

**CITY OF COWETA OKLAHOMA
ORDINANCE NO. 834**

AN ORDINANCE OF THE CITY OF COWETA, OKLAHOMA RELATING TO PART 14, STREETS AND PUBLIC WORKS, CHAPTER 1, USE AND OBSTRUCTION OF STREETS, OF THE CODE OF ORDINANCES, CITY OF COWETA, OKLAHOMA, AMENDING SECTION 14-117, "DRAINAGE DITCHES, OBSTACLES IMPEDING DRAINAGE IN STREETS, NOTICE, CORRECTION;" PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COWETA, OKLAHOMA THAT:

SECTION 1: Section 14-117 of the Code of Ordinances of the City of Coweta, Oklahoma, is hereby amended to read as follows:

SECTION 14-117 DRAINAGE DITCHES, OBSTACLES IMPEDING DRAINAGE IN STREETS, NOTICE, CORRECTION

A. It is the duty of the owner of any lot or piece of ground abutting any street to keep the area clean and to remove all materials, snow or ice, trash, weeds, refuse, rubbish or hazards of any kind and to keep the area in good repair and to maintain complete vegetative coverage of a common grass species or other ground cover plantings on the unpaved public right-of-way abutting their property to prevent mud and other debris from running into the street. This maintenance responsibility includes the maintenance of grass, trees, shrubs, hedges, and/or any other approved landscape plantings; the replacement of dead plantings or grass; and the maintenance of the swale or ditch grading, including the filling of holes.

B. 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, and injuring and endangering the comfort, repose, health and safety of the citizens of the city.

C. All public nuisances existing contrary to the provisions of this section not abated by the owners or occupants of adjoining premises or their agents within ten (10) days after being given notice as provided herein, shall be abated by the city manager or other officer or employee of the city by digging up, breaking, if necessary or not reasonably avoidable, and removing such culvert, driveway, pipe, or other obstacle and opening up such drainage ditch, and leaving the same open.

D. The notice herein mentioned shall be in writing directing the owner or occupant of premises adjoining such nuisance to abate the same by removing such obstacle impeding drainage, and shall be given by mailing to the owner or occupant of such adjoining premises at his or their last known address, or to both, if their names and post office addresses can be ascertained with reasonable diligence, by certified mail or by delivery of such notice to such owner or occupant personally by any officer, employee or agent of the city, or by posting such notice at some conspicuous place upon such premises if the name or mailing address of the owner or occupant of the premises cannot be ascertained with reasonable diligence.

SECTION 2: If any part or parts of this ordinance are deemed unconstitutional, invalid, or ineffective, the remaining portion shall not be affected, but shall remain in full force and effect.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby expressly repealed.

SECTION 4: It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Coweta and the inhabitants thereof that this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 1st day of June 2020 and the emergency clause voted upon separately.

EVETTE MORRIS, MAYOR

ATTEST:

JULIE CASTEEN, CITY CLERK

APPROVED AS TO FORM:

RONALD D. CATES, CITY ATTORNEY