



SPECIAL MEETING AGENDA FOR THE
ORDINANCE OVERSIGHT COUNCIL COMMITTEE

City Hall - Midwest City Council Chambers, 100 N. Midwest Boulevard

July 29, 2019 – 6:00 PM

- A. CALL TO ORDER.
- B. DISCUSSION ITEMS.
 - 1. Discussion and consideration of approving the minutes of the special February 26, 2019 meeting.
 - 2. Discussion and consideration of reviewing the attached Midwest City Code of Ordinances and possibly making suggestions for the full Council to evaluate.
- C. ADJOURNMENT.

To make a special assistance request, call 739-1215 or email pmenefee@midwestcityok.org no less than 24 hours prior to the start of a meeting.

If special assistance is needed during a meeting, call 739-1388.

Notice of this Special Ordinance Oversight Council Committee meeting was filed with the City Clerk of Midwest City at Least 48 hours prior to the meeting and copies of the agenda for this meeting were posted at City Hall for at least 24 hours in advance of the meeting.

MINUTES OF THE
SPECIAL ORDINANCE OVERSIGHT COUNCIL COMMITTEE MEETING

February 26, 2019 – 4:30 PM

This meeting was held in the second floor conference room of City Hall, City of Midwest City, County of Oklahoma, State of Oklahoma.

Mayor Dukes called the meeting to order at 4:30 PM with the following members present: Pat Byrne and Susan Eads. Also in attendance was Assistant City Manager Tim Lyon. Absent: none.

Discussion Items.

1. **Discussion and consideration of nominating a Chair and Vice-Chair to the Ordinance Oversight Council Committee.** Eads made a motion to appoint Byrne as the Chair and Dukes as the Vice-Chair, seconded by Dukes. Voting aye: Byrne, Eads, and Dukes. Absent: none. Nay: none.
2. **Discussion and consideration of delineating the scope of the Ordinance Oversight Council Committee's responsibilities.** The Committee requested that the statutory ordinances be removed from the list of ordinance to be considered. No action taken.

Adjournment. Chairman Byrne adjourned the meeting at 5:30 PM.

PAT BYRNE, Chairman



City Manager
100 N. Midwest Boulevard
Midwest City, OK 73110
tlyon@midwestcityok.org
Office: 405.739.1201
www.midwestcityok.org

MEMORANDUM

TO: Ordinance Review Council Committee

FROM: Tim Lyon, City Manager

DATE: June 27, 2019

SUBJECT: Discussion and consideration of reviewing the attached Midwest City Code of Ordinances and possibly making suggestions for the full Council to evaluate.

Please see the attached list of codes suggested for change. At this time, items #1-10 on the list have ordinances attached for your review. The appropriate staff will be present to assist, as needed. Once review has been completed and the committee makes the recommendation, the ordinances will be presented at the next available Council Meeting.

Tim L. Lyon

TIM LYON, City Manager

Proposed Changes to Ordinances

	Chapter	Chapter Title	Section	Section Title	Suggested By	Comments
1.	1	General Provisions	15	Specific Penalty for Violations	Neighborhood Services	Section 27- 44 - Dumping refuse on property of another. We feel this violation needs to be a higher fine the first time. Would like to change it to \$500 plus the cost of clean up. Fines for section 27-44 are listed under Section 1-15, therefore updating to reflect cost.
2.	27	Nuisances	6	Remedies against a public nuisance	Neighborhood Services/Council	Recidivism: Updating language in Section 27-6 to correlate with the fines listed in Section 1-15; Repeat code violations: 1 @\$100 plus cost, 2 @\$300 plus cost and 3+ @\$500 plus cost for all violations from January 1 to December 31 of same year.
3.	27	Nuisances	61	Storing, parking or leaving junked or inoperable motor vehicle, declared a nuisance	Code Enforcement	Clarify "wrecked" vehicle, as defined in Section 27-1.
4.	27	Nuisances	62	Penalties	Neighborhood Services/Council	Recidivism-soft surface parking : Updating language in Section 27-62 to correlate with the fines listed in Section 1-15; Repeat code violations: 1 @\$100 plus cost, 2 @\$300 plus cost and 3+ @\$500 plus cost for all violations from January 1 to December 31 of same year.
5.	24	Motor Vehicles and Traffic	1	Definitions, etc	Community Action - PD	Have a simple ordinance that clearly defines all oversized, recreational vehicles, trailers, etc. and states that they can only be parked in a public street when actively loading or unloading.
6.	24	Motor Vehicles and Traffic	1	Storage and parking of vehicles	Community Action - PD	Define and clarify the definitions and combinations of vehicles and covered parking.
7.	24	Motor Vehicles and Traffic	158	Prohibited in specified places	Community Action - PD	Prohibit parking that obstructs the city's ability to empty polycarts.
8.	24	Motor Vehicles and Traffic	201	Trailers parked in the street	Community Action - PD	It reads loading and unloading not to exceed 24 hours, but we should require active loading and unloading, then cite unattended trucks/cars/trailers combination left on the street.
9.	24	Motor Vehicles and Traffic	202 and 202.1	Late night parking prohibited	Community Action - PD	Have a simple ordinance that clearly defines all oversized, recreational vehicles, trailers, etc. and states that they can only be parked in a public street when actively loading or unloading. ***Deleting Sections 24-202 and 24-202.1 and referring to Section 24-1 obtains this goal.
10.	25	Municipal Court	85	Defendant's election generally.	Municipal Court	Pre-trial conferences will be held on a weekday during one of the first two weeks of the month prior to the month in which the jury trial will be held.
11.	20	Housing Code	51, 56	Purpose, Findings of fact, conclusions of law	Community Development	Distinguish new development areas from re-development areas; Make category for re-development areas where higher density is appropriate; Make category for mixed-use area; Update housing stock info (using HR&A's research for Innovation District Plan.)
12.	1	General Provisions	5	Scope and Jurisdiction	Community Development	Update initial zoning classification for all annexations.
13.	20	Housing Code	20-2	304.7 Roofs and Drainage	Neighborhood Services - PD	Remove language allowing for responsibility for private drainage.
14.	4	Air Pollution	4	Open burning	Fire Dept.	pile size regulated, burning times regulated, clearance zones from piles updated
15.	28	Offenses	22	Indecent exposure	Community Action - PD	Allow prosecution of people that expose themselves from the windows and doors of their own homes. <i>Clarification Needed</i>
16.	28	Offenses	25	Public intoxication	Community Action - PD	Clarify whether an intoxicated person can be arrested in their front yard and/or their back yard. <i>Clarification Needed</i>
17.	28	Offenses	28	Urination in public	Community Action - PD	Clarify that a person cannot urinate on private property, either. <i>Clarification Needed</i>
18.	28	Offenses	54	Drones-Add to Trespass Ordinance	Community Action - PD	Prohibit people using drones to intrude on neighbors. <i>*no current state statute to regulate at this time.</i>
19.	28	Offenses - Miscellaneous	121	Curfew for Minors	Police Department	Changing all hours to midnight. <i>Clarification Needed</i>
20.				Trees	Assistant City Manager	
21.				Foodtrucks	Mayor	Moving of
22.				J Drive	Community Development	
23.				Capital Improvement / Impact Fees	Community Development	
24.				ADA Compliance / Sidewalks	Community Development	
25.				Signs	Community Development	
26.				Drainage		
27.				Comprehensive Plan		
28.	2		11	Time of regular meetings of council	Mayor	Requesting one (1) meeting in July
29.				Utilities	PW	Rate change; Pretreatment, Sanitation, Stormwater, Sewer, Water
30.					FD/Council	Medical Marijuana
31.				Charter	Cit Attorney	
32.	24	Residential Parking	203	Residential Parking Restrictions	Council	Soft Surface Parking
Ordinance Reviews on hold due to State Legislation						
	5	Alcoholic Beverages	5	All Sections	City Clerk	Updated all sections in regards to the new laws passed. One being removal of non-intoxicating beverages. And adding new permits.
	28	Offenses	130	Dangerous Drugs	Police Department	Prohibit people from smoking marijuana in the public places.

UPDATED: 7/24/19

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 1, GENERAL PROVISIONS, SECTION 1-15, SPECIFIC PENALTY FOR VIOLATIONS OF CODE; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA;

SECTION 1. The Midwest City Municipal Code, Chapter 1, Section 1-15 is hereby amended to read as follows:

Section 1-15. – Specific penalty for violations of Code

The following table is adopted with regard to specific violations of this Code, including the maximum fine and imprisonment for each specific offense noted (court costs will also be incurred):

Chapter	Section	Maximum Fine (\$)	Imprisonment
5	5-42(b)	200.00	10 days
	5-51	1,000.00	60 days
	5-90	200.00	
	5-90.1(a)	1 , 000.00	90 days
	5-91	200.00	
24	24-81 (a)	300.00	30 days
	24-81(b)	200.00	
	24-83	600.00	60 days
	24-84	300.00	
	24-88	800.00	60 days
	24-88.1	600.00	60 days
	24-88.2(c)(1)	800.00	60 days
	24-88.2(c)(2)	200.00	
	24-89	300.00	30 days
	24-90	600.00	60 days
	24-143	200.00	
	24-145	300.00	30 days
	24-203		
	First Violation	100.00	15 days
	Second Violation within the Calendar year, January 1 to December 31	300.00	15 days
	Third and Subsequent Violations within the Calendar year,		

27	January 1 to December 31	500.00	30 days
	All Nuisances, <u>Except 27-44</u>		
	First Violation	100.00	15 days
	Second Violation within the Calendar year, January 1 to December 31	300.00	15 days
	Third and Subsequent Violations within the Calendar year, January 1 to December 31	500.00	30 days
28	<u>27-44</u>	<u>500.00</u>	<u>30 days</u>
	28-8	800.00	60 days
	28-9	800.00	60 days
	28-25	100.00	30 days
	28-40	300.00	30 days
	28-41	750.00	60 days
	28-43	600.00	60 days
	28-54	300.00	30 days
	28-57	600.00	60 days
	28-57.1	600.00	60 days
	28-58	450.00	30 days
	28-60	450.00	30 days
	28-61	450.00	30 days
	28-62	450.00	30 days
	28-75	600.00	60 days
	28-86	750.00	60 days
	28-86.1	750.00	60 days
	28-90	750.00	60 days
	28-90.1	600.00	60 days
	28-104	750.00	60 days
	28-122	500.00	30 days
	28-123	500.00	30 days
	28-124	750.00	60 days
	28-125	300.00	30 days
	28-127	500.00	60 days
	28-128	800.00	60 days
	28-133 (a)	800.00	60 days
	28-133 (b)(3)		
	First and Second Offenses	100.00	
	Third and Subsequent Offenses	400.00	
	28-133 (b)(4)		
	First and Second Offenses	100.00	10 days
	Third and Subsequent Offenses	800.00	60 days

SECTION 2. EFFECTIVE DATE. This ordinance shall be in force and effect on and after the ____ day of _____, 2019.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this ____ day of _____, 20__.

HEATHER POOLE, City Attorney

ORDINANCE NO. _____

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	28-43	600.00	60 days
	28-54	300.00	30 days
	28-57	600.00	60 days
	28-57.1	600.00	60 days
	28-58	450.00	30 days
	28-60	450.00	30 days
	28-61	450.00	30 days
	28-62	450.00	30 days
	28-75	600.00	60 days
	28-86	750.00	60 days
	28-86.1	750.00	60 days
	28-90	750.00	60 days
	28-90.1	600.00	60 days
	28-104	750.00	60 days
	28-122	500.00	30 days
	28-123	500.00	30 days
	28-124	750.00	60 days
	28-125	300.00	30 days
	28-127	500.00	60 days
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MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this ____ day of _____, 20__.

HEATHER POOLE, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 27, NUISANCES, ARTICLE 1, IN GENERAL, SECTION 27-6, REMEDIES AGAINST A PUBLIC NUISANCE; ARTICLE IV, ABANDONED WRECKED, DISMANTELD OR INOPERATIVE VEHICLES, SECTION 27-61, STORING, PARKING OR LEAVING JUNKED OR INOPERABLE MOTOR VEHICLE, DECLARED A NUISANCE; SECTION 27-62, PENALTIES; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA;

SECTION 1. The Midwest City Municipal Code, Chapter 27, Section 27-6 is hereby amended to read as follows:

Sec. 27-6. - Remedies against a public nuisance.

The remedies against a public nuisance are:

- (1) Prosecution on complaint before the municipal court; [and/or](#)
- (2) Prosecution on information or indictment before another appropriate court; [and/or](#)
- (3) Civil action; [and/or](#)
- (4) Abatement:
 - a. By person injured by the nuisance as provided in 50 O.S. § 12.
 - b. By the city in accordance with this Code or other law.

SECTION 2. The Midwest City Municipal Code, Chapter 27, Section 27-61 is hereby amended to read as follows:

Sec. 27-61. - Storing, parking or leaving junked or inoperable motor vehicle, declared a nuisance.

- (a) Except as otherwise provided for in other regulations, no junked, inoperable or currently unlicensed motor vehicle shall be parked, kept or stored on any residential premises, and no vehicle shall at anytime be in a state of major disassembly, disrepair or in the process of being scrapped or dismantled. Painting of vehicles at any residence is prohibited unless conducted inside an appropriate and approved spray booth.
- (b) A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed

and approved for such work purpose, or in any commercial repair facility conducting business within the city, including repair garages, salvage yard and similar business establishments.

~~(c) This section shall not be applied to vehicles to which display "black tags" issued by the State of Oklahoma for vehicles which are not operated on public roadways, provided that such vehicle is stored on the property of the owner of such vehicle.~~

~~(c)~~ The presence of a junked, inoperable vehicle, or motor vehicle parts on public or private property in the city is hereby declared a nuisance, which may be abated as such in accordance with [section 27-8](#) of this Code.

SECTION 3. The Midwest City Municipal Code, Chapter 27, Section 27-62 is hereby amended to read as follows:

Sec. 27-62. - Penalties.

Any person convicted of violating any section of this article, in addition to abatement, may be fined ~~an amount up to two hundred dollars (\$200.00), plus court costs~~ [as set out in section 1-15](#). Each day that a violation continues after the first violation shall be deemed a separate offense.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in force and effect on and after the ____ day of _____, 2019.

SECTION 5. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this ____ day of _____, 20__.

HEATHER POOLE, City Attorney

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SECTION 1. The Midwest City Municipal Code, Chapter 27, Section 27-6 is hereby amended to read as follows:

Sec. 27-6. - Remedies against a public nuisance.

The remedies against a public nuisance are:

- (1) Prosecution on complaint before the municipal court; and/or
- (2) Prosecution on information or indictment before another appropriate court; and/or
- (3) Civil action; and/or
- (4) Abatement:
 - a. By person injured by the nuisance as provided in 50 O.S. § 12.
 - b. By the city in accordance with this Code or other law.

SECTION 2. The Midwest City Municipal Code, Chapter 27, Section 27-61 is hereby amended to read as follows:

Sec. 27-61. - Storing, parking or leaving junked or inoperable motor vehicle, declared a nuisance.

- (a) Except as otherwise provided for in other regulations, no junked, inoperable or currently unlicensed motor vehicle shall be parked, kept or stored on any residential premises, and no vehicle shall at anytime be in a state of major disassembly, disrepair or in the process of being scrapped or dismantled. Painting of vehicles at any residence is prohibited unless conducted inside an appropriate and approved spray booth.
- (b) A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed

and approved for such work purpose, or in any commercial repair facility conducting business within the city, including repair garages, salvage yard and similar business establishments.

- (c) The presence of a junked, inoperable vehicle, or motor vehicle parts on public or private property in the city is hereby declared a nuisance, which may be abated as such in accordance with [section 27-8](#) of this Code.

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SECTION 6. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of ____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this _____ day of _____, 20__.

HEATHER POOLE, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 24, MOTOR VEHICLES AND TRAFFIC, ARTICLE I, IN GENERAL, SECTION 24-1, DEFINITIONS; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA;

SECTION 1. The Midwest City Municipal Code, Chapter 24, Article 1, Section 24-1 is hereby to amended to read as follows:

Sec. 24-1. – Definitions.

(a) The following words and phrases when used in this chapter shall have the meanings respectively ascribed to them:

- (1) *Alley*: Any narrow highway ordinarily located in the interior portion of platted blocks and ordinarily used for service or delivery purposes to the rear of stores, dwellings or buildings.
- (2) *Authorized emergency vehicles*: Vehicles of fire departments, ambulances, county sheriff vehicles and police vehicles, including vehicles owned and operated by the United States Marshals Service and Federal Bureau of Investigation, or by any local organization for the civil defense as defined by Section 683.3 of Title 63 of the Oklahoma Statutes, are authorized emergency vehicles if such vehicles are equipped with sirens capable of giving audible signals as required by the provisions of Section 12-218 of Title 47 of the Oklahoma Statutes, and flashing red lights as authorized by the provisions of Section 12-218 of Title 47 of the Oklahoma Statutes.
- (3) *Bicycle*: Every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than twenty (20) inches in diameter.
- (4) *Bus*: Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.
- (5) *Business district*: The territory contiguous to and including a highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited to, hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.
- (6) *City manager*: The city manager of the City of Midwest City.
- (7) *Controlled-access highway*: Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may

be determined by the authority having jurisdiction over such highway, street or roadway.

- (8) *Crosswalk*: That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and shall also includes any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- (9) *Curb loading zone*: A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.
- (10) *Director of traffic control*: A member of the police department designated by the city manager.
- (11) *Driver*: Every person who drives or is in actual physical control of a vehicle.
- (12) *Freight curb loading zone*: A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.
- (13) *Highway or street*: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. The terms "street" and "highway" are synonymous and interchangeable.
- (14) *Implement of husbandry*: Every vehicle designed and adapted for agricultural, horticultural or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways. Farm wagon type tank trailers of not over one thousand two hundred (1,200) gallon capacity, used during the liquid fertilizer season as field storage "nurse tanks" supplying the fertilizer to a field applicator and moved on highways only for bringing the fertilizer from a local source of supply to farms or field or from one farm or field to another, shall be considered implements of husbandry for purposes of this chapter. Trailers or semitrailers owned by a person engaged in the business of farming and used exclusively for the purpose of transporting farm products to market or for the purpose of transporting to the farm material or things to be used thereon shall also be considered implements of husbandry for purposes of this chapter. Utility-type, all-terrain vehicles with a maximum curb weight of one thousand five hundred (1,500) pounds that are equipped with metal front or rear carrying racks when used for agricultural, horticultural or livestock raising operations shall be considered implements of husbandry for purposes of this chapter.
- (15) *Intersection*: The area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two (2) highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such

intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

- (16) *Laned roadway*: A roadway that is divided into two (2) or more clearly marked lanes for vehicular traffic.
- (17) *Limit lines*: Boundaries of parking areas, loading zones, nontraffic areas and lines indicating the proper place for stopping where stops are required.
- (18) *Motor vehicle*: Any wheeled vehicle that is designed for self-propelled movement that is required to be licensed and registered under the provisions of the Oklahoma Vehicle License and Registration Act, ~~including, but not limited to, automobiles, buses, trucks, tractors, campers and recreational vehicles but shall exclude implements of husbandry and personal assistive devices used by people whose mobility is impaired by illness, injury or disability such as motorized wheelchairs and scooters.~~
- (19) *Motorcycle*: Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or a motorized bicycle.
- (20) *Motor-driven vehicle*: Every self-propelled vehicle that is not required to be licensed and registered under the provisions of the Oklahoma Vehicle License and Registration Act including, but not limited to, motor scooters, motor bikes, pocket bikes and other motorized toy vehicles but which shall exclude personal assistive devices used by people whose mobility is impaired by illness, injury or disability such as motorized wheelchairs and scooters.
- (21) *Nonmotorized vehicle*: Every device without motive power in, upon or by which any person or property is or may be transported or drawn upon a highway including implements of husbandry except devices moving by human power or used exclusively upon stationary rails or tracks.
- (22) *Official traffic-control devices*: All signs, barricades, signals, markings and devices not inconsistent with this chapter, placed or erected by the authority having jurisdiction, for the purpose of regulating, warning or guiding traffic.
- (23) *Park or parking*: Park or parking means the standing of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in loading or unloading merchandise materials or passengers.
- (24) *Pedestrian*: Any person afoot.
- (25) *Police officer*: Every officer of the police department and any other officer who is authorized to direct or regulate traffic or to make arrests for violation of traffic ordinances.
- (26) *Private road or driveway*: Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

- (27) *Public parking lot*: Any parking lot adjoining a right-of-way dedicated to public use or owned by the state or a political subdivision thereof.
- (28) *Railroad*: A carrier of persons or property upon cars operated upon stationary rails.
- (29) *Railroad train*: A steam, diesel, electric or other type of engine, with or without cars coupled thereto, operated upon rails, except streetcars.
- (30) *Right-of-way*: The privilege of the immediate use of the roadway.
- (31) *Roadway*: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.
- (32) *Safety zone*: The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
- (33) *School zone*: Any street or highway or portion thereof officially designated and marked as a school zone.
- (34) *Shoulder*: The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses.
- (35) *Sidewalk*: That portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians.
- (36) *Stand or standing*: The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
- (37) *Stop*: When required means complete cessation from movement.
- (38) *Stop or stopping*: When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.
- (39) *Through highway*: Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this chapter.
- (40) *Traffic*: Pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any highway for purposes of travel.
- (41) *Traffic-control signal*: Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.
- (42) *Traffic division*: The traffic division of the police department or, in the event a traffic division is not established, then such term whenever used herein shall be deemed to refer to the police department.

(43) *Trailer*: Every vehicle with or without motive power designed for being drawn by a motor vehicle, whether or not attached to one. ~~Every vehicular device without motive power designed to carry or haul property, to include but not limited to, trash, refuse, vegetation, dirt, or rock, and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.~~

(44) *Vehicle*: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks; provided, however, the definition of "vehicle" as used in this chapter shall not include implements of husbandry.

(b) Whenever any words and phrases used in this chapter are not defined herein but are defined in the Oklahoma Statutes regulating the operation of vehicles, any such definitions therein shall be deemed to apply to such words and phrases used in this chapter. In addition to the excise tax of two (2) percent levied upon gross proceeds or gross receipts derived from all sales taxable under Section 40-23 of the Midwest City Sales Tax Ordinance, an excise tax in the additional amount of forty-five hundredths (0.45) of one percent is hereby levied upon the gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code as defined by 68 O.S. Section 1354, as it may be amended from time to time, and subject to the provisions of Sections 40-25 through 40-38 of the Midwest City Code.

SECTION 2. EFFECTIVE DATE. This ordinance shall be in force and effect on and after August 1, 2019.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this _____ day of _____, 20__.

HEATHER POOLE, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 24, MOTOR VEHICLES AND TRAFFIC, ARTICLE I, IN GENERAL, SECTION 24-1, DEFINITIONS; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA;

SECTION 1. The Midwest City Municipal Code, Chapter 24, Article 1, Section 24-1 is hereby to amended to read as follows:

Sec. 24-1. – Definitions.

(a) The following words and phrases when used in this chapter shall have the meanings respectively ascribed to them:

- (1) *Alley*: Any narrow highway ordinarily located in the interior portion of platted blocks and ordinarily used for service or delivery purposes to the rear of stores, dwellings or buildings.
- (2) *Authorized emergency vehicles*: Vehicles of fire departments, ambulances, county sheriff vehicles and police vehicles, including vehicles owned and operated by the United States Marshals Service and Federal Bureau of Investigation, or by any local organization for the civil defense as defined by Section 683.3 of Title 63 of the Oklahoma Statutes, are authorized emergency vehicles if such vehicles are equipped with sirens capable of giving audible signals as required by the provisions of Section 12-218 of Title 47 of the Oklahoma Statutes, and flashing red lights as authorized by the provisions of Section 12-218 of Title 47 of the Oklahoma Statutes.
- (3) *Bicycle*: Every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than twenty (20) inches in diameter.
- (4) *Bus*: Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.
- (5) *Business district*: The territory contiguous to and including a highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited to, hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.
- (6) *City manager*: The city manager of the City of Midwest City.
- (7) *Controlled-access highway*: Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may

be determined by the authority having jurisdiction over such highway, street or roadway.

- (8) *Crosswalk*: That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and shall also includes any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- (9) *Curb loading zone*: A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.
- (10) *Director of traffic control*: A member of the police department designated by the city manager.
- (11) *Driver*: Every person who drives or is in actual physical control of a vehicle.
- (12) *Freight curb loading zone*: A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.
- (13) *Highway or street*: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. The terms "street" and "highway" are synonymous and interchangeable.
- (14) *Implement of husbandry*: Every vehicle designed and adapted for agricultural, horticultural or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways. Farm wagon type tank trailers of not over one thousand two hundred (1,200) gallon capacity, used during the liquid fertilizer season as field storage "nurse tanks" supplying the fertilizer to a field applicator and moved on highways only for bringing the fertilizer from a local source of supply to farms or field or from one farm or field to another, shall be considered implements of husbandry for purposes of this chapter. Trailers or semitrailers owned by a person engaged in the business of farming and used exclusively for the purpose of transporting farm products to market or for the purpose of transporting to the farm material or things to be used thereon shall also be considered implements of husbandry for purposes of this chapter. Utility-type, all-terrain vehicles with a maximum curb weight of one thousand five hundred (1,500) pounds that are equipped with metal front or rear carrying racks when used for agricultural, horticultural or livestock raising operations shall be considered implements of husbandry for purposes of this chapter.
- (15) *Intersection*: The area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two (2) highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such

intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

- (16) *Laned roadway*: A roadway that is divided into two (2) or more clearly marked lanes for vehicular traffic.
- (17) *Limit lines*: Boundaries of parking areas, loading zones, nontraffic areas and lines indicating the proper place for stopping where stops are required.
- (18) *Motor vehicle*: Any wheeled vehicle that is designed for self-propelled movement that is required to be licensed and registered under the provisions of the Oklahoma Vehicle License and Registration Act.
- (19) *Motorcycle*: Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or a motorized bicycle.
- (20) *Motor-driven vehicle*: Every self-propelled vehicle that is not required to be licensed and registered under the provisions of the Oklahoma Vehicle License and Registration Act including, but not limited to, motor scooters, motor bikes, pocket bikes and other motorized toy vehicles but which shall exclude personal assistive devices used by people whose mobility is impaired by illness, injury or disability such as motorized wheelchairs and scooters.
- (21) *Nonmotorized vehicle*: Every device without motive power in, upon or by which any person or property is or may be transported or drawn upon a highway including implements of husbandry except devices moving by human power or used exclusively upon stationary rails or tracks.
- (22) *Official traffic-control devices*: All signs, barricades, signals, markings and devices not inconsistent with this chapter, placed or erected by the authority having jurisdiction, for the purpose of regulating, warning or guiding traffic.
- (23) *Park or parking*: Park or parking means the standing of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in loading or unloading materials or passengers.
- (24) *Pedestrian*: Any person afoot.
- (25) *Police officer*: Every officer of the police department and any other officer who is authorized to direct or regulate traffic or to make arrests for violation of traffic ordinances.
- (26) *Private road or driveway*: Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
- (27) *Public parking lot*: Any parking lot adjoining a right-of-way dedicated to public use or owned by the state or a political subdivision thereof.
- (28) *Railroad*: A carrier of persons or property upon cars operated upon stationary rails.

- (29) *Railroad train*: A steam, diesel, electric or other type of engine, with or without cars coupled thereto, operated upon rails, except streetcars.
- (30) *Right-of-way*: The privilege of the immediate use of the roadway.
- (31) *Roadway*: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.
- (32) *Safety zone*: The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
- (33) *School zone*: Any street or highway or portion thereof officially designated and marked as a school zone.
- (34) *Shoulder*: The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses.
- (35) *Sidewalk*: That portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians.
- (36) *Stand or standing*: The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
- (37) *Stop*: When required means complete cessation from movement.
- (38) *Stop or stopping*: When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.
- (39) *Through highway*: Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this chapter.
- (40) *Traffic*: Pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any highway for purposes of travel.
- (41) *Traffic-control signal*: Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.
- (42) *Traffic division*: The traffic division of the police department or, in the event a traffic division is not established, then such term whenever used herein shall be deemed to refer to the police department.
- (43) *Trailer*: Every vehicle with or without motive power designed for being drawn by a motor vehicle, whether or not attached to one.

(44) *Vehicle*: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks; provided, however, the definition of "vehicle" as used in this chapter shall not include implements of husbandry.

- (b) Whenever any words and phrases used in this chapter are not defined herein but are defined in the Oklahoma Statutes regulating the operation of vehicles, any such definitions therein shall be deemed to apply to such words and phrases used in this chapter. In addition to the excise tax of two (2) percent levied upon gross proceeds or gross receipts derived from all sales taxable under Section 40-23 of the Midwest City Sales Tax Ordinance, an excise tax in the additional amount of forty-five hundredths (0.45) of one percent is hereby levied upon the gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code as defined by 68 O.S. Section 1354, as it may be amended from time to time, and subject to the provisions of Sections 40-25 through 40-38 of the Midwest City Code.

SECTION 2. EFFECTIVE DATE. This ordinance shall be in force and effect on and after the ____ day of _____, 2019.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this ____ day of _____, 20__.

HEATHER POOLE, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 24, MOTOR VEHICLES AND TRAFFIC, ARTICLE V, STOPPING, STANDING OR PARKING, DIVISION 1, GENERALLY, SECTION 24-158, PROHIBITED IN SPECIFIED PLACES; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA;

SECTION 1. The Midwest City Municipal Code, Chapter 24, Article V, Section 24-158 is hereby amended to read as follows:

Sec. 24-158. - Prohibited in specified places.

- (a) No person shall stop, stand or park a vehicle at any time in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with law or ordinance or the directions of a police officer or traffic-control device:
- (1) On a sidewalk;
 - (2) In front of a public or private driveway;
 - (3) Within an intersection;
 - (4) Within fifteen (15) feet of a fire hydrant;
 - (5) On a crosswalk;
 - (6) Within fifty (50) feet of any intersection;
 - (7) Within fifty (50) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
 - (8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the city indicates a different length by signs or markings;
 - (9) Within fifty (50) feet of the nearest rail of a railroad crossing;
 - (10) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of the entrance when properly signposted;
 - (11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (13) Upon any bridge or other elevated structure upon a highway or within a highway underpass;
 - (14) At any place where official signs prohibit stopping, standing or parking;
 - (15) On any street parking or planting strip;

(16) No vehicle shall be parked in a manner in a parking lot in a way so as to block access to trash dumpsters. The area required for access shall be indicated on the dumpster so affected. The area so designated shall be a tow-away zone.

(17) Within fifteen (15) feet of a mailbox, 8:00 a.m. to 5:00 p.m., except Sundays and holidays.

(18) Within five (5) feet of a city issued polycart, when it is legally placed in the street or right-of-way within a distance of five (5) feet from either side of a driveway; for the purposes of sanitation pickup.

(b) No person shall move a vehicle not lawfully under his control into any prohibited area or away from a curb such distance as is unlawful.

~~(c) No person shall park or leave standing in one place any trailer or nonmotorized vehicle upon a street or highway in excess of twenty four (24) hours.~~

~~(d) No commercial vehicle in excess of two (2) axles shall be parked on any street right-of-way except for the purpose of delivering or picking up material or merchandise or performing a service call. Moving vans actively being used at the time for the purpose of loading or unloading of household goods are excluded from this paragraph (d).~~

SECTION 2. EFFECTIVE DATE. This ordinance shall be in force and effect on and after the ____ day of _____, 2019.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this _____ day of _____, 20__.

HEATHER POOLE, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 24, MOTOR VEHICLES AND TRAFFIC, ARTICLE V, STOPPING, STANDING OR PARKING, DIVISION 1, GENERALLY, SECTION 24-158, PROHIBITED IN SPECIFIED PLACES; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA;

SECTION 1. The Midwest City Municipal Code, Chapter 24, Article V, Section 24-158 is hereby amended to read as follows:

Sec. 24-158. - Prohibited in specified places.

- (a) No person shall stop, stand or park a vehicle at any time in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with law or ordinance or the directions of a police officer or traffic-control device:
- (1) On a sidewalk;
 - (2) In front of a public or private driveway;
 - (3) Within an intersection;
 - (4) Within fifteen (15) feet of a fire hydrant;
 - (5) On a crosswalk;
 - (6) Within fifty (50) feet of any intersection;
 - (7) Within fifty (50) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
 - (8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the city indicates a different length by signs or markings;
 - (9) Within fifty (50) feet of the nearest rail of a railroad crossing;
 - (10) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of the entrance when properly signposted;
 - (11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (13) Upon any bridge or other elevated structure upon a highway or within a highway underpass;
 - (14) At any place where official signs prohibit stopping, standing or parking;
 - (15) On any street parking or planting strip;

- (16) No vehicle shall be parked in a manner in a parking lot in a way so as to block access to trash dumpsters. The area required for access shall be indicated on the dumpster so affected. The area so designated shall be a tow-away zone.
 - (17) Within fifteen (15) feet of a mailbox, 8:00 a.m. to 5:00 p.m., except Sundays and holidays.
 - (18) Within five (5) feet of a city issued polycart, when it is legally placed in the street or right-of-way within a distance of five (5) feet from either side of a driveway for the purposes of sanitation pickup.
- (b) No person shall move a vehicle not lawfully under his control into any prohibited area or away from a curb such distance as is unlawful.

SECTION 2. EFFECTIVE DATE. This ordinance shall be in force and effect on and after the ____ day of _____, 2019.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this ____ day of _____, 20__.

HEATHER POOLE, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 24, MOTOR VEHICLES AND TRAFFIC, ARTICLE V, STOPPING, STANDING OR PARKING, DIVISION 4, ~~RESIDENTIAL PARKING~~, SECTION 24-201, ~~STORAGE AND PARKING OF COMMERCIAL VEHICLES, RECREATIONAL VEHICLES, MANUFACTURED HOMES AND IMPLEMENT OF HUSBANDRY~~ PARKING OF TRAILERS, PROPERTY AND LARGE OR HAZMAT VEHICLES; DELETING SECTION 24-202, LATE NIGHT PARKING PROHIBITED; AND DELETING SECTION 24.202.1, OPENING PARKING OR STORAGE OF COMMERCIAL VEHICLES; PENALTY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA;

SECTION 1. The Midwest City Municipal Code, Chapter 24, Article V, Division 4, Title is hereby amended to read as follows:

DIVISION 4. - ~~RESIDENTIAL PARKING~~

SECTION 2. The Midwest City Municipal Code, Chapter 24, Article V, Division 4, Section 24-201 is hereby to amended to read as follows:

Sec. 24-201. - Parking of Trailers, Property and Large or Hazmat Vehicles. ~~Storage and parking of commercial vehicles, recreational vehicles, manufactured homes and implement of husbandry.~~

- (a) No motor vehicle of a length of twenty-two feet (22') or more or having more than two axles, or trailer shall be parked or left standing on any city street, at any time except for the active loading or unloading of persons or materials, and only when not in violation of any other ordinance.
- (b) No vehicle requiring hazardous material markings or placards shall be parked, left standing, or stored in any residential area.
- (c) No property other than a motor vehicle may be kept on any city street. City issued polycarts and traffic control devices, when not in violation of any other ordinance, shall not apply.
- (d) All vehicles under this section, when parked or stored, shall be located a minimum of one thousand (1,000) feet from any residentially zoned property or any property used for residential purposes; and
- ~~(a) Oversized vehicles, trailers and/or equipment shall not be parked upon any street or public roadway in an area zoned residential or primarily zoned residential, between the hours of 9:00 p.m. and 6:00 a.m.~~
 - ~~(1) For purposes of this section, "oversized vehicles" shall be defined as any motorized vehicle, regardless of capacity, which:~~
 - ~~a. Exceeds an overall length of thirty (30) feet;~~

- ~~b.—Is provided with more than two (2) axles;~~
- ~~c.—Is a commercial tractor which has the capability of hauling a commercial trailer;~~
- ~~d.—Restricts the safe and unimpeded flow of traffic upon the roadway; or~~
- ~~e.—Impedes the ingress and egress of any neighboring driveway.~~

~~This section shall not apply to temporary parking to load or unload such oversized vehicle when making a delivery to a residence by a commercial carrier.~~

- ~~(2) For purposes of this section, a trailer shall be defined as any vehicle having at least one (1) axle, regardless of capacity, used in conjunction with a commercial use vehicle, regardless of whether the trailer is attached to a towing vehicle and regardless of whether the trailer bears a state issued tag. An exception shall be applied to the limited placement of a trailer along the curb of an owner's owned residential premises for a period not to exceed seventy two (72) hours, or during a reasonable time necessary for an owner to maintain or conduct repairs to the residential premises at his own residence, provided such limited parking is not in violation of any other applicable ordinance and there is no impediment to the normal flow of traffic.~~
- ~~(3) For purposes of this section, "equipment" shall be defined as any vehicle having at least one (1) axle bearing equipment and a power plant to operate during the operation of a business or enterprise and which requires the transport by a towing vehicle. This term shall be applied regardless of whether or not the equipment requires a state tag. This term shall also include, but not be limited to, portable generators, welding machines, roofing pots, wood chippers or shredders, or other powered devices serving a primary business or commercial use. It shall also apply regardless of whether or not the commercial use equipment is attached to a towing vehicle at the time.~~
- ~~(4) This section shall not apply to parking in a residential driveway or residential garage by an owner of such residence for his or her owned, leased or business required commercial use vehicle, trailer or commercial use equipment, providing such parking or storage is not in violation of any other applicable ordinance. This section shall also not be applied to vehicles, trailers or equipment bearing a tag issued to local, state or government agencies.~~
- ~~(5) In no case shall any vehicle used for hauling explosive, gasoline or liquefied petroleum products be permitted.~~
- ~~(e)~~ Recreational vehicles, which specifically includes, but is not limited to, motorized homes, camping trailers, pick-up campers, travel trailers, boats and boat trailers, shall not be parked or stored on any lot occupied by a dwelling or any lot in any residential district except in accordance with the following provisions:
 - (1) Recreational vehicles shall be stored in the rear yard of a residential lot whenever reasonable access to said rear yard is available. Recreational vehicles may be stored in the front yard of a residence provided that no portion of the vehicle(s) extends over or into the street right-of-way. A wood or cyclone fence is not considered as denying reasonable access.

- ~~(2) Recreational vehicles shall not be parked or stored in any street right of way except for purpose of loading and unloading and then not for a period to exceed twenty four (24) hours. Pick-up campers that are in use daily shall be exempted from this requirement.~~
- (23) No recreational vehicle shall be stored in the front or side yard of a residence or a residential lot in a manner that would constitute a traffic hazard or would, in any way, obstruct vision within the "sight triangle" of a corner lot.
- (34) It shall be unlawful and an offense, and in no instance shall a recreational vehicle, either parked or stored, be occupied either permanently or temporarily except under the following conditions:
- a. The lot on which the occupied recreational vehicle is located must be within the boundaries designated on the attached map; and
 - b. A person occupying the recreational vehicle must obtain a special revocable permit from the city. Such permit will only be issued in conjunction with a building permit to repair or reconstruct a permanent residence on the lot on which the occupied recreational vehicle is located. Such permit shall, under no circumstances, be valid for more than nine (9) months from the date of issuance and the permit holder must renew the permit every ninety (90) days that it is in effect. Such permit shall be immediately revoked upon a finding by the city manager that:
 1. Continuous progress is no longer being made toward the repair or reconstruction of the permanent residence on the lot on which the occupied recreational vehicle is located; or
 2. Repair or reconstruction of the permanent residence on the lot on which the occupied recreational vehicle is located is completed;
 3. That any of the provisions of this Code are being violated.
 - c. The city must have reviewed and approved a site plan indicating the location of the occupied recreational vehicle upon the property and how public utilities will be provided to the occupied recreational vehicle; and
 - d. The occupied recreational vehicle shall be connected to a water supply in a manner approved by the city; and
 - e. The occupied recreational vehicle must be the type known as "fully self-contained" and must be connected to a sewer system in a manner approved by the city; and
 - f. The occupied recreational vehicle shall be connected to an electrical source in a manner approved by the city; and
 - g. The occupied recreational vehicle shall not be connected, either permanently or temporarily, to a natural gas source other than the propane tanks normally affixed to recreational vehicles; and
 - h. The occupied recreational vehicle shall only be located on a concrete pad approved by the city; and

- i. The occupied recreational vehicle, if located on a corner lot, shall not be placed within the sight triangle of the two (2) intersecting streets; and
- j. There must be continuous progress toward the repair or reconstruction of the permanent residence on the lot on which the occupied recreational vehicle is located.

(~~efe~~) Manufactured homes shall be parked or stored only in conformance with the ordinances of the City of Midwest City.

(~~fgd~~) Implement of husbandry: Every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways. Farm wagon-type tank trailers of not over one thousand two hundred-gallon capacity, used during the fertilizer to a field applicator and moved on highway only for bringing the fertilizer from a local source of supply to farms or fields or from one (1) farm or field to another, shall be considered implements of husbandry for purposes of this chapter. Trailers or semitrailers owned by a person engaged in the business of farming and used exclusively for the purpose of transporting to the farm materials or things to be used thereon shall also be considered implements of husbandry for purposes of this chapter.

An implement of husbandry shall not be parked or stored on any lot occupied by a dwelling or any lot in any residential district except in accordance with the following provisions:

- (1) At no time shall an implement of husbandry be stored nearer than twenty-five (25) feet to the front, side, or rear of property lines unless stored within an approved storage building as per Midwest City Codes.
- ~~(2) An implement of husbandry shall not be parked or stored in any street right-of-way except for the purpose of loading and unloading and then not for a period to exceed twenty four (24) hours.~~

SECTION 3. The Midwest City Municipal Code, Chapter 24, Article V, Division 4, Section 24-202 is hereby deleted.

~~Sec. 24 202. Late night parking prohibited.~~

~~No person shall park a truck or trailer which exceeds one (1) ton or more rated capacity in any residentially zoned area between the hours of 9:00 p.m. and 6:00 a.m. of any day.~~

SECTION 4. The Midwest City Municipal Code, Chapter 24, Article V, Division 4, Section 24-202.1 is hereby deleted.

~~Sec. 24 202.1. Open parking or storage of commercial vehicles; penalty.~~

~~(a) Open parking or storage of commercial vehicles rated at over one and one half ton capacity, shall be permitted only under the following conditions:~~

- ~~(1) Such parking or storage shall only be permitted on commercially or industrially zoned properties;~~
- ~~(2) All vehicles under this section shall have a current tag and be properly registered and licensed within its state of origin;~~

- ~~(3) All vehicles under this section, when parked or stored, shall be located a minimum of one thousand (1,000) feet from any residentially zoned property or any property used for residential purposes; and~~
- ~~(4) All vehicles under this section shall be parked or stored only on an improved (asphalt or concrete) surface and where access to and from such location is designed for commercial traffic.~~
- ~~(b) Trucks and/or trailers parking on property that is under the same ownership of the vehicle or those parked on property being serviced by the vehicle are exempted from this section.~~
- ~~(c) The registered owner and/or operator violating the provisions of this section shall be guilty of an offense. Each date that any violation hereof continues to exist or is maintained shall be and constitutes a separate offense. Penalties as prescribed under section 1-8 of this Code shall apply for each such offense. In addition to the above penalty, should a violation continue for a period in excess of three (3) consecutive days, the subject vehicle shall be towed at the expense of the registered owner and/or operator and impounded by the city pursuant to section 24-43 et seq. of this Code.~~

SECTION 5. EFFECTIVE DATE. This ordinance shall be in force and effect on and after the ____ day of _____, 2019.

SECTION 6. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this ____ day of _____, 20__.

HEATHER POOLE, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 24, MOTOR VEHICLES AND TRAFFIC, ARTICLE V, STOPPING, STANDING OR PARKING, DIVISION 4, PARKING, SECTION 24-201, PARKING OF TRAILERS, PROPERTY AND LARGE OR HAZMAT VEHICLES; DELETING SECTION 24-202, LATE NIGHT PARKING PROHIBITED; AND DELETING SECTION 24.202.1, OPENING PARKING OR STORAGE OF COMMERCIAL VEHICLES; PENALTY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA;

SECTION 1. The Midwest City Municipal Code, Chapter 24, Article V, Division 4, Title is hereby amended to read as follows:

DIVISION 4. - PARKING

SECTION 2. The Midwest City Municipal Code, Chapter 24, Article V, Division 4, Section 24-201 is hereby to amended to read as follows:

Sec. 24-201. - Parking of Trailers, Property and Large or Hazmat Vehicles.

- (a) No motor vehicle of a length of twenty-two feet (22') or more or having more than two axles, or trailer shall be parked or left standing on any city street, at any time except for the active loading or unloading of persons or materials, and only when not in violation of any other ordinance.
- (b) No vehicle requiring hazardous material markings or placards shall be parked, left standing, or stored in any residential area.
- (c) No property other than a motor vehicle may be kept on any city street. City issued polycarts and traffic control devices, when not in violation of any other ordinance, shall not apply.
- (d) All vehicles under this section, when parked or stored, shall be located a minimum of one thousand (1,000) feet from any residentially zoned property or any property used for residential purposes; and
- (e) Recreational vehicles, which specifically includes, but is not limited to, motorized homes, camping trailers, pick-up campers, travel trailers, boats and boat trailers, shall not be parked or stored on any lot occupied by a dwelling or any lot in any residential district except in accordance with the following provisions:
 - (1) Recreational vehicles shall be stored in the rear yard of a residential lot whenever reasonable access to said rear yard is available. Recreational vehicles may be stored in the front yard of a residence provided that no portion of the vehicle(s) extends over or into the street right-of-way. A wood or cyclone fence is not considered as denying reasonable access.

- (2) No recreational vehicle shall be stored in the front or side yard of a residence or a residential lot in a manner that would constitute a traffic hazard or would, in any way, obstruct vision within the "sight triangle" of a corner lot.
- (3) It shall be unlawful and an offense, and in no instance shall a recreational vehicle, either parked or stored, be occupied either permanently or temporarily except under the following conditions:
- a. The lot on which the occupied recreational vehicle is located must be within the boundaries designated on the attached map; and
 - b. A person occupying the recreational vehicle must obtain a special revocable permit from the city. Such permit will only be issued in conjunction with a building permit to repair or reconstruct a permanent residence on the lot on which the occupied recreational vehicle is located. Such permit shall, under no circumstances, be valid for more than nine (9) months from the date of issuance and the permit holder must renew the permit every ninety (90) days that it is in effect. Such permit shall be immediately revoked upon a finding by the city manager that:
 1. Continuous progress is no longer being made toward the repair or reconstruction of the permanent residence on the lot on which the occupied recreational vehicle is located; or
 2. Repair or reconstruction of the permanent residence on the lot on which the occupied recreational vehicle is located is completed;
 3. That any of the provisions of this Code are being violated.
 - c. The city must have reviewed and approved a site plan indicating the location of the occupied recreational vehicle upon the property and how public utilities will be provided to the occupied recreational vehicle; and
 - d. The occupied recreational vehicle shall be connected to a water supply in a manner approved by the city; and
 - e. The occupied recreational vehicle must be the type known as "fully self-contained" and must be connected to a sewer system in a manner approved by the city; and
 - f. The occupied recreational vehicle shall be connected to an electrical source in a manner approved by the city; and
 - g. The occupied recreational vehicle shall not be connected, either permanently or temporarily, to a natural gas source other than the propane tanks normally affixed to recreational vehicles; and
 - h. The occupied recreational vehicle shall only be located on a concrete pad approved by the city; and
 - i. The occupied recreational vehicle, if located on a corner lot, shall not be placed within the sight triangle of the two (2) intersecting streets; and
 - j. There must be continuous progress toward the repair or reconstruction of the permanent residence on the lot on which the occupied recreational vehicle is located.

(f) Manufactured homes shall be parked or stored only in conformance with the ordinances of the City of Midwest City.

(g) Implement of husbandry: Every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways. Farm wagon-type tank trailers of not over one thousand two hundred-gallon capacity, used during the fertilizer to a field applicator and moved on highway only for bringing the fertilizer from a local source of supply to farms or fields or from one (1) farm or field to another, shall be considered implements of husbandry for purposes of this chapter. Trailers or semitrailers owned by a person engaged in the business of farming and used exclusively for the purpose of transporting to the farm materials or things to be used thereon shall also be considered implements of husbandry for purposes of this chapter.

An implement of husbandry shall not be parked or stored on any lot occupied by a dwelling or any lot in any residential district except in accordance with the following provision:

(1) At no time shall an implement of husbandry be stored nearer than twenty-five (25) feet to the front, side, or rear of property lines unless stored within an approved storage building as per Midwest City Codes.

SECTION 3. The Midwest City Municipal Code, Chapter 24, Article V, Division 4, Section 24-202 is hereby deleted.

SECTION 4. The Midwest City Municipal Code, Chapter 24, Article V, Division 4, Section 24-202.1 is hereby deleted.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in force and effect on and after the ____ day of ____, 2019.

SECTION 6. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of ____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this ____ day of _____, 20__.

HEATHER POOLE, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 25, MUNICIPAL COURT, ARTICLE III, JURY TRIALS, SECTIONS 25-85, DEFENDANT'S ELECTION GENERALLY, 25-86 CHANGE OF DEFENDANT'S ELECTION AND 25-96, JURY TERM TO BE SET BY PRESIDING JUDGE; PROVIDING FOR REPEALER AND SEVERABILITY.

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY THAT:

SECTION 1. The Midwest City Municipal Code, Chapter 25, Municipal Court, Article III, Jury Trials, Sections 25-85, 25-86, 25-96 are hereby amended to reads as follows:

Sec. 25-85. - Defendant's election generally.

At arraignment, the defendant shall be advised of his right to demand a jury trial where such charges indicate the defendant's right to have a trial by jury. His election shall be recorded in the minutes of the arraignment and entered on the docket of the court respecting proceedings in the case. A pre-trial conference shall be held on the first Monday of the month within a month of when which the jury trial docket is to be set to be heard. If the defendant or his attorney fail to appear for the pre-trial conference for any inexcusable reason, the trial of the matter will be withdrawn from the jury docket and henceforth tried to the judge;

Sec. 25-86. - Change of defendant's election.

An election waiving jury trial, made at arraignment, may be changed by the defendant at any time prior to or during the time the pre-trial conference is held. In the event a jury trial is waived subsequent to the matter being set for jury trial, a defendant may not thereafter be permitted to demand a subsequent jury trial, and any further trial of the matter will be tried before the court without jury. In the event a jury trial is waived at or after a pre-trial conference, the judge of the court shall have the right to tax as cost any administrative fee associated with empaneling, issuing summons and mail costs associated with the impanelment of a jury for such matter;

Sec. 25-96. - Jury term to be set by presiding judge.

The presiding judge assigned to the case shall set the time and dates for each jury trial term, which shall be no less than two (2) terms during each calendar year, or where a jury trial shall be deemed necessary and special set by the presiding judge. Each jury trial will be placed on the docket by the court clerk on the next available jury trial docket or at least one hundred eighty (180) days out from the date the jury trial is requested by a defendant or his attorney of record and in such order as determined by the judge who will preside over the jury trial or trials on the scheduled docket, but no less more than one hundred and eighty (180) days from when the trial was requested.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby

repealed.

SECTION 3. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City,

Oklahoma, this _____ day of _____, 2019.

CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this _____ day of _____, 2019.

HEATHER POOLE, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 25, MUNICIPAL COURT, ARTICLE III, JURY TRIALS, SECTIONS 25-85, DEFENDANT'S ELECTION GENERALLY, 25-86, CHANGE OF DEFENDANT'S AND 25-96, JURY TERM TO BE SET BY JUDGE; PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY THAT:

SECTION 1. The Midwest City Municipal Code, Chapter 25, Municipal Court, Article III, Jury Trials, Sections 25-85, 25-86, 25-96 are hereby amended to reads as follows:

Sec. 25-85. - Defendant's election generally.

At arraignment, the defendant shall be advised of his right to demand a jury trial where such charges indicate the defendant's right to have a trial by jury. His election shall be recorded in the minutes of the arraignment and entered on the docket of the court respecting proceedings in the case. A pre-trial conference shall be held within a month of when the jury trial is set to be heard. If the defendant or his attorney fail to appear for the pre-trial conference for any inexcusable reason, the trial of the matter will be withdrawn from the jury docket and henceforth tried to the judge;

Sec. 25-86. - Change of defendant's election.

An election waiving jury trial, made at arraignment, may be changed by the defendant at any time prior to the time the pre-trial conference is held. In the event a jury trial is waived subsequent to the matter being set for jury trial, a defendant may not thereafter be permitted to demand a subsequent jury trial, and any further trial of the matter will be tried before the court without jury. In the event a jury trial is waived at or after a pre-trial conference, the judge of the court shall have the right to tax as cost any administrative fee associated with empaneling, issuing summons and mail costs associated with the impanelment of a jury for such matter;

Sec. 25-96. – Jury term to be set by judge.

The judge assigned to the case shall set the time and dates for each jury trial . Each jury trial will be placed on the docket by the court clerk at least ninty (90) days out from the date the jury trial is requested by a defendant or his attorney of record and in such order as determined by the judge who will preside over the jury trial or trials on the scheduled docket, but no more than one hundred and eighty (180) days from when the trial was requested.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City,

Oklahoma, this _____ day of _____, 2019.

CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this _____ day of _____, 2019.

HEATHER POOLE, City Attorney

Notice of this Special Ordinance Oversight Council Committee meeting was filed with the City Clerk of Midwest City at Least 48 hours prior to the meeting and copies of the agenda for this meeting were posted at City Hall for at least 24 hours in advance of the meeting.

MINUTES OF THE
SPECIAL ORDINANCE OVERSIGHT COUNCIL COMMITTEE MEETING

July 29, 2019 – 6:00 PM

This meeting was held in the second floor conference room of City Hall, City of Midwest City, County of Oklahoma, State of Oklahoma.

Mayor Dukes called the meeting to order at 6:00 PM with Pat Byrne present along with City Manager Tim Lyon, Assistant City Manager Vaughn Sullivan, City Attorney Heather Poole, City Clerk Sara Hancock, Assistant Police Chief Sid Porter, and Neighborhood Services Director Mike Stroh. Absent: Susan Eads.

Discussion Items.

1. **Discussion and consideration of approving the minutes of the special February 26, 2019 meeting.** Dukes made a motion to approve the minutes, as submitted, seconded by Byrne. Voting aye: Byrne and Dukes. Absent: Eads. Nay: none.
2. **Discussion and consideration of reviewing the attached Midwest City Code of Ordinances and possibly making suggestions for the full Council to evaluate.** Dukes made a motion to proceed as discussed and submit the following ordinance changes to the full City Council as follows: Sections 1-15, 27-6, 27-1, 27-61, 27-62, 24-1, 24-158, 24-201, 24-202, 24-202.1, 25-85, 25-86, and 25-96 seconded by Byrne. Voting aye: Byrne and Dukes. Absent: Eads. Nay: none.

Adjournment. Chairman Byrne adjourned the meeting at 7:30 PM.



PAT BYRNE, Chairman



**SPECIAL MEETING AGENDA FOR THE
ORDINANCE OVERSIGHT COUNCIL COMMITTEE**

City Hall - Midwest City Conference Room, 2nd Floor
100 N. Midwest Boulevard

August 26, 2019 – 6:00 PM

To make a special assistance request, call 739-1215 or email pmenefee@midwestcityok.org no less than 24 hours prior to the start of a meeting.

If special assistance is needed during a meeting, call 739-1388.

A. CALL TO ORDER.

B. DISCUSSION ITEMS.

1. Discussion and consideration of approving the minutes of the special July 29, 2019 meeting.
2. Discussion and consideration of reviewing proposed Midwest City Code of Ordinances changes and possibly making suggestions for the full Council to evaluate. (City Manger - T. Lyon)

C. ADJOURNMENT.

Notice of this Special Ordinance Oversight Council Committee meeting was filed with the City Clerk of Midwest City at Least 48 hours prior to the meeting and copies of the agenda for this meeting were posted at City Hall for at least 24 hours in advance of the meeting.

MINUTES OF THE
SPECIAL ORDINANCE OVERSIGHT COUNCIL COMMITTEE MEETING

July 29, 2019 – 6:00 PM

This meeting was held in the second floor conference room of City Hall, City of Midwest City, County of Oklahoma, State of Oklahoma.

Mayor Dukes called the meeting to order at 6:00 PM with Pat Byrne present along with City Manager Tim Lyon, Assistant City Manager Vaughn Sullivan, City Attorney Heather Poole, City Clerk Sara Hancock, Assistant Police Chief Sid Porter, and Neighborhood Services Director Mike Stroh. Absent: Susan Eads.

Discussion Items.

1. **Discussion and consideration of approving the minutes of the special February 26, 2019 meeting.** Dukes made a motion to approve the minutes, as submitted, seconded by Byrne. Voting aye: Byrne and Dukes. Absent: Eads. Nay: none.
2. **Discussion and consideration of reviewing the attached Midwest City Code of Ordinances and possibly making suggestions for the full Council to evaluate.** Dukes made a motion to proceed as discussed and submit the following ordinance changes to the full City Council as follows: Sections 1-15, 27-6, 27-1, 27-61, 27-62, 24-1, 24-158, 24-201, 24-202, 24-202.1, 25-85, 25-86, and 25-96 seconded by Byrne. Voting aye: Byrne and Dukes. Absent: Eads. Nay: none.

Adjournment. Chairman Byrne adjourned the meeting at 7:30 PM.

PAT BYRNE, Chairman



City Manager
100 N. Midwest Boulevard
Midwest City, OK 73110
tlyon@midwestcityok.org
Office: 405.739.1201
www.midwestcityok.org

MEMORANDUM

TO: Ordinance Review Council Committee

FROM: Tim Lyon, City Manager

DATE: August 26, 2019

SUBJECT: Discussion and consideration of reviewing proposed Midwest City Code of Ordinances changes and possibly making suggestions for the full Council to evaluate.

Please see the attached list of codes suggested for change. The appropriate staff will be present to assist, as needed. Once review has been completed and the committee makes the recommendation, the ordinances will be presented at the next available Council Meeting.

Tim L. Lyon

TIM LYON, City Manager

Proposed Changes to Ordinances

	Chapter	Chapter Title	Section	Section Title	Suggested By	Comments
1.	2	Administration	11	Time of regular meetings of council	Mayor/ City Clerk	Requesting one (1) meeting in July
2.	20	Housing Code	20-2	304.7 Roofs and Drainage	Neighborhood Services - PD	Remove language to comply with IPMC language.
3.	28	Offenses	22	Indecent exposure	Community Action - PD	Allow prosecution of people that expose themselves from the windows and doors of their own homes.
4.	28	Offenses	28	Urination in public	Community Action - PD	Clarify that a person cannot urinate on private property.
5.	42	Trees	13, 14, 49, 50, 51, 52, 53, 55	Trees	Assist City Manager / Neighborhood Services	Updated authority rights to Mayor and City Manager. Updated fees for removal/relocation of trees. Updated tree clearance and notice and billing requirements.
6.		Appendix A - Zoning Regulations	5.15	Single-Family Driveways and Garages	Community Development	Change percentage of J Drives from 70% to 20%.
7.				Capital Improvement / Impact Fees	Community Development	Put in improvements, deny, waive or fees in lieu of. May be discussion vs. ordinance submittal.
8.	20	Housing Code	51, 56	Purpose, Findings of fact, conclusions of law	Community Development	STRIKE: NO CHANGE NEEDED Distinguish new development areas from re-development areas; Make category for re-development areas where higher density is appropriate; Make category for mixed-use area; Update housing stock info (using HR&A's research for Innovation District Plan.)
9.	1	General Provisions	5	Scope and Jurisdiction	Community Development	STRIKE: NO CHANGE NEEDED Update initial zoning classification for all annexations.
10.	28	Offenses	25	Public intoxication	Community Action - PD	STRIKE: NO CHANGE NEEDED Clarify whether an intoxicated person can be arrested in their front yard and/or their back yard.
11.	28	Offenses - Miscellaneous	121	Curfew for Minors	Police Department	STRIKE: NO CHANGE NEEDED Changing all hours to midnight.
12.	32		60	Foodtrucks	Mayor	Moving of
13.				ADA Compliance / Sidewalks	Community Development	Accepting ADA Regulations to be able to enforce code compliance. Add fees to Section 1-15.
14.	4	Air Pollution	4	Open burning	Fire Dept.	pile size regulated, burning times regulated, clearance zones from piles updated
15.				Signs	Community Development	Needs Defined
16.				Drainage	Community Development	Needs Defined
17.				Comprehensive Plan	Community Development	Needs Defined
18.				Utilities	PWA	Rate change; Pretreatment, Sanitation, Stormwater, Sewer, Water
19.					FD/Council/ multiple depts.	Medical Marijuana
20.				Charter	Cit Attorney	Needs Defined
21.	24	Residential Parking	203	Residential Parking Restrictions	Council	Soft Surface Parking
Ordinance Reviews on hold due to State Legislation						
	5	Alcoholic Beverages	5	All Sections	City Clerk	Updated all sections in regards to the new laws passed. One being removal of non-intoxicating beverages. And adding new permits.
	28	Offenses	130	Dangerous Drugs	Police Department	Prohibit people from smoking marijuana in the public places.
	28	Offenses	54	Drones-Add to Trespass Ordinance	Community Action - PD	Prohibit people using drones to intrude on neighbors. <i>*no current state statute to regulate at this time. PD going to training in September.</i>

UPDATED: 08/21/19

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 2, ADMINISTRATION; ARTICLE II, CITY COUNCIL; SECTION 2-11, TIME OF REGULAR MEETINGS OF COUNCIL; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY THAT:

SECTION 1. The Midwest City Municipal Code, Chapter 2, Administration, Article II, City Council, Section 2-11 is hereby amended to reads as follows:

Sec. 2-11. - Time of regular meetings of council.

All regular meetings of the council of the city shall be held at or after 7:00 p.m., and shall be held on every second and every fourth Tuesday of each month except for the months of June and December in which there shall be only one (1) regular meeting held, which meeting shall be held on the second Tuesday. If the date of a regular meeting falls on a holiday recognized by the city, that meeting shall be held on the next day that is not a holiday.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this ____ day of _____, 20__.

HEATHER POOLE, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 20, HOUSING CODE; ARTICLE I, EXISTING STRUCTURES; SECTION 20-2 CODE AMEND; ESTABLISHING AND EFFECTIVE DATE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY THAT:

SECTION 1. The Midwest City Municipal Code, Chapter 20, Housing Code, Article I, Existing Structures, Section 20-2 is hereby amended to reads as follows:

Sec. 20-2. - Code amended.

The code adopted in section 20-1 is amended and modified in the following respects:

Section 101.1 is amended and shall read as follows:

101.1. Title. These regulations shall be known as the Property Maintenance Code of Midwest City, hereinafter referred to as "this Code" as applied to this Chapter.

Section 106.4 is amended and shall read as follows:

106.4. Penalty. Any person, firm or corporation who shall violate any provision of this Code, or fail to comply therewith, or with any of the regulations thereof, shall, upon conviction thereof, be subject to a fine of up to two hundred dollars (\$200.00) plus court costs, or imprisonment for a term not to exceed fifteen (15) days, or both, at the discretion of the court. The prosecutor, at the time the citation is accepted, may elect to proceed without jail time as punishment at any time prior to the arraignment on the charged offense, thereby exempting any requirement or option of a jury trial where monetary fines only are sought against the responsible party. Each day that a violation continues after the first violation shall be deemed a separate offense.

Section 111 is deleted in its entirety.

Section 202 is amended and shall read as follows:

— *RUBBISH.* Combustible or noncombustible waste materials, except for trash or garbage, primarily derived from an organic nature, including but not limited to residue from the burning of wood, coal, coke and other combustible materials, wood or wood products, tree branches and limbs, yard waste, grass clippings and trimmings, shrubbery or plant cuttings, leaves, mulch, dirt, manure or fodder or other similar materials.

Section 302.4 is amended and shall read as follows:

302.4. Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or responsible person having charge of a property to cut and destroy weeds after service of notice of violation, he shall be subject to prosecution. Upon failure to comply with the notice of violation, any code official or contractor hired by the city shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or responsible party of the property.

Section 304.2 is hereby amended and shall read as follows:

304.2. Protective treatment. All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces on a dwelling, with the exception of milled exterior cedar or redwood siding, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Section 304.7 is amended and shall read as follows:

304.7. Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that would allow rain to intrude into the residential dwelling. It shall not be sufficient by an owner or responsible party to show that the interior of the dwelling does not indicate signs of water leak at the time of an inspection. Any indication that the roof, flashing, or other object associated with the roof of a dwelling has had damage which could admit rain shall be sufficient basis for the finding of a violation of this section. Roof drainage shall be adequate to prevent dampness or deterioration in the walls, gables, soffit, mansard, trim, or decking edge, behind guttering, adjacent to valleys, or surrounding pipes or vents that extend through the roof, or into any interior of the structure, whether the living portion of the structure or any unoccupied portion. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public ~~or private~~ nuisance, ~~or causes water flow to any neighbor to the extent that erosion occurs to the property of the dwelling or an adjacent property, whether public or private.~~

~~Section 404.5 is amended and shall read as follows:~~

~~404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.~~

TABLE 404.5
MINIMUM AREA REQUIREMENTS

MINIMUM AREA IN SQUARE FEET			
Space	1—2 occupants	3—5 occupants	6 or more occupants

MINIMUM AREA IN SQUARE FEET			
Living Room	No requirements	120	150
Dining room	No requirements	80	100
Bedrooms*	Shall comply with Sees. 404.4.1 and 404.4.5	Same	Same

~~* Every bedroom occupied by one person shall contain at least seventy (70) square feet of floor area, and every bedroom occupied by more than one person shall contain at least fifty (50) square feet of floor area for each occupant thereof.~~

Section 602.3 is amended and shall read as follows:

602.3. Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either express or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15 of the year through April 15 of the following year to maintain a temperature of not less than 68° F (20° C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

- I. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall be required, provided that the heating system is operational at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the International Plumbing Code.
2. In areas where the average monthly temperature is above 30° F (-1° C) a minimum temperature of 65° F (18° C) shall be maintained.

Section 602.4 is amended and shall read as follows:

~~6014~~*602.4. Occupiable work spaces.* Indoor occupiable work spaces shall be supplied with heat during the period from October 15 of the year through April 15 of the following year to maintain a temperature of not less than 65° F (18° C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

SECTION 2. EFFECTIVE DATE. This ordinance shall be in force and effect on and after

_____, 2019.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this ____ day of _____, 20__.

HEATHER POOLE, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 28, OFFENSES-MISCELLANEOUS; ARTICLE II, OFFENSES AGAINST MORALS; SECTION 28-22, INDECENT EXPOSURE; SECTION 28-28, URINATION IN PUBLIC; ESTABLISHING AND EFFECTIVE DATE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY THAT:

SECTION 1. The Midwest City Municipal Code, Chapter 28, Offenses-Miscellaneous, Article II, Offenses Against Morals, Section 28-22 and Section 28-28 are hereby amended to reads as follows:

Sec. 28-22. - Indecent exposure.

It shall be unlawful for any person to appear in a public place clothed or costumed in such a manner that any part of his or her lower torso is uncovered so as to expose the cleft of the buttocks or genital organs or pubic hair.

For the purpose of this section, "public place" shall mean a place to which the general public has a right to resort; not necessarily a place devoted solely to the uses of the public, but a place which is in point of fact public rather than private, a place visited by many persons and usually accessible to the neighboring public. It may also mean a place exposed to the public and where the public gather together or pass to and fro.

Sec. 28-28. - Urination in public.

No person shall urinate in any public place not designated or intended for such purpose.

For the purpose of this section, "public place" shall mean a place to which the general public has a right to resort; not necessarily a place devoted solely to the uses of the public, but a place which is in point of fact public rather than private, a place visited by many persons and usually accessible to the neighboring public. It may also mean a place exposed to the public and where the public gather together or pass to and fro.

SECTION 2. **EFFECTIVE DATE.** This ordinance shall be in force and effect on and after _____, 2019.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this ____ day of _____, 20__.

HEATHER POOLE, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 42, TREES; ARTICLE I, IN GENERAL; SECTION 42-13, APPLICATION PROCEDURES; ARTICLE III, TREE TRIMMING, ETC.; SECTION 42-49, TRIMMING; CLEARANCE; SECTION 42-50, DEAD OR DISEASED TREE REMOVAL WITHIN RIGHT-OF-WAY; SECTION 42-51, NOTICE TO OWNER; SECTION 42-52, HEARING; SECTION 42-53, ORDER TO TRIM OR REMOVE; SECTION 42-54, WORK TO BE DONE BY CITY FORCES OR CONTRACT, SECTION 42-55, COST TO BE DETERMINED; STATEMENT OF COST TO BE SENT; SECTION 42-56, FAILURE TO PAY COSTS TO BE CERTIFIED TO COUNTY ; ESTABLISHING AND EFFECTIVE DATE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY THAT:

SECTION 1. The Midwest City Municipal Code, Chapter 42, Sections 42-13, 42-14, 42-49, 42-50, 42-51, 42-52, 42-53, 42-54, 42-55, and 42-56 are hereby amended to reads as follows:

Sec. 42-13. - Application procedures.

Any request for waiver of the requirements of sections 42-7 through 42-10 shall be in writing addressed to the ~~Chairman of the Midwest City Tree Board~~ Midwest City Mayor and received at least fourteen (14) days in advance of the next regularly scheduled meeting. The ~~chairman~~ Mayor will advise the representative of the Midwest City Manager of the request and the manager's representative shall present a staff report and recommendation to the Council members ~~of the board~~ at least ~~three-fourteen~~ (314) days before the next regularly scheduled meeting. The staff representative shall also cause said requested waiver to be placed on the agenda of said meeting and notify the applicant in writing of the time and place of the meeting.

Sec. 42-14. - Planting trees within public right-of-way; removal or relocation; fees.

- (a) Prior to planting any tree(s) within public right-of-way, a site plan shall be submitted showing the location and species of trees to be planted. Any plantings within public right-of-way shall comply with sections 42-5 through 42-11 of this Code.
- (b) Prior to the removal or relocation of any tree within public right-of-way, an application shall be made to the Midwest City Tree Board as prescribed in sections 42-12 and 42-13 of this Code. It shall be the responsibility of the applicant to submit a site plan showing the exact location, diameter and species of the tree(s) to be removed from the public right-of-way. The ~~tree board~~ City Manager shall have the authority to grant or deny the removal or relocation of any street tree. The ~~tree board~~ City Manager shall have the power to authorize said applicant to have a professional landscaper to relocate the tree(s) in a different location on the public right-of-way adjoining the subject property at no fee cost to the applicant as prescribed in section 42-14; if the applicant submits in writing to the ~~tree board~~ City Manager guaranteeing should the tree(s) die

within a three-year period after being relocated, the applicant will replace the tree(s) with a species approved by the tree board as prescribed in section 42-5.

In lieu of relocating the tree(s) on the public right-of-way adjoining the property, the ~~tree board~~ City Manager may require the tree(s) to be located to a different location within the city upon payment of fees by the applicant as prescribed in section 42-14(c). If fees are charged for the removal and relocation of any tree(s), it shall be the responsibility of the Midwest City Street Department to remove and relocate said tree(s) at the direction of the ~~Midwest City Tree Board~~ City Manager.

- (c) The following fees shall be paid prior to the removal or relocation of any street tree(s):
 - (1) Three-inch diameter or smaller—~~\$150.00~~ \$250.00.
 - (2) More than three-inch diameter—~~\$50.00~~ \$75.00 per inch. In calculating fees, inches shall be rounded off to the next whole inch. The diameter of the tree shall be measured from three (3) feet to four (4) feet from the base of the tree.
 - (3) Fees collected shall be deposited to the tree board account.

Sec. 42-49. - Trimming; clearance.

Every owner of any tree or shrub overhanging any street or right-of-way within the city shall trim the branches so that such branches shall not obstruct the light from any street lamp, or obstruct the view of any street, intersection or traffic control device or sign, and so that there shall be a clear space of ~~twelve-fourteen~~ (12)14 feet above the surface of the street or right of way. Every property owner shall remove from the owner's property all dead, diseased or dangerous trees and shrubs, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the authority to order the trimming or removal of any tree or shrub that interferes with the proper spread of light from a street light, or interferes with visibility or any traffic control device or sign, or does not provide a clear space of ~~twelve~~ fourteen (12)14 feet above the surface of the street or right of way or does not provide a clear space of eight (8) feet above the entire width of the surface of the sidewalk or a trail. In the event of failure of owners to comply with the provisions of this section, the city shall also have the authority to trim or remove any tree or shrub that violates the provisions of this section and charge the cost of trimming or removal to the owner.

Sec. 42-50. - Dead or diseased tree removal within right-of-way.

The city shall have the right to cause the removal of any dead or diseased trees on right-of-way abutting private property within the city when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The city ~~tree board~~ will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within thirty (30) days after the date of service or notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal to the owner.

Sec. 42-51. - Notice to owner.

- ~~(a)~~ (a) After ten (10) days' written notice by the city to the property owner by ~~certified~~ mail ~~with return receipt requested~~, or by personal service to the owner of such property, at the address shown by the current year's tax rolls in the county treasurer's office, ~~a hearing shall be held by the governing body as hereinafter provided.~~ The notice shall state the nature of the violation; and the contact number for the code enforcement office; and shall advise the owner and/or responsible party of the property that s/he has a right to request a hearing before the city council; that the violation may be abated by the city if the owner and/or responsible party takes no action within the prescribed time without further notice; that the costs of such abatement shall be assessed against the owner as shown on county treasurer's tax rolls; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner.
- (b) If the property owner is unable to be notified by ~~certified~~ mail, ~~or if the property owner refuses receipt of the certified mail,~~ then notice of said violation shall be ~~published in two (2) consecutive Thursday issues in an official newspaper in the city; and the last publication shall be at least four (4) days prior to the day set for the hearing prescribed by section 42-52.~~ posted at the address at which the violation is occurring.

~~Sec. 42-52. - Hearing.~~

~~Upon the date specified in the notice given as required by this article, the city council shall hold a hearing on the report and shall receive information thereon, including anything which may be presented by the owner of the premises, personally or by agent or attorney. The owner of such property may given his written consent to the city authorizing the removal of dead, dying or diseased trees or any part of the tree, and waive his right to a hearing by the city council.~~

~~Sec. 42-53. - Order to trim or remove.~~

~~If the city council determines that the conditions specified in sections 42-49 and 42-50 exist upon such premises and declares same to be a nuisance, it shall order the property to be removed of dead, dying or diseased trees or any part of the tree, if necessary to abate the conditions found to exist.~~

Sec. 42-~~54~~52. - Work to be done by city forces or contract.

The work ~~ordered~~ to be performed under section 42-~~53~~51 may be done by the employees of this city under the supervision of the department head designated by the city manager, or it may be let by contract to the lowest ~~and best bidder~~ cost determined by quotes received by city; ~~after appropriate notice, in the manner for letting other contracts by public bid.~~

Sec. 42-~~55~~53. - Cost to be determined; statement of cost to be sent.

Upon completion of the work ordered to be performed under section 42-~~52~~51, the department head designated by the city manager shall report the cost thereof to the city ~~council clerk~~. Such report shall be itemized as to each tract as follows: ~~Actual~~ cost of the labor, maintenance and equipment required for removal or trimming, ~~and~~ including the cost of notice and mailing City's administrative expenses as allowed under 27-13. ~~The city council shall examine its report, and after receiving appropriate information shall determine the total actual costs of the work, and shall direct the~~ The city clerk to will forward a statement and demand of payment thereof, by ~~certified mail with return receipt requested~~ to the owner of the property at the address shown by the current tax rolls in the office of the treasurer of the county in which the property lies.

Sec. 42-~~56~~54. - Failure to pay costs to be certified to county treasurer.

If the payment for the work performed under this chapter is not made within thirty (30) days from the date of mailing the notice prescribed by section 42-~~55~~53, the city clerk shall forward a certified statement of the amount of such costs to the county treasurer of the county in which the property upon which the work was done is located, to be levied upon the property and to be collected by the county treasurer in the manner prescribed by the laws of this state.

SECTION 2. EFFECTIVE DATE. This ordinance shall be in force and effect on and after _____, 2019.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the _____ day of _____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this ____ day of _____, 20__.

HEATHER POOLE, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A, ZONING REGULATIONS, OF THE MIDWEST CITY CODE; BY AMENDING SECTION 5, SUPPLEMENTAL REGULATIONS, SECTION 5.15 SINGLE-FAMILY DRIVEWAYS AND GARAGES; SECTION 5.15.1 STANDARDS FOR GARAGES FOR SINGLE-FAMILY UNITS; 5.15.1(A) APPLICABILITY; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

EMERGENCY ORDINANCE

SECTION 1. That Appendix A, Zoning Regulations, of the Midwest City Code, is hereby amended by amending Section 5.15.1 Standards for Garages for Single-Family Units shall be amended as follows:

5.15.1. Standards for Garages for Single-Family Units

(A) Applicability

- (1) ~~Seventy-Two~~ Twenty (20) percent of all single-family units within a residential development without alleys (i.e., driveways are connected to a street).
- (2) Single-family residential developments within the following zoning districts
 - a. 2.6 R-8, Single-Family Detached Residential District
 - b. 2.7 R-6, Single-Family Detached Residential District
- (3) Infill lot development as defined in 5.13 *Infill Housing Exception to Minimum House Size* shall be exempt from this section.
- (4) Individual lots 10,000 square feet in size or greater shall be exempt from this section.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, III Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this _____ day of _____, 2019.

Heather Poole, City Attorney

SECTION 4. EMERGENCY. The City Council declares this ordinance to be an emergency, it being immediately necessary for the preservation of the peace, health and safety of the City of Midwest City and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force and after its passage as provided by law.

EMERGENCY CLAUSE PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma this _____ day of _____ 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this _____ day of _____, 2019.

HEATHER POOLE, City Attorney

Notice of this Special Ordinance Oversight Council Committee meeting was filed with the City Clerk of Midwest City at Least 48 hours prior to the meeting and copies of the agenda for this meeting were posted at City Hall for at least 24 hours in advance of the meeting.

MINUTES OF THE
SPECIAL ORDINANCE OVERSIGHT COUNCIL COMMITTEE MEETING

August 26, 2019 – 6:00 PM

This meeting was held in the second floor conference room of City Hall, City of Midwest City, County of Oklahoma, State of Oklahoma.

Chairman Pat Byrne called the meeting to order at 6:03 PM with Councilmember Susan Eads and *Mayor Matt Dukes, and present along with City Manager Tim Lyon, Assistant City Manager Vaughn Sullivan, City Attorney Heather Poole, City Clerk Sara Hancock, Assistant Police Chief Sid Porter, and Neighborhood Services Director Mike Stroh. Absent: None.

* Mayor Dukes arrived at 6:27 PM.

Discussion Items.

1. **Discussion and consideration of approving the minutes of the special July 29, 2019 meeting.** Dukes made a motion to approve the minutes, as submitted, seconded by Byrne. Voting aye: Byrne, Eads, and Dukes. Absent: none. Nay: none.
2. **Discussion and consideration of reviewing proposed Midwest City Code of Ordinances changes and possibly making suggestions for the full Council to evaluate.** Eads made a motion to proceed as discussed and submit the changes to the full City Council, seconded by Dukes. Voting aye: Eads, Byrne and Dukes. Absent: none. Nay: none.

Adjournment. Chairman Byrne adjourned the meeting at 6:50 PM.



PAT BYRNE, Chairman



SPECIAL ORDINANCE OVERSITE REVIEW COUNCIL COMMITTEE
MEETING AGENDA

City Hall - Midwest City Council Chambers, 100 N. Midwest Boulevard

October 24, 2019 – 6:00 PM

- A. CALL TO ORDER.
- B. DISCUSSION ITEMS.
 - 1. Discussion and consideration of approving the minutes of the special August 26, 2019 meeting.
 - 2. Discussion and consideration of reviewing proposed Midwest City Code of Ordinances changes and possibly making suggestions for the full Council to evaluate.
- C. ADJOURNMENT.

To make a special assistance request, call 739-1213 or email bbundy@midwestcityok.org
no less than 24 hours prior to the start of a meeting.
If special assistance is needed during a meeting, call 739-1388.

Notice of this Special Ordinance Oversight Council Committee meeting was filed with the City Clerk of Midwest City at Least 48 hours prior to the meeting and copies of the agenda for this meeting were posted at City Hall for at least 24 hours in advance of the meeting.

MINUTES OF THE
SPECIAL ORDINANCE OVERSIGHT COUNCIL COMMITTEE MEETING

August 26, 2019 – 6:00 PM

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Discussion Items.

1. **Discussion and consideration of approving the minutes of the special July 29, 2019 meeting.** Dukes made a motion to approve the minutes, as submitted, seconded by Byrne. Voting aye: Byrne, Eads, and Dukes. Absent: none. Nay: none.
2. **Discussion and consideration of reviewing proposed Midwest City Code of Ordinances changes and possibly making suggestions for the full Council to evaluate.** Eads made a motion to proceed as discussed and submit the changes to the full City Council, seconded by Dukes. Voting aye: Eads, Byrne and Dukes. Absent: none. Nay: none.

Adjournment. Chairman Byrne adjourned the meeting at 6:50 PM.

PAT BYRNE, Chairman



City Manager
100 N. Midwest Boulevard
Midwest City, OK 73110
tlyon@midwestcityok.org
Office: 405.739.1201
www.midwestcityok.org

MEMORANDUM

TO: Ordinance Review Council Committee

FROM: Tim Lyon, City Manager

DATE: October 24, 2019

SUBJECT: Discussion and consideration of reviewing proposed Midwest City Code of Ordinances changes and possibly making suggestions for the full Council to evaluate.

Please see the attached list of codes suggested for change. The appropriate staff will be present to assist, as needed. Once review has been completed and the committee makes the recommendation, the ordinances will be presented at the next available Council Meeting.

Tim L. Lyon

TIM LYON, City Manager

Proposed Changes to Ordinances

	<u>Chapter</u>	<u>Chapter Title</u>	<u>Section</u>	<u>Section Title</u>	<u>Suggested By</u>	<u>Comments</u>
1.	32	Peddlers and Solicitors	60	Food trucks, license required	Mayor/Community Development	Moving of trucks / 12 hours.
2.		Appendix A - Zoning Regulations			Community Development	Medical Marijuana: Light Processing.
3.	43	Water, Sewer, Sewage Disposal and Stormwater Quality	188 through 195	Fats, Oils and Grease Control Requirements for Commercial Establishments	PWA	Pretreatment, Sanitation, Stormwater, Sewer, Water. FOG/Grease traps.
4.	28	Offenses	54	Trespass	Community Action - PD/ City Attorney	Prohibit people using drones to intrude on neighbors. <i>*no current state statute to regulate at this time. No Federal Laws only regulations. Look at Title 14 Part 107. Trespassing ordinances may include this.</i>
5.	28	Offenses	90.1	Disorderly Conduct	Community Action - PD/ City Attorney	Prohibit people using drones to intrude on neighbors. <i>*no current state statute to regulate at this time. No Federal Laws only regulations. Look at Title 14 Part 107. Trespassing ordinances may include this.</i>
6	38	DISCUSSION	21, 37, 45, 47, 54, 61, 65	Capital Improvement / Impact Fees	Community Development	Put in improvements, deny, waive or fees in lieu of.
7	15	Fire Protection and Prevention	56 & 59	Permit Fee Scheduling Amendments & Annual License/Inspections	FD	Updated list of permits and fees. <i>*Presentation of information. Fees/Fire Inspection comparables</i>
8	15	Fire Protection and Prevention	15-100 thru 15-113	Open Burning	Fire Dept./ Council/Multiple Depts.	Pile size regulated, burning times regulated, clearance zones from piles updated. DEQ changes - follow their recommendations. Burning of by products of Medical Marijuana. Reference Edmond and OKC fees for service and inspections. International Fire Code - Cost analysis/building permit fees.
9		DISCUSSION		Certificate of Compliance	FD/Community Development/City Attorney	Certificate of Compliance for Medical Marijuana
10				ADA Compliance / Sidewalks	Community Development	Accepting ADA Regulations to be able to enforce code compliance. Add fines/penalties to Section 1-15. <i>**OCT/NOV</i>
11				Signs*	Community Development/Council	Needs Defined
12				Drainage*	Community Development/PWA/Council	Needs Defined
13				Comprehensive Plan*	Community Development/Council	Needs Defined
14					PWA	Pricing for compost
15				Solid Waste	PWA	Carts, responsibility and contents
16				Charter	City Attorney	Needs Defined
17	24	Residential Parking	203	Residential Parking Restrictions	Council/Neighborhood Services	Soft Surface Parking - Grandfather? <i>**OCT/NOV</i>
18				Home base business	Sullivan	Storage, Airbnb, Vrbo
19						
Ordinance Reviews on hold due to State Legislation						
20	28	Offenses	130	Dangerous Drugs	Police Department	Prohibit people from smoking marijuana in public places.
21						

<u>Chapter</u>	<u>Chapter Title</u>	<u>Section</u>	<u>Section Title</u>	<u>Suggested By</u>	<u>Comments</u>
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UPDATED: 10/22/19

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 32, PEDDLERS AND SOLICITORS, OF THE MIDWEST CITY CODE, BY AMENDING ARTICLE III, FOODSTUFFS, SECTION 32-60 FOOD TRUCKS, LICENSE REQUIRED; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

ORDINANCE

SECTION 1. The Midwest City Municipal Code, Chapter 32, , Article III, Section 32-60, is hereby amended to read as follows:

Section 32-60 – Food trucks, license required.

(a) *License required to operate a food truck.* It shall be unlawful and an offense for any person, firm or organization to operate a food truck without a license to do so issued by the city.

(1) *Application for license.* Each applicant for a license to operate a food truck shall file with the city clerk a sworn application in writing on a form to be furnished by the clerk, which shall include the following information and such other information as the clerk shall deem pertinent:

- a. Name and brief description of applicant;
- b. Address, both personal and business;
- c. Nature of business, kinds of foodstuffs to be sold;
- d. Low-point beer or alcoholic beverages to be sold;
- e. If employed by another, the name and address of applicant's employer together with credentials showing the exact relationship;
- f. Description and license number or other identification of any vehicle to be used;
- g. Food manager's certification from a source approved by the city-county health department; and
- h. A criminal history by name search from the Oklahoma State Bureau of Investigation.

This information must be kept current throughout the duration of the license. If any of the information included on the application for the license changes, including the applicant or any of his employees being convicted of a crime, the applicant must provide that information to the city clerk. Failure to do so shall be a violation of this section and shall constitute grounds for revocation of the license.

(2) *Health regulations.* All food truck operators shall comply with all city-county health regulations and other recognized health practices. The application of any person desiring a license to operate a food truck must include a copy of the applicant's food manager's certificate obtained in compliance with the city-county health laws. The city reserves the right to revoke any license issued under this section for noncompliance with such health regulations immediately and without notice.

(3) *City health license fee.* A fee of fifty dollars (\$50.00) for an annual city health license to operate in the city limits shall be paid at the time the license is issued and shall not be prorated. City health licenses shall be effective for the period September 1 through August 31 each year.

(4) *Food truck license fee.* In addition to the city health license fee, a fee of one hundred dollars (\$100.00) for an annual food truck license to operate in the city limits shall be paid at the time the license is issued. Food truck licenses shall be effective for the period of January 1 through December 31. Fee may be paid at a quarterly prorated rate and shall be effective for the quarterly period only, as follows:

- a. Twenty-five dollar (\$25.00) fee for period of January 1 to March 31.

- b. Twenty-five dollar (\$25.00) fee for period of April 1 to June 30.
 - c. Twenty-five dollar (\$25.00) fee for period of July 1 to September 30.
 - d. Twenty-five dollar (\$25.00) fee for period of October 1 to December 31.
- (b) *Signs.* Any signage pertaining to or advertising a food truck and/or its menu shall be limited to and attached to the food truck.
- (c) *Violations.* Every date a food truck operates in violation of this section shall constitute a separate offense. Penalties shall be as provided in section 1-8 of this Code.
- (d) *License revocation.* Any license issued under this section may be revoked or any application for issuance of a license may be refused if the application submitted by the applicant contains any false, fraudulent or misleading statement. The city reserves the right to immediately and without notice revoke any license for noncompliance.
- (e) *Other permits.* Should this section or any applicable statute or regulation require any other permit(s) in order to operate a food truck, such additional permits must be obtained prior to a food truck operating.
- (f) *Duration Regulations.* A food truck must be readily movable and may not remain at one physical address for a period to exceed 12 hours at one time. A food truck must vacate a physical address after operating for up to 12 hours and may not return to the same location for minimum of 12 hours.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this ____ day of _____, 2019.

HEATHER POOLE, City Attorney

ORDINANCE NO. _____

**AN ORDINANCE AMENDING APPENDIX A, ZONING REGULATIONS, OF THE
MIDWEST CITY CODE; BY AMENDING SECTION 4.5.2, LIGHT INDUSTRIAL:
RESTRICTED; PROVIDING FOR REPEALER AND SEVERABILITY; AND SETTING
AN EFFECTIVE DATE.**

SECTION 1. That Appendix A, Zoning Regulations, of the Midwest City Code, is hereby amended by amending Section 4.5.2, Light Industrial: Restricted, as follows:

Establishments engaged in the manufacture, assembly, research, or processing with all operations and processes entirely within an enclosed structure. There is no outdoor storage of raw materials and products.

Establishments have no outdoor industrial wastewater treatment system and produce no airborne emissions, objectionable noise, glare, odor, vibrations, smoke or dust associated with the industrial operation.

Typical uses include, but are not limited to, bakery employing more than five (5) fulltime employees; book binder; cabinet chop; clothing manufacturing; electronic equipment assembly and manufacturing; furniture upholstery; ice plant; laundry and dry cleaning plant employing more than five (5) full time people; printing plant; engraving plant; instrument and meter manufacture; mattress renovation; optical goods manufacture; photographic equipment manufacture; collection and compression of aluminum cans and glass for recycling. Also to include any plant extraction or processing that is deemed less hazardous than stated or accounted for in the International Building and Fire Codes. Examples of which include but are not limited to cold water washing and heat press processing.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this ____ day of _____, 2019.

HEATHER POOLE, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 43, WATER, SEWER, SEWAGE DISPOSAL AND STORMWATER QUALITY, ARTICLE III, SEWERS AND SEWAGE; DIVISION 6, FATS, OILS AND GREASE CONTROL REQUIREMENTS FOR COMMERCIAL ESTABLISHMENTS; BY AMENDING SECTIONS 43-188 THROUGH SECTION 43-195; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY THAT:

ORDINANCE

SECTION 1. The Midwest City Municipal Code, Chapter 43, Article III, Division 6, Sections 43-188, 43-189, 43-190, 43-191, 43-192, 43-193, 43-194, and 43-195, are hereby amended to read as follows:

Sec. 43-188. - Definitions.

Unless otherwise stated in the context of this article, the following terms and abbreviations will have the ascribed meanings:

- (1) *Twenty-five (25) percent rule*: ~~means~~ When the floating grease and bottom sludge combine to displace at least one-quarter of the tanks total liquid depth, or the liquid depth of any single chamber of the interceptor.
- (2) *Approved haulers list*: ~~means~~ A list of all waste haulers approved by the city to operate within the Public Owned Treatment Works (POTW's) collection area or City limits.
- (3) *Bypass*: ~~means~~ Any overflow of any amount from a private the city's sanitary sewer or POTW collection system.
- (4) *Chronic violator*: ~~means~~ A person or facility with a pattern of neglect or disregard that results in the same or similar repeated violations during a floating twelve twenty four-month period.
- (5) *Decanting*: ~~means~~ The practice of returning wastewater from the waste hauler truck back into the grease interceptor, oil/water separator, grinder device, or grit trap, or any part of the sanitary sewer after it is vacuumed out removed.
- (6) *Director*: ~~means~~ The city's environmental services director Public Works Director or designee.
- (7) *Domestic user*: ~~means~~ A user of the sanitary sewer system occupying a residential unit and discharging only normal domestic sewage that an individual(s) occupies as a residential premises and is NOT categorized as a Facility.
- (8) *Facility*: ~~means~~ A commercial business that generates and discharges FOG (fats, oils, and greases), waste oil, grit, and/or other petroleum waste, or discharges wet wipes and/or paper towels, or any debris larger than 1/2" into the city's sewer system POTW. i.e.

restaurants, automobile service, hotels, apartment complex, nursing homes, assisted living centers, etc.

- (9) *FOG*: ~~means~~ Ffats, oils, and greases in any amount.
- (10) *Generator*: ~~means~~ Any person(s) or facility who owns or operates a grease ~~trap/grease~~ interceptor, oil/water separator, or whose act or process produces a ~~grease trap~~ FOG waste, wipes or debris larger than 1/2", and ~~or a business with an oil/water separator and/or grit trap or discharges wet wipes and/or paper towels into the city sewer system~~ POTW.
- (11) *Grease ~~trap or~~ interceptor*: ~~means~~ Any device, no matter capacity, that is designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils and greases or designed to collect settleable solids, generated by and from food preparation activities, prior to the wastewater entering the ~~sanitary sewer collection system~~ POTW.
- (12) *Grinder*: ~~means~~ Aa mechanical device used to shred solid substances to pieces less than one-half inch(es) in any dimension.
- (13) *New facility*: ~~means~~ Aa newly constructed facility and/or the remodeling and/or expansion of an existing facility.
- (14) *Nondomestic user*: ~~means~~ Any user other than domestic users.
- (15) *Notice to Comply*: A document issued to the responsible party that either request additional information needed to determine compliance with their permit and/or this code; or serves as a notice to correct a minor violation of their permit and/or this code.
- (156) *Notice of violation*: ~~means~~ Aa document issued to ~~permit holder~~ the responsible party when they have violated their permit and/or this Code.
- (167) *Oil/water separator*: ~~means the separator~~ Any device that separates the sand, oil and other types of grit from the wastewater before it enters the ~~city's sanitary sewer collection system~~ POTW.
- (178) *Public Owned Treatment Works "POTW"*: ~~means the city's wastewater treatment facility~~ A treatment works, as defined by section 212 of the Act (33U.S.C § 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to the treatment plant.
- (189) *Reclamation system*: ~~means a~~ A series of tanks or basins and filters that renders water reusable.
- (20) *Responsible party*: A person(s) or corporation who controls, manages, and or directs a facility.
- (1921) *Transporter*: ~~means a~~ Any hauler that removes the contents and cleans any grease trap/interceptor or oil/water separator.

Sec. 43-189. - Applicability and prohibitions.

This article shall apply to all nondomestic users of the POTW.

- (1) Grease traps, grease interceptors, oil/water separators, ~~and/or~~ grit traps, and/or grinder devices shall not be required for domestic users.
- (2) Facilities generating FOG as a result of food manufacturing, processing, preparation or service shall install, use and maintain appropriate grease ~~traps~~/interceptors. These facilities include, but are not limited to, restaurants, food manufacturers, food processors, hospitals, hotels, motels, prisons, nursing homes, churches, day cares and any other facility preparing, serving or otherwise making any foodstuff available for consumption.
- (3) Facilities generating and/or collecting automotive/petroleum oil, grease, sand, grit and other types of waste as a result of automotive servicing and repair shall install, use and maintain an oil/water separator and/or grit trap. These facilities include, but are not limited to, car washes, automotive repair shops, tractor/trailer repair shops, car dealerships and any other facility that maintains, repairs or washes any type of motorized vehicles.
- (4) No user may intentionally or unintentionally allow the direct or indirect discharge of any petroleum oil, non-biodegradable cutting oil, mineral oil, gasoline, kerosene, FOG, wipes, any debris larger than 1/2", or any other chemicals into the ~~city's sanitary sewer collection system~~POTW. Nor shall it be allowed to violate any Technically Based Local Limits (TBLL's) as established in Sec. 43-274. Local Limits in such amounts as to cause interference with the collection system.

Sec. 43-190. - Scope and applicability.

This article shall apply to all facilities that generate FOG, waste oil, grit or other products from automotive repair and washing, wipes, or debris larger than 1/2" who are connected to the ~~city's sanitary collection system~~POTW. This will also include transporters of the wastes which shall comply with all local, state and federal regulations.

Sec. 43-191. - General interceptor requirements; design, size and location.

- (a) All new or remodeling facilities that produce FOG shall complete an EPA grease interceptor sizing sheet, or equivalent determination method, and provide the information used to complete the sizing determination method to Midwest City Pretreatment,~~listed in Section 1003.3.1 in the International Plumbing Code 2006 with food preparation areas will be required to install~~ A minimum of ~~a~~ one thousand-(1,000) gallons or engineer approved equivalent larger in-ground grease interceptor shall be required. A minimum one thousand five hundred (1,500) gallon interceptor shall be required for all shell structures that may accommodate FOG contributors. Any facility not listed in Section 1003.3.1 with a food preparation area will be sized on a case by case basis by the director. If an existing facility has a smaller grease trap/interceptor in use, the facility shall submit to a complete facility and process review, and it is not working properly, it will need to be replaced with a larger grease trap/interceptor. Any existing facility that has limited space to install a one thousand gallon in-ground grease interceptor will be sized on a case by case basis by the director. All grease traps installed will conform to Section 1003.3.4 of the International Plumbing Code 2006. The findings of this review will include all required actions that may include, but not limited to, the installation of

additional or higher capacity interceptor(s). All grease interceptors installed will conform to this code and the current International Plumbing code adopted by the City.

- (b) Any existing facility that causes more than one (1) bypass or has been determined to be the cause of more than three (3) work orders due to grease blockages in any twelve month period will be required to install a larger grease trap/interceptor, and to pay possible fines and/or citations. All new or remodeling facilities that generates and discharges waste oil, grit and other petroleum waste will be required to install grit traps with a minimum five hundred (500) gallon capacity and oil/water separators of one thousand (1,000) gallon capacity or larger in accordance with this Code. If an existing facility has a smaller oil/water separator or grit trap in use it shall submit to a complete facility and process review. The findings of this review will include all required actions that may include, but are not limited to, the installation of an additional or larger trap(s), and/or separators. All grit traps and oil/water separators installed will conform to this code and the current International Plumbing Code adopted by the City.
- (c) All grease interceptors, traps, oil/water separators, and/or grit traps, clean-outs, backwater valve and sampling ports shall be located as to be easily and safely accessible for cleaning and inspection. All devices shall be installed in a manner to service an individual facility, multi-facility use of a single device is prohibited.
- (d) All in ground interceptors shall be installed with two single directional clean-outs facing away from the interceptor, one before the interceptor and one after the backwater valve, within the clean-out requirements of the current International Plumbing Code. Additionally, a sample port with an opening of twelve (12") inches or larger shall be installed after the point of no further treatment but before the backwater valves. For further backwater valve requirements see Chapter 9 – Buildings and Building Regulations Article VI. - Plumbing.
- (e) All in ground interceptors, oil/water separators, grit traps, clean-outs, backwater valve and sampling ports shall have all required lids above grade. The final elevation of the lids and the surrounding area will ensure that all rain and runoff is directed away from the lids, additional influent and inflow prevention measures may be required. Any interceptors installed in any improved surface shall be rated for the proper traffic that is anticipated to be loading the interceptor lids and the supporting box. (H-20, HS-20, HL-93, AASHTO M306, etc.).
- (f) All grease interceptors, oil/water separators, grit traps, and grinder pumps shall be inspected and approved by Midwest City Pretreatment before being placed into service.
- (h) A variance request to this code can be submitted to the Pretreatment Coordinator on the variance request form. The request will be assessed on a case by case basis, approval or denial of the request will be returned to the applicant in writing and will be considered final. The variance is non transferrable and may be revoked as needed.

Sec. 43-192. - Requirements for generators.

All ~~food service facilities, automotive repair shops and car washes~~ shall have ~~grease traps or grease interceptors, oil/water separators, grit traps or grinder devices~~ properly installed in accordance with any and all applicable requirements of this Code.

(1) *New or remodeling facilities.*

Shall ~~comply with Sec. 43-191a.~~ *Food service:* New food service facilities shall install ~~a grease interceptor of one thousand (1,000) gallons or larger in accordance with the EPA grease interceptor sizing worksheet.~~

~~b. Automotive repair and car washes:~~ All facilities where automotive repairs are made, all car washes and any other facility with the potential to discharge grease, oil, grit, hazardous or flammable pollutants into the city sanitary sewer collection system are required to install ~~grit traps of five hundred (500) gallons or more and oil/water separators of one thousand (1,000) gallons or larger in accordance with this Code.~~

(2) *Existing facilities.*

a. *Food service:* Food service facilities shall be permitted to operate and maintain existing grease interceptors ~~or grease traps~~, provided their grease interceptor ~~or grease trap~~ are of the appropriate size and are in efficient operating condition.

b. *Automotive repair and car washes:* Automotive repair shops, car washes and any other facility with the potential to discharge grease, oil, grit or flammable pollutants into the city's sanitary sewer collection system POTW shall be permitted to operate and maintain existing oil/water separators and grit traps, provided they are of the appropriate size and are in efficient operating condition.

(3) The city may require an existing ~~food service facility, automotive repair shop or car wash~~ to install a new ~~grease trap, grease interceptor, oil/water separator, or grit trap, or grinder device~~ that complies with the requirements of this Code or to modify and/or repair any noncompliant plumbing or existing ~~grease trap, grease interceptor, oil/water separator, or grit trap, or grinder device~~ when any one (1) or more of the following conditions exist:

a. The facility is found to be contributing FOG, grit, hazardous or flammable pollutants, ~~paper towels or wet wipes, or debris larger than 1/2"~~ in sufficient quantities to cause line stoppages, bypasses, explosion hazard or hazard to the health of people and/or the environment, or necessitate increased maintenance of the city's sanitary sewer collection system.

b. The facility does not have a ~~grease trap, grease interceptor, oil/water separator and/or grit trap.~~

c. The facility has an irreparable or defective ~~grease trap, grease interceptor, oil/water separator, or grit trap, or grinder device.~~

d. Remodeling of the food preparation area or kitchen, automotive repair shop or car wash wastewater plumbing system is performed which requires a ~~plumbing~~ permit issued by the city.

e. The facility is sold or undergoes a change of ownership.

- f. The facility does not have plumbing to the ~~grease trap~~, grease interceptor, oil/water separator, ~~and/or~~ grit trap, or grinder device in compliance with the requirements of this Code.
 - g. The facility is found to be contributing wet wipes or paper towels in sufficient quantities to cause line stoppages or bypasses can be required to install and maintain a grinding device on their service line prior to discharging to the city's sanitary sewer collection system.
- (4) *Maintenance:* Grease ~~traps~~, interceptors, oil/water separators, ~~and~~ grit traps, and grinder devices shall be properly maintained, operated and cleaned. This includes, but is not limited to, the complete removal or pumping of all liquids, sludge, solids and wastewater on the surface, sides and the bottom of the grease interceptor/~~trap~~, oil/water separators, ~~and~~ grit traps, and grinder devices. ~~Generators will not be allowed to d~~Decanting or pumping the waste grease or liquid fraction ~~back~~ into the sanitary sewer, grease interceptor/~~trap~~, oil/water separator, ~~and/or~~ grit trap, or grinder device is prohibited. ~~for purposes of reducing the volume of waste to be disposed of.~~
- a. Such maintenance, ~~operation~~ and cleaning of grease interceptors, oil/water separators, and grit traps can only be performed by transporters that have a permit from the city to perform such maintenance, ~~operation~~ and cleaning. Grease interceptors/~~traps~~ shall be pumped out according to a schedule determined by the city.
 - b. Facilities' sanitary sewer service lines shall not be connected to the lines intended for grease interceptor/~~trap~~, oil/water separator and/ or grit trap service, or between the treatment device and its sample ports, backwater valve, and clean-outs.
 - c. Enzymes, bacteria or surfactants shall not be used in grease interceptors, oil/water separators, grit traps, or grinder pumps. ~~or traps.~~
- (5) *Manifest log:* It is mandatory that all facilities with a grease interceptor/~~trap~~, oil/water separator and/or grit trap keep a record of all manifests and maintain a current manifest log for a period of ~~three (3)~~two (2) years. ~~This log—These records will include the transporter used, city permit number, vehicle tag number, date and time pumped, and must be signed by the transporter and an authorized representative of the facility. This log—will be kept in a conspicuous location and will be immediately available to a representative of the city who is performing such an inspection.~~
- (6) *Closing of business:* It is mandatory that all facilities with grease interceptors/~~traps~~, oil/water separators, ~~and/or~~ grit traps, or grinder devices that close their business shall have the grease interceptor/~~trap~~, oil/water separator, ~~and/or~~ grit trap, or grinder devices pumped out and/or cleaned. Car washes, automotive shops and other businesses with oil/water separators and/or grit traps shall also place caps on the discharge line(s) leading to the POTW~~city's sanitary sewer collection system~~. Before the proprietor vacates the building and utilities services are discontinued, grease interceptors, oil/water separators, or grit traps shall be refilled with clean water and grinder pumps shall have final maintenance completed, including but not limited to greasing, oil changes, etc. All work completed—it shall be inspected and approved by the city.

- (7) *Self-cleaners*: In order to qualify as a self-cleaner, the ~~trap~~interceptor that is being cleaned can only be ~~one hundred fifty (50)~~one hundred (100) pound grease capacity~~gallons~~ or less. Self-cleaners shall adhere to all the requirements, procedures and detailed record keeping as outlined in this Code. To ensure compliance with this Code, a permit shall be obtained from Midwest City Pretreatment, a maintenance log shall be kept by the self-cleaning operators. ~~The maintenance log must contain, at a minimum, the following information:~~
- ~~a. Date the grease trap was serviced;~~
 - ~~b. Name of the person(s) that serviced the grease trap;~~
 - ~~c. Waste grease disposal method used;~~
 - ~~d. Signature of the operator after each cleaning that certifies that, at the time of the cleaning, all wastewater, solids and grease were removed from the grease trap, all internal parts were in good operational condition and the waste was disposed of properly.~~
 - ~~e. Grease trap self-cleaners who violate this Code will be subject to enforcement action including, but not limited to, citations, fines and/or removal from the self-cleaning program.~~
- (8) *Waste oil bins*: Waste oil bin lids shall remain closed and secured. Bins ~~must~~ shall be completely cleaned, emptied, and inspected once per year. Damaged or leaking containers shall be replaced immediately. The area surrounding the containers shall be kept free of FOG or other types of wastes.

Sec. 43-193.1 - Requirements for Transporters/Service Provider and self-cleaners.

(1) Transporters/Service Provider

(a) *Permits.*

- (1) *General.* All waste haulers shall obtain a permit and pay the applicable fee. The discovery of any false or misleading information provided by the applicant on an application will result in the denial of a permit being issued or in revocation of the permit if it has been issued.
- (2) *Duration of permit.* When an application has been reviewed and approved by the director according to all rules in this Code and all appropriate fees are paid, permits will be issued for a period not to exceed three (3) calendar years from the date of issuance, all permits expire on December 31 of the third calendar year.~~of not more than five (5) years from the date of issuance.~~ The permit holder may apply for a renewal of a permit a minimum of one hundred eighty (180) days prior to the permit's expiration date. A permit may be terminated at any time when the director finds that the permit holder has violated the permit conditions.
- (3) *Permit transfer.* All permits are approved and issued to individuals. No permit may be reassigned, transferred or sold to a new owner.

- (4) *Modifications.* The director may modify or change the conditions on any permits issued including, but not limited to the following:
- a. To revise standards to keep in compliance with changing local, state and federal regulations, requirements and standards that may apply;
 - b. Due to a violation of any term of the permit;
 - c. A change in the permit holder's process;
 - d. To reflect a change in facility ownership or facility location; or
 - ~~e. A request from the permit holder to have his/her permit modified, re-issued or terminated if received in writing by the director explaining in detail the permit holder's reasons for a modification.~~
- (5) *Vehicle inspection.* Transporters shall permit the city to inspect their registered vehicles ~~annually~~ at the directors discretion.
- (6) *Duty to comply.* The permittee shall comply with all conditions of his/her permit. Failure to comply with the requirements of the permit shall be grounds for enforcement remedies as described in this Code.
- (7) *Duty to mitigate.* The permittee shall take all reasonable steps to minimize or correct any adverse impact to the POTW or the environment resulting from noncompliance with the permit issued including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncompliance.
- (8) *Permit termination.* An issued permit may be terminated for, but not limited to the following reasons:
- a. Failure to abide by permit requirements;
 - b. Failure to pay fines;
 - c. Failure to pay fees; or
 - d. Failure to meet compliance schedules.
- (9) *Compliance with applicable laws, standards and requirements.* Compliance with the conditions of an issued permit does not relieve the permittee from his/her obligations regarding compliance with any and all applicable local, state and federal laws, standards and requirements, including any such standards or requirements that may become effective during the term of the permit.
- (10) *Compliance date.* Every transporter of grease interceptor/trap, oil/water separator and/or grit trap waste will be in compliance with all the standards and requirements of this Code prior to its issuance.
- ~~(11) *Vehicle identification stickers.* All transporters shall display City of Midwest City vehicle identification stickers on all vehicles used for the removal and transport of the contents from a grease interceptor/grease trap, oil/water separator and/or grit trap. The city will issue two (2) stickers, to the transporter, for each vehicle used for the removal and transport of the contents from a grease interceptor, grease trap, oil/water separator and/or grit trap. The stickers are to be placed on the rear sides~~

~~of the vehicle. If an identification sticker is damaged, or unreadable, after it is placed on a vehicle, it must be replaced.~~

- (b) *Pumping and cleaning of grease interceptors/traps, oil/water separators and/or grit traps.* It shall be the responsibility of the transporters to properly clean the grease interceptors/traps, oil/water separators and grit traps as required by this Code. The cleaning of the grease interceptor/trap, oil/water separators and grit traps will be the complete removal of the contents of the grease interceptor/trap, oil/water separator and grit trap. The walls and baffling devices s also be cleaned and all solids shall be removed from the bottom of the grease interceptor/trap, oil/water separator or grit trap. Decanting of the supernatant back into the interceptor/trap, oil/water separator or grit trap will not be allowed. Discharging of the grease interceptor/trap, oil/water separator or grit trap waste directly or indirectly back into any part of the ~~city's sanitary sewer collection system~~ POTW or storm water collection system is prohibited. The transporter will dispose of the grease interceptor/trap, oil/water separator or grit trap waste in accordance with all local, state and federal regulations. Any and all spills will be immediately cleaned, the waste will be disposed of as required.
- (c) *Manifest.* Manifests will be used to track grease interceptor/trap, oil/water separator and/or grit trap waste from the initial generation of the waste to the final disposal. It will be the responsibility of the transporter to accurately prepare the manifest. ~~Manifests will be issued to each transporter who has been issued a permit by the city.~~ The transporter will ensure that the form is completed entirely. The transporter will keep a copy for his/her files, ~~leave the appropriate~~ appropriate completed copy of the manifest will be provided to with the generator and ~~mail a completed copy to the city.~~ All generators and transporters will keep their copies of manifests on file for a time period of at least ~~threetwo~~ (32) years. The manifests will be kept in a conspicuous location and will be immediately available to a representative of the city who is performing inspections. A digital means of manifest generation may be provided to transporters at the director's discretion.

Sec. 43-193.2 - Self-Cleaners.

(2) Self-Cleaners

(a) Permits.

- 1) ~~a.~~ *General.* All self-cleaners shall obtain a permit from Midwest City Pretreatment. The facility owner shall submit an application to the director for review. Any false or misleading information provided by the applicant on an application will result in the denial of a permit being issued or in revocation of the permit if it has been issued. Once reviewed the facility owner will be notified of approval or denial of the permit request in writing. The decision rendered will be considered final.
- 2) ~~b.~~ *Duration of permit.* Permits will be issued for a period not to exceed three (3) calendar years from the date of issuance, all permits expire on December 31 of the third calendar year. The permit holder may apply for a renewal of a permit a minimum of one hundred eighty (180) days prior to the permit's expiration date. A permit may be terminated at any time when the director finds that the permit holder has violated the permit conditions.

- 3) e. —Permit transfer. All permits are approved and issued to individuals and specified addresses. No permit may be reassigned, transferred or sold to a new owner.
- 4) d. —Modifications. The director may modify or change the conditions of any permits issued including, but not limited to the following:
 - a. 1. —Revision of standards to keep in compliance with changing local, state and federal regulations, requirements and standards that may apply.
 - b. 2. —Violation of any term of the permit.
 - c. 3. —Change in the permit holder's process.
- 5) e. —Duty to comply. The permittee shall comply with all conditions of the permit. Failure to comply with the requirements of the permit shall be grounds for enforcement as described in this Code.
- 6) f. —Duty to mitigate. The permittee shall take all reasonable steps to minimize or correct any adverse impact to the POTW or the environment resulting from noncompliance with the permit issued including accelerated or additional monitoring as necessary to determine the nature and impact of the noncompliance.
- 7) g. —Permit termination. An issued permit may be terminated for, but not limited to the following reasons:
 - a. 1. —Failure to abide by permit requirements.
 - b. 2. —Failure to pay fines.
 - c. 3. —Failure to meet compliance schedules.
- 8) h. —Compliance with applicable laws, standards and requirements. Compliance with the conditions of an issued permit does not relieve the permittee from his/her obligations regarding compliance with any and all applicable local, state and federal laws, standards and requirements, including any such standards or requirements that may become effective during the term of the permit.
- 9) i. —Pumping and cleaning of grease interceptors. It shall be the responsibility of the self-cleaners to properly clean the grease interceptors as required by this Code. The cleaning of the grease interceptor shall include the complete removal of the contents of the grease interceptor. All walls and baffling devices shall also be cleaned. All solids shall be removed from the bottom of the interceptor. Decanting of the supernatant back into the interceptor will not be allowed. Discharging of the grease interceptor waste back into any part of the city's POTW or storm water collection system is strictly prohibited. The self-cleaner will dispose of the grease interceptor waste in accordance with all local, state and federal regulations.
- 10) j. —Manifest. Manifests will be used to track grease interceptor waste from the initial generation of the waste to the final disposal. It shall be the responsibility of the self-cleaner to accurately prepare, submit to Pretreatment, and maintain copies of the manifest for a minimal period of two (2) years. The manifests will be kept in a conspicuous location and will be immediately available to a representative of the city who is

performing inspections. A digital means of manifest generation may be provided to transporters at the director's discretion. Completed manifest shall be submitted to Pretreatment within ten (10) calendar days of servicing the interceptor.

- 11) ~~k.~~—Compliance date. All self-cleaners of grease interceptor waste shall be in compliance with all the standards and requirements of this Code as of January 1, 2020.

Sec. 43-194. - Cleaning schedule.

Grease traps, grease interceptors, oil/water separators, and grit traps, and grinder pumps shall be cleaned as often as necessary to ensure that sedimentation and floating debris does not accumulate to impair the efficiency of the grease trap, grease interceptor, oil/water separator, and grit trap, and grinder pump, and to ensure that the discharge is in compliance with local discharge limits and no visible grease or debris larger than 1/2" is observable in the discharge.

- (1) All in use grease interceptors/traps shall be serviced and completely pumped of accumulated waste content when the twenty-five (25) percent rule is reached. The twenty-five (25) percent rule shall be the primary method used to determine cleaning schedules. ~~or~~ However, a minimum service schedule for grease interceptors less than one thousand (<1,000) gallon or engineer approved equivalent shall not every three (3) months exceed ninety (90) calendar days. For grease interceptors greater than or equal to one thousand (>= 1,000) gallon or engineer approved equivalent, the minimum service schedule shall not exceed one hundred eighty (180) calendar days and monthly for fifty (50) to one hundred (100) pound capacity grease traps, whichever first occurs. At any point in time if solidification occurs, the twenty-five (25) percent rule is met or exceeded, or waste backs up into in the grease interceptor or trap occurs, servicing needs of the interceptor is to be conducted immediately at the facilities expense. All devices shall be inspected for damages by the transporter/self-cleaner every time they are serviced.
- (2) At the discretion of the director, grease interceptors that will be out of use for longer than 30 days will not be required to be cleaned again until placed back into service. Prior to being taken out of service, interceptors shall be pumped dry of all contents, and refilled with clean water. Once placed back in service the interceptor is subject to the above schedule. Generators shall receive written permission from the director, prior to removing the interceptor from service and its regular cleaning schedule.
- (23) Grease interceptors and traps shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, straws, sauce packages, cigarettes, shells, towels, rags, etc., which could settle in the sludge pocket thereby reducing the effective volume of the device.
- (34) Oil/water separators and grit traps shall be serviced and completely pumped of accumulated waste content when the twenty-five (25) percent rule is reached or at a minimum of every three hundred sixty five (365) months calendar days, whichever first occurs. If a car wash has a water reclamation system in use, the first two (2) to three (3) compartments shall be completely pumped of accumulated waste when the twenty-five (25) percent rule is reached or every six (6) months, whichever first occurs. All of the chambers shall be completely emptied and cleaned at a minimum of three hundred sixty-five (365) calendar days, least once a year.

(45) The director has the authority to ~~adjust~~ increase the cleaning schedules as necessary.

Sec. 43-195. - Fees, charges and enforcement.

(a) *Purpose.* It will be the sole purpose of this section to recover any costs incurred by the city from the generators, ~~and~~ transporters and self-cleaners.

(1) *Manifest fees.* ~~Paper M~~manifest fees will be established to recover any costs incurred by the city. The manifest fee shall be fifty dollars (\$50.00) per one hundred (100) manifests issued to the ~~hauler~~ permittee.

(2) ~~Grease-h~~Hauler permit fees. The ~~permit~~ application fee for each grease hauler permit ~~application approved by the director is~~ shall be two hundred ~~fifty~~ fifty dollars (\$~~20~~50.00) ~~for the initial permit, if applicant is permitted this cost will include the current calendar year of permit maintenance fee. If applicant is permitted on or after October 1st the application fee will include the current calendar year and the upcoming calendar year, together with a fifty dollar (\$50.00) vehicle fee for each vehicle included on the permit. Permit renewal fees shall be the same as the initial permit fees. Annual permit maintenance fees shall be one hundred fifty dollars (\$1500.00) for the permit and a twenty-five dollar (\$25.00) vehicle fee for each registered vehicle.~~

(3) ~~Vehicle identification sticker fees.~~ The fee per vehicle identification sticker shall be ~~twenty-five dollars (\$25.00).~~ Self-cleaner permits fees. The application fee for each self-cleaner shall be seventy-five dollars (\$75.00). If applicant is permitted on or after October 1st the application fee will include the current calendar year and the upcoming calendar year. Permit renewal fees shall be the same as the initial permit fees. Annual permit maintenance fees shall be twenty-five dollars (\$25.00)

(b) *Enforcement.*

(1) *Recovery of costs incurred.* Any person violating any of the provisions of this article or causing damage to, or otherwise inhibiting, the ~~city's sanitary sewer collection system and/or the POTW~~ shall be liable to the city for any expense, loss or damage caused by such violation or discharge. The cost incurred by the city for any cleaning, repair or replacement work caused by the violation will be added to the person's monthly water bill for payment. Failure or refusal to pay the assessed costs may result in a citation being issued.

a. Any facility with or without a grease ~~trap~~/interceptor, oil/water separator, grit trap, or grinder pump causing a bypass due to the facility's discharge of FOG, wipes, or debris larger than 1/2" will be liable to the city for any expense, loss or damage incurred. Any facility without a grease ~~trap~~/interceptor, oil/water separator, ~~and/or~~ grit trap, and/or grinder device will then automatically be required to install, operate and maintain a grease interceptor/~~trap~~, oil/water separator, ~~and/or~~ grit trap, and/or grinder device.

b. If a grease interceptor, oil/water separator, grit trap, and/or grinder device already exists then the facility shall submit to a complete facility and process review. The findings of this review will include all required actions that may include, but are not

limited to, the installation of an additional or larger interceptor(s), required changes of operations, or strict service schedules.

b.c. Any facility whose discharge causes a city main to become restricted, blocked, a sanitary sewer overflow and/or that requires flushing maintenance due to FOG, ~~wet~~ wipes, grit, or debris larger than 1/2" ~~and/or paper towels~~ will be liable to the city for any and all expense expenses, fines, loss or damage of public and/or private property incurred.

(2) *Violations and fines.* It shall be unlawful and an offense to violate or fail to comply with any of the requirements of this article. Upon conviction, the penalty shall be a fine of up to five thousand dollars (\$5,000.00), but in no case less than one hundred dollars (\$100.00), plus court costs per day for each day the violation continues.

SECTION 2. EFFECTIVE DATE. This ordinance shall be in force and effect on and after _____, 2019.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the _____ day of _____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this _____ day of _____, 20__.

HEATHER POOLE, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 28, OFFENSES-MISCELLANEOUS, ARTICLE IV, OFFENSES AGAINST PROPERTY, SECTION 28-54, TRESSPASS; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA;

SECTION 1. The Midwest City Municipal Code, Chapter 28, Article IV, Section 28-54 is hereby amended to read as follows:

Sec. 28-54. - Trespass.

- (a) No person shall trespass on public property or school property. As used in this subsection:
 - (1) *Public property* shall mean that property which is dedicated to the public use and over which the federal, state or municipal governments or any political subdivision thereof exercises control and dominion.
 - (2) *Trespass* shall mean each and every actual entry upon the premises of an owner or other person in lawful possession or control of the premises or government in violation and contrary to the provisions of any official sign posted to regulate and govern such entry or use or contrary to a lawful command to leave the premises by a government official having authority to issue such lawful command.
 - (3) *Official sign* shall mean any permanently affixed notice posted by the federal, state or municipal government owning or maintaining any public property.
 - (4) *School property* shall mean any property or institution devoted primarily to the education of children from pre-school thorough the twelfth grade.
- (b) No person shall trespass on private property. As used in this subsection, "private property" shall mean any property other than public property.
- (c) *Trespass*, as further defined in subsections (a) and (b) above, shall also mean:
 - (1) Each and every entry upon the private property of the owner or other person in lawful possession or control of the premises without the express consent of the owner or other person in lawful possession; This includes operation of a drone (small unmanned aircraft system) by flying by or over a private property structure with intent to video or view into structure without legal authority to do so.
 - (2) Remaining on private property of an owner or other person in lawful possession or control of the premises after being told to leave the premises by the owner, agent, employee of the owner or other person having lawful possession or control of the premises;
 - (3) Remaining on private property at any time outside the posted hours of business operation after having been directed to vacate such premises by a police officer, except

for those persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises, provided the hours of operation are clearly posted upon such premises;

- (4) Returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this subsection;
 - (5) Remaining on premises, whether public or private, when such is posted forbidding said act at any time other than during the posted hours of business operation;
 - (6) Remaining on public property after having been given a lawful order or command to leave the premises by a governmental official having the authority to give such order or command in response to a public disturbance, act of vandalism, disorderly conduct, or other conduct which is disruptive to the public peace; or
 - (7) Returning to public property after having been directed to vacate such premises under subsection (6).
- (d) Any person violating any provision of this section shall be punished by a fine or imprisonment in accordance with section 1-15 of this Code, plus costs, or by both such fine and imprisonment.

SECTION 2. EFFECTIVE DATE. This ordinance shall be in force and effect on and after the ____ day of _____, 2019.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this ____ day of _____, 20__.

HEATHER POOLE, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 28, OFFENSES-MISCELLANEOUS, ARTICLE V, OFFENSES AGAINST PUBLIC PEACE, SECTION 28-90.1, DISORDERLY CONDUCT; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA;

SECTION 1. The Midwest City Municipal Code, Chapter 28, Article V, Section 28-90.1 is hereby amended to read as follows:

Sec. 28-90.1. - Disorderly conduct.

(a) The following terms used in this section shall have the following definitions:

- (1) *Disturbance* shall mean any act committed in a public place intended or reasonably calculated to cause annoyance, disquiet, agitation or derangement to another, or interrupting the peaceful assembly in a public place of a group of persons, or interfering with a person in the pursuit of a lawful and appropriate occupation or contrary to the intended usages of a sort of meeting in a public place, or an act by a person committed against a group assembled in a public place for the purpose of interfering with its due progress and lawful right to assemble which is apparently intended to disrupt or irritate the assembly in whole or in part.
- (2) *Public place* shall mean any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, public areas, parks or community recreational facilities.
- (3) *Riot* shall mean a public disturbance involving:
 - a. An act of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to property of any other person or to the person of any other individual; or
 - b. A threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.
- (4) *Incite a riot* shall mean to encourage, urge, instigate, promote or take part in the speaking or writing of words or conduct encouraging another to commit acts of force or violence against persons or property or to resist the lawful authority of law enforcement officers

under circumstance which produce a clear and present danger of injury to persons or property or a breach of the public peace. It shall not be construed to prohibit the presentation of oral or written expressions advocating ideas or beliefs which do not involve the advocacy of any act or acts of violence, nor promote the rightness of an act of violence by a person or persons to whom the presentation is directed at the time of such expression.

- (b) A person shall be guilty of disorderly conduct if, with the purpose of causing a public danger, alarm, disorder or nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, he wilfully does any of the following acts in a public place:
- (1) Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his or her life, limb or health;
 - (2) Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
 - (3) Causes or provokes any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;
 - (4) Interferes with another's pursuit of a lawful occupation by acts of violence or threat of violence;
 - (5) Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the city police or other lawful authority known to be such;
 - (6) Incites, attempts to incite or is involved in attempting to incite a riot;
 - (7) Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy, unsanitary or physically offensive condition;
 - (8) Makes or causes to be made any boisterous and unreasonable noise or disturbance to the annoyance of other persons nearby, or near to any public highway, road, street, lane, alley, park, square or common, whereby public peace is broken or disturbed or the traveling public is annoyed or distracted;
 - (9) Fails to obey a lawful order to disperse by a police officer or city official when know to be such an official where one (1) or more persons are committing acts of disturbance or disorderly conduct in the immediate vicinity and the public health and safety is imminently threatened;
 - (10) Uses abusive or obscene language, makes an obscene gesture or wears an article of clothing bearing visible obscene language in a public place where children are known to gather; or
 - (11) Refuses to obey a lawful order or command by a city official having authority to issue such lawful order or command on city or public property to such person while upon city or public property.
 - (12) Using a drone (small unmanned aircraft system) by flying over roadways, people, chasing people, dropping objects or flying over any structure, field, yard or other type of land with the intent to video or watch someone.

- (c) This section shall not be construed to suppress the right to lawful assembly, picketing, public speaking, permitted protest or assembly or other lawful means of expressing public opinion not in contravention of other laws.
- (d) Any person violating this section shall be punished by a fine or imprisonment in accordance with section 1-15 of this Code, plus costs, or by both such fine and imprisonment.

SECTION 2. EFFECTIVE DATE. This ordinance shall be in force and effect on and after the ____ day of _____, 2019.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this ____ day of _____, 20__.

HEATHER POOLE, City Attorney

Option 1 – Summary of Amendments

- Amends the applicability for replats – developers can only apply for a replat if all required infrastructure (water, sewer, street improvements, sidewalks, detention) are existing
- Deletes the options for major and minor subdivision waivers but leaves the process for a Subdivision proportionality appeal
- Creates a fee in lieu option for required street and improvements.
- The changes to the replat section make it where all required infrastructure such as improved streets, sidewalks, water and sewer must be present for a replat to apply, otherwise the applicant will have to go through the preliminary and final plat process. This is similar to the minor plat requirements.
- This option creates a fee in lieu option where half street improvements are required.
- No changes to the sidewalk section of the code as there is already a fee in lieu option in the existing code for sidewalks. This has not been used or required since the adoption of the 2012 Subdivision Regulations

AN ORDINANCE AMENDING CHAPTER 38, SUBDIVISION REGULATIONS, OF THE MIDWEST CITY CODE; BY AMENDING SECTION 38-21 REPLAT; SECTION 38-37 INITIATION AND COMPLETE APPLICATION; SECTION 38-45 STREET REQUIREMENTS SECTION; SECTION 38-47 SIDEWALKS; SECTION 38-54 RETAINING WALL CONSTRUCTION AND EASEMENTS SECTION; ARTICLE VII RELIEF FROM SUBDIVISION STANDARDS; SECTION 38-61 VESTED RIGHTS PETITION; SECTION 38-65 DEFINITIONS; AND PROVIDING FOR REPEALER AND SEVERABILITY AND SETTING AN EFFECTIVE DATE.

SECTION 1. The Midwest City Municipal Code, Chapter 38 Section 38-21, Replat, is hereby amended to read as follows:

Sec. 38-21.1. Purpose and applicability.

A replat of all or a portion of a recorded plat may be approved without vacation of the recorded plat, if the replat meets the following criteria:

(a) Replat criteria.

(1) The replat is signed and acknowledged by the owners of the property being replatted; ~~and~~

(2) The replat does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat;-

(3) All lots in the proposed replat front onto an existing public or approved private street and the construction or extension of a street or alley is not required to meet these Subdivision Ordinance requirements. If the existing street serving the subdivision does not meet current code, a preliminary and final plat will be required.

(4) All lots meet the zoning ordinance area regulations and standards (minimum frontage, etc.) and

(5) The plat does not require the extension of any city infrastructure, easements, and right-of-way to serve any lot within the proposed subdivision.

SECTION 2. The Midwest City Municipal Code, Chapter 38 Section 38-37, Initiation and complete application, is hereby amended to read as follows:

Section 38-37.4 Waiver of right to sixty-day action.

(e) *Requirements/standards maintained.*

(1) Submission of a waiver of right to sixty-day action, and acceptance of such by the city as part of a plat application, shall not be deemed in any way a waiver to any requirement within this Subdivision Ordinance.

~~(2) A waiver (major subdivision waiver or minor subdivision waiver) from requirements herein is a separate process (see article VII Relief from Subdivision Standards).~~

SECTION 3. The Midwest City Municipal Code, Chapter 38 Section 38-45, Street requirements, is hereby amended to read as follows:

Sec. 38-45.2. Streets basic policy.

(a) Standard requirements. All streets, driveway approaches, curbs, gutters, pavements and appurtenances necessary to provide access to properties shall be provided by the developer, shall be designed, constructed and maintained in accordance with standards in the Engineering Standards Manual and construction details, and planned unit development (PUD) ordinance (if applicable to the subject property), and shall be subject to approval by the city engineer.

(b) Street improvements. In platting a new development, the property owner shall provide additional right-of-way needed for existing or future streets as required and shown by the comprehensive plan, trails master plan, and/or Engineering Standards Manual and construction details.

(c) Improvement of existing substandard streets.

(1) When a proposed residential or nonresidential development abuts one (1) or both sides of an existing substandard street, the developer shall be required to:

a. Improve the substandard street and its appurtenances (such as curbs and gutters, sidewalks, barrier-free ramps, street trees, etc.) to bring them to city standards

(2) Developer options.

a. If the requirements for improving an existing substandard street imposed by this article VI, subsection 38-45.2(c), would result in unnecessary hardship or would be disproportional to the impacts generated by the development on the city's street system ~~and the waiver requirements in the city Code are met~~, then the developer ~~may request a major subdivision waiver (section 38-59, Petition for subdivision waivers)~~ or may file a proportionality appeal (section 38-60, Subdivision proportionality appeal).

b. In lieu of constructing street improvements, the developer may, if approved by the City Council during review of the preliminary plat, pay to the City the amount necessary to construct all required street improvements within the subdivision. The amount shall be determined by the City Engineer based upon quantity of materials and work required including incidentals such as mobilization, staking, and drainage improvements using current average prices. The quantities will be based on the latest ODOT specification book and current average price will be determined by the lowest of either the latest ODOT average unit price published on their website or a current on-call paving contract with the City. The fee shall be paid to the Community Development Department prior to the Replat/Final Plat application. The developer shall be required to construct adequate acceleration and deceleration lanes as determined by the City Engineer.

SECTION 4. The Midwest City Municipal Code, Chapter 38 Section 38-47, Sidewalks, is hereby amended to read as follows:

Sec. 38-47.2. Sidewalks and trail land dedications required for all development.

(a) Requirement.

(1) Sidewalks shall be constructed on both sides of all streets ~~except as approved by a major subdivision waiver by the planning commission.~~

(2) Within all residential developments, sidewalks shall be at least four (4) feet in width.

(3) All subdivisions, site developments, or sections thereof shall have installed in them sidewalks and trails to serve each lot or parcel therein.

(4) Land for the trails system shall be dedicated in accordance with areas shown on the trails master plan.

(b) Responsibility. The developer shall install sidewalks within the development along street rights-of-way and along the existing streets fronting the development.

(c) Construction materials. Sidewalks shall have a hard, improved surface constructed of materials and to standards established by the city depending on type of street construction, anticipated permanence of sidewalk, and land uses being served.

(d) Location. Sidewalks and trails shall be located in the right-of-way of the street or as close to the right-of-way line as possible, and shall extend across the entire dimension of each lot or parcel side adjacent to a public street.

(e) Timing of completion. All required sidewalks and trail dedications shall be completed prior to occupancy and before any public utility connection occurs.

(f) Agreement with trails master plan. Trails shall be located and configured according to the trails master plan and include separate shared-use paths, bike lanes and signed and marked shared bike routes.

(g) Sidewalk fee in lieu of construction.

(1) It is the desire of the city to have required sidewalks built at the time of and congruent with development. However, there may be circumstances regarding safety, economic waste and geographical features that preclude such construction.

(2) The director of community development has the authority to approve construction exemptions and collect a fee in lieu of one hundred fifteen (115) percent of the estimated total construction cost (i.e., labor included).

(3) In no instance will a private or public entity not build or pay a fee in lieu of sidewalk or trail construction.

SECTION 5. The Midwest City Municipal Code, Chapter 38 Section 38-54, Retaining wall construction and easements, is hereby amended to read as follows:

Section 38-54.3. Construction

(c) *Timing of retaining wall construction.*

(1) All retaining walls shown on the grading plan/preliminary plat (see subsection (d) below) that cross multiple properties shall be installed prior to approval of the final plat.

~~(2) Alternative timings to installing retaining walls prior to final plat may be approved by a major subdivision waiver (see section 38-59 for major subdivision waivers).~~

SECTION 6. The Midwest City Municipal Code, Chapter 38 Article VII, Relief from Subdivision Standards, Section 38-59 Petition for subdivision waivers is hereby amended to read as follows:

Article VII - RELIEF FROM SUBDIVISION STANDARDS

Sec. 38-59. Petition for subdivision waivers.

Sec. 38-59.1. Purpose.

~~The purpose of a petition for a subdivision waiver to a specific standard or requirement of this Subdivision Ordinance, as such are applicable to plats or construction plans, is to determine whether or not such specific standard or requirement should be applied to an application.~~

~~Sec. 38-59.2. Definitions.~~

~~Subdivision waivers shall be classified as a minor subdivision waiver or a major subdivision waiver.~~

~~Sec. 38-59.3. Decision-maker.~~

~~(a) Minor subdivision waiver. Minor subdivision waivers are acted upon by the director of community development or city engineer, as specified in Table 7: Minor Subdivision Waivers.~~

~~Table 7: Minor Subdivision Waivers~~

Article/Section	Standard	Director of Community Development	City Engineer
Article VI. Sec. 38-43.5(b)(3)	Waiver for Water Line Extension Requirement	Approve	Approve
Article VI. Sec. 38-43.6(a)(2)	Waiver for Wastewater System Extension Requirement	Approve	Approve
Article VI. Sec. 38-45.4(d)(3)b	Waiver of the Alignment with Median Opening Requirement	Approve	Approve
Article VI. Sec. 38-46.9(3)	Waiver of the Permit Required for a Screening Fence or Wall	Approve	
Article VI. Sec. 38-48.5(a)(2)	Waiver of the Side Lot Line Requirement	Approve	
Article VI. Sec. 38-48.5(b)(2)	Waiver of the Lot Line Jurisdictional Requirement	Approve	
Article VI. Sec. 38-48.14(b)	Waiver of the Subdivision Name Requirement	Approve	
Article VI. Sec. 38-50.2(b)	Waiver to the HOA Establishment Requirement	Approve	
Article VI. Sec. 38-52.3(d)(3)	Waiver of the Screening Requirement between a Nonresidential Use and Park and Open Space	Approve	

~~(1) Appeal to the planning commission/city council of a minor subdivision waiver decision.~~

~~a. An appeal of the minor subdivision waiver may be considered by the planning commission.~~

~~b. The city council shall consider all appeals of the planning commission's determination of the minor subdivision waiver (see section 38-59.10., Subdivision waiver appeal).~~

~~(b) Major subdivision waiver. A major subdivision waiver can only be approved by the planning commission with a five-sevenths vote of the membership present.~~

~~(1) Appeal to the city council of a major subdivision waiver decision. An appeal of the major subdivision waiver may be considered by the city council (see section 38-59.10., Subdivision waiver appeal).~~

~~Sec. 38-59.4. Subdivision waiver applicability.~~

~~(a) Waiver of standard or requirement.~~

- (1) An applicant may request a subdivision waiver to a specific standard or requirement applicable to a preliminary plat, to construction plans, or to a final plat or a replat.
- (2) A subdivision waiver petition shall be specific in nature, and shall only involve relief consideration for one (1) specific standard or requirement.
- (3) An applicant may, if desired, submit more than one (1) subdivision waiver petition if there are several standards or requirements at issue.

~~(b) Waiver petition acceptance.~~

- (1) A petition for a subdivision waiver shall not be accepted in lieu of:

- a. A subdivision proportionality appeal (section ~~38-60~~); or
- b. A vested rights petition (section ~~38-61~~).

- (2) If there is a question as to whether a subdivision proportionality appeal or vested rights petition is required instead of a petition for a subdivision waiver, such determination shall be made by the director of community development.

~~Sec. 38-59.5. Submission procedures.~~

~~(a) Written waiver request with application.~~

- (1) A request for a subdivision waiver shall be submitted in writing by the applicant with the filing of a preliminary plat, construction plans, final plat or replat, as applicable.
- (2) No subdivision waiver may be considered or granted unless the applicant has made such written request.

~~(b) Grounds for waiver.~~

- (1) The applicant's request shall state the grounds for the subdivision waiver request and all of the facts relied upon by the applicant.
- (2) Failure to do so will result in denial of the application unless the applicant submits a waiver of right to sixty day action in accordance with section ~~38-37.4~~. Waiver of right to sixty day action.

~~Sec. 38-59.6. Criteria.~~

~~(a) Consideration factors. The decision-maker (see section 38-59.3., Decision-maker) shall take into account the following factors:~~

- (1) The nature of the proposed land use involved and existing uses of the land in the vicinity;
- (2) The number of persons who will reside or work in the proposed development; and
- (3) The effect such subdivision waiver might have upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.

~~(b) Findings. No subdivision waiver shall be granted unless the decision-maker (see section 38-59.3., Decision-maker) finds:~~

- (1) That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this Subdivision Ordinance would deprive the applicant of the reasonable use of his or her land; and
- (2) That the subdivision waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the subdivision waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and
- (3) That the granting of the subdivision waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Subdivision Ordinance.

~~(c) Intent of ordinance. A subdivision waiver may be granted only when in harmony with the general purpose and intent of this Subdivision Ordinance so that the public health, safety and welfare may be secured and substantial justice done.~~

~~(d) Minimum degree of variation. No subdivision waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the needs of the applicant.~~

~~(e) Violations and conflicts. The decision-maker (see section 38-59.3., Decision-maker) shall not authorize a subdivision waiver that would constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan, or comprehensive plan of the city.~~

~~(f) Falsification of information.~~

~~(1) Any falsification of information by the applicant shall be cause for the subdivision waiver request to be denied.~~

~~(2) If the subdivision waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the subdivision waiver, and shall be grounds for reconsideration of the subdivision waiver request.~~

~~Sec. 38-59.7. Burden of proof.~~

~~(a) The applicant bears the burden of proof to demonstrate that the requirement for which a subdivision waiver is requested, if uniformly applied, imposes a disproportionate burden on the applicant.~~

~~(b) The applicant shall submit proof of the original requirement with the original submittal.~~

~~Sec. 38-59.8. Decision.~~

~~The decision-maker (see section 38-59.3., Decision-maker) shall consider the subdivision waiver petition and, based upon the criteria set forth in section 38-59.6., Criteria, shall take one (1) of the following actions:~~

~~(a) Deny. Deny the petition and impose the standard or requirement as it is stated in this Subdivision Ordinance; or~~

~~(b) Grant. Grant the petition and waive in whole or in part the standard or requirement as it is stated in this Subdivision Ordinance.~~

~~Sec. 38-59.9. Notification of decision on petition—Fourteen (14) days.~~

~~The applicant shall be notified of the decision on the subdivision waiver by the applicable decision-maker (e.g., the director of community development, city engineer, planning commission or city council, as applicable—see section 38-59.3., Decision-maker for details), within fourteen (14) calendar days following the decision.~~

~~Sec. 38-59.10. Subdivision waiver appeal.~~

~~(a) Initiation of an appeal.~~

~~(1) The applicant or four (4) voting members of the commission may appeal a minor subdivision waiver decision from the director of community development or city engineer.~~

~~(2) The written request to appeal shall be submitted to the director of community development within fourteen (14) calendar days following the denial decision.~~

~~(b) Appeal to planning commission.~~

~~(1) The planning commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the director of community development.~~

~~(2) At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the waiver.~~

~~(3) The planning commission may affirm, modify or reverse the previous minor subdivision waiver decision by a five-sevenths vote of the membership present.~~

~~(c) Appeal to city council.~~

~~(1) The applicant, the director of community development, or four (4) voting members of city council, may appeal the planning commission's decision on either a minor subdivision waiver or~~

~~major subdivision waiver by submitting a written notice of appeal to the director of community development within fourteen (14) calendar days following the planning commission's decision.~~

~~(2) The city council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the director of community development.~~

~~(3) The city council may affirm, modify or reverse the planning commission's decision by a five-sevenths vote of the membership present.~~

~~(4) The decision of the city council is final.~~

~~Sec. 38-59.11. Effect of approval.~~

~~(a) Submission and processing. Following the granting of a subdivision waiver, the applicant may submit or continue the processing of a plat or construction plans, as applicable.~~

~~(b) Expirations. The subdivision waiver granted shall remain in effect for the period the plat or construction plans are in effect, and shall expire upon expiration of either or both of those applications.~~

~~(c) Extensions. Extension of those applications shall also result in extension of the subdivision waiver.~~

SECTION 7. The Midwest City Municipal Code, Chapter 38, Section 38-61 Vested rights petition is hereby amended to read as follows:

~~Sec. 38-61.12. Dormant projects.~~

~~(a) Definitions. For purposes of this section 38-61.12., Dormant projects, only:~~

~~(1) Initial permit. Initial permit means any of the following types of approvals granted under this Subdivision Ordinance or any predecessor subdivision or development-related ordinance that was in effect prior to the adoption of this Subdivision Ordinance:~~

~~a. Preliminary plat;~~

~~b. Construction plans;~~

~~c. Construction release; or~~

~~d. Major subdivision waiver/minor subdivision waiver to any requirement in this Subdivision Ordinance (per section 38-59, Petition for subdivision waivers); or~~

~~ed. Any other application that was approved subject to a schematic drawing illustrating the location, arrangement, orientation, or design of development, lots, or improvements on a site intended for development.~~

SECTION 8. The Midwest City Municipal Code, Chapter 38, Section 38-65 Definitions is hereby amended to read as follows:

~~Sec. 38-65.100. Major subdivision waiver.~~

~~See Waiver, major subdivision.~~

~~Sec. 38-65.106. Minor subdivision waiver.~~

~~See Waiver, minor subdivision.~~

~~Sec. 38-65.193. Waiver, major subdivision.~~

~~A significant change to both the standards and intent of this Subdivision Ordinance, which involves commission approval. A major subdivision waiver includes any type of waiver that is not specifically listed in Table 7: Minor Subdivision Waivers.~~

~~Sec. 38-65.194. Waiver, minor subdivision.~~

~~A minor change to the standards, but not the intent, of this Subdivision Ordinance, which involves director of community development approval unless otherwise noted (see Table 7: Minor Subdivision Waivers).~~

SECTION 9. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this ____ day of _____, 2019.

HEATHER POOLE, City Attorney

Option 2 – Summary of Amendments

- Option 2 proposes to allow exemptions to half street and sidewalk improvements for small replats (4 lots or less) when there are no sidewalks or improved half streets to connect to.
- For preliminary or final plats (lots that have not been previously platted) or replats creating 5 or more new lots, applicants may request to the Council to pay a fee in lieu of required street improvements
- This option also deletes the waiver option but still allows the opportunity for a proportionality appeal by the applicant
- No changes to the sidewalk section of the code as there is already a fee in lieu option in the existing code for sidewalks. This has not been used or required since the adoption of the 2012 Subdivision Regulations

AN ORDINANCE AMENDING CHAPTER 38, SUBDIVISION REGULATIONS, OF THE MIDWEST CITY CODE; BY AMENDING SECTION 38-21 REPLAT; SECTION 38-37 INITIATION AND COMPLETE APPLICATION; SECTION 38-45 STREET REQUIREMENTS SECTION; SECTION 38-47 SIDEWALKS; SECTION 38-54 RETAINING WALL CONSTRUCTION AND EASEMENTS SECTION; ARTICLE VII RELIEF FROM SUBDIVISION STANDARDS; SECTION 38-61 VESTED RIGHTS PETITION; SECTION 38-65 DEFINITIONS; AND PROVIDING FOR REPEALER AND SEVERABILITY AND SETTING AN EFFECTIVE DATE.

SECTION 1. The Midwest City Municipal Code, Chapter 38 Section 38-21, Replat, is hereby amended as follows:

Sec. 38-21.1. Purpose and applicability.

A replat of all or a portion of a recorded plat may be approved without vacation of the recorded plat, if the replat meets the following criteria:

(a) Replat criteria.

(1) The replat is signed and acknowledged by the owners of the property being replatted; and

(2) The replat does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat.

Sec. 38-21.3. Construction management.

(a) Requires construction. If the subdivision as replatted requires construction of additional improvements, the provisions of article IV, Construction Plans and Procedures shall apply.

(b) Does not require construction. If the subdivision as replatted does not require any appreciable alteration or improvement of utility installations, streets, alleys, building setback lines, etc., then no construction plans shall be required.

(c) Exemptions. A replat of an existing platted lot into four (4) or less lots where half street and sidewalk improvements are not present immediately adjacent to the lot to be replatted are not required to install half street and sidewalk improvements.

SECTION 2. The Midwest City Municipal Code, Chapter 38 Section 38-37, Initiation and complete application, is hereby amended as follows:

Section 38-37.4 Waiver of right to sixty-day action.

(e) *Requirements/standards maintained.*

(1) Submission of a waiver of right to sixty-day action, and acceptance of such by the city as part of a plat application, shall not be deemed in any way a waiver to any requirement within this Subdivision Ordinance.

~~(2) A waiver (major subdivision waiver or minor subdivision waiver) from requirements herein is a separate process (see article VII Relief from Subdivision Standards).~~

SECTION 3. The Midwest City Municipal Code, Chapter 38 Section 38-45, Street requirements, is hereby amended as follows:

Sec. 38-45.2. Streets basic policy.

(a) Standard requirements. All streets, driveway approaches, curbs, gutters, pavements and appurtenances necessary to provide access to properties shall be provided by the developer, shall be designed, constructed and maintained in accordance with standards in the Engineering Standards Manual and construction details, and planned unit development (PUD) ordinance (if applicable to the subject property), and shall be subject to approval by the city engineer.

(b) Street improvements. In platting a new development, the property owner shall provide additional right-of-way needed for existing or future streets as required and shown by the comprehensive plan, trails master plan, and/or Engineering Standards Manual and construction details.

(c) Improvement of existing substandard streets.

(1) When a proposed residential or nonresidential development abuts one (1) or both sides of an existing substandard street, the developer shall be required to:

a. Improve the substandard street and its appurtenances (such as curbs and gutters, sidewalks, barrier-free ramps, street trees, etc.) to bring them to city standards

(2) Developer options.

a. If the requirements for improving an existing substandard street imposed by this article VI, subsection 38-45.2(c), would result in unnecessary hardship or would be disproportional to the impacts generated by the development on the city's street system ~~and the waiver requirements in~~

~~the city Code are met, then the developer may request a major subdivision waiver (section 38-59, Petition for subdivision waivers) or may file a proportionality appeal (section 38-60, Subdivision proportionality appeal).~~

b. In lieu of constructing street improvements, the developer may, if approved by the City Council during review of the preliminary plat, pay to the City the amount necessary to construct all required street improvements within the subdivision. The amount shall be determined by the City Engineer based upon quantity of materials and work required including incidentals such as mobilization, staking, and drainage improvements using current average prices. The quantities will be based on the latest ODOT specification book and current average price will be determined by the lowest of either the latest ODOT average unit price published on their website or a current on-call paving contract with the City. The fee shall be paid to the Community Development Department prior to the Replat/Final Plat application. The developer shall be required to construct adequate acceleration and deceleration lanes as determined by the City Engineer.

SECTION 4. The Midwest City Municipal Code, Chapter 38 Section 38-47, Sidewalks, is hereby amended as follows:

Sec. 38-47.2. Sidewalks and trail land dedications required for all development.

(a) Requirement.

(1) Sidewalks shall be constructed on both sides of all streets ~~except as approved by a major subdivision waiver by the planning commission.~~

(2) Within all residential developments, sidewalks shall be at least four (4) feet in width.

(3) All subdivisions, site developments, or sections thereof shall have installed in them sidewalks and trails to serve each lot or parcel therein.

(4) Land for the trails system shall be dedicated in accordance with areas shown on the trails master plan.

(b) Responsibility. The developer shall install sidewalks within the development along street rights-of-way and along the existing streets fronting the development.

(c) Construction materials. Sidewalks shall have a hard, improved surface constructed of materials and to standards established by the city depending on type of street construction, anticipated permanence of sidewalk, and land uses being served.

(d) Location. Sidewalks and trails shall be located in the right-of-way of the street or as close to the right-of-way line as possible, and shall extend across the entire dimension of each lot or parcel side adjacent to a public street.

(e) Timing of completion. All required sidewalks and trail dedications shall be completed prior to occupancy and before any public utility connection occurs.

(f) Agreement with trails master plan. Trails shall be located and configured according to the trails master plan and include separate shared-use paths, bike lanes and signed and marked shared bike routes.

(g) Sidewalk fee in lieu of construction.

(1) It is the desire of the city to have required sidewalks built at the time of and congruent with development. However, there may be circumstances regarding safety, economic waste and geographical features that preclude such construction.

(2) The director of community development has the authority to approve construction exemptions and collect a fee in lieu of one hundred fifteen (115) percent of the estimated total construction cost (i.e., labor included).

(3) In no instance will a private or public entity not build or pay a fee in lieu of sidewalk or trail construction.

SECTION 5. The Midwest City Municipal Code, Chapter 38 Section 38-54, Retaining wall construction and easements, is hereby amended as follows:

Section 38-54.3. Construction

(c) *Timing of retaining wall construction.*

(1) All retaining walls shown on the grading plan/preliminary plat (see subsection (d) below) that cross multiple properties shall be installed prior to approval of the final plat.

~~(2) Alternative timings to installing retaining walls prior to final plat may be approved by a major subdivision waiver (see section 38-59 for major subdivision waivers).~~

SECTION 6. The Midwest City Municipal Code, Chapter 38 Article VII, Relief from Subdivision Standards, Section 38-59 Petition for subdivision waivers is hereby amended as follows:

Article VII - RELIEF FROM SUBDIVISION STANDARDS

~~**Sec. 38-59. Petition for subdivision waivers.**~~

~~Sec. 38-59.1. Purpose.~~

~~The purpose of a petition for a subdivision waiver to a specific standard or requirement of this Subdivision Ordinance, as such are applicable to plats or construction plans, is to determine whether or not such specific standard or requirement should be applied to an application.~~

~~Sec. 38-59.2. Definitions.~~

~~Subdivision waivers shall be classified as a minor subdivision waiver or a major subdivision waiver.~~

~~Sec. 38-59.3. Decision-maker.~~

(a) Minor subdivision waiver. Minor subdivision waivers are acted upon by the director of community development or city engineer, as specified in Table 7: Minor Subdivision Waivers.

Table 7: Minor Subdivision Waivers

Article/Section	Standard	Director of Community Development	City Engineer
Article VI. Sec. 38-43.5(b)(3)	Waiver for Water Line Extension Requirement	Approve	Approve
Article VI. Sec. 38-43.6(a)(2)	Waiver for Wastewater System Extension Requirement	Approve	Approve
Article VI. Sec. 38-45.4(d)(3)b	Waiver of the Alignment with Median Opening Requirement	Approve	Approve
Article VI. Sec. 38-46.9(3)	Waiver of the Permit Required for a Screening Fence or Wall	Approve	
Article VI. Sec. 38-48.5(a)(2)	Waiver of the Side Lot Line Requirement	Approve	
Article VI. Sec. 38-48.5(b)(2)	Waiver of the Lot Line Jurisdictional Requirement	Approve	
Article VI. Sec. 38-48.14(b)	Waiver of the Subdivision Name Requirement	Approve	
Article VI. Sec. 38-50.2(b)	Waiver to the HOA Establishment Requirement	Approve	
Article VI. Sec. 38-52.3(d)(3)	Waiver of the Screening Requirement between a Nonresidential Use and Park and Open Space	Approve	

(1) Appeal to the planning commission/city council of a minor subdivision waiver decision:

a. An appeal of the minor subdivision waiver may be considered by the planning commission.

b. The city council shall consider all appeals of the planning commission's determination of the minor subdivision waiver (see section 38-59.10., Subdivision waiver appeal).

(b) Major subdivision waiver. A major subdivision waiver can only be approved by the planning commission with a five-sevenths vote of the membership present.

(1) Appeal to the city council of a major subdivision waiver decision. An appeal of the major subdivision waiver may be considered by the city council (see section 38-59.10., Subdivision waiver appeal).

Sec. 38-59.4. Subdivision waiver applicability.

(a) Waiver of standard or requirement.

(1) An applicant may request a subdivision waiver to a specific standard or requirement applicable to a preliminary plat, to construction plans, or to a final plat or a replat.

(2) A subdivision waiver petition shall be specific in nature, and shall only involve relief consideration for one (1) specific standard or requirement.

~~(3) An applicant may, if desired, submit more than one (1) subdivision waiver petition if there are several standards or requirements at issue.~~

~~(b) Waiver petition acceptance.~~

~~(1) A petition for a subdivision waiver shall not be accepted in lieu of:~~

~~a. A subdivision proportionality appeal (section 38-60); or~~

~~b. A vested rights petition (section 38-61).~~

~~(2) If there is a question as to whether a subdivision proportionality appeal or vested rights petition is required instead of a petition for a subdivision waiver, such determination shall be made by the director of community development.~~

~~Sec. 38-59.5. Submission procedures.~~

~~(a) Written waiver request with application.~~

~~(1) A request for a subdivision waiver shall be submitted in writing by the applicant with the filing of a preliminary plat, construction plans, final plat or replat, as applicable.~~

~~(2) No subdivision waiver may be considered or granted unless the applicant has made such written request.~~

~~(b) Grounds for waiver.~~

~~(1) The applicant's request shall state the grounds for the subdivision waiver request and all of the facts relied upon by the applicant.~~

~~(2) Failure to do so will result in denial of the application unless the applicant submits a waiver of right to sixty-day action in accordance with section 38-37.4., Waiver of right to sixty-day action.~~

~~Sec. 38-59.6. Criteria.~~

~~(a) Consideration factors. The decision-maker (see section 38-59.3., Decision-maker) shall take into account the following factors:~~

~~(1) The nature of the proposed land use involved and existing uses of the land in the vicinity;~~

~~(2) The number of persons who will reside or work in the proposed development; and~~

~~(3) The effect such subdivision waiver might have upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.~~

~~(b) Findings. No subdivision waiver shall be granted unless the decision-maker (see section 38-59.3., Decision-maker) finds:~~

~~(1) That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this Subdivision Ordinance would deprive the applicant of the reasonable use of his or her land; and~~

~~(2) That the subdivision waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the subdivision waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and~~

~~(3) That the granting of the subdivision waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Subdivision Ordinance.~~

~~(c) Intent of ordinance. A subdivision waiver may be granted only when in harmony with the general purpose and intent of this Subdivision Ordinance so that the public health, safety and welfare may be secured and substantial justice done.~~

~~(d) Minimum degree of variation. No subdivision waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the needs of the applicant.~~

~~(e) Violations and conflicts. The decision maker (see section 38-59.3., Decision maker) shall not authorize a subdivision waiver that would constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan, or comprehensive plan of the city.~~

~~(f) Falsification of information.~~

~~(1) Any falsification of information by the applicant shall be cause for the subdivision waiver request to be denied.~~

~~(2) If the subdivision waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the subdivision waiver, and shall be grounds for reconsideration of the subdivision waiver request.~~
~~Sec. 38-59.7. Burden of proof.~~

~~(a) The applicant bears the burden of proof to demonstrate that the requirement for which a subdivision waiver is requested, if uniformly applied, imposes a disproportionate burden on the applicant.~~

~~(b) The applicant shall submit proof of the original requirement with the original submittal.~~
~~Sec. 38-59.8. Decision.~~

~~The decision maker (see section 38-59.3., Decision maker) shall consider the subdivision waiver petition and, based upon the criteria set forth in section 38-59.6., Criteria, shall take one (1) of the following actions:~~

~~(a) Deny. Deny the petition and impose the standard or requirement as it is stated in this Subdivision Ordinance; or~~

~~(b) Grant. Grant the petition and waive in whole or in part the standard or requirement as it is stated in this Subdivision Ordinance.~~

~~Sec. 38-59.9. Notification of decision on petition—Fourteen (14) days.~~

~~The applicant shall be notified of the decision on the subdivision waiver by the applicable decision maker (e.g., the director of community development, city engineer, planning commission or city council, as applicable—see section 38-59.3., Decision maker for details), within fourteen (14) calendar days following the decision.~~

~~Sec. 38-59.10. Subdivision waiver appeal.~~

~~(a) Initiation of an appeal.~~

~~(1) The applicant or four (4) voting members of the commission may appeal a minor subdivision waiver decision from the director of community development or city engineer.~~

~~(2) The written request to appeal shall be submitted to the director of community development within fourteen (14) calendar days following the denial decision.~~

~~(b) Appeal to planning commission.~~

~~(1) The planning commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the director of community development.~~

~~(2) At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the waiver.~~

~~(3) The planning commission may affirm, modify or reverse the previous minor subdivision waiver decision by a five-sevenths vote of the membership present.~~

~~(c) Appeal to city council.~~

~~(1) The applicant, the director of community development, or four (4) voting members of city council, may appeal the planning commission's decision on either a minor subdivision waiver or major subdivision waiver by submitting a written notice of appeal to the director of community development within fourteen (14) calendar days following the planning commission's decision.~~

~~(2) The city council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the director of community development.~~

~~(3) The city council may affirm, modify or reverse the planning commission's decision by a five-sevenths vote of the membership present.~~

~~(4) The decision of the city council is final.~~

~~Sec. 38-59.11. Effect of approval.~~

~~(a) Submission and processing. Following the granting of a subdivision waiver, the applicant may submit or continue the processing of a plat or construction plans, as applicable.~~

~~(b) Expirations. The subdivision waiver granted shall remain in effect for the period the plat or construction plans are in effect, and shall expire upon expiration of either or both of those applications.~~

~~(c) Extensions. Extension of those applications shall also result in extension of the subdivision waiver.~~

SECTION 7. The Midwest City Municipal Code, Chapter 38, Section 38-61 Vested rights petition is hereby amended as follows:

~~Sec. 38-61.12. Dormant projects.~~

~~(a) Definitions. For purposes of this section 38-61.12., Dormant projects, only:~~

~~(1) Initial permit. Initial permit means any of the following types of approvals granted under this Subdivision Ordinance or any predecessor subdivision or development-related ordinance that was in effect prior to the adoption of this Subdivision Ordinance:~~

~~a. Preliminary plat;~~

~~b. Construction plans;~~

~~c. Construction release; or~~

~~d. Major subdivision waiver/minor subdivision waiver to any requirement in this Subdivision Ordinance (per section 38-59, Petition for subdivision waivers); or~~

~~ed. Any other application that was approved subject to a schematic drawing illustrating the location, arrangement, orientation, or design of development, lots, or improvements on a site intended for development.~~

SECTION 8. The Midwest City Municipal Code, Chapter 38, Section 38-65 Definitions is hereby amended as follows:

~~Sec. 38-65.100. Major subdivision waiver.~~

~~See Waiver, major subdivision.~~

~~Sec. 38-65.106. Minor subdivision waiver.~~

~~See Waiver, minor subdivision.~~

~~Sec. 38-65-193. Waiver, major subdivision.~~

~~A significant change to both the standards and intent of this Subdivision Ordinance, which involves commission approval. A major subdivision waiver includes any type of waiver that is not specifically listed in Table 7: Minor Subdivision Waivers.~~

~~Sec. 38-65-194. Waiver, minor subdivision.~~

~~A minor change to the standards, but not the intent, of this Subdivision Ordinance, which involves director of community development approval unless otherwise noted (see Table 7: Minor Subdivision Waivers).~~

SECTION 9. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this ____ day of _____, 2019.

HEATHER POOLE, City Attorney

Option 3 – Summary of Amendments

- This option makes no changes to the current regulations regarding replats.
- Section 38-59 Petition for subdivision waivers remains in this option, however, minor subdivision waivers are deleted, meaning that all waivers would fall under the major subdivision waiver category.
- Adds a requirement that all waivers must be approved by the Council, with a recommendation from the Planning Commission before an application for any plat may be filed.
- Adds the option for applicants to pay a fee in lieu of required street improvements
- No changes to the sidewalk section of the code as there is already a fee in lieu option in the existing code for sidewalks. This has not been used or required since the adoption of the 2012 Subdivision Regulations

AN ORDINANCE AMENDING CHAPTER 38, SUBDIVISION REGULATIONS, OF THE MIDWEST CITY CODE; BY AMENDING SECTION 38-45 STREET REQUIREMENTS SECTION; ARTICLE VII RELIEF FROM SUBDIVISION STANDARDS; SECTION 38-61 VESTED RIGHTS PETITION; SECTION 38-65 DEFINITIONS; AND PROVIDING FOR REPEALER AND SEVERABILITY AND SETTING AN EFFECTIVE DATE.

SECTION 1. The Midwest City Municipal Code, Chapter 38 Section 38-45, Street requirements, is hereby amended to read as follows:

Sec. 38-45.2. Streets basic policy.

(a) Standard requirements. All streets, driveway approaches, curbs, gutters, pavements and appurtenances necessary to provide access to properties shall be provided by the developer, shall be designed, constructed and maintained in accordance with standards in the Engineering Standards Manual and construction details, and planned unit development (PUD) ordinance (if applicable to the subject property), and shall be subject to approval by the city engineer.

(b) Street improvements. In platting a new development, the property owner shall provide additional right-of-way needed for existing or future streets as required and shown by the comprehensive plan, trails master plan, and/or Engineering Standards Manual and construction details.

(c) Improvement of existing substandard streets.

(1) When a proposed residential or nonresidential development abuts one (1) or both sides of an existing substandard street, the developer shall be required to:

a. Improve the substandard street and its appurtenances (such as curbs and gutters, sidewalks, barrier-free ramps, street trees, etc.) to bring them to city standards

(2) Developer options.

a. If the requirements for improving an existing substandard street imposed by this article VI, subsection 38-45.2(c), would result in unnecessary hardship or would be disproportional to the impacts generated by the development on the city's street system ~~and the waiver requirements in the city Code are met,~~ then the developer ~~may request a major subdivision waiver (section 38-59, Petition for subdivision waivers)~~ or may file a proportionality appeal (section 38-60, Subdivision proportionality appeal).

b. In lieu of constructing street improvements, the developer may, if approved by the City Council during review of the preliminary plat, pay to the City the amount necessary to construct all required street improvements within the subdivision. The amount shall be determined by the City Engineer based upon quantity of materials and work required including incidentals such as mobilization, staking, and drainage improvements using current average prices. The quantities will be based on the latest ODOT specification book and current average price will be determined by the lowest of either the latest ODOT average unit price published on their website or a current on-call paving contract with the City. The fee shall be paid to the Community Development Department prior to the Replat/Final Plat application. The developer shall be required to construct adequate acceleration and deceleration lanes as determined by the City Engineer.

SECTION 2. The Midwest City Municipal Code, Chapter 38 Article VII, Relief from Subdivision Standards, Section 38-59 Petition for subdivision waivers is hereby amended to read as follows:

Article VII – RELIEF FROM SUBDIVISION STANDARDS

Sec. 38-59. - Petition for subdivision waivers.

Sec. 38-59.1. Purpose.

The purpose of a petition for a subdivision waiver to a specific standard or requirement of this Subdivision Ordinance, as such are applicable to plats or construction plans, is to determine whether or not such specific standard or requirement should be applied to an application.

Sec. 38-59.2. Definitions.

Subdivision waivers shall be classified as a minor subdivision waiver or a major subdivision waiver.

Sec. 38-59.3. Decision-maker.

~~(a) Minor subdivision waiver. Minor subdivision waivers are acted upon by the director of community development or city engineer, as specified in Table 7: Minor Subdivision Waivers.~~

Table 7: Minor Subdivision Waivers

<u>Article/Section</u>	<u>Standard</u>	<u>Director of Community Development</u>	<u>City Engineer</u>
<u>Article VI. Sec. 38-43.5(b)(3)</u>	<u>Waiver for Water Line Extension Requirement</u>	<u>Approve</u>	<u>Approve</u>
<u>Article VI. Sec. 38-43.6(a)(2)</u>	<u>Waiver for Wastewater System Extension Requirement</u>	<u>Approve</u>	<u>Approve</u>
<u>Article VI. Sec. 38-45.4(d)(3)b</u>	<u>Waiver of the Alignment with Median Opening Requirement</u>	<u>Approve</u>	<u>Approve</u>
<u>Article VI. Sec. 38-46.9(3)</u>	<u>Waiver of the Permit Required for a Screening Fence or Wall</u>	<u>Approve</u>	
<u>Article VI. Sec. 38-48.5(a)(2)</u>	<u>Waiver of the Side Lot Line Requirement</u>	<u>Approve</u>	
<u>Article VI. Sec. 38-48.5(b)(2)</u>	<u>Waiver of the Lot Line Jurisdictional Requirement</u>	<u>Approve</u>	
<u>Article VI. Sec. 38-48.14(b)</u>	<u>Waiver of the Subdivision Name Requirement</u>	<u>Approve</u>	
<u>Article VI. Sec. 38-50.2(b)</u>	<u>Waiver to the HOA Establishment Requirement</u>	<u>Approve</u>	
<u>Article VI. Sec. 38-52.3(d)(3)</u>	<u>Waiver of the Screening Requirement between a Nonresidential Use and Park and Open Space</u>	<u>Approve</u>	

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(1) Appeal to the planning commission/city council of a minor subdivision waiver decision:

a. An appeal of the minor subdivision waiver may be considered by the planning commission.

b. The city council shall consider all appeals of the planning commission's determination of the minor subdivision waiver (see section 38-59.10., Subdivision waiver appeal).

(b) Major subdivision waiver. A major subdivision waiver can only be approved by the planning commission with a five-sevenths vote of the membership present.

(1) Appeal to the city council of a major subdivision waiver decision. An appeal of the major subdivision waiver may be considered by the city council (see section 38-59.10., Subdivision waiver appeal).

(a) The City Council may vary or modify, except as otherwise indicated, such requirements of design, but not of procedure or public improvements, so that the subdivider may develop the subject property in a reasonable manner. At the same time, the public welfare and interests of the City must be protected and the general intent and spirit of these regulations are preserved by granting such variance. Such modification may be granted upon written request of the subdivider or the subdivider's engineer, stating the reason for each modification, and may be approved by vote of the regular membership of the City Council, with the recommendation of the Planning Commission, subject to the acceptance of the plat and the dedications thereon by the City Council; provided, however, that a variation based on unique condition(s) shall not be granted

when the unique condition(s) was created or contributed to by the subdivider. When a waiver is requested, the plat application may not be filed until the City Council voted to approve or deny the waiver request.

- ~~(b) Major subdivision waiver. A major subdivision waiver can only be approved by the planning commission with a five-sevenths vote of the membership present.~~
- ~~(1) Appeal to the city council of a major subdivision waiver decision. An appeal of the major subdivision waiver may be considered by the city council (see section 38-59.10., Subdivision waiver appeal).~~

Sec. 38-59.4. Subdivision waiver applicability.

- (a) Waiver of standard or requirement.
 - (1) An applicant may request a subdivision waiver to a specific standard or requirement applicable to a preliminary plat, to construction plans, or to a final plat or a replat.
 - (2) A subdivision waiver petition shall be specific in nature, and shall only involve relief consideration for no more than two ~~one~~ (+2) specific standards or requirements.
 - ~~(3) An applicant may, if desired, submit more than one (1) subdivision waiver petition if there are several standards or requirements at issue.~~
- (b) Waiver petition acceptance.
 - (1) A petition for a subdivision waiver shall not be accepted in lieu of:
 - a. A subdivision proportionality appeal (section 38-60); or
 - b. A vested rights petition (section 38-61).
 - (2) If there is a question as to whether a subdivision proportionality appeal or vested rights petition is required instead of a petition for a subdivision waiver, such determination shall be made by the director of community development.

Sec. 38-59.5. Submission procedures.

- (a) Written waiver request with application.
 - (1) A request for a subdivision waiver shall be submitted in writing by the applicant ~~with the prior to~~ filing of a preliminary plat, construction plans, final plat or replat application, as applicable.
 - (2) No subdivision waiver may be considered or granted unless the applicant has made such written request.
- (b) Grounds for waiver.
 - (1) The applicant's request shall state the grounds for the subdivision waiver request and all of the facts relied upon by the applicant.
 - (2) Failure to do so will result in denial of the application unless the applicant submits a waiver of right to sixty-day action in accordance with section 38-37.4., Waiver of right to sixty-day action.

Sec. 38-59.6. Criteria.

- (a) Consideration factors. The decision-maker (see section 38-59.3., Decision-maker) shall take into account the following factors:
 - (1) The nature of the proposed land use involved and existing uses of the land in the vicinity;
 - (2) The number of persons who will reside or work in the proposed development; and
 - (3) The effect such subdivision waiver might have upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.
- (b) Findings. No subdivision waiver shall be granted unless the decision-maker (see section 38-59.3., Decision-maker) finds:
 - (1) That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this Subdivision Ordinance would deprive the applicant of the reasonable use of his or her land; and
 - (2) That the subdivision waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the subdivision waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and
 - (3) That the granting of the subdivision waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Subdivision Ordinance.
- (c) Intent of ordinance. A subdivision waiver may be granted only when in harmony with the general purpose and intent of this Subdivision Ordinance so that the public health, safety and welfare may be secured and substantial justice done.
- (d) Minimum degree of variation. No subdivision waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the needs of the applicant.
- (e) Violations and conflicts. The decision-maker (see section 38-59.3., Decision-maker) shall not authorize a subdivision waiver that would constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan, or comprehensive plan of the city.
- (f) Falsification of information.
 - (1) Any falsification of information by the applicant shall be cause for the subdivision waiver request to be denied.
 - (2) If the subdivision waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the subdivision waiver, and shall be grounds for reconsideration of the subdivision waiver request.

Sec. 38-59.7. Burden of proof.

- (a) The applicant bears the burden of proof to demonstrate that the requirement for which a subdivision waiver is requested, if uniformly applied, imposes a disproportionate burden on the applicant.

(b) The applicant shall submit proof of the original requirement with the original submittal.
Sec. 38-59.8. Decision.

The decision-maker (see section 38-59.3., Decision-maker) shall consider the subdivision waiver petition and, based upon the criteria set forth in section 38-59.6., Criteria, shall take one (1) of the following actions:

- (a) Deny. Deny the petition and impose the standard or requirement as it is stated in this Subdivision Ordinance; or
- (b) Grant. Grant the petition and waive in whole or in part the standard or requirement as it is stated in this Subdivision Ordinance.

Sec. 38-59.9. Notification of decision on petition—Fourteen (14) days.

The applicant shall be notified of the decision on the subdivision waiver by the applicable decision-maker (e.g., ~~the director of community development, city engineer, planning commission or city council~~, as applicable - see section 38-59.3., Decision-maker for details), within fourteen (14) calendar days following the decision.

~~Sec. 38-59.10. Subdivision waiver appeal.~~

~~(a)—Initiation of an appeal.~~

- ~~(1) The applicant or four (4) voting members of the commission may appeal a minor subdivision waiver decision from the director of community development or city engineer.~~
- ~~(2) The written request to appeal shall be submitted to the director of community development within fourteen (14) calendar days following the denial decision.~~

~~(b)—Appeal to planning commission.~~

- ~~(1) The planning commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the director of community development.~~
- ~~(2) At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the waiver.~~
- ~~(3) The planning commission may affirm, modify or reverse the previous minor subdivision waiver decision by a five-sevenths vote of the membership present.~~

~~(c)—Appeal to city council.~~

- ~~(1) The applicant, the director of community development, or four (4) voting members of city council, may appeal the planning commission's decision on either a minor subdivision waiver or major subdivision waiver by submitting a written notice of appeal to the director of community development within fourteen (14) calendar days following the planning commission's decision.~~
- ~~(2) The city council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the director of community development.~~

~~(3) The city council may affirm, modify or reverse the planning commission's decision by a five-sevenths vote of the membership present.~~

~~(4) The decision of the city council is final.~~

Sec. 38-59.1044. Effect of approval.

- (a) Submission and processing. Following the granting of a subdivision waiver, the applicant may submit or continue the processing of a plat or construction plans, as applicable.
- (b) Expirations. If a waiver is granted, the applicant must submit the applicable plat application within six (6) months of the date of approval. The subdivision waiver granted shall remain in effect for the period the plat or construction plans are in effect, and shall expire upon expiration of either or both of those applications.
- (c) Extensions. Extensions must be approved by the City Council. Extension of those applications shall also result in extension of the subdivision waiver.

SECTION 3. The Midwest City Municipal Code, Chapter 38, Section 38-61 Vested rights petition is hereby amended as follows:

Sec. 38-61.12. Dormant projects.

- (a) Definitions. For purposes of this section 38-61.12., Dormant projects, only:
 - (1) Initial permit. Initial permit means any of the following types of approvals granted under this Subdivision Ordinance or any predecessor subdivision or development-related ordinance that was in effect prior to the adoption of this Subdivision Ordinance:
 - a. Preliminary plat;
 - b. Construction plans;
 - c. Construction release; or
 - d. ~~Major subdivision waiver/minor subdivision waiver to any requirement in this Subdivision Ordinance (per section 38-59, Petition for subdivision waivers); or~~
 - ed. Any other application that was approved subject to a schematic drawing illustrating the location, arrangement, orientation, or design of development, lots, or improvements on a site intended for development.

SECTION 4. The Midwest City Municipal Code, Chapter 38, Section 38-65 Definitions is hereby amended as follows:

~~Sec. 38-65.106. Minor subdivision waiver.~~

~~See Waiver, minor subdivision.~~

~~Sec. 38-65.194. Waiver, minor subdivision.~~

~~A minor change to the standards, but not the intent, of this Subdivision Ordinance, which involves director of community development approval unless otherwise noted (see Table 7: Minor Subdivision Waivers).~~

SECTION 5. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2019.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this ____ day of _____, 2019.

HEATHER POOLE, City Attorney

Notice of this Special Ordinance Oversight Council Committee meeting was filed with the City Clerk of Midwest City at Least 48 hours prior to the meeting and copies of the agenda for this meeting were posted at City Hall for at least 24 hours in advance of the meeting.

MINUTES OF THE
SPECIAL ORDINANCE OVERSIGHT COUNCIL COMMITTEE MEETING

October 24, 2019 – 6:00 PM

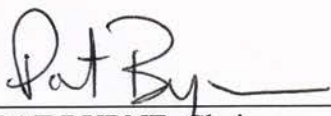
This meeting was held in the second floor conference room of City Hall, City of Midwest City, County of Oklahoma, State of Oklahoma.

Chairman Pat Byrne called the meeting to order at 6:00 PM with Councilmember Susan Eads, Mayor Matt Dukes with City Manager Tim Lyon, Assistant City Manager Vaughn Sullivan, City Attorney Heather Poole, City Clerk Sara Hancock, Assistant Police Chief Sid Porter, Public Works Director Paul Streets, City Planning Manager Kelly Gilles, Community Development Director Billy Harless and Neighborhood Services Director Mike Stroh. Absent: None.

Discussion Items.

1. **Discussion and consideration of approving the minutes of the special August 26, 2019 meeting.** Dukes made a motion to approve the minutes, as submitted, seconded by Eads. Voting aye: Byrne, Eads, and Dukes. Absent: none. Nay: none.
2. **Discussion and consideration of reviewing proposed Midwest City Code of Ordinances changes and possibly making suggestions for the full Council to evaluate.** Dukes made a motion to proceed as discussed and submit the changes to the full City Council, seconded by Byrne. Voting aye: Eads, Byrne and Dukes. Absent: none. Nay: none.

Adjournment. Chairman Byrne adjourned the meeting at 7:50 PM.



PAT BYRNE, Chairman