

PART 13

PUBLIC SAFETY

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CHAPTER 1

FIRE CODE AND PREVENTION

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SECTION 13-101     ADOPTION OF INTERNATIONAL FIRE CODE.

The International Fire Code, the latest edition thereof, as published by the International Code Council, is hereby adopted as the fire prevention 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 International Fire 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. Any reference to the “fire code” hereinafter shall mean the International Fire Code.

SECTION 13-102     FIRE DEPARTMENT TO ENFORCE CODE.

- A.     The International Fire Code shall be enforced by the fire department of the city, under the supervision of the fire chief. Whenever the word “municipality” is used in the International Fire Code, it means the Town of Sperry. Whenever the term “corporation counsel” is used in the code, it means the town attorney of the Town of Sperry.
- B.     The fire chief may detail such members of the fire department as inspectors or as may be necessary.

SECTION 13-103     MODIFICATIONS.

The Town Board of Trustees shall have the power to modify any of the provisions of the fire code 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 strict letter of the code, provided that the spirit of the fire code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the fire chief and Board of Trustees thereon shall be entered upon the records of the Board of Trustees, and a signed copy shall be furnished the applicant.

SECTION 13-104     NEW MATERIALS, PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The Town Board of Trustees may act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies, which shall require permits, in addition to those now enumerated in the code. The fire chief shall post such a list in a conspicuous place in his office, and distribute copies thereof to interested persons.

SECTION 13-105     APPEALS.

Whenever the fire chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire chief to the Town Board of Trustees within thirty (30) days from the date of the decision appealed from.

SECTION 13-106     PENALTIES.

A. Any person who violates any of the provisions of the codes hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the Town Board of Trustees or by a court of competent jurisdiction, within the time fixed therein, shall severally for every such violation and noncompliance respectively, be guilty of an offense, punishable as provided in Section 1-108 of this code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the forced removal of prohibited conditions.

CHAPTER 2

FIRE SERVICES

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FIRE DEPARTMENT

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- Section 13-202 Volunteer Department.
- Section 13-203 Fire Chief.
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- Section 13-221 Mutual Aid.
- Section 13-222 Power to contract.
- Section 13-223 Contracts for service.
- Section 13-224 Authority to answer calls.
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- Section 13-226 Firefighters serving in regular line of duty.
- Section 13-227 Department considered agent of state.

SECTION 13-201     FIRE DEPARTMENT.

A.     There is a fire department of the town, the head of which is the chief of the fire Department, also referred to as the “fire chief” or “chief” hereinafter.

B.     It is the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to, persons injured in or about burning structures on elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention and safety of persons from fire in public and private buildings.

SECTION 13-202     VOLUNTEER DEPARTMENT.

A     The fire department of the town is a volunteer department which has in its service not more than two (2) full time salaried firefighters and not less than eight (8) nor more than twenty-five (25) volunteer firefighters.

B.     For the purpose of this chapter, a volunteer firefighter is considered as one who is enrolled as a member of the fire department and who serves in the capacity without receiving a regular salary.

SECTION 13-203     FIRE CHIEF.

The fire chief shall be the administrative head of the department, subject to the laws of the state, ordinances of the town, and the rules and regulations adopted in this chapter. The fire chief shall be appointed by the Board of Trustees of the Town of Sperry, Oklahoma and shall serve at the pleasure of the board. The fire chief shall have the following powers and duties, and he may assign duties to other members of the department:

1.     The chief shall be responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him. He shall have supervision and control of the fire department, subject to the supervision and control of the town board of trustees;

2.     The chief may inspect or cause to be inspected by members of the department the fire hydrants, cisterns and other sources of water supply at least twice each year;

3.     The chief may maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members;

4.     The chief shall make every effort to attend all fires and direct the officers and members in the performance of their duties;

5.     The chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department;

6.     The chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism or arson, shall notify proper authorities and secure the preservation of all possible evidence for future use in the case;



7. The chief is authorized to enter any building or premises in the town at any reasonable hour for the purpose of making inspections and to serve written notice on persons for any violations that may be found; and

8. The chief shall see that complete records are kept of all fires, inspections, apparatus and equipment, personnel and other information of the department and shall make reports to the town town board of trustees as he may require. The chief shall keep the town informed regarding the fire department and its needs.

#### SECTION 13-204 DUTIES OF THE ASSISTANT CHIEF.

In the absence of the chief, the assistant chief on duty shall command the department and be held responsible therefor in all respects with the full powers and responsibilities of the chief. The assistant chief shall be elected from among the members of the department and be appointed by the chief, with approval of the town board of trustees.

#### SECTION 13-205 COMPANY OFFICERS.

Company officers shall be selected by the fire chief based on the following criteria:

1. Knowledge of firefighting;
2. Leadership ability; and
3. Knowledge of firefighting equipment.

#### SECTION 13-206 SECRETARY-TREASURER.

One member elected by the members of the fire department, subject to approval of the chief, shall be the secretary-treasurer. His duties shall consist of the following:

1. Calling the roll at the opening of each meeting;
2. Keeping the minutes of each meeting.

#### SECTION 13-207 MEMBERSHIP, NEW MEMBERS.

A. Membership of the department shall consist of such persons as may be nominated by the chief, approved by the Town Board of Trustees and shall be persons residing within the town. Determination of whether candidates for appointment are capable of performing their duties shall be made by the chief after a medical and physical examination has been made in a manner prescribed by the chief and approved by the town board of trustees.

B. New members of the department shall be appointed by the chief and shall be on probation for one year after their appointment. Upon completion of their probation period, new members must be approved by the majority of the other members of the fire department, the chief and the town board of trustees.

#### SECTION 13-208 BYLAWS.

The bylaws of the fire department shall include the following:

1. All volunteer fire department members are required, when notified, to respond to alarms of fire and other emergencies;
2. A member is required to be present at all regular meetings, called meetings and schools and training presented for the benefit of the firefighters;
3. At least one regular business meeting of the members shall be held each month;
4. Any member having two (2) unexcused absences in succession or three (3) unexcused absences in a period of three (3) months will be dropped from the fire department rolls;
5. Any member leaving the town for an extended period is required to notify the fire chief.
6. Any member refusing to attend training classes provided for members of the department will be dropped from the fire department rolls;
7. Any member of the fire department may be dropped from the rolls for the following offenses:
  - a. Conduct unbecoming a firefighter;
  - b. Any act of insubordination;
  - c. Neglect of duty;
  - d. Any violation of rules and regulations governing the fire department;
  - e. Conviction of a felony; or
  - f. By a majority vote of the members of the fire department and the approval of the chief.

SECTION 13-209 RULES AND REGULATIONS.

The Town Board of Trustees, by motion or resolution, may adopt and change regulations relating to the fire department, its organization, operation and compensation.

SECTION 13-210 SOCIAL OFFICERS.

The department may elect a president, vice-president, secretary or treasurer to be known as social officers. Such officers may be elected in any manner and for any term the members may decide upon, and their duties shall be to arrange for and manage any or all social functions sponsored by the members. The functions and duties of the social officers shall in no way interfere with those of the regular department officers who are charged with responsibility for all fire service activities of the department.

SECTION 13-211 USE OF FIRE EQUIPMENT.

A. The department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire.

B. Recommendations of apparatus and equipment needed shall be made by the chief, purchased after approval as other town purchases.

C. All equipment of the department shall be safely and conveniently housed in such places as may be designated by the town administrator.

D. Suitable arrangements and equipment shall be provided for people to turn in alarms and to notify members of the department so that they may promptly respond.

E. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person wilfully and without proper authority take away or conceal any article used in any way by the department.

F. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by, or having the special permission of, an officer or authorized member of the department.

SECTION 13-212 AUTHORITY OF FIREFIGHTERS AT FIRES.

The fire chief, assistant fire chiefs or other fire department officers in charge shall have complete charge and control at all fire scenes. Fire orders shall be obeyed. The chief or his officers may prescribe limits in the vicinity of a fire which no persons except those residing or owning property therein shall be permitted to enter except on the order of the officer in command. Police officers may aid in carrying into effect the provisions of this section.

SECTION 13-213 RIGHT OF ENTRY.

The chief of the fire department and his designee may at all reasonable hours entry any building or premises within his jurisdiction for the purpose of making any inspection or investigation which, under the provisions of this chapter and other provisions of this code, he may deem necessary to make.

SECTION 13-214 HIRING OUT OR REMOVING APPARATUS FROM TOWN LIMITS PROHIBITED; EXCEPTIONS.

No apparatus shall be hired out or permitted to leave the fire boundaries of the town, except in response to a call for aid at a fire in a neighboring community or neighboring fire district, without the consent of the chief and town administrator. The officer in charge of the department shall have power to assign equipment for response to calls for outside aid in accordance with Section 13-221 of this chapter, and in other cases only when the absence of such equipment will not jeopardize protection in the town.

ARTICLE B

MUTUAL AID AND CALLS OUTSIDE LIMITS

SECTION 13-221 MUTUAL AID.

A. The town is hereby authorized to enter into contracts or agreements with nearby incorporated communities or governing bodies of other fire protection organizations, including fire districts, to provide the members of such communities, organizations or districts with fire protection or establish a mutual aid system.

B. Runs outside the town fire boundaries, as hereinbefore defined in Section 13-224, shall be made, if requested, unless in the opinion of the fire chief or acting fire chief, it is inexpedient to do so on account of another fire in the town, broken apparatus, impassable or dangerous highways, or other physical conditions including lack of manpower resources.

SECTION 13-222 POWER TO CONTRACT.

The town is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, military installations or commands, or political subdivisions of the state for fire protection outside the corporate limits of the town, and to contract to provide fire protection jointly with other organizations and municipal and political subdivisions of the state.

SECTION 13-223 CONTRACTS FOR SERVICE.

A. Any contract entered into by the town, with an individual owner, a firm, private corporation, association or political subdivision, for outside aid or mutual aid for fire protection, shall provide for the payment by the owner, firm, private corporation, association or political subdivision for such service, equipment or personnel in an amount reached through negotiation by the parties and as may be shown in the town's fee schedule.

B. The fire department is not responsible for responding or answering any call outside of the fire district boundaries of the Town of Sperry, nor is it under any obligation to combat fires on property or persons not within the fire district boundaries of the Town of Sperry, unless requested pursuant to a mutual aid agreement or other contract for service.

SECTION 13-224 AUTHORITY TO ANSWER CALLS.

A. The fire department is authorized to answer all calls outside the town within the boundaries in Subsection A-1 outside the town limits if first approved by the fire chief on duty. The fire chief shall determine that the equipment and personnel to be dispatched for such calls are not needed for other purposes within the town.

A-1. The boundaries for answering fire calls outside town limits are:

1. North: 126<sup>th</sup> St. North from Yale Avenue to 20<sup>th</sup> West Avenue and 107<sup>th</sup> St. North from 20<sup>th</sup> West Avenue to 52<sup>nd</sup> West Avenue;
2. South: 86<sup>th</sup> St. North from Yale Avenue to 52<sup>nd</sup> West Avenue;
3. East: Yale Avenue from 126<sup>th</sup> St. North to 86<sup>th</sup> St. North;
4. West: 52<sup>nd</sup> West Avenue from 107<sup>th</sup> St. North to 86<sup>th</sup> St. North and 20<sup>th</sup> West Avenue from 126<sup>th</sup> St. North to 107<sup>th</sup> St. North.

SECTION 13-225 CHARGES FOR CALLS OUTSIDE TOWN LIMITS.

A. The town may enter into a contract with persons, organizations or associations to provide fire protection service outside the town limits. Such contracts shall be conditioned upon the determination of the fire chief that the property in question is within a reasonable distance from the town and that prior to any fire protection equipment being dispatched for any fire call for such property, the fire chief on duty shall first approve such call and determine that the equipment and personnel to be dispatched are not needed for other purposes within the town. The charges for such calls shall be as specified in the fee schedule as set by motion, resolution or ordinance by the Town Board of Trustees.

B. FIRE MEMBERSHIP DUES FROM PROPERTY OWNERS OUTSIDE THE MUNICIPAL LIMITS OF THE TOWN OF SPERRY.

The Sperry Fire Department shall be authorized to collect membership dues in the amount of sixty dollars (\$60.00) per annum from those property owners outside the municipal limits of the Town of Sperry who desire fire protection services from the Sperry Fire Department.

SECTION 13-226 FIREFIGHTERS SERVING IN REGULAR LINE OF DUTY.

All firefighters attending and serving at fires, fighting fires, or doing fire prevention work outside the corporate limits of the town, as herein provided, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the town. The firefighters shall be entitled to all the benefits of any fire pension and relief fund in the same manner as if the firefighting or fire prevention work was being done within the corporate limits of the town

SECTION 13-227 DEPARTMENT CONSIDERED AGENT OF STATE.

The fire department, when answering any fire alarm or call or performing any fire prevention services outside the corporate limits of the town shall be considered as an agent of the state, and acting solely and alone in a governmental capacity, and the town shall not be liable in damages for any act of commission, omission or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by virtue of this article.

CHAPTER 3

POLICE SERVICES

- Section 13-301 Police department created; chief.
- Section 13-302 Duties.
- Section 13-303 Officers.
- Section 13-304 Reserve Police Officers.

SECTION 13-301 POLICE DEPARTMENT CREATED; CHIEF.

There shall 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 at the pleasure of the town board. The police chief is an officer of the town and has supervision and control of the police department. All police officers are officers of the town. The police chief shall serve until the terms of the trustees expire every two (2) years and until his successor is appointed and qualified, unless his services are sooner terminated by death, resignation, removal by the board or other legal manner.

SECTION 13-302 DUTIES.

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice 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 warrants, writs, executions and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state laws as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the office of police officers as provided by ordinance or statute.

SECTION 13-303 OFFICERS.

Police officers shall be appointed by the police chief subject to approval of the board of trustees of the town. Officers appointed by the town must meet all statutory requirements to be eligible to serve as police officer. Nothing in this section shall preclude a person from serving in a probationary police capacity while undergoing training as authorized by state law. Police officers shall perform such duties as shall be required of them by the police chief, the town ordinances, federal, state or county laws or regulations, and other actions required in the maintenance of good order and public peace. Compensation and benefits for all Police Officers shall be set by motion or resolution of the Board of Trustees.

SECTION 13-304 RESERVE POLICE OFFICERS.

Reserve Police Officers shall be appointed by the police chief subject to approval of the board of trustees of the town. Reserve Police Officers appointed by the town must meet all statutory requirements to be eligible to serve as a reserve police officer. The principal duty is to assist the regular police department in their duties and to be of service to the community. The reserve officer shall meet the minimum requirements of Section 3311 of Title 70 of the Oklahoma Statutes, and are hereby authorized to make misdemeanor and felony arrests at all times in accordance with Sperry police department policy, state statutes as well as town ordinances. Part-time reserve officers shall not serve more than one hundred forty (140) hours per calendar month.

CHAPTER 4

CIVIL DEFENSE/EMERGENCY MANAGEMENT

- Section 13-401 Purpose of chapter, definitions.
- Section 13-402 Department.
- Section 13-403 Qualifications and Responsibilities of Emergency Management Director, deputies.
- Section 13-404 Emergency Powers of Emergency Management Director and other personnel; powers of governing body.

SECTION 13-401 PURPOSE OF CHAPTER, DEFINITIONS.

A. The purpose of this chapter is to create an emergency management program in accordance with the Oklahoma Emergency Management Act of 2003, as amended from time to time, so that the town and its emergency management organization are prepared for, and to function in the event of, emergencies endangering the lives and property of the people of the Town. The duty of such emergency management organization shall be the protection of the lives and health of the citizens of the town and the property and property rights, both private and public, and to perform all functions necessary and proper thereto, as well as for all purposes required for municipal emergency management organizations required by the Oklahoma Emergency Management Act of 2003.

B. Definitions: As used in the Oklahoma Emergency Management Act of 2003 and this Chapter:

1. "Emergency management" means the preparation for and the coordination of all emergency functions by organized and trained persons, who will extend existent governmental functions and provide other necessary nongovernmental functions, to prevent, minimize and repair injury and damage resulting from natural or man-made disasters developing to such an extent to cause an extreme emergency situation to arise which by declaration of the Governor jeopardizes the welfare of the citizens of this state. These emergency functions include, but are not limited to, fire fighting, law enforcement, medical and health, search and rescue, public works, warnings, communications, hazardous materials and other special response functions, evacuations of persons from affected areas, emergency assistance services, emergency transportation, and other functions related to preparedness, response, recovery and mitigation;

2. "Emergency Operations Plan" means that plan which sets forth the organization, administration and functions for emergency management by the state or local government;

3. "Emergency" means any occasion or instance for which, in the determination of the President of the United States or the Governor of the State of Oklahoma, federal or state assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert threat of a catastrophe in any part of the state;



4. "Significant events" means all hazardous material releases of any size and type, earthquakes, fires involving large buildings or facilities and large grass or wild fires, explosions, bomb threats, terrorist/civil disturbance, aircraft crash, natural disaster, utility disruption, dam breach, technological/man-made incident, search and rescue, structural collapse, and any other incident that poses significant consequences to the jurisdiction;

5. "Hazard mitigation" means any cost-effective measure which will reduce or eliminate the effects of a natural or man-made disaster;

6. "Local organization for emergency management" means an organization created in accordance with the provisions of the Oklahoma Emergency Management Act of 2003 by state or local authority to perform local emergency management functions;

7. "Man-made disaster" means a disaster caused by acts of man including, but not limited to, an act of war, terrorism, chemical spill or release, or power shortages that require assistance from outside the local political subdivision;

8. "Natural disaster" means any natural catastrophe, including, but not limited to, a tornado, severe storm, high water, flood waters, wind-driven water, earthquake, landslide, mudslide, snowstorm, or drought which causes damage of sufficient severity and magnitude to warrant hazard mitigation or the use of resources of the federal government, or the state and political subdivisions thereof to alleviate the damage, loss, hardship or suffering caused thereby; and

9. "Political subdivision" shall mean any county, city, town or municipal corporation of the State of Oklahoma represented by an elected governing body.

SECTION 13-402 DEPARTMENT.

The purpose of the civil defense/emergency management department (hereinafter "department") is to prepare for, and function in the event of, emergencies endangering the lives and property of the citizens of the town, and to comply with the requirements of the Oklahoma Emergency Management Act of 2003. The department is headed by an emergency management director, appointed by the Board of Trustees, for such compensation and upon such terms as the Board of Trustees may establish. The Emergency Management Director serves at the pleasure of the Board of Trustees. The Emergency Management Director shall meet the qualifications as promulgated by the Oklahoma Emergency Management Act of 2003, and set forth in 24 O.S. Section 683.11.

SECTION 13-403 QUALIFICATIONS AND RESPONSIBILITIES OF EMERGENCY MANAGEMENT DIRECTOR, DEPUTIES.

A. The Emergency Management Director ("EMD") shall meet the qualifications as promulgated by the Oklahoma Emergency Management Act of 2003, and set forth in 24 O.S. Section 683.11.

B. The EMD is responsible for all aspects of emergency management in his or her jurisdiction. The director will ensure the development of an emergency management plan and widespread dissemination of the plan; providing information to citizens as to how and when such plan is activated and how citizens are to participate in meeting the goals of the plan in the event of an emergency or disaster, whether natural or man-made.

C. The EMD is responsible for all aspects of emergency management for and in the Town of Sperry. Such duties include conducting hazard analysis detailing risk and vulnerabilities; annually updating the existing all-hazard local Emergency Operations Plan (EOP); conducting and arranging for necessary training of all relevant personnel; conducting annual exercise to evaluate the plan; managing resources; determining shortfalls in equipment, personnel and training; revising the Emergency Operations Plan (EOP) as necessary; establishing and maintaining an office of emergency management; communications and warnings; conducting or supervising damage assessments and other pre- and post-disaster-related duties. He shall have such further duties and responsibilities to cooperate with all emergency services of other governmental units, including the state and the federal government, and such other duties as set forth by the Board of Trustees.

D. Local fire departments, law enforcement, county emergency management organizations and other first response agencies shall notify the Emergency Management Director of all significant events occurring in the jurisdiction. Emergency Management Directors shall promptly report significant events to the Oklahoma Department of Emergency Management. The director shall have such further duties and responsibilities to cooperate with all emergency services of other governmental units including the state and the federal government.

SECTION 13-404      **EMERGENCY POWERS OF EMERGENCY MANAGEMENT DIRECTOR  
AND OTHER PERSONNEL; POWERS OF GOVERNING BODY;**

A. In the event of an enemy-caused emergency or emergency resulting from natural causes, the EMD, after due authorization from the Board of Trustees, shall have the power and authority to enforce all rules and regulations relating to emergency management and civil defense and, if necessary, to 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 other governmental agencies, emergency management organizations and civil defense organizations.

B. The EMD, other members of the department and members of any emergency services and the civil defense organization established herein 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.

C. In the event that any disaster as defined in Section 683.3 of Title 63 occurs, the Board of Trustees shall have the authority to declare a local emergency and shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. The Board of Trustees is authorized to exercise the powers vested as set forth in this section in the light of the exigencies of the extreme emergency situation without regard to time-consuming procedures and

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formalities prescribed by law, excepting mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation and expenditure of public funds.

CHAPTER 5

EMERGENCY SERVICES

Section 13-501      Emergency Services defined.

Section 13-502      Monthly fee and use of funds.

SECTION 13-501      EMERGENCY SERVICES DEFINED.

“Emergency Services” shall be defined to mean the Sperry Fire Department, Police Department or any other department or function of the Town of Sperry, Oklahoma, related to public safety, including, but not limited to, the Emergency Management Department.

SECTION 13-502      MONTHLY FEE AND USE OF FUNDS.

The Emergency Services Monthly Fee shall be \$3.00 for each Sperry Utility Services Authority Account, including residential, small business and commercial accounts. All fees collected by the Sperry Utility Services Authority shall be forwarded to the Town of Sperry and shall be placed in a separate account established by the Town of Sperry, Oklahoma, for expenditures related to Emergency Services.

CHAPTER 6

UNCLAIMED PROPERTY

|                |  |
|----------------|--|
| Section 13-601 | Delivery required; records.                                  |
| Section 13-602 | Disposition of personal property, general procedures.        |
| Section 13-603 | Seized property related to gambling, report and disposition. |
| Section 13-604 | Seized property related to alcoholic beverages, disposition. |
| Section 13-605 | Property of deceased persons.                                |
| Section 13-606 | Exchange of unclaimed or confiscated weapons.                |
| Section 13-607 | Recovery by owner.   |

SECTION 13-601 DELIVERY REQUIRED; RECORDS.

A. All personal property which has come into the possession of any police officer, which has been found or stolen or taken off the person or out of the possession of any prisoner or person suspected of or charged with a crime, and which is not known to belong to some person laying claim thereto, shall be, by the officer securing possession thereof, delivered into the charge of the police chief. The police chief shall, in a permanent record book kept for that purpose, make a record sufficient to identify the property, with the date and circumstances of the receipt thereof and name of the person from whom it was taken and the place where it was found. The record shall also disclose the subsequent disposal thereof, giving the date of sale, name and address of the purchaser, and the amount for which it was sold.

B. For the purposes of this chapter, “police chief” or “chief of police” means the police chief or his designee.

SECTION 13-602 DISPOSITION OF PERSONAL PROPERTY, GENERAL PROCEDURES.

A. The chief of police is authorized to dispose of personal property or money or legal tender as provided in this section which has come into the possession of the chief of police in any manner if:

1. The owner of the personal property or money or legal tender is unknown or has not claimed the property;

2. The property or money or legal tender has been in the custody of the chief of police for at least ninety (90) days; and

3. The property or money or legal tender or any part thereof is no longer needed to be held as evidence or for any other purpose in connection with any litigation.

B. The chief of police shall file an application in the district court in which the situs of government of the municipality is located requesting the authority of the court to conduct a sale of the personal property which has a fair market value of more than its face value. The chief of police shall attach to the application a list describing the property including any identifying numbers and marks, the date the property came into the possession of the chief of police, and the name of the owner and the person in last possession, if different, and the address of the person, if known. The court shall set the application for hearing not less than ten (10) days nor more than twenty (20) days after filing of the application.

C. In any instance where the property has an actual or apparent value of more than One Hundred Dollars (\$100.00), at least ten (10) days prior to the date of the hearing, written notice of the hearing shall be sent by first-class mail, postage prepaid, to each owner at the address as listed in the application. If the owner of any property with an actual or apparent value exceeding Five Hundred Dollars (\$500.00) is unable to be served written notice by first-class mail, notice shall be provided by one publication in a newspaper of general circulation in the county where the property is in custody. The notice shall contain a brief description of the property of the owner and the place and date of the hearing. The notice shall be posted at the assigned place for the posting of municipal notices, and at two other public places within the Town of Sperry.

D. If no owner appears and establishes ownership to the property at the hearing, the court shall enter an order authorizing the chief of police to dispose of the property as follows:

1. Donate the property having value of less than Five Hundred Dollars (\$500.00) to a not-for-profit corporation as defined in Title 18 of the Oklahoma Statutes for use by needy families;
2. Sell the personal property for cash to the highest bidder, after at least five (5) days' notice of the sale has been published;
3. Transfer the property to a third-party agent under contract with the governing body of the chief of police for sale by Internet or other electronic means, regardless of whether the sale structure or distribution site is within the State of Oklahoma; or
4. By any other means as determined appropriate by the court, including but not limited to, destruction.

Regardless of the means of disposition, the chief of police shall make a return of the donation or sale and the order of the court confirming the donation or sale shall vest title to the property in the recipient or purchaser. After payment of court costs and other expenses, the remainder of money received from the sale of the personal property shall be deposited in the municipal general fund.

E. All money or legal tender which has come into the possession of the chief of police pursuant to the circumstances provided for in subsection A of this section shall be transferred by the chief of police to the town clerk for deposit in the municipal general fund. Prior to any transfer, the chief of police shall file an application in the district court requesting the court to enter an order authorizing the chief of police to transfer the money for deposit in the municipal general fund. The application shall describe the money or legal tender, the date the same came into the possession of the chief of police, and the name of the owner and the address of the owner, if known. Upon filing the application which may be

joined with an application as described in subsection B of this section, a hearing shall be set not less than ten (10) days nor more than twenty (20) days from the filing of the application. Notice of the hearing shall be given as provided for in subsection C of this section. The notice shall state that upon failure of anyone to appear to prove ownership to the money or legal tender, the court shall order the same to be deposited in the municipal general fund. The notice may be combined with a notice to sell personal property as provided for in subsection B of this section. If no one appears to claim and prove ownership to the money or legal tender at the hearing, the court shall order the same to be transferred to the municipal general fund as provided in this subsection.

F. The provisions of this section shall not apply to any dangerous or deadly weapons, narcotic or poisonous drugs, explosives, or any property of any kind or character, which the possession of is prohibited by law. By order of the trial court, any property filed as an exhibit or held by the municipality shall be destroyed or sold or disposed of, pursuant to the conditions prescribed in the order.

G. Property authorized to be destroyed herein or by state or other law, or which cannot be sold or used by the Town, shall be destroyed on order of the police chief. The destruction of personal property must be witnessed by at least three (3) members of the police department, who must sign a certificate of destruction listing all property destroyed, a general description of same, the date, time, place and manner of such destruction.

SECTION 13-603 SEIZED PROPERTY RELATED TO GAMBLING, REPORT AND DISPOSITION.

A. If any personal property used for the purpose of violating any of the gambling laws of this state shall be seized by any officer or person with or without a search warrant, such officer or person is hereby required, within five (5) days of the seizure to make a written report under oath and file the same with the district court clerk of the county where said property was seized, which report shall in detail state the name of the officer or person making the seizure, the place or location where seized and an inventory of the property or articles so taken into possession. Within five (5) days after seizing such property, the officer shall deliver the property to the sheriff of the county and take the sheriff's receipt therefor, in duplicate, and the sheriff shall retain the same and all thereof until the same shall be destroyed pursuant to the orders of the court.

B. In computing the time, Sundays and legal holidays recognized by the State of Oklahoma shall be excluded and not counted.

C. A duplicate copy of the receipt shall be filed with the court clerk, who shall keep a record of same. However, the sheriff and his deputies shall be required to make the affidavit and issue the receipt and otherwise comply with the provisions of this section. The sheriff shall be liable on his bond for the safekeeping of all such property so turned over to him under the provisions of this section.

SECTION 13-604 SEIZED PROPERTY RELATED TO ALCOHOLIC BEVERAGES, DISPOSITION.

If town police officers seize:

1. Any apparatus, equipment, vehicle or instrumentality used for, or intended for use in manufacturing or transporting any alcoholic beverages in violation of the state alcoholic beverage control laws; or

2. Any alcoholic beverages possessed, sold, transported, manufactured, kept or stored in violation of the state alcoholic beverage control laws, and if the court finds from a preponderance of the evidence that the property seized was lawfully subject to seizure, then the court shall render judgment accordingly and order the property forfeited to the town in which the seizure of the property took place. Such seized property shall be sold by the town, after giving ten (to) days' notice by one publication in a legal newspaper of the county at least ten (to) days before such sale. Appeal from such an order may be taken as in civil cases. When such property is sold under the provisions of this section, the proceeds thereof shall be distributed as follows:

- a. First, to the payment of the costs of the case in which the order of forfeiture was made and the actual expenses of preserving the property; and
- b. Second, the remainder shall be deposited with the town.

SECTION 13-605    PROPERTY OF DECEASED PERSONS.

The personal property of a deceased person shall be delivered only to the next of kin of such person or to the legally appointed representative of his estate. If the personal property is claimed by the legally appointed representative of the estate of the deceased, a certified copy of the order of the district court appointing such person shall be deemed sufficient authority to support the claim. If the personal property is claimed by the next of kin, the claimant shall furnish an affidavit to the effect that he is the person entitled to possession of the property; the affidavit shall be deemed sufficient authority to support the claim. If personal property of a deceased person remains unclaimed for a period of ninety (90) days, it shall be disposed of in the appropriate manner provided in this chapter.

SECTION 13-606    EXCHANGE OF UNCLAIMED OR CONFISCATED WEAPONS.

A. Unclaimed or confiscated weapons which have been in the possession of the police department for one hundred twenty (120) days or more may be traded by the police chief or his designee, for new weapons for use by the police department. The unclaimed or confiscated weapons may only be traded to such gun dealers who have complied with applicable state and federal regulations concerning firearms and, in the opinion of the police chief or his designee, are reputable.

B. In trading such unclaimed or confiscated weapons, the police chief or his designee shall advertise for bids for such trade. Such advertisement for bids shall be done in accordance with prevailing and established bid procedure as formulated by the purchasing entity of the town.

C. The value of such unclaimed and confiscated weapons as hereinabove discussed shall in all cases be determined by their fair market value of the new weapons received in such trade.



SECTION 13-607    RECOVERY BY OWNER.

If any property is sold as herein provided, and the owner thereof takes and recovers possession of same from the purchaser, the amount paid therefor shall be returned to the purchaser, upon verified claim being submitted and approved by the police chief.

CHAPTER 7

EXPLOSIVES

|                |   |
|----------------|---|
| Section 13-701 | Explosives defined.   |
| Section 13-702 | Classification of explosives.                               |
| Section 13-703 | Manufacture prohibited.                                     |
| Section 13-704 | Class One (1) Explosives prohibited.                        |
| Section 13-705 | Storage of Class Two (2) Explosives.                        |
| Section 13-706 | Magazines; rules and regulations; Class two (2) explosives. |
| Section 13-707 | Capping.  |
| Section 13-708 | Deteriorated explosives.                                    |
| Section 13-709 | Transportation of explosives.                               |
| Section 13-710 | Driving requirements.                                       |
| Section 13-711 | Discharge in town.  |
| Section 13-712 | Regulating permitted blasts.                                |
| Section 13-713 | Fees.   |
| Section 13-714 | National Fire Protection Association Regulations.           |
| Section 13-715 | Penalty.  |

SECTION 13-701    EXPLOSIVES DEFINED

The term "explosive" or "explosives, whenever used in this chapter shall be held to mean and include any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture which may cause a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life and limb.

SECTION 13-702    CLASSIFICATION OF EXPLOSIVES

Classification of explosives is as follows:

1. Class one (1) explosives shall be liquid nitroglycerine; high explosives containing over sixty percent (60%) of nitroglycerine (except gelatin dynamite); high explosives having an unsatisfactory absorbent or that permit leakage of nitroglycerine under any conditions liable to exist during transportation or storage; a quantity greater than ten (10) pounds in one exterior package of nitrocellulose in a dry and uncompressed condition, and fulminate of mercury in bulk in a dry condition, and fulminate of all other metals in any condition, except as a component of manufactured articles not hereinafter forbidden; or explosives containing an ammonium salt and a chlorate;

2. Class two (2) explosives are black powder, high explosive (except as described in class one (1), dynamite, blasting caps and electric blasting caps, smokeless powder for small arms, wet fulminate of mercury and detonating fuses; and

3. Class three (3) explosives are small arms ammunition (blank, ball or shot), primers, fuses (except as described in class two (2), safety fuses, safety squibs, and any other explosives not enumerated in class one (1) and class two (2) and declared by the fire chief or his designee to be relatively safe.

SECTION 13-703      MANUFACTURE PROHIBITED

It is unlawful for any person, association, firm, or corporation, to manufacture any explosive within the corporate limits of the town, except that any class two (2) and class three (3) explosives may be manufactured in laboratories of the public school system, and similar institutions for the purpose of investigation and instruction and provided that hand loading of black powder weapons and small arms ammunition for private use shall be allowed. The mixture of two (2) or more explosives for immediate use for blasting shall not be considered a violation of this article.

SECTION 13-704      CLASS ONE (1) EXPLOSIVES PROHIBITED

It is unlawful for any person, association, firm, or corporation, to have, keep, store, sell, offer for sale, give away, use, transport or have in his possession in the town, any class one (1) explosive.

SECTION 13-705      STORAGE OF CLASS TWO (2) EXPLOSIVES

Under no circumstances shall any person, association, firm, or corporation, keep or store any explosives on any premises which are used and occupied as a school, theater, church, or other place of public assembly and further, no person shall keep or store any class two (2) explosives at any location, except in a properly authorized magazine. The type and location of storage magazines must be approved by the fire chief or his designee of the city. The amount of class two (2) explosives stored in any one magazine shall be limited to fifty (50) pounds.

SECTION 13-706      MAGAZINES; RULES AND REGULATIONS; CLASS TWO (2)  
EXPLOSIVES

A. Explosive magazines shall be made of fireproof materials and shall be conspicuously marked "magazine explosives".

B. Each magazine shall be kept locked during the night, and at all times when the room in which it is kept is not occupied by safe and trustworthy persons; and all magazines must be kept clean and free from grit, paper, rubbish, and empty packages.

C. It is unlawful to place, keep or store any blasting caps or detonators of any kind in the same magazine with other explosives.

D. Packages of explosives in a magazine must be neatly piled in such a way that all of them may be easily examined, and packages of high explosives must always be placed right side up.

E. An accurate inventory or log shall be kept showing quantity of explosive stored, date of acquisition, date of removal and purpose of removal, which shall at all times be subject to the inspection of the fire chief or his designee of the town, and when any kind of explosive is removed from the magazine, the oldest of that particular kind must always be taken, and it shall be the duty of the magazine keeper to see that is done.

F. No smoking, matches, firearms, or other things which might discharge or cause the discharge of explosives in the town, shall be permitted within one hundred (100) feet of any magazine.

#### SECTION 13-707     CAPPING

It is unlawful for any person, association, firm, or corporation, to cap a cartridge within a radius of fifty (50) feet of magazine, or in any case to cap more cartridges than necessary for immediate use.

#### SECTION 13-708     DETERIORATED EXPLOSIVES

If any explosive is contained in a magazine so as to be in a dangerous condition, then the magazine keeper must immediately remedy the cause; or should the fire chief or his designee receive a report of deteriorated or leaking explosives, the fire chief or his designee must cause it to be removed outside the corporate limits of the town, and disposed of as he may deem fit, at the sole expense of the magazine keeper.

#### SECTION 13-709     TRANSPORTATION OF EXPLOSIVES

A. It is unlawful for any person, association, firm, or corporation, to transport or carry any explosives within the corporate limits of the town, in or upon any public conveyance.

B. It is unlawful for any person, association, firm, or corporation, to place or carry or cause to be placed or carried, in any vehicle, a container containing class two (2) explosives, any exploders, detonators, blasting caps or other similar explosive material.

C. It is unlawful for any person, association, firm, or corporation, in the transportation of class two (2) explosives to stop such conveyance in any populated area within the town limits, except pursuant to a permit secured as set out herein. Every vehicle, while carrying class two (2) explosives, shall display upon an erect pole at the front end of such vehicle and at such height that it shall be visible

from all directions, a red flag with the word "DANGER" printed, stamped or sewed thereon in white letters at least eight (8) inches in height, or in lieu of such flag the word "EXPLOSIVES" must be painted on, or attached to the rear end and each side of such vehicle in letters at least eight (8) inches in height.

SECTION 13-710      DRIVING REQUIREMENTS

It is unlawful for any person, association, firm, or corporation, in charge of a vehicle containing class two (2) explosives, to smoke in, upon or near such vehicle, to drive, load or unload the vehicle while intoxicated, or to load or unload such vehicle in a careless or reckless manner.

SECTION 13-711      DISCHARGE IN TOWN

A. It is unlawful for any person, association, firm, or corporation, to use or discharge any class two (2) explosives within the corporate limits of the town, except in connection with blasting operations or demolitions by proper permit or where authorized by ordinance.

B. No person, association, firm, or corporation, shall blast or carry on any blasting operations without first having obtained a permit from the Town of Sperry, upon compliance with the permitting process as set forth by the Board of Trustees. The applicant for such permit must file a certificate of blasting liability insurance coverage in an amount of not less than One Million Dollars (\$1,000,000.00) or a greater or lesser amount as deemed adequate in each case, as determined by the Board of Trustees, to become available for the payment of any real and actual damages or injury to persons or property arising from the blasting or from the injury to persons or property arising from the blasting or from the neglect of the person blasting or his agents or employees, the amount of the insurance not being a limit to the liability of the person blasting.

C. In applying for a permit, the person, association, firm, or corporation blasting must present a plan showing the location, expected time of blasting, size of charge, type of explosive and any other information requested or pertaining to the blasting operation, including but not limited to a pre-blasting survey of dwellings, structures, pipe lines, transmission lines, utility service lines and other information. The pre-blasting survey shall determine the condition of the structures in terms of resistance to vibrations of structural and nonstructural elements, and document any pre-blasting damage, weakness, and other physical factors that could reasonably be expected to be affected by the blasting. The survey shall be prepared and signed by the person or persons who conducted the survey and shall specify the recommended weights of individual charges that would prevent damage to the structures examined in the area and state, if applicable, and the effects repeated blasting will have on structural fatigue. Based upon this survey the inspections department may require the permittee or operator to prevent damage by measures such as reinforcing the structures (provided consent of the owner is received), redesign of the blasting plan, or prohibition of blasting in the vicinity of the structure. The permit may be denied by the Board of Trustees if the proposed blasting operations would be a danger to surrounding structures and its occupants and to the public at large. The decision of the Board of Trustees regarding a the issuance or denial of a permit under this section shall be conclusive.

SECTION 13-712      REGULATING PERMITTED BLASTS

A. All blasting by class two (2) explosives shall be blanketed with mats, wire mesh, dirt or other material to prohibit any debris or material from being discharged into the air in excess of six (6) feet.

B. All class two (2) explosives shall be transported, handled, stored and used under the direction and supervision of a person of proven experience and ability in blasting operations or experienced and able in the discharge of explosives.

C. All discharge of class two (2) explosives or blasting operations shall be prohibited within a minimum of three hundred (300) feet of structures, overhead power lines, communication lines, or utilities services lines, or within a greater distance as may be deemed necessary by the inspections department, without first giving written notice to the owners, operators, or occupants thereof. The blasting areas shall be marked with signs warning of the blasting and stating that precautions should be taken with electrical equipment and radio transmitters when within one thousand (1,000) feet of the blast site, and a warning signal or statement shall be sounded prior to any blasting. After blasting, the areas shall be thoroughly inspected by the person blasting and an all clear signal or announcement sounded prior to permitting anyone to enter the blasting site area.

D. The blasting site and areas within three hundred (300) feet thereof where class two (2) explosive blasting, loading and preparation for blasting is going on shall be kept free of any and all equipment and any and all persons not essential to such loading or preparation for blasting. All tamping is to be accomplished by the use of a wooden stock or device having no metal parts, and there shall be a separation of at least fifty (50) feet between a loaded hole and any drilling operations in preparation of additional blasts. All loaded holes shall be fired on the same shift that they are loaded, and the person in charge of blasting shall clear all unexploded holes and charges and shall not leave the site until all unexploded charges shall have been removed or detonated pursuant to a permit. The insertion of a drill, pick or bar in an unexploded hole shall not be permitted.

E. A record of each blast shall be made and retained and shall be available for inspection by the Town of Sperry, and the public upon request. The record shall contain the following data:

1. Name of permittee, operator, or other person conducting the blast;
2. Location, date, and time of blast;
3. Name of blaster in charge;
4. Weather conditions;
5. Type of material blasted;
6. Number of holes, burden, and spacing;

7. Diameter and depth of hole;
8. Types of explosives used;
9. Total weight of explosives used;
10. Maximum weight of explosives per delay period of eight (8) milliseconds or less;
11. Maximum number of holes per delay period of eight (8) milliseconds or less;
12. Method of firing and type of circuit;
13. Type and height of length of stemming;
14. If mats or other protections were used; and
15. Type of delay electric blasting caps used, and delay periods used.

SECTION 13-713 FEES

In applying for a permit to discharge class two (2) explosives in the town, the person, association, firm, or corporation blasting shall pay to the town clerk, the sum of Fifty Dollars (\$50.00) for each day of blasting.

SECTION 13-714 NATIONAL FIRE PROTECTION ASSOCIATION REGULATIONS

Unless otherwise specifically provided for herein, the manufacture, storage, placement, transportation, capping, or blasting of class two (2) or class three (3) explosives, as defined herein, shall at all times be in compliance with the most current regulations pertaining to explosives of the National Fire Protection Association.

SECTION 13-715 PENALTY

Violation of any of the requirements imposed by this article shall, upon conviction, subject the violator to the penalties as provided for under Section 1-108 of the code of ordinances of the town. Each day a violation occurs or continues shall be deemed a separate offense.