

The City of Muskogee encourages participation from all its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty-eight hours prior to the scheduled meeting and necessary accommodations will be made (ADA 28 CFR/36).

(Public Comment during Public Hearing or Agenda item comment)

Council Rules of Decorum limit citizen comments on agenda items and public hearings to five (5) minutes and general comments for non-agenda items to three (3) minutes. Any person desiring to address the Committee during such period is required to sign in with the City Clerk prior to the meeting between 5:00 p.m. and 5:15 p.m. on the third floor of City Hall or anytime between 8:00 a.m. and 5:00 p.m. in the Office of the City Clerk. They shall provide their name, address and specify the agenda item they wish to address. Remarks shall be directed to the matter being considered and the speaker is allowed to speak only one time. If written materials are to be submitted twelve (12) copies should be made available, and may not be returned.

Agenda
Public Works Committee
August 20, 2018
5:30 P.M. - City Council Chambers

1. Consider approval of Public Works Committee minutes of August 6, 2018.
2. Consider approval of Ordinance No. 4053-A of the City Of Muskogee, Oklahoma, Amending Chapter 22, Business Regulations, Adding Article XVI, Medical Marijuana; Sections 22-674, Definitions; 22-675, General Requirements; 22-676, Medical Marijuana Dispensary Allowed And License Requirements; 22-677, Commercial Medical Marijuana Growing And/Or Processing Facilities Allowed And License Requirements; 22-678, Medical Marijuana Wholesale And/Or Storage Facilities Allowed And License Requirements; 22-679, Medical Marijuana Growing For Personal Use Allowed And License Requirements; 22-680, Penalty; By Providing For Repealer, Severability And Declaring An Emergency. (Roy D. Tucker)

RECOGNIZE CITIZENS WISHING TO SPEAK TO CHAIRMAN AND COMMITTEE MEMBERS.

Council Rules of Decorum limit citizen comments to three (3) minutes. Any person desiring to speak is required to sign-in with the City Clerk, provide their name, address, and the particular issue they wish to address. Under Oklahoma law, the Committee Members are prohibited from discussing or taking any action on items not on today's agenda. If written materials are to be submitted to the Committee twelve (12) copies should be made available, and may not be returned.

Public Works Committee

1.

Meeting Date: 08/20/2018
Initiator: Ashley Wallace, Office Adm 1
Department: City Clerk
Staff Information Source:

Information

AGENDA ITEM TITLE:

Consider approval of Public Works Committee minutes of August 6, 2018.

BACKGROUND:

RECOMMENDED ACTION:

Fiscal Impact

Attachments

08-06-2018 pwmin

MINUTES
PUBLIC WORKS COMMITTEE
August 6, 2018

The Public Works Committee of the City of Muskogee, Oklahoma, met at 5:30 p.m. on Monday, August 6, 2018 in Council Chambers, Third Floor, Municipal Building, with the following in attendance:

Present: Mayor John R. Coburn; Deputy Mayor Janey Boydston; Committee Member Marlon Coleman; Committee Member Dan Hall; Committee Member Wayne Johnson; Committee Member Ivory Vann

Absent: Committee Member Jaime Stout; Committee Member Patrick Cale; Committee Member Derrick Reed

Staff Mike Miller, City Manager; Mike Stewart, Assistant City Manager; Roy Tucker, City Attorney;

Present: Tammy L. Tracy, City Clerk; Greg Riley, Public Works Director; Matthew Beese, Assistant City Attorney; Johnny Teehee, Police Chief; Tish Callahan, Assistant Planning Director; Marcie Gilliam, Strategic Financial Analyst; Prag Mahajan, Civil Engineer II; Robert Swepston, Fleet Manager; Drew Saffell, Airport Manager

1. Consider approval of Public Works Committee minutes of July 16, 2018.

Motion was made by Committee Member Marlon Coleman, seconded by Committee Member Dan Hall to approve Public Works Committee minutes of July 16, 2018.

AYE: Deputy Mayor Janey Boydston, Committee Member Patrick Cale, Committee Member Marlon Coleman, Committee Member Dan Hall, Committee Member Wayne Johnson, Committee Member Ivory Vann

Carried - Unanimously

2. Consider approval of awarding the construction contract to the low bidder, APAC Central, for the Mill & Overlay 2018 Project in the amount of \$268,540.00, or take other necessary action. (Greg Riley)

Public Works Director Greg Riley stated this project includes the mill and asphalt overlay of approximately two (2) miles of streets as listed below. The streets are in the northwest quadrant.

1. North 15th (MLK to Emporia)
2. North 16th (MLK to Emporia)
3. North 17th (MLK to Emporia)
4. North 18th (MLK to Emporia)
5. North 19th (MLK to North 21st)
6. Emporia (North 12th to Denison)

This project is to mill (remove) two (2) inches of existing asphalt street surface and replace it with two (2) inches of new asphalt surface. This is being funded out of the

1/4% sales tax for streets. The Street Improvement Advisory Commission reviewed and approved these streets.

Motion was made by Committee Member Marlon Coleman, seconded by Committee Member Dan Hall to approve awarding the construction contract to the low bidder, APAC Central, for the Mill & Overlay 2018 Project in the amount of \$268,540.00.

AYE: Deputy Mayor Janey Boydston, Committee Member Patrick Cale,
Committee Member Marlon Coleman, Committee Member Dan Hall,
Committee Member Wayne Johnson, Committee Member Ivory Vann

Carried - Unanimously

3. Consider approval of a Pipeline License (#18-60429) between BNSF Railway Company and the City of Muskogee, or take other necessary action. (Greg Riley)

Public Works Director Greg Riley stated this is a required license with Burlington Northern Railroad for performing repairs on an eight (8) inch diameter waterline that is encased in a twelve (12) inch steel casing, under the BNSF's rail near York Street, Line Segment 1055, Mile Post 453.51.

This is a priority repair as significant water is being lost due to the water leak.

Motion was made by Committee Member Marlon Coleman, seconded by Deputy Mayor Janey Boydston to approve Pipeline License (#18-60429) between BNSF Railway Company and the City of Muskogee.

AYE: Deputy Mayor Janey Boydston, Committee Member Patrick Cale,
Committee Member Marlon Coleman, Committee Member Dan Hall,
Committee Member Wayne Johnson, Committee Member Ivory Vann

Carried - Unanimously

4. Consider approval of awarding the Airport Long-Term Parking Lot Construction project to J.E. DirtWurx in the amount of \$79,860.00, as approved by the Airport Board, or take other necessary action. (Mike Stewart)

Assistant City Manager Mike Stewart stated the City advertised and solicited for bid proposals and received five (5) proposals.

1. H & G Paving Contractors \$130,308.84
2. Ross Construction \$85,000.00
3. Frix Construction \$92,000.00
4. Bronze Oak \$132,019.00
5. J.E. DirtWurx \$79,860.00

The bid proposal submitted by J.E. DirtWurx was complete, the most economical, and meets the requirements for the City. Plans, specifications, and bid tabulation with unit price comparison is attached for reference. This item has been approved by the Airport

Board.

Motion was made by Committee Member Dan Hall, seconded by Committee Member Marlon Coleman to approve awarding the Airport Long-Term Parking Lot Construction project to J.E. DirtWurx in the amount of \$79,860.00, as approved by the Airport Board.

AYE: Deputy Mayor Janey Boydston, Committee Member Patrick Cale,
Committee Member Marlon Coleman, Committee Member Dan Hall,
Committee Member Wayne Johnson, Committee Member Ivory Vann

Carried - Unanimously

5. Consider ratification of the By-Laws of the Roxy Theater Community Trust, as approved by the Trustees at their special call meeting held on July 27, 2018, or take other necessary action. (Councilor Jaime Stout)

Motion was made by Deputy Mayor Janey Boydston, seconded by Committee Member Marlon Coleman to approve ratification of the By-Laws of the Roxy Theater Community Trust, as approved by the Trustees at their special call meeting held on July 27, 2018.

AYE: Deputy Mayor Janey Boydston, Committee Member Patrick Cale,
Committee Member Marlon Coleman, Committee Member Dan Hall,
Committee Member Wayne Johnson, Committee Member Ivory Vann

Carried - Unanimously

6. Consider approval of the reappointment of Alice Smith to serve a three (3) year term on the Muskogee Housing Authority Board, ending on June 30, 2021, or take other necessary action. (Councilor Marlon Coleman)

Motion was made by Committee Member Marlon Coleman, seconded by Deputy Mayor Janey Boydston to approve the reappointment of Alice Smith to serve a three (3) year term on the Muskogee Housing Authority Board, ending on June 30, 2021.

AYE: Deputy Mayor Janey Boydston, Committee Member Patrick Cale,
Committee Member Marlon Coleman, Committee Member Dan Hall,
Committee Member Wayne Johnson, Committee Member Ivory Vann

Carried - Unanimously

7. Consider approval of the appointment of Rev. Leroy Walker to serve a five (5) year term on the Martin Luther King Jr. Community Center Trust Authority beginning August 14, 2018, and ending on July 31, 2023, or take other necessary action. (Mayor Bob Coburn)

Motion was made by Deputy Mayor Janey Boydston, seconded by Committee Member Dan Hall to approve the appointment of Rev. Leroy Walker to serve a five (5) year term on the Martin Luther King Jr. Community Center Trust Authority beginning August 14, 2018, and ending on July 31, 2023.

AYE: Deputy Mayor Janey Boydston, Committee Member Patrick Cale,
Committee Member Marlon Coleman, Committee Member Dan Hall,
Committee Member Wayne Johnson, Committee Member Ivory Vann

Carried - Unanimously

RECOGNIZE CITIZENS WISHING TO SPEAK TO CHAIRMAN AND COMMITTEE MEMBERS.

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CHAIRMAN WAYNE JOHNSON
PUBLIC WORKS COMMITTEE

pwwmin
TT/aw

Public Works Committee**2.**

Meeting Date: 08/20/2018
Initiator: Tammy Tracy, City Clerk
Department: City Clerk
Staff Information Source:

Information**AGENDA ITEM TITLE:**

Consider approval of Ordinance No. 4053-A of the City Of Muskogee, Oklahoma, Amending Chapter 22, Business Regulations, Adding Article XVI, Medical Marijuana; Sections 22-674, Definitions; 22-675, General Requirements; 22-676, Medical Marijuana Dispensary Allowed And License Requirements; 22-677, Commercial Medical Marijuana Growing And/Or Processing Facilities Allowed And License Requirements; 22-678, Medical Marijuana Wholesale And/Or Storage Facilities Allowed And License Requirements; 22-679, Medical Marijuana Growing For Personal Use Allowed And License Requirements; 22-680, Penalty; By Providing For Repealer, Severability And Declaring An Emergency. (Roy D. Tucker)

BACKGROUND:

Under State Question 788, the voters of the State approved the use and sale of marijuana for medicinal purposes. As a result, the State Department of Health has promulgated emergency rules for the licensing by the state of marijuana dispensaries, growing and manufacturing facilities. In crafting the proposed ordinance we have maintained the spirit of the law identified by State Question 788 and have incorporated many of the applicable requirements under the emergency rules of the Department of Health. In summary, we have created a license requirement which is intended to ensure the health, safety and general welfare of our community is maintained without overly burdening the potential growing, cultivating and retail allowances. The ordinance permits retail dispensaries in any commercial area and restricts growing and manufacturing to areas zoned agricultural or industrial. The restrictions are the same as would apply to any other industrial or retail activity. A reasonable licensing fee is also established intended to offset the costs to the city of licensing these establishments.

RECOMMENDED ACTION:

Approve the Ordinance.

Fiscal Impact**Attachments**

Proposed Ordinance

ORDINANCE NO. 4053-A

AN ORDINANCE OF THE CITY OF MUSKOGEE, OKLAHOMA AMENDING CHAPTER 22, BUSINESS REGULATIONS, ADDING ARTICLE XVI, MEDICAL MARIJUANA, SECTIONS 22-674 DEFINITIONS, 22-675 GENERAL REQUIREMENTS, 22-676 MEDICAL MARIJUANA DISPENSARY ALLOWED AND LICENSE REQUIREMENTS, 22-677 COMMERCIAL MEDICAL MARIJUANA GROWING AND/OR PROCESSING FACILITIES ALLOWED AND LICENSE REQUIREMENTS, 22-678 MEDICAL MARIJUANA WHOLESALE AND/OR STORAGE FACILITIES ALLOWED AND LICENSE REQUIREMENTS, 22-679 MEDICAL MARIJUANA GROWING FOR PERSONAL USE ALLOWED AND LICENSE REQUIREMENTS; 22-680, PENALTY; BY PROVIDING FOR REPEALER, SEVERABILITY AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED BY THE City Council of the City of Muskogee, Oklahoma:

SECTION 1. Chapter 22 shall be amended by adding Article XVI Medical Marijuana to the Muskogee City Code, which shall read as follows, to-wit:

22-674. Definitions:

- A. Medical Marijuana Dispensary: Any retail medical marijuana establishment licensed by the State of Oklahoma and the City of Muskogee to sell or dispense medical marijuana or medical marijuana products.
- B. Commercial Medical Marijuana Growing and/or Processing Facilities: Any medical marijuana growing or processing facility licensed by the State of Oklahoma to grow or process medical marijuana in excess of twelve (12) plants. Growing includes the cultivation, manufacturing, processing, packaging, and distribution of marijuana and marijuana products. Processing includes including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create medical marijuana, medical marijuana products or concentrates.
- C. Medical Marijuana Wholesale and/or Storage Facility: Any wholesale or storage establishment licensed by the State of Oklahoma and the City of Muskogee that acquires, possesses, stores, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid medical marijuana dispensary license.

- D. Medical Marijuana Growing for Personal Use: Any individual licensed by the State of Oklahoma and the City of Muskogee to grow up to twelve (12) plants within a single residence for personal medical use.
- E. The City hereby adopts all other terms and definitions as established by State law or Department of Health regulations. In the event of a conflict between any definitions contained herein, the definition promulgated by the State or the Department of Health shall prevail.

22-675. General Requirements:

- A. Applicants for any license contained herein shall be required to possess a valid State of Oklahoma issued medical marijuana license prior to making application for the city license.
- B. The license outlined in this ordinance will be subject to property inspection by an authorized City Inspector prior to issuance to insure compliance with all codes of the City
- C. The property inspection will occur at a time scheduled and approved by both the applicant and the City Inspector.
- D. The applicant will be required to be present during the inspection.
- E. All structures, equipment and apparatuses shall comply with all building and fire codes adopted by the State of Oklahoma and the City of Muskogee.
- F. A Medical Marijuana Business License Application shall be filled out and signed by the property and business owner and submitted to the City Clerk prior to scheduling an inspection.
- G. A nonrefundable license fee, as established in this Chapter, shall be paid at the time the application is submitted.
- H. The license fee shall be set according to and used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of this Article.
- I. For the distance requirements outlined in this ordinance, the distances described shall be computed by direct measurement in a straight line from the nearest property line of the parcel of land on which the use described in herein is located to the nearest property line of the building or unit in which the proposed retail marijuana establishment would be located.
- J. All Medical Marijuana Dispensary, Commercial Medical Marijuana Growing and/or Processing Facilities, and Medical Marijuana Wholesale and/or Storage

Facility establishments shall be located within an entirely enclosed and secure structure, as required by the Rules and Regulations of the Department of Health, as may be amended from time to time.

K. License holder shall remit all required State and City sales taxes.

L. It is the intent of the City of Muskogee that nothing in the Medical Marijuana Ordinance be construed to:

1. Allow persons to engage in conduct that endangers the health, safety, or welfare of the Citizens of the City of Muskogee, or causes a public nuisance;
2. Allow the use of marijuana for non-medical purposes; or
3. Allow any activity that is otherwise illegal and not permitted by state law.

M. Additional Regulations:

1. The smell of noxious odor emitted from smoking or consumption of medical marijuana by a person possessing a valid state issued medical marijuana license shall constitute a public nuisance.
2. Smoking and vaping marijuana shall be prohibited on all city property including vehicles, buildings, parks or other facilities.
3. Revocation or suspension of Municipal issued marijuana license; hearing.
 - a. The city manager or designee shall revoke or suspend a license issued under this section on any of the following grounds:
 - i. The license was procured by fraudulent conduct or false statement of a material fact or a fact concerning the applicant was not disclosed at the time of his application, and such fact would have constituted just cause for refusal to issue the license;
 - ii. Violation of City ordinance, State law, or Department of Health regulations governing medical marijuana.
 - b. Prior to suspension or revocation the permittee shall be given notice of the proposed action to be taken and shall have an opportunity to be heard before the city manager. If an employee has been designated by the city manager, such employee shall make a report to the city manager together with

a recommendation as to whether the license should be suspended or revoked.

4. Any person or entity applying for or issued a license by the City of Muskogee shall comply with all State law and Department of Health rules and regulations, as may be amended from time to time.
5. Revocation of the State issued license shall result in immediate revocation of the City issued license.

22-676. MEDICAL MARIJUANA DISPENSARY: Medical Marijuana Dispensaries are hereby allowed within the municipal boundaries of Muskogee, Oklahoma upon compliance with Section 22-675, issuance of a Retail Medical Marijuana Dispensary Business License and the following additional provisions.

- A. A Medical Marijuana Dispensary shall only be located within one of the following zoning districts.
 1. "C-1" Local Commercial District, upon approval of the Board of Adjustments;
 2. "C-2" General Commercial District; or
 3. "C-3" Regional Commercial District.
- B. Medical Marijuana Dispensary Business License shall not be granted to any applicant where the proposed location would be located within one thousand (1000) feet of any public or private school.
- C. Conditions of Operation:
 1. Buildings where medical marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.
 2. The retail establishment must maintain a valid sales tax permit issued by the State of Oklahoma.
 3. No on premises use of marijuana or its derivatives shall be allowed.
 4. Any violations of this section will result in the revocation of the Retail Medical Marijuana Business license.

- D. There shall be a business license fee in the amount of seven hundred, fifty dollars (\$750.00) and an annual renewal fee in the amount of seven hundred, fifty dollars (\$750.00). The annual business license will expire on June 30th and shall be renewed prior to July 1st each year. Failure to renew will result in a penalty fee of fifty percent (50%) of the annual fee and shall require re-inspection as required by City Code 22-675 (B).

22-677. COMMERCIAL MEDICAL MARIJUANA GROWING AND/OR PROCESSING FACILITIES: Commercial Medical Marijuana Growing and/or Processing Facilities are hereby allowed within the municipal boundaries of Muskogee, Oklahoma upon compliance with Section 22-675, issuance of a Commercial Medical Marijuana Growing and/or Facility License and the following additional provisions.

- A. Commercial Medical Marijuana Growing and/or Processing Facility shall only be located within one of the following zoning districts.

1. "A" Agricultural District;
2. "I-1" Light Industrial District; or
3. "I-2" Heavy Industrial District.

- B. Conditions of Operation:

1. The facility shall be secure with limited access. The secure area must be locked at all times. A key or access code shall be provided to all emergency services (Fire, Police and EMS). Changing the code or key shall not be allowed without proper notification to all emergency services.
2. The establishment must maintain a valid sales tax permit issued by the State of Oklahoma.
3. The facility must be constructed in such a manner that the growing of the medical marijuana plants cannot be seen by the public from the public right of way.
4. The growing area including any lighting, plumbing or electrical components used shall comply with all building and fire codes adopted by the State of Oklahoma and the City of Muskogee.
5. The growing area must be properly ventilated so as not to create humidity, mold or other related problems.

6. Growing medical marijuana shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if growing marijuana produces light, glare, heat, noise, odor or vibration that is detrimental to public health, safety or welfare or interferes with the reasonable enjoyment of life and property.

- C. There shall be a business license fee in the amount of seven hundred fifty dollars (\$750.00) and an annual renewal fee in the amount of seven hundred fifty dollars (\$750.00). The annual business license will expire on June 30th and shall be renewed prior to July 1st each year. Failure to renew will result in a penalty of fifty percent (50%) of the annual fee and shall require re-inspection as required by City Code 22-675 (B).

22-678. MEDICAL MARIJUANA WHOLESALE AND/OR STORAGE FACILITIES: Medical Marijuana Wholesale and/or Storage Facilities are hereby allowed within the municipal boundaries of Muskogee, Oklahoma upon compliance with Section 22-675, issuance of a Medical Marijuana Wholesale and/or Storage Facility License and the following additional requirements.

- A. Medical Marijuana Wholesale or Storage Facility shall only be located within one of the following zoning districts.

1. "A" Agricultural District;
2. "I-1" Light Industrial District; or
3. "I-2" Heavy Industrial District.

- B. Conditions of Operations:

1. The facility shall be secure with limited access. The secure area must be locked at all times. A key or access code shall be provided to all emergency services (Fire, Police and EMS). Changing the code or key shall not be allowed without proper notification to all emergency services.
2. Buildings where medical marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.
3. The retail establishment must maintain a valid sales tax permit issued by the State of Oklahoma.

- D. There shall be a business license fee in the amount of seven hundred, fifty dollars (\$750.00) and an annual renewal fee in the amount of seven hundred fifty dollars (\$750.00). The annual business license will expire on June 30th and shall be renewed prior to July 1st each year. Failure to renew will result in a penalty fee of fifty percent (50%) of the annual fee.

22-279. MEDICAL MARIJUANA GROWING FOR PERSONAL USE: Medical Marijuana Growing for Personal Use is hereby allowed within the municipal boundaries of Muskogee, Oklahoma upon compliance with Section 22-675, issuance of a Medical Marijuana Growing for Personal Medical Use License and the following additional provisions.

- A. Any license issued to an individual for the growing of medical marijuana for personal use will be for the growing of medical marijuana at the individual's primary residence. The City Clerk shall be notified immediately upon any change of address of the licensee.
- B. Any access or entry point to residential facilities used for medical marijuana cultivation for personal medical use must be secured by lock and key or equivalent, at all times except when the residential facility is actively being supervised in person by the permit holder.
- C. Growing medical marijuana shall not be visible from the public right of way.
- D. The growing area including any lighting, plumbing or electrical components used shall comply with municipal building and fire codes. The growing area must be properly ventilated so as not to create humidity, mold or other related problems. Lighting shall not exceed 1,000 watts per light. The use of gas products (C02, butane, etc.) or CO2 and ozone generators in the growing area is prohibited.
- E. Growing medical marijuana shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if growing marijuana produces light, glare, heat, noise, odor or vibration that is detrimental to public health, safety or welfare or interferes with the reasonable enjoyment of life and property.
- F. The primary use of the residential property in which medical marijuana is grown shall remain at all times a residence, with legal and functioning cooking, eating, sleeping and sanitation/bathing facilities with proper ingress and egress. No room shall be used for growing marijuana where such cultivation will impair or prevent the primary uses of cooking, eating, sleeping or sanitation/bathing.
- G. If the residence is rented, consent of the property owner shall be obtained prior to any cultivation commencing. This consent must be evidenced by a signed and notarized statement from the property owner permitting the growth of marijuana in a residence.

- H. Any individual licensed to grow marijuana for personal use shall have a License issued by the State of Oklahoma authorizing the use of medical marijuana. Said license shall be made available to any authorized City employee upon request.
- I. There shall be a license fee in the amount of fifty dollar (\$50.00) and an annual renewal fee in the amount of fifty dollars (\$50.00). The annual license will expire on June 30th and shall be renewed prior to July 1st each year. Failure to renew will result in a penalty fee of fifty percent (50%) of the annual fee and shall require re-inspection as required by City Code 22-675 (B).

22-680 PENALTY: In addition license revocation or suspension, a violation of any of the provisions contained in this chapter shall also be deemed an offense and punishable, as provided in City Code 1-14.

Reserved 22-681 to 22-750

SECTION 2. CODIFICATION. The City Clerk is hereby directed to enter the added section into the appropriate place in The Muskogee City Code of Muskogee, Oklahoma, as authorized and approved by this Ordinance.

SECTION 3. SEVERABILITY. If any provision, paragraph, word, section of article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

SECTION 4. REPEALER. All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 5. EMERGENCY CLAUSE. An immediate necessity existing for the preservation of the public peace health and safety, an emergency is hereby declared to exist by reason of which this ordinance shall be in full force and effect from and after passage, approval and publication or posting.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE,
OKLAHOMA, THIS ____ DAY OF _____, 2018.**

JOHN R. COBURN, Mayor

ATTEST:

TAMMY L. TRACY, City Clerk

Approved as to form and legality this ____ day of _____, 2018.

ROY D. TUCKER, City Attorney