



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

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BOARD OF COMMISSIONERS

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**NOTICE OF STUDY SESSION**

Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, the Trustees of the Enid Economic Development Authority, a Public Trust, and the Trustees of the Enid Public Transportation Authority, a Public Trust.

Notice is hereby given that the Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, the Trustees of the Enid Economic Development Authority, a Public Trust, and the Enid Public Transportation Authority, a Public Trust will meet in regular session at 5:00 p.m. on the 6th day of March, 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 MARCH 6TH.**
3. **PRESENT AND DISCUSS KAW LAKE PHASE II UPDATE.**
4. **PRESENT AND DISCUSS MEADOWLAKE TRAIL CROSSING.**
5. **DISCUSS PETIT LARCENY ORDINANCE.**
6. **DISCUSS CONSTRUCTION BOARD OF APPEALS ORDINANCE.**
7. **ADJOURN.**

City Commission Study Session

5.

Meeting Date: 03/06/2018

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**SUBJECT:**

**DISCUSS PETIT LARCENY ORDINANCE.**

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**Attachments**

Ordinance

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ORDINANCE NO. 2018-\_\_\_\_

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 5, "PUBLIC SAFETY", CHAPTER 5, "GENERAL OFFENSES", ARTICLE C BY AMENDING 5-5C-1 "DEFINITIONS" TO INCLUDE SHOPLIFTING AND CHANGE DEFINITION OF PETIT LARCENY; 5-5C-5 "LARCENY" TO DISTINGUISH LARCENY FROM SHOPLIFTING; 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-1 and 5-5C-5 of the Enid Municipal Code, 2014, are hereby amended to read as follows:

**5-5C-1: DEFINITIONS:**

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

PETIT LARCENY: The taking of personal property not exceeding ~~five hundred~~ one thousand dollars (\$~~500~~ 1000.00) in value, accomplished by fraud or stealth, with the intent to deprive another thereof.

PRIVATE PROPERTY: Any property other than public property.

PUBLIC PROPERTY: That property which is dedicated to the public use and over which the federal, state or municipal governments, or any political subdivision thereof, exercises control and dominion. (Ord. 2001-20, 8-7-2001)

SHOPLIFTING: the wrongful taking of merchandise or money, the value of which does not exceed one thousand dollars (\$1,000.00 from a retail or wholesale establishment.

**5-5C-5: PETIT LARCENY AND SHOPLIFTING:**

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. No person shall commit the offense of shoplifting. Pursuant to 22 O.S. §1342 an officer may arrest without a warrant any person he has probable cause for believing has committed shoplifting, when the arrest is reasonable even if the offense occurred outside his presence.

C. Violation: The violation of this section shall be punishable by a fine of up to five hundred dollars (\$500.00) plus costs

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-1 and 5-5C-5 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 March, 2017.

CITY OF ENID, OKLAHOMA

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William E. Shewey, Mayor

(SEAL)

ATTEST

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Alissa Lack, City Clerk

Approved as to Form and Legality:

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Carol Lahman, City Attorney

**City Commission Study Session**

**6.**

**Meeting Date:** 03/06/2018

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**SUBJECT:**

**DISCUSS CONSTRUCTION BOARD OF APPEALS ORDINANCE.**

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**Attachments**

Construction Board of Appeals

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ORDINANCE NO. 2018-\_\_\_\_

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 9, "BUILDING REGULATIONS", CHAPTER 1 "BUILDING CODES AND STANDARDS" AMENDING SECTION 9-1-3 TO BE TITLED "CONSTRUCTION BOARD OF APPEALS" TO PROVIDE THAT THE CONSTRUCTION BOARD OF APPEALS IS THE BOARD TO HEAR APPEALS INVOLVING ALL THE TECHNICAL CODES CODIFIED IN TITLE 9; 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 9, Chapter 1, Section 9-1-3 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

9-1-3: ~~STANDARD AMUSEMENT DEVICE CODE ADOPTED: (Rep. by Ord. 2015-10, 3-17-2015)~~ **THE CONSTRUCTION BOARD OF APPEALS:**

The Construction Board of Appeals, as further defined in Section 9-1-2 of this Title, is the board to consider special exceptions to and hear all appeals of decisions and interpretations of the code administrator concerning the all the various technical codes found in Title 9 of the Enid Municipal Code, 2014.

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 9, Chapter 1, Section 9-1-3 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 March, 2018.

CITY OF ENID, OKLAHOMA

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William E. Shewey, Mayor

(SEAL)

ATTEST

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Alissa Lack, City Clerk

Approved as to Form and Legality:

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Carol Lahman, City Attorney