the approval of contracts for those utilities, including landfill costs and contracts related thereto; (c) payroll and contract labor expenses agreed to in accordance with existing contracts, or otherwise within the authority of the City Manager; (d) bulk chemical purchases that are routine and necessary for the operations of utility systems; (e) payment of debt obligations wherein the underlying debt has been approved by the City Council and the amounts owed have been approved in the budget. (Amended 1141 06/09/2008; Amended 1295 01/23/17)

2. Lowest and Best Bidder and Best Value Bidder. Contracts shall be awarded to the lowest and best bidder or the best value bidder meeting specifications. Bid Specifications may include appoint system for evaluating the bid. In addition to those factors established by state law, the following factors shall be considered:

a. The price,

b. The ability, capacity, and skill of the bidder to perform the contract or provide the service required,

c. Whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference,

d. The character, integrity, reputation, judgment, experience and efficiency of the bidder,

e. The quality of performance of previous contracts or services,

- f. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service,
  - g. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service,
  - h. The quality, availability and adaptability of the supplies or contractual services to the particular use required,
  - i. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract,
  - j. Where an earlier delivery date would be of great benefit to the requisitioning agency, the date and terms of delivery may be considered in the bid award,
  - k. The number and scope of conditions attached to the bid, and
  - l. If a point system has been utilized in the bid specifications, the number of points earned by the bidder,
  - m. In those instances in which alternate bids are solicited in addition to a base bid, the City retains the authority to determine the lowest bid based on the alternates chosen, including the right to include the alternates selected to determine the low bidder and also the ability to reject all alternates that are bid. (Amended 1295 01/23/17)
- D. Award to Other than Lowest Secure Bidder  
When the award is not given to the lowest secure bidder meeting specifications, such award must be approved by the Council and a full and complete statement of reasons for placing the order with one other than the lowest secure bidder shall be entered in the minutes of the Council. (Amended 1295 01/23/17)
- E. Tie Bids
- a. Local Bidders. If two or more bids received are for the same total amount of unit price, quality and service being equal, the contract shall be awarded to the local bidder. (Amended 1295 01/23/17)
  - b. Bidders of Equal Status. Where paragraph G.a. of this section is not determinative, the Agent shall award the contract to one of the tie bidders by drawing lots in public.
- F. Change Orders  
If a bid has been based on a unit price bid, change orders shall be allowed based on the bid unit price without additional advertisement or bidding. (Amended 1295 01/23/17)
- G. Performance Bonds  
Before entering a contract, the Agent shall have the authority to require a performance bond in such amount as he shall find reasonably necessary to protect the best interests of the City. (Amended 1295 01/23/17)
- H. Prohibition Against Subdivision  
No contract or purchase shall be subdivided to avoid the requirements of this section. (Amended 1295 01/23/17)
- I. Open Market Procedure  
All purchases of supplies, materials, or equipment having an estimated cost less than Twenty-five Thousand Dollars (\$25,000.00), and all sales of personal property which has become obsolete and unusable, of less than the estimated value of the Five Thousand Dollars (\$5,000.00), may be made on the open market, without newspaper advertisement and without observing the procedure prescribed in this section for the

award of formal contracts. (Amended 1295 01/23/17)

1. Minimum Number of Bids. All open market purchases in excess of Two Thousand Five Hundred Dollars (\$2,500.00) shall, whenever possible, be based on competitive market quotation bids as set forth below, and shall be awarded to the lowest secure bidder in accordance with the standards set forth herein. For purchases from \$4,500.00 to \$24,999.99, Buyer shall make at least three (3) solicitations (written/telephone) for competitive market quotation bids.

2. Recording. The Agent shall keep a record of all open market orders and the bids submitted in competition thereon, and such records shall be open to public inspection at all reasonable times.

J. Waiver of Competitive Bidding

The City Council may waive the requirement for competitive bidding for the purchase of supplies, materials, equipment or contractual services when some material feature or characteristic of the item or service sought to be purchased is unique and the Purchasing Agent has certified that to the best of his knowledge, after diligent inquiry, the item or service is available from only one source. The Purchasing Agent may require the department head or official requesting the bid waiver to submit an affidavit identifying the unique and material features or characteristics of the item or service. A full and complete statement of the reasons for approving each waiver of competitive bidding shall be filed with the City Clerk. (Amended 1141 02/12/2007; Amended 1295 01/23/17)

**2.76.080 Emergency Purchases.**

A. By Agent. In case of an apparent emergency which requires immediate purchase of supplies or contractual services, the City Manager shall be empowered to grant written authorization to the Agent to secure by open market procedure, or such procedure as may be warranted by the nature of the emergency, as herein set forth, at the lowest obtainable price, any supplies or contractual services, regardless of the amount of the expenditure. A full report of the circumstances of the emergency purchase shall be filed by the Agent with the City Clerk and shall be open to public inspection. (Amended 1142 06/09/2008)

B. By Department Head. In case of actual emergency occurring during normal office hours the head of any using agency may, with the consent of the Agent and the approval of the City Manager, purchase directly any supplies, by Department Head. In case of actual emergency occurring during normal office hours the head of any using agency may, with the consent of the Agent and the approval of the City Manager, purchase directly any supplies or contractual services whose immediate procurement is essential to prevent delays in the work of the using agency which may vitally affect the life, health or convenience of the citizens. (Amended 1141 02/12/2007)

## Chapter 2.80

### PERSONNEL SYSTEM

#### Sections:

- 2.80.010 Merit system.**
- 2.80.020 Nepotism prohibited.**
- 2.80.030 Suspension or removal of officers, employees.**
- 2.80.040 Election or appointment of successor.**
- 2.80.050 Oath or affirmation of office.**
- 2.80.060 Administration of oaths, officers authorized.**
- 2.80.070 Bonds required.**
- 2.80.080 Conflicts of interest.**
- 2.80.090 Salary or compensation.**
- 2.80.100 Qualifications of officers and employees.**
- 2.80.110 Payment of compensation.**
- 2.80.120 Appropriation of funds.**
- 2.80.130 Political activity of officers and employees.**
- 2.80.140 Employee or official defined.**
- 2.80.150 Personnel board.**
- 2.80.160 Election of personnel board officers.**
- 2.80.170 Classified and unclassified service.**
- 2.80.180 Any interest in pending actions, purchases, to be disclosed.**

#### **Section 2.80.010 Merit system.**

A merit system is hereby established for personnel in the city service. Appointments and promotions in the service of the city shall be made solely on the basis of merit and fitness; and removals, demotions, suspensions, and layoffs shall be made solely for the good of the service. The council, consistent with the City Charter, by ordinance or personnel rules, may regulate personnel matters and provide for proper personnel administration. (Prior code § 2-601)

#### **Section 2.80.020 Nepotism prohibited.**

Neither the City Manager, the council nor any other authority of the city government may appoint or elect any person related to any councilmember, the City Manager, or to himself, herself, or, in the case of a plural authority, to one of its members, by blood or marriage within the third degree, to any office or position of profit in the city government; provided, however, the City Manager may appoint himself, herself, or the council may appoint or elect him or her, to other offices and positions in the city government, subject to regulations adopted by ordinance; but he or she may not receive compensation for service in such other office or positions. Except as may be otherwise provided by the City Charter or by ordinance, the same person may hold more than one office or position of employment in the city. (Prior code § 2-602)



**Section 2.80.030 Suspension or removal of officers, employees.**

The power to lay off, suspend, demote, and remove accompanies the power to appoint or elect; and the City Manager, the council or other appointing or electing authority at any time may lay off, suspend, demote, or remove any officer or employee to whom he or she, the council, or the other appointing or electing authority respectively may appoint or elect a successor, all consistent with the City Charter and ordinances. (Prior code § 2-603)

**Section 2.80.040 Election or appointment of successor.**

The appointing or electing authority who may appoint or elect the successor of an officer or employee in the city may appoint or elect a person to act during a temporary absence, disability or suspension of such officer or employee, or, in the case of a vacancy, until a successor is appointed or elected and qualified, unless the council provides by ordinance that a particular superior or subordinate of such officer or employee shall act. The council by ordinance may provide for a deputy to act in such cases. Every officer who is elected or appointed for a term ending at a definite time, shall continue to serve thereafter until his or her successor is elected or appointed and qualifies unless his or her services are sooner terminated by resignation, removal, disqualification, death, abolition of the office or other legal manner. (Prior code § 2-604)

**Section 2.80.050 Oath or affirmation of office.**

Every officer of the city, before entering upon the duties of his or her office, shall take and subscribe to the oath or affirmation of office prescribed by the State Constitution, and such oath or affirmation shall be filed in the office of the City Clerk. (Prior code § 2-605)

**Section 2.80.060 Administration of oaths, officers authorized.**

All officers authorized by federal or state law, the mayor, the City Manager, the City Clerk and the municipal judge or judges, and such other officers as the council may authorize, may administer oaths in the city. (Prior code § 2-606)

**Section 2.80.070 Bonds required.**

In addition to officers required by charter or ordinance, such other officers and employees of the city as the council may designate, before entering upon their duties, shall provide bonds for the faithful performance of their respective duties, payable to the city, in such form and in such amounts as the council may prescribe, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds. (Prior code § 2-607)

**Section 2.80.080 Conflicts of interest.**

No councilmember or officer or employee of the city, or any person performing contractual services for the city, shall appear in behalf of others before the council or any agency or officer of the city, or represent others in any action or proceeding against the

interests of the city, or accept employment from or render services for others when such employment or service creates a conflict of interest or is otherwise incompatible with the proper discharge of official city duties. (Prior code § 2-608)

**Section 2.80.090 Salary or compensation.**

The amount of salary or compensation paid city employees and officers shall be determined as set out by City Charter and by the City Council on recommendation of the City Manager. (Prior code § 2-609)

**Section 2.80.100 Qualifications of officers and employees.**

Officers and employees of the city shall have the qualifications prescribed by the City Charter and additional qualifications as the council may prescribe; but the council shall not prescribe additional qualifications for the mayor and other councilmembers. (Prior code § 2-610)

**Section 2.80.110 Payment of compensation.**

No officer or employee, except in cases of emergency, shall begin their work or be entitled to compensation, until authorized by the City Manager and until they have qualified as provided by the City Charter and ordinances of the city. No compensation shall be paid to any such officer or employee except for services actually performed and after appropriation of funds therefor shall have been made. (Prior code § 2-611)

**Section 2.80.120 Appropriation of funds.**

The City Council is empowered and required hereby to provide funds by proper estimates and appropriations to pay the salaries of all officers and employees. Payment of the salaries shall be restricted to the amount made available by appropriations duly made. Where the appropriation made is insufficient to pay salaries, the amount payable shall be limited to the sum appropriated, and payment of such sum shall constitute and be payment in full for each and every fiscal year. (Prior code § 2-612)

**Section 2.80.130 Political activity of officers and employees.**

A. No officer or employee of the city except the councilmembers and personnel who receive no compensation for their services, may work for or against or attempt to influence the nomination, election, or defeat of any candidate for councilmember, or the recall of a councilmember; but this shall not prohibit the ordinary exercise of one's right to express his or her opinions and to vote.

B. Any person who violates this section shall be punished upon conviction thereof by a fine as provided in Section 1.20.010 of this chapter. Such violation shall constitute cause for removal from office or employment and if the regular removal authority has not already removed a person who violates this section, he or she shall be automatically removed by conviction of violating this section effective at the time the conviction becomes final. (Prior code § 2-613)

**Section 2.80.140 Employee or official defined.**

The term official or employee in this code shall include all officials or employees of the city, the Sand Springs Municipal Authority, the city's park and recreation board, and officials or employees of any agency of the city established by City Charter, City Ordinance or state and federal law. (Prior code § 2-614)

**Section 2.80.150 Personnel board.**

There shall be a personnel board consisting of five members appointed by the council for overlapping five year terms. Each member shall be a resident of the city. The term of one member shall begin July 1st in every year. The council shall appoint the original members so that the term of one will expire at that time in each of the first five succeeding years. Members of the personnel board shall not hold any other office or position in the city government or hold any office or position with the park and recreation system or the Sand Springs Municipal Authority, including membership on their governing boards. The council, by a vote of at least five members, after adequate opportunity for a public hearing, may remove a member for the good of the service; and the vote shall be yeas and nays and shall be entered in the journal. If any member of the personnel board is absent from more than two consecutive regular meetings or two-thirds of all the regular and special meetings of the personnel board, held within any period of six consecutive calendar months, he or she shall thereupon automatically cease to hold office without hearing or action by the council. The council shall fill vacancies for the unexpired terms. Members shall serve without compensation unless the council provides otherwise. (Prior code § 2-615)

**Section 2.80.160 Election of personnel board officers.**

At the time prescribed for the beginning of the term of a newly-appointed member or as soon thereafter as practicable, the board shall elect a chairperson, a vice-chairperson, and a secretary; and the secretary need not be a member of the board. The board shall determine the time and place of its regular meetings, and the chairperson or three members may call special meetings. The chairperson shall have power to administer oaths and affirmations. The personnel board shall have power to subpoena officers and employees of the city and other persons to testify and to produce documents and other effects as evidence. (Prior code § 2-616)

**Section 2.80.170 Classified and unclassified service.**

- A. All officers and employees of the city shall be divided into the classified and the unclassified service.
- B. The following shall constitute the unclassified service:
  - 1. All councilmembers, the municipal judge or judges, the City Treasurer and the City Clerk when elected by the council;
  - 2. The City Manager, one Assistant City Manager if any, one secretary to the City Manager, and the City Attorney;
  - 3. Members and secretary of each board, commission or other plural authority;
  - 4. All personnel who serve without compensation; and

5. All temporary and all part-time officers and employees except those whom the council may place in the classified service by ordinance or personnel rules.

C. All other officers and employees shall be in the classified service.

D. Nothing herein shall prohibit including personnel in the unclassified service in the classification plan. (Prior code § 2-617)

**Section 2.80.180 Any interest in pending actions, purchases, to be disclosed.**

Prior to any action by the City Council, or any commission, board, committee or administrative officer operating on behalf of the city, all members of the City Council, employees of the city, and any appointed member of any board, committee, council or commission, shall have made a written disclosure through the City Manager of the city to the appropriate body, of any financial interest, direct or indirect, in the item to be acted upon. (Prior code § 2-618; Ord. 921, § 1, eff. November 24, 1997)

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## Chapter 2.84

### EMPLOYEE RETIREMENT SYSTEM

#### Sections:

- 2.84.010 System created.**
- 2.84.020 Administration.**
- 2.84.030 Fund.**
- 2.84.040 Appropriations.**
- 2.84.050 Execution.**

#### **Section 2.84.010 System created.**

Pursuant to the authority conferred by the laws of the state and for the purpose of encouraging continuity and meritorious service on the part of city employees and thereby promote public efficiency, there is hereby authorized, created, established, and approved and adopted, effective as of January 1, 1986, the funded pension plan designated "Employee Retirement System of The City of Sand Springs, Oklahoma, Defined Contribution Plan," hereinafter called "system," and all amendments thereto, an executed counterpart of which is marked Exhibit A and Exhibit B in the ordinance codified in this chapter. (Prior code § 2-801)

#### **Section 2.84.020 Administration.**

For the purpose of administration of the system there is hereby established a retirement committee, which shall be the members of the City Council of the city as now existing or as from time to time duly elected or appointed and constituted. The powers and duties of the retirement committee shall be set forth in the system instrument. (Prior code § 2-802)

#### **Section 2.84.030 Fund.**

A fund is hereby provided for the exclusive use and benefit of the persons entitled to benefits under the system. All contributions to such fund shall be paid over to and received in trust for such purpose by the City Treasurer, who shall be the treasurer of the system. Such fund shall be pooled for purposes of management and investment with similar funds of other incorporated cities, towns, and municipal trusts in the state as a part of the Oklahoma Municipal Retirement Fund, in accordance with the trust agreement of the Oklahoma Municipal Retirement Fund, a public trust. The City Treasurer shall hold such contributions in the form received, and from time to time pay over and transfer the same to the Oklahoma Municipal Retirement Fund, as duly authorized and directed by the retirement committee. The fund shall be nonfiscal and shall not be considered in computing any levy when the annual estimate is made to the county excise board. (Prior code § 2-803)

**Section 2.84.040 Appropriations.**

The city is hereby authorized to incur the necessary expenses for the establishment, operation and administration of the system and to appropriate and pay the same. In addition, the city is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions to maintain the system and the fund in accordance with the provisions of the defined contribution plan. Any appropriation so made to maintain the system and fund shall be for deferred wages or salaries and for the payment of necessary expenses of operation and administration to be transferred to the trustees of the Oklahoma Municipal Retirement Fund for such purposes, and shall be paid into the Fund when available, through the City Treasurer, to be by him or her duly transferred to the Oklahoma Municipal Retirement Fund. (Prior code § 2-804)

**Section 2.84.050 Execution.**

A. The mayor and City Clerk are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the system instrument, and to do all other acts and things necessary, advisable and proper to put the system and related trust into full force and effect, and to make such changes therein as may be necessary to qualify the same under Section 401(a) and 501(a) of the Internal Revenue Code of the United States. The counterpart marked as Exhibit A of the ordinance codified in this chapter, which has been duly executed as aforesaid simultaneously with the passage of this chapter is hereby ratified and confirmed in all respects.

B. The City Council is hereby authorized and directed to proceed immediately on behalf of the city to pool and combine the Fund into the Oklahoma Municipal Retirement Fund as a part thereof, with similar funds of such other cities and towns, for purposes of pooled management and investment. (Prior code § 2-805)

## Chapter 2.88

### OPTIONAL RETIREMENT SYSTEM

#### Sections:

- 2.88.010**     **Optional retirement plan established.**
- 2.88.020**     **Contributions.**
- 2.88.030**     **Definition of employee.**
- 2.88.040**     **Participation.**
- 2.88.050**     **Execution.**

#### **Section 2.88.010**   **Optional retirement plan established.**

A.     There is hereby created a retirement system for certain qualified employees of the city which retirement system shall be in accordance with the provisions and conditions of this chapter and the statutes of the state of Oklahoma.

B.     There is hereby authorized and established an optional retirement system for the employees of the city. The optional retirement system shall be the International City Management Association Retirement Corporation Deferred Compensation Plan, copies of which are on file in the office of the City Clerk of the city, and which is incorporated herein by reference. (Prior code § 2-840)

#### **Section 2.88.020**   **Contributions.**

A.     Qualified employees of the city may make contributions into the optional retirement system herein established in accordance with the provisions and conditions of the International City Management Association Retirement Corporation. The City Treasurer is authorized to withhold from qualified employees of the city's compensation such amounts as expressly directed by the qualified employee of the city and to collectively remit same to the International City Management Association Retirement Corporation in accordance with the provisions and conditions of the International City Management Association Retirement Corporation Deferred Compensation Plan.

B.     Each person who shall claim the right to any payment under the system shall be entitled to look only to the retirement fund for such payment. No liability for the payment of benefits under the system shall be imposed upon the city or any official, officer or employee thereof. (Prior code § 2-841)

#### **Section 2.88.030**   **Definition of employee.**

For the purpose of this plan, "employee" is defined as follows:

"Employee" means a permanent full-time employee of the city. An employee shall be considered permanent full-time if he or she works eighty (80) hours or more per month for the city. (Prior code § 2-842)



**Section 2.88.040 Participation.**

Any permanent full-time employee of the city, having attained the age of twenty-one (21), except those employees who are sixty-five (65) years of age or older on January 1, 1973, may become participants in the system. (Prior code § 2-843)

**Section 2.88.050 Execution.**

The mayor is hereby authorized to execute the retirement plan with the International City Management Association Retirement Corporation, incorporated by reference herein, and that the City Manager of the city may on behalf of the city execute all joinder agreements with the employees and other eligible officials and officers, which may be necessary for the persons participating in the plan, except that the joinder agreement for the City Manager shall be executed by the mayor of the city. (Prior code § 2-844)

## Chapter 2.92

### POLICE PENSION AND RETIREMENT SYSTEM

#### Sections:

**2.92.010 Police pension board of trustees.**

**2.92.020 Fund to be operated in accordance with law.**

#### **Section 2.92.010 Police pension board of trustees.**

There is hereby created a board of trustees which shall have the operation and management of the police pension and retirement system of the city, which board of trustees shall consist of the City Clerk, City Treasurer, and three members of the police department of the city, which is designated and known as the board of trustees of the pension and retirement system of the city. (Prior code § 2-820)

#### **Section 2.92.020 Fund to be operated in accordance with law.**

The city's police pension and retirement system shall be operated in accordance with state law relating to the fund and system. (Prior code § 2-821)

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## Chapter 2.96

### FIREFIGHTERS PENSION AND RETIREMENT SYSTEM

#### Sections:

**2.96.010 Firefighters pension and retirement board.**

**2.96.020 Fund to be operated in accordance with law.**

#### **Section 2.96.010 Firefighters pension and retirement board.**

The State of Oklahoma Pension Board is adopted as the ultimate authority over pension and retirement issues for the firefighters of the City of Sand Springs, and the local firefighter pension and retirement board is abolished, effective January 1, 2017. (Prior code § 2-830; Amended by Ord. 1294 01/23/17)

#### **Section 2.96.020 Fund to be operated in accordance with law.**

The city's firefighters pension and retirement system and fund shall be operated in accordance with state law relating to the fund and system. (Prior code § 2-831)

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## Chapter 2.100

### SOCIAL SECURITY

#### Sections:

- 2.100.010 Social Security for employees.**
- 2.100.020 Authority to enter agreements.**
- 2.100.030 Employee contributions.**
- 2.100.040 Employer contributions.**
- 2.100.050 Records.**
- 2.100.060 Exclusion--Fee compensation.**

#### **Section 2.100.010 Social Security for employees.**

It is hereby declared to be the policy and purpose of the city to extend, at the earliest date, to the employees and officials of the city, not excluded by City Charter, state or federal law or ordinance, and whether employed in connection with a governmental or proprietary function, the benefits of the system of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto. In pursuance of this policy, and for that purpose, the city shall take such action as may be required by applicable state or federal laws or regulations. (Prior code § 2-701)

#### **Section 2.100.020 Authority to enter agreements.**

The mayor is hereby authorized and directed to execute all necessary agreements and amendments thereto with the State Department of Human Services to secure coverage of employees and officials as provided in Section 2.100.010 of this chapter. (Prior code § 2-702)

#### **Section 2.100.030 Employee contributions.**

Withholding from salaries or wages of employees and officials for the purpose provided in Section 2.100.010 of this chapter is hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by the laws or regulations. (Prior code § 2-703)

#### **Section 2.100.040 Employer contributions.**

There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations, for employer' s contributions; which shall be paid over to the state or federal agency designated by the laws or regulations. (Prior code § 2-704)

#### **Section 2.100.050 Records.**

The city shall keep such records and make such reports as may be required by applicable state or federal laws or regulations. (Prior code § 2-705)

**Section 2.100.060 Exclusion--Fee compensation.**

There is hereby excluded from this chapter any authority to make any agreement, for retirement or Social Security benefits, with respect to any position, or any employee or official, compensation for which is on a fee basis, or any position, or any employee or official not authorized to be covered by applicable state or federal laws or regulations. (Prior code § 2-706)