

**ORDINANCE NO. 4012-A**

AN ORDINANCE AMENDING THE MUSKOGEE CODE OF ORDINANCES, CHAPTER 78, TRAFFIC AND VEHICLES, ARTICLE V, DRIVING, OVERTAKING, AND PASSING, ADDING SECTION 78-172, DUTY WHEN APPROACHING VEHICLE USED IN COLLECTION OF REFUSE, WASTE OR RECYCLABLES,; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND SETTING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA THAT ARTICLE II OF THE MUSKOGEE CITY CODE BE AND THE SAME IS HEREBY AMENDED BY ADDING SECTION 78-172 TO READ AS FOLLOWS:

**SECTION 1:** A new Section 78-172 is hereby added to read as follows:

*Section 78-172: Duty When Approaching Vehicle Used in Collection of Refuse, Waste or Recyclables:*

A. The driver of a motor vehicle, upon approaching a vehicle being used in the collection of refuse, solid waste or recyclables displaying side marker lamps which flash in conjunction with turn signal lamps or vehicle hazard warning lamps pursuant to the provisions of Section 12-227 of Title 47 of the Oklahoma Statutes, shall:

1. If traveling on a highway that consists of two or more lanes that carry traffic in the same direction of travel as that of the driver, proceed with due caution and shall, if possible and with due regard to the road, weather and traffic conditions, change lanes into a lane that is not adjacent to the vehicle being used in the collection of refuse, solid waste or recyclables; or if the driver is not able to change lanes or if to do so would be unsafe, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather and traffic conditions; and

2. If traveling on a highway other than a highway described in paragraph 1 of this subsection, proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather and traffic conditions.

B. Any person charged with violation of this article shall upon conviction be punished by a fine of \$100.

*State Law reference - Duty When Approaching Vehicle Used in Collection of Refuse, Waste or Recyclables, 47 O.S. § 11-315.1.*

**SECTION 2: REPEALER.** All ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

**SECTION 3: 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 4: CODIFICATION.** This ordinance shall be codified as follows: Chapter 78, Traffic and Vehicles, Article V, Driving, Overtaking, and Passing, adding Section 78-172, Duty when approaching vehicle used in collection of refuse, waste or recyclables within the City of Muskogee Code of Ordinances.

**SECTION 5: EFFECTIVE DATE.** This ordinance shall take effect thirty (30) days after its publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS \_\_\_ Day of December, 2016.

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JOHN R. COBURN, MAYOR

ATTEST:

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PAMELA S. BATES, CITY CLERK  
(SEAL)

APPROVED as to form and legality this \_\_\_\_\_ day of December, 2016.

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ROY D. TUCKER, CITY ATTORNEY