



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

BOARD OF COMMISSIONERS

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 20th day of September, 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 SEPTEMBER 20, 2016.**
3. **DISCUSS GOLF ORDINANCE.**
4. **DISCUSS SIGN ORDINANCE.**
5. **DISCUSS SALES AND USE TAX ORDINANCES.**
6. **ADJOURN.**

City Commission Study Session

3.

Meeting Date: 09/20/2016

SUBJECT:

DISCUSS GOLF ORDINANCE.

Attachments

Ordinance

ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 2, ENTITLED "FINANCE AND TAXATION," CHAPTER 6, ENTITLED "FEE SCHEDULE," ARTICLE C, ENTITLED "CITY SERVICES AND FACILITIES," SECTION 2-6C-4, ENTITLED "MEADOWLAKE GOLF COURSE, ADMISSION PRICES," TO INCREASE CERTAIN GREEN FEES, MEMBERSHIP FEES AND CART FEES AND REMOVING ADDITIONAL HOUSEHOLD MEMBER RATES; 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 2, Chapter 6, Article C, Section 2-6C-4 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

2-6C-4: MEADOWLAKE GOLF COURSE, ADMISSION PRICES:

The following fees shall be charged for the services at Meadowlake Golf Course (~~such fees include~~ state and local taxes will be added to all fees):

A. Green Fees: (All green fee charges are for 18 holes unless specified otherwise.)

| | Price |
|--|-------------------------------|
| Green fees: | |
| Monday through Friday | \$22.00 |
| Saturday, Sunday and legal holidays | 26.00 |
| Twilight rate (shall apply 3 hours before sunset): | |
| Monday through Friday | 11.50 |
| Saturday, Sunday and legal holidays | 12.75 <u>13.50</u> |
| Additional 18 hole round fee | 10.25 |
| Junior green fees (a junior is an individual <u>person</u> age 17 or younger): | |
| Monday through Friday | 6.25 |

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|---|-------------------------------|
| Saturday, Sunday and legal holidays | 7.75 |
| Junior high golf team - no green fees per round Monday through Friday when accompanied by golf coach, during golf season only, <u>weekdays only</u> - coaches will limit team members to 15 and provide list to pro shop | |
| Senior high golf team - no green fees when accompanied by golf coach at Meadowlake , during golf season only, weekdays only | |
| Competitive junior and senior high golf matches - no green fees | |
| Senior green fees (a senior is a person who has attained the age of 65 years): | |
| Monday through Friday | 16.75 |
| - Seniors must pay regular green fees on Saturday, Sunday and legal holidays- | |
| Additional <u>18 hole</u> round fee for seniors | 8.25 |
| <u>Saturday, Sunday and legal holidays</u> | <u>26.00</u> |
| <u>Additional 18 hole round fee on Saturday, Sunday and legal holidays</u> | <u>10.25</u> |
| <u>9 hole green fees (60% of Rack Rate):</u> | |
| Monday through Friday | 12.50 <u>13.20</u> |
| Monday through Friday (for seniors) | 9.75 <u>10.05</u> |
| Saturday, Sunday and legal holidays | 14.75 <u>15.60</u> |
| <u>Military green fees (15% off for Active Duty Military Members):</u> | |
| <u>Monday through Friday</u> | <u>18.70</u> |
| <u>Saturday, Sunday and legal holidays</u> | <u>22.10</u> |
| <u>Driving Range Bucket (increases to \$4.00 on April 1, 2017)</u> | <u>3.00</u> |

B. Membership Fees: (All memberships run from July 1st through June 30th annually. No surcharge is charged for membership play.)

| | |
|--|------------------------------------|
| | <u>Price Per Membership</u> |
|--|------------------------------------|

| | | |
|--|--|----------------------------------|
| Membership fees:—Annual Memberships from June 1st to May 31st every year. | | |
| <u>Regular Memberships:</u> | | |
| Single unlimited (covers green fees for 1 person for a -1 year period, without surcharges) | | 1,000 <u>1,200.00</u> |
| <u>Single unlimited with cart (\$800 fee)</u> | | <u>2,000.00</u> |
| <u>Couple unlimited (covers green fees for 2 people in the same household for 1 year)</u> | | <u>1,500.00</u> |
| <u>Couple unlimited with cart (\$1,000 fee)</u> | | <u>2,500.00</u> |
| - For each additional household member. To gain the advantage of the additional household member, you must be a spouse, a child 18 years of age or younger or be a student under the age of 21 living in the household. | | 500.00 |
| Senior memberships (a senior is an individual person who has or will reach the age of <u>will be 65 or is older than 65 years of age or older</u> on or before July 1 of the year for which membership is sought): | | |
| Senior unlimited membership (covers green fees for 1 person senior for a 1 year period, without surcharges) | | 800.00 <u>950.00</u> |
| <u>Senior unlimited with cart (\$725 fee)</u> | | <u>1,675.00</u> |
| <u>Senior couple unlimited (covers green fees for 2 seniors in the same household for 1 year)</u> | | <u>1,400.00</u> |
| <u>Senior couple unlimited with cart</u> | | <u>2,400.00</u> |
| - For each additional household member. To gain the advantage of the additional household, you must be a spouse, a child 18 years of age or younger or be a student under the age of 21 living in the household. | | 400.00 |
| Junior membership (a junior is an individual age 17 or younger on July 1 of the year for which membership is sought): | | |
| Juniors, play must occur Monday through Friday and weekends, after 3:00 P.M. (with \$2.00 surcharge for each round <u>covers green fees for 1 junior for 1 year</u>) | | 275.00 |
| Corporate memberships (<u>minimum of 3 memberships per company</u>): Corporate memberships are available at 20% off the | | |

| | | |
|---|---|--|
| regular membership rates- | | |
| | Corporate unlimited (covers green fees for 1 employee for 1 year) | 1,000.00 |
| | Corporate unlimited with cart (\$800.00 fee) | 1,800.00 |
| City of Enid employee memberships: | | |
| | City of Enid employee membership , unlimited (covers green fees for 1 city employee for 1 year, no surcharges) | 400.00 700.00 |
| | City of Enid employee unlimited with cart (\$800.00 fee) | 1,500.00 |
| | City of Enid employee couple unlimited (covers green fees for 1 City employee and 1 household member for 1 year) | 1,050.00 |
| | City of Enid employee couple unlimited with cart (\$1,000.00 fee) | 2,050.00 |
| - | For each additional household member | 200.00 |
| <u>Military memberships (Active Duty Military Members):</u> | | |
| | Military unlimited (covers green fees for 1 active duty military member for 1 year) | 1,000.00 |
| | Military unlimited with cart (\$800.00 fee) | 1,800.00 |
| | <u>Range only membership:</u> | 260.00 |
| Prorating of memberships: All prorating for regular or senior memberships will be done for first time members only with a commitment through the following fiscal year ; senior memberships may not be prorated from regular memberships. Monthly ACH payments available. | | |

C. Golf Cart Fees:

| | <u>Price</u> | |
|---------------------------------------|--|--|
| Golf cart fees, regular rates: | | |
| | | |
| - | 18 holes of golf, with 2 or more occupants- | \$26.00 |
| - | 9 holes of golf, with 2 or more occupants- | 16.00 |
| | 18 holes of golf, 1 occupant | 13.00 14.00 |

| | | |
|---|--|------------------------|
| | 9 holes of golf, 1 occupant | 8.00 8.50 |
| Golf cart fees, senior rates (a senior is an individual who has attained the age of 65 years) ¹ : | | |
| | | |
| | 18 holes of golf, with 2 or more occupants | 21.50 |
| | 9 holes of golf, with 2 or more occupants | 15.00 |
| | 18 holes of golf, 1 occupant, <u>Monday through Friday</u> | 10.75 11.75 |
| | 9 holes of golf, 1 occupant, <u>Monday through Friday</u> | 7.50 |
| | <u>18 holes of golf, 1 occupant, Saturday, Sunday and legal holidays</u> | 14.00 |
| | <u>9 holes of golf, 1 occupant, Saturday, Sunday and legal holidays</u> | 8.50 |

Note:

~~1. Senior rates are applicable to weekday play only. Seniors shall pay regular rates for weekends and holiday play.~~

- D. Locker Rental Fee: Seventy dollar (\$70.00) fee for one year.
- E. Discounts: The golf professional at Meadowlake Golf Course may, with the approval of the City Manager or his designee, institute winter rates, run specials, offer coupons, and provide discounts on the fees charged at Meadowlake.
- F. Waiver of Fee: For good cause shown, the golf fees required in this section may be waived by the City Manager. (Ord. 2013-8, 2-21-2013)

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 2, Chapter 6, Article C, Section 2-6C-4 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

City Commission Study Session

4.

Meeting Date: 09/20/2016

SUBJECT:

DISCUSS SIGN ORDINANCE.

Attachments

Ordinance

ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 11, ENTITLED "ZONING," CHAPTER 13, ENTITLED "SIGN REGULATIONS," SECTION 11-13-2, ENTITLED "DEFINITIONS," TO ADD A DEFINITION FOR HANGING SIGNS; AMENDING SECTION 11-13-6, ENTITLED "ALLOWANCES BY ZONING DISTRICT OR SPECIAL AREA," TO ALL HANGING SIGNS, TO ALLOW PROJECTING SIGNS ON UPPER FLOORS, TO REMOVE THE RESTRICTIONS ON PROJECTING SIGNS ATTACHED TO BUILDINGS OF LESS THAN FIFTY (50) FEET IN WIDTH, AND TO REDUCE THE OVERHANG CLEARANCE FOR PROJECTING SIGNS; 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 13, Section 11-13-2 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-13-2: DEFINITIONS:

For the purposes of this chapter, the following terms shall have the meanings as hereinafter defined:

A-FRAME SIGN: A sign which is in the shape of an A or variation thereof, located on the ground, easily movable, not permanently attached thereto, and which is usually two (2) sided.

ABANDONED SIGN: A sign which identifies an establishment, goods or services which are no longer provided on the premises as advertised, or identifies a time, event or purpose which has passed or no longer applies, or is vacant of copy for a period of time as specified herein.

ADDRESS AND/OR NAMEPLATE SIGN: A sign identifying the city assigned address number and/or name of the business or residential occupant.

ADVERTISING: Commercial messages on signs, which does not include noncommercial messages.

ANIMATED OR MOVING SIGN: Any sign or part of a sign which changes physical position by any movement or rotation.

AUTOMATIC OR CHANGING SIGN: An electronically or electrically controlled sign, which

automatically changes the visible message copy on a preprogrammed cycle through the use of illumination.

AWNING OR CANOPY SIGN: A sign that is mounted or painted on, or attached to, an awning or canopy such that the sign does not project above, below, or beyond the awning or canopy. See definition of Wall Sign.

BALLOON SIGN: A nonporous bag, of a variety of shapes and sizes, or envelope filled with heated air, a gas lighter than air, or air under pressure, that is used for advertising or attention getting purposes.

BANNER SIGN: A temporary sign printed or displayed on cloth or other flexible material, with or without frames.

BILLBOARD: An off premises object, device, display, sign, or structure, or part thereof, displayed outdoors or visible from a public right of way, which is used to advertise, identify, display, direct or attract attention to any message, idea, object, institution, business, organization, event, person, place, commodity, product, service, or entertainment conducted, sold, located, manufactured, used or offered at a location other than the premises on which the sign is located.

BULLETIN BOARD SIGN: A sign that indicates the name of a governmental, religious, educational, or other noncommercial institution on whose premises it is located and which may contain the names of individuals connected with it and general announcements of events or activities occurring at the institution, or similar messages not advertising a specific product or business service.

CHANGEABLE COPY SIGN; READER BOARD: A freestanding sign or integral part thereof, consisting of nonstructural panels or individual message elements such as letters, numbers, or symbols, which are designed and intended for manual replacement or alteration after the sign is erected.

CONSTRUCTION SIGN: A temporary sign identifying a construction project erected on the premises where construction is taking place, only during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, lending institutions, and other parties having a role or interest in the structure or project.

DECORATION: Illustration, symbol, flag, streamer, bunting, wreath, figure, insignia, or other devices employed to express and illustrate a message of patriotic holiday or seasonal character.

DIRECTIONAL SIGN: A sign that directs the movement or placement of pedestrian or vehicular traffic on the premises where the sign is located.

DISPLAY SURFACE: The surface of the sign upon, against or through which the message is displayed or illustrated.

DOUBLE FACED SIGN: Any sign with more than one display surface where only one side is visible from any one direction. With double faced signs, the full sign is counted as a single sign, instead of the individual faces of the sign being counted as separate signs.

ERECT: To construct or allow to be constructed.

EVENT SIGNS: A sign displayed for the sole purpose of drawing attention to an upcoming event or celebration. Some examples are streetlight banners, banners, streamers, etc. Signs for special events regulated by [title 1, chapter 15](#) of this code are not regulated under this title.

FEATHER FLAG: A sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing. Feather flags are generally a single sign attached to a support post and typically having a dimensional ratio of four (4) high to one wide. This definition also applies to tear drop flags, wind feather flags, bow flags, and other similar type signs.

FLASHING SIGN: An illuminated sign on which the artificial or reflected light is not maintained stationary and constant in light intensity and color at all times when in use.

FREESTANDING SIGN: An accessory sign principally supported by a structure affixed to the ground, and not supported by a building. Freestanding signs include signs supported by one or more columns, poles or braces placed in or upon the ground and may not exceed thirty two feet (32') in height. This sign is intended to identify an aggregate use of property or its primary use.

FRONTAGE: Any boundary line of a lot or parcel of land that coincides with the right of way of the street.

GAS ISLAND SIGN: A sign printed on paper, board or similar material and placed on a pole or pump within a gas station island.

GLARING SIGNS: Any sign employing direct, indirect, internal, flashing or other illumination with light sources or reflectivity of such brightness that constitutes a hazard to ground or air traffic or a nuisance.

HANGING SIGNS: Any sign which is suspended from a building or from a canopy, awning or other similar structure, over a designated pedestrian way, and is perpendicular to the building. The primary purpose of Hanging Signs is to assist pedestrians in wayfinding and identification of businesses in a manner that is true to the age of the Downtown Overlay District.

IDENTIFICATION NAMEPLATE: A wall sign giving any combination of the name and recognized symbol or logo of a building, business, or establishment which is attached to, and flat against, the wall of a building.

ILLEGAL SIGN: Any sign erected or altered after the effective date of this chapter not complying with the provisions thereof unless said provision was expressly granted by a variance.

ILLUMINATED SIGN: Any sign which has characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes, whether such sources of illumination are a part of a sign or not.

ILLUMINATION, DIRECT; INTERNAL ILLUMINATION: A light from a source concealed or contained within the sign, and which becomes visible through a translucent surface.

ILLUMINATION, INDIRECT LIGHTING: Illumination which is performed by spotlights or other lighting devices and which is not a part of the sign proper. This definition includes those lighting devices which are extended from the sign proper by means of a rod from which the illumination is directed toward the display surface of the sign.

INSTITUTIONAL SIGN: A sign identifying a club, association, school, hospital, church, firehouse, nursing home, care facility, boarding house, cemetery, or other similar institution or facility.

MARQUEE SIGN: Any sign attached to, and made a part of, a marquee. A "marquee" is defined as a permanent rooflike structure projecting beyond a building wall at an entrance to a building or extending along, and projecting beyond, the building's wall and generally designed and constructed to provide protection against the weather.

MEMORIAL SIGN: A sign, tablet, or plaque commemorating a person, event, structure or site.

MODULE SIGN: A wall sign other than an identification sign or identification nameplate, which is formed of individual modules, which spell out the name or nature of a business or the occupant of the premises.

MOVING SIGN: A sign, all or part of which is animated, revolves, swings, or is otherwise designed to move by mechanical means or by the force of the wind.

NIT: A brightness measurement of light whose standard is the amount of light that one candle gives off in a square meter of area. The nit is a unit of measurement that is used for light given off in digital displays such as computer screens, video games, electronic signs and other visual appliances.

NONCOMBUSTIBLE: Any material which does not ignite below one thousand two hundred degrees Fahrenheit (1,200°F) or disintegrate, melt or give off toxic odor or fumes.

NONCONFORMING SIGN: A sign which was lawfully erected, altered, moved, or maintained under previous ordinances of the city but does not conform to the provisions of this chapter.

OFF PREMISES SIGN: Any sign, other than a billboard, which directs attention to a business, establishment, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than upon the same lot where such a sign is displayed.

OWNER: The fee owner of a sign, the lessee of the sign, the fee holder of the property upon which the sign is located, the leaseholder of such property, or the individual, person or business who has purchased the copy on a sign, or whose name appears on the sign.

PALLET SIGN: A sign that consists of a portable platform used for storing or stacking products, with or without a message attached thereto.

PARAPET: Either the edge of the roof or the top of a wall, which forms the top line of the building silhouette.

PARCEL OF LAND: For the purpose of calculating street frontage, parcel of land means a parcel of unplatted real estate or a platted lot. Where one lot fully encompasses a building, only that lot will be used to calculate street frontage, even if adjacent lots are owned by the same person or entity. Where a building or attached structure permanently encroaches on a second lot, the lots will be combined to determine the street frontage.

PERMANENT SIGN: A sign which by its physical nature is designed for and suitable for display longer than ninety (90) days; the term includes all signs which qualify as a "structure" in the building code.

POLITICAL SIGN: A temporary sign announcing or supporting political candidates or issues in connection with any national, state, county, or local election.

PORTABLE SIGN: A sign designed to be removable from one location to another and not permanently attached to the ground or to any immobile structure, the primary function of which is to provide advertisement of products or services in connection with a business or activity located on the site of the portable sign, or elsewhere. Portable signs may or may not be lighted internally, and may or may not be mounted on a chassis with tires or wheels for transport from one place to another on a trailer or other wheeled devices. A-frames; menu and sandwich board signs; and balloons used as signs are other examples of portable signs. See also definition of Changeable Copy Sign; Reader Board.

POSTER SIGN: A temporary sign printed on paper, cardboard, or similar material which is generally displayed in windows or attached to buildings, or staked in the ground.

PROJECTING SIGN: A sign, other than a banner, which is attached to, and is wholly or partially dependent upon, a building for support and which projects perpendicular to the wall or surface of the building.

PUBLIC USE SIGN OR PUBLIC SERVICE SIGN: A sign of a governmental or noncommercial nature including public transit and public utility information, traffic control, and any other sign erected by a public officer in the performance of a public duty.

REAL ESTATE SIGN: A temporary sign pertaining to the sale, rental, or lease of the lot or tract of land on which the sign is located, or to the sale, rental, or lease of one or more structures.

ROOF SIGN: A sign which is erected, constructed, and maintained upon the roof of any building, whose height does not exceed the crest of the roofline, and is principally supported by the roof's structure.

SETBACK: Where a setback is required or provided for any sign, it shall be measured horizontally from, and perpendicular to, the right of way line of a street, or property line, to the nearest edge of the sign.

SIGHT TRIANGLE: An area which is clear of all structures or other sight impediments formed by measuring back an equal distance along two (2) intersecting curb lines and connecting said points to form a triangle.

SIGN: Any object, device, display or structure or part thereof situated outdoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images. The term "sign" includes, but is not limited to, every projecting sign, ground sign, pole sign, window sign, vehicle sign, awning, canopy, marquee, changeable copy sign, illuminated sign, flashing sign, animated sign, temporary sign, portable sign, pennant, banner, streamer or any other attention getting device or other display whether affixed to a building or separate from a building.

SIGN AREA; AREA OF A SIGN; SIGNAGE: The area of the sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines enclosing the extreme limits or writing, representation, emblem, icon, logo or any figure of similar character, together with any material or color forming an integral part of background of the display or used to differentiate such sign from the backdrop or structure against which it is placed.

SIGN CONTRACTOR: Any person, firm or corporation involved in the installation, repair, alteration, and service of any electric sign, and all permanent signs involving structural requirements of the building code and/or electrical requirements of the electrical code.

SIGN COPY: The letters, numbers, symbols, or geometric shapes on a sign face either in permanent or changeable form.

SIGN FACE: The surface of a signboard, background area, and structural trim upon, against or through which a message is displayed or illustrated on the sign.

SIGN HEIGHT: The height of a sign, measured from ground level, at the base of, or below, the sign, to the highest edge of the sign.

SIGN LOCATION: The site where one or more freestanding sign structures may be erected.

STORE FRONTAGE: The area visible to the public where public entrances, display windows

and other information is located. Store frontage is not regulated by road frontage and is considered separately when deciding linear feet of store frontage.

STREET FRONTAGE: The frontage which runs the length of a particular parcel of land.

STROBE: A flash lamp that produces high intensity, short duration light pulses.

STRUCTURE: Anything built or constructed whether or not permanently attached to the ground.

TEMPORARY SIGN: Any sign, banner, or advertising display, usually constructed of cloth, fabric, wood, paper or other light material with or without a frame, and designed and intended to be displayed for a short period of time, typically less than ninety (90) days.

UNUSED SIGN: See definition of Abandoned Sign.

VARIANCE: A special ruling which does not require compliance with a specific portion of this chapter.

VEHICLE SIGN: Signs placed on or affixed to vehicles and/or trailers that are parked on a public right of way, public property or private property so as to be visible to the general public where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property shall be prohibited. However, this is not in any way intended to include the painting of vehicles or window stickers in any way.

WALL SIGN: Any sign painted on, or attached to and erected parallel to, the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building, and which displays only one advertising surface. For the purpose of this chapter, the term "wall sign" shall include awning and canopy, identification, marquee, and module signs.

WIND RESISTANT OR SWINGER SIGN: A small accessory sign which is spring mounted on a base which allows the sign to swing as wind pressure increases. The definition does not include "A-frame signs".

WINDOW SIGN: Any sign painted on or placed inside or upon a window facing the outside and which is intended to be seen from the exterior. (Ord. 2016-14, 6-7-2016)

Section II: That Title 11, Chapter 13, Section 11-13-6 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-13-6: ALLOWANCES BY ZONING DISTRICT OR SPECIAL AREA:

This section identifies the signs allowed within specific zoning districts and in special areas, along with special standards and procedures additional to those specified in section [11-13-7](#) of this chapter.

A. Allowance By Zoning District:

1. Residential Zoning Districts (R-1, R-2, R-3, R-4, R-4A, R-5, R-6, R-7): The only signs permitted in residential zoning districts are identification signs for buildings, subdivisions, residences, or other permitted uses as well as decorations. Any wall signs or freestanding signs constructed in a residential zoning district must have a permit; this permit will be at no cost to the subdivision.
 - a. Intermittent lighting of identification signs shall be prohibited in residential districts.
 - b. Single-family and duplex lots shall be permitted one wall sign to identify the family name, property name or street address, not to exceed three (3) square feet in area for lots less than one acre and not to exceed six (6) square feet for lots over one acre.
 - c. Residential subdivisions shall be permitted one freestanding sign or one wall sign mounted on a subdivision screening wall for identification of the subdivision for each street entry providing access to the subdivision. For the purposes of this section, identical subdivision identification signs on both sides of the access street shall be considered one sign as long as they are not double faced and/or visible from both directions of traffic. These signs may not exceed fifteen feet (15') in height.
 - d. Multi-family developments shall be permitted one freestanding sign or one wall sign for identification of the development for each street entry. For the purpose of this section, identical development identification signs on both sides of the access street shall be considered one sign as long as they are not double faced and/or visible from both directions of traffic. One "for lease" wall sign with a maximum sign area of six (6) square feet for each street entry shall also be permitted.
2. Commercial Zoning Districts (Commercial Office And C1 - C4): The purpose of signage in the commercial districts is for the identification of business establishments, products and services available on the premises. If located within a shopping center the signs in that shopping center should be aggregately displayed on one or more varying types of signs, identifying the individual businesses located within a shopping center, or the shopping center name itself. Only the following types of signs are permitted in the commercial zoning districts:
 - a. Freestanding sign.
 - b. Projecting sign.
 - c. Wall sign.

- d. Window sign.
 - e. Wind resistant or "swinger" signs.
3. Industrial Zoning Districts (I-1 - I-3): The purpose of signage in industrial areas is for the identification of the various manufacturing, assembling, warehousing, and services located on the premises.
- a. Only the following types of signs are permitted in the industrial zoning districts:
 - (1) Freestanding sign.
 - (2) Projecting sign.
 - (3) Wall sign.
 - (4) Window sign.
 - (5) Wind resistant or "swinger" signs.
4. Agricultural District (A): The only signs permitted in the agricultural district are identification signs of residences, farms, agricultural related uses, and other permitted uses as well as decorations.
- a. Intermittent lighting of identification signs shall be prohibited in the agricultural district.
 - b. Only the following types of signs are permitted in the agricultural zoning district:
 - (1) Freestanding sign.
 - (2) Wall sign.
 - c. The following standards and procedures for the agricultural zoning district must be met in addition to those outlined in section [11-13-7](#) of this chapter:
 - (1) Only one such sign shall be permitted for each street frontage.
 - (2) All signs shall be for on premises use only.
 - (3) No individual sign shall exceed a maximum height of ten feet (10') and a maximum sign area of forty eight (48) square feet.

B. Allowance By Special Areas: Because of their unique character, there are "special areas" in which specific regulations and procedures are established which provide for regulation of a greater degree than found elsewhere in this chapter. The special areas and their regulations are as follows:

1. Planned Unit Development (PUD): The planned unit development is designed to provide for small and large scale developments incorporating a single type or a variety of land uses which are planned and developed as a unit. When land is being considered for development under the provisions of the planned unit development zoning district, the sign program for the development shall be considered as part of the review process for the total project. Only the following signs are permitted within a planned unit development:

a. Residential PUD: Accessory commercial signs shall be limited to one nameplate of not more than sixteen (16) square feet, flat against a building wall, and shall not be animated, flashing, or have other than indirect illumination. Neon lighting is acceptable only as a window sign.

b. Nonresidential PUD:

(1) Sign Area:

(A) All permanent signage located on each lot within the PUD is limited to up to two hundred (200) square feet based on street frontage. For all business signs, an aggregate sign area of all permanent signage is as follows:

(i) If not more than one sign is erected, one square foot of sign area per each linear foot of street frontage; provided, that only arterial street frontage shall be used in the computation of sign area for lots that abut more than one street.

(a) If the street frontage exceeds two hundred (200) linear feet, the business is allowed to have an additional ten (10) square feet of signage for each additional fifty (50) linear feet of street frontage in excess of two hundred (200) linear feet.

(ii) If more than one sign is erected, one-half ($\frac{1}{2}$) square foot of sign area per linear foot of street frontage; provided, that only arterial street frontage shall be used in the computation of sign area for lots that abut more than one street.

- (a) If the street frontage exceeds four hundred (400) linear feet the business is allowed to have an additional ten (10) square feet of signage for each additional fifty (50) linear feet of street frontage in excess of four hundred (400) linear feet.
- (2) Wall Signs: The aggregate sign area for wall signs shall not exceed two (2) square feet per linear foot of the building wall to which the sign or signs are affixed.
- (3) Freestanding Or Projecting Signs: The following standards shall apply to all other signs:
 - (A) No sign shall be located within one hundred fifty feet (150') of any residential area, either within or abutting the PUD, unless separated by an arterial street. Any sign shall maintain a minimum separation of one hundred feet (100') from any other sign.
 - (B) Signs shall not exceed twenty five feet (25') in height, except a sign, when located behind the building setback line, may exceed twenty five feet (25'), but shall not exceed thirty two feet (32') in height.
 - (C) In addition to the wall signs permitted in subsection B1b(2) of this section, and in addition to the business signs permitted in this subsection B1b(3), a lot containing four (4) or more business establishments may erect one sign for each arterial street frontage identifying the commercial or industrial complex and individual tenants therein, not exceeding an aggregate sign area of one square foot per four (4) linear feet of arterial street frontage. The calculation for the signage for the complex will be separate from each individual lot within the PUD. The complex signage may not exceed two hundred (200) square feet of signage.

2. Downtown Development District:

- a. The "~~downtown~~Downtown ~~development~~Development ~~district~~District" shall be defined as that portion of the central business district bounded by Adams Street on the west, Elm Avenue on the north, the railroad tracks on the east and a line contiguous with the centerline of the east-west alley in Block 4, Southside Addition extended east to the railroad tracks and west to closed Adams Street on the south.

b. The following regulations shall apply to all signs located within the downtown development district:

(1) Sign Types Permitted On Buildings:

- (A) Only wall, hanging and projecting signs, as defined in section 11-13-2 of this chapter, shall be allowed to be placed on or attached to any building or other structure in the downtown development district.
- (B) All wall signs shall be located, as best as is possible, on the structure to complement the overall facade composition.
- (C) All wall signs shall be mounted so as not to obscure architectural detail. Wall signs shall be limited in size to thirty percent (30%) of the building facade to which the signs are attached.
- (D) Projecting signs shall be ~~located on the first story only and shall be limited to one-half ($\frac{1}{2}$) square foot of sign area per linear foot of the building facade to which it is attached. The maximum sign area permitted for any projecting sign shall not exceed thirty two (32) square feet.~~
- (E) No projecting sign shall extend more than four feet (4') from the building facade to which it is attached. ~~If the facade measures less than fifty feet (50') in width, such sign shall not extend more than one foot (1') per twelve and one-half (12.5) linear feet of building width.~~
- (F) All signs shall be aligned as much as possible along the single block to form a unifying pattern.
- (G) Nothing contained herein shall prohibit the placement of noncommercial handbills or similar printed material temporarily displayed for public information purposes.
- (H) All signs which are illuminated shall be indirectly lighted, or, if internal light sources are used, only the letters and not the background shall be illuminated; except for those properties which directly abut upon Owen K. Garriott Road, in which case, internal light sources may illuminate the background. ~~Electrical signs which overhang pedestrian walkways shall have a minimum clearance of nine feet (9') between grade and the bottom edge of the sign.~~

(I) A-frame signs are allowed within the downtown development district, but shall not be left outdoors except during business hours. These signs may not inhibit the flow of pedestrian traffic throughout the downtown development district or inhibit the flow of vehicular traffic in any way.

(J) No balloon or other blow up signs of any type are allowed within the downtown development district.

(K) Electrical signs shall maintain nine feet (9') of clearance between grade and the bottom edge of any sign which projects, overhangs or is otherwise suspended over a pedestrian walkway. Nonelectrical signs shall maintain seven feet (7') between grade and the bottom edge of any sign which projects, overhangs or is otherwise suspended over a pedestrian walkway.

(2) Flashing Signs: No person, corporation or entity shall place or cause to be placed any sign using flashing, pulsating, blinking, glaring or intermittent lighting in the downtown development district, except signs which display time, temperature and other general advertising information as long as the information is displayed for a minimum of three (3) seconds before changing.

(3) Freestanding Signs:

(A) All freestanding signs are limited to a maximum of twenty feet (20') in height. The sign area shall be limited to one square foot per linear foot of street frontage.

(B) Those properties which directly abut upon Owen K. Garriott Road shall be permitted freestanding signs. Unless otherwise provided in this chapter, freestanding signs shall be limited in size to no more than one square foot of sign area per each linear foot of Owen K. Garriott Road frontage. Such signs shall be limited in height to no more than twenty five feet (25') and may not exceed two hundred (200) square feet in sign area.

(4) Restoration: A sign equal to or more than fifty percent (50%) damaged or destroyed may be replaced or reconstructed to conform to this title. A sign less than fifty percent (50%) damaged or destroyed may be replaced or reconstructed to its original condition at the option of the owner of the sign, except

freestanding signs which overhang or encroach into any right of way or sight triangle.

3. Historic Preservation (HP) District:
 - a. The purpose of the historic preservation district is to designate, preserve, protect, and enhance those structures and districts which reflect outstanding elements of the city's heritage.
 - b. Sign applications shall be reviewed by the applicable historic preservation district commission before a permit issues. Provided however, if the commission fails to act within sixty (60) days, the approval process may be completed without the commission's input. (Ord. 2016-14, 6-7-2016)

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

[Footnote 1](#): See also subsection [11-14-5D3](#) of this title.

[Footnote 2](#): 11 OS § 44-107.1.

[Footnote 3](#): 11 OS § 44-107.1.

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

Section IX: 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 X: 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 XI: Codification. This ordinance shall be codified as Title 11, Chapter 13, Section 11-13-2 and 11-13-6 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

DRAFT

City Commission Study Session

5.

Meeting Date: 09/20/2016

SUBJECT:

DISCUSS SALES AND USE TAX ORDINANCES.

Attachments

Ordinance

ORDINANCE NO. 2016-_____

CONSIDER AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 2, ENTITLED "FINANCE AND TAXATION, CHAPTER 5, ENTITLED "MUNICIPAL TAXES," ARTICLE A, ENTITLED "SALES TAX," TO IMPOSE A THREE QUARTERS OF ONE PERCENT (0.75%) SALES TAX AND A ONE QUARTER OF ONE PERCENT (0.25%) SALES TAX ON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE TO FUND CAPITAL EXPENDITURES PERTAINING TO WATER SYSTEM IMPROVEMENTS RELATED OR INCIDENTAL TO THE CONSTRUCTION OF A WATER TRANSMISSION PIPELINE FROM KAW LAKE TO ENID AND RELATED WATER TREATMENT, STORAGE AND DISTRIBUTION FACILITIES; AMENDING TITLE 2, ENTITLED "FINANCE AND TAXATION," CHAPTER 5, ENTITLED "MUNICIPAL TAXES," ARTICLE C, ENTITLED "USE TAX," TO IMPOSE A RATE EQUAL TO THE PREVAILING TOTAL OF ALL SALES TAXES LEVIED BY THE MUNICIPALITY ON THE STORAGE, USE OR OTHER CONSUMPTION OF TANGIBLE PERSONAL PROPERTY PURCHASED OR BROUGHT INTO THE CITY OF ENID AND TO PROVIDE FOR THE AUTOMATIC CHANGE IN USE TAX RATE UPON A CHANGE IN SALES TAX RATE; AMENDING CHAPTER 6, ENTITLED "FEE SCHEDULE," ARTICLE B, ENTITLED "BUSINESS RELATED FEES," SECTION 2-6B-1, ENTITLED "MUNICIPAL TAXES," TO UPDATE THE SALES USE TAX RATES; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE.

ORDINANCE

Section I: That Title 2, Chapter 5, Article A, Section 2-5A-5, of the Enid Municipal Code, 2014, is hereby amended to read as follows:

2-5A-5: TAXES IMPOSED; EFFECTIVE DATES; PURPOSES:

An excise tax in the amount specified in subsection [2-6B-1A](#) of this title is hereby levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma sales tax code, including the following:

A. Additional One Percent Sales Tax; Purpose; Termination²:

It is hereby declared that the additional one percent (1%) sales tax levied by the ordinance codified herein shall be in addition to all other sales tax levied by the city and said sales tax proceeds shall be transferred to the Enid municipal authority to be used for capital improvements benefiting the city of Enid, Oklahoma, including, but not limited

to: the payment of debt service on any indebtedness incurred by the authority for said purposes, including principal, interest and any reserve requirements; provided that the additional one percent (1%) sales tax provided for hereby shall terminate and shall cease to be levied after March 31, 2042.

B. Additional One-Fourth Of One Percent Sales Tax For Roads And Streets; Purpose And Termination³:

There is hereby imposed an excise tax of one-fourth of one percent ($\frac{1}{4}\%$) in addition to any and all other excise tax which is now in force to be levied upon the gross proceeds or receipts derived from all sales taxable under the Oklahoma sales tax code. The purpose of this tax is to provide revenues for the following purposes:

1. During the first eight (8) years of collection (April 1, 2003 - March 31, 2011) of the one-fourth of one percent ($\frac{1}{4}\%$) excise tax, the revenues generated pursuant to said tax will be split with fifty percent (50%) being placed in the city's street improvement fund to be used as set forth in subsection B1a of this section. The remaining fifty percent (50%) of the proceeds will be used for construction or improvement of public school facilities or debt service in connection with construction or improvement of public school facilities as set forth in subsection B1b of this section.

a. The proceeds of the city excise tax referenced in subsection B1 of this section that are placed in the city street improvement fund shall only be used to design, engineer, construct, improve, and maintain the roads and streets listed below:

Breckinridge Road from 66th Street to 78th Street.

Chestnut Avenue from Cleveland Street to Van Buren Street.

Cleveland Street from Garriott Road to Fox Drive.

Fox Drive from Cleveland Street to Van Buren Street.

Independence Avenue from Chestnut Avenue to Willow Road.

Maine Avenue from Van Buren Street to 4th Street.

Pride Drive from Van Buren Street to Fox Drive.

Randolph Avenue from Cleveland Street to Oakwood Road.

Randolph Avenue from 19th Street to 25th Street.

Randolph Avenue from 30th Street to 42nd Street.

Washington Street from Garriott Road to Randolph Avenue.

Willow Road from 42nd Street to 54th Street.

16th Street from Chestnut Avenue to Birch Avenue.

Provided, however, that upon completion of the improvement of the above named streets and roads, if there are any unspent collected revenues, same shall be used only to fund right of way acquisition, utility relocations, and the local portion of engineering and construction costs for the streets and roads listed below:

Garriott Road widening from Johnson Street to Jackson Street.

Willow Road widening from Cleveland Street to Oakwood Road.

and to improve and/or maintain the streets listed in ordinance 98-26 and ordinance 2002-23 and/or additional streets in the city arterial street system as identified by the arterial street condition inspection report.

- b. The proceeds of the city excise tax referenced in subsection B1 of this section that are designated for the public schools shall be used for construction or improvement of public school facilities or debt service in connection with construction or improvement of public school facilities for the following Garfield County independent school districts: Enid 57, Chisholm 42, Pioneer/Pleasant Vale 56, Drummond 95, Kremlin-Hillsdale 18, Waukomis 1, and Garber 47. The amounts allocated to each school district shall be based on the relative student population of each school district in the city. The percentages of the tax allocated to each school district shall be established on or about April 1, 2003, and shall remain the same for the fifteen (15) year duration of the tax.

2. During the last seven (7) years of collection (April 1, 2011 - March 31, 2018) of the one-fourth of one percent ($\frac{1}{4}\%$) excise tax, one hundred percent (100%) of the revenues generated pursuant to said tax shall be made available to those schools listed in subsection B1b of this section and same shall be allocated and utilized as set forth in subsection B1b of this section.

Provided further that the additional one-fourth of one percent ($\frac{1}{4}\%$) excise tax provided for hereby shall terminate on March 31, 2018.

C. Additional One-Fourth Of One Percent Sales Tax; Purpose And Termination⁴:

It is hereby declared that an additional one-fourth percent ($\frac{1}{4}\%$) sales tax levied beginning April 1, 2000, by the ordinance codified herein shall be in addition to the other

sales tax levied by ordinances 4021, 80-4, 82-14, and 98-26, as may be hereafter amended from time to time, and the proceeds of such sales tax shall be used:

1. To purchase real property and buildings to house a StarTek, Inc., facility to be located in Enid, Oklahoma, as will be further specified in an agreement(s) to be negotiated; and/or
2. To provide funds for inducing StarTek, Inc., to locate one of its facilities in Enid, Oklahoma, in consideration for the economic enrichment of the residents of Enid, Oklahoma, by the creation of new jobs and to pay off any indebtedness incurred by the Enid economic development authority for such purposes; and
3. Any incidental monies collected that are not required for the above stated purpose shall be utilized for payment of debt service on the obligations of the Enid municipal authority; provided, that the additional one-fourth percent ($\frac{1}{4}\%$) sales tax shall terminate within thirty (30) days after the final payment on any indebtedness of the Enid economic development authority secured by this sales tax, but in no event to extend more than September 30, 2002^{5,6}.

The following ordinances affect this subsection:

82-14 sections 3,4, April 8, 1982
85-19 section 1, June 18, 1985
87-16 section 3, April 16, 1987
90-30 section 1, August 7, 1990
91-04 section 1, January 15, 1991
98-26 section 1, September 1, 1998
99-38 section 1, November 8, 1999
2000-23 section 1, August 15, 2000

D. Additional One-Fourth Of One Percent Sales Tax For Public Safety Purposes:

It is hereby declared that an additional one-fourth of one percent ($\frac{1}{4}\%$) sales tax levied beginning April 1, 2001, by the ordinance codified herein shall be in addition to the other sales tax levied in this section, and the proceeds of such sales tax shall be separated, accounted for, and placed in the city public safety limited tax fund. Monies in said account shall be accumulated from year to year if not expended for the purpose herein provided and the interest which accrues in said fund shall be retained in the fund. The monies in said fund shall be expended only as accumulated and only for the limited purposes set forth herein.

Provided further, that one-half ($\frac{1}{2}$) of the proceeds shall be expended for the fire department and one-half ($\frac{1}{2}$) of the proceeds shall be expended for the police department.

Provided further, that at least thirty percent (30%) of the revenues generated by the tax will be spent on capital expenditures.

E. Continuation Of One-Fourth Of One Percent Sales Tax Levied Per Subsection C Of This Section; Purpose And Termination:

It is hereby declared that the one-fourth of one percent ($\frac{1}{4}\%$) sales tax levied to provide funds to StarTek, Inc., pursuant to subsection C of this section, shall be continued and the proceeds of such sales tax shall be used as follows:

1. Upon receipt of the funds required for the benefits of StarTek, Inc., pursuant to subsection C of this section, all proceeds of said one-fourth of one percent ($\frac{1}{4}\%$) sales tax shall be used for economic development through assistance in the retention of Vance Air Force Base by the construction of a new addition at and renovation of Eisenhower School located adjacent to Vance Air Force Base. Said proceeds shall be expended pursuant to the Eisenhower School agreement between the city and independent school district 57 of Garfield County, Oklahoma.
2. The one-fourth of one percent ($\frac{1}{4}\%$) sales tax levied pursuant to this subsection shall continue until such time as there has been collected seven hundred thousand dollars (\$700,000.00), provided said sales tax shall be terminated and will cease to be levied no later than December 31, 2002.
3. Any incidental monies collected and not required for the purpose stated in this subsection shall be placed in the city's street improvement fund. (1994 Code § 31-20; amd. Ord. 2000-33, 12-5-2002; Ord. 2001-25, 10-2-2001; Ord. 2002-49, 12-9-2002; 2003 Code; Ord. 2007-37, 12-27-2007)

E. Continuation of One-Fourth Of One Percent Sales Tax Levied Per Subsection B of this Section; Purpose And Termination:

It is hereby declared that the one-fourth of one percent ($\frac{1}{4}\%$) sales tax levied to fund street improvements and public school improvements, pursuant to subsection B of this section, shall be continued and the proceeds of such sales tax shall be used as follows:

1. All proceeds shall be used to fund capital expenditures pertaining to water system improvements related or incidental to the construction of a water transmission pipeline from Kaw Lake to Enid and related water treatment, storage, and distribution facilities and debt service in connection with the financing of said facilities.
2. The one-fourth of one percent ($\frac{1}{4}\%$) sales tax levied pursuant to this subsection shall be terminated and will cease to be levied no later than March 31, 2052.

F. Additional Three-Fourths of One Percent Sales Tax; Purpose and Termination:

It is hereby declared that an additional three-fourths of one percent (3/4%) sales tax levied beginning January 1, 2017, by the ordinance codified herein shall be in addition to the other sales tax levied in this section, and the proceeds of such sales tax shall be used as follows:

1. All proceeds shall be used to fund capital expenditures pertaining to water system improvements related or incidental to the construction of a water transmission pipeline from Kaw Lake to Enid and related water treatment, storage, and distribution facilities and debt service in connection with the financing of said facilities.
2. The three-fourths of one percent (3/4%) sales tax levied pursuant to this subsection shall be terminated and will cease to be levied no later than March 31, 2052.

Section II: That Title 2, Chapter 5, Article C, Section 2-5C-16, of the Enid Municipal Code, 2014, is hereby created to read as follows:

2-5C-16: AUTOMATIC CHANGE IN USE TAX RATE UPON CHANGE IN SALES TAX RATE:

The rate of excise tax levied pursuant to this Ordinance shall automatically adjust to match the prevailing sales tax rate levied by the municipality, such change in use tax rate to be effective on the date the change in the prevailing sales tax rate takes effect, and such change in use tax rate not requiring further approval of the governing body of the municipality.

Section III: That Title 2, Chapter 6, Article B, Section 2-6B-1, of the Enid Municipal Code, 2014, is hereby amended to read as follows:

2-6B-1: MUNICIPAL TAXES:

- A. Sales Tax: The tax levied in section 2-5A-5 of this title shall be as follows, as of July 2003:

Two percent (2%) - city unrestricted sales tax;

One percent (1%) - capital improvements, including payment of debt service¹;

One-fourth of one percent (¹/₄%) - public safety;

One-fourth of one percent (¹/₄%) - streets and schools (Beginning April 1, 2018, for capital expenditures related or incidental to the construction of a water transmission pipeline from Kaw Lake to Enid);

for a total of ~~three and five tenths~~four and one-quarter percent (~~3.5~~4.25%).

- B. Hotel Tax: The tax levied in section 2-5B-4 of this title shall be eight percent (8%).
- C. Use Tax: The tax levied in section 2-5C-2 of this title shall be ~~three and one half percent (3.50%)~~the prevailing total of all sales taxes levied by the City of Enid on the purchase price of such property. (Ord. 2006-26, 11-21-2006; amd. Ord. 2007-37, 12-27-2007)

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

Section V: 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 VI: 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 VII: Codification. This ordinance shall be codified as Title 2, Chapter 6, Article C, Section 2-6C-9 of the Enid Municipal Code, 2014.

Section VIII: Effective Date. This ordinance shall be effective from and after January 1, 2017.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this 20th day of September, 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

DRAFT