

# McAlester City Council **NOTICE OF MEETING**



## **Workshop Meeting Agenda** **Tuesday, May 26, 2026 - 5:00 PM** **28 E. Washington Ave** **28 E. Washington Ave**

### **Attending in Person**

Justin Few	Mayor
Levi Gilmore	Ward One
Robin Woodley	Ward Two
Chris Stone	Ward Three
Mike Brooks	Ward Four
Billy J. Boatright	Ward Five
Kevin Beaty-Vice Mayor	Ward Six
Ken Wimer	Interim City Manager
Cora M. Middleton	City Clerk
John T. Hammons	City Attorney

*This agenda has been posted at the McAlester City Hall, distributed to the appropriate news media, and posted on the City website: [www.cityofmcalester.com](http://www.cityofmcalester.com) within the required time frame.*

*The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.*

*The McAlester City Hall is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Clerk's Office at 918.423.9300, Extension 4956.*

*Official action can only be taken on items which appear on the agenda. The public body may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When the public body desires more information on an item, the public body may refer the matter to City staff or back to a committee. Under certain circumstances, items may be deferred to a specific date or stricken from the agenda entirely.*

### **CALL TO ORDER**

**Announce the presence of a Quorum.**

### **ROLL CALL**

### **SCHEDULED BUSINESS**

1. Discussion on developing a City ordinance defining the City's position on Data Center development and support. *(Robin Woodley, Councilor Ward 2)*
2. Discussion on creating an Ordinance on "Dark Stores" in the City limits of McAlester. *(Justin Few, Mayor)*
3. Discussion on possible action for a Lodging Tax increase and potentially to set an election date. *(Justin Few, Mayor)*
4. Discussion on establishing an Emergency Response Service Fee in Chapter 48 of the City Code. *(Ken Wimer, Interim City Manager)*

## **RECESS COUNCIL MEETING**

## **ADJOURNMENT**

## **CERTIFICATION**

I certify that this Notice of Meeting was posted on this \_\_\_\_\_ day of \_\_\_\_\_ 2026 at \_\_\_\_\_ a.m./p.m. as required by law in accordance with Section 303 of the Oklahoma Statutes and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of McAlester website: [www.cityofmcalester.com](http://www.cityofmcalester.com).6

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**Cora M. Middleton, City Clerk**



**OFFICE of the CITY ATTORNEY**  
*City of McAlester*

28 E Washington  
McAlester, OK 74501  
918-423-9300

**John Tyler Hammons, City Attorney**

**OPINION OF THE CITY ATTORNEY**  
**Opinion No. 2026-01**

**QUESTION BY:** The Honorable Justin Few, Mayor  
**DATE:** May 18, 2026  
**SUBJECT:** Planning and Zoning Beyond Municipal Boundaries

**INTRODUCTION**

This office has received your request for an official opinion from the City Attorney in which you ask, in effect, the following question:

- 1. If the City establishes a Regional Planning Commission pursuant to 11 OS § 46-101 et seq., does the Regional Planning Commission have authority to establish zoning districts and regulate the location and use of buildings within such zoning districts?*
- 2. If the City establishes a Metropolitan Area Planning Commission pursuant to 19 OS § 866.1 et seq, does the Metropolitan Area Planning Commission have authority to establish zoning districts and regulate the location and use of buildings within such zoning districts?*
- 3. If the answer to either of the above is in the affirmative, which body provides final approval for matters relating to zoning decisions?*

**SHORT ANSWER**

While a metropolitan area planning commission establishes a process for planning and zoning beyond a City's municipal boundaries, a regional planning commission concerns only planning powers. In the case of a metropolitan area planning commission, the City Council retains final approval authority over zoning decisions over the metropolitan area within the City's municipal limits while the board of county commissioners retains final approval authority over zoning decisions over the metropolitan area in unincorporated areas. In the case of a regional planning commission, the City Council retains final approval authority over planning decisions over the entire regional area, both inside and outside the municipal limits.

## DISCUSSION

### Section 1. Overview of Planning and Zoning in Oklahoma

A local government's zoning powers allow the local governmental entity to regulate "the development or use of real estate" within its jurisdiction. *In re Initiative Petition No. 382*, 2006 OK 45, ¶ 11, 142 P.3d 400, 406. The power to enact and enforce zoning regulations "is derived from a governmental entity's police powers to protect the health, safety, welfare, and morals of the community." *Id.* This power, however, is not an inherent power of local government. Instead, the ability to adopt zoning regulations has its origin exclusively in state statute. *Id.* at 407. To answer your questions, therefore, requires this Office to examine the statutes enacted by the Legislature concerning such powers.

This Office notes seven (7) different types of zoning powers exist: (A) the two types of municipal planning powers, (B) the two types of county planning powers, (C) the two types of metropolitan area planning power, and (D) regional planning powers.

#### A. Municipal Planning

The Legislature has granted municipalities broad authority to issue zoning regulations within their own municipal limits. See 11 OS § 43-101 *et seq.* To avail themselves of these powers, the municipality must establish a planning and zoning commission which serves to make recommendations to the municipal governing body. 11 OS § 43-109. These municipal planning and zoning commissions chiefly exist to create plans for the orderly development of the municipality. 11 OS § 45-103. However, the municipal governing body maintains the final authority on all zoning matters. 11 OS §§ 45-104(B); (C). This is the main type of municipal zoning and what this Office will term herein as "small municipality planning powers." Municipalities with a population of at least 200,000, however, are subject to a different standard. Under what this Office will herein term as "large municipality planning powers," the municipal planning and zoning commission gains greater independence from the municipal governing body. 11 OS § 47-109. In such municipalities, the municipal planning and zoning commission can accept or reject zoning decision subject to a two-thirds override by the municipality's governing body. 11 OS § 47-113. In general, therefore, for larger municipalities, the municipal planning and zoning commission enjoys greater authority and insulation from the municipal governing body while for smaller municipalities the municipal planning and zoning commission is essentially an advisory body to the municipal governing body.

#### B. County Planning

State statute also provides counties with planning powers upon the creation of a county planning commission. 19 OS § 865.51 *et seq.* Unlike with municipalities, however, the decision to establish a county planning and zoning commission requires the approval of the people acting at election. 19 OS §§ 865.51; 865.52. Once so approved, the county planning and zoning commission has the power to establish "limited regulation that does not quiet amount to zoning power." *Oklahoma Attorney General Opinion No. 2013-13* (August 29, 2013). Such regulations are only applicable in the unincorporated areas of the county. 19 OS § 865.53. The board of county commissioners retains final approval over such matters. 19 OS § 865.67A. This version of county planning will be termed as the "small county planning powers." Like with municipalities, the Legislature has provided for greater zoning powers for counties with a population of 500,000 or more. 19 OS § 868.1 *et seq.* Under these "large county planning powers," the county planning and zoning commission, as with its large municipal counterpart, has greater independence from the board of county commissioners, able to approve or reject planning

and zoning decisions subject to override by the board. 19 OS § 868.7. Thus, as with the city planning statutes, the Legislature has provided for two regimes: the larger counties generally involve a county planning and zoning commission with more authority while the smaller counties generally involve a more advisory county planning and zoning commission.

### C. Metropolitan Area Planning

The Legislature has seen fit to provide for joint city-county cooperative planning statutes, known as metropolitan area planning, upon the mutual agreement of both the affected municipality and county. As with municipal and county planning powers generally, this metropolitan area planning comes in two flavors: the “small metropolitan area planning powers” (19 OS § 866.1 *et seq.*) and the “large metropolitan area planning powers.” 19 OS § 863.1 *et seq.* The large version of these powers is limited to municipalities with a population of not less than 180,000 (19 OS § 863.2) while the small version is available to any municipality which has a population of no greater than 200,000. 19 OS § 866.1. These two types of powers have important distinctions. First, large metropolitan area zoning commissions may give final approval to zoning decisions subject to override (19 OS § 863.8) while small metropolitan area zoning commissions only make “recommendation[s].” 19 OS § 866.11. Second, large metropolitan area zoning commissions have jurisdiction over both the affected municipality and all the unincorporated area of the county (19 OS § 863.7) while the jurisdiction of the small metropolitan area zoning commissions is limited only to the affected municipality’s municipal limits plus a buffer zone within 3-miles of the incorporated limits of the affected municipality. 19 OS § 866.2. Third, large metropolitan area zoning commissions are allowed to adopt a greater range of regulations when compared to small metropolitan area zoning commissions. 19 OS 863.11; 19 OS § 866.14.

### D. Regional Planning

Lastly, state statutes provide for an enhanced version of municipal planning powers known as regional planning. Unlike the planning powers previously discussed herein, this “regional planning power” comes in only a single variety. Any municipality may avail itself of this regional planning power without regard for population size by establishing a regional planning commission. 11 OS § 46-101. Such regional planning commission has jurisdiction over a regional district composed of any land within 3-miles of the incorporated limits of the affected municipality. 11 OS § 46-102 (hereinafter the “Regional District”).

#### Section 2. Regional Planning Commissions

To establish a regional planning commission (an “RPC”) under the Regional Planning Act (11 OS § 46-101 *et seq.* (the “RPA”)), the City need only adopt an ordinance providing for the establishment of the same. 11 OS § 46-101. The members of the RCP include all sitting members of the City’s planning commission plus the City’s sitting mayor and the City’s sitting municipal engineer. *Id.* The consent of the county, through its board of county commissioners, is not a prerequisite to establishment. *Id.* However, the sitting chair of the board of county commissioners together with the sitting county engineer are *ex officio* voting members of the RCP. *Id.* Once established, the RCP automatically gains jurisdiction over the Regional District. Because municipalities “have no inherent power or authority, but possess, and can exercise, only those powers granted,” this Office looks to see if statute permits an act rather than to see if state statute prohibits an action. *Shipp v. Se. Oklahoma Indus. Auth.*, 1972 OK 98, ¶ 15, 498 P.2d 1395, 1398

Under the RPA, the jurisdiction of RPA concerns only *planning* activities, not *zoning* activities. While colloquially thought of as one and the same, the power to plan and separate and distinct from the power to zone. Although this division of powers has not been definitively defined by Oklahoma case law, the power to plan is the ability to recommend land uses while the power to zone is to ability to legally enforce such uses. A review of the RPA reveals RPC lacks such zoning powers: there is not a single mention of the word “zoning” in the RPA. Instead, an RPC is limited to “prepar[ing] from time to time *plans* for the systematic development of the regional district.” 11 OS § 46-103 (emphasis added). Accordingly, an RPC lacks zoning authority and the City, through such an RPC, may not impose zoning restrictions upon the unincorporated territory within the Regional District.

As above noted, the power to plan is district from the power to zone. In general, zoning decisions must be made in conformity with the comprehensive plan for the development of a given area. Stated another way, zoning is the process by which planning is carried out. Logically, because zoning implements a plan, the planning power necessarily includes the authority to contemplate the regulation of activities within the Regional District. The RPA expressly provides an RPC “may consider and investigate any subject matter tending to the development and better of such regional district and make recommendation as it may deem advisable.” 11 OS § 46-103. Further, prior to any decision being made to locate or design any public improvement within the Regional District by any municipal or county government, the proposed public improvement must be submitted to the RPC for review. 11 OS § 46-104(A). Likewise, “[a]ll plans, plat, or replats of lands laid out in lots or blocks, and the streets, alleys, or other portions of the same intended to be dedicate to public or private use” within the Regional District must be approved by the RCP prior to being recorded. 11 OS § 46-104(B). Therefore, an RCP may adopt and certify a plan for the development of the Regional District and require public improvement proposed to be located therein to satisfy such plan. A failure to submit a proposal to the RPC for its review is a misdemeanor offense. 11 OS § 46-104(D).

### **Section 3. Metropolitan Area Planning Commission**

To establish a metropolitan area planning commission (an “MPC”) under the Small Metropolitan Planning and Zoning Act (19 OS § 866.1 *et seq.* (the “MPZA”)), the City must enter into an agreement with the board of county commissioners to establish an MPC. 19 OS § 866.5. The MPC so established is composed of not less than ten (10) members: four (4) members appointed by the City and four (4) members appointed by the county. 19 OS § 866.7. The mayor and chair of the board of county commissioners also serve as *ex officio* members of the MCP. *Id.* Additionally, should any other municipality be within the jurisdiction of the MCP, such municipal may appoint one (1) member to the MCP. *Id.* The new MCP functionally replaces any existing municipal planning commission previously employed by the City as the new MPC has “exclusive control” over the territorial limits of the City, excepting only the City’s existing board of adjustment. 19 OS §866.33 However, because an MCP is a joint agency of both the City and the county, both entities are allowed to appropriate funds to the MCP to further its mission. 19 OS § 866.3.

The MPZA grants the MCP jurisdiction over a Metropolitan Area composed of two districts: (1) an urban district which is coequal with the City’s prevailing municipal boundaries and (2) a rural district which is composed of all unincorporated land within the county located within 3-miles of the City’s prevailing municipal boundaries (together the “Metropolitan Area”). 19 OS §§ 866.2; 866.4. Upon establishment, the MCP gains numerous powers:

- The MCP is obligated to prepare and adopt a comprehensive plan for the orderly development of the Metropolitan Area. 19 OS § 866.10. After the adoption of this plan, no improvement embraced by the plan may be constructed or authorized without first obtaining the MCP's recommendation. 19 OS § 866.11.
- The MCP may adopt uniform rules and regulations governing plats and subdivisions within the Metropolitan Area. 19 OS § 866.12. Such rules and regulations, however, may not be effective within the urban district until ratified by the City and not effective within the rural district until ratified by the county. *Id.*
- Following the adoption of both a comprehensive plan and uniform subdivision regulations, no plat or deed concerning the subdivision of land within the Metropolitan Area may be recorded without the approval of the MCP. 19 OS § 866.13.
- The MPC may recommend the establishment of building line and setback regulations to both the City and county for implementation within the Metropolitan Area. 19 OS § 866.14. Once so established by either the City or county, such regulations may not be altered without a public hearing and recommendation from the MCP. *Id.*

While the City continues to exercise any zoning powers it previously empowered as concerns the urban district of the Metropolitan Area (19 OS §§ 866.31), the county, upon the establishment of an MCP, gains zoning powers over the rural district of the Metropolitan Area. 19 OS § 866.16(A). This includes the power, among others, to regulate the location, size, density, and use of commercial, industrial, residential, recreation, and civic activities within the rural district. *Id.* This can be achieved by division the rural district into such several zoning districts as the county, with the recommendation of the MPC, determines best. 19 OS § 866.17. The county may also establish building codes and other constructions code, including, but not limited to, plumbing codes and electrical codes for enforcement within the rural district. 19 OS § 866.26. However, the county's new zoning powers do not extend to agricultural matters. 19 OS § 866.16(B). The county may enforce these zoning regulations through appropriate fines. 19 OS § 866.16A. The initial adoption of, and any subsequent amendment to, the zoning regulations, including the dimensions of the districts contemplated thereby, is ultimately a question for the respective governing body of the City or county. Provided, all such matters must be first submitted to the MPC for public hearing and preliminary review. 19 OS § 866.18

Upon the adoption of zoning regulations by both the City and the county:

no building or other structures shall be erected, constructed, enlarged, or altered, or repaired in such manner as to prolong the life of the building, nor shall the use of any land be changed without a permit issued in accordance with the rules and regulations adopted by the [City] or [county].

19 OS § 866.21. The City's building inspector is responsible for enforcement of the rules within the urban district while the official designated by the county as its building inspector enforces the same within the rural district. *Id.* However, in recognition of the joint nature of the MCP, the City and county may jointly designate a single official to be responsible for enforcement of the regulations throughout the entire Metropolitan Area. *Id.* In all cases, the county is required to establish a coordinate county board of adjustment to review such enforcement decisions (19 OS §866.22) while the City's existing

board of adjustment serves an identical function. The failure of any person to comply with any rule or regulation adopted pursuant to the MPZA is a misdemeanor offense. 19 OS § 866.32.

### CONCLUSION

It is, therefore, the official opinion of the City Attorney that:

- 1. The establishment of a Regional Planning Commission does not require the City to first obtain the consent of the county. However, the establishment of such a Commission does not permit the City to extend its zoning powers into the unincorporated territory served by the Commission. Such a Commission exercises only planning powers within such a district.**
- 2. The establishment of a Metropolitan Area Planning Commission requires the City to first obtain the consent of the county. Upon establishment, such a Commission exercises both planning and zoning powers within the territory served by the Commission. The Commission may adopt mandatory zoning regulations throughout territory served by the Commission both inside the City's municipal limits and outside in the unincorporated areas. However, for such zoning regulations to be legally enforceable, the City must adopt the same for use inside its municipal limits and the county must, likewise, adopt the same for use within the unincorporated areas.**
- 3. The City retains final decision-making authority for the adoption, amendment, and enforcement of the zoning regulations within the municipal limits while the county retains final decision-making authority for the adoption, amendment, and enforcement of the zoning regulations within the unincorporated areas. In both instances, a Metropolitan Area Planning Commission serves only as an advisory body.**

Respectfully submitted,



**JOHN TYLER HAMMONS**  
City Attorney

CC: The Honorable Justin Few, Mayor  
Members of the City Council  
Ken Wimer, Interim City Manager  
Cora Middleton, City Clerk

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 62, LAND DEVELOPMENT, PLANNING, ZONING AND SUBDIVISIONS; ARTICLE IV, ZONING DISTRICTS AND DISTRICT REGULATIONS; DIVISION 3, SUPPLEMENTAL DISTRICT REGULATIONS; BY ADDING SECTION 62-308, DATA CENTER REQUIREMENTS; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND DECLARING AN EMERGENCY.**

NOW THEREFORE, BE IT ORDAINED BY the City Council of the City of McAlester, Oklahoma:

**SECTION 1. NEW LAW.** Section 62-308 to the McAlester City Code is hereby added to read as follows, to-wit:

<b>Chapter 62.</b>	<b>Land Development, Planning, Zoning and Subdivisions</b>
<b>Article IV.</b>	<b>Zoning Districts and District Regulations</b>
<b>Division 3.</b>	<b>Supplemental District Regulations</b>
<b>Section 62-308.</b>	<b>Data Center Requirements</b>

A. For the purpose of this section, a “data center” means any facilities or group of affiliated facilities which:

1. Has a single-site or aggregate expected annual electric usage of ten 50 megawatts or more, and
2. Is primarily engaged in one or more of the following activities:
  - a. Operation of data centers, cloud computing facilities, server farms, or digital asset processing facilities, or
  - b. Artificial intelligence, high-performance computing, or large-scale information processing.

The term shall include facilities under common ownership or control that are reasonably expected to operate in a coordinated manner. The term shall not include traditional residential, small commercial, or standard industrial customers unless such customers meet the demand thresholds established in this section.

B. A data center shall be permissible only in the I-2 heavy industrial district and as a use permitted after review under the procedures identified under Section 62-129 of this Chapter 62.

C. The provisions of this Section 62-308 shall govern over any conflicting provisions of this Chapter 62.

**SECTION 2. CODIFICATION.** The City Clerk is hereby directed to enter the appropriate changes to the appropriate place in the McAlester City Code of McAlester, Oklahoma, as authorized and approved by this Ordinance.

**SECTION 3. SEVERABILITY.** If any provision, paragraph, word, section of article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

**SECTION 4. REPEALER.** All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

**SECTION 5. EMERGENCY.** It being necessary for the preservation of the public health, safety, and welfare, this ordinance shall take effect immediately after its publication as provided by law.

**PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA on THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.**

**CITY OF MCALESTER, OKLAHOMA  
A Municipal Corporation**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**APPROVED AS TO FORM AND LEGALITY this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.**

\_\_\_\_\_  
**City Attorney**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 18, BUILDINGS AND CONSTRUCTION; ARTICLE I, IN GENERAL, BY ADDING SECTION 18-3, VACANT BUILDINGS; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND DECLARING AN EMERGENCY.**

NOW THEREFORE, BE IT ORDAINED BY the City Council of the City of McAlester, Oklahoma:

**SECTION 1. NEW LAW.** Section 18-3 to the McAlester City Code is hereby added to read as follows, to-wit:

**Chapter 18. Buildings and Construction**  
**Article I. In General**  
**Section 18-3. Vacant Buildings**

- A. The City shall maintain a list of the property owners or the designees of property owners of vacant commercial real property to ensure the public safety and welfare of its citizens. Additionally, for the purpose of addressing public nuisances, dilapidated properties or other unlawful conduct in accordance with their general police powers, the City requires the following information be maintained and that property owners of vacant buildings are hereby required to provide the following information to the City Clerk, and to maintain updated information as follows:
1. Current contact information of persons or entities responsible for emergency contact and property maintenance as outlined in this subsection; or
  2. The name of a person or entity authorized to receive notice and service of process for property outlined in this subsection, along with their contact information, provided, however, that if the current contact information for a property owner is the same as the address of record on the current property tax rolls, and that person or entity listed as the property owner is also responsible for the maintenance of the property and authorized to receive notice and service of process, then the property owner shall not be required to provide additional information to the City Clerk. Unless other contact information for emergency contact or service of process is provided by the property owner to the City, then it shall be deemed that the current contact information on the City tax rolls or land records for a property owner is the current contact information for noticed and service of process.

3. A fee shall not be collected by the City to administer the collection of information authorized in this section.
- B. Nothing in this section shall prohibit the City from enacting and enforcing rules and regulations to require real property owners to comply with the provisions of this section and established occupancy standards as set forth by ordinance and state law.
  - C. Nothing in this section shall prohibit the City from requiring the owner of property that is the subject of any abatement process provided in this title to provide the name, physical address and telephone number of an individual to receive and respond to communications concerning the property subject to the abatement process. No future action taken by the City shall be rendered ineffective due to the failure of the property owner to provide the information pursuant to this subsection. The City shall not assess any additional charge when requiring the information.
  - D. Information obtained by the City under this section shall be confidential and not subject to disclosure under the Open Records Act.
  - E. The owner of a vacant property shall submit a vacant building plan which must meet the approval of the director of planning or his/her designee. The plan, at a minimum, must contain information from one of the following three choices:
    1. If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition starting within 30 days of acceptance of the proposed demolition timeline and does not exceed 90 days in accordance with the City Code; or
    2. If the building is to remain vacant, a plan for ensuring the building is secured along with the procedure that will be used to maintain the property, and a statement of the reasons why the building will be left vacant (i.e., building for sale, etc.); or
    3. If the building is to be returned to an appropriate occupancy or use, a rehabilitation plan for the said building and grounds shall be submitted. The rehabilitation plan shall not exceed twelve (12) months from the time a required remodeling permit is obtained, unless the building official grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with all applicable zoning, historic preservation, or building codes, and the property must be secured during the rehabilitation.

4. All applicable laws and codes shall be complied with by the owner. The owner shall notify the inspection department of any changes in information of their vacant building registration within thirty (30) days of the change. If the plan or timetable for the vacant building is revised in any way, the revision(s) must be in writing and must meet the approval of the director of planning or his/her designee.
5. The owner shall keep the building secured and free of exterior defects to the building and grounds properly maintained in accordance with all applicable city ordinances. The owner of commercial buildings shall maintain water and electrical utilities to the vacant building at all times, whether or not a vacant building plan is in place.
6. The failure of the owner of the vacant building to obtain a deed for the property or to file the deed with the county clerk of Pittsburg County shall not excuse the property owner from registering the property.
7. Failure of the owner to maintain the building and premises that result in remedial action taken by an enforcement officer shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.
8. Upon registration, the city will post a notice on the front door of the property identifying that the structure was registered as a vacant building. Said notice will state the name and phone number of the owner or person responsible for maintaining the building and the registration number.
9. The registration and all associated processes must be completed in its entirety annually for as long as the property remains vacant.
10. Any violation of this section shall result in fines and penalties being assessed pursuant to City Code.

**SECTION 2. CODIFICATION.** The City Clerk is hereby directed to enter the appropriate changes to the appropriate place in the McAlester City Code of McAlester, Oklahoma, as authorized and approved by this Ordinance.

**SECTION 3. SEVERABILITY.** If any provision, paragraph, word, section of article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

**SECTION 4. REPEALER.** All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

**SECTION 5. EMERGENCY.** It being necessary for the preservation of the public health, safety, and welfare, this ordinance shall take effect immediately after its publication as provided by law.

**PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA** on THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

**CITY OF MCALESTER, OKLAHOMA  
A Municipal Corporation**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**APPROVED AS TO FORM AND LEGALITY** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**City Attorney**