

## CHAPTER 9

### GENERAL AND MISCELLANEOUS PROVISIONS

Article 1. Rules of Construction.

Article 2. Miscellaneous Provisions.

Article 3. Penalty; Judicial Relief.

#### **Article 1. Rules of Construction/Definitions**

##### **Section 9-1. Rules of Construction/Definitions.**

In the construction of this Code of Ordinances and of all subsequent Ordinances and Resolutions passed by the City Commission of the City of Elk City, Oklahoma, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of said City Commission.

1. **Chief of Police or Police Chief.** Reference to the "Chief of Police" or the "Police Chief," shall mean the Chief of Police or the police officer in charge of the police force of the City of Elk City, Oklahoma.

2. **City, Town or Municipality.** The words the "City," the "Town," or the "Municipality" shall mean the City of Elk City, Oklahoma, in Beckham County, Oklahoma.

3. **City Attorney, Town Attorney or Municipal Attorney.** Reference to the "City Attorney," the "Town Attorney" or the "Municipal Attorney" shall mean the City Attorney of the City of Elk City, Oklahoma.

4. **City Clerk, Town Clerk or Clerk of the Municipality.** Reference to the "City Clerk," the "Town Clerk" or the "Clerk of the Municipality" shall mean the City Clerk of the City of Elk City, Oklahoma.

5. **City Commission, City Council, Council, Town Board of Trustees, Town Board.** The words "City Commission," "City Council," "Council," "Town Board of Trustees" or "Town Board" shall mean the Governing Body of the City of Elk City, Oklahoma.

6. **City Treasurer, Town Treasurer or Treasurer.** Whenever reference is made to the "City Treasurer," the "Town Treasurer" or the "Treasurer," it shall mean the City Treasurer of the City of Elk City, Oklahoma.

7. **Code.** Reference to "this Code" or "the Code" shall mean the Code of Ordinances of the City of Elk City, Oklahoma.

8. **Computation of Time.** Whenever 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 such notice is given (or such act is done) shall be excluded in computing the time, but the day on which such proceeding is to be had, shall be included.

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

10. **Court.** The word "Court" shall mean the Municipal Court of the City of Elk City, Oklahoma.

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

12. **Health Officer or Health Department.** Whenever reference is made to the "Health Officer" or the "Health Department," it shall be construed as meaning the County Sanitarian or County Health Department, unless specific reference is made to the appointed Health Officer of the City of Elk City, Oklahoma.

13. **Highway.** The term "highway" shall include any street, alley, highway, avenue, public place, square, bridge, underpass or overpass in the City of Elk City, Oklahoma, dedicated or devoted to public use.

14. **Joint Authority.** Words purporting to give authority to three (3) or more officers or other persons, shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

15. **Judge.** The word "Judge" shall mean the Judge of the Municipal Court of the City of Elk City, Oklahoma, including the Acting Judge and/or Alternate Judge thereof, as provided by Oklahoma Statutes and this Code of Ordinances.

16. **Judicial District.** The term "Judicial District" shall mean the District Court and/or Judicial District of the State of Oklahoma, wherein the situs of government of the City of Elk City, Oklahoma, is situated.

17. **Manager.** Whenever reference is made to the "Manager", it shall mean the City Manager the Chief Executive Officer of the City of Elk City, Oklahoma.

18. **May.** The word "may" is permissive; the word "shall" is mandatory.

19. **Mayor.** Whenever reference is made to the "Mayor," it shall mean the head of the City Commission of the City of Elk City, Oklahoma.

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

21. **Number.** Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular, except where a contrary intention plainly appears.

22. **Oath.** The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath; in such cases, the word "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

23. **Officers, Department, Etc.** Whenever any officer, department, board, commission or other agency is referred to by title alone, such reference shall be construed as if followed by the words "of the City of Elk City, Oklahoma."

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

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

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

27. **Policeman.** Reference to a "policeman" shall mean the Chief of Police or any police officer of the City of Elk City, Oklahoma.

28. **Preceding or Following.** The words "preceding" or "following" mean next before and next after, respectively.

29. **Roadway.** The word "roadway" shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic.

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

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

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

33. **Statutory Reference.** Reference to the Statutes of the State of Oklahoma means the Statutes as they now are or as they may be amended to be; a reference to the 1971 Statutes also means the comparable provision when included in future codification or supplementation of said Statutes.

34. **Street.** The term "street" shall include any highway, alley, street, avenue, public place, underpass or overpass in the town, dedicated or devoted to public use.

35. **Tense.** Words used in the past or present tense shall include the future, as well as the past and present.

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

37. **Year.** Unless otherwise designated, the word "year" shall mean a calendar year.

**Section 9-2 through 9-9. (Reserved for future use.)**

**Article 2. Miscellaneous Provisions**

**Section 9-10. Certain Ordinances Not Affected by Code.**

Nothing in this Code of Ordinances or the Ordinances adopting this Code shall be construed to repeal, or otherwise affect the validity of, any of the following, and all such Ordinances are hereby recognized as continuing in full force and effect to the extent as if set out at length herein:

1. Ordinances promising or guaranteeing the payment of money for the City of Elk City, Oklahoma, authorizing the issuance of any municipal bonds or any evidence of the municipality's indebtedness;

2. Appropriation Ordinances, or Ordinances providing for (a) the levy of taxes, (b) an annual budget or (c) prescribing salaries for municipal officers and employees;

3. Ordinances annexing or de-annexing territory to or from the City of Elk City, Oklahoma;

4. Ordinances approving, authorizing or otherwise relating to, any contract, agreement, lease, deed or other instrument, or granting any franchise;

5. Ordinances authorizing or otherwise relating to specific public improvements;
6. Ordinances vacating, opening or dedicating specific streets and alleys;
7. Ordinances relating to specific street improvements and assessments therefore;
8. Ordinances relating to the grade or alignment of specific streets;
9. Ordinances naming or renaming specific streets;
10. Ordinances granting railroads the right to use specific streets and alleys;
11. Ordinances changing the Zoning District classification of a specific parcel of real property; or
12. Temporary or special Ordinances.

**Section 9-11. Enumeration of Provisions.**

1. Provisions of State Law which affect the City of Elk City, Oklahoma, because of its general relationship to the State, may not be enumerated herein, but may be adopted by reference as inseparable parts of this Code of Ordinances.
2. Provisions of State Law which prescribe specific actions or laws for the City of Elk City, Oklahoma, and its citizens, may be included in this Code of Ordinances for purposes of clarity.
3. Provisions of State Law in matters of wider public concern which are not enumerated herein, but which affect the City of Elk City, Oklahoma, and its citizens in a general way, may not be enumerated herein, but may nevertheless be made a part of this Code of Ordinances through adoption by reference.
4. All provisions which are purely local concern shall be specifically enumerated in this Code of Ordinances. The regulations, rules, prohibitions, nuisances, offenses and other provisions which are of purely local concern, as provided by State Law, and are specifically enumerated herein detail, shall be enforced by the City of Elk City, Oklahoma; duly authorized officers and agents of said City shall have all power, duties and responsibilities necessary to enforce the same.

**Section 9-12. Code Does Not Affect Prior Offenses or Rights.**

Nothing in this Code of Ordinances or the Ordinances adopting this Code shall affect any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established or accruing, before the effective date of this Code.

**Section 9-13. Code and Ordinances Effective Outside City on  
Property Owned or Controlled by City.**

1. All provisions of this Code of Ordinances and other Ordinances of the City of Elk City, Oklahoma, now in effect or adopted in the future, are hereby extended to all real property belonging to, or under the control of, the City of Elk City, Oklahoma, outside the corporate limits of said City, and shall be in full force and effect thereon insofar as they are applicable.

2. Any words in any such provision indicating that its effect is limited to the corporate limits of the City of Elk City, Oklahoma, shall be deemed to mean and include also outlying real property belonging to, or under the control of, said City, unless the context clearly indicates otherwise.

**Section 9-14. Designation and Citation of Code.**

The Ordinances embraced in this and all other Chapters and Sections shall constitute and be designated the "Code of Ordinances, City of Elk City, Oklahoma," and may be so cited. Such Code may also be cited as the "City of Elk City, Oklahoma, City Code" or the "City of Elk City, Oklahoma, Municipal Code."

**Section 9-15. Catchlines of Sections.**

The catchlines of the Sections of this Code of Ordinances which are underlined are intended as mere catchwords to indicate the contents of the Sections and shall not be deemed, or taken to be, titles of such Sections, nor as any part of such Sections, nor, unless expressly so provided, shall they be so deemed when any of such Sections, including the catchlines, are amended or re-enacted.

**Section 9-16. Severability of Parts of Code.**

1. It is hereby declared to be the intention of the City Commission of the City of Elk City, Oklahoma, that the Sections, paragraphs, sentences, clauses and phrases of this Code of Ordinances are severable and if any phrase, clause, sentence, paragraph or Section of said Code shall be declared invalid by the judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of said Code, since the same would have been enacted by the City Commission without the incorporation in this Code of any such invalid phrase, clause, sentence, paragraph or section.

2. Further, if any word, phrase, clause, sentence, paragraph or Section of this Code of Ordinances shall seem invalid through printing or typographical error, such error or misprint shall not serve to misconstrue or invalidate the intent thereof, nor affect in any way the intent or validity of any or all other words, phrases, clauses, sentences, paragraphs or Sections of this Code.

**Sections 9-17 through 9-19. (Reserved for future use.)**

### **Article 3. Penalty; Judicial Relief**

#### **Section 9-20. General Penalty for Violations.**

Whenever, in this Code of Ordinances or in any Ordinance of the City of Elk City, Oklahoma, an act is prohibited, is made or declared to be unlawful, an offense or misdemeanor, or wherever in said Code or Ordinance the doing of any act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provision of this Code of Ordinances or of any such Ordinance shall be punished in accordance with the appropriate provisions of Section 1-40 of the Elk City Municipal Code.

#### **Section 9-21. Judicial Relief.**

No penalty imposed by, and pursuant to, this Code of Ordinances, shall interfere with the right of the City of Elk City, Oklahoma, also to apply to the proper courts of the State of Oklahoma for a mandamus, an injunction or other appropriate action against such person, firm or corporation.