



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 17th day of July, 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 JULY 17, 2018.**
3. **UPDATE ON SEVERAL MAJOR STREET/BRIDGE PROJECTS.**
4. **DISCUSS BILLBOARD ORDINANCE.**
5. **DISCUSS CHANGES TO THE MARIJUANA POSSESSION ORDINANCE CAUSED BY STATE QUESTION #788.**
6. **DISCUSS ALCOHOL VIOLATIONS ORDINANCE.**
7. **DISCUSS ORDINANCE PROVIDING FOR AN ANNUAL OCCUPATION TAX ON THE MANUFACTURE AND SALE OF ALCOHOL AND REPEALING BUSINESS AND LICENSE REGULATIONS ON ALCOHOL.**
8. **ADJOURN.**

City Commission Study Session

4.

Meeting Date: 07/17/2018

SUBJECT:

DISCUSS BILLBOARD ORDINANCE.

Attachments

Digital Billboard Ordinance

ORDINANCE NO. 2018-

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 11, "ZONING," CHAPTER 13, "SIGN REGULATIONS" TO AMEND SECTION 11-13-1, "PURPOSE AND OBJECTIVES" TO PROHIBIT NO NEW BILLBOARDS BUT ALLOW THE UPGRADE OF EXISTING BILLBOARDS WITH NEW TECHNOLOGY; SECTION 11-13-7 "SIZE, LOCATION AND OTHER RESTRICTIONS" TO PROVIDE STANDARDS FOR DIGITAL BILLBOARDS; 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 11-13-1 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-13-1: PURPOSE AND OBJECTIVES:

- A. Purpose: Standards are herein provided for the purpose of extending land use regulations to the erection, construction, placement, replacement, display, location, and maintenance of signs and outdoor advertising media for the purpose of encouraging sound signing practices and lessening the objectionable effects of competitive signing.
- B. Objectives: The objectives (intent) of this chapter shall be:
1. To enhance the aesthetic quality of life for the citizens of the city by promoting the reasonable, orderly, and effective display of signs.
 2. To prohibit signs and billboards which create blight on the community, reducing the value and desirability of surrounding property, inhibiting economic development by creating a negative visual image of the city.
 3. To preserve and protect private and public property values and civic beauty and prohibit signs and billboards which detract from this objective due to excessive size, height, number, or visual impact, or undesirable location, maintenance, mobility, spacing or illumination.
 4. To establish standards which will permit businesses a reasonable and equitable opportunity to advertise, but which will avoid excessive competition and clutter among sign displays.

5. To increase the safety of the citizens in that unregulated advertising signs compete with official traffic signs for drivers' attention and thereby decrease the effectiveness of cautionary directional messages essential for the traveling public.
6. To protect the general public from damage and injury which may be caused by the faulty and uncontrolled construction and use of signs within the city.
7. To provide for special regulations in areas which by nature or location are unique to other areas of the city.
8. To promote the general welfare of the city and its citizens by preserving the cultural and business significance and architecture of the downtown development district of the city, by strengthening the visual identity of such district and to promote economic growth by encouraging a central and unique environment for marketing purposes.
9. To provide for the preservation and enhancement of the historic preservation district and to further the national interest as it pertains to the preservation and enhancement of historic places.
10. To provide for an equitable mechanism whereby those signs which are nonconforming to this chapter can be removed.
11. To effectively use the city's police power in determining that the community should be beautiful as well as healthy, spacious as well as clean, and well balanced as well as carefully patrolled.
12. To prohibit new billboards/off premises signs within the corporate limits of the city of Enid but allow for the upgrading of existing billboards with new technology.
13. To promote and maintain the visual attractiveness for residents and visitors, as well as for commercial, industrial and professional businesses and other establishments, while maintaining economic stability.

Section I: That Title 11, Chapter 3, Section 11-13-7 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-13-7: SIZE, LOCATION AND OTHER RESTRICTIONS:

Unless otherwise provided in this chapter, the following regulations apply:

- A. Freestanding Signs: Unless otherwise specified in section 11-13-6 of this chapter and in accordance with subsection 11-13-5G of this chapter, the following standards shall apply to all freestanding signs:

1. Height: No freestanding sign shall exceed thirty two feet (32') in height.
2. Clearance: All signs shall provide adequate free clearance so as not to inhibit the orderly flow of pedestrian traffic.
 - a. Electrical signs, which overhang a pedestrian walkway, shall be mounted such that the bottom edge of the sign face is a minimum of nine feet (9') above grade. Nonelectrical signs shall maintain eight feet (8') of clearance.
 - b. No freestanding sign shall be permitted to overhang any easement, right of way, or vehicular drive.
3. Sign Area: Unless otherwise specified in subsections 11-13-6B and 11-13-5G of this chapter, the sign area for any individual freestanding sign shall be determined as follows:
 - a. The maximum sign area shall be one hundred fifty (150) square feet.
 - b. If the lot is a corner lot, it may be permitted two (2) freestanding signs, one along one street and another along the other street.
 - c. Any business with single street frontage shall not be permitted more than one freestanding sign, no matter what the calculated linear frontage of the property may be.
4. Sign Spacing: No sign shall be placed within fifty feet (50') of another sign located at an adjacent business or property.
5. Changeable Copy Sign: A changeable copy sign may be permitted as an integral part of a freestanding sign.
 - a. Where changeable copy is an integral part of a freestanding sign, the maximum display surface for any such sign shall be thirty two (32) square feet. The display surface shall not be included when computing the total sign area for a property.
 - b. Signs in excess of thirty two (32) square feet of display surface may be permitted when the entire freestanding sign is changeable copy, but all square footage of display surface shall be included when computing the total sign area for a property.
 - c. All signs shall provide adequate free clearance as specified in subsection A2 of this section.
 - d. The sign message must be displayed for a minimum of three (3) seconds and shall not have movement, or the appearance of an optical illusion of

movement, of any part of the sign structure, design or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity.

B. Wall Signs (Awning, Canopy, Identification, Signs Painted On The Wall, Marquee And Module): Unless otherwise specified in subsection 11-13-6B of this chapter and in accordance with subsection 11-13-5G of this chapter, the following standards shall apply to all wall signs:

1. Sign Area: The combined total sign area permitted for wall signs shall not exceed fifty percent (50%) of the building facade to which the signs are attached. The "area of the building facade" is defined as the total square footage of the outside wall to which a sign is attached or painted on.
2. Extension: Wall signs shall not extend beyond the outside perimeter of the building to which they are attached.
 - a. A wall sign shall be permitted to extend up to eighteen inches (18") over any public right of way, alley, easement or vehicular driveway.
3. Clearance: Electrical signs overhanging pedestrian walkways shall have a minimum clearance of nine feet (9') between grade and the bottom edge of the sign. Nonelectrical signs shall maintain eight feet (8') of clearance.

C. Projecting Signs: Except as provided in subsection 11-13-6B of this chapter and in accordance with subsection 11-13-5G of this chapter, the following regulations shall apply to the dimensions and location of projecting signs:

1. Sign Area: The total sign area permitted for any individual projecting sign shall not exceed one square foot per linear foot of the building facade to which it is attached, not to exceed forty (40) square feet of sign area for any one projecting sign.
2. Number Permitted: Only one projecting sign shall be permitted for any individual building or occupancy.
 - a. A projecting sign shall not be permitted on any building to which a wall sign is attached.
3. Extension; Clearance: A projecting sign may be permitted to extend up to eight feet (8') from the building to which it is attached. If the building is located on the property line, the sign may be permitted to extend up to eight feet (8') over any public right of way, easement or vehicular driveway, but no closer than two feet (2') from the curb of any public street or other right of way nor more than two feet (2') over any alley.

- a. An electrical sign, which overhangs a pedestrian walkway, shall have a minimum clearance of nine feet (9') between grade and the bottom edge of the sign. Nonelectrical signs shall maintain eight feet (8') of clearance.

D. Billboards; Off Premises Signs:

1. Regulations; Billboards: The following regulations shall apply to the dimensions and location of billboards:
 - a. Height: The maximum height of any billboard shall not exceed thirty five feet (35').
 - b. Width: The maximum width of any sign shall not exceed fifty feet (50').
 - c. Sign Area: The maximum sign area for any billboard shall not exceed four hundred (400) square feet. The maximum sign area for any individual sign structure permitted in subsection 11-13-6A3, "Industrial Zoning Districts (I-1 - I-3)", of this chapter shall not exceed two hundred (200) square feet.
 - d. Setbacks: No sign shall be located less than twenty five feet (25') from any property line abutting a street.
 - e. Clearance: All signs shall provide adequate free clearance as not to inhibit the orderly flow of pedestrian and vehicular traffic.
 - i. There shall be maintained a minimum nine foot (9') clearance between the grade and the bottom of the display surface.
 - ii. No signs shall be permitted to overhang any vehicular drive.
 - f. Location: Where permitted by zoning district, billboards shall be located only along state or federal highways within the city, except those signs permitted in subsection 11-13-6A3 of this chapter.
 - g. Number Of Permitted Signs: A maximum of four (4) billboard structures shall be permitted per mile of highway frontage. Each side of the highway shall be considered separately.
 - h. Separation: A minimum five hundred foot (500') separation shall be maintained between each sign.
 - i. Color: The back of any billboard and any unused face of a billboard must be painted a neutral color. Muted colors are considered whites, browns, blacks, grays and greens.
 - j. Digital: Digital billboards should meet the following standards:

(1) the images must display for a minimum of six seconds and the images must change instantaneously with no fade, dissolve or swipe effects;

(2) The sign shall not include any moving parts;

(3) The LED units must adjust to ambient light conditions via a sensor

(4) The illumination of a Digital Off-Premise Sign shall not exceed a brightness level of 0.3 footcandles above ambient light, as measured using a footcandle meter at the following pre-set distances from the base of the sign structure:

300-375 square feet sign face.....150 feet;

376-475 square feet sign face.....200 feet; and

476-672 square feet sign face.....250 feet.

~~j.~~ k. Prohibited Billboards:

(1) ~~Animated and~~ Moving billboards, including, but not limited to, changeable copy signs, pennants, flags, banners, streamers, propellers, disks and searchlights.

(2) Flashing billboards.

(3) Glaring billboards.

(4) Inflatable billboards and objects.

(5) Roof billboards.

2. Regulations; Off Premises Signs: The following regulations shall apply to the dimensions and location of off premises signs:

a. Height: The maximum height of any off premises sign shall not exceed thirty two feet (32').

b. Width: The maximum width of any sign shall not exceed ten feet (10').

c. Sign Area: The maximum sign area for any individual sign shall not exceed two hundred (200) square feet. The maximum sign area for any individual sign permitted in subsection 11-13-6A3, "Industrial Zoning Districts (I-1 - I-3)", of this chapter and in accordance with subsection 11-13-5G of this chapter shall not exceed one hundred (100) square feet.

- d. Setbacks: No sign shall be located less than twenty five feet (25') from any property line abutting the street.
 - e. Clearance: All signs shall provide adequate free clearance as not to inhibit the orderly flow of pedestrian and vehicular traffic.
 - f. Number Of Permitted Signs: A business will only be allowed one off premises sign.
3. No New Billboards Or Off Premises Signs: No new billboards or off premises signs shall be erected within the city limits of the city of Enid.
- a. Billboards/off premises signs erected on or before January 6, 2009, shall be considered nonconforming. Nonconforming billboards/off premises signs shall be allowed to remain unless such sign is altered in a manner that increases the degree of nonconformity with the regulations above, is destroyed by calamity, or is abandoned for a period of more than two (2) years.

E. Window Signs:

- 1. Window signs are not required to be permitted through the code office.
 - a. Window signs shall also include neon open signs, hours of operation, open and closed signs, and other signs of that nature that are hung in the windows. Said signs may not flash, pulsate or cause glare, and if the sign is lighted, must remain lit for at least five (5) seconds.

F. Wind Resistant Or "Swinger" Signs:

- 1. Wind resistant or "swinger" signs must be permitted through the code official, but will be at no cost to the business owner. The following regulations shall apply to the dimensions and location of wind resistant or "swinger" signs:
 - a. Such signs shall not exceed twenty (20) square feet in sign area and shall be limited to one sign per one hundred (100) linear feet of street frontage.

G. Temporary Signs:

- 1. Regulations: The following regulations shall apply to the locations of temporary signs which require a permit:
 - a. Events:

- (1) Any event sign, banner, streamer or other posted notification must receive a sign permit from the code official before the posting of any such sign, banner, streamer or other notification.
- (2) Event sign permits may only be granted one per quarter or four (4) per year. The permit shall be at no cost to the owner.
- (3) Event streetlight banners shall not be allowed except as specifically provided herein.
- (4) Event streetlight banners on U.S. Highway 412 and U.S. Highway 81. The purpose of these event streetlight banners is to promote and inform the community and public of an upcoming annual event or celebration.
 - (A) A maximum of sixteen (16) streetlight banners shall be permitted on each side of the highway per mile section. If more than one person or organization desires to display streetlight banners, approval shall be on a first come, first served basis.
 - (B) Event streetlight banners shall not exceed sixteen (16) square feet in area, with a maximum of two (2) banners per light pole.
 - (C) Event streetlight banners shall be displayed no earlier than fourteen (14) days prior to the event and shall be removed within fourteen (14) days following the event.
 - (D) Event streetlight banners shall be secured to the streetlight poles in a manner that is approved by the utility pole owner and shall resist an eighty (80) mile per hour wind load. The bottom of the banner shall be at least nine feet (9') above grade. No banner shall be installed in a manner that interferes with traffic control, sight distances, or the public's use and operation of the public right of way.
 - (E) Approved materials for event streetlight banners include vinyl or other commonly used streetlight banner fabrics.
- (5) Event streetlight banners in the downtown development district. The purpose of these event streetlight banners is to promote and inform the community of an upcoming annual event or celebration which will occur in the downtown development district.

- (A) Event streetlight banners proposed in the downtown development district shall be reviewed by Main Street Enid, Inc. If more than one person or organization desires to display streetlight banners, approval shall be on a first come, first served basis from those who have already received approval from Main Street Enid, Inc.
- (B) Event streetlight banners shall be secured to the streetlight poles in a manner that is approved by the utility pole owner and shall resist an eighty (80) mile per hour wind load. The bottom of the banner shall be at least seven feet (7') above grade. No banner shall be installed in a manner that interferes with traffic control, sight distances, or the public's use and operation of the public right of way.
- (C) Event streetlight banners shall be displayed no earlier than fourteen (14) days prior to the event and shall be removed within fourteen (14) days following the event.

b. Other Event Signs And Banners:

- (6) All such signs and banners shall be placed on private property only. No sign or banner shall be placed or displayed within the public right of way or easement or on publicly owned land.
- (7) No sign or banner shall be placed so as to impair a sight triangle, the visibility of intersections of streets, driveways and alleys.
- (8) Maximum square footage:
 - (A) If the building's frontage is fifty (50) linear feet or less, twenty (20) square feet of event signage is allowed. Additionally, one feather flag will also be allowed.
 - (B) If the building's frontage is between fifty one (51) and one hundred (100) linear feet, thirty (30) square feet of event signage is allowed. Additionally, two (2) feather flags will also be allowed.
 - (C) If the building's frontage is between one hundred one (101) and two hundred (200) linear feet, forty (40) square feet of event signage is allowed. Additionally, three (3) feather flags will also be allowed.
 - (D) If the building's frontage is two hundred one (201) linear feet or more, fifty (50) square feet of event signage is allowed. Additionally, four (4) feather flags will be allowed.

2. Temporary Signs Exempt From Permitting: Temporary signs exempt from permitting Include real estate sale and open house signs; signs advertising the sale of personal property, such as garage, yard and estate sales; holiday themed signage which is both noncommercial and has no logo; and political signs.
 - a. Holiday Themed Signage: Temporary signs of any style with a holiday theme, but without a commercial theme or logo, shall be considered temporary signage, but will be allowed without a permit during the applicable holiday for a maximum period of thirty (30) days. All other regulations governing temporary signs which do not directly conflict with the regulation in this subsection shall be applicable to holiday themed signage.
 - b. Feather Flags: Because of the unique shape of feather flags, the maximum size and number of signs allowed shall differ from other temporary signs which do not require a permit. All other regulations governing temporary signs which do not directly conflict with the regulation in this subsection shall be applicable to feather flags.
 - (1) Feather flags shall not exceed eight feet (8') in height and twenty seven inches (27") in width.
 - (2) The number of feather flags allowed per property shall be as provided in subsection G1b(3) of this section.
 - c. Political Signs: Because of the unique nature of election seasons, the maximum time political signs may be displayed shall differ from other temporary signs which do not require a permit. All other regulations governing temporary signs which do not directly conflict with the regulation in this subsection shall be applicable to political signs.
 - (1) Political signs may be placed beginning on the date upon which a candidate files for election.
 - (2) Political signs must be removed within thirty (30) days after the applicable election or, in the case of a runoff election, within thirty (30) days after an individual is elected to office.
 - (3) Political signs may not be placed within three hundred feet (300') of a polling station on election day. Any such signs placed prior to the election day must be removed at least twenty four (24) hours prior to the election day.
 - d. Trees, Utility Poles Or Other Signs: No temporary sign shall be affixed to trees, utility poles or any other sign.

- e. Sight Triangle: No temporary sign shall be placed so as to impair the sight triangle, the visibility of intersections of streets, driveways and alleys.
- f. Private Property Only: All such signs shall be placed on private property only. No temporary sign shall be placed or displayed within the public right of way, on a public or utility easement, or on publicly owned land.
- g. Maximum Number: The maximum number of temporary signs per property shall be one sign per frontage road or one sign per six hundred (600) linear feet, whichever is greater.
- h. Maximum Size: Except as otherwise specifically provided herein, the maximum size of temporary signs exempt from permitting shall be eight (8) square feet in residential zones and thirty two (32) square feet in all other zones.
- i. Allowed Time Of Placement And Removal: Except as specifically provided herein, temporary signs may be placed twenty four (24) hours prior to the commencement of the purpose for the sign and must be removed twenty four (24) hours after the purpose for the sign has concluded.

H. Automatic Or Changing Sign:

- 1. Electronic signs are not permitted except as provided herein. The information displayed must be displayed for a minimum of three (3) seconds before changing and the sign shall not pulsate, flash, blink or cause a glare.
- 2. Signs shall not be motion/animated.
- 3. Electronic signs shall contain static messages only and shall not have movement, or the appearance of optical illusion of movement, of any part of the sign structure, design or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity.
- 4. Electronic signs shall not exceed five thousand (5,000) nits from sunrise to sunset and shall not exceed one thousand (1,000) nits from sunset to sunrise. (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 13, Section 11-13-1 and Section 11-13-7 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 _____, 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

Meeting Date: 07/17/2018

SUBJECT:

DISCUSS CHANGES TO THE MARIJUANA POSSESSION ORDINANCE CAUSED BY STATE QUESTION #788.

Attachments

Marijuana Ordinance

ORDINANCE NO. 2018-____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 5, "PUBLIC SAFETY," CHAPTER 5, "GENERAL OFFENSES," ARTICLE H, SECTION 5-5H-1 "DRUGS AND RELATED SUBSTANCES" TO REMOVE UNNECESSARY DEFINITIONS, REVISE THE DEFINITION FOR MARIJUANA; LOWER THE FINE FOR POSSESSION OF MARIJUANA; AND REMOVE DRUG PARAPHERNALIA OFFENSES; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, CODIFICATION AND DECLARING AN EMERGENCY.

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

Section I: That Title 5, Chapter 5, Article H, Section 5-6H-1 is hereby amended to read:

5-5H-1: DRUGS AND RELATED SUBSTANCES:

- A. Definitions: As used in this section, the following words and phrases shall have the meanings respectively ascribed to them in this section:

~~ADMINISTER: Shall be as defined in 63 Oklahoma Statutes section 2-101.~~

CONTROLLED DANGEROUS SUBSTANCE: Shall be as defined in 63 Oklahoma Statutes section 2-101.

~~DELIVER OR DELIVERY: Shall be as defined in 63 Oklahoma Statutes section 2-101.~~

~~DRUG PARAPHERNALIA: All equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance in violation of State law. It includes, but is not limited to the types of paraphernalia listed in 63 Oklahoma Statutes section 2-101.~~

MARIJUANA: Shall be defined in ~~63 Oklahoma Statutes Section 2-101.~~ as all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. "Marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination.

~~SALE: Includes barter, exchange or gift, or offer therefor, and each such transaction made by any person, principal, proprietor, agent, servant or employee.~~

B. Possession of Illegal Drugs:

1. It is unlawful for any person knowingly or intentionally to possess any controlled dangerous substance ~~or other than~~ marijuana unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his professional practice, or except as authorized by State law.
2. The violation of this subsection B, shall be punishable by a fine of not more than five hundred dollars (\$500.00) plus costs.

C. Possession of Marijuana:

1. It is unlawful for any person knowingly or intentionally to possess marihuana without an Oklahoma State issued medical marijuana license.
2. The violation of this subsection C, shall be punishable by a fine of not more than four hundred dollars (\$400.00) plus costs.

~~C. Implements For Controlled Dangerous Substances:~~

1. ~~It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.~~
2. ~~It is unlawful for any person to deliver, possess, with intent to deliver or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonable should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.~~
3. ~~It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.~~

4. ~~In determining whether an object is drug paraphernalia, the court should consider the factors as delineated in 63 Oklahoma State Statutes section 2-101.1.~~
5. ~~The violation of this subsection shall be punishable by a fine of not more than five hundred dollars (\$500.00) plus costs. (Ord. 2017-26, 12-5-2017)~~

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

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 H Sections 5-5H-1 of the Enid Municipal Code, 2014.

Section VI. EMERGENCY. WHEREAS, it being necessary to give immediate effect to this ordinance to insure compliance with State Question 788 and the Department of Health Medical Marijuana Control Program so to protect the health, safety and welfare of the citizens of Enid, an emergency is hereby declared to exist. By reason whereof, this Ordinance shall take effect and be in full force and effect after its passage, as provided by law.

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

6.

Meeting Date: 07/17/2018

SUBJECT:

DISCUSS ALCOHOL VIOLATIONS ORDINANCE.

Attachments

Alcohol Ordinance

ORDINANCE NO. 2018-__

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 5, "PUBLIC SAFETY," CHAPTER 5, "GENERAL OFFENSES," ARTICLE H "DRUG AND ALCOHOL RELATED OFFENSES," SECTION 5-5H-2, TO UPDATE DEFINITIONS; TITLE 6 "MOTOR VEHICLES AND TRAFFIC" CHAPTER 7 "GENERAL MISCELLANEOUS RULES" SECTION 6-7-13; TO UPDATE DEFINITIONS; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, EFFECTIVE DATE 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, Article H, Section 5-5H-2 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

5-5H-2: ALCOHOL AND ~~LOW POINT BEER~~, RESTRICTIONS; INTOXICATION:

A. Definitions: as used in this section, the following words and phrases shall have the meanings respectfully ascribed to them in this section:

~~Intoxicating Beverage: all beverages containing more than three and two tenths percent (3.2%) alcohol by weight and all mixed beverage coolers, regardless of percent of alcoholic content.~~

~~Low Point Beer: all beverages containing more than one half of one percent (0.5%) alcohol by volume, and not more than three and two tenths percent (3.2%) alcohol by weight.~~

~~Mixed Beverage Cooler: any beverage by whatever name designated, consisting of an alcoholic beverage and fruit or vegetable juice, fruit or vegetable flavorings, dairy products or carbonated water including but not limited to "wine coolers".~~

ALCOHOL: Means and includes hydrated oxide of ethyl, ethyl alcohol, ethanol or spirits of wine, from whatever source or by whatever process produced. It does not include wood alcohol or alcohol which has been denatured or produced as denatured in accordance with Acts of Congress and regulations promulgated thereunder.

ALCOHOLIC BEVERAGE: Means alcohol, spirits, beer and wine as those terms are defined with 37A of the Oklahoma statutes and also includes every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by human beings.

B. Public Intoxication:

1. No person shall be drunk or intoxicated on any public or private road, or in any public conveyance, or any public place or building, or at any public gathering, from drinking or consuming any ~~low point beer, intoxicating liquor~~ alcohol, intoxicating substance, ~~or~~ intoxicating compound, or from inhalation of glue, paint, or other intoxicating substance. No person shall be drunk or intoxicated from any cause and shall disturb the peace of any person.
2. The violation of this subsection shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) plus costs.

C. Consumption of ~~Intoxicating Liquor~~ Alcohol:

1. No person shall consume or possess any ~~intoxicating liquor~~ alcohol in any street, alley or other public place, except as authorized or permitted by statute or ordinance, as part of a special event pursuant to section 1-15-9 of this code.
2. The violation of this subsection shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) plus costs.

~~D. Consumption of Low Point Beer:~~

- ~~1. Consumption: No person shall consume any low point beer on or in any street or sidewalk, unless authorized as part of a special event pursuant to section 1-15-9 of this code.~~
- ~~2. The violation of this subsection shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) plus costs (Ord. 2013-51, 11-19-2013)~~

Section 2: That Title 6, Chapter 7, Section 6-7-13 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

6-7-13: TRANSPORTATION OF AN OPEN CONTAINER OF ALCOHOL, ~~AND LOW POINT BEER:~~

A. Definitions:

~~ALCOHOLIC BEVERAGES: All beverages containing more than three and two tenths percent (3.2%) alcohol by weight and all mixed beverage coolers, as defined in 37 Oklahoma Statutes section 506(21), regardless of percent of alcohol content.~~

~~LOW POINT BEER: Shall mean and include all beverages containing more than one half of one percent (0.5%) alcohol by volume, and not more than three and two tenths percent (3.2%) of alcohol by weight, including, but not limited to, beer or cereal malt beverages~~

~~obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.~~

ALCOHOL: means and includes hydrated oxide of ethyl, ethyl alcohol, ethanol or spirits of wine, from whatever source or by whatever process produced. It does not include wood alcohol or alcohol which has been denatured or produced as denatured in accordance with Acts of Congress and regulations promulgated thereunder.

ALCOHOLIC BEVERAGE: means alcohol, spirits, beer and wine as those terms are defined herein and also includes every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by human beings.

BUS: A vehicle as defined in 47 Oklahoma Statutes section 1-105 chartered for transportation of persons for hire. It shall not mean a school bus, as defined by 47 Oklahoma Statutes section 1-160, transporting children.

LIMOUSINE: A chauffeur driven motor vehicle, other than a bus or taxicab, as defined by 47 Oklahoma Statutes section 1-174, designed and used for transportation of persons for compensation.

- B. Transportation: No person shall knowingly transport in a moving vehicle upon a public highway, street or alley any alcohol ~~alcoholic beverage or low point beer~~, except in the original container, which shall not have been opened and from which the original cap or seal shall not have been removed, unless the opened container be in the rear trunk or rear compartment which shall include the spare tire compartment in the station wagon or panel truck or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion.
- C. Exception: The provisions of this section do not apply to the passenger area of buses or limousines; however, it shall be unlawful for the driver of the bus or limousine to consume or have in the driver's immediate possession any ~~intoxicating beverage or low point beer~~ alcohol.
- D. Fine: A violation of this section has a maximum penalty of ~~two hundred dollars (\$200.00) plus costs for a first offense~~, a maximum penalty of three hundred dollars (\$300.00) plus costs for a ~~second~~ first offense and a maximum penalty of five hundred dollars (\$500.00) plus costs for a ~~third and~~ subsequent offense.

Section 3: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section 4: 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 5: 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 6: Codification. This ordinance shall be codified as Title 5, Chapter 5, Article H, Section 5-5H-2 and Title 6, Chapter 7, Section 6-7-13 of the Enid Municipal Code, 2014.

Section 7: This Ordinance goes into effect on October 1, 2018.

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

Meeting Date: 07/17/2018

SUBJECT:

**DISCUSS ORDINANCE PROVIDING FOR AN ANNUAL OCCUPATION TAX ON THE
MANUFACTURE AND SALE OF ALCOHOL AND REPEALING BUSINESS AND LICENSE
REGULATIONS ON ALCOHOL.**

Attachments

Business License and Tax Related to Alcohol

ORDINANCE NO. 2018-__

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 2, "FINANCE AND TAXATION," CHAPTER 6, "FEE SCHEDULE," ARTICLE B ENTITLED "BUSINESS RELATED FEES," SECTION 2-6B-3, TO READ "ANNUAL TAX ON MANUFACTURE AND SALE OF ALCOHOL" TO PROVIDE THE SPECIFIC AMOUNTS OF THE OCCUPATIONAL TAX IMPOSED; AMENDING TITLE 3 'BUISNESS AND LICENSE REGULATIONS' CHAPTER 2 "ALCOHOLIC BEVERAGES TO REPEAL SECTIONS 3-2-1 THROUGH 3-2-11; AMENDING ARTICLE A OF CHAPTER 2, SECTION 3-2A-1 "DEFINITIONS" TO PROVIDE CURRENT REFERENCES; SECTION 3-2A-2 "OCCUPATION TAX LEVIED" TO PROVDE CURRENT TAX AMOUNTS AND LIMITATIONS; SECTION 3-2A-3 "PAYMENT REQUIRED"; SECTION 3-2A-4 "ANNUAL REPORT"; 3-2A-5 "APPLICATION FOR CERTIFICATION; INVESTIGATION"; AND 3-2A-6 "ISSUANCE OF CERTIFICATES" TO COMPLY WITH NEW STATE LAWS; SECTION 3-2A-7 IS REPEALED; AMENDING CHAPTER 2, ARTICE B IN ITS ENTIRETY; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, CODIFICATION AND EFFECTIVE DATE.

ORDINANCE

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

Section 1: That Title 2, Chapter 6, Article B, Section 2-6B-3 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

2-6B-3: ALCOHOLIC BEVERAGES; LOW POINT BEER; ANNUAL TAX ON MANUFACTURE AND SALE OF ALCOHOL:

A. Occupational Tax Imposed:

1. The tax required by section 3-2A-2 of this code shall be as follows:

a.-	Brewer	\$1,250.00
b.-	Oklahoma brewer	125.00
e.-	Distiller	3,125.00
d.-	Winemaker	625.00
e.-	Oklahoma winemaker	75.00

f.—	Rectifier—	3,125.00—
g.—	Wholesaler—	3,500.00—
h.—	Class B wholesaler—	625.00—
i.—	Retail package store—	905.00—
j.—	Mixed beverage—	1,005.00—
k.—	Mixed beverage renewal—	905.00—
l.—	Mixed beverage/caterer combination—	1,250.00—
m.—	Beer and wine—	500.00—
n.—	Beer and wine renewal—	450.00—
o.—	Bottle club—	1,000.00—
p.—	Bottle club renewal—	900.00—
q.—	Caterer—	1,005.00—
r.—	Caterer renewal—	905.00—
s.—	Annual special event—	55.00—
t.—	Quarterly special event—	55.00—
u.—	Hotel beverage—	1,005.00—
v.—	Hotel beverage renewal—	905.00—
w.—	Airline/railroad beverage—	1,005.00—
x.—	Airline/railroad beverage renewal—	905.00—
y.—	Agent—	55.00—
z.—	Employee—	30.00—
aa.—	Industrial—	23.00—
bb.—	Carrier—	23.00—
cc.—	Bonded warehouse—	190.00—
dd.—	Storage—	23.00—
ee.—	Nonresident seller—	750.00—

ff.	Manufacturer's agent	55.00
gg.	Sacramental wine supplier	100.00
hh.	Charitable auction	1.00
ii.	Charitable alcoholic beverage	55.00
jj.	Winemaker self-distribution	750.00
kk.	Annual public event	1,005.00
ll.	Onetime public event	255.00

<u>Brewer</u>	<u>\$1,250.00</u>
<u>Small Brewer</u>	<u>\$125.00</u>
<u>Small Brewer Self-Distribution</u>	<u>\$750.00</u>
<u>Brew Pub</u>	<u>\$1,005.00</u>
<u>Brew Pub Self-Distribution</u>	<u>\$750.00</u>
<u>Distiller</u>	<u>\$3,125.00</u>
<u>Winemaker</u>	<u>\$625.00</u>
<u>Winemaker Self-Distribution</u>	<u>\$750.00</u>
<u>Small Farm Winery</u>	<u>\$75.00</u>
<u>Wine and Spirits Wholesaler</u>	<u>\$3,000.00</u>
<u>Beer Distributor</u>	<u>\$750.00</u>
<u>Retail Spirits</u>	<u>\$905.00</u>
<u>Retail Wine</u>	<u>\$1,000.00</u>
<u>Retail Beer</u>	<u>\$500.00</u>
<u>Mixed Beverage Initial</u>	<u>\$1,005.00</u>

<u>Mixed Beverage Renewal</u>	<u>\$905.00</u>
<u>Mixed Beverage/Caterer Combination</u>	<u>\$1,250.00</u>
<u>On Premises Beer and Wine Initial</u>	<u>\$500.00</u>
<u>On Premises Beer and Wine Renewal</u>	<u>\$450.00</u>
<u>Bottle Club Initial</u>	<u>\$1,000.00</u>
<u>Bottle Club Renewal</u>	<u>\$900.00</u>
<u>Caterer</u>	<u>\$1,005.00</u>
<u>Caterer Renewal</u>	<u>\$905.00</u>
<u>Annual Special Event</u>	<u>\$55.00</u>
<u>Quarterly Special Event</u>	<u>\$55.00</u>
<u>Hotel Beverage Initial</u>	<u>\$1,005.00</u>
<u>Hotel Beverage Renewal</u>	<u>\$905.00</u>
<u>Charitable Auction</u>	<u>\$1.00</u>
<u>Charitable Alcoholic Beverage</u>	<u>\$55.00</u>
<u>Annual Public Event</u>	<u>1,005.00</u>
<u>One-time Public Event</u>	<u>\$255.00</u>

2. ~~The occupation tax for those service organizations which are exempt under section 501(c)(19), (8) or (10) of the internal revenue code for mixed beverage or bottle club license shall be five hundred dollars (\$500.00) per year~~

As provided in subsection 3-2A-5 of this code, every applicant for a certificate of compliance with the zoning, fire, health and safety codes of the city, required by ABL Commission, shall pay a verification and certification fee in the amount of one hundred dollars (\$100.00) at the time of filing.

- ~~B. Low Point Beer, Retail License: The fee required in section 3-2B-5 of this code shall be sixty dollars (\$60.00) for sales of low point beer for consumption on or off the premises and thirty dollars (\$30.00) for selling such beer in original packages and not for consumption on the premises. (Ord. 2015-18, 4-14-2015)~~

Section 2: That Title 3, Chapter 2, Sections 3-2-1 through 3-2-11 of the Enid Municipal Code, 2014 are hereby repealed.

Section 3: That Title 3, Chapter 2, Article A, Section 3-2A-1 through Section 3-2A-3 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

3-2A-1: DEFINITIONS:

All of the terms and phrases used in this article shall be given the same use and meaning as defined by the Oklahoma Alcoholic Beverage Control Act, 37A O.S. §1-101 et seq.

3-2A-2: OCCUPATION TAX LEVIED:

There is hereby levied and assessed an annual occupation tax on every business or occupation ~~relating to alcoholic beverages~~ that has its principal place of business in Enid, Oklahoma and is required to have a licensee from the Alcoholic Beverage Laws Enforcement Commission as specifically enumerated in subsection 2-6B-3 of this code, and in the amount therein stated.

3-2A-3: PAYMENT REQUIRED; PENALTY:

- A. Payment; Provide Copy Of State License: Any state licensee or interim licensee ~~originally entering upon any occupation~~ listed in section 2-6B-3 of this code that has a principal place of business in Enid, Oklahoma shall pay the tax therefor at the office of the city clerk on or before the date upon which he enters upon such occupation. Said licensee or interim licensee shall provide a copy of his current state license or interim license before payment of an occupation tax will be accepted.
- B. Term; Prorating Fee: The tax levied under this article shall be for one year, expiring on the date upon which the licensee's state license expires. If paid during the year, the fee shall be prorated on a monthly basis. If paid before the fifteenth day of any month, the tax shall be on the basis as of the first day of said month and if paid after the fifteenth day of any month, the tax shall be on the basis of the first day of the next month.
- ~~C. Issuance, Posting Of Receipt: Upon payment of the said occupation tax, the city clerk shall issue a receipt to said state licensee or interim licensee, which state licensee or interim licensee shall post in a conspicuous place on the premises wherein he carries on his occupation.~~
- ~~D. Violation: Any person who engages in any of the occupations taxed by this article without paying said occupation tax imposed therefor, or without paying said occupation tax imposed therefor in advance of such operation, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a maximum fine of five hundred dollars (\$500.00) plus costs, and/or by imprisonment in the Garfield County Detention Facility for a term of not more than sixty (60) days. Each day of such violation shall constitute a separate offense. (Ord. 2015-18, 4-14-2015)~~

3-2A-4: ANNUAL REPORT:

The city clerk shall make an annual report to the ABLÉ ~~Commission~~ ~~commissioner~~, covering the fiscal year, showing the number and class of license subject to the occupation tax and the amount of money collected from said tax. (1994 Code § 3-24)

3-2A-5: APPLICATION FOR CERTIFICATES; INVESTIGATION:

A. Filing Of Application; Fee: Every applicant for a certificate of compliance with the zoning, fire, health and safety codes of the city, required by the ABLÉ Commission ~~37 Oklahoma Statutes~~, shall apply at the office of the city clerk by:

1. Filing a written application on forms prescribed by that office; and
2. Paying a verification and certification fee in an amount as specified in subsection 2-6B-3(A) (2) of this code at the time of filing.

B. Investigation Of Premises: Upon receipt of an application for a certificate of compliance, the city clerk shall cause an investigation to be made to determine whether the premises proposed for licensed operations comply with the provisions of the zoning ordinance and any health, fire, building and other safety codes applicable to it.

C. Time Limit For Acting On Application: The city clerk shall act on all such applications within twenty (20) days of receipt thereof. (1994 Code § 3-25; amd. 2003 Code)

3-2A-6: ISSUANCE OF CERTIFICATES:

A. Certificate Of Zoning: Upon finding that the premises of an applicant for a certificate is in compliance with all applicable zoning ordinances, a certificate of zoning shall be issued to the ABLÉ commission.

B. Certificate Of Compliance: Upon finding that the premises of an applicant for a certificate is in compliance with all applicable fire, safety and health codes, a certificate of compliance shall be issued to the ABLÉ commission.

~~C. Certificates Signed By City Official: The above certificates of compliance shall be signed and sealed by the mayor or city clerk. (1994 Code § 3-26)~~

Section 4: That Title 3, Chapter 2, Article A, Sections 3-2A-7 of the Enid Municipal Code, 2014 is hereby repealed.

Section 5: That Title 3, Chapter 2, Article B, of the Enid Municipal Code, 2014 is hereby repealed in its entirety.

Section 6: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section 7: 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 8: 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 9: Codification. This ordinance shall be codified as Title 2, Chapter 6, Article B, Section 2-6B-3; Title 3, Chapter 2, Article A Sections 3-2A-1 through 3-2A- 6 of the Enid Municipal Code, 2014.

Section 10: EFFECTIVE DATE: This Ordinance goes into effect on October 1, 2018.

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