



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

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BOARD OF COMMISSIONERS

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**NOTICE OF 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, the Trustees of the Enid Economic Development Authority, a Public Trust, and the Enid Public Transportation Authority, a Public Trust will meet in regular session at 5:00 p.m. on the 7th day of September, 2017, 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 SEPTEMBER 7, 2017.**
3. **DISCUSS SOLID WASTE RATE CHANGES.**
4. **DISCUSS CAPITAL RECOVERY ORDINANCE.**
5. **DISCUSS ART IN PUBLIC PLACES ORDINANCE.**
6. **DISCUSS MANDATED COURT FEES ORDINANCE.**
7. **DISCUSS CHEROKEE STRIP CONFERENCE CENTER RATES ORDINANCE.**
8. **DISCUSS CODE ENFORCEMENT OFFENSES ORDINANCE.**
10. **ADJOURN.**

City Commission Study Session

5.

**Meeting Date:** 09/07/2017

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**SUBJECT:**

**DISCUSS ART IN PUBLIC PLACES ORDINANCE.**

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**Attachments**

Ordinance

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**Chapter 11**  
**ART IN PUBLIC PLACES**

**7-11-1: PURPOSE:**

**7-11-2: DEFINITIONS:**

**7-11-3: FUND ESTABLISHED:**

**7-11-3: DEDICATION FOR ART:**

**7-11-4: CREATION OF PUBLIC ARTS COMMISSION OF ENID**

**7-11-4: ART IN PUBLIC PLACES ACCOUNT:**

**7-11-5: DUTIES; MEMBERSHIP OF THE PUBLIC ARTS COMMISSION:**

**7-11-5: DISPLAY OF ART IN PUBLIC PLACES:**

**7-11-6: GUIDELINES:**

**7-11-6: ACQUISITION OF PUBLIC ART:**

**7-11-7: POLICIES AND PROCEDURES FOR PROCESSING ARTWORK PURCHASES:**

**7-11-7: OWNERSHIP:**

**7-11-8: SELECTION AND DISPLAY STANDARDS:**

**7-11-8: CREATION OF PUBLIC ARTS COMMISSION OF ENID**

**7-11-9: DISPLAY OF ART IN PUBLIC PLACES:**

**7-11-9: DUTIES OF PUBLIC ART COMMISSION:**

**7-11-10: DEDICATION FOR ART:**

**7-11-10: ART IN PUBLIC PLACES COLLECTION POLICY:**

**7-11-11: ADMINISTRATION, INSTALLATION, MAINTENANCE AND REPAIR:**

**7-11-11: GUIDELINES:**

**7-11-12: OWNERSHIP:**

**7-11-12: PROCEDURE FOR ART SELECTION:**

**7-11-13: WORKS OF ART ON CITY SIDEWALKS AND RIGHTS OF WAY:**

**7-11-14: CITY COMMISSION REVIEW:**

**7-11-1: PURPOSE:**

The purpose of this chapter is:

- A. To provide a means to fund the acquisition of works of art by the city, which art shall become the city's collection, to create an arts commission, to provide a means to select works of art for the collection, to provide for the display of the collection and to provide for the maintenance and repair of the works of art in the collection. To provide a means to fund the acquisition, display and maintenance of works of art by the city, and to integrate art when appropriate into major city construction projects.
  
- B. To provide a means for each major city construction project to have an appropriate display of art integrated into the project, to provide for dedication of art, and to provide for administration of funds and to provide for ownership of artwork. To create an arts commission to help promote art in public places throughout enid, to assist in the selection of works of art for the city's collection and to aid in the developing of programs to enhance and maintain the collection.

- C. ~~To provide a procedure by which works of art may be displayed on city sidewalks and rights of way.~~ To provide a permitting process to facilitate the display of art on city streets and rights of way.

## **7-11-2: DEFINITIONS:**

For purposes of this chapter the following words or phrases shall be defined as set out below:

~~ART IN PUBLIC PLACES: Any "work of art", as defined herein, displayed for two (2) weeks or more in an open city owned area, or the exterior of any city owned facility, inside any city owned facility and areas designated as public areas, or on noncity property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city.~~ Any "work of art", located on city property or in a city building or facility or in areas designated as public, or on other property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city.

~~CITY CONSTRUCTION PROJECT: All city buildings, gateways, parks, plazas, medians, roads, excluding road overlay projects, and other public areas except service facilities not normally visited by the public.~~

~~CONSTRUCTION COSTS: Any costs related to public work projects, such as the estimated construction costs of projects proposed for the capital improvement plan.~~

~~CONSTRUCTION OR ALTERATION: Construction, rehabilitation, renovation, remodeling or improvement as it relates to public works projects.~~

~~FUND: The art in public places fund established by this chapter.~~

~~MAJOR CITY CONSTRUCTION PROJECT: A city construction project or city alteration project where the city's construction cost is between two hundred fifty thousand dollars (\$250,000.00) and ten million dollars (\$10,000,000.00).~~

~~PARK: Any greenbelt area acquired by the city of Enid or any public park acquired by the city of Enid.~~ Any city owned greenbelt area or public park.

~~PUBLIC ARTS COMMISSION OF ENID: The arts commission created by section [7-11-4](#) of this chapter.~~

~~WORK OF ART: Includes, but is not limited to, a sculpture, fountain, monument, mural, fresco, relief, painting, carving, stained glass installation and permanently installed musical instruments. Work of art would normally not include landscaping, paving, architectural ornamentation or signs.~~

## **~~7-11-10: DEDICATION FOR ART:~~**

~~At the mayor and board of commissioners' discretion, up to one percent (1%) of the construction~~

~~cost of a major city construction project shall be set aside for the inclusion of public art. Of the one percent (1%), eighty percent (80%) of said sum may be used for acquisition of public art, ten percent (10%) may be placed in a revolving fund for maintenance, repair and installation and ten percent (10%) may be used for administration of projects established under this code. The art shall be displayed in, upon, adjacent to or in close proximity to the city facility that is the subject of the project. If it would be inappropriate to display art at that location, the one percent (1%) may be used for the acquisition of art for the display in, upon, adjacent to or in close proximity to other city projects. The cost of the public art shall include the administrative costs in implementing this chapter. (Ord. 2016-18, 9-8-2016)~~

**7-11-3: DEDICATION FOR ART:**

- A. At the time of budget allocation for a major city construction project the mayor and board of commissioners shall consider the dedication of up to one percent (1%) of the construction cost as a set aside for the inclusion of public art in the project.
- B. From the sum deducted for art eighty percent (80%) is to be used for acquisition of public art, ten percent (10%) is to be reserved for maintenance, repair and ten percent (10%) may be used for administration of the projects established under this code.
- C. The purpose of this dedication is to provide art for display in, upon, adjacent to or in close proximity to the city facility that is subject of the project. If it would be inappropriate to display art at that location, the one percent (1%) may be used for the acquisition of art for the display in, upon, adjacent to or in close proximity to other city projects.

**7-11-3: FUND ESTABLISHED:**

~~At the mayor and board of commissioners' discretion an art in public places fund may be set up. Said fund may be credited with donations from individuals, corporations, civic clubs, city of Enid funds, grants or other charitable contributions, investment earnings, voluntary contributions from utility customers through the utility billing department, and such other funds as determined by the mayor and board of commissioners. Said funds shall be administered by the public arts commission of Enid solely for purposes set out in this chapter. Monies credited to such account shall be expended only in connection with acquisition of works of art, maintenance and repair of works of art and direct and indirect expenses of administration of this chapter.~~

~~A. — Art In Public Places Fund:~~

- ~~1. — This Chapter Establishes The Fund: Monies received under this chapter, grants, donations and other sources to be utilized for projects can be pooled for larger projects or designated to a specific project.~~

~~2. Funds Shall Accumulate: All unexpended funds shall be carried over and rebudgeted in the next fiscal year.~~

~~B. Eligible Expenditures:~~

~~1. Projects: All public arts commission of Enid contracts shall require the artist to design, produce, deliver, and install a work of art for a guaranteed maximum cost. The cost may include the cost of the work itself and any associated costs which may be required or are inherently related to the implementation of the project. The following costs are eligible for fund monies included in the total contract:~~

~~a. The work of art itself, including, but not limited to: artist design fee, artist operating expenses related to the project, travel expenses related to the project, transportation of the work of art to the site, design, preparation and construction of the site, and installation of work of art, identification plaques and labels, mountings, anchorages, containments, pedestals, materials necessary for installation, location or security of artwork, photographs or slides of the completed work for the purpose of routine documentation of the project, permits or fees necessary for installation, landscaping, engineering, lighting, electrical work, audio, legal cost related to the project and such other costs as may be necessary and prudent.~~

~~2. Selection, Acquisition And Maintenance: Fund monies are to be used for the selection, acquisition, maintenance of commission, purchase, or produced works of art or art spaces. The following are eligible expenses:~~

~~a. Administrative fees directly associated with the selection and acquisition of artwork, selection panel, honoraria and travel expenses, payment of proposal stipends to artists invited to submit maquettes for a project, and substantial structural repair, ongoing maintenance, and insurance for works of art. (Ord. 2016 18, 9 8 2016)~~

**7-11-4: ART IN PUBLIC PLACES ACCOUNT:**

Consistent with this chapter, an art in public places account shall be established. Donations, grants or other charitable contributions may be deposited in the account along with such other funds as determined by the mayor and board of commissioners.

A. Monies credited to such account shall be expended only on acquisition of works of art, maintenance and repair of works of art and direct and indirect expenses of administration of this chapter.

B. Monies received under this chapter can be pooled for larger projects or designated to a specific project.

C. Funds Shall Accumulate: All unexpended monies in the account shall be carried over and budgeted in the next fiscal year.

D. All public arts contracts shall require the artist to design, produce, deliver, and install a work of art for a guaranteed maximum cost. The cost may include the cost of the work itself and any associated costs which may be required or are inherently related to the implementation of the project. The following costs are eligible for funding:

1. The work of art itself, including, but not limited to: artist design fee, artist operating expenses related to the project, travel expenses related to the project, transportation of the work of art to the site, design, preparation and construction of the site, and installation of work of art, identification plaques and labels, mountings, anchorages, containments, pedestals, materials necessary for installation, location or security of artwork, photographs or slides of the completed work for the purpose of routine documentation for the project, permits or fees necessary for installation, landscaping, engineering, lighting, electrical work, audio and such other costs as may be necessary and prudent.

2. Selection, Acquisition, And Maintenance: Monies may be used for the selection, acquisition, maintenance or repair of works of art or construction of art displays.

3. Administrative fees: Monies may be used to administer the projects established under this code.

E. Determination of use of funds for art selection and the initial funding of public art shall be at the discretion of the mayor and board of commissioners. However, the ongoing maintenance and administration of the projects shall be pursuant to the city's financial procedure manual and the applicable sections of this code.

F. It is anticipated that the public arts commission will receive requests to fund portions of public art projects from schools, civic clubs, businesses or individuals. On such occasions, funds from the art in public places account may be used to fund up to fifty percent (50%) of the art directly financed by such public art projects whether on public or privately owned land and placed on privately owned land. However, the city contribution shall not exceed thirty thousand dollars (\$30,000.00).

**~~7-11-11: ADMINISTRATION, INSTALLATION, MAINTENANCE AND REPAIR:~~**

~~A. The public arts commission of Enid shall develop methods of selection of artists, criteria for selection, final recommendation of site projects, maintenance and repair works of art, and periodic evaluation of the program.~~

~~B. Funds budgeted for public art pursuant to this chapter may be used for acquisitions, installation, maintenance, repair, landscaping, engineering, lighting, electrical work,~~

~~audio, permitting, administration of this program and other such costs as may be necessary and prudent. Funds may be outlined in the percentages set out in section [7-11-10](#) of this chapter, or at the mayor and board of commissioners' discretion. These funds and this program shall be reviewed by the public arts commission of Enid and art selection shall be reviewed by the public arts commission of Enid, pursuant to guidelines adopted by the public arts commission of Enid. Final determination of use of funds and art selection shall be the discretion of the mayor and board of commissioners.~~

- ~~C. The public arts commission of Enid shall have the option of contracting with an outside agency for the administration and maintenance of artwork. Should the public arts commission of Enid exercise this option, it shall seek prior approval from the mayor and board of commissioners. Any such contract shall be reviewed by the city attorney and approved by the mayor and board of commissioners. (Ord. 2016-18, 9-8-2016)~~

{Editor's note: ¶ ? above is moved to 7-11-12 Art Selection }

#### **~~7-11-9: DISPLAY OF ART IN PUBLIC PLACES:~~**

- ~~A. Works of art selected and implemented pursuant to the provisions of this chapter may be placed in, on or about any public place or, by agreement with the owner thereof, any private property with substantial public exposure in and around the city of Enid. Works of art owned by the city may also be loaned for exhibition elsewhere, upon such terms and conditions as deemed necessary by the mayor and board of commissioners. City officials responsible for the design and construction of public improvements in the city shall make appropriate space available for the placement of works of art, in consultation with the public arts commission of Enid. The public arts commission of Enid shall advise the city manager of the public arts commission of Enid's decision regarding the design, execution and placement of work(s) of art in connection with such project. For any proposed work of art requiring an extraordinary operation or maintenance expenses, the public arts commission of Enid shall obtain prior written approval of the city manager before approving the same.~~
- ~~B. All art in public places shall receive the prior review and approval of the public arts commission of Enid. None shall be removed, altered or changed without the prior review of the public arts commission of Enid and the approval of the mayor and board of commissioners.~~
- ~~C. It is anticipated that the public arts commission of Enid will receive requests to fund portions of public art projects from schools, civic clubs, businesses or individuals. On such occasions, funds from the art in public places fund may be used to fund up to fifty percent (50%) of art in public places directly financed by such group and individuals and placed on privately owned land. The criteria for participating in such ventures shall be the same as for art in public places funded wholly by the fund. Where the public arts commission of Enid has approved a private donation or private property purchase, the public arts commission of Enid may contribute up to one half ( $\frac{1}{2}$ ) of the cost of the piece of art not to exceed thirty thousand dollars (\$30,000.00) toward purchase of said artwork.~~



1. ~~No work of art financed or installed either wholly or in part from the arts in public places fund shall be installed on privately owned property without a written agreement between the public arts commission of Enid, acting on behalf of the city, and the property owner, specifying the proprietary interests in the work of art and specifying other provisions deemed necessary or desirable by the city attorney, including maintenance and ownership of the art being titled to the city of Enid. In addition, such written agreements shall specify that the private property owner shall assure:
  - a. ~~That the installation of the work of art will be done in a manner which will protect the work of art and the public;~~
  - b. ~~That the work of art will be maintained in good condition; and~~
  - c. ~~That insurance and indemnification will be provided as is appropriate.~~~~
- D. ~~Installation, maintenance, alteration, refinishing and moving of art in public places shall be done in consultation with the artist whenever feasible.~~
- E. ~~The city manager or his designee shall maintain a detailed record of all art in public places, including site drawings, photographs, designs, names of artists, and names of architects whenever feasible, and said records shall be housed by and maintained by the city of Enid. The chairman of the commission shall attempt to give appropriate recognition to the artists and publicity and promotion regarding art in public places. (Ord. 2016-18, 9-8-2016)~~

**7-11-5: DISPLAY OF ART IN PUBLIC PLACES:**

- A. Works of art may be placed in, on, or about any public place or, on private property with substantial public exposure within the city of enid where appropriate by agreement with the property owner and the city of enid.
- B. Works of art owned by the city may also be loaned for exhibition elsewhere, upon such terms and conditions as deemed necessary by the city of enid.
- C. City officials responsible for the design and construction of public improvements shall make appropriate space available for the placement of works of art, in consultation with the public arts commission of Enid.
- D. Proposed art in public places that will be part of the City's permanent collection shall be reviewed by the public arts commission and its recommendation shall be considered by the mayor and board of commission for approval.
- E. No public art that is part of the City's collection shall be removed without the prior review of the public arts commission and the approval of the city.

F. Installation, maintenance, alteration, and moving of art shall be done in consultation with the artist whenever feasible.

G. The City shall maintain a record of all art in public places, including site drawings, photographs, designs, artists and architects.

**7-11-6: ACQUISITION OF PUBLIC ARTS:**

Various methods of providing art in public places are possible under this chapter, for example:

A. Donation by private sources;

B. A partnership between the City and private businesses, other public entities or individuals;

C. Commission by the City of art for a specific location or to commemorate a particular event or person or to promote a particular purpose;

D. Artistic initiated proposals;

E. Selection of already existing art;

F. Displays of art temporarily on loan; or

G. Temporary displays of local art such as school or city art contests for students.

**7-11-12: OWNERSHIP:**

**7-11-7: OWNERSHIP:**

Except for projects administered and maintained by an outside agency all art acquired pursuant to this chapter shall be acquired in the name of the city of Enid and shall vest in the city of Enid.

**7-11-4: CREATION OF PUBLIC ARTS COMMISSION OF ENID:**

~~The public arts commission of Enid is hereby created to administer the provisions of this chapter relating to acquisition of works of art and display. The public arts commission of Enid shall submit to the mayor and board of commissioners, not later than March of each year, a report of its activities for the prior year. (Ord. 2016-18, 9-8-2016)~~

**7-11-8: CREATION OF PUBLIC ARTS COMMISSION OF ENID:**

The public arts commission of Enid is hereby created to promote public art and its display and make recommendations for the acquisition of works of art consistent with this chapter.

A. Members:

1. The public arts commission of Enid shall consist of a total of seven members: six members to be appointed by the mayor and board of commissioners and at least one member to be a member of the mayor and board of commissioners. Members must reside within or have substantial ties within the city limits of the city, such as working in Enid.
2. Three additional ex officio members may be appointed by the mayor and board of commissioners to serve without voting privileges. One of these ex officio members may be an Enid youth. Advisory members can be members of the art community or have special interest or knowledge about the arts.
3. The term for each public arts commission member shall be for three years or until their successors are appointed and qualified. Members may serve two full terms in succession.
4. In the event any member shall have a personal interest of any kind in a matter then before the public arts commission, said member shall disclose the interest to the public arts commission and abstain from voting.

B. Officers:

1. The officers of the public arts commission shall be elected by a majority vote of the members of the commission. The officers shall serve a one year term.
2. The commission shall have a president, vice-president and secretary. The president shall chair the meetings and in the president's absence the vice-president shall perform this function. The secretary shall take the minutes at the meeting and make sure the city clerk is given the approved minutes.

C. Meetings:

1. The public arts commission shall hold one meeting per quarter of the year and as required by the press of business.
2. All meetings of the public arts commission shall be conducted in accordance with the provisions of Oklahoma Open Meeting Act and other relevant state laws.

**~~7-11-5: DUTIES; MEMBERSHIP OF THE PUBLIC ARTS COMMISSION:~~**

A. Duties And Functions:

1. ~~The duties and functions of the public arts commission of Enid shall be to administer the provisions of this chapter, to develop guidelines and standards for the selection, display, and maintenance of art for the city's collection and to acquire, by purchase or donation, works of art for the city's collection.~~

~~2. The public arts commission of Enid shall hold one regular meeting per quarter, to be determined by the public arts commission of Enid annually. It will be a requirement of the public arts commission of Enid to give notice, in writing, to the city clerk no later than December 14 of each calendar year of the schedule showing the date, time and place of the regularly scheduled meetings for the following calendar year.~~

**B. Members:**

~~1. The public arts commission of Enid shall consist of a total of seven (7) members: six (6) members to be appointed by the mayor and board of commissioners and at least one member to be a member of the mayor and board of commissioners.~~

~~a. Three (3) additional advisory members may be appointed by the mayor and board of commissioners to serve as ex officio members without voting privilege, one advisory member may be an Enid youth. Advisory members can be members of the art community or have a special interest in the arts and serving on this commission.~~

~~2. The term for each public arts commission of Enid member shall be for three (3) years. Any person who has served two (2) full consecutive terms on the public arts commission of Enid shall not be eligible for consecutive reappointment to the public arts commission of Enid. A partial term shall not count toward the term limit.~~

~~3. Whenever a vacancy shall occur, either by death, resignation, removal, change of residency, impending expiration of term or for any other cause, the mayor and board of commissioners shall appoint a person to fill the remainder of the unexpired term.~~

~~4. The effective operation of a board depends upon regular attendance of the members at meetings. As a result, a member who misses more than half of all of the meetings held in any four (4) month period will forfeit membership on the public arts commission of Enid immediately.~~

~~5. Special meetings shall be held upon the call of the chairperson or vice chairperson or upon written request of three (3) members of the public arts commission of Enid. Notice shall be in compliance with Oklahoma open meetings act.~~

~~6. All meetings of the public arts commission of Enid shall be conducted in accordance with the provisions of Oklahoma open meetings act.~~

~~7. The quorum for the conduct of business at any meeting shall be the majority of all the members of the public arts commission of Enid. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date. The public arts commission of Enid shall consider all matters properly brought before it as set forth on the agenda.~~

- ~~8. In all matters coming before the public arts commission of Enid, the affirmative vote of a majority of those present and voting shall be the action of the public arts commission of Enid, provided that a quorum is present, except that the following actions shall require the affirmative vote of five (5) members of the public arts commission of Enid: expenditures of funds; acceptance of gifts and determination of the terms and conditions of acceptance thereof; place of display and removal of works of art; and amendment of the bylaws. Ex officio members shall not be entitled to vote.~~
- ~~9. In the event any member shall have a personal interest of any kind in a matter then before the public arts commission of Enid, they shall disclose their interest to the public arts commission of Enid. The city attorney shall advise on any conflicts of interest and the city attorney's opinion shall be final.~~
- ~~10. The agenda for regular meetings will be prepared by the chairperson of the public arts commission of Enid. The agenda must be sent to the city clerk for review and posting no later than forty eight (48) hours in advance of the meeting, after which time no changes to the agenda shall be authorized.~~
- ~~11. Generally, meetings can be conducted in any manner that assures an orderly and focused discussion, and facilitates the input of all members of the public arts commission of Enid. When necessary, in order to effectively conduct business, as determined by a majority of those present, "Robert's Rules Of Order" shall be in effect.~~
- ~~12. Members of the public arts commission of Enid must reside within or have substantial ties within the city limits of the city, whether as a resident or a business owner, or, where the mayor and board of commissioners determine that the duties and functions of the public arts commission of Enid impact, or are likely to impact, areas beyond the city limits, such person resides within or has substantial ties to the affected area.~~
- ~~13. The chairperson, with the concurrence of the public arts commission of Enid, may establish such committees as may be necessary for the conduct of the business of the public arts commission of Enid. The chairperson shall appoint the members of such committees.~~
- ~~14. All members of the public arts commission of Enid shall be entitled to attend meetings of committees of the public arts commission of Enid and all such committee meetings shall be held in compliance with the Oklahoma open meetings act.~~
- ~~15. The bylaws may be amended at any regular meeting of the public arts commission of Enid, provided that the proposed amendment has been introduced at a prior regular meeting of the public arts commission of Enid. Amendment of the bylaws shall require the affirmative vote of five (5) of the members of the public arts commission of Enid. (Ord. 2016-18, 9-8-2016)~~

**7-11-9: DUTIES OF THE PUBLIC ARTS COMMISSION:**

The duties and functions of the public arts commission shall be to:

- A. Develop guidelines and standards for the selection and display of public art;
- B. Help manage the maintenance and repair of the art in the city's collection;
- C. Help acquire by purchase, commission, donation, grant, or loan works of art for the city's collection or for temporary display in public places; and
- D. Assist in the administration of this chapter.

**~~7-11-8: SELECTION AND DISPLAY STANDARDS:~~**

**7-11-10: ART IN PUBLIC PLACES COLLECTION POLICY:**

In performing its duties ~~with respect to art in public places~~, the public arts commission ~~of Enid~~ shall give special attention to the following matters:

- A. Conceptual compatibility of the design with the immediate environment of the site;
- B. Appropriateness of the design to the function of the site;
- C. Compatibility of the design and location with a unified design character or historical character of the site;
- D. Creation of an internal sense of order and a desirable environment for the general community by the design and location of the work of art;
- E. Preservation and integration of natural features for the project;
- F. Appropriateness of the materials, textures, colors and design to the expression of the design concept; and
- G. Representation of a broad variety of tastes within the community and the provision of a balanced inventory of art in public places to ensure a variety of style, design and media throughout the community. (Ord. 2016-18, 9-8-2016)

**7-11-6: 7-11-11:GUIDELINES:**

The public arts commission shall adopt guidelines in accordance with the collection policy:

- A. To identify suitable art for City buildings and grounds;

- ~~B. To facilitate the preservation of art for display;~~
- ~~C. To develop methods for competitive selection of art; and~~
- ~~D. For the acquisition and display of art in public places.~~

- ~~1. To identify suitable art objects for city buildings;~~
- ~~2. To facilitate the preservation of art objects and artifacts that may be displayed in public places;~~
- ~~3. To prescribe a method or methods for competitive selection of art objects for display;~~
- ~~4. To prescribe procedures for the selection, acquisition and display of art in public places; and~~

~~**7-11-7: POLICIES AND PROCEDURES FOR PROCESSING ARTWORK PURCHASES:**~~

- ~~A. The application for artwork must be completed with the following information attached and given to the chairperson prior to being considered as an agenda item:
  - ~~1. Biography of artist;~~
  - ~~2. Photograph or sketch of artwork with the total cost of the artwork;~~
  - ~~3. Detailed description of location of artwork placement;~~
  - ~~4. A contract for commissioned artwork must accompany application;~~
  - ~~5. If the artwork is purchased with a partner, matching funds (at least  $\frac{1}{2}$  of total amount), of which eighty percent (80%) shall be used for acquisition of the art, ten percent (10%) set aside for maintenance of art, and ten percent (10%) shall be used for administration of projects;~~
  - ~~6. Two (2) invoices (1 for half upon order and another invoice for the remaining balance upon delivery);~~
  - ~~7. Proposed signage for the monument (if applicable);~~~~

~~These items are then to be placed on the agenda for the next regular meeting for discussion and action.~~

- ~~B. Once all documentation has been received the item will be placed on the agenda for review. The public arts commission of Enid will review the application; if the committee~~

recommends approval for the purchase of the artwork, then the item will be forwarded to the mayor and board of commissioners for final approval.

~~C. The public arts commission of Enid chairperson will give the staff liaison all documentation and the public arts commission of Enid recommendation to take to the mayor and board of commissioners for final review and approval. If the mayor and board of commissioners approves of the purchase of the artwork, then the following procedure is to be followed:~~

- ~~1. If the artwork is purchased with a partner, check from partner for one half ( $\frac{1}{2}$ ) purchase price shall be given to the city liaison at the meeting who will, in turn, give to the purchasing agent for deposit.~~
- ~~2. A purchase order will be made for the total price of the artwork, with the notation that one half ( $\frac{1}{2}$ ) of purchase price will be paid when the invoice is received. Balance of payment to be paid on delivery of artwork.~~
- ~~3. The artist is notified and a copy of the purchase order is sent with the request for an invoice for the total price, showing one half ( $\frac{1}{2}$ ) payment will be paid on receipt of invoice and the remaining upon delivery.~~
- ~~4. Upon receipt of the total price of the artwork, the city liaison, will request a check for one half ( $\frac{1}{2}$ ) of the total price. Net thirty (30) days by terms for payment in accordance with the city of Enid purchasing procedures. Check will be mailed from the accounting department once processed.~~
- ~~5. Artwork will be delivered to the location designated by the public arts commission of Enid. Upon delivery of artwork, park staff will notify the city liaison. Artwork will be inspected so final payment can be made. If accepted, the city liaison will request final payment and arrange for installation. The final check will be mailed from the accounting department after the artwork is installed and the invoice is processed.~~
- ~~6. Artwork is now added to the master list maintained by the city manager or his designee and placed on the parks and recreation department cleaning schedule. (Ord. 2016-18, 9-8-2016)~~

### **7-11-12: ART SELECTION:**

A. Proposals for artwork should include sufficient information to assist in evaluating the proposal and should usually include:

1. Biography of artist;



2. Photographs or sketch of artwork with the total cost of the artwork;
  3. Detailed description of location of artwork placement.
  4. Total cost of art work.
  5. Partnership information, if applicable, to include matching funds; if the artwork is purchased with a partner, matching funds (at least ½ of total amount), of which eighty percent (80%) shall be used for acquisition of the art, ten percent (10%) set aside for maintenance of art, and ten percent (10%) shall be used for administration of projects; and
  6. Signage for the art if applicable.
- B. For proposals for acquiring art in public places for the permanent city collection the public arts commission should forward recommendations on proposals to or present its own proposals to the mayor and board of commissioners for approval.
- C. For proposals for art that will not require expenditure of monies from the Art in Public Places Account, or for collaborations with other entities for displays of art temporarily, or for proposals that involve providing display space for art; or advice and assistance to third parties on art projects or art initiatives the public art commission shall coordinate their work with the public art commission's staff liaison and obtain approval when necessary from the City Manager.
- D. The public arts commission shall have the option of recommending a contract with an outside agency for the administration and maintenance of artwork. Such recommendations shall be forwarded to the mayor and board of commissioners for consideration and contract approval.

**7-11-13: WORKS OF ART ON CITY SIDEWALKS AND RIGHTS OF WAY:**

~~Works of art may be installed on city owned sidewalks only where permitted in advance and when the following criteria are met:~~

Works of art may be installed on city owned sidewalks or rights of way by obtaining in advance of placement a sidewalk or right of way art permit when the following criteria are met:

- A. Permit application must be made to the code administration department. Such application shall include, but not be limited to, the following information:
  1. Name, home and business address and telephone number of the applicant and the name and address of the business.

2. Proof of current liability insurance, issued by an insurance company licensed to do business in the state of Oklahoma, protecting the owner against all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Such insurance shall name the city of Enid as additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days' advance written notice to the city. The general liability insurance policy shall be in the minimum aggregate amount of five hundred thousand dollars (\$500,000.00) total limits. The policy renewal shall be received by the city annually.
  3. A sketch, to scale, of the proposed location, showing the layout and dimensions of the existing public area and adjacent private property, including all appurtenances.
  4. Photographs, drawings or manufacturers' brochures fully describing the appearance of the proposed work of art.
- B. The application will be presented to the public arts commission to receive its recommendations prior to consideration by the mayor and board of commissioners.
- C. No ~~permittee~~ work of art may block or restrict the passageway to less than six feet (6') in width, or block ingress or egress to or from any building. No work of art shall be placed in a manner as to block any driveway, crosswalk, parking space or bus stop.
- D. ~~No permittee may place~~ No objects shall be placed around the ~~perimeter of the area~~ work of art which would act as a physical or visual barrier to the sidewalk or rights of way.
- ~~D. No permittee may use, operate, or allow to be used or operated, any loudspeaker, public address system, radio, sound amplifier or other device in violation of the noise regulations contained in [title 5, chapter 8](#) of this code.~~
- E. The area in which the work of art is installed must comply with the Americans with disabilities act (ADA), the ADA accessibility guidelines for buildings and facilities (ADAAG) or regulations promulgated by the department of justice for ramps. (Ord. 2016-18, 9-8-2016)

**~~7-11-14: CITY COMMISSION REVIEW:~~**

~~The mayor and board of commissioners as needed shall review the provisions of this chapter to determine if the financial conditions of the city necessitate a revision or elimination of the public art requirement for major city construction projects. (Ord. 2016-18, 9-8-2016)~~

**Meeting Date:** 09/07/2017

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**SUBJECT:**

**DISCUSS MANDATED COURT FEES ORDINANCE.**

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**Attachments**

Ordinance

State Fees List

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ORDINANCE NO. 2017-\_\_\_\_

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 1, ENTITLED "ADMINISTRATION", CHAPTER 11, ENTITLED "MUNICIPAL COURT", AMENDING SECTION 1-11-8 ENTITLED "COSTS AND FEES" TO PROVIDE FOR THE IMPOSITION OF MANDATORY STATE COURT FEES 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 1, Chapter 11, Section 1-11-8 "Cost and Fees" of the Enid Municipal Code, 2014, is hereby amended as follows:

**1-11-8: COSTS AND FEES:**

- A. Court costs in the amount of thirty dollars (\$30.00) plus the fees and mileage of jurors and witnesses shall be charged and collected by the clerk of the municipal court in all cases other than those in which the defendant is acquitted or found not guilty or those which are dismissed upon motion of the defendant or the city attorney.
- B. The court clerk shall charge a fee of thirty five dollars (\$35.00) for the initial filing of any bond for the subsequent court appearance of a defendant, which shall be assessed as an additional court cost to the defendant. The court clerk shall remit funds to a fund of the city that shall be used to defray the costs of housing municipal prisoners.
- C. The court clerk shall charge a fee of five dollars (\$5.00), which shall be in addition to and not in substitute for any and all fines and penalties provided for by this section or code, upon conviction of any offense, including traffic offenses, but excluding parking violations. "Conviction", for purposes of this section, shall mean any final adjudication of guilt and includes any deferred or suspended sentence. The court clerk shall remit funds to a fund of the city that shall be used to defray the costs of the court's technology.
- D. The court clerk shall all assess all required court fees as required by state law in the manner prescribed by state law. These required state mandated fees shall be enumerated in the State of Oklahoma Mandated Municipal Court Fees List which shall be posted at city hall and be available free of charge at the city clerk's office.

~~D. The court clerk shall charge a fee of five dollars (\$5.00), which shall be in addition to and not in substitute for any and all fines and penalties provided for by this section or code upon any conviction of the crime of possession of marijuana or the crime of possession of paraphernalia. "Conviction", for purposes of this section, shall mean any final adjudication of guilt and includes any deferred or suspended sentence. The court clerk~~

~~shall remit the monies in the fund on a monthly basis directly to the bureau of narcotics drug education revolving fund.~~

~~E. The court clerk shall charge a fee of nine dollars (\$9.00), which shall be in addition to and not in substitute for any and all fines and penalties provided for by this section or code, upon conviction of any offense, including traffic offenses but excluding parking and standing violations, punishable by a fine of ten dollars (\$10.00) or more. "Conviction", for purposes of this section, shall mean any final adjudication of guilt and includes any deferred or suspended sentence. The court clerk shall remit on a monthly basis eight dollars ninety two cents (\$8.92) of every nine dollar (\$9.00) fee imposed to the council on law enforcement education and training.~~

~~F. The court clerk shall charge a fee of five dollars (\$5.00), which shall be in addition to and not in substitute for any and all fines and penalties provided for by this section or code, upon conviction of any offense, including traffic offenses but excluding parking and standing violations, punishable by a fine of ten dollars (\$10.00) or more. "Conviction", for purposes of this section, shall mean any final adjudication of guilt and includes any deferred or suspended sentence. The court clerk shall remit the monies on a monthly basis to the AFIS fund.~~

~~G. The court clerk shall charge a fee of five dollars (\$5.00), which shall be in addition to and not in substitute for any and all fines and penalties provided for by this section or code, upon conviction of any offense, including traffic offenses but excluding parking and standing violations, punishable by a fine of ten dollars (\$10.00) or more. "Conviction", for purposes of this section, shall mean any final adjudication of guilt and includes any deferred or suspended sentence. The court clerk shall remit the monies on a monthly basis to the forensic science improvement revolving fund.~~

~~H. The court clerk shall charge a fee of fifty dollars (\$50.00), which shall be in addition to and not in substitute for any and all fines and penalties provided for by this section or code, upon conviction of any alcohol related offense. "Conviction", for purposes of this section, shall mean any final adjudication of guilt and includes any deferred or suspended sentence. The court clerk shall remit the monies to a fund of the city that shall be used to defray costs for enforcement of laws relating to juvenile access to alcohol, other laws relating to alcohol and other intoxicating substances, and traffic related offenses involving alcohol or other intoxicating substances.~~

~~I. E.~~ When a deferred sentence is imposed, the court clerk shall charge an administrative fee of up to five hundred dollars (\$500.00), as directed by the court, in addition to any deferral fee otherwise authorized by law. (Ord. 2012-11, 6-5-2012)

(State Law References: 11 O.S. §27-126; 28 O.S. §153.3; 20 O.S. §§ 1313.2- 1313.4)

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 1, Chapter 11, Section 1-11-8 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 September, 2017.

CITY OF ENID, OKLAHOMA

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William E. Shewey, Mayor

(SEAL)

ATTEST:

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Alissa Lack, City Clerk

Approved as to Form and Legality:

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Carol Lahman, Interim City Attorney

**City of Enid List**  
**State of Oklahoma Mandated Court Fees**  
**(Effective November 1, 2017)**

These fees are to be collected from all persons convicted in municipal courts and for purposes of these fees, conviction includes person who receive a deferred or suspended sentence.

**CLEET Fee**

20 O.S. § 1313.2 (B) and (D)

A \$10.00 fee on all offenses other than parking or standing violations. The court clerk may retain 5.83% of this fee and is to remit the remainder monthly to: CLEET – 60.53% ; and to CLEET Training Center – 33.64% of the fee.

**Drug Related Fee**

20 O.S. §1313.2(F)

A \$5.00 fee on possession of marijuana and drug paraphernalia offenses. The court clerk is to remit the fee monthly to the Bureau of Narcotics Education Revolving Fund.

**DNA Fee**

20 O.S. §1313.2(H)

A \$150.00 fee imposed upon conviction of assault and battery, stalking, outraging public decency, resisting arrest, escape, eluding, pointing a firearm, threatening an act of violence, destruction of property, unless the convicted person's DNA is already in the OSBI's database. The court clerk to remit monthly to OSBI Revolving Fund.

**Fingerprint Fee**

20 O.S. §1313.3(A)

A \$10.00 fee on all offenses other than parking and standing violations. The court clerk may retain \$1.00 and remit monthly \$9.00 of fee to AFIS.



**City Commission Study Session**

**7.**

**Meeting Date:** 09/07/2017

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**SUBJECT:**

**DISCUSS CHEROKEE STRIP CONFERENCE CENTER RATES ORDINANCE.**

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**Attachments**

Ordinance 1

Ordinance 2

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ORDINANCE NO. 2017-\_\_\_\_

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 2, ENTITLED "FINANCE AND TAXATION", CHAPTER 6, ENTITLED "FEE SCHEDULE", ENTITLED "ARTICLE C. CITY SERVICES AND FACILITIES", REPEALING SECTION 2-6C-5 ENTITLED "CHEROKEE STRIP CONFERENCE CENTER" DUE TO THE DESTRUCTION OF THE BUILDING; AND REPEALING SECTION 2-6C-6 ENTITLED "CONVENTION HALL" DUE TO ITS REPURPOSING AND THE MANAGEMENT OF THE CENTRAL NATIONAL BANK CENTER BY GLOBAL SPECTRUM L.P.; AND AMENDING TITLE 6, ENTITLED "MOTOR VEHICLES AND TRAFFIC", CHAPTER 6, ENTITLED "PARKING REGULATIONS", REPEALING SECTION 6-6-15 ENTITLED "CHEROKEE STRIP CONFERENCE CENTER; PARKING PERMIT" DUE TO THE DISTRUCTION OF THE BUILDING; 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 2, Chapter 6, Article C, Section 2-6C-5 "Cherokee Strip Conference Center " and Section 2-6C-6 "Convention Hall" of the Enid Municipal Code, 2014, are hereby repealed in its entirety.

**~~2-6C-5: CHEROKEE STRIP CONFERENCE CENTER:~~**

A. ~~Minimum Room Rates:~~

<del>Meeting Room</del>	<del>Rate</del>	<del>Part Day Rate (Weekdays Only)</del>	<del>Rate</del>	<del>Nonprofit Part Day Rate (Weekdays Only)</del>
<del>Prairie Room</del>	<del>\$ 65 .00</del>	<del>\$30 .00</del>	<del>\$ 50 .00</del>	<del>\$24 .00</del>
<del>Buckskin Room</del>	<del>65 .00</del>	<del>30 .00</del>	<del>50 .00</del>	<del>24 .00</del>
<del>Chisholm Trail Room</del>	<del>65 .00</del>	<del>40 .00</del>	<del>50 .00</del>	<del>34 .00</del>

<del>Cimarron Room</del>	<del>65.00</del>	<del>35.00</del>	<del>50.00</del>	<del>28.00</del>
<del>Springs Room</del>	<del>65.00</del>	<del>35.00</del>	<del>50.00</del>	<del>28.00</del>
<del>Heritage Room</del>	<del>65.00</del>	<del>35.00</del>	<del>50.00</del>	<del>28.00</del>
<del>Rock Island Room</del>	<del>65.00</del>	<del>30.00</del>	<del>50.00</del>	<del>24.00</del>
<del>Indian Nations Room</del>	<del>65.00</del>	<del>30.00</del>	<del>50.00</del>	<del>24.00</del>
<del>Pioneer Exhibit Hall</del>	<del>475.00</del>	<del>Not available</del>	<del>355.00</del>	<del>Not available</del>
<del><math>\frac{2}{3}</math> of Pioneer Exhibit Hall</del>	<del>315.00</del>	<del>Not available</del>	<del>235.00</del>	<del>Not available</del>
<del>Harvest Room</del>	<del>175.00</del>	<del>Not available</del>	<del>130.00</del>	<del>Not available</del>
<del>Cattleman's Room</del>	<del>175.00</del>	<del>Not available</del>	<del>130.00</del>	<del>Not available</del>
<del>Buffalo Room</del>	<del>175.00</del>	<del>Not available</del>	<del>130.00</del>	<del>Not available</del>

**B. Minimum Catering Rates:**

**1. Catering Rates For Pioneer Exhibit Hall:**

<del>Entire hall</del>	<del>\$340.00 plus 10 percent of catering fee, or food provided by lessee \$480.00</del>
<del><math>\frac{2}{3}</math> of hall</del>	<del>\$225.00 plus 10 percent of catering fee, or food provided by lessee \$320.00</del>
<del><math>\frac{1}{3}</math> of hall</del>	<del>\$130.00 plus 10 percent of catering fee, or food provided by lessee \$190.00</del>

**2. Catering Rates For Pioneer Exhibit Hall (Nonprofit):**

<del>Entire hall</del>	<del>\$250.00 plus 10 percent of catering fee, or food provided by lessee \$410.00</del>
<del><math>\frac{2}{3}</math> of hall</del>	<del>\$170.00 plus 10 percent of catering fee, or food provided by lessee \$270.00</del>

<del>1/3 of hall</del>	<del>\$95.00 plus 10 percent of catering fee, or food provided by lessee \$145.00</del>
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3. Meeting Room Rates: All meeting room rates, with the exception of the rates listed for the Pioneer Exhibit Hall, will be charged at the listed room rate plus ten percent (10%) of the catering charge.

C. Room Rental Rates (Profit Based Events): Certain shows, entertainment, or sales events which are held in the exhibit hall for the purpose of making a profit may be subject to the following rates, plus percentage clause:

<del>Entire hall</del>	<del>\$475.00 plus 10 percent of receipts</del>
<del>2/3 of hall</del>	<del>\$315.00 plus 10 percent of receipts</del>
<del>1/3 of hall</del>	<del>\$175.00 plus 10 percent of receipts</del>

D. Nonprofit Organizations: Nonprofit organizations shall present tax exempt designation certificate to qualify for discount.

E. Miscellaneous:

1. Meeting room part day rate divides each day into three (3) equal parts—morning/afternoon/evening (8:00 A.M.—midnight are the regular hours of the conference center).
2. Certain equipment is available at additional charges as designated by the director.
3. Overtime costs for city custodial personnel shall be charged at a rate of fifteen dollars (\$15.00) per hour, per employee, with a minimum of two (2) hours per employee. In any event, the center shall close at two o'clock (2:00) A.M.
4. The conference center will be closed on New Year's Day, Easter Sunday, July 4, Thanksgiving Day, Christmas Eve and Christmas Day.
5. Lessees shall pay full day rate for meeting rooms on Saturday and Sunday.
6. Director may charge additional rates for use of facilities for move in, move out time; however, the lessee shall have at least four (4) hours move in and two (2) hours move out time at no charge, provided a custodian is normally and regularly scheduled for such time period.
7. City manager may use his discretion in altering rates or procedures when circumstances warrant. (1994 Code § 11.5-77)

**2-6C-6: CONVENTION HALL:**

A. Rates For Certain Events:

-	-	<b><u>Recommended Minimum Day Rate</u></b>
-	-	-
Regular events	-	\$495.00
Concerts, trade shows, meetings, theater productions	-	-
-	-	-
Nonprofit events	-	395.00
(With sales, admission or donation)	-	-
Church revivals, fundraising concerts, arts and crafts shows, pageants, symphony meetings	-	-
-	-	-
Nonprofit events	-	150.00
(No sales, admission or donation)	-	-
Boy Scouts, Camp Fire, baccalaureate, graduation, symphony training, Thanksgiving service	-	-
-	-	-
Athletic events	-	350.00
(With admission charge)	-	-
High school basketball games and wrestling, twirling contests, donkey basketball	-	-
-	-	-
Athletic events	-	75.00
(No admission charge)	-	-
High school JV games, scrimmages, practices, EJRT, YMCA basketball games	-	-

-	-	-
Sports camps/summer basketball	-	150.00
(No sales, admission charge or donation)	-	-
Basketball, wrestling, cheerleading, winter guard	-	-

~~B. Additional Costs: Fees assessed users shall constitute the total charge to the user of the facility; however, should special equipment, materials and/or additional personnel be necessary to provide for the occurrence of an event, the additional costs shall be paid by the user.~~

~~C. Overtime Costs, Custodial Personnel: Overtime costs for city custodial personnel shall be charged at a rate of fifteen dollars (\$15.00) per hour, with a minimum of two (2) hours per employee.~~

~~D. Catering: For events involving catering, an additional ten percent (10%) catering fee shall be paid by the lessee.~~

~~E. Profitmaking Events: Certain shows, entertainment or sales events which are held for the purpose of making a profit may be subject to the regular rental rate plus ten percent (10%) of receipts (tickets and/or novelty).~~

~~F. Rescheduling Or Canceling: Events involving no rental fee may be rescheduled or canceled within two (2) weeks of the event date to accommodate a paying user. Practices and rehearsal dates may be canceled on shorter notice.~~

~~G. Alteration Of Rates: City manager may use his discretion in altering rates or procedures when circumstances warrant. (1994 Code § 11.5-78)~~

~~Section II: That Title 6, Chapter 6, Section 6-6-15 " Cherokee Strip Conference Center; Parking Permit" of the Enid Municipal Code, 2014, is hereby repealed in its entirety.~~

**~~6-6-15: CHEROKEE STRIP CONFERENCE CENTER; PARKING PERMIT:~~**

~~When a function or activity at the Cherokee Strip Conference Center attracts more vehicles than can be accommodated by on site parking, the director of Cherokee Strip Conference Center may, upon request by any participant in the activity or function, issue a parking permit which shall be valid only~~

~~for the duration of the function or activity. There shall be no charge for the permit. The person receiving the permit shall affix the permit to the inside rearview mirror of his vehicle. Any vehicle which has a valid and appropriately displayed parking permit shall be exempt from the provisions of subsections 6-6-18B and 6-6-19F of this chapter. (1994 Code § 20-276~~

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. The repeal of these sections shall be codified as reserved sections in the applicable titles 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 September, 2017.

CITY OF ENID, OKLAHOMA

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William E. Shewey, Mayor

(SEAL)

ATTEST:

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Alissa Lack, City Clerk

Approved as to Form and Legality:

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Carol Lahman, Interim City Attorney



**ORDINANCE NO. 2017-\_\_\_\_**

**AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 2, ENTITLED "FINANCE AND TAXATION", CHAPTER 6, ENTITLED "FEE SCHEDULE", ENTITLED "ARTICLE C. CITY SERVICES AND FACILITIES", REPEALING SECTION 2-6C-5 ENTITLED "CHEROKEE STRIP CONFERENCE CENTER" DUE TO THE DESTRUCTION OF THE BUILDING; AND REPEALING SECTION 2-6C-6 ENTITLED "CONVENTION HALL" DUE TO ITS REPURPOSING AND THE MANAGEMENT OF THE CENTRAL NATIONAL BANK CENTER BY GLOBAL SPECTRUM L.P.; AND AMENDING TITLE 6, ENTITLED "MOTOR VEHICLES AND TRAFFIC", CHAPTER 6, ENTITLED "PARKING REGULATIONS", REPEALING SECTION 6-6-15 ENTITLED "CHEROKEE STRIP CONFERENCE CENTER; PARKING PERMIT" DUE TO THE DISTRUCTION OF THE BUILDING; 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 2, Chapter 6, Article C, Section 2-6C-5 "Cherokee Strip Conference Center " and Section 2-6C-6 "Convention Hall" of the Enid Municipal Code, 2014, are hereby repealed in its entirety.

Section II: That Title 6, Chapter 6, Section 6-6-15 " Cherokee Strip Conference Center; Parking Permit" of the Enid Municipal Code, 2014, is hereby repealed in its entirety.

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. The repeal of these sections shall be codified as reserved sections in the applicable titles 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 September, 2017.

CITY OF ENID, OKLAHOMA

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William E. Shewey, Mayor

(SEAL)

ATTEST:

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Alissa Lack, City Clerk

Approved as to Form and Legality:

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Carol Lahman, Interim City Attorney

City Commission Study Session

8.

**Meeting Date:** 09/07/2017

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**SUBJECT:**

**DISCUSS CODE ENFORCEMENT OFFENSES ORDINANCE.**

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**Attachments**

Ordinance

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ORDINANCE NO. 2017-\_\_\_\_

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 4, ENTITLED "HEALTH AND SANITATION", CHAPTER 3, ENTITLED "LITTER; HANDBILLS", AMENDING SECTION 4-3-2 ENTITLED "OWNER TO MAINTAIN PREMISES FREE OF LITTER" TO PROVIDE PENALTIES; AND CHAPTER 4, ENTITLED "NUISANCE" SECTION 4-4-2 ENTITLED "UNLAWFUL TO MAINTAIN NUISANCE" TO PROVIDE PENALTIES; AND CHAPTER 6, ENTITLED "INOPERABLE VEHICLES" SECTION 4-6-8 ENTITLED "FAILURE TO REMOVE" TO PROVIDE PENALTIES; AND TITLE 7, ENTITLED "PUBLIC WAYS & PROPERTY", CHAPTER 7, ENTITLED "TREES", AMENDING SECTION 7-7-2 ENTITLED "REMOVAL OF DEAD OR DISEASED TREES; TRIMMING TREES" TO PROVIDE PENALTIES; TITLE 8, ENTITLED "UTILITIES", CHAPTER 4, ENTITLED "SOLID WASTE" AMENDING SECTION 8-4-7 ENTITLED "STORING TRASH" TO PROVIDE PENALTIES; 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 4, Chapter 3, Section 4-3-2, of the Enid Municipal Code, 2014, is hereby amended as follows:

4-3-2: OWNER TO MAINTAIN PREMISES FREE OF LITTER:

- A. The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, this section shall not prohibit the storage of litter in authorized private receptacles for collection.
- B. The violations of this section shall be ~~a class D offense,~~ punishable by a fine of up to one hundred dollars (\$100.00), plus costs, unless the person charged has been previously convicted once under this section or any of the following sections: 4-4-2, 4-5-8, 4-6-8 of this title; 7-7-2, 8-4-7, and 9-9-2, and 11-14-8 of this code, in the last five (5) years, then a violation of this section shall be ~~a class C offense.~~ Punishable by a fine of up to two hundred dollars (\$200.00), plus costs. If the person charged has been previously convicted more than once under this section or any of the above referenced sections in the last five (5) years, then a violation of this section shall be ~~a class B offense~~ punishable by a fine of five hundred dollars(\$500.00), plus costs. (Ord. 2008-15, 7-15-2008)

Section II: That Title 4, Chapter 4, Section 4-4-2, of the Enid Municipal Code, 2014, is hereby amended as follows:

4-4-2: UNLAWFUL TO MAINTAIN NUISANCE:

- A. No person shall create or maintain a nuisance or permit it to be created or maintained upon property owned by him or under his control.
- B. The violations of this section shall be ~~a class D offense, punishable by a fine of up to one hundred dollars (\$100.00), plus costs,~~ unless the person charged has been previously convicted once under this section or any of the following sections: 4-3-2, 4-5-8, 4-6-8 of this title; 7-7-2, 8-4-7, and 9-9-2, and 11-14-8 of this code, in the last five (5) years, then a violation of this section shall be ~~a class C offense, punishable by a fine of up to two hundred dollars (\$200.00), plus costs.~~ If the person charged has been previously convicted more than once under this section or any of the above referenced sections in the last five (5) years, then a violation of this section shall be ~~a class B offense, punishable by a fine of five hundred dollars(\$500.00), plus costs.~~ (Ord. 2008-15, 7-15-2008)

Section III: That Title 4, Chapter 6, Section 4-6-8, of the Enid Municipal Code, 2014, is hereby amended as follows:

4-6-8: FAILURE TO REMOVE:

- A. No person shall fail to remove an inoperable motor vehicle after the notice provided herein.
- B. The violations of this section shall be ~~a class D offense, punishable by a fine of up to one hundred dollars (\$100.00), plus costs,~~ unless the person charged has been previously convicted once under this section or any of the following sections: 4-3-2, 4-4-2, 4-5-8, of this title; 7-7-2, 8-4-7, and 9-9-2, and 11-14-8 of this code, in the last five (5) years, then a violation of this section shall be ~~a class C offense, punishable by a fine of up to two hundred dollars (\$200.00), plus costs.~~ If the person charged has been previously convicted more than once under this section or any of the above referenced sections in the last five (5) years, then a violation of this section shall be ~~a class B offense, punishable by a fine of five hundred dollars(\$500.00), plus costs.~~ (Ord. 2008-15, 7-15-2008)

Section IV: That Title 7, Chapter 7, Section 7-7-2, of the Enid Municipal Code, 2014, is hereby amended as follows:

7-7-2: REMOVAL OF DEAD OR DISEASED TREES; TRIMMING TREES:

A. Trimming Or Removal:

1. Property owners shall trim trees so as not to obstruct the passage of pedestrians on sidewalks (no limbs below 8 feet), nor vehicles traveling on streets (no limbs below 14 feet) and alleys (no limbs below 12 feet).
  2. The city shall have the right to cause the removal of any dead or diseased trees or the trimming of live trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city.
- B. Notice; Abatement: The city code office will notify in writing the owners of trees specified in subsection A of this section. The trimming or removal shall be done by said owners at their own expense within thirty (30) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of the work to said owners.

C. The violations of this section shall be ~~a class D offense,~~ punishable by a fine of up to one hundred dollars (\$100.00), plus costs, unless the person charged has been previously convicted once under this section or any of the following sections of this code: 4-3-2, 4-4-2, 4-5-8, 4-6-8, - 2, 8-4-7, and 9-9-2, and 11-14-8 in the last five (5) years, then a violation of this section shall be ~~a class C offense-~~ punishable by a fine of up to two hundred dollars (\$200.00), plus costs. If the person charged has been previously convicted more than once under this section or any of the above referenced sections in the last five (5) years, then a violation of this section shall be a ~~class B offense-~~ punishable by a fine of five hundred dollars(\$500.00), plus costs. (Ord. 2008-15, 7-15-2008)

Section V: That Title 8, Chapter 4, Section 8-4-7, of the Enid Municipal Code, 2014, is hereby amended as follows:

8-4-7: STORING TRASH:

A. Placement Of Trash In Containers: No person shall place any trash in any street, alley, or other public place, on any private property, whether owned by said person or not, except in proper polycart containers for collection or under express approval granted by the city, nor shall any person throw or deposit any trash in any stream or other body of water.

B. Placement Of Polycart:

1. The container shall be placed at the curb no later than seven thirty o'clock (7:30) A.M. on the collection day.
2. The polycart shall be placed at the edge of the resident's property, next to the street, wheels above the curb, with the handle facing the resident's home.
3. There must be a minimum of ten feet (10') of clearance from other containers, parked vehicles, street and lampposts, trees, mailboxes, and other obstructions.
4. The resident must remove the container from the curb or street after it is emptied.

C. Unauthorized Accumulations; Nuisance: Any unauthorized accumulation of trash on any premises is hereby declared to be a nuisance and is hereby prohibited.

D. Depositing On Public Ways, Occupied Premises: No person shall cast, place, sweep or deposit anywhere within the city any trash in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises.

E. Violation: The violations of this section shall be ~~a class D offense,~~ punishable by a fine of up to one hundred dollars (\$100.00), plus costs, unless the person charged has been previously convicted once under this section or any of the following sections of this code: 4-3-2, 4-5-8, 4-6-8, 7-7-2, and 9-9-2, and 11-14-8 in the last five (5) years, then a violation of this section shall be ~~a class C offense-~~ punishable by a fine of up to two hundred dollars (\$200.00), plus costs. If the person charged has been previously convicted more than once under this section or any of the above referenced sections in the last five (5) years, then a violation of this section shall be a ~~class B offense-~~ punishable by a fine of five hundred dollars(\$500.00), plus costs. (Ord. 2009-28, 12-1-2009)

Section VI: 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 VII 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 VIII: Codification. This ordinance shall be codified as Title 4, Chapter 3, Section 4-3-2; Chapter 4, Section 4-4-2; Chapter 6, Section 4-6-8; Title 7, Chapter 7, Section 7-7-2; and Title 8, Chapter 4, section 8-4-7 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 September, 2017.

CITY OF ENID, OKLAHOMA

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William E. Shewey, Mayor

(SEAL)

ATTEST:

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Alissa Lack, City Clerk

Approved as to Form and Legality:

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Carol Lahman, Interim City Attorney