



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 STUDY SESSION**

**Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, the Trustees of the Enid Economic Development Authority, a Public Trust, and the Trustees of the Enid Public Transportation Authority, a Public Trust.**

Notice is hereby given that the Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, the Trustees of the Enid Economic Development Authority, a Public Trust, and the Enid Public Transportation Authority, a Public Trust will meet in regular session at 5:00 p.m. on the 21st day of June, 2016, 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 JUNE 21, 2016.**
3. **DISCUSS STOP LOSS INSURANCE PLAN.**
4. **DISCUSS SPECIAL EVENTS ORDINANCE.**
5. **ADJOURN.**

**City Commission Study Session**

**4.**

**Meeting Date:** 06/21/2016

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**SUBJECT:**

**DISCUSS SPECIAL EVENTS ORDINANCE.**

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**Attachments**

Ordinance

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ORDINANCE NO. 2016-\_\_

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 1, ENTITLED "ADMINISTRATION," CHAPTER 15, ENTITLED "SPECIAL EVENTS," TO CORRECT CAPITALIZATION THROUGHOUT; AMENDING TITLE 1, ENTITLED "ADMINISTRATION," CHAPTER 15, ENTITLED "SPECIAL EVENTS," SECTION 1-15-1, ENTITLED "INTENT AND PURPOSE," TO REMOVE UNNECESSARY LANGUAGE AND CLARIFY THE CITY'S PURPOSE; AMENDING TITLE 1, ENTITLED "ADMINISTRATION," CHAPTER 15, ENTITLED "SPECIAL EVENTS," SECTION 1-15-2, ENTITLED "DEFINITIONS," TO CLARIFY THE DEFINITIONS OF SPECIAL EVENT AND SPECIAL EVENT AREA AND ADD THE DEFINITION OF MOBILE FOOD VENDOR, ATTENDEE, AND PARTICIPANT; AMENDING TITLE 1, ENTITLED "ADMINISTRATION," CHAPTER 15, ENTITLED "SPECIAL EVENTS," SECTION 1-15-3, ENTITLED "PERMIT APPLICATION AND APPROVAL PROCESS," TO REMOVE CERTAIN PERMIT REQUIREMENTS, SIMPLIFY THE NOTIFICATION REQUIREMENT, ALLOW INSURANCE TO BE SUBMITTED SEPARATELY FROM THE APPLICATION AND REQUIRE THE OPERATOR TO SUBMIT A LIST OF VENDORS; AMENDING TITLE 1, ENTITLED "ADMINISTRATION," CHAPTER 15, ENTITLED "SPECIAL EVENTS," SECTION 1-15-4, ENTITLED "POLICE AND FIRE APPROVALS," TO REQUIRE THE USE OF OFF-DUTY POLICE OFFICERS AS SECURITY IN CERTAIN CIRCUMSTANCES; AMENDING TITLE 1, ENTITLED "ADMINISTRATION," CHAPTER 15, ENTITLED "SPECIAL EVENTS," SECTION 1-15-6, ENTITLED "APPEAL OF DENIAL OF APPLICATION," TO REQUIRE APPEALS TO BE FILED TEN DAYS PRIOR TO THE EVENT; AMENDING TITLE 1, ENTITLED "ADMINISTRATION," CHAPTER 15, ENTITLED "SPECIAL EVENTS," SECTION 1-15-9, ENTITLED "SAFETY REQUIREMENTS," TO RENAME THE SECTION, PROVIDE THAT SALES OF ALCOHOL AND/OR LOW POINT BEER BE MADE THOSE WITH PROPER LICENSES AND TO DISALLOW ANY ADDITIONAL FEE; AMENDING TITLE 1, ENTITLED "ADMINISTRATION," CHAPTER 15, ENTITLED "SPECIAL EVENTS," SECTION 1-15-10, ENTITLED "HEALTH REQUIREMENTS," TO RENAME THE SECTION, REQUIRE THAT SALES OF FOOD AND BEVERAGES BE MADE BY THOSE WITH PROPER LICENSES AND TO DISALLOW ANY ADDITIONAL FEE; REMOVING TITLE 1, ENTITLED "ADMINISTRATION," CHAPTER 15, ENTITLED "SPECIAL EVENTS," SECTION 1-15-11, ENTITLED "VENDOR PERMIT PROCESS," TO REMOVE THE SECTION AND RENUMBER FOLLOWING SECTIONS; CREATING TITLE 1, ENTITLED "ADMINISTRATION," CHAPTER 15, ENTITLED "SPECIAL EVENTS," SECTION 1-15-11, ENTITLED "ADDITIONAL OPERATOR REQUIREMENTS," TO REORGANIZE

CERTAIN REQUIREMENTS; AMENDING TITLE 1, ENTITLED "ADMINISTRATION," CHAPTER 15, ENTITLED "SPECIAL EVENTS," SECTION 1-15-12, ENTITLED "EXEMPTION FOR THE CITY OF ENID," TO CORRECT GRAMMAR AND CLARIFY LANGUAGE REGARDING PARTICIPATION FEES; AMENDING TITLE 1, ENTITLED "ADMINISTRATION," CHAPTER 15, ENTITLED "SPECIAL EVENTS," SECTION 1-15-13, ENTITLED "OFFENSE AND PENALTY," TO PLACE RESPONSIBILITY FOR VIOLATIONS ON THE OPERATOR; 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 1, Chapter 15, Section 1-15-1 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

#### **1-15-1: INTENT AND PURPOSE:**

The ~~city~~City of Enid ~~recognizes that special events in the City help create a community that is engaged with both its civic and private leaders. The City understands that in order to better serve the community that a streamlined and efficient application and permit process is necessary to allocate the proper resources for each event. finds that unregulated special events may pose a threat~~ ~~These resources allocated~~ to the health, safety, welfare, and environment of the community ~~may become strained and affect the community if not coordinated between the Operators of the Special event and the City. Unregulated special events which attract large numbers of patrons and their vehicles can prevent passage of emergency vehicles, obstruct entrances to homes and businesses, and impede the use of streets and sidewalks by the inhabitants. Unregulated special events can create~~ ~~The City wishes to prevent~~ situations which exceed the ~~city~~City's capacity to provide adequately for security, public safety, health, sanitation, parking, water, medical care, lodging and waste disposal. ~~Further, unregulated special events can~~ ~~Further protecting harm~~ sensitive environmental areas ~~and;~~ ~~create preventing~~ noise, congestion, and other nuisances which interfere with ~~the Enid citizen's~~inhabitants' peaceful enjoyment of their homes, businesses, and property. It is the intent of this chapter to regulate special events ~~and improve quality of life in the community by held on dates following the effective date of July 1, 2013. Therefore, the mayor and board of commissioners adopt an ordinance to regulate special events and~~ mitigate ~~any adverse effects~~ ~~special events~~ ~~they~~ may cause. (Ord. 2013-35, 8-6-2013)

Section II: That Title 1, Chapter 15, Section 1-15-2 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

#### **1-15-2: DEFINITIONS:**

ATTENDEE: A person who is present at an event, meeting, etc., or at a particular place.

MOBILE FOOD VENDOR: A food vendor operating for a temporary period. Mobile food vendor does not include:

- A. Bake sales held on private property by nonprofit organizations or on behalf of nonprofit organizations.
- B. Lemonade stands held on private property by juvenile, by nonprofit organizations, or on behalf of nonprofit organizations.
- C. Delivery from a licensed restaurant.

OPERATOR: An individual, group of individuals, association, partnership, corporation, firm, company, or property owner who intends to hold or sponsor a special event, but shall not include the ~~city~~City of Enid.

PARTICIPANT: A person who participates in an activity or event.

SPECIAL EVENT: An outdoor meeting, festival, gathering, amusement, show, concert, or other activity that is open to the public ~~and is on or affects impacts~~ City of Enid property.

SPECIAL EVENT AREA OR SITE: Any ~~outdoor place~~City of Enid property which will be maintained, used, or operated for a special event.

VENDOR: An individual, group of individuals, association, partnership, corporation, firm, company, business or property owner who intends to offer any items, food or services for purchase. (Ord. 2013-35, 8-6-2013)

Section III: That Title 1, Chapter 15, Section 1-15-3 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

### **1-15-3: PERMIT APPLICATION AND APPROVAL PROCESS:**

- A. To obtain a permit, ~~an operator~~the Operator must submit an application to the ~~city~~City of Enid on a form prescribed by the ~~parks and recreation department~~Parks and Recreation Department. The application must be submitted not less than ~~thirty (30) sixty (60)~~ days prior to the proposed date of the event. However, the ~~city~~City of Enid recognizes some small, informal events may materialize in a short period and are not subject to the ~~thirty (30) sixty (60)~~ day deadline unless they are of a nature, size and logistical challenge as is intended by this chapter. Exceptions to this deadline will be reviewed on a case by case basis, but the spirit and intent of this chapter shall be observed by all applicants.

B. ~~An operator~~The Operator must submit the necessary fees as determined by the ~~city~~City of Enid after processing and approval of the permit application. Determination of applicable fees depends on the size and the type of the event, as well as other services needed for the event. These fees may include, but are not limited to: ~~a temporary food service fee, a merchant/vendor license fee,~~ a beer license fee, ~~street closure permit fee,~~ a traffic control fee, a park rental fee, a ~~sanitation cleaning~~ fee, ~~a noise variance fee,~~ and an electrical ~~permit setup/service~~ fee, ~~a sign permit fee, and a building permit fee~~ as applicable. The ~~city~~City of Enid intends to ensure the cost of such events is held to a minimum and will review each application for accommodation of fees.

C. Recognizing that many special events are unique and present their own special circumstances, the ~~city manager~~City Manager is authorized to promulgate regulations to meet the intent of this chapter and to waive or modify requirements of this chapter or regulations to meet unique circumstances of a particular special event.

AD. Application: ~~An operator~~The Operator shall provide the following supporting documents for the application:

1. A completed application with all applicable information attached to the documentation for review;
2. If determined essential to the specific event, a map of the event area showing the location of all street closures, fire lanes, water supplies, points of illumination, tents, trash containers, first aid stations, barricades, booths or vendors, stages or production areas, portable toilets, location of water supplies, points of illumination, tents, trash containers, first aid stations, EMS stations, parking areas, public entry points, and other equipment or materials the ~~operator~~Operator intends to place in the event area;
- ~~3. A copy of the promotional literature the operator intends to use to advertise the event;~~
- ~~43.~~ The names and contact information of the ~~promoter, the owner, and the sponsors~~Operator of the event ~~as applicable~~;
- ~~54.~~ A certificate of liability insurance in the amount and type of coverage required by the ~~city~~City of Enid naming the ~~city~~City as an additional insured, except that this section is not applicable to any governmental entity that is covered under the Oklahoma governmental tort claims act, 51 Oklahoma Statutes 2001, section 151 et seq.; ~~and~~ Said insurance certificate is not required at the time of application, but shall be submitted at least thirty (30) days prior to the event.
- ~~65.~~ If street closures are ~~involved~~involved; the ~~operator~~Operator must provide a map of the event area.

6. The Operator shall coordinate with the City of Enid to notify the public, using, as appropriate, social media, press releases, Enid Television, and community calendars.

~~a. For property owners and tenants on streets affected by the proposed closure area:~~

~~(1) "Affected person" shall mean those who have a legal right to possession of any premises to which access will be restricted due to said proposed street closure. If there are multiple affected persons in a single building, only one affected person from each unit within the building will be required to sign, acknowledging the effects of any such event;~~

~~(2) The original signature of each affected person, including the typed or printed name of the affected person and a notation that the signer either supports or opposes the street closure; and~~

~~b. The application will not be issued unless the parks and recreation event coordinator is able to obtain agreements from affected persons supporting the street closure as follows:~~

~~(1) In commercially zoned areas, seventy five percent (75%) of the affected persons whose private parking lots are fully inaccessible must support the street closure. In residentially zoned areas, ninety percent (90%) of the affected persons whose private access drives are fully inaccessible must support the street closure; and~~

~~c. The operator must comply with all other requirements contained within the street closure application itself. (Ord. 2013-35, 8-6-2013)~~

7. A list of all vendors who will be selling beer and alcohol. Said list is not required at the time of application, but must be submitted at least two (2) working days prior to the event or at the time the time an approved permit is released, whichever is earlier.

Section IV: That Title 1, Chapter 15, Section 1-15-4 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

**1-15-4: POLICE AND FIRE APPROVALS:**

A. The ~~police chief~~Police Chief or his designee shall review the detailed security plan provided by the ~~operator~~Operator when requested.

1. The plan must provide measures that will be in place to ensure crowd control, protection of public and private property, and include steps to be taken to prevent trespassers from gaining access to the event site.
2. The plan must include an explanation of how and when ~~city~~City of Enid ~~police officers~~Police Officers or private security officers will be deployed if necessary, and where they will be located during, before, and after the event.
3. The ~~chief of police~~Chief of Police or his designee will determine the number of ~~police officers~~Police Officers and/or private security officers required based on the number of persons reasonably expected to attend the event and on any other reasonably reliable information regarding security risks, if any, posed by the proposed special event.
4. Unless the event is free to the public and fees have been waived by the City Manager, the Operator must contact the Police Chief or his designee to arrange for and pay for off-duty Police Officers to act as security.

B. The ~~fire chief~~Fire Chief or his designee and a building official or his designee must approve the proposed location and size of any fire lane, booth, tent, stage, and other equipment.

1. The ~~fire chief~~Fire Chief or his designee will determine the appropriate level of adequate fire protection equipment and personnel, if any, which will be required to provide adequate fire protection at the special event site.
2. Fire ~~department~~Department personnel may conduct a compliance inspection at a permitted event.

C. The ~~fire chief~~Fire Chief or his designee will also be required to approve the use of fireworks and the burning of any materials.

D. The ~~fire chief~~Fire Chief or his designee shall review the number and type of emergency medical personnel, services, and equipment provided in the operator's proposed map of the event area if such are anticipated.

1. ~~The operator must provide assurance that adequate first aid and emergency medical services are available at the site in light of the nature of the event, its expected duration, and the number of persons reasonably expected to attend. (Ord. 2013-35, 8-6-2013)~~

Section V: That Title 1, Chapter 15, Section 1-15-5 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

**1-15-5: THE REVIEW DETERMINATION ON APPLICATION:**



A. Once all materials have been submitted for review the ~~p~~Parks and ~~r~~Recreation ~~e~~Event ~~e~~Coordinator will review all completed forms. After the review of all forms the ~~e~~Coordinator will then send the proposed application to the following departments for review:

1. Police ~~department~~Department.
2. Fire ~~department~~Department.
3. City ~~clerk's~~Clerk's office.
4. Engineering ~~department~~Department.
5. Code ~~department~~Department.
6. Public ~~works~~Works ~~streets and traffic department~~Streets and Traffic Department.

B. Each department must examine the application. If any department does not approve the application they must submit reasons for denial and allow the applicant to reconcile any issues. If the issues cannot be remediated the application will be denied. (Ord. 2013-35, 8-6-2013)

Section VI: That Title 1, Chapter 15, Section 1-15-6 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

**1-15-6: APPEAL OF DENIAL OF APPLICATION:**

A.—An ~~operator~~Operator who has been denied a permit may make application for relief from portions of this chapter or from the special events committee's determination to the ~~city manager~~City Manager. Such appeal must be made ~~within~~at least ten (10) working days ~~from before~~ the date of the ~~denial of application event~~ and only after all issues relevant to the permit process have been determined. Upon receipt of the appeal, the ~~city manager~~City Manager will have up to ten (10) working days to grant relief from the denial. (Ord. 2013-35, 8-6-2013)

Section VII: That Title 1, Chapter 15, Section 1-15-7 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

**1-15-7: APPROVAL AND ISSUANCE OF PERMIT:**

A. The ~~p~~Parks and ~~r~~Recreation ~~e~~Event ~~C~~oordinator shall issue a permit to the ~~operator~~Operator if the application complies with this chapter and guidelines approved under this chapter, and approves the map of the area showing the location of services, street closures, and equipment for the event.

B. The ~~p~~Parks and ~~r~~Recreation ~~e~~Event ~~e~~Coordinator may not issue a permit until the ~~operator~~Operator has paid the permit fees associated with the event.

- C. The ~~p~~Parks and ~~r~~Recreation ~~e~~Event ~~e~~Coordinator may not issue a permit unless the description of the event in the application and related documents meet all requirements of this chapter. (Ord. 2013-35, 8-6-2013)

Section VIII: That Title 1, Chapter 15, Section 1-15-8 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

**1-15-8: EVENT ACCESS REQUIREMENTS:**

- A. ~~A permittee~~An Operator may not block a street in a manner that prevents the free movement of pedestrians into and out of the closure area.
- B. If an entry fee is charged for an event, ~~a permittee~~the Operator may not charge the fee to:
1. A person who resides or operates a business in the event area; or
  2. A customer of or a person making a delivery to a business or residence in the event area.
- C. ~~A permittee~~The Operator shall post a sign at each entrance and exit to the event area visible to all patrons entering the area that includes the amount of the entry fee, if any, and the rules of access to the event. ~~A permittee~~The Operator must post the sign required under this subsection during the time the entry fee is in effect. (Ord. 2013-35, 8-6-2013)

Section IX: That Title 1, Chapter 15, Section 1-15-9 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

**1-15-9: SAFETY BEER AND ALCOHOL REQUIREMENTS:**

- A. The sale or possession of alcoholic beverages of any kind is prohibited within the special event area unless preapproval is obtained from the ~~city manager~~City Manager and ~~the alcoholic beverages are provided will be sold~~ by an authorized licensed ~~entity caterer or a person~~ who has obtained a City of Enid license, Garfield County license and/or ABLE license. The ~~operator~~Operator will exercise due diligence and exert his best efforts to prevent the sale of alcoholic beverages ~~outside of~~ within the special event areas.
- B. ~~A permittee~~The sale or possession of low point beer is prohibited within the special event area unless preapproval is obtained from the City Manager and the low point beer will be sold by an entity who has obtained a Garfield County license and City of Enid license. shall comply with all the requirements of the Oklahoma tax commission, Garfield County court clerk's office, and this code, if low point beer is to be sold at the event.
- ~~B. The operator must provide adequate illumination at night to protect the safety of the persons in attendance. Lighting must be adequate to protect safety but must not unduly impact neighboring properties. (Ord. 2013-35, 8-6-2013)~~

C. No fee, other than the fee to obtain a City of Enid permit to sell alcohol and/or low point beer shall be charged.

Section X: That Title 1, Chapter 15, Section 1-15-10 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

**1-15-10: HEALTH FOOD AND BEVERAGE VENDOR REQUIREMENTS:**

A. If food or beverages will be sold at the event, ~~all relevant Oklahoma state department of health, Garfield County health department, and city of Enid regulations must be followed and appropriate licenses must be obtained~~those commercial vendors must be a licensed Mobile Food Vendor through the City of Enid.

~~1. These requirements include valid food handlers' licenses for each person staffing the booths and compliance with temporary establishment requirements of Oklahoma state health department rule 310:257 and, unless the special event is a farmers' market properly registered with the Oklahoma department of agriculture, the department of agriculture and the Oklahoma state department of health.~~

~~2. To obtain a temporary food license from the city of Enid, a permittee must pay a fee of five dollars (\$5.00) per food vendor expected to operate at the special event. If unexpected or additional vendors participate in the event, the fees for those vendors may be paid up to sixty (60) days following the end of the event.~~

~~B. The permittee must arrange for the city of Enid sanitation department to provide an adequate number of trash receptacles, and/or dumpsters.~~

~~C. If the permittee fails to promptly clean up trash and remove debris from the event site within twenty four (24) hours from the end of the event or prior to reopening the street, whichever is earlier, the city of Enid shall provide the cleanup and charge the permittee the incurred costs of the cleanup.~~

~~D. A permittee shall provide an adequate number of portable toilets based on the estimated number of participants at the event as specified by the Oklahoma department of health. A permittee may not place a portable toilet within twenty five feet (25') of an entryway to an adjacent business or residence, unless the adjacent property owner or tenant approves a distance of less than twenty five feet (25'). (Ord. 2013-35, 8-6-2013)~~

B. No fee, other than the fee required to become a licensed Mobile Food Vendor, shall be charged.

Section XI: That Title 1, Chapter 15, Section 1-15-11 of the Enid Municipal Code, 2014, is hereby removed:

**1-15-11: MERCHANDISE VENDOR PERMIT PROCESS:**

- ~~A. If the sponsor~~Operator of the event plans to include individual vendors, other than food vendors, as part of the event, the sponsor~~Operator~~ and each vendor must obtain a special event vendor permit~~must ensure every vendor obtains a Special Event Vendor Permit~~. A special event vendor permit~~Special Event Vendor Permit~~ shall be valid only during the permitted special event.
- ~~B. An application for a special event vendor permit~~Special Event Vendor Permit shall be filed, with the appropriate fee, with the special event coordinator~~Special Event Coordinator~~. The applicant shall truthfully complete, in full, the information requested on the application:
- ~~1. The applicant's name, the address of his or her present place of residence, the applicant's business address if it is different than his or her residence, and his or her date of birth;~~
  - ~~2. The name and address of the person, firm, corporation or association whom the applicant is employed by or represents and the length, of time of such employment or representation, if applicable;~~
  - ~~3. A description of what the applicant intends to sell;~~
  - ~~4. The dates for which the applicant requests a special event vendor permit;~~
  - ~~5. A statement as to whether an applicant has ever had any permit denied or revoked by the city of Enid or by the state of Oklahoma;~~
  - ~~64. A statement as to whether the applicant has ever been convicted of the commission of a felony under the laws of any state or federal law of the United States or whether the applicant is required to register with any governmental unit as a sex offender;~~
  - ~~75. Verification of payment of sales tax to the Oklahoma tax commission~~Tax Commission permit;
  - ~~8. Documents from the county court clerk's office that establishes that the business has complied with state law, in particular, the requirements of posting bond pursuant to 19 Oklahoma Statutes section 1608, if applicable; and~~
  - ~~96. Any such additional information as the special event coordinator (or designee) may deem necessary to process the application.~~
- ~~C. This section applies to all special events held under this chapter, including special events in parks. (Ord. 2013 35, 8 6 2013)~~No fee shall be charged for the Special Event Vendor Permit.

Section XI: That Title 1, Chapter 15, Section 1-15-11 of the Enid Municipal Code, 2014, is hereby created to read as follows:

**1-15-11: ADDITIONAL OPERATOR REQUIREMENTS:**

- A. The Operator must provide adequate illumination at night to protect the safety of the persons in attendance. Lighting must be adequate to protect safety but must not unduly impact neighboring properties. (Ord. 2013-35, 8-6-2013)
- B. The Operator must arrange for the City of Enid Solid Waste Department to provide an adequate number of trash receptacles, and/or dumpsters **at the time of application.**
- C. If the Operator fails to promptly clean up trash and remove debris from the event site within twenty four (24) hours from the end of the event or prior to reopening the street, whichever is earlier, the City of Enid shall provide the cleanup and charge the Operator the incurred costs of the cleanup.
- D. The Operator shall provide an adequate number of portable toilets based on the estimated number of participants at the event as specified by the Oklahoma Department of Health. The Operator may not place a portable toilet within twenty five feet (25') of an entryway to an adjacent business or residence, unless the adjacent property owner or tenant approves a distance of less than twenty five feet (25'). (Ord. 2013-35, 8-6-2013)
- E. The Operator must provide assurance that adequate first aid and emergency medical services are available at the site in light of the nature of the event, its expected duration, and the number of persons reasonably expected to attend. (Ord. 2013-35, 8-6-2013)

Section XIII: That Title 1, Chapter 15, Section 1-15-12 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

**1-15-12: EXEMPTION FOR THE CITY OF ENID:**

- A. The ~~city manager~~City Manager or designee may waive some or all fees associated with the event if the application meets the following criteria:
  - 1. Special events for economic development:
    - a. Priority is given to projects that demonstrate an ability to generate overnight visitors to Enid. This can be demonstrated through:
      - (1) Historic information on the number of room nights used the previous years of the same activities;
      - (2) Prospective information on a room block that has been reserved at area hotels for anticipated overnight guests;

- (3) Marketing of programs and activities in the event which will encourage overnight visitors to use local lodging properties.

2. Special events for community involvement:

- a. The event will feature free community entertainment;
- b. The event will not require a vendor fee, participation fee, or entrance fee;
- c. Anyone in the community is able to attend and participate;
- d. Disruption to traffic is minimal. (Ord. 2013-35, 8-6-2013)

Section XIV: That Title 1, Chapter 15, Section 1-15-~~13~~ 14 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

**1-15-13: OFFENSE AND PENALTY:**

- A. ~~A-The person~~ Operator commits an offense if ~~the any~~ person violates the terms of a street closure permit, closes a street without a permit, damages or destroys any ~~city~~ City of Enid property or violates any provisions of this chapter. Each violation, whether or not committed on the same calendar day, shall be considered a separate offense.
- B. The violation of this chapter shall be punishable by a fine not to exceed one hundred dollars (\$100.00) plus costs.
- C. ~~A permittee~~ An Operator who is convicted of violating the terms of a permit issued under this chapter may not apply for or receive another permit for one year after the date of violation. (Ord. 2013-35, 8-6-2013)

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

Section XVI: 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 XVII: 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 XVIII: Codification. This ordinance shall be codified as Title 1, Chapter 15, Sections 1-15-1 through 1-15-14 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 \_\_\_\_\_, 2016.

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