



61st City Council

Mayor Chuck Burtcher

Ward I – Trey Ayers, John Wood **Ward II** – Mary Coffin, Patty Hazlewood

Ward III – Sheri Mueller, Gaylord Z. Thomas

SPECIAL CITY COUNCIL MEETING WORKSHOP

City Hall – 101 North 2ND Street, Guthrie, Oklahoma

Third Floor Conference Room

March 19, 2013 at 6:00pm

AGENDA

The special meeting of the Guthrie City Council will convene at 6:00pm. at Guthrie City Hall, 101 North 2nd Street.

CALL TO ORDER – This meeting is called to order on Tuesday, March 19, 2013 at 6:00pm. Mayor and Council Members are present and declare a quorum present.

1. Public Comments.
2. Discussion regarding Code of Ordinances, Chapter 3, Animals.....2
3. Discussion regarding fencing requirements in Residential Zoning.....17
4. Discussion regarding Public Arts Endowment.....24
5. Discussion regarding agenda items
6. Request for future items of discussion.
7. Adjournment.

Agenda posted on the bulletin board in the lobby of City Hall before 5:00pm on Friday, March 15, 2013. The City of Guthrie encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the city clerk at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The city may waive the 48 hours rule if signing is not the necessary accommodation.



Agenda Item Cover Letter

Meeting

City Council
 GPWA

Date of Meeting

March 19, 2013

Contact

Damon Devereaux
Police Chief

Rene Spineto, Director
Community Development

Other: WORKSHOP

Agenda Item

Review and discuss Code of Ordinances -Chapter Three, Animals .

Summary

Chapter Three of the Code of Ordinances addresses many aspects of owning and maintaining animals within the City of Guthrie, including fowl, cats, dogs, livestock and exotic animals.

- Animals are not allowed to run at large.
- Livestock are only permitted within the Agriculture Zones (A-1 and A-2) within the City limits.
- Section 3-45 states, "No owner, keeper, or custodian of any animal shall fail to provide animals in their care with sufficient food and water, proper shelter and protection from the weather...."

Supporting documents attached:

- Code of Ordinances, Chapter Three - Animals

Guthrie, OK Code of Ordinances

CHAPTER 3: ANIMALS

Article 1: General Provisions

- 3-1. Definitions
- 3-2. Animal Control Officer

Article 2: Licensing Provisions

- 3-15. License and registration required
- 3-16. Unlawful removal of collar and/or tag

Article 3: Animals at Large or Diseased

- 3-30. Owners cited
- 3-31. Impoundment or destruction
- 3-32. Disposition of diseased animals
- 3-33. Rabies or suspected rabies

Article 4: Care and Maintenance

- 3-45. Animal care
- 3-46. Kennel operation prohibited
- 3-47. Dog run locations
- 3-48. Nuisance animals
- 3-49. Disturbing animals
- 3-50. Noisy animals; complaint procedure

Article 5: Waste Disposal

- 3-60. Waste disposal

Article 6: Exotic and Vicious Animals

- 3-70. Exotic and vicious animals
- 3-71. Procedure

Article 7: Livestock and Large Animals

3-80. Running at large prohibited

3-81. Impoundment and sale of animals

Article 8: Police Dogs

3-90. Unlawful to harass or taunt

Article 9: Conflicts

3-100. Zoning ordinance to prevail

3-120. Penalty

ARTICLE 1: GENERAL PROVISIONS

§ 3-1 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACRE. Property containing 43,560 square feet.

ANIMAL CONTROL OFFICER. The Chief of Police, his or her designee or another person or persons employed by the city as its enforcement officer in the impoundment of animals, controlling of animals running at large, and as otherwise provided or required in this chapter.

ANIMAL SHELTER. Any premises designated by action of the Council for the purposes of impounding and caring for animals.

AT LARGE or RUNNING AT LARGE. Any animal when it is off the property of its owner and not under the control of a competent person. As applied to dogs, **AT LARGE** or **RUNNING AT LARGE** means:

(1) **OFF PREMISES.** Off the premises of its owner and not securely and physically restrained by means of chain, cord, harness, leash, rope or other device required to restrain the animal. Any animal within an automobile or other vehicle of its owner or owner's agent shall not be deemed running at large.

(2) **ON PREMISES.** On the premises of the owner and not confined or at heel on those premises. Underground electronic fencing is acceptable, however, a sign must be clearly posted near the driveway of the residence.

DOMESTIC BIRDS. Canaries, parrots, parakeets, mynah birds, peacocks, birds of paradise or other birds tamed to the household or pertaining thereto.

EXOTIC ANIMAL.

(1) As used in this chapter, unless the context requires otherwise, any animal which is usually not a domestic animal and which can normally be found in the wild state, with or without vicious propensities. For purposes of this chapter, the list would include, but not be limited to the following.

(2) Within the scientific order, Carnivora; animals of the scientific family:

- (a) Canidae, such as wolves, coyotes and jackals;
- (b) Hybrids, any animal bred with an animal not from its own species; domestic dog bred with a wolf or wolf hybrid.
- (c) Felidae, including but not limited to the genetic lineages: lynx, such as lynxes and bobcats; ocelot, such as ocelots and margay; panthers, such as lions, tigers, leopards and jaguars; puma, such as cougars (mountain lions) and cheetahs.
- (d) Hyaenidae, such as hyenas.
- (e) Ursidae, such as bears.
- (f) Exotic animals would also include the Macaque genus primates (Asiatic monkeys).
- (g) **EXOTIC ANIMAL** also includes snakes, rear-fanged and constrictors and anacondas, such as: Boidae, such as boa constrictors and anacondas. Elapidae, such as cobras and death adders. Pythonidae, such as pythons. Viperidae, including both true vipers and pit vipers, such as adders, asps, rattlesnakes, copperheads and cotton mouths.

EXPOSED TO RABIES. Any animal that has been bitten by, or exposed to any other animal known to have been infected with rabies and also any animal that has bitten a human or any other animal.

FOWL. Chickens, guineas, geese, ducks and pigeons.

IMPOUNDMENT. Placing an animal in the animal control vehicle or unit or holding an animal in custody at the animal control shelter.

KEEPER or OWNER. Any person, family, firm or corporation owning or actually keeping, having, using or maintaining any of the animals herein referred to.

KENNEL. Any place where any combination of four or more dogs older than four months of age are sheltered, fed and watered.

LARGE ANIMALS OR LIVESTOCK. Horses, mules, donkeys, cattle, goats, sheep or any other animal of similar size or stature.

NEUTER. To render a male dog or cat unable to reproduce.

NUISANCE. The conduct or behavior of any small or large animal, or dog which molests passers-by or passing vehicles; attacks other animals; damages private or public property; barks, whines, howls, crows or makes other noises in an excessive, continuous fashion which annoys the comfort, repose, health or safety of the people in the community; unconfined in season.

PERMIT. The permit issued by the City Clerk upon approval of the city.

POLICE DOG. For the purpose of this chapter, any dog used by the Police Department in the performance of the function or duties of the Department, or used by any Police Officer on the performance of any of the functions or duties of the Department or of the Police Officer.

PROVOKE or PROVOCATION. With respect to an attack by an animal, that the animal was hit, kicked or struck by a person with an object or any part of a person's body, or that any part of the animal's body is pulled, pinched or squeezed by a person.

RABIES. An acute viral disease of humans and warm-blooded animals that affects the central nervous system, and is usually fatal.

RAT-PROOF. The state of being constructed so as to effectively prevent entry of rats.

RESTRAINT. An animal is controlled by leash or tether, either of which shall not exceed six feet in length, by a competent person or within any vehicle, trailer or other conveyance being driven, pulled or parked on the street or confined within the property limits of its owner or keeper.

SANITARY. Any condition of good odor and cleanliness, which precludes the probability of disease transmission and insect breeding, and which preserves the health of the city.

SMALL ANIMALS. Rabbits, hares, guinea pigs, chinchillas, turkeys, fowl, hamsters, pigeons or any other animal of similar size or stature.

SPAY. To remove the ovaries of a female dog or cat in order to render the animal unable to reproduce.

VACCINATION. An injection of United States Department of Agriculture approved rabies vaccine administered every 12 calendar months by a licensed veterinarian.

VICIOUS ANIMAL.

(1) Any animal which has behaved in a manner that the owner thereof knows or should reasonably know that the animal is possessed of tendencies to attack or to bite human beings or other animals;

(2) Any animal certified by a Doctor of Veterinary Medicine, after observation thereof, as posing a danger to human life, animal life or property upon the basis of a reasonable medical probability;

(3) Any animal that commits an unprovoked attack on a person or animal on public or private property; or

(4) Any animal, unprovoked, that injures any person in such a manner as to cause severe or great bodily injury.

(Ord. 3198, passed 9-16-08)

§ 3-2 ANIMAL CONTROL OFFICER.

The City Manager shall appoint for a period, to be terminated at his or her pleasure, a qualified person to act in the capacity of Animal Control Officer, and he or she, for the purpose of enforcing the provisions of this chapter, shall possess all the powers of a Police Officer.

(Ord. 3198, passed 9-16-08)

ARTICLE 2: LICENSING PROVISIONS

§ 3-15 LICENSE AND REGISTRATION REQUIRED.

(A) A license is required by any person owning, keeping, harboring or having custody of any dog or cat over the age of four months within the city limits.

(B) Application for license shall be made in person to the city, which shall include name and address of applicant, description of the animal, the appropriate fee and rabies certificate issued by a licensed veterinarian.

(C) The license shall be good for a period of one year, if not revoked. All licenses are renewable on or before July 1, of each year.

(D) Application for a license must be made within 30 days after obtaining a dog or cat over the age of four months of age. This requirement does not apply to a nonresident keeping a dog or cat within the city for less than 60 days.

(E) A license shall be issued after the payment of the applicable fee listed in the fee schedule at the end of this code of ordinances.

(F) A certification by a licensed veterinarian shall accompany the license request for a spayed or neutered dog or cat.

(G) Upon the acceptance of the license application and fee, the licensing authority shall issue a durable tag with an identifying number and the date of expiration.

(H) Persons who fail to obtain a license as required within the time period specified in this section would be guilty of a misdemeanor.

(I) A duplicate license will be issued for a fee as set out in the fee schedule at the end of this code of ordinances.

(J) License fees shall not be required for seeing eye dogs, dogs that have a specific medical purpose or governmental police dogs.

(K) No person may use any license for any animal other than the animal for which it was issued.

(Ord. 3198, passed 9-16-08)

§ 3-16 UNLAWFUL REMOVAL OF COLLAR AND/OR TAG.

It shall be unlawful for any person to remove any collar or tag from the collar from any animal without the owner's consent.

(Ord. 3198, passed 9-16-08)

ARTICLE 3: ANIMALS AT LARGE OR DISEASED

§ 3-30 OWNERS CITED.

(A) Any dog or large animal running at large in the city shall be taken up by the Animal Control Officer and impounded at the animal shelter or other appropriate facility.

(B) The Animal Control Officer may, at his or her discretion, cite the owner of the dog or large animal to appear in Municipal Court to answer charges of violation of this chapter.

(1) It shall be unlawful for anyone to:

(a) Own, keep, possess, harbor or allow to remain on premises, under his or her control, any dog, cat, ferret or any other domesticated animal prone to carry rabies, unless the animal over four months old has a current vaccination against rabies;

(b) Allow any female dog in season (estrus) to run at large; (They shall be kept confined in a manner that the female dog cannot come in contact with other animals, except for controlled breeding purposes. Female animals picked up by the Animal Control Officer which are in season (estrus) shall be kept separate from male animals at all times);

(c) Fail or refuse to deliver to the Animal Control Officer, upon demand, any suspected animal, at-large dog or any animal the keeping or harboring of which is declared to be an offense;

(d) Harbor, keep or have possession of any vicious animal or animal which is a nuisance;

(e) Remove or fail to affix or attach to the collar or harness worn by dogs a current tag;

(f) Keep any animal, wild by nature or dangerous, except when kept by a licensed circus or show or in a zoo or accredited school;

(g) Own, keep, possess or harbor any dog outdoors which is not confined in a yard, a substantial and secure pen or under control by leash. Each time the dog is not restrained, and shall be running at large shall constitute a separate offense. The Animal Control Officer shall promptly impound

each and every dog that is running at large in the city and which is not confined as described herein;

(h) Possess any livestock within the corporate city limits, except on areas zoned A-1 or A-2 (City Zoning Ordinance 3131); *LIVESTOCK = HORSES, CATTLE, MULES, DONKEYS, GOAT, SHEEP*

(i) Possessing hogs, pot-bellied pigs or any type of swine are not allowed in any zoning areas (City Zoning Ordinance 3131); or

(j) Have any animal on a rope, cable or chain that is within 15 feet of any sidewalk, street, or public access.

(2) It shall be unlawful for the owner, keeper or possessor of any chicken, duck, turkey, goose or other domestic bird or fowl, to permit the same to run at large in the city. All fowl running at large shall be deemed a public nuisance, and any person allowing his or her domestic fowl to run at large shall be guilty of an offense. It shall be the responsibility of the Animal Control Officer or police officer to notify the owner/custodian of the fowl to keep the animals contained, and that future violations will be filed with the Municipal Court Judge against the owner/custodian of the animals.

(Ord. 3198, passed 9-16-08)

§ 3-31 IMPOUNDMENT OR DESTRUCTION.

(A) The Animal Control Officer, a police officer or another officer or employee of the city as may be authorized by the City Manager shall take into custody and impound any animal running at large or in violation of any provision of the ordinances of the city.

(B) Animals taken into custody will be held for three days (not including legal holidays or Sundays) and may be reclaimed by their owners in that time if the proper fees and requirements have been met for city licensing. Following the three-day period, any unclaimed animal may be held for an additional four days if the animal is deemed adoptable. After that time has elapsed animals are subject to euthanasia.

(C) No dog or cat over four months of age will be released from the shelter without rabies vaccination and city license. If the animal does not have city license or is not rabies vaccinated, the Animal Control Officer will deliver the animal to the owner at a licensed veterinarian within the city limits for rabies vaccination or by any other means or method.

(D) The owner must first pay all impound fees and licensing fees at the Animal Shelter or the City Clerk's office. A receipt will be required at time of redemption.

(E) In the event a vicious dog is found running at large and cannot be taken up and safely impounded, the dog may be forthwith destroyed by any police officer or Animal Control Officer.

(Ord. 3198, passed 9-16-08)

§ 3-32 DISPOSITION OF DISEASED ANIMALS.

In the event any dog or other animal impounded under the provisions of this article shall be found to

be suffering from rabies or affected with some other infectious or dangerous disease, the animal shall not be released in any event, and shall be forthwith destroyed.

(Ord. 3198, passed 9-16-08)

§ 3-33 RABIES OR SUSPECTED RABIES.

(A) The owner, upon demand by any city officer or Animal Control Officer empowered to enforce this chapter, shall surrender any animal that has bitten or with their teeth scratched a human, or which is suspected as having been exposed to rabies, for supervised quarantine testing or euthanasia, the expense for which shall be borne by the owner. The animal may be reclaimed by the owner, if adjudged free of rabies.

(B) It shall be unlawful for any owner of a dog, cat or other animal knowing or suspecting the animal has rabies to allow such to be taken off his or her premises or beyond the limits of the city without written permission of the Animal Control Supervisor. Every owner or other person upon ascertaining a dog or other animal is rabid shall immediately notify the Animal Control Officer or the Police Department who shall remove the animal and summarily destroy it. The remains are to then be submitted to the State Health Department for testing.

(Ord. 3198, passed 9-16-08)

ARTICLE 4: CARE AND MAINTENANCE

§ 3-45 ANIMAL CARE.

(A) No owner, keeper, or custodian of any animal shall fail to provide animals in their care with sufficient food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment.

(B) No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dog fight, cockfight, bullfight or combat between animals, or between animals and humans and/or the owner may, if found guilty, be fined per § 3-120.

(C) No person or persons shall abandon or desert their dog or other animal or permit the animal to become a stray.

(D) Any person bringing an animal or animals to the shelter for the purpose of euthanasia or adoption shall pay a fee as set out in the fee schedule at the end of this code of ordinances. Any person bringing un-weaned, geriatric, diseased or injured animals to the shelter shall also sign a release authorizing the immediate humane euthanasia of the animal or animals.

(E) Any person who, as the operator of a motor vehicle, strikes any animal, shall stop at once and render assistance as may be possible or shall immediately report injury or death to the animal owner. If the owner cannot be ascertained and located, the operator shall at once report the accident to the Police Department.

(F) No person shall expose any known poisonous substance, whether mixed with food or not, so that same shall be liable to be eaten by an animal, except as provided by state law. It shall not be unlawful for a person to expose on his or her own property common rat poison mixed only with vegetable substances.

(G) Every pen, enclosure, yard, or house where a dog, cat, or any animal is permitted to be shall be maintained in a clean and sanitary condition free from objectionable odors. No person shall allow an accumulation of feces, urine or other waste material to accumulate.

(Ord. 3198, passed 9-16-08)

§ 3-46 KENNEL OPERATION PROHIBITED.

(A) It shall be unlawful for anyone to keep or harbor four or more dogs or cats over the age of four months old. Exceptions to this chapter are bona fide pet stores, veterinarian clinics, licensed humane societies and the animal shelter.

(B) It shall be unlawful for any owner, keeper or custodian of any animals to allow more than one litter of puppies, or kittens to be at any one residence, at any one time.

(Ord. 3198, passed 9-16-08)

§ 3-47 DOG RUN LOCATIONS.

No dog runs, or any other establishment wherein animals are kept, shall be maintained closer than 40 feet to any occupied structure other than that occupied by the owner or occupant of the premises where the animal is kept.

(Ord. 3198, passed 9-16-08)

§ 3-48 NUISANCE ANIMALS.

(A) No owner of any animal within the city shall fail to exercise proper care and control of the animal to prevent it from becoming a public nuisance.

(B) For the purpose of this section, an animal shall constitute a public nuisance if it:

- (1) Molests passers-by or passing vehicles;
- (2) Trespasses on school grounds;
- (3) Is repeatedly at large;
- (4) Damages private or public property;

(5) Whines or howls in an excessive, continuous or untimely fashion or otherwise endangers or offends the well-being of the public without cause;

(6) Overturns any garbage can or other vessel for waste products or scatters the contents of same;

(7) Is unconfined in season (estrus).

(C) Any animal which is unrestrained or causing a public nuisance may be impounded, as provided for in this section.

(D) The keeping, harboring or owning of any animal deemed to be a public nuisance, as defined herein, is a misdemeanor and may be punished as provided for in this chapter.

(Ord. 3198, passed 9-16-08)

§ 3-49 DISTURBING ANIMALS.

(A) It is unlawful for any person to keep or harbor within the city limits any dog or other animal which, by barking, howling or otherwise disturbs the peace and quiet of any person or persons.

(B) No person shall keep any animal, which causes frequent or long continued noise so as to disturb the comfort or repose of any person in the vicinity.

(C) Any violation of this section is declared to be a nuisance and as such may be abated.

(D) This section requires that a complaint be signed by the individual whose peace is disturbed.

(Ord. 3198, passed 9-16-08)

§ 3-50 NOISY ANIMALS; COMPLAINT PROCEDURE.

(A) Any person with knowledge thereof may file a complaint in the Municipal Court against the owner or keeper of an animal which disturbs the comfort or repose of any person in the vicinity or which is in violation of this chapter.

(B) If the Court finds that an animal is a nuisance or in violation of this chapter, then the Court may order the owner or keeper to prevent and abate the nuisance, or order the animal impounded with the owner or keeper to pay impoundment costs, and/or fine the owner as provided in § 3-120.

(Ord. 3198, passed 9-16-08)

ARTICLE 5: WASTE DISPOSAL

§ 3-60 WASTE DISPOSAL.

(A) *Duty of owner or controller to dispose.* It shall be the duty of each person who owns,

possesses or controls a dog to remove and dispose of any feces left by his dog on any sidewalk, street, park, playground or other public area. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his dog on any private property, neither owned nor occupied by such person.

(B) *Duty to possess means of removal.* No person who owns, possesses or controls such dog shall appear with such dog on any sidewalk, street, park, playground or other public area without the means of removal of any feces left by such dog. Furthermore, no person who owns, possesses or controls such dog shall appear on any private property, neither owned nor occupied by such person, without the means of removal of any feces left by such dog.

(C) *Method of removal and disposal.* For the purposes of this division, the means of removal shall be any tool, implement or other device carried for the purpose of picking up and containing such feces, unexposed to such person or the public. Disposal shall be accomplished by transporting such feces to a place suitable and regularly reserved for the disposal of garbage.

(D) *Enforcement.* Violation of this section shall be enforced in accordance with law by animal control officer, or a police officer.

(E) *Violation; fine.* Violation of this section shall be punished by a fine of \$20 for each occurrence.

(Ord. 3198, passed 9-16-08)

ARTICLE 6: EXOTIC AND VICIOUS ANIMALS

§ 3-70 EXOTIC AND VICIOUS ANIMALS.

(A) The City Council finds that the presence of exotic animals and/or vicious is incompatible with the urban, residential character of the community in that the animals threaten and disturb the health, safety, comfort, security and peace of mind of its inhabitants. To this end, it shall be the public policy of the city that the possession or maintenance of exotic and/or vicious animals within the municipal limits shall be prohibited.

(B) Except as provided in this article, no person shall own, keep or harbor any exotic and/or vicious animal in the city. The provisions of this article shall not apply to any keeping of the animals in, or en route to a bona fide licensed veterinary hospital for treatment or in bona fide or medical institutions or museums where they are kept as live exhibits for study.

(C) In the event of an animal that bites any person, or other animal while in violation of Article 3 of this chapter in an un-provoked manner, owners will be cited and the animal will be quarantined as provided in § 3-33.

(Ord. 3198, passed 9-16-08)

§ 3-71 PROCEDURE.

(A) *Notice.* Upon investigation and determination that a person owns or is keeping or harboring an exotic animal on premises within the city, the Animal Control Officer shall serve or mail written notice to the person, requiring the person to safely remove the animal from the city within five days of the date of the notice.

(B) *Threat of harm.* If, during the course of seizing and impounding, the exotic and/or vicious animal poses a risk of serious physical harm or death to any person or animal, the Animal Control Officer is authorized to contract with appropriate persons or agencies to render the animal immobile by means of tranquilizers or other safe drugs. If the animal has escaped and is at large, and immobilization is not safely possible, then the animal may be destroyed.

(C) *Costs.* The reasonable costs incurred by the city in seizing, impounding and for confining any exotic and/or vicious animal shall be charged against the owner, keeper or harbinger of the animal. The charge shall be in addition to, and not lieu of, the penalty provided for violation of this article.

(Ord. 3198, passed 9-16-08)

ARTICLE 7: LIVESTOCK AND LARGE ANIMALS

§ 3-80 RUNNING AT LARGE PROHIBITED.

It shall be unlawful for any person having control of any horse, mule, ass, ox, cow, hog, goat, pig or any other livestock to allow same to run at large in the corporate city limits of the city. Any animal secured by a rope or lariat, so that the same can do injury to any shade tree or property of any person not the owner of an animal, so that the animal can go upon any lot or grounds of any person not the owner of the animal without the consent of the owner of the lot or grounds, or upon any street or public grounds of this city, shall be considered as running at large under the provisions of this article.

(Ord. 3198, passed 9-16-08)

§ 3-81 IMPOUNDMENT AND SALE OF ANIMALS.

(A) It shall be the duty of the Animal Control Officer to seize and impound any animal found running at large, contrary to the provisions of the next preceding section, and safely keep the same until disposed of according to the law. If not redeemed according to the provisions of this article by the person or persons entitled to the possession thereof within six days after the same has been impounded, it shall be the duty, after three days of public notice thereof to sell any animal to the highest and best bidder for cash, and out of the proceeds pay all expenses and costs of seizing, impounding, keeping and selling the same, and the balance of the proceeds, after paying the expenses, shall be paid into the city treasury and make duplicate statements thereof which shall be made in the manner provided by ordinance for any officer receiving money for the city.

(B) If the Animal Control Officer shall be unable to determine the owner or probable owner of the seized or impounded animal, the Animal Control Officer shall give notice of sale by posting notice thereof in the City Hall and the County Courthouse, and by publishing the same once in a newspaper of general circulation published in the city giving the terms, time and place of sale and description of the

animal to be sold.

(C) At the time before the sale of the animal, the owner or person entitled to the possession thereof, on proving his or her right thereto, and paying all charges against the same, shall be entitled to receive the animal and same shall be delivered to him or her and his or her receipt taken thereof. But after the sale is made, the owner shall thereby forfeit all right, title and interest in and to the animal, but the proceeds, after paying all expenses, shall be paid to the owner upon his or her presenting to the Commissioner of Public Safety written affidavit made before any officer competent to administer oaths, sufficiently describing the animal claimed.

(D) The Animal Control Officer shall record in a well bound book, kept for the purpose of this article, an accurate description of each large animal impounded with the date of impounding, time of redemption and by whom redeemed; time of sale and for what price, if sold; and he or she shall also, opposite the description, keep an accurate account of the expenses incurred and properly chargeable to each animal.

(E) Any person violating any provision of this article, or any person who shall release, or cause to be released, any animal prohibited from running at large, shall be guilty of an offense.

(Ord. 3198, passed 9-16-08)

ARTICLE 8: POLICE DOGS

§ 3-90 UNLAWFUL TO HARASS OR TAUNT.

(A) It shall be unlawful for any person to willfully or maliciously harass, taunt, torment, tease or frighten any police dog.

(B) It shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison or kill any police dog.

(Ord. 3198, passed 9-16-08)

ARTICLE 9: CONFLICTS

§ 3-100 ZONING ORDINANCE TO PREVAIL.

In case of conflict between this chapter and the present or any future zoning ordinance, the provisions of the zoning ordinance shall prevail and supercede the provisions of this chapter.

(Ord. 3198, passed 9-16-08)

§ 3-120 PENALTY.

(A) Any violation of any provision contained within this chapter is an offense against the city and upon conviction of any offense, the violator shall be punished as provided in this code of ordinances including a fine not to exceed \$500 per offense.

(B) Each day that a violation of this chapter, or any provision therein, continues shall constitute a separate offense. Nothing herein contained shall be construed as determining that not more than one offense can be committed in any one day by the same person. Repeat offenses will assess an additional fee of \$20 for each time that the offense occurs.

(Ord. 3198, passed 9-16-08)

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Agenda Item Cover Letter

Meeting	Date of Meeting	Contact
<input type="checkbox"/> City Council	March 19, 2013	Rene Spineto, Director Community Development
<input type="checkbox"/> GPWA		
<input checked="" type="checkbox"/> Other: <u>WORKSHOP</u>		

Agenda Item

Review and discuss fencing requirements and Ordinances.

Summary

Article 22, Building Design Standards, outlines requirements for building design in residential and commercial construction.

- Section 4-423, Item 7, identifies fencing requirements in residential areas; specifically, "No wire, chain link, or solid metal fence shall be allowed in the residential zoning areas. Typical fencing material could include masonry, vinyl (PVC), brick or wood."
- There is no requirement for a fencing permit.
- There is no specific requirement for fencing materials in commercial or agricultural districts.
- Ordinance was passed in 2009
- Intent of the Ordinance is to cover fencing in new construction areas.

Ordinance 3065 was an amendment to the Zoning Ordinance, and referenced fences, walls and hedges.

- Addresses height requirements for fences, wall and hedges.
- Addresses fence opacity in front yard.
- Permits masonry walls, ornamental iron, woven wire, wood and hedges.
- Prohibits barbed wire and electric fences
- Applies to all zoning districts.
- There is no requirement for a fencing permit.
- Ordinance was passed in 2000.

Supporting documents attached:

- Design Guidelines for Residential and Commercial Districts, Code of Ordinances, Article 22, Section 4-422
- Ordinance No. 3065 - Amendment to Zoning Ordinance

ARTICLE 22: BUILDING DESIGN STANDARDS

AN ORDINANCE ESTABLISHING CHAPTER 4, ARTICLE 22 OF THE GUTHRIE CODE OF ORDINANCES ADDING STANDARDS FOR BUILDING DESIGN FOR COMMERCIAL AND RESIDENTIAL STRUCTURES; and PROVIDING FOR PENALTY AND SERVABILITY.

Introduction

The City of Guthrie Building Design Standards is a policy document and an implementation tool developed to provide design guidance for private and public projects undertaken in the City. The ultimate goal for this document is to promote the improved aesthetic and functional quality of the community as a whole. The document applies to all areas of the City and supports the implementation of community-wide goals which are outlined in the City of Guthrie's Comprehensive Plan.

The purpose of these standards is to ensure that the function, quality, and appearance of proposed structures are compatible when considered in the context of the surrounding area, and the total architectural theme of the City of Guthrie. How the architecture relates to other site design considerations and elements will be considered as part of design review. Building character is extremely important in areas developed with a distinct architectural character, or for areas of established or redeveloping uses.

4-422 COMMERCIAL BUILDING APPEARANCE STANDARDS

1. Buildings shall be designed in an attractive and interesting manner to define the image of the community.
2. Consistent architectural design, including building materials and colors, shall be carried throughout the development area. Designs must provide visual interest and variety, yet be consistent with the architectural character of the city.
3. Buildings must relate in scale and proportion to other buildings in the area. However, buildings of different size can be made architecturally compatible through skillful design and careful orientation.
4. All sides of the building must be equally attractive. Architectural details such as texture, pattern, color, and building form used on the front façade shall be incorporated on all visible building facades. However, such requirements shall not apply to any façade(s) facing service courts or other areas generally not visible to the public.

5. Building massing shall be varied to create a logical hierarchy of building forms; to break up long expanses of façade; to create shade and shadow; and to create “human scale.”
6. Human scale must be created by building massing form, as well as the use of architectural elements such as colonnades, canopies, walkways, street-level display windows, lighting, and a variety of building materials. Human scale shall be further reinforced by site design features around the building exterior.
7. Building materials must be similar to the materials of structures in the City of Guthrie, i.e., stone, brick, wood (or wood-simulated) siding. However, dissimilar materials (such as stucco or EFIS) may be permitted when incorporating other traditional materials or characteristics such as scale, form, architectural detailing and color to make the building compatible with the area. Metal exterior materials cannot exceed 60% and the design must be balanced and aesthetically pleasing. All metal exterior buildings are allowed only in Industrial Zones.
8. Individual “corporate image” architectural design elements, colors and signs shall be incorporated only as secondary elements to the development and not as the dominant element. Such elements must be consistent and blend with the larger development area.
9. Foundation planters and trees shall be incorporated around the building exterior to soften the building appearance and to create a place of relief from the summer sun.
10. Service areas, mechanical areas and trash containers shall be designed as an architectural feature of the building and entirely screened from view.
11. All commercial structures must have a minimum 48” sidewalk, plus curbs and gutters; intersections and driveway approaches must be ADA compliant.
12. Additional guidelines shall be established through corridor plans and plan reviews.

4-423 RESIDENTIAL APPEARANCE STANDARDS

1. Residential structures shall be designed in an attractive manner to compliment the surrounding neighborhood, in size and character.
2. All new residential structures must have a minimum 48” sidewalk for both interior and exterior lots, plus curbs and gutters. All intersections and driveway approaches must be ADA compliant. Curbs, gutters and sidewalks must be installed in infill housing parcels if neighboring parcels have curbs and gutters. Exceptions could include lots of one acre or more and small patio-style developments.

3. Garages: All residences shall have fully enclosed garage space for two vehicles. The garage doors must be recessed from the front plane of primary façade, and if possible, not be visible from the street. (If site constraints or overall building design cannot accommodate garage space for two vehicles, an appeal must be made through the Planning Commission.)
4. Roofs: no shake or corrugated metal roofs are permitted. All gutters, downspouts, and roof-top vents shall be treated with a color similar to the exterior materials. Gutters shall be visually unobtrusive.
5. Exterior walls: building materials must be similar to the materials of structures in the City, i.e., stone, brick, wood (or wood-simulated) siding. (Materials such as aluminum siding, as well as synthetic stucco {EIFS products} are not historic cladding materials and shall not be used. However cement board materials such as Hardiboard may be substituted for wood siding.)
6. Landscape: Each residence should have a minimum of one tree, of two- inch caliper, in the front yard, (except for patio-style homes where front yard dimensions will not accommodate trees), and appropriate lawn, ground cover and shrubs.
7. Fence: No wire, chain link, or solid metal fence shall be allowed in the residential zoning areas. Typical fencing material could include masonry, vinyl (PVC), brick or wood.
8. Color: The use of colors that are compatible with the surrounding area is highly encouraged. Color determination shall be based on historic schemes appropriate for the style of the building. Reference materials are available from the Guthrie Planning Department.
9. Home Additions: New work must be compatible in massing, size, scale, and architectural features to protect the historic integrity of the property. The new design shall not use the same wall plane, roof line or cornice line of the existing structure.
10. Decks, Skylights & Screening:
 - a. Elevated wooden decks located at the rear of the structure shall be screened from street view with fencing and/or plants and shrubs when visible. Traditional wide front porches are encouraged.
 - b. Skylights shall not be visible from the street.
 - c. HVAC units, solar panels, satellite dishes and other similar appurtenances shall be located where they are not readily visible from the street. Electrical and gas meters and other mechanical equipment must be located on the side or rear façade. If visible, they must be screened with shrubbery or fencing.
11. Outbuildings: accessory buildings must be of similar color to the main residence, and the material must complement the main residence. Placement of all outbuildings, regardless of size, must be to the rear of the front façade of the residence.

12. Additional guidelines shall be established through corridor plans and plan reviews.

4-424 PENALTY

Any person, firm, corporation, contractor or employee thereof who shall violate any of the provisions of this article shall be guilty of an offense and upon conviction thereof, shall be punished by a fine not to exceed the current dollar amount established in Section 12-34 of this code. Each day of violation shall constitute a separate offense.

4-425 SEVERABILITY

The provisions hereof are hereby declared to be severable, and if any section, paragraph, sentence or clause of this Ordinance is for any reason held invalid or inoperative by any court of competent jurisdiction, such decision shall not affect any other section, paragraph, sentence or clause of the ordinance.

The undersigned hereby certify that the foregoing Ordinance was introduced before the Guthrie City Council on the _____ day of _____, 2009, after public hearing and after compliance with the notice requirements of the Open Meeting Act and said Ordinance was approved in open meeting.

ATTEST:

Chuck Burtcher, Mayor

Wanda Calvert, City Clerk

APPROVED AS TO FORM
AND LEGALITY:

Randel Shadid, City Attorney

ORDINANCE NO. 3065

AN ORDINANCE RELATED TO ZONING, AMENDING THE GUTHRIE ZONING CODE, 1985, SECTION 2.1-C, DELETING ALL VERBIAGE REFERENCING FENCES, WALLS AND HEDGES; CREATING A NEW SECTION IN ARTICLE V, SECTION 6, ADDING SECTION 6.2, PROVIDING REQUIREMENTS FOR REGULATING FENCES, WALLS AND HEDGES IN ALL DISTRICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR CODIFICATION.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GUTHRIE, OKLAHOMA:

SECTION 1. Article V, Section 2.1-C of the Guthrie Zoning Code, 1985, is hereby amended to read as follows:

- C. Open eaves, cornices, windowsills and belt courses may project into any required yard a distance not to exceed two (2) feet. Open uncovered porches or open fire escapes may project into a front or rear yard a distance not to exceed five (5) feet.

SECTION 2. Article V, Section 6 of the Guthrie Zoning Code, 1985, is hereby amended by the creation and addition of the following subparagraphs to read as follows:

Section 6.2. The following requirements are intended to provide for the regulating of fences and walls in all districts.

- A. Fences, walls, and hedges in any district may be erected in a required yard, or along the edge of any yard, provided that:
 - 1. No fence, wall or hedge in residential districts located in front of the front building line shall exceed four (4) feet in height, and no other fence or wall shall exceed seven (7) feet in height.
 - 2. Fences, walls and hedges in residential districts enclosing single property of five (5) acres or more and/or subdivision of ten (10) acres or more shall not exceed eight (8) feet in height.
 - 3. Fences, walls and hedges in commercial and industrial districts shall not exceed ten (10) feet in height.

*ORD - Res #3
Design Guide
#4-423, #7*

- a. Barbed wire may be permitted at the top of fences for security reasons provided that the bottom strand of barbwire shall not be less than six (6) feet above grade.
- B. No fence, wall or hedge more than two (2) feet in height above the curb or sidewalk level, shall be located within a triangular area measuring twenty-five (25) feet in two directions along the right-of-way lines from the point of street right-of-way intersection.
- C. Fences and walls in residential districts located in front of the front building line or along the front or side yard lines parallel to any street shall not be constructed of solid non-see-through material. Fences shall not have opacity of more than 30%.
- D. Fence Types Permitted:
1. Masonry walls
 2. Ornamental iron
 3. Woven wire
 4. Wood or other similar material
 5. Hedges
- E. Fence Types Prohibited:
1. Barbed wire and electric fences in all districts except:
 - a. Agriculture Districts including where abutting other districts.
 2. Any fence, if in the opinion of the chief building inspector, that would constitute a hazard to the health of any person.

SECTION 3. If any part of this Ordinance shall be declared unconstitutional or void for any cause, such part shall not affect the remaining parts or provisions of this Ordinance.

SECTION 4. Codification.
Section 2 of this Ordinance shall be codified as Section 6.2 of Section 6, Article V of the Guthrie Zoning Code, 1985.

ADOPTED and APPROVED by the Council of the City of Guthrie, Oklahoma, this 11th day of July, 2000.

Wanda Calvert

From: Erinn Gavaghan [erinn@normanarts.org]
Sent: Thursday, March 07, 2013 10:52 AM
To: Wanda Calvert
Subject: For Council Member Patty Hazlewood
Attachments: ARTICLE_V_TRANSIENT_GUEST_ROOM_TAX_ORDINANCE.rtf; Norman Arts and Humanities Council.pdf; Transient Guest Tax One Sheet.pdf

Dear Patty,

Here is a summary of what we discussed yesterday...

In 1980, a group of citizens in Norman got together and pushed for a Hotel Tax that would fund tourism activities for the city. A 4% hotel tax was enacted. Those funds are dispersed as such: 50% to the Norman Convention and Visitor's Bureau, 25% to the Arts, and 25% to the Park Department.

As of today, the arts portion of this 4% amounts to approximately \$275,000 annually. The Norman Arts Council is the steward of those funds. We are not a department of the City of Norman, but our own 501C3. We budget the arts portion of the tax as such: 53% to our Hotel Tax Granting Program, 15% for NAC Administration, 14.5% for NAC programs, and 17.5% to Marketing (we market all of the arts in Norman).

We use the very simple formula put out by Oklahoman's for the Arts to promote the return of investment of these funds: For every \$1 of funding that goes into the arts, \$8 in economic impact is created. To put that in perspective, this past year, we granted out \$145,750 to Norman Arts Groups. Those programs had total budgets that equalled \$1.4 million (the grant can be a maximum of 40% of the program budget). Those programs then created \$11.2 million in economic impact in Norman. ARTS MEAN BIG BUSINESS!!

I am attaching a few documents for you as well.

1. The Original Hotel Tax Ordinance with the City - you will notice that this only sets up the tax. It does not specify the distribution of those funds. That was decided by City Council and has remained in place ever since. Any change to the tax - an increase or decrease in percentage, the elimination of, or the general purpose of (tourism, right now) would need to go to a vote in a city election. The City Council could decide without a city vote to change the distribution percentages within the tax without a vote. It's a little scary, but it has never happened.

2. The contract between the City of Norman and Norman Arts Council that sets up the portion and distribution of funds to the arts

3. A flyer that we are distributing right now that talks about the benefits of this tax and that there is a vote in few weeks to increase it to 5% (this would be an average of an additional \$60,000 going to the arts annually).

I hope this helps. I am happy to come speak to any group that you get together that is interested in pursuing this for Guthrie.

Best,
Erinn

ARTICLE V. - TRANSIENT GUEST ROOM TAX ORDINANCE

- Sec. 8-501. - Citation and codification.
- Sec. 8-502. - Definitions.
- Sec. 8-503. - Tax rate.
- Sec. 8-504. - Exemptions.
- Sec. 8-505. - Certificate of exemption required.
- Sec. 8-506. - Tax to be separately designated on bills.
- Sec. 8-507. - Operator responsible for collection.
- Sec. 8-508. - Records to be kept.
- Sec. 8-509. - Returns.
- Sec. 8-510. - Payment of tax.
- Sec. 8-511. - Bond required.
- Sec. 8-512. - Assessment and determination of tax.
- Sec. 8-513. - Refunds.
- Sec. 8-514. - Notices.
- Sec. 8-515. - Remedies exclusive.
- Sec. 8-516. - General powers of the Controller.
- Sec. 8-517. - Administration of oaths and compelling testimony.
- Sec. 8-518. - Certificates of registration.
- Sec. 8-519. - Interest and penalties.
- Sec. 8-520. - Delinquent taxes.
- Sec. 8-520.1. - Collection by suit.
- Sec. 8-521. - Use of funds.
- Sec. 8-522. - Records confidential.
- Sec. 8-523. - Proceedings to recover tax.
- Sec. 8-524. - Amendments.
- Sec. 8-525. - Provisions cumulative.
- Sec. 8-526. - Provisions severable.
- Sec. 8-527. - Effective date.
- Sec. 8-528. - Administration of convention and tourism development funds.

Sec. 8-501. - Citation and codification.

This article shall be known and cited as "Norman Transient Guest Room Tax Ordinance."

(Ord. No. 0-7980-58)

Sec. 8-502. - Definitions.

As used in this article:

Controller: Controller of the City of Norman.

Hotel: Any building or buildings, structures, trailer, or other facility in which the public may, for consideration, obtain sleeping accommodations in which three (3) or more rooms are used for the accommodation of such guests, whether such rooms are in one or several structures. The term shall include hotels, apartment hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses,

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trailer houses, trailer motels, dormitory space where bed space is rented to individuals or groups, apartments not occupied by "permanent residents," and all other facilities where rooms or sleeping facilities or space are furnished for a consideration. The term shall not include hospitals, sanitariums or nursing homes nor shall this term affect permanent resident facilities as defined below for residents for terms in excess of thirty (30) days.

Occupancy: The use or possession, or the right to the use or possession, of any room or rooms in a hotel, or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of any room or rooms.

Occupant: A person who, for a consideration, uses, possesses or has the right to the use or possession of any room or rooms in a hotel under lease, concession, permit, right to access, license to use, or other agreement.

Operator: Any person operating a hotel in this City, included, but not limited to, the owner, proprietor, lessee, sublessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel.

Permanent resident: Any occupant who has or shall have the right of occupancy of any room or rooms in a hotel in excess of thirty (30) consecutive days during the current calendar year or preceding year.

Rent: The consideration received for occupancy valued in money, whether in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also any amount for which credit is allowed by the operator to the occupant, without any deduction therefrom whatsoever.

Return: Any return filed or required to be filed as herein provided.

Room: Any room or rooms of any kind in any part or portion of a hotel which is available for or let out for use or possessed for any purpose other than a place of assembly. As used herein, "place of assembly" means a room or space which is capable of being occupied by seventy-five (75) or more persons and which is used for educational, recreational or amusement purposes and shall include: Dance halls, cabarets; nightclubs; restaurants; any room or space for public or private banquets, feasts, socials, card parties or weddings; lodge and meeting halls or rooms; skating rinks; gymnasiums; swimming pools; billiard, bowling and table tennis rooms; halls or rooms used for public or private catering purposes; funeral parlors; markets; recreational rooms; concert halls; broadcasting studios, and all other places of similar type of occupancy.

Tax: The tax levied pursuant to this article.

(Ord. No. 0-7980-58; Ord. No. 0-0203-13)

Sec. 8-503. - Tax rate.

There is hereby levied an excise tax of four (4) percent upon the gross proceeds or gross receipts derived from all rent for every occupancy of a room or rooms in a hotel in this city, except that the tax shall not be imposed where the rent is less than the rate of three dollars (\$3.00) per day.

(Ord. No. 0-7980-58)

Sec. 8-504. - Exemptions.

The following shall be exempt from the tax levied in this article:

- (1) Permanent residents;

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- (2) The United States Government or any agency or division thereof;
- (3) The State of Oklahoma or any political subdivision thereof;
- (4) Any organization, corporation or association organized and operated exclusively for religious, charitable, philanthropic or educational purposes; provided that its primary purpose is not carrying on a trade or business for profit.

(Ord. No. 0-7980-58)

Sec. 8-505. - Certificate of exemption required.

Anyone claiming to be exempt from the tax must obtain a certification from the Controller that the organization, association or corporation with which he is affiliated is exempt from the tax. Prior to issuing such a certificate, the Controller shall require a certification from the said organization, association or corporation that the occupant is its agent, representative or employee, and that his occupancy of the room is required in connection with the affairs of said organization; and upon such proof, a refund may be obtained from the respective operator. This certificate shall be available from each operator.

(Ord. No. 0-7980-58)

Sec. 8-506. - Tax to be separately designated on bills.

The operator shall separately designate, charge and show the tax on all bills, statements, receipts or any other evidence of charges or payment of rent for occupancy issued or delivered by the operator.

(Ord. No. 0-7980-58)

Sec. 8-507. - Operator responsible for collection.

The tax levied by this article shall be paid by the occupant to the operator, whether person, firm or corporation, as trustee for and on account of the City of Norman. Each and every operator, whether person, firm or corporation, in this City shall collect from the occupant the full amount of the tax levied by this article. Every person required to collect any tax imposed by this article, and in the case of a corporation, each principal officer thereof, shall be personally liable for said tax.

(Ord. No. 0-7980-58; Ord. No. 0-8889-38)

Sec. 8-508. - Records to be kept.

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon in such form as the Controller may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the Controller, or a duly authorized agent or employee of the City and shall be preserved for a period of three (3) years; except that the Controller may consent to their destruction within that period or may require that they be kept longer.

(Ord. No. 0-7980-58)

Sec. 8-509. - Returns.

(a) Every operator shall file with the Controller a return of occupancy and of rents and of the taxes payable on a per-month basis. Said return shall be due from the operator and taxes payable thereon to the

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Controller within fifteen (15) days of the tax period accounted for in such return and is past-due thirty (30) days from the date.

(b) The operators will deposit these specific funds in a separate account for remission to the City.

(Ord. No. 0-7980-58; Ord. No. 0-8889-32)

Sec. 8-510. - Payment of tax.

At the time of filing a return of occupancy and of rents, each operator shall pay to the Controller the taxes imposed by this article upon the rents included in such return, as well as all other monies collected by the operator acting or purporting to act under the provisions of this article. All the taxes for the period for which a return is required to be filed shall be due from the operator and payable to the Controller on or before the date fixed for the filing of the return for such period without regard to whether a return which is filed correctly shows the amount of rents and the taxes thereon.

(Ord. No. 0-7980-58)

Sec. 8-511. - Bond required.

Where the Controller believes that any operator is about to cease business, leave the State, or remove or dissipate assets, or for any other similar reason he deems it necessary in order to protect revenues under this article, he may require such operator to file with the City a bond issued by a surety company authorized to transact business in this State in such amount as the Controller may fix to secure the payment of any tax or penalties and interest due, or which may become due from such operator.

In the event that the Controller determines that an operator is to file such bond, he shall give notice to such operator specifying the amount of bond required. The operator shall file such bond within five (5) days after the giving of such notice unless within such five (5) days the operator shall request in writing a hearing before the City Council or its designee, at which the propriety and amount of the bond shall be determined by the City Council or its designee. Such determination shall be final and shall be complied with within fifteen (15) days thereafter. In lieu of such bond, securities approved by the Controller, or cash in such amount he may prescribe, may be deposited with the Controller, who may at any time after five (5) days notice to the depositor, apply them to any tax and/or any penalties due, and for that purpose the securities may be sold at private or public sale.

(Ord. No. 0-7980-58)

Sec. 8-512. - Assessment and determination of tax.

If a return required by this article is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be assessed by the Controller from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices such as number of rooms, location, scale of rents, comparable rents, types of accommodations and services, number of employees, or other factors. Written notice of such assessments shall be given to the person liable for the collection and payment of the tax. Such assessment shall finally and irrevocably fix and determine the tax unless the person against whom it is assessed, within ninety (90) days after the giving of notice of such assessment, shall apply in writing to the City Council or its designee for a hearing or unless the Controller on his own motion shall reassess the same. After such hearing, the City Council or its designee shall give written notice of its determination to the person against whom the tax is assessed and such determination shall be final.

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(Ord. No. 0-7980-58)

Sec. 8-513. - Refunds.

(a) *Procedure.* The Controller shall refund or credit any tax erroneously, illegally or unconstitutionally collected if written application to the Controller for such refund shall be made within two (2) years from the date of payment thereof. For like causes, and in the same period, a refund may be so made upon the initiative and the order of the Controller. Whenever a refund is made, the reasons therefor shall be stated in writing. Such application may also be made by the person who has collected and paid such tax to the Controller, providing that the application is made within two (2) years of the payment of the occupant to the operator, but no refund of money shall be made to the operator until he has repaid to the occupant the amount for which the application for refund is made. The Controller, in lieu of any refund required to be made, may allow credit thereof on payment due from the applicant.

(b) *Determination and hearing.* Upon application for a refund, the Controller may receive evidence with respect thereto, and make such investigation as he deems necessary. After making a determination as to the refund, the Controller shall give notice thereof to the applicant. Such determination shall be final unless the applicant, within ninety (90) days after such notice, shall apply in writing to the City Council or his designee for a hearing. After such hearing, the City Council or its designee shall give written notice of this decision to the applicant.

(Ord. No. 0-7980-58)

Sec. 8-514. - Notices.

Notices provided for under this article shall be deemed to have been given when such notice has been delivered personally to the operator or deposited in the United States mail to the last known address of the operator.

(Ord. No. 0-7980-58)

Sec. 8-515. - Remedies exclusive.

The remedies provided in this article shall be exclusive remedies available to any person for the review of tax liability imposed by this article.

(Ord. No. 0-7980-58)

Sec. 8-516. - General powers of the Controller.

In addition to all other powers granted to the Controller, he is hereby authorized and empowered:

- (1) To make, adopt and amend rules and regulations appropriate to the carrying out of this article for the purposes thereof;
- (2) To extend for cause shown the time for filing and return for a period not exceeding sixty (60) days; and for cause shown waive, remit, or reduce penalties or interest;
- (3) To delegate his functions hereunder to an Assistant or other employee or employees of the City;
- (4) To assess, reassess, determine, revise and readjust the taxes imposed by this Article;

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(5) To prescribe methods for determining the taxable and nontaxable rents.

(Ord. No. 0-7980-58)

Sec. 8-517. - Administration of oaths and compelling testimony.

The Controller, or his designated representative, shall have the power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this article. The Controller shall have the power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and all the enforcement of this article and to examine them in relation thereto.

(Ord. No. 0-7980-58)

Sec. 8-518. - Certificates of registration.

Every operator shall file with the Controller a certificate of registration in a form prescribed by said Controller within ten (10) days after the effective date of this article, or in the case of operators commencing business or opening new hotels after such effective date, within three (3) days after such commencement or opening. The Controller shall, within five (5) days after such registration, issue, without charge, to each operator a certificate of authority empowering such operator to collect the tax from the occupant and duplicates thereof for each additional hotel. Each certificate of authority shall be permanently displayed by the operator in such manner that it may be seen and comes to the notice of all occupants and persons seeking occupancy. Such certificates shall be nonassignable and nontransferable, and shall be surrendered immediately to the Controller upon the cessation of business at the hotel named, or upon its sale or transfer.

Sec. 8-519. - Interest and penalties.

(a) If any tax levied by this article becomes delinquent, the person responsible and liable for such tax shall pay interest on such unpaid tax at the rate of one and one-half (1½) percent per month on the unpaid balance from the date of delinquency.

(b) In addition to the interest, if a return is not filed and the total amount of taxes due remitted within thirty (30) days of the due date as defined in this article, a penalty of ten (10) percent of the total amount of taxes due shall be assessed; but if a return is not filed and/or the total amount of the taxes is not paid after thirty (30) days from such due date, the penalty shall increase to twenty-five (25) percent of the total amount of taxes due.

(Ord. No. 0-7980-58; Ord. No. 0-8586-35)

Sec. 8-520. - Delinquent taxes.

The tax levied by this article shall be due and payable at the time filing of the returns provided for in this article is required. All taxes not paid within five (5) days from the time they become due shall be delinquent.

(Ord. No. 0-7980-58)

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Sec. 8-520.1. - Collection by suit.

Such taxes and interest due hereunder shall at all times constitute a prior, superior and paramount claim as against the claim of unsecured creditors and may be collected by suit as any other debt.

(Ord. No. 0-8586-35)

Sec. 8-521. - Use of funds.

All taxes collected pursuant to the provisions of this article shall be set aside and used exclusively for the purpose of encouraging, promoting and fostering the convention and tourism development of the City of Norman. Uses in parks development and in promotion of arts and humanities are thus contemplated.

(Ord. No. 0-7980-58)

Sec. 8-522. - Records confidential.

The confidential and privileged nature of the records and files concerning the administration of the hotel tax is legislatively recognized and declared, and to protect the same the provisions of 68 Oklahoma Statutes 1971, Section 205 of the State Sales Tax Code, and each subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the Norman Transient Guest Room Tax as herein set forth.

(Ord. No. 0-7980-58)

Sec. 8-523. - Proceedings to recover tax.

(a) Whenever any taxpayer or other person shall fail to collect and pay over any tax or any tax penalty due and owing, or interest imposed by this article as herein provided, the City Attorney shall, upon the request of the City Controller, take appropriate action to enforce the payment of the same.

(b) Further, pursuant to the authority of Title 68 O.S. Section 2704, all taxes, interest and penalties imposed by this article are hereby declared to constitute a lien in favor of the City of Norman upon all franchises, property and rights to property, whether real or personal, then belonging to or thereafter acquired by the person, firm or corporation owing the tax, whether such property is employed by such person, firm or corporation in the conduct of its business, or in the hands of an assignee, trustee or receiver for the benefit of creditors, from the date said taxes are due and payable under the provisions of this article.

(c) Any sum or sums collected or required to be collected in this article shall be deemed to be held in trust for the City of Norman; and, as trustee, the collecting person, firm or corporation shall have a fiduciary duty to the City of Norman in regards to such sums and shall be subject to the trust laws of this state. Any person, firm or corporation who willfully or intentionally fails to remit the tax, after tax levied by this article was collected from the occupant, and appropriates the tax held in trust to his own use, or to the use of any person, firm or corporation not entitled thereto, without the authority of law shall be guilty of embezzlement. (Ord. No. 0-7980-58; Ord. No. 0-8586-35; Ord. No. 0-8889-32; Ord. No. 0-8889-38)

Sec. 8-524. - Amendments.

The people of Norman, by their approval of this article at the election herein provided, hereby authorized by the City Council by ordinance duly enacted to make such administrative and technical changes or additions in the method and manner of administration and enforcing this article as may be necessary or

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proper for efficiency and fairness; except that the rate of the tax herein provided shall not be changed without approval of the qualified electors of the City as provided by law. (Ord. No. 0-7980-58)

Sec. 8-525. - Provisions cumulative.

The provisions hereof shall be cumulative and in addition to any and all other taxing provisions of the City ordinances. (Ord. No. 0-7980-58)

Sec. 8-526. - Provisions severable.

The provisions hereof are hereby declared to be severable; and if any section, paragraph, sentence or clause of this article is for any reason held invalid or inoperative by any court of competent jurisdiction, such decision shall not affect any other section, paragraph, sentence or clause hereof. (Ord. No. 0-7980-58)

Sec. 8-527. - Effective date.

This article shall become and be effective on and after the 15th day of July, 1980, subject to approval of a majority of the registered voters of Norman voting on same in the manner prescribed by law. (Ord. No. 0-7980-58)

Sec. 8-528. - Administration of convention and tourism development funds.

The council shall contract annually, or by a contract renewable annually, with a not-for-profit corporation to administer the share of funds collected pursuant to the Norman Transient Guest Room Tax Ordinance set aside specifically for the purpose of encouraging, promoting and fostering convention and tourism development in the City. The scope and purpose of such corporation shall be solely for encouraging, promoting, and fostering convention and tourism development in the City. Further, with regard to such not-for-profit corporation, it is required that:

- (1) The Board of Directors of such not-for-profit corporation shall be composed as follows:
 - a. Seven (7) Directors, each as elected by the NCVB Board of Directors, and as chosen generally from organizations and businesses within Norman that are significantly affected by convention and tourism activities in Norman, such as follows:
 1. The University of Oklahoma Athletic Department;
 2. The Norman Public Schools;
 3. The Norman Chamber of Commerce;
 4. The Norman Arts Council;
 5. The Norman Hotels and Hospitality Industry; and/or
 6. The Norman Restaurant and Entertainment Industry.
 - b. Two (2) Directors, as each appointed by the Mayor of the City of Norman, and as chosen generally from organizations and businesses within Norman that are significantly affected by convention and tourism activities in Norman, such as follows:
 1. The University of Oklahoma; and/or

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2. The organized athletic groups.
- c. Four (4) Directors, each as elected by the NCVB Board of Directors and as chosen generally from the Norman community to serve in at-large capacities.
- d. Four (4) Ex-Officio representatives as follows:
 1. The Mayor of the City of Norman or a City Councilmember of the City of Norman appointed by the Mayor to serve in this role;
 2. The City Manager of the City of Norman, or another City of Norman employee as designated by the City Manager to serve in this role;
 3. The Executive Director of the Norman Chamber of Commerce; and
 4. The Executive Director of the Norman Economic Development Coalition.

(2) Provided further, the terms of the Board Members shall not exceed three (3) years; however, this shall not preclude a single Board Member from serving a second or subsequent term;

(3) In addition to entering into a contract with the City to provide for encouraging, promoting and fostering convention and tourism development in the City, the City Council shall annually approve the budget and scope of services of such not-for-profit corporation; and

(4) Such not-for-profit corporation will report to the City Council, at least quarterly, on its activities and expenditures for the previous three-month period.

(Ord. No. 0-9293-22; Ord. No. 0-9495-30; Ord. No. 0-9798-10; Ord. No. 0-0910-40, § 1)

CONTRACT FOR SERVICES

This Contract, entered into this 32 day of August, 1989, by and between the City of Norman, Oklahoma, a Municipal Corporation, hereinafter referred to as CITY, and the Norman Arts and Humanities Council, witnesseth:

WHEREAS, the Norman Arts and Humanities Council exists to support, encourage, coordinate and promote awareness of quality activities and programs in Oklahoma; and

WHEREAS, the Norman Arts and Humanities Council strives to foster better understanding of the fine, applied and performing arts and humanities in Norman, Oklahoma; and

WHEREAS, the marketing and promotional efforts of the Norman Arts and Humanities Council have brought regional and national attention to Norman's arts and humanities organizations and the events they have presented; and

WHEREAS, the City of Norman desires to continue to support the efforts of the Norman Arts and Humanities Council; and

WHEREAS, the Norman Arts and Humanities Council hereby agrees to perform all services necessary in connection with the administration of arts and humanities promotion within the City of Norman. Said services shall consist of but not be limited to gathering and distribution of ideas, research, and information designed to educate Norman citizens, assist with the development and promotion of local arts and humanities activities and attractions through the Transient Guest Room Tax Grants Program, and enhance the City of Norman's desirability to participants in arts and humanities activities; and

WHEREAS, the Norman Arts and Humanities Council shall continue to receive one-fourth (1/4) of the annual room tax proceeds, less an amount which the

City shall retain for the administration and overhead expenses occasioned by its collection of the Norman Transient Guest Room Tax. Such administrative fee for the current fiscal year will be three percent (3%). The Arts and Humanities Council is to directly receive, screen and review applications for the use of tax proceeds.

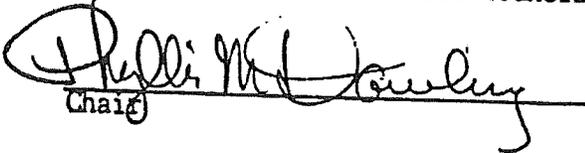
THEREFORE, the CITY hereby retains and contracts with said Norman Arts and Humanities Council to act as administrator of the monies as appropriated by the Norman City Council and pursuant to Chapter Eight, Article V of the Code of the City of Norman.

The Norman Arts and Humanities Council is an independent contractor and shall in no way be considered an employee of the CITY. In this connection, should any liability arise under the Workers' Compensation Act of the State of Oklahoma, due to an injury, the same shall be the sole liability of the Norman Arts and Humanities Council.

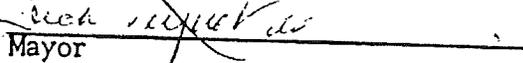
The City agrees to pay the Norman Arts and Humanities Council for the above funds in quarterly increments, or as the same are collected, during the term of this contract upon the Council's submission of a verified claim as provided by the City Charter. The Arts and Humanities Council shall submit, to the City Manager on a quarterly basis, a detailed report of its activities, including funds received and expenditures made pursuant to the purposes of this contract. In addition, the Arts and Humanities Council shall prepare a detailed annual accounting in a form acceptable to the City Manager. It is understood and agreed that failure to submit a quarterly report or the annual accounting could result in termination of this contract. It is also agreed that the City has the right at any time to review and audit the Arts and Humanities Council books and financial records.

The Norman Arts and Humanities Council understands that this is a contract which commences on the date hereof and terminates June 30, 1990. This contract may be renewed annually with the consent of both parties.

Norman Arts and Humanities Council


Chair

THE CITY OF NORMAN, OKLAHOMA
A Municipal Corporation


Mayor

Approved as to form and legality:


City Attorney

ATTEST:


City Clerk

1024

RENEWAL AGREEMENT
CONTRACT K-8990-3
NORMAN ARTS AND HUMANITIES COUNCIL

THIS RENEWAL AGREEMENT is made effective the 11th day of September, 1990, between the City of Norman, Oklahoma, a Municipal Corporation, hereinafter referred to as "City", and the Norman Arts and Humanities Council.

W I T N E S S E T H:

WHEREAS, the Norman Arts and Humanities Council and the City entered into Contract K-8990-3, dated August 22, 1989; and

WHEREAS, Contract K-8990-3, will expire on June 30, 1990, unless extended by the execution and delivery of this Renewal Agreement by the Norman Arts and Humanities Council and the City;

NOW, THEREFORE, the Norman Arts and Humanities Council and the City consent to the renewal of Contract K-8990-3, commencing on the date hereof and terminating on June 30, 1991.

FURTHER, it is the desire and the intent of the Norman Arts and Humanities Council and the City that Contract K-8990-3 shall be renewed automatically and the terms and provisions thereof shall continue in full force and effect for a twelve-month period, with the provisions for automatic renewal to apply to each successive twelve-month period thereafter unless notice of termination is given by either of the parties at least 30 days prior to the automatic renewal of this contract.

IN WITNESS WHEREOF, the parties have executed and delivered this Renewal Agreement on the dates hereinafter indicated.

360-1162

Norman Arts and Humanities Council

[Signature]
Chair

THE CITY OF NORMAN, OKLAHOMA
A Municipal Corporation

[Signature]
Mayor

Approved as to form and legality this 20th day of July, 1990.

[Signature]
City Attorney

ATTEST:

[Signature]
City Clerk - Deputy

ATTRACTING OUTSIDE TAX DOLLARS BUILDS NORMAN'S ECONOMY AND QUALITY OF LIFE.

For more information or to get involved, contact Stefanie Brickman at the Norman Convention & Visitors Bureau, 405-366-8095

This tax increase is not paid for by Norman residents. It will be paid by visitors to Norman staying in Norman hotels, motels and bed & breakfasts. **NORMAN RESIDENTS WILL BENEFIT** from the additional tax as visitors' spending will improve our quality of life as the additional monies collected will pay for law enforcement, road maintenance and improvements, as well as fund events and parks.

What will the funds be used for?

1

Destination Marketing: Travel promotion must be understood as a strategic investment. Investing taxpayer dollars in the effective promotion of a city leverages this cash machine by increasing traveler visits, delivering more traveler spending within local communities, driving local job creation and generating tax revenues that far outperform the initial investment - a \$59 to \$1 return (For every dollar invested in destination marketing, \$59 is spent by visitors. OTRD Conversion and Advertising Effectiveness Study)

2

Norman Arts Council: The Arts Council has been an excellent steward of these funds for the past 30 years and has used them to create a positive and substantial impact in Norman by annually granting the funds as matching dollars to organizations like Jazz in June, Sooner Theatre, Firehouse Art Center, and The Norman Music Festival.

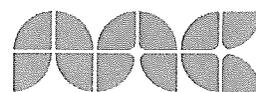
For every \$1 that is invested in the arts, \$8 of economic activity takes place in the community - that is a huge return on investment!

3

Parks and Recreation: Historically, the funds from this tax have paid for a number of projects in Norman, including improvements at Griffin Park baseball and softball complex, Reaves Park softball complex, Westwood Park tennis complex, Westwood waterslide and park playgrounds.

Future room tax projects could include court surfacing and new youth courts at the Westwood tennis complex, improvements to the Saxon Memorial Park, trail improvements, bleachers and additional parking at Reaves Park, additional parking and soccer field lighting at Griffin Park and improved event shelters and playgrounds.

The question before the voters on April 2nd is whether to raise the Transient Guest Tax ("guest room tax," "hotel/motel tax") by 1 percent. Based on last year's collections, this would result in an additional \$284,000 to be invested in convention and tourism development ("destination marketing"), the arts and parks development.



NORMAN
ARTS COUNCIL



NORMAN

VisitNorman.com