



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 19th day of December, 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. **CAROLERS PERFORMANCE.**
3. **AT THE COMMISSIONERS' REQUEST, DISCUSS ANY ITEM OF CONCERN ON THE REGULAR SESSION AGENDA OF DECEMBER 19, 2017.**
4. **REVIEW ADA ACCESSIBILITY IMPROVEMENTS.**
5. **ENID WOODRING REGIONAL AIRPORT TERMINAL DESIGN UPDATE.**
6. **PRESENT "COACH A KID" PROGRAM.**
7. **REVIEW ORDINANCE REDUCING FINES AND REMOVING JAIL TIME FOR THEFT RELATED OFFENSES.**
8. **REVIEW CURFEW AND TRUANCY ORDINANCE THAT ADJUSTS FEES.**
9. **DISCUSS CHANGES TO THE CITY'S OIL AND GAS CODE.**
10. **REVIEW ORDINANCE CONCERNING DISCHARGE OF A WEAPON.**

11. ADJOURN.

Meeting Date: 12/19/2017

SUBJECT:

REVIEW ORDINANCE REDUCING FINES AND REMOVING JAIL TIME FOR THEFT RELATED OFFENSES.

Attachments

Theft Ordinance

Theft Ordinance

ORDINANCE NO. 2017-____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 5, "PUBLIC SAFETY", CHAPTER 5, "GENERAL OFFENSES", ARTICLE C BY AMENDING 5-5C-4 "OFFENSES CONCERNING PUBLIC UTILITIES"; 5-5C-5 "LARCENY"; 5-5C-6 "FRAUDULENT SCHEMES; BAD CHECKS" AND 5-5C-7 "PUMP PIRACY OR LARCENY OF GASOLINE"; TO LOWER FINES AND REMOVE JAIL TIME 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 1: That Title 5, Chapter 5, Sections 5-5C-4, 5-5C-5, 5-5C-6, 5-5C-7 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

5-5C-4: OFFENSES CONCERNING PUBLIC UTILITIES:

A. Destruction Of Public Utility Property or Obtaining Service from Public Utility Without Authority:

1. No unauthorized person shall open or close any valve or meter or tamper with or destroy, lay or change any conduits, pipes, pipelines, electric lines or any other equipment or installation of any type whatsoever belonging to or forming a part of a waterworks system, a natural gas distribution system, electrical system or any other type of public utilities.
2. No person shall obtain any water, gas, electricity or other type of service from any public utility, except by express authorization and in the manner directed by such public utility.
- ~~2.3.~~ The violation of this subsection shall be punishable by a fine of up to five hundred dollars (\$500.00) plus costs.

~~B. Obtaining Service From Public Utility Without Authorization:~~

- ~~1. No person shall obtain any water, gas, electricity or other type of service from any public utility, except by express authorization and in the manner directed by such public utility.~~
- ~~2. The violation of this subsection shall be punishable by a fine of up to seven hundred fifty dollars (\$750.00) plus costs. (Ord. 2013-46, 11-19-2013)~~

5-5C-5: LARCENY:

- A. Prohibition: No person shall commit the offense of petit larceny.
- B. Definition: Under this section, "petit larceny" shall be defined as the larceny of merchandise, the value of which is less than five hundred dollars (\$500.00) from a retail or wholesale establishment.
- C. Violation: The violation of this section shall be punishable by a fine of up to five hundred dollars (\$500.00) plus costs, ~~unless the person charged has been convicted previously of petit larceny or grand larceny, then the violation is punishable by imprisonment up to sixty (60) days or a fine of seven hundred fifty dollars (\$750.00) plus costs, or both.~~ (Ord. 2013-46, 11-19-2013)

5-5C-6: FRAUDULENT SCHEMES; BAD CHECKS:

- A. Definitions: As used in this section, the following terms shall have the meanings ascribed to them in this subsection:

CREDIT: Shall be construed to mean an arrangement or understanding with the bank or depository for the payment of such check, draft or order.

FALSE OR BOGUS CHECK OR CHECKS: Includes checks or orders given for money or property, or in any cases where the maker receives a benefit or thing of value, which are not honored on account of insufficient funds of the maker to pay same, as against the maker or drawer thereof; the making, drawing, uttering or delivering of a check, or draft order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in, or credit with, such bank or other depository; provided, such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with the protest fees, within five (5) days from the date the same is presented for payment; and provided, further, that said check or order is presented for payment within thirty (30) days after same is delivered and accepted.

- B. Prohibition: Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person any money, property or valuable thing, of the value of five hundred dollars (\$500.00) or less, by means or by use of any trick or deception, or false or fraudulent representation or statement or pretense, or by any other means or instruments or devices commonly called the "confidence game", or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin, shall be guilty of an offense.
- C. Violation: The violation of this section shall be punishable by ~~imprisonment up to sixty (60) days or a fine of up to seven hundred fifty dollars (\$750.00)~~ five hundred dollars (\$500.00) plus costs, or both. (Ord. 2013-46, 11-19-2013)

5-5C-7: PUMP PIRACY OR LARCENY OF GASOLINE:

- A. Prohibition: No person shall pump gasoline into the gasoline tank of a vehicle and leave the premises where the gasoline was pumped without making payment for the gasoline.
- B. Violation: The violation of this section shall be punishable by ~~imprisonment up to sixty (60) days or by~~ a fine of up to five hundred dollars (\$500.00) plus costs, ~~or both~~. (Ord. 2013-46, 11-19-2013)

Section 2: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section 3: 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 4: 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 5: Codification. This ordinance shall be codified as Title 5, Chapter 5, Article C, Sections 5-5C-4, 5-5C-5, 5-5C-6; 5-5C-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 December, 2017.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney

ORDINANCE NO. 2017-____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 5, "PUBLIC SAFETY", CHAPTER 5, "GENERAL OFFENSES", ARTICLE C BY AMENDING 5-5C-4 "OFFENSES CONCERNING PUBLIC UTILITIES"; 5-5C-5 "LARCENY"; 5-5C-6 "FRAUDULENT SCHEMES; BAD CHECKS" AND 5-5C-7 "PUMP PIRACY OR LARCENY OF GASOLINE"; TO LOWER FINES AND REMOVE JAIL TIME PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

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2. No person shall obtain any water, gas, electricity or other type of service from any public utility, except by express authorization and in the manner directed by such public utility.
- ~~2.3.~~ The violation of this subsection shall be punishable by a fine of up to five hundred dollars (\$500.00) plus costs.

~~B. Obtaining Service From Public Utility Without Authorization:~~

- ~~1. No person shall obtain any water, gas, electricity or other type of service from any public utility, except by express authorization and in the manner directed by such public utility.~~
- ~~2. The violation of this subsection shall be punishable by a fine of up to seven hundred fifty dollars (\$750.00) plus costs. (Ord. 2013-46, 11-19-2013)~~

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- B. Definition: Under this section, "petit larceny" shall be defined as the larceny of merchandise, the value of which is less than five hundred dollars (\$500.00) from a retail or wholesale establishment.
- C. Violation: The violation of this section shall be punishable by a fine of up to five hundred dollars (\$500.00) plus costs, ~~unless the person charged has been convicted previously of petit larceny or grand larceny, then the violation is punishable by imprisonment up to sixty (60) days or a fine of seven hundred fifty dollars (\$750.00) plus costs, or both.~~ (Ord. 2013-46, 11-19-2013)

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- B. Prohibition: Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person any money, property or valuable thing, of the value of five hundred dollars (\$500.00) or less, by means or by use of any trick or deception, or false or fraudulent representation or statement or pretense, or by any other means or instruments or devices commonly called the "confidence game", or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin, shall be guilty of an offense.
- C. Violation: The violation of this section shall be punishable by ~~imprisonment up to sixty (60) days or a fine of up to seven hundred fifty dollars (\$750.00)~~ five hundred dollars (\$500.00) plus costs, or both. (Ord. 2013-46, 11-19-2013)

5-5C-7: PUMP PIRACY OR LARCENY OF GASOLINE:

- A. Prohibition: No person shall pump gasoline into the gasoline tank of a vehicle and leave the premises where the gasoline was pumped without making payment for the gasoline.
- B. Violation: The violation of this section shall be punishable by ~~imprisonment up to sixty (60) days or by~~ a fine of up to five hundred dollars (\$500.00) plus costs, ~~or both~~. (Ord. 2013-46, 11-19-2013)

Section 2: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section 3: 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 4: 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 5: Codification. This ordinance shall be codified as Title 5, Chapter 5, Article C, Sections 5-5C-4, 5-5C-5, 5-5C-6; 5-5C-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 December, 2017.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney

City Commission Study Session

8.

Meeting Date: 12/19/2017

SUBJECT:

REVIEW CURFEW AND TRUANCY ORDINANCE THAT ADJUSTS FEES.

Attachments

Curfew and Truancy Ordinance

ORDINANCE NO. 2017-_____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 5, "PUBLIC SAFETY", CHAPTER 6, "MINORS", ARTICLE B "CURFEW" SECTION 5-6B-4 "VIOLATIONS; PARENTAL RESPONSIBILITY", AND ARTICLE C "TRUANCY", SECTION 5-6C-3 "VIOLATIONS" TO REDUCE FINES AND REMOVE JAIL TIME; 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 1: That Title 5, Chapter 6, Article B "Curfew", Section 5-6B-4 of the Enid Municipal Code, 2014 is hereby amended to read as follows:

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 and a fine of up to four hundred dollars (\$400.00) plus costs for second and subsequent offenses. ~~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)

Section 2: That Title 5, Chapter 6, Article C “Truancy”, Section 5-6C-3 of the Enid Municipal Code, 2014 is hereby amended to read as follows:

5-6C-3: VIOLATIONS:

- A. Separate Offense Each Day: Each separate day of violation shall constitute a separate offense whether against the parent of a minor for violation of subsection [5-6C-1A](#) of this article, or the minor for violation of subsection [5-6C-1B](#) of this article.
- B. Penalty: The violation of this article, for the first offense, shall be punishable by a fine of not less than twenty five dollars (\$25.00) nor more than fifty dollars (\$50.00) plus costs ~~or imprisonment for not more than five (5) days, or both such fine and imprisonment~~; the second offense shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) plus costs ~~or imprisonment for not more than ten (10) days, or both such fine and imprisonment~~; the third or subsequent offense shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) plus costs ~~or imprisonment for not more than fifteen (15) days, or both such fine and imprisonment~~. (Ord. 2013-57, 12-17-2013)

Section 2: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section 3: 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 4: 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 5: Codification. This ordinance shall be codified as Title 5, Chapter 6, Article B, Section 5-6B-4 and Title 5, Chapter 6, Article C, Section 5-6C-3 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 December, 2017.

William E. Shewey, Mayor

(SEAL)

ATTEST:

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney

City Commission Study Session

9.

Meeting Date: 12/19/2017

SUBJECT:

DISCUSS CHANGES TO THE CITY'S OIL AND GAS CODE.

Attachments

Oil and Gas Code Changes

ORDINANCE NO. 2017-__

AN ORDINANCE REPEALING THE ENID MUNICIPAL CODE, 2014, TITLE 9, "BUILDING REGULATIONS" CHAPTER 13, "OIL AND GAS CODE" REPEALING AND THEN RESERVING SECTIONS 9-13-8, 9-13-13, 9-13-14, 9-13-15, 9-13-16, AND 9-13-17 TO REMOVE SECTIONS CONFLICTING WITH STATE LAW AND RESERVE THEM FOR FUTURE USE; AMENDING SECTION 9-13-2 "INTENT AND PURPOSE" TO ACKNOWLEDGE STATE LAW AND THE AUTHORITY TO REGULATE PROVISIONS AND CERTAIN OIL AND GAS OPERATIONS;SECTION 9-13-6 "PERMIT REQUIREMENTS" TO REMOVE UNNECESSARY SECTIONS, ADD CREDIT CARDS AS A FORM OF PAYMENT; SECTION 9-13-7 "INSURANCE AND BOND REQUIREMENTS" TO INCREASE THE MONETARY BOND REQUIREMENT COMMERCIAL LIABILITY COVERAGE FOR INSURANCE AND LISTING THE CITY AS ADDITIONALLY INSURED; SECTION 9-13-25 "NOISE, DUST, ODORS, AND OTHER NUISANCES" TO LIMIT THE AMOUNT OF DECIBELS THAT AN OPERATING PRODUCES TO 75 DECIBELS NEAR CERTAIN STRUCTURES;SECTION 9-13-35 ENTITLED "VIOLATIONS" TO SIMPLIFY WHAT ACTIONS CONSTITUTE A VIOLATION OF THE ORDINANCE. 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 9 chapter 13 of the Enid Municipal Code of 2014 sections 9-13-2, 9-13-6 9-13- 7, 9-13-25, and 9-13-35 are amended as followed

9-13-2: INTENT AND PURPOSE:

- A. Imprudent operation of an oil and gas facility, whether that facility is involved in drilling or production, can and has constituted a menace to the public health, safety and welfare of the citizens of the city, and includes:
1. The potential for serious contamination of water wells within the city;
 2. A threat to the health and physical safety of children and other residents of the city who may live, work or play in the area of operation; a disturbance of the city's peace and serenity through noxious odors, dust, and loud noises;
 3. A general threat to the well-being in the community through potential fire dangers, fluid spills, and other damages to the surface; and

4. A threat of physical destruction of municipal facilities caused by heavy equipment.
5. The City recognizes that the state of Oklahoma regulates oil and gas well drilling and production activities. These regulations are intended to supplement such standards and additionally implement compatible local measures that assure the health, safety, and general welfare of the City's residents and business.

~~B. It is therefore the intent and purpose of this chapter to recognize the legitimate interests of oil and gas operations but to reasonably and uniformly regulate those operations in harmony with the activities and land uses within the city for the general benefit of the public good. (1994 Code § 23.5-2)~~

B. Authority. This Article is adopted pursuant to authority vested under the Constitution and the laws of Oklahoma and the Enid City Charter. Each authorization identified in this article shall be construed as an exercise of the City's police, nuisance, and zoning powers pursuant to the Charter and State statute.

9-13-6: PERMIT REQUIREMENTS:

A. Permit Required; Transfer Of Permit:

1. No person shall engage in or authorize any work or erect any structures, tanks, machinery, pipelines, or other appurtenances incident to the drilling of a well or drilling for or production of petroleum, natural gas, or their products; nor operate, maintain, or permit any equipment, structures or appurtenances incident to such production to exist or be maintained; nor allow any flow therefrom, without a permit having first been issued by the city in accordance with this chapter.
2. A permit is transferable to the person who acquires the legal right to produce oil or gas from the well in question, but notices served upon the record permittee shall be binding upon the transferee until such time as the transferee designates a new service agent. The transferee shall notify the city in writing of the name and address of transferee and his service agent within ten (10) days of the effective date of the transfer.

B. Application and Filing Fee:

1. Every application for a permit to drill and operate a well, including a reentry to an abandoned well, shall be verified under oath and in writing, and signed by the applicant or some duly authorized person who may sign on the applicant's behalf.
2. The application shall be filed with the building official and be accompanied with a filing fee in the amount provided for in subsection [2-6B-17A](#) of this code in cash, money order, credit card or certified check.

3. A separate application shall be required for each well.
4. The application shall include the following:
 - a. Name and address of applicant.
 - b. Name and address of operator.
 - c. Date of application.
 - d. Legal description of the land.
 - e. Block map of the forty (40) acres surrounding the drill site, showing thereon the location of the proposed well in the center of the forty (40) acres and the location of all abandoned wells, all structures designed for the occupancy of human beings or animals, all easements of record, property boundaries, private roads to the well, all publicly owned fresh water wells within the forty (40) acres, and all facilities and equipment proposed to be used with the well. The map shall show the distances between the drill site and these items, and show a north arrow.
 - f. Name and address of the surface owners as shown by the tax rolls maintained in the county where the land is located, and of the mineral owners if different from the applicant.
 - g. Copy of the approved drilling permit from the state corporation commission and a copy of the staking plat.
 - ~~h. Drilling prognosis, to specify in detail the amount, weight, and size of conductor pipe and surface pipe, and the procedures to be used for cementing such. Plugging procedures to be used in the event the production is not established shall also be specified.~~
 - ~~i. Statement of provisions for water for the drilling rig and the mud program to be utilized.~~
 - h-j. Name and address of the service agent within the state upon whom service of process on behalf of the applicant may be made. In the case of a nonresident person, there shall be attached to the application a designation of a service agent who is a resident of the county, and a consent that service of summons may be made upon such person in any action to enforce any of the obligations hereunder.
 - i, k. A site plan with a specified scale showing the location of all structures, equipment, and appurtenances on the drilling site.

~~i.~~ ~~_____~~ ~~The proposed depth of the well.~~

~~j.~~ ~~m.~~ Location of mud pits, pollution prevention equipment, and fire equipment, together with a list of this equipment.

~~k.~~ ~~n.~~ A written plan for disposal of deleterious substances produced during the drilling operations and any deleterious substances produced as a result of production from the well. This plan shall include the method of transportation for the deleterious substances and the name and location of the permitted disposal site, including a copy of the permit for the disposal site and a contract with the owner of the permitted site for the disposal of said deleterious substances; or in the alternative, provide proof of ownership of the permitted disposal site. The permittee shall provide monthly reports to the city of the amount of saltwater and other deleterious substances produced along with receipts for disposal of same.

C. Issuance; Conditions: The building official, within thirty (30) days after the filing of application for a permit to drill and operate a well, shall determine whether or not said application complies in all respects with the provisions of this chapter. Each permit issued under this chapter shall:

1. Comply with all provisions of this chapter.

2. Specify that the term of such permit shall be for a period of one year from the date of the permit, and for as long thereafter as the permittee is engaged in drilling operations with no ceasing of such drilling operations for more than thirty (30) days, or oil and gas is produced in commercial quantities from the well drilled pursuant to such permit; provided, that if at any time after discovery of oil or gas and the production thereof in commercial quantities, such production shall cease, the term shall not terminate if the permittee commences additional reworking operations within ninety (90) days thereafter. If the reworking operations result in the production of oil and gas, the permit shall continue so long thereafter as oil and gas is produced in commercial quantities from said well. In any event, continuation beyond one year from the date of issuance is contingent on renewal of the permit as set forth hereafter.

D. Termination: When a permit has been issued pursuant to this chapter, the same shall terminate and become inoperative without any action on the part of the city, unless, within ninety (90) days of the date of issuance, actual drilling of the well commences. If drilling operations or production cease for a period sufficient to make the well an "abandoned well" as defined in section [9-13-3](#) of this chapter, this abandonment shall operate to terminate and cancel the permit without any action on the part of the city, and it shall be unlawful thereafter to continue the operation of, or drilling of, such a well without the issuance of a new permit.

E. Renewal; Filing of Application:

1. At least thirty (30) days prior to the anniversary of the issuance of the permit pursuant to this chapter, the city clerk shall mail by certified mail a ratification to permittee that such permit must be renewed in accordance with the provisions of this subsection.
2. On or before the anniversary of the issuance of the permit each year, the permittee shall file an application for renewal of the base permit previously granted. Such application shall include the following:
 - a. Cash, money order, credit card, or certified check as a renewal fee in the amount specified in subsection 2-6B-17B of this code.
 - b. A statement of amendments as to any factual issues which have changed from the facts set forth in the initial application.
 - ~~c. As to wells which were drilled during the previous year, a statement as to whether or not the well has been converted to production, and if so, identifying the strata of production.~~
 - c. d. Evidence that all bonds and insurance remain in force, or have been replaced with equivalent new bonds and insurance.
3. The application for renewal may be submitted through the mail or in person. Failure to make the required application for renewal shall suspend all rights to drill, produce, or inject, but shall not be construed to terminate the base permit until after the time required to make the well an abandoned well, and all such operations are offenses and forbidden until the renewal is issued.
4. The city shall notify the permittee by letter within thirty (30) days thereafter that the base permit has been extended, or that the base permit has not been extended, for a period of one year. This notice of extension shall be maintained by the permittee with the permit and used as a supplement thereto for all purposes. In the event the permit is not renewed, the permittee shall immediately cease all drilling and production operations and diligently proceed to plug the well. (1994 Code §§ 23.5-4, 23.5-5, 23.5-6, 23.5-7, 23.5-8)

9-13-7: INSURANCE AND BOND:

A. Bond Requirements; Amounts; Conditions:

1. In the event a permit is authorized by the city under the terms of this chapter for the drilling and operation of a well, no actual drilling operations shall be commenced until the permittee files with the city clerk a bond or standby letter of credit by a federally insured bank in the principal amount of at least ~~fifty thousand~~

~~dollars (\$50,000.00) per well or a two hundred thousand dollar (\$200,000.00) blanket bond or standby letter of credit by a federally insured bank~~ on all wells operated by a single operator.

2. Said bond ~~or letter of credit~~ shall be executed by a reliable insurance company authorized to do business in the state as surety with the permittee as principal, said bond ~~or letter of credit~~ running in favor of the city for the benefit of the city and all persons concerned, conditioned that the permittee will comply with the terms and conditions of this chapter in the operation of the well for either natural or artificial production, injection or disposal.
3. Said bond ~~or letter of credit~~ shall become effective on or before the same is filed with the city and remain in force and effect for a period of at least one year after the expiration of the term of the permit issued.
4. In addition, the bond ~~or letter of credit~~ will be conditioned that the permittee:
 - a. Will promptly pay all fines, penalties and other assessments imposed upon the permittee by reason of the breach of any other terms, provisions and conditions of this chapter;
 - b. Will promptly restore to their former condition the streets, sidewalks and other public property of the city, which may be disturbed or damaged by the operations;
 - c. Will promptly clear the premises of all litter, trash, waste, and the substances used, allowed or occurring in the drilling or production operations;
 - d. Will (after drilling operations are complete) grade, level, and restore said property to the same surface condition as nearly as possible, as existed when operations for the drilling of the well was first commenced;
 - e. Will comply with every applicable federal and state law, municipal ordinance, rule, regulation, standard or directive relating to the maintenance of the safe and beneficial physical, chemical, and biological properties of any waters of the city or lands within the city;
 - f. Will bear all the costs necessary and incidental to the correction of any pollution to the waters of the City or lands within the city caused by the permittee or his agents, servants, employees, subcontractors, or independent contractors; and
 - g. Shall indemnify and hold the City harmless from any and all liability attributable to granting the permit.

B. ~~Public~~ Commercial Liability and Excess Liability Insurance; Conditions: In addition to the bond ~~or letter of credit~~ required above, the permittee shall carry a policy or policies of standard comprehensive public liability insurance, and such policies shall:

1. Contain coverage for contamination or pollution of surface or subterranean streams, watercourses, lakes, or public or private water supplies.
2. Be conditioned for payment of all damages due to injury to persons or damage to property resulting from the drilling, operation, or maintenance of the proposed well or any structure, machinery, equipment, pipelines, or appurtenances used in connection therewith.
3. Name the permittee and the City as additionally insured. ~~coinsured~~.
4. Be issued by an insurance company authorized to do business within the state, and said policy or policies shall ~~in the aggregate~~ provide for minimum coverage of:
 - a. Coverage should be a minimum combined single limit of \$1,000,000.00 per occurrence for bodily injury and property damage. This coverage shall include premises, operations, blowout or explosion, products, completed operations, blanket contractual liability, underground property damage, broad form property damage, independent contractors protective liability and personal injury.
 - b. Environmental impairment (or seepage and pollution) shall be either included in the coverage or written as separate coverage, and shall be a minimum of \$2,000,000.00. Such coverage shall not exclude damage to the lease site. If environmental impairment (or seepage and pollution) coverage is written on a "claims made" basis, the policy shall provide that any retroactive date applicable precedes the effective date of the issuance of the permit. Coverage shall apply to sudden and non-sudden pollution conditions resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste material or other irritants, contaminants or pollutants.
 - c. Excess liability (umbrella). Excess liability insurance policy with limits of liability of not less than \$5,000,000.00 over the above required general liability insurance policy. Excess policy must follow the form of the underlying liability policy.

C. Certificates Filed with City; Notice of Cancellation:

1. The permittee shall file with the city clerk, certificates of said insurance, bond or letter of credit.
2. Said insurance policy or policies, bonds or letters of credit shall not be canceled without actual written notice received by the city clerk at least ~~ten (10)~~ thirty (30)

days prior to the effective date of said cancellation. In the event said insurance policy or policies are canceled, the permit granted shall terminate immediately, and permittee's rights to operate under said permit shall cease immediately until permittee files additional insurance as provided herein. Further, if said insurance policy or policies are canceled or allowed to expire, the building official shall notify the electric company of the violation, and service to all wells not conforming shall be discontinued immediately. For other wells (not electric) an injunction will be filed immediately.

- D. Cash Bond and Agreement: The permittee may satisfy the bond ~~or letter of credit~~ requirement as set out in subsection A of this section by furnishing the city with a two hundred thousand dollar (\$200,000.00) cash bond which shall be governed by an agreement between the permittee and the city. Said agreement and cash bond shall be conditioned by all the terms of this section. (Ord. 2004-11, 3-2-2004)

9-13-25: NOISE, DUST, ODORS AND OTHER NUISANCES:

A. Reducing Nuisance and Annoyance:

1. All oil or gas drilling and production operations shall be conducted in such a manner as to eliminate, as far as practical, dust, noise, vibration, or noxious odors and shall be in accordance with the best accepted practices incident to the drilling for, and production of, oil, gas, and other hydrocarbon substances.
2. Proven technological improvements in exploration, drilling and production methods shall be adopted as they become, from time to time, capable of reducing factors of nuisance and annoyance in accordance with prudent practices in the industry.

- B. Noise Reduction; Hours Of Operation: At the time of authorizing the permit or when renewal is granted, or at any time during the drilling operation, the city may specify hours of operation to reduce or eliminate noise when drilling takes place within one thousand feet (1,000') of a hospital, rest home, school (including preschools and nurseries), church, or place of public assembly. At no time may an oil and gas operation exceed seventy five (75) decibels (dB). These limits do not apply to emergency repairs necessary to meet safety requirements. (1994 Code § 23.5-26)

9-13-35: VIOLATIONS:

It shall be unlawful and an offense for any person to violate, or fail to comply with, any provisions hereof ~~irrespective of whether or not the verbiage of each such section contains specific language that such violation or failure is unlawful or is an offense.~~ Any person who shall violate any of the provisions of this chapter, or any of the provisions of the drilling and operating permit issued pursuant hereto, or any condition of the bond filed by the permittee pursuant to this chapter, or who shall neglect to comply with the terms thereof, shall be deemed guilty of an offense. ~~Violation of each separate provision of this chapter, and each separate provision of the permit, and each separate provision of the bond, shall be considered a separate offense; and each~~

~~day's violation of each separate provision hereof shall be considered a separate offense. (1994 Code § 23.5-38)~~

Section II: That title 9 chapter 13 sections 9-13-8, 9-13-13, 9-13-15, 9-13-16, and 9-13-17 shall be repealed in their entirety and reserved.

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 9, Chapter 13, as Sections 9-13-2, 9-13-6, 9-13-7, 9-13-25, and 9-13-35 of the Enid Municipal Code, 2014. Title 9, Chapter 13 sections 9-13-8, 9-13-13, 9-13-15, 9-13-16, and 9-13-17 shall be repealed in their entirety and sections reserved.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this ____ day of _____, 2017.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney

City Commission Study Session

10.

Meeting Date: 12/19/2017

SUBJECT:

REVIEW ORDINANCE CONCERNING DISCHARGE OF A WEAPON.

Attachments

Ordinance Concerning Weapon

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 5 , “PUBLIC SAFETY”, CHAPTER 5, “GENERAL OFFENSES”, AMENDING ARTICLE G, “WEAPONS, FIREWORKS AND RELATED OFFENSES” SECTION 5-5G-2 “DISCHARGE OF WEAPON; THROWING FIREBALLS”; TO PROVIDE AN EXCEPTION FOR AUTHORIZED FOWL CONTROL AND REMOVE JAIL TIME FROM PUNISHMENT; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

ORDINANCE

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

Section I: That Title 5, Chapter 5, Article G, Section 5-5G- 2 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

5-5G-2: DISCHARGE OF WEAPON; THROWING FIREBALLS:

A. Prohibited Acts: No person shall discharge any handgun, pistol, rifle, shotgun, firearm, air gun, BB gun, or throw any fireballs in the city.

B. Exceptions: The provisions of subsection A of this section shall not apply to:

1. City of Enid employees, agents for the city of Enid, and police and other law enforcement officers, while engaged in the lawful performance of their official duties; or
2. Members of the armed forces of the United States or the national guard engaged in their official functions; or
3. The discharge of any shotgun, using pellets with no larger than number 2 diameter birdshot, air gun or BB gun upon any land zoned agriculture, except for any discharge of such weapons occurring within three hundred feet (300') of any adjoining or adjacent property; or
4. Persons while they are exercising their rights of defense of self, others or property; or
5. Any firearm range authorized by the city manager; or
6. The discharge of any shotgun, firing a single rifled slug, or black powder rifle upon any land zoned agriculture, during the days of any official deer hunting season as established by the state hunting regulations, as such regulations currently exist, or as may be hereinafter amended, except for any discharge of a shotgun or black powder rifle occurring within three hundred feet (300') of any adjoining or adjacent property; or,
7. The discharge of a weapon, loaded with blanks, to disperse fowl from property as part of wildlife control as authorized by the city manager.

C. Seizure Of Weapons³: The police department shall seize the firearm, handgun, pistol, rifle, shotgun, BB gun or air gun used upon the arrest of, or issuance of a citation to, any person for violating subsection A of this section. Upon conviction of such a person of a violation of subsection A of this section, such firearm, BB gun or air gun shall be forfeited to the city.

D. Violation: The violation of this section shall be punishable by a fine of not more than five hundred dollars (\$500.00) plus costs, ~~or by imprisonment for up to sixty (60) days, or by both such fine and imprisonment.~~ (Ord. 2014-10, 4-6-2014)

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

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

Section V: Codification. This ordinance shall be codified as Title 5, Chapter 5, Article G, Section 5-5G-2 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 January, 2018.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Alissa K. Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney