

**NOTICE AND AGENDA  
ORDINANCE / INSURANCE COMMITTEE  
SPECIAL MEETING  
THURSDAY, JULY 16<sup>TH</sup>, 2015  
6:00 P.M.**

AS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT NOTICE IS HEREBY GIVEN THAT THE ORDINANCE/INSURANCE COMMITTEE WILL MEET IN SPECIAL SESSION IN THE COUNCIL CHAMBER, AT 12 NORTH ROWE STREET, PRYOR, OKLAHOMA AT THE ABOVE DATE AND TIME. FOR SPECIAL ACCOMMODATIONS TO ATTEND, PLEASE CONTACT (918) 825-0888.

COMMITTEE MEMBERS: \*\* RANDY CHITWOOD, CHERYL HEDGPATH, RYAN RAINS, GREG ROSAMOND (ALTERNATE)

1. Call meeting to order.
2. Discuss, possibly approve minutes of the June 15<sup>th</sup>, 2015 special meeting.
3. Discuss, possibly recommend Council action to approve an Ordinance amending Title 7 by adding Chapter 9 Section 1, 2, 3, 4, 5 and 6 to the City Code of the City of Pryor Creek, Mayes County, State of Oklahoma, regarding Closing of Public Ways and Easements, Definitions, Applications, Processing of Applications, City Action on Applications, Reservation of Rights and Fees: providing for repealer and severability.
4. Discuss, possibly recommend Council action to approve an Ordinance amending Pryor Creek City Code "Appendix A" Regarding Alcoholic Beverages and Taxes.
5. Discuss, possibly recommend Council action to approve an Ordinance amending Pryor Creek City Code Section 3-10A-1 regarding Alcoholic Beverages - Definitions.
6. Discuss, possibly recommend Council action to approve an Ordinance amending Pryor Creek City Code Section 3-10A-7 regarding Alcoholic Beverages – Occupation Tax.
7. Discuss, possibly recommend Council action to approve an Ordinance amending Pryor Creek City Code Section 3-10A-7 regarding Alcoholic Beverages – Rules and Regulations.
8. Discuss, possibly recommend Council action to approve an Ordinance of the City Council of Pryor Creek, Oklahoma, amending Pryor Creek City Code Section 5-4D-13 (H) and (I), regarding Curfew Violations, Parental Responsibility, and Referral to Office of Juvenile Affairs.
9. Adjourn.

POSTED JULY 14, 2015<sup>TH</sup>. 2015, BY CITY CLERK EVA SMITH.

*Eva Smith*



**MINUTES  
ORDINANCE / INSURANCE COMMITTEE  
SPECIAL MEETING  
MONDAY, JUNE 15<sup>TH</sup>, 2015  
6:00 P.M.**

THE ORDINANCE/INSURANCE COMMITTEE MET IN SPECIAL SESSION IN THE COUNCIL CHAMBER, 12 NORTH ROWE STREET, PRYOR, OKLAHOMA AT THE ABOVE DATE AND TIME.

COMMITTEE MEMBERS: \*\*RANDY CHITWOOD, CHERYL HEDGPATH, RYAN RAINS, GREG ROSAMOND (ALTERNATE)

**1. CALL MEETING TO ORDER.**

The meeting was called to order at 6:00 p.m. by Chairman Randy Chitwood. Committee members present: Chairman Randy Chitwood, Cheryl Hedgpath, Ryan Rains. Members absent: none.

Others present: Mayor Jimmy Tramel, City Attorney Kim Ritchie, Council Member Drew Stott, Council Member Yolanda Thompson, Mehlburger Brawley Engineer Steve Powell, Clay and Trey Larremore, and Pryor Times Reporter Cydney Baron.

**2. DISCUSS, POSSIBLY APPROVE MINUTES OF THE MARCH 31<sup>ST</sup>, 2015 SPECIAL MEETING.**

There was no action on this item. The Committee has been rearranged and there were not enough members present from the special meeting of March 31<sup>st</sup>, 2015 to consider approval.

**3. DISCUSS, POSSIBLY RECOMMEND COUNCIL ACTION AUTHORIZING CITY ATTORNEY TO DRAFT AN ORDINANCE RECOMMENDING THE DEPTHS OF CABLE LINES OR ANY KIND OF UTILITY LINE WITHIN THE CITY LIMITS OF PRYOR CREEK TO BE BURIED A MINIMUM 18 INCHES.**

Motion was made by Hedgpath, second by Rains to approve authorizing City Attorney to draft an Ordinance recommending the depths of cable lines or any kind of utility line within the city limits of Pryor Creek to be buried a minimum 18 inches. All voted yes.

**4. DISCUSS, POSSIBLY RECOMMEND COUNCIL ACTION TO APPROVE AN ORDINANCE AMENDING TITLE 10 BY ADDING CHAPTER 1A SECTIONS 1,2,3, AND 4 TO THE CITY CODE OF THE CITY OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, REGARDING ZONING COMMISSION CREATION AND COMPOSITION; QUORUM; MEETINGS, ORGANIZATION AND RULES; POWERS, DUTIES AND AUTHORITIES THEREOF; PROVIDING FOR REPEALER AND SEVERABILITY.**

Motion was made by Rains, second by Hedgpath to recommend Council action to approve an Ordinance amending Title 10 by adding Chapter 1A Sections 1,2,3, and 4 to the City Code of the City of Pryor Creek, Mayes County, State of Oklahoma, regarding Zoning Commission Creation and Composition; Quorum; Meetings, Organization and Rules; Powers, Duties and Authorities thereof; providing for repealer and severability. Voting yes: Chitwood, Hedgpath, Rains. Voting no: none.

**5. DISCUSS, POSSIBLY RECOMMEND COUNCIL ACTION TO APPROVE AN ORDINANCE AMENDING PRYOR CREEK CITY CODE SECTION 10-1-1 REGARDING PLANNING COMMISSION – CREATION; COMPOSITION.**

Motion was made by Rains, second by Hedgpath to recommend Council action to approve an Ordinance amending Pryor Creek City Code Section 10-1-1 regarding Planning Commission – **Creation**; Composition with the following exceptions to be omitted:

- a. There will be no change to the amount of members. The Ordinance will continue to state “ which shall consist of seven (7) members”
- b. No addition of “Ex Officio” as hereinafter stated”. The Ordinance will continue to state “The Mayor shall appoint the members of the Planning Commission, subject to approval and confirmation by the City Council.”

All voted yes.

**6. DISCUSS, POSSIBLY RECOMMEND COUNCIL ACTION TO APPROVE AN ORDINANCE AMENDING PRYOR CREEK CITY CODE SECTION 10-1-2 REGARDING PLANNING COMMISSION – QUORUM.**

Motion was made by Rains, second by Hedgpath to recommend Council action to approve an Ordinance amending Pryor Creek City Code Section 10-1-2 regarding Planning Commission – **Quorum**. All voted yes.

**7. DISCUSS, POSSIBLY RECOMMEND COUNCIL ACTION TO APPROVE AN ORDINANCE AMENDING PRYOR CREEK CITY CODE SECTION 10-1-3 REGARDING PLANNING COMMISSION – MEETINGS; ORGANIZATION RULES.**

Motion was made by Rains, second by Hedgpath to recommend Council action to approve an Ordinance amending Pryor Creek City Code Section 10-1-3 regarding Planning Commission – **Meetings; Organization Rules**. All voted yes.

**8. DISCUSS, POSSIBLY RECOMMEND COUNCIL ACTION TO APPROVE AN ORDINANCE AMENDING PRYOR CREEK CITY CODE SECTION 10-1-4 REGARDING PLANNING COMMISSION – POWERS, DUTIES AND AUTHORITY.**

Motion was made by Rains, second by Hedgpath to recommend Council action to approve an Ordinance amending Pryor Creek City Code Section 10-1-4 regarding Planning Commission – **Powers, Duties and Authority**. All voted yes.

**9. DISCUSS, POSSIBLY RECOMMEND COUNCIL ACTION TO APPROVE AN ORDINANCE AMENDING PRYOR CREEK CITY CODE SECTION 10-1-5 REGARDING PLANNING COMMISSION – ACT AS ZONING COMMISSION.**

Motion was made by Rains, second by Hedgpath to recommend Council action to approve an Ordinance amending Pryor Creek City Code Section 10-1-5 regarding Planning Commission – **Act as Zoning Commission**. All voted yes.

**10. DISCUSS, POSSIBLY RECOMMEND COUNCIL ACTION TO APPROVE AN ORDINANCE AMENDING PRYOR CREEK CITY CODE SECTION 7-6-2 REGARDING THE CEMETERY BOARD.**

Motion was made by Hedgpath, second by Rains to recommend Council action to approve an Ordinance amending Pryor Creek City Code Section 7-6-2 regarding the Cemetery Board. All voted yes.

**11. DISCUSS, POSSIBLY RECOMMEND COUNCIL ACTION TO APPROVE AN ORDINANCE AMENDING PRYOR CREEK CITY CODE SECTION 7-4-2 REGARDING THE PARK BOARD.**

Motion was made by Rains, second by Chitwood to recommend Council action to approve an Ordinance amending Pryor Creek City Code Section 7-4-2 regarding the Park Board. All voted yes.

**12. ADJOURN.**

Motion was made by Rains, second by Hedgpath to adjourn at 6:40 p.m. All voted yes.

Oklahoma Statutes Annotated

Title 11. Cities and Towns (Refs & Annos)

Chapter 1. Municipal Code (Refs & Annos)

Buildings, Zoning and Planning

Article XLII. Vacating Plats and Public Ways (Refs & Annos)

11 Okl.St. Ann. § 42-110

§ 42-110. Power to close public ways or easements by ordinance--Reopening--Rights of utilities

[Currentness](#)

A. The municipal governing body by ordinance may close to the public use any public way or easement within the municipality whenever deemed necessary or expedient. The procedure for closing a public way or easement shall be established by ordinance or resolution adopted by the municipality.

B. The municipality shall give written notice of any proposed closing of a public way or easement to any holder of a franchise or others determined by the governing body to have a special right or privilege granted by ordinance or legislative enactment to use the public way or easement at least thirty (30) days prior to passage of any ordinance providing for closing of a public way or easement.

C. The municipality shall retain the absolute right to reopen the public way or easement without expense to the municipality. The public way or easement may be reopened by ordinance whenever:

1. The municipal governing body deems it necessary; or

2. An application of the property owners owning more than one-half in area of the property abutting on the public way or easement previously closed is filed with the governing body.

D. Closing of the public way or easement shall not affect the right to maintain, repair, reconstruct, operate or remove utility, public service corporation, or transmission company facilities of service therein, nor shall a closing affect private ways existing by operation of law unless released in writing executed by the owners thereof.

**Credits**

Laws 1977, c. 256, § 42-110, eff. July 1, 1978.

[Notes of Decisions \(17\)](#)

11 Okl. St. Ann. § 42-110, OK ST T. 11 § 42-110

Current with laws from the First Regular Session of the 55th Legislature, effective through July 1, 2015

**ORDINANCE NO. 2015-\_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 7 BY ADDING CHAPTER 9 SECTIONS 1, 2, 3, 4, 5 AND 6 TO THE CITY CODE OF THE CITY OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, REGARDING CLOSING OF PUBLIC WAYS AND EASEMENTS, DEFINITIONS, APPLICATIONS, PROCESSING OF APPLICATIONS, CITY ACTION ON APPLICATIONS, RESERVATION OF RIGHTS AND FEES; PROVIDING FOR REPEALER AND SEVERABILITY.**

**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.**

1. Title 7 of the Code of Ordinances of the City of Pryor Creek, Mayes County, State of Oklahoma is hereby amended by adding a new Chapter 9, Sections 1, 2, 3, 4, 5 and 6 as follows, to-wit:

**CHAPTER 9  
CLOSING OF PUBLIC WAYS AND EASEMENTS**

**SECTION:**

**7-9-1: Definitions**

**7-9-2: Application for closing easements or public ways**

**7-9-3: Processing applications**

**7-9-4 City action on application**

**7-9-5: Reservation of rights upon closing**

**7-9-6: Fees**

**7-9-1: DEFINITIONS**

- A. Close means a legislative act of the City discontinuing the public use of a public way or easement without affecting title to such real property.
- B. Public Way means a street, avenue, boulevard, alley, lane or thoroughfare established or open for public use.
- C. Easement means a right in real property as established by the laws of the state of Oklahoma which is not a Public Way as hereinabove defined.

**7-9-2: APPLICATION FOR CLOSING EASEMENTS OR PUBLIC WAYS**

All applications for closing easements or public ways located within the corporate limits of the City shall be filed with the Planning Commission; and the applicant shall furnish the following information with the application at the time of filing:

- A. A plot, plan or other representative sketch or drawing depicting distances and points of the compass and showing the location and area of the public way or easement;
- B. The legal description of the public way or easement to be closed;
- C. If an easement is being closed, the purpose for which the easement was originally given;
- D. If the easement or public way was established by any instrument (other than a subdivision plat) filed in the Office of the County Clerk, a copy of such instrument duly certified by the County Clerk;
- E. If the easement or public way was established by statutory dedication pursuant to a recorded subdivision plat, the name of the subdivision and plat number;
- F. If the applicant seeks to close a public way, the application shall state whether or not such public way has been open for public use within the five (5) year period immediately preceding the date of the filing of such application; if such public way has been open for public use within that period of time, the applicant shall furnish a list, certified by a bonded abstractor, containing the names and addresses of all owners of record, as shown by the current year's tax rolls in the Office of the County Treasurer, of property abutting the public way and such other owners of record whose property is within three hundred (300) feet in any direction from the public way sought to be closed; and
- G. Such additional information as may be determined by the Planning Commission to be necessary for evaluating the application.

### **7-9-3 PROCESSING APPLICATIONS**

Upon receipt of a properly completed application and the payment of all required fees, the application for the closing of easements or public ways shall be processed as set forth herein.

- A. The Planning Commission shall give written notice of the pending application to all City departments who use public ways or easements and to all franchise holders whose franchises with the City entitle them to the use of public ways or easements and others determined by the governing body to have a special right or privilege granted by ordinance or legislative enactment to use the public way or easement, as applicable to such application. Such notice shall require that all comments on the application shall be made in writing to the Planning Commission within thirty (30) days from the date of the written notice. Notice shall be deemed effectively given when mailed to the last known address of the franchise holder as shown upon the books of the City.
- B. Within a reasonable period of time after the expiration of the thirty (30) day notice period, the Planning Commission shall recommend to the governing body of the City action to be taken upon the application.

#### **7-9-4 CITY ACTION ON APPLICATION**

- A. Upon receipt of the report and recommendation of the Planning Commission, the governing body of the City may, without giving further notice to any third party, approve or deny, either in whole or in part, any application seeking to close an easement.
- B. Upon receipt of the report and recommendation of the Planning Commission, the governing body of the City may, without giving further notice to any third party, approve or deny, either in whole or in part, any application seeking to close a public way which has not been open for public use for more than five (5) years immediately preceding the date of the filing of such application.
- C. Upon receipt of the report and recommendation of the Planning Commission, and If the application seeks to close a public way which has been open for public use within the five (5) year period immediately preceding the date of the filing such application, the governing body of the City shall set a date for public hearing thereon and give notice certified mail to all property owners whose property is within three hundred (300) feet in any direction from the public way sought to be closed as shown on the list furnished by the applicant . Such notice shall be given at least ten (10) calendar days prior to the scheduled public hearing, shall identify the nature of the pending proceeding and shall direct that any person having an objection to the pending application must appear at the public hearing to advise the governing body of the City of the nature of his objection. On the date of the scheduled public hearing, the governing body of the City shall inquire into the merits of the application and, upon determination of all issues, shall approve or deny, either in whole or in part, the proposed closing.
- D. Upon approval of any application, the City Attorney shall be directed to prepare a proper ordinance closing the public way or easement; upon its adoption, the costs for publication of such ordinance shall be determined and, upon the payment of such costs to the City by the applicant, the City shall have the ordinance published.

#### **7-9-5: RESERVATION OF RIGHTS UPON CLOSING**

The City shall retain the absolute right to reopen any closed public way or easement without expense to the City. The closing of any public way or easement shall not affect the right to maintain, repair, reconstruct, operate or remove utility, public service corporation or transmission company facilities existing therein, nor shall such closing affect private ways existing by operation of law unless released in writing executed by the owners thereof in recordable form.

**7-9-6 FEES**

A non-refundable filing fee in such amount as set forth in APPENDIX A of this City Code shall accompany each application to vacate a public way or easement. In addition to such filing fee, if the application seeks to close a public way which has been open to public use within the five (5) years preceding the date of the application, the applicant at time of filing shall pay an additional mailing fee in the amount of the actual cost of Certified U.S. Mailing for each property owner who is entitled to receive notice of the proceeding. In the event the application is withdrawn prior to the mailing of notices, the mailing fee shall be refunded to the applicant.

**SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict here with 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 \_\_\_\_\_, 2015

**CITY OF PRYOR CREEK,  
OKLAHOMA**

\_\_\_\_\_  
**Jimmy Tramel, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Eva Smith, City Clerk**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**K. Ellis Ritchie, City Attorney**

ORDINANCE NO. 2015-\_\_\_\_\_

AN ORDINANCE AMENDING PRYOR CREEK CITY CODE "APPENDIX A" REGARDING ALCOHOLIC BEVERAGES AND TAXES:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PRYOR CREEK, OKLAHOMA: That Pryor Creek City Code "APPENDIX A" is hereby amended to read as follows: (deletions to existing ordinance stricken, additions underlined)

Section I: AMENDING ORDINANCE TO READ AS FOLLOWS:

ALCOHOLIC BEVERAGES

Alcoholic Beverages and Taxes:

3-10A-3A Occupation tax levied for each ABLE license as follows, each location in city for:

<u>1.</u> Brewer*	1,250.00	
<u>2.</u> <u>Oklahoma Brewer</u>	<u>125.00</u>	
<u>3.</u> Distiller	3,125.00	
<u>4.</u> Winemaker	625.00	
<u>5.</u> Oklahoma Winemaker		75.00
<u>6.</u> Rectifier	3,125.00	
<u>7.</u> Wholesaler	3,500.00	
<u>8.</u> Class B Wholesaler*	625.00	
<u>9.</u> Package store retailer	<del>500.00</del>	<u>905.00</u>
<u>10.</u> Mixed beverage <del>license</del> :		
<u>Initial tax</u>	<del>500.00</del>	<u>1,005.00</u>
<u>Renewal tax</u>	<del>250.00</del>	<u>905.00</u>
<u>11.</u> <u>Mixed Beverage/Caterer Combination</u>	<u>1,250.00</u>	
<u>12.</u> <u>Beer and Wine</u>		
<u>Initial tax</u>		<u>500.00</u>
<u>Renewal tax</u>		<u>450.00</u>
<u>13.</u> <u>Bottle Club</u>		
<u>Initial</u>		<u>1,000.00</u>
<u>Renewal</u>		<u>900.00</u>
<u>14.</u> Caterer license:		
<u>Initial tax</u>	<del>1,000.00</del>	<u>1,005.00</u>
<u>Renewal tax</u>	<del>900.00</del>	<u>905.00</u>
<u>15.</u> <u>Annual Special event <del>license, tax per day</del></u>	<del>50.00</del>	<u>55.00</u>
<u>16.</u> <u>Quarterly Special Event</u>	<u>55.00</u>	

17. Hotel Beverage Mayor From 17-30 I question if we can charge for them.

<u>Initial tax</u>	<u>1,005.00</u>	37 O.S. 554.1 lists
<u>Renewal</u>	<u>905.00</u>	specific ones we can
<u>18. Airline/Railroad Beverage</u>		charge for - then
<u>Initial tax</u>	<u>1,005.00</u>	definitions at start
<u>Renewal</u>	<u>905.00</u>	of act define those.
<u>19. Agent</u>	<u>55.00</u>	Maybe you have info
<u>20. Employee</u>	<u>35.00</u>	I don't have that says
<u>21. Industrial</u>	<u>23.00</u>	we can charge for
<u>22. Carrier</u>	<u>23.00</u>	them. If so, fine.
<u>23. Private Carrier</u>	<u>23.00</u>	Let me know.
<u>24. Bonded Warehouse</u>	<u>190.00</u>	
<u>25. Storage</u>	<u>23.00</u>	
<u>26. Nonresident Seller</u>	<u>750.00</u>	
<u>27. Manufacturers Agent</u>	<u>55.00</u>	
<u>28. Sacramental Wine Supplier</u>	<u>100.00</u>	
<u>29. Charitable Auction</u>	<u>55.00</u>	
<u>30. Charitable Alcoholic Beverage</u>	<u>55.00</u>	
<u>31. Winemaker Self-distribution</u>	<u>750.00</u>	
<u>32. Annual Public Event</u>	<u>1,005.00</u>	I added this. OK?
<u>33. One Time Public Event</u>	<u>255.00</u>	
<u>34. Complementary Beverage</u>	<u>100.00</u>	
<u>35. Service organizations exempt under</u>	<u>250.00</u>	

internal revenue code for bottle I have no information on these two notes

club license on service orgs and 75% but suspect you checked it out. Let me know.

\*If also holding license from state to Reduce by 75%

manufacture or wholesale nonintoxicating

malt beverage

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict here with 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 \_\_\_\_\_, 2015

**CITY OF PRYOR CREEK, OKLAHOMA**

\_\_\_\_\_  
**Jimmy Tramel, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Eva Smith, City Clerk**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**K. Ellis Ritchie, City Attorney**  
**Dated:** \_\_\_\_\_

ORDINANCE NO. 2015-\_\_\_\_\_

**AN ORDINANCE AMENDING PRYOR CREEK CITY CODE SECTION 3-10A-1 REGARDING ALCOHOLIC BEVERAGES:**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PRYOR CREEK, OKLAHOMA: That Pryor Creek City Code Title 3, Section 3-10A-1 is hereby amended to read as follows: (deletions to existing ordinance stricken, additions underlined)**

**Section I: AMENDING ORDINANCE TO READ AS FOLLOWS:**

**3-10A-1: DEFINITIONS:** Words, phrases and terms used in this article shall have the meaning prescribed by, and be construed in conformity with, the definitions of the same set forth in the ~~Oklahoma alcoholic beverage control act, 37 Oklahoma Statutes sections 501 through 566~~OKLAHOMA ALCOHOLIC BEVERAGE CONTROL ACT codified at OKLA. STAT. Tit. 37 §§ 501 et seq as now existing or hereafter modified, with the same force and effect as if the definitions were set forth in full in this article, unless the context clearly indicates a different meaning or construction.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict here with 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 \_\_\_\_\_, 2015

**CITY OF PRYOR CREEK, OKLAHOMA**

\_\_\_\_\_  
**Jimmy Tramel, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Eva Smith, City Clerk**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**K. Ellis Ritchie, City Attorney**  
Dated: \_\_\_\_\_

ORDINANCE NO. 2015-\_\_\_\_\_

AN ORDINANCE AMENDING PRYOR CREEK CITY CODE SECTION 3-10A-7 REGARDING ALCOHOLIC BEVERAGES:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PRYOR CREEK, OKLAHOMA: That Pryor Creek City Code Title 3, Section 3-10A-3 is hereby amended to read as follows: (deletions to existing ordinance stricken, additions underlined)

Section I: AMENDING ORDINANCE TO READ AS FOLLOWS:

3-10A-3: OCCUPATION TAX:

There is hereby established, pursuant to The Oklahoma Alcoholic Beverage Control Act (OKLA. STAT. Tit. 37 §§ 501 et seq) by the City of Pryor Creek an occupational tax to be levied annually upon all individuals/licensees under said Act having their principal place of business within the corporate limits of the City and operating as a retailer, mixed beverage, beer and wine, caterer, public event or special event licensee, bottle club, manufacturer, wholesaler or Class B wholesaler as those terms are defined by said Act.

- A. Fee Schedule: Refer to schedule of fees and charges, appendix A of this code.
- B. Payment, Documents Required: ~~Any state licensee~~All persons originally entering upon any occupation herein listed shall pay the tax therefore at the office of the city clerk on or before the date upon which ~~he-the person~~ enters upon such occupation. Said ~~licensee-person~~ shall provide a copy of ~~his-their~~ current state license issued pursuant to The Oklahoma Alcoholic Beverage Control Act (OKLA. STAT. Tit. 37 §§ 501 et seq) before payment of any occupation tax ~~will~~ may be accepted by the city clerk. Thereafter, the ~~licensee-person~~ shall pay the tax annually to the office of the city clerk on or before April 1.
- C. Prorated: The occupation tax subject to this article shall be prorated on a monthly basis for the year in which an occupation begins operation.
- D. Receipt; Posting: Upon payment of the said occupation tax, the city clerk shall issue a receipt to said ~~state licensee~~person. ~~, which said licensee~~The person shall post ~~in-athe receipt in -conspicuousa conspicuous~~ place on the premises wherein ~~he-the person~~ carries on ~~his-occupation~~the occupation to which this ordinance applies.
- E. Penalty For Nonpayment: Any person who engages in any of the occupations taxed by this article without paying said occupation tax imposed thereon in advance of such operation is guilty of an offense against the city and upon conviction thereof shall be punished as provided in section 1-4-1 of this code. Each day of such violation shall constitute a separate offense.
- F. Annual Report Required: The city clerk shall make an annual report to the ~~alcoholic beverage laws enforcement~~Alcoholic Beverage Laws Enforcement

~~Commission~~ (ABLE) ~~commission~~Commission), covering the fiscal year, showing the number and class of licenses subject to the occupation tax and the amount of money collected from said tax.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict here with 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 \_\_\_\_\_, 2015

**CITY OF PRYOR CREEK, OKLAHOMA**

\_\_\_\_\_  
**Jimmy Tramel, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Eva Smith, City Clerk**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**K. Ellis Ritchie, City Attorney**

**Dated:** \_\_\_\_\_

**ORDINANCE NO. 2015-\_\_\_\_\_**

**AN ORDINANCE AMENDING PRYOR CREEK CITY CODE SECTION 3-10A-7 REGARDING ALCOHOLIC BEVERAGES:**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PRYOR CREEK, OKLAHOMA: That Pryor Creek City Code Title 3, Section 3-10A-7 is hereby amended to read as follows: (deletions to existing ordinance stricken, additions underlined)**

**Section I: AMENDING ORDINANCE TO READ AS FOLLOWS:**

**3-10A-7: RULES AND REGULATIONS:**

**A. Dates And Hours Of Sale:**

1. Retail Alcoholic Beverage Store: No person shall open for business or keep open for business or sell or deliver alcoholic beverages, as defined by ~~37 Oklahoma Statutes section 506~~the Oklahoma Alcoholic Beverage Control Act (OKLA. STAT. Tti. 37 §§ 501 et seq) as now existing or hereinafter modified, to any person at a retail alcoholic beverage store in the City on any Sunday, New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day or while the polls are open on the day of any general, primary, runoff primary or a special election, whether national, State, County or City, or any other day, except between the hours of ten o'clock (10:00) A.M. and nine (9:00) o'clock P.M. for in-store sales and between the hours of ten o'clock (10:00) A.M. and six o'clock (6:00) P.M. for drive-through sales.
2. Wholesale Dealer: No wholesale dealer in alcoholic beverages and no officer, agent or employee of such a dealer shall sell or deliver to any retail alcoholic beverage store within the City any amount of spirits or wines on Saturday of any week, on Sunday of any week, on New Year's Day, on Memorial Day, on the Fourth of July, on Labor Day, on the day of any general, primary, runoff primary or special election, whether national, State, County or City.

**B. Advertising Signs:**

1. No person owning, operating or maintaining a retail alcoholic beverage store shall cause or permit it to be designated by more than one sign, which shall contain only the words "Retail Alcoholic Liquor Store" or any combination of such words or any of them, and which shall contain no letter or figure more than four inches (4") in height or more than three inches (3") in width and in which the lines of words, if more than one, shall not be more than one inch (1") apart.
2. No person shall advertise or cause to be advertised in any manner, other than as authorized by subsection B1 of this Section, for the sale of alcoholic beverages within the limits of the City.

**C. Sales And Deliveries:**

1. No person shall sell or deliver alcoholic beverages out of any retail alcoholic beverage store other than:
    - a. In retail containers;
    - b. At ordinary room temperatures;
    - c. In the original package; and
    - d. For consumption off the premises.
  2. No person owning, employed in or in any manner assisting in the maintenance and operation of such a store shall suffer or permit any alcoholic beverage to be consumed, or any retail container of such beverage to be opened on the premises of such a store.
- D. Consumption On Premises: No person shall drink or consume in any manner alcoholic beverages on the premises of a retail alcoholic beverage store, nor shall any person open or break the seal of any original package or retail container containing alcoholic beverages on the premises of any such retail alcoholic beverage store.
- E. Intoxicated Or Deficient Persons: No person shall sell, deliver or furnish alcoholic beverages within the City to an intoxicated person or knowingly to any person who has been adjudged insane or mentally deficient.
- F. Transportation In Vehicle: It is unlawful to transport any alcoholic beverage, unless the same is:
1. In an unopened original container with seal unbroken and the original cap or cork not removed from the container; or
  2. In the trunk or other closed compartment or other container, out of public view and out of reach of the driver or any occupant of a vehicle.
- G. Public Drinking And Intoxication: No person within this City shall drink intoxicating liquor or alcoholic beverage in any public place, nor shall any person be intoxicated in a public place within this City, or shall any owner, operator or manager of any business or public place to which the public is generally invited allow any intoxicated person to remain in or upon said premises.
- H. Recreational Places: No person operating a café, restaurant, club or any place of recreation within this City, and no employee engaged in connection with the operation of such a café, restaurant, club or place of recreation, shall permit any person to be drunk or intoxicated in said place of business.
- I. Public Property: It shall be unlawful for any person to consume alcoholic beverages while upon any City owned or City controlled property unless the City Council shall have previously authorized the premises or the event for the lawful consumption of alcoholic beverages subject to such reasonable restrictions and conditions as the Council prescribe.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict here with 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 \_\_\_\_\_, 2015

**CITY OF PRYOR CREEK, OKLAHOMA**

\_\_\_\_\_  
**Jimmy Tramel, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Eva Smith, City Clerk**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**K. Ellis Ritchie, City Attorney**

**Dated:** \_\_\_\_\_

ORDINANCE NO. 2015-\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF PRYOR CREEK, OKLAHOMA, AMENDING PRYOR CREEK CITY CODE SECTION 5-4D-13(H) and (I), REGARDING CURFEW VIOLATIONS, PARENTAL RESPONSIBILITY, AND REFERRAL TO OFFICE OF JUVENILE AFFAIRS.**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PRYOR CREEK, OKLAHOMA:

Section 1. That Pryor Creek City Code Sections 5-4D-13(H) and (I) are hereby amended to read as follows (deletions to existing ordinance stricken, additions underlined):

H. ~~First Violation: In the case of a first violation by a minor, the Chief of Police shall by certified mail or in person send to a parent written notice of the violation with a warning that any subsequent violation will result in full enforcement of this Section, including enforcement of parental responsibility and of applicable penalties.~~ Parental Responsibility: A parent, legal guardian, or person acting in loco parentis of a minor child who is convicted of a curfew violation may be held liable and assessed a fine [continued]

I. ~~Subsequent Violations: If, after the warning notice pursuant to this Section of a first violation by a minor, a parent violates this section by a second violation, the second violation shall be treated as a first offense by a parent. For such first parental offense, a parent shall be fined as provided in Section 1-4-1 of this Code. Any minor who shall violate any of the provisions of this section more than three (3) times shall be reported by the Chief of Police to the juvenile authorities of such minor referred to the Office of Juvenile Affairs. Reporting to the juvenile authorities shall also be authorized~~ followed in any case where the imposing of a fine or fines upon a parent shall not be effective, or where for any other reason the provisions of this Section cannot be made effective by the imposing of penalties under this Section.

Passed and Approved by the Council of the City of Pryor Creek, Oklahoma, in regular session on this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jimmy Tramel, Mayor

ATTEST:

\_\_\_\_\_  
Eva Smith, Town Clerk