

## ORDINANCE 3941-A

**AN ORDINANCE OF THE CITY OF MUSKOGEE, OKLAHOMA AMENDING SECTIONS 82-241, DEFINITIONS, AND 82-245, CONNECTION TO SEWER SYSTEM REQUIRED; RULES, OF ARTICLE IV, SEWER SERVICES, WITHIN CHAPTER 82, UTILITIES, EXEMPTING THE CITY OF MUSKOGEE AS A MUNICIPALITY FROM THE REQUIREMENTS OF SAID SECTIONS WHERE NOT REQUIRED BY THE UNIFORM BUILDING CODE; PROVIDING FOR REPEALER, SEVERABILITY, AND DECLARING AN EMERGENCY.**

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, AS FOLLOWS:**

**Section 1.** The City of Muskogee Code of Ordinances, Chapter 82, Utilities, Article IV, Sewer Services, Section 241 is hereby amended as follows:

### *82-241 Definitions*

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Person* means any and all persons, natural or artificial, including any individual, firm or company, industry, ~~municipal~~ or private corporation, association, society, governmental agency or other entity and agents, servants or employees.

**Section 2.** The City of Muskogee Code of Ordinances, Chapter 82, Utilities, Article IV, Sewer Services, Section 245 is hereby amended as follows:

(a) The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes situated within the jurisdiction of the city is hereby required, at his expense, to install suitable toilet facilities therein and to connect such directly with the proper public sanitary sewer in accordance with the provisions of this article within 90 days after date of official notice to connect. Provided, unless otherwise required by the Uniform Building Code, nothing in this subsection shall prohibit the City from placing and utilizing chemical or portable toilet facilities on city owned or leased property used for recreation.

(b) In any building in which the building drain is too low to permit gravity flow to the public sanitary sewer, sanitary sewage from such buildings shall be lifted by an approved means and discharged into the building sewer or public sanitary sewer.

(c) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater or other unpolluted water or waste to a building sanitary sewer or building drain which in turn is connected directly or indirectly to the public sanitary sewer, and all such connections existing at the date of passage of the ordinance from which this section is derived shall be removed immediately.

(d) The connection of the building sewer into a public sanitary sewer shall conform to the requirements of the city plumbing codes or other applicable rules and regulations of the city. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and material must be approved in writing by the approving authority.

(e) The owner of any building which is connected to the public sanitary sewer shall be required to operate and properly maintain the building drains and building sanitary sewer in accordance with all provisions of these regulations at no expense to the city.

**Section 3.** REPEALER. All other ordinances or parts of ordinances not specifically identified which are in direct conflict herewith are repealed only to the extent of the conflict.

**Section 4.** SEVERABILITY. Should any part section, subsection, sentence, provision, clause or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this ordinance, and the same are deemed severable for this purpose.

**Section 5.** EMERGENCY. This ordinance being designated to protect the public health, safety and welfare of the inhabitants of the City of Muskogee, Oklahoma, and its passage being immediately necessary, an emergency is hereby declared to exist and by reason whereof this ordinance shall take effect immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

CITY OF MUSKOGEE

JOHN R. COBURN, MAYOR

ATTEST:

PAMELA S. BATES, CITY CLERK

Approved as to form and legality this \_\_\_\_day of \_\_\_\_\_, 2014.

ROY D. TUCKER, CITY ATTORNEY