

## CHAPTER 1

### USE AND CONSTRUCTION OF CODE

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#### **SECTION 1-101**      **HOW CODE DESIGNATED AND CITED.**

The provisions embraced in the following chapters and sections shall constitute and be designated the “Code of Ordinances, City of Choctaw, Oklahoma” and may be so cited.

State Law Reference: Adoption and revision of codes of ordinances, 11 O.S. Sections 1-108, 14-109.

#### **SECTION 1-102**      **RULES OF CONSTRUCTION.**

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

1. “City” or “this city” shall be construed as if the words “of Choctaw, Oklahoma” followed them;
2. “Council” or “city council” means the city council of Choctaw;
3. “Computation of time”. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which the notice is given or the act is done shall be counted in computing the time but the day on which the proceeding is to be had shall not be counted;
4. “County” or “this county” means the County of Oklahoma, Oklahoma;
5. “Gender”. A word importing one gender only shall extend and be applied to other genders and to firms, partnerships, and corporations as well;
6. “Joint authority”. All words giving “joint authority” to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers;
7. “Law” includes applicable federal law, provisions of the Constitution and statutes of the State of Oklahoma, the ordinances of the city, and, when appropriate, any and rules and regulations promulgated thereunder;
8. “Manager” or “city manager” means the city manager of the city;
9. “Mayor” means the mayor of the city;
10. “Month” means a calendar month;
11. “Nontechnical and technical words”. Words and phrases which are not specifically defined shall be construed according to the common and accepted usage of the language; but technical words and phrases and such others as may have acquired a

peculiar and appropriate meaning in law shall be construed and understood according to such meaning;

12. "Number". A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. Words used in the plural number any also include the singular unless a contrary intention plainly appears;
13. "Oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed";
14. "Or, and". "Or" may be read "and", and "and" may be read "or" if the sense requires it;
15. "Other officials or officers, etc." Whenever reference is made to officers, agencies or departments by title only, i.e. "clerk", "city clerk", "city attorney", "fire chief", "chief of police", etc., they shall mean the officers, agencies or department of the city;
16. "Person" shall extend and be applied to an actual person, any persons and to associations, clubs, societies, firms, partnerships and bodies politic and corporate, or the manager lessee, agent, servant, officer or employee of any of them, unless a contrary intention plainly appears;
17. "Preceding, following" means next before and next after, respectively;
18. "Property" shall include real and personal property;
19. "Signature or subscription" includes a mark when a person cannot write;
20. "State" or "this state" shall be construed to mean the State of Oklahoma;
21. "Statutory references" means references to statutes of the State of Oklahoma as they now are or as they may be amended to be;
22. "Street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts, highways, courts, places, squares, curbs and all other public ways in the city which are dedicated and open to public use;
23. "Tense". Word used in the past or present tense include the future as well as the past and present;
24. "Week" means seven (7) days; and
25. "Year" means a calendar year.

(Prior Code, Secs. 10-1 to 104 in part)

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

The catchlines of sections in this code are printed in CAPITAL LETTERS and citations included at the end of sections are intended to indicate the contents of the section and original historical source respectively, and shall not be deemed or taken to be titles and official sources of such sections; nor as any part of the section, nor unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines or citations, are amended or reenacted.

### **SECTION 1-104      EFFECT OF REPEAL OF ORDINANCES.**

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

B. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, not any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

**SECTION 1-105      SEVERABILITY OF PARTS OF CODE.**

It is hereby declared to be the intention of the council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code or of any ordinance in the code shall be declared unconstitutional, illegal or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code of ordinances. (Prior Code, Sec. 10-5)

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

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

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

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

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

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

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

**SECTION 1-107      ALTERING CODE.**

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

**SECTION 1-108      GENERAL PENALTY.**

A. Except as otherwise provided by state law, whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any

provision of this code or of any ordinance, upon conviction, shall be punished by a fine of not exceeding Five Hundred Dollars (\$500.00) or imprisonment not to exceed sixty (60) days, or both such fine and imprisonment. Each day or any portion of a day during which any violation of this code or of any ordinance shall continue shall constitute a separate offense.

B. A City Fee Schedule of the City of Choctaw, which is presently codified as Appendix 5 of the Choctaw Code of Ordinances, is hereby ratified by this Ordinance and shall be approved by Resolution adopting the annual budget of the City of Choctaw.

C. Any person who shall aid, abet or assist in the violation of any provision of this code or any other ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in this section. (Ord. No. 223, 11/3/82, as amended; Ord. No. 281, 7/2/85; Ord. No. 312, 2/18/86; Ord. No. 313, 2/18/86; Ord. No. 524, 12/7/99, as amended)

State Law Reference: 11 O.S. Section 14-111 sets out maximum fines chargeable by cities with courts not of record (\$500.00), 11 O.S. Section 27-119 provides that fines over \$100.00 or punishable by imprisonment are by jury trial.

Cross Reference: See also Littering Fund Rewards, Section 8-118 of this code.

**SECTION 1-109      FINES, LITTER FUND REWARDS, RECOVERABLE BY CIVIL ACTION.**

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

B. Littering fund reward assessments shall be recoverable by civil action before any court of competent jurisdiction in addition to any other method provided by law. (Ord. No. 373, 9/8/88)

**SECTION 1-110      ORDINANCES IN EFFECT IN OUTLYING TERRITORY OF CITY.**

All ordinances of the city now in effect within the city are hereby extended to all real property belonging to, or under the control of, the city outside the corporate limits of the city, and shall be in full effect therein, insofar as they are applicable. All ordinances of the city which shall go into effect in the future, shall also apply to, and be in full effect within the boundaries of all outlying real property, insofar as they may be applicable. Any words in any ordinance indicating that the effect of an ordinance provision is limited to the corporate limits of the city shall be deemed to mean and include also the outlying real property belonging to, or under the control of, the city, unless the context clearly indicates otherwise.  
Prior Code, Sec. 10-4)

**SECTION 1-111      FEES.**

The city has adopted a schedule of fees and charges effective August 5, 1986, and as amended from time to time by resolution, motion or ordinance, a copy of which is on file in the office of the city clerk. (Ord. No. 332, 8/19/86)

Cross Reference: See also Appendix 5, Fee Schedule.

## CHAPTER 2

### CORPORATE AND WARD LIMITS

**Section 1-201**                    **Map of city designated as official map.**

**Section 1-202**                    **Ward number and boundaries.**

**Section 2-101**                    **MAP OF CITY DESIGNATED AS OFFICIAL MAP.**

The map of the city showing its territorial limits is hereby designated as the official map of the city, and the corporate limits as shown thereon are declared to be the true and correct corporate limits of the city, including all annexations made to the city through and including the date of January 1, 1985.

**SECTION 1-202**                    **WARD NUMBER AND BOUNDARIES.**

A. The city is hereby divided into six (6) wards as follows:

1.     Ward One. Beginning C/L NE 23<sup>rd</sup> Street & Indian Meridian Road: Thence North along C/L Indian Meridian Road 2½ miles± or 13,200'±; thence West 1.0 mile ± or 5280'±; thence north along C/L Choctaw Road ½ mile± or 2640'±; thence west along C/L NE 63<sup>rd</sup> Street 1 mile± or 5280'±; thence south along C/L Henney Road 2 miles ± or 10,560'±; thence east along C/L NE 36<sup>th</sup> Street ½ mile± or 2640'±; thence south 1 mile± or 5280'±; thence east along C/L NE 23<sup>rd</sup> Street 1½ miles± or 7920'± to point of beginning;
2.     Ward Two. Beginning C/L NE 10<sup>th</sup> Street & Indian Meridian Road; thence north along C/L Indian Meridian Road 1 mile± or 5280'±; thence west along C/L NE 23<sup>rd</sup> Street 1½ miles± or 7920'±; thence north 1 mile± or 5280'±; thence west along C/L NE 36<sup>th</sup> Street 1½ miles± or 7920'±; thence south along C/L Hiwassee Road 1½ miles± or 7920'±; west 1 mile± or 5280'±; thence south along C/L Anderson Road ½ mile± or 2640'±; thence east along C/L NE 10<sup>th</sup> Street 4 miles± or 21,120'± to point of beginning;
3.     Ward Three. Beginning C/L of Reno and Choctaw Road; thence east along C/L East Reno Avenue 1 mile± or 5280'±; thence south along C/L of Indian Meridian 1 mile± or 5280'±; thence east along the C/L of SE 15<sup>th</sup> Street 1 mile± or 5280'±; thence north along the C/L of Triple X Road 1 mile± or 5280'±; thence east along the C/L of Reno Avenue ½ mile± or 2640'±; thence west ½ mile± or 2640'±; thence west ½ mile± or 2640'±; thence south 3 ½ mile± or 18,480'±; thence west 1 mile± or 5280'±; thence south 1 mile± or 5280'± to point of beginning;
4.     Ward Four. Beginning C/L NE 10<sup>th</sup> Street & Choctaw Road; thence west along C/L NE 10<sup>th</sup> Street 4 miles± or 21,120'±; thence south along C/L Westminster Road ½ mile± or 2640'±; thence east 1½ miles± or 7920'±; thence south ½ mile± or 2640'±; thence east along C/L E Reno Avenue 2½ miles± or 13,200'±; thence north along C/L Choctaw Road 1 mile± or 5280'± to point of beginning;
5.     Ward Five. Beginning C/L E Reno Avenue and Choctaw Road; thence west along C/L E Reno Avenue 3 miles± or 15,840'±; thence south along C/L Anderson Road ½ mile± or 2640'±; thence west ½ mile± or 2640'±; thence south ½ mile± or 2640'±; thence east along C/L SE 15<sup>th</sup> Street 3 miles± or 15,840'±; thence south ½ mile± or 2640'±; thence east ½ mile± or 2640'±; thence north along C/L Choctaw Road 1½

- miles± or 7920'± to point of beginning; and
6. Ward Six. Beginning C/O E Reno and Choctaw Road; thence south along C/L of Choctaw Road 1.91 miles± or 10,075'±; thence west 565'±; thence south 465'±; thence east along SE 29<sup>th</sup> Street 565'±; thence south along C/L of Choctaw Road to the north R/W line of the OC&AA Railway; thence southeasterly along the north R/W line of the OC&AA Railway approximately 2½ miles to a point on the ¼ section line lying ½ mile east of Triple X Road; thence north approximately ½ mile to the ¼ section line; thence west ½ mile± 2640'±; thence north along C/L of Triple X Road 1½ miles± or 8920'±; thence west along the C/L of SE 15<sup>th</sup> Street 1 mile or 5280'±; thence north along the C/L of Indian Meridian 1 mile± or 5280'±; thence west along the C/L of Reno Avenue 1 mile± or 5280'± to the point of beginning.

B. When territory is annexed to the city, it shall be added to the ward to which it is adjacent. If it is annexed to more than one ward, the council shall determine to which ward or wards the territory shall be added.

C. Mention of certain streets and other public ways in this chapter shall be deemed to mean the center lines of such streets and ways. (Ord. No. 164, 1/7/74; Ord. No. 284, 8/6/85)

State Law Reference: Establishment of wards and number, 11 O.S. Section 2-105; review of wards after each census, 11 O.S. Section 20-101.