

## **CHAPTER 10: GENERAL AND MISCELLANEOUS PROVISIONS**

### Article

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**Statutory reference:**

*Adoption and revision of codes of ordinances, see 11 O.S. §§ 14-108, 14-109*

*Maximum fine levied, see 11 O.S. § 14-111*

*Fines over \$200 to be set by jury trial, see 11 O.S. § 27-119*

**Cross-reference:**

*For provisions concerning code and ordinance interpretation, see Charter Sections 8-1 et seq.*

**ARTICLE 1: RULES OF CONSTRUCTION; GENERAL PENALTY****§ 10-1 TITLE OF CODE.**

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

**§ 10-2 INTERPRETATION.**

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

**§ 10-3 APPLICATION TO FUTURE ORDINANCES.**

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

**§ 10-4 CAPTIONS AND NOTES.**

(A) Headings and captions used in this code other than the title, chapter and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

(B) Notes indicating sources of sections, giving other information or referring to statutes or to other parts of the code are inserted in the code, and may be inserted in changes to the code, for the convenience of persons using the code, and shall have no legal effect.



§ 10-5 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

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

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

**COUNTY.** Logan County, Oklahoma.

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

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

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

**MAYOR.** The Mayor of the city.

**MONTH.** A calendar month.

**OATH.** An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

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

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

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

**PROPERTY.** Real and personal property.

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

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

**STATE.** The State of Oklahoma.

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

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

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

**WEEK.** Seven days.

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

**YEAR.** A calendar year.

#### § 10-6 RULES OF INTERPRETATION.

The construction of all ordinances of the city shall be by the following rules, unless the construction is plainly repugnant to the intent of the legislative body or of the context of the ordinance:

(A) *“And” or “or.”* Either conjunction shall include the other as if written “and/or,” if the sense requires it.

(B) *Acts by assistants.* When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

(C) *Gender.* Words used in the masculine gender in this code or in other ordinances of the city include the feminine and neuter.

(D) *Singular and plural.* Words used in the singular number in this code or in other ordinances of the city include the plural, and the plural the singular.

(E) *Tenses.* The use of a verb in the present tense shall include the future, if applicable.

(F) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

**§ 10-7 SEVERABILITY.**

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

**§ 10-8 REFERENCE TO STATUTES.**

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

**§ 10-9 REFERENCE TO OTHER SECTIONS.**

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

**§ 10-10 REFERENCE TO OFFICES.**

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

**§ 10-11 ERRORS AND OMISSIONS.**

If a manifest error is discovered, consisting of the misspelling of any words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words were clearly intended to express the intent, the spelling shall be corrected, and the word or words supplied, omitted or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

**§ 10-12 OFFICIAL TIME.**

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

**§ 10-13 REASONABLE TIME.**

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

**§ 10-14 ORDINANCES REPEALED.**

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

**§ 10-15 ORDINANCES UNAFFECTED.**

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

**§ 10-16 REPEAL OR MODIFICATION OF ORDINANCE.**

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

(B) No suit, proceedings, right, fine, forfeiture or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in any way be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause or provision, unless it is expressly provided.

**§ 10-17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.**

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Ordinances and parts of ordinances of a permanent and general nature passed or adopted on and after the most recent ordinance included in this code of ordinances may be passed or adopted either in the form of amendments to this code of ordinances or without specific reference to the code, but in either case all ordinances and parts of ordinances shall be deemed amendments to the code, and all of the substantive permanent and general parts of the ordinances and changes made thereby in the code shall be inserted and made in the code whenever authorized or directed by motion, resolution or ordinance of the City Council, as provided hereinafter.

**§ 10-18 SECTION HISTORIES; STATUTORY REFERENCES.**

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, passed 1-1-85)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (11 O.S. § 1-402) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85)

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

**§ 39-1 PUBLIC RECORDS AVAILABLE.**

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

***Statutory reference:***

*For provisions concerning the inspection of public records, see 51 O.S. §§ 24A.1 et seq.*

(C) If a section of this code is derived from the previous code of ordinances of the city published in 1990 and subsequently amended, the 1990 code section number shall be indicated in the history by "(`90 Code, § 9-15)."

**ARTICLE 2: WARDS AND BOUNDARIES****§ 10-30 WARDS AND BOUNDARIES.**

(A) *Ward One.* Ward One of the city shall comprise all that portion of the city lying within the following described boundaries:

Beginning at the center of the Burlington, Northern Santa Fe Railroad right-of-way and intersecting point of Oklahoma Avenue in Section 8, Township 16 North, Range 2 West, thence east along the north half of Oklahoma Avenue to the center of Capital Street; thence south along the east half of the right-of-way of Capital Street to the center of Harrison Avenue, thence east along the north half of the right-of-way of Harrison Avenue to the east half of the right-of-way boundary of Pine Street; thence south along the east half of Pine Street to the southern city limits boundary lying in the northwest quarter of Section 15, Township 16 North, Range 2 West, thence east northeast following the city limits boundary through Section 15, Township 16 North, Range 2 West to the east Guthrie city limits boundary along Interstate 35, thence north following the East I-35 Guthrie city limits boundary to the city limits boundary lying in the northeast quarter of Section 3, Township 16 North, Range 2 West, thence west following the north city limits boundary lying in Sections 3 and 4, both being Township 16 North, Range 2 West, I.M. to the northwest corner of the northeast quarter of Section 4, T16N, R2W, I.M., thence south to the southwest corner of the northeast quarter of Section 4, T16N, R2W, I.M.; thence west to the center of the Burlington, Northern Santa Fe Railroad right-of-way; thence following a south southwest direction along the center of the said railroad right-of-way to the point of beginning; and any part of incorporated city limits of the City of Guthrie being a part of Section 33, Township 17 North, Range 2 West.

Any part of incorporated city limits of the City of Guthrie being a part of the following Sections in Logan County, Oklahoma shall be a part of Ward One. Sections 11, 13, 14, 24, 25 and 36, Township 16 North, Range 2 West, I.M.; Sections 1, 12, 13, 24, 25, 34, 35, 36 and the east half of 33, Township 15 North, Range 2 West. Also, any part of the incorporated city limits of the City of Guthrie lying in Section 4, T1 5N, R2W of the I.M.

(B) *Ward Two.* Ward Two of the city shall comprise all that portion of the city lying within the following described boundaries:

Beginning at the intersecting point of the Burlington, Northern Santa Fe Railroad right-of-way and the south half of Oklahoma Avenue right-of-way; thence east following the south half of the right-of-way of Oklahoma Avenue to the center of Capital Avenue; thence following the west half of the right-of-way of Capital Avenue south to the south half of the right-of-way of Harrison Avenue; thence east following the south half of the right-of-way of Harrison Avenue to the center of the right-of-way of Pine Street; thence south following the west half of the right-of-way of Pine Street to the north half of the right-of-way of Prairie Grove Road; thence west following the north half of the right-of-way of Prairie Grove Road to the east city limits boundary lying in Section 28, Township 16 North, Range 2 West; thence south following the east city limits boundary; south to

the south right-of-way line of Roller Coaster Road; thence east to the city limits boundary lying in the northeast quarter of Section 33, Township 16 North, Range 2 West, being the center of Interstate 35 right-of-way; thence south following the east city limits boundary to a point in the middle of the east line of the Northwest Quarter of Section 9, T15N, R2W, I.M., thence west following the south city limits boundary to the west line of the northwest quarter of said Section 9; thence north to the northwest corner of the northwest quarter of Section 9, T15N, R2W, I.M.; thence west following the south city limits boundary to the west right-of-way line of Coltrane; thence south following the east section line of Section 7, T1 5N, R2W of the I. M. to the southeast corner of said section; thence west 2,640' following the north section line to the northwest corner of Section 18, T15N, R2W of the I.M., thence south 2,640' to the center of said section 18; thence west 1,627.8' to a point in the east right-of-way line of the Oklahoma Railway Company; thence northeasterly 2,672' following the east right-of-way line of the Oklahoma Railway Company to the north line of Section 18, T15N, R2W of the I.M.; thence west 125.8' to the west right-of-way line of the Oklahoma Railway Company; thence southerly 603.5' following the right-of-way line; thence west 1,190' to the west line of said section 18; thence north 660' to the southeast corner of Section 12, T15N, R3W of the I.M.; thence west 1,320'; thence north 1,320'; thence east 660'; thence north 1,320'; thence west 1,980'; thence north 2,640' to the southeast corner of the southwest quarter of Section 1, T15N, R2W of the MI.; thence west 660'; thence north 1,980'; thence west 660'; thence north 990'; thence east 1,320'; thence north 660'; thence east 660'; thence north 330'; thence east 660'; thence south 660'; thence east 330'; thence south 660'; thence east 990' to the southeast corner of the northeast quarter of said Section 1; thence north to the northwest corner of Section 31, T16N, R2W of the I.M.; thence east to the north/south half section line in Section 29, T1 6N, R2W of the I.M.; thence north following the half section line of Sections 29 and 20, T16N, R2W of the I.M. to the south section line of Section 17, Township 16 North, Range 2 West, I.M.; thence west along the north half of the right-of-way of Industrial Road to the center of the right-of-way of the Burlington Northern Santa Fe Railroad; thence north following the center of the right-of-way of the Burlington Northern Santa Fe Railroad to the point of beginning.

(C) *Ward Three.* Ward Three shall comprise all that portion of the city lying within the following boundaries:

Beginning at the southwest corner of the southeast quarter of Section 12, Township 16 North, Range 3 West, I.M.; thence north along the east side of the half section line of Section 12 to College Avenue; thence east along College Avenue to 14th Street; thence north along 14th Street to the city limits boundary; thence east following the north city limits boundary to the east city limits boundary; thence south following the city limits boundary to College Avenue; thence east along College Avenue to the east right-of-way line of 4th Street; thence south along 4th Street a distance of 150'; thence east to the city limits boundary lying in the northeast quarter of Section 8, Township 16 North, Range 2 West; thence northwesterly along the city limits boundary lying in the southwest quarter of Section 5, Township 16 North, Range 2 West, to northern city limits boundary lying in the southwest quarter of Section 5, Township 16 North, Range 2 West; thence east to the center of the Burlington, Northern Santa Fe Railroad right-of-way lying in the southwest quarter of Section 4, Township 16 North, Range 2 West, Indian Meridian; thence east 100'; thence north along the east right-of-way line of US Highway 77 a distance of 2,850'; thence east 2,220'; thence north

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950'; thence west 250'; thence north 200'; thence east 250' to the northeast corner of the northeast quarter of Section 4, T16N, R2W of the I. M.; thence south 4,850'; thence west 2,640' to a point in the center of the Burlington Northern Santa Fe Railroad right-of-way; thence southwesterly along the said right-of-way to the intersecting south line of Section 17, T1 6N, R2W of the I. M., thence west to the southwest corner of said Section 17; thence north to the southeast corner of Section 7, T16N, R2W of 6 the I.M.; thence west along the south section line of said Section 7 and Section 12, T1 6N, R3W of the I. M. to the point of beginning.

Any part of the incorporated City limits of the City of Guthrie being a part of the following Sections shall be a part of Ward Three. Section 6 in Township 16 North, Range 2 West, I.M.; and Sections 31, 32 and west half of 33, all being in Township 15 North, Range 2 West, I.M.; and Sections 36, 35, 34, 27, 22, 21, 20, 19, 18, 17 and 15, all being in Township 15 North, Range 3 West, I.M.; and Sections 2, 11, 12, 13 and 14, all being in Township 15 North, Range 4 West, I.M.; and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, all being in Township 16 North, Range 3 West, I.M.; and Sections 11, 12, 14, 23, 26 and 35, all being in Township 16 North, Range 4 West, I.M.  
(Ord. 3010, passed 1-21-97; Am. Ord. 3109, passed 1-7-03)

**ARTICLE 3: REFERENDUM AND INITIATIVE**

**§ 10-40 REFERENDUM PETITION; FORM; TIME FOR FILING.**

The referendum petition shall be substantially as follows:

*Petition for referendum:* To the Honorable \_\_\_\_\_, Mayor of the City of Guthrie. We, the undersigned citizens and legal voters of the City of Guthrie, Oklahoma, respectfully order that Ordinance No. \_\_\_\_\_, entitle (title of ordinance, and if the petition is against less than the whole ordinance, then set forth here the part or parts on which the referendum is sought), passed by the City Council, shall be referred to the people of the City of Guthrie, Oklahoma for their approval or rejection at the next general or special election and each for himself says: I have personally signed this petition; I am a legal voter of the City of Guthrie, Oklahoma; my residence and post office are correctly written after my name.

*General provisions:* Referendum petitions shall be filed with the City Clerk not more than 30 days after the final adjournment of the meeting of the Council which passed the bill on which the referendum is demanded. The question we herewith submit to our fellow voters is: Shall the following ordinance be approved?

(Insert here an exact copy of the title and text of the measure)

Name \_\_\_\_\_ Residence/Post Office or Street and Number  
\_\_\_\_\_ City

(Here follow 40 numbered lines for signatures.)  
(`91 Code, § 22-1) (Ord. 2914, passed - - )

**§ 10-41 INITIATIVE PETITION; FORM.**

The form of initiative petition shall be substantially as follows:

*Initiative petition*

To the Honorable \_\_\_\_\_, Mayor of the City of Guthrie: We the undersigned citizens and legal voters of the City of Guthrie, Oklahoma, respectfully order that the following proposed ordinance (or amendment to the City Charter, as the case may be) shall be submitted to the legal voters of the City of Guthrie, Oklahoma for their approval or rejection at the next general election or special city election and each for himself says: I have personally signed this petition; I am a legal voter of the City of Guthrie, Oklahoma; my residence and post office are correctly written after my name. The time for filing this petition expires 90 days from (insert date when petition is initially filed with the Clerk). The question we herewith submit to our fellow voters is: Shall the following ordinance (or amendment to the city charter) be approved? (Insert here an exact copy of the title and text of the measure).

Name \_\_\_\_\_ Residence/Post Office or Street and Number  
City

\_\_\_\_\_  
(Here follow 40 numbered lines for signatures)  
(`91 Code, § 22-2) (Ord. 2914, passed - - )

**§ 10-42 PETITIONS AND SIGNATURES.**

Each initiative petition and each referendum petition shall be duplicated for the securing of signatures, and each sheet for signatures shall be attached to a copy of the petition. Each copy of the petition and sheets for signatures are hereinafter termed a pamphlet. On the outer page of each pamphlet shall be printed the word "Warning" as authorized by 34 O.S. § 3 and underneath this in ten-point type the words, "It is a felony for anyone to sign an initiative or, referendum petition with any name other than his own, or knowingly to sign his name more than once for the measure, or to sign such petition when he is not a legal voter". A simple statement of the gist of the proposition shall be printed on the top margin of each signature sheet. Not more than 40 signatures on one sheet shall be counted. Any signature sheet not in substantial compliance with this section shall be disqualified by the City Clerk.

(`91 Code, § 22-3) (Ord. 2914, passed - - )

**§ 10-43 PRESERVATION AFTER APPROVAL.**

If any measure shall, at the ensuing election, be approved by the people, then the copies of the petitions, with the sheets of signatures and affidavits, and a certified copy of the Mayor's proclamation declaring the same to have been approved by the people, shall be bound together in such form that they

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may be conveniently identified and preserved. The City Clerk shall cause every such measure so approved by the people to be printed with the general laws of the city.  
(`91 Code, § 22-4) (Ord. 2914, passed - - )

**§ 10-44 VERIFICATION OF SIGNATURES; WHO MAY CIRCULATE.**

Each sheet of every such petition containing signatures shall a verified on the back thereof, in substantially the following form, by the person who circulated the sheet of the petition, by his or her affidavit thereon as a part thereof. The person circulating such petition shall be a qualified elector of the city:

State or Oklahoma    )  
  ) ss  
County of Logan        )

I, \_\_\_\_\_, being first duly sworn, say: That I am a qualified elector of the City of Guthrie, Oklahoma and that (here shall be legibly written or typewritten the names of the signers of the sheet), signed this sheet of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, post office address, and residence correctly and that each signer is a legal voter of the City of Guthrie, Oklahoma. (Signature and post office address of affiant.) Subscribed and sworn to before me this \_\_\_\_\_ day of A.D., 20\_\_\_\_. (Signature and title of the officer before whom oath is made and his post office address.)  
(`91 Code, § 22-5) (Ord. 2914, passed - - )

**§ 10-45 DISQUALIFICATION OF UNVERIFIED PETITIONS.**

The City Clerk shall disqualify all signatures on any sheet of any petition which is not verified by the person who circulated the sheet of the petition as provided in the preceding section, and the Clerk shall notify the City Attorney of any and all violations of this title of which he has knowledge.  
(`91 Code, § 22-6) (Ord. 2914, passed - - )

**§ 10-46 FILING COPY OF PROPOSED PETITION.**

When a citizen or citizens desire to circulate a petition initiating a proposition of any nature, whether to become an ordinance or an amendment to the Charter, or for the purpose of invoking a referendum upon Council enactments, such citizen or citizens shall, when such petition is prepared, and before the same is circulated or signed by electors, file a true and exact copy of same in the office of the City Clerk and, within 90 days after such filing of an initiative petition, the signed copies thereof shall be filed with the City Clerk, but the signed copies of a referendum petition shall be filed with the City Clerk within 30 days after the passage of the ordinance on which the referendum is invoked. The

electors shall sign their legally registered name, their address in the city. Any petition not filed in accordance with this provision shall not be considered.

(`91 Code, § 22-7) (Ord. 2914, passed - - )

**§ 10-47 PUBLICATION OF MEASURES.**

It shall be the duty of the City Clerk, not less than five days before any election held in the city at which any proposed ordinance, part of an ordinance, or amendment to the Charter is to be submitted to the people of the city for their approval or rejection, to cause to be published once in a newspaper of general circulation, a copy of all ballots on initiated and referred questions, measures, and Charter amendments and an explanation of how to vote for or against propositions; the publication to be paid for at the legal rate for other publications, out of any funds of the city appropriated therefor.

(`91 Code, § 22-8) (Ord. 2914, passed - - )

**§ 10-48 FAILURE TO PUBLISH NOT TO INVALIDATE ELECTION.**

The failure to prepare and have published the argument and other matter as provided by law shall not invalidate the election held on any initiative or referendum or Charter amendment proposed by the Council, and no election on any such measure shall be declared or held invalid on the grounds that such publication was not so prepared or published.

(`91 Code, § 22-9) (Ord. 2914, passed - - )

**§ 10-49 WHO MAY SIGN PETITIONS.**

Every person who is a qualified elector of the city may sign a petition for the referendum or for the initiative for any measure upon which he is legally entitled to vote.

(`91 Code, § 22-10) (Ord. 2914, passed - - )

**§ 10-50 ONLY SUBSTANTIAL COMPLIANCE REQUIRED.**

The procedure prescribed in this article and as set forth in 11 O.S. §§ 15-101 et seq. entitled "Initiative and Referendum - Municipal Questions" as the same may be from time to time amended is not mandatory, but if substantially followed will be sufficient. If the end aimed at can be attained and procedure shall be sustained, clerical and mere technical errors shall be disregarded.

(`91 Code, § 22-11) (Ord. 2914, passed - - )

**ARTICLE 4: INDEMNIFICATION****§ 10-60 INDEMNIFICATION, GENERALLY.**

The City of Guthrie shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative (other than an action by or in the right of the city) by reason of the fact that he is or was an officer, employee, or agent of the city, or is or was serving at the request of the city as a director, employee, agent or member of a board, committee, or agency, against expenses (including attorney's fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in good faith and in a manner he reasonably believed to be in or not opposed to the best interest of the city, and with respect to any criminal action or proceedings, had no reasonable cause to believe his conduct was unlawful.  
(Ord. 3168, passed 11-1-05)

**§ 10-61 NOLO CONTENDERE, GROSS NEGLIGENCE, MISCONDUCT.**

Determination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interest of the city, and, with respect to any criminal action or proceedings had full reasonable cause to believe that his conduct was not lawful. Provided, however, no indemnification shall be made in respect of any claim, issue, or matter as to which such person shall have been adjudged to be liable for gross negligence or misconduct in the performance of his duty to the city.  
(Ord. 3168, passed 11-1-05)

**§ 10-62 INDEMNIFICATION FOR A SUCCESSFUL DEFENSE.**

To the extent that an officer, employee or agent of the city has been successful on the merits or otherwise in defense of any action, suit or proceedings referred to in this article, or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorney's fees) actually and reasonably incurred by him in connection therewith.  
(Ord. 3168, passed 11-1-05)

**§ 10-63 COUNCIL DETERMINATION OF INDEMNIFICATION.**

Any indemnification under this article shall be made by the city (unless ordered by court) only as may be authorized in the specific case upon a determination that the indemnification of the officer, employee or agent is proper under the circumstances because he has met the applicable standards of conduct. This determination shall be made:

(A) By the Mayor and Councilmen by a majority vote of a quorum consisting of those members who were not parties to such action, suit or proceedings; or

(B) If such a quorum is not attainable, or if it is attainable and a quorum of disinterested members so directs, then by independent legal counsel in a written opinion.  
(Ord. 3168, passed 11-1-05)

**§ 10-64 ADVANCE PAYMENT FOR EXPENSES.**

Expenses incurred in defending a civil or a criminal action, suit or proceeding may be paid by the city in advance of the final disposition of such suit, action or proceeding, as authorized by the Mayor and the City Council in the specific case upon receipt of an undertaking by or on behalf of the officer, employee or agent to repay such amount unless it shall be ultimately determined that he is entitled to be indemnified by the city as authorized herein.  
(Ord. 3168, passed 11-1-05)

