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GENERAL PROVISIONS**

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**SECTION 10.01**      **TITLE OF CODE**

This Code may be cited as the “Pawhuska City Code” or other properly identifying description. When a change or changes have been prepared and inserted in the Code as provided herein below, the words “as amended” may be added to the citation or title when referring to the Code as amended.

**Statutory reference:** Adoption and revision of Codes of Ordinances, see 11 O.S. § 14-108, 14-109

**SECTION 10.02**      **INTERPRETATION**

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this Code as those governing the interpretation of state law.

**SECTION 10.03**      **APPLICATION TO FUTURE ORDINANCES**

All provisions of Title I compatible with future legislation shall apply to Ordinances hereafter adopted amending or supplementing this Code unless otherwise specifically provided.

**SECTION 10.04      CAPTIONS AND NOTES**

- A.      Headings and captions used in this Code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.
  
- B.      Notes indicating sources of sections, giving other information, or referring to statutes or to other parts of the Code are inserted in the Code, and may be inserted in changes to the Code, for the convenience of persons using the Code, and shall have no legal effect.

**SECTION 10.05      DEFINITIONS**

- A.      *General rule.* Words and phrases shall be taken in their plain, ordinary, and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
  
- B.      *Definitions.* For the purpose of this Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

***CITY, THIS CITY, or MUNICIPALITY.*** The City of Pawhuska, Oklahoma.

***CODE, THIS CODE, or THIS CODE OF ORDINANCES.*** This municipal Code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

***COUNCIL or CITY COUNCIL.*** The City Council of Pawhuska.

***COUNTY.*** Osage County, Oklahoma.

***JOINT AUTHORITY.*** All words giving ***JOINT AUTHORITY*** to three (3) or more persons or officers shall be construed as giving authority to a majority of the persons or officers.

***LAW.*** Applicable federal law, provisions of the state constitution and state statutes, the Ordinances of the City, and, when appropriate, any and all rules and regulations promulgated thereunder.

***MANAGER or CITY MANAGER.*** The City Manager of the City.

***MAY.*** The act referred to is permissive.

***MAYOR.*** The Mayor of the City.

***MONTH.*** A calendar month.

***OATH.*** 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***.

**OTHER OFFICIALS** or **OFFICERS AND THE LIKE**. Whenever reference is made to officers, agencies, or departments by title only, such as “Clerk,” “City Clerk,” “City Attorney,” “Fire Chief,” “Police Chief,” and the like, they shall mean the officers, agencies, or departments of the City.

**PERSON**. Includes natural persons, corporations (private and public), partnerships and all other unincorporated organizations, trusts, estates, and government agencies, except when a contrary intention plainly appears.

**PRECEDING; FOLLOWING**. Next before and next after, respectively.

**PROPERTY**. Real and personal property.

**SHALL**. The act referred to is mandatory.

**SIGNATURE** or **SUBSCRIPTION**. Includes a mark when the person cannot write.

**STATE**. The State of Oklahoma.

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

**STREET**. Street, avenue, boulevard, road, alley, lane, viaduct, highway, court, place, square, curb, or any other public way in the City which is dedicated and open to public use.

**SUBCHAPTER**. A division of a chapter, designated in this Code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have **SUBCHAPTERS**.

**WEEK**. Seven days.

**WRITTEN**. Any representation of words, letters, or figures, whether by printing or otherwise.

**YEAR**. A calendar year.

**SECTION 10.06**      **RULES OF INTERPRETATION**

- A. *Generally*. The construction of all Ordinances of the City shall be by the following rules, unless the construction is plainly repugnant to the intent of the legislative body or of the context of the Ordinance.
- B. *Specifically*:
  - 1. **AND** or **OR**. Either conjunction shall include the other as if written “and/or,” if the sense requires it.

2. *Acts by assistants.* When a statute or Ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition shall be satisfied by the performance of the act by an authorized agent or deputy.
3. *Gender.* Words used in the masculine gender in this Code or in other Ordinances of the City include the feminine and neuter.
4. *Singular and plural.* Words used in the singular number in this Code or in other Ordinances of the City include the plural, and the plural the singular.
5. *Tenses.* The use of a verb in the present tense shall include the future, if applicable.
6. *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

#### **SECTION 10.07      SEVERABILITY**

If a part of this Code or of any Ordinance passed by the Council after this Code goes into effect is invalid, all valid parts which are severable from the invalid parts remain in effect. If a part of this Code or of any Ordinance passed hereinafter is invalid in one (1) or more of its applications, the part remains in effect in all valid applications which are severable from the invalid applications.

#### **SECTION 10.08      REFERENCE TO STATUTES**

Reference to the statutes of the state means the statutes as they are now or as they may be amended, and a reference to the Oklahoma Statutes for a certain year also means the comparable provision when included in future codifications.

#### **SECTION 10.09      REFERENCE TO OTHER SECTIONS**

Whenever in one (1) section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

#### **SECTION 10.10      REFERENCE TO OFFICES**

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the City exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

#### **SECTION 10.11      ERRORS AND OMISSIONS**

If a manifest error is discovered, consisting of the misspelling of any words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words were clearly intended to express the intent, the spelling shall be corrected, and the word or

words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

**SECTION 10.12      OFFICIAL TIME**

The official time, as established by applicable state/federal laws, shall be the official time within the City for the transaction of all municipal business.

**SECTION 10.13      REASONABLE TIME**

- A. In all cases where an Ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.
- B. The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

**SECTION 10.14      ORDINANCES REPEALED**

All Ordinances and parts of Ordinances of a permanent and general nature passed prior to and in effect at the time the Code is adopted but not included in the Code are hereby repealed as of the time when the Code goes into effect. Ordinances passed on or after that date shall not be repealed or amended by the adoption of the Code.

**SECTION 10.15      ORDINANCES UNAFFECTED**

All Ordinances of a temporary or special nature and all other Ordinances pertaining to subjects not embraced in this Code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

**SECTION 10.16      EFFECTIVE DATE OF ORDINANCES**

- A. All Ordinances passed by the legislative body requiring publication shall take effect from and after due publication thereof, unless otherwise expressly provided.
- B. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

**SECTION 10.17      REPEAL OR MODIFICATION OF ORDINANCE**

- A. Whenever any Ordinance or part of an Ordinance shall be repealed or modified by a subsequent Ordinance, the Ordinance or part of an Ordinance thus repealed or modified shall continue in force until the due publication of the Ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

- B. No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any Ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the Ordinance had continued in force unless it is otherwise expressly provided.
- C. When any Ordinance repealing a former Ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former Ordinance, clause, or provision, unless it is expressly provided.

**SECTION 10.18      ORDINANCES WHICH AMEND OR SUPPLEMENT CODE**

- A. If the legislative body shall desire to amend any existing chapter or section of this Code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.
- B. Ordinances and parts of Ordinances of a permanent and general nature passed or adopted on and after the most recent Ordinance included in this Code of Ordinances may be passed or adopted either in the form of amendments to this Code of Ordinances or without specific reference to the Code, but in either case all Ordinances and parts of Ordinances shall be deemed amendments to the Code, and all of the substantive permanent and general parts of the Ordinances and changes made thereby in the Code shall be inserted and made in the Code whenever authorized or directed by motion, resolution, or Ordinance of the City Council, as provided hereinafter.

**SECTION 10.19      SECTION HISTORIES; STATUTORY REFERENCES**

- A. As histories for the Code Sections, the specific number and passage date of the original Ordinance, and the amending Ordinances, if any, are listed following the text of the Code Section. Example: (Ord. 10, passed 5-13-1960; Am. Ord. 15, passed 1-1-1970; Am. Ord. 20, passed 1-1-1980; Am. Ord. 25, passed 1-1-1985; Am. Ord. 30, passed - -; Am. Ord. passed 1-1-1995; Am. Ord. passed - -)
- B.
  - 1. If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (11 O.S. § 1-402) (Ord. 10, passed 1-17-1980; Am. Ord. 20, passed 1-1-1985)
  - 2. If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information.

**SECTION 10.20      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.

**SECTION 10.21      FAILURE TO APPEAR**

- A. Any person who is charged with a violation of this Code and who, having been duly issued a summons, or having been arraigned and released on recognizance, or having made a promise to appear, and violates the recognizance, or fails to answer the summons, or fails to honor a promise to appear and does not voluntarily appear before the court on the appointed date and time, regardless of the disposition of the charge for which the citation was originally issued, shall be guilty of an offense.
  
- B. Any person who shall violate the provisions of this section by failing to appear in the Municipal Court shall be deemed guilty of an offense and upon conviction thereof shall be punishable by a fine as provided for in Section 10.99.

**SECTION 10.99      PENALTY**

- A. Except as otherwise provided by state law, whenever in this Code or in any Ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the Code or an Ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and there is no specific penalty provided therefor, then the violation of any provision of this Code or of any Ordinance, upon conviction, shall be punished as follows:
  - 1. By a fine not exceeding Two Hundred Dollars (\$200.00) for traffic related speeding offenses or parking offenses.
  
  - 2. By a fine not exceeding Five Hundred Dollars (\$500.00) for all other offenses or violation of Ordinances of the City.
  
  - 3. In addition to the fines prescribed above, upon the conviction of any alcohol related offense where the fine imposed by the Court is Four Hundred and Fifty Dollars (\$450.00) or less, or if the judgment is deferred and the deferral fee is Four Hundred and Fifty Dollars (\$450.00) or less, there shall be additionally assessed against the defendant a fee of Fifty Dollars (\$50.00) which shall be placed in a fund to be utilized by the municipality to defray costs for the enforcement of laws relating to access to alcohol by juveniles or other laws relating to alcohol or other intoxicating

substances and traffic-related offenses involving alcohol or other intoxicating substances.

- B. 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.
- C. 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.

**Statutory reference:** Fines over Five Hundred Dollars (\$500.00) required by jury trial, see 11 O.S. § 27-119. Limited jurisdiction of municipal judges who are not licensed to practice law, see 11 O.S. § 27-104. Maximum fine levied, see 11 O.S. § 14-111.

**CHAPTER 11  
CORPORATE AND WARD LIMITS**

**Section 11.01           Map of City Designated as Official Map**  
**Section 11.02           Ward Number and Boundaries**

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**SECTION 11.01           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 thereon are declared to be the true and correct corporate limits of the City, including all annexations made to the City through and including the date of 12-31-2005.

**SECTION 11.02           WARD NUMBER AND BOUNDARIES**

A.    Generally. The City is hereby divided into 4 wards as follows:

1.    Ward No. 1 shall be all that part of the City of Pawhuska which is bounded as follows: Beginning at the point of intersection of the centerline of Grandview Avenue and 15<sup>th</sup> Street; and thence easterly along the centerline of 15<sup>th</sup> Street and the centerline of 15<sup>th</sup> Street, if extended, to the point of intersection with the easterly Pawhuska City limits line; thence southerly and westerly along the easterly Pawhuska City limits line to a point that is the point of intersection of the south line of Lot 5 of Stroud's Subdivision to the City of Pawhuska if extended from the southeast corner of Lot 5 of Stroud's Subdivision to the point of intersection with the easterly Pawhuska City limits line; thence westerly along the line and continuing westerly along the south line of Lot 5 of Stroud's Subdivision to the point of intersection with the centerline of East Boundary Avenue; thence northerly along the centerline of East Boundary Avenue to the point of intersection with the eastBwest alley between 12<sup>th</sup> Street and 13<sup>th</sup> Street; thence westerly along the centerline of the alley between 12<sup>th</sup> Street and 13<sup>th</sup> Street to the point of intersection with the centerline of Grandview Avenue; and thence northerly along the centerline of Grandview Avenue to the point of beginning.
2.    Ward No. 2 shall be that part of the City of Pawhuska described as follows: All of that part of the hereafter described property which is located within the existing corporate City limits of the City of Pawhuska, Oklahoma, and which lies north of the line described as beginning at the southwest corner of the NW/4 of Section 4, Township 25 North, Range 9 East, Osage County, Oklahoma, and the intersection of that point with the centerline of 15<sup>th</sup> Street, if extended; thence east along the line, being the centerline of 15<sup>th</sup> Street, if extended, and the centerline of 15<sup>th</sup> Street to the point of intersection with the easterly Pawhuska City limits line.
3.    Ward No. 3 shall be that part of the City of Pawhuska described as follows: All that part of the following described property which is located within the existing

corporate City limits of the City of Pawhuska, Oklahoma, and which lies west and south of a line described as beginning at the southwest corner of the SE/4 of Section 9, Township 25 North, Range 9 East; and thence northerly along the centerline of Section 9 to the centerline of 1st Street; thence easterly along the centerline of 1<sup>st</sup> Street to the point of intersection with the centerline of Prudom Avenue; thence northerly along the centerline of Prudom Avenue, to the point of intersection with the centerline of Main Street (U.S. Highway 60 and State Highway 99); and thence westerly along the centerline of Main Street (U.S. Highway 60 and State Highway 99) to the point of intersection with Grandview Avenue; thence northerly along the centerline of Grandview Avenue to the point of intersection of the centerline of 15th Street; thence westerly along the centerline of 15th Street, and 15th Street, if extended, to the southwest corner of the NW/4 of Section 4, Township 25 North, Range 9 East; thence southerly along the west line of Section 4, being the same as Farrell Avenue, if extended, to its point of intersection with the northeast corner of Nichols and Ruble Addition to the City of Pawhuska, Oklahoma; thence westerly along the north line of Nichols and Ruble Addition, and the north line of Nichols and Ruble Addition, if extended, to the point of intersection with the westerly Pawhuska City limits line.

4. Ward No. 4 shall be that part of the City of Pawhuska described as follows: All that part of the following described property which is within the corporate limits of the City of Pawhuska and which is bounded as follows; beginning at the point of intersection of the south line of Lot 5 of Stroud=s Subdivision to the City of Pawhuska, if extended, from the southeast corner of Lot 5 with the easterly City limits line; thence westerly along the line and continuing westerly along the south line of Lot 5 of Stroud=s Subdivision to the point of intersection with the centerline of East Boundary Avenue; thence northerly along the centerline of East Boundary Avenue to the point of intersection of the east-west alley between 12<sup>th</sup> and 13<sup>th</sup> Street; thence westerly along the centerline of the alley between 12<sup>th</sup> and 13<sup>th</sup> Streets to the point of intersection of the centerline of Grandview Avenue thence southerly along the centerline of Grandview Avenue to the point of intersection with the centerline of Main Street (U.S. Highway 60 and State Highway 99); and thence easterly along the centerline of Main Street to the point of intersection with the centerline of Prudom Avenue; thence southerly along the centerline of Prudom Avenue to the centerline of 1<sup>st</sup> Street; thence westerly along the centerline of 1st Street to the northwest corner of the SE/4 of Section 9, Township 25 North, Range 9 East, Osage County, Oklahoma; thence south along the centerline of Section 9 to the southwest corner of the SE/4 of Section 9; thence easterly along the south line of Section 9 and Section 10, Township 25 North, Range 9 East, Osage County, Oklahoma, to the point of intersection with the easterly City limits line; and thence northerly along the easterly City limits line to the point of beginning.