



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 15th 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 15, 2015.**
3. **KAW UPDATE**
4. **LOCAL PROGRAM FUNDING.**
5. **BICYCLE LIGHTS ORDINANCE.**
6. **WEEDS AND NOXIOUS MATTER ORDINANCE.**
7. **ADJOURN.**

City Commission Study Session

5.

Meeting Date: 09/15/2015

Submitted By: Andrea Chism, City Attorney

SUBJECT:

BICYCLE LIGHTS ORDINANCE.

BACKGROUND:

N/A

RECOMMENDATION

N/A

PRESENTER:

N/A

Fiscal Impact

Budgeted Y/N: N/A

Amount: N/A

Funding Source:

N/A

Attachments

Ordinance.

ORDINANCE NO. 2015-____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 6, ENTITLED "BICYCLES AND PLAY VEHICLES," CHAPTER 10, ENTITLED "MOTOR VEHICLES AND TRAFFIC," SECTION 6-10-14, ENTITLED "EQUIPMENT," TO REQUIRE BICYCLE RIDERS TO USE CERTAIN EQUIPMENT BETWEEN ONE-HALF HOUR BEFORE SUNSET UNTIL ONE-HALF HOUR AFTER SUNRISE TO IMPROVE RIDER SAFETY; 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 10, Section 6-10-14, of the Enid Municipal Code, 2014, is hereby amended to read as follows:

6-10-14: EQUIPMENT:

- A. Front Lamps⁸: Every bicycle, when in use at any time ~~from-between~~ one-half ($1/2$) hour ~~after-before~~ sunset and one-half ($1/2$) hour ~~before-after~~ sunrise, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least one thousand feet (1,000') to the front, ~~except where the speed limit is twenty five (25) miles per hour or less.~~
- B. Rear Lamp⁹: Every bicycle, when in use any time ~~from-between~~ one-half ($1/2$) hour ~~after-before~~ sunset to one-half ($1/2$) hour ~~before-after~~ sunrise shall be equipped with a lamp on the rear emitting a red light visible from a distance of at least one thousand feet (1,000') to the rear, ~~except where the speed limit is twenty five (25) miles per hour or less.~~
- C. Reflector¹⁰: Every bicycle shall be equipped with a red reflector which shall be visible for six hundred feet (600') to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle.
- ~~D. Lamp Visible From Both Sides¹¹: Every bicycle shall be equipped with a lighted lamp visible from both sides from a distance of at least one thousand feet (1,000') except where the speed limit is less than twenty five (25) miles per hour.~~
- DE. Additional Reflectors¹² Reflectors¹¹: A bicycle or its rider may have reflectors in addition to those required above; provided such lights or reflectors shall comply with the provisions and limitations of 47 Oklahoma Statutes ~~chapter Chapter~~ 12, ~~article Article~~ II.

EF. ~~Brake~~¹³~~Brake~~¹²: Every bicycle shall be equipped with a brake or brakes which will enable the operator to stop the bicycle within twenty five feet (25') from a speed of ten (10) miles per hour on dry, level, clean pavement.

FG. ~~Sirens~~¹⁴~~Sirens~~¹³: A bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren. (Ord. 2004-28, 9-7-2004)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): State law reference - 47 OS § 11-1201.

[Footnote 2](#): State law reference - similar provisions, 47 OS § 11-1202.

[Footnote 3](#): State law reference - 47 OS § 11-805.2.

[Footnote 4](#): State law reference - similar provisions, 47 OS § 11-1203.

[Footnote 5](#): State law reference - similar provisions, 47 OS § 11-1204.

[Footnote 6](#): State law reference - 47 OS § 11-1205.

[Footnote 7](#): State law reference - similar provisions, 47 OS § 11-1206.

[Footnote 8](#): State law reference - 47 OS § 12-702.

[Footnote 9](#): State law reference - 47 OS § 12-703.

[Footnote 10](#): State law reference - 47 OS § 12-704.

~~[Footnote 11](#): State law reference - 47 OS § 12-705.~~

[Footnote 112](#): State law reference - 47 OS § 12-707.

[Footnote 123](#): State law reference - 47 OS § 12-708.

[Footnote 134](#): State law reference - 47 OS § 12-709.

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 4, Chapter 5, Article A, Section 4-5-1A and Title 4, Chapter 5, Article A, Section 4-5-8A 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:

Linda S. Parks, City Clerk

Approved as to Form and Legality:

Andrea L. Chism, City Attorney

DRAFT

City Commission Study Session

6.

Meeting Date: 09/15/2015

Submitted By: Andrea Chism, City Attorney

SUBJECT:

WEEDS AND NOXIOUS MATTER ORDINANCE.

BACKGROUND:

N/A

RECOMMENDATION

N/A

PRESENTER:

N/A

Fiscal Impact

Budgeted Y/N: N/A

Amount: N/A

Funding Source:

N/A

Attachments

Ordinance.

ORDINANCE NO. 2015-____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 4, ENTITLED "HEALTH AND SANITATION," CHAPTER 5, ENTITLED "WEEDS AND NOXIOUS MATTER," SECTION 4-5-1, ENTITLED "DEFINITIONS," TO AMEND THE DEFINITION OF TRASH AND TO INCLUDE ALLEYWAYS AS A TRAFFIC HAZARD WHEN NOT MAINTAINED BY THE OWNER; AMENDING TITLE 4, ENTITLED "HEALTH AND SANITATION," CHAPTER 5, ENTITLED "WEEDS AND NOXIOUS MATTER," SECTION 4-5-8, ENTITLED "TRASH AND WEED ACCUMULATION," TO INCLUDE ALLEYWAYS AS A TRAFFIC AND FIRE HAZARD WHEN NOT MAINTAINED BY THE OWNER AND TO REPLACE THE CLASS SYSTEM OF VIOLATIONS WITH SPECIFIC PENALTIES; 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 4, Chapter 5, Section 4-5-1, of the Enid Municipal Code, 2014, is hereby amended to read as follows:

4-5-1: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

CLEANING: The removal of trash from property.

OWNER: The owner of record as shown by the most current tax rolls of the county treasurer.

TRASH: Any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, tools, toys, junk, vehicle parts, or waste, or matter of any kind or form which is uncared for, discarded, or abandoned.

WEED:

- A. Includes, but is not limited to, poison ivy, poison oak, or poison sumac and all vegetation at any state of maturity which:
 - 1. Exceeds twelve inches (12") in height, except healthy trees, shrubs, or produce for human consumption grown in a tended and cultivated garden, unless such trees and shrubbery by their density or location constitute a detriment to the health,

benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of said weeds;

2. Regardless of height, harbors, conceals, or invites deposits or accumulation of refuse or trash;
 3. Harbors rodents or vermin;
 4. Gives off unpleasant or noxious odors;
 5. Constitutes a fire or traffic hazard, including adjacent alleyways; or
 6. Is dead or diseased.
- B. The term "weed" shall not include tended crops which are planted more than ten feet (10') from a parcel zoned for other than agricultural use. For grass to qualify as a tended crop, the landowner must provide a haying schedule to the ~~development services department~~ Code Enforcement Department each growing season. (1994 Code § 23-16; amd. Ord. 2002-47, 11-5-2002)

Section II: : That Title 4, Chapter 5, Section 4-5-8 of the Enid Municipal Code, 2014, is hereby amended to read 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-of~~ Violation: Each The-violation of the provisions of ~~subsection A of this section~~ this Chapter shall be ~~a class D offense~~ 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~~ Code, in the last five (5) years, then a violation of this ~~section~~ Chapter shall be ~~a class C offense~~ punishable by a fine of up to two hundred and fifty dollars (\$250.00) plus costs and fees. If the person

charged has been previously convicted more than once under this ~~section~~ Chapter or any of the above referenced sections in the last five (5) years, then a violation of this ~~section~~ Chapter shall be ~~a class B offense~~ 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. (Ord. 2008-15, 7-15-2008)

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

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

Section V: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section VI: Codification. This ordinance shall be codified as Title 4, Chapter 5, Sections 4-5-1 and 4-5-8 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:

Linda S. Parks, City Clerk

Approved as to Form and Legality:

Andrea L. Chism, City Attorney

DRAFT