

CHAPTER 1
AGENCIES, OFFICERS AND EMPLOYEES

Article 1. Elective Officers

Sec. 1-1. Elective Officers of the City

*[Amended 10/2006, Ord No. 02-1024;
2/1007, Ord. No. 07-1042]*

1. In accordance with Title 11 O.S. Section 9-106, and the following officers of the city shall be elected by the qualified electors of the city:
 - a. One (1) council member from each of the wards of the city.
 - b. One (1) Mayor.
 - c. One (1) City Clerk/Treasurer.
 - d. One (1) Chief of Police.
 - e. One (1) Street Commissioner.
2. In accordance with Title 11 O.S. Section 16-103, et seq., a general election shall be held on the first Tuesday in April in each odd-numbered year.
3. In accordance with Title 11 O.S. Section 16-201, the terms of the elected officers shall be staggered so that at any one general election, the following officers are to be elected for four-year terms:
 - a. Council Members from odd-numbered wards;
 - b. The Mayor;
 - c. The Chief of Police;
 - d. The Street Commissioner; and
4. In accordance with Title O.S. Section 16-204, to stager the Mayor and Clerk/Treasurer, beginning April 2007, the term of the Clerk/Treasurer will be one six-year term followed by four-year terms thereafter.
5. At the next general election, the following officers are to be elected for four-year terms.

- a. Council members from even-numbered wards.
6. The City Council may submit to a vote of the qualified electors of the City the question of appointment of the Chief of Police, Clerk, or Clerk/Treasurer or Street Commissioner.
7. Any elected officer of the City of Wilburton may serve in a volunteer capacity with any agency of the City pursuant to the policies of the agency and the statues of the State of Oklahoma.

Sec. 1-1a. Administrative Officers and Employees

*[Adopted 01/2008, Ord No.
08-1061; 2/1007]*

1. In accordance with Title 11 O.S. Section 9-105, and the following Administrative Officers and Employees of the City of Wilburton shall be appointed by the Mayor, subject to the confirmation of the City Council.
 - a. City Building Official.
 - b. Fire Chief.
 - c. City Attorney.
 - d. City Judge.
 - e. Emergency Management Director.
2. Such appointed administrative officials and employees of the City shall serve a two (2) year term in office, and may be reappointed at the expiration of their terms accordingly.
3. All such appointed administrative officials and employees of the City serve at the discretion of the Mayor, and subsequent action by the City Council, and may be removed, laid off, suspended or demoted in the best interest of the City.

Article 2. City Council

Sec. 1-2. Meeting Place.

Every meeting of the council shall be held in the Council Chamber of the City Hall unless, in case of an emergency, the mayor or the councilmen calling a special meeting designate another place in the city for the holding of the special meeting; provided that any adjourned meeting may be held at any other place within the city designated by the council.

Sec. 1-3. Time.

The council of the City of Wilburton, Oklahoma, shall hold a regular meeting at 6:00 P.M. on the second Thursday of every month; provided that, if such a meeting falls on a holiday, the regular meeting shall be held at that time or the next day which is not a holiday. (11 O.S. 9-109)

Sec. 1-4. Powers and Duties of the Council.

The mayor and council shall have the care, management and control of the city and its finances, and shall have power to enact, ordain, alter, modify or repeal any and all ordinances not repugnant to the laws of the United States and the Constitution and laws of the State of Oklahoma, as they shall deem expedient and for the good government of the city, the preservation of the peace and good order, the suppression of vice and immorality, and the benefit of trade and commerce, and the health of the inhabitants thereof, and such ordinances, rules and regulations as may be necessary to carry such power into effect.(11 O.S. 9-108)

Article 3. This subsection shall govern the maintenance of executed polices and the orderly conduct of meetings of the Wilburton City Council.

Sec 1-5.

1. Agenda *[Amended 1/1001; Ord. No. 01-1012; 3/2008, Ord. No. 08-1058]*

The agenda must include any item requested by any elected officer and any matter requested by the written petition of five (5) citizens of the community, the full names and addresses of which petitioners shall be shown on the petition.

All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the governing body shall, at least seventy-two {72} hours prior to each scheduled meeting, be delivered to the Mayor or Chairman of the Board of Trustees, who shall immediately direct the Clerk or Acting City Clerk to publish a Notice and Agenda as required by law. The Mayor or Chairman shall insure that copies of the Notice and Agenda are delivered to members of the governing board and the City Attorney prior to the meeting and as far in advance of the meeting as time for preparation will permit. Unless so submitted, none of the foregoing matters may be presented to the governing body except those of an unanticipated, urgent or emergency nature and same shall be so presented only upon the approval of a majority of the governing body.

2. Minutes

Unless a reading of the minutes of a governing body meeting is requested by a member of the governing body, such minutes may be approved without reading aloud.

3. Order Of Business.

All meetings of the governing body shall be opened to the public pursuant to the Oklahoma Open Meeting Act. Promptly at the hour set by law on the day of each regular meeting, the members of the governing body and other elected officers shall take their regular stations in the chambers and the business of the governing body shall be taken up for consideration and disposition in the following order unless changed by the majority vote of the quorum presents.

- a. Roll Call
- b. Recognition of Guests

- c. Citizen Comments
- d. Quorum Declared and Meeting Called to Order
- e. Council or or Trustee Comments
- f. Chairman Comments
- g. Items for Board action: {Approve, disapprove, modify, table, or defer}
 - i. Minutes of prior meeting
 - ii. Warrant
 - iii. Payroll
 - iv. _____
 - v. _____
 - vi. _____
- h. Motion, Roll Call and Vote on items (g) i. Through vi.
- i. Closing items for Board action:
 - i. Date, time and place of next meeting.
 - ii. Adjournment
- j. Motion, Roll Call and Vote on items (g) i. through ii.

4. Rules of Discussion

- a. All of the citizens' comments must directly pertain to the item on the agenda which is being discussed. Should any citizens' comments and conversation not pertain to the item, such citizen shall be asked to wait to make their comments when the governing body gets to that particular item on the agenda.
- b. Every citizens' conversation and comments shall be limited to 3 minutes discussion unless such time is extended by the Mayor or majority vote of the quorum present.
- c. All questions and comments must be directed to the Mayor and no citizen may address and/or question any individual governing body member or staff member except with the permission of the Mayor.
- d. No gestures or activities disturbing the order and decorum of the governing body meeting shall be permitted.

- e. No citizen shall speak or comment so as to distract, disturb or interrupt any other recognized speaker but shall only make comments after the Mayor has recognized him and after he had stated his name and address. The expression of opinions is encouraged but insults will not be tolerated
- f. Any citizen who shall wantonly disturb the lawful assembly of the governing body meeting shall be asked by the Mayor to leave the meeting and in the event that such citizen will not leave the public assembly and continues to disturb and disrupt such assembly, such person may be subject to removal from the chamber for disturbing the peace.
- g. The governing body member moving the adoption of an ordinance or resolution shall have the privilege of opening and closing the debate on said ordinance or resolution.”

WILBURTON

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Article 4. Mayor

Sec. 1-6. Mayor: Powers and Duties. *[Amended 4/2009; Ord. No. 09-1064]*

1. The mayor shall preside at all meetings of the city council and shall have a casting vote when the council is equally divided, and shall have the superintendency control of all the officers and affairs of the city, and shall take care that the ordinances of the city are complied with.
2. The mayor shall also have whatever specific responsibilities that the council shall provide by ordinances or resolutions, and also the obligations provided by state statutes.
3. The Mayor can encumber up to \$5,000.00 on purchases without a vote of the City Council. (11 O.S. 9-105 ,9-106)



Article 5. City Clerk & Treasurer

Sec. 1-7. City Clerk & Treasurer: Powers and Duties.

1. The City Clerk, after being duly elected,
 - a. shall serve as an officer of the city and
 - b. shall have the responsibility of keeping the journal of the proceedings of the council;
 - c. shall enroll in a book or books kept for the purpose all ordinances and resolutions passed by it; and
 - d. shall have the responsibilities of keeping the city funds in proper order.
2. The City Clerk / treasurer shall deposit daily all funds coming into their hands in such depositories as the council may designate; and shall disburse such funds in the manner provided applicable by law or ordinance.
3. The city treasurer shall provide to the council a financial statement whenever required by the council. and shall perform such other duties as the council may require; or required by state statutes.(11 O.S. 9-112, 9-113)

Article 6. Street Commissioner

Sec. 1-8.

1. The Street Commissioner, after being duly elected, shall maintain all roads, street signs and devices and that control the flow of traffic.
2. It shall be his responsibility to see that all streets are maintained in a safe manner,
3. he shall have the authority close off any street for an emergency or at anytime that he feels that repairs need to be made.
4. He shall have the authority to direct the street department crew in the manner that he desires work to be done.

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Article 7. Compensation

Sec. 1-9. Salaries of Elected Officials. *[Amended 12/1998, Ord. No. 98-1005; 3/1999, Ord. No. 99-1006; 2/2003, Ord. No. 03-1025; 1/2007, Ord. No. 07-1043; 1/2011, Ord. No. 11-1077]*

The City Council adopts salaries for elected officials and allows them to participate in the retirement program with the city employees.

The salary will become effective for newly elected officials taking office after the April election. The salary of the following officers shall be:

Council Members	\$100.00 Per Meeting
Mayor	\$50,000.00 Per Year, plus incremental
City Clerk	\$40,000.00 Per Year, plus incremental
Chief of Police	\$40,000.00 Per Year, plus incremental
Street Commissioner	\$40,000.00 Per Year, plus incremental

Provided, however, incremental raises shall be automatic beginning with the July 2012 budget, and shall provide that increases will be the same as the average percent or amount of increase for all other employees of the city. Incremental also provides for annual bonuses the same as all other employees.

The City of Wilburton is liable for one-half of the salary of the Mayor: the Wilburton Public Works Authority is liable for one-half of the salary for the Mayor.

Sec. 1-9.a. Additional Compensation for Clerk/Treasurer *[Adopted 11/2007, Ord. No. 07-1048]*

The person who serves as City Clerk/Treasurer may also perform additional administrative duties not specified by State Law as a contract employee of the City. The prescribed duties shall be for the purpose of codification of the City Ordinances.

1. The contracted amount for performing these additional duties shall be \$1,000.00 as determined by the City Council.
2. The salary for performing the additional administrative duties shall not be subject to constitutional restrictions.
3. The prescribed contract shall include a completion date of December 20, 2007.

Article 8. Removal from Office

Sec. 1-10. Removal of Officers.

The council may, by a vote of a majority of all the members to be entered upon the journal, remove for cause any officer except the mayor. (11 O.S. 9-117).

Sec. 1-11. Removal of Elected Officers.

Any officer not subject to impeachment may be removed for the following causes:

1. Habitual or willful neglect of duty.
2. Gross partiality in office.
3. Oppression in office.
4. Corruption in office.
5. Extortion or willful overcharge of fees in office.
6. Willful mal-administration.
7. Habitual drunkenness.
8. Failure to produce and account for all public funds and property in his hands, at any settlement or inspection authorized or required by law. (22 O.S., Sec.1181).

Sec. 1-12. Procedures for Removal of Elected Officers.

The manner and procedure for the removal of any elected official of the city shall be those set forth in 22 O.S., Chapter 23.

Article 9. Police Department

Sec. 1-13. Marshal, Assistant Marshal, Etc.

There shall be a city marshal, also known as Chief of Police. He shall be selected in the manner set forth in Sec. 1-1. The Mayor, with approval of the council, shall appoint other policemen as the Mayor and council deem necessary, as provided by (11 O.S. 9-114).

Sec. 1-14. Duties.

It shall be the duty of the police department to apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the city; to suppress all riots, affrays and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of policemen. The council may make arrangements with the Board of County Commissioners for use of the county jail for city purposes. (11 O.S. 34-101, et seq.)

Sec. 1-15. Assistance to Another Community.

Approval is hereby given for service of members of the regular police department of this city as police officers of any other city or town, in an emergency situation, in Oklahoma not more than forty-five (45) miles distance from the city, when such service is requested by the mayor or chief of police of said city or town, in accordance with Enrolled Senate Bill No. 345, Thirty-Second Oklahoma Legislature, First Regular Session.

Sec. 1-16. Vehicular Pursuits Considerations.

This along with many other items is addressed in the Wilburton Police Department policy and procedure Manuel.

Sec. 1-17. Reimbursement Required.

Any municipality requesting and receiving service by members of the police department of this city shall reimburse this city for the cost of the transportation to and from such municipality of the officers so serving and the pro rata cost of their salaries, insurance and other benefits attributable to their service in such municipality.

Sec. 1-18. Contract Required except in Public Emergency.

1. Except in cases of an extreme public emergency, no services shall be rendered hereunder to any municipality unless such municipality has entered into a contract with this city, providing for such service in accordance with the terms of this ordinance.
2. The Mayor hereby is authorized to negotiate and execute contracts with the proper contracting officers of such municipalities, which shall be on a reciprocal basis, thereby securing to this city the service of members of the police departments of such municipalities should an emergency arise necessitating such service here.



Article 10. Fire Department

Sec. 1-19. Nature of Department. *[Amended 3/2004, Ord. No. 04-1028]*

1. The purpose of the City Volunteer Fire Department is to comply (Title 11 O.S. Sec 29- 201 et seq.) in providing for a uniform system of fire protection for the lives and property of the people of the city.
2. The words and phrases termed Volunteer Firemen shall be defined as one who is enrolled as a member of the Fire Department of the city and who serves in said capacity without receiving a regular salary.
3. The size of the Volunteer Fire Department of the city shall be composed of not less than twelve (12) nor more than twenty-five (25) members.

Sec. 1-20. Duties of Chief.

1. The chief shall be at the head of the department, subject to the laws of the state of Oklahoma, ordinances of this city, and the rules and regulations herein adopted.
2. The Mayor of the City of Wilburton may hold the office and position of Fire Chief of this City with the approval of the City Council. No salary may be received by such Mayor for his services as Fire Chief.
3. The chief shall be held responsible for the general condition and efficient operation of the department, the training of members and the performance of all other duties imposed upon him.
4. The chief may inspect or cause to be inspected by members of the department, the fire hydrants, cisterns and other sources of water supply at least twice a year.
5. The chief shall maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members.
6. The chief shall make every effort to attend all fires and direct the officers and members in the performance of their duties.
7. The chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department.
8. The chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism shall notify proper authorities and

secure and preserve all possible evidence for future use in the case.

Sec. 1-21. Duties of Other Officers and Members.

1. In the absence of the chief, the assistant chief on duty shall command the department and be held responsible therefore in all respects with the full powers and responsibilities of the chief.
2. The company officers shall be selected upon their ability to meet the following requirements:
 - a. Their knowledge of fire fighting.
 - b. Their ability to lead men.
 - c. Their knowledge of fire fighting equipment.
3. One member elected by the fire department shall be secretary/treasurer. His duties shall consist of the following:
 - a. Call the roll at the opening of each meeting.
 - b. Keeping the minutes of each meeting.
 - c. Collecting any money due the department by the members.
4. All new members shall be on probation for one year after their appointment.
5. New volunteer members, upon completion of their probation period, must be approved by the majority of the fire department.
6. Employees of the fire department and volunteers (forty percent (40%) of volunteers may live outside the city limits) shall be residents.

Sec. 1-22. By-Laws of the Department.

1. All volunteer fire fighters are required, when notified, to respond to alarms of fire and other emergencies.
2. He is required to be present at all regular meetings, called meetings and schools presented for the benefit of the fire fighters.

3. There shall be at least one regular business meeting each month.
4. Any volunteer fire fighter having two unexcused absences in succession or three unexcused absences in a period of three months will be dropped from the fire department rolls.
5. Volunteer fire fighters leaving town for an extended period of time will be required to notify the chief.
6. Any volunteer fire fighter refusing to attend training classes provided for him will be dropped.
7. Any volunteer member of the fire department shall be dropped from the rolls for the following offenses:
 - a. Conduct unbecoming a fire fighter.
 - b. Any act of insubordination.
 - c. Neglect of duty.
 - d. Any violation of rules and regulations governing fire department.
 - e. Conviction of a felony.

Sec. 1-23. Assistance to Another Community or Group.

The City of Wilburton is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or political subdivisions of the State of Oklahoma for fire protection outside the corporate limits of said city and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the state.

Sec. 1-24.1. General Provisions. *[Amended 5/2010, Ord. No. 10-1075]*

1. Title – All rules and regulations contained herein, together with such additions and amendments as may be hereafter adopted, are hereby designated as the “City of Wilburton Fire Department Service Reimbursement Ordinance” or “Ordinance”.
2. Purpose – The purpose of this Ordinance is to provide for reimbursement of costs incurred by the City for Emergency and Non-Emergency responses by the City of

Wilburton Fire Department for special events, malicious incidents, nuisance incidents, hazardous materials incidents, motor vehicle accidents, and incidents caused by negligence and/or willful disregard for established fire and life-safety codes and ordinances such as non-permitted burns, permitted burns that get out of control due to negligence, and wildland fires.

Sec. 1-24.2. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

1. Alarm Activations/Automatic Alarms – audible and/or visual alarm activations within or outside of a protected property, including those systems incorporating automatic fire department notification.
2. City Resident – Any person who resides within the corporate city limits of the City of Wilburton.
3. City – Shall mean the City of Wilburton.
4. Emergency Incident – Those incidents that require fire and/or emergency medical response in an immediate fashion, following established emergency response protocols.
5. Emergency Personnel – Shall mean members of the Wilburton Fire Department during their involvement in an emergency and non-emergency incident.
6. Emergency System – A system within any given property provided for activation and occupant and/or emergency services notification in the event of a fire and/or medical emergency.
7. Fire Alarms – see Alarm Activations.
8. Fire Chief – The individual appointed by the City Council as the Department Head responsible for the City of Wilburton Fire Department.
9. Hazardous Materials Incident – Those incidents involving the release of any products that could prove a danger to health or environment.
10. Malicious Incident – Those emergency incidents which stem from an individual's intentional purpose to cause property damage, endanger lives, and/or cause the response of emergency personnel for other than an actual emergency.

11. Medical Assist, Lift Assist – Medical calls where ambulance transport is not needed, where ambulance transport needs assistance lifting and/or loading patient, or where there are false calls from Medical Alert activations.
12. Motor Vehicle Accidents – Incidents involving one or more motorized vehicles including cars, trucks, busses, trains, motorcycles, ATVs, snowmobiles, boats, planes, and the vehicles and trailers being pulled by motorized vehicles.
13. Non-Emergency Incident – Those incidents which allow for fire and/or emergency medical response in a less urgent fashion, following established non-emergency response protocols.
14. Non-Permitted Burns – The intentional disposal of outside debris via burning, without written permission of authorized officials within the Fire Department.
15. Nuisance Incident – Those incidents that are the same nature, on a repetitive basis, at the same location, due to lack of servicing to mechanical and/or electrical equipment of an emergency system, or the failure to correct a previously documented fire hazard, or false reporting of an emergency incident.
16. Permitted Burns – The intentional disposal of outside debris via burning with the written permission of authorized officials within the Fire Department.
17. Primary Coverage Area – The geographic boundaries of Latimer County and bordering communities which there is a outside aid/mutual aid contract.
18. Rescue Calls – Any incident where the Wilburton Fire Department is called out to assist with search and rescue of any lost, missing, or injured person(s).
19. Response – Any vehicle and/or manpower that responds to a call as set forth in the City of Wilburton Fire Department Standard of Operating Procedures/Guidelines.
20. Special Event – Those non-emergency events that occur within the City, requiring the presence of emergency personnel and/or permitting by the City, as required by City Ordinance, Oklahoma Labor & Industry, Oklahoma Department of Public Safety, the Fire Department, or as requested by the owner of the involved property or event coordinator.
21. Wildland Fire – Any outside fire involving general natural combustible materials, other than a permitted burn, with no restriction concerning area involved, or size of any damaged area.

Sec. 1-24.3. Eligible Occurrences/Incidents.

The following types of occurrences and incidents within the primary coverage area of the City of Wilburton Fire Department are eligible for invoicing:

1. Malicious Incidents
2. Nuisance Incidents
3. Motor Vehicle Accidents
4. Hazardous Materials Incidents
5. Medical Assist, Lift Assist
6. Non-Permitted Burns
7. Permitted Burns that get out of control due to negligence
8. Rescue Calls
9. Structure Fires
10. Vehicle Extrication
11. Vehicle Fires
12. Wildland Fires caused by negligence
13. Special Events

Sec. 1-24.4 Invoicing.

1. Malicious Incidents shall be invoiced per occurrence, with the perpetrator to be held responsible.
2. Nuisance Incidents shall be invoiced per occurrence, after three occurrences per calendar year. The property owner shall be held responsible.
3. Motor Vehicle Accidents shall be invoiced per occurrence. In the event multiple vehicles are involved, responsibility for costs may be prorated among the person(s), operator(s), or vehicle owner(s) involved.

4. Homeowner's or Fire Insurance shall be invoiced for Structure Fires per incident.
5. Hazardous Materials Incidents are invoiced per occurrence, with the property owner and/or supplying company being held responsible.
6. Non-Permitted Burns shall be invoiced per occurrence, with the individual responsible for the burn being held responsible.
7. Permitted Burns that get out of control due to negligence shall be invoiced per occurrence, with the individual to whom the burn permit was issued being held responsible.
8. Wildland Fires shall be invoiced per occurrence, with the individual responsible for the fire being held responsible.
9. In circumstances where the responsible party cannot be identified and/or reimbursement cannot be obtained from the person, the property owner or political subdivision outside the corporate city limits requesting aid may be held responsible.
10. Special events shall be invoiced per occurrence, with the property owner or event organizer(s) responsible as indicated at the time of the event planning.
11. Invoicing/Reimbursement rates for any incident and/or occurrence shall be as established by the City Council of Wilburton. Rates shall be on file in the City Clerk's office and available for inspection.
12. Reimbursement of costs incurred by the City emergency and non-emergency responses by the Wilburton Fire Department shall be sought only for Occurrences and Incidents as specified in this Section as follows:
 - a. Occurrences and Incidents as outlined in 1, 2, 4, 5, 6, 7 and 8 shall be invoiced to both City residents and Non-City residents.
 - b. Occurrences and Incidents as outlined in 3 above shall be as follows:
 - i. Both city residents and Non-City residents shall be invoiced for Motor Vehicle Accidents in circumstances where a traffic ticket or citation is issued by a law enforcement officer, or a physical arrest by law enforcement occurred.
 - ii. Only Non-City residents shall be invoiced for Motor Vehicle Accidents in circumstances where no traffic ticket or citation is

issued by a law enforcement officer or no physical arrest by law enforcement.

- c. Response to federal or state owned property in accordance with Wilburton Fire Department protocol.

Sec. 1-24.5 Severability, Liability, Amendments.

1. If any portion of this Ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.
2. This Ordinance and its provisions may be amended by the Wilburton City Council, pursuant to applicable provisions of the law.

Sec 1-24.6. Fees for Fire Department Services.

General Guidelines

1. For invoicing purposes; personnel and equipment fees will be accessed from the time they leave the station and ends when they return; unless annual contract is on file.
2. Actual materials used and repair/replacement costs will be itemized and billed to as well as personnel, equipment or contract price.
 - a. Costs are actual costs plus any shipping.
3. Invoices should be only for equipment and personnel needed for the particular situation, in the opinion of the Wilburton Fire Department Chief, not necessarily all equipment and personnel responding to the call.
4. Fire Department should submit invoice within 48 hours of incident, but no later than 14 days.
5. Invoices shall include the date(s) on which services were provided by the Wilburton Fire Department, the type of incident that is serving as the basis for the invoice, an explanation of the services provided, and the cost of the services provided.
6. The City shall accept as payment in full, what the homeowner's or fire insurance pays toward fire fighting.

7. The City shall waive motor vehicle insurance deductibles and accept insurance assignments as payment in full.
8. Invoices shall provide that payment shall be made to the City of Wilburton Treasurer within 30 days of the date of invoice with interest to accrue at the statutory rate beginning on the 31st day.
9. The invoice shall be mailed first class, registered mail, return receipt to the last known address of the person responsible for paying the invoice.
10. All moneys received from said calls shall be paid to the City of Wilburton and deposited into the City of Wilburton General Fund for Fire Department use.
11. The Wilburton Fire Department will fully cooperate with any applicable insurance agency and accept assignment of insurance payment.

Response Cost Recovery:

1. False Alarms

- a. Two (2) false alarms in a fiscal year – no charge.
- b. Third and subsequent false alarms in a fiscal year - \$100.00 per Response

2. Personnel:

a.	Firefighter/Apparatus Operator	\$26.00/hour
b.	Senior Officer	\$31.00/hour
c.	Incident Commander	\$40.00/hour
d.	HAZMAT Technician	\$30.00/hour
e.	Fire Chief	\$75.00/hour
f.	Assistant Fire Chief	\$47.00/hour

3. Equipment:

a.	Fire Engine (pumper)	\$150.00/hr; \$75.00/hr standby
b.	Fire Truck (ladder truck)	\$250.00/hr; \$75.00/hr standby
c.	Command Vehicle	\$100.00/hr
d.	Grass Truck	\$100.00/hr
e.	Pick-ups	\$50.00/hr
d.	Rescue Apparatus (air, support, jaws)	\$200.00/hr; \$75.00/hr standby
e.	Air Monitoring	\$50.00/incident

4. Other:

a.	Annual Contract Confined Space Rescue	\$300.00
b.	Annual Contract for Mutual/Outside Aid	\$350.00/call
c.	Fire Prevention Re-inspection Fee	\$75.00

Sec. 1-24.7. Violation – Penalty.

This Ordinance is designated as a civil ordinance. In the event of any non-payment of an invoice the town may recover such invoice payments together with all legal costs including reasonable attorney's fees in an action of contract brought in a court of competent jurisdiction.

Sec. 1-25. Authority for Fire Chief to Answer Calls.

The fire department of the City of Wilburton is hereby authorized and directed to answer all outside calls outside the corporate limits of the city of Wilburton, at the discretion of the fire chief; the exceptions to be in the opinion of the fire chief if it is not expedient to do so on account of fire in the city, broken apparatus, impassable or dangerous highways, or other physical conditions.

Sec. 1-26. Firemen's Benefits.

1. All volunteer firemen belonging to the City of Wilburton Fire Department attending and servicing at fires or doing fire prevention work outside the corporate limits of the City of Wilburton, as herein provided, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the City of Wilburton, and said firemen shall be entitled to all the benefits of any firemen's pension and relief fund in the same manner as if the fire fighting or fire prevention work was being done within the corporate limits of the City of Wilburton.
2. Said firemen who fight fire or do fire prevention work outside the corporate limits of said city shall be paid fifteen dollars (\$15.00) for each call, provided they are directed by the fire chief to make the said call.

Sec. 1-27. City Not Liable for Damages.

The fire department of the City of Wilburton, answering any fire alarm, or call, or performing any fire prevention services outside the corporate limits of the City of

Wilburton shall be considered as an agent of the State of Oklahoma, and acting solely and alone in a governmental capacity, and said municipality shall not be liable in damages for any act of commission, omission, or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by virtue of Sections 1-22, 1-23, 1-24, and 1-25 above.



Article 11. Firemen's Pensions

Sec. 1-28. Board of Trustees of Fund.

There is hereby created a board of trustees of the Firemen's Relief and Pension Fund of this municipality, with membership, organization, powers, duties, and functions as prescribed by Oklahoma Statutes, Title 11, Sections 49-100.1, et seq and any other sections of law.

Note: For the membership and organization of the board of trustees of the Firemen's Relief and Pension Fund, see Oklahoma Statutes, Title 11, Section 49-100.3.

Sec. 1-29. Fund Operations.

The Firemen's Relief and Pension Fund shall be operated in accordance with State law relating to the fund, and pensions and other benefits shall be paid as provided by state law.

Sec. 1-30. Retirement Pay for Retired Volunteer Firemen.

Will be paid in to the State Pension Board. All retirement benefits will be paid from the State Retirement Fund.

Article 12. Salaries for Firemen

Sec. 1-31. Salaries for Volunteer Firemen.

Salary for the volunteer fire fighters shall be \$15.00 dollars for each call that they answer.



Article 13. Department of Law

Sec. 1-32. City Attorney.

1. There shall be a Department of Law, the head of which shall be the City Attorney after nomination by the mayor and given a majority vote by the city council.
2. Removal of the city attorney shall be at the discretion of the mayor and council.
3. The city attorney shall be an officer of the city, and shall have supervision and control of the Department of Law.

Sec. 1-33. Duties.

1. The city attorney shall be the chief legal adviser of the council, all officers, departments and agencies of the city government in matters relating to their official powers and duties.
2. He shall represent the city in proceedings in the courts.
3. He shall perform all services incident to his position which may be required by law or ordinances.

Article 14. Public Works Department

Sec. 1-34. Superintendent.

1. There shall be a public works department, the head of which shall be the superintendent of public works appointed by the mayor for an indefinite term, and removable by the city council.
2. The superintendent of public works shall be an officer of the city, and shall have supervision and control of the public works department.

Sec. 1-35. Duties.

It shall be the duty of the public works department, insofar as the city government performs these functions with its own personnel:

1. To construct, improve, maintain all water and waste water distribution systems and to read or to have read all water meters and to see that all public utilities are maintained in a good and safe working order.
2. To construct, improve, maintain and operate storm and sanitary sewers and sewage disposal.
3. To maintain PWA-owned motor equipment.
4. To maintain and operate the water system and any other city-owned utilities and public services.
5. To perform such other functions relating to the maintenance, repair, improvement and operation of the physical facilities owned or used by the city government as the city may prescribe consistent with the city ordinances.

Article 15. Sanitation Department

Sec. 1-36. Superintendent.

1. There shall be a sanitation department, the head of which shall be the superintendent of the sanitation department appointed by the mayor for an indefinite term, and removable by the council.
2. He shall be an officer of the city, and shall have supervision and control of the sanitation department.

Sec. 1-37. Duties.

It shall be the duty of the sanitation department, among others, to collect garbage and other refuse and to dispose of it.

Note: As regards collection and disposal of garbage and other refuse, see Chapter 20 of this Code.

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Article 17. Emergency Management

Sec. 1-38.

1. There shall exist under the executive branch of the government of the City of Wilburton in cooperation with Latimer County as authorized by a City & County joint resolution a department of civil emergency management to be prepared for, and to function in the event of emergencies endangering the lives and property of the people of the city and Latimer County.
2. The duty of such Emergency management organization shall be for the protection of the lives and health of the citizens of the city and of the property and property rights, both private and public, and to perform all functions necessary and incident thereto.

Sec. 1-39. Director.

There shall be a Director of Emergency Management who shall be appointed jointly with the City of Wilburton and the Latimer County Commissioner

Sec. 1-40. Duties.

1. The city hereby establishes a civil emergency management agency entitled the Wilburton/Latimer County Civil Emergency Management Agency.
2. The director of the Wilburton Latimer County Civil Emergency Management shall be responsible for carrying out the civil emergency management program of the city on a city-county basis.
3. He shall be compensated and may be reimbursed for expenses incurred in the performance of his duties.
4. It shall be the duty of the director of civil emergency management agency as soon as practicable after his appointment to perfect an organization to carry out the purposes set forth in this ordinance and
 - a. He shall have all necessary power and authority to form committees of other bodies and to appoint and designate the chairman or chief officer of such bodies as may be necessary to perfect such organization.

5. He shall have such further duty and responsibility to cooperate with all civil emergency management agencies of other governmental units, including the State of Oklahoma and federal government.
6. The Director of the Wilburton/Latimer County Civil Emergency Management agency is further authorized to formulate written plans and gather information and keep written record thereof to govern the functions of the civil emergency management agency.
7. In the event of an enemy-caused emergency or emergency resulting from natural causes, the director of civil emergency management, after due authorization from the mayor or mayor designee, shall have the power and authority to enforce all rules and regulations relating to civil emergency management, and if necessary, take control of transportation, communications, stocks of fuel, food, clothing, medicine, and public utilities for the purpose of protecting the civilian population. He shall cooperate in every way with the activities of other governmental agencies or civil emergency management organizations, and if required by the council shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the city.
8. The Director of the Wilburton/Latimer County Civil Emergency Management and other members of the civil emergency management agency created shall have the power and authority to enforce the laws of the State of Oklahoma and ordinances of the city of Wilburton during the period of an emergency if so designated by the appropriate Law Enforcement Agency. In the event of the incapacity of the proper law enforcement agency, and at the direction of the mayor or mayor designee, shall at such time have full power to make arrest for violation of such laws and ordinances.

Article 18. Building Inspection Department

Sec. 1-41. Building Official.

1. There shall be a Department of Building Inspection, the head of which shall be the Building Official.
2. Unless he appoints another to be the building official, the mayor shall himself be ex-officio building official.
3. The building official shall have supervision and control of the department, including any inspectors whom the mayor may appoint, such as the building inspector, the plumbing inspector, the electrical inspector and other inspectors of the building and construction trades.

Sec. 1-42. Duties.

1. The department of building inspection shall see that all laws, ordinances and other regulations relating to building, plumbing and electrical installations are properly enforced, except as may be otherwise provided by applicable law or ordinance.
2. The building inspector, the plumbing inspector, the electrical inspector and any other inspectors, under the supervision and control of the building official, shall have such powers, duties and functions as may be prescribed by applicable law or ordinance.

Note: As regards building, plumbing, and electrical installations, see Chapter 4 of this Code.

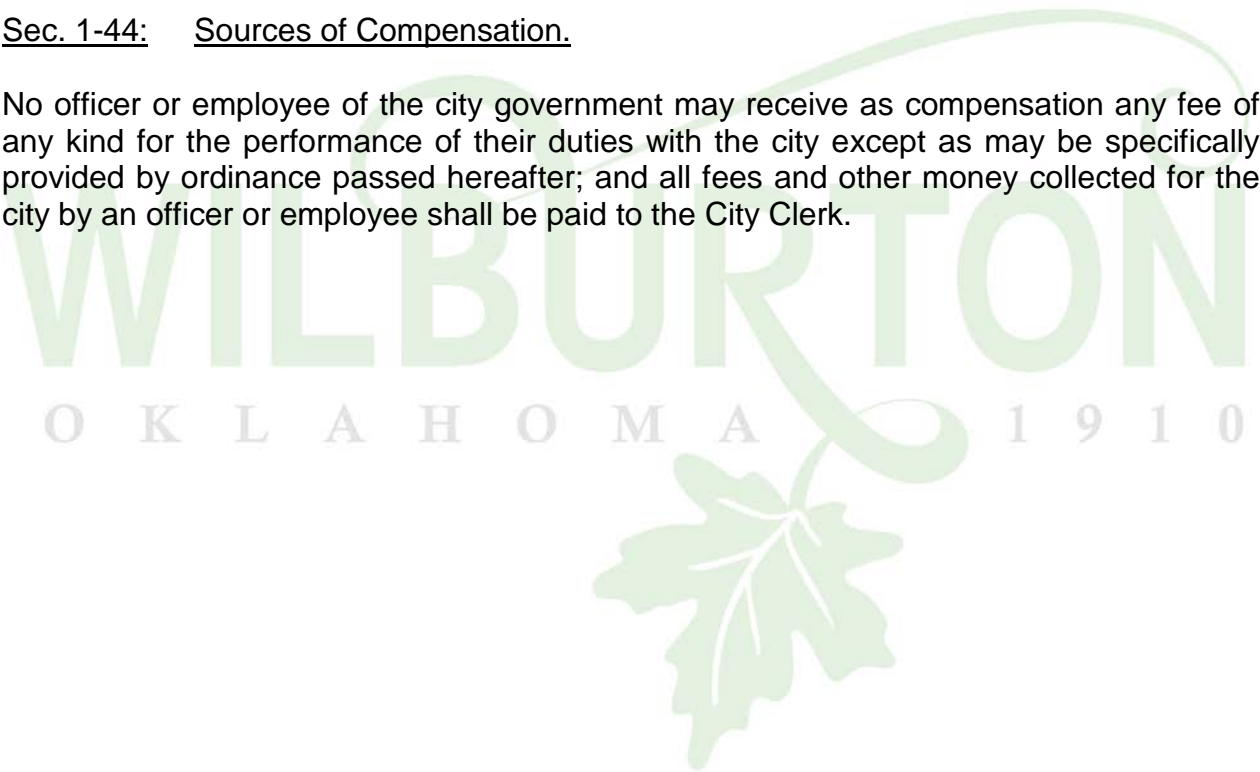
Article 19. Officers and Employees: Number and Classes, Compensation

Sec. 1-43: Number and Classes, Compensation.

The council, by motion, resolution or ordinance, may regulate the number and classes of offices and positions of employment in the various departments, offices and agencies of the city government, and may determine or regulate the compensation to be paid to officers and employees. This action must conform to the established Affirmative Action Plan of the city. (11 O.S., 9-116.)

Sec. 1-44: Sources of Compensation.

No officer or employee of the city government may receive as compensation any fee of any kind for the performance of their duties with the city except as may be specifically provided by ordinance passed hereafter; and all fees and other money collected for the city by an officer or employee shall be paid to the City Clerk.



Article 20. Official Bonds

Sec. 1-45. Personnel to be Bonded.

Before entering upon their official duties, the following personnel of the city government shall provide bonds for the faithful performance of their official duties, payable to the city, with a surety company authorized to operate with the state, in the amount respectively indicated after their titles:

1. Mayor - \$10,000.00
2. City Clerk/ City Treasurer - \$ 100,000.00

The council, by motion or resolution, may require other officers and employees in such positions as it may designate to be bonded. The city shall pay the premiums on such bonds. (11 O.S., Sec. 571.)



Article 21. Federal Old-Age and Survivors Insurance

Sec. 1-46. Benefits of Federal O.A.S.I. to be Extended to Personnel.

It is hereby declared to be the policy and purpose of this city to extend, at the earliest date, to the employees and officials thereof, not excluded by law or ordinance, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and Amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state or federal laws or regulations.

Sec. 1-47. Mayor Authorized to Execute Agreements.

The mayor is hereby authorized and directed to execute all necessary agreements and amendments thereto with the State Department of Public Welfare, as agent or agency, to secure coverage of employees and officials as provided in Section 1-51 hereof.

Sec. 1-48. Withholdings from Salaries and Wages.

Withholdings from salaries and wages of employees and officials for the purpose provided in Section 1-49 hereof, are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations.

Sec. 1-49. Appropriations for Employer's Contributions.

There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions; which shall be paid over to the state or federal agency designated by said laws or regulations.

Sec. 1-50. Records and Report.

This municipality shall keep such records and make such reports as may be required by applicable state or federal laws or regulations.

Sec. 1-51. Employees and Officers Now Covered by Other Retirement Systems.

There is hereby excluded from this article any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the municipality.

Sec. 1-52. Employees and Officers on a Fee Basis Excluded, Etc.

There is hereby excluded from this article any authority to make any agreement with respect to any position, or any employee or official, compensation for whom is on a fee basis, or any position, or any official not authorized to be covered by applicable state or federal laws or regulations.

Sec. 1-53. Personnel Not Covered.

The current provisions found in Article 10 of this Chapter provide for the creation of a pension fund for firemen employed by the city. These employees are not eligible for retirement under the social security programs of this article.

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Article 22. Other Employee Benefits

Sec. 1-54. Other Employee Benefits.

The mayor and city council are hereby authorized to execute any and all necessary agreements to provide whatever employee benefits are required by state law or which the council determines to be necessary for proper and just protection of all city employees.



Article 23. Library Service

Sec. 1-55. Authority to Join Multi-County Service.

It is the desire of the governing body of the City of Wilburton to provide good library service to city residents, by participation in a multi-county library organized under the Oklahoma Library Code, 65 O.S.1-101 et seq. and O.S.4 -101,et seq. as amended and financed according to the provisions of the Statutes and of Article X, Section 10 A, Oklahoma Constitution.

Sec. 1-56. Creation of Multi-County District.

The City of Wilburton is located within a multi-county library district served by the Choctaw Nation, established and created under the Oklahoma Library Code and approved by the Oklahoma Department of Libraries.

Sec. 1-57. Membership.

The governing board of the multi-county library consists of members appointed from each county, including one member appointed by the governing body of each city of two thousand (2,000) or more population according to the latest federal census, as provided for in the Oklahoma Library Code.

Sec. 1-58. Eligibility of City.

The City of Wilburton is eligible to appoint one member to the multi-county library board, having attained a population of two thousand (2,000) or more as established by the federal census of 1990.

Sec. 1-59. Agreement by City Officials.

The City of Wilburton agrees to appoint one person to represent the City on the multi-county library board and to cooperate with the other cities and counties included in the multi-county library district, provided that additional counties may be added to the district upon qualification under State law and approved by the Oklahoma Department of Libraries Board.

Article 24. City Property

Sec. 1-60. Proper Use of City Owned Equipment.

That all property owned by the City of Wilburton shall be controlled strictly by the mayor and city council of the City of Wilburton and the same shall not be used by persons other than those operating under a lease validly entered into with the approval of the mayor and city council of the City of Wilburton for any private purpose.

Sec. 1-61. Illegal Parking on City Property.

It shall be unlawful for any vehicle to be parked or left upon city property not used as a thoroughfare or upon any property owned by the City of Wilburton either between the sidewalks and/or curb lines of streets or on any lot owned by the said City of Wilburton and that has not been designated by a city council action as a parking area.

