

ORDINANCE NO. 2021-10-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TONKAWA, OKLAHOMA, AMENDING CHAPTER 8, ARTICLE 5, SECTION 8-501 OF THE TONKAWA MUNICIPAL CODE 2021, ENTITLED "DEFINITIONS", PROVIDING THAT STRUCTURES WHICH HAVE BEEN BOARDED AND SECURED FOR MORE THAN SIX (6) MONTHS, RATHER THAN THIRTY-SIX (36) MONTHS, CAN BE CONSIDERED DILAPIDATED BUILDINGS; PROVIDING FOR REPEALER; SAVINGS; CODIFICATION; SEVERABILITY; EFFECTIVE DATE AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TONKAWA, OKLAHOMA:

Section I: Chapter 8, Section 8-501 of the Tonkawa Municipal Code 2021 is hereby amended to read as follows:

Section 8-501 DEFINITIONS.

A. As used in this Article:

1. "Dilapidated building" means:

a. structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public,

b. a structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health, safety, and welfare of the general public,

c. a structure which is determined by the municipal governing body or City Manager or his designee to be an unsecured building, as defined by Section 8-504 of this Article, more than three times within any twelve-month period,

d. a structure which has been boarded and secured, as defined by Section 8-504 of this Article, for more than ~~thirty-six (36)~~ six (6) consecutive months, or

e. a structure declared by the municipal governing body to constitute a public nuisance.

Section II. REPEALER. All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

Section III. SAVINGS CLAUSE. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred nor any cause or causes of action accrued or existing, under any act or

ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

Section IV. CODIFICATION. This ordinance shall be codified as herein provided.

Section V. SEVERABILITY. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Council of the City of Tonkawa that this section of the Tonkawa Municipal Code would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

Section VI. EFFECTIVE DATE. This ordinance shall become effective on November 1, 2021.

Section VII. EMERGENCY. WHEREAS, it being immediately necessary for the preservation of the peace, health, safety and public good of the City and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect in order immediately codify a certain state law amendment as an municipal ordinances; By reason whereof, this Ordinance shall take effect and be in full force and effect after its passage, as provided by law.

Approved and executed this 19th day of October 2021.



(Seal)

THE CITY OF TONKAWA, OKLAHOMA

Kenneth W. Smith

KENNETH W. SMITH, MAYOR

ATTEST:

Nancy C. Skipper

NANCY C. SKIPPER, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

Bryce S. Kennedy

BRYCE S. KENNEDY, CITY ATTORNEY