

PART 1
GENERAL PROVISIONS

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CHAPTER 1

USE AND CONSTRUCTION OF THE CODE

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1-101: **HOW CODE DESIGNATED AND CITED¹:** The provisions embraced in the following chapters and sections shall constitute and be designated the *CODE OF ORDINANCES, TOWN OF HULBERT, OKLAHOMA*, and may be so cited. (1989 Code)

1-102: **RULES OF CONSTRUCTION:** In the construction of this code and of all ordinances, the following rules are observed unless the construction would be inconsistent with the manifest intent of the board of trustees:

BOARD OF
TRUSTEES OR TOWN
BOARD:

The board of trustees of the town of Hulbert.

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

1. 11 OS §§ 14-108, 14-109.

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 Cherokee, 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 town and, when appropriate, any and all rules and regulations promulgated thereunder.

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-treasurer", "town clerk-treasurer", "town 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.
PRECEDING, FOLLOWING:	Next before and next after, respectively.
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 town 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 Hulbert.

WEEK: Seven (7) days.

YEAR: A calendar year. (1989 Code)

1-103: **CATCHLINES OF SECTIONS; CITATIONS:** The catchlines of sections in this code are printed in capital letters and citations included at the end of sections are intended to indicate the contents of the section and original historical source respectively, and shall not be deemed or taken to be titles and official sources of such sections; nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, or citations, are amended or re-enacted. (1989 Code)

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, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed. (1989 Code)

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 this 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. (1989 Code)

1-106: **AMENDMENT TO CODE; EFFECT OF NEW ORDINANCES; AMENDATORY LANGUAGE¹:**

- A. All ordinances passed subsequent to this code or ordinances which amend, repeal or in any way affect this code may be numbered in

1. 11 OS § 14-103 et seq.

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 Hulbert, Oklahoma, that Section _____ of the code of ordinances of the Town of Hulbert, 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 this code, which the board desires to incorporate into this 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 Hulbert, Oklahoma, that the provisions of this ordinance shall become and be made a part of the code of ordinances of the Town of Hulbert, 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. (1989 Code)

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 town to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-108 of this chapter. (1989 Code)

1-108: GENERAL PENALTY¹:

- A. Except as otherwise provided by state law, whenever in this code or in any ordinance of the town an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this code or any ordinance the doing of any act is required or failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any provision of this code or of any ordinance, upon conviction, shall be punished by a fine of not exceeding two hundred dollars (\$200.00), excluding court costs. Each day or any portion of a day during which any violation of this code or of any ordinance shall continue shall constitute a separate offense. (Ord. 13-01, 6-25-2013)
- 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. (1989 Code)

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. (1989 Code)

1-110: ORDINANCES IN EFFECT IN OUTLYING TERRITORY OF TOWN: All ordinances of the town now in effect within the town are hereby extended to all real property belonging to, or under the control of, the town outside the corporate limits of the town, and shall be in full effect therein, insofar as they are applicable. All ordinances of the town 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 town shall be deemed to mean and include also the outlying real property belonging to, or under the control of, the town, unless the context clearly indicates otherwise. (1989 Code)

1. 11 OS §§ 14-111, 27-119.

General Provisions

CHAPTER 2

CORPORATE AND WARD LIMITS

Section 1-201 Map of town designated as official map.
Section 1-202 Ward boundaries.

SECTION 1-201 MAP OF TOWN DESIGNATED AS OFFICIAL MAP.

The map of the town showing its territorial limits is hereby designated as the official map of the town, and the corporate limits as shown thereon are declared to be the true and correct corporate limits of the town, including all annexations made to the town through and including the date of July 1, 1989.

SECTION 1-202 WARD BOUNDARIES

The town is not divided into wards.

State Law Reference: Review of wards after each federal census, 11 O.S. Section 20-101; establishment and number of town, 11 O.S. Section 2-105 changing wards, 11 O.S. Sections 20-102 to 20-105.

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