

ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING TITLE 9, CHAPTER 7, SECTIONS 1 AND 2 REGARDING ADOPTION OF THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

WHEREAS, THE CITY COUNCIL FINDS IT IS IN THE BEST INTEREST OF THE PUBLIC TO MAINTAIN ITS CODES IN A STATE OF UPDATED COMPLIANCE WITH UNIFORM CODES AS ADOPTED BY THE STATE AND OTHER MUNICIPAL JURISDICTIONS IN THE STATE, AND

WHEREAS, THE CURRENTLY ADOPTED INTERNATIONAL PROPERTY MAINTENANCE CODE OF THE CITY OF PRYOR CREEK IS OUT OF DATE, SAME BEING THE 2006 VERSION, AND

WHEREAS, THE CURRENT VERSION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE IS THE 2015 VERSION.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR, AND THE COUNCIL OF THE CITY OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, TO-WIT:

SECTION 1.

Title 9, Chapter 7, Sections 1 and 2 of the Code of Ordinances of the City of Pryor Creek, Mayes County, State of Oklahoma, are hereby amended to read as follows, to-wit: (deletions indicated by strike through and additions indicated by underline)

9-7-1: ADOPTION OF PROPERTY MAINTENANCE CODE:

A certain document, three (3) copies of which are on file in the office of the city clerk of the city of Pryor Creek, being marked and designated as the international property maintenance code, ~~2006~~ 2015 edition, as published by the International Code Council, be and is hereby adopted as the property maintenance code of the city of Pryor Creek, in the state of Oklahoma for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the city of Pryor Creek are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 9-7-2 of this chapter.

9-7-2: ADDITIONS, INSERTIONS AND CHANGES:

The following sections are hereby revised as follows:

Section 101.1.: City of Pryor Creek.

Section 103.5.: See "Appendix A" to Code of Ordinances.

Section 302.4.: Twelve inches (12").

Section 304.14.: January 1; January 1.

Section 602.3.: September 1; June 1.

Section 602.4.: September 1; June 1.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 3 SEVERABILITY.

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Passed and Approved by the Council of the City of Pryor Creek, Oklahoma, in regular session on this ____ day of _____, 2021

ATTEST:

LARRY LEES, MAYOR

EVA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

K. ELLIS RITCHIE

Dated: _____, 2021

ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING TITLE 5, CHAPTER 5, SECTION 1 REGARDING AMENDMENT OF THE DEFINITION OF "PROOF OF AGE" AS USED IN TITLE 5, CHAPTER 5, SECTION 1 RELATIVE TO TOBACCO AND VAPOR PRODUCT ORDINANCES; AND PROVIDING FOR REPEALER AND SEVERABILITY.

WHEREAS, STATE AND FEDERAL LAW RELATING TO TOBACCO AND VAPOR PRODUCTS RELATES TO PERSONS OF 21 YEARS OF AGE OR OLDER AND IT IS THEREFORE NECESSARY THAT THE PROVISIONS OF THE CITY CODE BE AMENDED TO CONFORM TO SAME.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR, AND THE COUNCIL OF THE CITY OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, TO-WIT:

SECTION 1.

Title 5, Chapter 5, Section 1 of the Code of Ordinances of the City of Pryor Creek, Mayes County, State of Oklahoma, is hereby amended to read as follows, to-wit: (deletions indicated by strike through and additions indicated by underline)

5-5-1: DEFINITIONS:

As used in this chapter:

PERSON: Any individual, firm, fiduciary, partnership, corporation, trust or association, however formed.

PROOF OF AGE: A driver's license, license for identification only or other generally accepted means of identification that describes the individual as ~~eighteen (18)~~ Twenty-One (21) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid.

SAMPLE: A tobacco product distributed to members of the public at no cost for the purpose of promoting the product.

SAMPLING: The distribution of samples to members of the public in a public place.

TOBACCO PRODUCT: Any product that contains tobacco and is intended for human consumption.

VAPOR PRODUCT: Shall mean noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. "Vapor products" shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. "Vapor products" do

not include any products regulated by the United States Food and Drug Administration under chapter V of the Food, Drug, and Cosmetic Act.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 3 SEVERABILITY.

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Passed and Approved by the Council of the City of Pryor Creek, Oklahoma, in regular session on this ___ day of _____, 2021

ATTEST:

LARRY LEES, MAYOR

EVA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

K. ELLIS RITCHIE

Dated: _____, 2021

ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING TITLE 5, CHAPTER 5, SECTION 2 REGARDING ENFORCEMENT BY CITY POLICE OF TOBACCO AND VAPOR PRODUCTS ORDINANCES; AND PROVIDING FOR REPEALER AND SEVERABILITY.

WHEREAS, STATE AND FEDERAL LAW RELATING TO TOBACCO AND VAPOR PRODUCTS RELATES TO PERSONS OF 21 YEARS OF AGE OR OLDER AND IT IS THEREFORE NECESSARY THAT THE PROVISIONS OF THE CITY CODE BE AMENDED TO CONFORM TO SAME.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR, AND THE COUNCIL OF THE CITY OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, TO-WIT:

SECTION 1.

Title 5, Chapter 5, Section 2 of the Code of Ordinances of the City of Pryor Creek, Mayes County, State of Oklahoma, is hereby amended to read as follows, to-wit: (deletions indicated by strike through and additions indicated by underline)

5-5-2: ENFORCEMENT:

A. Specified: The City police are authorized and empowered to enforce the provisions of this chapter. The City police shall enforce these provisions in a manner that can reasonably be expected to reduce the extent to which tobacco products and vapor products are sold or distributed to persons under ~~eighteen (18)~~ Twenty-One (21) years of age.

B. Assistance By Persons Under Eighteen: Persons under eighteen (18) years of age may be enlisted by the City police to assist in enforcement; provided, however, that such persons may be used to test compliance only if written parental consent has been provided and the testing is conducted under the direct supervision of the City police after giving written notice to the Alcoholic Beverage Laws Enforcement (ABLE) Commission in the manner prescribed by the ABLE Commission. Provided however, that this subsection shall not apply to the use of persons under eighteen (18) years of age to test compliance if the compliance test is being conducted by or on behalf of a retailer of cigarettes, as defined in 68 Oklahoma Statutes section 301, at any location the retailer of cigarettes is authorized to sell cigarettes.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 3 SEVERABILITY.

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Passed and Approved by the Council of the City of Pryor Creek, Oklahoma, in regular session
on this ____ day of _____, 2021

ATTEST:

LARRY LEES, MAYOR

EVA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

K. ELLIS RITCHIE

Dated: _____, 2021

ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING TITLE 5, CHAPTER 5, SECTION 3 REGARDING UNLAWFUL SALE OF TOBACCO PRODUCT OR VAPOR PRODUCTS TO PERSONS UNDER 21 YEARS OF AGE; REQUIREMENT OF VENDOR TO VERIFY AGE OF PURCHASER AND PROVIDING FOR REPEALER AND SEVERABILITY.

WHEREAS, STATE AND FEDERAL LAW RELATING TO TOBACCO AND VAPOR PRODUCTS RELATES TO PERSONS OF 21 YEARS OF AGE OR OLDER AND IT IS THEREFORE NECESSARY THAT THE PROVISIONS OF THE CITY CODE BE AMENDED TO CONFORM TO SAME.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR, AND THE COUNCIL OF THE CITY OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, TO-WIT:

SECTION 1.

Title 5, Chapter 5, Section 3 of the Code of Ordinances of the City of Pryor Creek, Mayes County, State of Oklahoma, is hereby amended to read as follows, to-wit: (deletions indicated by strike through and additions indicated by underline)

5-5-3: FURNISHING TO MINORS:

A. Prohibited:

1. It is unlawful for any person to sell or furnish in any manner any tobacco product or vapor product to another person who is under ~~eighteen (18)~~ Twenty-One (21) years of age, or to purchase in any manner a tobacco product or vapor product on behalf of any such person; provided, however, that it shall not be unlawful for an employee under ~~eighteen (18)~~ Twenty-One (21) years of age to handle such products when required in the performance of the employee's duty.

2. Any person who shall furnish to any ~~minor~~ person who is under Twenty-One (21) years of age by gift, sale or otherwise any cigarettes, cigarette papers, cigars, snuff, chewing tobacco or any other form of tobacco, or vapor product shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this Code.

B. Proof Of Age: A person engaged in the sale or distribution of tobacco products or vapor products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be under ~~eighteen (18)~~ Twenty-One (21) years of age.

C. Liability:

1. Employee: If the sale is made by an employee of the owner of a store at which tobacco products, or vapor products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine.

2. Multiple Locations: For the purpose of determining the liability of a person controlling franchises or business operations in multiple locations for any violation of subsection A or B of this section, each individual franchise or business location shall be deemed a separate entity.

D. Administrative Fine: When a person violates subsection A or B of this section, the Municipal Court may assess such person an administrative fine of twenty five dollars (\$25.00) for the first offense within a one-year period, fifty dollars (\$50.00) for the second offense within a one-year period and seventy five dollars (\$75.00) for a third offense or subsequent offense within a one-year period. Proof that the defendant demanded, was shown and reasonably relied upon proof of age, shall be a defense to any action brought pursuant to this subsection.

E. Failure To Pay: Upon failure of the employee to pay the administrative fine within ninety (90) days of the day of the assessment of such fine, the Court Clerk shall notify the Department of Public Safety and request the department suspend or not issue a driver's license to said employee until proof of payment has been furnished to the Department of Public Safety.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 3 SEVERABILITY.

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Passed and Approved by the Council of the City of Pryor Creek, Oklahoma, in regular session on this ___ day of _____, 2021

ATTEST:

LARRY LEES, MAYOR

EVA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

K. ELLIS RITCHIE

Dated: _____, 2021

ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING TITLE 5, CHAPTER 5, SECTION 4 REGARDING UNLAWFUL PURCHASE OR POSSESSION OF TOBACCO PRODUCT OR VAPOR PRODUCTS BY PERSONS UNDER 21 YEARS OF AGE; ADMINISTRATIVE FINE ON FIRST AND SUBSEQUENT OFFENSES AND FAILURE TO PAY NOTICE TO DEPARTMENT OF PUBLIC SAFETY AND SUSPENSION OF DRIVER'S LICENSE AND PROVIDING FOR REPEALER AND SEVERABILITY.

WHEREAS, STATE AND FEDERAL LAW RELATING TO TOBACCO AND VAPOR PRODUCTS RELATES TO PERSONS OF 21 YEARS OF AGE OR OLDER AND IT IS THEREFORE NECESSARY THAT THE PROVISIONS OF THE CITY CODE BE AMENDED TO CONFORM TO SAME.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR, AND THE COUNCIL OF THE CITY OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, TO-WIT:

SECTION 1.

Title 5, Chapter 5, Section 4 of the Code of Ordinances of the City of Pryor Creek, Mayes County, State of Oklahoma, is hereby amended to read as follows, to-wit: (deletions indicated by strike through and additions indicated by underline)

5-5-4: PURCHASE, RECEIPT OR POSSESSION; FALSIFYING AGE:

A. Prohibited: It is unlawful for a person who is under ~~eighteen (18)~~ Twenty-One (21) years of age to purchase, accept receipt of, or have in their possession a tobacco or vapor product, or to present or offer to any person any purported proof of age which is false, fraudulent or not actually his or her own, for the purpose of purchasing or receiving any tobacco product or vapor product; provided, however, that it shall not be unlawful for such a person to handle such tobacco or vapor product when required in the performance of such person's duties.

B. Administrative Fine; Failure To Pay: When a person violates subsection A of this section, the Municipal Court may assess such person an administrative fine of twenty five dollars (\$25.00) for the first offense within a one-year period and an administrative fine of fifty dollars (\$50.00) for a second or subsequent offense within a one-year period. Upon failure of the individual to pay such administrative fine within ninety (90) days of the day of such fine, the Court Clerk shall notify the Department of Public Safety and request the department suspend or not issue a driver's license to said individual until proof of payment has been furnished to the Department of Public Safety.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 3 SEVERABILITY.

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Passed and Approved by the Council of the City of Pryor Creek, Oklahoma, in regular session on this ___ day of _____, 2021

ATTEST:

LARRY LEES, MAYOR

EVA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

K. ELLIS RITCHIE

Dated: _____, 2021

ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING TITLE 5, CHAPTER 5, SECTION 5 REGARDING REQUIRED POSTING OF MINIMUM AGE SIGN AT PLACE OF BUSINESS FOR PURCHASE OF TOBACCO; PENALTY FOR VIOLATION AND PROVIDING FOR REPEALER AND SEVERABILITY.

WHEREAS, STATE AND FEDERAL LAW RELATING TO TOBACCO AND VAPOR PRODUCTS RELATES TO PERSONS OF 21 YEARS OF AGE OR OLDER AND IT IS THEREFORE NECESSARY THAT THE PROVISIONS OF THE CITY CODE BE AMENDED TO CONFORM TO SAME.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR, AND THE COUNCIL OF THE CITY OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, TO-WIT:

SECTION 1.

Title 5, Chapter 5, Section 5 of the Code of Ordinances of the City of Pryor Creek, Mayes County, State of Oklahoma, is hereby amended to read as follows, to-wit: (deletions indicated by strike through and additions indicated by underline)

5-5-5: SIGNS IN RETAIL ESTABLISHMENTS:

A. Posting Required: Every person who sells tobacco products at retail shall post conspicuously and keep so posted at the place of business a sign, as specified by the ABLE Commission, stating the following: "It's the law. We do not sell tobacco products to persons under Twenty-One (21) ~~18~~-years of age".

B. Administrative Fine: When a person violates subsection A of this section, the Municipal Court may assess such person an administrative fine of fifty dollars (\$50.00) for each day such offense occurs. The notice required by subsection A of this section shall be the only notice required to be posted or maintained in any store that sells tobacco products at retail.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 3 SEVERABILITY.

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Passed and Approved by the Council of the City of Pryor Creek, Oklahoma, in regular session on this ___ day of _____, 2021

ATTEST:

LARRY LEES, MAYOR

EVA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

K. ELLIS RITCHIE

Dated: _____, 2021

ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING TITLE 5, CHAPTER 5, SECTION 6 REGARDING REQUIRED NOTICE TO EMPLOYEES BY VENDOR OF PROHIBITION ON SALE OF TOBACCO OR VAPOR PRODUCTS TO PERSONS UNDER 21 YEARS OF AGE AND PROVIDING FOR REPEALER AND SEVERABILITY.

WHEREAS, STATE AND FEDERAL LAW RELATING TO TOBACCO AND VAPOR PRODUCTS RELATES TO PERSONS OF 21 YEARS OF AGE OR OLDER AND IT IS THEREFORE NECESSARY THAT THE PROVISIONS OF THE CITY CODE BE AMENDED TO CONFORM TO SAME.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR, AND THE COUNCIL OF THE CITY OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, TO-WIT:

SECTION 1.

Title 5, Chapter 5, Section 6 of the Code of Ordinances of the City of Pryor Creek, Mayes County, State of Oklahoma, is hereby amended to read as follows, to-wit: (deletions indicated by strike through and additions indicated by underline)

5-5-6: RETAIL EMPLOYEES; NOTICE AND ACKNOWLEDGEMENT:

A. Notice Of State Law: Every person engaged in the business of selling tobacco products or vapor products at retail shall notify each individual employed by that person as a retail sales clerk that State law:

1. Prohibits the sale or distribution of tobacco products or vapor products to any person under ~~eighteen (18)~~ Twenty-One (21) years of age and the purchase or receipt of tobacco products or vapor products by any person under ~~eighteen (18)~~ Twenty-One (21) years of age; and

2. Requires that proof of age be demanded from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be under ~~eighteen (18)~~ Twenty-One (21) years of age.

B. Acknowledgement: This notice shall be provided before the individual commences work as a retail sales clerk or in the cases of an individual employed as a retail sales clerk, on the date when this section becomes effective, within thirty (30) days of that date. The individual shall signify that he or she has received the notice required by this section by signing a form stating as follows:

I understand that State law prohibits the sale or distribution of tobacco products or vapor products to persons under ~~eighteen (18)~~ Twenty-One (21) years of age, and out-of-package sales, and requires proof of age of purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be under ~~eighteen (18)~~ Twenty-One (21) years age. I promise, as a condition of my employment, to observe the law.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 3 SEVERABILITY.

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Passed and Approved by the Council of the City of Pryor Creek, Oklahoma, in regular session on this ___ day of _____, 2021

ATTEST:

LARRY LEES, MAYOR

EVA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

K. ELLIS RITCHIE

Dated: _____, 2021

ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING TITLE 5, CHAPTER 5, SECTION 7 REGARDING RESTRICTIONS ON SALE OF TOBACCO PRODUCTS THROUGH VENDING MACHINES AND PROVIDING FOR REPEALER AND SEVERABILITY.

WHEREAS, STATE AND FEDERAL LAW RELATING TO TOBACCO AND VAPOR PRODUCTS RELATES TO PERSONS OF 21 YEARS OF AGE OR OLDER AND IT IS THEREFORE NECESSARY THAT THE PROVISIONS OF THE CITY CODE BE AMENDED TO CONFORM TO SAME.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR, AND THE COUNCIL OF THE CITY OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, TO-WIT:

SECTION 1.

Title 5, Chapter 5, Section 7 of the Code of Ordinances of the City of Pryor Creek, Mayes County, State of Oklahoma, is hereby amended to read as follows, to-wit: (deletions indicated by strike through and additions indicated by underline)

5-5-7: VENDING MACHINE SALES:

A. Location Restrictions: It shall be unlawful for any person to sell tobacco products through a vending machine, unless the vending machine is located:

1. In areas of factories, businesses, offices or other places that are not open to the public;
2. In places that are open to the public, but to which persons under ~~eighteen (18)~~ Twenty-One (21) years of age are not admitted;
3. In places where alcoholic beverages are sold for consumption on the premises, but only if the vending machine is under the continuous supervision of the owner or lessee of the premises or an employee thereof, and is inaccessible to the public when the establishment is closed; and
4. In other places, but only if the machine is under the continuous supervision of the owner or lessee of the premises or an employee thereof, or can be operated only by the activation of an electronic switch by the owner or lessee of the premises, or an employee thereof, prior to each purchase or can be operated only by a special token purchased from the owner or lessee of the premises, or an employee thereof.

B. Proof Of Age: In any place where supervision of a vending machine, activation of an electronic switch or sale of a special token is required by subsection A of this section, the person responsible for that supervision or the activation of the switch shall demand proof of age from a prospective purchaser if any ordinary person would conclude on the basis of appearance that the prospective purchaser may be under ~~eighteen (18)~~ Twenty-One (21) years of age.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 3 SEVERABILITY.

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Passed and Approved by the Council of the City of Pryor Creek, Oklahoma, in regular session on this ___ day of _____, 2021

ATTEST:

LARRY LEES, MAYOR

EVA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

K. ELLIS RITCHIE

Dated: _____, 2021

ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING TITLE 5, CHAPTER 5, SECTION 8 REGARDING PROHIBITION ON SAMPLES OF TOBACCO OR VAPOR PRODUCTS TO PERSONS UNDER 21 YEARS OF AGE; RESTRICTIONS OF DISTRIBUTION OF TOBACCO OR VAPOR SAMPLES IN PROXIMITY TO PLAYGROUNDS, SCHOOLS AND OTHER FACILITIES USED PRIMARILY BY PERSONS UNDER 21 YEARS OF AGE; PROVIDING FOR FINE AND NOTICE TO DEPARTMENT OF PUBLIC SAFETY FOR FAILURE TO PAY; AND PROVIDING FOR REPEALER AND SEVERABILITY.

WHEREAS, STATE AND FEDERAL LAW RELATING TO TOBACCO AND VAPOR PRODUCTS RELATES TO PERSONS OF 21 YEARS OF AGE OR OLDER AND IT IS THEREFORE NECESSARY THAT THE PROVISIONS OF THE CITY CODE BE AMENDED TO CONFORM TO SAME.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR, AND THE COUNCIL OF THE CITY OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, TO-WIT:

SECTION 1.

Title 5, Chapter 5, Section 8 of the Code of Ordinances of the City of Pryor Creek, Mayes County, State of Oklahoma, is hereby amended to read as follows, to-wit: (deletions indicated by strike through and additions indicated by underline)

5-5-8: DISTRIBUTION OF SAMPLES:

A. Under Eighteen Prohibited: It shall be unlawful for any person to distribute tobacco product or vapor product samples to any person under ~~eighteen (18)~~ Twenty-One (21) years of age.

B. Distance To Facility: Notwithstanding subsection A of this section, no person shall distribute tobacco product or vapor product samples in or on any public street, sidewalk or park that is within three hundred feet (300') of any playground, school or other facility when the facility is being used primarily by persons under ~~eighteen (18)~~ Twenty-One (21) years of age.

C. Administrative Fine: When a person violates subsection A or B of this section, the Municipal Court may assess such person an administrative fine of twenty five dollars (\$25.00) for the first offense within a one-year period, fifty dollars (\$50.00) for the second offense within a one-year period and seventy five dollars (\$75.00) for a third offense or subsequent offense within a one-year period.

D. Failure To Pay: Upon failure of the individual to pay the administrative fine within ninety (90) days of the assessment of such fine, the Court Clerk shall notify the Department of Public Safety and request the department suspend or not issue a driver's license to said individual until proof of payment has been furnished to the Department of Public Safety.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 3 SEVERABILITY.

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Passed and Approved by the Council of the City of Pryor Creek, Oklahoma, in regular session on this ___ day of _____, 2021

ATTEST:

LARRY LEES, MAYOR

EVA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

K. ELLIS RITCHIE

Dated: _____, 2021

ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING TITLE 5, CHAPTER 5, SECTION 10 REGARDING DUTY TO PROVIDE INFORMATION CONCERNING SOURCE OF VAPOR OR TOBACCO PRODUCT TO OFFICIALS AND PROVIDING FOR REPEALER AND SEVERABILITY.

WHEREAS, STATE AND FEDERAL LAW RELATING TO TOBACCO AND VAPOR PRODUCTS RELATES TO PERSONS OF 21 YEARS OF AGE OR OLDER AND IT IS THEREFORE NECESSARY THAT THE PROVISIONS OF THE CITY CODE BE AMENDED TO CONFORM TO SAME.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR, AND THE COUNCIL OF THE CITY OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, TO-WIT:

SECTION 1.

Title 5, Chapter 5, Section 10 of the Code of Ordinances of the City of Pryor Creek, Mayes County, State of Oklahoma, is hereby amended to read as follows, to-wit: (deletions indicated by strike through and additions indicated by underline)

5-5-10: REFUSAL OF MINOR TO DISCLOSE INFORMATION:

Any ~~minor~~ Person under the age of Twenty-One (21) years being in possession of vapor products, cigarettes, cigarette papers, cigars, snuff, chewing tobacco or any other form of tobacco product and being by any police officer, constable, court officer, truant officer or teacher in any school, asked where and from whom such vapor products, cigarettes, cigarette papers, cigars, snuff, chewing tobacco or any other form of tobacco product were obtained, who shall refuse to furnish such information, shall be guilty of a misdemeanor and subject to penalty as provided in section 1-4-1 of this Code.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 3 SEVERABILITY.

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Passed and Approved by the Council of the City of Pryor Creek, Oklahoma, in regular session on this ___ day of _____, 2021

ATTEST:

LARRY LEES, MAYOR

EVA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

K. ELLIS RITCHIE

Dated: _____, 2021

ORDINANCE NO. 2021-_____

AN ORDINANCE AMENDING TITLE 10, CHAPTER 6, TABLE 6-1 USE REGULATIONS BY THE ADDITION UNDER "OTHER" USES SPECIFIED THEREIN CONCERNING REGULATION OF THE PLACEMENT OF TANKS/CONTAINERS USED FOR THE STORAGE OR USE OF LIQUEFIED PETROLEUM GASES AS A SPECIAL EXCEPTION IN ALL DISTRICTS; AND PROVIDING FOR REPEALER AND SEVERABILITY.

WHEREAS, THE CITY COUNCIL FINDS IT IN THE BEST INTEREST OF THE PUBLIC FOR PURPOSES OF PROTECTION OF THE SAFETY, HEALTH AND WELFARE OF THE PUBLIC TO REGULATE THE PLACEMENT OF TANKS/CONTAINERS USED FOR THE STORAGE OR USE OF LIQUEFIED PETROLEUM GASES WITHIN THE CORPORATE CITY LIMITS OF THE CITY.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR, AND THE COUNCIL OF THE CITY OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, TO-WIT:

SECTION 1.

Title 10, Chapter 6, Table 6-1 "Use Regulations" under "OTHER" uses as therein specified the Code of Ordinances of the City of Pryor Creek, Mayes County, State of Oklahoma, is hereby amended to read as follows, to-wit: (deletions indicated by strike through and additions indicated by underline)

**TABLE 6-1
USE REGULATIONS**

P = Use permitted as of right	S = Special exception approval required	- = Prohibited use
-------------------------------	---	--------------------

Use	Zoning Districts	Supplemental Regulations (Code Section)

RS	RD	RT	RM	RMH	CO	CC	CR	CAR	CG	IL	IH	AG
----	----	----	----	-----	----	----	----	-----	----	----	----	----

Other:														
Drive-in or drive-through facility (as a component of an allowed principal use)	-	-	-	-	-	-	-	-	P	S	P	P	-	

<u>Liquefied Petroleum Gases Tank/Container</u>		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	10-7-15
Off-premises outdoor advertising sign		-	-	-	-	-	-	-	-	P	-	P	P	-		10-12-7F
Wireless communication facility:																
	Freestanding tower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	10-7-14
	Building or tower-mounted antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	10-7-14

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 3 SEVERABILITY.

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Passed and Approved by the Council of the City of Pryor Creek, Oklahoma, in regular session on this ____ day of _____, 2021

ATTEST:

LARRY LEES, MAYOR

EVA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

K. ELLIS RITCHIE
Dated: _____, 2021

ORDINANCE NO. 2021-_____

AN ORDINANCE AMENDING TITLE 10, CHAPTER 7, REGARDING “SUPPLEMENTAL USE AND BUILDING REGULATIONS” BY THE ADDITION A NEW SECTION TO BE CODIFIED AS TITLE 10, CHAPTER 7, SECTION 15 REGARDING THE USE OF LIQUEFIED PETROLEUM TANKS/CONTAINERS WITHIN THE MUNICIPAL LIMITS OF THE CITY; AND PROVIDING FOR REPEALER AND SEVERABILITY.

WHEREAS, THE CITY COUNCIL FINDS IT IN THE BEST INTEREST OF THE PUBLIC FOR PURPOSES OF PROTECTION OF THE SAFETY, HEALTH AND WELFARE OF THE PUBLIC TO REGULATE THE USE OF TANKS/CONTAINERS USED FOR THE STORAGE OR USE OF LIQUEFIED PETROLEUM GASES WITHIN THE CORPORATE CITY LIMITS OF THE CITY.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR, AND THE COUNCIL OF THE CITY OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, TO-WIT:

SECTION 1.

Title 10, Chapter 7, of the Code of Ordinances of the City of Pryor Creek, Mayes County, State of Oklahoma, is hereby amended by the addition of a new section 10-7-15 to read as follows, to-wit: (deletions indicated by strike through and additions indicated by underline)

10-7-15: USE OF LIQUEFIED PETROLEUM GAS TANKS/CONTAINERS

1. In instances in which the placement of a tank/container utilized for Liquefied Petroleum Gas has been authorized upon property as a Special Exception to zoning, the placement of the tank/container upon property shall be made subject to all applicable state, federal and local laws, rules and ordinances including but not limited to the Building Regulations of the City of Pryor Creek.
2. Zoning regulations prohibiting the placement of tanks/containers utilized for liquefied petroleum gases upon property located in the City of Pryor Creek shall not apply to tanks/containers utilized for Liquefied Petroleum Gas in the following instances:
 - a. The use of tanks/containers of a size not to exceed 125 gallons (water gallons) utilized for Liquefied Petroleum Gas for recreational outdoor purposes such as outdoor cookers, outdoor space heaters and outdoor fire places or fire pits. All uses of tanks/containers under this paragraph shall be conducted in compliance with any order made/issued by the City’s Fire Chief or the Fire Chief’s designee.
 - b. Fuel tanks/containers affixed to vehicles or other equipment, which vehicle or equipment is powered by means of utilization of Liquefied Petroleum Gas stored in said tanks/containers.

- c. Fuel tanks/containers affixed to recreational vehicles which recreational vehicle utilizes the fuel stored in said tank/container for purposes of cooking or heating of the recreational vehicle.
- d. The use of tanks/containers of a size not to exceed 125 gallons (water gallons) utilized for Liquefied Petroleum Gas on a temporary basis for construction related activities where the construction activity is being lawfully made within the municipal limits of the City. The phrase "for construction related activities" as used in this paragraph shall be interpreted to mean the provision of heat for workers during times actively engaged in the performance of construction activities at the location or other uses directly related to the construction activities. The said phrase shall not include uses for domestic purposes such as provision of heat for occupants of a structure or as a means of heating water for bathing or for cooking.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 3 SEVERABILITY.

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Passed and Approved by the Council of the City of Pryor Creek, Oklahoma, in regular session on this ___ day of _____, 2020

ATTEST:

LARRY LEES, MAYOR

EVA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

K. ELLIS RITCHIE

Dated: _____, 2020

CHAPTER 3


COMMERCIAL AND INDUSTRIAL DISTRICTS

SECTION:

- 10-3-1: The Districts
- 10-3-2: Uses
- 10-3-3: Lot And Building Regulations
- 10-3-4: Other Relevant Regulations

10-3-1: **THE DISTRICTS:** The Commercial and Industrial Zoning Districts are listed in table 3-1 of this section. When this UDO refers to "Commercial" or "Industrial" Zoning Districts or to C or I Districts, respectively, it is referring to these districts.

TABLE 3-1
COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

Map Symbol	District Name	Relative Intensity Scale
CO	Commercial Office	
CC	Convenience Commercial	
CR	Commercial Restricted	
CAR	Commercial Automotive and Recreation	
CG	Commercial General	
IL	Industrial Light	
IH	Industrial Heavy	

A. Purposes:

1. General: Commercial and Industrial Zoning Districts are intended to accommodate and promote neighborhood, community- and region-serving commercial uses, as well as industrial and employment uses.

2. CO District: The CO (Commercial Office) District is primarily intended to accommodate low- to moderate-intensity office and service uses. The CO District is also an appropriate transition between residential neighborhoods and higher intensity commercial areas.

3. CC District: The CC (Convenience Commercial) District is primarily intended to accommodate low-intensity, neighborhood-serving retail and personal service uses.

4. CR District: The CR (Commercial Restricted) District is primarily intended to accommodate community-serving commercial and personal service uses.

5. CAR District: The CAR (Commercial Automotive and Recreation) District is primarily intended to accommodate higher intensity commercial uses that are oriented to motorists or that require access to major streets and highways.

6. CG District: The CG (Commercial General) District is primarily intended to accommodate retail, service, entertainment and mixed-use developments within the Downtown or Central Business District area.

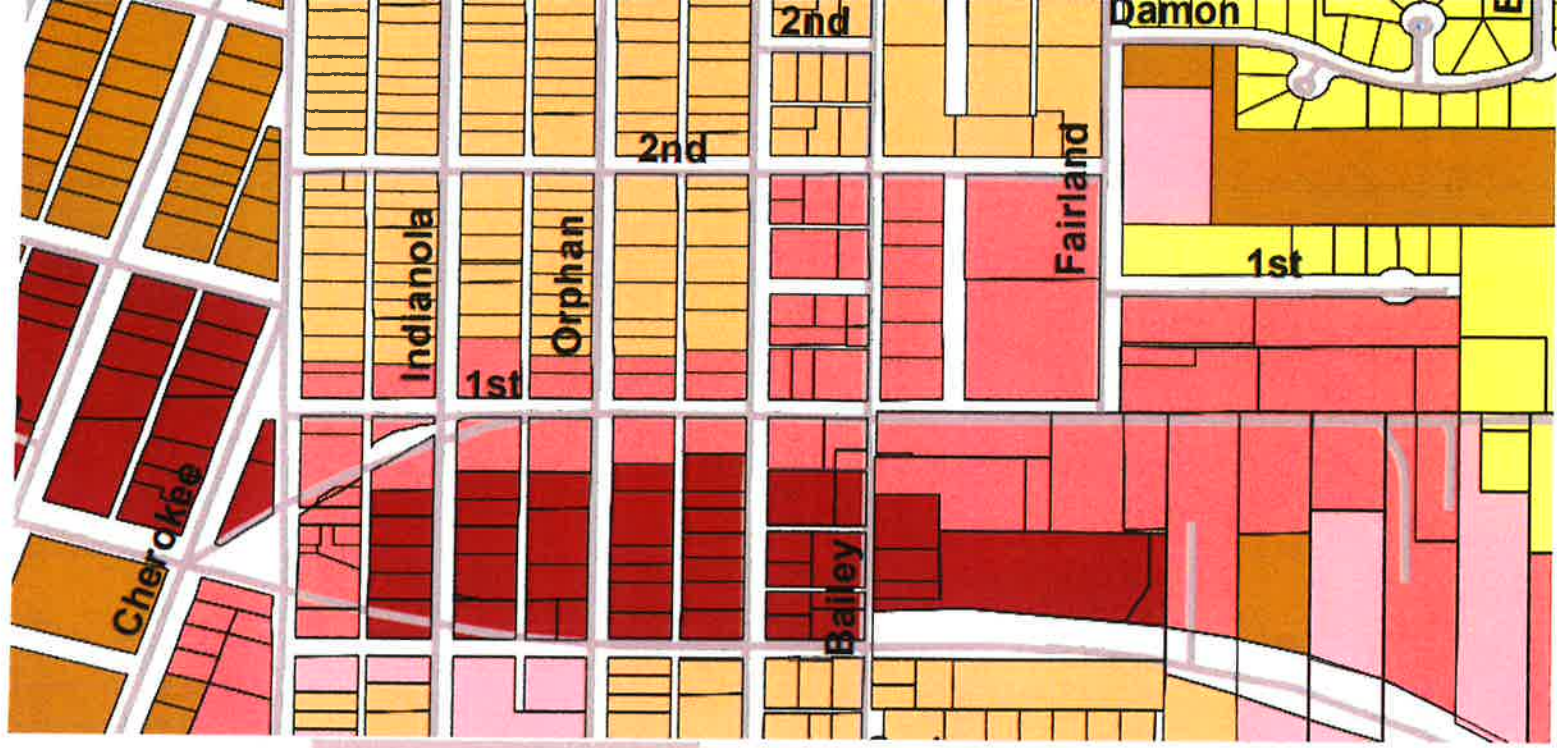
7. IL District: The IL (Industrial Light) District is primarily intended to accommodate manufacturing, wholesaling, warehousing, and other industrial activities that have few if any adverse land use or environmental impacts.

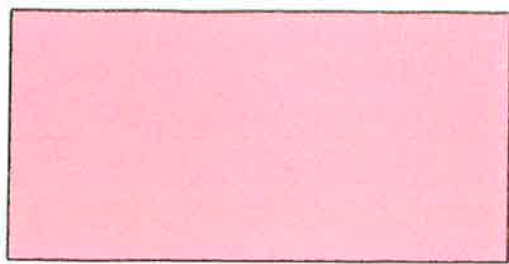
8. IH District: The IH (Industrial Heavy) District is primarily intended to accommodate industrial uses that may produce some moderate adverse land use or environmental impacts in terms of their operation and appearance. (Ord. 2018-16, 12-4-2018)

10-3-2: **USES:** Uses are allowed in Commercial and Industrial Districts in accordance with the use regulations of section 10-6-1 of this title. (Ord. 2018-16, 12-4-2018)

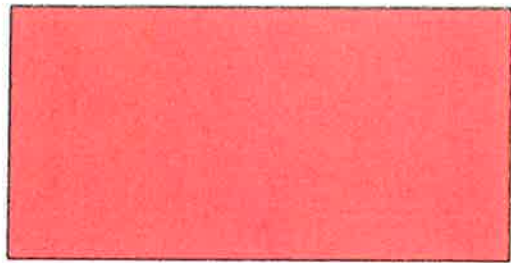
10-3-3: **LOT AND BUILDING REGULATIONS:**

A. Table Of Regulations: The lot and building regulations of table 3-2 of this section apply to all principal uses and structures in Commercial and Industrial Districts, except as otherwise expressly stated in this UDO. General exceptions to lot and building regulations and rules for

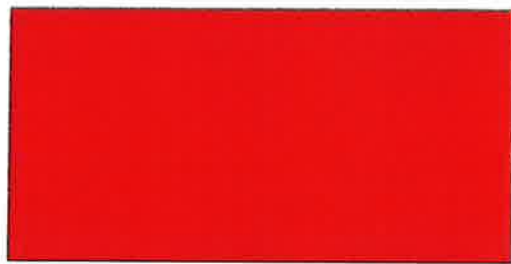




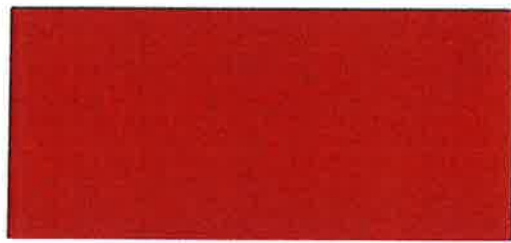
CC



CR



CAR



CG



From: Kim Ritchie

Sent: Tuesday, January 26, 2021 1:31 PM

To: laues@pryorcreek.org; leesl@pryorcreek.org; coatsd@pryorcreek.org

Subject: Zoning Change/P&Z Meeting

Mayor and Sheryl,

This email is written to address the special meeting of the P&Z set for 1/28/21 to consider amendment of the UDO to allow for "Low-Impact Manufacturing and Industry" uses in the CAR and CG districts as a special exception by the BOA. I will attend the meeting if you request me to do so. My thought was that I could do this email and you could distribute it to the P&Z members and perhaps that would be all they need. But if I need to go I will go.

Just to summarize my previous discussions with various people. Special Exceptions have to do with "uses" of property in zoning districts. Variances have to do with varying from the UDO provisions on physical requirements for development of property like set back requirements and the like.

When we talk about allowing people to use property for uses that are not listed, or not allowed in a zoning district - the only time a special exception is supposed to be granted is when the use proposed is actually listed in the code, in that zoning district as a use allowed by way of a "special exception" in that zone. If the use is not specifically listed as a use allowed as a "special exception" in that zoned district then it cannot be allowed as a special exception. See 10-6-1(C) and 10-15-12(A)

When the BOA grants a Special Exception it has the flexibility to put conditions and restrictions on the use to address a myriad of things such as traffic volume, noise, hours of operation, physical things like fencing, screening and even the time period for which the special exception is granted. For instance, it could be granted for a fixed period of time or until ownership changes or whatever. All this can be tailored to be in line with the intent of the UDO and in the interest of the neighborhood. See 10-15-12 (F) and (G).

We are proposing that "low-impact manufacturing and industrial" uses be listed in the CAR and CG districts as a special exception. The reason for this recommendation is that there are certainly instances in which "Low-Impact Manufacturing and Industry" proposed uses would be appropriate in CG and CAR districts with proper (In harmony with the spirit of the code and consistent with the neighborhood) conditions and restrictions. See the definitions of uses for CG and CAR (10-3-1) and definitions of Low-Impact M&A (10-6-7(A))

Making this change will give us greater flexibility in accommodating business development needs and protection of the needs of the public. With continual advancements of manufacturing and industry technology that has lower and lower impact on neighbors and neighborhoods this flexibility would serve to advance the foregoing interests of business and the public.

If anyone has a specific question they can email it to me and I will try to address it as best I can. Also, again, if I need to attend the meeting I am more than happy to do so.

K. Ellis Ritchie

Attorney & Managing Partner

Ritchie, Rock, McBride & Atwood Law Firm

[888-848-4558](tel:888-848-4558)

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Chapter 6 | Uses and Building Types

10-6-01	Use Regulations.....	6-1
10-6-02	Use Categories Generally.....	6-4
10-6-03	Residential Use Category.....	6-5
10-6-04	Public, Civic and Institutional Use Category.....	6-9
10-6-05	Commercial Use Category.....	6-11
10-6-06	Wholesale, Distribution & Storage Use Category.....	6-16
10-6-07	Industrial Use Category.....	6-17
10-6-08	Recycling Use Category.....	6-18
10-6-09	Agricultural Use Category.....	6-18
10-6-10	Other Use Category.....	6-19

10-6-01 USE REGULATIONS

Principal uses are allowed in R districts in accordance with Table 6-1.

10-6-01.A Use Classification System

Uses are listed in the first column of Table 6-1. This UDO classifies uses into categories and subcategories, which are defined in Chapter 6. In some cases, specific use types and building types are listed in addition to the use categories and subcategories. Building types are also defined in Chapter 6.

10-6-01.B Permitted Uses

Uses identified with a “P” are permitted as-of-right in the subject zoning district, subject to compliance with any supplemental regulations identified in the final column of Table 6-1 and with all other applicable regulations of this UDO.

10-6-01.C Special Exception Uses

Uses identified with an “S” may be allowed if reviewed and approved in accordance with the special exception procedures of 10-15-12. Special exception uses are subject to compliance with any supplemental regulations identified in the final column of Table 6-1 and with all other applicable regulations of this UDO.

10-6-01.D Prohibited Uses

Uses identified with an “-” are expressly prohibited. Uses that are not listed in the table and that cannot be reasonably interpreted (as stated in 10-6-02.D) to fall within any defined use category are also prohibited.

10-6-01.E Supplemental Regulations

The “supplemental regulations” column of Table 6-1 identifies additional regulations that apply to some uses. Unless otherwise expressly stated, compliance with these regulations is required regardless of whether the use is permitted as-of-right or requires special exception approval.

10-6-01.F Accessory Uses

Accessory uses, such as home occupations, are not regulated by Table 6-1. Customary accessory uses are allowed in conjunction with principal uses permitted by right or by special exception, subject to compliance with all applicable accessory use regulations of Chapter 8.

Table 6-1: Use Regulations

USE CATEGORY Subcategory Specific use	ZONING DISTRICTS													Supplemental Regulations
	RS	RD	RT	RM	RMH	CO	CC	CR	CAR	CG	IL	IH	AG	
P = use permitted as of right S = special exception approval required - = prohibited use														
RESIDENTIAL														
Household Living														
Single household on a lot														
Detached house	P	P	P	P	P	-	-	-	-	-	-	-	-	P
Patio house	S	P	P	P	S	-	-	-	-	-	-	-	-	10-7-10
Townhouse	-	-	P	P	-	-	-	-	-	-	-	-	-	10-7-12
Manufactured housing unit	-	-	-	-	P	-	-	-	-	-	-	-	-	-
Manufactured housing subdivision	-	-	-	-	P	-	-	-	-	-	-	-	-	10-7-07
Mixed-use building	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Mobile home/Mobile Home Park	-	-	-	-	S	-	-	-	-	-	-	-	-	10-7-08
Two households on single lot														
Duplex	-	P	P	P	-	-	-	-	-	-	-	-	-	-
Mixed-use building	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Three or more households on single lot														
Multi-unit house	-	-	-	P	-	-	-	-	-	-	-	-	-	10-7-09
Apartment/condo	-	-	-	P	-	-	-	-	-	-	-	-	-	-
Mixed-use building	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Mobile home park	-	-	-	-	S	-	-	-	-	-	-	-	-	10-7-08
Group Living														
Community group home	S	S	S	P	S	-	-	-	-	-	-	-	S	10-7-04
Re-entry facility	-	-	-	S	-	-	-	-	-	-	-	-	-	-
Halfway House or Transitional Living Facility	-	-	-	S	-	-	-	-	-	-	-	-	-	10-7-13
Shelter, emergency and protective	P	P	P	P	P	-	-	-	-	-	-	-	P	-
Other group living uses	-	-	-	S	-	-	-	-	-	-	-	-	-	-
PUBLIC, CIVIC AND INSTITUTIONAL														
Airport	-	-	-	-	-	-	-	-	-	-	S	S	S	-
Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	P
College or University	-	-	-	-	-	-	-	-	P	P	-	-	P	-
Detention and Correctional Facility	-	-	-	-	-	-	-	-	-	-	S	P	-	-
Governmental Service	S	S	S	S	S	S	S	S	S	S	P	P	P	-
Hospital	-	-	-	-	P[3]	P	P	P	P	P	-	-	P	-
Library or Cultural Exhibit	S[2]	S[2]	S[2]	S[2]	S[2]	P	P	P	P	P	-	-	P	-
Natural Resource Preservation	P	P	P	P	P	P	P	P	P	P	P	P	P	-
Parks and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	-
Postal Services	-	-	-	-	-	P	P	P	P	P	P	P	P	-
Safety Service	-	-	-	-	-	P	P	P	P	P	P	P	P	-
School	S[2]	S[2]	S[2]	S[2]	S[2]	S	S	S	S	S	S	S	P	-
Utilities and Public Service Facility														
Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	-
Major	S	S	S	S	S	S	S	S	S	S	S	P	S	-
COMMERCIAL														
Animal service														
Boarding or shelter	-	-	-	-	-	-	-	-	P	-	P	P	-	-
Grooming	-	-	-	-	-	-	-	-	P	P	-	-	-	-
Veterinary	-	-	-	-	-	-	-	-	P	P	-	-	-	-
Assembly and Entertainment														
Indoor														
Small, Secular (up to 250-person capacity)	-	-	-	-	-	-	-	-	P	P	P	-	-	-

USE CATEGORY Subcategory Specific use	ZONING DISTRICTS														Supplemental Regulations
	RS	RD	RT	RM	RMH	CO	CC	CR	CAR	CG	IL	IH	AG		
P = use permitted as of right S = special exception approval required - = prohibited use															
Small, Non-secular (up to 250 capacity)	S[4]	S[4]	S[4]	S[4]	S[4]	S[4]	S[4]	P	P	P	S[4]	S[4]	S[4]		
Large Secular (>250-person capacity)	-	-	-	-	-	-	-	S	S	S	-	-	-		
Large, Non-secular (>250 capacity)	-	-	-	-	-	-	-	S	S	S	-	-	-		
Outdoor, Secular or Non-secular	-	-	-	-	-	-	-	-	S	-	-	-	-		
Broadcast or Recording Studio	-	-	-	-	-	P	P	P	P	P	P	P	-		
Club or Lodge	-	-	-	S[3]	S[3]	P	P	P	P	P	P	P	S		
Commercial Service															
Building service	-	-	-	-	-	-	-	P	P	P	P	P	-		
Business support service	-	-	-	-	-	-	-	-	P	P	P	P	-		
Consumer maintenance/repair service	-	-	-	-	-	-	P	P	P	P	P	P	-		
Personal improvement service	-	-	-	-	-	P	P	P	P	P	P	P	-		
Research service	-	-	-	-	-	P	P	P	P	P	P	P	-		
Day Care															
Family child care home	P	P	P	P	P	-	-	-	-	-	-	-	P	10-8-05	
Other	S[1]	S[1]	S[1]	S[1]	S[1]	-	-	P	P	P	-	-	S		
Eating and Drinking Places															
Bar or Tavern	-	-	-	-	-	-	-	-	P	P	-	-	-		
Restaurant	-	-	-	-	-	-	P	P	P	P	-	-	-		
Financial Services (except as below)															
Personal credit establishment	-	-	-	-	-	-	-	-	P	-	-	-	-		
Funeral or Mortuary Service															
-	-	-	-	-	-	-	-	P	P	P	-	-	-		
Lodging															
Bed & breakfast	S	S	S	S	S	-	-	-	-	-	-	-	-	10-7-02	
Campgrounds and RV parks	-	-	-	-	-	-	-	-	P	-	-	-	-		
Hotel/motel	-	-	-	-	-	-	-	-	P	P	-	-	-		
Rural retreat	-	-	-	-	-	-	-	-	-	-	-	-	S		
Office															
Business or professional office	-	-	-	-	-	P	P	P	P	P	P	P	-		
Medical, dental or health practitioner office	-	-	-	-	-	P	P	P	P	P	-	-	-		
Parking, Non-accessory															
-	-	-	-	-	-	-	-	-	P	P	-	-	-		
Retail Sales															
Building supplies and equipment	-	-	-	-	-	-	-	-	P	-	P	P	-		
Consumer shopping goods	-	-	-	-	-	-	-	P	P	P	-	-	-		
Convenience goods	-	-	-	-	-	-	P	P	P	P	-	-	-		
Self-service Storage Facility															
-	-	-	-	-	-	-	-	-	P	-	P	P	-	10-7-11	
Studio, Artist or Instructional Service															
-	-	-	-	-	-	P	P	P	P	P	P	P	-		
Trade School															
-	-	-	-	-	-	S	S	S	S	S	P	P	-		
Vehicle Sales and Service															
Commercial vehicle repair/maintenance	-	-	-	-	-	-	-	-	-	-	P	P	-		
Commercial vehicle sales and rentals	-	-	-	-	-	-	-	-	P	-	P	P	-		
Fueling station	-	-	-	-	-	-	-	P	P	-	P	P	-		
Personal vehicle repair and maintenance	-	-	-	-	-	-	-	-	P	-	P	P	-		
Personal vehicle sales and rentals	-	-	-	-	-	-	-	P	P	-	P	P	-		
Vehicle part and supply sales	-	-	-	-	-	-	-	-	P	-	P	P	-		
Vehicle body and paint finishing shop	-	-	-	-	-	-	-	-	-	-	P	P	-		
WHOLESALE, DISTRIB. & STORAGE															
Equip. & Materials Storage, Outdoor	-	-	-	-	-	-	-	-	-	-	P	P	-		
Trucking and Transportation Terminal	-	-	-	-	-	-	-	-	-	-	P	P	-		
Warehouse	-	-	-	-	-	-	-	-	-	-	P	P	-		

USE CATEGORY Subcategory Specific use	ZONING DISTRICTS														Supplemental Regulations
	RS	RD	RT	RM	RMH	CO	CC	CR	CAR	CG	IL	IH	AG		
P = use permitted as of right S = special exception approval required - = prohibited use															
Wholesale Sales and Distribution	-	-	-	-	-	-	-	-	-	-	-	P	P	-	
INDUSTRIAL															
Low-impact Manufacturing & Industry	-	-	-	-	-	-	-	-	-	-	-	P	P	-	10-7-05
Moderate-impact Manufacturing & Industry	-	-	-	-	-	-	-	-	-	-	-	P	P	-	10-7-05
High-impact Manufacturing & Industry	-	-	-	-	-	-	-	-	-	-	-	-	P	-	10-7-05
Mining or Mineral Processing	-	-	-	-	-	-	-	-	-	-	-	-	P	-	10-7-05
Junk or Salvage Yard	-	-	-	-	-	-	-	-	-	-	-	-	P	-	10-7-06
RECYCLING															
Construction or Demolition Debris	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
Consumer Material Drop-off Station	-	-	-	-	-	-	-	-	-	-	-	P	P	-	
Consumer Material Processing	-	-	-	-	-	-	-	-	-	-	-	S	P	-	
AGRICULTURAL															
Animal Husbandry	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
Community Garden	P	P	P	P	P	P	P	P	P	-	P	P	P		10-7-03
Farm, Market- or Community-supported	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
Horticulture Nursery	-	-	-	-	-	-	-	-	P	-	-	-	-	P	
OTHER															
Drive-in or Drive-through Facility (as a component of an allowed principal use)	-	-	-	-	-	-	-	-	P	S	P	P	-		
Off-Premise Outdoor Advertising Sign	-	-	-	-	-	-	-	-	P	-	P	P	-		10-12-07.F
Wireless Communication Facility (see 10-7-14)															
Freestanding tower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	10-7-14
Building or tower-mounted antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	10-7-14

10-6-01.G Table Notes

The following notes refer to the bracketed numbers (e.g., " [1]") in Table 6-1:

- [1] Requires 10,000 square feet minimum lot area and vehicular access on an arterial or collector street.
- [2] Requires frontage on arterial street.
- [3] Requires frontage on collector or arterial street.
- [4] Requires one acre minimum lot area and frontage on arterial or collector street.

10-6-02 USE CATEGORIES GENERALLY

This section establishes and describes the use categorization system used to classify principal uses in this UDO.

10-6-02.A Use Categories

This UDO classifies principal land uses into 8 major groupings (described in 10-6-03 through 10-6-10). These major groupings are referred to as "use categories." The use categories are as follows:

1. Residential. See 10-6-03.
2. Public, Civic and Institutional. See 10-6-04.
3. Commercial. See 10-6-05.
4. Wholesale, Distribution and Storage. See 10-6-06.
5. Industrial. See 10-6-07.
6. Recycling. See 10-6-08.
7. Agricultural. See 10-6-09.

members of the bargaining unit to receive said sums on a yearly basis through the purchase of uniforms, etc., which are not otherwise required. All items provided to an employee through the use of city funds by direct payment to the supplier for purchase or reimbursement to an employee under Sections 2 and 5 hereof shall be and remain the property of the City.

SECTION 8: Members of the bargaining unit who are required to use a personal cell phone while on duty shall receive \$40.00 per month toward the cost of the same subject to the approval of the Chief of Police.

SECTION 9: Officers retiring from service with the Pryor Police Department by reason of length of service or physical disability with Twenty (20) years of service or more with the Department may, at the officer's election to do so, make a written request to the City for the purchase of the sidearm, badge, rifle or shotgun, or any or all of same, which was issued to the retired officer immediately prior to retirement. Upon such a request from the retiring officer the City shall conduct a reasonable inquiry as to the market value of the item(s) requested to be purchased by the retiring officer. The City shall notify the retired officer of the current market value determined for the item(s) and upon further confirmation of the request from the officer to purchase same, the City shall declare the item(s) surplus and sell them to the retired officer. The cost to the retired officer of purchasing the item(s) shall be the greater of the price the City paid at the time of purchase or the item(s) current market value. Upon payment of that price, the retired officer shall be entitled to ownership of the item(s). The officer shall be given a Bill of Sale for the item(s) purchased and any records regarding the ownership of each item transferred shall be modified to reflect the transfer to the retired officer.

ARTICLE 29 **EDUCATION INCENTIVE**

THE CITY agrees to award the following incentive to employees monthly as follows for acquired college education in lieu of all previously agreed payments:

- (A) College Credit. No Degree - \$3.00 per credit hour per year up to 60 hours of college credit to be paid One (1) time in January of the calendar year following the calendar year in which the college credit(s) was earned.
- (B) Associates Degree – 2% increase over base salary;
- (C) Bachelors Degree – 4% increase over base salary;
- (D) Masters Degree – 6% increase over base salary.

**MINUTES
CITY COUNCIL MEETING
FOLLOWED BY PRYOR PUBLIC WORKS AUTHORITY MEETING
CITY OF PRYOR CREEK, OKLAHOMA
TUESDAY, JANUARY 19TH, 2021 AT 6:00 P.M.**

The City Council of the City of Pryor Creek, Oklahoma met in regular session on the above date and time in the Council Chamber upstairs at City Hall, 12 North Rowe Street in Pryor Creek, Oklahoma. This meeting was followed immediately by a meeting of the Pryor Public Works Authority. Notice of these meetings was posted on the East bulletin board located outside to the South of the entrance doors and the City website at www.pryorcreek.org. Notice was also e-mailed to The Paper newspaper and e-mailed to the Council members.

1. CALL TO ORDER, PRAYER, PLEDGE OF ALLEGIANCE, ROLL CALL.

Mayor Lees called the meeting to order at 6:00 p.m. The Prayer and Pledge of Allegiance were led by Kim Ritchie. Roll Call was conducted by City Clerk Eva Smith. Council members present included: Jon Ketcher, Choya Shropshire, Steve Smith, Randy Chitwood, Briana Brakefield and Jimmy Tramel. Members absent: Dennis Nance and Yolanda Thompson.

Department Heads and other City Officials present: City Attorney Kim Ritchie, Police Chief Dennis Nichols, Fire Chief BK Young, Park Superintendent Frank Powell, Emergency Management Director Johnny Janzen, Golf Course Superintendent Dennis Bowman, Library Director Cari Rerat, Building Inspector Kenneth Young, Assistant Recreation Center Director Jerome Hopkins.

Others present: Police Officer Dustin VanHorn, City Accountant Jeff Kolker, Cemetery employee Charles Bruch, CMSWillowbrook representatives Bryan Miles and Adam Garrett, Mayes County Health Department representative Darla Thompson, Chris Gonthier, Jon David, Terry Aylward and Kemmie Shropshire.

2. PETITIONS FROM THE AUDIENCE. (LIMITED TO 5 MINUTES, MUST REQUEST IN ADVANCE.)

There were no petitions.

3. DEPARTMENT HEAD REPORTS IF NEEDED.

a. Building Inspector

Young had no report but asked if anyone had questions.

b. Emergency Management

Janzen spoke about the COVID-19 vaccines, stating that things are looking better. Mayes County Health Department representative Darla Thompson also spoke regarding the vaccines being dispensed in the County.

c. Fire

Young had no report but asked if anyone had questions.

d. Golf

Bowman reported that revenue for the first six months of the fiscal year are ahead by \$105,000.00.

e. Library

Rerat had no report but asked if anyone had questions.

f. Parks / Cemetery

Powell had no report but asked if anyone had questions.

g. Police

Nichols had no report.

h. Recreation Center

Hopkins reported that everything is business as usual at the Recreation Center.

i. Street

No report.

4. MAYOR'S REPORT:

a. Mid-Year Budget Review presented by Jeff Kolker.

Kolker presented the mid-year review of the current budget, as presented at the Budget and Personnel Committee on January 12th, 2021.

b. Report regarding EcoloxTech 240 machine approved at the January 5th, 2021 Council meeting, Item 6.f.

Johnny Janzen has informed Mayor that the State will supply a larger machine which will keep the City from having to purchase one.

5. CITY ATTORNEY'S REPORT:

a. First Reading of an ordinance amending Title 9, Chapter 7, Sections 1 & 2 regarding amendment of Chapter 7 "Property Maintenance Code" to update City Code from 2006 version by adoption of 2015 International Property Maintenance Code.

Motion was made by Shropshire, second by Chitwood to approve waiving the first reading of an ordinance amending Title 9, Chapter 7, Sections 1 & 2 regarding amendment of Chapter 7 "Property Maintenance Code" to update City Code from 2006 version by adoption of 2015 International Property Maintenance Code. Voting yes: Ketcher, Shropshire, Smith, Chitwood, Brakefield, Tramel. Voting no: none.

b. First reading of an ordinance amending Title 5, Chapter 5, Section 1 regarding amendment of the definition of "Proof of Age" as used in Title 5, Chapter 5, Section 1 relative to tobacco and vapor product ordinances; and providing for repealer and severability.

Motion was made by Chitwood, second by Smith to approve waiving the first reading of an ordinance amending Title 5, Chapter 5, Section 1 regarding amendment of the definition of "Proof of Age" as used in Title 5, Chapter 5, Section 1 relative to tobacco and vapor product ordinances; and providing for repealer and severability. Voting yes: Shropshire, Smith, Chitwood, Brakefield, Tramel, Ketcher. Voting no: none.

c. First reading of an ordinance amending Title 5, Chapter 5, Section 2 regarding enforcement by City police of tobacco and vapor products ordinances; and providing for repealer and severability.

(Scrivener's error – shown on agenda as Item a.)

Motion was made by Chitwood, second by Brakefield to approve waiving the first reading of an ordinance amending Title 5, Chapter 5, Section 2 regarding enforcement by City police of tobacco and vapor products ordinances; and providing for repealer and severability. Voting yes: Smith, Chitwood, Brakefield, Tramel, Ketcher, Shropshire. Voting no: none.

d. First reading of an ordinance amending Title 5, Chapter 5, Section 3 regarding unlawful sale of tobacco products or vapor products to persons under 21 years of age; requirement of vendor to verify age of purchaser and providing for repealer and severability. *(Scrivener's error – shown on agenda as Item b.)*

Motion was made by Shropshire, second by Smith to approve waiving the first reading of an ordinance amending Title 5, Chapter 5, Section 3 regarding unlawful sale of tobacco products or vapor products to persons under 21 years of age; requirement of vendor to verify age of purchaser and providing for repealer and severability. Voting yes: Chitwood, Brakefield, Tramel, Ketcher, Shropshire, Smith. Voting no: none.

e. First reading of an ordinance amending Title 5, Chapter 5, Section 4 regarding unlawful purchase or possession of tobacco products or vapor products by persons under 21 years of age; administrative fine on first and subsequent offenses and failure to pay notice to Department of Public Safety and suspension of driver's license and providing for repealer and severability.

(Scrivener's error – show on agenda as Item c.)

Motion was made by Chitwood, second by Smith to approve waiving the first reading of an ordinance amending Title 5, Chapter 5, Section 4 regarding unlawful purchase or possession of tobacco products or vapor products by persons under 21 years of age; administrative fine on first and subsequent offenses and failure to pay notice to Department of Public Safety and suspension of driver's license and providing for repealer and severability. Voting yes: Brakefield, Tramel, Ketcher, Shropshire, Smith, Chitwood. Voting no: none.

f. First reading of an ordinance amending Title 5, Chapter 5, Section 5 regarding required posting of minimum age sign at place of business for purchase of tobacco; penalty for violation and providing for repealer and severability. *(Scrivener's error – shown on agenda as Item d.)*

Motion was made by Shropshire, second by Brakefield to approve waiving the first reading of an ordinance amending Title 5, Chapter 5, Section 5 regarding required posting of minimum age sign at place of business for purchase of tobacco; penalty for violation and providing for repealer and severability. Voting yes: Tramel, Ketcher, Shropshire, Smith, Chitwood, Brakefield. Voting no: none.

g. First reading of an ordinance amending Title 5, Chapter 5, Section 6 regarding required notice to employees by vendor of prohibition on sale of tobacco or vapor products to persons under 21 years of age and providing for repealer and severability. *(Scrivener's error – shown on agenda as Item e.)*

Motion was made by Smith, second by Chitwood to approve waiving the first reading of an ordinance amending Title 5, Chapter 5, Section 6 regarding required notice to employees by vendor of prohibition on sale of tobacco or vapor products to persons under 21 years of age and providing for repealer and severability. Voting yes: Ketcher, Shropshire, Smith, Chitwood, Brakefield, Tramel. Voting no: none.

h. First reading of an ordinance amending Title 5, Chapter 5, Section 7 regarding restrictions on sale of tobacco products through vending machines and providing for repealer and severability. (Scrivener's error – shown on agenda as Item f.)

Motion was made by Brakefield, second by Smith to approve waiving the first reading of an ordinance amending Title 5, Chapter 5, Section 7 regarding restrictions on sale of tobacco products through vending machines and providing for repealer and severability. Voting yes: Shropshire, Smith, Chitwood, Brakefield, Tramel, Ketcher. Voting no: none.

i. First reading of an ordinance amending Title 5, Chapter 5, Section 8 regarding prohibition on samples of tobacco or vapor products to persons under 21 years of age; restrictions of distribution of tobacco or vapor samples in proximity to playgrounds, schools and other facilities used primarily by persons under 21 years of age; providing for fine and notice to Department of Public Safety for failure to pay; and providing for repealer and severability. (Scrivener's error – shown on agenda as Item g.)

Motion was made by Chitwood, second by Smith to approve waiving the first reading of an ordinance amending Title 5, Chapter 5, Section 8 regarding prohibition on samples of tobacco or vapor products to persons under 21 years of age; restrictions of distribution of tobacco or vapor samples in proximity to playgrounds, schools and other facilities used primarily by persons under 21 years of age; providing for fine and notice to Department of Public Safety for failure to pay; and providing for repealer and severability. Voting yes: Shropshire, Smith, Chitwood, Brakefield, Tramel, Ketcher. Voting no: none.

j. First reading of an ordinance amending Title 5, Chapter 5, Section 10 regarding duty to provide information concerning source of vapor or tobacco product to officials and providing for repealer and severability. (Scrivener's error – shown on agenda as Item h.)

Motion was made by Brakefield, second by Smith to approve the first reading of an ordinance amending Title 5, Chapter 5, Section 10 regarding duty to provide information concerning source of vapor or tobacco product to officials and providing for repealer and severability. Voting yes: Smith, Chitwood, Brakefield, Tramel, Ketcher, Shropshire. Voting no: none.

k. First reading of an ordinance amending Title 10, Chapter 7, regarding "Supplemental Use and Building Regulations" by the addition of a new section to be codified at Title 10, Chapter 7, Section 15 regarding the use of liquefied petroleum tanks/containers within the municipal limits of the city, and providing for repealer and severability. (Scrivener's error – shown on the agenda as Item i.)

Motion was made by Smith, second by Shropshire to approve waiving the first reading of an ordinance amending Title 10, Chapter 7, regarding "Supplemental Use and Building Regulations" by the addition of a new section to be codified at Title 10, Chapter 7, Section 15 regarding the use of liquefied petroleum tanks/containers within the municipal limits of the city, and providing for repealer and severability. Voting yes: Chitwood, Brakefield, Tramel, Ketcher, Shropshire, Smith. Voting no: none.

l. First reading of an ordinance amending Title 10, Chapter 6, Table 6-1 Use Regulations by the addition under "Other" uses specified therein concerning regulation of the placement of tanks/containers use for the storage or use of liquefied petroleum gases as a special exception in all districts; and providing for repealer and severability. (Scrivener's error – shown on agenda as Item j.)

Motion was made by Smith, second by Chitwood to approve waiving the first reading of an ordinance amending Title 10, Chapter 6, Table 6-1 Use Regulations by the addition under "Other" uses specified therein concerning regulation of the placement of tanks/containers use for the storage or use of liquefied petroleum gases as a special exception in all districts; and providing for repealer and severability. Voting yes: Brakefield, Tramel, Ketcher, Shropshire, Smith, Chitwood. Voting no: none.

m. Discussion and possible action to direct the City Attorney to draft an amendment to the City's Unified Development Ordinance (UDO) to provide for the use of property by way of a "Special Exception" for "Low-Impact Manufacturing and Industry" in Commercial Automotive and Recreation (CAR) and Commercial General (CG) Districts for referral to the Planning and Zoning Board for consideration and recommendation. (Scrivener's error – shown on agenda as Item k.)

Motion was made by Chitwood, second by Smith to approve directing the City Attorney to draft an amendment to the City's Unified Development Ordinance (UDO) to provide for the use of property by way of a "Special Exception" for "Low-Impact Manufacturing and Industry" in Commercial Automotive and Recreation (CAR) and Commercial General (CG) Districts for referral to the Planning and Zoning Board for

consideration and recommendation. Voting yes: Tramel, Ketcher, Shropshire, Smith, Chitwood, Brakefield.
Voting no: none.

6. DISCUSSION AND POSSIBLE ACTION ON CONSENT AGENDA.

(Items deemed non-controversial and routine in nature to be approved by one motion without discussion. Any Council member wishing to discuss an item may request it be removed and placed on the regular agenda.)

- a. Approve minutes of the January 5th, 2021 Council meeting.
- b. Approve payroll purchase orders through January 22nd, 2021.
- c. Approve claims for purchase orders through January 19th, 2021.

<u>FUNDS</u>	<u>PURCHASE ORDER NUMBER</u>	<u>TOTALS</u>
GENERAL	2020201745 - 2020201719	217,901.88
STREET & DRAINAGE	2020201719 - 2020201488	9,117.74
GOLF COURSE	2020201727 - 2020201488	4,090.27
CAPITAL OUTLAY	911173B - 2020201660	17,988.44
REAL PROPERTY ACQUIS.	2020201695	18.00
RECREATION CENTER	2020201643 - 2020201719	20,199.73
TOTAL		269,316.06

NO BLANKETS

- d. Acknowledge receipt of deficient purchase orders.
There were no deficient purchase orders.
- e. Approve August, September, and October Appropriation Requests.
- f. Discussion and possible action to approve bid from Tibbets Trucking for demolition of dilapidated structure at 33 S. Pine St. in the amount of \$4,500.00 from Real Property Acquisitions Nuisance Abatement Account #46-465-5450. Other bids received: Wade’s Wrecker Service, \$4,800.00; Adair Tree Clearing, \$5,090.00; Jerry’s Excavation Inc., \$9,000.00; Hansen Dirt and Demo LLC, \$10,500.00.
- g. Discussion and possible action regarding renewal of Engine Inspection, Maintenance, and Repair Agreement with United Engines for Emergency Standby Equipment in the amount of \$2,332.00 for generator at City Hall.
- h. Discussion and possible action regarding hiring Sharollette A. Morse to fill vacant Deputy Clerk position, Range D, Step 1 (annual wage - \$32,534.00), effective January 20th, 2021. This position was left vacant upon the resignation of Stephen Stockham.
- i. Discussion and possible action regarding approval of Amendment No. 1 to the Guaranteed Maximum Price Contract with CMSWillowbrook for construction management services for the City of Pryor Creek Police & Fire Emergency Services Center and Library Additions, Demolition Packet from bids received: ARK Wrecking, \$115,120.00; DT Specialized Services, \$153,675.00; American Demolition, \$175,000.00; Total Demolition Services, \$189,076.00; Ground Level LLC, \$189,460.00; Key Maintenance Inc., \$257,000.00; Jerry’s Excavation Inc., \$297,500.00. (Expenditure to be expended from 2019 Bond Project - Demolition Account #78-785-5501.)
- j. Discussion and possible action regarding expenditure for roofing project at the Chamber of Commerce building in the amount of \$51,444.00 to Allwine Roofing & Construction, Inc. from General Fund Capital Outlay Account #02-201-5411, as approved by Budget and Personnel Committee.
- k. Discussion and possible action regarding expenditure for new restrooms at Whitaker Park in the amount of \$163,900.00 to Magnum Construction, Inc. from new bond expenditure account #87-875-5431, Whitaker Park Restroom Account, as approved by Budget and Personnel Committee.
- l. Discussion and possible action regarding hiring Dustin Hopper to fill vacant “A Operator” position at the Parks Department at Range D, Step 1 (annual wage - \$32,534.00), effective January 20th, 2021, as approved by Budget and Personnel Committee.
- m. Discussion and possible action regarding promotion of Cemetery employee Charles Bruch from B Operator, Range C, Step 3 (annual wage - \$35,376.00) to A Operator, Range D, Step 3 (annual wage - \$36,601.00), effective January 23rd, 2021, as approved by Budget and Personnel Committee.
- n. Discussion and possible action regarding an expenditure in the amount of \$2,375.86 to Stryker for the purchase of one (1) LIFEPAK 1000 and electrode packs for the Pryor Creek Fire Department at State bid price from Fire Capital Outlay Account #44-445-5422, as approved by Budget and Personnel Committee.
- o. Discussion and possible action regarding an expenditure in the amount of \$17,625.00 to Casco for the purchase of one (1) Bauer Legacy 13 Breathing Air Compressor and installation start-up at State bid price from Fire Capital Outlay Account #44-445-5422, as approved by Budget and Personnel Committee.
- p. Discussion and possible action regarding an expenditure in the amount of \$8,380.00 to Casco for the purchase of one (1) Bauer 4-Bank 6000 PSI UN Cylinder and two (2) wall mount

retainers at State bid price from Fire Capital Outlay Account #44-445-5422, as approved by Budget and Personnel Committee.

- q. Discussion and possible action regarding a fee of \$50.00 to be assessed per month from Pryor Creek Recreation Center to a personal trainer for the privilege of using Pryor Creek Recreation Center for personal training clients, as approved by Recreation Board.
- r. Discussion and possible action regarding a formal Trainer Agreement to be used by any trainer who is granted the privilege of using the Pryor Creek Recreation Center for personal training clients, as approved by Recreation Board.
- s. Discussion and possible action regarding the contract between Green Country Swim Team and the Pryor Creek Recreation Center, as approved by Recreation Board.
- t. Discussion and possible action regarding approval of CardConnect Credit Card Services in cooperation with Vermont Systems for credit card processing at the Pryor Creek Recreation Center to begin February 1st, 2021.
- u. Discussion and possible action regarding an expenditure in the amount of \$3,600.00 to Vigilant Solutions, LLC for the purchase of license plate recognition for the Pryor Creek Police Department. This is paid for by the Attorney General's SAFE Oklahoma Grant, from Donation Police Attorney General Grant Account #96-965-5503. This was originally approved at the January 5th, 2021 Council meeting, combined with Item v.
- v. Discussion and possible action regarding an expenditure in the amount of \$6,150.00 to Motorola Solutions/Watchguard for Investigative Data Platform – Annual Subscription and CarDetector Mobile Software License and Support for the Pryor Creek Police Department. This is paid for by the Attorney General's SAFE Oklahoma Grant, from Donation Police Attorney General Grant Account #96-965-5503. This was originally approved at the January 5th, 2021 Council meeting, combined with Item u.

Motion was made by Brakefield, second by Smith to approve items a – v, less items g, i and j. Voting yes: Ketcher, Shropshire, Smith, Chitwood, Brakefield, Tramel. Voting no: none.

g. Discussion and possible action regarding renewal of Engine Inspection, Maintenance, and Repair Agreement with United Engines for Emergency Standby Equipment in the amount of \$2,332.00 for generator at City Hall.

Motion was made by Tramel, second by Smith to approve renewal of Engine Inspection, Maintenance, and Repair Agreement with United Engines for Emergency Standby Equipment in the amount of \$2,332.00 for generator at City Hall from General Repair and Maintenance Account #02-201-5091. Voting yes: Shropshire, Smith, Chitwood, Brakefield, Tramel, Ketcher. Voting no: none.

i. Discussion and possible action regarding approval of Amendment No. 1 to the Guaranteed Maximum Price Contract with CMSWillowbrook for construction management services for the City of Pryor Creek Police & Fire Emergency Services Center and Library Additions, Demolition Packet from bids received: ARK Wrecking, \$115,120.00; DT Specialized Services, \$153,675.00; American Demolition, \$175,000.00; Total Demolition Services, \$189,076.00; Ground Level LLC, \$189,460.00; Key Maintenance Inc., \$257,000.00; Jerry's Excavation Inc., \$297,500.00. (Expenditure to be expended from 2019 Bond Project - Demolition Account #78-785-5501.)

Motion was made by Smith, second by Tramel to approve Amendment No. 1 to the Guaranteed Maximum Price Contract with CMSWillowbrook for construction management services for the City of Pryor Creek Police & Fire Emergency Services Center and Library Additions, Demolition Packet from bids received: ARK Wrecking, \$115,120.00; DT Specialized Services, \$153,675.00; American Demolition, \$175,000.00; Total Demolition Services, \$189,076.00; Ground Level LLC, \$189,460.00; Key Maintenance Inc., \$257,000.00; Jerry's Excavation Inc., \$297,500.00. (Expenditure to be expended from 2019 Bond Project - Demolition Account #78-785-5501.) Voting yes: Chitwood, Brakefield, Tramel, Ketcher, Shropshire, Smith. Voting no: none.

j. Discussion and possible action regarding expenditure for roofing project at the Chamber of Commerce building in the amount of \$51,444.00 to Allwine Roofing & Construction, Inc. from General Fund Capital Outlay Account #02-201-5411, as approved by Budget and Personnel Committee.

Motion was made by Chitwood, second by Smith to approve expenditure for roofing project at the Chamber of Commerce building in the amount of \$51,444.00 to Allwine Roofing & Construction, Inc. from General Fund Capital Outlay Account #02-201-5411, as approved by Budget and Personnel Committee. Voting yes: Tramel, Ketcher, Shropshire, Smith, Chitwood, Brakefield. Voting no: none.

7. COMMITTEE REPORTS:

a. Budget and Personnel (Brakefield)

Brakefield reported that the Budget and Personnel Committee will meet Tuesday, February 9th, 2021 at 5:30 p.m.

b. Ordinance and Insurance (Shropshire)

Shropshire reported that no meeting is scheduled at this time.

c. Street (Smith)

Smith had no report at this time.

8. UNFORESEEABLE BUSINESS.

(ANY MATTER NOT REASONABLY FORESEEN PRIOR TO POSTING OF AGENDA.)

There was no unforeseeable business.

9. ADJOURN.

Motion was made by Ketcher, second by Smith to adjourn. Voting yes: Ketcher, Shropshire, Smith, Chitwood, Brakefield, Tramel. Voting no: none.

PRYOR PUBLIC WORKS AUTHORITY

1. CALL TO ORDER.

Meeting was called to order at 7:00 p.m.

2. APPROVE MINUTES OF JANUARY 5TH, 2021 MEETING.

Motion was made by Chitwood, second by Smith to approve minutes of January 5th, 2021 meeting. Voting yes: Shropshire, Smith, Chitwood, Brakefield, Tramel, Ketcher. Voting no: none.

3. UNFORESEEABLE BUSINESS.

(ANY MATTER NOT REASONABLY FORESEEN PRIOR TO POSTING OF AGENDA.)

There was no unforeseeable business.

4. ADJOURN.

Motion was made by Ketcher, second by Smith to adjourn. Voting yes: Smith, Chitwood, Brakefield, Tramel, Ketcher, Shropshire. Voting no: none.

MINUTES APPROVED BY MAYOR / P.P.W.A. CHAIRMAN LARRY LEES

MINUTES WRITTEN BY CITY CLERK/P.P.W.A. SECRETARY EVA SMITH



January 26, 2021

City of Pryor

Mayor Larry Lees

Regarding trash rate increase for 2021:

Mayor Lees, Pryor Waste & Recycling LLC is requesting a rate increase for twice a week residential refuse collection and disposal for the year 2021. The rate increase request is permissible per contractual agreement between The City of Pryor and Pryor Waste & Recycling LLC.

We are requesting a rate increase for twice a week refuse service for residential only. Pryor Waste & Recycling receives 91% for refuse service the other 9% goes to the City of Pryor and MUB. The increase will be \$0.44 per residential household monthly.

Our preference for municipal solid waste disposal/recycling is Covanta Environmental Solutions, a waste to energy facility located in West Tulsa. As of January 1, 2021, Covanta has had a 4.9% increase for solid waste disposal at their facility. Included with this letter is a copy from Covanta informing Pryor Waste of the rate increase.

Thank you,

A handwritten signature in blue ink that reads "Bill Dinsmore".

Bill Dinsmore

Owner of Pryor Waste & Recycling LLC



*Waste to energy facility
preferred disposal for
the City of Paper*

445 South Street
Morristown, NJ 07960
T: 800-950-8749

November 15, 2020

Dear Valued Customer,

As always, Covanta Environmental Solutions (CES) appreciates the opportunity to service your environmental needs. In these uncertain and challenging times, our mission remains steadfast: to provide you with environmentally safe, flexible, and cost-effective solutions.

Please note the information below regarding changes to our services: _____

Disposal and Transportation Services Base Rates

Effective January 1, 2021, base rates will increase by 4.9%, which reflects a combined 1.4% increase reported by the US Bureau of Labor Statistics for the U.S. City Average Consumer Price Index for All Urban Consumers (CPI-U) in addition to a 3.5% increase to offset increased costs of waste disposal, transportation and facility operations.

There is currently no change to CES's standard Environmental, Insurance and Security Fee which is 12.6% of all services, excluding local, state, and federal taxes and fees.

We truly appreciate your business and wish for you a safe and prosperous 2021. Should you have any questions about this change or simply wish to understand additional ways where we can assist your needs, please contact your Sales Professional or Customer Care Representative.

Sincerely,

Michael J. Williams
V.P. Customer Care

08/27/21

3725 Curb side @ 14.88 - 55,428.00

7 Poly Cart @ 18.26 - 127.82

41 House side @ 19.58 - 802.27

3773

56,358.09 + 3773

= 14.93 x 3% = .44

This calculation verifies the 3% allowed
increase per year per our agreement.

Samuel Jones



Coats, Darla <coatsd@pryorcreek.org>

Trash Rate Increase, 2021

1 message

Larry Lees <leesl@pryorcreek.org>

Wed, Jan 27, 2021 at 11:02 AM

To: "pryorwasteandrecycling@hotmail.com" <pryorwasteandrecycling@hotmail.com>

Cc: Hill Office <hillt@pryorcreek.org>, "Coats, Darla" <coatsd@pryorcreek.org>, "smithe@pryorcreek.org" <smithe@pryorcreek.org>

Dear Mr. Dinsmore,

I received your letter requesting the \$0.44 rate increase for 2021. After communicating with MUB and calculating the numbers for curbside, poly cart, and house side refuse pickup, I agree with your numbers which reflect a 3% increase in your rate as allowable per our agreement.

I will send the request through City Council at the February 2, 2021 meeting. Then, upon affirmative action, to MUB who will reflect the increase on their April 1, 2021 billing.

Thank you for your professional service and for the partnership that we share.

Sincerely,

Larry

Larry Lees

Mayor

[12 N Rowe St](#)

PO Box 1167

Pryor, OK 74362-1167

LeesL@PryorCreek.org

Sent from [Mail](#) for Windows 10