



City of Enid
401 W. Owen K. Garriott Road
Enid, Oklahoma 73701
580-234-0400

BOARD OF COMMISSIONERS

NOTICE OF REGULAR STUDY SESSION

Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, the Trustees of the Enid Economic Development Authority, a Public Trust, and the Trustees of the Enid Public Transportation Authority, a Public Trust.

Notice is hereby given that the Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, and the Trustees of the Enid Economic Development Authority, a Public Trust, will meet in regular session, and the Trustees of the Enid Public Transportation Authority, a Public Trust will meet in special session at 5:00 p.m. on the 17th day of November, 2015, in the Lower Level Conference Room of the City Administration Building, located at 401 W. Owen K. Garriott Road in said city, and the agenda for said meeting is as follows:

- AGENDA -

REGULAR STUDY SESSION AGENDA

1. **CALL TO ORDER/ROLL CALL.**
2. **AT THE COMMISSIONERS' REQUEST, DISCUSS ANY ITEM OF CONCERN ON THE REGULAR SESSION AGENDA OF NOVEMBER 17TH.**
3. **SALES TAX UPDATE.**
4. **COMPREHENSIVE PLAN REVIEW OF DOWNTOWN IMPROVEMENTS.**
5. **DISCUSS DOWNTOWN SPRINKLERS.**
6. **DISCUSS PLANS FOR FLOOD CROSSINGS.**
7. **DISCUSS UNLAWFUL CARRYING OF WEAPONS ORDINANCE.**

8. **DISCUSS ORDINANCE PROHIBITING THE USE OF CELL PHONES IN COMMERCIAL VEHICLES.**
9. **DISCUSS CHILD PASSENGER RESTRAINT ORDINANCE.**
10. **DISCUSS INSURANCE VERIFICATION ORDINANCE.**
11. **ADJOURN.**

City Commission Study Session

5.

Meeting Date: 11/17/2015

Submitted By: Kristin Martin, Executive Assistant

SUBJECT:

DISCUSS DOWNTOWN SPRINKLERS.

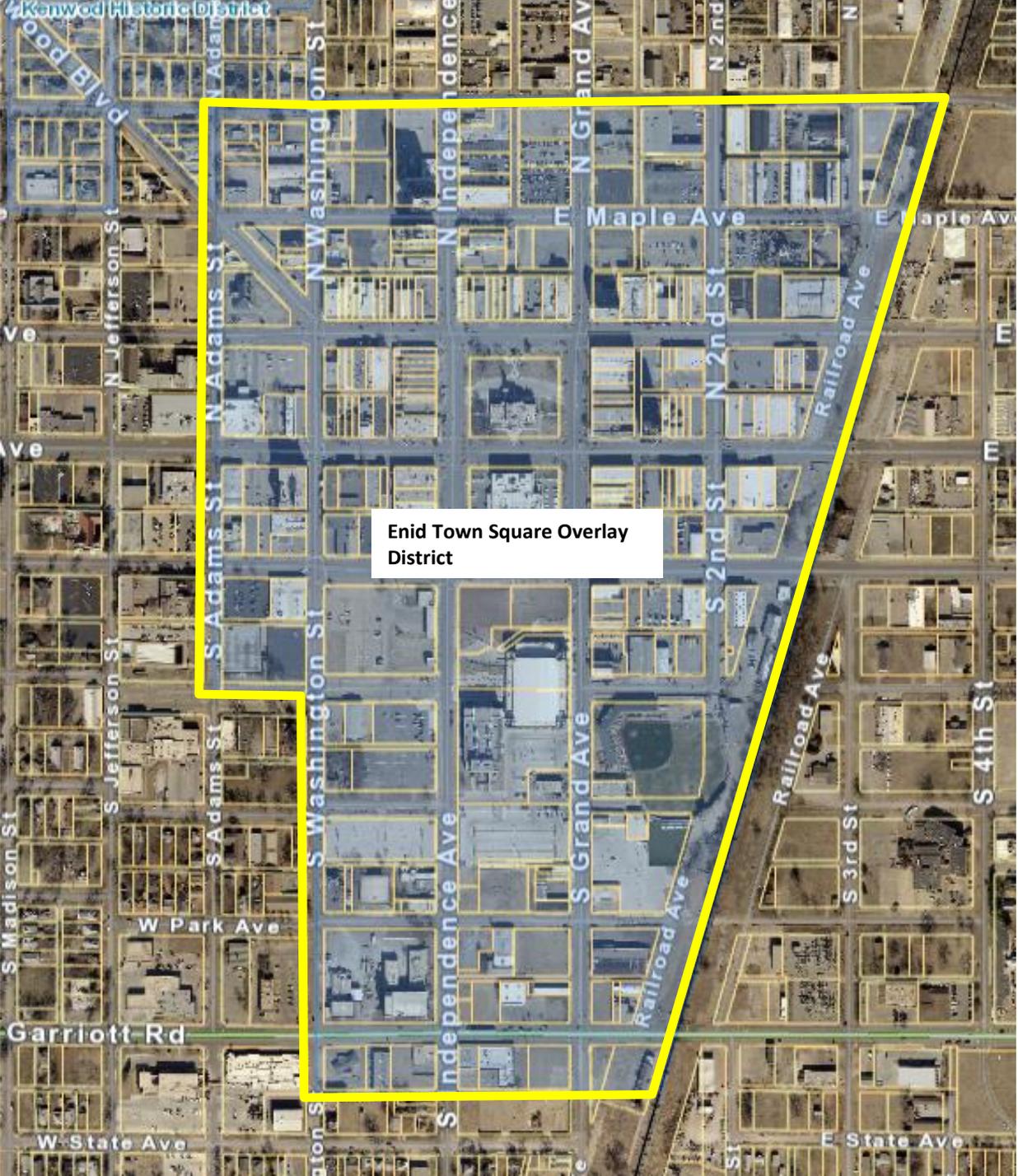
BACKGROUND:

RECOMMENDATION

PRESENTER:

Attachments

Overlay District
Program Grant Description
Resolution



Kenwood Historic District

Wood Blvd

N Jefferson St

ve

S Jefferson St

Garriott Rd

W State Ave

N Adams St

N Adams St

S Adams St

N Washington St

S Washington St

N Independence

S Independence Ave

N Grand Ave

S Grand Ave

E Maple Ave

S Grand Ave

N 2nd

N 2nd St

S 2nd St

Railroad Ave

Railroad Ave

N

E Maple Ave

E

S 3rd St

E State Ave

S 4th St

Enid Town Square Overlay District

DOWNTOWN SPRINKLER TAP AND RISER GRANT PROGRAM

Introduction

Downtown has been identified as an existing strength, one of the six Big Ideas in the Envision Enid Comprehensive Plan. Since Downtown has been identified as a destination, the City of Enid should continue to improve the destination with infrastructure improvements. Improvements to the infrastructure can enrich Downtown by adding mixed uses including upper floor residential uses.

It is imperative for the community to take any action deemed reasonable and prudent in encouraging the development of Downtown Enid.

Purpose

The City of Enid has identified the need to encourage existing building owners to adapt their buildings to accommodate retail, restaurants and upper floor residential.

It has been identified that the program would assist owners who own buildings in the Enid Town Square (ETS) Overlay District with the beginning costs of equipment and installing a tap and riser system to facilitate a sprinkler system.

Based on Main Street Enid there are approximately 65 buildings with upper stories eligible for assistance.

Program

In order to encourage building owners to develop the upper floors of their buildings with living quarters/lofts and retail and restaurants on the first floor the City of Enid will enter into the Downtown Tap and Riser Grant Program with the owner.

1. The 2015-2016 program budget is \$100,000.
2. The City of Enid agrees to pay the owner up to \$25,000 for the equipment and installation of the tap and riser and pavement (sidewalk, street or alley) repair.
3. Eligibility requirements:
 - a. Existing building located in the ETS Overlay District
 - b. An approved use; retail, restaurant and upper floor residential
 - c. Owner submit a plan for approval (must include properly designed fire suppression system and cost estimate)
 - d. Owner submit the project time line (no more than one year with up to two three-month extensions)
4. The Director of Engineering and Fire Marshal shall approve the plan and time line.
5. The Director of Engineering shall approve the grant amount based on the estimate.
6. The Director of Engineering and Fire Marshal shall inspect the improvements.
7. The Director of Engineering shall assist the owner in a manner to accomplish the terms and conditions of the Program.
8. In the event the project is not completed per the approved plans and time line the City of Enid will file a lien against the property in an amount equal to the grant issued.

A RESOLUTION CREATING THE DOWNTOWN SPRINKLER TAP AND RISER GRANT PROGRAM TO INCLUDE FINANCIAL ASSISTANCE, ADMINISTERING THE FUNDS TO BE USED TO ENCOURAGE EXISTING BUILDING OWNERS TO ADAPT THEIR BUILDINGS TO ACCOMMODATE MIXED USES AS RETAIL, RESTAURANTS AND UPPER FLOOR RESIDENTIAL IDENTIFIED IN THE COMPREHENSIVE PLAN STUDY TO TAKE ANY AND ALL OTHER ACTIONS DEEMED NECESSARY TO IMPLEMENT THE PROGRAM.

RESOLUTION

WHEREAS, Downtown Enid is identified as a destination area in the Comprehensive Plan Study;

WHEREAS, it has been identified the program would assist building owners in the Enid Town Square (ETS) District with the beginning costs of installing a tap and riser system and pavement repairs to facilitate a sprinkler system;

WHEREAS, it has been determined by the Main Street Enid there are approximately 65 buildings that could be eligible for assistance;

WHEREAS, the essential purpose of the Program is to encourage building owners to develop the upper floors of their buildings with living quarters/lofts and mixed uses on the first floor.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS THAT:

1. The Program is to improve the existing water main infrastructure for the promotion of the economic development of downtown.
2. The Program as attached hereto as Exhibit "A" is hereby created and adopted.

APPROVED AND EXECUTED this _____th day of _____ 2015.

MAYOR OF THE CITY OF ENID

William Shewey

(Seal)
ATTEST:

Secretary

Approved as to form and legality this ___ day of _____ 2015.

City Attorney

City Commission Study Session

7.

Meeting Date: 11/17/2015

Submitted By: Kristin Martin, Executive Assistant

SUBJECT:

DISCUSS UNLAWFUL CARRYING OF WEAPONS ORDINANCE.

BACKGROUND:

RECOMMENDATION

PRESENTER:

Attachments

Ordinance

ORDINANCE NO. 2014-____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, REPEALING TITLE 5, ENTITLED “PUBLIC SAFETY” CHAPTER 5, ENTITLED “GENERAL OFFENSES,” ARTICLE G, ENTITLED “WEAPONS, FIREWORKS AND RELATED OFFENSES,” SECTION 5-5G-4, ENTITLED “UNLAWFUL CARRYING OF WEAPONS”; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, AND CODIFICATION.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section I: That Title 5, Chapter 5, Article G, Section 5-5G-4 of the Enid Municipal Code, 2014, is hereby repealed in its entirety.

Section II: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section III: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section IV: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section V: Codification. This ordinance shall be codified as Title 5, Chapter 5, Article G, Section 5-5G-5, of the Enid Municipal Code, 2014.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this _____ day of _____, 2015.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

City Clerk, Linda Parks

Approved as to Form and Legality:

Andrea L. Chism, City Attorney

DRAFT

City Commission Study Session

8.

Meeting Date: 11/17/2015

Submitted By: Kristin Martin, Executive Assistant

SUBJECT:

DISCUSS ORDINANCE PROHIBITING THE USE OF CELL PHONES IN COMMERCIAL VEHICLES.

BACKGROUND:

RECOMMENDATION

PRESENTER:

Attachments

Ordinance

ORDINANCE NO. 2015-_____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 6, ENTITLED "MOTOR VEHICLES AND TRAFFIC," CHAPTER 1, ENTITLED "GENERAL TRAFFIC PROVISIONS," SECTION 6-5-8, ENTITLED "ATTENTION TO DRIVING REQUIRED," TO INCLUDE OKLAHOMA STATE LAW THAT PROHIBITS THE USE OF CELLULAR TELEPHONE OR ELECTRONIC COMMUNICATION DEVICE BY A PERSON OPERATING A COMMERCIAL MOTOR VEHICLE; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section I: That Title 6, Chapter 5, Section 6-5-8, of the Enid Municipal Code, 2014, is hereby amended to read as follows:

6-5-8: ATTENTION TO DRIVING REQUIRED:

A. Full Time and Attention to Driving²⁷:

The operator of every vehicle, while driving, shall devote his full time and attention to such driving. A violation of this section that does not result in collision or injury to either person or property shall have a maximum penalty of one hundred dollars (\$100.00) plus costs. A violation of this section that does result in collision or injury to either person or property shall have a maximum penalty of two hundred dollars (\$200.00) plus costs. (Ord. 2014-18, 5-6-2014)

B. Composing, Sending, Reading Text Message While Vehicle in Motion²⁸:

1. It shall be unlawful for any person to operate a motor vehicle on any street or highway within the City of Enid while using a hand-held electronic communication device to manually compose, send or read an electronic text message while the motor vehicle is in motion.

2. ~~Any person who violates the provisions of subsection 1 of this section shall, upon conviction, be punished by a fine of not more than One Hundred Dollars (\$100.00). Violation: The violation of this Subsection shall be punishable by a fine of not more than one hundred dollars (\$100.00) plus costs.~~

3. The provisions of subsection A of this section shall not apply if the person is using the cellular telephone or electronic communication device for the sole purpose of communicating with any of the following regarding an imminent emergency situation:

- a. An emergency response operator; or
 - b. A hospital, physician's office or health clinic; or
 - c. A provider of ambulance services; or
 - d. A provider of firefighting services; or
 - e. A law enforcement agency.
4. For the purpose of this Subsection:
- a. "Cellular telephone" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;
 - b. "Compose", "send" or "read" with respect to a text message means the manual entry, sending or retrieval of a text message to communicate with any person or device;
 - c. "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a device that is physically or electronically integrated into a motor vehicle or a voice-operated global positioning or navigation system that is affixed to a motor vehicle, or a hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function; and
 - d. "Text message" includes a text-based message, instant message, electronic message, photo, video or electronic mail.

C. Use of Cellular Telephone or Electronic Communication Device by a Person Operating a Commercial Motor Vehicle.

- 1. It shall be unlawful for any person to operate a commercial motor vehicle or for a public transit driver to operate a motor vehicle on any street or highway within this state while:
 - a. Using a cellular telephone or electronic communication device to write, send or read a text-based communication; or,
 - b. Using a hand-held mobile telephone while operating a commercial motor vehicle; or,

- c. For the Purposes of this Subsection, using a hand-held mobile telephone is permissible for drivers of a commercial motor vehicle when necessary to communicate with law enforcement officials or other emergency services.
2. Violation: The violation of this Subsection shall be punishable by a fine of not more than five hundred dollars (\$500.00) plus costs.
3. As used in this Subsection:
- a. “Cellular telephone” means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones.
- b. “Electronic communication device” means an electronic device that permits the user to manually transmit a communication f written text by means other than through an oral transfer or wire communication. This term does not include a voice-activated global positioning or navigation system that is affixed to a motor vehicle.
- c. “Operate” means operating on a street or highway, including while temporarily stationary because of traffic, a traffic control device or other momentary delays. Operating does not include when the driver of a commercial motor vehicle has moved the vehicle to the side of or off a street or highway and has halted in a location where the vehicle can safely remain stationary.
- d. “Public transit driver” means:
- (1) Any operator of a public transit vehicle owned and operated by the State of Oklahoma, any public trust authority, county, municipality, town or city within this state; or,
- (2) Any operator of a school bus or multi-passenger motor vehicle owned and approved to operate by the State Department of Education or any school district within this state; or,
- (3) Any operator, conductor or driver of a locomotive engine, railway car or train of cars.
- e. “Write, send or read a text-based communication,” also known as texting, means manually entering alphanumeric text into, sending text or reading text from an electronic device, and includes, but is not limited to, short message service (SMS), e-mailing, instant messaging (IM, a command or request to access a World Wide Web page or engaging in any other form

of electronic text retrieval or entry, for present or future communication. As used in this paragraph, texting does not include:

- (1) Using voice commands to select or enter a telephone number, an extension number or voicemail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a phone call; or,
 - (2) Inputting, selecting or reading information on a global positioning system or navigation system; or,
 - (3) Using a device capable of performing multiple functions for a purpose that is not otherwise prohibited in this part, including, but not limited to, fleet management systems, dispatching devices, smart phones, citizens band radios and music players.
4. This Subsection shall not apply to railroads and railroad operating employees regulated by the Federal Railroad Administration.

Footnotes - Click any footnote link to go back to its reference.

Footnote 27: State law reference - similar provisions, 47 O.S. § 11-901(b).

Footnote 28: State law reference - similar provisions, 47 O.S. § 11-901(d).

Footnote 29: State law reference - similar provisions, 47 O.S. § 11-901(c).

Section II: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section III: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section IV: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section V: Codification. This ordinance shall be codified as Title 6, Chapter 1, Section 6-5-8 of the Enid Municipal Code, 2014.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this _____ day of _____, _____.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Linda S. Parks, City Clerk,

Approved as to Form and Legality:

Andrea L. Chism, City Attorney

DRAFT

City Commission Study Session

9.

Meeting Date: 11/17/2015

Submitted By: Kristin Martin, Executive Assistant

SUBJECT:

DISCUSS CHILD PASSENGER RESTRAINT ORDINANCE.

BACKGROUND:

RECOMMENDATION

PRESENTER:

Attachments

Ordinance

ORDINANCE NO. 2015-_____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 6, ENTITLED "MOTOR VEHICLES AND TRAFFIC," CHAPTER 1, ENTITLED "GENERAL TRAFFIC PROVISIONS," SECTION 6-1-7, ENTITLED "MANDATORY SEATBELT USE," TO INCLUDE NEW STATE PROVISIONS ON THE USE OF CHILD PASSENGER RESTRAINT SYSTEM; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section I: That Title 6, Chapter 1, Section 6-1-7, of the Enid Municipal Code, 2014, is hereby amended to read as follows:

6-1-7: MANDATORY SEAT BELT USE:

- A. Definition: As used in this section, the term "passenger ~~car~~vehicle" shall mean "~~vehiele~~", ~~as defined in 47 Oklahoma Statutes section 1102, except that "passenger car"~~a Class D motor vehicle, but shall not include trucks, truck tractors, recreational vehicles, motorcycles, motorized bicycles or vehicles used primarily for farm use which has been registered and licensed pursuant to the provisions of 47 Oklahoma Statutes section 1134. For purposes of this definition, "trucks" shall not include pickup trucks.
- B. Operators ~~And and~~ Front Seat Passengers; Exceptions¹³:
1. Every operator and front seat passenger of a ~~passenger car~~Class A commercial motor vehicle, Class B commercial motor vehicle, Class C commercial motor vehicle or a passenger vehicle operated in this state shall wear a properly adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to 49 CFR, section 571.208.
 2. This ~~subsection~~Subsection shall not apply to a person who has been exempted from wearing a seat belt from the ~~commissioner~~Commissioner of ~~public~~Public safetySafety. Proof of such exemption shall be in the form of a restriction appearing on the driver's license of such person.
 3. This subsection shall not apply to an operator of a motor vehicle while performing official duties as a route carrier of the U.S. postal service.
 4. ~~This subsection shall not apply to any passenger vehicle which was manufactured or assembled before the 1966 models, unless such vehicle is now equipped with a properly adjusted and fastened safety seat belt system.~~

56. Any person convicted of violating this ~~subsection~~ Subsection shall be punished by fine and court costs which shall not exceed twenty dollars (\$20.00).

C. Mandatory Use ~~Of~~ of Child Passenger System; Exceptions; Penalty¹⁴:

1. Every driver, when transporting a child under ~~six-eight~~ (68) years of age in a motor vehicle operated on the roadways, streets, or highways of this state, shall provide for the protection of said child by properly using a child passenger restraint system. ~~For purposes of this subsection, "child passenger restraint system" means an infant or child passenger restraint system that meets the federal standards as set by 49 CFR section 571.213.~~
- ~~2. Children at least six (6) years of age, but younger than thirteen (13) years of age shall be protected by use of a child passenger restraint system or a seat belt.~~
 - ~~a. A child under four (4) years of age shall be properly secured in a child passenger restraint system. The child passenger restraint system shall be rear-facing until the child reaches two (2) years of age or until the child reaches the weight or height limit of the rear-facing child passenger restraint system as allowed by the manufacturer of the child passenger restraint system, whichever occurs first; and.~~
 - ~~b. A child of at least four (4) years of age but younger than eight (8) years of age, if not taller than 4 feet 9 inches in height, shall be properly secured in either a child passenger restraint system or a child booster seat.~~
 - ~~c. For purposes of this subsection, "child passenger restraint system" means an infant or child passenger restraint system that meets the federal standards as set by 49 CFR section 571.213.~~
- ~~2. If a child is eight (8) years of age or is taller than 4 feet 9 inches in height, a seat belt properly secured to the vehicle shall be sufficient to meet the requirements of this Section.~~
3. The provisions of this subsection shall not apply to:
 - a. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws; and
 - b. The driver of an ambulance or emergency vehicle; and
 - c. The driver of a vehicle in which all of the seat belts are in use;

- d. The transportation of children who for medical reasons are unable to be placed in such devices; provided there is written documentation from a physician of such medical reason or
- e. The transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of the vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds. Provided, however, for the purposes of this subsection C3e, back seat shall include all seats located behind the front seat of a vehicle operated by a licensed childcare facility or church. Provided further, there shall be a rebuttable presumption that a child has met the weight requirements of this subsection C3e if at the request of any law enforcement officer, the licensed childcare facility or church provides the officer with a written statement verified by the parent or legal guardian that the child weighs more than forty (40) pounds.

~~4. A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provisions of this subsection and to give an oral warning to said driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger restraint system or seat belts in the motor vehicle.~~

54. A violation of the provisions of this subsection shall not be admissible as evidence in any civil action or proceeding for damages unless the plaintiff in such action or proceeding is a child under sixteen (16) years of age. In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this subsection shall not be used in aggravation or mitigation of damages.

65. Any person convicted of violating subsection C1 or C2 of this section shall be punished by a fine of fifty dollars (\$50.00) plus costs. Revenue from such fine shall be apportioned to the department of public safety revolving fund and used by the Oklahoma highway safety office to promote the use of child passenger restraint systems as provided by title 47 Oklahoma Statutes section 11-1113. This fine shall be suspended and the court costs limited to a maximum of fifteen dollars (\$15.00) in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system. (Ord. 2014-16, 5-6-2014)

Footnote 13: State law reference - 47 OS § 12-417.

Footnote 14: State law reference - 47 OS § 11-1112.

Section II: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section III: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section IV: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section V: Codification. This ordinance shall be codified as Title 6, Chapter 1, Section 6-1-7 of the Enid Municipal Code, 2014.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this _____ day of _____, _____.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Linda S. Parks, City Clerk,

Approved as to Form and Legality:

Andrea L. Chism, City Attorney

City Commission Study Session

10.

Meeting Date: 11/17/2015

Submitted By: Kristin Martin, Executive Assistant

SUBJECT:

DISCUSS INSURANCE VERIFICATION ORDINANCE.

BACKGROUND:

RECOMMENDATION

PRESENTER:

Attachments

Ordinance

ORDINANCE NO. 2015-_____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 6, ENTITLED "MOTOR VEHICLES AND TRAFFIC," CHAPTER 1, ENTITLED "GENERAL TRAFFIC PROVISIONS," SECTION 6-1-4, ENTITLED "SECURITY VERIFICATION FORM," TO AMEND THE DEFINITION, ADD EXEMPTIONS PROVIDED IN STATE LAW AND ADD LANGUAGE CLARIFYING THE LENGTH OF TIME A PERSON HAS TO SHOW PROOF OF INSURANCE AFTER BEING ISSUED A TICKET; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section I: That Title 6, Chapter 1, Section 6-1-7, of the Enid Municipal Code, 2014, is hereby amended to read as follows:

6-1-4: SECURITY VERIFICATION FORM³:

- A. Definition: As used in this section, the term "security verification form" shall mean a form, ~~approved by the state board for property and casualty rates~~approved by the Insurance Commissioner, verifying the existence of security required by the ~~compulsory Compulsory insurance~~Insurance law of the state.
- B. Production ~~Of of~~ Security Verification Form:
1. Any owner or operator of a motor vehicle, while operating or using such vehicle or allowing such vehicle to be operated or used, who shall fail to produce for inspection a valid and current security verification form or equivalent form, issued by the state ~~department~~Department of ~~public~~Public safetySafety in which the vehicle is registered, reflecting liability coverage, upon request of any police officer or upon the request of any person involved in any collision with said owner or operator, shall be guilty of an offense, and shall be subject to suspension of license and registration. If the state of registration does not require security verification, the owner or operator shall produce for inspection a valid and current security verification form or equivalent form, reflecting coverage that meets or exceeds the coverage required under Oklahoma law.
 2. ~~Any owner or operator producing proof in court that a current security verification form or equivalent form which has been issued by the state department of public safety in which the vehicle is registered, reflecting liability coverage for such owner or operator was in force at the time of the alleged offense shall be entitled to dismissal of such charge. Any person producing proof to the Court that liability~~

coverage for the driver was in force at the time of the alleged offense shall be entitled to dismissal of the charge. If proof of security verification is presented to the Court no later than the business day preceding the first scheduled court appearance, the dismissal shall be without payment of court costs.

3. Upon conviction, bond forfeiture or deferral of sentence, the court clerk shall forward an abstract to the state department of public safety within five (5) days reflecting the action taken by the court.

C. Exemptions: The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the state department of public safety during operation of the vehicle:

1. ~~Any vehicle which is not being used upon the public streets or highways provided an authorized affidavit is first filed with the motor license agent~~Any vehicle owned or leased by the federal or state government or any agency or political subdivision thereof.
2. ~~Any vehicle bearing the name, symbol or logo of a business, corporation or utility on the exterior and which is in compliance with the provisions of Oklahoma's Compulsory Insurance Law according to records of the Corporation Commission which reflect a deposit or fleet policy~~
3. ~~Fleet vehicles maintaining current vehicle liability insurance as required by the Corporation Commission or any other regulating entity.~~
24. Any person, firm, or corporation engaged in the business of operating a taxicab or taxicabs shall be exempt ~~if the person, firm or corporation has complied with the provisions of 47 Oklahoma Statutes Section 8-104 and~~ as long as the taxicab business is properly registered in the city and has provided proof of financial responsibility during the registration process.
5. ~~Any vehicle owned by a licensed used motor vehicle dealer.~~

D. Seizure ~~And~~ and Towing Of Vehicles:

1. Upon issuing a citation under this section, the law enforcement officer issuing the citation may seize the vehicle and cause it to be towed and stored if the officer has probable cause to believe that the vehicle is not insured as required.
2. If the operator produces what appears to be a valid security verification form and the officer is unable to confirm compliance through the online verification system or noncompliance by a subsequent investigation, the officer shall be prohibited from seizing the vehicle.

3. No vehicle shall be seized and towed under this provision if the vehicle is displaying a temporary license plate that has not expired.

E. Penalty: A violation of this section shall be punishable by a fine not to exceed two hundred fifty dollars (\$250.00) plus costs, or imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

Footnote 3: State law references - authority to require security verification form, 11 O.S. § 22-117.1; security verification, 47 O.S. § 7-601 et seq.

Section II: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section III: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section IV: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section V: Codification. This ordinance shall be codified as Title 6, Chapter 1, Section 6-1-4 of the Enid Municipal Code, 2014.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this _____ day of _____, _____.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Linda S. Parks, City Clerk,

Approved as to Form and Legality:

Andrea L. Chism, City Attorney

DRAFT