



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 21st day of August, 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 AUGUST 21, 2018.**
3. **UPDATE ON ROAD CONSTRUCTION PROJECTS AND CONSTRUCTION TRAFFIC MANAGEMENT.**
4. **UPDATE ON KAW LAKE WATER SUPPLY PROJECT.**
5. **DISCUSS SIDEWALK ORDINANCE.**
6. **DISCUSS CODE RELATED SUBSEQUENT OFFENSE ORDINANCE.**
7. **DISCUSS TRESPASS WITH WEAPON ORDINANCE.**
8. **ADJOURN.**

**City Commission Study Session**

**6.**

**Meeting Date:** 08/21/2018

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**SUBJECT:**

**DISCUSS CODE RELATED SUBSEQUENT OFFENSE ORDINANCE.**

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**Attachments**

Code Ordinance

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

**AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014 TITLE 4 “HEALTH AND SANITATION” CHAPTER 3, “LITTER; HANDBILLS”, SECTION 4-3-2 “OWNER TO MAINTAIN PREMISES FREE OF LITTER”; CHAPTER 4, “NUISANCES” SECTION 4-4-2 ‘UNLAWFUL TO MAINTAIN NUISANCE’; CHAPTER 5, “WEEDS AND NOXIOUS MATTER”; CHAPTER 6 “INOPERABLE VEHICLES”, SECTION 4-6-8 “FAILURE TO REMOVE”; TITLE 7 “PUBLIC WAYS AND PROPERTY”, CHAPTER 7 “TREES”, SECTION 7-7-2 “REMOVAL OF DEAD OR DISEASED TREES; TRIMMING TREES”; TITLE 8 “UTILITIES”, SECTION 8-4-7; “STORING TRASH”; TITLE 9 “BUILDING REGULATIONS”, CHAPTER 9, “PROPERTY MAINTENANCE CODE”, SECTION 9-9-2 “AMENDMENTS TO PROPERTY MAINTENANCE CODE” TO PROVIDE SUBSEQUENT OFFENSE PENALTY OF A FINE UP TO FIVE HUNDRED DOLLARS; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.**

**ORDINANCE**

Section 1: That Title 4, Chapter 3, Section 4-3-2- of the Enid Municipal Code, 2014 is hereby amended as follows:

**4-3-2: OWNER TO MAINTAIN PREMISES FREE OF LITTER:**

- A. The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, this section shall not prohibit the storage of litter in authorized private receptacles for collection.
- B. The violations of this section shall be punishable by a fine of up to one hundred dollars (\$100.00), plus costs, unless the person charged has been previously convicted once under this section or any of the following sections: 4-4-2, 4-5-8, 4-6-8 of this title; 7-7-2, 8-4-7, and 9-9-2 of this Code, in the last five (5) years, then a violation of this section shall be punishable by a fine of up to two hundred dollars (\$200.00), plus costs. ~~If the person charged has been previously convicted more than once under this section or any of the above referenced sections in the last five (5) years, then a violation of this section shall be punishable by a fine of five hundred dollars (\$500.00), plus costs.~~

Section 2: That Title 4, Chapter 3, Section 4-3-2- of the Enid Municipal Code, 2014 is hereby amended as follows:

#### **4-4-2: UNLAWFUL TO MAINTAIN NUISANCE:**

- A. No person shall create or maintain a nuisance or permit it to be created or maintained upon property owned by him or under his control.
- B. The violations of this section shall be punishable by a fine of up to one hundred dollars (\$100.00), plus costs, unless the person charged has been previously convicted once under this section or any of the following sections: 4-3-2, 4-5-8, 4-6-8 of this title; 7-7-2, 8-4-7, and 9-9-2 of this Code, in the last five (5) years, then a violation of this section shall be punishable by a fine of up to ~~two hundred dollars (\$200.00), plus costs. If the person charged has been previously convicted more than once under this section or any of the above referenced sections in the last five (5) years, then a violation of this section shall be punishable by a fine~~ of five hundred dollars (\$500.00), plus costs.

Section 3: That Title 4, Chapter 5, Section 4-5-8 of the Enid Municipal Code, 2014 is hereby amended as follows:

#### **4-5-8: TRASH AND WEED ACCUMULATION:**

- A. Owner Responsibility: No person, entity or corporation owning or otherwise in possession or control of real property located within the corporate limits of the city shall allow:
1. Trash to accumulate in any front yard, side yard, rear yard, adjacent alleyway, or any other area that the resident has a duty to maintain; or
  2. Weeds to grow or remain upon such real property in any front yard, side yard, rear yard, curb area, adjacent alleyway, or any other area that the resident has a duty to maintain.
  3. Trash and weeds, when cleared from the property, shall not be placed, blown or otherwise allowed to be deposited into the gutters or the street.
- B. Classification Of Violation: Each violation of the provisions of this section shall be punishable by a fine of up to one hundred dollars (\$100.00), plus costs and fees, unless the person charged has been previously convicted once under this section or any of the following sections: 4-3-2, 4-4-2, 4-6-8 of this title; 7-7-2, 8-4-7, 9-9-2, and 11-14-8 of this code, in the last five (5) years, then a violation of this chapter shall be punishable by a fine of up to ~~two hundred fifty dollars (\$250.00) plus costs and fees. If the person charged has been previously convicted more than once under this section or any of the above referenced sections in the last five (5) years, then a violation of this chapter shall be punishable by a fine~~ of up to five hundred dollars (\$500.00) plus costs and fees.
- C. Exception: The provisions of this chapter shall not apply to any property zoned and used for agricultural purposes.

Section 4: That Title 4, Chapter 6, Section 4-6-8 of the Enid Municipal Code, 2014 is hereby amended as follows:

**4-6-8: FAILURE TO REMOVE:**

- A. No person shall fail to remove an inoperable motor vehicle after the notice provided herein.
- B. The violations of this section shall be punishable by a fine of up to one hundred dollars (\$100.00), plus costs, unless the person charged has been previously convicted once under this section or any of the following sections: 4-3-2, 4-5-8, 4-6-8 of this title; 7-7-2, 8-4-7, and 9-9-2 of this Code, in the last five (5) years, then a violation of this section shall be punishable by a fine of up to ~~two hundred dollars (\$200.00), plus costs. If the person charged has been previously convicted more than once under this section or any of the above referenced sections in the last five (5) years, then a violation of this section shall be punishable by a fine of~~ five hundred dollars (\$500.00), plus costs.

Section 5: That Title 7, Chapter7, Section 7-7-2 of the Enid Municipal Code, 2014 is hereby amended as follows:

**7-7-2: REMOVAL OF DEAD OR DISEASED TREES; TRIMMING TREES:**

A. Trimming Or Removal:

1. Property owners shall trim trees so as not to obstruct the passage of pedestrians on sidewalks (no limbs below 8 feet), nor vehicles traveling on streets (no limbs below 14 feet) and alleys (no limbs below 12 feet).

2. The City shall have the right to cause the removal of any dead or diseased trees or the trimming of live trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City.

- B. Notice; Abatement: The City Code Office will notify in writing the owners of trees specified in subsection A of this section. The trimming or removal shall be done by said owners at their own expense within thirty (30) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of the work to said owners.
- C. Violation: The violations of this section shall be punishable by a fine of up to one hundred dollars (\$100.00), plus costs, unless the person charged has been previously convicted once under this section or any of the following sections of this Code: 4-3-2, 4-5-8, 4-6-8 of this title; 7-7-2, 8-4-7, and 9-9-2 in the last five (5) years, then a violation of this section shall be punishable by a fine of up to ~~two hundred dollars (\$200.00), plus costs. If the person charged has been previously convicted more than once under this section or any of the above~~

~~referenced sections in the last five (5) years, then a violation of this section shall be punishable by a fine of five hundred dollars (\$500.00), plus costs~~

Section 6: That Title 8, Chapter 4, Section 8-4-7 of the Enid Municipal Code, 2014 is hereby amended as follows:

**8-4-7: STORING TRASH:**

A. Placement Of Trash In Containers: No person shall place any trash in any street, alley, or other public place, on any private property, whether owned by said person or not, except in proper polycart containers for collection or under express approval granted by the City, nor shall any person throw or deposit any trash in any stream or other body of water.

B. Placement Of Polycart:

1. The container shall be placed at the curb no later than seven thirty o'clock (7:30) A.M. on the collection day.

2. The polycart shall be placed at the edge of the resident's property, next to the street, wheels above the curb, with the handle facing the resident's home.

3. There must be a minimum of ten feet (10') of clearance from other containers, parked vehicles, street and lampposts, trees, mailboxes, and other obstructions.

4. The resident must remove the container from the curb or street after it is emptied.

C. Unauthorized Accumulations; Nuisance: Any unauthorized accumulation of trash on any premises is hereby declared to be a nuisance and is hereby prohibited.

D. Depositing On Public Ways, Occupied Premises: No person shall cast, place, sweep or deposit anywhere within the City any trash in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises.

E. Violation: The violations of this section shall be punishable by a fine of up to one hundred dollars (\$100.00), plus costs, unless the person charged has been previously convicted once under this section or any of the following sections of this Code: 4-3-2, 4-5-8, 4-6-8 of this title; 7-7-2, 8-4-7, and 9-9-2 in the last five (5) years, then a violation of this section shall be punishable by a fine of up to ~~two hundred dollars (\$200.00), plus costs. If the person charged has been previously convicted more than once under this section or any of the above referenced sections in the last five (5) years, then a violation of this section shall be punishable by a fine of five hundred dollars (\$500.00), plus costs.~~

Section 7: That Title 9, Chapter 9, Section 9-9-2 of the Enid Municipal Code, 2014 is hereby amended as follows:

## **9-9-2: AMENDMENTS TO PROPERTY MAINTENANCE CODE:**

The international property maintenance code, 2015 edition, is hereby amended in the following respects:

Chapter 1 Scope And Administration is hereby amended in the following respects:

Section 101.1. Insert the city of Enid.

Section 106.1 Unlawful Acts.

Any person, firm, corporation or agent, who shall violate a provision of this code, unless specified otherwise, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of this code shall be guilty of a misdemeanor, punishable by a fine of one hundred dollars (\$100.00), unless the person charged has been previously convicted once under this section or any of the following sections of this code: 4-3-2; 4-4-2; 4-5-8; 4-6-8; 7-7-2; and 8-4-7; and 11-14-8, in the last ~~three (3)~~ five (5) years, then a violation of this section shall be punishable by a fine of up to two hundred dollars (\$200.00), ~~or unless the person charged has previously been convicted under this section or any of the above referenced sections twice or more in the last three (3) years, then a violation of this section shall be punishable by a fine of five hundred dollars (\$500.00).~~

Section 107.1 Notice To Person Responsible.

Whenever the code official determines that there are reasonable grounds to believe that there has been a violation of any provision of this code or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor and such alleged violations shall constitute a nuisance.

Section 107.2 Form.

Such notice shall:

1. Be put in writing;
2. Include a description of the property sufficient for identification;
3. Include a statement of the violation(s) and why it is being issued;
4. Allow 10 days to correct safety violations, allow 45 days to correct major violations and 60 days to correct minor violations with a maximum time limit of 120 days for any combination, subject to approval of the code official; and
5. State that, if such repairs, reconstruction, alterations, removal or demolition are not voluntarily completed within the stated time as set forth in the notice, the code official shall institute such

legal proceedings charging the person or persons, firm, corporation or agent with a violation of this code.

6. Include a statement of the right to file a lien in accordance with section 106.3.

Section 107.3 Method Of Service.

Service of notice shall be as follows:

1. By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
2. By depositing the notice in the United States post office addressed to the owner at his last known address with postage prepaid thereon; or
3. By posting and keeping posted for 24 hours a copy of the notice in a conspicuous place on the premises to be repaired. The removal of this notice is punishable by a fine of five hundred dollars (\$500.00).

Section 107.5 is omitted.

Section 108.4.1 Removal Of Placard.

The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code. Violation of this section shall be punishable by a fine of five hundred dollars (\$500.00).

Section 111.1 Application For Appeal. Any person directly affected may enter an appeal in writing to the construction board of appeals within 10 days following the date of service of notice of deficiencies from the code official as specified in section 107.3. Such appeal shall state the location of the property and the date of the notice of violations. The appellant must state the modification requested, the reasons therefore, and the hardship or conditions upon which the appeal is made. The fee as provided in section 2-6F-2 of the Enid municipal code shall accompany such notice of appeal.

Section 111.7 is amended and entitled "Appeals From Construction Board."

Section 111.7 Appeals From Construction Board.

Any person may appeal the decision of the construction board of appeals to Garfield County district court pursuant to 12 Oklahoma Statutes section 951, if said appeal is filed within 30 days from decision being rendered.

Chapter 2 Definitions is hereby amended in the following respects:



Section 202 "General Definitions" shall be amended to include a definition of owner:

Owner. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or city as holding title to the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court; or a property manager or any person who signs the rental contract, lease or "rent to own documents" on behalf of the owner.

Chapter 3 General Requirements is hereby amended in the following respects:

Section 302.10 is created to read as follows:

Section 302.10 Care Of Premises - Open Storage.

It shall be unlawful for the owner or occupant to utilize the premises of such property for the open storage of any ice box, refrigerator, stove, glass, televisions, recliners, sofas, dressers, building material, building rubbish, vehicle parts or similar items.

Section 8: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section 9: 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 10: 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 11: Codification. This Ordinance shall be codified as Title 4, Chapter 3, Section 4-3-2; Chapter 4, Section 4-4-2; Chapter 5, Section 4-5-8; Chapter 6, Section 4-6-8; Title 7, Chapter 7, Section 7-7-2; Title 8, Chapter 4, Section 8-4-7; and, Title 9, Chapter 9, Section 9-9-2 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 \_\_\_\_\_, 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

**City Commission Study Session**

**7.**

**Meeting Date:** 08/21/2018

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**SUBJECT:**

**DISCUSS TRESPASS WITH WEAPON ORDINANCE.**

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**Attachments**

Trespass with weapon

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

**AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014  
TITLE 5 "PUBLIC SAFETY" CHAPTER 5 "GENERAL OFFENSES"  
SECTION 5-5C-2 TO REMOVE TRESPASS WITH WEAPON;  
PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY  
AND CODIFICATION.**

**ORDINANCE**

Section 1: That Title 5, Chapter 5, Section 5-5C-2 and 5-5C-3 of the Enid Municipal Code, 2014 is hereby amended as follows:

**5-5C-2: TRESPASSING:**

**A. Public Property<sup>1</sup>:**

1. Definitions: As used in this subsection, the following terms shall have the meanings ascribed to them in this subsection A1:

OFFICIAL SIGN: Any permanently fixed notice posted by the Federal, State, County or Municipal government, to include school districts owning or maintaining any said public property.

TRESPASS: Each and every actual entry upon the premises of an owner or other person in lawful possession of the premises or government in violation and contrary to the provisions of any official sign posted to regulate and govern such entry or use.

2. Prohibited: No person shall trespass on public property.
3. Violation: The violation of this subsection shall be punishable by a fine of two hundred fifty dollars (\$250.00) plus costs.

**B. Private Property<sup>2</sup>:**

1. Definition: As used in this subsection, "trespass" shall mean:
  - a. Each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession;
  - b. Remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises;

- c. Remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer; provided, that it shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises; nor shall it apply unless hours of business operation are posted upon such premises;
  - d. Returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this subsection.
2. Prohibited: No person shall trespass on private property.
  3. Violation: The violation of this subsection shall be punishable by a fine of up to two hundred fifty dollars (\$250.00) plus costs.

~~C. With Weapon<sup>3</sup>:~~

- ~~1. No person shall enter any building carrying a firearm, with or without a license, where the building is posted as a "No Firearms" building.~~
- ~~2. To be a "No Firearms" building, signage must be present at every entrance which reads "No Firearms Allowed On Premises". The signage should also include a symbol of a firearm within a circle with a line through it.~~
- ~~3. This subsection C shall not apply to law enforcement officers engaged in the lawful performance of their official duties.~~
- ~~4. The violation of this subsection shall be punishable by a fine of up to two hundred fifty dollars (\$250.00) plus costs. (Ord. 2013 46, 11 19 2013)~~

(State Law Reference: 21 O.S. §1290.22 Wearing Weapons)

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, Section 5-5C-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 \_\_\_\_\_, 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