



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 19th 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 19, 2017.**
3. **PRESENT STATUS UPDATE ON THE NEW WOODRING AIRPORT TERMINAL BUILDING.**
4. **DISCUSS SUBSEQUENT OFFENSE ORDINANCE.**
5. **ADJOURN.**

**City Commission Study Session**

**4.**

**Meeting Date:** 09/19/2017

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**SUBJECT:**

**DISCUSS SUBSEQUENT OFFENSE ORDINANCE.**

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**Attachments**

Subsequent Offense Ordinance

Example of Code Section

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

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 1, ENTITLED "ADMINISTRATION", CHAPTER 4, ENTITLED "GENERAL PENALTY", AMENDING SECTION 1-4-1 ENTITLED "PENALTIES FOR VIOLATIONS" TO REQUIRE A CONVICTION OF THE PREVIOUS OFFENSE PRIOR TO THE IMPOSITION OF THE ENHANCED PUNISHMENT; PROVIDING FOR SAVINGS, SEVERABILITY, CODIFICATION AND DECLARING AN EMERGENCY.

**EMERGENCY ORDINANCE**

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

Section I: That Title 1, Chapter 4, Section 1-4-1 "Penalties for Violations" of the Enid Municipal Code, 2014, is hereby amended as follows:

**1-4-1: PENALTIES FOR VIOLATIONS:**

- A. Penalties Imposed: Whenever in this code or in any other ordinance of the city, or in any rule, regulation or order promulgated by any officer or agency of the city under authority duly vested in him, or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of an act is required, or the failure to do any act is declared to be unlawful, or an offense or a misdemeanor, the violation of any such provisions of this code or any other ordinance of the city or such rule, regulation or order shall be punished as indicated in the applicable code section.
- B. Absence of Penalty: In the absence of any penalty being specified in an applicable code section, an offense shall be punishable by a fine of two hundred dollars (\$200.00), plus costs.
- C. Limitation; Compliance with State Statute: The provisions of subsections A and B of this section notwithstanding, no penalty shall be greater than that established by Oklahoma statute for the same offense.
- D. Separate Offense for Each Day: Except as otherwise provided, every day any violation of this code or any other ordinance of the city or any rule, regulation or order shall continue, shall constitute a separate offense. (Ord. 2015-02, 1-6-2015)
- E. Subsequent Offense: Whenever in this code, an offense provides an enhanced punishment for a second or subsequent offense, this language shall be interpreted to require a conviction of the previous offense prior to the imposition of the enhanced punishment. A conviction for this section of the code does not include those offenses for which a person person received a deferred sentence and the charge was later dismissed by the Court.

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

Section V: Emergency: Whereas an immediate necessity exists and in order to preserve the health, safety, and welfare of the residents of the City by conforming city offenses to Oklahoma criminal procedure, therefore an emergency is declared whereby these Section shall be in full force and effect from and after its passage, approval, and publication.

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

## CHAPTER 6

## MINORS

## ARTICLE B. CURFEW

## SECTION:

- 5-6B-1: Definition  
5-6B-2: Curfew Hours  
5-6B-3: Exceptions  
5-6B-4: Violations; Parental Responsibility

5-6B-1: **DEFINITION:** For the purpose of this article, a "minor" shall mean any person under the age of eighteen (18) years, but shall not include any person who is legally emancipated or certified as an adult. (1994 Code § 18-171)

5-6B-2: **CURFEW HOURS:** No minor shall loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, to include, but not be limited to: driving, riding or parking any motorized or nonmotorized vehicle in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M. of the following day, of every night and morning in the week, except Friday and Saturday nights and the following morning, and between the hours of twelve o'clock (12:00) midnight Friday and Saturday nights and six o'clock (6:00) A.M. of the following morning. (1994 Code § 18-171)

5-6B-3: **EXCEPTIONS:** The following shall constitute valid exceptions to the operation of section 5-6B-2 of this article:

- A. **Accompanied By Parent Or Guardian:** At any time, if the minor is accompanied by his or her parent, legal guardian or adult person having care and custody of the minor, or other person who has reached the age of twenty one (21) years and who is specifically approved by the minor's parent, legal guardian, or adult person having care and custody of the minor, which person shall be responsible for the acts of the minor.
- B. **Errand:** Until the hour of twelve o'clock (12:00) midnight on any day of the week, if the minor is on an errand as directed by his or her parent, legal guardian or adult person having care and custody of the minor.
- C. **Legally Employed:** If the minor is legally employed, for the period from one-half ( $\frac{1}{2}$ ) hour before to one-half ( $\frac{1}{2}$ ) hour after work, while going directly between his or her home and place of employment. This exception shall also apply if the minor is in a public place during curfew hours in the course of his or her employment. To come under this exception, the minor must be carrying a written statement from the employer attesting to the place and hours of employment.
- D. **School, Other Activities:** If the minor is coming directly home from a school activity or an activity of a religious or other voluntary association, or an organized team sporting event with an adult coach present. This exception will apply for one-half ( $\frac{1}{2}$ ) hour after the completion of such event. If the event does not have a fixed, publicly known time at which it will end, the sponsoring organization must register the event with the police department at least twenty four (24) hours in advance, informing it of the time such event is scheduled to begin, the place at which it shall be held, the time at which it shall end, and the name of the sponsoring organization.
- E. **First Amendment Purposes:** If the minor is exercising first amendment rights protected by the constitution, such as the free exercise of religion, speech or assembly, provided the minor first has given notice to the chief of police by delivering a written communication signed by the minor and countersigned by a parent of the minor which specifies when, where, in what manner, and for what first amendment purpose the minor will be on the streets at night during the curfew period. (1994 Code § 18-171)

**5-6B-4: VIOLATIONS; PARENTAL RESPONSIBILITY:****A. Arrest; Juvenile Court:**

**1. Taking Minor Into Custody:** A police officer who has probable cause to believe that a minor is in violation of this article shall arrest the minor and take such minor to the police station. At that time, the minor's parent, legal guardian or adult person having the care and custody of the minor shall be immediately contacted. When the parent, legal guardian or adult person having care and custody of such minor arrives at the police station, or when such minor is taken to the residence of such parent, legal guardian or adult person having the care and custody of the minor, such parent, legal guardian or adult person having the care and custody of the minor shall be given a copy of this section and the notice, as provided in subsection B of this section.

**2. Appear In Juvenile Court:** The minor and parent, legal guardian, or adult person having the care and custody of the minor shall be required to sign a document ("promise to appear") evidencing their promise that the minor and parent, legal guardian or adult person having the care and custody of the minor will appear before the municipal juvenile court at the date and time that the minor has been scheduled to appear before the municipal juvenile court. The minor and parent, legal guardian, or adult person having the care and custody of the minor shall be given a copy of the promise to appear.

**3. Refer To Youth And Family Services:** If no such parent, legal guardian or adult person having the care and custody of the minor takes custody of the minor, the minor may be referred to youth and family services pursuant to state law, released to a responsible adult or relatives, or such other action as the police officials deem necessary.

**B. Charging Minor With Violation; Notice To Parent:** In the case of a violation of this article by a minor, the minor shall be charged with violation of curfew. In addition, the police shall send the minor's parent, legal guardian or adult person having the care and custody of the minor, written notice of the violation, by certified mail, return receipt requested, or by serving such notice personally on such person, warning them that further violations may result in the filing of a charge against such parent, legal guardian or adult person having the care and custody of the minor for a violation of subsection C of this section.



- C. **Parental Responsibility:** No parent, legal guardian or other adult person having the care and custody of a minor shall permit such minor to violate the provisions of section 5-6B-2 of this article. In any prosecution for violation of the provisions of this article, conviction of the minor for violation of section 5-6B-2 of this article, together with proof that the parent, legal guardian or adult person having the care and custody of such minor was given written notice of a previous violation of section 5-6B-2 of this article, shall constitute in evidence a prima facie presumption that the parent, legal guardian or adult person having the care and custody of such minor permitted such minor to violate section 5-6B-2 of this article.
- D. **Penalty:** The violation of this article shall be punishable by a fine of up to two hundred dollars (\$200.00) plus costs for a first offense, a fine of up to four hundred dollars (\$400.00) plus costs for a second offense and a fine of up to seven hundred fifty dollars (\$750.00) plus costs for a third and subsequent offense. (Ord. 2014-11, 5-6-2014)