



Board of Commissioners Study Session

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 Trustees of the Enid Public Transportation Authority, a Public Trust will meet in study session at 5:00 PM on Tuesday, March 3, 2020, in the Lower Conference Room of the City Administration Building, located at 401 West Owen K. Garriott Road in said city, and the agenda for said meeting is as follows:

- AGENDA -

Mayor and Board of Commissioners Regular Study Session

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|---|---------|
| 1. Call to Order/Roll Call | |
| 2. At the Commissioners' request, discuss any item of concern on the Regular Session Agenda of March 3, 2020. | |
| 3. Study Items. | |
| 1. Discuss new iCompass agenda platform. | |
| 2. Discuss Northwest Oklahoma Emergency Management Conference. | |
| 3. Discuss Commercial Medical Marijuana grower facility ordinance. Marijuana Grow facilities | 3 - 10 |
| 4. Discuss Railroad Crossing and School Bus Ordinance. 5-6C Ordinance - Public Safety AI-20-075 - Pdf | 11 - 17 |
| 5. Discuss Truancy Ordinance. Ordinance 6-5-5 Railroad Crossings, School Buses AI-20-079 - Pdf | 18 - 28 |
| 6. Discuss Budget Calendar 2020-21. | |
| 7. Discuss update on Meadowlake Low Water Crossing, Downtown Trail | |

Link and Trail Signage.

8. Discuss recently conducted Town Hall Meeting and Plans for future Town Hall Meetings.
4. Adjourn.

ORDINANCE NO. 2020-

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 11, ENTITLED “ZONING”, CHAPTER 1, ENTITLED “PURPOSE, INTERPRETATION; DEFINITIONS” TO AMEND SECTION 11-1-7 “DEFINITIONS” TO ADD “COMMERCIAL MEDICAL MARIJUANA GROWER FACILITY” AND CLARIFY DEFINITION OF “PLANT NURSERY”; CHAPTER 5 “A AGRICULTURE (GENERAL) DISTRICT” TO ADD COMMERCIAL MEDICAL MARIJUANA GROWER FACILITY AS A PERMITTED USE; CHAPTER 7 “COMMERCIAL DISTRICTS”, ARTICLE B “C-1 LIGHT COMMERCIAL DISTRICT” TO ADD TO ADD COMMERCIAL MEDICAL MARIJUANA GROWER FACILITY AS A USE BY REVIEW; ARTIVCLE D “C-3 GENERAL COMMERCIAL DISTRICT” TO ADD COMMERCIAL MEDICAL MARIJUANA GROWER FACILITY AS A PERMITTED USE; 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 1, Section 11-1-7 “Definitions” of the Enid Municipal Code, 2014, is to be amended to add in the appropriate alphabetical order the following two definitions to read as follows:

COMMERCIAL MEDICAL MARIJUANA GROWER FACILITY: A lot, building, or structure, or combination thereof, licensed by the Oklahoma Medical Marijuana Authority to grow marijuana but excluding the retail sale of said plants on the premises.

PLANT NURSERY: A lot, building, structure, or combination thereof, on which trees, plants, or shrubs are raised for delivery and sale to commercial greenhouses, but excluding the retailing of said plants on the premises. A structure used for a plant nursery cannot exceed the requirements specified in the Building Code for an accessory building or private garage. It does not include the growing of marijuana by a commercial medical marijuana grower due to the state regulations that require security measures to prevent unauthorized entrance and restrictions on minors entering the property.

Section II: That Title 11, Chapter 5, “ A Agricultural (General) District”, Section 11-5-2 of the Enid Municipal Code , 2014 is amended to read as follows:

11-5-2: PERMITTED USES:

A. Permitted Uses:

Cemetery.

Commercial Medical Marijuana Grower Facility.

General gardening and agriculture.

Golf course.

Group home limited in density to five (5) or fewer residents not including staff.

Home occupation.

Mining, quarrying and earth extraction including drilling for oil and gas.

One-family dwelling.

Park or playground.

Plant nursery or greenhouse.

Public or private stable or riding academy.

Public utility buildings and facilities.

Raising of livestock, but not including commercial feed lots, slaughtering, concentration of livestock in a greater number than can normally be pastured and fed on the premises nor the commercial processing of agricultural products.

Religious institutions.

Runways, heliports, and helistops for privately owned airplanes or helicopters.

Small wireless facility.

Watershed protection, including waterways, ponds, lakes and diversion channels.

Section III: That Title 11, Chapter 7, “Commercial Districts”, Article B, “C-1 Light Commercial District, Section 11-7B-2 of the Enid Municipal Code , 2014 is amended to read as follows:

11-7B-2: DISTRICT USE REGULATIONS:

A. Uses Permitted: Property and buildings in the C-1 light commercial district shall be used only for the following purposes:

Any use permitted in the C-O district.

Accounting and insurance offices, banks, loan companies, real estate offices, and other businesses which perform services on the premises.

Dry cleaning establishments or pickup stations dealing directly with the consumer.

Generally recognized retail businesses which supply commodities on the premises for persons residing in adjacent residential areas, such as, but not limited to, bakeries, book and stationary stores (retail), clothing, convenience stores, dairy products, delicatessen, dry goods, florist, groceries, hardware, meat market, notions, pharmacies, and self-service gas stations (no repair).

Personal service establishments which perform services such as, but not limited to, appliance and small item shops (watches, radio, television, shoe, etc.), beauty parlors or barbershops, dance schools, photographic, artists, and other miscellaneous studios, post offices, self-service laundries, tailor shops, and governmental offices buildings serving persons living in adjacent residential areas.

Professional services, including medical clinics (outpatient only) and offices of doctors, dentists, osteopaths, and similar professions.

B. Uses Permitted By Review: The following uses may be permitted after review in accordance with section 11-14-1 of this title:

Bars, taverns, or other establishments dispensing beer for consumption on the premises.

Billiard parlors, pool halls.

Building, plumbing, electrical, and mechanical contractor shops.

Business schools.

Car wash.

Ceramic shops.

Commercial greenhouses and garden supply shops.

Commercial Medical Marijuana Grower facility.
Mortuary establishments.

Public or private parking lots needed to accommodate any use permitted in the commercial zoning districts.

Restaurants, cafes, or drive in restaurants.

Service stations (excluding body repair work).

Other uses which, in the opinion of the planning commission, are similar to the above uses and are in keeping with the general description of the zoning district and meet the conditions for authorization as specified in subsection 11-14-1B of this title. (Ord. 80-29, 12-16-1980 as amended)

Section IV: That Title 11, Chapter 7, “Commercial Districts”, Article D, “C-3 General Commercial District, Section 11-7D-2 of the Enid Municipal Code , 2014 is amended to read as follows:

11-7D-2: DISTRICT USE REGULATIONS:

A. Uses Permitted: Property and buildings in the C-3 general commercial district shall be used only for the following purposes:

Any use permitted in the C-1 light commercial district.

Automobile assembling, painting, upholstering, rebuilding, reconditioning, and bodywork.

Automobile sales and service.

Bakery (commercial or wholesale).

Banks, savings and loan, and finance companies.

Bars and taverns, private clubs.

Billiard and pool halls.

Bottling works.

Bowling alley.

Building, plumbing, electrical, and mechanical contractor shop.

Bus station or service.

Business schools.

Car wash.

Clothing store.

Commercial Medical Marijuana Grower facility.
Containers.

Dancing schools or studios.

Discount stores.

Dry cleaners or notion store.
Electrical shops.

Feed and seed store.

Florist or gift shop.

Food processing (retail on the premises).

Furniture store.

Garages (service, storage, or sales) for motor vehicles.

Glass fabrication and installation.

Grocery store.

Hardware store.

Itinerant merchant/transient vendor.

Jewelry.

Kennel.

Laundry or dyeing establishment.

Manufacture of articles sold only at retail on the premises.

Medical facilities (hospitals, clinics).

Metal fabrication, light (sheet metal, ducts, gutters, and leaders).

Miniature golf course or commercial driving range.

Ministorage, rental storage.

Mobile home sales.

Motel or hotel.

Movie theaters.

Music stores, studios.

Offices.

Optical and scientific instruments and jewelry manufacturing.

Pawnshops, secondhand, and auction stores.

Pet store.

Printing, lithographic, or publishing company.

Public garages.

Public parking lots.

Radio and television broadcasting studios.

Recreational facilities (including swimming pool).

Restaurants, drive-in restaurants.

Service stations.

Shoe store and repair.

Small animal hospitals.

Taxi service.

Taxidermist.

Television and radio repair shops.

Tourist courts and motels (for travel, camp trailers).

Transfer and storage offices.

Upholstering shops.

Weaving apparel (fabrication and processing).

Wholesale sales office and sample rooms.

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

Section VI: 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 VII: 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 VIII: Codification. This ordinance shall be codified as Title 11, Chapter 1, Section 11-1-7; Chapter 5, Section 11-5-2; Chapter 7, Article B, Section 11-7B-2; Article D, Section 11-7D-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 March, 2020.

CITY OF ENID, OKLAHOMA

George C. Pankonin, Mayor

(SEAL)

ATTEST

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney

ORDINANCE NO. 2020-

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 5, “PUBLIC SAFETY”, CHAPTER 6, “MINORS”, ARTICLE C, “TRUANCY”, SECTION 5-6C-1, “SCHOOL ATTENDANCE REQUIRED”; SECTION 5-6C-2, “EXCEPTIONS”; SECTION 5-6C-3, “VIOLATIONS”-TO CONFORM PROVISIONS TO STATE LAW AND SIMPLIFY FINES; 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 5, Chapter 6, Article C, Sections 5-6C-1 through 5-6C- 3 of the Enid Municipal Code, 2014 are hereby amended to read as follows:

5-6C-1: SCHOOL ATTENDANCE REQUIRED:

- A. Parental Responsibility: It shall be unlawful for a parent of a minor who is over the age of six (6) years and under the age of eighteen (18) years to neglect or refuse to cause or compel such minor to attend and comply with the rules of a ~~public, private or other~~ the school of the parents' choosing in which the minor is enrolled.
- B. Refusal Of Minor To Attend School: It shall be unlawful for any minor, who is over the age of ~~six (6)~~ twelve (12) years and under the age of eighteen (18) years and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of ~~some public, private or other~~ the school in which the minor is enrolled. ~~or receive an education by other means for the full term the schools of the district in which the minor attends are in session.~~

5-6C-2: EXCEPTIONS:

The following shall constitute valid exceptions to the operation of section 5-6C-1 of this article:

- A. Mental Or Physical Disability: If any such minor is prevented from attending school by reason of mental or physical disability as determined by the Board of Education. ~~of the district, upon a certificate of the school physician or public health physician; or if no such physician is available, a duly licensed and practicing physician.~~
- B. Emergency Situation: If any such minor is excused by the school from attendance at school, due to an emergency. ~~by the principal of the school in which the minor is enrolled, at the request of the parent of the minor.~~

C. Excused By School And Parent: If any such minor who has attained his or her sixteenth birthday is excused from attending school by written, joint agreement between the school and the parent, guardian, or custodian of the minor.

~~1. The administrator of the school or district where the minor attends school; and~~

~~2. The parent of the minor. Provided, further, that no minor shall be excused from attending school by such joint agreement between a school administrator and the parent of the minor unless and until it has been determined that such action is in the best interest of the minor and/or community, and that said minor shall, therefore, be under the supervision of the parent until the minor has reached the age of eighteen (18) years.~~

D. Observing Religious Holy Days: If any such Exception for minor is observing religious holy days who receives an excused absence from school, if, prior to the absence, the parent of the minor submits a written request for the absence. The school district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the holy days.

E. Home School: If the minor is receiving education by other means consistent with 70 O.S. §10-105.

5-6C-3: VIOLATIONS:

A. Separate Offense Each Day: Each separate day of violation the minor remains out of school after a warning has been given to the parent, guardian, custodian, minor or other person or the child has been ordered to school by the court shall constitute a separate offense. whether against the parent of a minor for violation of subsection 5-6C-1A of this article, or the minor for violation of subsection 5-6C-1B of this article.

B. Penalty: The violation of this article, for the first offense, shall be punishable by a fine of ~~not less than twenty five dollars (\$25.00) nor~~ not more than fifty dollars (\$50.00) plus costs; the second offense shall be punishable by a fine of ~~not less than fifty dollars (\$50.00) nor~~ not more than one hundred dollars (\$100.00) plus costs; the third or subsequent offense shall be punishable by a fine of ~~not less than one hundred dollars (\$100.00) nor~~ not more than two hundred fifty dollars (\$250.00) plus costs.

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 part 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 6, Article C, Sections 5-6C-1, 5-6C-2, and 5-6C-3 of Enid Municipal Code 2014.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this _____ day of _____, 20__.

George C. Pankonin, Mayor

(SEAL)

ATTEST:

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney



AGENDA ITEM REPORT

Meeting Date: March 03, 2020

Staff Contact: Carol Lahman, City Attorney

Department: Legal

Subject: Discuss Railroad Crossing and School Bus Ordinance.

Attachments:

[5-6C Ordinance - Public Safety](#)

ORDINANCE NO. 2020-

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 5, “PUBLIC SAFETY”, CHAPTER 6, “MINORS”, ARTICLE C, “TRUANCY”, SECTION 5-6C-1, “SCHOOL ATTENDANCE REQUIRED”; SECTION 5-6C-2, “EXCEPTIONS”; SECTION 5-6C-3, “VIOLATIONS”-TO CONFORM PROVISIONS TO STATE LAW AND SIMPLIFY FINES; 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 5, Chapter 6, Article C, Sections 5-6C-1 through 5-6C- 3 of the Enid Municipal Code, 2014 are hereby amended to read as follows:

5-6C-1: SCHOOL ATTENDANCE REQUIRED:

- A. Parental Responsibility: It shall be unlawful for a parent of a minor who is over the age of six (6) years and under the age of eighteen (18) years to neglect or refuse to cause or compel such minor to attend and comply with the rules of a ~~public, private or other~~ the school of the parents' choosing in which the minor is enrolled.
- B. Refusal Of Minor To Attend School: It shall be unlawful for any minor, who is over the age of ~~six (6)~~ twelve (12) years and under the age of ~~eighteen (18) years~~ and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of ~~some public, private or other~~ the school in which the minor is enrolled. ~~or receive an education by other means for the full term the schools of the district in which the minor attends are in session.~~

5-6C-2: EXCEPTIONS:

The following shall constitute valid exceptions to the operation of section 5-6C-1 of this article:

- A. Mental Or Physical Disability: If any such minor is prevented from attending school by reason of mental or physical disability as determined by the Board of Education. ~~of the district, upon a certificate of the school physician or public health physician; or if no such physician is available, a duly licensed and practicing physician.~~
- B. Emergency Situation: If any such minor is excused by the school from attendance at school, due to an emergency. ~~by the principal of the school in which the minor is enrolled, at the request of the parent of the minor.~~

C. Excused By School And Parent: If any such minor who has attained his or her sixteenth birthday is excused from attending school by written, joint agreement between the school and the parent, guardian, or custodian of the minor.

~~1. The administrator of the school or district where the minor attends school; and~~

~~2. The parent of the minor. Provided, further, that no minor shall be excused from attending school by such joint agreement between a school administrator and the parent of the minor unless and until it has been determined that such action is in the best interest of the minor and/or community, and that said minor shall, therefore, be under the supervision of the parent until the minor has reached the age of eighteen (18) years.~~

D. Observing Religious Holy Days: If any such Exception for minor is observing religious holy days who receives an excused absence from school, if, prior to the absence, the parent of the minor submits a written request for the absence. The school district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the holy days.

E. Home School: If the minor is receiving education by other means consistent with 70 O.S. §10-105.

5-6C-3: VIOLATIONS:

A. Separate Offense Each Day: ~~Each separate day of violation the minor remains out of school after a warning has been given to the parent, guardian, custodian, minor or other person or the child has been ordered to school by the court shall constitute a separate offense. ~~whether against the parent of a minor for violation of subsection 5-6C-1A of this article, or the minor for violation of subsection 5-6C-1B of this article.~~~~

B. Penalty: The violation of this article, for the first offense, shall be punishable by a fine of ~~not less than twenty five dollars (\$25.00) nor~~ not more than fifty dollars (\$50.00) plus costs; the second offense shall be punishable by a fine of ~~not less than fifty dollars (\$50.00) nor~~ not more than one hundred dollars (\$100.00) plus costs; the third or subsequent offense shall be punishable by a fine of ~~not less than one hundred dollars (\$100.00) nor~~ not more than two hundred fifty dollars (\$250.00) plus costs.

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 part 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 6, Article C, Sections 5-6C-1, 5-6C-2, and 5-6C-3 of Enid Municipal Code 2014.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this _____ day of _____, 20__.

George C. Pankonin, Mayor

(SEAL)

ATTEST:

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney

ORDINANCE NO. 2020-

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 6, “MOTOR VEHICLES AND TRAFFIC”, CHAPTER 5, “DRIVING RULES”, SECTION 6-5-5, “SPECIAL STOPS; RAILROAD CROSSINGS; SCHOOL BUSES” TO SIMPLIFY PENALTIES AND INCLUDE STATE OF OKLAHOMA MANDATED SPECIAL ASSESSMENT CONCERNING SCHOOL BUSES; 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 6, Chapter 5, Section 6-5-5 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

6-5-5: SPECIAL STOPS; RAILROAD CROSSINGS; SCHOOL BUSES:

A. Obedience To Signal Indicating Approach Of Train¹:

1. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this subsection, the driver of such vehicle shall stop within fifty feet (50'), but not less than fifteen feet (15'), from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

- a. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
- b. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
- c. A railroad train approaching within approximately one thousand five hundred feet (1,500') of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;
- d. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

2. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

¹ State law reference – ~~similar provisions~~, 47 OS § 11-701.

~~3. A violation of this subsection that does not result in collision or injury to either person or property shall have a maximum penalty of one hundred dollars (\$100.00) plus costs. A violation of this subsection that does result in collision or injury to either person or property shall have a maximum penalty fine of two hundred dollars (\$200.00) plus costs.~~

B. Certain Vehicles To Stop At All Railroad Grade Crossings²:

1. Vehicles With Passengers For Hire: The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet (50'), but not less than fifteen feet (15'), from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

2. Crossings: No stop need be made at any such crossing where a police officer or a traffic control signal directs traffic to proceed.

3. Penalty: A violation of this subsection has a maximum fine of five hundred dollars (\$500.00) plus costs.

C. Stop Signs And Yield Signs³:

1. Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized by state statute.

2. Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway; however, such yield signs shall not be erected upon the approaches of but one of the intersecting streets.

3. Every stop sign shall bear the word "Stop". Every yield sign hereafter erected or replaced shall bear the word "Yield". Every stop sign and every yield sign shall at nighttime be rendered luminous by internal illumination, or by a floodlight projected on the face of the sign, or by efficient reflecting elements in or on the face of the sign.

4. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop

² State law reference – ~~similar provisions~~, 47 OS § 11-702.

³ State law reference – ~~similar provisions~~, 47 OS § 11-703.

before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

5. The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

6. ~~A violation of this subsection that does not result in collision or injury to either person or property shall have a maximum penalty of one hundred dollars (\$100.00) plus costs. A violation of this subsection that does result in collision or injury to either person or property shall have a maximum penalty~~ fine of two hundred dollars (\$200.00) plus costs.

D. Emerging From Alley, Driveway Or Building⁴: The driver of the vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway. ~~A violation of this subsection that does not result in collision or injury to either person or property shall have a maximum penalty of one hundred dollars (\$100.00) plus costs. A violation of this subsection that does result in collision or injury to either person or property shall have a maximum penalty~~ fine of two hundred dollars (\$200.00) plus costs.

E. Meeting Or Overtaking Stopped School Bus⁵:

1. Stopped School Bus: The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, is to stop his vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed past such school bus at a speed which is reasonable and with due caution for the safety of such school children and other occupants.

2. Separate Roadways: The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

3. Penalty: A violation of this subsection ~~has~~ shall have a maximum fine of five four hundred dollars ~~(\$500.00) (\$400.00)~~ plus costs, with a state-mandated special assessment

⁴ State law reference – ~~similar provisions~~, 47 OS § 11-704.

⁵ State law references – ~~similar provisions~~, 47 OS § 11-705, 70 OS §9-119.

of \$100.00 that is to be submitted to the State Treasury and then appropriated to the State Board of Education pursuant to 47 O.S. § 11-705(A) and 70 O.S. §9-119.

F. Meeting Or Overtaking Church Bus⁶:

1. A church bus is a vehicle operated by a nonprofit religious organization which transports persons including school age children to and from religious services.
2. The driver of a vehicle meeting or overtaking a church bus that is stopped to take on or discharge passengers, and on which the red loading signals are in operation, is to stop his vehicle before it reaches the church bus and not proceed until the loading signals are deactivated and then proceed past such bus at a speed which is reasonable and with due caution for the safety of such occupants.
3. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a church bus which is on a different roadway or when upon a controlled access highway and the church bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.
4. ~~A violation of this subsection that does not result in collision or injury to either person or property shall have a maximum penalty of one hundred dollars (\$100.00) plus costs. A violation of this subsection that does result in collision or injury to either person or property shall have a maximum penalty~~ fine of two hundred dollars (\$200.00) plus costs. (Ord. 2014-18, 5-6-2014)

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 part 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 6, Chapter 5, Section 6-5-4 of Enid Municipal Code 2014.

⁶ State law reference – 47 OS § 11-705.1.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this _____ day of _____, 20____.

George C. Pankonin, Mayor

(SEAL)

ATTEST:

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney



AGENDA ITEM REPORT

Meeting Date: March 03, 2020

Staff Contact: Carol Lahman, City Attorney

Department: Legal

Subject: Discuss Truancy Ordinance.

Attachments:

[Ordinance 6-5-5 Railroad Crossings, School Buses](#)

ORDINANCE NO. 2020-

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 6, “MOTOR VEHICLES AND TRAFFIC”, CHAPTER 5, “DRIVING RULES”, SECTION 6-5-5, “SPECIAL STOPS; RAILROAD CROSSINGS; SCHOOL BUSES” TO SIMPLIFY PENALTIES AND INCLUDE STATE OF OKLAHOMA MANDATED SPECIAL ASSESSMENT CONCERNING SCHOOL BUSES; 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 6, Chapter 5, Section 6-5-5 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

6-5-5: SPECIAL STOPS; RAILROAD CROSSINGS; SCHOOL BUSES:

A. Obedience To Signal Indicating Approach Of Train¹:

1. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this subsection, the driver of such vehicle shall stop within fifty feet (50'), but not less than fifteen feet (15'), from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

- a. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
- b. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
- c. A railroad train approaching within approximately one thousand five hundred feet (1,500') of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;
- d. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

2. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

¹ State law reference – ~~similar provisions~~, 47 OS § 11-701.

~~3. A violation of this subsection that does not result in collision or injury to either person or property shall have a maximum penalty of one hundred dollars (\$100.00) plus costs. A violation of this subsection that does result in collision or injury to either person or property shall have a maximum penalty fine of two hundred dollars (\$200.00) plus costs.~~

B. Certain Vehicles To Stop At All Railroad Grade Crossings²:

1. Vehicles With Passengers For Hire: The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet (50'), but not less than fifteen feet (15'), from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

2. Crossings: No stop need be made at any such crossing where a police officer or a traffic control signal directs traffic to proceed.

3. Penalty: A violation of this subsection has a maximum fine of five hundred dollars (\$500.00) plus costs.

C. Stop Signs And Yield Signs³:

1. Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized by state statute.

2. Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway; however, such yield signs shall not be erected upon the approaches of but one of the intersecting streets.

3. Every stop sign shall bear the word "Stop". Every yield sign hereafter erected or replaced shall bear the word "Yield". Every stop sign and every yield sign shall at nighttime be rendered luminous by internal illumination, or by a floodlight projected on the face of the sign, or by efficient reflecting elements in or on the face of the sign.

4. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop

² State law reference – ~~similar provisions~~, 47 OS § 11-702.

³ State law reference – ~~similar provisions~~, 47 OS § 11-703.

before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

5. The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

6. ~~A violation of this subsection that does not result in collision or injury to either person or property shall have a maximum penalty of one hundred dollars (\$100.00) plus costs. A violation of this subsection that does result in collision or injury to either person or property shall have a maximum penalty~~ fine of two hundred dollars (\$200.00) plus costs.

D. Emerging From Alley, Driveway Or Building⁴: The driver of the vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway. ~~A violation of this subsection that does not result in collision or injury to either person or property shall have a maximum penalty of one hundred dollars (\$100.00) plus costs. A violation of this subsection that does result in collision or injury to either person or property shall have a maximum penalty~~ fine of two hundred dollars (\$200.00) plus costs.

E. Meeting Or Overtaking Stopped School Bus⁵:

1. Stopped School Bus: The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, is to stop his vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed past such school bus at a speed which is reasonable and with due caution for the safety of such school children and other occupants.

2. Separate Roadways: The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

3. Penalty: A violation of this subsection ~~has~~ shall have a maximum fine of five four hundred dollars ~~(\$500.00) (\$400.00)~~ plus costs, with a state-mandated special assessment

⁴ State law reference – ~~similar provisions~~, 47 OS § 11-704.

⁵ State law references – ~~similar provisions~~, 47 OS § 11-705, 70 OS §9-119.

of \$100.00 that is to be submitted to the State Treasury and then appropriated to the State Board of Education pursuant to 47 O.S. § 11-705(A) and 70 O.S. §9-119.

F. Meeting Or Overtaking Church Bus⁶:

1. A church bus is a vehicle operated by a nonprofit religious organization which transports persons including school age children to and from religious services.
2. The driver of a vehicle meeting or overtaking a church bus that is stopped to take on or discharge passengers, and on which the red loading signals are in operation, is to stop his vehicle before it reaches the church bus and not proceed until the loading signals are deactivated and then proceed past such bus at a speed which is reasonable and with due caution for the safety of such occupants.
3. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a church bus which is on a different roadway or when upon a controlled access highway and the church bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.
4. ~~A violation of this subsection that does not result in collision or injury to either person or property shall have a maximum penalty of one hundred dollars (\$100.00) plus costs. A violation of this subsection that does result in collision or injury to either person or property shall have a maximum penalty~~ fine of two hundred dollars (\$200.00) plus costs. (Ord. 2014-18, 5-6-2014)

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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 part 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.

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⁶ State law reference – 47 OS § 11-705.1.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this _____ day of _____, 20____.

George C. Pankonin, Mayor

(SEAL)

ATTEST:

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney