



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 November, 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 NOVEMBER 6, 2018.**
3. **DISCUSS BAIL PROCEDURES ORDINANCE AND LIVING IN TENTS ORDINANCE.**
4. **UPDATE ON THE DOWNTOWN ART PROJECT BY ROMY OWENS.**
5. **ADJOURN.**

City Commission Study Session

3.

Meeting Date: 11/06/2018

SUBJECT:

DISCUSS BAIL PROCEDURES ORDINANCE AND LIVING IN TENTS ORDINANCE.

Attachments

Tents

Bail Procedures Ordinance

ORDINANCE NO. 2018-

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 5, "PUBLIC SAFETY", CHAPTER 5, "GENERAL OFFENSES", ARTICLE A "GENERAL PROVISIONS; MISCELLANEOUS OFFENSES", SECTION 5-5A-3 "LIVING IN OR PLACING TENTS ON PUBLIC PROPERTY" TO LOWER FINE TO TWO HUNDRED DOLLARS, 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, Section 5-5a-3 of the Enid Municipal Code, 2014 is hereby amended to read as follows:

5-5A-3: LIVING IN OR PLACING TENTS ON PUBLIC PROPERTY:

A. Living In Tents: No person shall live in a tent, shack, shed or any other type of structure, except residences, hotels, rooming houses, houses and trailers constructed, maintained and occupied according to the ordinances of the city.

B. Camping In Tents: No person shall erect a tent on public property for the purpose of camping overnight, except in areas authorized by the mayor and board of commissioners.

C. Violation: The violation of this section shall be punishable by a fine of up to two ~~five~~ hundred dollars (\$200.00) plus costs. Each day a violation continues shall constitute a separate offense. (Ord. 2013-44, 11-19-2013)

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 All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section 3: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section 4: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of

the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section 5: Codification. This ordinance shall be codified as Title 5, Chapter 5, Article A, Section 5-5A-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 _____, 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

ORDINANCE NO. 2018-

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 1, “ADMINISTRATION”, CHAPTER 11, “MUNICIPAL COURT”, SECTION 1-11-10 “BAIL BOND PROCEDURE” TO ALLOW FOR USE OF OKLAHOMA IDENTIFICATION CARDS OR UNITED STATES MILITARY IDENTIFICATION CARDS FOR NONTRAFFIC OFFENSES; TO SIMPLIFY THE CONDITIONS FOR RELEASE UPON OWN RECOGNIZANCE; 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 1, Chapter 11, Section 1-11-10 of the Enid Municipal Code, 2014 is hereby amended to read as follows:

1-11-10: BAIL BOND PROCEDURE:

A. Conditions For Release For Violation: In addition to other provisions of law for posting bail, any person, whether a resident of this State or a nonresident, who is arrested by a law enforcement officer solely for a misdemeanor violation of a ~~M~~ municipal ordinance shall be released by the arresting officer upon personal recognizance if:

1. The arrested person has been issued a valid license to operate a motor vehicle by Oklahoma, another state jurisdiction within the United States which is a participant in the nonresident violator compact, or any party jurisdiction of the nonresident violator compact; or if the arrested person is charged with an offense that is not a traffic offense and has been issued an Oklahoma Identification Card or a United States military identification card;

2. The arresting officer is satisfied as to the identity of the arrested person;

3. The arrested person signs a written promise to appear as provided for on the citation and the officer believes the person will appear;

4. The officer believes the person will not cause injury to himself or others or damage to property if released; and

5. The violation does not constitute:

a. Driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances; or

b. Eluding or attempting to elude a law enforcement officer; or

- c. Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation; or
- d. An arrest based upon an outstanding warrant; or
- e. An offense against a person as found in title 5, chapter 5, article B and article C of this code; or

(1) ~~Section 5-5B-1, "Assault And Battery";~~

(2) ~~Section 5-5B-2, "Certain Acts Against Police Dogs And Service Animals";~~

(3) ~~Section 5-5B-3, "Obscene, Threatening Or Harassing Telephone Calls Or Other Electronic Communication";~~

(4) ~~Section 5-5B-4, "Stalking; Harassment".~~

f. A traffic violation coupled with any offense stated in subsections A5a through A5d of this section.

~~g. An arrest for failing to immediately disperse, after being told to do so, for unlawfully assembling as defined in section 5-5E-2 of this code; or~~

~~h. "Petit larceny" as defined in title 5, chapter 5, article C of this code; or~~

~~i. "Public intoxication" as defined in section 5-5H-2 of this code; or~~

~~j. "Trespassing" as defined in section 5-5C-2 of this code.~~

B. 6. If any person is charged with an offense that carries jail time ~~the offenses listed in subsections A5a through A5j of this section~~ they must appear before the court.

C. B. Duties Of Arresting Officer Upon Release Of Arrested Person:

1. If the arrested person is eligible for release on personal recognizance as provided for in subsection A of this section, then the arresting officer shall:

a. Designate the charge;

b. Record information from the arrested person's driver's license on the citation form, including the name, address, date of birth, personal description, type of driver's license, driver's license number, issuing state, and expiration date;

c. Record the motor vehicle make, model and tag information, if a vehicle is involved in the offense;

- d. Record the arraignment date and time on the citation; and
- e. Permit the arrested person to sign a written promise to appear as provided for in the citation.

2. The arresting officer shall then release the person upon personal recognizance based upon the signed promise to appear. The citation shall contain a written notice to the arrested person that release upon personal recognizance based upon a signed written promise to appear for arraignment is conditional and that failure to timely appear for arraignment shall result in the suspension of the arrested person's driver's license in Oklahoma, or in the nonresident's home state pursuant to the nonresident violator compact.

D. ~~C.~~ Time Of Arraignment: If the arraignment is continued or rescheduled, the arrested person shall remain on personal recognizance and written promise to appear until such arraignment, in the same manner and with the same consequences as if the continued or rescheduled arraignment was entered on the citation by the arresting officer and signed by the defendant.

E. ~~D.~~ Issuance Of Warrant For Arrest:

1. Nontraffic Offenses: If an individual fails to appear after being issued a citation, a warrant shall be issued and his appearance shall be compelled.

2. Traffic Offenses; Notify State; Recommend Suspension Of Driver's License:

a. If, pursuant to the provisions of subsection [1-11-3H](#) of this chapter, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, the court may issue a warrant for the arrest of the defendant. The municipal court clerk, within one hundred twenty (120) calendar days from the date the citation was issued by the arresting officer, shall notify the Oklahoma department of public safety that:

- (1) The defendant was issued a traffic citation and released upon personal recognizance after signing a written promise to appear for arraignment as provided for in the citation;
- (2) The defendant has failed to appear for arraignment without good cause shown;
- (3) The defendant has not posted bail, paid a fine, or made any other arrangement with the court to satisfy the citation; and
- (4) The citation has not been satisfied as provided by law.

b. Additionally, the court clerk shall request the Oklahoma department of public safety to either suspend the defendant's driver's license to operate a motor vehicle in this state, or notify the defendant's home state and request suspension of the defendant's driver's

license in accordance with the provisions of the nonresident violator compact. Such notice and request shall be on a form approved or furnished by the department of public safety.

3. Notification And Request: The court clerk shall not process the notification and request provided for in this subsection if, with respect to such charges:

- a. The defendant was arraigned, posted bail, paid a fine, was jailed, or otherwise settled the case; or
- b. The defendant was not released upon personal recognizance upon a signed written promise to appear as provided for in this section; or if released, was not permitted to remain on such personal recognizance for arraignment; or
- c. A period of one hundred twenty (120) calendar days or more has elapsed from the date the citation was issued by the arresting officer.

F. E. Records; Notification Of Resolution Of Case: The municipal court clerk shall maintain a record of each request for driver's license suspension submitted to the Oklahoma department of public safety pursuant to the provisions of this section. When the court or court clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the court clerk shall furnish proof thereof to such defendant, if the defendant personally appears, or shall mail such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation or at such other address as is furnished by the defendant. Additionally, the court or court clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the nonresident violator compact, and shall, in all other cases, notify said department, of the resolution of the case. The form of proof and the procedures for notification shall be approved by the Oklahoma department of public safety. (Ord. 2015-38, 11-3-2015)

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 1, Chapter 10, Section 1-10-11 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