



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

BOARD OF COMMISSIONERS

NOTICE OF REGULAR STUDY SESSION

Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, and the Trustees of the Enid Economic Development 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, and the Trustees of the Enid Economic Development Authority, a Public Trust, will meet in regular session at 5:00 p.m. on the 1st day of September, 2015, 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 SEPTEMBER 1, 2015.**
3. **COMMERCIAL PARKING IN THE STREET ORDINANCE.**
4. **FENCING ORDINANCE.**
5. **WALK OF FAME MARKERS.**
6. **CDBG-LOCAL PROGRAM FUNDING.**
7. **ADJOURN.**

City Commission Study Session

3.

Meeting Date: 09/01/2015

Submitted By: Ashley Keim, Executive Assistant

SUBJECT:

COMMERCIAL PARKING IN THE STREET ORDINANCE.

BACKGROUND:

RECOMMENDATION

PRESENTER:

Attachments

Ordinance.

ORDINANCE NO. 2015-____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 11, ENTITLED "ZONING," CHAPTER 14, ENTITLED "SUPPLEMENTARY REGULATIONS," SECTION 8, ENTITLED "STORAGE AND PARKING OF MOTOR VEHICLES," SECTION 11-14-8B, ENTITLED "COMMERCIAL VEHICLES," TO ALLOW INDIVIDUALS IN RESIDENTIAL AREAS WHO USE A SMALL COMMERCIAL VEHICLE FREQUENTLY FOR WORK TO PARK WHERE THEY RESIDE; 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 14, Section 11-14-8 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-14-8B: COMMERCIAL VEHICLES:

Storage and parking of automobiles, recreational vehicles and commercial vehicles shall not be permitted on any lot occupied by a dwelling or any lot located in a residential zoning district, except in accordance with the provisions specified below:

- A. Definitions: For purposes of this section, the following terms shall be used and interpreted as defined hereinafter:

ACTIVELY SERVICING A PROPERTY: Active service to a property shall include, but may not be limited to, pick ups and delivery, maintenance and repairs being actively performed on the property.

COMMERCIAL VEHICLE: A vehicle with a maximum rated carrying capacity of one and one-half (1^{1/2}) tons used for commercial purposes. Any vehicle with advertising or business designation affixed to it shall be considered a commercial vehicle. Also, special mobile equipment including, but not limited to: ditch diggers, apparatuses, graders, scrapers, earthmoving equipment and other commercial equipment.

PRIVATE PASSENGER VEHICLE: An automobile, station wagon, van or truck with a maximum rated capacity of one and one-half (1^{1/2}) tons used exclusively as a passenger vehicle and for hauling property of the owner and used to satisfy the daily transportation needs of the inhabitants of the dwelling.

RECREATIONAL VEHICLE: A vehicle not permanently fixed to the ground and not designed to be permanently connected to utilities, including water and sewer. Such

vehicle can be self-propelled or towed on its own wheels or transported on a trailer. Such vehicle is used primarily for hobby, vacation, extended travel, camping, sports, and/or aquatic use. Such vehicle is designed for temporary occupancy only for such recreational use. For purposes of this title, two-wheeled vehicles, whether self-propelled or human powered (i.e., motorcycles and bicycles), tents and camper shells mounted on the walls of the cargo box of pickup trucks are not considered recreational vehicles. For purposes of this title, recreational vehicles shall include motor homes and converted buses, camping and travel trailers, collapsible camper trailers, light duty utility trailers and transporters, horse and cattle trailers, and "off street" vehicles, including snowmobiles, dune buggies, and all-terrain vehicles with three (3) wheels, boats and other watercraft with their trailers (a boat trailer without a boat mounted on it shall be considered to be a recreational vehicle).

B. Commercial Vehicles:

1. Only one commercial vehicle, not exceeding one and one-half (1½) tons' rated capacity shall be permitted on a lot occupied by a dwelling or on a residentially zoned lot. Gardening, lawn tractors and implements used exclusively for upkeep and maintenance of the lot are allowed on a residential lot.
2. In no case shall any commercial vehicle which might be permitted in subsection B1 of this section be used for hauling explosives, gasoline, or liquefied petroleum.
3. Unless actively servicing a property, any commercial vehicle that is permitted in subsection B1 of this section must be parked on a paved driveway, or other hard surface as defined in subsection [11-12-4C](#) of this title, of the dwelling or residentially zoned lot.
4. In no case shall any commercial vehicle be permitted to be parked, stored or idled in a public street or right of way unless actively servicing the property.
5. Except as provided herein, no commercial vehicle shall be permitted to be parked, stored or idled in a public street or right of way between the hours of nine o'clock (9:00) P.M. and six o'clock (6:00) A.M.
6. Exceptions and Limitations:
 - a. Exceptions:
 - (1) Residents who are required to drive a commercial vehicle to and from their home may park a commercial vehicle in front of their residential lot.
 - (2) Residents who own and operate a home business may park a commercial vehicle in front of their residential lot.

b. Limitations:

- (1) Only one (1) commercial vehicle per residence shall be allowed to be parked in the street, regardless of how many occupants of the residence drive commercial vehicles.
- (2) The allowed commercial vehicle shall not exceed eight feet (8') in height or twenty feet (20') in length.
- (3) The allowed commercial vehicle shall not have a trailer attached.

C. Recreational Vehicles: No more than three (3) recreational vehicles shall be parked or stored on any lot outside of the main or accessory buildings, either temporarily or permanently. Of the three (3) recreational vehicles allowed, only one may be a motor home, converted bus, camping or travel trailer, or collapsible camper trailer, utility trailer or transporter, horse or cattle trailer, or any similarly used or sized vehicle. Of the three (3) recreational vehicles allowed, only one may be a boat or other watercraft, a trailer meant for such boat or watercraft, or any similarly used or sized vehicle. For purposes of this title, carports open on two (2) or more sides shall not be considered main or accessory buildings.

1. No recreational vehicle shall be parked or stored in a manner that would constitute a traffic hazard or shall be parked, idled or stored in a public street or right of way.
2. No recreational vehicle shall be used for living, sleeping or housekeeping purposes, except that one recreational vehicle shall be allowed for occasional living purposes to accommodate visitors for no more than two (2) periods of not longer than seventy two (72) hours per calendar month.
3. No recreational vehicle shall be parked in a front or side yard unless parked on a paved driveway or other hard surface as defined in subsection [11-12-4C](#) of this title.

D. Private Passenger Vehicle:

1. Prohibited Parking: No private passenger vehicle shall be parked, idled or stored in the front yard or side yard of any residence lying within an agricultural, residential, commercial, or industrial district or in the front yard or side yard of any residentially zoned lot.
2. Exceptions:
 - a. Vehicles parked within a designated parking area such as a garage, carport, or driveway; and

- b. Lots that have no access to an alley and have no paved driveway, or other hard surface as defined in subsection [11-12-4C](#) of this title.
3. Temporary Parking Permit; Disabled Persons: Residents with special circumstances such as those with disabilities may seek a temporary parking permit from code administration. These permits shall be good for no longer than one year and are personal to the resident requesting same.
- E. Violation: 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 offense and a maximum penalty of five hundred dollars (\$500.00) plus costs for a third and subsequent offense. (Ord. 2014-28, 7-1-2014)

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 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 11, Chapter 14, Article B, Section 11-14-8B 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 _____, 2015.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

City Clerk, Linda Parks

Approved as to Form and Legality:

Andrea L. Chism, City Attorney

DRAFT

City Commission Study Session

4.

Meeting Date: 09/01/2015

Submitted By: Ashley Keim, Executive Assistant

SUBJECT:

FENCING ORDINANCE.

BACKGROUND:

RECOMMENDATION

PRESENTER:

Attachments

Fencing Ordinance Retro

Fencing Ordinance

ORDINANCE NO. 2015-____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 11, ENTITLED "ZONING," CREATING CHAPTER 17, ENTITLED "FENCING," SECTIONS 11-17-1 THROUGH 11-17-9, TO PROVIDE GENERAL STANDARDS AND REGULATIONS FOR FENCING; 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 17 of the Enid Municipal Code, 2014, is hereby created as follows:

FENCES

Section II: That Title 11, Chapter 17, Section 11-17-1 of the Enid Municipal Code, 2014, is hereby created to read as follows:

11-17-1: DEFINITIONS:

Front Yard Fences – a fence located within the required front yard area for all zoning districts, or continuous with or in front of the front wall of the principal building on the site. It shall be considered as a structure and subject to the regulations of the City of Enid building regulations.

Side or Rear Yard Fences – a fence located behind the front wall of the principal building on the site. It shall be considered as a structure and subject to the regulations of the City of Enid building regulations.

Sight Triangle – The area of the sight triangle shall be determined by the characteristics of the street, drive, alley or railroad intersections by which the triangle is formed.

- A. An uncontrolled intersection shall require a sight triangle, clear of sight impediments, measuring fifty feet (50') along the curb line of both streets.
- B. A four-way controlled intersection shall require a sight triangle measuring twenty feet (20') along the curb line of both streets.
- C. A two-way controlled intersection shall require a sight triangle measuring twenty feet (20') along the curb line of the controlled street and fifty feet (50') along the curb line of the uncontrolled street. If the uncontrolled street has a posted speed limited in excess of thirty-five (35) miles per hour, the sight triangle shall measure seventy feet (70') along the curb line of the uncontrolled street.

- D. The intersection of a drive or alley and a street shall require a sight triangle measuring twenty feet (20') along the drive or alley and fifty feet (50') along the street. If the posted speed limit on the street is in excess of thirty-five (35) miles per hour, the sight triangle shall measure seventy feet (70') along the curb line of the street.
- E. The intersection of a street and a railroad shall require a sight triangle measuring seventy feet (70') along the railroad right of way line and fifty feet (50') along the curb line of the street.

Section III: That Title 11, Chapter 17, Section 11-17-2 of the Enid Municipal Code, 2014, is hereby created to read as follows:

11-17-2: MATERIALS:

- A. Only picket, vinyl, split rail, chain link, decorative wrought iron (or galvanized steel, aluminum or similar material having the appearance of), stone, brick, stucco or specialty concrete block shall be permitted. Barbed, hot or chicken wire or electric strand(s) fences shall not be allowed except in agricultural or industrial zoning districts. Collar activated, electronic pet containment systems are allowed.
- B. Corrugated metal, sheet metal, garage or other door panels, plywood sheets or other material not commonly used for fencing shall not be allowed in any zoning district.
- C. The architectural design and materials used shall harmonize with the main building to which the fence is accessory.

Section IV: That Title 11, Chapter 17, Section 11-17-3 of the Enid Municipal Code, 2014, is hereby created to read as follows:

11-17-3: RETAINING WALLS:

Retaining walls may be allowed to solve drainage or topographical problems.

Section V: That Title 11, Chapter 17, Section 11-17-4 of the Enid Municipal Code, 2014, is hereby created to read as follows:

11-17-4: SETBACKS AND VIEW RESTRICTIONS:

- A. Except as otherwise provided herein, the following setbacks shall apply to fences:
 - 1. Minimum distances to front lot line: Eight feet (8').
 - 2. Minimum distance to side lot line: None.
 - 3. Minimum distance to rear lot line: None.

B. View Restrictions:

1. Fences shall not cause a view obstruction.
2. Hedges or other vegetation used as a barrier or in a manner similar to a fence shall not cause a view obstruction.

Section VI: That Title 11, Chapter 17, Section 11-17-5 of the Enid Municipal Code, 2014, is hereby created to read as follows:

11-17-5: VACANT LOTS:

Except for properties zoned Agriculture, fencing shall not be allowed on vacant lots.

Section VII: That Title 11, Chapter 17, Section 11-17-6 of the Enid Municipal Code, 2014, is hereby created to read as follows:

11-17-6: GENERAL STANDARDS AND REGULATIONS:

- A. No person shall erect, place or construct a fence, in whole or in part, without first obtaining a building permit. An application for a permit shall be made by the owner or lessee, or by an agent or either, or by a licensed contractor employed in connection with the proposed work.
- B. Fences shall not obstruct any public walkway, even if said public walkway is on private property.
- C. Fences shall not obstruct any public right of way.
- D. Fences shall not obstruct any drainage easement, even if said drainage easement is on private property.
- E. Fences shall not obstruct the sight triangle as defined in Section 11-17-1 above.
- F. Fences shall be kept in good repair and in a safe condition at all times by the property owner and/or tenant.

Section VIII: That Title 11, Chapter 17, Section 11-17-7 of the Enid Municipal Code, 2014, is hereby created to read as follows:

11-17-7: FRONT YARD FENCES:

- A. Shall be a decorative type fence that can be seen through and shall not exceed four feet (4') in height.

- B. The minimum separation of pickets shall be two and one-half inches (2 ½”).
- C. Spiked caps or spears shall not be used on pickets.
- D. No front yard fence shall be erected within twenty-five feet (25’) of the intersection of right of way lines of any public or private street.

Section IX: That Title 11, Chapter 17, Section 11-17-8 of the Enid Municipal Code, 2014, is hereby created to read as follows:

11-17-8: SIDE OR REAR YARD FENCES:

- A. Shall not exceed six feet (6’) in height.
- B. Spiked caps or spears shall not be used on pickets under five and one-half feet (5 ½’) in height.

Section X: That Title 11, Chapter 17, Section 11-17-9 of the Enid Municipal Code, 2014, is hereby created to read as follows:

11-17-9: PRE-EXISTING FENCES:

Fences existing prior to November 1, 2015, which do not comply with these regulations, shall be made to comply with these regulations not later than October 31, 2016.

Section XI: That Title 11, Chapter 17, Section 11-17-10 of the Enid Municipal Code, 2014, is hereby created to read as follows:

11-17-10: VIOLATION:

The violation of this Chapter shall be punishable by a fine of up to one hundred dollars (\$100.00) plus costs and fees. Each day that a violation continues shall constitute a separate offense.

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

Section XIII: 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 XIX: 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 XX: Codification. This ordinance shall be codified as Title 11, Chapter 17, Sections 11-17-1 through 11-17-10 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 _____, _____.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Linda S. Parks, City Clerk

Approved as to Form and Legality:

Andrea L. Chism, City Attorney

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- B. Corrugated metal, sheet metal, garage or other door panels, plywood sheets or other material not commonly used for fencing shall not be allowed in any zoning district.
- C. The architectural design and materials used shall harmonize with the main building to which the fence is accessory.

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- A. No person shall erect, place or construct a fence, in whole or in part, without first obtaining a building permit. An application for a permit shall be made by the owner or lessee, or by an agent or either, or by a licensed contractor employed in connection with the proposed work.
- B. Fences shall not obstruct any public walkway, even if said public walkway is on private property.
- C. Fences shall not obstruct any public right of way.
- D. Fences shall not obstruct any drainage easement, even if said drainage easement is on private property.
- E. Fences shall not obstruct the sight triangle as defined in Section 11-17-1 above.
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Section VIII: That Title 11, Chapter 17, Section 11-17-7 of the Enid Municipal Code, 2014, is hereby created to read as follows:

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- A. Shall be a decorative type fence that can be seen through and shall not exceed four feet (4') in height.

- B. The minimum separation of pickets shall be two and one-half inches (2 ½”).
- C. Spiked caps or spears shall not be used on pickets.
- D. No front yard fence shall be erected within twenty-five feet (25’) of the intersection of right of way lines of any public or private street.

Section IX: That Title 11, Chapter 17, Section 11-17-8 of the Enid Municipal Code, 2014, is hereby created to read as follows:

11-17-8: SIDE OR REAR YARD FENCES:

- A. Shall not exceed six feet (6’) in height.
- B. Spiked caps or spears shall not be used on pickets under five and one-half feet (5 ½’) in height.

Section X: That Title 11, Chapter 17, Section 11-17-9 of the Enid Municipal Code, 2014, is hereby created to read as follows:

11-17-9: PRE-EXISTING FENCES:

- A. Pre-existing fences legally constructed prior to November 1, 2015, shall be allowed to remain unless such fence constitutes a traffic hazard, blocks or restricts the visibility of motorists or pedestrians, or constitutes a hazard to the general health, safety and welfare of the public.
- B. All pre-existing fences shall be maintained in good condition and shall not be structurally altered or expanded in any manner which increases the degree of nonconformity with this Chapter.
- D. A fence which is destroyed or in a state of ruin or decay equal to more than fifty percent (50%) of its value, as determined by the Code Official, may be replaced or reconstructed to conform to this Title at the option of the owner of the fence. A fence which is destroyed or in a state of ruin or decay equal to forty-nine percent (49%) or less of its value, as determined by the Code Official, may be repaired to its original condition at the option of the owner of the fence.

Section XI: That Title 11, Chapter 17, Section 11-17-10 of the Enid Municipal Code, 2014, is hereby created to read as follows:

11-17-10: VIOLATION:

The violation of this Chapter shall be punishable by a fine of up to one hundred dollars (\$100.00) plus costs and fees. Each day that a violation continues shall constitute a separate offense.

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

Section XIII: 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 XIX: 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 XX: Codification. This ordinance shall be codified as Title 11, Chapter 17, Sections 11-17-1 through 11-17-10 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 _____, _____.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Linda S. Parks, City Clerk

Approved as to Form and Legality:

Andrea L. Chism, City Attorney

DRAFT