

## **Picher council rejects cleanup ordinance**

**By Gary Garton**  
**Globe Staff Writer**

PICHER, Okla. — City Attorney Neil Wilson expressed disbelief Thursday night over a "suggested ordinance" for Picher from the Oklahoma Department of Environmental Quality.

The agency asked the city to pass an ordinance making it illegal for anyone with children 6 years of age or younger to live in a house or use vacant land that has not been subject to soil cleanup by the Environmental Protection Agency.

"That's unbelievable," Wilson said. "This would constitute an illegal taking of property without due process of law and would leave the city wide open to endless lawsuits. I can't believe the state would suggest something like this."

Although the request was sent to Mayor Sam Freeman on Jan. 31, it was not presented to the City Council until Thursday night.

The council promptly rejected the request.

The "suggested ordinance" was sent by Mark Coleman, head of the state agency. He cited a state law passed last June that allows municipalities "to enact special ordinances restricting occupancy or use of vacant property as necessary to protect against extraordinary environmental hazards."

Because Picher is in the EPA's Tar Creek Superfund area, the proposed ordinance would state that no municipal services would be provided to any vacant home or property that has not been cleaned up by the EPA.

The restriction as submitted by the state would apply to "all property within Picher, its present and any future owners including persons who take title to such property as heirs."

"That's just incredible," the city attorney repeated after reading the document.

Freeman said the ordinance would force anyone with small children and whose yard had not been replaced to move. The law could not be applied to federal trust Indian land.

The council asked Freeman to write the agency a letter rejecting the proposal.

The town board is considering an ordinance that would impose a 25-cent-a-ton surcharge on any chat removed from the city. Wilson, who is preparing the ordinance, said it would ensure that contractors use environmentally safe means of moving chat, keeping dust down and not tearing up city streets with heavy trucks.

The council is expected to take up that proposal at its March meeting.

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