



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 6th day of February, 2018 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 FEBRUARY 6, 2018.**
3. **PRESENT AND DISCUSS KAW LAKE PHASE II UPDATE.**
4. **REVIEW BOARD OF ADJUSTMENT ORDINANCE.**
5. **REVIEW FALSE ALARMS ORDINANCE.**
6. **ADJOURN.**

City Commission Study Session

4.

Meeting Date: 02/06/2018

SUBJECT:

REVIEW BOARD OF ADJUSTMENT ORDINANCE.

Attachments

Ordinance

ORDINANCE NO. 2018-

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 11, "ZONING," CHAPTER 3, "BOARD OF ADJUSTMENT" TO AMEND SECTION 11-3-10, "APPEALS FROM THE BOARD ADJUSTMENT" TO PROVIDE THAT NO STAY OF THE BOARD OF ADJUSTMENT'S DECISION SHALL OCCUR UNLESS A STAY IS GRANTED BY THE DISTRICT COURT; AMENDING CHAPTER 13 "SIGN REGULATIONS" TO AMEND SECTION 11-13-9 "REVIEW AND APPEAL" TO CONFORM LANGUAGE WITH STATE LAW; 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 11, Chapter 3, Section 11-3-10 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-3-10: APPEALS FROM BOARD OF ADJUSTMENT:

- A. Right To Appeal: An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person or persons, jointly or severally aggrieved, or any taxpayer or any officer, department, or board of the city to the Garfield County district court.
- B. Filing Notice Of Appeal: The appeal shall be taken by filing a notice of appeal with the city clerk and with the secretary of the board of adjustment, within ten (10) days of the decision or order of the board of adjustment. The notice shall specify the grounds for the appeal. No bond or deposit for costs shall be required for such appeal.
- C. Records Provided To Court Clerk: Upon filing the notice of appeal, the board of adjustment shall forthwith transmit to the court clerk the original, or certified copies, of all papers constituting the record in the case, together with the order, decision or ruling of the board.
- D. Appeal Tried In District Court: The appeal shall be heard and tried de novo in the district court. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.
- E. Stay Of Proceedings: ~~An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the chairman of the board of adjustment certifies to the court clerk, after the notice of appeal has been filed,~~

~~that by reason or facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the district court upon application or notice to the building official in charge of the enforcement of the terms and provisions of this title and upon notice to the chairman of the board of adjustment and upon due cause being shown.~~

During the pendency of such an appeal, the effectiveness of a decision of the board of adjustment shall not be suspended unless a party applies to the district court for a stay pending the district court's determination of the merits of the appeal pursuant to 11 O.S. §44-110. Notice of such application shall be given by first class mail to all parties, to the district court appeal and to any applicant before the board of adjustment. Upon filing of an application for stay in the district court, all proceedings in furtherance of the action appealed from shall be temporarily stayed pending the outcome of a hearing regarding the stay, which shall be conducted within thirty (30) days of application.

- F. Actions Of Court: The district court may reverse or affirm, wholly or partly, or modify the decision brought up for review. Costs shall not be allowed against the board of adjustment unless it shall appear to the district court that the board acted with gross negligence or in bad faith or with malice in making the decision appealed from. An appeal shall lie from the action of the district court as in all other civil actions. (Ord. 80-29, 12-16-1980 as amended).

Section II: That Title 11, Chapter 13, Section 11-13-9 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-13-9: REVIEW AND APPEAL:

A. Sign Permit Review: The code official of the city shall be authorized to grant approval of sign permits. Approval shall be granted only after appropriate reviews have occurred as provided in this chapter.

B. Appeal Of Sign Regulation Determination: ~~1. Interpretation Of Sign Regulations:~~ When it is alleged that an error in an order, requirement, decision or determination was made by an administrative official in the enforcement of any provision of this chapter, an appeal may be taken by any person aggrieved. ~~the interpretation shall be made by to~~ the board of adjustment in accordance with chapter 3 of this title. ~~The interpretation shall be deemed as final unless appealed to Garfield County district court.~~

C. 2. Variance To From Sign Regulations: When a variance is requested to the provisions of this chapter, the appeal for a variance shall be heard by the board of adjustment. A variance may be granted only under the provisions specified in subsection 11-3-7B of this title. ~~and as provided below:~~

- ~~a. The application of any provision of this chapter to the subject property or building would create an unnecessary hardship on the applicant.~~

- ~~b. The condition of the property or building is peculiar in comparison to surrounding properties or buildings.~~
- ~~c. The granting of variance will not cause harm to the public or impair the purpose and intent of this chapter.~~
- ~~d. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.~~
- ~~e. Any hardship caused by the applicant's own actions shall not be considered by the board of adjustment. Nonconforming (grandfathered) signs in the area of the applicant's property shall not be considered by the board of adjustment.~~

~~C. Board Decision: The decision by the board of adjustment shall be deemed as final unless appealed to Garfield County district court.~~

D. Review Of Sign Regulations For Specific Economic Development Opportunities:

- 1. If the sign ordinance is perceived as an impediment to economic development, specific cases may be brought before the mayor and board of commissioners for review and approval.
 - a. The request for review must be submitted to the community development department fifteen (15) days prior to a meeting of the mayor and board of commissioners. (Ord. 2016-14, 6-7-2016)

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

Section IV: 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 V: 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 VI: Codification. This ordinance shall be codified as Title 11, Chapter 3, Section 11-3-10 and Chapter 13, Section 11-13-9 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 February, 2018.

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

5.

Meeting Date: 02/06/2018

SUBJECT:

REVIEW FALSE ALARMS ORDINANCE.

Attachments

Ordinance

ORDINANCE NO. 2018-____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014 TITLE 3, “BUSINESS AND LICENSE REGULATIONS”, CHAPTER 7 “SECURITY COMPANIES AND ALARM SYSTEMS” TO AMEND SECTIONS 3-7-1, 3-7-2, 3-7-4 THROUGH 3-7-6, 3-7-8 THROUGH 3-7-13, AND 3-7-15 TO MODERNIZE STANDARDS AND REMOVE FIRE ALARMS; TITLE 5, “PUBLIC SAFETY”, CHAPTER 4, “ENHANCED 911 EMERGENCY TELEPHONE SERVICE” TO REPEAL SECTION 5-4-3 “MISUSE OF 911 AND FALSE REPORTING OF EMERGENCY”; AND AMENDING CHAPTER 5 “GENERAL OFFENSES”, ARTICLE F BY ADOPTING 5-5F-6 “MISUSE OF 911 SYSTEM”; ADOPTING 5-5F-7 “FALSE REPORTING OF AN EMERGENCY” TO INCLUDE ACTIVATION OF ALARM BY ANY MEANS; TITLE 9, CHAPTER 10, SECTION 9-10-1 “FIRE CODE ADOPTED”; SECTION 9-10-2 “AMENDMENTS TO FIRE CODE” TO INCLUDE A NEW DEFINITION FOR FALSE ALARMS AND PROVIDE PENALTY 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 3, Chapter 7, Sections 3-7-1, and 3-7-2, Sections 3-7-4 through 3-7-6, sections 3-7-8 through 3-7-13, and Section 3-7-15 are amended to read as follows:

3-7-1: Purpose:

While recognizing the value of effective alarm systems in deterring crime ~~and preventing fire losses~~ and while encouraging the use of such alarm systems, it is the purpose of this chapter to require minimum standards for alarm systems and services and to license users thereof to improve system effectiveness and to reduce, insofar as possible, the misuse of emergency public service. This Chapter does not apply to fire alarms.¹ (1994 Code § 27-1)

3-7-2: DEFINITIONS:

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ALARM BUSINESS: Any person or firm engaging in the business of installing, assisting in the installation, servicing, maintaining, repairing, replacing, moving, or removing alarm systems in the city, and duly licensed by the state.

ALARM SYSTEM: Any mechanism, equipment or device which is designed to detect ~~the~~

¹ Fire Alarms are covered under Title 9, Chapter 10 of this Code.

~~presence of a fire, or~~ an unauthorized entry or activity in any building or on any property, or to direct attention to a ~~fire~~, robbery, burglary, or other emergency in progress, and which is designed to signal the above occurrences either by a local or audible alarm which is visible or perceptible outside the building or property or by a silent or remote alarm, directly or indirectly (by or through a third party), to the police ~~or fire~~ department. The following exclusions are not considered alarm systems within the meaning of this definition:

- A. Devices which only activate alarms that are audible, visible or perceptible inside the protected premises.
- B. Alarm devices affixed to motor vehicles.
- C. Alarm devices installed on a temporary basis by the police ~~or fire~~ department.
- D. Alarm devices installed in or on premises owned or leased by the city.

ANSWERING SERVICE: A telephone answering service providing, among its services, the receiving, on a continuous basis through trained employees, of emergency signals from alarm systems and the subsequent relaying of said messages to the police ~~or fire~~ department on a person to person basis.

APPLICANT: Any person who has requested or is requesting an owner or user permit to install, operate or maintain an alarm system at a particular location.

AUTOMATIC DIALING DEVICE: An alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, any type of communication or message indicating the existence of an emergency situation that the alarm system is designed to detect.

CENTRAL STATION: An office to which alarm systems are connected, where operators supervise the circuits, and where guards and/or servicemen are maintained continuously to investigate signals. ~~For purposes of fire alarms, informational relay systems shall be in compliance with the national fire prevention association (hereinafter "NFPA") standards as set forth in NFPA 71, central station signaling systems; NFPA 72A, local protective signaling systems; NFPA 72B, auxiliary protective signaling systems; or NFPA 72C, remote station protective signaling systems.~~

DIRECT LINE: A telephone line leading directly from a central station to the police ~~or fire~~ department, where such line is used only to report emergency signals on a person to person basis.

EMERGENCY: The existence of a fire, the commission or attempted commission of a robbery, burglary or other criminal action.

EMPLOYEE: Any person who is employed by an alarm business and who installs, services, maintains, repairs or replaces alarm systems in the city.

ENHANCED 9-1-1 SYSTEM: An emergency phone system which is designed to receive emergency phone calls by dialing the three (3) digit number 9-1-1. The system places the person requesting emergency service in touch with fire, police and ambulance services by dialing a single number.

FALSE ALARM: The activation of an alarm system through mechanical failure, malfunction, the negligence of the alarm business operator or his employees or agents, or the negligence of the owner, user or lessee of an alarm or his employees or agents, or which otherwise elicits a response by a law enforcement agency ~~or the fire department~~ when a situation requiring such response does not in fact exist. Such terminology does not include, for example, alarms activated by utility line mishaps, tornados, earthquakes, or other violent conditions of nature, or other conditions clearly beyond the control of the alarm manufacturer, installer, owner or user. ~~See also section 3-7-6 of this chapter for intentional activation of alarm where no emergency exists.~~

MODIFIED CENTRAL STATION: An office to which alarm systems are connected, where operators supervise the circuits but where guards are not maintained to investigate alarm signals.

PERMITTEE: Any person to whom an alarm system owner or user permit is issued.

TRUNK LINE: A telephone line leading into the police ~~or fire~~ department and having the primary purpose of handling emergency signals or messages on a person to person basis originating through a central station, modified central station or answering service. (Ord. 2007-31, 11-6-2007)

3-7-4: OWNER OR USER PERMIT:

A. Permit Required, Displayed; Application; Fee:

1. Owner Or User Permit Required: No person shall install, connect, operate, maintain or engage another person to install, operate, connect or maintain, an alarm system at a particular location without first obtaining an alarm system permit from the city. Nor shall any person owning or using an alarm system at the time of the adoption of this chapter fail to obtain the required permit within the time provided in this chapter. Such permit shall be maintained on the premises with the alarm system and shall be visible from the exterior and shall be located on or immediately adjacent to the front or main entrance of the premises.
2. Application: The application shall set forth the full name, address and telephone number of both the owner or lessee on whose premises the system will be installed, operated, connected or maintained and the name of the person or state licensed alarm system business installing, maintaining or servicing the system, as well as the type (~~fire~~, burglar, etc.) of system to be installed, operated or maintained. Such application shall also contain such additional information as the chief of police ~~or fire chief~~ shall reasonably deem necessary for the evaluation and proper processing of the application.

3. Fee: A person required to obtain an alarm system permit shall pay to the city a yearly nonrefundable application fee established by section 2-6B-5 of this code. Previous suspensions or revocations of the permit will be considered as well as any unpaid false alarm public safety fees before approving the application.
- B. Suspension, Revocation Or Denial: In addition to any penalties which may be imposed for the violation of certain provisions of this chapter, the city may, pursuant to the provisions of this section, suspend or revoke an owner or user permit on any of the following grounds:
1. Fraud or willful and knowing misrepresentation or false statement made in an application for a permit.
 2. Failure to correct any deficiencies in equipment or operation within seven (7) days after receipt of notice of same from the chief of police ~~or fire chief~~.
 3. Failure to comply with any order or notice issued by the chief of police ~~or fire chief~~ after the permittee's rights to hearing and appeal have been exhausted, or failure to comply with the standards imposed by this chapter within seven (7) days after notice or order from the chief of police. ~~or fire chief~~.
 4. Failure to comply with the regulations and requirements of this chapter or as otherwise established in this code.
- C. Excessive False Alarms: An excessive number of false alarms shall be deemed to be more than four (4) false alarms within any one year period.
- D. Notice: If an excessive number of false alarms occur at any alarm location, the police department ~~or fire department~~ shall give written notice to the alarm system permittee and to the alarm business responsible for maintaining and servicing the systems, as shown on the permit and application, to take corrective action within seven (7) calendar days to prevent future false alarms.
- E. Suspension After Notice: If the corrective action is not accomplished and communicated in writing to the department giving notice within seven (7) days by the permittee or the alarm business, written notice of suspension of the alarm system permit shall be served upon the permittee by the police ~~or fire department~~ by certified mail, return receipt requested. Such suspension requires the permittee to immediately remove or disconnect the alarm system.
- F. Reinstatement: After an alarm permit has been suspended, the permit shall not be reinstated until the permittee submits a written request to the department suspending the permit, accompanied by a statement that corrective action has taken place. The department acting hereunder shall charge the permittee a reinstatement fee as established by section 2-6B-5 of this code.

- G. Appeals: It shall be unlawful for any person to operate or maintain or fail to remove or disconnect his alarm system while his alarm system permit is suspended or after it has been revoked. Any person aggrieved by the action of the police ~~or fire~~ department in ordering the suspension or revocation of a permit under this section, and requiring the disconnection or removal of the alarm system, may appeal such action to the mayor and board of commissioners. (Ord. 2004-47, 12-21-2004)

3-7-5: ADMINISTRATION AND ENFORCEMENT; INSPECTION:

- A. Administration: The provisions of this chapter shall be administered and enforced by the chief of police ~~and the fire chief~~. The chiefs, or ~~their~~ his designee, ~~are~~ is authorized to make inspections of ~~fire and other~~ emergency alarm systems and of the premises where said device or system is located, or as otherwise provided herein.
- B. Inspection: Any inspection of an alarm location or premises shall be the same as provided in this code. (Ord. 2004-47, 12-21-2004)

3-7-6: FALSE ALARMS:

- A. It shall be unlawful for anyone to utilize an alarm in such a manner that false alarms occur.
- B. ~~"False alarm" means the activation of an alarm system through mechanical failure, malfunction, negligence, or otherwise, which elicits a response by a public agency when an emergency does not exist. A false alarm does not include alarm activations as a result of earthquakes, tornados, or other conditions clearly beyond the control of the alarm manufacturer, installer, owner, or user. A warning citation should issue for the first false alarm in a calendar year that is responded to by either the police or fire department. The second false alarm in a calendar year shall be punishable by a fine of one hundred dollars (\$100.00). The third false alarm in a calendar year shall be punishable by a fine of two hundred dollars (\$200.00). Fourth and subsequent false alarms in a calendar year shall be punishable by a fine of five hundred dollars (\$500.00). (Ord. 2012-20, 9-6-2012)~~

3-7-8: EMERGENCY NOTIFICATION; MAINTENANCE OF RECORDS:

- A. Display Of Permit: Every person maintaining an audible ~~fire~~, burglary, robbery or other emergency alarm system, other than fire alarms, shall make readily visible, either on, or immediately adjacent to, the front or main entrance of the building housing the alarm, the permit assigned to that particular alarm system.
- B. Records: The alarm business shall maintain records of at least two (2) personnel who are designated to respond in case of emergencies.
- C. Designated Personnel: Upon proper notification of any emergency condition, the owner's or user's designated personnel, which may by agreement be assumed by the alarm business, shall proceed immediately to the location of the activated alarm and render all

necessary service and assistance to restore the alarm to normal condition. (1994 Code § 27-9)

3-7-9: EMERGENCY CALL RECORDS:

Alarm businesses who request police ~~or fire~~ department response to alarm signals shall maintain a record of all such emergency calls stating the time, date, location of the alarm and the department called. The records shall indicate the cause of the alarm, and if the alarm is not caused by ~~fire~~, burglary, robbery, or other emergency, the records shall state corrective action taken to prevent the recurrence of the alarm. This record shall be current and shall be made available for inspection by the chief of police ~~and fire chief~~, or ~~their~~ his designated representatives, at any time during normal business hours. (1994 Code § 27-10)

3-7-10: MINIMAL SYSTEM REQUIREMENTS:

- A. Automatic Discontinuance Of Alarm: ~~Fire~~, Burglary, robbery or other emergency alarm systems, other than fire alarms, which use a local audible or visual alarm device to attract the attention of the public shall be equipped so as to automatically discontinue the alarm within thirty (30) minutes, unless the system is maintained by an alarm business with twenty four (24) hour service employees who can respond within thirty (30) minutes after notification.
- B. Uninterruptable Power Supply: Every alarm system shall have an uninterruptable power supply which will sustain the operation of the alarm system for a minimum period of four (4) hours.
- ~~C. Compliance With Standards: All alarm systems and fire detection systems must also comply with NFPA 71, central station signaling systems; NFPA 72A, local protective signaling systems; NFPA 72B, auxiliary protective signaling systems; or NFPA 72C, remote station protective signaling systems, adopted hereby and incorporated herein by reference. If any inconsistency or conflict exists between this code and the aforementioned NFPA provisions, the more strict standard shall apply. (1994 Code § 27-11)~~

3-7-11: OPERATIONAL DEFECTS REMEDIED:

- A. Sensory Mechanisms: The sensory mechanisms used in connection with the ~~fire~~, robbery, burglary or other emergency alarm systems shall be adjusted to suppress false alarms so that the device will not be actuated by impulses due to ~~transient pressure changes in water pipes~~, short flashes of light, wind noises such as the rattling or vibrating of doors or windows, vehicular noise adjacent to the installation, or other forces unrelated to genuine alarms. (Ord. 2004-47, 12-21-2004)

3-7-12: NOTIFICATION OF TESTS:

Alarm businesses and permittees shall notify the police dispatcher at police communications ~~and shall notify the fire marshal or the fire department dispatcher~~ prior to any service, test, repair, maintenance, adjustment, alteration or installation of any alarm system which would directly or indirectly result in an emergency services response. Any alarm received after such notification while the system is out of service shall not constitute a false alarm. Alarm businesses and permittees shall notify the police ~~and fire departments~~ when said system is back in service. (1994 Code § 27-13)

3-7-13: AUTOMATIC DIALING DEVICES; PRERECORDED MESSAGES:

- A. Automatic Dialing Required: Automatic dialing devices with prerecorded or programmed messages shall be programmed or coded to dial the phone number designated by the police ~~and fire departments~~, and to dial a third party whose name appears on the permit application.
- B. Information In Message: The prerecorded or programmed message shall contain the following information:
 - 1. The address and phone number at the location where the emergency exists.
 - 2. The permit number issued and assigned by the city to this system.
 - 3. The type of emergency the system is designed to detect; for example, ~~a fire~~, a break in while the premises is unattended, or a life threatening situation.
- C. Length Of Message: The prerecorded or programmed message shall not last longer than twenty five (25) seconds and shall not be repeated more than twice, and if repeated shall have a ten (10) second pause between the repeated message. In no case shall said messages or recordings transmit said information for a period longer than sixty (60) seconds.
- D. Issuance Of Phone Number: It shall be unlawful for any person to program an automatic dialing device to any telephone line which when activated dials the digits 9-1-1. When their permit is issued, the permittee shall be given a phone number designated by police ~~and fire departments~~ for use by alarm systems with automatic dialing devices.
- E. Unlawful To Disconnect Or Reprogram Device: It shall be unlawful for a permittee to fail to disconnect or reprogram an automatic dialing device which is programmed to dial the digits 9-1-1.
- F. Violation: A violation of subsection D or E of this section shall be punishable by a fine not to exceed two hundred dollars (\$200.00), plus costs. ~~as a class B offense, plus court costs, and an assessment for the resulting costs of any dispatching of emergency personnel and equipment for each such offense.~~ (1994 Code § 27-14)

3-7-15: CHANGE OF INFORMATION REQUIRED ON PERMIT APPLICATION:

- A. Notice To City Of Change: Whenever a change occurs relating to the written information required on the permit application, listing requirements, or other documents filed with the city, the applicant or permittee shall give written notice of said change to the police ~~and fire~~ departments within ten (10) days thereof.
- B. Change Of Location: Any changes of ownership at a location formerly or currently utilizing an alarm system shall be construed as a new installation and shall require the necessary permit and fees.
- C. Alteration Of Existing System: The replacing, modifying or altering of an existing permitted system shall not constitute a new installation. Such replacement shall be subject to the existing permit. However, any change of permit or license information caused by such action shall be given in writing to the police department within ten (10) days.
- D. Confidential Information: The information required by this chapter shall be maintained as confidential and shall only be used for law enforcement purposes and statistical studies in which information on individuals could not be discovered. Any unauthorized disclosure is punishable as provided in this chapter. (1994 Code § 27-16)

Section 2: That Title 5, Chapter 4, Sections 5-4-3 of the Enid Municipal Code, 2014 is repealed.

~~5-4-3: MISUSE OF 911 AND FALSE REPORTING OF AN EMERGENCY:~~

- ~~A. Public Agency Defined: "Public agency" means any city, town, county, municipal corporation, public district, public trust, public authority or any other entity, public or private, located within this state which provides, has authority to provide, or is licensed to provide firefighting, law enforcement, ambulance, emergency medical or other emergency services.~~
- ~~B. Misuse Of 911 And False Reporting Of An Emergency; Fines[†]:~~
 - ~~1. Misuse Of 911: No person shall use the 911 system for any purpose other than to report an emergency. The offense of misuse of 911 shall be punishable by a fine not to exceed two hundred dollars (\$200.00) plus costs.~~
 - ~~2. False Reporting Of An Emergency: No person shall knowingly call the number 911 or contact a public agency to report an emergency when no such emergency exists. The offense of false reporting of an emergency shall be punishable by a fine not to exceed five hundred dollars (\$500.00) plus costs. (Ord. 2013-43, 11-19-2013)~~

Section 3: That Title 5, Chapter 5, Article F, of the Enid Municipal Code, 2014 is amended to adopt Sections 5-5F-6 and 5-5F-7 to read as follows:

5-5F-6: MISUSE OF 911 SYSTEM:

- A. No person shall use the 911 emergency telephone system for any purpose other than to report an emergency.
- B. Violation of this section shall be punishable by a fine not to exceed five hundred dollars (\$500.00) plus costs.

5-5F-7: FALSE REPORTING OF AN EMERGENCY:

- A. No person shall contact a public agency to report an emergency when no such emergency exists.
- B. No person shall cause the activation by any means of an alarm, the purpose of which to communicate or indicate a specific emergency situation, when no emergency exists.
- C. Public Agency Defined: "Public agency" means any city, town, county, municipal corporation, public district, public trust, public authority or any other entity, public or private, located within this state which provides, has authority to provide, or is licensed to provide firefighting, law enforcement, ambulance, emergency medical or other emergency services.
- D. Violation of this section shall be punishable by a fine not to exceed five hundred dollars (\$500.00) plus costs.

Section 4: That Title 9, Chapter 10, Section 9-10-1 and Section 9-10-2 of the Enid Municipal Code, 2014 are amended to read as follows:

9-10-1: FIRE CODE ADOPTED:

- A. Adoption: Pursuant to 59 Oklahoma Statutes section 1000.23, the city of Enid hereby adopts that certain technical code known as the international fire code (IFC), 2015 edition, including appendix chapters B through D and H through J, as published by the International Code Council, for the purpose of regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in section 9-10-2 of this chapter.

1. Where such code conflicts with other adopted codes, the more restrictive shall apply.
2. Three (3) copies of said adopted code have been and are now on file in the office of the city clerk.

~~B. Violation: No person shall violate any of the provisions of this chapter or of the publication adopted by or amended in this chapter. A violation, shall be punishable by a fine of one hundred dollars (\$100.00), unless the person has previously been convicted of a violation of one of the technical codes within the last three (3) years, then a violation shall be punishable by a fine of up to two hundred dollars (\$200.00); or unless the person has previously been convicted of a violation of one of the technical codes twice or more within three (3) years, then a violation shall be punishable by a fine of up to five hundred dollars (\$500.00). (Ord. 2015-42, 11-17-2015)~~

9-10-2: AMENDMENTS TO FIRE CODE:

All amendments and modifications to the international fire code (IFC), 2015 edition, as adopted by the Oklahoma uniform building commission, are hereby adopted by the city of Enid and incorporated as fully as if set out at length herein. Additional amendments are as follows:

Chapter 1, SCOPE AND ADMINISTRATION is hereby amended to provide these changes in the following respects:

Section 101.1. Title

This section is amended to insert the city of Enid in the blank.

Section 105.1.1 Permits Required.

This section is amended to read as follows:

A property owner or owner's authorized agent who intends to conduct an operation or business, or install or modify systems and equipment regulated by this code, or to cause any such work to be performed, shall first make application to ~~Permits required by this code shall be obtained from~~ the fire marshal. The permit fee shall be paid as required at the time of filing application in the amounts provided for in title 2, chapter 6, article F of the Enid municipal code.

Section 105.1.1.1 Triple Fees Authorized.

This section is created to read as follows:

All fees are tripled if work is started prior to the issuance of any permit. Existing equipment change outs shall be allowed ~~permitted~~ to start prior to inspection and issuance of permit. The

assessment and/or payment of triple fees shall in no way prevent further penalty, such as suspension or revocation of a license for excessive repetition of violations.

Section 107.5 Rendering Equipment Inoperable

This section is amended to read as follows:

Portable or fixed fire-extinguishing systems or devices, and fire-warning systems, shall not be rendered inoperable or inaccessible, except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing. Violation of this section shall be punishable by a fine not to exceed five hundred dollars (\$500.00) plus costs.

Section 107.7 False Fire Alarms

This section is created to read as follows:

It shall be unlawful for anyone to utilize a fire alarm in such a manner that false alarms occur. A warning citation should issue for the first false alarm responded to by the fire department. The second false alarm within a twelve month period shall be punishable by a fine of one hundred dollars (\$100.00). The third false alarm within a twelve month period shall be punishable by a fine of two hundred dollars (\$200.00). Fourth and subsequent false alarms within a twelve month period shall be punishable by a fine of five hundred dollars (\$500.00).

Section 108.1 Board Of Appeals Established

This section is hereby amended to read as follows:

Appeals shall be made to the construction board of appeals in the same manner as provided in the building code.

Sections 108.2 and 108.3 are removed.

Section 109.3 Notice of Violation

This section is amended to read as follows:

The fire chief, the fire marshal and the assistant fire marshal shall have the authority to issue citations to and/or file a complaint on persons who violate any provision of title 9, chapter 10, of the Enid municipal code, this code, or any of the other technical codes adopted by the city of Enid.

Section 109.4 Violation Penalties

This section is amended to read as follows:

Any person who shall violate any provision of this code, or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do any other work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense ~~misdemeanor~~, punishable by a fine of one hundred dollars (\$100.00), unless the person has previously been convicted of a violation of one of the technical codes within the last three (3) years, then a violation shall be punishable by a fine of up to two hundred dollars (\$200.00); or unless the person has previously been convicted of a violation of one of the technical codes twice or more within three (3) years, then a violation shall be punishable by a fine of up to five hundred dollars (\$500.00); unless the section provides a specific penalty.

Section 111.4. Failure to Comply

This section is amended to insert \$100.00 in the first blank and to insert \$500.00 in the second blank.

Chapter 2, DEFINITIONS, is hereby amended to replace the existing definition for False Alarm with the following one:

FALSE ALARM. The activation of an alarm system through mechanical failure, malfunction, negligence or otherwise, that causes ~~The willful and knowing initiation or transmission of a signal, message or other~~ notification of an event of fire when no danger exists. It does not include alarms activated by tornados, earthquakes, or other violent conditions of nature, or other conditions clearly beyond the control of the alarm manufacturer, installer, owner or user.

Chapter 5, FIRE SERVICE FEATURES, is hereby amended in the following respects:

Section 506.3 Required For Certain Structures is hereby created to read as follows: The following structures shall be equipped with a key box at or near the main entrance or at such other location as may be required by the fire chief or his designee:

- a. Commercial buildings;
- b. Industrial buildings;
- c. Schools and universities;
- d. Governmental buildings; and
- e. Multi-family residences that have restricted access through locked gates or locked doors that have a common corridor for access to the living units.

Section 506.3.1 Installation Prior To Issuance Of Occupancy Permit is hereby created to read as follows: All newly constructed structures which require a key box, as outlined in section 506.3, shall have the key box installed and operational prior to the issuance of an occupancy permit. No

occupancy permit, whether temporary or permanent, shall be issued until the required key box is installed and operational.

Section 506.3.2 Authority Of Fire Chief is hereby created to read as follows: The fire chief or his designee shall designate the type of key box system to be implemented with the city of Enid and shall have the authority to require all structures to use the designated system. Additionally, the fire chief or his designee shall be authorized to implement the rules and regulations for use of the key box system.

Section 506.3.3 Keeping Key In Key Box is hereby created to read as follows: The owner or operator of any structure required to have a key box shall, at all times, keep a key in the key box that will allow the fire department to access the structure.

Section 506.3.4 Effect Of Authority is hereby created to read as follows: This chapter does not obviate the authority under the applicable fire prevention code to require a key box system where access has been a problem.

Section 506.3.5 Violation shall be created to read as follows: A violation of this chapter shall be a misdemeanor, punishable by a fine of five hundred dollars (\$500.00).

_Chapter 9, FIRE PROTECTION SYSTEM is hereby amended in the following respects:

Section 907.1.4 Assignment Of Responsibility

This section is hereby created to read as follows:

- a. Any person, partnership, corporation or organization owning and/or operating a building or structure used as a hospital, church, theater, hotel, motel, apartment house, residential rental property, rooming house, dormitory, rest home, nursing home, day nursery, convalescent home, auditorium, or childcare institution, shall install in such building or structure a smoke ~~detector~~ alarm or alarms ~~detectors~~ in accordance with the international fire code and international property maintenance code as adopted by the City of Enid.
- b. Any person, partnership, corporation or organization who is a lessor of a residential property shall explain to the lessee or tenant the method of testing the smoke alarm ~~detector~~ to ensure that it is in working order. The responsibility for checking the smoke ~~detector~~ to determine whether such alarm ~~detector~~ is in working order is with the tenant or lessee leasing or renting a one- or two-family dwelling, including an apartment in each apartment house, and not with the person, partnership, corporation or organization who is a lessor of the residential rental property to the lessee or tenant.
- c. All owners of single-family dwellings or duplexes shall install smoke alarms ~~detectors~~ as required by the international fire code and international property maintenance code as adopted by the City of Enid.

Chapter 57, FLAMMABLE AND COMBUSTIBLE LIQUIDS is hereby amended in the following respects:

Section 5704.2.9.6.1 Locations Where Above-Ground Tanks Are Prohibited.

Insert residential.

Section 5706.2.4.4 Locations Where Above-Ground Tanks Are Prohibited.

Insert residential.

Chapter 58, FLAMMABLE GASES AND FLAMMABLE CRYOGENIC FLUIDS, is hereby amended in the following respects:

Section 5806.2 Limitations.

Insert residential.

Chapter 61, LIQUEFIED PETROLEUM GASES, is hereby amended in the following respects:

Section 6104.2 Maximum Capacity Within Established Limits.

This section shall read as follows:

~~Insert commercial, industrial and agricultural.~~ The storage of liquefied petroleum gas in commercial, industrial, or agriculturally zoned property shall not exceed the aggregate capacity of 2,000 gallons (7570 L). Storage shall not be allowed within residential zones.

(Ord. 2015-42, 11-17-2015)

Section 5: Repealer. Section 5-4-3 is hereby repealed and all ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section 6: 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 7: 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 8: Codification. This ordinance shall be codified as Title 3, Chapter 7, Sections 3-7-1, 3-7-2, 3-7-4 through 3-7-6, 3-7-8 through 3-7-13, 3-7-15; and Title 5, Chapter 5, Article F, Sections 5-5F-6 and 5-5F-7; Title 9, Chapter 10, Sections 9-10-1 and 7-10-2 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 February, 2018.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney