

# THE VILLAGE CITY CODE

## CHAPTER 1

### GENERAL PROVISIONS

#### Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of The Village," and may be so cited.

Charter reference-Ordinance codification, 19.

State law reference-Ordinance codification, 11 O.S. 14-108.

#### Sec. 1-2. Titles of chapters, articles, divisions and sections.

All titles of chapters, articles, divisions and all catch lines of sections are unofficial and intended only for convenience in arrangement and as mere catchwords to indicate the contents of the chapters, articles, divisions and sections. They shall not be deemed to be part of the contents of the chapters, articles, divisions and sections, nor shall the titles and catch lines alter the otherwise intended meaning of any provision of this Code.

#### Sec. 1-3. History notes.

The history notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section.

#### Sec. 1-4. Provisions as continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as ordinance provisions previously adopted by the city relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

#### Sec. 1-5. Definitions and rules of construction.

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

*Charter.* The words "charter" or "city charter" shall mean the Charter of the City of The Village.

*City.* The words "the city" or "this city" shall mean the City of The Village in Oklahoma County, Oklahoma.

*Code.* Reference to "this Code" or "the Code" shall mean the Code of Ordinances,

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City of The Village as designated in section 1-1 of this chapter.

*Computation of time.* The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday or legal holiday, that day shall not be counted in the computation.

*Council, city council.* The words "council" or "city council" shall mean the council of the city.

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

*Delegation of authority.* Whenever a provision appears requiring the head of a department or some other city officer or employee to do some act or perform some duty, it is to be construed to authorize such department head, officer or employee to designate, delegate and authorize subordinates to perform the required act, or perform the duty, unless the terms of the provision or section specify otherwise.

*Gender.* A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

*Health department.* Whenever in this Code the terms "health department", "county health department", or "city health department" are used, such terms shall be deemed to refer to the city-county health department authorized by sections 1-210 through 1-218 of the Oklahoma Public Health Code.

State law reference-Oklahoma Public Health Code, 63 O.S. 1-101 et seq.

*Health officer.* Whenever in this Code the terms "health officer" or "director of the department of health" are used, such terms shall be deemed to refer to the director of the city-county health department authorized by sections 1-210 through 1-218 of the Oklahoma Public Health Code and such director's designees.

State law reference-Oklahoma Public Health Code, 63 O.S. 1-101 et seq.

*Heretofore and hereafter.* Whenever the word heretofore appears in any ordinance, it shall be construed to mean any time before the day when that ordinance shall take effect whenever the word hereafter appears, it shall be construed to mean the time after the ordinance shall take effect.

*Highway.* The term "highway" shall include any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel, underpass, overpass or causeway in the city, dedicated or devoted to public use.

*Joint authority.* Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or

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other person, unless it is otherwise declared.

*May.* The word "may" is permissive.

*Mayor.* The word "mayor" shall mean the mayor of the city.

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

*Must.* The word "must" is mandatory.

*Nontechnical and technical words.* All words and phrases shall be construed and understood according to the common and approved usage of the language. Technical words and phrases and such others as may have acquired a peculiar or appropriate meaning in law shall be construed and understood according to such peculiar or appropriate meaning.

*Number.* Any word importing singular number shall include the plural and any word importing the plural number shall include the singular.

*Oath.* The word "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."

*Officer, departments, etc.* Except as otherwise specifically provided, whenever any officer, department, board, commission or other agency is referred to by title alone, such reference shall be construed as if followed by the words "of the City of The Village, Oklahoma."

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

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

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

*Personal property.* The term "personal property" shall include every species of property, except real property as herein defined.

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

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*Property.* The word "property" shall include personal, real and mixed property.

*Public grounds or public places.* The terms "public grounds" or "public places" shall be construed to mean any park or open place adjacent thereto, any lake or stream, any and every public ground, public square, public park, street or sidewalk, or other public place within the city.

*Real property.* The term real property shall include land together with all things attached to the land so as to become a part thereof and all rights thereto and interest therein.

*Shall.* The word "shall" is mandatory and the word "may" is permissive.

*Sidewalk.* The word "sidewalk" shall mean any portion of the street between the curb, or the lateral line of the roadway, and the adjacent property line, intended for the use of pedestrians.

*Signature or subscription.* The term "signature" or "subscription" shall include a mark when a person cannot write.

*State.* The words "the state" or "this state" shall be construed to mean the State of Oklahoma.

*Statutory references.* Reference to the statutes of the State of Oklahoma means the statutes as they now are or as they may be amended to be, and a reference to the 1981 statutes also means the comparable provision when included in future codifications or supplementations of the statutes.

*Street.* The term "street" shall include any highway, alley, street, avenue or public place, square, bridge, viaduct, underpass, overpass, tunnel or causeway in the city dedicated or devoted to public use.

*Tenant, occupant.* The words "tenant" and "occupant," applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such building or land, either alone or with others.

*Tense.* Words used in the past or present tense shall include the future as well as the past and present, unless the context clearly indicates otherwise.

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

*Year.* The word "year" shall mean a calendar year.

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(Code 1976, 7-1-1--7-1-4)

State law reference--Similar provisions, 25 O.S. 1 et seq.

### Sec. 1-6. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

- (1) Any appropriation or budget ordinance;
- (2) Any ordinance authorizing or relating to the issuance or redemption of bonds;
- (3) Any ordinance approving or authorizing specific contracts;
- (4) Any ordinance authorizing a specific sale, lease or purchase of property;
- (5) Any ordinance levying or assessing taxes not inconsistent with this Code;
- (6) Any ordinance granting rights-of-way, franchise or easements;
- (7) Any ordinance annexing territory to, or excluding territory from, the city;
- (8) Any ordinance calling specific elections or providing for special elections;
- (9) Any ordinance making special assessments for local improvements;
- (10) Any ordinance creating or relating to specific sewer and paving districts or other specific improvement districts;
- (11) Any ordinance establishing the grades of specific streets and other public ways;
- (12) Any ordinance naming or changing the names of specific streets and other public ways;
- (13) Any ordinance creating, dedicating, vacating or closing specific streets, alleys or other public ways;
- (14) Any ordinance amending the zoning map or approving or disapproving a subdivision plat;
- (15) Any ordinance rezoning property;
- (16) Any ordinance dealing with the compensation, retirement, pensions or other benefits of city officers and employees;

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- (17) Any ordinance which is temporary although general in effect;
- (18) Any ordinance which is special although permanent in effect;
- (19) Any ordinance the purpose of which has been accomplished.

### **Sec. 1-7. Ordinances in effect in outlying real property 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 said 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 said outlying real property belonging to, or under the control of, the city, unless the context clearly indicates otherwise.

(Code 1976, 7-2-1)

### **Sec. 1-8. Effect of repeal or ordinances revival.**

(a) Neither the adoption of this Code nor the repeal hereby of any ordinance of this city shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty at the effective date due and unpaid under such ordinance, nor be construed as affecting any of the provisions of such ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereof appertaining shall continue in full force and effect.

(b) Whenever any ordinance repealing a former ordinance, clause or provision, shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be therein so expressly provided.

### **Sec. 1-9. Penalties for violations.**

(a) Whenever in this Code or in any other ordinance of the city, or in any rule, regulation or order promulgated by any officer or agency of the city under authority duly vested in him, or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful, or an offense or a misdemeanor, where no specific penalty is provided therefore, the violation of any such provisions of this Code or any other ordinance of the city or such rule, regulation or order shall be punished as indicated below:

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(1) If the violation is a Class A offense, it shall be punishable by a fine not exceeding Seven Hundred and Fifty Dollars (\$750.00), or by imprisonment not exceeding sixty (60) days, or by both such fine and imprisonment Title 11 O.S. Sec 14-111.C

(2) If the violation is a Class B offense, it shall be punishable by a fine not exceeding Two Hundred Dollars (\$200.00).

(b) If any act or omission is declared a Class A or Class B offense, it shall be punishable as provided in subsection (a). In the absence of any penalty or classification being specified, an offense shall be a Class B offense, except as provided in subsection (c) below.

(c) The provisions of subsections (a) and (b) notwithstanding, no penalty, including fines and costs, shall be greater than that established by state statute for the same offense. Exceptions to the provisions of subsections (a) and (b) above include, but are not limited, to the following offenses:

1. The maximum fine for improper transportation of a firearm shall be \$70.00.
2. The maximum fine pertaining to license and registration of vehicles shall not exceed \$500.00; provided however the maximum fine for "no current licensing" of a vehicle shall not exceed \$100.00.
3. The maximum fine for traffic related offenses, including parking and speeding, shall not exceed \$200.00. (Class B Offense)
4. The maximum fine for alcohol or drug-related traffic offenses shall not exceed \$800.00.
5. The maximum fine for public intoxication shall not exceed \$100.00.

(d) Except as otherwise provided, every day any violation of this Code or any other ordinance of the city or any rule, regulation or order shall continue, shall constitute a separate offense.

(Code 1976, § 7-7-1 Ord. No. 549, §1, 8-17-99; Ord. No, 644, §1, 10-06-2009)

Cross reference--Orders of no imprisonment or maximum fine, 14-23.

State law reference--Penalties for ordinance violations, 11 O.S.14-111.et seq.

### Sec. 1-10. Amendments to Code.

(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section \_\_\_\_\_ of the Code of Ordinances, City of The Village, is hereby

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amended to read as follows:...." The new provisions shall then be set out in full as desired.

(b) In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Code of Ordinances, City of The Village, is hereby amended by adding a section, to be numbered\_\_\_\_\_, which said section reads as follows:...." The new section shall then be set out in full as desired.

Charter reference--Adoption of ordinance, 16-19.

Cross reference--Amendments to air pollution ordinances, 3-3.

### Sec. 1-11. Supplementation of Code.

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

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

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

- (1) Organize the ordinance material into appropriate subdivisions,
- (2) Provide appropriate catch lines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catch lines, headings and titles,
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers,
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections \_\_\_\_ to



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\_\_\_\_\_, (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Codes), and

(5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the code but in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

### **Sec. 1-12. Severability of parts of Code and ordinances.**

If a court of competent jurisdiction should hold one or more sections or a part of a section of this Code or of an ordinance passed hereafter invalid, such holding shall not affect the remainder of the Code or ordinance nor the context in which such section, sections or part of a section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section, sections or part of a section so held invalid.

(Code 1976, 7-3-1)

