

TOWN OF  
**WINCHESTER, OKLAHOMA**

2013  
Code of Ordinances

Winchester Town Council / Board of Trustees  
10500 North 251<sup>st</sup> Street  
P.O. Box 102  
Beggs, Oklahoma 74421

## FORWARD

The city code of Winchester was originally published by the Oklahoma Municipal League in 1983 and was kept current by regular supplementation through 1991. Based on that adopted code, this code of ordinances has been codified by and is provided by Michael R. Vanderburg.

This codification provides a complete revision and codification of all ordinances of a general and permanent nature of the Town of Winchester. Obsolete, illegal or superseded ordinances *have been repealed as a part of the codification*. All amended ordinances are brought up to date.

The various chapters and articles of the code follow one another in a natural, logical order, which is similar to prior code organization in this and in other municipalities. This should ease cross-referencing, should that ever become necessary. The table of contents with a complete outline of each chapter will often provide sufficient reference points for the reader. In addition, the reader may consult the alphabetical *index at the end of the volume*. *At the beginning of each part and chapter there is a section-by-section analysis of the articles and sections within the chapter aid part.*

Non-textual provisions such as severability clauses, repealing clauses, and enacting clauses are omitted from the text but are covered in Part One of the code that applies to the entire code. References to "this ordinance" in the text of an ordinance have been changed to "this chapter" or "article" as deemed appropriate. Various editorial notes, state law references, and amendment notes have been included throughout the code to clarify its provisions. Prior codes referred to "parts", and this has been changed to "title" similar to the system used by the State of Oklahoma.

The citations included at the end of sections apply to the original source and approval date of ordinances. Sections without citation, particularly in title 1 of the Code are new adoptions intended to fill in gaps or to clarify to provisions of the code as codified.

The new code is published in loose-leaf form so that all new ordinances may be printed for inclusion therein on a regular basis. Page numbers will follow the pattern "chapter number-page number within the chapter. Ongoing codification of this code by new ordinances is available.

I am very grateful in my acknowledgement of the cooperation and assistance rendered by the town officials in the preparation of this code with particular emphasis on Board Member Gary Jackson.

This document contains the ordinances of the Town of Winchester, Oklahoma of a general and permanent nature.

Respectfully submitted,  
Michael R. Vanderburg

### **Addendum:**

This Book of Ordnanances has been edited for typographical and/or formatting changes. These changes are not and will not effect or change any ordinance or the legality of the code in force.

TOWN OF  
**WINCHESTER, OKLAHOMA**  
2013 Code of Ordinances

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# **TITLE 1**

## **GENERAL PROVISIONS**

### **CHAPTER 1**

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## **TITLE 1 – CHAPTER 1: USE AND CONSTRUCTION OF THE CODE**

### **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, Town Of Winchester, Oklahoma", and may be so cited.  
[Winchester Code of 1983]

### **SECTION 1-102 RULES OF CONSTRUCTION; DEFINITIONS**

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 Board of Trustees

**BOARD OF TRUSTEES, OF TOWN BOARD:** The Board of Trustees of Winchester.

**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.

**COUNTY OR THIS COUNTY:** The county of Okmulgee, Oklahoma.

**GENDER:** A word importing one gender only shall extend and be applied to other genders and to firms, partnerships, and corporations as well.

**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

**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 all rules and regulations promulgated hereunder.

**MAYOR:** The mayor of the town.

**MONTH:** A calendar month.

**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.

**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 may also include the singular unless a contrary intention plainly appears.

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".

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

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 departments of the town.

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.

PROCEEDING, FOLLOWING: Next before and next after, respective.

PROPERTY: Shall include real and personal property.

SIGNATURE OR SUBSCRIPTION: Includes a mark when a person cannot write.

STATE OR THIS STATE: Shall be construed to mean the state of Oklahoma

STATUTORY REFERENCES: References to statutes of the state of Oklahoma as they now are or as they may be amended to be.

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.

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

TOWN: the Town of Winchester.

WEEK: Seven (7) days.

YEAR: A calendar year. [Winchester Code of 1983]



## **SECTION 1-103 CATCHLINES OF SECTIONS, CITATIONS**

The catch lines 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 catch lines, or citations, are amended or reenacted. [Winchester Code of 1983]

## **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, or any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed. [Winchester Code of 1983]

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

It is hereby declared to be the intention of the Board of Trustees 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. [Winchester Code of 1983]

## **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 Board of Trustees of the Town of Winchester, Oklahoma, that Section \_\_\_\_\_ of the code of ordinances of the Town of Winchester, Oklahoma, is hereby amended to read as follows: (Set out new provisions in full.)*
- C. When the Board of Trustees desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the code, which the board 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 Board of Trustees of the Town of Winchester, Oklahoma, that the provisions of this ordinance shall become and be made a part of the code of ordinances of the Town of Winchester, 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. [Winchester Code of 1983]

## **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 chapter. [Winchester Code of 1983]

## **SECTION 1-108 GENERAL AND SPECIFIC PENALTIES**

- A. Except in cases where a different punishment is now or may hereafter be prescribed by ordinance, any person, firm, or corporation, who shall commit an offense, or violate any section of this code, or any subsequent ordinance of the town, shall upon conviction be fined in an amount not to exceed five hundred dollars (\$500.00) plus court costs, the fees and mileage of witnesses, if any, and any other fees, assessments or costs imposed by Oklahoma Statutes to be collected by the Winchester Municipal Court, including, but not limited to, a separate penalty assessment and a fingerprinting fee. Provided that the municipal court shall not impose a penalty for any conviction that is in excess of the maximum penalty available in District Court upon conviction for the same offense. [Ord. 2003-3, 1-16-2003; Ordinance adopted February 9, 2010]
- B. 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. . [Winchester Code of 1983]

C. There are hereby established court costs in the amount of thirty dollars (\$30.00) to be collected upon a plea of guilty or of no contest for each prosecution in municipal court. Said fee may be waived by the municipal judge or city attorney, but only in writing and only in the interests of justice. Provided that these court costs shall not be collected in any case where the costs are effectively preempted, in whole or in part, by applicable state law. In the event that an accused is placed on probation or any deferred prosecution, an administrative fee of up to \$200.00 may be imposed, and if imposed shall be in lieu of any fine if the probation is successfully completed. [Ord. 2003-3, 1-16-2003; Ordinance adopted February 9, 2010]

### **SECTION 1-109 FINES RECOVERABLE BY CIVIL ACTION**

All fines shall be recoverable by civil action before any court of competent jurisdiction in addition to any other method provided by law. [Winchester Code of 1983]

### **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. [Winchester Code of 1983]

### **SECTION 1-111 FAILURE TO PAY FINE OR COSTS – CREDIT – ACTION**

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 forty dollars (\$40.00) per day less the cost of incarceration. If the defendant is without means to pay the fine or costs, the municipal judge may direct the total amount due to be entered upon the court minutes and certified to the district court of Okmulgee County, 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. [Ordinance adopted February 9, 2010]

### **SECTION 1-112 PRISONER CARE AND FEEDING – REQUIRING PRISONERS TO WORK – CREDIT FOR WORKING**

All prisoners confined to jail on conviction or plea of guilty, if their health permits, may be allowed to work on the public streets, avenues, alleys, parks or other public premises or property; prisoners imprisoned for the failure to pay a fine or costs, or both, shall be credited at the rate of eighty dollars (\$80.00) per day for each day worked: prisoners imprisoned to serve time shall be credited with two (2) days for each day worked. [Ordinance adopted February 9, 2010]

## **TITLE 1 – CHAPTER 2: CORPORATE AND WARD LIMITS**

### **SECTION 1-201 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 there In are declared to be the true and correct corporate limits of the city, including annexations made by the town up to and including the date of October 1, 2010, and may be amended as needed. The boundaries of the town are described as follows:

1. Tracts located in Sections One (1), Two (2), Eleven (11), Twelve (12), Thirteen (13), and Fourteen (14), in Township Fifteen North (T15N), Range Twelve East (R 12E) Okmulgee County, Oklahoma, described as follows:
  - a. Section 1: The East One-Half (E 1/2) of Section One (1)
  - b. Section 2: All of Section Two (2);
  - c. Section 11: All of Section Eleven (11);
  - d. Section 12: All of Section Twelve (12);
  - e. Section 13: All of Section Thirteen (13) less and except the East One-Half (E 1/2) of the South East One-Quarter (S E 1/4);
  - f. Section 14: All of Section Fourteen (14); and
2. Tracts located in Section Seven (7) of Township Fifteen (15) North (T15N) Range Thirteen (13) East (R13E), Okmulgee County, Oklahoma, described as follows:

The West One-Half (W 1/2) of the West One-Half (W 1/2) of the South West One-Quarter (S W 1/4).

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## **TITLE 2**

### **ADMINISTRATION AND GOVERNMENT**

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#### **TOWN BOARD OF TRUSTEES**

- Section 2-101 General Powers
- Section 2-102 Board of Trustees
- Section 2-103 Meetings of the Town Board
- Section 2-104 Rules of order and procedure
- Section 2-105 Trustees may be designated to perform duties
- Section 2-106 Rejection of the Oklahoma Town Meeting Act

#### **CHAPTER 2**

#### **MAYOR**

- Section 2-201 Election and duties of the Mayor

#### **CHAPTER 3**

#### **TOWN OFFICERS AND PERSONNEL**

- Section 2-301 Town Clerk
- Section 2-302 Town Treasurer
- Section 2-303 Town Attorney, Appointment and Duties
- Section 2-304 Health Officer
- Section 2-305 Other personnel, appointments, removals
- Section 2-306 Bonds
- Section 2-307 Salaries
- Section 2-308 Compensation of employees, number and classes of personnel
- Section 2-309 Salaries of certain officers not to be changed after election or appointment
- Section 2-310 Oaths
- Section 2-311 Officers to continue until successors are elected and qualify
- Section 2-312 Appointment of personnel in emergencies

## **TITLE 2 – CHAPTER 1: TOWN BOARD OF TRUSTEES**

### **SECTION 2-101 GENERAL POWERS**

- A. Pursuant to the provisions of Section 12-101 of Title 11 of the Oklahoma Statutes, the town shall have all the powers, functions, rights, privileges, franchises and immunities granted, or which may be granted to cities governed by the statutory town board of trustees form of government. These powers shall be exercised as provided by law applicable to cities under the Board of Trustees form of government, or, if the manner is not prescribed, then in such manner as the Board of Trustees may prescribe.
- B. The powers, rights and authorities of the city, including the determination of matters of policy, shall be vested in and exercised by the Board of Trustees. [Winchester Code of 1983]

### **SECTION 2-102 BOARD OF TRUSTEES**

The Board of Trustees shall consist of five trustees, each elected at large from within the town. Each trustee shall be an actual resident. The term of office for a trustee shall be four (4) years beginning at 12:00 noon on the second Monday following the general municipal election. The trustee shall serve until his successor is elected and qualified. The terms of the trustees shall be staggered so that at the general municipal election in 1987, the following trustees are elected for four-year terms:

- 1. Trustees numbered one, three, and five; and
- 2. The Clerk.

At the general municipal election in 1985, the following officers are to be elected for four-year terms:

- 1. Trustees numbered two and four, and
- 2. The treasurer. [Winchester Code of 1983; at the direction of the Trustees, all officers run for election at large.]

## **SECTION 2-103 MEETINGS OF THE BOARD OF TRUSTEES**

- A. The Board of Trustees shall meet regularly, on the fourth Tuesday of each month at 7:00 P.M. and at such other times as it may prescribe by ordinance, resolution, or otherwise, at the location designated by the town board. Where the day for a meeting falls upon a day, which is a legal holiday in the state, the meeting shall be held on the next succeeding day, which is not a holiday. Special meetings may be called by the Mayor or any three (3) trustees. A majority of all the members of the board shall constitute a quorum to do business, but a smaller number may adjourn from day to day. [At the direction of the Trustees, the time of the regular meeting has been changed to current practice.]
- B. Every meeting of the Board of Trustees shall be held in the town hall unless in case of an emergency, the Mayor designates another place in the town for the holding of a special meeting. Any adjourned meeting may be held at any other place within the town designate by the Board. [Winchester Code of 1983]

## **SECTION 2-104 RULES OF ORDER AND PROCEDURE**

- A. The Board may determine its own rules, and may compel the attendance of absent members in the manner and under penalties as the Board of Trustees may prescribe. Whenever a council member is absent without excuse from more than one-half ( $1/2$ ) of all meetings of the Board of Trustees, regular and special, held within any period of four (4) consecutive months, he shall thereupon cease to hold office. Absences may be excused if the member calls in advance to allow the absence. [At the direction of the Trustees, excused absences have been allowed under current practice.]
- B. The order of business for each meeting of the Board of Trustees shall be as follows:
1. Call to order;
  2. Determination of a quorum;
  3. Reading and approval of the minutes;
  4. Purchase orders for approval;
  5. Old Business;
  6. New Business;
  7. Business from the floor;
  8. Adjournment.



- C. The following rules of procedure shall apply to any regular or special meeting of the board unless three (3) trustees agree to waive the rule or rules;
1. At the request of the Mayor or any Board Member, all motions shall be reduced to writing;
  2. A motion to reconsider any of the proceedings of the board shall not be entertained unless it be made by a member who previously voted in the majority;
  3. No motion shall be debated or put until it be seconded and stated by the Mayor. It is then and not until then in possession of the Board and cannot be withdrawn but by leave of the Board.
  4. A motion to adjourn shall be in order at any time, except as follows:
    - a. When repeated without intervening business or discussion;
    - b. When made as an interruption of a member while speaking;
    - c. When the previous question has been ordered; or
    - d. While a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is adjourned;

5. When a question is under debate, no motion shall be received but:
  - a. To adjourn;
  - b. To lay on the table;
  - c. For the previous question;
  - d. To postpone to a day certain;
  - e. To commit;
  - f. To amend; or
  - g. To postpone indefinitely; and, these several motions shall have precedence in the order they stand arranged;
6. When a proper motion is made, but information is wanted, the motion is to postpone to a day certain.

7. Matters claiming present attention for which it is desired to reserve for more suitable occasion, the order is a motion to lie on the table; the matter may then be called for at any time. If the proposition may need further consideration at the hands of a committee, the motion is to refer to a committee, but if it need but a few and simple amendments, the Board shall proceed to consider and amend at once;
8. On an amendment's being moved, a member who has spoken on the main question may speak again to the amendment;
9. The question is to be put first on the affirmative and then on the negative side. After the affirmative part of the question has been put, any member who has not spoken before to the question may arise and speak before the negative be put; and
10. When a question has been moved and seconded and has been put by the presiding officer in the affirmative and negative, it cannot be debated unless under motion for reconsideration. [Winchester Code of 1983]

## **SECTION 2-105 TRUSTEES MAY BE DESIGNATED TO PERFORM DUTIES**

The Board of Trustees may designate various ones, of its members or a committee of its members to have supervision of various personnel and activities of the town, such as streets, water systems and so on, and may give each such trustee or committee designated an appropriate title. Each such trustee or committee so designated shall be subordinate to the Board.  
[Winchester Code of 1983]

## **SECTION 2-106 REJECTION OF THE OKLAHOMA TOWN MEETING ACT**

- A. Pursuant to 11 O.S., Section 16-302 the Town of Winchester Oklahoma hereby declares that it shall not be governed by the Oklahoma Town Meeting Act as a means of electing its officers and deciding initiative and referendum questions.
- B. The Town of Winchester Oklahoma shall hereby elect its officers and decide initiative and referendum questions through elections conducted by the county board pursuant to Title 11 Section 16-101 et.seq. of the Oklahoma Statutes. (Ordinance of December 20,1988)

## **TITLE 2 - CHAPTER 2: MAYOR**

### **SECTION 2-201 ELECTION AND DUTIES OF THE MAYOR**

- A. The Board of Trustees shall elect, from among its members, a Mayor. The Mayor shall be elected in each odd numbered year at the first Board of Trustees meeting held after Trustee terms begin, or as soon thereafter as practicable. The Mayor shall serve until his successor has been elected and qualified.
- B. The mayor shall preside at meetings of the Board of Trustees and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the city government for all ceremonial purposes and shall have such other powers, duties, and functions as may be prescribed by law or ordinance. The mayor shall have all the powers, rights, duties and responsibilities of a council member, including the right to vote on questions.
- C. During the absence, disability or suspension of the mayor, the Board of Trustees shall elect from among its members an acting mayor. When a vacancy occurs in the office of Mayor, the board shall elect another Mayor from among its members to serve for the duration of the un-expired term. [Winchester Code of 1983]

## **TITLE 2 - CHAPTER 3: TOWN OFFICERS AND PERSONNEL**

### **SECTION 2-301 TOWN CLERK**

The Town Clerk is an elected official of the town, elected for a four-year term. The town clerk shall:

1. Keep the journal of the proceedings of the Board;
2. Enroll in a book kept for that purpose all ordinances and resolutions passed by the Board;
3. Have custody of documents, records and archives as may be provided by law or ordinance and have custody of the town seal;
4. Attest and affix the seal of the city to documents as required by law or ordinance and;
5. Have such other powers, duties and functions as may be prescribed by law or ordinance or by the Board.

## **SECTION 2-302 TOWN TREASURER**

The Town Treasurer is an elected official of the town elected for a four-year term at the general municipal election in which trustees from even numbered chairs are elected. The treasurer shall:

1. Maintain accounts and books to show where and from what source all monies paid to him have been derived and to whom and when any money has been paid;
2. Deposit daily funds received for the city in depositories as the Board of Trustees may designate; and
3. Have such other powers, duties and functions as may be prescribed by law or ordinance.  
[Winchester Code of 1983]

## **SECTION 2-303 TOWN ATTORNEY, APPOINTMENT AND DUTIES**

The Board of Trustees may appoint a Town Attorney or may secure the services of an attorney or attorneys on a contractual basis when needed. The Town Attorney, when and if appointed, shall be the legal adviser of the Board, all officers, departments and agencies of the Town Government in matters relating to their official powers and duties. He shall represent the city in proceedings in the courts. He shall perform all services incident to his position, which may be required by law or ordinance. [Winchester Code of 1983]

## **SECTION 2-304 HEALTH OFFICER**

The Board of Trustees may appoint a town health officer. The county health officer or any qualified personnel of the state department of health may perform the duties and functions of a town health officer. [Winchester Code of 1983]

## **SECTION 2-305 OTHER PERSONNEL, APPOINTMENTS, and REMOVALS**

- A. The Board of Trustees may appoint such other officers and employees as it deems desirable and may determine their compensation by motion or resolution, and may demote, suspend, layoff or remove all such personnel in compliance with due process and other requirements of law.

B. An employee or officer who, after a probationary period as set by the Town Board, is laid off, suspended without pay for more than ten (10) days, demoted or removed shall receive, at the time of the action or within two (2) days thereafter, by personal delivery or by registered, certified or similar special mail, a written statement of the reason or reasons for the layoff, suspension, demotion or removal. Such officer or employee may appeal in writing to the Town Board. The appeal must be filed with the Town Clerk for transmittal to the Board within ten (10) days after receipt of the notice of the layoff, suspension, demotion, or removal. As soon as practicable thereafter, the board shall conduct a hearing on the appeal, or give an adequate opportunity therefore, and shall report in writing its findings and recommendations and make its final decision in writing regarding the appellant's layoff, suspension, demotion or removal. If the Board finds that the layoff, suspension, demotion or removal was made for any reason other than the good of the service, it shall veto the layoff, suspension, demotion or removal and order the reinstatement of the employee or officer. Any proceedings of the Board shall be subject to open meeting laws and applicable exceptions provided for executive sessions. Employees or officers on probationary status may be laid off, suspended without pay, demoted or removed at any time without the written statement, hearings and procedures required in this section. [Winchester Code of 1983]

## **SECTION 2-306 BONDS**

The Board of Trustees shall require the Town Treasurer, and any other officers and employees as it may designate by ordinance or otherwise to give bond for the faithful performance of duties in such amount and form as the Board of Trustees shall prescribe. The town shall pay the premiums on such bonds. The town may require the officer to secure the bond within ten (10) days after his election or appointment. [Winchester Code of 1983]

## **SECTION 2-307 SALARIES**

The compensation of all elective town officers, including the following, shall be fixed by ordinance:

- A. Mayor;
- B. Each Trustee;
- C. Town Clerk; and
- D. Town Treasurer. [Winchester Code of 1983]

## **SECTION 2-308 COMPENSATION OF EMPLOYEES, NUMBER AND CLASSES OF PERSONNEL**

- A. The compensation of all other officers and employees, excepting those whose compensation the law requires to be set by ordinance, may be determined by motion or resolution adopted by the Board of Trustees, and may be changed at any time in the same manner.
- B. Except as the law provides otherwise, the Board of Trustees may determine or regulate the number and classes of officers and employees. [Winchester Code of 1983]

## **SECTION 2-309 SALARIES OF CERTAIN OFFICERS NOT TO BE CHANGED AFTER ELECTION OR APPOINTMENT**

In no case shall the salary or emoluments of any town officer elected or appointed for a definite term, be changed after his election or appointment or during his term of office unless by operation of an ordinance passed prior to such election or appointment, such being prohibited by the Constitution, Article 23, Section 10. This provision shall not apply to officers chosen for indefinite terms or to employees. [Winchester Code of 1983]

## **SECTION 2-310 OATH OF OFFICE**

- A. All officers of the town, but not employees, are required to take the oath or affirmation of office prescribed by the state constitution before they enter upon their duties.
- B. Both officers and employees are currently required to take and subscribe to the loyalty oath prescribed by state law. [Winchester Code of 1983]

## **SECTION 2-311 OFFICERS TO CONTINUE UNTIL SUCCESSORS ARE ELECTED OR APPOINTED AND QUALIFY**

Every officer who is elected or appointed for a definite term shall continue to serve thereafter until his successor is elected or appointed and qualifies, unless his services are sooner terminated by resignation, disqualification, removal, death, abolition of the office, or other legal matter. [Winchester Code of 1983]

## **SECTION 2-312 APPOINTMENT OF PERSONNEL IN EMERGENCIES**

The Mayor may, in an emergency situation, appoint such other officers and employees as he may deem necessary to protect the health, safety and welfare of the citizens of the town during the existence of the emergency, subject to the approval of the Board of Trustees as soon as a special meeting or regular meeting can reasonably be called or held therefore. The Board of Trustees may determine the compensation of such emergency employees by motion or resolution and may direct the demotion, layoff or removal of such personnel at the conclusion of such emergency. For the purposes of this section, the term "emergency" shall be defined to mean an unexpected or unforeseen contingency or catastrophic event affecting the health, safety or welfare of the citizens of the town. [Winchester Code of 1983]

## **TITLE 3**

### **ALCOHOLIC BEVERAGES**

#### **CHAPTER 1**

#### **ALCOHOLIC BEVERAGES; TAXATION AND REGULATION**

- Section 3-101 Definitions
- Section 3-102 Occupation tax levied
- Section 3-103 Payment required; penalty
- Section 3-104 Town clerk to make report
- Section 3-105 Retail package stores, location
- Section 3-106 Premises be separated for sale of alcoholic beverages and other goods
- Section 3-107 Time of operation
- Section 3-108 Sale only in original package
- Section 3-109 Regulations applicable
- Section 3-110 Package store sign.
- Section 3-111 Advertising.
- Section 3-112 Penalty

#### **CHAPTER 2**

#### **NONINTOXICATING BEVERAGES**

- Section 3-201 Definitions
- Section 3-202 License fee
- Section 3-203 License required
- Section 3-204 Compliance with state law, not transferable
- Section 3-205 Revocation of license
- Section 3-206 Minors not to be employed
- Section 3-207 Intoxicated persons, gambling, and disorderly conduct
- Section 3-208 Sale and purchase to or by minors
- Section 3-209 Minors, possession of alcoholic beverages or beer prohibited
- Section 3-210 Hours of sale
- Section 3-211 Penalty



## TITLE 3 – CHAPTER 1: ALCOHOLIC BEVERAGES

### SECTION 3-101 DEFINITIONS

Words, phrases, and terms used in this chapter shall be given the same use and meaning as defined by the Oklahoma Alcoholic Beverage Control Act, 501 to 566 of Title 37 of the Oklahoma Statutes, with the same force and effect as if the definitions were set forth in full in this chapter, unless the context clearly indicates a different meaning or construction. [Winchester Code of 1983]

### SECTION 3-102 OCCUPATION TAX LEVIED

- A. There is hereby levied and assessed an annual occupation tax on every business or occupation relating to alcoholic beverages as specifically enumerated herein and in the amount herein stated:

TABLE INSET:

1. Brewer	\$1,250.00;
2. Distiller	\$3,125.00;
3. Winemaker	\$625.00;
4. Oklahoma winemaker	\$75.00;
5. Rectifier	\$2,500.00;
6. Wholesaler	\$2,000.00;
7. Class B wholesaler	\$625.00;
8. Retail package store	\$600.00;

- B. The license fee for brewers and for Class B wholesalers shall be reduced by seventy-five percent (75%) if the applicant therefore is also the holder of a license to manufacture or wholesale, as the case may be, any intoxicating beverages as provided by Title 37 of the Oklahoma Statutes.
- C. All license issue pursuant to this chapter shall expire on June 30 of the year for which issued. The cost of a license of any type or class applied for during the fiscal year shall be a prorate part of the cost of the yearly license, provided that the cost of the license shall be computed on a monthly basis. Any license issued after the fifteenth day of any month shall be charged for on the basis of the first day of the next month.

- D. A person desiring to engage in any of the above businesses or occupations within the town shall make application for a license therefore to the town clerk, and pay to the town clerk the above required occupation tax. If the applicant carries on his occupation in more than one location within the town limits, he shall be subject to tax for each location. If the applicant holds a valid state license to engage in the business or occupation within the town issued by the Director of the Oklahoma Alcoholic Beverage Control Board, if the application is in accordance with this chapter, and if the applicant has paid the required town occupation tax, then the town clerk shall issue the license applied for. The license shall be posted in a conspicuous place in the premises wherein the licensee carries on the occupation. [Winchester Code of 1983]

### **SECTION 3-103 PAYMENT REQUIRED**

It is unlawful for any person to engage in any of the business or occupations upon which this chapter levies an occupation tax without having paid the town occupation tax levied by this chapter and without having a valid license from the town clerk as provided herein. [Winchester Code of 1983]

### **SECTION 3-104 TOWN CLERK TO MAKE REPORT**

The town clerk shall make an annual report as of the close of business on June 30 each year to the Oklahoma Alcoholic Beverage Control Board showing the number and class of licenses issued and the amount of money received there from. [Winchester Code of 1983]

### **SECTION 3-105 RETAIL PACKAGE STORES, LOCATION**

- A. No retail package store or any other business licensed by this chapter shall be located or operated at any place except at locations permitted by the town's zoning or planning laws.
- B. The location of a retail package store is specifically prohibited within three hundred (300) feet from any church property primarily and regularly used for worship services and religious activities, or a public school. However, if any such church or school shall be established within three hundred (300) feet of any licensed retail premises after such premises have been licensed this shall not be a bar to the renewal of such license so long as it has been in continuous force and effect. The distance indicated in this section shall be measured from the nearest property entrance door of the premises of such package store along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For the purpose of determining measured distance, property situated on the opposite side of the street from such church or school (shall exclude the paved portion of the street). A license shall not be issued for a location on any block where a school or church is located. [Winchester Code of 1983]

## **SECTION 3-106 PREMISES TO BE SEPARATED FOR SALE OF ALCOHOLIC BEVERAGES AND OTHER GOODS**

The premises of a retail package store shall be separated from the premises on which any other goods, wares, or merchandise are sold or services are rendered, by non transparent walls which may be broken by a passageway to which the public is not admitted for the purpose of selling, reselling, or delivering in connection with the sale of the alcoholic beverages. No person shall take any alcoholic beverage through any passageway described in this section for the purpose of selling or reselling such beverage, or for the purpose of delivery thereof in connection with a sale of such beverages. [Winchester Code of 1983]

## **SECTION 3-107 TIME OF OPERATION**

It is unlawful for any person holding a license for a retail package store or any employee or agent thereof to keep the premises of the retail package store open for the purpose of selling, or to sell, any alcoholic beverages at any hour other than between the hours of 10.00 A.M and 10:00 P.M. Monday through Saturday; or on the day of any general, primary, runoff primary, or special elections; or on New Year's Day, Memorial Day, the Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day or Christmas Day. [Winchester Code of 1983]

## **SECTION 3-108 SALE ONLY IN ORIGINAL PACKAGE**

Retail package stores may sell alcoholic beverages only in retail containers in the original package for consumption off the premises. Alcoholic beverages may be sold only at room temperatures. [Winchester Code of 1983]

## **SECTION 3-109 REGULATIONS APPLICABLE**

It is unlawful for any person:

- A. Knowingly to sell, deliver, or furnish alcoholic beverages to any person less than twenty-one (21) years of age,
- B. Who is under the age of twenty-one (21) to misrepresent his age in writing or by presenting documentation of age for the purpose of inducing any person to sell him an alcoholic beverage.
- C. To employ any person under the age of twenty-one (21) years in the selling or handling of alcoholic beverages.

- D. Who is a licensee or an agent or employee thereof to permit any person less than twenty-one (21) years of age to enter into, remain within, or loiter about the premises of any retail package store.
- E. Knowingly to sell, deliver or furnish alcoholic beverages to an intoxicated person or to any person who has been adjudged insane or mentally deficient.
- F. To open a retail container or consume alcoholic beverages on the premises of a retail package store; or for any operator of a retail package store, or any person in charge thereof, to permit any person to open a retail container therein or consume alcoholic beverages therein;
- G. To transport in any vehicle upon any street, alley, or other public way within the town any alcoholic beverage except in the original container, which shall not have been opened and the seal of which shall not have been broke, and from which the original cap or cork shall not have been removed, unless the opened container be in the trunk or any closed compartment or other container out of public view and out of reach of the driver or any occupant of the vehicle;
- H. To drink intoxicating liquor in public or be intoxicated in a public place; and
- I. Who is the operator of a cafe, restaurant, club, or any place of recreation, to permit any person to be drunk or intoxicated in such place of business. [Winchester Code of 1983]

### **SECTION 3-110 PACKAGE STORE SIGN**

No person owning, operating or maintaining a retail alcoholic beverage package store shall cause or permit it to be designated by more than one sign, which shall contain only the words "Retail Alcoholic Liquor Store", or any combinations of such words or any of them, and which shall contain no letter or figure more than four (4) inches in height or more than three (3) inches in width and in which the lines of work, if more than one, shall not be more than one inch apart. [Winchester Code of 1983]

### **SECTION 3-111 ADVERTISING**

No person shall advertise, or cause to be advertised, in any manner, other than as authorized by this chapter, the sale of alcoholic beverages within the limits of this town. [Winchester Code of 1983]

### **SECTION 3-112 PENALTY**

Any person who violates any provision of this chapter shall be guilty of a misdemeanor, and upon conviction, shall be punished as provided in Section 1-108 of this code. [Winchester Code of 1983]

## **TITLE 3 - CHAPTER 2: NONINTOXICATING BEVERAGES**

### **SECTION 3-201 DEFINITIONS**

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

1. "Minor" means a person who has not yet attained the age at which a person is permitted to consume non-intoxicating beverages under state law.
2. "Non-intoxicating beverages" means all beverages containing more than one-half of one percent (1/2 of 1 %) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight.
3. "Retail dealer" means and includes any and all persons, firms, corporations, associations, or concessionaires who sell, distribute, or dispense any non-intoxicating beverages, as herein defined, within the corporate limits of the town without regard as to any place where such beverages may be consumed or used. [Winchester Code of 1983]

### **SECTION 3-202 LICENSE TAX LEVIED**

- A. There is hereby levied upon each retail dealer in non-intoxicating beverages for consumption on or off the premises an annual occupation tax of Twenty Dollars (\$20.00), and an annual license fee of Ten Dollars (\$10.00) for sale of non-intoxicating beverages which are in original packages and are not for consumption on the premises.
- B. All such municipal license fees and taxes shall be paid to the town clerk at the time of issuance of license and in the manner prescribed herein.
- C. All license fees levied under the provisions of this chapter shall expire on June 30 of each year. The amount of any license fee levied shall be computed prorata part from the months remaining in the year ending June 30: Such fees paid on or before the 15<sup>th</sup> day of any month shall be on the basis of the first day of the month and such fees paid after the 15<sup>th</sup> day of the month shall be on the basis of the first day of the next succeeding month. [Winchester Code of 1983]

### **SECTION 3-203 LICENSE REQUIRED**

It is unlawful for any retail dealer, whether permanent or temporary, to sell, distribute or dispense any non-intoxicating beverages without having first received municipal license fee herein required. [Winchester Code of 1983]

### **SECTION 3-204 COMPLIANCE WITH STATE LAW: EXPIRATION OF LICENSE**

No municipal license shall be issued to any retail dealer by the town clerk without a satisfactory showing that the applicant has obtained all state and county permits required by law, and has in all other respects complied with the state and local alcoholic beverage control requirement. No license shall be transferable. [Winchester Code of 1983]

### **SECTION 3-205 REVOCATION OF LICENSE**

The town Board of Trustees shall have power, after public hearing, to revoke any license granted hereunder for violation of law or ordinance by the license holder. [Winchester Code of 1983]

### **SECTION 3-206 MINORS NOT TO BE EMPLOYED**

It is unlawful for any owner, manager, or operator of a place where non-intoxicating beverages are sold for consumption on the premises, except an eating-place where the service of such beverages is incidental to the main business of serving food, to employ a minor to work in such a place. [Winchester Code of 1983]

### **SECTION 3-207 INTOXICATED PERSON, GAMBLING, AND DISORDERLY CONDUCT**

- A. It is unlawful for the owner, manager, or operator of a place where non-intoxicating beverages are sold for consumption on the premises to sell or otherwise furnish such beverages to an intoxicated person or to permit an intoxicated person to remain or loiter therein.
- B. It shall be unlawful for the owner, manager, or operator of such a place to permit therein gambling, betting, operation of a lottery, sale furnishing or drinking of intoxicating liquor; disorderly conduct; loud or disturbing language, noise, or music; profane language; or any other violation of the laws of the state or of the ordinances of the town, or for any person to engage in any such activity or conduct in such a place.
- C. It is unlawful for the owner, manager, or operator of such place to permit therein fighting, boxing, wrestling, or other contests of physical strength; or for any person to fight, box, wrestle, or engage in other contests of physical strength in such a place. [Winchester Code of 1983]

### **SECTION 3-208 SALE AND PURCHASE TO OR BY MINORS**

It is unlawful for any person firm or corporation to sell, offer for sale, give away, procure for, or otherwise dispense to any minor any non-intoxicating beverage; or for any minor to purchase, receive or procure any non-intoxicating beverage. [Winchester Code of 1983]

## **SECTION 3-209 MINORS PROHIBITED FROM POSSESSION OF ALCOHOLIC BEVERAGES OR BEER**

It is unlawful and an offense for any person under the age of twenty one (21) minor to be in possession of any liquor, beer, or low point beer while such person is on any public street, road or highway, or in any public building or place. [Ordinance adopted March 23, 2010]

## **SECTION 3-210 TIME OF SALE**

It is unlawful for any person, firm or corporation to sell non-intoxicating beverage for consumption on the premises between the hours of 12:00 A.M. and 7:00 A.M. on the following (morning) day. *Editor's note - the parenthetical has been added by the editor for clarity.* [Winchester Code of 1983]

## **SECTION 3-211 PENALTY**

Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction, shall be fined as provided in Section 1-108 of this code. [Winchester Code of 1983]

# **TITLE 4**

## **ANIMALS**

### **CHAPTER 1**

#### **ANIMAL REGULATIONS**

- Section 4-101 Definitions.
- Section 4-102 Keeping Animals in annoying manner.
- Section 4-103 Animals not to be at large
- Section 4-104 Swine not to be kept within city.
- Section 4-105 Keeping or allowing fowl to run at large prohibited.
- Section 4-106 Animals at large – NOT allowed to trespass.
- Section 4-107 Impoundment and sale of animals running at large.
- Section 4-108 Animals running at large prohibited.
- Section 4-109 Dogs and cats to be vaccinated.
- Section 4-110 Cruelty to animals.
- Section 4-111 Poisoning animals.
- Section 4-112 Encouraging animals to fight.
- Section 4-113 Dogs muzzled and cats confined.
- Section 4-114 Vicious animals may be killed.
- Section 4-115 Report of animal bites--rabies.
- Section 4-116 Rabid animals.
- Section 4-117 Buildings for animals
- Section 4-118 Operation of a pound
- Section 4-119 Penalty

### **CHAPTER 2**

#### **(RESERVED)**



## **TITLE 4 – CHAPTER 1: ANIMAL REGULATIONS**

### **SECTION 4-101 DEFINITIONS**

The following words and phrases when used in this chapter shall have the meanings prescribed in this section except in those cases where the context clearly indicates a different meaning:

1. "Animal" means any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, chicken, goose, duck, turkey, or other animal or fowl.
2. "At large" means not securely confined by a fence or other means on premises under the control of, or occupied by, the owner, and not under the control of the owner, a member of his immediate family over twelve (12) years of age or an agent of the owner, by lease or otherwise, whether on the owner's premises or not;
3. "Owner" means any person, firm or corporation owning, harboring or keeping an animal. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal.
4. "Vicious dog" means a dog which has bitten, or attempted to bite, any person without undue provocation, or which attacks, or barks or growls at and acts as if it intends to attack or bite, or bites a person or persons, when not unduly provoked. [Winchester Code of 1983]

### **SECTION 4-102 KEEPING IN AN ANNOYING MANNER**

The keeping of, or permitting the keeping of, any livestock, animals or fowl within the corporate limits of the town in such a manner that it annoys or bothers a person or persons by barking, howling or otherwise disturbs the peace and quiet of a person is unlawful. [Winchester Code of 1983]

### **SECTION 4-103 ANIMALS NOT TO BE AT LARGE**

No person shall permit any animal, including fowl, cat, dog, or other, owned, harbored or kept by him to be "at large" within the city limits of the Town of Winchester. It is unlawful for any animal as provided in this section to be at large at any time within the city. The owner of any animal is considered responsible and liable for any action of any such animal either at large or within the confines of the owner's property. Any animal "at large" is considered a nuisance and is at risk of being considered "Vicious". [Winchester Code of 1983]

## **SECTION 4-104 SWINE NOT TO BE KEPT WITHIN CITY**

The keeping or permitting the keeping of any three (3) or more pigs or hogs within the corporate limits of the town is hereby declared a nuisance. And any person maintaining such a nuisance shall be guilty of a misdemeanor and upon conviction, shall be punished as provided in Section 1-108 of this code. This section shall not apply to any pig or hogs six (6) months or less in age. [Winchester Code of 1983]

## **SECTION 4-105. KEEPING OR ALLOWING FOWL TO RUN AT LARGE PROHIBITED**

It is unlawful for the owner or keeper of any fowl, including chickens, ducks, turkeys, geese, or other domestic fowl, to permit the same to run at large in the limits of the Town of Winchester, Oklahoma. [Winchester Code of 1983]

## **SECTION 4-106 ANIMALS AT LARGE-NOT ALLOWED TO TRESPASS**

It is unlawful for the owner or keeper of any livestock, including any horse, cow, mule, hog, sheep, goat, cat, dog or other animal of similar kind to permit the same to run at large within the town or to trespass upon the land of another. Hogs or swine are NOT allowed within the corporate limits of the town. (see section 4-104) [Winchester Code of 1983]

## **SECTION 4-107 IMPOUNDMENT AND SALE OF ANIMALS RUNNING AT LARGE**

- A. It is the duty of the chief of police or any designated officers of the Town to take into their possession any animal that may be in violation of this chapter running loose upon the streets, curbing, alleys, public places or trespassing upon the lands of any person within the corporate limits of the town, and impound such animal. An animal impounded by virtue of this chapter shall be released to the owner or person entitled to the possession thereof upon payment of the cost of feeding such animal a sum as set by the town Board of Trustees.
- B. If the owner or person entitled to the possession of any animal impounded under this chapter does not procure the release of such animal within seventy-two (72) hours after impoundment, the officer shall post a description of the animal in the town clerk's office, such description shall give the color, sex and description of the animal impounded and shall state that the animal will be sold, or otherwise disposed of, unless it is released from impoundment on a date not less than three (3) days from the date the notice or description is posted in the clerk's office.

- C. If the owner or person entitled to the possession of any animal impounded under this section is known, the officer shall notify him in writing or by telephone, with notice that the animal will be destroyed unless the owner or other person releases such animal from impoundment. If such animal is not released from impoundment by the owner or person entitled to the possession thereof prior to such date, the chief of police may sell the animal to the highest bidder for cash, and the buyer shall thereafter have complete title to such animal.
- D. From the proceeds of the sale of animals sold under this section, there shall be first paid the cost of feeding the animals and the cost of publishing the notice of sale. The residue shall be paid into the office of the town clerk and placed to the credit of the general fund. [Winchester Code of 1983]

### **SECTION 4-108 ANIMALS RUNNING AT LARGE PROHIBITED**

It is unlawful for any person owning, harboring or exercising control over an animal to permit the animal, to run at large in the town. It is the duty of all persons owning, harboring or exercising control over any animal to keep them restrained in an enclosure or on a leash. The owner is responsible for and liable for any action of the animal. Any dog "at large" may be considered "Vicious". (see section 4-114) [Winchester Code of 1983]

### **SECTION 4-109 DOGS AND CATS TO BE VACCINATED**

It is the duty of the owner, or keeper of every dog or cat in the town, once each calendar year before the thirty-first day of December thereof and, in the case of a pup or kitten, before it is six (6) months old, to cause such dog or cat to be vaccinated against rabies by a licensed veterinarian, secure a certificate of vaccination from the veterinarian, and attach to the collar of the dog or cat a metal tag indicating the vaccination. [Winchester Code of 1983]

### **SECTION 4-110 CRUELTY TO ANIMALS**

It is unlawful for any person to willfully, maliciously or knowingly to treat an animal in a cruel or inhumane manner; or to knowingly neglect an animal belonging to him or in his custody in a cruel or inhumane manner. [Winchester Code of 1983]

### **SECTION 4-111 POISONING ANIMALS**

It is unlawful for a person to willfully poison any dog or other animal except a noxious, non-domesticated animal. [Winchester Code of 1983]

## **SECTION 4-112 ENCOURAGING ANIMALS TO FIGHT**

It is unlawful for any person to instigate or encourage a fight between animals; or to encourage one animal to attack, pursue or annoy another animal except a noxious, non-domesticated animal; or to keep a house, pit or other place used for fights between animals. [Winchester Code of 1983]

## **SECTION 4-113 DOGS MUZZLED AND CATS CONFINED**

- A. When the health officer determines and certifies that a dog, a cat or other animal in the city or within five (5) miles of the city is or was infected with rabies and that an epidemic of rabies threatens the city, the council, by resolution, may order all dogs to be muzzled when at large within the city, and if deemed desirable, all cats to be confined, during a period of time to be determined by the council. Such resolution or an adequate notice of its passage shall be published in a newspaper of general circulation within the city and shall go into effect on the date following such publication unless the resolution prescribes a later time.
- B. While such resolution is in effect, it is unlawful for any owner to permit an un-muzzled dog or a cat to be at large in violation of such resolution, or for any such dog or a cat to be at large in violation thereof. [Winchester Code of 1983]

## **SECTION 4-114 VICIOUS DOGS MAY BE KILLED**

Any person may kill a dog in self defense or in defense of another when the dog without undue provocation, bites him or the other, or attacks, or attempts to bite or attack him or the other in such manner that an ordinarily prudent person would be led to believe that the person toward whom the efforts of the animal are directed is about to be bitten or otherwise physically harmed. Any dog of this nature will be considered "Vicious" and may be destroyed. [Winchester Code of 1983]

## **SECTION 4-115 REPORTS OF ANIMAL BITES, CONFINEMENT**

Any owner or custodian of an animal having any reason to believe that such animal has bitten any person in the town shall immediately report such incident to the chief police of the town. Such animal shall immediately be confined at the veterinary clinic chosen by the owner or custodian, under observation of a licensed doctor of veterinary medicine, for a period of ten (10) days to determine if such animal were rabid. The cost of confinement shall be borne by the owner or keeper of the animal. [Winchester Code of 1983]

## **SECTION 4-116 RABID ANIMALS**

Any animal suspected of being rabid or of having been bitten by a rabid animal may be confined by order of the health officer or police chief to determine whether the animal is rabid. If a person has been bitten or if there is good reason to believe that a person has been otherwise infected by such animal, the health officer or police chief may have the animal put to death in a humane manner and have it examined by medical authority to determine whether it has rabies. All expenses incurred in confining the animal as provided in this section shall be paid by the owner or keeper of the animal. [Winchester Code of 1983]

## **SECTION 4-117 BUILDINGS FOR ANIMALS**

- A. Every stable or building wherein any animal is kept within the town shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.
- B. Every stable or building, if located within two hundred feet (200) of any residence other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a watertight and fly-tight receptacle for manure, such size as to hold all accumulations in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in such receptacle.
- C. No stable, dog kennel, chicken coop, dovecote, rabbit warren, yard or other establishment wherein animals are kept, shall be maintained closer than forty (40) feet to any residence other than that occupied by the owner or occupant of the premises upon which such animal is kept.
- D. Every stable, structure, pen, coop or place wherein an animal is kept or permitted to be, shall be maintained in a clean and sanitary condition, devoid of rodents and vermin and free from objectionable odors.
- E. Manure shall be hauled outside the town in a manner which does not jeopardize the public health, or else shall be spread evenly upon the ground and turned under at once or soon as the weather permits.
- F. The health officer, upon complaint of any person, shall inspect any structure or place where an animal is kept, and may do so on his own initiative. He may issue any such reasonable order as may be deemed necessary to the owner of such animal to cause such animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance. He may make a complaint before the municipal judge against any person for violation of any provision of this chapter or of any such reasonable order; but this shall not abridge the right of others to make such complaint. [Winchester Code of 1983]

## **SECTION 4-118 TOWN MAY CONTRACT FOR OPERATION OF A POUND**

The Board of Trustees is authorized to join into a cooperative effort with the county or any other community in the county for the purpose of establishing, operating and maintaining a pound for animals running in violation of this chapter. [Winchester Code of 1983]

## **SECTION 4-119 PENALTY**

Any person, firm or corporation who violates any ordinance or provision of this chapter, or who violates, or refuses or neglects to carry out any reasonable order made by the health officer pursuant to this chapter, shall, upon conviction thereof, be punished as provided in Section 1-108 of this code. [Winchester Code of 1983]

## **TITLE 4 – CHAPTER 2: (RESERVED)**

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# **TITLE 5**

## **BUILDING REGULATIONS AND CODES**

### **CHAPTER I**

#### **BUILDING CODE AND REGULATIONS**

Section 5-101 Building code adopted  
Section 5-102 Additions and changes to building code  
Section 5-103 Penalties  
Section 5-104 Building officials  
Section 5-105 Manufactured Housing

### **CHAPTER 2**

#### **PLUMBING CODE**

Section 5-201 Adoption of plumbing code  
Section 5-202 Additions, insertions and changes to plumbing code

### **CHAPTER 3**

#### **ELECTRICAL CODE**

Section 5-301 National electrical code  
Section 5-302 Underwriters Laboratories, Inc  
Section 5-303 Town board of trustees may make special rulings

### **CHAPTER 4**

#### **LIQUIFIED PETROLEUM GAS**

Section 5-401 Persons must comply with state law

### **CHAPTER 5**

#### **GAS PIPING CODE**

Section 5-501 Pamphlet adopted



## **CHAPTER 6 MOBILE HOMES**

- Section 5-601 Definitions.
- Section 5-602 Notice, hearings and orders.
- Section 5-603 Nonresidential mobile trailers, permits
- Section 5-604 Mobile home, travel trailer plans
- Section 5-605 Location.
- Section 5-606 Water supply
- Section 5-607 Laundry facilities
- Section 5-608 Sewage and refuse disposal
- Section 5-609 Garbage receptacles
- Section 5-610 Insect and rodent control
- Section 5-611 Animals and pets
- Section 5-612 Register of occupants
- Section 5-613 Supervision
- Section 5-614 Wrecked or damaged homes, trailers
- Section 5-615 Penalty.

## **CHAPTER 7 OIL AND GAS**

- Section 5-701 Drilling and mining prohibited.

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- Section 5-801 Penalties
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## **CHAPTER 9 AIRPORT BUILDING CODE STANDARDS**

- Section 5-901 Findings of Fact.
- Section 5-902 Airports and Airstrips
- Section 5-903 Permit required
- Section 5-904 Landscaping required
- Section 5-905 Prohibition and Penalty
- Section 5-906 Fees

## **TITLE 5 – CHAPTER 1: BUILDING CODE AND REGULATIONS**

### **SECTION 5-101 BUILDING CODE ADOPTED**

The BOCA Basic Building Code, the latest edition thereof, as published by the Building Officials and Code Administrators International, Inc. is hereby adopted as the building code of the Town for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the BOCA Basic Building Code are hereby referred to, adopted, incorporated, and made a part hereof as if fully set out in this code with the additions, insertions, deletions and changes, if any, prescribed in this chapter. [Winchester Code of 1983]

The following sections of the BOCA Basic Building Code are hereby revised:

1. Section 100.1, insert Town of Winchester;
2. Section 114.3.1, insert: "The fee schedule as may be set or amended by ordinance or resolution";
3. Section 117.4, insert: "Offense, punishable by fine and imprisonment as provided in Section 1-108 of the town code of ordinances";
4. Section 118.2, insert: "fine as provided in Section 1-108 of the town code of ordinances";
5. Section 123.3, insert: "as set by the town board of trustees";
6. Section 501.2, insert: "the boundaries of the fire limits as provided in Section 5-105 of the town code of ordinances";
7. Section 1807.2.1, and 1807.22, insert: "a number of feet to be determined by the town board of trustees by motion or resolution" in both locations; and
8. Section 1906.1, insert: "Amounts as set by the town board of trustees by motion or resolution", [Winchester Code of 1983]

## **SECTION 5-103 PENALTIES**

A person who violates a provision of this code or fails to comply therewith or with any of the requirements thereof, or who erects, constructs, alters, repairs or removes, or has erected, constructed, altered, repaired, or removed a building or structure in violation of a detailed statement or plan submitted and approved hereunder or of a permit or certificate issued hereunder, shall be guilty of a misdemeanor, and upon conviction shall be fined any sum as provided in Section 1-108 of this code, including costs. Each day upon which a violation continues shall be deemed a separate offense. [Winchester Code of 1983]

## **SECTION 5-104 BUILDING OFFICIAL**

The building official of this town shall be appointed by the town board of trustees and shall have the powers and duties prescribed for the "building official" by the town's building code; provided that his powers and duties may be exercised by his authorized representatives under his supervision and control. The term "building inspector", whenever used in the ordinances of the town, means the building official. The terms "electrical inspector", "plumbing inspector", and "gas inspector", wherever used in the ordinances of the town, also each refer to and mean the building official, unless a separate electrical inspector, plumbing inspector, or gas inspector is appointed by the town board of trustees. [Winchester Code of 1983]

## **SECTION 5-105 MANUFACTURED HOUSING**

Manufactured Housing is generally prohibited within the Town of Winchester, except in properly zoned and designated Mobile Home Parks. Provided that Manufactured Housing may be permitted - within Lots 4 through 33 inclusive block 3, and Lots 7 through 32 inclusive Block 2 of Oak Dale Ranch subdivision to the Town of Winchester under the following conditions:

- A. Minimum housing size shall be fourteen hundred (1400) square feet of enclosed and heated living space, and the structure must be not more than 5 years old at the time of installation.
- B. The Manufactured Housing shall be installed and anchored on a slab foundation, or on a poured footing and piers with the crawl space completely enclosed;
- C. The Manufactured Housing shall be covered with a site built, sloped roof;
- D. Covered parking for at least two vehicles shall be provided on a gravel or better parking surface and driveway; and

- E. The lot on which the Manufactured Housing is installed shall be not less than 136 feet wide, and a total of not less than 2 1/2 acres, with the northern one third of the lot used as an open yard if adjacent to a site built single family residence. [Ordinance of March 23, 2010]

## **TITLE 5 – CHAPTER 2: PLUMBING CODES**

### **SECTION 5-201 ADOPTION OF PLUMBING CODE**

"The BOCA Basic Plumbing Code", the latest edition thereof, and any revisions or amendments thereto, as published by The Building Officials and Code Administrators International, Inc., is hereby adopted as the plumbing code of the town for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the BOCA Basic Plumbing Code are hereby referred to, adopted and made a part hereof, as if fully set out in this code, with additions, insertions and changes, if any, prescribed in this chapter. [Winchester Code of 1983]

### **SECTION 5-202 ADDITIONS, INSERTIONS AND CHANGES TO PLUMBING CODE**

The following sections are hereby revised as follows:

1. Section P-1 00.1 (page 5, second line). Insert the Town of Winchester;
2. Section P-I0401 (page 6, second line). Insert September I, 1983;
3. Section P-114.2 (page 12, third line). Insert " as provided by the town's board of trustees";
4. Section P-117.4 (page 13, fifth, sixth and seventh lines) insert "offense and punished as provided in Section 1-108 of the town's code of ordinances";
5. Section P-118.2 (page 14, fifth line). Insert "fine as provided in Section 1-108 of ordinances";
6. Section P-303.2 (page 32, third line). Insert "a distance in feet as determined by the town board of trustees"; and
7. Section P-308.3 (page 33, second and third lines). Insert "a depth in feet as determined by the town board of trustees. " [Winchester Code of 1983]

## **TITLE 5 – CHAPTER 3: ELECTRICAL CODES**

### **SECTION 5-301 NATIONAL ELECTRICAL CODE**

All installations of electrical equipment shall be in conformity with the provisions of this chapter, with the statutes of the state and any orders, rules and regulations issued by authority thereof and with approved electrical standards for safety to persons and property. Where no specific standards are prescribed by this chapter or by the statutes of the State of Oklahoma or by any orders, rules, or regulations issued by authority thereof, conformity with the regulations set forth in the current issue of the National Electrical Code as approved by the American Insurance Association, shall be prima facie evidence of conformity with approved standards for safety to persons or to property. [Winchester Code of 1983]

### **SECTION 5-302 UNDERWRITERS LABORATORIES INC**

All electrical equipment installed or used shall be in conformity with the provisions of this chapter, the statutes of the state and the provisions of this chapter, the statutes of the state and any orders, rules and regulations issued by the authority thereof, and with approved electrical standards for safety to persons or to property. Unless by this chapter, by a statute of the state or any orders, rules, or regulations issued by authority thereof, a specific type or class of electrical equipment is disapproved for installation and use, conformity with the standards of Underwriters' Laboratories, Inc., shall be prima facie evidence of conformity with approved standards for safety to persons or to property. [Winchester Code of 1983]

### **SECTION 5-303 TOWN BOARD OF TRUSTEES MAY MAKE SPECIAL RULINGS**

The board of trustees of the town, by motion or resolution, shall have the authority to make special rulings, when circumstances warrant, for the safeguarding of life and property and the improvement of electrical installations. In all cases persons engaged in the installing of electrical equipment and holding an electrical license must be notified by letter of these decisions. [Winchester Code of 1983]

## **TITLE 5 – CHAPTER 4: LIQUIFIED PETROLEUM GAS**

### **SECTION 5-401 PERSONS MUST COMPLY WITH STATE LAW**

It is unlawful for any person, firm or corporation to manufacture, fabricate, miserable, install, or repair any system, container, apparatus, or appliance to be used for the transportation, storage, dispensing, or utilization of liquefied petroleum gas, or to transport, handle, or store such gas, unless such person has complied with and complies with all provisions of the law and ordinances relating thereto, and has any license or permit which may be required by state law. The pamphlet, Storage and Handling of Liquefied Petroleum as contained in Pamphlet No. 58 issued by the National Fire Protection Association, the latest edition thereof, adopted by the Oklahoma Liquefied Petroleum Gas Board, shall have full force and effect within this town. Any violation of these rules and regulations shall be deemed a violation of the ordinances of the town and shall be punished accordingly. [Winchester Code of 1983]

## **TITLE 5 – CHAPTER 5: GAS PIPING CODE**

### **SECTION 5-501 PAMPHLET ADOPTED**

Pamphlet No. 54 published by the National Fire Protection Association, entitled National Fuel Gas Code, the latest edition thereof, hereby adopted and incorporated in this code by reference. The pamphlet shall be in full force and effect in the town and shall govern the installation of gas piping and gas appliances in the town. Any violation of the provisions of the pamphlet shall be deemed a violation of the ordinances of the town. [Winchester Code of 1983]

## **TITLE 5 – CHAPTER 6: MOBILE HOMES MOBILE HOMES**

### **SECTION 5-601 DEFINITIONS**

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

1. "Dependent mobile home" means a mobile home, which does not have a flush toilet and a bath or shower. For purposes of regulation under this chapter, a dependent mobile home shall be considered to be the same as a travel trailer, unless otherwise specified.

2. "Free-standing mobile home or travel trailer" means any mobile home or travel trailer not located in a mobile home park or travel trailer park or in an approved mobile home subdivision;
3. "Health officer" means the legally designated health authority of the town or his authorized representative;
4. "Independent mobile home" means a mobile home, which has a flush toilet and a bath or shower. Unless otherwise indicated in the text of this chapter, the term "mobile home" shall mean an independent mobile home.
5. "Inspection officer" means the building inspector of the town or his authorized agent
6. "Mobile home" means a movable or portable dwelling consisting of one or more components or of two (2) or more units separately towable but designed to be joined into one integral unit designed for towing or transport on streets and highways on its own wheels, chassis or on flatbed or other trailers, both complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, skirting, connection to utilities and similar operations. Unless otherwise indicated in the text of this chapter, the term "mobile home" shall refer to an "independent mobile home" as defined in this section.
7. "Mobile home park" means any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations;
8. "Mobile home space" means a plot of ground within a mobile home park designed for the accommodation of one mobile home, and not located on a mobile home sales lot;
9. "Mobile home subdivision" means a subdivision designed and intended for residential use where residence is in mobile homes exclusively, and where mobile home lots are sold for occupancy.
10. "Nonresidential mobile trailer" means any vehicle having the basic characteristics of either a mobile home or travel trailer, but which is used for purposes other than residential and is not being offered for sale as indicated by a clearly displayed sign on or near the trailer.
11. "Park" means a mobile home or travel trailer park.
12. "Person" means natural individual, firm, trust, partnership, association or corporation;
13. "Public water system or public sewer system" means any such system built and owned by, or dedicated to and accepted by the town; all other systems are private;

14. "Rural" means any area shown on the town area general plan for suburban or rural development and which is zoned agriculturally.
15. "Service building" means a building housing toilet and bathing facilities for men or women, and may also include buildings containing laundry facilities and other facilities.
16. "Subdivision" means mobile home subdivision, unless otherwise indicated;
17. "Travel trailer" or "trailer" means all vehicles and portable structures built on a chassis, designed as a temporary or permanent dwelling for travel, recreational, and vacation use not included in the definition of independent mobile homes. For purposes of regulation under this chapter, a dependent mobile home shall be considered to the same as a travel trailer, unless otherwise specified.
18. "Trailer park" or "travel trailer park" means any plot of ground upon which two (2) or more travel trailers, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations;
19. "Travel trailer space" means a plot of ground within a travel trailer park designed for accommodation of one travel trailer; and
20. "Urban" means any area shown on the town area general plan for urban intensity development. [Winchester Code of 1983]

## **SECTION 5-602 NOTICE, HEARINGS AND ORDERS**

- A. Whenever the inspection or health officer determines violations of this chapter or pertinent laws or ordinances exist, he shall notify the owner or his agent of the alleged violation. The notice shall:
  1. Be in writing.
  2. Include a statement of the reasons for its issuance.
  3. Contain an outline of remedial action, which, if taken, will effect compliance with provisions of this chapter and other pertinent regulations.
  4. Allow a reasonable time, not to exceed ninety (90) days, for the performance of any act it requires; and



5. Be served upon the owner or his agent as the case may require. The notice or order shall be deemed as properly served upon owner or agent when a copy thereof has been sent by certified mail to his last known address.
- B. Any person affected by any notice issued under this chapter or resulting regulation may request and shall be granted a hearing on the matter before the town's board of adjustment. Such person shall file with the inspection officer or health officer a written request for such hearing and setting forth briefly the grounds for such request within ten (10) days after the notice was served. When no request for such hearing shall have been filed within ten (10) days following the day on which notice was served, a violation shall be deemed to have been automatically in existence at the expiration of the ten (10) day period. The filing of the request shall not stay the notice in cases of orders issued under this section. The hearing shall be held by the town's board of adjustment at the earliest possible time.
- C. After the hearing, the inspection officer or health officer shall compile the findings of the board of adjustment as to compliance with this chapter and pursuant regulations and shall issue an order in writing sustaining, modifying or withdrawing the prior notice which shall be served as provided in this section. Appeals from decisions of the board of adjustment shall be to the district court.
- D. Whenever the inspection officer or health officer finds that an emergency exists which requires immediate action to protect the public health, the inspection officer or health officer may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency. Notwithstanding any other provisions of this chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the town board of trustees, shall be afforded a hearing at the next regular meeting even if the agenda has been completed. [Winchester Code of 1983]

## **SECTION 5-603 NONRESIDENTIAL MOBILE TRAILERS, PERMITS**

- A. No nonresidential mobile trailer shall be permitted in the town unless a permit for its operation is issued by the inspection officer or health officer. Such permit shall specify the permitted use of the nonresidential mobile trailer, the location of such operation and the termination date of the permit. No Permit shall be issued for a use, which would violate any town ordinance or state or federal law or regulation.
- B. An annual fee of Twenty Dollars (\$20.00) shall be charged for each non-residential mobile trailer. No governmental or non-profit agency shall be charged such a fee.
- C. Operation of non-residential trailers by contractors on construction projects for which building permits have been issued or which are otherwise approved by governmental units is permitted during the term of such construction project without issuance of a permit.

- D. This section is not to be construed as permitting or authorizing the permanent location of any nonresidential mobile trailer in the town.
- E. Effective September 1, 1983, no free-standing mobile home or travel trailer shall be permitted in the town limits unless it is being offered for sale or parked for storage. This subsection shall not apply to mobile homes located in the town as of September 1, 1983, and not moved. [Winchester Code of 1983]

## **SECTION 5-604 MOBILE HOME, TRAVEL TRAILER PLANS**

Any free standing mobile home, travel trailer or any mobile home park or travel trailer park shall conform to the following requirements:

1. The home, trailer or park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water:
2. Spaces shall be provided consisting of a minimum of one thousand (1,000) square feet for each space which shall be at least thirty (30) feet wide and clearly defined. Mobile homes or trailers shall be so harbored on each space that there shall be at least a fifteen (15) foot clearance between trailer coaches at their nearest point; provided, however, that with respect to mobile homes or trailers parked end-to-end, the end-to-end clearance between trailer coaches may be less than fifteen (15) feet but shall be not less than ten (10) feet. No mobile home or trailer shall be located closer than ten (10) feet from any building within the park or from any side or rear property line bounding the park, nor closer than twenty-five (25) feet from the front property line:
3. All space shall abut upon a driveway of not less than twenty-five (25) feet in width which shall have unobstructed access to a public street, alley or highway. All driveways shall be well marked;
4. An electrical outlet supplying at least two hundred twenty (220) volts shall be provided for each space, with one hundred ten (110) volt outlets; and
5. All electrical, plumbing, gas or other installations in the park shall comply with all state and local codes and ordinances. [Winchester Code of 1983]

## **SECTION 5-605 LOCATION**

Mobile home or trailer parks and free standing mobile homes or trailers be located only as approved by the town in accordance with applicable building, health, safety and welfare considerations. [Winchester Code of 1983]

## **SECTION 5- 606 WATER SUPPLY**

An adequate supply of pure, potable water for drinking and domestic purposes shall be supplied to meet the requirements of the park or home or trailer. It shall be capable of furnishing a minimum of two hundred fifty (250) gallons per day per space. Each space shall be provided with a cold-water tap at least four (4) inches above the ground. [Winchester Code of 1983]

## **SECTION 5-607 LAUNDRY FACILITIES**

If laundry facilities are provided, not less than one double laundry tub and one conventional wringer type washing machine shall be provided for every twenty (20) spaces or one single laundry tub and one automatic or semi-automatic type washing machine shall be furnished for every twenty (20) spaces. An electrical outlet shall be provided to supply current sufficient to operate each washing machine. Drying spaces shall be provided to accommodate the laundry of the occupants of trailers or mobile homes. The service building housing the laundry facilities shall be a permanent structure complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems. [Winchester Code of 1983]

## **SECTION 5-608 SEWAGE AND REFUSE DISPOSAL**

Each space shall be provided with a sewer connection at least four (4) inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory, and kitchen sink of the mobile home or trailer harbored in such space. The sewer in each space shall be connected to discharge the waste into a public sewer system. It is unlawful for any dependent mobile home to be harbored in a mobile home or trailer park within the town. [Winchester Code of 1983]

## **SECTION 5-609 GARBAGE RECEPTACLES**

Waterproof, fly-tight and rodent-proof garbage containers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage containers shall be located no farther than two hundred (200) feet from any space. The containers shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage containers shall not overflow. [Winchester Code of 1983]

## **SECTION 5-610 INSECT AND RODENT CONTROL**

- A. Insect and rodent control measures to safeguard public health as required by the health officer shall be applied in the park.
- B. Effective larvicidal solutions may be required by the inspection or health officer for fly or mosquito breeding areas, which cannot be controlled by other, more permanent measures.
- C. The inspection or the health officer may require the park operator to take suitable measures to control other insects and obnoxious weeds.
- D. Accumulations of debris which may provide harborage for rodents shall not be permitted in the mobile home park.
- E. When rats or other objectionable rodents are known to be in the park, the park operator shall take definite action, as directed by the inspection or health officer, to exterminate them. [Winchester Code of 1983]

## **SECTION 5-611 ANIMALS AND PETS**

No owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance within the limits of any trailer or mobile home park. [Winchester Code of 1983]

## **SECTION 5-612 REGISTER OF OCCUPANTS**

It is the duty of the licensee to keep a register containing a record of all mobile home or trailer owners and occupants located within the park. The register shall contain the following information:

- A. Name and address of each occupant;
- B. The make, model and year of all automobiles, trailers and mobile homes;
- C. License number and owner of each trailer, mobile home, and any automobile by which
- D. either is towed.
- E. The state issuing such license; and
- F. The date of arrival and departure of each trailer or mobile home.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials, whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration. [Winchester Code of 1983]

## **SECTION 5-613 SUPERVISION**

A responsible attendant or caretaker, owner or operator shall be in charge at all times to keep the park, its facilities and equipment in a clean, orderly and sanitary condition and he shall be answerable, with the licensee, for any violation of the provisions of this chapter. [Winchester Code of 1983]

## **SECTION 5-614 WRECKED OR DAMAGED HOMES TRAILERS**

Wrecked, damaged or dilapidated mobile homes and travel trailers shall not be kept or stored in a mobile home park or travel trailer park. The health officer shall determine if a mobile home or travel trailer is damaged or dilapidated to a point which makes the mobile home or travel trailer unfit for human occupancy on either a temporary or permanent basis. Whenever such a determination is made, the mobile home or travel trailer shall be vacated and removed from the premises. [Winchester Code of 1983]

## **SECTION 5-615 PENALTIES**

Any person violating the provisions of this charter shall, upon conviction, be fined as provided in Section I-108 of this code. (Winchester Code of 1983)

## **TITLE 5 – CHAPTER 7: OIL AND GAS**

### **SECTION 5-701 DRILLING AND MINING PROHIBITED**

- A. In consideration of the health safety and welfare of the inhabitants of the town, it is unlawful for any person or his agent, servant or employee to drill, mine or produce or cause to be drilled, mined or produced any oil, gas, coal or other mineral or to perform any work or labor of any kind upon in connection with the drilling, mining or producing of oil, gas, coal or other products.
- B. The following activities shall not be affected by subsection A of this section:

1. When the operation or maintenance of any oil, gas or mining operations were being lawfully carried on or before October 1, 1983; or
  2. When the plugging of an existing oil or gas well has been determined necessary by the board of trustees to be in the best interest of the public health, safety and welfare
  3. When a company and or their legal representatives, agrees to conduct their drilling operations in accordance with the standards set forth per the Town of Winchester's "Oil and Gas Operators Agreement" and applies for an oil and gas extraction activity permit which can be submitted for review to the board of trustees / planning committee of the Town of Winchester; who shall be empowered to contract with said individual or company to conduct their operation within the Township limits of Winchester according to the contract documents, in exception to Subsection A of this section.
- C. Whenever any land or territory is annexed to the town, Subsection A or adherence to the minimum requirements and regulations of Subsection B of this section shall be fully applicable to the annexed premises. [Ord.2002]

## **TITLE 5 – CHAPTER 8: PENALTIES**

### **SECTION 5-801 PENALTY**

Any person, firm or corporation who shall engage in any business, trade or vocation for which a license, permit, certificate or registration is required by this part, without having a valid license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this part or by any code adopted by this part, or who shall otherwise violate any provision of the chapters in this part or of any code adopted by this part, or who shall violate any lawful regulation or order made by any of the officers provided for in this part, shall be guilty of on offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. (Winchester Code of 1983)

### **SECTION 5-802 RELIEF IN COURTS**

No penalty imposed by and pursuant to this part shall interfere with the right of the town also to apply to the proper courts of the state for a mandamus, an injunction or other appropriate action against such person, firm or corporation. [Winchester Code of 1983]

## **TITLE 5 - CHAPTER 9: AIRPORT BUILDING CODE STANDARDS**

### **SECTION 5-901 FINDINGS OF FACT**

- A. Airport hazards endanger the lives and the property of users of the airport and the occupants of land in its vicinity. Obstructions have the effect of reducing the size of the area available for the landing and the taking off and the maneuvering of aircraft at altitudes near the ground, thus impairing or destroying the utility of the airport. Light and noise from the airport and the need to restrict or eliminate heights of improvements to surrounding property, adversely impact the utility of neighboring property.
- B. It is the intent of the Town Council to find an appropriate balance between these competing interests, and to rely on title 3 of the Oklahoma Statutes, and 14 CFR Part 77 of the Code of Federal Regulations, in adopting this ordinance. However, these standards are intended for use as minimum standards in the Town's building permit and inspection process only; the Town of Winchester will use trained building inspectors for the enforcement of this ordinance, but does not have employees experienced in FAA requirements. In the event that higher standards or greater dimensions exist under applicable state or federal law, such higher or greater standards shall prevail. [Ordinance adopted November 1, 2007]

### **SECTION 5-902 AIRPORTS AND AIRSTIPS**

The following shall be the minimum standards for the construction of all airstrips and landing fields: For fixed wing aircraft within the Town of Winchester, the landing surface of the airstrip shall consist of at least one paved surface not less than 2600 feet in length, and not less than 250 feet in width, and with lighting appropriate to a landing field under FAA approved standards. For rotary wing aircraft within the Town of Winchester, the landing surface of the airstrip shall consist of at least one paved surface containing not less than a 300-foot diameter circle, and with lighting appropriate to a landing field under FAA approved standards. However, such lighting shall be shielded so that the lighting at the sides of the landing surface does not emit light laterally onto adjacent property that is not part of the airfield or airport. [Ordinance of November 1, 2007]

### **SECTION 5-903 PERMIT REQUIRED**

- A. No construction shall commence construction (to include but not be limited to the clearing, leveling, utility construction, foundation work, base preparation, or comparable improvements to real estate) on any airstrips or landing fields or related facilities until a building permit is first obtained from the Town of Winchester. Any application for an airport or airstrip building permit shall be submitted in writing, together with the building plans for the construction of all of the facilities needed for the airport or airstrip, certified to a sealed by a registered engineer who is licensed within the State of Oklahoma.

- B. Said plans shall show the location, size and orientation of the landing surface or surfaces, sufficient enclosed hangers for the aircraft anticipated to be housed or stored there, the location and configuration of all fuel facilities, the location of all parking for air and surface vehicles, and the location of all utilities to serve the airstrip facilities. There shall never be less than one hanger with a capacity to store not less than one single engine airplane and one twin-engine airplane. All fuel storage must be not less than 200 feet from the exterior boundary of the property to be used as an airport or airstrip. The access drive from a public road to the parking facilities, and the parking facilities themselves, shall be paved with concrete or asphalt; and there shall be off street parking on a paved surface for not less than one automobile for each aircraft hanger space.
- C. The application shall further have attached to it, evidence that an easement has been acquired for the airspace which is above 200 feet above the airport elevation and within an arc of 3 nautical miles of the ends of the runway, and within one half nautical miles distance from the sides of the runway. It is the express intent of this requirement to include the obstacle clearance area, including the initial approach segment, the departure area, a circling approach area, and to provide a reasonable buffer area to provide safety in the event of pilot or instrument error or unusual or unexpected weather conditions.
- D. The application shall further provide a narrative description of the fire fighting equipment and related facilities to be constructed or otherwise made available on site to be used in the event of a fire. In the event the owner or operator intends to rely on existing Rural Fire Department personnel, the owner or operator shall provide at their sole cost such training in aircraft fires as the Rural Fire Department may determine necessary and prudent, prior to the commencement of operations. [Ordinance of November 1, 2007]

## **SECTION 5-904 LANDSCAPING REQUIRED**

The plans shall show, and following construction the owner or operator of the airfield or airstrip shall maintain, a landscaped area of not less than one hundred feet at the outer perimeter of the property to be used as the airfield or airstrip. Such landscaped area shall contain no habitable structures or parking facilities, and shall use no artificial vegetation; it shall be irrigated by a drip system, or an underground sprinkling system or a hose attachment within one hundred feet of all landscaped areas. The landscaped area shall be maintained to keep healthy growth of vegetation, free of litter, trash, or similar debris. Said vegetation shall consist of trees and shrubs which in combination prevent noise from maintenance and servicing operations together with light from the field or the service operations from extending onto any neighboring residential properties. The vegetation may be of various heights, creating an effective barrier of not less than 20 feet in height. [Ordinance of November 1, 2007]



## **SECTION 5-905 PROHIBITION AND PENALTY**

Any person or entity performing or managing any construction work any airstrips or landing fields or related facilities without first obtaining a building permit, or any person or entity operating any airstrips or landing fields in violation of the provisions of this chapter shall be guilty of an offense. Each day of construction or operation shall be considered a separate offense. [Ordinance of November 1, 2007]

## **SECTION 5-906 FEES**

The Town Council, by council resolution, shall establish a fee schedule, which shall constitute the building fees to be charged by the city for the services and permits issued under this code. Each applicant for a permit to construct, alter, remove or move a building shall pay to the city clerk or other designee a fee to be computed under that schedule. Permit applications shall expire one hundred twenty (120) days from the date of submittal. In the absence of a formal resolution hereafter adopted, the building permit application fee shall be \$150.00. [Ordinance of November 1, 2007]

# TITLE 6

## COURT

### CHAPTER 1 MUNICIPAL COURT

- Section 6-101 Organization of municipal court
- Section 6-102 Definitions
- Section 6-103 Jurisdiction.
- Section 6-104 Judge, qualifications.
- Section 6-105 Term of Judge
- Section 6-106 Alternate Judge
- Section 6-107 Acting Judge
- Section 6-108 Appointment of judge and alternate judge
- Section 6-109 Salary and payment to judges
- Section 6-110 Removal of judge
- Section 6-111 Vacancy in office of judge
- Section 6-112 Disqualification of Judge
- Section 6-113 Court Marshall
- Section 6-114 Clerk of the Court, duties
- Section 6-115 Prosecuting attorney, duties, conflict of interest
- Section 6-116 Bond of Clerk
- Section 6-117 Rules of Court
- Section 6-118 Enforcement of rules
- Section 6-119 Written complaints to prosecute ordinance violations
- Section 6-120 Traffic ordinance violations, procedures for issuing citation, custody, arrest
- Section 6-121 Creation of traffic violations bureau
- Section 6-122 Summons for arrest
- Section 6-123 Form of arrest warrant
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- Section 6-125 Deposit of Driver's license as bail for traffic violations
- Section 6-126 Arraignment and pleadings by defendant
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- Section 6-128 Witness fees
- Section 6-129 Suspension of sentence
- Section 6-130 Prisoners' care and feeding - Requiring prisoners to work - Credit for working
- Section 6-131 Fines and costs
- Section 6-132 Conduct of sessions of court, notice
- Section 6-133 Failure to Appear: Failure to comply with court order
- Section 6-134 Community service in lieu of fine or in conjunction with imprisonment; violation of community service conditions

### CHAPTER 2 (RESERVED)

## **TITLE 6 – CHAPTER 1: MUNICIPAL COURT**

### **SECTION 6-101 ORGANIZATION OF MUNICIPAL COURT**

This chapter shall govern the organization and operation of the municipal criminal court of the Town of Winchester, as put into operation by resolution, duly passed and filed in accordance with law, as authorized by Sections 27-101 and 27-102 of Title 11 of the Oklahoma Statutes. To the extent of conflict between any provisions of this chapter and the provisions of any ordinance of this town, the provisions of this chapter shall control. [Winchester Code of 1983]

### **SECTION 6-102 DEFINITIONS**

As used in this chapter, unless the context requires a different meaning, the following words shall have the meanings ascribed to them in this section:

1. "Court" means the municipal court of the Town of Winchester;
2. "Judge" means the judge of the municipal court, including any acting judge or alternate judge thereof as provided for by the statutes of this state and this chapter;
3. "Municipality" or "this municipality" means the Town of Winchester, Oklahoma;
4. "Clerk" means the clerk of this municipality, including any deputy or member of the office staff of the clerk while performing duties of the clerk's office;
5. "Governing body" means the town board of trustees of the Town of Winchester;
6. "Chief of police" means the peace officer in charge of the police force of the municipality; and
7. "This judicial district" means the district court judicial district of the State of Oklahoma wherein the government of this municipality is situated. [Winchester Code of 1983]

### **SECTION 6-103 JURISDICTION OF COURT**

The court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any ordinance of this municipality is charged, including any such prosecutions transferred to the court in accordance with applicable law. [Winchester Code of 1983]

## **SECTION 6-104 JUDGE, QUALIFICATIONS**

There shall be one judge of the court. A judge need not be a licensed attorney at law, but, if not, he must be a resident of this municipality of the age of twenty-one (21) years, possessed of good moral character. A judge who is a licensed attorney may engage in the practice of law in other courts, but he shall not accept employment inconsistent with his duties as judge, or arising out of facts which give rise to or are connected with cases within the jurisdiction of the court, pending therein or which might become the subject or proceedings therein. [Winchester Code of 1983]

## **SECTION 6-105 TERM OF JUDGE**

The person(s) selected and duly appointed to the office of court judge for the town of Winchester, Oklahoma shall serve for a term of (4) years and shall be reappointed or replaced upon expiration of their term of office.

## **SECTION 6-106 ALTERNATE JUDGES**

There shall be appointed for each judge of the court an alternate judge possessed of the same qualifications required of the judge in this chapter. His appointment shall be for the same term and made in the same manner as the judge. He shall sit as acting judge of the court in any case if the judge is:

1. Absent from the court;
2. Unable to act as judge; or
3. Disqualified from acting as judge in the case. [Winchester Code of 1983]

## **SECTION 6-107 ACTING JUDGE**

If at any time there is no judge or alternate judge, duly appointed and qualified, available to sit as judge, the mayor shall appoint some person, possessing the qualifications required by this chapter for the judge, who shall preside as acting judge over the court in the disposition of pending matters until such time as a judge or alternate judge shall be available. [Winchester Code of 1983]

## **SECTION 6-108 APPOINTMENT OF JUDGE AND ALTERNATE JUDGE**

Judges and alternate judges shall be appointed by the mayor with the consent of the governing body. A proposed appointment shall be submitted in writing to the governing body at the next to the last regularly scheduled meeting prior to the day upon which the appointment is to take effect, and shall be acted upon at the next regularly scheduled meeting. The governing body may decide upon the proposed appointment by a majority vote of a quorum present and acting. Failure of decision upon a proposed appointment shall not prevent action thereon at a later regularly scheduled meeting of the governing body unless the mayor, in writing, withdraws the proposed appointment. [Winchester Code of 1983]

## **SECTION 6-109 SALARY AND PAYMENTS TO JUDGES**

- A. A judge, other than an alternate judge or an acting judge, shall receive a salary as set by the governing body by motion or resolution, paid in the same manner as the salaries of other officials of this municipality.
- B. An alternate judge or an acting judge shall be paid an amount as set by motion or resolution of the governing body, however payments to an acting or alternate judge shall not exceed the salary set for a judge in whose stead he sits. [Winchester Code of 1983]

## **SECTION 6-110 REMOVAL OF JUDGE**

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. Proceedings for removal shall be instituted by the filing of a verified written petition setting forth facts sufficient to constitute one or more legal grounds for removal. Petitions may be signed and filed by:

1. The mayor; or
2. Twenty-five (25) or more qualified electors of this municipality. Verification of the number of qualifications of electors shall be executed by one or more of the petitioners.

The governing body shall set a date for hearing the matter and shall cause notice thereof, together with a copy of the petition, to be served personally upon the judge at least ten (10) days before the hearing. At the hearing, the judge shall be entitled to:

1. Representation by counsel;
2. To present testimony and to cross-examine the witnesses against him; and
3. Have all evidence against him presented in open hearing.

So far as they can be applicable, the provisions of the Oklahoma Administrative Procedures Act governing individual proceedings (Sections 309 to 317 of Title 75 of the Oklahoma Statutes as amended) shall govern removal proceedings hereunder. Judgment of removal shall be entered only upon individual votes, by a majority of all members of the governing body, in favor of such removal. [Winchester Code of 1983]

## **SECTION 6-111 VACANCY IN OFFICE OF JUDGE**

A vacancy in the office of judge shall occur if the incumbent:

1. Dies;
2. Resigns;
3. Ceases to possess the qualifications for the office; or
4. Is removed, and the removal proceedings have been affirmed finally in judicial proceedings or are no longer subject to judicial review.

Upon the occurrence of a vacancy in the office of judge, the mayor shall appoint a successor to complete the un-expired term in the same manner as an original appointment is made. [Winchester Code of 1983]

## **SECTION 6-112 DISQUALIFICATION OF JUDGE**

No change of venue shall be allowed from the municipal court but the judge may be disqualified from sitting under the terms, conditions and procedure provided by law for courts of record. If a judge is disqualified, the matter shall be heard by an alternate or acting judge appointed as provided in this chapter. [Winchester Code of 1983]

## **SECTION 6-113 COURT MARSHAL, DUTIES**

The municipal governing body, upon the recommendation of the judge of the municipal court, may designate any appropriate person who is a resident of the municipality to serve as marshal and in the absence of such designation, the chief of police or corresponding officer of the municipality shall be ex officio marshal of the court. The marshal shall execute any writs or other process directed to him, except herein otherwise provided, and such duty may be performed by any deputy marshal or by any members of the police force of the municipality, as the case may be. [Winchester Code of 1983]

## **SECTION 6-114 CLERK OF THE COURT, DUTIES**

The clerk, or a deputy designated by him, shall be the clerk of the court. He shall assist the judge in recording the proceedings of the court and in preparing writs, processes and other papers. He shall administer oaths required in proceedings before the court. He shall enter all pleadings, processes, and proceedings in the dockets of the court. He shall perform such other clerical duties relating to the proceedings of the court, as the judge shall direct. He shall receive and give receipt for forfeitures, fines, deposits, and sums of money payable to the court. He shall pay to the treasurer of this municipality all money so received by him, except such special deposits or fees as shall be received to be disbursed by him for special purposes. All money paid to the Treasurer shall be placed in the general fund of the municipality or in such other funds as the government body may direct, and it shall be used in the operation of the municipal government in accordance with budgetary arrangements governing the fund in which it is placed. [Winchester Code of 1983]

## **SECTION 6-115 PROSECUTING ATTORNEY, DUTIES, CONFLICT OF INTEREST**

The attorney for this municipality, or his duly designated assistant, shall be the prosecuting officer of the court. He shall also prosecute alleged violations of the ordinances of the city. He shall be authorized, in his discretion, to prosecute and resist appeal, proceedings in error and review from this court to any other court of the state, and to represent this municipality in all proceedings arising out of matters in this court. [Winchester Code of 1983]

## **SECTION 6-116 BOND OF COURT CLERK**

The court clerk shall give bond, in the form provided by section 27-111 of title 11 of the Oklahoma Statutes, in a sum to be determined by the governing body. When executed, the bond shall be submitted to the governing body for approval. When approved, it shall be filed with the clerk of this municipality and retained in the municipal archives. [Winchester Code of 1983]

## **SECTION 6-117 RULES OF COURT**

The judge may prescribe rules, consistent with the laws of the state and with the ordinances of this municipality for the proper conduct of the business of the court. [Winchester Code of 1983]



## **SECTION 6-118 ENFORCEMENT OF RULES**

Obedience to the orders, rules and judgments made by the judge or by the court may be enforced by the judge, who may fine or imprison for contempt committed as to him while holding court, or committed against process issued by him, in the same manner and to the same extent as the district courts of this state. [Winchester Code of 1983]

## **SECTION 6-119 WRITTEN COMPLAINTS TO PROSECUTE ORDINANCE VIOLATIONS**

All prosecutions for violations of ordinances of this municipality shall be styled "The Town of Winchester vs. (naming the person or persons charged)". Except as provided hereinafter, prosecution shall be initiated by the filing of a written complaint, subscribed and verified by the persons making complaint, and setting forth concisely the offense charged and approved for filing by the town attorney. [Winchester Code of 1983]

## **SECTION 6-120 PROCEDURES FOR ISSUING CITATION, CUSTODY, ARREST, RIGHT TO BAIL**

- A. If a police officer observes facts which he believes constitute a violation of the traffic ordinances of this municipality, committed by a resident thereof, in lieu of arresting such a person, he may take his name, address, operator's license number, and registered license number of the motor vehicle involved and any other pertinent and necessary information and may issue him in writing in form prescribed by the mayor or his duly designated delegate, a traffic citation embracing the above information, and also stating the traffic violation alleged to have occurred, and notifying him to answer to the charge against him at a time specified in the citation. The officer, upon answer as specified, may then release the person from custody. If the person to whom a citation is issued fails to answer as prescribed in the citation, a complaint shall be filed and the case shall be prosecuted as otherwise provided in this chapter.
- B. If the alleged traffic violations committed by a nonresident or resident of this municipality, the police officer may:
  1. Release the person after obtaining sufficient information as set out in Subsection A of this section pending his appearance on a day certain in court, as specified in the citation after the person:
    - a. Posts cash bail;
    - b. Deposits with the arresting officer a guaranteed arrest bond certificate; or
    - c. Deposits with the arresting officer a valid license to operate motor vehicle in exchange for a receipt therefore issued by the arresting officer as provided in Section 6-125 of this code:

2. Take the person in custody and demand that bond for the offense charged be posted according to the provisions of this chapter; or
  3. Take the person in custody under arrest. The arrested person either shall be taken immediately before the judge for further proceedings according to law or shall have bail fixed for his release in accordance with the provisions of this chapter. Upon providing bail as fixed, and upon giving his written promise to appear upon a day certain, as provided in Subsection A of this section, the person shall be release from custody.
- C. If the alleged offense be a violation of an ordinance restricting or regulating the parking of vehicles, including any regulations issued under such an ordinance, and the operator be not present, the police officer shall place on the vehicle at a place reasonable likely to come to the notice of the operator, a citation conforming substantially to that prescribed in Subsections A or B of this section, with such variation as the circumstances require, the operator of this vehicle shall be under the same obligation to respond to the citation as if it had been issued to him personally under Subsections A or B of this section. [Ordinance adopted March 23, 2010]

## **SECTION 6-121 CREATION OF TRAFFIC VIOLATIONS BUREAU**

- A. There is hereby established a traffic violations bureau for the town. The judge may establish rules, consistent with the laws of the state and with the ordinances of this municipality, for the traffic violations bureau.
- B. The traffic violations bureau shall be staffed by court personnel and be physically separate and apart from the police department.
- C. The traffic violations bureau shall accept fines which may be paid in lieu of a court appearance for such traffic offenses as may be designated by the judge under the court's rules. The schedule of fines shall be adopted by the governing body from time to time by motion or resolution. A copy shall be kept in the clerk's office.
- D. All such fines shall be the minimum penalty prescribed for such violation, and no costs shall be assessed.
- E. In no event shall payment of a fine without court appearance be accepted in the traffic violations bureau for the following offenses:
  1. A second or subsequent offense of the same violation;
  2. Driving under the influence of intoxicating liquor or drugs or actual physical control of a vehicle while under the influence of intoxicating liquor or drugs;
  3. Leaving the scene of an accident;

4. Driving while license is suspended or revoked;
  5. Reckless driving;
  6. Careless driving; or
  7. Any charge made because of a motor vehicle accident in which personal injury or death occurred.
- F. Payment of any fine to the traffic violations bureau shall be deemed a final determination of the cause against the defendant. In no event shall any such payment be introduced as evidence in any civil cause arising out of the offense charged. [Ordinance adopted March 23, 2010]

## **SECTION 6-122 SUMMONS**

- A. Upon the filing of a complaint charging violation of an ordinance, the judge, unless he determines to issue a warrant of arrest, or unless the defendant previously has been issued a citation or has been arrested and has given bond for appearance, shall issue a summons, naming the person charged, specifying his address or place of residence, if known, stating the offense with which he is charged and giving him notice to answer the charge in the court on a day certain, containing a provision for the official return of the summons, and including such other pertinent information as may be necessary.
- B. The summons shall be served by delivering a copy to the defendant personally. If he fails to appear and to answer the summons within the prescribed period, a warrant shall be issued for his arrest, as provided in this chapter. [Winchester Code of 1983]

## **SECTION 6-123 FORM OF ARREST WARRANT**

- A. Except as otherwise provided in the ordinances of this municipality, upon the filing of a complaint approved by the judge, and there shall be issued a warrant of arrest, in substantially the following form:

*The Town of Winchester, Oklahoma to the Marshal of the Municipal Court Of  
Winchester, Oklahoma.*

*Complaint upon oath having this day been made by (naming complainant) that the  
offense of (naming the offense in particular but general terms) has been committed and  
accusing (name of defendant) thereof you are commanded therefore forthwith to arrest  
the above named defendant and bring before me, at the municipal courtroom.*

*Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 201*

*Judge of the Municipal Court Winchester, Oklahoma.*

- B. It is the duty of the Police Chief, personally, or through a duly constituted member of the police force of this municipality, or through any other person lawfully authorized so to act, to execute a warrant as promptly as possible. [Winchester Code of 1983; the title of the department head of the Police has been changed at the direction of the Trustees.]

#### **SECTION 6-124 PROCEDURES FOR BAIL OR BOND**

Upon arrest, or upon appearance without arrest in response to citation or summons, or at any time before trial, before or after arraignment, the defendant shall be eligible to be released upon giving bail for his appearance in an amount and upon conditions fixed by this chapter or the judge, who shall prescribe appropriate rules of court for the receipt of bail. In case of arrests made at night or under other conditions of emergency or when the judge is not available, the rules shall authorize the chief of police, or his designated representative, to accept a temporary cash bond of not less than that sum set by the judge nor more than the maximum monetary penalty provided by ordinance for the offense charged. [Winchester Code of 1983]

#### **SECTION 6-125 DEPOSIT OF DRIVER'S LICENSE AS BAIL BONDS**

- A. In addition to the other methods for providing or posting of bail authorized in this chapter upon arrest for traffic violations, the defendant may deposit with the police officer a valid license to operate a motor vehicle in exchange for a receipt therefore issued by the police officer. The receipt issued by the police officer shall be recognized as an operator's license and shall authorize the operation of a motor vehicle until the time and date of the hearing indicated on the receipt or traffic citation, but not to exceed twenty (20) days. The operator's license and traffic citation shall be delivered by the police officer to the clerk of the municipal court.

- B. Any person who applies for a duplicate license to operate a motor vehicle while his license is deposited in accordance with subsection A of this section shall be fined up to One Hundred Dollars (\$100.00) and court costs. Each such application shall constitute a separate violation. In order for the fine to be applicable to a violator applying for a duplicate license notice of the provisions of subsection B of this section shall be included in receipt issued pursuant to this section. The receipt for deposit of the driver's license shall contain essentially the following notice:

*"NOTICE"*

*"This receipt for deposit of a valid license to operate a motor vehicle constitutes a temporary operator's license until your hearing date on, but in no case shall this temporary license remain in effect more than twenty (20) days. Keep this receipt in your possession at all times while operating a motor vehicle. "*

*"Application for a duplicate license to operate a motor vehicle while your license is deposited as bail is a crime punishable by a fine of up to One Hundred Dollars (\$100.00) and court costs. Each such application constitutes a separate offense." [Winchester Code of 1983]*

## **SECTION 6-126 ARRAIGNMENT AND PLEADINGS BY DEFENDANT**

Upon making his appearance before the court, the defendant shall be arraigned. The judge, or the attorney of the municipality, shall read the complaint to the defendant, inform him of his legal rights, including the right of trial by jury, if available, and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. If the defendant pleads guilty, the court may proceed to judgment and sentence or may continue the matter for subsequent disposition. If the plea is not guilty, and the case is not for jury trial, the court may proceed to try the case, or may set it for hearing at a later date. [Winchester Code of 1983]

## **SECTION 6-127 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 docket.
- F. If judgment is of acquittal, and the defendant is not to be detained for any other legal cause, he 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 Eighty dollars (\$80.00) per day, less costs to the Town of incarceration. 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 site 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. All prisoners confined to jail on conviction or plea of guilty, and all indigent persons fined on conviction or plea of guilty, if their health permits, may be allowed to work on the public streets, avenues, alleys, parks or other public premises or property; prisoners imprisoned for the failure to pay a fine or costs, or both, prisoners imprisoned to serve time shall be credited with two (2) days for each day worked. It shall be the duty of the chief of police, to direct when and where the work shall be performed. [Ordinance of March 23, 2010]

## **SECTION 6-128 WITNESS FEES**

Witnesses in any proceeding in the court other than the police officers or peace officers shall be entitled to a fee as set by the city per each day of attendance, plus mileage for each mile actually and necessarily traveled in going to and returning from the place of attendance if their residence is outside the limits of the municipality. However, no witness shall receive fees or mileage in more than one case for the same period of time or the same travel. A defendant seeking to subpoena witnesses must deposit with the clerk a sum sufficient to cover fees and mileage for one day of attendance for each witness to be summoned, but such deposit shall not be required from an indigent defendant who files an affidavit setting out:

1. The name of no more than three (3) witnesses.
2. That the defendant, by reason of his poverty, is unable to provide the fees and mileage allowed by law.
3. That the testimony of the witnesses is material.
4. That there attendance at the trial is necessary for his proper defense.

The fees of such witnesses shall be paid by the municipality. [Winchester Code of 1983]

## **SECTION 6-129 SUSPENSION OF SENTENCE**

After conviction and sentence, the judge may suspend sentence, in accordance with the provision of, and subject to the conditions and procedures imposed by Sections 27-123 and 27-124 of Title 11 of the Oklahoma Statutes. [Winchester Code of 1983]

## **SECTION 6-130 PRISONERS' CARE AND FEEDING - REQUIRING PRISONERS TO WORK - CREDIT FOR WORKING**

All prisoners confined to jail on conviction or plea of guilty, if their health permits, may be allowed to work on the public streets, avenues, alleys, parks or other public premises or property; prisoners imprisoned for the failure to pay a fine or costs, or both, shall be credited at the rate of eighty dollars (\$80.00) per day for each day worked; prisoners imprisoned to serve time shall be credited with two (2) days for each day worked. [Ordinance' February 9, 2010]

## **SECTION 6-131 FINES AND COSTS**

If judgment of conviction is entered, the clerk of the court shall tax costs to the defendant, plus the fees and mileage of witnesses and jurors, but the total amount of fine may not exceed the amount set out in Section 1- 108 of this code, and up to thirty days in jail. [Winchester Code of 1983]

## **SECTION 6-132 CONDUCT OF SESSIONS OF COURT; NOTICE**

The judge of the municipal court shall conduct regular sessions of the municipal court. Notice of the sessions shall be given as prescribed in the Oklahoma Open Meetings Law, Sections 301 et seq. of Title 25 of the Oklahoma Statutes. [Winchester Code of 1983]

## **SECTION 6- 133 FAILURE TO APPEAR: FAILURE TO COMPL;Y WITH COURT ORDER**

- A. Any person, firm or corporation who is in charge with a violation(s) of this code or any other ordinance(s) of the city and who, having been duly issued a summons or having been arraigned and released on recognizance, or having made a promise to appear for arraignment and\or for trial, and fails to answer the summons or fails to appear in response to the summons or violates such recognizance, or fails to honor a promise to appear for arraignment and\or trial, and does not voluntarily appear before the court on the appointed time, regardless of the disposition of the charge(s) for which the citation or complaint(s) was originally issued, shall be guilty of contempt of court and upon conviction shall pay a fine and\or jail time up to the maximum jurisdiction allowed in this court.
- B. Any person firm or corporation who is charged with a violation(s) of the city charter, this code or any other ordinance(s) or the city and who, having been duly ordered or directed by this court, whether verbally or in writing, to pay a fine(s), administrative fee(s), court costs and\or the fees and mileage of witnesses, if any, and\or any other fees, assessments or costs imposed by the Oklahoma statutes to be collected by the municipal court, to perform community service or perform any other lawful act or sentence imposed by the court, or who has signed an agreement to make scheduled payments, and who fails or refuses, in whole or in part, to pay a fine(s), administrative fee(s), court costs and\or the fees and mileage of witnesses, if any, and\or any other fees, assessments or costs imposed by Oklahoma statutes to be collected by the municipal court, on the appointed date(s) or time(s) or as agreed to or when otherwise due, regardless or the disposition of the charge(s) for which the citation(s) or complaint(s) was originally issued, shall be guilty of contempt of court, and upon conviction shall pay a fine and\or jail time up to the maximum jurisdiction allowed in this court.
- C. Provided that if the person described in A. or B. above is a juvenile, the town shall notify the department of public safety and request suspension of the juvenile's driver's license. Upon conviction, the juvenile may be punished by fine or not less than one hundred dollars (\$100.00) nor more than two hundred (\$200.00) plus fees and costs. [Ordinance of March 23, 2010]

## **SECTION 6-134 COMMUNITY SERVICE IN LIEU OF FINE OR IN CONJUNCTION WITH IMPRISONMENT; VIOLATION OF COMMUNITY SERVICE CONDITIONS**

Whenever any person is convicted in municipal court for violation of a municipal ordinance, the court may order the defendant to a term of community service or remedial action in lieu of fine or in conjunction with imprisonment. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of imprisonment, not to exceed the maximum sentence allowable for the violation for which the defendant was convicted. [Ordinance of March 23, 2010]



**TITLE 6 – CHAPTER 2  
(RESERVED)**

## **TITLE 7**

### **FINANCE AND TAXATION**

#### **CHAPTER 1 FINANCE AND BUDGET ADMINISTRATION**

Section 7-101 Depositories designated; funds to be deposited.  
Section 7-102 Funds secured by Unit Collateral System.

#### **CHAPTER 2 SALES TAX (RESERVED)**

#### **CHAPTER 3 TELEPHONE EXCHANGE TAX**

Section 7-301 Fee levied on telephone exchanges.  
Section 7-302 Fee to be in lieu of other fees, taxes.

#### **CHAPTER 4 UTILITY TAX**

Section 7-401 Utility tax levied.  
Section 7-402 Not to apply to franchises.  
Section 7-403 Payment of tax.  
Section 7-404 Failure to pay tax.  
Section 7-405 Tax constitutes lien

**TITLE 7 – CHAPTER 1: FINANCE AND BUDGET ADMINISTRATION**

**SECTION 7-101 DEPOSITORIES DESIGNATED FUNDS TO BE DEPOSITED**

All banks and all savings and loan associations in this town which are incorporated under federal or state law are hereby designated as depositories for the funds of the town. The town treasurer shall deposit daily all public funds received by him in such banks or savings and loan associations. [Winchester Code of 1983]

**SECTION 7-102 FUNDS SECURED BY UNIT COLLATERAL SYSTEM**

The deposits of the town shall be secured by the Unit Collateral System provided by the Oklahoma Statutes. [Winchester Code of 1983]

**TITLE 7 – CHAPTER 2: SALES TAX (RESERVED)**

**TITLE 7 – CHAPTER 3: TELEPHONE EXCHANGE TAX**

**SECTION 7-301 FEES LEVIED ON TELEPHONE EXCHANGES**

There is hereby levied an annual inspection fee and service charge upon each and every person, firm, or corporation operating a telephone exchange in the town in an amount equal to two percent (2%) of the gross revenues for each current year for exchange telephone transmission service rendered wholly within the limits of the town to compensate the town for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulations, and police control of the construction of lines and equipment of the telephone company in the town. The inspection fee and charge shall be on a calendar year basis and shall be due and payable to the town on or before March 31 in each year for the whole of the calendar year next preceding the date and shall be paid into and appropriated and expended from the general revenue fund of the town. [Winchester Code of 1983]

## **SECTION 7-302 FEES TO BE IN LIEU OF OTHER FEES, TAXES**

During continued substantial compliance with the terms of this chapter by the owner of any telephone exchange, the charge levied hereby shall be and continue to be in lieu of all concessions, charges, excise, ~ franchise, license, privilege, and permit fees or taxes or assessments, except ad valorem taxes. However, it is not intended hereby to extinguish or abrogate any existing arrangement whereby the town is permitted to use underground conduit, duct space, or pole contacts of the company for the fire alarm or police calls systems of the town. [Winchester Code of 1983]

## **TITLE 7 – CHAPTER 4: UTILITY TAX**

### **SECTION 7-401 UTILITY TAX LEVIED**

There is levied and assessed an annual tax of two percent (2%) upon the gross receipts from residential and commercial sales of gas or electricity within the town, which tax shall be in lieu of any other franchise, license, occupation or excise tax levied by the town, all as provided by state law. [Winchester Code of 1983]

### **SECTION 7-402 NOT TO APPLY TO FRANCHISES**

The tax levied under this chapter shall, when levied, apply to all persons, firms, associations or corporations engaged in the business of furnishing gas or electricity within the town municipal limits, except it shall not apply to any person, firm, association or corporation operating under a valid franchise from the town. [Winchester Code of 1983]

### **SECTION 7-403 PAYMENT OF TAX**

The tax levied under this chapter shall be levied for a term of not less than one year and shall be payable monthly and placed in the general revenue fund of the town. [Winchester Code of 1983]

### **SECTION 7-404 FAILURE TO PAY TAX**

Any person, firm, association or corporation failing or refusing to pay such tax when levied shall be regarded as a trespasser and may be ousted from the town and in addition thereto, an action may be maintained against such person, firm, association or corporation for the amount of the tax, and all expenses of collecting same, including reasonable attorney's fees. [Winchester Code of 1983]

**SECTION 7-405 TAX CONSTITUTES LIEN**

The tax so imposed shall constitute a first and prior lien on all the assets located within the town of any person, firm, association or corporation engaged in the business of selling electricity within the town limits. [Winchester Code of 1983]

# **TITLE 8**

## **HEALTH AND SANITATION**

### **CHAPTER 1**

#### **WEEDS AND TRASH**

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- Section 8-103 Reports of accumulation of grass, weeds or trash on property
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## **CHAPTER 4 ENFORCEMENT AND PENALTIES**

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- Section 8-404 Penalty

## **TITLE 8 – CHAPTER 1: WEEDS AND TRASH**

### **SECTION 8-101 TRASH AND WEED ACCUMULATION PROHIBITED**

It is unlawful for any owner of any lot, tract or parcel of land situated wholly or in part within the corporate limits of the town to allow trash or weeds to grow, stand or accumulate upon such premises, and it is the duty of such owner to remove or destroy any such trash or weeds.  
[Winchester Code of 1983]

### **SECTION 8-102 DEFINITIONS**

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

- A. "Weeds" includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any state of maturity which:
1. Exceeds twelve (12) inches in height, except healthy trees, shrubs or produce for human consumption grown in a tended and cultivated garden, unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;
  2. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;
  3. Harbors rodents or vermin;
  4. Gives off unpleasant or noxious odors;
  5. Constitutes a fire or traffic hazard; or
  6. Is dead or diseased.

The term "weed" does not include tended crops on land zoned for agricultural use, which are planted more than one hundred fifty feet (150') from a parcel zoned for other than agricultural use.

- B. "Trash" means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form, which is uncared for, discarded or abandoned.
- C. "Owner" means the owner or owners of record as shown by the most current tax roles of the county treasurer. [Winchester Code of 1983]



## **SECTION 8-103 REPORTS OF ACCUMULATION ON PROPERTY**

Any officer or employee of the town who discovers an accumulation of trash or the growth of weeds, or both these conditions, upon any premises within the limits of the town, shall report such condition to the town clerk if, as a result of the accumulation or growth, the premises appear to be:

- A. Detrimental to the health, benefit and welfare of the public and the community
- B. A hazard to traffic;
- C. A fire hazard to property; or
- D. Any two (2) or more of these conditions. [Winchester Code of 1983]

## **SECTION 8-104 RECEIPT OF REPORT, HEARING AND NOTICE**

- A. Upon receiving the report provided for in Section 8-103 of this code, or upon receipt of equivalent information from any reliable source, the town clerk shall place the matter upon the agenda of the town board for hearing and consideration at an appropriate date, which will permit the giving of the notices prescribed by state law. At the hearing the board shall consider whether the premises, by reason of the conditions specified, are detrimental to the health, benefit and welfare of the public and the community, or a hazard to traffic, or a fire hazard to property, or any two (2) or more of such conditions.
- B. At least ten (10) days prior to the hearing, the town clerk shall give written notice of the hearing by posting upon the premises and by forwarding a copy thereof by certified mail with return receipt requested to the owner of the property at the address shown by the current year's tax rolls in the office of the treasurer of the county in which the property is located. If the return receipt shows that the property owner cannot be located, notice shall be given by publication in a newspaper of general circulation one time not less than ten (10) days prior to the date of the hearing.
- C. At least ten (10) days from the date of receipt of the notice by the owner or the date of publication and upon the date specified in the notice, the town Board shall hear the matter and shall receive information thereon, including anything which the Board determines that any of the conditions specified in Section 8-101 of this code exist upon the premises, it may order the property to be cleaned of trash, or weeds be cut, removed or destroyed unless the owner has cut, removed or destroyed the trash or weeds in accordance with the notice; or gives written consent [Winchester Code of 1983]

## **SECTION 8-105 WORK DONE BY EMPLOYEES OR CONTRACT**

The work ordered to be performed under Section 8-104 of this code may be done by the employees of this town under supervision of the town utility or sanitation department, or it may be let by contract to the lowest and best bidder, after appropriate notice, in the manner for letting other contracts. [Winchester Code of 1983]

## **SECTION 8-106 DETERMINATION AND ASSESSMENT OF COSTS**

Upon the completion of the work ordered to be performed under Section 8-105 of this code, the town clerk shall report the cost thereof to the town Board. Such report shall be itemized as to each tract of property involved as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice, other costs and indirect costs of five percent (5%) of direct actual costs. The Board shall examine the report and, after receiving appropriate information, shall determine the total costs of the work. The Board shall direct the town clerk to forward a statement and demand payment of the total cost by certified mail with return receipt requested to the owner of the property at the address shown by the current tax rolls in the office of the Treasurer of the county in which the property lies. [Winchester Code of 1983]

## **SECTION 8-107 LIEN ON THE PROPERTY; CIVIL REMEDIES PROVIDED FOR**

If the costs of the work performed under this chapter are not paid within thirty (30) days from the date of mailing the notice prescribed, the town clerk shall forward a certified statement of the amount of the cost to the County Treasurer of the county in which the property is located, in order that the amount be levied upon the property and be collected by the county treasurer in the manner prescribed by the law of this state. The lien is coequal with the lien of ad valorem taxes and all other taxes and special assessments, and prior and superior to all other titles and liens against the property. The lien shall continue until the cost shall be fully paid. At any time prior to collection as provided in this section, the town may pursue any civil remedy for collection of the amount owing and interest thereon. Upon receiving payment, if any, the town clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien. [Winchester Code of 1983]

## **SECTION 8-108 SERVICE OF NOTICE**

The service of all notices prescribe by this chapter shall be evidenced by the return of the officer making such service, certified in his official capacity, and filed in the office of the town clerk. [Winchester Code of 1983]

## **SECTION 8-109 ABANDONED ICE BOXES OR REFRIGERATORS**

It is unlawful for any person, firm or corporation to leave in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator, or other container which has an airtight door with a lock or other fastening device which cannot be easily released for opening from the inside of the ice box, refrigerator or container, without first removing the door, lock or fastener. [Winchester Code of 1983]

## **SECTION 8-110 UNLAWFUL TO DEPOSIT RUBBISH**

It is unlawful for any person to throw, place or deposit any rubbish, trash, slop, garbage, filthy substance, grass, weeds, trees, brush or any other refuse or waste matter in any street, avenue, alley or in any ditch or watercourse, or upon the premises of another, or upon any public ground in this town. [Winchester Code of 1983]

## **SECTION 8-111 BURNING REFUSE**

It is unlawful for any person to burn trash or debris or in any way intentionally cause an outdoor fire to be ignited or burned between the hours of 12:00 midnight and 5:00 pm on Monday through Friday; except this section shall not apply on a weekday which is a holiday. [Winchester Code of 1983]

## **SECTION 8-112 REMOVAL OF DEAD ANIMALS**

The owner or any person having charge of any animal dying in this town, shall within twenty-four (24) hours after the death of such animal, remove its carcass, and failure to do so shall constitute a misdemeanor. [Winchester Code of 1983]

## **SECTION 8-113 UNLAWFUL TO LITTER**

A. Littering is defined as throwing any trash, refuse, waste paper, tin can, bottles or any other object or substance whatever upon the public streets, alleys, roadways and sidewalks of the town or upon any real property owned or occupied by another.

B. It is unlawful for any person to litter. [Winchester Code of 1983]

## **SECTION 8-115 LITTER NOT TO ACCUMULATE ON PROPERTY**

- A. It is unlawful for any person, firm or corporation, occupying any real property, either as tenant or owner, to allow trash, waste paper, litter objects, bottles, tin cans or any other used or disposed of objects to accumulate upon such real property or premises being so occupied or rented to such an extent as to constitute a littering nuisance
- B. It is lawful for any person, firm or corporation occupying any real property, either as tenant or owner, to allow accumulated trash, waste paper, litter objects, bottles, tin cans or any other used or disposed of objects to be carried from the occupied premises, either by the wind, elements or otherwise to any adjoining or other real estate not so owned or occupied by the offender. [Winchester Code of 1983]

## **SECTION 8-116 PENALTY**

Any person, firm or corporation found violating any provision of this chapter; upon conviction, be deemed guilty of a misdemeanor and shall be fined as provided in Section 1-108 of this code. (Winchester Code of 1983)

## **TITLE 8 – CHAPTER 2: FOOD REGULATIONS**

### **SECTION 8-201 FOOD SERVICE SANITATION ORDINANCE ADOPTED**

- A. The unabridged form of the latest edition of the "United States Public Health Service Food Service Sanitation Ordinance and Code" is hereby adopted and incorporated in this code by reference. At least one copy of the sanitation ordinance and code shall be on file in the office of the town clerk. The sanitation ordinance and code shall govern the definitions; inspection of food service establishments; the issuance, suspension, and revocation of permits to operate food service establishments; the prohibiting of the sale of adulterated or misbranded food or drink and the enforcement of this section. In the sanitation ordinance and code, however, all parenthetical phrases referring to grading and the following subsections shall be understood to be deleted: Subsection H.2.e., H.7. and H.8.
- B. "Health Authority" shall mean the director of the county health department of this county or his designated representative.
- C. Any person who violated any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-108 of this code. In addition thereto, any person convicted of violation may be enjoined from continuing the violation. [Winchester Code of 1983]

## **SECTION 8-202 MILK ORDINANCE ADOPTED**

Part II of the Grade A Pasteurized Milk Ordinance 1965, recommended by the U.S. Public Health Service, is hereby adopted and incorporated by reference to govern and regulate the production, transportation, processing, handling, sampling, examination, grading, labeling and sale of milk and milk products sold for ultimate consumption within the town limits or its police jurisdiction; the inspection of dairy farms, dairy herds and milk plant; the issuing and revocation of permits to milk producers, haulers and distributors. At least one copy of the pasteurized Milk Ordinance shall be filed in the office of the appropriate official. Sections 9, 16, and 17 of the bridged ordinance shall be replaced, respectively by sections 8-203 and 8-204 of this code. [Winchester Code of 1983]

## **SECTION 8-203 GRADES OF MILK WHICH MAYBE SOLD**

Only certified pasteurized and grade A pasteurized, and certified raw or grade A raw milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments. However, in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the health authority; in which case, such milk and milk products shall be labeled "un-graded". [Winchester Code of 1983]

## **SECTION 8-204 PENALTIES**

Any person, firm or corporation found violating any provision of this chapter is guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. [Winchester Code of 1983]

## **TITLE 8 – CHAPTER 3: NUISANCES**

### **SECTION 8-301 NUISANCES DEFINED; PUBLIC NUISANCES; PRIVATE NUISANCES**

- A. A nuisance is unlawfully doing an act, or omitting to perform a duty, or is any thing or condition which either:
1. Annoys, injures or endangers the comfort, repose, health or safety of others;
  2. Offends decency;

3. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake or navigable river, stream, canal or basin, or any public park, square, street or other public property; or
  4. In any way renders other persons insecure in life or in the use of property.
- B. A public nuisance is one, which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.
- C. Every nuisance not included in subsection B above is a private nuisance. [Winchester Code of 1983]

### **SECTION 8-302 PERSONS RESPONSIBLE**

Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property, created by a former owner, is liable therefore in the same manner as the one who first created it. [Winchester Code of 1983]

### **SECTION 8-303 TIME DOES NOT LEGALIZE**

No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right. [Winchester Code of 1983]

### **SECTION 8-304 REMEDIES AGAINST PUBLIC NUISANCES**

The remedies against a public nuisance are:

1. Prosecution on complaint before the municipal court;
2. Prosecution on information or indictment before another appropriate court;
3. Civil action; or
4. Abatement:
  - a. By person injured as provided in Section 12 of Title 50 of the Oklahoma Statutes; or
  - b. By the town in accordance with law or ordinance. [Winchester Code of 1983]

## **SECTION 8-305 REMEDIES AGAINST PRIVATE NUISANCES**

The remedies against a private nuisance are:

1. Civil action; and
2. Abatement:
  - a. By person injured as provided in Sections 14 and 15 of Title 50 of the Oklahoma Statutes; or
  - b. By the town in accordance with law or ordinance. [Winchester Code of 1983]

## **SECTION 8-306 TOWN HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCES**

As provided in Section 16 of Title 50 of the Oklahoma Statutes, the town has power to determine what is and what shall constitute a nuisance within its corporate limits and, for the protection of the public health, the public parks, and the public water supply, outside of its corporate limits. The town has the power summarily to abate any such nuisance after notice to the owner and an opportunity for him to be heard has been given. [Winchester Code of 1983]

## **SECTION 8-307 CERTAIN PUBLIC NUISANCES IN THE TOWN DEFINED**

- A. In addition to other public nuisances declared by other sections of this code or law, the following are hereby declared to be public nuisances:
  1. The sale, or offering for sale, of unwholesome food or drink; or the keeping of a place where such sales or offerings are made;
  2. The sale, offering for sale, or furnishing of intoxicating liquor in violation of the state law or ordinances of the town; or keeping of a place where intoxicating liquor is sold, offered, for sale, or furnished in violation of the state law or ordinances of the town;
  3. The exposure, display, sale, or distribution of obscene pictures, books, pamphlets, magazines, papers, documents or objects; or the keeping of a place where such are exposed, displayed, sold or distributed;
  4. The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise;
  5. The keeping of a place where prostitution, illicit sexual intercourse, or other immoral acts are practiced;

6. The keeping of a place where activities in violation of state law or ordinance are practiced or carried on;
7. The conduct or holding of public dances in violation of the ordinances of the town; or the keeping of a place where such dances are held;
8. The public exposure of a person having a contagious disease;
9. The continued making of loud or unusual noises which annoy persons of ordinary sensibilities; or the keeping of an animal which makes such noises;
10. The operation or use of any electrical apparatus or machine, which materially or unduly interferes with radio or television reception by others;
11. Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinance;
12. Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or sidewalk;
13. All wells, pools, cisterns, bodies or containers of water in which mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned, or situated as to endanger the public safety;
14. Rank weeds or grass, carcasses, accumulations of manure, refuse, or other things, which are, or are likely to be, breeding places for flies, mosquitoes, vermin, or disease germs; and the premises on which such exist;
15. Any building or structure, which is dangerous to the public health or safety because of damage, decay or other condition;
16. Any pit, hole, or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety;
17. Any fire or explosion hazard which endangers the public safety;
18. Any occupation or activity, which endangers the public peace, health, morals, safety or welfare;
19. Any motor vehicle (whether in operating condition or not) or any trailer without a current vehicle' plate as required by law for vehicles used on the public highways, when stored or kept in a residence district; [state no longer issues safety inspection stickers for automobiles and the ordinance reference has been deleted due to the repeal of the state statute requirement.]



20. Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of this town, by reason of any noise or noises made by the animal therein, or by reason of lack of sanitation, is hereby declared to be a nuisance;

The above enumeration of certain public nuisances shall be cumulative and not limit other provisions of law or ordinances defining public or private nuisances either in more general or more specific terms. [Winchester Code of 1983]

## **SECTION 8-308 SUMMARY ABATEMENT OF NUISANCES**

- A. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even to require the mayor or other appropriate officer or agency of the town government to take immediate and proper action summarily to abate such nuisances, or to reduce or suspend the danger until more deliberate action can be taken toward such abatement.
- B. The chief of the fire department, the chief of police, the town attorney, the building inspector, the electrical inspector, the plumbing inspector, or any other officer subordinate to the mayor may submit through or with the consent of the mayor to the town Board of Trustees, a statement as to the existence of a nuisance as defined by the ordinances of the town or law, and a request or recommendation that it be abated. The mayor himself, the health officer, any Trustees, or any resident or residents of the town may submit such a statement and request a recommendation to the town Board of Trustees.
- C. The Board of Trustees shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the Board of Trustees shall have power to subpoena and examine witnesses, books, papers and other effects. Before proceeding to abate the nuisance or have it abated, the Board of Trustees shall give notice of a hearing on the proposed abatement to the owner of any property concerned and to any other person alleged or deemed responsible for or to be causing the nuisance, and an adequate opportunity to be heard, if such notice and opportunity for a hearing can be given. Such notice to the owner and other persons concerned shall be given in writing by mail or by service by a police officer if their names and addresses are known; but, if the names or addresses are not known, and the peace, health, safety, morals, or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a paper of general circulation within the town.

D. If the Board of Trustees finds that a nuisance does in fact exist, it shall direct the owner or other persons responsible for or causing the nuisance to abate it within a specified time if the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the consequent delay. If such peace, health, safety, morals, or welfare would be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the Board of Trustees shall direct the mayor to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by Section 16 of Title 50 of the Oklahoma Statutes. The town clerk shall send a statement of the cost of such summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the town collectible as other debts of the town may be collected. [Winchester Code of 1983]

### **SECTION 8-309 ABATEMENT BY SUIT IN DISTRICT COURT**

In cases where it is deemed impractical summarily to abate a nuisance, the town may bring suit in the district court of the county where the nuisance is located, as provided in Section 17 of Title 50 of the Oklahoma Statutes. [Winchester Code of 1983]

### **SECTION 8-310 NUISANCE UNLAWFUL**

It is unlawful for any person, including but not limited to any owner, lessee, or other person to create or maintain a nuisance within the town or to permit a nuisance to remain on premises under his control within the town. [Winchester Code of 1983]

### **SECTION 8-311 HEALTH NUISANCES; ABATEMENT**

A. Pursuant to authority granted by Section 1-1011 of Title 63 of the Oklahoma Statutes, the health officer shall have authority to order the owner or occupant of any private premises in the town to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within twenty-four (24) hours, or within such other time as may be reasonable, and a failure to do so shall constitute an offense. Such order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the health officer or by a policeman, or a copy thereof may be left at the last usual place of abode of the owner, occupant, or agent, if known and within the state. If the premises are unoccupied and the residence of the owner, occupant or agent is unknown, or it's without the state, the order may be served by posting a copy thereof on the premises, or by publication in at least one issue of a newspaper having a general circulation in the town.

- B. If the order is not complied with, the health officer may cause the order to be executed and complied with, and the cost thereof shall be certified to the town clerk, and the cost of removing or abating such nuisance shall be added to the water bill or other town utility bill of the owner or occupant if he is a user of water from the town water system or such other utility service. The cost shall be treated as part of such utility bill to which it is added, and shall become due and payable, and be subject to the same regulations relating to delinquency in payment, as the utility bill itself. If such owner or occupant is not a user of any town utility service, such cost, after certification to the town clerk may be collected in any manner in which any other debt due the town may be collected. [Winchester Code of 1983]

### **SECTION 8-312 TOILET FACILITIES REQUIRED; NUISANCE**

- A. For the purpose of this section, the following terms shall have the respective meanings described to them herein:
1. "Human excrement" means the bowel and kidney discharge of human beings;
  2. "Sanitary water closet" means the flush type toilet, which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times;
  3. "Sanitary pit privy" means a privy which is built, rebuilt, or constructed so as to conform with the specifications approved by the state health department.
- B. Every owner of a residence or other building in which humans reside, are employed, or congregate within this town shall install, equip, and maintain adequate sanitary facilities for the disposal of human excrement by use of a sanitary water closet or a sanitary pit privy. The closets and toilets hereby required shall be of the sanitary water closet type when located within two hundred (200) feet of a sanitary sewer and accessible thereto, and of the sanitary water closet type (notwithstanding a greater distance from a sanitary sewer) or the water closet type emptying into a septic tank system or the pit privy type. A septic tank system or a pit privy may be used in such cases only if it meets the standards of and is approved by the state health department.
- C. All human excrement disposed of within this town shall be disposed of by depositing it in closets and privies of the type provided for in this section. It is unlawful for any owner of property within the town to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement within the town in any other manner.

- D. All privies shall be kept clean and sanitary at all times, and the covers of the seats of privies shall be kept closed at all times when the privies are not being used. No wash water, kitchen slop, or anything other than human excrement and toilet paper shall be emptied into a privy. No excrement from any person suffering from typhoid fever, dysentery, or other serious bowel disease shall be deposited in any sanitary pit privy or sanitary water closet until it is disinfected in such a manner as may be prescribed by the health officer.
- E. All facilities for the disposal of human excrement in a manner different from that required by this section, and all privies and closets so constructed, situated, or maintained as to endanger the public health, are hereby declared to be public nuisances, and may be dealt with and abated as such. Any person maintaining any such nuisance is guilty of an offense, and each day upon which any such nuisance continues is a separate offense. [Winchester Code of 1983]

### **SECTION 8-313 PROCEDURE CUMULATIVE**

The various procedures for abating nuisances prescribed by this chapter and by other provisions of law and ordinance shall be cumulative on to any other penalties or procedures authorized. [Winchester Code of 1983]

## **TITLE 8 – CHAPTER 4: ENFORCEMENT AND PENALTIES**

### **SECTION 8-401 COUNTY HEALTH DEPARTMENT DESIGNATED TO ENFORCE HEALTH ORDINANCES**

Anywhere in this chapter where the word or words "health officer" are used it shall be construed to mean the director of the county health department or his duly designated representative. It is the intent and purpose of the mayor and city council to delegate the enforcement of the health ordinances of this town as set out in this section and any such decisions rendered under this section shall be subject to review by the governing board upon an appeal from an offender. [Winchester Code of 1983]

### **SECTION 8-402 OBSTRUCTING HEALTH OFFICER**

It shall be unlawful for any person to willfully obstruct or interfere with any health officer or physician charged with the enforcement of the health laws of this town. [Winchester Code of 1983]

## **SECTION 8-403 QUARANTINE; VIOLATIONS**

It shall be unlawful for any person to willfully violate or refuse or omit to comply with any lawful order, direction, prohibition, rule or regulation of the board of health, or any officer charged with enforcement of such order, direction, prohibition, rule or regulation. [Winchester Code of 1983]

## **SECTION 8-404 PENALTIES**

Any person who violates any provision of this chapter or any law or code adopted by reference in this chapter is guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. In addition thereto, such person may be enjoined from continuing such violations. [Winchester Code of 1983]

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# **TITLE 10**

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## **TITLE 10 – CHAPTER 1: OFFENSES IN GENERAL**

### **SECTION 10-101 ATTEMPTS TO COMMIT AN OFFENSE**

Every person who attempts to commit an offense against the ordinances of the town, and in such attempt does any act toward the commission of such offense, but fails or is prevented or intercepted in the perpetration thereof, is guilty of an offense, and shall be punished in the manner prescribed for the attempted offense itself. [Winchester Code of 1983]

### **SECTION 10-102 AIDING IN AN OFFENSE**

When no punishment for counseling or aiding in the commission of a particular offense is expressly prescribed by ordinance, every person who counsels or aids another in the commission of such is guilty of an offense, or misdemeanor, and punishable in the same manner as the principal offender. [Winchester Code of 1983]

## **TITLE 10 - CHAPTER 2: OFFENSES AGAINST PROPERTY**

### **SECTION 10-201 PETIT LARCENY PROHIBITED**

- A. "Petit larceny" is the taking of personal property of value of not to exceed five hundred dollars (\$500.00), accomplished by fraud or stealth and with intent to deprive another thereof, when the property is not taken from the person of another.
- B. Petit larceny is unlawful, and any person who commits petit larceny shall be guilty of a misdemeanor. [Ordinance adopted February 9, 2010]

### **SECTION 10-202 INJURING AUTOMOBILES AND OTHER VEHICLES**

It is unlawful for any person to start, otherwise meddle with, molest, enter, occupy, or loiter in any automobile or other vehicle belonging to another, without the consent of the owner or person in charge thereof. [Winchester Code of 1983]

## **SECTION 10-203 DESTROYING OR DAMAGING BUILDINGS AND OTHER PROPERTY**

It is unlawful for any person to destroy, injure, deface, besmear, or molest any structure, building, outbuilding, fence, or any other property, real or personal, public or private, belonging to another, or to use any such property wrongfully to the detriment of the owner or other person entitled to its use; or to interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.

[Winchester Code of 1983]

## **SECTION 10-204 PLACING SIGNS ON PROPERTY OF ANOTHER**

It is unlawful for any person to place, stick, tack, paste, post, paint, mark, write or print any sign, poster, picture, announcement, advertisement, bill placard, device or inscription upon any public or private building, fence, sidewalk, bridge, viaduct, post, automobile, other vehicle or other property of another, without the consent of the owner or person in charge thereof. [Winchester Code of 1983]

## **SECTION 10-205 THROWING OR SHOOTING AT PERSONS OR PROPERTY**

It is unlawful for any person to, throw or shoot any stone or other object into or across any street or alley, or in any place where he Or she is likely to hit another person wrongfully or to injure property, or throw Or shOOt stone or other object at any person, vehicle, structure, electric light or other property of another whether public or private), except in case where such is done in defense of oneself, of another person or of another person or of property. [Winchester Code of 1983]

## **SECTION 10-206 TAMPERING WITH OR DAMAGING PUBLIC UTILITIES**

It is unlawful for any person to connect or attach any kind of pipe, wire or other contrivance to any pipe, line, wire or other conductor carrying gas, water or electricity and belonging to a public utility (whether publicly or privately owned), in such a manner as to enable him to consume or use the gas, water or electricity without it passing through the meter or any other way so as to evade payment therefore. It is also unlawful for any person to damage, molest, tamper with, or destroy any pipe, line, wire, meter, or other part of any public utility, including any telegraph or telephone system. [Winchester Code of 1983]

## **SECTION 10-207 UNLAWFUL INTRUSION UPON LAND**

It is unlawful for any person to intrude or squat upon any lot or piece of land within the town without a license or authority from the owner thereof, or to erect or occupy thereon any hut, hovel, shanty or other structure without such license or authority, or to place, erect or occupy within the bounds of any street, alley or avenue of the town, any hut, shanty, hovel, or other structure without authority of law or ordinance. [Winchester Code of 1983]

## **SECTION 10-208 ILLEGAL ENTRANCE**

It is illegal for any person to enter upon the property of another or into an area or structure on such property (whether such property, area or structure is public or private), when such entrance is plainly forbidden by signs or any notice or when the property, area or structure is enclosed, except when such entrance is in line of duty, or with the expressed, or tacit consent of the owner or person in charge, or otherwise by authority of law or ordinance. It is unlawful for any person to remain on the property of another after having been given notice, written or verbal, to leave by the owner or person in charge. [Winchester Code of 1983]

## **SECTION 10-209 THROWING INJURIOUS SUBSTANCES**

It is unlawful for any person to purposely or premeditatedly put or throw upon the person or property of another, or upon any animal, any acid, corrosive or other irritating or harmful substance, or human or animal waste or urine, with intent to injure or harass the person, property or animal. [Winchester Code of 1983]

## **SECTION 10-210 INJURY TO PLANTS AND TREES**

It is unlawful for any person to willfully and without authority cut, pull, pluck or otherwise injure any flowers, flowering plants, shrubs or trees growing in or around any park or public street within the town, or willfully or without authority to tear down, remove, cut or otherwise injure or destroy any gate or fence enclosing any such park or ground, or willfully injure or destroy any stand, bench, seat or other property situated upon such park or ground, any person violating this section, upon conviction, shall be deemed guilty of an offense. [Winchester Code of 1983]

## **SECTION 10-211 PUBLIC STREETS AND TREES**

It is unlawful for any person to:

1. Willfully or wantonly cut, deface or in any way injure any tree or sapling standing or growing in any of the streets, alleys or public places within the town;
2. Attach any wires, telephone, telegraph or electric wire, or any wire to any live tree;

3. Dig any hole, ditch or trench in any public street, road, avenue or alley, or any other public premises or ground within, belonging to or under the supervision or control of the town;
4. Take or remove any dirt, earth or any substance from any street, road, alley or other public place in the town; or cut, break or otherwise injure any pavement, curb or gutter therein; or
5. Connect any driveway to any street or other public place without first securing permission from the town inspector to do so.

Any such digging removing, or driveway connection shall be done under the supervision of the street superintendent or town engineer. (Winchester Code of 1983)

## **SECTION 10-212 TRESPASS PROHIBITED**

A. For the purpose of this section, the following terms shall be defined as follows:

1. "Public property" means that property which is dedicated to public use and over which the federal, state or municipal government or any subdivision thereof exercises control;
2. "Private property" means any property other than public property; and
3. "Trespass" means each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises. Trespass shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer. The provisions of this paragraph shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises nor shall the provisions of this sentence apply unless hours of business operations are posted upon such premises. Trespass shall also be defined as the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this subsection.

B. It is unlawful for any person to trespass on private property. [Winchester Code of 1983]

## **SECTION 10-213 PARKING ON PROPERTY OF ANOTHER**

It is unlawful for any person to park an automobile or other vehicle, or to place any structure or object on the driveway, yard, or property of another, without the expressed or tacit consent of the owner or person in charge thereof, or by authority of law. [Winchester Code of 1983]

## **TITLE 10 – CHAPTER 3: OFFENSES AGAINST THE PUBLIC**

### **SECTION 10-301 DISTURBING THE PEACE**

- A. It is unlawful to disturb or alarm the peace of another or others by doing any of the acts set out in Subsection B of this section.
- B. Disturbing the peace is the doing of any of the following in such a manner as would possibly cause alarm or disturb the peace of another or others:
  - 1. Using obscene, offensive, abusive, profane, vulgar, threatening, violent or insulting language or conduct;
  - 2. Appearing in an intoxicated condition;
  - 3. Engaging in a fistic encounter;
  - 4. Lewdly exposing one's person, or private parts thereof, in any public place or in any place where there are present other persons to be offended or annoyed thereby;
  - 5. Pointing any pistol or any other deadly weapon whether loaded or not at any other person or persons either in anger or otherwise;
  - 6. Holding an unlawful assembly of two (2) or more persons, including being assembled together and acting in concert, to do any unlawful act against the peace or to the terror of others or preparing for or moving toward such acts, or otherwise assembling unlawfully or riotously;
  - 7. Interrupting any lawful assembly of people by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof;
  - 8. Making unnecessarily loud, offensive noises;
  - 9. Disturbing any congregation or assembly of persons meeting for religious worship by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of worship or within hearing distance thereof; or

10. Committing any other act in such a manner as to unreasonably disturb or alarm the public. [Winchester Code of 1983]

### **SECTION 10-302 INSULTING SIGNS, LITERATURE OR LANGUAGE**

- A. It is unlawful for any person, firm or corporation within the town to display any sign, emblem, badge, flag or device, which in its common acceptance is insulting, profane, or abusive to the citizens of the town, and which is calculated, or of which the natural consequence is, to cause a breach of the peace or an assault.
- B. It is unlawful for any person to willfully use, utter, publish, circulate or distribute any profane, violent, abusive, or insulting language or literature where:
  1. A natural consequence of the language or literature is to cause a breach of the peace or an assault; or
  2. The language or literature, in its common acceptance, is calculated to cause a breach of the peace or an assault.
  3. It is unlawful for any person to utter, publish, distribute or circulate any literature or language within the corporate limits of the town that casts profane ridicule on any deity, or any religion, which in its common acceptance is calculated or where the natural consequence is to cause a breach of the peace or an assault. It is unlawful for any person to utter, publish, distribute or circulate any literature or language within the corporate limits of the town that casts profane ridicule on any deity, or any religion, which in its common acceptance is calculated or where the natural consequence is to cause a breach of the peace or an assault. [Winchester Code of 1983]

### **SECTION 10-303 LITERATURE OR LANGUAGE RIDICULING RELIGION**

It is unlawful for any person to utter, publish, distribute or circulate any literature or language within the corporate limits of the town that casts profane ridicule on any deity, or any religion, which in its common acceptance is calculated or where the natural consequence is to cause a breach of the peace or an assault. [Winchester Code of 1983]

### **SECTION 10-304 RECKLESS CONDUCT**

It is unlawful for any person to engage in reckless conduct while having in his possession any shotgun, rifle or pistol, such actions consisting of creating a situation of unreasonable risk and probability of death or great bodily harm to another, and demonstrating a conscious disregard for the safety of another person. [Winchester Code of 1983]

## **SECTION 10-305 LARGE ASSEMBLIES PROHIBITED WITHOUT PERMIT**

It is unlawful for two hundred (200) persons or more to assemble or meet within the town limits without a permit issued therefore by the mayor. In issuing the permit the mayor shall take into consideration traffic concerns, and health, safety and welfare of the community. An application for permit shall be submitted to the mayor at least seventy-two (72) hours before the meeting or assembly is to begin. An appeal from the denial or granting of the application may be taken to the board of trustees. [Winchester Code of 1983]

## **TITLE 10 – CHAPTER 4: OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS**

### **SECTION 10-401 PUBLIC INTOXICATION AND DRINKING PROHIBITED**

- A. It is unlawful for any person to appear or be upon or in any street, alley, or other public place in the town in a state of intoxication.
- B. For the purposes of this section, a state of intoxication means the condition in which a person is under the influence of any intoxicating, non-intoxicating, spirituous, vinous or malt liquors, or of any narcotic or drug, to such extent as to deprive the person of his or her full physical or mental power, or in which a person is a danger to himself or others. [Winchester Code of 1983]

### **SECTION 10-402 POSSESSION, TRANSPORTATION OF INTOXICATING BEVERAGES**

- A. It is unlawful for any person under the age of twenty-one (21) years to be in possession of any intoxicating alcoholic beverage while such person is upon any public street, road or highway or in any public place within the town limits.
- B. It is unlawful for any parent or guardian of a person under the age of twenty-one (21) years to permit such person to be in possession of an intoxicating alcoholic beverage.
- C. It is unlawful for any person to knowingly transport in any moving vehicle upon a public highway, street or alley any intoxicating beverage except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed unless the opened container be in the rear trunk or rear compartment. The rear trunk or compartment shall include the spare tire compartment in a station wagon or panel truck or any outside compartment, which is not accessible to the driver, or any other person in the vehicle while it is in motion.



D. For the purpose of this section "intoxicating beverage" shall be as defined by Title 37 of the Oklahoma Statutes. [Winchester Code of 1983]

## **SECTION 10-403 INTOXICATING LIQUORS**

It is unlawful:

1. For any person to barter, sell, give away or otherwise furnish to another any intoxicating or non-intoxicating liquor or beverage of any kind except as permitted by law;
2. To have in possession or under control any intoxicating or non-intoxicating liquor or beverage except as permitted by law, or to transport or in any manner convey from place to place in the town any intoxicating or non-intoxicating liquor or beverage except as permitted by law;
3. To loiter in a place where intoxicating or non-intoxicating liquor is sold, bartered, given away or otherwise furnished contrary to law; or
4. To keep, maintain, aid or abet in keeping or maintaining a place where intoxicating or non-intoxicating liquor is sold, bartered, given away or otherwise furnished in violation of law. [Winchester Code of 1983]

## **SECTION 10-404 NARCOTICS AND DANGEROUS DRUGS PROHIBITED**

A. It is unlawful for any person knowingly to:

1. Manufacture, grow, harvest, cultivate, propagate, plant, compound, convert, produce, process, test, pack, repack, store, distribute, dispense or possess with intent to manufacture, distribute or dispense marijuana;
2. Use, have, inject, infest, inhale, otherwise introduce into the human body or possess marijuana;
3. Use or possess drug paraphernalia or to deliver, possess or manufacture any such paraphernalia singly or in conjunction with any other person; or
4. Appear or be upon or in any street, alley, place of business or other public place in the town while under the influence of marijuana.

- B. For the purpose of this section, "marijuana" shall have the meaning prescribed by Section 2-101 of Title 63 et seq. of the Oklahoma Statutes. "Drug paraphernalia" shall have the meaning prescribed by Section 2-101 of Title 63 of the Oklahoma Statutes, including the factors to determine in Section 2-101.1 of Title 61
- C. This section shall not apply to any controlled dangerous substance lawfully obtained or authorized by valid prescription order from a licensed physician while acting in the course of his professional practice. [Winchester Code of 1983]

## **SECTION 10-405 PROSTITUTION**

- A. It is unlawful for any person to:
  - 1. Be a prostitute;
  - 2. Solicit, entice, or procure another to commit or engage in any act of prostitution;
  - 3. Engage in any act of prostitution;
  - 4. Knowingly let premises for purposes of prostitution or obscenity;
  - 5. Conduct a business or premises for prostitution;
  - 6. Accept or receive the proceeds of any act of prostitution, or
  - 7. Be a party to an act of prostitution or solicitation of prostitution in the limits of town.
- B. For the purposes of this section:
  - 1. Prostitution is the giving of the body for sexual intercourse or sodomy for hire or money;
  - 2. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting of a person to any place with the intention of promoting prostitution;
  - 3. Letting premises for prostitution is the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of prostitution, or allowing the continued use of the premises with that knowledge; and
  - 4. Letting premises for obscenity is the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of obscenity or allowing the continued use of the premises with that knowledge. [Winchester Code of 1983]

## **SECTION 10-406 DISORDERLY HOUSE**

A disorderly house means any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:

1. The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by state statute;
2. The violation of any of the ordinances of this town or statutes of this state regulating the sale, distribution, possession or use of alcoholic beverages including beer containing more than one-half of one percent (.5%) alcohol by volume;
3. The performance of any sexual act declared unlawful by state statute or town ordinance including, but not limited to, soliciting for purposes of prostitution; or
4. The violation of any state statute or town ordinance prohibiting gambling. [Winchester Code of 1983]

## **SECTION 10-407 MAINTAINING OR LEASING A DISORDERLY HOUSE**

- A. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.
- B. No owner, lessee, lessor, or other person, partnership or corporation having control over any house, building, structure, tent, vehicle, mobile home, or recreational vehicle shall knowingly use, lease, sub-lease or otherwise permit the use of same for the purpose of keeping therein any disorderly house, and knowing or ascertaining that such house, building, structure, tent, vehicle, mobile home, or recreational vehicle is so occupied as a disorderly house, no persons, partnership or corporation shall continue to grant permission to so use such premises as a disorderly house. [Winchester Code of 1983]

## **SECTION 10-408 RESIDENTS AND VISITORS TO DISORDERLY HOUSE**

No person shall knowingly reside in, enter into, or remain in a disorderly house. In any prosecution for violation of this section, the town shall have the burden to prove such knowledge by direct evidence only and not by circumstantial evidence. This section shall not apply to physicians or officers in the discharge of their professional or official duties. [Winchester Code of 1983]

## **SECTION 10-409 NUDITY, IMPROPER DRESS, AND INDECENT EXPOSURE**

It is unlawful for any person to:

1. Appear in any public place in the town in a state of nudity;
2. Appear in any public place in the town in any offensive, indecent or lewd dress; or
3. Make an indecent public exposure of his or her person. (Winchester Code of 1983)

## **SECTION 10-410 HARMFUL DECEPTION**

It is unlawful for any person knowingly to deceive another, whether by impersonation, misrepresentation, or otherwise, when such deception results in or contributes to the loss, damage, harm or injury of the person deceived or of a third party, or results in or contributes to the benefit of the deceiver. [Winchester Code of 1983]

## **SECTION 10-411 FALSE OR BOGUS CHECKS**

It is unlawful for any person, with intent to cheat and defraud, to obtain or attempt to obtain from any person, firm or corporation, any money, property or valuable thing of the value of Five Hundred Dollars (\$500.00) or less by means of any false or bogus check or by any other written or printed or engraved instrument or spurious coin. The term "false or bogus check" shall include checks or orders given for money or property which are not honored on account of insufficient funds of the maker to pay same, as against the maker or drawer thereof. The making, drawing, issuing or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in or credit with, such bank or other depository. Such maker or drawer shall not have paid the drawee the amount due thereon, together with the protest fees, and the check or order shall be presented for payment within thirty (30) days after it is delivered and accepted. [Ordinance adopted March 23, 2010]

## **SECTION 10-412 SWINDLING UNLAWFUL**

It is unlawful to get money or property from any other person or persons or businesses under false pretences, deception, cheating or by any other fraudulent act. [Winchester Code of 1983]

## **TITLE 10 – CHAPTER 5: OFFENSES AGAINST PERSONS**

### **SECTION 10-501 ASSAULT AND BATTERY PROHIBITED**

1. An assault is any intentional, willful, or unlawful attempt or offer with force or violence to do a corporal hurt to another.
2. A battery is any intentional, willful or unlawful use of force or violence upon the person of another, or by making any physical contact with another without consent.
3. It is unlawful to commit an assault or an assault and battery within the jurisdiction of the town. Any person committing an assault or an assault and battery within the jurisdiction of the town shall be guilty of an offense. [Winchester Code of 1983]

### **SECTION 10-502 SOCIAL HOST OF JUVENILES; ALCOHOL PROHIBITED**

A. Definitions. For purposes of this Section, the following definitions shall apply

"Gathering" is a party, gathering, or event, where a group of three or more persons have assembled or are assembling for a social occasion or social activity.

"Legal Guardian" means

1. a person who, by court order, is the guardian of the person of a minor; or
2. public or private agency with which a minor has been placed by the court

"Minor" means any person less than twenty-one years of age

"Parent" means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person

"Premises" means any residence or other private property, place, or premises, including any commercial or business premises.

"Response costs" are the costs associated with responses by law enforcement, fire, and other emergency response providers to a gathering, including but not limited to:

1. salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative costs attributable to such response(s);

2. the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering;
  3. the cost of repairing any City equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and
  4. any other allowable costs related to the enforcement of this Section
- B. Consumption of Alcohol by Minor in Public Place, Place Open to Public, or Place Not Open to Public. Except as permitted by state law, it is unlawful for any minor to:
1. consume at any public place or any place open to the public alcoholic beverage; or
  2. consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian.
- C. Hosting, Permitting, or Allowing a Party, Gathering, or Event Where Minors Consuming Alcoholic Beverages Prohibited.
1. It is the duty of any person having control of any premises, which knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the gathering; and supervising the activities of minors at the gathering.
  2. It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage, whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage or reasonably should have known that a minor consumed an alcoholic beverage had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection (1) of this Section.
  3. This Section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian.

4. Nothing in this Section shall be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family members within the supervision of parents and guardians. However, if minor leaves such a family gathering intoxicated and is found in public then said providers of alcohol will be held responsible in the same manner as a non-family gathering.
  5. Nothing in this section should be interpreted to prohibit any religious practice, which includes the use of alcohol. However, if a minor leaves such a religious gathering intoxicated and is found to be in public then said providers of alcohol will be held responsible in the same manner as a non-religious gathering.
- D. Penalty. Any person who shall violate the provisions of this Section shall be deemed guilty of an offense against the City and upon conviction thereof shall be punished with fine of not more than Five Hundred Dollars (\$500.00), plus all court costs and statutory penalties.
- E. Reservation of Legal Options. Violations of this Section may be prosecuted by the Town of Winchester criminally, civilly, or through both processes. The City may seek administrative fees and response costs associated with enforcement of this Section through all remedies or procedures provided by statute, ordinance, or law. This Section shall not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this Section, nor shall they limit the City's ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of this Section. [Ordinance adopted February 9, 2010]

## **TITLE 10 – CHAPTER 6: OFFENSES AGAINST A PUBLIC AUTHORITY**

### **SECTION 10-601 RESISTING AN OFFICER**

- A. It is unlawful to resist, oppose or assault, or in any way interfere with the police chief or any person duly authorized to act as such, while the officer or person is discharging or attempting to discharge his official duties within the limits of the town.
- B. It is unlawful for any person to warn or signal another so as to assist such other person to flee, escape or evade an officer seeking to make an arrest or for any person to bar or lock any door or barrier in, the face of or in front of an approaching officer.
- C. Resisting an officer is the intentional opposition or resistance to, or obstruction of, an individual acting in his official capacity, and authorized by law to make a lawful arrest or seizure of property, or to serve any lawful process or court order, when the offender knows or has reason to know that the person arresting, seizing property, or serving process is acting in his official capacity.
- D. The words "obstruction of" shall, in addition to their common meaning, include:

1. Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest;
2. Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is under arrest; or
3. Refusal by the arrested party to give his name and make his identity known to the arresting officer. [Winchester Code of 1983]

### **SECTION 10-602 REFUSING OR FAILING TO ASSIST AN OFFICER**

- A. An officer of the town making or about to make an arrest, or executing or about to execute a warrant or other process, in accordance with the ordinances of the town or with state or federal law, or suppressing or about to suppress a riot, affray or unlawful assembly, may call upon person or persons to assist him in making such arrest, executing such process or suppressing such riot, affray or unlawful assembly.
- B. It is unlawful for any person lawfully called upon thus to assist an officer of the town to refuse or fail to do so. [Winchester Code of 1983]

### **SECTION 10-603 ASSAULT OR BATTERY UPON POLICE OR OTHER LAW OFFICER**

It is unlawful for any person to knowingly commit any assault, battery or assault and battery upon the person of a police officer or other officer of the law while in the performance of his duties. [Winchester Code of 1983]

### **SECTION 10-604 IMPERSONATING AN OFFICER OR EMPLOYEE**

It is unlawful for any person to impersonate any officer or employee of the town, falsely represent him or her self to be an officer or employee of the town, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of the town without being duly authorized to do so. [Winchester Code of 1983]

### **SECTION 10-605 FALSE ALARMS**

It is unlawful for any person to turn in a false alarm of any nature or in any manner to deceive or attempt to deceive the fire department or police department or any officer or employee thereof with reference to any fire alarm or reported fire, accident or other emergency or knowingly to cause the fire department or police department or its officers or employees to make a useless run. [Winchester Code of 1983]



## **SECTION 10-606 FALSE REPRESENTATION TO AN OFFICER**

It is unlawful for any person, firm or corporation, or any agent or employee thereof, knowingly to make any material misrepresentation to any officer, employee or agency of the town government in any official application to, or official dealing or negotiation with, such officer or agency; or to commit perjury before any tribunal or officer of the town. [Winchester Code of 1983]

## **SECTION 10-607 REMOVAL OF BARRICADES**

It is unlawful for any person except by proper authority to remove any barricade or obstruction placed by authority of the town to keep traffic off any pavement, street, curb, sidewalk or other area. [Winchester Code of 1983]

## **SECTION 10-608 RESISTING PUBLIC OFFICIALS**

It is unlawful for any person knowingly or willfully to:

1. Resist, oppose or obstruct the chief of police, any other police officer, the municipal judge, or any other officer or employee of the town in the discharge of his official duties;
2. Threaten or otherwise intimidate or attempt to intimidate any such officer or employee from the discharge of his official duties; or
3. Assault or beat, revile, abuse, be disrespectful to, use abusive or indecent language toward or about, any such officer or employee while such officer or employee is in the discharge of his official duties. [Winchester Code of 1983]

## **TITLE 10 – CHAPTER 7: PENALTIES**

### **SECTION 10-701 GENERAL PENALTIES**

Any violation of the provisions of this part is punishable by fine or imprisonment as provided in Section 1-108 of this code. [Winchester Code of 1983]

**TITLE 11**

**PARKS RECREATION AND CULTURAL AFFAIRS**

**CHAPTER 1  
(RESERVED)**

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# **TITLE 12**

## **PLANNING, ZONING AND DEVELOPMENT**

### **CHAPTER 1 PLANNING COMMISSION**

- Section 12-101 Created, membership
- Section 12-102 Organization, meetings, officers and employees
- Section 12-103 Powers and duties
- Section 12-104 To have power of a zoning commission

### **CHAPTER 2 (RESERVED)**

## **TITLE 12 – CHAPTER 1: PLANNING COMMISSION**

### **SECTION 12-101 CREATED, MEMBERSHIP**

A town planning commission is hereby created for the town. It shall consist of five (5) appointive members, all of whom shall be residents of the town and the chairman of the town board of trustees and the town engineer (if any) as ex officio members. The appointive members shall be nominated by the mayor and appointed by the board of trustees and shall serve for terms of three (3) years. Of the original appointive members, one shall serve for a term of one year; two (2) shall serve for a term of two (2) years; and two (2) shall serve for a term of three (3) years. Vacancies shall be filled for the un-expired terms. The members shall serve without compensation. The town board of trustees may remove members of the town planning commission for cause. [Winchester Code of 1983]

### **SECTION 12-102 ORGANIZATION, MEETINGS, OFFICERS AND EMPLOYEES**

The town planning commission shall elect a chairman, a vice chairman, and secretary, who shall serve until the first Monday of the next May after their election. The secretary need not be a member of the commission. The commission shall determine the time and place of its regular meetings; and the chairman or any three (3) members may call special meetings of the commission. The commission may employ engineers, attorneys, clerks, and other help deemed necessary, subject to the approval of the town board of trustees. Their salaries and compensation shall be fixed by the board, and shall be paid out of the town treasury as other salaries and compensation are paid. The necessary legal expenses shall be paid out of the town treasury as other legal expenses of the town government are paid. [Winchester Code of 1983]

### **SECTION 12-103 POWERS AND DUTIES**

The town planning commission shall have all the powers and duties prescribed for it by state law and all other powers and duties now or hereafter prescribed for it by any other provision of ordinance or law. [Winchester Code of 1983]

### **SECTION 12-104 TO HAVE POWER OF A ZONING COMMISSION**

- A. The town planning commission is hereby appointed the zoning commission of the town, and the town planning commission shall have the powers of a zoning commission as provided by state law. Whether exercising the powers of a planning commission or the powers of a zoning commission, it shall be legally one board known as the town planning commission.

- B. Exercising the powers of a zoning commission, the town planning commission shall recommend the boundaries of the various zones and appropriate zoning regulations to be enforced therein. It shall have all the powers conferred upon a zoning commission by state law and all powers, which now or in the future may be granted by applicable state law to such authorities. [Winchester Code of 1983]

**TITLE 12 – CHAPTER 2: (RESERVED)**

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# TITLE 15

## TRAFFIC AND VEHICLES

### CHAPTER 1

#### GENERAL PROVISIONS AND ADMINISTRATION

- Section 15-101 Definitions
- Section 15-102 Application of regulations
- Section 15-103 Vehicle equipment generally
- Section 15-104 Size, weight of vehicles, vehicles more than 10,000 pounds
- Section 15-105 Securing loads
- Section 15-106 Inspection of vehicles by officers
- Section 15-107 Opening and closing vehicle doors
- Section 15-108 Boarding or alighting from vehicles
- Section 15-109 Unlawful riding
- Section 15-110 Authorizing or permitting violations prohibited
- Section 15-111 Application to animal-drawn vehicles
- Section 15-112 Working on streets, exceptions
- Section 15-113 Authorized emergency vehicles
- Section 15-114 Approach of authorized emergency vehicles
- Section 15-115 Following fire apparatus prohibited
- Section 15-116 Crossing fire hose
- Section 15-117 Duty of police
- Section 15-118 Accidents, duty to stop, and leaving scene of accident
- Section 15-119 Issuance of citation tags
- Section 15-120 Failure to obey citation
- Section 15-121 Failure to comply with traffic citations attached to parked vehicle
- Section 15-122 Illegal cancellation of traffic citations
- Section 15-123 Disposition and records of traffic citations, warrants, and complaints
- Section 15-124 Court, records, abstract to be sent to State Department of Public Safety
- Section 15-125 Eluding police officer prohibited
- Section 15-126 Adoption of State Traffic Code



**CHAPTER 2**  
**OPERATION OF VEHICLES GENERALLY, PARKING AND SPEEDING**

**ARTICLE A**  
**GENERAL PROVISIONS**

- Section 15-201 Operation of vehicles generally
- Section 15-202 Possession of valid driver's license required
- Section 15-203 Vehicle license required
- Section 15-204 Unlicensed Vehicles
- Section 15-205 Starting a parked vehicle
- Section 15-206 Drive on right side of roadway, exceptions
- Section 15-207 Right-of-way generally
- Section 15-208 Vehicle turning left
- Section 15-209 Reckless driving
- Section 15-210 Driving under the influence of intoxicating liquor or narcotics
- Section 15-211 Driving on sidewalk
- Section 15-212 Limitations on backing
- Section 15-213 Corner cutting
- Section 15-214 Emerging from alley, driveway or building

**ARTICLE B**  
**SPEEDING REGULATIONS**

- Section 15-220 General rule for speed regulations
- Section 15-221 General maximum speed limit

**ARTICLE C**  
**PARKING REGULATIONS**

- Section 15-230 Obstructing traffic or driveways
- Section 15-231 Parking prohibitions in specific areas
- Section 15-232 Prohibitions against selling merchandise from parked vehicles
- Section 15-233 Presumption in reference to illegal parking

**ARTICLE D**  
**TURNING AND SIGNALS**

- Section 15-250 Required position, method of turning at intersections
- Section 15-251 Turning, stopping signals required

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**TITLE 14**

**STREETS AND PUBLIC WORKS**

**CHAPTER 1  
(RESERVED)**

2. A civil defense advisory committee. This committee shall consist of the mayor as chairman and five (5) members appointed by the mayor and serving at his pleasure. The committee shall select from its members a vice-chairman and secretary. It shall hold such meetings as are directed by the mayor and its function shall be to act in an advisory capacity as needed or requested by the mayor or the director of civil defense. [Winchester Code of 1983]

### **SECTION 13-303 DUTIES OF DIRECTOR**

The director of civil defense shall be the executive head of the department of the civil defense and shall be responsible for carrying out the civil defense program of the city. He shall serve without compensation but may be reimbursed for expenses incurred in the performance of his duties. It is the duty of the director of civil defense as soon as practicable after his appointment to perfect an organization to carry out the purposes set forth in this chapter and he shall have all necessary power and authority to form committees or other bodies and to appoint and designate the chairman or chief officer of such bodies as may be necessary to perfect such an organization. He shall have further duty and responsibility to cooperate with all civil defense agencies of other governmental units, including the state and the federal government. The director of civil defense is further authorized to formulate written plans and gather information and keep written record thereof to govern the functions of the civil defense organization. [Winchester Code of 1983]

### **SECTION 13-304 POWERS OF DIRECTOR IN EMERGENCIES**

- A. In the event of an enemy-caused emergency or emergency resulting from natural causes, the director of civil defense after due authorization from the mayor shall have the power and authority to enforce all rules and regulations relating to civil defense and, if necessary, take control of transportation, communications, stocks of fuel, food, clothing, medicine, and public utilities for the purpose of protecting the civilian population. He shall cooperate in every way with the activities of other governmental agencies of civil defense organizations. If required by the mayor, the director shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the town.
- B. The director of civil defense and other members of the civil defense organization created by him shall have the power and authority to enforce the laws of the state and ordinances of the town during the period of emergency and shall at such time have the further power to make arrests for violations of such laws or ordinances. [Winchester Code of 1983]

## **SECTION 13-202 DUTIES**

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the town; to suppress all riots, affrays, and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers. The police department has charge of and operates the town jail. [Winchester Code of 1983]

## **SECTION 13-203 POLICE OFFICERS**

Police officers may be appointed subject to approval of the town board of trustees. They shall perform such duties as shall be required of them by the chief of police, town ordinances, applicable law and any other actions required in the maintenance of good order and public peace. [Winchester Code of 1983]

## **TITLE 13 – CHAPTER 3: CIVIL DEFENSE**

### **SECTION 13-301 PURPOSE OF CIVIL DEFENSE ORGANIZATION**

A civil defense organization may be created for the town to carry out preparations for and to function in the event of emergencies endangering the lives and property of the people of the town. The duties of the civil defense organization are the protection of the lives and health of the citizens and of property and property rights, both private and public, and performance of all functions necessary and incident thereto. [Winchester Code of 1983]

### **SECTION 13-302 DEPARTMENT ESTABLISHED**

There may be established under the executive branch of the government a department of civil defense which shall consist of:

1. A director of civil defense who shall be appointed and may be removed with or without cause by the mayor; and

## **TITLE 13 – CHAPTER 1: FIRE PREVENTION CODE**

### **SECTION 13-101 ADOPTION OF FIRE PREVENTION CODE**

There is hereby adopted by the town board of trustees for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, abbreviated edition, recommended by the American Insurance Association, being particularly the current edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended. At least one copy of the code have been and now are filed in the office of the clerk of the town and the same are hereby adopted and incorporated as fully as if set out at length herein. The provisions of The Fire Prevention Code shall be controlling within the limits of the town. [Winchester Code of 1983]

### **SECTION 13-102 MODIFICATIONS**

The town board of trustees shall have power to modify any of the provisions of the code hereby adopted in its own discretion or upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modifications when granted or allowed and the decision of the board thereon shall be entered upon the records of the town and for applications requesting change; a signed copy shall be furnished the applicant.  
[Winchester Code of 1983]

### **SECTION 13-103 PENALTIES**

Any person, firm or corporation who violates any provision of this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined as provided in Section 1-108 of this code. [Winchester Code of 1983]

## **TITLE 13 – CHAPTER 2: POLICE DEPARTMENT**

### **SECTION 13-201 POLICE DEPARTMENT CREATED, CHIEF**

There may be a police department, the head of which is the chief of police, or police chief, appointed by the town board of trustees and removable by the board. The chief of police is an officer of the town, and has supervision and control of the police department. All police officers are officers of the town. [Winchester Code of 1983]

**TITLE 13**  
**PUBLIC SAFETY**

**CHAPTER 1**  
**FIRE PREVENTION CODE**

Section 13-101 Adoption of Fire Prevention Code  
Section 13-102 Modifications  
Section 13-103 Penalties

**CHAPTER 2**  
**POLICE DEPARTMENT**

Section 13-201 Police department created, chief  
Section 13-202 Duties  
Section 13-203 Police officers

**CHAPTER 3**  
**CIVIL DEFENSE**

Section 13-301 Purpose of civil defense organization  
Section 13-302 Department established  
Section 13-303 Duties of director  
Section 13-304 Powers of director in emergencies  
Section 13-305 Compensation of members

### **CHAPTER 3**

#### **TRAFFIC SIGNALS AND DEVICES**

- Section 15-301 Necessity of signs
- Section 15-302 Interference with devices, or signs or signals
- Section 15-303 Presumption of legality
- Section 15-304 Ratification of existing devices
- Section 15-305 Designation of through streets
- Section 15-506 Signs at through streets
- Section 15-307 Procedures at stop signs
- Section 15-308 Procedure at yield signs

### **CHAPTER 4**

#### **IMPOUNDMENT OF VEHICLES**

- Section 15-401 Purpose and effect of impoundment provisions
- Section 15-402 Place of impoundment
- Section 15-403 Duration of impoundment
- Section 15-404 Police granted authority to impound vehicles
- Section 15-405 Disabled vehicles
- Section 15-406 Vehicles on bridge
- Section 15-407 Arrest and detention of driver of vehicle
- Section 15-408 Vehicle constitutes traffic hazard
- Section 15-409 Illegal trespass by vehicle
- Section 15-410 Vehicles blocking fire exits or hydrants
- Section 15-411 Vehicles parked in intersection
- Section 15-412 Stolen vehicles, recovery by police
- Section 15-413 Inventory of impounded vehicles

### **CHAPTER 5**

#### **PENALTIES**

- Section 15-501 Penalties for violations



## **TITLE 15 – CHAPTER 1: GENERAL PROVISION AND ADMINISTRATION**

### **SECTION 15-101 DEFINITIONS**

For the purposes of this part the following words and phrases shall have the meanings respectively ascribed to them. However, for any words and phrases used in this part which are not defined in this section, but are defined in the laws of the state regulating traffic, the definition in the laws of the state shall be deemed to apply to the words and phrases used in this part:

1. "Alley" means a public passageway or street, which affords only secondary means of vehicular access to abutting property, and having no legal or official name other than alley;
2. "Bicycle" means every device propelled by human power upon which any person may ride, having two (2) or three (3) tandem wheels any of which is more than twenty (20) inches in diameter;
3. "Commercial vehicle" means every vehicle designed, maintained, or used primarily for the transportation of property;
4. "Curb loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials;
5. "Driver" means every person who drives or is in actual physical control of a vehicle;
6. "Emergency vehicles" means vehicles of fire departments, police vehicles and ambulances;
7. "Intersection" means the area embraced within the lateral boundary lines of the roadways of two (2) streets or highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict;
8. "Paved roadway" means a roadway, which is divided into two (2) or more clearly marked lanes for vehicular traffic;
9. "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor;
10. "Motor vehicle" means every vehicle which is self-propelled and every vehicle, which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails;

11. "Official time standard" means that whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in this town;
12. "Official traffic-control devices" means all signs, signals, markings and devices not inconsistent with this code placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic;
13. "Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
14. "Pedestrian" means any person afoot;
15. "Police officer" means any officer of the town police department or any other officer authorized by law to direct or regulate traffic or to make arrests for violations of traffic regulations;
16. "Private road or roadway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons;
17. "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;
18. "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;
19. "Right of way" means the privilege of the immediate use of the roadway;
20. "Roadway" means that portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the term or shoulder. In the event a street includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively;
21. "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrian trails;
22. "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers;
23. "Stop" means, when required, complete cessation from movement. When prohibited, stop or stopping means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal;

24. "Street or highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;
25. "Through street" means every street or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting streets is required by law to yield right-of-way to vehicles on such through street in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this part;
26. "Traffic" means pedestrians, ridden or herded animals, vehicles, street-cars, and other conveyances either singly or together while using any street for purposes of travel;
27. "Traffic-control signal" means any device, whether manually, electrically or mechanically operated by which traffic alternately is directed to stop and permitted to proceed; and
28. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks. [Winchester Code of 1983]

## **SECTION 15-102 APPLICATION OF REGULATIONS**

The provisions of this part shall apply to every street, highway, alley, roadway, sidewalk, driveway, park area, every other public way either within or outside the corporate limits of the town, the use of which the town has jurisdiction and authority to regulate, including but not limited to:

1. Those dedicated to or acquired by the public for public use;
2. Those upon land owned by the town;
3. Those private property, the regulation of the use of which has been given to the town [Winchester Code of 1983]

## **SECTION 15-103 VEHICLE EQUIPMENT GENERALLY**

Every vehicle operated upon the streets of the town shall be equipped as required by law. It is unlawful for any person to:

1. Operate a vehicle upon a street of the town, which is not equipped as required by law;
2. Fail to use such equipment in the manner required by law; to use it in manner prohibited by law;

3. Operate a vehicle which has equipment prohibited by law upon a street in the town.  
[Winchester Code of 1983]

### **SECTION 15-104 SIZE, WEIGHT OF VEHICLES, VEHICLES MORE THAN 10,000 POUNDS**

- A. No person shall drive on or convey through any street any vehicle the width, height, length, weight, or load of which exceeds that authorized by state law, except in accordance with a permit issued by state authority or by the chief of police.
- B. No vehicle weighing more than ten thousand (10,000) pounds shall be operated upon the streets, alleys and other public ways within the town, unless the vehicle has a special permit as hereinafter provided. Upon proper application to the town clerk, the clerk may issue a special permit to allow the operation of a motor vehicle weighing more than ten thousand (10,000) pounds upon prohibited streets, alleys and other public ways where it is made to appear to the clerk that:
  1. The vehicle is to be used to perform work within the area of the public way and that no other reasonable access exists; or
  2. The vehicle is to be used to deliver goods or merchandise to some area served by the public way.

The cost of a special permit shall be Five Dollars (\$5.00) and shall be valid only for a twenty-four (24) hour period. An individual permit will be necessary for each motor vehicle.  
[Winchester Code of 1983]

### **SECTION 15-105 SECURING LOADS**

- A. No vehicle shall be driven or moved on any street or alley unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping there from, except that sand or salt may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.
- B. No person shall operate on any street or alley any vehicle with any load unless the load, and any covering thereon, is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the streets or alleys.
- C. This section shall not apply to trucks loaded only with livestock, poultry or agricultural products except baled agricultural products but any such truck shall be constructed or loaded as to prevent the livestock or poultry from escaping there from. [Winchester Code of 1983]

## **SECTION 15-106 INSPECTION OF VEHICLES BY OFFICERS**

Police officers have authority to inspect and test any vehicle upon the streets of the town at any time to determine whether it is safe, whether it is properly equipped, and whether its equipment is in proper adjustment or repair. [Winchester Code of 1983]

## **SECTION 15-107 OPENING AND CLOSING VEHICLE DOORS**

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. [Winchester Code of 1983]

## **SECTION 15-108. BOARDING OR ALIGHTING FROM VEHICLES**

No person shall board or alight from any vehicle while such vehicle is in motion. [Winchester Code of 1983]

## **SECTION 15-109 UNLAWFUL RIDING**

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise [Winchester Code of 1983]

## **SECTION 15-110 AUTHORIZING OR PERMITTING VIOLATIONS PROHIBITED**

No person shall authorize or knowingly permit a vehicle owned by him, registered in his name or under his control to be driven, parked or stopped in violation of any provision of this part. No parent of any child or guardian of any ward shall cause, authorize or knowingly permit such child or ward to violate any provision of this part. [Winchester Code of 1983]

## **SECTION 15-111 APPLICATION TO ANIMAL-DRAWN VEHICLES**

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this part applicable to the driver of any vehicle except those provisions of this part, which by their very nature can have no application. [Winchester Code of 1983]

## **SECTION 15- 112 WORKING ON STREETS EXCEPTIONS**

- A. Town employees or contractors, while repairing or improving the streets of the town, and utility company personnel, when installing, improving, or repairing lines or other utility facilities in the streets, are hereby authorized as necessary, subject to control by the board of trustees, to close any street or section thereof to traffic during such repair, maintenance, or construction. In exercising such authority, the employees, personnel or contractors shall erect or cause to be erected proper control devices or barricades to warn and notify the public that the street has been closed to traffic.
- B. When any street has been closed to traffic under the provisions of Subsection A and traffic-control devices or barricades have been erected, it is unlawful for any person to drive any vehicle through, under, over, or around the traffic-control devices or barricades, or otherwise to enter the closed area. The provisions of this subsection shall not apply to persons while engaged in the construction, maintenance, and repair, or to persons entering therein for the protection of lives or property. Persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.
- C. Whenever construction, repair, or maintenance of any street or utility line or facility is being performed under traffic, the employees, personnel, or contractor concerned shall erect, or cause to be erected, traffic- control devices to warn and guide the public; and every person using the street shall obey all signs, signals, markings, flagmen, or other traffic-control devices, which are placed to regulate, control, and guide traffic through the construction or maintenance area. [Winchester Code of 1983]

## **SECTION 15-113 AUTHORIZED EMERGENCY VEHICLES**

The provisions of this title shall not apply to a driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or ordinance or when responding to but not upon returning from a fire alarm. The exemptions herein granted to an emergency vehicle shall apply only when the driver of the vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonable necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red or blue light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle. These provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. [Ordinance adopted March 23, 2010]

## **SECTION 15-114 APPROACH OF AUTHORIZED EMERGENCY VEHICLES**

Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. [Winchester Code of 1983]

## **SECTION 15-115 FOLLOWING FIRE APPARATUS PROHIBITED**

The driver of any vehicle other than on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. [Winchester Code of 1983]

## **SECTION 15-116 CROSSING FIRE HOSE**

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command. [Winchester Code of 1983]

## **SECTION 15-117 DUTY OF POLICE**

The police department shall have the power to enforce the street traffic regulations of this town and all of the state vehicle laws applicable to street traffic in this town, to make arrests for traffic violations, to investigate accidents and to cooperate with the officers of the town in the administration of the traffic laws and in developing ways and means to improve traffic conditions. Officers of the fire department, when at the scene of a fire or other emergency, may direct or assist the police in directing traffic there or in the immediate vicinity. [Winchester Code of 1983]

## **SECTION 15-118 ACCIDENTS, DUTY TO STOP, LEAVING SCENE OF ACCIDENT**

- A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or property shall immediately stop his vehicle at the scene of such accident, or as close thereto as possible, return to and remain at the scene of the accident until he has given his name, address and the registration of his vehicle and shall upon request exhibit his driver's license to the person injured or the driver or occupant of, or person attending, any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying or making arrangement for the carrying of such persons to a physician, surgeon or hospital for medical and surgical treatment if it is apparent that this treatment is necessary, or if such is requested by the injured person. Each such stop shall be made without obstructing traffic more than is necessary.
- B. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or to the property is in excess of Three Hundred Dollars (\$300.00) shall, as soon as practical, report such accident to a police officer or to the police department. If a driver makes out a written report of the accident in the office of the police department as soon as practicable after the accident, which report is to be forwarded to the state department of public safety in accordance with state law, the driver shall be deemed to be in compliance with this section.
- C. Any person failing to stop or to comply with any of the requirements of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined as provided in Section 1-108 of this code. [Winchester Code of 1983]

## **SECTION 15-119 ISSUANCE OF CITATION TAGS**

- A. The chief of police is hereby authorized and directed to supply police officers with citation tags in sets, each set consisting of an original and at least two (2) duplicate copies, for the purpose of giving notice to persons violating any provision of this part.
- B. Notice may be given by delivering the tags to the violator or by affixing it to the vehicle involved in the violation.



- C. Each citation tag shall direct the violator to appear and to present such tag at a designated place on or before a date and hour specified thereon. Each tag shall bear the registration number of the vehicle.
- D. Nothing in this section shall be construed to abridge the power of a police officer to arrest any violator and take him into custody.
- E. The town board of trustees may require that the police officers use citation tags furnished by the finance department and that such tags are serially numbered, and may regulate the use and handling of the citation tags. [Winchester Code of 1983]

### **SECTION 15- 120. FAILURE TO OBEY CITATION**

It shall be unlawful and an offense for any person to violate his written promise to appear, given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which citation was originally issued. [Winchester Code of 1983]

### **SECTION 15-121 FAILURE TO COMPLY WITH TRAFFIC CITATIONS ATTACHED TO PARKED VEHICLE**

If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of five (5) days, the clerk of the municipal court may send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five (5) days, a warrant of arrest may be issued. On any occasion where two (2) or more such traffic citations have been affixed on the same motor vehicle and the traffic citations have been disregarded, a warrant of arrest may be issued without sending the letter provided in this section. [Winchester Code of 1983]

### **SECTION 15-122 ILLEGAL CANCELLATION OF TRAFFIC CITATIONS**

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than is provided by this chapter. [Winchester Code of 1983]

## **SECTION 15-123 DISPOSITION AND RECORDS OF TRAFFIC CITATIONS WARRANTS AND COMPLAINTS,**

Every police officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or any traffic law of this town shall deposit the original and a duplicate copy of the citation with his immediate superior officer, who shall cause the original to be delivered to the municipal court.

Upon the filing of the original citation in the municipal court, the citation may be disposed of only by trial in the court or by other official action by a judge of the court, including forfeiture of bail by payment of a fine.

The chief of police shall maintain a record of all warrants issued by the municipal court, which are delivered to the police department for service, and of the final disposition of the warrants.

No member of the police department or other officer or public employee shall dispose of, alter, or deface a traffic citation or any copy thereof, or the record of the issuance or disposition of any traffic citation, complaint, or warrant, in a manner other than as required in this chapter.  
[Winchester Code of 1983]

## **SECTION 15-124 COURT RECORDS, ABSTRACT TO BE SENT TO STATE DEPARTMENT OF PUBLIC SAFETY.**

- A. The municipal court clerk shall keep a record of every traffic citation deposited with or presented to the court and shall keep a record of every official action by the court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture.
- B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on highways the municipal judge or clerk of the court in which the conviction was had or bail was forfeited shall prepare and immediately forward to the State Department of Public Safety a certified abstract of the court's record of the case. An abstract need not be made of any conviction involving the illegal parking or standing of a vehicle.
- C. The abstract must be made upon a form furnished by the State Department of Public Safety and shall include the name and address of the party charged, the number of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail was forfeited, and the amount of the fine or forfeiture. [Winchester Code of 1983]

## **SECTION 15-125 ELUDING POLICE OFFICER PROHIBITED**

No person operating a motor vehicle who has received a visual or audible signal directing the operator to, bring his vehicle to a stop shall willfully increase his speed or extinguish his lights or in any other manner attempt to or actually elude such law enforcement officer. A visual or audible signal for the purpose of this section means a red light and a siren from a law enforcement officer driving a motor vehicle with insignia showing the same to be an official police, sheriff, or highway patrol car. [Winchester Code of 1983]

## **SECTION 15-126 ADOPTION OF STATE TRAFFIC CODE**

The provisions of the State Motor Vehicle Code, Sections 1-101 et seq. of Title 47 of the Oklahoma Statutes, and the Rules of the Road, Sections 10-101 et seq. of Title 47 of the Oklahoma Statutes, are hereby adopted and incorporated herein by reference, and are enforceable by the town within the town limits as fully as if set out at length herein. [Winchester Code of 1983]

## **TITLE 15 – CHAPTER 2: OPERATION OF VEHICLES GENERALLY, PARKING AND SPEEDING**

### **ARTICLE A GENERAL PROVISIONS**

#### **SECTION 15-201 OPERATION OF VEHICLES GENERALLY**

Every person operating a vehicle in the town shall at all times operate the vehicle in a prudent and careful manner and in compliance with the laws of the town and state, having due regard for other vehicles, rights of pedestrians, and property of others. [Winchester Code of 1983]

#### **SECTION 15-202 POSSESSION OF VALID DRIVER'S LICENSE REQUIRED**

It is unlawful for any person who does not have a driver's license as required by state law for operation of a vehicle upon the state highways, to operate a motor vehicle within the town, or to operate a motor vehicle within the town in violation of any restriction applied to the driver's license. [Winchester Code of 1983]

## **SECTION 15-203 VEHICLE LICENSE REQUIRED**

No person shall drive, propel, move, or park on the streets of this town any motor vehicle, trailer, or semi trailer unless the motor vehicle, trailer, or semi-trailer is licensed as required by state law and the license is conspicuously displayed thereon. [Winchester Code of 1983]

## **SECTION 15-204 UNLICENSED VEHICLES**

It is unlawful for any person to park any motor vehicle not bearing a current motor vehicle license tag or tags on any street or highway within the town. (Winchester Code of 1983)

## **SECTION 15-205 STARTING A PARKED VEHICLE**

No person shall start a vehicle, which is stopped, standing, or parked unless and until such movement can be made in safety. [Winchester Code of 1983]

## **SECTION 15-206 DRIVE ON RIGHT SIDE OF ROADWAY, EXCEPTIONS**

Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement; or
2. When the right half of a roadway is closed to traffic while under construction or repair.

Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane when available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing, another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway. [Winchester Code of 1983]

## **SECTION 15-207 RIGHT-OF-WAY GENERALLY**

The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different street, provided that the driver of a vehicle on a street which is not a state or federal highway approaching an intersection with a state or federal highway shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so close thereto as to constitute an immediate hazard. When two (2) vehicles enter or approach an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right. [Winchester Code of 1983]

## **SECTION 15-208 VEHICLE TURNING LEFT**

The driver of a vehicle within an intersection intending to turn left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard; but the driver, having so yielded and having given a signal when and as required by this part, may make such left turn, and the drivers of all other vehicles approaching the intersection from such opposite direction shall yield the right-of-way to the vehicle making the left turn. [Winchester Code of 1983]

## **SECTION 15-209 RECKLESS DRIVING**

It is unlawful for any person to drive recklessly in the town. Reckless driving shall include any person who drives a motor vehicle in willful or wanton disregard for the safety of persons or property or at a heedless or dangerous rate of speed. [Winchester Code of 1983]

## **SECTION 15-210 DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTICS**

It is unlawful for any person who is under the influence of intoxicating liquor to drive, operate, or be in actual physical control of any motor vehicle within this town.

It is unlawful for any person who is a habitual user of or under the influence of any narcotic, drug, barbiturate, amphetamine, marijuana, or who is under the influence of any other drug to a degree, which renders him incapable of safely driving a motor vehicle to drive a motor vehicle within this town. The fact that any person charged with a violation of this subsection is or has been lawfully entitled to use such narcotic drug, barbiturate, amphetamine, marijuana, or other drug shall not constitute a defense against any charge of violating this paragraph. [Winchester Code of 1983]

## **SECTION 15-211 DRIVING ON SIDEWALK**

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway. [Winchester Code of 1983]

## **SECTION 15-212 LIMITATIONS ON BACKING**

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic [Winchester Code of 1983]

## **SECTION 15-213 CORNER CUTTING**

No person shall drive a vehicle through any service drive or upon any parking facility except with the intent of availing himself or herself of the services offered on the premises served by the service drive or parking facility. No person shall drive a vehicle through any service drive or across any parking facility for the purpose of shortening their travel distance, avoiding a traffic-control device, avoiding using the streets for travel, or turning a vehicle so as to proceed in apposite direction on the street from which it entered the drive. [Winchester Code of 1983]

## **SECTION 15-214 EMERGING FROM ALLEY, DRIVEWAY OR BUILDING**

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway. [Winchester Code of 1983]

## **ARTICLE B SPEEDING REGULATIONS**

### **SECTION 15-220 GENERAL RULE FOR SPEED REGULATIONS**

- A. Any person driving a vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and any other condition then existing. No person shall drive any vehicle upon a highway at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.
- B. The driver of every vehicle shall, consistent with the requirements of Subsection A, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when driving upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions. [Winchester Code of 1983]

## **SECTION 15-221 GENERAL MAXIMUM SPEED LIMIT**

No vehicle, unless otherwise specifically authorized by this chapter, shall be driven at a speed greater than that posted per hour upon any street within this town. The board of trustees may determine that certain other speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof. [Winchester Code of 1983]

## **ARTICLE C PARKING REGULATIONS**

### **SECTION 15-230 OBSTRUCTING TRAFFIC OR DRIVEWAYS**

No person shall park any vehicle upon a street or alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic. No person shall stop, stand or park a vehicle within a street or alley in such position as to block the driveway entrance to any abutting property. [Winchester Code of 1983]

### **SECTION 15-231 PARKING PROHIBITIONS IN SPECIFIC AREAS**

- A. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:
1. Stop, stand, or park a vehicle:
    - a. On the roadway side of any vehicle stopped or parked at the edge of curb of a street except as authorized otherwise in this section;
    - b. on a sidewalk;
    - c. within an intersection;
    - d. on a crosswalk;
    - e. along or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
    - f. on any railroad tracts; or
    - g. at any place where official signs prohibit stopping or parking; or

2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
  - a. In front of a public or private driveway;
  - b. Within ten (10) feet of a fire hydrant
  - c. Within ten feet (10') of a crosswalk at an intersection, except in marked parking spaces;
  - d. Within thirty feet (30') upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
  - e. Within twenty feet (20') of the driveway entrance to any fire station; or
  - f. At any place where official signs prohibit stopping
- B. Any business, garage or filling station duly license by the state or town may reserve such portions along the curb in front of their establishments as is necessary to be used by them or their customers in the conduct of their business. Those desiring to avail themselves of the benefits of this subsection shall provide markers on the curb designating the space so reserved at their own expense. [Winchester Code of 1983]

## **SECTION 15-232 PROHIBITION AGAINST SELLING MERCHANDISE FROM PARKED VEHICLES**

It is unlawful for any person to park any vehicle upon a street in the town and offer merchandise for sale here from. In addition to the penalty provided in this part, the sale of merchandise from parked vehicles on streets in the town is declared to dangerous to traffic and to the persons congregating around the vehicle and constitutes a public nuisance. [Winchester Code of 1983]



## **SECTION 15-233 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING**

In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any law or regulation, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

The presumption in Subsection A of this section shall apply only when the procedure as prescribed in his chapter has been followed. [Winchester Code of 1983]

## **ARTICLE D TURNING AND SIGNALS**

### **SECTION 15-250 REQUIRED POSITION, METHOD OF TURNING AT INTERSECTIONS**

The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Right turns: Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway; or
2. Left turns on two-way roadways: At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection. [Winchester Code of 1983]

### **SECTION 15-251 TURNING STOPPING SIGNALS REQUIRED**

- A. No person shall turn a vehicle to the right or left except upon giving a signal of intention, as provided in this section, in the event any other traffic may be affected by such movement.
- B. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

C. No person shall stop or suddenly decrease the speed of a vehicle except upon the giving of a signal of intention, as provided herein, to the driver of any vehicle immediately to the rear when there is an opportunity to give such signal. [Winchester Code of 1983]

## **TITLE 15 – CHAPTER 3: TRAFFIC SIGNALS AND DEVICES**

### **SECTION 15-301 NECESSITY OF SIGNS**

No provision of the part for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place. [Winchester Code of 1983]

### **SECTION 15-302 INTERFERENCE WITH DEVICES OR SIGNS OR SIGNALS**

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof. [Winchester Code of 1983]

### **SECTION 15-303 PRESUMPTION OF LEGALITY**

Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence. [Winchester Code of 1983]

Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence. [Winchester Code of 1983]

### **SECTION 15-304 RATIFICATION OF EXISTING DEVICES**

All traffic-control signs, signals, devices and markings placed or erected prior to the adoption of this part and in use for the purpose of regulating, warning or guiding traffic are hereby affirmed, ratified and declared to be official traffic-control devices, provided such traffic-control devices are not inconsistent with the provisions of this chapter or state law [Winchester Code of 1983]

## **SECTION 15-305 DESIGNATION OF THROUGH STREETS**

The board of trustees, by motion or resolution, may designate any street or part of a street a through street. [Winchester Code of 1983]

## **SECTION 15-306 SIGNS AT THROUGH STREETS**

Whenever a through street is designated by the board of trustees, the appropriate town personnel shall be directed to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic-control signals. [Winchester Code of 1983]

## **SECTION 15-307 PROCEDURES AT STOP SIGNS**

- A. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.
- B. After having stopped at a stop sign, the driver of a vehicle shall yield the right-of-way to any vehicle which has entered the intersection from another street or which is approaching so closely on the street as to constitute an immediate hazard, but the driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding. [Winchester Code of 1983]

## **SECTION 15-308 PROCEDURE AT YIELD SIGNS**

The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, the driver shall stop at a clearly marked stop line, or if no stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. The driver approaching a yield sign shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. The driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding, provided, however, that if such driver is involved in a collision with a pedestrian in a crosswalk or vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way. [Winchester Code of 1983]

## **TITLE 15 – CHAPTER 4: IMPOUNDMENT OF VEHICLES**

### **SECTION 15-401 PURPOSE AND EFFECT OF IMPOUNDMENT PROVISIONS**

The impoundment of vehicles under authority of the provisions of this chapter shall be construed as an enforcement procedure for protection of the public peace, safety and welfare, and the safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations, protection of the public rights in the use of streets and thoroughfares from obstructions placed and left in derogation of those rights, and for safeguarding and protecting recovered stolen vehicles. [Winchester Code of 1983]

### **SECTION 15-402 PLACE OF IMPOUNDMENT**

Every vehicle that is impounded under the provisions of this chapter shall be removed to the nearest garage or place of safekeeping designated by the town board of trustees, and to no other place. [Winchester Code of 1983]

### **SECTION 15-403 DURATION OF IMPOUNDMENT**

- A. Except as otherwise provided, any vehicle impounded under the authority of this chapter shall be stored and held safely until an order for its release is received from an officer of the traffic violations bureau or other proper police officer.
- B. The order of release of an impounded vehicle shall be conditioned upon the payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle.
- C. No order of release of an impounded vehicle shall be issued until all fines and costs due the town because of traffic law or other law violations involving the vehicle have been paid.  
[Winchester Code of 1983]

## **SECTION 15-404 POLICE GRANTED AUTHORITY TO IMPOUND VEHICLES**

Members of the police department are hereby authorized within the limits set forth in this chapter to impound vehicles under the circumstances hereinafter enumerated. No impoundment shall be valid unless made under order of an authorized police officer and in strict adherence with the procedures required in this chapter, [Winchester Code of 1983]

## **SECTION 15-405 DISABLED VEHICLES**

A disabled vehicle upon a street or highway may be impounded under the following circumstances:

1. If left unattended and improperly parked on street or highway and constitutes a definite hazard or obstruction to the normal movement of traffic; or
2. If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal and the vehicle is so disabled as to constitute an obstruction to traffic or a hazard. [Winchester Code of 1983]

## **SECTION 15-406 VEHICLES ON BRIDGE**

An unattended vehicle left upon any bridge, viaduct or causeway or in any tube or tunnel, where the vehicle constitutes an obstruction to traffic or hazard, may be impounded. [Winchester Code of 1983]

## **SECTION 15-407 ARREST AND DETENTION OF DRIVER OF VEHICLE**

Whenever the driver or person in charge of any vehicle is placed under arrest and taken into custody and detained by police under circumstances, which leaves or will leave a vehicle unattended on any street or highway, the vehicle may be impounded. [Winchester Code of 1983]

## **SECTION 15-408 VEHICLE CONSTITUTES TRAFFIC HAZARD**

A vehicle left unattended upon any street, alley or thoroughfare and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic shall be impounded. [Winchester Code of 1983]

## **SECTION 15-409 ILLEGAL TRESPASS BY VEHICLE**

- A. An unattended vehicle found to be illegally trespassing on another person's property is in violation of Section 15-409 of this code and may be impounded when the required complaint has been properly made and filed.
- B. If a violation of this code occurs, the owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner's or legal occupant's property, or if the identity of the person parking the vehicle is unknown, then the complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing.
- C. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe the provisions of this section have been violated, the police department or county sheriff shall cause the vehicle to be impounded from the property and placed in storage. [Winchester Code of 1983]

## **SECTION 15-410 VEHICLES BLOCKING FIRE EXITS OR HYDRANTS**

Any vehicle illegally parked in such a manner that it blocks a fire escape ladder, device or exit or blocks ready access to a fire hydrant shall be impounded. [Winchester Code of 1983]

## **SECTION 15-411 VEHICLES PARKED IN INTERSECTION**

Any unattended vehicle illegally parked in any street intersection shall be impounded. A disabled vehicle in an intersection with the person in charge of the vehicle being present, shall be moved out of the intersection and to the nearest available legal parking space at the street curbing. [Winchester Code of 1983]

## **SECTION 15-412 STOLEN VEHICLES, RECOVERY BY POLICE**

- A. Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time not exceeding one hour, or cannot be determined from the registration papers or other identifying media in the vehicle or from records or information available from reports of stolen cars, the vehicle may be removed to the nearest authorized place to impoundment and the registered owner of the vehicle shall be notified of the location of the place of impoundment as soon as possible by the police department.

- B. If the registered owner is identified, located and notified of the recovery of the stolen vehicle, the owner shall be given the right to make his own arrangement for the removal of the vehicle within the period of one hour from the time he is actually notified of its recovery, and if the owner is unable or unwilling to effect the removal within the time specified the vehicle may be impounded. [Winchester Code of 1983]

## **SECTION 15-413 INVENTORY OF IMPOUNDED VEHICLES**

Any vehicle impounded for any reason shall be inventoried by two (2) or more persons for the protection of the owner and his property, the protection of town law enforcement personnel, and the protection of the garage or wrecker service moving or holding the vehicle. [Winchester Code of 1983]

## **TITLE 15 – CHAPTER 5: PENALTY**

### **SECTION 15-501 PENALTY FOR VIOLATIONS**

Any violations of the provisions of this part shall be punishable by fine or imprisonment as provided in Section 1-108 of this code. [Winchester Code of 1983]

# **TITLE 16**

## **TRANSPORTATION**

### **CHAPTER 1 TAXICAB LICENSES**

Section 16-101 License required for taxicab operators



## **TITLE 16 – CHAPTER 1: TAXICAB LICENSES**

### **SECTION 16-101 LICENSE REQUIRED FOR TAXICAB OPERATORS**

It is unlawful for any person, firm or corporation to operate one or more taxicabs in the town without securing a taxicab operator's license for each taxicab. Upon application, the town will issue such license upon the following conditions:

1. The applicant shall pay an annual license tax as set by the town board of trustees for each taxicab to be operated; and
2. The applicant shall take out and file with the town board of trustees a standard public liability and property damage insurance policy providing public liability insurance for injury including accidental death of any person at least Twenty-five Thousand Dollars (\$25,000.00), and of more than one person at least Fifty Thousand Dollars (\$50,000.00); and property damage insurance of not less than Twenty-five Thousand Dollars (\$25,000.00). Such license shall be in effect only when such policy is in force. The license shall expire on April 30th of each year. [Winchester Code of 1983

**TITLE 17**

**UTILITIES**

**CHAPTER 1  
(RESERVED)**

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# **TITLE 18**

## **FOUNDING ORDINANCES**

### **CHAPTER 1 INCORPORATION DOCUMENTS**

BOARD OF COUNTY COMMISSIONERS OF OKMULGEE COUNTY,  
STATE OF OKLAHOMA

State of Oklahoma, Okmulgee County  
OKMULGEE COUNTY

FILED

FEB 18 1974

FINAL ORDER DECLARING THE INCORPORATION  
OF THE TOWN OF WINCHESTER

MARY HUNTER, CO. CLERK

*Mary Hunter* Deputy

On the 18<sup>th</sup> day of February, 1974, there came on for hearing before the County Commissioners the report of the inspectors of the meeting and election held on Sunday, February 17, 1974, to determine whether or not the proposed town of Winchester, Okmulgee County, Oklahoma, should be incorporated.

Whereupon the Board reviewed the verified return of election filed by the inspectors of said election, and determined that such meeting and election of the qualified voters residing within the territory proposed to be included in such incorporated town was valid and legal, and it is further determined that a majority of the ballots cast by the duly qualified voters at said meeting and election did have thereon the word "yes", and that a majority of such votes were in favor of the incorporation of such proposed town;

NOW, THEREFORE, it is the final order of the Board of County Commissioners of Okmulgee County, Oklahoma, that the following described real property situate in Okmulgee County is hereby finally and conclusively declared to be incorporated as a town under the laws and statutes of the State of Oklahoma; under the name of "Winchester". Such territory included with said incorporated town is described as follows:

Tracts located in Sections One (1), Two (2), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), all in Township Fifteen North (T15N), Range Twelve East (R12E), Okmulgee County, Oklahoma, described as follows: East One-Half (E 1/2) and South One-Half (S 1/2) of Southwest One-Quarter (SW 1/4) of Section One; East One-Half (E 1/2) of Southeast One-Quarter (SE 1/4) of Section Two;

All of Section Eleven less and except Right-of-Way for U.S. Highway No. 75; All of Section Twelve;

Portions of Section Thirteen described as follows: Southwest One-Quarter (SW 1/4) of Northwest One-Quarter (NW 1/4), and West One-Half (W 1/2) of Southwest One-Quarter.

And all of Section Fourteen less and except Right-of-Way for U.S. Highway No. 75.

ORDERED this 18<sup>th</sup> day of February, 1974.

SIGNED:  
BOARD OF COUNTY COMMISSIONERS OF  
OKMULGEE COUNTY, OKLAHOMA

Walter Falkner

Kenneth Beard

William J. ...

*Filed in County  
Clerk's office 2-4-74*

BOARD OF COMMISSIONERS OF OKMULGEE COUNTY, STATE  
OF OKLAHOMA

ORDER DECLARING THE INCORPORATION OF WINCHESTER  
SUBJECT TO ASSENT OF QUALIFIED VOTERS

On the 4th day of February, 1974, there came on for hearing before the Board of County Commissioners of Okmulgee County, Oklahoma, the verified petition for incorporation of the town of Winchester, heretofore filed with the Board on January 7, 1974, at which time the consideration of said petition was specially set for hearing on this date. The petition was presented to the Board by William D. Crews of Tulsa, Oklahoma.

WHEREUPON, the Board reviewed the petition and determined that all of the requirements of Title 11, Oklahoma Statutes, Part III, had been fully complied with since the filing of said petition, and that a copy of the survey, map and census filed with the petition had been left at some convenient place within the territory to be included within said town for a period of not less than 30 days; further that said petition fully complies with the requirements of the statutes and that the petitioners are entitled to have such territory incorporated as a town under the name "Winchester", subject to the assent of the qualified voters resident in said proposed town.

NOW, THEREFORE, it is the order of the Board of County Commissioners of Okmulgee County, Oklahoma, that the following described real property situate in Okmulgee County is hereby declared to be incorporated as a town under the laws and statutes of the State of Oklahoma, under the name of Winchester, subject to the assent of a majority of the qualified voters now residing within such territory.

Such territory is described in said map and survey as follows:

Tracts located in Sections One (1), Two (2), Eleven (11), Twelve (12), Thirteen (13), and Fourteen (14), all in Township Fifteen North (T15N), Range Twelve East (R12E) Okmulgee County, Oklahoma, described as follows: East One-Half (E 1/2) and South One-Half (S 1/2) of Southwest One-Quarter (SW 1/4) of Section One; East One-Half (E 1/2) of Southeast One-Quarter (SE 1/4) of Section Two;

All of Section Eleven less and except Right-of-Way for U.S. Highway No. 75; All of Section Twelve;

Portions of Section Thirteen described as follows: Southwest One-Quarter (SW 1/4) of Northwest One-Quarter (NW 1/4), and West One-Half (W 1/2) of Southwest One-Quarter.

And all of Section Fourteen less and except Right-of-Way for U.S. Highway No. 75.

IT IS THE FURTHER ORDER OF THE BOARD that a meeting of the qualified voters now residing within such territory shall be held on the 17th day of February, 1974, pursuant to the following notice, which shall be published and posted at least ten (10) days prior to the date of said meeting:

NOTICE OF MEETING AND ELECTION

TO WHOMSOEVER IT MAY CONCERN:

TAKE NOTICE that the Board of County Commissioners of Okmulgee County, State of Oklahoma, acting upon a verified petition filed with it on the 7th day of January, 1974, has on the 4th day of February, 1974, at a regular meeting of said Board made and entered its order declaring the below described territory situate in Okmulgee County, Oklahoma, to be an incorporated town under the name of "WINCHESTER"; provided, however, said order and incorporation is subject to being assented to by the qualified voters residing within such territory.

TAKE FURTHER NOTICE that said Board has called a meeting of the qualified voters resident in said proposed town, to be held at the residence of Willis O'Neal Hall situate within such territory on the 17th day of February, 1974, commencing at the hour of nine o'clock A.M. for the purpose of allowing the qualified voters of said proposed incorporated town to vote on the question of whether or not they assent to the incorporation of such territory as a town. The polls shall remain open from 9 a.m. until 4 p.m. on such day, at which time they shall be closed, as provided by Statute.

The territory included within such incorporated town is described as follows:

Tracts located in Sections One (1), Two (2), Eleven (11), Twelve (12), Thirteen (13), and Fourteen (14), all in Township Fifteen North (T15N), Range Twelve East (R12E) Okmulgee County, Oklahoma, described as follows: East One-Half (E 1/2) and South One-Half (S 1/2) of Southwest One-Quarter (SW 1/4) of Section One; East One-Half (E 1/2) of Southeast One-Quarter (SE 1/4) of Section Two;

All of Section Eleven less and except Right-of-Way for U.S. Highway No. 75; All of Section Twelve;

Portions of Section Thirteen described as follows: Southwest One-Quarter (SW 1/4) of Northwest One-Quarter (NW 1/4), and West One-Half (W 1/2) of Southwest One-Quarter.

And all of Section Fourteen less and except Right-of-Way for U.S. Highway No. 75.



Publication and posting of this Notice is by order of said Board.

DATED this 4th day of February, 1974.

Signed: BOARD OF COMMISSIONERS OF OKMULGEE  
COUNTY, OKLAHOMA

By Worth Pollard

IT IS FURTHER ORDERED that upon return of the affidavit of the inspectors of such meeting and balloting, the Board shall consider the results thereof at its next regularly scheduled meeting following the date of said election and shall at that time determine whether said proposed town shall be deemed to be incorporated or rejected by the qualified voters residing therein.

ORDERED this 4th day of February, 1974.

BOARD OF COUNTY COMMISSIONERS OF OKMULGEE  
COUNTY, OKLAHOMA

By Worth Pollard  
Kenneth Beard  
Willard Joseph

State of Oklahoma, Okmulgee County  
OKMULGEE COUNTY

FILED

SEP 11 1971

MARY HUNTER, CO. CLERK  
By *M. Hunter*

IN AND BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF OKMULGEE COUNTY, OKLAHOMA

PETITION AND APPLICATION FOR INCORPORATION OF THE TOWN OF  
WINCHESTER, OKLAHOMA

STATE OF OKLAHOMA )  
                          ) SS:  
COUNTY OF OKMULGEE )

COME NOW the undersigned persons, pursuant to Chapter 19 of Title 11, Oklahoma Statutes (1971), as amended, and being first duly sworn, upon oath do petition and state as follows:

1. The undersigned applicants do hereby apply for and petition the Board of County Commissioners of Okmulgee County, State of Oklahoma, to incorporate the territory described and identified on Exhibit "A" attached hereto and by reference made a part hereof, as a town under the incorporated name of "WINCHESTER".

2. Said Exhibit "A" is a verified accurate survey and map of the territory intended to be embraced within the limits of the town to be incorporated hereunder, and it was caused to be made by the undersigned applicants by Steve C. Maples, a licensed and practical surveyor, and it shows the courses and distances of the boundaries of said town and the quantity of land contained therein.

3. The territory to be embraced in said town, as shown on Exhibit "A", is not within five (5) miles of the corporate limits of any incorporated city having a population of more than two hundred thousand persons, nor is it within three (3) miles of the corporate limits of any incorporated city having a population of less than two hundred thousand persons, all according to the latest Federal Decennial Census.

4. The undersigned applicants have caused to be taken within thirty (30) days from the date hereof a verified accurate census of the resident population of said territory, which census is attached hereto as Exhibit "B" and by reference made a part hereof.

5. Copies of said survey, map and census, being Exhibits "A" and "B" attached hereto, are and will be for a period of not less than thirty (30) days available for examination at reasonable hours by those having an interest in this application at the home of Willis O'Neal Hall situate within said territory.

6. The undersigned applicants have also caused this petition to be subscribed by more than one-third of the whole number of qualified voters residing within said territory, as shown by the census attached hereto as Exhibit "B".

7. The undersigned applicants do affirm and state that the statements contained herein and the facts alleged herein are true and correct.

8. It is the intention of the undersigned applicants to present this petition to said Board of County Commissioners of Okmulgee County at its regular meeting to be held Monday, \_\_\_\_\_, 1974.

WHEREFORE, the undersigned applicants pray that said Board of County Commissioners of Okmulgee County, State of Oklahoma, by written order declare that said territory described and identified in Exhibit "A" attached hereto, is and shall hereafter be an incorporated town, to be known by the name of "WINCHESTER" subject to the assent of a majority of the qualified voters residing within said territory, the meeting and voting of said qualified resident voters to be conducted within one (1) month from the date of the order of said Board of County Commissioners declaring the incorporation of this new town.

Sworn and subscribed to by the following applicants:

William A. Lewis

420 Pittman Bldg, Tulsa, Ok.

Willis O'Neal Hall

RT 2 Box 205 Begg, Okla

Allen F. Lovier

RT 2 Box 218 Begg, Okla.

Samuel E. Pittman

Route # 1 Box 204 Begg, Okla.

THE ABOVE AND FOREGOING PETITION AND APPLICATION WAS subscribed and sworn to before me this 20<sup>th</sup> day of December, 1973.

My commission expires: June 15, 1977

William A. Lewis  
NOTARY PUBLIC

SIGNATURE AND APPROVAL OF RESIDENT QUALIFIED VOTERS OF  
THE TERRITORY DESCRIBED IN EXHIBIT "A":

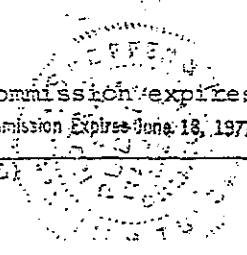
James E. Peterson  
James Lee Hill  
William D. Taylor  
[Signature]  
Douglas Kay Larimer  
Willie O. Hall  
Allen F. Lower  
Stephanie Lee Larimer  
[Signature]  
Alice Jean Swartz  
Betty D. Wright  
Quincy R. Rice  
Evangelina Y. Bridges  
Carol Lee Linscomb  
Sam Daves Jr.  
Carl A. Hawthorne  
Sarah Ann Daves  
Gregory Hall  
[Signature]

Samuel P. Boyd  
Virginia Lee Peterson  
Mary F. Steals  
Bunny E. Larimer  
Shirley Mann  
Ed. E. Taylor

The above and foregoing Petition and Application was sub-  
scribed and sworn to before me by the above persons this 20<sup>th</sup> day  
of December, 1973.

My commission expires:  
My Commission Expires June 18, 1977

(SEAL)



[Signature]  
NOTARY PUBLIC

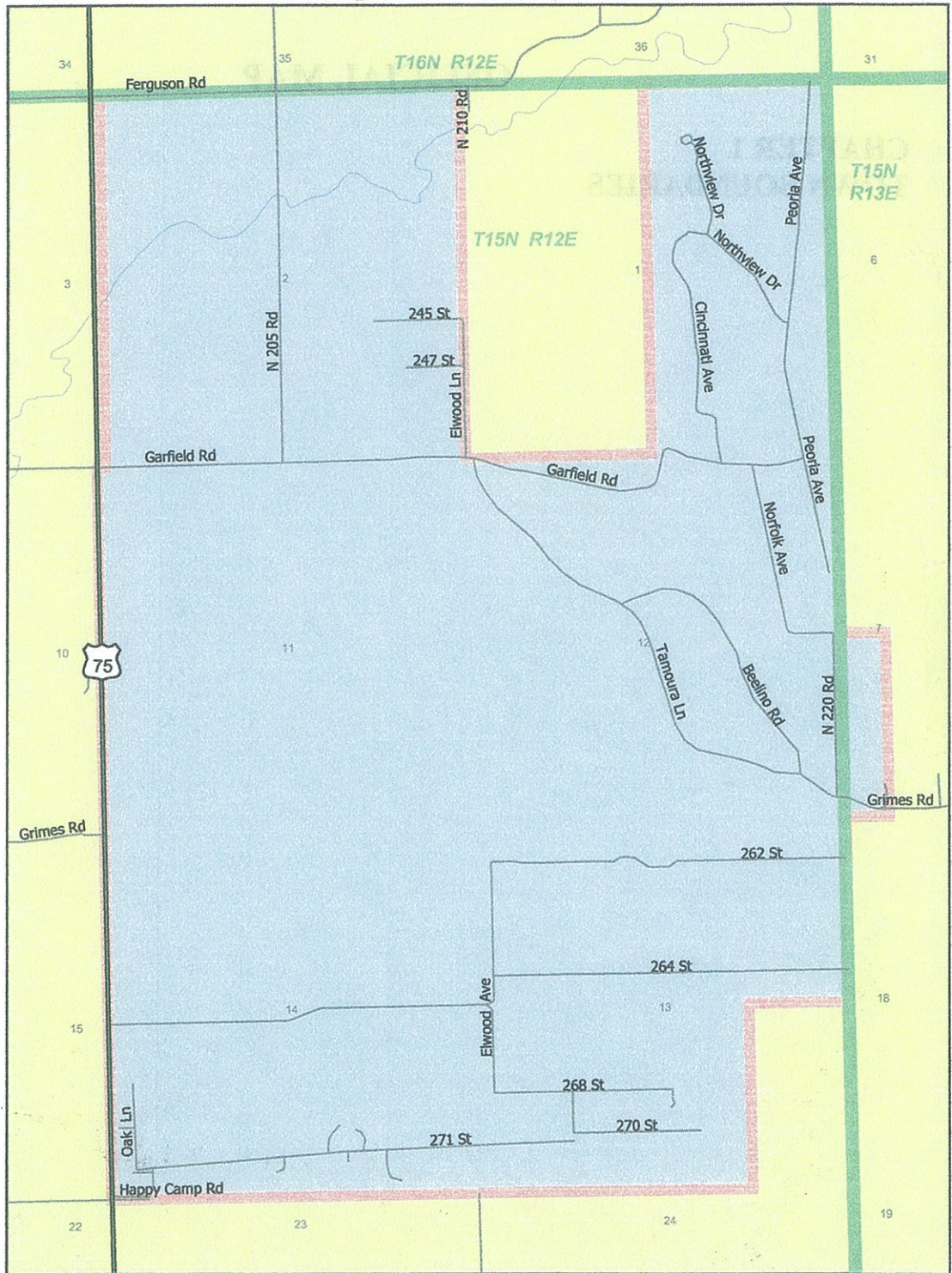


**TITLE 19**

**OFFICIAL MAP**

**CHAPTER 1  
TOWN BOUNDARIES**

# Winchester, Oklahoma Okmulgee County



### Winchester

- City Limits
- Highways
- Roads
- Railroads
- Hydrography

Per Oklahoma Statutes, Title 11, Section 21-109, "Tracts of land with an area of width no greater than three hundred twenty-six (326) feet at the widest point which are annexed to a municipality, shall not be subject to municipal taxes, unless such tracts are annexed pursuant to paragraph 2 of subsection A of Section 21-103 of this title." The effective date of this statutory change is November 1, 2007.



Prepared for:  
Oklahoma Tax Commission  
(405) 319-8200  
All boundary changes or annexations  
should be directed to this agency.

Map Produced By:  
Center for Spatial Analysis  
University of Oklahoma  
December, 2013  
Contact Us For Additional Copies  
(405) 325-3131