



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

BOARD OF COMMISSIONERS

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 November, 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 NOVEMBER 7, 2017.**
3. **DISCUSS KAW LAKE PHASE II PROGRAM UPDATE.**
4. **DISCUSS AVIATION AND AEROSPACE ECONOMIC IMPACT STUDY.**
5. **DISCUSS SOCCER FIELDS WEST OF GARLAND.**
6. **PRESENT UPDATE ON THE "UNDER HER WING WAS THE UNIVERSE" DOWNTOWN ART PROJECT.**
7. **DISCUSS ORDINANCE AMENDING OFFENSES AGAINST DECENCY AND PUBLIC PEACE AND ORDER.**
8. **ADJOURN.**

Meeting Date: 11/07/2017

SUBJECT:

DISCUSS ORDINANCE AMENDING OFFENSES AGAINST DECENCY AND PUBLIC PEACE AND ORDER.

Attachments

Ordinance

ORDINANCE NO. 2017-_____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 5 , “PUBLIC SAFETY”, CHAPTER 5, “GENERAL OFFENSES”, AMENDING ARTICLE D, “OFFENSES AGAINST DECENCY AND MORALITY” SECTION 5-5D-1 TO BE “LEWD EXPOSURE, PROSTITUTION, MATERIALS HARMFUL TO MINORS”, AMENDING 5-5D-1(A) TO PROVIDE OFFENSE OF LEWD EXPOSURE TO REPLACE OFFENSE OF PUBLIC URINATION; AND AMENDING ARTICLE E, ENTITLED “OFFENSES AGAINST PEACE AND ORDER”, AMENDING SECTION 5-5E-3, “OBSTRUCTING STREETS AND SIDEWALKS”; SECTION 5-5E-4, “JOSTLING PEOPLE IN PUBLIC”; SECTION 5-5E-5 “PUBLIC PROFANITY AND OBSCENE GESTURES”, SECTION 5-5E-6, ENTITLED “FIGHTS OR QUARRELS” TO LOWER FINES AND REMOVE JAIL TIME FROM PUNISHMENT; TO CREATE SECTION 5-5E-7 ENTITLED “PUBLIC URINATION” 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 D, Section of the Enid Municipal Code, 2014, is hereby amended to read as follows:

5-5D-1: ~~PROSTITUTION; PUBLIC URINATION~~ LEWD EXPOSURE; MATERIALS HARMFUL TO MINORS:

A. ~~Public Urination~~; Outrage Against Public Decency:

1. No person shall ~~urinate or defecate in a public place, other than a public restroom.~~ lewdly expose his or her person or genitals in any public place or in any public place or in any place where there are present other persons to be offended or annoyed thereby;
2. No person shall willfully or wrongfully commit any act which grossly disturbs the peace or health or which openly outrages decency or which is injurious to public morals.
3. The violation of this subsection shall be punishable by a fine not to exceed five hundred dollars (\$500.00) plus costs.

Section II: That Title 5 Chapter 5 of the Enid Municipal Code 2014, Article E Sections 5-5E-3 through and 5-5E-6 are hereby amended and Section 5-5E-7 is hereby created as follows:

5-5E-3: OBSTRUCTING STREETS AND SIDEWALKS:

- A. Obstructing Free Passage: Any person who collects or assembles and stands or sits in crowds or loiters about or hinders, obstructs, impedes or blocks the free and uninterrupted passage on any sidewalk, street, alley or driveway or in front of any place of business, or in any hall, stairway, office, building or any other public place and who fails to disperse upon the command of a police officer or other lawful authority shall be guilty of an offense.
- B. Written Waiver: It shall be an affirmative defense to any prosecution under this section if any person or group has received a written waiver from the chief of police that allows the person or group to collect, assemble, stand, sit or protest based on the exercising of first amendment rights protected by the constitution, such as the free exercise of religion, speech or assembly.
- C. Violation: The violation of this section shall be punishable by a fine of not more than ~~five~~ three hundred dollars (\$300.00) plus costs. (Ord. 2013-48, 11-19-2013)

5-5E-4: JOSTLING PEOPLE IN PUBLIC:

Any person who shall be found jostling or roughly crowding people unnecessarily in a public place by being offensive to public order shall be guilty of an offense. A violation of this section shall be punishable by a fine of not more than ~~five~~ one hundred dollars (\$100.00) plus costs. (Ord. 2013-48, 11-19-2013)

5-5E-5: PUBLIC PROFANITY AND OBSCENE GESTURES:

Any person who utters any indecent, lewd or filthy words, or uses any threatening language toward any other person, or makes any obscene gesture to or about any other person in any public place which is likely to provoke the average person to retaliation and thereby cause a breach of the peace shall be guilty of an offense. A violation of this section shall be punishable by a fine of not more than one hundred dollars (\$100.00) plus costs, ~~or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment.~~ (Ord. 2013-48, 11-19-2013)

5-5E-6: FIGHTS OR QUARRELS:

No person shall wrangle, quarrel, fight or challenge another to fight within the city, where such actions disturb the peace and quiet of any neighborhood, family or person. A violation of this section shall be punishable by a fine of not more than one hundred dollars (\$100.00) plus costs, ~~or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment.~~ (Ord. 2013-48, 11-19-2013)

5-5E-7 PUBLIC URINATION:

- A. Prohibition: No persons shall urinate or defecate in any public place other than a public restroom.

B. Violation: The violations of this section shall be punishable by a fine of not to exceed than two hundred dollars, plus costs.

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 D, Section 5-5D-1(A) and Title 5, Chapter 5, Article E, Sections 5-5E-3 through 5-5E-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 November, 2017.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, Interim City Attorney