

**CHAPTER 8
GENERAL AND MISCELLANEOUS PROVISIONS**

Section 8-1. Rules of Construction.

In the construction **and the interpretation** of this Code of Ordinances and of all subsequent Ordinances and Resolutions passed by the Board of Trustees of the Town of Mountain Park, Oklahoma, the following rules shall be observed, unless such construction **or interpretation** would be inconsistent with the manifest intent of **the** Town Board. **The Rules of Statutory Construction as set forth in the case law decisions of the Oklahoma Appellate Courts is adopted fully by reference.**

1. **Chief of Police or Police Chief.** Reference to the “Chief of Police” or the “Police Chief” shall mean the Chief of Police or the Police Officer in charge of the Police Force of the Town of Mountain Park, Oklahoma.
2. **City, Town or Municipality.** The words the “City,” the “Town” or the “Municipality” shall mean the Town of Mountain Park, in Kiowa County, Oklahoma.
3. **City Attorney, Town Attorney or Municipal Attorney.** Reference to the “City Attorney,” the “Town Attorney” or the “Municipal Attorney” shall mean the Town Attorney of the Town of Mountain Park, Oklahoma.
4. **City Clerk, Town Clerk-Treasurer or Clerk of the Municipality.** Reference to the “City Clerk,” the “Town Clerk-Treasurer” or the “Clerk of the Municipality” shall mean the Town Clerk-Treasurer of the Town of Mountain Park, Oklahoma.
5. **City Council, Council, Town Board of Trustees or Town Board.** The words “City Council,” “Council,” “Town Board of Trustees” or “Town Board” shall mean the Governing Body of the Town of Mountain Park, Oklahoma .
6. **City Treasurer, Town Clerk-Treasurer or Clerk-Treasurer.** Whenever reference is made to the “City Treasurer,” the “Town Clerk” or the “Clerk-Treasurer,” it shall mean the Town Clerk-Treasurer of the Town of Mountain Park, Oklahoma.
7. **Code.** Reference to “this Code” or “the Code” shall mean the Code of Ordinances of the Town of Mountain Park, Oklahoma.
8. **Computation of Time.** Whenever notice is required to be given (or an act to be done) a certain length of time before any proceeding shall be had, the day on which such notice is given (or such act is done) shall be excluded in computing the time, but the day on which such proceeding is to be had, shall be included.
9. **County.** Reference to the terms “County,” “the County” or “this County” shall mean Kiowa County, Oklahoma.

10. Court or Municipal Court. The words “Court” or “Municipal Court” shall mean the Municipal Court of the Town of Mountain Park, Oklahoma.
11. Gender. A word importing the masculine gender only shall extend, and be applied to, females, firms, partnerships and corporations, as well as to males.
12. Health Officer or Health Department. Wherever reference is made to the “Health Officer” or the “Health Department,” it shall be construed as meaning the County Sanitarian or County Health Department, unless specific reference is made to the appointed Health Officer of the Town of Mountain Park, Oklahoma.
13. Highway. The term “highway” shall include any street, alley, highway, avenue, public place, square, bridge, underpass or overpass in the Town of Mountain Park, Oklahoma, dedicated or devoted to public use **or used by the any member of the public and that is not private land.**
14. Joint Authority. Words purporting to give joint authority to three (3) or more officers or other persons, shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.
15. Judge. The word “Judge” shall mean the Judge of the Municipal Court of the Town of Mountain Park, Oklahoma, including the Acting Judge and/or Alternate Judge thereof, as provided by Oklahoma Statutes and this Code of Ordinances.
16. Judicial District. The term “Judicial District” shall mean the District Court Judicial District of the State of Oklahoma, wherein the situs of government of the Town of Mountain Park, Oklahoma, is situated.
17. May. The word “may” is permissive and the word “shall” is mandatory **unless the context otherwise indicates or unless a contrary intention plainly appears.**
18. Mayor. Whenever reference is made to the “Mayor” it shall mean the Chief Executive Officer of the Town of Mountain Park, Oklahoma.
19. Month. The word “month” shall mean a calendar month.
20. Number. Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular, except where a contrary intention plainly appears.
21. Oath. The word “oath” shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath; in such cases, the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”

22. Officers, Departments, Etc. Whenever any officer, Department, Board, Commission or other agency is referred to by title alone, such reference shall be construed as if followed by the words “of the Town of Mountain Park, Oklahoma.”
23. Or/And. **The word** “Or” may be read **as** “and” if the sense requires is. **The word** “and” may be read as “or” if the sense requires it.
24. Owner. The word “owner” applied to a building or land, shall include any partial owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.
25. Person. The word “person” shall extend, and be applied to, associations, corporations, firms, partnerships and bodies politic and corporate, as well as to individuals. Whenever used with respect to any penalty, the word “person,” applied to partnerships or associations, shall mean the partners and members thereof, and as applied to corporations, the officers thereof.
26. Policeman. Reference to a “policeman” shall mean the Chief of Police or any Police Officer of the Town of Mountain Park, Oklahoma.
27. Preceding or Following. The words “preceding” or “following” shall mean next before and next after, respectively.
28. Roadway. The word “roadway” shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic.
29. Sidewalk. The word “sidewalk” shall mean any portion of the street right-of-way between the curb (or lateral line of the roadway) and the adjacent property line, intended for the use of pedestrians.
30. Signature or Subscription. The words “signature” or “subscription” shall include a mark when a person cannot write.
31. State. The words “State,” “the State” or “this State” shall mean the State of Oklahoma.
32. Statutory Reference. Reference to the Statutes of the State of Oklahoma means the Statutes as they now are or as they may be amended to be.
33. Street. The term “street” shall include any highway, alley, street, avenue, public place, underpass or overpass in the Town, dedicated or devoted to public use **or used by the any member of the public and that is not private land.**
34. Tense. Words used in the past or present tense shall include the future, as well as the past and present.
35. Written or In Writing. The terms “written” or “in writing” shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

36. Year. Unless otherwise designated, the word “year” shall mean a calendar year.

Sections 8-2 through 8-9. (Reserved for future use.)

Article 2. Miscellaneous Provisions.

Section 8-10. Certain Ordinances Not Affected by Code.

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

1. Ordinances promising, obligating or guaranteeing the payment of money for or to the Town of Mountain Park, Oklahoma, authorizing the issuance of any Municipal Bonds or any evidence of the Municipality's indebtedness;
2. Appropriation Ordinances, or Ordinances providing for (a) the levy of taxes, (b) an annual budget, (c) a Special Election or (d) prescribing salaries for Municipal officers and employees;
3. Ordinances which provide for the annexation or de-annexation of territory to or from the Town of Mountain Park, Oklahoma;
4. Ordinances approving, authorizing or otherwise relating to, any contract, agreement, lease, deed or other instrument, or granting any franchise;
5. Ordinances authorizing or relating to any specific public improvements;
6. Ordinances vacating, opening or dedicating specific streets and alleys;
7. Ordinances relating to specific street improvements and assessments;
8. Ordinances relating to the grade or alignment of specific streets;
9. Ordinances naming or re-naming specific streets;
10. Ordinances granting railroads or others the right to use specific streets, alleys or rights-of-way;
11. Ordinances changing the Zoning District classification of a specific parcel of real property; or
12. Other temporary or special Ordinances.

Section 8-11. Enumeration of Provisions.

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

Section 8-12. Code Does Not Affect Prior Offenses or Rights.

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

Section 8-13. Ordinances Effective on Certain Property Outside of Town.

1. All provisions of this Code of Ordinances and other Ordinances of the Town of Mountain Park, Oklahoma, now in effect or adopted in the future, are hereby extended to all real property belonging to, or under the control of, the Town of Mountain Park, Oklahoma, outside the corporate limits of said Town, and shall be in full force and effect thereon insofar as they are applicable.
2. Any words in any such provision indicating that its effect is limited to the corporate limits of the Town of Mountain Park, Oklahoma, shall be deemed to mean and include also such outlying real property belonging to, or under the control of, said Town, unless the context clearly indicates otherwise.
3. The operation of motor vehicles and other traffic upon roads, streets and highways that form the corporate boundary line of the Town of Mountain Park, Kiowa County, Oklahoma, shall be subject to all Municipal traffic Ordinances and other Ordinances of the Town of Mountain Park, Oklahoma.

Section 8-14. Designation and Citation of Code.

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

Section 8-15. Catch Lines and Captions of Sections.

The catch lines and/or captions of the Sections of this Code of Ordinances are intended as mere catchwords and/or for reference to indicate the contents of the Sections and shall not be deemed, or taken to be, operative portions of the ordinances.

Section 8-16. Separability Severability of Parts of Code.

1. It is hereby declared to be the intention of the Board of Trustees of the Town of Mountain Park, Oklahoma, that the Sections, paragraphs, sentences, clauses and phrases of this Code of Ordinances are severable and if any phrase, clause, sentence, paragraph or Section of said Code shall be declared invalid by the judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of said Code, since the same would have been enacted by the Town Board of Trustees without the incorporation in this Code of any such valid phrase, clause, sentence, paragraph or Section.
2. Further, if any word, phrase, clause, sentence, paragraph or Section of this Code of Ordinances shall seem invalid through printing or typographical error, such error or misprint shall not serve to misconstrue or invalidate the intent thereof, nor affect in any way the intent or validity of any or all other words, phrases, clauses, sentences, paragraphs or Sections of this Code.

Sections 8-17 through 8-49. (Reserved for future use.)

Article 3. Penalty; Judicial Relief.

Section 8-50. General Penalty for Violations; Judicial Relief.

1. Whenever, in this Code of Ordinances or any Ordinance of the Town of Mountain Park, Oklahoma, an act is prohibited, is made or declared to be unlawful, an offense or misdemeanor, or wherever in said Code of Ordinances, the doing of any act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code of Ordinances or of any such Ordinance shall be punishable by a fine in any amount not exceeding the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinances. Each day on which any violation of this Code or of any Ordinance shall continue shall constitute a separate offense and shall be punishable as such.

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