



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

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BOARD OF COMMISSIONERS

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**NOTICE OF 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 20th day of October, 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 OCTOBER 20, 2015.**
3. **KAW LAKE UPDATE.**
4. **COMPREHENSIVE PLAN REVIEW OF REGIONAL RETAIL DESTINATIONS.**
5. **DISCUSS BMX TRACK.**
6. **ROLLING OAKS DETENTION WET FEATURE.**
7. **3RD QUARTER WORKERS' COMPENSATION UPDATE.**
8. **DISCUSS TEXTING ORDINANCE.**

**9. DISCUSS PENDING ORDINANCES.**

**10. ADJOURN.**

**City Commission Study Session**

**7.**

**Meeting Date:** 10/20/2015

**Submitted By:** Chris Stein, ADA Coordinator

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**SUBJECT:**

**3RD QUARTER WORKERS' COMPENSATION UPDATE.**

**BACKGROUND:**

3rd Quarter Workers' Compensation Update.

**RECOMMENDATION**

N/A

**PRESENTER:**

Chris Stein, Risk Manager.

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**City Commission Study Session**

**8.**

**Meeting Date:** 10/20/2015

**Submitted By:** Kristin Martin, Executive Assistant

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**SUBJECT:**

**DISCUSS TEXTING ORDINANCE.**

**BACKGROUND:**

**RECOMMENDATION**

**PRESENTER:**

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**Attachments**

Ordinance

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ORDINANCE NO. 2015-\_\_\_\_

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 6, ENTITLED "MOTOR VEHICLES AND TRAFFIC," CHAPTER 1, ENTITLED "GENERAL TRAFFIC PROVISIONS," SECTION 6-5-8, ENTITLED "ATTENTION TO DRIVING REQUIRED," TO INCLUDE OKLAHOMA STATE LAW THAT PROHIBITS TEXTING AND DRIVING. 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 6-5-8, of the Enid Municipal Code, 2014, is hereby amended to read as follows:

**6-5-8: ATTENTION TO DRIVING REQUIRED<sup>27</sup>:**

A. The operator of every vehicle, while driving, shall devote his full time and attention to such driving. A violation of this section 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 section that does result in collision or injury to either person or property shall have a maximum penalty of two hundred dollars (\$200.00) plus costs. (Ord. 2014-18, 5-6-2014)

B. Composing, Sending, Reading Text Message While Vehicle in Motion<sup>28</sup>:

1. It shall be unlawful for any person to operate a motor vehicle on any street or highway within the City of Enid while using a hand-held electronic communication device to manually compose, send or read an electronic text message while the motor vehicle is in motion.

2. Any person who violates the provisions of subsection 1 of this section shall, upon conviction, be punished by a fine of not more than One Hundred Dollars (\$100.00).

3. The provisions of subsection A of this section shall not apply if the person is using the cellular telephone or electronic communication device for the sole purpose of communicating with any of the following regarding an imminent emergency situation:

- a. An emergency response operator;
- b. A hospital, physician's office or health clinic;
- c. A provider of ambulance services;
- d. A provider of firefighting services; or
- e. A law enforcement agency.

4. For the purpose of this section:

- a. "Cellular telephone" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;
- b. "Compose", "send" or "read" with respect to a text message means the manual entry, sending or retrieval of a text message to communicate with any person or device;
- c. "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a device that is physically or electronically integrated into a motor vehicle or a voice-operated global positioning or navigation system that is affixed to a motor vehicle, or a hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function; and
- d. "Text message" includes a text-based message, instant message, electronic message, photo, video or electronic mail.

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

Footnote 1: State law reference - similar provisions, 47 OS § 11-801.

Footnote 2: State law reference - similar provisions, 47 OS § 11-804.  
Footnote 3: State law reference - similar provisions, 47 OS § 11-806.  
Footnote 4: State law reference - similar provisions, 47 OS §§ 11-805, 1-136.  
Footnote 5: State law reference - similar provisions, 47 OS § 11-401.  
Footnote 6: State law reference - similar provisions, 47 OS § 11-402.  
Footnote 7: State law reference - similar provisions, 47 OS § 11-403.  
Footnote 8: State law reference - similar provisions, 47 OS § 11-404.  
Footnote 9: State law reference - similar provisions, 47 OS § 11-405.  
Footnote 10: State law reference - similar provisions, 47 OS § 11-314.  
Footnote 11: State law reference - similar provisions, 47 OS § 11-601.  
Footnote 12: State law reference - similar provisions, 47 OS § 11-602.  
Footnote 13: State law reference - similar provisions, 47 OS § 11-604.  
Footnote 14: State law reference - similar provisions, 47 OS § 11-605.  
Footnote 15: State law reference - similar provisions, 47 OS § 11-606.  
Footnote 16: State law reference - similar provisions, 47 OS § 11-603.  
Footnote 17: State law reference - similar provisions, 47 OS § 11-701.  
Footnote 18: State law reference - similar provisions, 47 OS § 11-702.  
Footnote 19: State law reference - similar provisions, 47 OS § 11-703.  
Footnote 20: State law reference - similar provisions, 47 OS § 11-704.  
Footnote 21: State law reference - similar provisions, 47 OS § 11-705.  
Footnote 22: State law reference - similar provisions, 47 OS § 11-705.1.  
Footnote 23: State law reference - similar provisions, 47 OS § 11-902.  
Footnote 24: State law reference - similar provisions, 47 OS § 11-906.4.  
Footnote 25: State law reference - similar provisions, 47 OS § 11-902.  
Footnote 26: State law reference - similar provisions, 47 OS § 11-901.  
Footnote 27: State law reference - similar provisions, 47 OS § 11-901(b).  
Footnote 28: State law reference - similar provisions, 47 OS § 11-901(d).

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 6, Chapter 1, Section 6-5-8 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

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William E. Shewey, Mayor

(SEAL)

ATTEST:

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Linda S. Parks, City Clerk,

Approved as to Form and Legality:

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Andrea L. Chism, City Attorney

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