

ORDINANCE NO. 1714

AN ORDINANCE AMENDING SECTION 12-211 OF THE CODE OF THE CITY OF DUNCAN, OKLAHOMA, SO AS TO PLACE A SECTION OF LAND WITHIN SECTION 32, TOWNSHIP 1 NORTH, RANGE 7 WEST, I.M., STEPHENS COUNTY, OKLAHOMA IN C-4, GENERAL COMMERCIAL ZONING DISTRICT AND DECLARING AN EMERGENCY.

WHEREAS, Application has been made to have certain property zoned C-4, General Commercial Zoning District, and

WHEREAS, said application has been referred to the Duncan Municipal Planning Commission and said body has considered the same and recommended that the request should be approved as submitted, and

WHEREAS, The City Council of the City of Duncan, Oklahoma, has thereafter considered said application subsequent to the notice of the time and place of hearing therefore having been given as required by law, and said City Council has determined that said application should be approved in accordance with the recommendation of City staff and an ordinance enacted to effect and accomplish such zonings.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNCAN, OKLAHOMA, TO-WIT:

Section 1.

That Section 12-211 of the Code of the City of Duncan, Oklahoma, shall be and is hereby amended so as to place the following described property in the designated districts of said City and that the zoning map of said City, filed with the City Clerk, is hereby directed to be amended to reflect the same:

Legal Description:

All of Lot 1 of the F.E. Cline Tracts to the City of Duncan, Stephens County, Oklahoma
AND


All of Lots 2 and 3 of the F. E. Cline Tracts in Stephens County, Oklahoma.

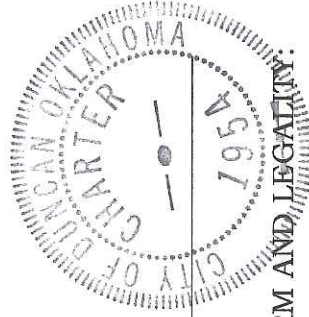
Section 2. Emergency Clause

WHEREAS, it being immediately necessary for the preservation of the peace, health, and safety of the City of Duncan, Oklahoma, and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this Ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED AND APPROVED by the City Council of the City of Duncan, Oklahoma, this 22nd day of January, 2013.

ATTEST:


Patti Clift, City Clerk



THE CITY OF DUNCAN, OKLAHOMA
A Municipal Corporation


Gene Brown, Mayor

APPROVED AS TO FORM AND LEGALITY:


David Hammond, City Attorney

ORDINANCE NO. 1713

**AN ORDINANCE OF THE CITY OF DUNCAN, OKLAHOMA,
AMENDING SECTION 13-231 OF THE EXISTING CITY
CODE OF THE CITY OF DUNCAN BY AMENDING
ARTICLE 13-231 AS IT RELATES TO THE WIND SPEED
AND THE SIZE OF PROTECTIVE CLEARANCE UNDER
CONDITIONS APPLICABLE TO BURNING PERMITS.**

WHEREAS, the City Council of the City of Duncan feels that it is in the best interest of the community to clarify the language in Ordinance 13-231, it desires to amend the City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNCAN, OKLAHOMA THAT SECTION 13-231 BE AMENDED AS FOLLOWS:

SECTION 13-231:

- A. The burning of trees, brush, grass and other vegetable matter shall be permitted only for the clearing of land for development and agricultural management and in compliance with the following conditions:
1. General written standards shall be established by the fire chief providing for fire safety and site maintenance. The fire chief or his designee may invalidate any permit if written fire safety and maintenance standards are not met or if the fire department responds to an uncontrollable fire due to burning at a permitted site on the property.
 2. Burning will not be allowed when wind is over ten (10) miles per hour.
 3. There must be twenty feet (20') of protective clearance area around the burn site.
 4. Burning time is from one hour after sunrise to three (3) hours before sunset and additional fuel may not be intentionally added to the fire at times outside the limits stated above.
 5. Fire extinguishing equipment must be on the premises at each burning site, during burning, i.e., extinguisher, buckets of water, water hose, etc. Any open burning shall be constantly attended until the fire is extinguished.
 6. The burning permit will be valid for fourteen (14) calendar days beginning the day it was issued.
 7. A. Size of the burn site fuel shall not be larger than ten feet (10') wide by ten feet (10') in length by ten feet (10') high, from ground surface. Upon request of a land developer and for good cause shown the burn permit may allow a burn pit of fifteen feet (15') wide by fifteen feet (15') in length by ten feet (10') height, however there must be at least two (2) individuals present to monitor the burn.

B. Subdivisions and Land Developers-persons clearing and developing land for residential or commercial purposes upon obtaining a burn permit shall be allowed to have a burnsite on every five (5) acres consisting of three (3) pits not larger than twenty (20') feet wide by twenty (20') feet in length by twenty (20') feet high, so long as the following conditions are complied with:


- 1) Each pit is one hundred (100') feet from other pits.
- 2) There must be a minimum of two hundred (200') feet of clearance from any structure, improvement, or adjacent property lines.
- 3) A bulldozer and tanker truck must be onsite with two (2) full-time employees/workers monitoring the burn at all times.
- 4) Subdivisions and land developers clearing property on fifteen (15) acres or larger may utilize burn piles. However, the same restrictions will apply for each five(5) acre tracts with the exception that one (1) bulldozer will be required for each fifteen (15) acre tract.
8. The location of burning must be at least five hundred feet (500') from all residences or any business structures other than those located on the property on which the burning is conducted.
9. Any petroleum based product or similar materials which produce unreasonable amounts of air contaminants may not be burned. If the burning is offensive or a nuisance due to smoke or odor emissions the permit holder must extinguish immediately.
10. The fire chief, or designated representative, shall inspect the site of the proposed burning in the presence of the applicant, and may make such requirements as necessary and appropriate to prevent the spread of any permitted burning, including, but not limited to, provision of firebreaks as a condition of permit approval. In the event that such conditions are provided, verification of compliance shall be a condition of approval to proceed as required below.
11. The holder of the burn permit must provide to the city with (at the time the permit is issued) a ten thousand dollar (\$10,000.00) permit bond or verification of liability insurance in an amount of not less than one hundred thousand dollars (\$100,000.00), with said bond or insurance being subject to lien for any and all damages resulting from said open burning permit. (Ord. 1675, 5-26-2009)
12. Any person that violates any provisions contained with in the ordinance can be prosecuted in the Municipal Court within the City of Durcan, Oklahoma. Any person convicted of violating any provision in the ordinance may be fined up to five hundred dollars (\$500.00).

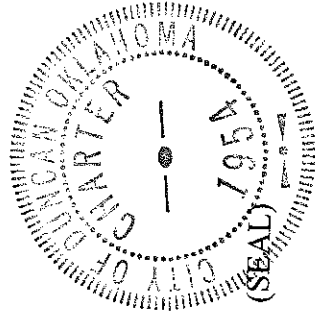
SECTION 1-13: EMERGENCY: WHEREAS, it being immediately necessary for the preservation of the peace, health, safety and welfare of the City of Duncan, Oklahoma, and the inhabitants thereof that the provisions of this resolution be put into full force and effect, an emergency is hereby declared to exist by reason whereof this resolution shall take effect and be in full force from and after its passage as provided by law.

PASSED AND APPROVED!

~~November 12, 2012.~~
December 11, 2012

THE CITY CHARTER

By: 
Mayor



ATTEST

By: 
Christina Archer
City of Duncan City Clerk

APPROVED AS TO FORM AND LEGALITY:


David W. Hammond, City Attorney