

**NOTICE & AGENDA
ORDINANCE & INSURANCE COMMITTEE
CITY OF PRYOR CREEK, OKLAHOMA
TUESDAY, MARCH 31, 2026 AT 5:30 PM**

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

Committee Members: Choya Shropshire, Tyler Brown, Charles Tramel

1. Call meeting to order.
 - a. Discussion and possible action regarding the minutes of the September 30, 2025 meeting.
2. Action Items:
 - a. Discuss, possibly recommend Council action regarding updates to fire subscriptions and dues.
 - b. Discuss, possibly recommend Council action regarding amendments to § 93.32 OPEN BURNING.
 - c. Discuss, possibly recommend Council action regarding amendments to § 10.99: PENALTY.
 - d. Discuss, possibly recommend Council action regarding amendments to several sections of code pertaining to floodplain and stormwater issues based on suggestions from the city's Floodplain Administrator:
 - § 151.45 OBSTACLE IMPEDING DRAINAGE DECLARED NUISANCE
 - § 151.02 OBSTRUCTIONS
 - § 151.48 DRAINAGE TILES
 - § 152.241 FLOOD PROTECTION AND TOPOGRAPHY
3. Unforeseeable Business.
4. Adjourn.

Posted March 30, 2026 by City Clerk Hannah Morris _____

**MINUTES
ORDINANCE & INSURANCE COMMITTEE
REGULAR MEETING
TUESDAY, SEPTEMBER 30TH, 2025
5:30 P.M.**

THE ORDINANCE & INSURANCE COMMITTEE MET IN REGULAR SESSION IN THE COUNCIL CHAMBER, 12 NORTH ROWE STREET, PRYOR, OKLAHOMA AT THE ABOVE-MENTIONED DATE AND TIME.

Committee Members: _____, CHOYA SHROPSHIRE, TYLER BROWN, CHARLES TRAMEL (ALT)

1. CALL MEETING TO ORDER.

Tyler Brown called the meeting to order at 5:30 p.m. Members present: Choya Shropshire, Tyler Brown and Charles Tramel. Members absent: none.

Others present: none.

2. PETITIONS FROM THE AUDIENCE

There were no petitions from the audience.

3. DISCUSS, POSSIBLY APPROVE MINUTES OF THE JULY 29TH, 2025 MEETING.

Motion was made by Shropshire, second by Tramel to approve the minutes of the July 29th, 2025 meeting. Voting yes: Shropshire and Tramel. Abstaining, counting as a no vote: Brown. Voting no: none.

4. DISCUSS, POSSIBLY RECOMMEND COUNCIL ACTION REGARDING A RESOLUTION CALLING FOR THE GENERAL ELECTION IN 2026.

Motion was made by Tramel, second by Shropshire to recommend Council action regarding a resolution calling for the General Election in 2026. Voting yes: Brown, Tramel and Shropshire. Voting no: none.

5. DISCUSS, POSSIBLY RECOMMEND COUNCIL ACTION REGARDING THE PURCHASING POLICY.

Motion was made by Shropshire, second by Tramel to recommend Council action regarding the purchasing policy.

Motion was amended by Shropshire, second by Tramel to take no action. Voting yes: Tramel, Shropshire and Brown. Voting no: none.

6. UNFORESEEABLE BUSINESS.

There was no unforeseeable business.

7. ADJOURN.

Motion was made by Tramel, second by Shropshire to adjourn. Voting yes: Shropshire, Brown and Tramel. Voting no: none.

ORDINANCE NO. 2017- 1

AN ORDINANCE AMENDING PRYOR CREEK CITY CODE SECTION 4-1A-7 REGARDING FIRE PROTECTION SERVICES INSIDE AND OUTSIDE OF THE CITY LIMITS; TERMS, CONDITIONS AND FEES FOR FIRE SERVICES; AND OTHER MATTERS AS THEREIN STATED:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PRYOR CREEK, OKLAHOMA: That Pryor Creek City Code Title 4, Section 4-1A-7 is hereby amended to read as follows: (deletions to existing ordinance stricken, additions underlined)

Section 1: AMENDING ORDINANCE TO READ AS FOLLOWS:

4-1A-7: TERMS AND CONDITIONS OF FIRE AND EMERGENCY SERVICE AND FEES:

A. Outside City Limits:

The City, upon such terms and conditions of service as may be approved by the City Council from time to time by ordinance or resolution, acting by and through the Mayor, Fire Chief, Assistant Fire Chief, or other officer or officers as may be designated by the Mayor or Fire Chief, is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the state, regarding the provision of fire protection services by the Fire Department for the City of Pryor Creek outside the corporate limits of the city, and to contract to provide fire protection services jointly with other organizations and municipal subdivisions of the state. (Ord. 2010-10, 5-4-2010)

B. Inside City Limits:

Such fire protection services and emergency services as may be provided by the City's Fire Department within the corporate city limits shall be provided to residents of the City free of charge, save and except as stated in sub-paragraphs 1 and 2 below:

1. Fire protection services and/or emergency services rendered to property, or to any person upon property, which property at the time of the rendering the service was:
 - a. An "Abandoned Building" as defined by OKLA. STAT. Tit. 11 §22-112.4 (E)(1), or
 - b. A "Dilapidated Building" as defined by OKLA. STAT. Tit. 11 §22-112(C)(1), or
 - c. An "Unsecured Building" as defined by OKLA. STAT. Tit. 11 §22-112.1(C)(11)(B), or
 - d. A property which has been the subject of a notice to clean the property of trash, or to cut or mow the weeds or grass on the property has been issued within the previous Thirty (30) days and where the condition for which the notice was issued has not be abated, or

- e. A property which has been formally and previously declared and found to be a public nuisance or upon which a condition constituting public nuisance has been previously formally declared and found to exist following such a determination having been made by the city pursuant to the proper procedures for same as set forth by state law or by this City Code; And the condition giving rise to the finding of the nuisance has not been abated.

Where the condition described in any of the preceding sub-paragraphs (a-e) was the cause or a contributing cause to the need for the services rendered.

- 2. Fire protection and emergency services rendered inside the corporate city limits, not involving real property and premises, to people who are not residents of the city.

C. Terms; Fees:

All contracts entered into by the city pursuant to paragraph "A" with an individual, firm, private corporation or association, for fire protection services, or mutual aid for fire protection, to be rendered outside of the corporate city limits of the city shall provide for payment by the individual, firm, private corporation or association, to the city for such fire protection services or mutual aid for fire protection at those prices and/or rates as set by the City Council from time to time by ordinance or resolution and set forth in "Appendix A" of this Code.

All monies received as payment upon contracts arising under paragraph "A" of this Section or otherwise charged and received as payment for fire protection and emergency services under this Section shall be placed in the fire truck special purchase cash account or such other account as the city council may hereinafter designate. There is hereby created a schedule of rates to be charged to persons and firms for services rendered by the Pryor fire department. Services for which payment is sought:

- 1. Scene and safety control at traffic accidents and any other emergency scene.
- 2. Disentanglement operations and assist with rescue including: extrication from vehicles.
- 3. Fluid mitigation at traffic accidents.
- 4. Fire suppression, including, but not limited to: vehicle, structure and wildland fire.
- 5. Hazard mitigation operations.
- 6. Expenses incurred during scene operations.
- 7. Expenses incurred by receiving or giving mutual aid assistance.
- 8. Any other response requiring manpower and equipment of the department.

C. Definitions Of Services Provided: The following definitions shall apply to services for which fees may be charged:

COMMAND AND CONTROL SCENE SAFETY AND SCENE OPERATIONS: Positioning of fire apparatus and personnel so as to protect the scene from traffic and deny entry into the scene of unauthorized personnel. This may also include, but is not limited to, using traffic cones, signs, flares, emergency lighting and other warning devices. This may

also include having fire apparatus standing by and/or a pulled hose line for protection on scene from possible fires from fumes, flammable materials and other hazards. The most important function is establishing incident command at the scene and to coordinate with other responding agencies for their needs at the scene.

DISENTANGLEMENT/EXTRICATION: Anytime a person has to be lifted or taken out of an emergency situation or forcible entry is necessary to gain proper access to victims. This could include, but is not limited to: car accidents, industrial accidents, confined spaces, below grade rescues, or even high angle rescues to name just a few. Ropes, ladder devices, air monitoring equipment, self-contained breathing apparatus, hydraulic equipment, shoring, saws, cribbing, air bags are just a few of the types of equipment used in extrication issues.

FIRE SUPPRESSION: Anytime fire department personnel have to contain or extinguish a fire. It can also be, but is not limited to, the laying of hose lines and positioning a hand line for the protection of individuals and property at the scene because of fire, smoke, leaking fluids or gases.

HAZARD MITIGATION: Hazardous or nonhazardous substances will be contained when possible via containment, absorption, damming or diversion, or any other means necessary to safely contain material. This could be, but is not limited to, such events as a car accident, trucking accident or a fixed facility. The fire department action will be to contain the substance as possible. The fire department will not be responsible for cleanup of any substances.

MUTUAL AID: Any service rendered while in the service at the request of another department or agency authorized pursuant to federal, state, or local law and/or mutual aid contractual agreement.

D. Billable/Nonbillable Events:

1. **Basic Response:** Basic response is a minor call that may include false alarm, minor fire, or a service call. City shall not bill for fire responses made to citizens and calls to property within the corporate city limits.
2. **Major Incidents:** Incidents including, but not limited to, calls which involve hazardous materials, mutual aid response, government agency, private entity response, technical rescue, and/or major fire response. The city shall bill for all major incidents regardless of city of Pryor corporate city limits.
3. **Other Entity Charges:** The fire department shall have the right to pass on any fees or costs charged by other government agencies or private entities for their assistance.
4. **Fire Chief Review:** All responses and services rendered by the fire department shall be reviewed by the fire chief, and forwarded to the city clerk for billing. (Ord. 2012-2, 3-20-2012)

SECTION 2. REPEALER.

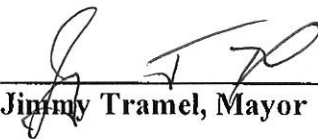
All ordinances or parts of ordinances in conflict here with are hereby repealed to the extent of any such conflict.

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 21st day of February, 2017

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: February 21, 2017

§ 32.07 TERMS AND CONDITIONS OF FIRE AND EMERGENCY SERVICE AND FEES.

(A) *Outside city limits.* The city, upon such terms and conditions of service as may be approved by the City Council from time to time by ordinance or resolution, acting by and through the Mayor, Fire Chief, Assistant Fire Chief or other officer or officers as may be designated by the Mayor or Fire Chief, is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the state, regarding the provision of fire protection services by the Fire Department for the city outside the corporate limits of the city, and to contract to provide fire protection services jointly with other organizations and municipal subdivisions of the state.

(B) *Inside city limits.* Such fire protection services and emergency services as may be provided by the city's Fire Department within the corporate city limits shall be provided to residents of the city free of charge, save and except as stated in divisions (B)(1) and (B)(2) of this section:

(1) (a) Fire protection services and/or emergency services rendered to property, or to any person upon property, which property at the time of the rendering the service was:

1. An "abandoned building" as defined by 11 O.S. § 22-112.4E1;
2. A "dilapidated building" as defined by 11 O.S. § 22-112C1;
3. An "unsecured building" as defined by 11 O.S. § 22-112.1C11B;
4. A property which has been the subject of a notice to clean the property of trash, or to cut or mow the weeds or grass on the property has been issued within the previous 30 days and where the condition for which the notice was issued has not been abated; or
5. A property which has been formally and previously declared and found to be a public nuisance or upon which a condition constituting public nuisance has been previously formally declared and found to exist following such a determination having been made by the city pursuant to the proper procedures for same as set forth by state law or by this code; and the condition giving rise to the finding of the nuisance has not been abated.

(b) Where the condition described in any of the preceding divisions (B)(1)(a)1. through (B)(1)(a)5. of this section was the cause or a contributing cause to the need for the services rendered.

(2) Fire protection and emergency services rendered inside the corporate city limits, not involving real property and premises, to people who are not residents of the city.

(C) *Terms; fees.*

(1) All contracts entered into by the city pursuant to division (A) of this section with an individual, firm, private corporation or association, for fire protection services, or mutual aid for fire protection, to be rendered outside of the corporate limits of the city shall provide for payment by the individual, firm, private corporation or association, to the city for such fire protection services or mutual aid for fire protection at those prices and/or rates as set by the City Council from time to time by ordinance or resolution and set forth in Appendix A of this code of ordinances.

(2) All monies received as payment upon contracts arising under division (A) of this section or otherwise charged and received as payment for fire protection and emergency services under this section shall be placed in the fire truck special purchase cash account or such other account as the City Council may hereinafter designate.

(3) There is hereby created a schedule of rates to be charged to persons and firms for services rendered by the Pryor Fire Department. Services for which payment is sought:

- (a) Scene and safety control at traffic accidents and any other emergency scene;
- (b) Disentanglement operations and assist with rescue including: extrication from vehicles;
- (c) Fluid mitigation at traffic accidents;
- (d) Fire suppression, including, but not limited to, vehicle, structure and wildland fire;
- (e) Hazard mitigation operations;
- (f) Expenses incurred during scene operations;
- (g) Expenses incurred by receiving or giving mutual aid assistance; and
- (h) Any other response requiring manpower and equipment of the Department.

(D) *Definitions of services provided.* The following definitions shall apply to services for which fees may be charged.

COMMAND AND CONTROL SCENE SAFETY AND SCENE OPERATIONS. Positioning of fire apparatus and personnel so as to protect the scene from traffic and deny entry into the scene of unauthorized personnel. This may also include, but is not limited to, using traffic cones, signs, flares, emergency lighting and other warning devices. This may also include having fire apparatus standing by and/or a pulled hose line for protection on scene from possible fires from fumes, flammable materials and other hazards. The most important function is establishing incident command at the scene and to coordinate with other responding agencies for their needs at the scene.

DISENTANGLEMENT/EXTRICATION. Anytime a person has to be lifted or taken out of an emergency situation or forcible entry is necessary to gain proper access to victims. This could include, but is not limited to, car accidents, industrial accidents, confined spaces, below grade rescues, or even high angle rescues to name just a few. Ropes, ladder devices, air monitoring equipment, self-contained breathing apparatus, hydraulic equipment, shoring, saws, cribbing, air bags are just a few of the types of equipment used in extrication issues.

FIRE SUPPRESSION. Anytime Fire Department personnel have to contain or extinguish a fire. It can also be, but is not limited to, the laying of hose lines and positioning a hand line for the protection of individuals and property at the scene because of fire, smoke, leaking fluids or gases.

HAZARD MITIGATION. Hazardous or nonhazardous substances will be contained when possible via containment, absorption, damming or diversion, or any other means necessary to safely contain material. This could be, but is not limited to, such events as a car accident, trucking accident or a fixed facility. The Fire Department action will be to contain the substance as possible. The Fire Department will not be responsible for cleanup of any substances.

MUTUAL AID. Any service rendered while in the service at the request of another department or agency authorized pursuant to federal, state or local law and/or mutual aid contractual agreement.

(E) *Billable/nonbillable events.*

(1) *Basic response.* Basic response is a minor call that may include false alarm, minor fire or a service call. The city shall not bill for fire responses made to citizens and calls to property within the corporate city limits.

(2) *Major incidents.* Incidents including, but not limited to, calls which involve hazardous materials, mutual aid response, government agency, private entity response, technical rescue, and/or major fire response. The city shall bill for all major incidents regardless of the corporate city limits.

(3) *Other entity charges.* The Fire Department shall have the right to pass on any fees or costs charged by other government agencies or private entities for their assistance.

(4) *Fire Chief review.* All responses and services rendered by the Fire Department shall be reviewed by the Fire Chief, and forwarded to the City Clerk for billing.

(Prior Code, § 4-1A-7) (Ord. 2017-1, passed 2-21-2017)

§ 93.32 OPEN BURNING.

(A) *Unlawful.*

(1) It shall be unlawful to open burn any material, of any type outdoors within the city except where said open burning is performed pursuant to an open burn permit issued by the city as hereinafter provided, and said burning is carried out in compliance with the requirements of this section.

(2) Open burn in residential areas for residential recreational purposes safely contained and safely conducted in chimineas, outdoor fireplaces, fire pits, cookers and other such devices designed in such a manner as is safe to the public for purposes of containing and conducting the burning of materials shall be exempt from the requirements and restrictions of this section with the exceptions of divisions (C)(2), (C)(3) and (F) of this section, provided further that the activity is carried out in compliance with the following additional requirements:

- (a) The device is used in accordance with the manufacturer's instructions, if a commercially sold device;
- (b) The device's designed fuel load is not exceeded, if a commercially sold device;
- (c) The burn is constantly attended by a person over the age of 18 years until it is completely extinguished;
- (d) Some means of immediate extinguishment is kept close at hand;
- (e) The burn is conducted a safe distance from structures and other combustible materials; and
- (f) The burn is not conducted in such a manner as to be an annoyance or nuisance to neighbors.

(3) The Fire Chief, or the Chief's designee shall have discretion in the determination of whether the burn is conducted in compliance with the requirements of this exclusion and shall have the further discretion to order the burn to cease in the event that in the discretion of the Chief or the Chief's designee the burn poses an unreasonable risk of fire danger or is otherwise being conducted in a manner which constitutes a nuisance or annoyance to neighbors or the public.

(B) *Permit application.*

(1) Applications for open burning shall be made by an adult in writing on the application form adopted and approved by the City Council by resolution.

(2) Applications for open burning shall be signed by the party responsible for conducting the open burn, which person must be of legal age, and by the owner of the property on which the burning is to take place.

(3) Open burn applications shall be obtained from the city's Fire Department, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m.

(4) Completed applications for open burn shall be submitted for review to the city's Fire Department, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m., which applications shall be reviewed and approved or denied by the Fire Chief, Assistant Fire Chief, or the designee of the Chief or Assistant Chief.

(5) The open burn permit shall issue upon approval by the Fire Chief, Assistant Fire Chief, or the designee of the Chief or Assistant Chief and upon payment by the applicant to the city of the applicable open burn permit fee. (See Appendix A of this code of ordinances for applicable permit fee.)

(6) Open burn permits shall be valid for the periods of time starting on the date the permit is issued as follows:

- (a) *Residential open burn permit.* Ten days;
- (b) *Commercial open burn permit.* Ten days;
- (c) *Agricultural open burn permit.* One year; and
- (d) *Recreational/ceremonial burn permit.* Ten days.

(C) *Requirements for open burn.*

(1) All material to be burned must be material originating from the property upon which the burn site is located. No off-site material may be imported to the burn site for purposes of being accumulated to be burned. This division (C)(1) shall not apply to recreational/ceremonial open burns.

(2) The type of material to be burned shall be allowed or not allowed at the discretion of the Fire Chief, or Assistant Fire Chief or their designee. There shall be no burning of trash, refuse, hazardous or dangerous materials including, but not necessarily limited to: insulation; treated lumber; plastics; garbage; non-wood construction/demolition materials; potentially explosive materials; chemical wastes; animal carcasses or waste; and items containing natural or synthetic rubber.

(3) No burn may take place when the county falls within a burn ban issued at the state or local level. No burn may take place when conditions are unfavorable for performance of the burn in the discretion of the Fire Chief, or Assistant Fire Chief or their designee. In instances in which a permit for open burning has been issued by the city and a burn ban goes into effect prior to the expiration of the permit and prior to the open burn being conducted which prohibits the planned permitted burn during the permit period, the permit period shall be automatically extended for a period equal to the initial permit period immediately following the lifting of the burn ban, from the date following the lifting of the burn ban. In instances where burn has been delayed by the city's determination of unfavorable conditions resulting in the expiration of the permit during the time period of unfavorable conditions, the permit period shall be automatically extended for a period of time equal to the unexpired term of the permit remaining from the point in time of determination of unfavorable conditions.

(4) Upon accumulation of all material to be burned and prior to initiating the burn the permit holder shall notify the Fire Department that all material to be burned is in place, whereupon the material to be burned shall be finally inspected by the Fire Chief, Assistant Fire Chief or their designee for final approval of the burn to be carried out in accordance with this section and the permit previously issued by the city for the burn. No additional or different material may be added to the burn after final inspection.

(5) Not less than one hour, nor more than two hours prior to initiating the burn, the permit holder shall contact the Fire Department for clearance of conditions to initiate the burn. A burn conducted without final clearance of conditions from the Fire Chief, Assistant Chief or their designee is prohibited and shall be unlawful notwithstanding that a permit has been previously issued.

(6) No open burn may be conducted when wind speeds meet or exceed ten mph.

(7) Open burns may not take place between the hours of sunset and sunrise except upon express approval of the Fire Chief, Assistant Fire Chief or their designee.

(8) The person designated on the permit as being the person responsible for conducting the open burn must be present for the duration of the burn until the fire is completely extinguished and must be in possession of the permit which permit shall be available for examination by any law enforcement officer or city personnel.

(9) The permit holder and the person designated on the permit as being the person responsible for conducting the burn shall provide at the burn site, during the time of the burn and until the fire is

completely extinguished, a reliable water supply or other fire extinguishing equipment as specified on the permit.

(10) The Fire Chief, Assistant Fire Chief or their designee may make additional requirements at their discretion upon the permit holder and person responsible for conducting the burn as deemed reasonable under the circumstances and in the best interest of the city and protection of the safety of the public. Such additional requirements shall be noted by the Chief, Assistant Chief or their designee on the permit either/or at the time the permit is issued, at the time of completion of the inspection of the materials to be burned under division (C)(4) of this section, at the time of final clearance for the burn under division (C)(5) of this section.

(11) Residential open burns:

(a) Shall be of no more than two piles of material, each having a dimension of not to exceed ten feet by ten feet by five feet;

(b) Shall not be conducted less than 50 feet from any habitable structure;

(c) Shall not be conducted less than 30 feet from any overhead wires, cables, public roadway, power line or other exposure including, but not limited to, a property boundary line, street sign, or telephone box;

(d) There shall be established a ten-foot perimeter surrounding the burn pile cleared of all vegetation; and

(e) The Fire Chief, Assistant Chief or their designee may in their discretion prescribe different distances from those set forth in divisions (C)(11)(b), (C)(11)(c) and (C)(11)(d) of this section as determined by them to be reasonable and appropriate under the circumstances for the best interest of the city and protection of the public. Any such discretionary change in distances by the Chief, Assistant Chief or their designee shall be noted in writing upon the permit prior to initiation of the burn.

(12) Commercial open burns:

(a) Shall be of the number and size of piles of material as approved by the Fire Chief, Assistant Chief or their designee, which number and size of piles shall be noted on the permit at the time of the permit being initially issued;

(b) Shall not be conducted on property which is less than one acre in size except upon approval of the Fire Chief, Assistant Fire Chief or their designee;

(c) Shall not be conducted less than 200 feet from any habitable structure;

(d) Shall not be conducted less than 50 feet from any overhead wires, cables, public roadway, power line or other exposure including, but not limited to, a property boundary line, street sign, or telephone box;

(e) There shall be established a 20-foot perimeter surrounding the burn pile cleared of all vegetation; and

(f) The Fire Chief, Assistant Chief or their designee may in their discretion prescribe different distances from those set forth in divisions (C)(12)(c), (C)(12)(d) and (C)(12)(e) of this section as determined by them to be reasonable and appropriate under the circumstances for the best interest of the city and protection of the public. Any such discretionary change in distances by the Chief, Assistant Chief or their designee shall be noted in writing upon the permit prior to initiation of the burn.

(13) Agricultural open burn:

(a) Shall be of the maximum size of piles of material as approved by the Fire Chief, Assistant Chief or their designee, which maximum size of piles shall be noted on the permit prior to initiation of

the burn;

(b) Burning of pastures shall be conducted upon such reasonable requirements as deemed in the best interest of the city and protection of the public at the discretion of the Fire Chief, Assistant Fire Chief, or their designee, which requirements shall be noted on the permit prior to the initiation of the burn;

(c) Shall not be conducted of piles of material less than 50 feet from any habitable structure;

(d) Shall not be conducted of piles less than 50 feet from any overhead wires, cables, public roadway, power line or other exposure including, but not limited to, a property boundary line, street sign or telephone box;

(e) The Fire Chief, Assistant Chief or their designee may in their discretion prescribe different distances from those set forth in divisions (C)(13)(c) and (C)(13)(d) of this section as determined by them to be reasonable and appropriate under the circumstances for the best interest of the city and protection of the public. Any such discretionary change in distances by the Chief, Assistant Chief or their designee shall be noted in writing upon the permit prior to initiation of the burn.

(D) *Liability; compliance.* The authority to conduct outdoor burning under this section does not exempt or excuse any person responsible from the consequences, damages or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, even though the burning is otherwise conducted in compliance with this chapter and does so at his or her own risk and in no event shall any liability or damage be imposed upon the city approving the permit if damages and/or injury are sustained as a result of burning. The legal owner of property must provide authorization to burn. Proof of liability insurance is required.

(E) *Recreational/ceremonial fires.* Fires used solely for recreational or ceremonial purposes shall be exempt from the payment of a permit fee.

(F) *Penalty.* Failure to comply with any provision of this section, or of the additional discretionary requirements noted on the permit issued for open burn under this section by the Fire Chief, Assistant Fire Chief, or their designee will result in a penalty as prescribed in § 10.99 of this code of ordinances.

(G) *Repeat violations; denial of eligibility for permit.* Notwithstanding any other provision of this section, no person or organization shall be eligible for an open burn permit which person or organization has committed two previous violations of this section.

(Prior Code, § 4-5-14) (Ord. 2018-17, passed 12-18-2018)

§ 10.99 PENALTY.

(A) *General penalty.*

(1) *Misdemeanor fine, imprisonment.* Except as otherwise provided by state law, whenever in this code or in any other ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, or no specific penalty is provided therefor, the violation of any provision of this code shall include a fine of up to \$200 for all traffic related offenses related to speeding or parking; and the violation of any other provision of this code or any ordinance, upon conviction shall be punished by a fine of not exceeding \$500, plus a \$150 administrative fee for all public nuisance abatement or by imprisonment not to exceed 30 days, or by both such fine and imprisonment. Each day or any portion of a day during which any violation of this code or of any ordinance shall continue shall constitute a separate offense.

(2) *Aid, abet or assist in violation.* Any person who shall aid, abet or assist in the violation of any provision of this code or any other ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in this section.

(Prior Code, § 1-4-1)

(B) *Application of provisions.*

(1) The penalty provided in this chapter shall be applicable to every section of this code the same as though it were a part of each and every separate section.

(2) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply.

(Prior Code, § 1-4-2)

(C) *Liability of officers.* No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the City Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

(Prior Code, § 1-4-3)

(D) *Fines recoverable by civil action.* All fines shall be recoverable by civil action before any court of competent jurisdiction in addition to any other method provided by law.

(Prior Code, § 1-4-4)

(Ord. 2010-2, passed 1-19-2010)



Pryor Creek
OKLAHOMA

Memorandum

Date: December 26, 2025
To: Mayor and City Staff
From: W. B. Smith, P.E., CFM
Subject: Regulatory and Non-Regulatory Floodplain and Stormwater Issues

Based on the site visit that was performed today and the review of all of the City Codes and Regulations I have the following recommendations:

The existing codes and standards that Sheryl Laue sent to me that are being used for regulatory purposes in the City and those that I independently reviewed, can be improved.

In Pryor Creek we have Regulatory Floodplain that is overseen by our Floodplain Ordinance. That is basically the regulatory floodplain areas in the City of Pryor Creek as shown on the FEMA FIRM panels.

But we also have a lot of Non-Regulatory floodplain that has very little regulatory oversight for development or changes by individuals on private property or in areas of public drainage easements that abut private lands. My comments on the following current regulations are presented in "red" under each code.

Current Codes and Regulations:

7-3-1: OBSTACLE IMPEDING DRAINAGE DECLARED NUISANCE:

Pryor Creek, OK Pryor Creek, OK Code of Ordinances

7-3-1: OBSTACLE IMPEDING *DRAINAGE* DECLARED NUISANCE: Any culvert, driveway, pipe or other obstacle upon or in the dedicated streets, alleys or ways of the City which impedes the flow of *water* through *drainage* ditches now constructed or which might hereafter be constructed by the City for the purpose of proper *drainage* of *water* falling from any rainfalls which might reasonably be anticipated, shall be and are hereby declared to be public nuisances, endangering and interfering with travel upon and the repair and maintenance of City streets and annoying, injuring and endangering the comfort, repose, health and safety of the citizens of the City. (1988 Code § 14-301) **This code has the most effect on Non-**

28508 West 44th Street South, Mannford, Oklahoma 74044

Phone/Fax: (918) 865-6977

Mobile (918) 625-2449

E-Mail: wbsmith@hisinc.us

Page 1 of 3



Pryor Creek
OKLAHOMA

Regulatory floodplains on natural creeks and streams. However, it could be improved with some of the following language added:

"All development, in either regulatory or non-regulatory floodplains, shall be constructed or maintained that is will not increase the frequency of flooding or water surface elevations or depth of flooding in any pre-existing structures during the 1% (100-Year) storm event, 2% (50-Year) storm event, 10% (10-Yr) storm event, or 100% (1-Yr) storm event. Peak flow shall not increase upstream or downstream of an identified Project for all of the above referenced storm events."

7-1-2: OBSTRUCTIONS:

Pryor Creek, OK Pryor Creek, OK Code of Ordinances

Water Flow: It is unlawful for any person to obstruct any street, sidewalk or alley by placing upon any driveway or other approach any obstruction or substance whatever that will obstruct or prevent the natural flow of *water* into the *storm* sewers or drains or dam the same so as to back any *water* upon the streets, alleys, sidewalks or gutter. I would add "or natural creeks or drainage channels" This current reads only for streets or storm drainage pipes and does not consider open channel flows.

7-3-4: DRAINAGE TILES:

Pryor Creek, OK Pryor Creek, OK Code of Ordinances

7-3-4: *DRAINAGE TILES:* A. Size; Permit Required: No person shall install or lay any *drainage* pipe or culvert of less than twelve inch (12") diameter in the construction, repair or alteration of any driveway, sidewalk or other private way, which said *drainage* pipe or culvert, when installed, will be upon public property with the exception that ten inch (10") steel or equivalent material pipe. This is specifically for storm drainage pipe, primarily driveway culverts. I would also recommend adding "Any person with an existing or new culvert shall also maintain the culvert to permit full flow conditions. Any crushed culvert pipes shall be replaced or repaired."

10-13-7: FLOOD PROTECTION AND TOPOGRAPHY:

Pryor Creek, OK Pryor Creek, OK Code of Ordinances

All natural *drainage* courses into which other *drainage* courses empty must be left undisturbed and be provided with adequate easements or dedicated rights-of-way. Street alignment should follow contour lines or be generally parallel to such *drainage* ways. B. The subdivision must be designed to ensure that peak release rates from developments will not exceed the existing runoff that occurred before development for all *storm* frequencies up to and including the 100-year frequency *storm*.

28508 West 44th Street South, Mannford, Oklahoma 74044

Phone/Fax: (918) 865-6977

Mobile (918) 625-2449

E-Mail: wbsmith@hisinc.us

Page 2 of 3



Pryor Creek
OKLAHOMA

This is part of our Floodplain Ordinance and really does not apply to Non-Regulatory Floodplain when you read the "definition" section of the Code. It could be easily amended with the following language as a second subset of the definition: "All development, in either regulatory or non-regulatory floodplains, shall be constructed or maintained that is will not increase the frequency of flooding or water surface elevations or depth of flooding in any pre-existing structures during the 1% (100-Year) storm event, 2% (50-Year) storm event, 10% (10-Yr) storm event, or 100% (1-Yr) storm event. Peak flow shall not increase upstream or downstream of an identified Project for all of the above referenced storm events."

This also is more specific to subdivisions and needs to address individual property development on lots or parcels of non-platted lands.

28508 West 41st Street South, Mannford, Oklahoma 74011

Phone/Fax: (918) 865-6977

Mobile (918) 625-2449

E-Mail: wbsmith@hisinc.us

Page 3 of 3

§ 152.241 FLOOD PROTECTION AND TOPOGRAPHY.

(A) All natural drainage courses into which other drainage courses empty must be left undisturbed and be provided with adequate easements or dedicated rights-of-way. Street alignment should follow contour lines or be generally parallel to such drainage ways.

(B) The subdivision must be designed to ensure that peak release rates from developments will not exceed the existing runoff that occurred before development for all storm frequencies up to and including the 100-year frequency storm.

(C) See also the flood protection regulations of §§152.265 through 152.268 of this chapter.

(Prior Code, § 10-13-7) (Ord. 2018-16, passed 12-4-2018)

§ 151.02 OBSTRUCTIONS.

(A) *Merchandise.* It is unlawful for any person to place upon or permit to be placed upon the sidewalks, parkways, streets and alleys of the city any goods, wares, articles of merchandise or any other obstruction, and leave same thereon; or to use the same as a place to carry on a business or trade.

(B) *Improper use.* It is unlawful for any person to use or obstruct the sidewalks of the city in any manner so as to interfere unduly with pedestrian traffic thereon, or to use or obstruct the free use of streets, alleys and public ways of the city in any manner so as to interfere unduly with lawful traffic and parking thereon.

(C) *Water flow.* It is unlawful for any person to obstruct any street, sidewalk or alley by placing upon any driveway or other approach any obstruction or substance whatever that will obstruct or prevent the natural flow of water into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks or gutter. Any such obstruction is declared to be a public nuisance, which may be abated at any time by the city with or without notice to the owner or occupant, or abutting property owners.

(Prior Code, § 7-1-2) Penalty, see § 151.99

§ 151.48 DRAINAGE TILES.

(A) *Size; permit required.* No person shall install or lay any drainage pipe or culvert of less than 12-inch diameter in the construction, repair or alteration of any driveway, sidewalk or other private way, which said drainage pipe or culvert, when installed, will be upon public property with the exception that ten inch steel or equivalent material pipe or culverts may be used in flat areas of the city where adjoining drainage ditches are not sufficiently deep that any advantage could be gained from larger pipe or culverts. All drainage pipes or culverts so installed in the city shall be either of steel or equivalent metal or concrete construction. Such person shall first obtain a permit from the city for work to be done.

(B) *Inspection.* It shall be the duty of the city to inspect each and every drainage tile installed within the corporate limits of the city and to enforce the provisions of this section. (Refer to Appendix A following this code of ordinances.)

(Prior Code, § 7-3-4)

§ 151.45 OBSTACLE IMPEDING DRAINAGE DECLARED NUISANCE.

Any culvert, driveway, pipe or other obstacle upon or in the dedicated streets, alleys or ways of the city which impedes the flow of water through drainage ditches now constructed or which might hereafter be constructed by the city for the purpose of proper drainage of water falling from any rainfalls which might reasonably be anticipated, shall be and are hereby declared to be public nuisances, endangering and interfering with travel upon and the repair and maintenance of city streets and annoying, injuring and endangering the comfort, repose, health and safety of the citizens of the city.

(Prior Code, § 7-3-1)