

CHAPTER 9

GENERAL AND MISCELLANEOUS PROVISIONS

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Article 1. Rules of Construction

Section 9-1. Rules of Construction.

In the construction of this Code of Ordinances and of all subsequent Ordinances and Resolutions passed by the City Council of the City of Hollis, Oklahoma, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of said City Council.

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 City of Hollis, Oklahoma.
2. City or Municipality. The words the “city” or the “municipality” shall mean the City of Hollis, in Harmon County, Oklahoma.
3. City Attorney or Municipal Attorney. Reference to the “City Attorney” or the “Municipal Attorney” shall mean the City Attorney of the City of Hollis, Oklahoma.
4. City Clerk or Clerk of the Municipality. Reference to the “City Clerk” or the “Clerk of the Municipality” shall mean the City Clerk of the City of Hollis, Oklahoma.
5. City Council or Council. The words “City Council” or “Council” shall mean the Governing Body of the City of Hollis, Oklahoma.
6. City Treasurer or Treasurer. Whenever reference is made to the “City Treasurer”, or the “Treasurer”, it shall mean the City Treasurer of the City of Hollis, Oklahoma.
7. Code. Reference to “this Code” or “the Code” shall mean the Code of Ordinances of the City of Hollis, 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. The term “County”, “the County” or “this County” shall mean Harmon County, Oklahoma.
10. Court. The word “Court” shall mean the Municipal Court of the City of Hollis, 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 State Sanitarian or State Health Department, unless specific reference is made to the appointed Health Officer of the City of Hollis, Oklahoma.

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13. City Health Board. This refers to the City Council.
14. Highway. The term “highway” shall include any street, alley, highway, avenue, public place, square, bridge, underpass or overpass in the City of Hollis, Oklahoma, dedicated or devoted to public use.
15. Joint Authority. Words purporting to give authority to three (3) or more officers or other persons, shall be construed as giving such authority to a majority of such officer or other persons, unless it is otherwise declared.
16. Judge. The word “Judge” shall mean the Judge of the Municipal Court of the City of Hollis, Oklahoma, including the Acting Judge and/or Alternate Judge thereof, as provided by Oklahoma Statutes and this Code of Ordinances.
17. 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 City of Hollis, Oklahoma, is situated.
18. May. The word “may” is permissive; the word “shall” is mandatory.
19. Mayor. Whenever reference is made to the “Mayor”, it shall mean that member of the Hollis, Oklahoma, City Council elected by the members of said council to preside over its meetings.
20. Month. The word “month” shall mean a calendar month.
21. 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.
22. 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”.
23. 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 City of Hollis, Oklahoma”.
24. Or, And. “Or” may be read “and”, and “and” may be read “or”, if the sense requires it.
25. Owner. The word “owner”, applied to a building or land, shall include any par 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.
26. 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”, as applied to partnerships or associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.
27. Policeman. Reference to a “policeman” shall mean the chief of Police or any police officer of the City of Hollis, Oklahoma.
28. Preceding or Following. The words “preceding” or “following” mean next before and next after, respectively.
29. Roadway. The word “roadway” shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic.
30. 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.

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31. Signature or Subscription. The word “signature” or “subscription” shall include a mark when a person cannot write.

32. State. The words “State”, “the State” or “this State” shall be construed to mean the State of Oklahoma.

33. 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; a reference to the 1971 Statutes also means the comparable provision when included in future codifications or supplementations of said Statutes.

34. Street. The term “street” shall include any highway, alley, street, avenue, public place, underpass or overpass in the city, dedicated or devoted to public use.

35. Tense. Words used in the past or present tense shall include the future, as well as the past and present.

36. Written or Writing. The term “written” or “in writing” shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

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

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

Article 2. Miscellaneous Provisions

Section 9-10. 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 or guaranteeing the payment of money for the City of Hollis, 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 or (c) prescribing salaries for municipal officers and employees;
3. Ordinances annexing or de-annexing territory to or from the City of Hollis, 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 otherwise relating to specific public improvements;
6. Ordinances vacating, opening or dedicating specific streets and alleys;
7. Ordinances relating to specific street improvements and assessments therefore;
8. Ordinances relating to the grade or alignment of specific streets;
9. Ordinances naming or renaming specific streets;
10. Ordinances granting railroads the right to use specific streets and alleys.
11. Ordinances changing the Zoning District classification of a specific parcel of real property; or
12. Temporary or special Ordinances.

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Section 9-11. Enumeration of Provisions.

1. Provisions of State Law which affect the City of Hollis, 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 City of Hollis, 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 City of Hollis, 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 shall 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 City of Hollis, Oklahoma; duly authorized officers and agents of said City shall have all power, duties and responsibilities necessary to enforce the same.

Section 9-12. 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 9-13. Code and Ordinances Effective Outside City on Property Owned or Controlled by City.

1. All provisions of this Code of Ordinances and other Ordinances of the City of Hollis, Oklahoma, now in effect or adopted in the future, are hereby extended to all real property belonging to, or under the control of the City of Hollis, Oklahoma, outside the corporate limits of said City, 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 City of Hollis, Oklahoma, shall be deemed to mean and include also such outlying real property belonging to, or under the control of, said City, unless the context clearly indicates otherwise.

Section 9-14. Designation and Citation of Code.

The catch-lines of the Sections of this Code of Ordinances which are underlined, are intended as mere catchwords to indicate the contents of the Sections and shall not be deemed, or taken to be, titles of such Sections, nor as any part of the Sections, nor, unless expressly so provided, shall they be so deemed when any of such Sections, including the catch-lines, are amended or re-enacted.

Section 9-15. Severability of Parts of Code.

1. It is hereby declared to be the intention of the City Council of the City of Hollis, Oklahoma, that the Sections, paragraphs, sentences, clauses and phrases of this Code of Ordinances are separable 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 City Council without the incorporation in this Code of any such invalid 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.

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Sections 9-16 through 9-19. (Reserved for future use.)

Article 3. Identity Theft Prevention Program

Section 9-20. Short Title.

This article shall be known as the Identity Theft Prevention Program.

Section 9-21. Purpose.

The purpose of this Article is to comply with 16 CFR § 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft.

Section 9-22. Definitions.

For purposes of this Article, the following definitions apply:

1. 'City' means the City of Hollis.
2. 'Covered account' means (a) an account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and (b) Any other account that the financial institution or creditor offers or maintains for which there is a reasonable foreseeable risk to the safety and soundness of the financial institution or creditor from identity theft, including financial, operations, compliance, reputation, or litigation risks.
3. 'Credit' means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.
4. 'Creditor' means any person who regularly extends, renews, or continues credit; and person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.
5. 'Customer' means a person that has a covered account with a creditor.
6. 'Identity theft' means a fraud committed or attempted using identifying information of another person without authority.
7. 'Person' means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or associations.
8. 'Personal Identifying Information' means a person's credit card account information, debit card information, bank account information and drivers' license information and for a natural person includes their social security number, mother's birth name, and date of birth.
9. 'Red flag' means a pattern, practice, or specific activity that indicates the possible existence of identity theft.
10. 'Service Provider' means a person that provides service directly to the city.

Section 9-23. Findings.

1. The City is creditor pursuant to 16 CFR § 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.

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2. Covered accounts offered to customers for the provision of city services include water, sewer, refuse collection and municipal court fines.
3. The processes of opening a new covered account, restoring an existing covered account, making payments on such accounts, and transferring accounts have been identified as potential processes in which identify theft could occur.
4. The city limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the city's computer system and is not otherwise recorded.
5. The city determines that there is a low risk of identity theft occurring in the following ways:
 - a) Use by an applicant of another person's personal identifying information to establish a new covered account;
 - b) Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;
 - c) Use of another person's credit card, bank account, or other method of payment by a customers to pay such customer's covered account or accounts;
 - d) Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment.

Section 9-24. Process of Establishing a Covered Account.

1. As a precondition to opening a covered account in the city, each applicant shall provide the city with personal identifying information of the customer as may be reasonably requested by the employee opening said account. Such information shall be entered directly into the city's computer system and shall not otherwise be recorded.
2. Each account shall be assigned an account number and personal identification number (PIN) which shall be unique to that account. The city may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs.

Section 9-25. Access to Covered Account Information.

1. Access to customer accounts shall be password protected and shall be limited to authorized city personal.
2. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the City Manager and the password changed immediately.
3. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the City Manager and the City Attorney.

Section 9-26. Credit Card Payments.

1. In the event that credit card payments that are made over the Internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.
2. All credit card payments made over the telephone or the city's website shall be entered directly into the customer's account information in the computer data base.
3. Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.

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Section 9-27. Sources and Types of Red Flags.

All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

1. Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include but are not limited to:
 - a. A fraud or active duty alert that is included with a consumer report;
 - b. A notice of credit freeze in response to a request for a consumer report;
 - c. A notice of address discrepancy provided by a consumer reporting agency;
 - d. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
 - (1) A recent and significant increase in the volume of inquiries;
 - (2) An unusual number of recently established credit relationships;
 - (3) A material change in the use of credit, especially with respect to recently established credit relationships; or
 - (4) An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.
2. Suspicious documents. Examples of suspicious documents include:
 - a. Documents provided for identification that appear to be altered or forged;
 - b. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
 - c. Identification on which the information is inconsistent with information provided by the applicant or customer;
 - d. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or
 - e. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.
3. Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:
 - a. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:
 - (1) The address does not match any address in the consumer report; or
 - (2) The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.

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- b. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between SSN range and date of birth.
 - c. Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.
 - d. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.
 - e. The SSN provided is the same as that submitted by other applicants or customers.
 - f. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.
 - g. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
 - h. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.
 - i. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
4. Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:
- a. Shortly following the notice of a change of address fro an account, city receives a request for the addition of authorized users on the account.
 - b. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:
 - (1) The customer fails to make the first payment or makes an initial payment but no subsequent payments.
 - c. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
 - (1) Nonpayment when there is no history of late or missed payments;
 - (2) A material change in purchasing or spending patterns;
 - d. An account that has been inactive for a long period of time is used taking into consideration the type of account, the expected pattern of usage and other relevant factors.
 - e. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
 - f. The city is notified that the customer is not receiving paper account statements.

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- g. The city is notified of unauthorized charges or transactions in connection with a customer's account.
 - h. The city is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.
5. Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts.

Section 9-28. Prevention and Mitigation of Identity Theft.

1. In the event that any city employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the city manager. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the City Manager, who may in his or her discretion determine that no further action is necessary. If the City Manager in his or her discretion determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the City Manager:

- a. Contact the customer;
- b. Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account;
 - (1) Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
 - (2) Close the account;
- c. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;
- d. Notify a debt collector within 72 hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
- e. Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
- f. Take other appropriate action to prevent or mitigate identity theft.

2. In the event that any city employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect to an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the City Manager. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the City Manager, who may in his or her discretion determine that no further action is necessary. If the City Manager in his or her discretion determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the City Manager:

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- a. Request additional identifying information from the applicant;
- b. Deny the application for the new account;
- c. Notify law enforcement of possible identity theft; or
- d. Take other appropriate action to prevent or mitigate identity theft.

Section 9-29. Updating the Program.

Upon the recommendation of the City Manager, the city council shall annually review and, as deemed necessary by the council, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the city and its covered accounts from identity theft. In so doing, the city council shall consider the following factors and exercise its discretion in amending the program:

1. The city's experiences with identity theft;
2. Updates in methods of identity theft;
3. Updates in customary methods used to detect, prevent, and mitigate identity theft;
4. Updates in the types of accounts that the city offers or maintains; and
5. Updates in service provider arrangements.

Section 9-30. Program Administration.

The City Clerk is responsible for oversight of the program and for program implementation. The City Manager is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the City Manager, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changed to the program shall be submitted to the city council for consideration by the council.

1. The City Clerk will report to the City Manager at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:
 - a. The effectiveness of the policies and procedures of city in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
 - b. Service provider arrangements;
 - c. Significant incidents involving identity theft and management's response; and
 - d. Recommendations for material changes to the Program.
2. The City Clerk is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The City Clerk shall exercise his or her discretion in determining the amount and substance of training necessary.

Section 9-31. Treatment of Address Discrepancies.

1. Pursuant to 16 CFR § 681.1, the purpose of this Article is to establish a process by which the city will be able

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to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the city has received a notice of address discrepancy.

2. In the event that the city receives a notice of address discrepancy, the city employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform on or more of the following activities, as determined to be appropriate by such employee:

- a. Compare the information in the consumer report with:
 - (1) Information the city obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. § 5318(1);
 - (2) Information the city maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
 - (3) Information the city obtains from third-party sources that are deemed reliable by the relevant city employee; or
- b. Verify the information in the consumer report with the consumer.

Section 9-32. Furnishing Consumer's Address to Consumer Reporting Agency.

1. In the event that the city reasonable confirms that an address provided by a consumer to the city is accurate, the city is required to provide such address to the consumer reporting agency from which the city received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:

- a. The city is able to form a reasonable belief that the consumer report relates to the consumer about whom the city requested the report;
- b. The city establishes a continuing relation with the consumer; and
- c. The city regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.

2. Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the city to such agency for the reporting period in which the city establishes a relationship with the customer.

Section 9-33. Methods of Confirming Consumer Addresses.

The city employee charged with confirming consumer address may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

1. Verifying the address with the consumer;
2. Reviewing the city's records to verify the consumer's address;
3. Verifying the address through third party sources; or
4. Using other reasonable processes.

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Article 4. Penalty; Judicial Relief

Section 9-34. General Penalty for Violations.

Whenever, in this Code of Ordinances or in any Ordinance of the City of Hollis, Oklahoma, an act is prohibited, is made or declared to be unlawful, an offense or misdemeanor, or wherever in said Code or Ordinance 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 therefore, 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 five hundred dollars (\$500.00), including costs and/or thirty (30) days imprisonment. 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.

Section 9-35. Penalty.

Any person, firm or corporation who violates any provisions of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 9-34 of this Code. Each day upon which a violation continues shall be deemed a separate offense.