

Notice of this Ordinance Oversight Council Committee special 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.

Ordinance Oversight Council Committee Minutes
Special Meeting

July 14, 2021

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 Mayor Matt Dukes and Councilmember Susan Eads. Staff Present: City Manager Tim Lyon, City Attorney Donald Maisch, City Clerk Sara Hancock.

DISCUSSION ITEMS.

1. **Discussion and consideration for adoption, including any possible amendment of, the minutes of the November 2, 2020 special meeting, as submitted.**

Dukes made a motion to approve the minutes, as submitted, seconded by Eads. Voting aye: Dukes, Eads and Byrne. Nay: none. Motion carried.

2. **Discussion and consideration for adoption, including any possible amendment of an ordinance amending Midwest City code, Chapter 37, Streets and Sidewalks, Article III, Section 37-67, Construction of Sidewalk; and providing for repealer and severability.**

Dukes made a motion to approve and submit to the full City Council, seconded by Byrne. Voting aye: Dukes and Byrne. Nay: Eads. Motion carried.

3. **Discussion and consideration for adoption, including any possible amendment of an ordinance amending Midwest City code, Section 37, Streets and Sid ewalk s, Article III, Section 37-63, Design Standards for Ingress and Egress Facilities; and Section 37-71, Table 4; and providing for repealer and severability.**

Dukes made a motion to approve and submit to the full City Council, seconded by Byrne. Voting aye: Dukes and Byrne. Abstain: Eads. Motion carried.

4. **Discussion and consideration for adoption , including any possible amendment of, an ordinance amending Chapter 43, Water, Sewers, Sewage Disposal and Stormwater Quality, of the Midwest City Code, by amending Article II, Water Rates and Charges, Section 43-63 (a)(l) through (4), Water Rates inside city; and providing for repealerand severability.**

Eads made a motion to approve and submit to the full City Council, seconded by Dukes. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

5. **Discussion and consideration of passing and approving an ordinance amending the Midwest City Municipal Code, Chapter 28, Offenses-Miscellaneous, Article I, In General, Section 28-11, Warrant Processing Fee; and providing for repealer and severability.**

Dukes made a motion to approve and submit to the full City Council, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

6. **Discussion and consideration of passing and approving an ordinance amending the Midwest City Municipal Code, Chapter 36, Private Security, Article III, Security Alarm Systems, Section 36-32, establishing an effective date; and providing for repealer and severability.**

Dukes made a motion to approve and submit to the full City Council, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

7. **Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 27 Nuisances, Article I, In General, Section 27-1, Definitions; Section 27-2, Declared Unlawful; Penalties; Section 27-14, Collection and Donation Boxes; and providing for repealer and severability.**

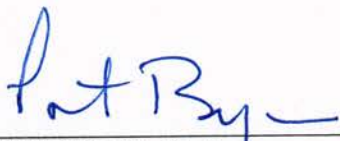
Dukes made a motion to approve and submit to the full City Council, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

8. **Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 8 Animals and Fowl, Article I, In General, Section 8-2, Definitions; Creating a new ordinance at Chapter 8, Animals and Fowl, Article XI, Commercial Animal Establishments; Section 8-200 through 8-205; providing for repealer and severability.**

Dukes made a motion to approve and submit to the full City Council, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

PUBLIC DISCUSSION. There was no public discussion.

ADJOURNMENT. Chairman Byrne adjourned the meeting at 7:05 PM.



PAT BYRNE, Chairman



SPECIAL ORDINANCE OVERSIGHT COUNCIL COMMITTEE AGENDA

City Hall - Midwest City Council Conference room, 100 N. Midwest Boulevard

July 14, 2021 – 6:00 PM

A. CALL TO ORDER.

B. DISCUSSION ITEMS.

1. Discussion and consideration for adoption, including any possible amendment of, the minutes of the November 2, 2020 special meetings, as submitted. (City Clerk - S. Hancock)
2. Discussion and consideration for adoption, including any possible amendment of an ordinance amending Midwest City code, Chapter 37, Streets and Sidewalks, Article III, Section 37-67, Construction of Sidewalk; and providing for repealer and severability. (Community Development - B. Bundy)
3. Discussion and consideration for adoption, including any possible amendment of an ordinance amending Midwest City code, Section 37, Streets and Sidewalks, Article III, Section 37-63, Design Standards for Ingress and Egress Facilities; and Section 37-71, Table 4; and providing for repealer and severability. (Community Development - B. Bundy)
4. Discussion and consideration for adoption, including any possible amendment of, an ordinance amending Chapter 43, Water, Sewers, Sewage Disposal and Stormwater Quality, of the Midwest City Code, by amending Article II, Water Rates and Charges, Section 43-63 (a)(1) through (4), Water Rates inside city; and providing for repealer and severability. (Public Works - P. Streets)
5. Discussion and consideration of passing and approving an ordinance amending the Midwest City Municipal Code, Chapter 28, Offenses-Miscellaneous, Article I, In General, Section 28-11, Warrant Processing Fee; and providing for repealer and severability. (Police – S. Porter)
6. Discussion and consideration of passing and approving an ordinance amending the Midwest City Municipal Code, Chapter 36, Private Security, Article III, Security Alarm Systems, Section 36-32, establishing an effective date; and providing for repealer and severability. (Police – S. Porter)
7. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 27 Nuisances, Article I, In General, Section 27-1, Definitions; Section 27-2, Declared Unlawful; Penalties; Section 27-14, Collection and Donation Boxes; and providing for repealer and severability. (Neighborhood Services - M. Stroh)

B. DISCUSSION ITEMS continued.

8. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 8 Animals and Fowl, Article I, In General, Section 8-2, Definitions; Creating a new ordinance at Chapter 8, Animals and Fowl, Article XI, Commercial Animal Establishments; Section 8-200 through 8-205; providing for repealer and severability. (City Attorney - D. Maisch)

C. PUBLIC DISCUSSION. The purpose of the "Public Discussion Section" of the Agenda is for members of the public to speak to the City Council on any Subject not scheduled on the Regular Agenda. The Council shall make no decision or take any action, except to direct the City Manager to take action, or to schedule the matter for discussion at a later date. Pursuant to the Oklahoma Open Meeting Act, the Council will not engage in any discussion on the matter until that matter has been placed on an agenda for discussion. THOSE ADDRESSING THE COUNCIL ARE REQUESTED TO STATE THEIR NAME AND ADDRESS PRIOR TO SPEAKING TO THE COUNCIL.

D. NEW BUSINESS. In accordance with State Statue Title 25 Section 311. Public bodies - Notice. A-9, the purpose of the "New Business" section is for action to be taken at any Council/Authority/Commission meeting for any matter not known about or which could not have been reasonably foreseen 24 hours prior to the public meeting.

E. ADJOURNMENT.

Notice of this Ordinance Oversight Council Committee special 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.

Ordinance Oversight Council Committee Minutes
Special Meeting

November 2, 2020

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 3:30 PM with Mayor Matt Dukes. Staff Present: City Manager Tim Lyon, City Attorney Heather Poole, City Clerk Sara Hancock, Absent: Susan Eads.

Discussion Items.

1. **Discussion and consideration to approve the minutes of the September 28, 2020 special meeting, as submitted.**

Dukes made a motion to approve the minutes, as submitted, seconded by Byrne. Voting aye: Dukes and Byrne. Absent: Eads. Nay: none. Motion carried.

2. **Discussion and consideration of passing and approving a resolution of the City of Midwest City, Oklahoma, approving and proposing amendments to the Charter of the City of Midwest City, Oklahoma.**

Dukes made a motion to recommend staff proceed as discussed and submit proposed amendments to the Charter to the full City Council, seconded by Byrne. Voting aye: Dukes and Byrne. Absent: Eads. Nay: none. Motion carried.

Adjournment. Chairman Byrne adjourned the meeting at 3:35 PM.

PAT BYRNE, Chairman



CITY of MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT
ENGINEERING DIVISION

Billy Harless, Community Development Director
Brandon Bundy, P.E., City Engineer

ENGINEERING DIVISION
Brandon Bundy, P.E., City Engineer
CURRENT PLANNING DIVISION
Kellie Gilles, AICP, Manager
COMPREHENSIVE PLANNER
Petya Stefanoff, Comprehensive Planner
BUILDING INSPECTION DIVISION
Christine Brakefield, Building Official
GIS DIVISION
Greg Hakman, GIS Coordinator

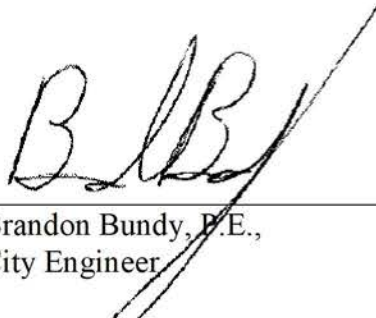
TO : Ordinance Oversight Council Committee

FROM : Brandon Bundy, City Engineer

DATE : July 14th, 2021

SUBJECT : Discussion and consideration for adoption, including any possible amendment of an ordinance amending Midwest City code, Chapter 37, Streets and Sidewalks, Article III, Section 37-67, Construction of Sidewalk; and providing for repealer and severability

This ordinance is being requested by Community Development staff. Currently, the code requires a minimum sidewalk width of 4'. Current governance regarding the American Disabilities Act states that the minimum allowed is 60" (5'). The updated code will bring the City into compliance with this standard. In addition to the revisions from ADA, we propose deleting the existing exhibit which is covered in depth by our construction standards as well as deleting the paragraphs related to grandfathering current subdivisions. When this ordinance was originally passed in 1986, sidewalks were not standard practice; since that time, all subdivisions and commercial are required to have sidewalks unless waived by Council. As such, the old paragraphs related to the original passing need to be deleted to eliminate confusion.



Brandon Bundy, P.E.,
City Engineer

Attachments

ORDINANCE NO. _____

AN ORDINANCE AMENDING MIDWEST CITY CODE, CHAPTER 37, STREETS AND SIDEWALKS, ARTICLE III, SECTION 37-67, CONSTRUCTION OF SIDEWALK; AND PROVIDING FOR REPEALER AND SEVERABILITY

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

ORDINANCE

SECTION 1. That Midwest City Code, Chapter 37, Streets and Sidewalks, Section 37-67, Construction of Sidewalk, is hereby amended to read as follows:

Sec. 37-67. - Construction of sidewalk.

~~(a) In all residential subdivisions, approved after the passage of this Ordinance No. 2086, sidewalks shall not be required.~~

~~(b)~~ (a) In subdivisions where sidewalks have been installed partially, the following requirements shall be applicable:

- (1) When sidewalks exist partially on both sides of a street, the sidewalks on both sides of the street shall be continued to the intersecting streets.
- (2) When sidewalks exist partially on only one side of a street, sidewalks on that side of the street shall be continued to the intersecting streets.
- (3) When a sidewalk exists along the full length of a street between intersecting streets and no sidewalks exist on the other side of the subject street, no sidewalks shall be required on the side where no sidewalk exists.
- (4) When a sidewalk exists on the circular part of a cul-de-sac, the sidewalk shall be continued on both sides of the street to the intersecting street.

~~(c) In those subdivisions approved prior to passage of this Ordinance No. 2086, where no sidewalks have been constructed at the time of adoption of this Ordinance No. 2086, no sidewalk shall be required.~~

~~(d) Any sidewalk requirements for multi-family, office, commercial, institutional or industrial uses required under Ordinance No. 1853 shall not be applicable on any building permit application under review, any building under construction, or any use under a temporary certificate of occupancy at the passage of this Ordinance No. 2086.~~

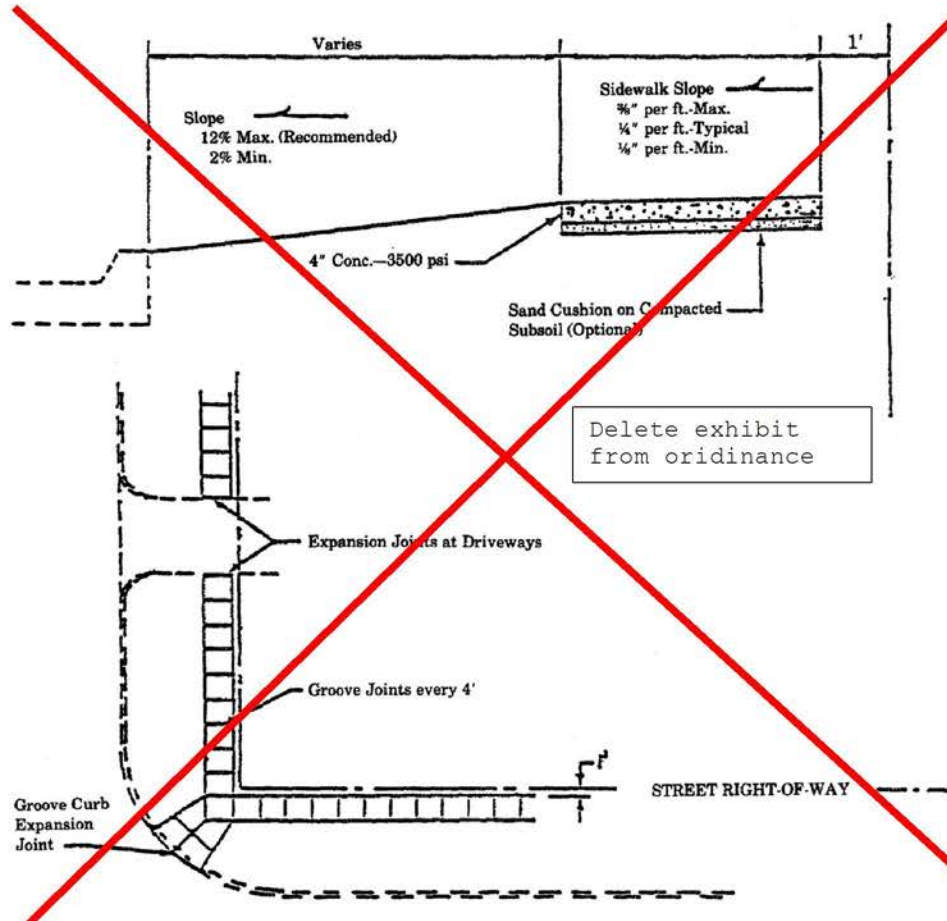
~~(e)~~ (b) Sidewalks required in section ~~(b)~~ (a) above, shall be included in the paving/driveway permit obtained from the City of Midwest City. Sidewalks shall be constructed to a minimum width of ~~four (4)~~ five (5) feet and shall be placed into the street right-of-way one (1) foot off the property line and constructed as per standard drawing specifications on file in the city engineer's office.

~~(f)~~ (c) If topographic or other physical conditions on the land will make strict application of this section result in exceptional practical difficulties, the city engineer is hereby authorized to allow such relocation or realignment of sidewalks as is necessary for its installation.

~~(g)~~ (d) Sidewalks, where required, shall be part of the requirements for a building permit. No final certificate of occupancy or final water service shall be approved until all sidewalks have been installed.

~~(h) In a planned unit development, or in a neighborhood unit concept which was approved prior to the adoption of this Ordinance No. 2086, no sidewalks shall be required.~~

(e) All sidewalks built on City right of way or easement shall be built to meet or exceed the American with Disabilities Act (ADA) and the current standards outlined by the United States Access Board.



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 _____, 2021.

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 _____, 2021.

DONALD MAISCH, City Attorney



CITY of MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT
ENGINEERING DIVISION

Billy Harless, Community Development Director
Brandon Bundy, P.E., City Engineer

ENGINEERING DIVISION
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Christine Brakefield, Building Official
GIS DIVISION
Greg Hakman, GIS Coordinator

TO : Ordinance Oversight Council Committee

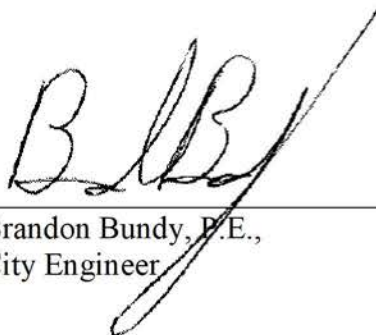
FROM : Brandon Bundy, City Engineer

DATE : July 14th, 2021

SUBJECT : Discussion and consideration for adoption, including any possible amendment of an ordinance amending Midwest City code, Chapter 37, Streets and Sidewalks, Article III, Section 37-63, Design Standards for Ingress and Egress Facilities; and Section 37-71, Table 4; and providing for repealer and severability

This ordinance is being requested by Community Development staff. Currently, the code references an outdated standard and table 4 shows an exhibit for the driveway permit. The exhibit in the code is difficult to adjust to field conditions by staff. Converting the exhibit to a table form will allow for more flexibility and compliance.

The table also includes a subgrade requirement and new category for industrial uses in order to allow a larger drive in account for truck traffic.



Brandon Bundy, P.E.,
City Engineer

Attachments

ORDINANCE NO. _____

AN ORDINANCE AMENDING MIDWEST CITY CODE, CHAPTER 37, STREETS AND SIDEWALKS, ARTICLE III, SECTION 37-63, DESIGN STANDARDS FOR INGRESS AND EGRESS FACILITIES; AND SECTION 37-71, TABLE 4; AND PROVIDING FOR REPEALER AND SEVERABILITY

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

ORDINANCE

SECTION 1. That Midwest City Code, Chapter 37, Streets and Sidewalks, by amending Section 37-63, Design standards for ingress and egress facilities, is hereby to read as follows:

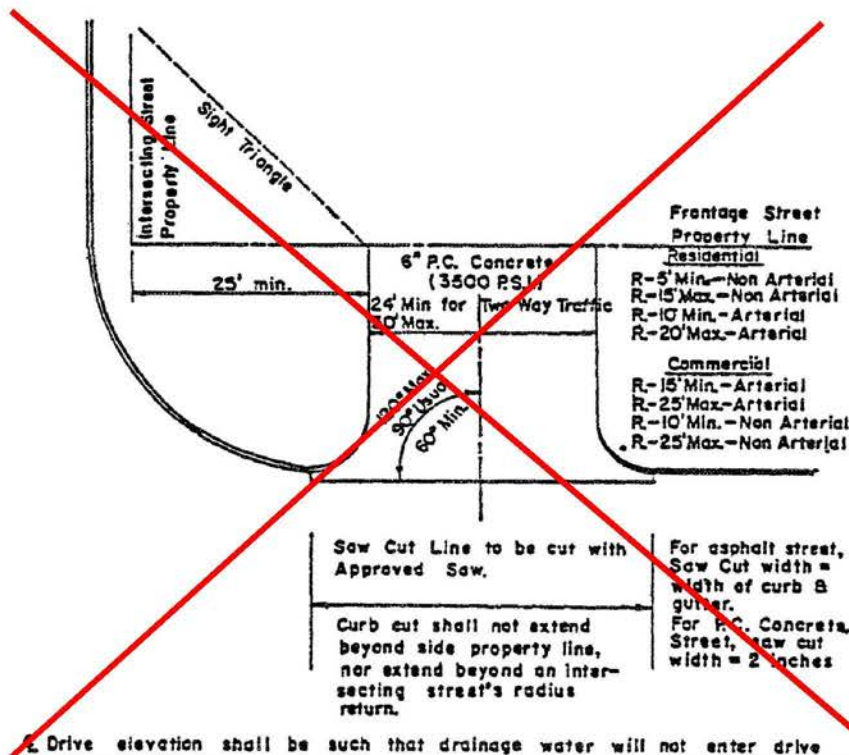
Sec. 37-63. - Design standards for ingress and egress facilities.

- (a) The design of ingress and egress facilities for commercial driveway entrances shall be in accordance with Table 4, set out in Section 37-71, whenever applicable and in all other cases they shall be designed in accordance with the ~~Policy on Driveway Regulations for Oklahoma Highways, March, 1968~~ Oklahoma Department of Transportation 2019 Standard Specifications Book, and any subsequent amendments as prepared by the ~~Oklahoma State Highway Commission~~ Oklahoma Transportation Commission. These standards shall be interpreted and enforced by the city engineer. Under unusual conditions which are not directly covered by the standard designs, the city engineer is hereby authorized to approve the construction of ingress and egress facilities that meet the special requirements needed to serve adjacent property; provided that the conditions of safety and protection of the public roadway are maintained as established in the standard designs.
- (b) Off-street parking spaces shall be arranged so that no vehicle will back directly from a parking stall onto a major street. All parking areas and circulation drives shall be located off of the street right-of-way. Divisional islands and curbs shall be constructed where necessary to provide such protection.
- (c) Access to property shall be allowed only across such driveways constructed in conformance with the requirements of this section, and all other frontage on the property shall not be utilized in any manner whatsoever for egress, ingress, or parking on the right-of-way.

SECTION 2. That Midwest City Code, Section 37, Streets and Sidewalks, by amending Section 37-71, Table 4, is hereby to read as follows:

Section 37-71. - Table 4

Driveway entrance shall be constructed in accordance with the following table:



<u>Use</u>	<u>Commercial</u>		<u>Industrial</u>		<u>Residential</u>	
<u>Roadway</u>	<u>Arte- rial</u>	<u>Non-Ar- terial</u>	<u>Arte- rial</u>	<u>Non-Ar- terial</u>	<u>Arte- rial</u>	<u>Non-Ar- terial</u>
<u>Distance from Intersecting Non-Arterial Street or Property Line^</u>	<u>35 feet*</u>	<u>25 feet*</u>	<u>35 feet*</u>	<u>25 feet*</u>	<u>35 feet</u>	<u>0 feet</u>
<u>Minimum Width</u>	<u>24 feet</u>	<u>24 feet</u>	<u>24 feet</u>	<u>24 feet</u>	<u>18 feet</u>	<u>12 feet</u>
<u>Maximum Width</u>	<u>30 feet</u>	<u>24 feet</u>	<u>36 feet</u>	<u>30 feet</u>	<u>24 feet</u>	<u>24 feet</u>
<u>Max Radius</u>	<u>25 feet</u>	<u>25 feet</u>	<u>25 feet</u>	<u>25 feet</u>	<u>20 feet</u>	<u>15 feet</u>
<u>Min Radius</u>	<u>15 feet</u>	<u>10 feet</u>	<u>15 feet</u>	<u>15 feet</u>	<u>10 feet</u>	<u>0 feet</u>
<u>Thickness of 3,500 PSI Con- crete</u>	<u>6 inches</u>	<u>6 inches</u>	<u>8 inches</u>	<u>8 inches</u>	<u>6 inches</u>	<u>6 inches</u>
<u>Subgrade</u>	<u>4 inches</u>	<u>4 inches</u>	<u>6 inches</u>	<u>6 inches</u>	<u>4 inches</u>	<u>4 inches</u>
<u>Provisions for Sidewalk Cross- ing if none exist</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>
<u>Max Grade</u>	<u>10.0%</u>					
<u>Minimum Grade</u>	<u>0.5%</u>					
<u>For asphalt street, saw cut width of curb and gutter</u>						
<u>For concrete street, saw cut width of 2 inches</u>						
<u>Drive elevation shall be such that drainage water will not enter drive</u>						
<u>*A drive can be adjacent to property line if a shared use driveway with the adjoining property</u>						
<u>^ Drives adjacent to Arterials will be subject to variables such as signal, traffic flow, and prop- erty frontage.</u>						

Variances for driveways to high volume traffic generators may be approved by the City Engineer. Driveways for service stations may be designed using "Standard Design for Driveway Entrances," Oklahoma Highway Department, subject to approval of the City Engineer.

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.

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PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma,
on the _____ day of _____, 2021.

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 _____, 2021.

DONALD MAISCH, City Attorney



Public Works Administration

8730 S.E. 15th Street,
Midwest City, Oklahoma 73110

Public Works Director

pstreets@midwestcityok.org

(405) 739-1061

Public Works City Engineer

pmenefee@midwestcityok.org

(405) 739-1062

www.midwestcityok.org

Memorandum

To: Ordinance Oversight Council Committee

From: R. Paul Streets, Public Works Director

Date: 14 July 2021

Subject: Discussion and consideration for adoption, including any possible amendment of, an ordinance amending Chapter 43, Water, Sewers, Sewage Disposal and Stormwater Quality, of the Midwest City Code, by amending Article II, Water Rates and Charges, Section 43-63 (a)(1) through (4), Water Rates inside city; and providing for repealer and severability.

The proposed amendment to Chapter 43 Article II Water Rates and Charges, Section 43-63 (a)(1) through (4), Water Rates inside city, deletes artifacts from previous rate changes and adds language needed to adjust the water rates annually based on the Consumer Price Index (CPI). Similar language was added to the Solid Waste and Wastewater sections of the ordinance.

Action is at the discretion of the committee.

Respectfully,

R. Paul Streets
Public Works Director

Attached: Midwest City Ordinance Chapter 43 with Recommended Changes

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 43, WATER, SEWERS, SEWAGE DISPOSAL AND STORMWATER QUALITY, OF THE MIDWEST CITY CODE, BY AMENDING ARTICLE II, WATER RATES AND CHARGES, SECTION 43-63 (a)(1) THROUGH (4), WATER RATES INSIDE CITY; AND PROVIDING FOR REPEALER AND SEVERABILITY.

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

ORDINANCE

SECTION 1. That Chapter 43, Water, Sewers, Sewage Disposal and Stormwater Quality, Article II, Water Rates and Charges, Section 43-63, Water rates inside city, (a)(1) through (4), of the Midwest City Code shall be amended to read as follows:

(a) The water rates for users of water inside the corporate limits of the city shall be as follows:

(1) *Single-Family Residential:*

~~(A) Beginning June 23, 2016, first 2,000 gallons used (minimum charge based on meter size):~~

5/8 inch.....	\$6.75
1 inch.....	\$8.00
1 1/2 inch.....	\$9.90

~~(B) Beginning May 1, 2017, first 2,000 gallons used (minimum charge based on meter size):~~

5/8 inch.....	\$7.25
1 inch.....	\$8.50
1 1/2 inch.....	\$10.40

~~(C) Beginning May 1, 2018, first 2,000 gallons used (minimum charge based on meter size):~~

5/8 inch.....	\$7.75
1 inch.....	\$9.00
1 1/2 inch.....	\$10.90

~~(D) Beginning May 1, 2019, first 2,000 gallons used (minimum charge based on meter size):~~

5/8 inch.....	\$8.25
1 inch.....	\$9.50
1 1/2 inch.....	\$11.40

~~(E) (A) Beginning May 1, 2020, first 2,000 gallons used (minimum charge based on meter size):~~

5/8 inch.....	\$8.75
1 inch.....	\$10.00
1 1/2 inch.....	\$11.90

~~(F) Beginning June 23, 2016, charge per additional 1,000 gallons used shall be \$3.04.~~

~~(G) Beginning May 1, 2017, charge per additional 1,000 gallons used shall be \$3.09.~~

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2 ~~(H) Beginning May 1, 2018, charge per additional 1,000 gallons used shall be \$3.14.~~

3 ~~(I) Beginning May 1, 2019, charge per additional 1,000 gallons used shall be \$3.19.~~

4
5 ~~(J)~~ (B) Beginning May 1, 2020, charge per additional 1,000 gallons used shall be \$3.24.

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7 (2) *Multiple-Family Residential (more than three (3) units, including apartments):*

8 ~~(A) Beginning June 23, 2016, first 2,000 gallons used (minimum charge whether vacant or occupied) shall be \$6.50.~~

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10 ~~(B) Beginning May 1, 2017, first 2,000 gallons used (minimum charge whether vacant or occupied) shall be \$7.00.~~

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12 ~~(C) Beginning May 1, 2018, first 2,000 gallons used (minimum charge whether vacant or occupied) shall be \$7.50.~~

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14 ~~(D) Beginning May 1, 2019, first 2,000 gallons used (minimum charge whether vacant or occupied) shall be \$8.00.~~

15 ~~(E)~~ (A) Beginning May 1, 2020, first 2,000 gallons used (minimum charge whether vacant or occupied) shall be \$8.50.

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17 ~~(F) Beginning June 23, 2016, charge per additional 1,000 gallons used shall be \$3.04.~~

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19 ~~(G) Beginning May 1, 2017, charge per additional 1,000 gallons used shall be \$3.09.~~

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21 ~~(H) Beginning May 1, 2018, charge per additional 1,000 gallons used shall be \$3.14.~~

22 ~~(I) Beginning May 1, 2019, charge per additional 1,000 gallons used shall be \$3.19.~~

23
24 ~~(J)~~ (B) Beginning May 1, 2020, charge per additional 1,000 gallons used shall be \$3.24.

25
26 (3) *Mobile Home Parks:*

27 ~~(A) Beginning June 23, 2016, first 2,000 gallons used (minimum charge based upon the highest number of pads occupied during the month) \$7.00~~

28
29 ~~(B) Beginning May 1, 2017, first 2,000 gallons used (minimum charge whether vacant or occupied) shall be \$7.50.~~

30
31 ~~(C) Beginning May 1, 2018, first 2,000 gallons used (minimum charge whether vacant or occupied) shall be \$8.00.~~

32
33 ~~(D) Beginning May 1, 2019, first 2,000 gallons used (minimum charge whether vacant or occupied) shall be \$8.50.~~

34 ~~(E)~~ (A) Beginning May 1, 2020, first 2,000 gallons used (minimum charge whether vacant or occupied) shall be \$9.00.

- ~~(F)~~ Beginning June 23, 2016, charge per additional 1,000 gallons used shall be \$3.04.
- ~~(G)~~ Beginning May 1, 2017, charge per additional 1,000 gallons used shall be \$3.09.
- ~~(H)~~ Beginning May 1, 2018, charge per additional 1,000 gallons used shall be \$3.14.
- ~~(I)~~ Beginning May 1, 2019, charge per additional 1,000 gallons used shall be \$3.19.
- ~~(J)~~ (B) Beginning May 1, 2020, charge per additional 1,000 gallons used shall be \$3.24.

(4) *Commercial:*

- ~~(A)~~ Beginning June 23, 2016, first 2,000 gallons used (minimum charge based on meter size):

5/8 inch.....	\$7.25
1 inch.....	\$8.50
1 ½ inch.....	\$10.40
2 inch.....	\$13.40
3 inch.....	\$17.40
4 inch.....	\$21.40
6 inch.....	\$40.40

- ~~(B)~~ Beginning May 1, 2017, first 2,000 gallons used (minimum charge based on meter size):

5/8 inch.....	\$7.75
1 inch.....	\$9.00
1 ½ inch.....	\$10.90
2 inch.....	\$13.90
3 inch.....	\$17.90
4 inch.....	\$21.90
6 inch.....	\$40.90

- ~~(C)~~ Beginning May 1, 2018, first 2,000 gallons used (minimum charge based on meter size):

5/8 inch.....	\$8.25
1 inch.....	\$9.50
1 ½ inch.....	\$11.40
2 inch.....	\$14.40
3 inch.....	\$18.40
4 inch.....	\$22.40
6 inch.....	\$41.40

- ~~(D)~~ Beginning May 1, 2019, first 2,000 gallons used (minimum charge based on meter size):

5/8 inch.....	\$8.75
1 inch.....	\$10.00
1 ½ inch.....	\$11.90
2 inch.....	\$14.90
3 inch.....	\$18.90
4 inch.....	\$22.90
6 inch.....	\$41.90

- ~~(E)~~ (A) Beginning May 1, 2020, first 2,000 gallons used (minimum

charge based on meter size):

5/8 inch.....	\$9.25
1 inch.....	\$10.50
1 ½ inch.....	\$12.40
2 inch.....	\$15.40
3 inch.....	\$19.40
4 inch.....	\$23.40
6 inch.....	\$42.40

~~(F) Beginning June 23, 2016, charge per additional 1,000 gallons used shall be \$3.14.~~

~~(G) Beginning May 1, 2017, charge per additional 1,000 gallons used shall be \$3.19.~~

~~(H) Beginning May 1, 2018, charge per additional 1,000 gallons used shall be \$3.24.~~

~~(I) Beginning May 1, 2019, charge per additional 1,000 gallons used shall be \$3.29.~~

~~(J)~~ (B) Beginning May 1, 2020, charge per additional 1,000 gallons used shall be \$3.34.

Beginning October 1, 2021 the rates will be adjusted annually by the average monthly increase in the Consumer Price Index as set out in Section 43-70.

SECTION 2. That Chapter 43, Water, Sewers, Sewage Disposal and Stormwater Quality, Article II, Water Rates and Charges, Section 43-70, Annual review of water rates, is hereby amended to read as follows:

Sec. 43-70. - Annual review of water rates.

The water rates shall be reviewed at least annually and shall be adjusted as necessary to reflect any increase or decrease in water treatment costs based on the immediate preceding year's experience accordingly. ~~Any funds collected in excess of those required to pay for operation and maintenance costs attributable to the water treatment and distribution system shall be applied to the calculation and determination of the cost of the water system for the following year, and the total operation and maintenance costs per month shall be adjusted accordingly. The annual review shall be conducted by July 1 of each year.~~ Beginning in 2021 the water charge rates will be adjusted annually by the average monthly increase in the Consumer Price Index, US City Average for all Urban Consumers, Water Sewer Trash Collection, Not Seasonally Adjusted. (Published by the United States Bureau of Labor Statistics, Consumer Price Index) (the "CPI") during the twelve most recently published months. In the event U.S. Department of Labor, Bureau of Labor Statistics ceases to publish this particular CPI, an equally authoritative measure of change in purchasing power of the U.S. dollar may be substituted as approved by the City Manager. The annual CPI adjustment will be implemented by May 1 of each year with the exception of 2021. October 1, 2021 will reflect such changes.

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, this _____ day of _____, 2021.

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CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this ____ day of _____, 2021.

Donald Maisch, City Attorney

Bill Prior to May					*May 1st rate					**Water rate				
1st increases	0-2 t gallons	6 t gallons	10 t gallons		increases	0-2 t gallons	6 t gallons	10 t gallons		increase of 3.6%	0-2 t gallons	6 t gallons	10 t gallons	
water	\$ 8.75	\$ 8.75	\$ 8.75		water	\$ 8.75	\$ 8.75	\$ 8.75		water	\$ 9.07	\$ 9.07	\$ 9.07	
water over min	\$ -	\$ 16.64	\$ 33.28		water over min	\$ -	\$ 16.64	\$ 33.28		water over min	\$ -	\$ 17.24	\$ 34.48	
sanitation	\$ 17.31	\$ 17.31	\$ 17.31		sanitation	\$ 17.79	\$ 17.79	\$ 17.79		sanitation	\$ 17.79	\$ 17.79	\$ 17.79	
sewer	\$ 16.00	\$ 34.12	\$ 52.24		sewer	\$ 17.00	\$ 35.12	\$ 53.24		sewer	\$ 17.00	\$ 35.12	\$ 53.24	
stormwater	\$ 2.42	\$ 2.42	\$ 2.42		stormwater	\$ 2.42	\$ 2.42	\$ 2.42		stormwater	\$ 2.42	\$ 2.42	\$ 2.42	
light fee	\$ 1.75	\$ 1.75	\$ 1.75		light fee	\$ 1.75	\$ 1.75	\$ 1.75		light fee	\$ 1.75	\$ 1.75	\$ 1.75	
drainage	\$ 1.35	\$ 1.35	\$ 1.35		drainage	\$ 1.35	\$ 1.35	\$ 1.35		drainage	\$ 1.35	\$ 1.35	\$ 1.35	
total charges	\$ 47.58	\$ 82.34	\$ 117.10		total charges	\$ 49.06	\$ 83.82	\$ 118.58		total charges	\$ 49.38	\$ 84.74	\$ 120.10	
					*Rate increase on sewer and sanitation					**Rate increase on water 3.6 % CPI				

2021 residential water	Midwest City	Midwest City	Choctaw	Del City	Edmond	Moore	Norman	Yukon
	current	w/ 3.6% CPI increase						
base (minimum)	\$8.75	\$9.07	\$15.00	\$10.14 for up to 1,000	\$13.00 up to 1,000	\$9.50	\$6.00	\$14.45 up to 2,000
usage per thousand	\$4.16	\$4.31	\$3.75 for first 3,000	\$4.05 for next 4,000	\$6.94 for next 9,000	\$3.92 for first 10,000	\$3.35 for first 5,000	\$4.05 for next 10,000
			\$4.50 for next 2,000	\$4.35 for next 5,000	\$8.03for next 10,000	\$7.17 for next 10,000	\$4.10 for next 10,000	\$4.77 all remaining
			\$4.75 all remaining	\$4.58 for next 5,000	\$10.03 for all remaining	\$7.55 all remaining	\$5.20 for next 5,000	
				\$4.96 all remaining			\$6.80 all remaining	
7/1/2021								



Sid Porter
Chief of Police (Interim)
Midwest City Police Department
100 N. Midwest Boulevard
Midwest City, OK 73110
Office 405.739.1325
Fax 405.739.1398

Memorandum

To: Ordinance Committee

From: Chief Sid Porter (Interim)

Date: July 14, 2021

Subject: Discussion and consideration of passing and approving an ordinance amending the Midwest City Municipal Code, Chapter 28, Offenses-Miscellaneous, Article I, In General, Section 28-11, Warrant Processing Fee; establishing an effective date; and providing for repealer and severability.

This proposed ordinance change would add a \$100.00 fee for the processing of warrants from entities outside of Midwest City. This change is necessary, due to the changes with the jail trust at Oklahoma County Jail. There has been an increase of bondsman coming to conduct a walk through at Midwest City Jail. The fee will help cover expenses for additional duties of personnel.

This proposed ordinance change has been reviewed and approved by the City's Ordinance Review Committee.

Sid Porter

Chief Sid Porter (Interim)

Attachment: Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 28, OFFENSES – MISCELLANEOUS, ARTICLE I, IN GENERAL, AND BY TAKING SECTION 28-11 OUT OF RESERVE AND ENTITLING IT “WARRANT PROCESSING FEE”; AND PROVIDING FOR REPEALER AND SEVERABILITY.

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

ORDINANCE

Section 1. That Chapter 28, Offenses -Miscellaneous, Article I, In General, Section 28-11 entitled Warrant Processing Fee is hereby created to read as follows:

Sec. 28-11. – Warrant Processing fee.

There is hereby established a fee for processing outstanding warrants for any agency outside of Midwest City. The fee shall be one hundred dollars (\$100.00), and shall be paid by the individual wishing to process said warrant.

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 provisions of the ordinance.

PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City, Oklahoma, this _____ day of _____, 2021.

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 _____, 2021.

DONALD D. MAISCH, City Attorney



Sid Porter
Chief of Police (Interim)
Midwest City Police Department
100 N. Midwest Boulevard
Midwest City, OK 73110
Office 405.739.1325
Fax 405.739.1398

Memorandum

To: Ordinance Committee

From: Chief Sid Porter (Interim)

Date: July 14, 2021

Subject: Discussion and consideration of passing and approving an ordinance amending the Midwest City Municipal Code, Chapter 36, Private Security, Article III, Security Alarm Systems, Section 36-32, establishing an effective date; and providing for repealer and severability.

These requested ordinance changes will: (1) modify the definition of what constitutes and excessive false alarm from 2 false alarms in a 4 month period, to 6 residential alarms and 3 commercial alarms in a one year period and (2) will modify the fee charged for excessive false alarms from a \$20.00 fee to:

Residential alarm owners shall be assessed a fifty dollar (\$50.00) fee after six (6) false 35 alarms within a calendar year.

Commercial alarm owners shall be assessed:

- (a) A one hundred dollar (\$100.00) fee after three (3) false alarms within a calendar year;
- (b) A two hundred dollar (\$200.00) fee after six (6) false alarms within a calendar year; and
- (c) A five hundred dollar (\$500.00) fee after eight (8) false alarms within a calendar year.

We have seen an increase of false alarms for numerous businesses (some in excess of 50 within 6 months). The new fee schedule will add more costs to repeat excessive false alarms for Businesses and also make tracking of Residential false alarms easier to monitor.

These proposed ordinance changes have been reviewed and approved by the City's Ordinance Review Committee.

Sid Porter

Chief Sid Porter (Interim)

Attachment: Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 36, PRIVATE SECURITY; ARTICLE III, SECURITY ALARM SYSTEMS; SECTION 36-32, DEFINITIONS; AND PROVIDING FOR REPEALER AND SEVERABILITY.

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

ORDINANCE

Section 1. That the Midwest City Municipal Code, is hereby amended to read as follows:

Sec. 36-32. - Definitions.

As used in this chapter:

- (1) Alarm business shall mean any person, firm or other entity engaged in the business of installing, servicing, maintaining, repairing, replacing, moving or removing alarm systems, or assisting in any of these functions, in the city.
- (2) Alarm system shall mean any mechanism, equipment or device that is designed to detect the presence of an unauthorized entry or activity in any building or on any property, or to direct attention to any emergency in progress or presence of fire, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute alarm systems within the meaning of this article:
 - (a) Devices that do not activate alarms that are audible, visible or perceptible outside the protected premises;
 - (b) Devices that are not installed, operated or used for the purpose of reporting an emergency;
 - (c) Alarm devices affixed to motor vehicles;
 - (d) Alarm devices installed on a temporary basis by the city;
 - (e) An Underwriters Laboratory approved battery operated smoke detection device installed by the resident in his personal residence; and
 - (f) Alarm devices installed in or on premises owned or leased by the City of Midwest City.
- (3) Automatic dialing device shall mean an alarm system that automatically sends to the city's emergency operations center any type of communication or message indicating the existence of an emergency.
- (4) Emergency shall mean:
 - (a) A situation where a person is suffering from a serious medical illness or injury;
 - (b) The commission or attempted commission of a crime; or
 - (c) The existence of a fire.
- (5) Employee shall mean any person who is employed by an alarm business and/or who installs, services, maintains, repairs, or replaces alarm systems, or assists in any of these functions, in the city.

- 1 (6) Excessive false alarm shall mean any false alarm in excess of ~~two (2) false alarms within~~
2 ~~any consecutive four month period~~ six (6) residential alarms, or three (3) commercial
3 alarms within a calendar year.
- 4 (7) False alarm shall mean the activation of an alarm system through mechanical failure,
5 malfunction, the negligence of the alarm business or its employees or agents, or the
6 negligence of the owner, user or lessee of an alarm system or his employees or agents, or
7 which otherwise results in a response by a law enforcement agency or fire department when
8 a situation requiring such response does not in fact exist. "False alarm" shall also mean the
9 activation of an alarm, the purpose of which is to communicate or indicate a specific
10 emergency situation when in fact that specific emergency situation does not exist. "False
11 alarm" shall not include alarms activated by acts of God which shall include, for example,
12 utility line mishaps, tornados, earthquakes or other violent conditions of nature, or other
13 conditions clearly beyond the control of the alarm manufacturer, installer, owner or user.
- 14 (8) Owner shall mean the person, corporation or other entity that has contracted with the city
15 to receive one (1) or more utility services at a particular location or, in the absence of such
16 a person, corporation or other entity, the person, corporation or other entity that is the owner
17 of record as indicated by the current year's tax rolls in the Oklahoma County Treasurer's
18 Office.

19
20 Sec. 36-33. - False alarms.

- 21 (a) This chapter shall apply to all alarm systems located within the city.
- 22 (b) Any owner that allows excessive false alarms to occur at any location shall be deemed
23 to have committed an offense which may be punishable, upon conviction, by a fine of
24 not more than one hundred dollars (\$100.00), plus costs. Each day any violation of this
25 article continues constitutes a separate offense. In lieu of filing a criminal complaint,
26 the city may assess a service fee to the owner's city utility account based on the schedule
27 contained in section 36-34 of this chapter for each and every excessive false alarm that
28 occurs.

29
30 Sec. 36-34. - Service fees.

31 In lieu of the city filing a criminal complaint, there shall be levied to the owner's city utility
32 account a ~~twenty dollar~~ fee for each excessive false alarm at any location, as follows:

- 33
34 (1) Residential alarm owners shall be assessed a fifty dollar (\$50.00) fee after six (6) false
35 alarms within a calendar year.
- 36 (2) Commercial alarm owners shall be assessed:
- 37 (a) A one hundred dollar (\$100.00) fee after three (3) false alarms within a calendar
38 year;
- 39 (b) A two hundred dollar (\$200.00) fee after six (6) false alarms within a calendar
40 year; and
- 41 (c) A five hundred dollar (\$500.00) fee after eight (8) false alarms within a calendar
42 year.

43
44 **Section 2. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby
45 repealed.
46

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

4
5 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
6 Oklahoma, this _____ day of _____, 2021.

7
8 THE CITY OF MIDWEST CITY, OKLAHOMA
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12 _____
13 MATTHEW D. DUKES, II, Mayor

14 ATTEST:

15
16 _____
17 SARA HANCOCK, City Clerk

18
19 Approved as to form and legality this _____ day of _____, 2021.
20
21

22
23 _____
24 DONALD D. MAISCH, City Attorney
25

MEMORANDUM

To: OCCC

From: Donald D. Maisch
City Attorney

RE: Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 27 Nuisances, Article I, In General, Section 27-1, Definitions; Section 27-2, Declared Unlawful; Penalties; Section 27-14, Collection and Donation Boxes; and providing for repealer and severability.

Date: July 14, 2021

The proposed amendment to Chapter 27 Nuisances, Article I, In General, Section 27-1, Definitions; Penalties was taken to the Ordinance Review Committee and approved before bringing to Midwest City Council for consideration. The amended language is needed due to a determination by the Municipal Court that the current definition is not sufficiently specific to include a vehicle that has a flat tire or flat tires as an inoperable vehicle. The amended language would make it clear that a vehicle that has a flat tire or flat tires for a minimum of 72 consecutive hours after discovery is considered an junked or inoperable vehicle. Action is at the discretion of the Mayor and Council.

The proposed amendment to Chapter 27 Nuisances, Article I, In General, Section 27-2, Declared Unlawful; Penalties was taken to the Ordinance Review Committee and approved before bringing to Midwest City Council for consideration. The amended language is needed to bring the administrative fine charged for the nuisance abatement undertaken by the City in line with the amount it costs the City to abate a nuisance. Action is at the discretion of the Mayor and Council.

The proposed amendment to Chapter 27 Nuisances, Article I, In General, Section 27-14, Collection and Donation Boxes was taken to the Ordinance Review Committee and approved before bringing to Midwest City Council for consideration. The amended language is needed to bring the bond charged for the location of collection and donation boxes in line with the amount it costs the City to remedy any violations as required in paragraphs (g), (h) and (i) of this section. Action is at the discretion of the Mayor and Council.

Ordinance Review Committee recommends and requests approval.

Respectfully submitted,



Donald D. Maisch
City Attorney

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

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(g) *Furniture* means furniture designed and constructed to be used indoors due to its propensity to harbor vermin, pests, insects and rodents if used or stored outside.

1
2 (h) *Hazardous waste* means a waste or combination of wastes which, because of its quantity,
3 concentration of physical, chemical or infectious characteristics, may:

4
5 (1) Cause or significantly contribute to an increase in mortality or an increase in serious
6 irreversible or incapacitating reversible illness; or

7
8 (2) Pose a substantial present or potential hazard to human health or the environment
9 when improperly treated, stored, transported, disposed of or otherwise managed.

10
11 (i) *Health officer* means an officer of the Oklahoma City—County Health Department.

12
13 (j) *Junked ~~or inoperable~~ or inoperable vehicle* means any motor vehicle is defined as:

14
15 (1) Any vehicle which does not bear a current license plate;

16 (2) Being in a condition of which is wrecked to the extent it is inoperable on the roadway,
17 unsafe for operation on a public roadway, dismantled, partially dismantled, elevated
18 on blocks for a period exceeding one (1) week, abandoned, discarded, or which
19 cannot be started and operated on demand by a city official; or

20 (3) Any vehicle that has had a flat tire or flat tires for a period of seventy-two (72)
21 consecutive hours from the date it was first reported or observed by officers.

22
23 (k) *Junked watercraft* means any device intended for water transportation, and any applicable
24 trailer or motor/engine, which is wrecked, dismantled, abandoned, discarded or is unable to
25 operate for the purpose for which it was manufactured.

26
27 (l) *Junked recreational vehicle* means any self-propelled or towed vehicles, designed to serve
28 as temporary living quarters by which is wrecked, dismantled, partially dismantled, inoperative,
29 abandoned or discarded.

30
31 (m) *Junked vehicle* means any combination of one (1) or more junked motor vehicle, one (1) or
32 more junked watercraft and/or one (1) or more junked recreational vehicles.

33
34 (n) *Mechanical telephone call* means any call to a telephone number located within Midwest
35 City, wherein said telephone call is initiated by a mechanical device or a computer program, and
36 where said telephone call is accompanied by a recorded or computer synthesized message.

37
38 (o) *Minor* means an individual under the age of eighteen (18) years of age.

39
40 (p) *Motor vehicle* means any wheeled vehicle which is designed for self-propelled movement
41 and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor
42 scooters, trucks, tractors, go-carts, golf carts, campers and recreational vehicles.

43
44 (q) *Motor vehicle parts* means any part or parts, whether mechanical or otherwise used in the
45 general makeup of a motor vehicle.

46

1 (r) *Nuisance* means lawfully doing an act, or omitting to perform a duty, or is anything or
2 condition which:

- 3
4 (1) Annoys, injures or endangers the comfort, repose, health or safety of others;
5 (2) Offends decency;
6 (3) Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for
7 passage any lake or navigable river, stream, canal or basin, or any public park, square,
8 street or other public property; or
9 (4) In any way threatens or renders other person insecure in life or the use of property.

10
11 (s) *Owner* means the owner of record. If the subject property is real property, the owner shall
12 be the person indicated by the current year's tax rolls in the Oklahoma County Treasurer's Office,
13 If the subject property is a vehicle, the owner shall be the person indicated by the current
14 department of public safety's records or the party who has domain over the vehicle.

15
16 (t) *Person* means any individual, trust, firm, joint stock company, federally agency, association,
17 partnership, state, interstate body or corporation (including a government corporation), or
18 employee or agent thereof.

19
20 (u) *Private nuisance* means every nuisance that is not a public nuisance.

21
22 (v) *Private property* means any real property within the city which is privately owned and which
23 is not public property as defined in this section.

24
25 (w) *Public nuisance* means a nuisance that affects at the same time an entire community,
26 neighborhood or any considerable number of persons although the extent of the annoyance or
27 damage inflicted upon the individuals may be unequal.

28
29 (x) *Public property* means any street or highway which shall include the entire width between
30 the boundary lines of every way publicly maintained for the purposes of vehicular travel and
31 shall also mean any other public property or facility.

32
33 (y) *Responsible party* means the person, occupant, tenant or renter of real property or some other
34 person designated by the owner to be responsible for the subject property or vehicle and
35 responsible for the creation or abatement of any violation of this chapter.

36
37 (z) *Rubbish* shall mean combustible or noncombustible waste materials, except for trash or
38 garbage, primarily derived from an organic nature, including but not limited to, residue from the
39 burning of wood, coal, coke and other combustible materials, wood or wood products, tree
40 branches and limbs, yard waste, grass clippings and trimmings, shrubbery or plant cuttings
41 leaves, mulch, dirt, manure or fodder or other similar materials.

42
43 (aa) *Spray paint* means paint contained in a aerosol container.

44
45 (bb) *Trash* means refuse of all types and garbage as defined under the International Property
46 Maintenance Code, excluding rubbish, including but not limited to, garbage, street debris, dead

1 animals, market and industrial wastes, paper, wrappings, cigarettes, cardboard, tin cans, treated
2 or synthetic wood and wood composites, glass, bedding crockery, furniture, appliances, litter,
3 tires, dead animal renderings, clothing, boxes, rags, rubber, leather, metallic items, household
4 debris and useless or uncared for matter whether in solid or liquid form.

5
6 (cc) *Weeds* means all vegetation at any state of maturity which exceeds twelve (12) inches in
7 height except healthy trees, shrubs or produce for human consumption grown in a tended and
8 cultivated garden; and means all vegetation, regardless of height or purpose, which, by its density
9 and location:

- 10
11 (1) Interferes with mowing of weeds;
12 (2) Harbors, conceals or invites deposits or accumulation of trash, rodents or vermin;
13 (3) Constitutes a fire hazard;
14 (4) Exhales unpleasant or noxious odors;
15 (5) Is dead or diseased; or
16 (6) Is contagious and can or does create a health hazard.

17
18 **Section 2.** That the Midwest City Municipal Code, Chapter 27 Nuisances, Article I, In General,
19 Section 27-2, Declared Unlawful; Penalties; is hereby amended to read as follows:

20
21 (a) It shall be unlawful for the owner or responsible party to create or maintain a public nuisance
22 within the city or to permit a public nuisance to remain on premises within the city.

23
24 (b) The punishment for every violation of this chapter shall be as set out in section 1-15 of this
25 Code. Each day a violation of this chapter continues shall constitute a separate offense of this
26 chapter, and the fines associated with the offense shall increase for each subsequent violation
27 that occurs within the calendar year, January 1 to December 31, as set out in section 1-15.

28
29 (c) Where the city must abate a nuisance, there shall be assessed to the owner of the property an
30 administrative fine of ~~\$200.00~~ two hundred and sixty-five dollars (\$265.00) for each abatement
31 contract for the property. For any abatement performed pursuant to section 27-14, the
32 administrative fine may be assessed to either the owner of the property and/or the box owner.

33
34 **Section 3.** That the Midwest City Municipal Code, Chapter 27 Nuisances, Article I, In General,
35 Section 27-14, Collection and Donation Boxes; is hereby amended to read as follows:

36
37 (a) Collection and/or donation boxes shall be defined as those unattended and unmanned
38 containers typically placed at business, school or institutional locations within which donations
39 of materials including, but not limited to, clothing, books or other donated items are collected
40 and held to be picked up at a later time.

41
42 (b) Collection and/or donation boxes may only be placed and remain within the city so long as
43 the following terms and conditions are met:

44
45 (1) All collection and/or donation box owners shall first register with the city, showing
46 proof the owner of the land on which the box will be placed (the "land owner") has provided

1 permission for the box to be placed on its land, ~~and~~ Either the land owner or the collection and/or
2 donation box owners shall post a cash bond in the amount of ~~one two hundred fifty and sixty-~~
3 five dollars (\$150.00) (\$265.00) per container per location;

4
5 (2) No collection and/or donation box shall be placed on or over any right-of-way or
6 easement, or to obstruct access to a public utility or trash receptacle or container;

7
8 (3) All collection and/or donation boxes must be maintained in a manner of good general
9 condition, i.e., paint, signage, general outward appearance;

10
11 (4) No donations shall be permitted to overflow and/or accumulate on any collection
12 and/or donation box or on the ground or surface area around the collection and/or donation box;

13
14 (5) Collection and/or donation boxes shall not be placed in any location that would
15 interfere with normal traffic flow or within the sight triangle as defined within this Code;

16
17 (6) Collection and/or donation boxes shall not be placed within fifteen (15) feet of
18 property occupied by one- or two-family residential structures;

19
20 (7) Collection and/or donation boxes shall not occupy a required parking space, traffic
21 aisle and/or fire lane.

22
23 (c) If any collection and/or donation box is deemed to be a nuisance by attracting vermin or
24 other pests which may congregate at or near its location, or by overflow and/or accumulation
25 around or on any collection and/or donation box, either the overflow, the accumulation or the
26 box itself must be removed within twenty-four (24) hours upon notice by the city to the owner
27 of the box and/or the land owner, without any further required action by the city prior to it abating
28 the nuisance at the expense of the owner of the box or the land owner if neither owner abates the
29 nuisance within twenty-four (24) hours of receiving notice from the city.

30
31 (d) Each donation and/or collection box shall prominently display a placard near the opening
32 into which donations/collections are inserted into the box, or on the front of the box if the box
33 has no such opening, clearly indicating the name of the owner of the collection and/or donation
34 box, including a reliable address and other contact information for the owner.

35
36 (e) Owners of donation and/or collection boxes existing and placed within the city prior to the
37 effective date of the ordinance from which this section derives must register and comply with
38 the requirements of this section within ninety (90) days of the ordinance's effective date.

39
40 (f) Those collection and/or donation boxes placed by an authorized waste management company
41 or by the city at various locations throughout the city for the collection of material to be recycled
42 shall be exempt from the requirements of the ordinance.

43
44 (g) Any violation of this section shall entitle the city to abate the nuisance or correct the violation
45 and collect against the posted bond as reimbursement to the city for correcting the violation in
46 the manner deemed appropriate by the city.

1
2 (h) In the event the cash bond is insufficient to cover the cost of abatement(s), or the cash bond
3 has been depleted abating a past offense, the city may require the owner to post another cash
4 bond, which may be greater than that required at the time of registration, or require the owner to
5 remove the collection and/or donation box from within the city.
6

7 (i) When a collection and/or donation box is in violation of this section, it shall be deemed a
8 public nuisance within the city and the owner of the box and/or the land owner shall receive
9 notice of the violation and upon conviction may be punished in accordance with subsection 27-
10 2(b) of this Code.
11

12 **Section 4.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
13 repealed.
14

15 **Section 5.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
16 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
17 of the ordinance.
18

1 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
2 Oklahoma, this _____ day of _____, 2021.

3
4 **THE CITY OF MIDWEST CITY, OKLAHOMA**

5
6
7
8 _____
9 MATTHEW D. DUKES, II, Mayor

10 ATTEST:

11
12
13 _____
14 SARA HANCOCK, City Clerk

15
16
17 Approved as to form and legality this _____ day of _____, 2021.

18
19
20 _____
21 DONALD D. MAISCH, City Attorney

MEMORANDUM

To: OCCC

From: Donald D. Maisch
City Attorney

Date: July 14, 2021

RE: Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 8 Animals and Fowl, Article I, In General, Section 8-2, Definitions; Creating a new ordinance at Chapter 8, Animals and Fowl, Article XI, Commercial Animal Establishments; Section 8-200 through 8-205; and providing for repealer and severability.

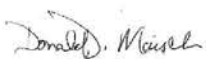
The proposed changes to Chapter 8 Animals and Fowl, Article I, In General, Section 8-2, Definitions would add definitions to this section for terms used in the new Article XI for Commercial Animal Establishments and clean up some grammatical issues.

The proposed new Article (Article XI) to Chapter 8 would establish a new section for Commercial Animal Establishments. This new article if enacted would save animals lives, provide consumer protection, save taxpayer money, and ensure that Midwest City remains a humane municipality. The passage of this would also be a positive step for both shelter animals and the thousands of breeding dogs languishing in puppy mills.

Section 8-200 is the title for the new article. Section 8-201 would require any Commercial Animal Establishment to obtain all required federal and state licenses/permits to operate in Midwest City and set up a City of Midwest City licensure system, with new and renewal permitting fees. This will allow the City of Midwest City to have an inventory concerning how many Commercial Animal Establishments are operating within the City of Midwest City. Section 8-202 would require compliance with the federal state and City of Midwest City licenses as issued. Section 8-203 would grant officials with the City of Midwest City the authority to inspect a Commercial Animal Establishment. Section 8-204 would restrict the selling of any animal from a pet shop, grooming shop or auction (as those terms are defined in the ordinance) from a Commercial Animal Establishment, with the exception of allowing the sale of animals from a non-profit animal care or animal rescue facility. Section 8-205 establishes monetary penalties for failure to comply with the provisions of the new Article.

Ordinance Review Committee recommends and requests approval.

Respectfully submitted,



Donald D. Maisch City Attorney

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

At large: Off of the premises of the owner and not under the restraint of the owner or a ~~member of his~~ an immediate family member, either by leash, cord, chain or otherwise; not under restraint or confined on premises.

1
2 *Auctions:* Any place or facility where animals are regularly bought, sold, or traded,
3 except for those facilities otherwise defined in this chapter. This section does not apply to
4 individual sales of animals by owners.

5
6 *Cat:* Any cat, male or female, and every other animal of feline species.

7
8 *Circus:* A commercial variety show featuring animal acts for public entertainment.

9
10 *Commercial animal breeder:* A person that maintains a dog or cat for the purpose of
11 breeding and selling their offspring.

12
13 *Commercial animal broker:* A person that transfers a dog or cat from a breeder for resale
14 to another person.

15
16 *Commercial animal establishment:* Any pet shop, ~~groom~~ grooming shop, ~~auction~~
17 auctions, riding school or stable, zoological park, circus, performing animal exhibition,
18 commercial animal breeder, commercial animal broker, keeper, or kennel.

19
20 *Confined on the premises:* That condition in which a dog is securely and physically
21 confined and restrained on and within the premises of the owner by means of walls or fences; of
22 such strength and size as physically to prevent the dog from leaving the premises.

23
24 *Dog:* Any dog, male or female, and every other animal of canine species.

25
26 *Grooming shop:* A commercial establishment where animals are bathed, clipped,
27 plucked, or otherwise groomed.

28
29 *Keeper:* Any premises wherein any person engages in the business of boarding, breeding,
30 buying, letting for hire, training for a fee, or selling dogs or cats.

31
32 *Kennel:* Any premises wherein any person engages in the business of boarding, breeding,
33 buying, letting for hire, training for a fee, or selling dogs or cats.

34
35 *Large animals:* Horses, mules, donkeys, cattle, goats, sheep or any other animal of
36 similar size or stature.

37
38 *License.* Permission required by law and issued by a governmental entity whether
39 issuance is by the federal government or subdivision of the federal government, State of
40 Oklahoma, or subdivision of the State of Oklahoma and/or the City of Midwest City. The
41 definition of the term *license* shall include permit, certification, or any other term used for the
42 granting of permission by a governmental entity to operate or perform.

43
44 *Nuisance:* Doing any act or omitting to perform a duty, which act or omission either
45 annoys, injures or endangers the comfort, repose, health or safety of others as defined by the
46 statutes of the state and the ordinances of the city.

1
2 *Offer for sale:* To sell, offer for sale, advertise for the sale of, barter, auction, give away
3 or otherwise dispose of a dog or cat.

4
5 *Owner:* The owner of an animal and also every other person having the care or custody
6 of, harboring, keeping or maintaining any animal.

7
8 *Performing animal exhibition:* Any spectacle, display, act, or event other than circuses,
9 in which performing animals are used.

10
11 *Pet:* Any animal kept for pleasure rather than utility.

12
13 *Pet shop:* Any person, partnership, or corporation, whether operated separately or in
14 connection with another business enterprise except for a licensed kennel, that buys, sells, or
15 boards any species of animal.

16
17 *Rabies suspected animal:* Any dog which shall have bitten a human being, or which shall
18 have been bitten by any animal suspected of having rabies or any infection associated therewith.

19
20 *Ratproof:* A state of being constructed so as to effectively prevent entry of rodents and
21 vectors.

22
23 *Restraint:* Any animal physically secured by a leash or lead, not to exceed six (6) feet in
24 length, and under the control of a responsible person or within the real property limits of its
25 owner.

26
27 *Riding school or stable:* Any place which has available for hire, boarding and/or riding
28 instruction, any horse, pony, donkey, mule or burro.

29
30 *Sanitary:* Any condition of good order and cleanliness which precludes the probability
31 of disease transmission.

32
33 *Sell:* To exchange for consideration, adopt out, barter, auction, trade, lease or otherwise
34 transfer.

35
36 *Small animals:* Rabbits, hares, guinea pigs, chickens, turkeys, guineas, geese, ducks,
37 hamsters, pigeons or any other animal or fowl of similar size or stature.

38
39 *Veterinary hospital:* Any establishment maintained and operated by a licensed
40 veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

41
42 *Vicious animal:* Defined as one not only of disposition to attack every person or animal
43 it may meet, but it includes as well a natural fierceness or disposition to mischief, as may
44 occasionally lead it to attack human beings or animals without provocation.

45

1 *Wild animal:* Any live animal, including, but not limited to, monkey (nonhuman
2 primate), raccoon, skunk, fox, poisonous or constricting snake, leopard, panther, tiger, lion, lynx,
3 bear, or other animal which can normally be found in the wild state or recognized by state and
4 federal game and fish departments.

5
6 *Zoological park:* Any facility, other than a pet shop or kennel, displaying or exhibiting
7 one or more species of nondomesticated animals operated by a person, partnership, corporation,
8 or government agency.

9
10 **Section 2.** A new ordinance in the Midwest City Municipal Code, Chapter 8 Animals and Fowl,
11 Article XI, Commercial Animal Establishments, Section 8-200, Title; is hereby enacted to read as
12 follows:

13
14 Article XI of Chapter 8 of the Midwest City Municipal Code shall be known as Commercial
15 Animal Establishments.

16
17 **Section 3.** A new ordinance in the Midwest City Municipal Code, Chapter 8 Animals and Fowl,
18 Article XI, Commercial Animal Establishments, Section 8-201, Licensure; is hereby enacted to
19 read as follows:

20
21 A. All Commercial Animal Establishments operating within the corporate city limits
22 of Midwest City shall be required to comply with all statutory and regulatory requirements of the
23 federal Animal Welfare Act and obtain a license or permit pursuant to the Act.

24
25 B. All Commercial Animal Establishments operating within the corporate city limits
26 of Midwest City shall be required to comply with all statutory and regulatory requirements of the
27 state Commercial Pet Breeders and Animal Shelter Licensing Act and obtain a license or permit
28 pursuant to the Act.

29
30 C. In addition to the licenses or permits obtained pursuant to the federal Animal
31 Welfare Act and the Commercial Pet Breeders and Animal Shelter Licensing Act, all Commercial
32 Animal Establishments operating within the corporate city limits of Midwest City shall be required
33 to file an application and to obtain a license to operate from the City of Midwest City. The
34 information required in an application shall include but not be limited to:

- 35
36 1. Name of the Commercial Animal Establishment;
37 2. Address of the Commercial Animal Establishment;
38 3. Operation location of the Commercial Animal Establishment, if different
39 from the address;
40 4. Phone number of the Commercial Animal Establishment;
41 5. E-Mail address(es) of the Commercial Animal Establishment;
42 6. Web site(s) for the Commercial Animal Establishment;
43 7. Hours of operation of the Commercial Animal Establishment;

1 8. Registration and/or incorporation information filed with the Oklahoma
2 Secretary of State for the Commercial Animal Establishment;

3
4 9. Types and breeds of animals that are offered for sale or to sell at the
5 Commercial Animal Establishment;

6 10. Number of animals annually to be offered for sale or to sell at the
7 Commercial Animal Establishment;

8 11. Description of the housing to be provided for the animals at the
9 Commercial Animal Establishment;

10 12. Description of how medical care will be provided for the animals at the
11 Commercial Animal Establishment;

12 13. Description of the non-medical care provided for the animals at the
13 Commercial Animal Establishment;

14 14. Description of animal waste disposal procedures for the Commercial
15 Animal Establishment;

16 15. A copy of the Commercial Animal Establishment's licenses under the
17 federal Animal Welfare Act and the Commercial Pet Breeders and Animal Shelter Licensing Act;
18 and

19 16. Payment of a one-hundred dollar (\$100.00) application fee.

20
21 D. The license from the City of Midwest City shall be effective for one year. Any
22 license may renewed for one year upon application for renewal of the license by the Commercial
23 Animal Establishment with the submission of:

24
25 1. A renewal application fee of fifty dollars (\$50.00);

26 2. Submissions of the Commercial Animal Establishment's licenses under the
27 federal Animal Welfare Act and the Commercial Pet Breeders and Animal Shelter Licensing Act;
28 and

29 3. Statement of any changes or amendments from the original application or
30 any previous renewal.

31
32 E. All federal and state licenses or permits and City of Midwest City license shall be
33 prominently displayed by the Commercial Animal Establishment so to be easily viewed by the
34 public and any official of the City of Midwest City.

35
36 **Section 4.** A new ordinance in the Midwest City Municipal Code, Chapter 8 Animals and Fowl,
37 Article XI, Commercial Animal Establishments, Section 8-202, Compliance; is hereby enacted to
38 read as follows:

39
40 All Commercial Animal Establishments shall comply with all terms and conditions of their
41 federal Animal Welfare Act, the Commercial Pet Breeders and Animal Shelter Licensing Act, and
42 City of Midwest City license, which shall include all information provided in the application.
43

1 **Section 5.** A new ordinance in the Midwest City Municipal Code, Chapter 8 Animals and Fowl,
2 Article XI, Commercial Animal Establishments, Section 8-203, Inspections; is hereby enacted to
3 read as follows:
4

5 Officials of the City of Midwest City shall have the authority to enter the operational
6 premises of a Commercial Animal Establishment to inspect for compliance with any City of
7 Midwest City requirement during normal operational hours of the Commercial Animal
8 Establishment.
9

10 **Section 6.** A new ordinance in the Midwest City Municipal Code, Chapter 8 Animals and Fowl,
11 Article XI, Commercial Animal Establishments, Section 8-204, Restrictions on Pet Shops, Groom
12 Shops and Auctions; is hereby enacted to read as follows:
13

14 No pet shop, grooming shop or auctions shall sell or offer to sell any animal from a
15 Commercial Animal Establishment, except for the sale or offer to sell animals from an Animal
16 Care Facility or an Animal Rescue Organization.
17

18 **Section 7.** A new ordinance in the Midwest City Municipal Code, Chapter 8 Animals and Fowl,
19 Article XI, Commercial Animal Establishments, Section 8-205, Penalties; is hereby enacted to
20 read as follows:
21

22 A. Any person, business or organization found to be in violation of any term or
23 requirement of the provisions of Article XI of Chapter 8 of the City Ordinances of the City of
24 Midwest City may be penalized up to \$250.00 per day, per violation.
25

26 B. Any person, business or organization found to be in violation of any term or
27 requirement of the provisions of Article XI of Chapter 8 of the City Ordinances of the City of
28 Midwest City more than three (3) times in any one-year time frame may be penalized up to \$500.00
29 per day, per violation.
30

31 C. Any person, business or organization found to be in violation of any term or
32 requirement of the provisions of Article XI of Chapter 8 of the City Ordinances of the City of
33 Midwest City more than six (6) times in any one-year time frame may be penalized up to \$1,000.00
34 per day, per violation.
35

36 **Section 8.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
37 repealed.
38

39 **Section 9.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
40 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
41 of the ordinance.
42

1 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
2 Oklahoma, this _____ day of _____, 2021.

3
4 **THE CITY OF MIDWEST CITY, OKLAHOMA**

5
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8 _____
9 MATTHEW D. DUKES, II, Mayor

10 ATTEST:

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13 _____
14 SARA HANCOCK, City Clerk

15
16
17 Approved as to form and legality this _____ day of _____, 2021.

18
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20 _____
21 DONALD D. MAISCH, City Attorney

Notice of this Ordinance Oversight Council Committee special 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.

**Ordinance Oversight Council Committee Minutes
Special Meeting**

October 12, 2021

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 5:00 PM with Mayor Matt Dukes and Councilmember Susan Eads.

Staff Present: City Manager Tim Lyon, City Attorney Donald Maisch, City Clerk Sara Hancock, Assistant City Manager Vaughn Sullivan, Director of Operations Ryan Rushing, Director of Communications Josh Ryan.

DISCUSSION ITEMS.

1. **Discussion and consideration for adoption, including any possible amendment of, the minutes of the July 14, 2021 special meeting.**

Eads made a motion to approve the minutes, as submitted, seconded by Dukes. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

2. **Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 2, Administration, Article VIII, Purchasing, Sections 2-116 Generally and 2-125 When bidding not required; and providing for a repealer, severability and an effective date.**

Dukes made a motion to approve and submit to the full City Council, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

3. **Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II, Alcoholic Beverages, Article IV, Occupation Tax, Various Sections; and providing for repealer, severability and effective date.**

Eads made a motion to approve and submit to the full City Council, seconded by Dukes. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

4. **Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 7 Amusements, Article IV, Circuses and Carnivals, Sections 7-50, License; and 7-52 Insurance; providing for repealer, severability and effective date.**

Eads made a motion to approve and submit to the full City Council, seconded by Dukes. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

5. **Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental Property, Sections 20-204 through 20-210; and providing for repealer, severability and effective date.**

Dukes made a motion to approve upon further review prior to submitting to the full City Council, seconded by Byrne. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

6. **Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 20 Appendix A, Zoning Regulations, Section 8 Definitions, Paragraph 8.3, Words and Terms Defined, Subparagraphs 8.3.13 and 8.3.68; and providing for repealer, severability and an effective date.**

Eads made a motion to approve and submit to the full City Council, seconded by Byrne. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

ADJOURNMENT. Chairman Byrne adjourned the meeting at 5:26 PM.

A handwritten signature in blue ink, appearing to read "Pat Byrne", is written over a horizontal line.

PAT BYRNE, Chairman



ORDINANCE OVERSIGHT COUNCIL COMMITTEE AGENDA

City Hall - Midwest City Council Conference Room, 100 N. Midwest Boulevard

October 12, 2021 – 5:00 PM

A. **CALL TO ORDER.**

B. **DISCUSSION ITEMS.**

1. Discussion and consideration for adoption, including any possible amendment of, the minutes of the July 14, 2021 special meeting.
2. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 2, Administration, Article VIII, Purchasing, Sections 2-116 Generally and 2-125 When bidding not required; and providing for a repealer, severability and an effective date.
3. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II, Alcoholic Beverages, Article IV, Occupation Tax, Various Sections; and providing for repealer, severability and effective date.
4. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 7 Amusements, Article IV, Circuses and Carnivals, Sections 7-50, License; and 7-52 Insurance; providing for repealer, severability and effective date.
5. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental Property, Sections 20-204 through 20-210; and providing for repealer, severability and effective date.
6. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 20 Appendix A, Zoning Regulations, Section 8 Definitions, Paragraph 8.3, Words and Terms Defined, Subparagraphs 8.3.13 and 8.3.68; and providing for repealer, severability and an effective date.

C. **ADJOURNMENT.**

Notice of this Ordinance Oversight Council Committee special 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.

Ordinance Oversight Council Committee Minutes
Special Meeting

July 14, 2021

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 Mayor Matt Dukes and Councilmember Susan Eads. Staff Present: City Manager Tim Lyon, City Attorney Donald Maisch, City Clerk Sara Hancock.

DISCUSSION ITEMS.

1. **Discussion and consideration for adoption, including any possible amendment of, the minutes of the November 2, 2020 special meeting, as submitted.**

Dukes made a motion to approve the minutes, as submitted, seconded by Eads. Voting aye: Dukes, Eads and Byrne. Nay: none. Motion carried.

2. **Discussion and consideration for adoption, including any possible amendment of an ordinance amending Midwest City code, Chapter 37, Streets and Sidewalks, Article III, Section 37-67, Construction of Sidewalk; and providing for repealer and severability.**

Dukes made a motion to approve and submit to the full City Council, seconded by Byrne. Voting aye: Dukes and Byrne. Nay: Eads. Motion carried.

3. **Discussion and consideration for adoption, including any possible amendment of an ordinance amending Midwest City code, Section 37, Streets and Sid ewalk s, Article III, Section 37-63, Design Standards for Ingress and Egress Facilities; and Section 37-71, Table 4; and providing for repealer and severability.**

Dukes made a motion to approve and submit to the full City Council, seconded by Byrne. Voting aye: Dukes and Byrne. Abstain: Eads. Motion carried.

4. **Discussion and consideration for adoption , including any possible amendment of, an ordinance amending Chapter 43, Water, Sewers, Sewage Disposal and Stormwater Quality, of the Midwest City Code, by amending Article II, Water Rates and Charges, Section 43-63 (a)(I) through (4), Water Rates inside city; and providing for repealerand severability.**

Eads made a motion to approve and submit to the full City Council, seconded by Dukes. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

5. **Discussion and consideration of passing and approving an ordinance amending the Midwest City Municipal Code, Chapter 28, Offenses-Miscellaneous, Article I, In General, Section 28-11, Warrant Processing Fee; and providing for repealer and severability.**

Dukes made a motion to approve and submit to the full City Council, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

6. **Discussion and consideration of passing and approving an ordinance amending the Midwest City Municipal Code, Chapter 36, Private Security, Article III, Security Alarm Systems, Section 36-32, establishing an effective date; and providing for repealer and severability.**

Dukes made a motion to approve and submit to the full City Council, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

7. **Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 27 Nuisances, Article I, In General, Section 27-1, Definitions; Section 27-2, Declared Unlawful; Penalties; Section 27-14, Collection and Donation Boxes; and providing for repealer and severability.**

Dukes made a motion to approve and submit to the full City Council, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

8. **Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 8 Animals and Fowl, Article I, In General, Section 8-2, Definitions; Creating a new ordinance at Chapter 8, Animals and Fowl, Article XI, Commercial Animal Establishments; Section 8-200 through 8-205; providing for repealer and severability.**

Dukes made a motion to approve and submit to the full City Council, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

PUBLIC DISCUSSION. There was no public discussion.

ADJOURNMENT. Chairman Byrne adjourned the meeting at 7:05 PM.

PAT BYRNE, Chairman



City Attorney, Donald D. Maisch

100 N. Midwest Boulevard

Midwest City, OK 73110

DMaisch@midwestcityok.org

Office: 405.739.1203

www.midwestcityok.org

MEMORANDUM

To: Honorable Mayor and Council

From: Don Maisch
City Attorney

RE: Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 2, Administration, Article VIII, Purchasing, Sections 2-116 Generally and 2-125 When bidding not required; and providing for a repealer, severability and an effective date.

Date: October 26, 2021

The proposed amendment to Chapter 2 Administration, put into effect changed adopted by the Oklahoma Legislature during the 2021 legislative session. The Oklahoma Legislature increased the amount when a construction contract must be bid. The legislation changed the amount to \$100,000.00 in certain circumstances and \$50,000.00 in all circumstances. Additionally, Oklahoma State Law has established a process for issuing contracts to sole source vendors that are not required to be bid.

These proposed amendments:

- Change the amount a contract needs City Council approval from \$25,000.00 to \$50,000.00
- Change the amount a contract is required to go through the formal bidding process from \$25,000.00 to \$50,000.00
- Allows for the City to enter into Sole Source Contracts without going through the formal bidding process.

Approval is at the pleasure of the City Council.

The Ordinance Review Committee has reviewed the proposed amendments and recommends approval.

Respectfully submitted,

Donald D. Maisch
City Attorney

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

Section 2-116, Generally.

(b) All purchases of supplies, materials, equipment or personal services, or any combination thereof, for the various departments and agencies of the city government of ~~twenty-five~~ fifty thousand dollars (~~\$25,000.00~~) (\$50,000.00), or less, shall be made by the city manager or other city personnel in accordance with the Charter and procedures established by the city manager.

Section 2-125. - When bidding not required.

(5) Any contract for goods, supplies, materials, equipment and/or services that meets the requirements and conditions of a sole source contract, as that term is defined and used in Oklahoma State Statutes. The City of Midwest City hereby adopts the requirements and procedures set forth in Oklahoma State Statute to determine whether a contract for goods, supplies, materials, equipment and/or services is a sole source contract.

1
2 **Section 3.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
3 repealed.

4
5 **Section 4.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
6 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
7 of the ordinance.

8
9 **Section 5.** EFFECTIVE DATE. The amendments to the city ordinances for the City of Midwest
10 City shall become effective on December 1, 2021.

11
12
13 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
14 Oklahoma, this _____ day of _____, 2021.

15
16 **THE CITY OF MIDWEST CITY, OKLAHOMA**

17
18
19 _____
20 MATTHEW D. DUKES, II, Mayor

21
22 ATTEST:

23
24
25 _____
26 SARA HANCOCK, City Clerk

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29 Approved as to form and legality this _____ day of _____, 2021.

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33 DONALD D. MAISCH, City Attorney

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

Section 2-116, Generally.

(b) All purchases of supplies, materials, equipment or personal services, or any combination thereof, for the various departments and agencies of the city government of fifty thousand dollars (\$50,000.00), or less, shall be made by the city manager or other city personnel in accordance with the Charter and procedures established by the city manager.

Section 2-125. - When bidding not required.

(5) Any contract for goods, supplies, materials, equipment and/or services that meets the requirements and conditions of a sole source contract, as that term is defined and used in Oklahoma State Statutes. The City of Midwest City hereby adopts the requirements and procedures set forth in Oklahoma State Statute to determine whether a contract for goods, supplies, materials, equipment and/or services is a sole source contract.

1 **Section 3.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
2 repealed.

3
4 **Section 4.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
5 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
6 of the ordinance.

7
8 **Section 5.** EFFECTIVE DATE. These amendments to the city ordinances for the City of Midwest
9 City shall become effective on **December 1, 2021**.

10
11
12 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
13 Oklahoma, this _____ day of _____, 2021.

14
15 **THE CITY OF MIDWEST CITY, OKLAHOMA**

16
17
18
19 _____
20 MATTHEW D. DUKES, II, Mayor

21 ATTEST:

22
23
24 _____
25 SARA HANCOCK, City Clerk

26
27
28 Approved as to form and legality this ____ day of _____, 2021.

29
30
31 _____
32 DONALD D. MAISCH, City Attorney



City Attorney, Donald D. Maisch
100 N. Midwest Boulevard
Midwest City, OK 73110
DMaisch@midwestcityok.org
Office: 405.739.1203
www.midwestcityok.org

MEMORANDUM

To: Honorable Mayor and Council

From: Donald D. Maisch
City Attorney

RE: Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 5 Amusements, Article II, Alcoholic Beverages, Article IV, Occupation Tax, Various Sections; and providing for repealer, severability and an effective date.

Date: October 26, 2021

The proposed amendments to Chapter 5 Alcoholic Beverages makes changes to this chapter of Midwest City Ordinances to bring the ordinances into compliance with the Oklahoma Alcoholic Beverage Control Act (Act) at Title 37A of the Oklahoma Statutes, Section 1-101 *et seq.* Major changes include:

- removal of all licensure of businesses, personnel and operations from the city ordinances as the Act now supersedes city action concerning licensure pursuant to Title 37A of the Oklahoma Statutes, Section 4-101; and
- adoption of the fees established by the Act as occupation taxes on said businesses and personnel as allowed.

Action is at the discretion of the Mayor and Council.

The Ordinance Review Committee has reviewed and approved these amendments.

Respectfully submitted,

Donald D. Maisch
City Attorney

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

Sec. 5-16 - Purpose

Sec. 5-17. – Definitions.

1 as that term is defined in section 5-81 of this chapter alcohol, spirits, beer and wine as those terms
2 are defined herein and also includes every liquid or solid, patented or not, containing alcohol,
3 spirits, wine or beer and capable of being consumed as a beverage by human beings.

4 (5) Applicant means any individual, legal or commercial business entity, or any individual
5 involved in any legal or commercial business entity allowed to hold any license issued in
6 accordance with the Oklahoma Alcoholic Beverage Control Act.

7 (6) Bar means an establishment that is licensed to sell alcoholic beverages or mixed
8 beverages by the individual drink for on-premises consumption which is not a restaurant or other
9 business, which derives less than fifty (50) percent of its annual revenue from the sale of food.

10 (7) Beer means any beverage of alcohol by volume and obtained by the alcoholic
11 fermentation of an infusion or decoction of barley, or other grain, malt or similar products. "Beer"
12 may or may not contain hops or other vegetable products. "Beer" includes, among other things,
13 beer, ale, stout, lager beer, porter and other malt or brewed liquors, but does not include sake,
14 known as Japanese rice wine.

15 (8) Beer keg means any brewer-sealed, single container that contains not less than four (4)
16 gallons of beer.

17 (9) Beer distributor means and includes any person licensed to distribute beer for retail
18 sale in the state, but does not include a holder of a small brewer self-distribution license or brewpub
19 self-distribution license. The term "distributor", as used in the Oklahoma Alcoholic Beverage
20 Control Act, shall be construed to refer to a beer distributor.

21 (10) Bottle club means any establishment in a county which has not authorized the retail
22 sale of alcoholic beverages by the individual drink, which is required to be licensed to keep, mix
23 and serve alcoholic beverages belonging to club members on club premises.

24 (11) Bottle service means the sale and provision of spirits in their original packages by a
25 mixed beverage licensee to be consumed in that mixed beverage licensee's club suite.

26 (12) Brand means any word, name, group of letters, symbol or combination thereof, that
27 is adopted and used by a licensed brewer to identify a specific beer, wine or spirit and to distinguish
28 that product from another beer, wine or spirit.

29 (13) Brand extension means:

30 (a) after October 1, 2018, any brand of beer or cider introduced by a manufacturer
31 in this state which either:

32 (i) incorporates all or a substantial part of the unique features of a
33 preexisting brand of the same licensed brewer, or

34 (ii) relies to a significant extent on the goodwill associated with the
35 preexisting brand, or

36 (b) any brand of beer that a brewer, the majority of whose total volume of all brands
37 of beer distributed in this state by such brewer on January 1, 2016, was distributed as low-
38 point beer, desires to sell, introduces, begins selling or theretofore has sold and desires to
39 continue selling a strong beer in this state which either:

40 (i) incorporates or incorporated all or a substantial part of the unique
41 features of a preexisting low-point beer brand of the same licensed brewer, or

42 (ii) relies or relied to a significant extent on the goodwill associated with a
43 preexisting low-point beer brand.

44 (14) Brewer means and includes any person who manufactures for human consumption
45 by the use of raw materials or other ingredients any beer or cider upon which a license fee and a
46 tax are imposed by any law of this state.

1 (15) *Brewpub* means a licensed establishment operated on the premises of, or on premises
2 located contiguous to, a small brewer, that prepares and serves food and beverages, including
3 alcoholic beverages, for on-premises consumption.

4 (16) *Cider* means any alcoholic beverage obtained by the alcoholic fermentation of fruit
5 juice, including but not limited to flavored, sparkling or carbonated cider. For the purposes of the
6 manufacture of this product, cider may be manufactured by either manufacturers or brewers. For
7 the purposes of the distribution of this product, cider may be distributed by either wine and spirits
8 wholesalers or beer distributors.

9 (17) *Club suite* means a designated area within the premises of a mixed beverage licensee
10 designed to provide an exclusive space which is limited to a patron or patrons specifically granted
11 access by a mixed beverage licensee and is not accessible to other patrons of the mixed beverage
12 licensee or the public. A club suite must have a clearly designated point of access for a patron or
13 patrons specifically granted access by the mixed beverage licensee to ensure that persons present
14 in the suite are limited to patrons specifically granted access by the mixed beverage licensee and
15 employees providing services to the club suite.

16 (18) *Convenience store* means any person primarily engaged in retailing a limited range
17 of general household items and groceries, with extended hours of operation, whether or not
18 engaged in retail sales of automotive fuels in combination with such sales.

19 (19) *Convicted and conviction* mean and include a finding of guilt resulting from a plea of
20 guilty or nolo contendere, the decision of a court or magistrate or the verdict of a jury, irrespective
21 of the pronouncement of judgment or the suspension thereof.

22 (20) *Designated products* means the brands of wine or spirits offered for sale by a
23 manufacturer that the manufacturer has assigned to a designated wholesaler for exclusive
24 distribution.

25 (21) *Designated wholesaler* means a wine and spirits wholesaler who has been selected by
26 a manufacturer as a wholesaler appointed to distribute designated products.

27 (22) *Distiller* means any person who produces spirits from any source or substance, or any
28 person who brews or makes mash, wort or wash, fit for distillation or for the production of spirits
29 (except a person making or using such material in the authorized production of wine or beer, or
30 the production of vinegar by fermentation), or any person who by any process separates alcoholic
31 spirits from any fermented substance, or any person who, making or keeping mash, wort or wash,
32 has also in his or her possession or use a still.

33 (23) *Distributor agreement* means the written agreement between the distributor and
34 brewer.

35 (24) *Drug store* means a person primarily engaged in retailing prescription and
36 nonprescription drugs and medicines.

37 (25) *Dual-strength beer* means a brand of beer that, immediately prior to April 15, 2017,
38 was being sold and distributed in this state:

39 (a) as a low-point beer pursuant to the Low-Point Beer Distribution Act in effect
40 immediately prior to October 1, 2018, and

41 (b) as strong beer pursuant to the Alcoholic Beverage Control Act in effect
42 immediately prior to October 1, 2018,

43 and continues to be sold and distributed as such on October 1, 2018. Dual-strength beer does not
44 include a brand of beer that arose as a result of a brand extension as defined in this section.

45 (26) *Fair market value* means the value in the subject territory covered by the written
46 agreement with the distributor or wholesaler that would be determined in an arm's length

1 transaction entered into without duress or threat of termination of the distributor's or wholesaler's
2 rights and shall include all elements of value, including goodwill and going-concern value.

3 (27) Good cause means:

4 (a) failure by the distributor to comply with the material and reasonable provisions
5 of a written agreement or understanding with the brewer, or

6 (b) failure by the distributor to comply with the duty of good faith.

7 (28) Good faith means the duty of each party to any distributor agreement and all officers,
8 employees or agents thereof to act with honesty in fact and within reasonable standards of fair
9 dealing in the trade.

10 (29) Grocery store means a person primarily engaged in retailing a general line of food,
11 such as canned or frozen foods, fresh fruits and vegetables, and fresh and prepared meats, fish and
12 poultry.

13 (30) Hotel or motel means an establishment which is licensed to sell alcoholic beverages
14 by the individual drink and which contains guestroom accommodations with respect to which
15 the predominant relationship existing between the occupants thereof and the owner or operator
16 of the establishment is that of innkeeper and guest. For purposes of this section, the existence of
17 other legal relationships as between some occupants and the owner or operator thereof shall be
18 immaterial.

19 (7)(31) Intoxicating beverage: See means and has the same definition as alcoholic
20 beverage, above.

21 (32) Legal newspaper means a newspaper meeting the requisites of a newspaper for
22 publication of legal notices as prescribed in Oklahoma Statutes or City of Midwest City
23 Ordinances.

24 (8)(33) Licensee means ~~an~~ any person holding a license under the Oklahoma Alcoholic
25 Beverage Control Act and/or City of Midwest City, and any agent, servant, or employee of such
26 licensee while in the performance of any act or duty in connection with the licensed business of
27 on the licensed premises.

28 (9)(34) Manufacturer means a ~~brewer,~~ distiller, winemaker, rectifier or bottler of any
29 alcoholic beverage, other than beer, and its subsidiaries, affiliates and parent companies.

30 (35) Manufacturer's agent means a salaried or commissioned salesperson who is the agent
31 authorized to act on behalf of the manufacturer or nonresident seller in the state.

32 (36) Meals means foods commonly ordered at lunch or dinner and at least part of which is
33 cooked on the licensed premises and requires the use of dining implements for
34 consumption. Provided, that the service of only food such as appetizers, sandwiches, salads or
35 desserts shall not be considered "meals".

36 (37) Mini-bar means a closed container, either refrigerated in whole or in part, or non-
37 refrigerated, and access to the interior of which is:

38 (a) restricted by means of a locking device which requires the use of a key,
39 magnetic card or similar device, or

40 (b) controlled at all times by the licensee.

41 (40)(38) Mixed beverage cooler means any beverage, by whatever name designated,
42 consisting of an alcoholic beverage and fruit or vegetable juice, fruit or vegetable flavorings,
43 dairy products or carbonated water containing more than one-half percent (½ of 1%) of alcohol
44 measured by volume but not more than seven percent (7%) alcohol by volume at sixty (60)
45 degrees Fahrenheit and which is packaged in a container not larger than three hundred seventy-

1 five (375) milliliters. Such term shall include, but not be limited to, the beverage popularly
2 known as a "wine cooler".

3 ~~(11)~~(39) *Mixed beverage* means one or more servings of a beverage composed in whole
4 or in part of an alcoholic beverage in a sealed or unsealed container of any legal size for
5 consumption on the premises where served or sold by the holder of a mixed beverage, beer and
6 wine, caterer, public event, charitable event or special event license.

7 ~~(12)~~ *Oklahoma winemaker* means a business premises in Oklahoma license pursuant to
8 the Oklahoma Alcoholic Beverage Control Act wherein wine is produced by the licensee who
9 must be a resident of the state, without regard as to where the grapes, berries or other fruits and
10 vegetables are grown.

11 ~~(40)~~ *Motion picture theater* means an establishment which is licensed by the State of
12 Oklahoma to sell alcoholic beverages by the individual drink and where motion pictures are
13 exhibited, and to which the general public is admitted.

14 ~~(41)~~ *Nondesignated products* means the brands of wine or spirits offered for sale by a
15 manufacturer that have not been assigned to a designated wholesaler.

16 ~~(42)~~ *Nonresident seller* means any person licensed under the requirements of the State of
17 Oklahoma.

18 ~~(43)~~ *Retail salesperson* means a salesperson soliciting orders from and calling upon retail
19 alcoholic beverage stores with regard to his or her product.

20 ~~(44)~~ *Occupation* as used in connection with "occupation tax" means the sites occupied as
21 the places of business of the manufacturers, brewers, wholesalers, beer distributors, retailers,
22 mixed beverage licensees, on-premises beer and wine licensees, bottle clubs, caterers, public event
23 and special event licensees.

24 ~~(13)~~(45) *Original package* means any container of alcoholic beverage filled and stamped
25 or sealed by the manufacturer or brewer.

26 ~~(46)~~ *Package store* means any sole proprietor or partnership that qualifies to sell wine,
27 beer and/or spirits for off-premises consumption and that is not a grocery store, convenience store
28 or drug store, or other retail outlet that is not permitted to sell wine or beer for off-premises
29 consumption.

30 ~~(47)~~ *Patron* means any person, customer or visitor who is not employed by a licensee or
31 who is not a licensee.

32 ~~(48)~~ *Person* means an individual, any type of partnership, corporation, association, limited
33 liability company or any individual involved in the legal structure of any such business entity.

34 ~~(14)~~(49) *Premises* means the grounds and all buildings and appurtenances pertaining to
35 the grounds including any adjacent premises if under the direct or indirect control of the licensee
36 and the rooms and equipment under the control of the licensee and used in connection with or in
37 furtherance of the business covered by the license. Provided that the ABLE Commission shall
38 have the authority to designate areas to be excluded from the licensed premises solely for the
39 purpose of:

40 (a) allowing the presence and consumption of alcoholic beverages by private parties which
41 are closed to the general public, or

42 (b) allowing the services of a caterer serving alcoholic beverages provided by a private
43 party.

44 This exception shall in no way limit the licensee's concurrent responsibility for any violations of
45 the Oklahoma Alcoholic Beverage Control Act occurring on the licensed premises.

1 (49) Private event means a social gathering or event attended by invited guests who share
2 a common cause, membership, business or task and have a prior established relationship. For
3 purposes of this definition, advertisement for general public attendance or sales of tickets to the
4 general public shall not constitute a private event.

5 (50) Public event means any event that can be attended by the general public.

6 (51) Rectifier means any person who rectifies, purifies or refines spirits or wines by any
7 process (other than by original and continuous distillation, or original and continuous processing,
8 from mash, wort, wash or other substance, through continuous closed vessels and pipes, until the
9 production thereof is complete), and any person who, without rectifying, purifying or refining
10 spirits, shall by mixing (except for immediate consumption on the premises where mixed) such
11 spirits, wine or other liquor with any material, manufactures any spurious, imitation or compound
12 liquors for sale, under the name of whiskey, brandy, rum, gin, wine, spirits, cordials or any other
13 name.

14 (52) Regulation or Rule means a formal rule of general application promulgated by the
15 ABLE Commission as required.

16 ~~(45)~~(53) Restaurant means an establishment that is licensed to sell alcoholic beverages
17 by the individual drink for on-premises consumption and where food is prepared and sold for
18 immediate consumption on the premises.

19 ~~(16) Retail alcoholic beverage store means a package store where consumption of~~
20 ~~alcohol is prohibited by statute or ordinance.~~

21 ~~(17)~~(54) Retail container for spirits and wines means an original package of a capacity
22 of not less than one twentieth (1/20) gallon specified by the ABLE Commission in its regulations
23 for the alcoholic beverage concerned, or an original package with a capacity of less than one-
24 twentieth (1/20) gallon, referred to as miniatures approved by the United States Bureau of
25 Alcohol, Tobacco and Firearms.

26 ~~(18) Retail dealer means any and all persons who sell, distribute, furnish, provide or~~
27 ~~dispose within the city any alcoholic beverage to the public for consumption or use on the~~
28 ~~premises or upon property owned, managed, operated or available for use by the dealer, whether~~
29 ~~at retail or other remuneration whatsoever, whether actually consumed on the premises or not~~

30 (55) Retailer means a package store, grocery store, convenience store or drug store licensed to
31 sell alcoholic beverages for off-premises consumption pursuant to a Retail Spirits License, Retail
32 Wine License or Retail Beer License.

33 ~~(49)~~(56) Sale means any transfer, exchange or barter in any manner or by any means
34 whatsoever, and includes and means all sales made by any person, whether as principal,
35 proprietor or as an agent, servant or employee. The term "sale" is also declared to be and include
36 the use or consumption in this state of any alcoholic beverage obtained within or imported from
37 without this state, upon which the excise tax levied by the Oklahoma Alcoholic Beverage Control
38 Act has not been paid or exempted.

39 (57) Satellite tasting room means a licensed establishment operated off the licensed
40 premises of the holder of a small farm winery or winemaker license, which serves wine for on-
41 premises or off-premises consumption.

42 (58) Short-order food means food other than full meals including but not limited to
43 sandwiches, soups and salads. Provided that popcorn, chips and other similar snack food shall not
44 be considered "short-order food".

45 (59) Small brewer means a brewer who manufactures less than sixty-five thousand barrels
46 of beer annually pursuant to a validly issued Small Brewer License hereunder.

1 (60) *Small farm wine* means a wine that is produced by a small farm winery with seventy-
2 five percent (75%) or more Oklahoma-grown grapes, berries, other fruits, honey or vegetables.

3 (61) *Small farm winery* means a wine-making establishment that does not annually
4 produce for sale more than fifteen thousand (15,000) gallons of wine as reported on the United
5 States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of Wine
6 Premises Operations (TTB Form 5120.17).

7 (62) *Sparkling wine* means champagne or any artificially carbonated wine.

8 (63) *Special event* means an entertainment, recreation or marketing event that occurs at a
9 single location on an irregular basis and at which alcoholic beverages are sold.

10 ~~(20)(64)~~ *Spirits* means any beverage other than wine or beer, which contains more than
11 three and two tenths (3.2) ~~one-half of one~~ percent (1/2 of 1%) alcohol measured by weight
12 volume and obtained by distillation, whether or not mixed with other substances in solution, and
13 includes those products known as whiskey, brandy, rum, gin vodka, liqueurs, cordials, fortified
14 wines and similar compounds, but does not include any alcohol liquid completely denatured in
15 accordance with the acts of Congress and regulations pursuant thereof.

16 (65) *Strong beer* means beer which, prior to October 1, 2018, was distributed pursuant to
17 the Oklahoma Alcoholic Beverage Control Act, Section 501 et seq. of Title 37 of the Oklahoma
18 Statutes.

19 (66) *Successor brewer* means a primary source of supply, a brewer, a cider manufacturer
20 or an importer that acquires rights to a beer or cider brand from a predecessor brewer.

21 (67) *Tax Commission* means the Oklahoma Tax Commission.

22 (68) *Territory* means a geographic region with a specified boundary.

23 ~~(21) *Wholesale alcoholic beverage store* means a store operated under the authority of a~~
24 ~~state wholesaler's license.~~

25 ~~(22) *Wholesaler* means any person doing any such acts or carrying on any such business~~
26 ~~or businesses as would require such person to obtain a wholesaler's license hereunder.~~

27 (69) *Wine and spirits wholesaler or wine and spirits distributor* means and includes any
28 sole proprietorship or partnership licensed to distribute wine and spirits in the state. The term
29 "wholesaler", as used in the Oklahoma Alcoholic Beverage Control Act, shall be construed to refer
30 to a wine and spirits wholesaler.

31 ~~(23)(70)~~ *Wine* means and includes any beverage containing more than one-half of one
32 ~~(0.5)~~ percent (1/2 of 1%) alcohol by volume and not more than twenty-four percent (24%)
33 alcohol by volume at sixty (60) degrees Fahrenheit obtained ~~b~~ by the fermentation of the natural
34 contents of fruits, vegetables, honey, milk or other products containing sugar, whether or not
35 other ingredients are added, and includes vermouth and sake, known as Japanese rice wine.

36 (71) *Winemaker* means and includes any person or establishment who manufactures for
37 human consumption any wine upon which a license fee and a tax are imposed by any law of this
38 state.

39 ~~(24)(72)~~ *Winery* means a manufacturing establishment operated under the authority of a
40 state winemaker's license.

41
42 (b) The terms defined above shall be interpreted in a manner consistent with the Oklahoma
43 Alcoholic Beverage Control Act. Terms not defined above or in other subsections shall have the
44 definitions assigned to them under this section or assigned to them by the Oklahoma Alcoholic
45 Beverage Control Act.

1 **Section 3.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,
2 Alcoholic Beverages, Division 1, Generally, Section 5-18, What brewer's license authorizes; is
3 hereby amended to read as follows:
4

5 **Sec. 5-18. – ~~What Brewer's license authorizes~~ Compliance with State Requirements**
6

7 ~~A brewer's license authorizes the holder thereof to manufacture, bottle, package and store beer~~
8 ~~on licensed premises; to sell beer in this state to holders of class B wholesale licenses and retail~~
9 ~~licenses, and to sell beer out of this state to qualified persons.~~

10 A. Pursuant to Title 37A of the Oklahoma Statutes any business, company or individual
11 doing business within the City of Midwest City shall comply with all applicable requirements of
12 the Oklahoma Alcoholic Beverage Control Act at Title 37A of the Oklahoma Statutes, Section
13 1-101 et seq.
14

15 B. Any business, company or individual doing any form of business as defined in the
16 Oklahoma Alcoholic Beverage Control Act at Title 37A of the Oklahoma Statutes, Section 1-
17 101 et seq. within the corporate city limits of the City of Midwest City shall comply with the
18 requirements as set forth in Chapter 5 of the City of Midwest City municipal code.
19

20 **Section 4.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,
21 Alcoholic Beverages, Division 1, Generally, Section 5-20, What package store license authorizes;
22 is hereby amended to read as follows:
23

24 **Sec. 5-20. – What package store license authorizes.**
25

26 A package store license shall authorize the holder thereof to purchase alcoholic beverages in
27 retail containers from the holder of a brewer, ~~wholesaler or Class B wholesaler~~ license and to
28 sell same on the licensed premises in retail containers to consumers for off-premises
29 consumption only and not for resale; ~~provided, all alcoholic beverages are to be sold at ordinary~~
30 ~~room temperature.~~
31

32 **Section 5.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,
33 Alcoholic Beverages, Division 1, Generally, Section 5-25, Manner of sale; is hereby amended to
34 read as follows:
35

36 **Sec. 5-25. – Manner of Sale.**
37

38 ~~Package stores licensed under the Oklahoma Alcoholic Beverage Control Act may sell only~~
39 ~~alcoholic beverages in retail containers as defined in Section 506 of this title 5-17 of this Chapter,~~
40 ~~in the original package for consumption off the premises. Provided, all alcoholic beverages are~~
41 ~~to be sold at ordinary room temperature. All retail sales shall be made on the licensed premises~~
42 ~~and all deliveries off the premises, at retail, of intoxicating liquor or beer are hereby prohibited.~~
43

44 **Section 6.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,
45 Alcoholic Beverages, Division 1, Generally, Section 5-51, Prohibited activities, penalties; is
46 hereby amended to read as follows:

1 **Sec. 5-51. – Prohibited activities; penalties.**

2
3 (a) No person shall:

4
5 (1) Knowingly sell, deliver, or furnish intoxicating beverages to any person under
6 twenty-one (21) years of age;

7 (2) Sell, deliver or knowingly furnish intoxicating beverages to an intoxicated person
8 or to any person who has been adjudged insane or mentally deficient;

9 (3) Drink an intoxicating beverage in public except on the premises of the licensee
10 of the city and the Alcoholic Beverage Laws Enforcement Commission who is authorized to sell
11 or serve intoxicating beverages by the individual drink or be intoxicated in a public place. This
12 provision shall be cumulative and in addition to existing law;

13 (4) Forcibly resist lawful arrest, or by physical contact interfere with an investigation
14 of any infringement of the Oklahoma Alcoholic Beverage Control Act or city ordinance, when
15 such person knows or should know that such acts are being performed by a state, county or
16 municipal officer or agent having lawful authority;

17 (5) Manufacture, duplicate, counterfeit or in any way imitate any bottle club
18 membership card or fraternal membership card approved by the ABLE commission without the
19 permission of the commission;

20 (6) Consume or possess intoxicating beverages on the license premises of a bottle
21 club or an establishment operated or occupied by a fraternal organization unless such person is
22 a member or registered guest of the bottle club or fraternal organization;

23 (7) Knowingly possess any form of identification card or document which is false,
24 has been produced with inaccurate or altered information with regard to the identity or the person
25 in possession of the identification, or contains information of a person not the holder of the
26 identification;

27 (8) Deliver more than two (2) intoxicating beverages to a person at one (1) time;

28 (9) Sell or offer to sell to any person an unlimited number of intoxicating beverages
29 during any set period of time for a fixed price, except at private functions not open to the general
30 public;

31 (10) Sell or offer to sell intoxicating beverages to any person or group of persons on
32 any one (1) day at prices less than those charged the general public on that day, except at private
33 function not open to the general public;

34 (11) Increase the volume of the alcohol in an intoxicating beverage contained in a drink
35 without increasing proportionally the price regularly charged for such drink during the same
36 calendar week;

37 (12) Encourage or permit, on the license premises, any game or contest which involves
38 intoxicating beverages or the awarding of alcoholic beverages as prizes;

39 (13) Serve, produce, manufacture or sell intoxicating alcoholic beverages without:

40 A. the appropriate and current state and if applicable, local license, and

41 B. payment of all appropriate City of Midwest City occupation taxes;

42 (14) Permit or allow any patron or person to exit the license premises with an open
43 container containing an intoxicating beverage; or

44 (15) No person operating a restaurant, cafe, club or place of recreation having a state
45 or local license may allow any person who is drunk or intoxicated to remain on the premises or
46 person's place of business.

(b) Any person found in violation of the section may be fined an amount not to exceed the amount prescribed in section 1-15 of this Code, plus court costs, imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.

(c) Any establishment upon which premises any of the violations of this subsection occurs will also be in violation for allowing such offense to occur upon the premises and shall be fined an amount not to exceed the amount prescribed in section 1-15 of this Code and may have its municipal license or permit revoked or suspended for a period of time up to one (1) year. Any subsequent violation by an establishment of this subsection within one (1) year of any prior offense may result in the above fine, plus a permanent revocation of its municipal license or permit.

Section 7. That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV, Occupation Tax, Section 5-121, Levied; is hereby amended to read as follows:

Sec. 5-121. – Levied.

(a) There is hereby levied and assessed an annual occupation tax on every business or occupation relating to alcoholic beverages as specifically enumerated herein and in the amount herein stated:

Mixed beverages:

(Initial)\$1,005.00

(Renewal)905.00

Caterer:

(Initial)1,005.00

(Renewal)905.00

1. Brewer License..... \$1,250.00

2. Small Brewer License..... \$125.00

3. Distiller License..... \$3,125.00

4. Winemaker License..... \$625.00

5. Small Farm Winery License..... \$75.00

6. Rectifier License..... \$3,125.00

7. Wine and Spirits Wholesaler License..... \$3,000.00

8. Beer Distributor License..... \$750.00

9. Retail Spirits License..... \$905.00

10. Retail Wine License..... \$1,000.00

11. Retail Beer License..... \$500.00

12. Mixed Beverage License..... \$1,005.00

(initial license)

\$905.00

(renewal)

13. Mixed Beverage/Caterer Combination License..... \$1,250.00

14. On-Premises Beer and Wine License..... \$500.00

(initial license)

\$450.00

(renewal)

15. Bottle Club License..... \$1,000.00

1		(initial license)
2		\$900.00
3		(renewal)
4	16. Caterer License.....	\$1,005.00
5		(initial license)
6		\$905.00
7		(renewal)
8	17. Annual Special Event License.....	\$55.00
9	18. Quarterly Special Event License.....	\$55.00
10	19. Hotel Beverage License.....	\$1,005.00
11		(initial license)
12		\$905.00
13		(renewal)
14	20. Airline/Railroad/Commercial Passenger Vessel Beverage License	\$1,005.00
15		(initial license)
16		\$905.00
17		(renewal)
18	21. Agent License.....	\$55.00
19	22. Employee License.....	\$30.00
20	23. Industrial License.....	\$23.00
21	24. Carrier License.....	\$23.00
22	25. Private Carrier License.....	\$23.00
23	26. Bonded Warehouse License.....	\$190.00
24	27. Storage License.....	\$23.00
25	28. Nonresident Seller License	\$750.00
26	29. Manufacturer License:	
27	A. 50 cases or less sold in Oklahoma in last calendar year.....	\$50.00
28	B. 51 to 500 cases sold in Oklahoma in last calendar year.....	\$75.00
29	C. 501 cases or more sold in Oklahoma in last calendar year.....	\$150.00
30	30. Manufacturer's Agent License.....	\$55.00
31	31. Sacramental Wine Supplier License.....	\$100.00
32	32. Charitable Auction License.....	\$1.00
33	33. Charitable Alcoholic Beverage License.....	\$55.00
34	34. Winemaker Self-Distribution License.....	\$750.00
35	35. Annual Public Event License.....	\$1,005.00
36	36. One-Time Public Event License.....	\$255.00
37	37. Small Brewer Self-Distribution License.....	\$750.00
38	38. Brewpub License.....	\$1,005.00
39	39. Brewpub Self-Distribution License.....	\$750.00
40	40. Complimentary Beverage License.....	\$75.00
41	41. Satellite Tasting Room License.....	\$100.00
42	42. Special event , Special Event, per day	\$50.00
43	<i>Beer and wine:</i>	
44	(Initial)	500.00
45	(Renewal)	450.00
46	43. Interim Retail Spirits License	\$ 905.00

44. Interim Retail Wine License	\$1,000.00
45. Interim Retail Beer License	\$500.00
46. Service Organizations Exempt under Section 501 (c)(19) of the Internal Revenue Code.....	\$200.00.
47. Package Store.....	\$1,005.00
	(initial license)
	\$905.00
	(renewal)

(b) ~~The occupation tax for those service organizations which are exempt under Section 501(c)(19) of the Internal Revenue Code for mixed beverage license shall be two hundred dollars (\$200.00) per year. Notwithstanding the provisions of subsection (a) of this section:~~

1. The occupational tax for a mixed beverage or bottle club license for those service organizations or fraternal beneficiary societies which are exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per year; and

2. The occupational tax for an airline/railroad/commercial passenger vessel beverage license held by a railroad described in 49 U.S.C., Section 24301, shall be One Hundred Dollars (\$100.00).

Section 8. That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV, Occupation Tax, Section 5-122, Payment required; penalty; is hereby amended to read as follows:

Sec. 5-122. – Payment required; penalty.

(a) For any restaurants, bar and/or service organization, Any the state licensee originally entering upon any business or occupation herein listed shall pay the tax thereof at the office of the city clerk on or before the date upon which he enters upon such occupation. Said licensee shall provide a copy of his current state license before payment of an occupation tax will be accepted.

~~(b) Reserved.~~ (1) For all other businesses and occupations not listed in paragraph (a) above, any state licensee originally entering upon any occupation herein listed shall pay the tax therefor at the office of the city clerk on or before the date upon which he enters into such occupation. Thereafter, such licensee shall pay the tax annually on or before the 1st day of October of each year, and all occupation taxes levied hereunder shall expire on September 30 of each year.

(2) The amount of any occupation tax levied shall be computed pro rata upon the months remaining in the year ending September 30. Such taxes paid on or before the fifteenth day of any month shall be on the basis of the first day of said month and such taxes paid after the fifteenth day of any such month shall be on the basis of the first day of the next succeeding month.

(c) Upon payment of the said occupation tax, the city clerk shall issue a receipt to said state licensee, which said licensee shall post in a conspicuous place on the premises wherein he carries on his occupation.

1
2 (d) Any person or business who engages in any of the occupations or businesses taxed by
3 this chapter without paying said occupation tax imposed therefor in advance of such operation,
4 is guilty of an offense against the City of Midwest City and upon conviction thereof shall be
5 fined the sum of not more than one hundred dollars (\$100.00), excluding costs. Each day of such
6 violation shall constitute a separate offense.

7
8 (e) If the occupation tax due from any person or business under the provisions of this Chapter
9 remains due and unpaid for a period of ten (10) days, there shall be imposed upon him an
10 additional penalty of ten dollars (\$10.00) per day for each day after the ten (10) days.

11
12 (f) Any state licensee carrying on his occupation in more than one location in the corporate
13 limits of this city shall be subject to the occupation tax for each such location.

14
15 (g) Upon payment of the occupation tax, the City Clerk shall issue a receipt to the state
16 licensee. The state licensee shall post the tax receipt in a conspicuous place on the premises
17 wherein the business is operating or wherein the person carries on their occupation.

18
19 **Section 9.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV,
20 Occupation Tax, Section 5-66, Collection by Suit is hereby renumbered as follows:

21
22 **Sec. ~~5-66~~ 5-127. – Collection by Suit.**

23
24 All sums due from any person by reason of occupation taxes imposed by this division
25 and all penalties accruing from such person by reason of failure to pay such tax shall be
26 recoverable at the suit of the city brought against such person in any court of competent
27 jurisdiction. In any such suit, in addition to the tax and penalties, the plaintiff shall recover
28 interest at the rate of ten percent (10%) per annum upon all sums due by way of tax and penalty
29 from the date of accrual thereof, and all costs of collection, judicial or otherwise, including
30 reasonable attorneys' fees which shall be paid to the attorney representing the plaintiff in the suit,
31 all to be determined by the court. Prosecution for an offense against the city arising out of the
32 failure to pay a tax levied by this division, regardless of the outcome thereof or of its continued
33 pendency, shall not constitute a defense or a bar in any manner to the collection of the tax and
34 penalties, if any are due, as herein provided.

35
36 **Section 10. REPEALER.** The following specific Ordinances are hereby repealed:

37 Midwest City Ordinance, Section 5-19;

38 Midwest City Ordinance, Section 5-21;

39 Midwest City Ordinance, Section 5-28;

40 Midwest City Ordinance, Section 5-43;

41 Midwest City Ordinance, Chapter 5, Article II, Division 2, Sections 5-56 through 5-66

42 Midwest City Ordinance, Chapter 5, Article III, Division 1, Division 2, Sections 5-81 through 5-
43 109

44 Any other ordinances or parts of ordinances in conflict herewith are hereby repealed.

1 **Section 11.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
2 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
3 of the ordinance.
4

5 **Section 12.** EFFECTIVE DATE. The effective date for the changes made herein shall be
6 December 1, 2021.
7

8 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
9 Oklahoma, this _____ day of _____, 2021.
10

11 **THE CITY OF MIDWEST CITY, OKLAHOMA**
12
13

14 _____
15 MATTHEW D. DUKES, II, Mayor
16

17 ATTEST:
18
19
20

21 _____
22 SARA HANCOCK, City Clerk
23

24 Approved as to form and legality this _____ day of _____, 2021.
25
26
27

28 _____
DONALD D. MAISCH, City Attorney

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

Sec. 5-16 – Purpose.

Section 2. That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II, Alcoholic Beverages, Division 1, Generally, Section 5-17, Definitions; is hereby amended to read as follows:

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

(2) *To advertise the sale of alcoholic beverages* means the advertising of any kind which includes the name or location of any retail alcoholic store, which makes any reference to a retail alcoholic liquor store, or which quotes prices or otherwise directly offers such alcoholic beverages for sale.

(3) *Alcohol* means and includes hydrated oxide of ethyl, ethyl alcohol, ethanol or spirits of wine, from whatever source or by whatever process produced. It does not include wood alcohol or alcohol which has been denatured or produced as denatured in accordance with the acts of Congress and regulations promulgated thereunder.

(4) *Alcoholic beverage*, also referred to as *intoxicating beverage* means any alcohol, spirits, beer and wine as those terms are defined herein and also includes every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by human beings.

1 (5) *Applicant* means any individual, legal or commercial business entity, or any individual
2 involved in any legal or commercial business entity allowed to hold any license issued in
3 accordance with the Oklahoma Alcoholic Beverage Control Act.

4 (6) *Bar* means an establishment that is licensed to sell alcoholic beverages or mixed
5 beverages by the individual drink for on-premises consumption which is not a restaurant or other
6 business, which derives less than fifty (50) percent of its annual revenue from the sale of food.

7 (7) *Beer* means any beverage of alcohol by volume and obtained by the alcoholic
8 fermentation of an infusion or decoction of barley, or other grain, malt or similar products. "Beer"
9 may or may not contain hops or other vegetable products. "Beer" includes, among other things,
10 beer, ale, stout, lager beer, porter and other malt or brewed liquors, but does not include sake,
11 known as Japanese rice wine.

12 (8) *Beer keg* means any brewer-sealed, single container that contains not less than four (4)
13 gallons of beer.

14 (9) *Beer distributor* means and includes any person licensed to distribute beer for retail
15 sale in the state, but does not include a holder of a small brewer self-distribution license or brewpub
16 self-distribution license. The term "distributor", as used in the Oklahoma Alcoholic Beverage
17 Control Act, shall be construed to refer to a beer distributor.

18 (10) *Bottle club* means any establishment in a county which has not authorized the retail
19 sale of alcoholic beverages by the individual drink, which is required to be licensed to keep, mix
20 and serve alcoholic beverages belonging to club members on club premises.

21 (11) *Bottle service* means the sale and provision of spirits in their original packages by a
22 mixed beverage licensee to be consumed in that mixed beverage licensee's club suite.

23 (12) *Brand* means any word, name, group of letters, symbol or combination thereof, that
24 is adopted and used by a licensed brewer to identify a specific beer, wine or spirit and to distinguish
25 that product from another beer, wine or spirit.

26 (13) *Brand extension* means:

27 (a) after October 1, 2018, any brand of beer or cider introduced by a manufacturer
28 in this state which either:

29 (i) incorporates all or a substantial part of the unique features of a
30 preexisting brand of the same licensed brewer, or

31 (ii) relies to a significant extent on the goodwill associated with the
32 preexisting brand, or

33 (b) any brand of beer that a brewer, the majority of whose total volume of all brands
34 of beer distributed in this state by such brewer on January 1, 2016, was distributed as low-
35 point beer, desires to sell, introduces, begins selling or theretofore has sold and desires to
36 continue selling a strong beer in this state which either:

37 (i) incorporates or incorporated all or a substantial part of the unique
38 features of a preexisting low-point beer brand of the same licensed brewer, or

39 (ii) relies or relied to a significant extent on the goodwill associated with a
40 preexisting low-point beer brand.

41 (14) *Brewer* means and includes any person who manufactures for human consumption
42 by the use of raw materials or other ingredients any beer or cider upon which a license fee and a
43 tax are imposed by any law of this state.

44 (15) *Brewpub* means a licensed establishment operated on the premises of, or on premises
45 located contiguous to, a small brewer, that prepares and serves food and beverages, including
46 alcoholic beverages, for on-premises consumption.

1 (16) *Cider* means any alcoholic beverage obtained by the alcoholic fermentation of fruit
2 juice, including but not limited to flavored, sparkling or carbonated cider. For the purposes of the
3 manufacture of this product, cider may be manufactured by either manufacturers or brewers. For
4 the purposes of the distribution of this product, cider may be distributed by either wine and spirits
5 wholesalers or beer distributors.

6 (17) *Club suite* means a designated area within the premises of a mixed beverage licensee
7 designed to provide an exclusive space which is limited to a patron or patrons specifically granted
8 access by a mixed beverage licensee and is not accessible to other patrons of the mixed beverage
9 licensee or the public. A club suite must have a clearly designated point of access for a patron or
10 patrons specifically granted access by the mixed beverage licensee to ensure that persons present
11 in the suite are limited to patrons specifically granted access by the mixed beverage licensee and
12 employees providing services to the club suite.

13 (18) *Convenience store* means any person primarily engaged in retailing a limited range
14 of general household items and groceries, with extended hours of operation, whether or not
15 engaged in retail sales of automotive fuels in combination with such sales.

16 (19) *Convicted and conviction* mean and include a finding of guilt resulting from a plea of
17 guilty or nolo contendere, the decision of a court or magistrate or the verdict of a jury, irrespective
18 of the pronouncement of judgment or the suspension thereof.

19 (20) *Designated products* means the brands of wine or spirits offered for sale by a
20 manufacturer that the manufacturer has assigned to a designated wholesaler for exclusive
21 distribution.

22 (21) *Designated wholesaler* means a wine and spirits wholesaler who has been selected by
23 a manufacturer as a wholesaler appointed to distribute designated products.

24 (22) *Distiller* means any person who produces spirits from any source or substance, or any
25 person who brews or makes mash, wort or wash, fit for distillation or for the production of spirits
26 (except a person making or using such material in the authorized production of wine or beer, or
27 the production of vinegar by fermentation), or any person who by any process separates alcoholic
28 spirits from any fermented substance, or any person who, making or keeping mash, wort or wash,
29 has also in his or her possession or use a still.

30 (23) *Distributor agreement* means the written agreement between the distributor and
31 brewer.

32 (24) *Drug store* means a person primarily engaged in retailing prescription and
33 nonprescription drugs and medicines.

34 (25) *Dual-strength beer* means a brand of beer that, immediately prior to April 15, 2017,
35 was being sold and distributed in this state:

36 (a) as a low-point beer pursuant to the Low-Point Beer Distribution Act in effect
37 immediately prior to October 1, 2018, and

38 (b) as strong beer pursuant to the Alcoholic Beverage Control Act in effect
39 immediately prior to October 1, 2018,

40 and continues to be sold and distributed as such on October 1, 2018. Dual-strength beer does not
41 include a brand of beer that arose as a result of a brand extension as defined in this section.

42 (26) *Fair market value* means the value in the subject territory covered by the written
43 agreement with the distributor or wholesaler that would be determined in an arm's length
44 transaction entered into without duress or threat of termination of the distributor's or wholesaler's
45 rights and shall include all elements of value, including goodwill and going-concern value.

46 (27) *Good cause* means:

1 (a) failure by the distributor to comply with the material and reasonable provisions
2 of a written agreement or understanding with the brewer, or

3 (b) failure by the distributor to comply with the duty of good faith.

4 (28) *Good faith* means the duty of each party to any distributor agreement and all officers,
5 employees or agents thereof to act with honesty in fact and within reasonable standards of fair
6 dealing in the trade.

7 (29) *Grocery store* means a person primarily engaged in retailing a general line of food,
8 such as canned or frozen foods, fresh fruits and vegetables, and fresh and prepared meats, fish and
9 poultry.

10 (30) *Hotel or motel* means an establishment which is licensed to sell alcoholic beverages
11 by the individual drink and which contains guestroom accommodations with respect to which
12 the predominant relationship existing between the occupants thereof and the owner or operator
13 of the establishment is that of innkeeper and guest. For purposes of this section, the existence of
14 other legal relationships as between some occupants and the owner or operator thereof shall be
15 immaterial.

16 (31) *Intoxicating beverage: See* means and has the same definition as *alcoholic*
17 *beverage*, above.

18 (32) *Legal newspaper* means a newspaper meeting the requisites of a newspaper for
19 publication of legal notices as prescribed in Oklahoma Statutes or City of Midwest City
20 Ordinances.

21 (33) *Licensee* means any person holding a license under the Oklahoma Alcoholic
22 Beverage Control Act and/or City of Midwest City, and any agent, servant, or employee of such
23 licensee while in the performance of any act or duty in connection with the licensed business of
24 on the licensed premises.

25 (34) *Manufacturer* means a ~~brewer~~, distiller, winemaker, rectifier or bottler of any
26 alcoholic beverage, other than beer, and its subsidiaries, affiliates and parent companies.

27 (35) *Manufacturer's agent* means a salaried or commissioned salesperson who is the agent
28 authorized to act on behalf of the manufacturer or nonresident seller in the state.

29 (36) *Meals* means foods commonly ordered at lunch or dinner and at least part of which is
30 cooked on the licensed premises and requires the use of dining implements for
31 consumption. Provided, that the service of only food such as appetizers, sandwiches, salads or
32 desserts shall not be considered "meals".

33 (37) *Mini-bar* means a closed container, either refrigerated in whole or in part, or non-
34 refrigerated, and access to the interior of which is:

35 (a) restricted by means of a locking device which requires the use of a key,
36 magnetic card or similar device, or

37 (b) controlled at all times by the licensee.

38 (38) *Mixed beverage cooler* means any beverage, by whatever name designated,
39 consisting of an alcoholic beverage and fruit or vegetable juice, fruit or vegetable flavorings,
40 dairy products or carbonated water containing more than one-half percent (½ of 1%) of alcohol
41 measured by volume but not more than seven percent (7%) alcohol by volume at sixty (60)
42 degrees Fahrenheit and which is packaged in a container not larger than three hundred seventy-
43 five (375) milliliters. Such term shall include, but not be limited to, the beverage popularly
44 known as a "wine cooler".

45 (39) *Mixed beverage* means one or more servings of a beverage composed in whole or
46 in part of an alcoholic beverage in a sealed or unsealed container of any legal size for

1 consumption on the premises where served or sold by the holder of a mixed beverage, beer and
2 wine, caterer, public event, charitable event_or special event license.

3 (40) *Motion picture theater* means an establishment which is licensed by the State of
4 Oklahoma to sell alcoholic beverages by the individual drink and where motion pictures are
5 exhibited, and to which the general public is admitted.

6 (41) *Nondesignated products* means the brands of wine or spirits offered for sale by a
7 manufacturer that have not been assigned to a designated wholesaler.

8 (42) *Nonresident seller* means any person licensed under the requirements of the State of
9 Oklahoma.

10 (43) *Retail salesperson* means a salesperson soliciting orders from and calling upon retail
11 alcoholic beverage stores with regard to his or her product.

12 (44) *Occupation* as used in connection with "occupation tax" means the sites occupied as
13 the places of business of the manufacturers, brewers, wholesalers, beer distributors, retailers,
14 mixed beverage licensees, on-premises beer and wine licensees, bottle clubs, caterers, public event
15 and special event licensees.

16 (45) *Original package* means any container of alcoholic beverage filled and stamped or
17 sealed by the manufacturer or brewer.

18 (46) *Package store* means any sole proprietor or partnership that qualifies to sell wine,
19 beer and/or spirits for off-premises consumption and that is not a grocery store, convenience store
20 or drug store, or other retail outlet that is not permitted to sell wine or beer for off-premises
21 consumption.

22 (47) *Patron* means any person, customer or visitor who is not employed by a licensee or
23 who is not a licensee.

24 (48) *Person* means an individual, any type of partnership, corporation, association, limited
25 liability company or any individual involved in the legal structure of any such business entity.

26 (49) *Premises* means the grounds and all buildings and appurtenances pertaining to the
27 grounds including any adjacent premises if under the direct or indirect control of the licensee
28 and the rooms and equipment under the control of the licensee and used in connection with or in
29 furtherance of the business covered by the license. Provided that the ABLE Commission shall
30 have the authority to designate areas to be excluded from the licensed premises solely for the
31 purpose of:

32 (a) allowing the presence and consumption of alcoholic beverages by private parties which
33 are closed to the general public, or

34 (b) allowing the services of a caterer serving alcoholic beverages provided by a private
35 party.

36 This exception shall in no way limit the licensee's concurrent responsibility for any violations of
37 the Oklahoma Alcoholic Beverage Control Act occurring on the licensed premises.

38 (49) *Private event* means a social gathering or event attended by invited guests who share
39 a common cause, membership, business or task and have a prior established relationship. For
40 purposes of this definition, advertisement for general public attendance or sales of tickets to the
41 general public shall not constitute a private event.

42 (50) *Public event* means any event that can be attended by the general public.

43 (51) *Rectifier* means any person who rectifies, purifies or refines spirits or wines by any
44 process (other than by original and continuous distillation, or original and continuous processing,
45 from mash, wort, wash or other substance, through continuous closed vessels and pipes, until the
46 production thereof is complete), and any person who, without rectifying, purifying or refining

1 spirits, shall by mixing (except for immediate consumption on the premises where mixed) such
2 spirits, wine or other liquor with any material, manufactures any spurious, imitation or compound
3 liquors for sale, under the name of whiskey, brandy, rum, gin, wine, spirits, cordials or any other
4 name.

5 (52) *Regulation or Rule* means a formal rule of general application promulgated by the
6 ABLE Commission as required.

7 (53) *Restaurant* means an establishment that is licensed to sell alcoholic beverages by
8 the individual drink for on-premises consumption and where food is prepared and sold for
9 immediate consumption on the premises.

10 (54) *Retail container for spirits and wines* means an original package of a capacity
11 approved by the United States Bureau of Alcohol, Tobacco and Firearms.

12 (55) *Retailer* means a package store, grocery store, convenience store or drug store
13 licensed to sell alcoholic beverages for off-premises consumption pursuant to a Retail Spirits
14 License, Retail Wine License or Retail Beer License.

15 (56) *Sale* means any transfer, exchange or barter in any manner or by any means
16 whatsoever, and includes and means all sales made by any person, whether as principal,
17 proprietor or as an agent, servant or employee. The term "sale" is also declared to be and include
18 the use or consumption in this state of any alcoholic beverage obtained within or imported from
19 without this state, upon which the excise tax levied by the Oklahoma Alcoholic Beverage Control
20 Act has not been paid or exempted.

21 (57) *Satellite tasting room* means a licensed establishment operated off the licensed
22 premises of the holder of a small farm winery or winemaker license, which serves wine for on-
23 premises or off-premises consumption.

24 (58) *Short-order food* means food other than full meals including but not limited to
25 sandwiches, soups and salads. Provided that popcorn, chips and other similar snack food shall not
26 be considered "short-order food".

27 (59) *Small brewer* means a brewer who manufactures less than sixty-five thousand barrels
28 of beer annually pursuant to a validly issued Small Brewer License hereunder.

29 (60) *Small farm wine* means a wine that is produced by a small farm winery with seventy-
30 five percent (75%) or more Oklahoma-grown grapes, berries, other fruits, honey or vegetables.

31 (61) *Small farm winery* means a wine-making establishment that does not annually
32 produce for sale more than fifteen thousand (15,000) gallons of wine as reported on the United
33 States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of Wine
34 Premises Operations (TTB Form 5120.17).

35 (62) *Sparkling wine* means champagne or any artificially carbonated wine.

36 (63) *Special event* means an entertainment, recreation or marketing event that occurs at a
37 single location on an irregular basis and at which alcoholic beverages are sold.

38 (64) *Spirits* means any beverage other than wine or beer, which contains more than one-
39 half of one percent (1/2 of 1%) alcohol measured by volume and obtained by distillation, whether
40 or not mixed with other substances in solution, and includes those products known as whiskey,
41 brandy, rum, gin vodka, liqueurs, cordials, fortified wines and similar compounds, but does not
42 include any alcohol liquid completely denatured in accordance with the acts of Congress and
43 regulations pursuant thereof.

44 (65) *Strong beer* means beer which, prior to October 1, 2018, was distributed pursuant to
45 the Oklahoma Alcoholic Beverage Control Act, Section 501 et seq. of Title 37 of the Oklahoma
46 Statutes.

1 (66) *Successor brewer* means a primary source of supply, a brewer, a cider manufacturer
2 or an importer that acquires rights to a beer or cider brand from a predecessor brewer.

3 (67) *Tax Commission* means the Oklahoma Tax Commission.

4 (68) *Territory* means a geographic region with a specified boundary.

5 (69) *Wine and spirits wholesaler or wine and spirits distributor* means and includes any
6 sole proprietorship or partnership licensed to distribute wine and spirits in the state. The term
7 "wholesaler", as used in the Oklahoma Alcoholic Beverage Control Act, shall be construed to refer
8 to a wine and spirits wholesaler.

9 (70) *Wine* means and includes any beverage containing more than one-half of one
10 percent (1/2 of 1%) alcohol by volume and not more than twenty-four percent (24%) alcohol by
11 volume at sixty (60) degrees Fahrenheit obtained ~~h~~ by the fermentation of the natural contents
12 of fruits, vegetables, honey, milk or other products containing sugar, whether or not other
13 ingredients are added, and includes vermouth and sake, known as Japanese rice wine.

14 (71) *Winemaker* means and includes any person or establishment who manufactures for
15 human consumption any wine upon which a license fee and a tax are imposed by any law of this
16 state.

17 (72) *Winery* means a manufacturing establishment operated under the authority of a state
18 winemaker's license.

19
20 (b) The terms defined above shall be interpreted in a manner consistent with the Oklahoma
21 Alcoholic Beverage Control Act. Terms not defined above or in other subsections shall have the
22 definitions assigned to them under this section or assigned to them by the Oklahoma Alcoholic
23 Beverage Control Act.

24
25 **Section 3.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,
26 Alcoholic Beverages, Division 1, Generally, Section 5-18, What brewer's license authorizes; is
27 hereby amended to read as follows:

28
29 **Sec. 5-18. – Compliance with State Requirements.**

30
31 (a) Pursuant to Title 37A of the Oklahoma Statutes any business, company or individual
32 doing business within the City of Midwest City shall comply with all applicable requirements of
33 the Oklahoma Alcoholic Beverage Control Act at Title 37A of the Oklahoma Statutes, Section
34 1-101 *et seq.*

35
36 (b) Any business, company or individual doing any form of business as defined in the
37 Oklahoma Alcoholic Beverage Control Act at Title 37A of the Oklahoma Statutes, Section 1-
38 101 *et seq.* within the corporate city limits of the City of Midwest City shall comply with the
39 requirements as set forth in Chapter 5 of the City of Midwest City municipal code.

40
41 **Section 4.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,
42 Alcoholic Beverages, Division 1, Generally, Section 5-20, What package store license authorizes;
43 is hereby amended to read as follows:

44
45 **Sec. 5-20. – What package store license authorizes.**

1 A package store license shall authorize the holder thereof to purchase alcoholic beverages in
2 retail containers from the holder of a brewer, or wholesaler license and to sell same on the
3 licensed premises in retail containers to consumers for off-premises consumption only and not
4 for resale.

5
6 **Section 5.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,
7 Alcoholic Beverages, Division 1, Generally, Section 5-25, Manner of sale; is hereby amended to
8 read as follows:

9
10 **Sec. 5-25. – Manner of Sale.**

11
12 Package stores may sell only alcoholic beverages in retail containers as defined in Section 5-17
13 of this Chapter, in the original package for consumption off the premises.

14
15 **Section 6.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,
16 Alcoholic Beverages, Division 1, Generally, Section 5-51, Prohibited activities, penalties; is
17 hereby amended to read as follows:

18
19 **Sec. 5-51. – Prohibited activities; penalties.**

20
21 (a) No person shall:

22
23 (1) Knowingly sell, deliver, or furnish intoxicating beverages to any person under
24 twenty-one (21) years of age;

25 (2) Sell, deliver or knowingly furnish intoxicating beverages to an intoxicated person
26 or to any person who has been adjudged insane or mentally deficient;

27 (3) Drink an intoxicating beverage in public except on the premises of the licensee
28 of the city and the Alcoholic Beverage Laws Enforcement Commission who is authorized to sell
29 or serve intoxicating beverages by the individual drink or be intoxicated in a public place. This
30 provision shall be cumulative and in addition to existing law;

31 (4) Forcibly resist lawful arrest, or by physical contact interfere with an investigation
32 of any infringement of the Oklahoma Alcoholic Beverage Control Act or city ordinance, when
33 such person knows or should know that such acts are being performed by a state, county or
34 municipal officer or agent having lawful authority;

35 (5) Manufacture, duplicate, counterfeit or in any way imitate any bottle club
36 membership card or fraternal membership card approved by the ABLE commission without the
37 permission of the commission;

38 (6) Consume or possess intoxicating beverages on the license premises of a bottle
39 club or an establishment operated or occupied by a fraternal organization unless such person is
40 a member or registered guest of the bottle club or fraternal organization;

41 (7) Knowingly possess any form of identification card or document which is false,
42 has been produced with inaccurate or altered information with regard to the identity or the person
43 in possession of the identification, or contains information of a person not the holder of the
44 identification;

45 (8) Deliver more than two (2) intoxicating beverages to a person at one (1) time;

(9) Sell or offer to sell to any person an unlimited number of intoxicating beverages during any set period of time for a fixed price, except at private functions not open to the general public;

(10) Sell or offer to sell intoxicating beverages to any person or group of persons on any one (1) day at prices less than those charged the general public on that day, except at private function not open to the general public;

(11) Increase the volume of the alcohol in an intoxicating beverage contained in a drink without increasing proportionally the price regularly charged for such drink during the same calendar week;

(12) Encourage or permit, on the license premises, any game or contest which involves intoxicating beverages or the awarding of alcoholic beverages as prizes;

(13) Serve, produce, manufacture or sell alcoholic beverages without:

A. the appropriate and current state and if applicable, local license, and

B. payment of all appropriate City of Midwest City occupation taxes;

(14) Permit or allow any patron or person to exit the license premises with an open container containing an intoxicating beverage; or

(15) No person operating a restaurant, cafe, club or place of recreation having a state or local license may allow any person who is drunk or intoxicated to remain on the premises or person's place of business.

(b) Any person found in violation of the section may be fined an amount not to exceed the amount prescribed in section 1-15 of this Code, plus court costs, imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.

(c) Any establishment upon which premises any of the violations of this subsection occurs will also be in violation for allowing such offense to occur upon the premises and shall be fined an amount not to exceed the amount prescribed in section 1-15 of this Code and may have its municipal licensed or permit revoked or suspended for a period of time up to one (1) year. Any subsequent violation by an establishment of this subsection within one (1) year of any prior offense may result in the above fine, plus a permanent revocation of its municipal license or permit.

Section 7. That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV, Occupation Tax, Section 5-121, Levied; is hereby amended to read as follows:

Sec. 5-121. – Levied.

(a) There is hereby levied and assessed an annual occupation tax on every business or occupation relating to alcoholic beverages as specifically enumerated herein and in the amount herein stated:

1. Brewer License.....	\$1,250.00
2. Small Brewer License.....	\$125.00
3. Distiller License.....	\$3,125.00
4. Winemaker License.....	\$625.00
5. Small Farm Winery License.....	\$75.00
6. Rectifier License.....	\$3,125.00
7. Wine and Spirits Wholesaler License.....	\$3,000.00
8. Beer Distributor License.....	\$750.00

1	9. Retail Spirits License.....	\$905.00
2	10. Retail Wine License.....	\$1,000.00
3	11. Retail Beer License.....	\$500.00
4	12. Mixed Beverage License.....	\$1,005.00
5		(initial license)
6		\$905.00
7		(renewal)
8	13. Mixed Beverage/Caterer Combination License.....	\$1,250.00
9	14. On-Premises Beer and Wine License.....	\$500.00
10		(initial license)
11		\$450.00
12		(renewal)
13	15. Bottle Club License.....	\$1,000.00
14		(initial license)
15		\$900.00
16		(renewal)
17	16. Caterer License.....	\$1,005.00
18		(initial license)
19		\$905.00
20		(renewal)
21	17. Annual Special Event License.....	\$55.00
22	18. Quarterly Special Event License.....	\$55.00
23	19. Hotel Beverage License.....	\$1,005.00
24		(initial license)
25		\$905.00
26		(renewal)
27	20. Airline/Railroad/Commercial Passenger Vessel Beverage License	\$1,005.00
28		(initial license)
29		\$905.00
30		(renewal)
31	21. Agent License.....	\$55.00
32	22. Employee License.....	\$30.00
33	23. Industrial License.....	\$23.00
34	24. Carrier License.....	\$23.00
35	25. Private Carrier License.....	\$23.00
36	26. Bonded Warehouse License.....	\$190.00
37	27. Storage License.....	\$23.00
38	28. Nonresident Seller License	\$750.00
39	29. Manufacturer License:	
40	A. 50 cases or less sold in Oklahoma in last calendar year.....	\$50.00
41	B. 51 to 500 cases sold in Oklahoma in last calendar year.....	\$75.00
42	C. 501 cases or more sold in Oklahoma in last calendar year.....	\$150.00
43	30. Manufacturer's Agent License.....	\$55.00
44	31. Sacramental Wine Supplier License.....	\$100.00
45	32. Charitable Auction License.....	\$1.00
46	33. Charitable Alcoholic Beverage License.....	\$55.00

1	34. Winemaker Self-Distribution License.....	\$750.00
2	35. Annual Public Event License.....	\$1,005.00
3	36. One-Time Public Event License.....	\$255.00
4	37. Small Brewer Self-Distribution License.....	\$750.00
5	38. Brewpub License.....	\$1,005.00
6	39. Brewpub Self-Distribution License.....	\$750.00
7	40. Complimentary Beverage License.....	\$75.00
8	41. Satellite Tasting Room License.....	\$100.00
9	42. Special Event, per day	\$50.00
10	43. Interim Retail Spirits License	\$ 905.00
11	44. Interim Retail Wine License	\$1,000.00
12	45. Interim Retail Beer License	\$500.00
13	46. Service Organizations Exempt under Section 501 (c)(19) of the Internal Revenue	
14	Code.....	\$200.00.
15	47. Package Store.....	\$1,005.00
16		(initial license)
17		\$905.00
18		(renewal)

(b) Notwithstanding the provisions of subsection (a) of this section:

1. The occupational tax for a mixed beverage or bottle club license for those service organizations or fraternal beneficiary societies which are exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per year; and

2. The occupational tax for an airline/railroad/commercial passenger vessel beverage license held by a railroad described in 49 U.S.C., Section 24301, shall be One Hundred Dollars (\$100.00).

Section 8. That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV, Occupation Tax, Section 5-122, Payment required; penalty; is hereby amended to read as follows:

Sec. 5-122. – Payment required; penalty.

(a) For any restaurants, bar and/or service organization, the state licensee originally entering upon any business or occupation herein listed shall pay the tax thereof at the office of the city clerk on or before the date upon which he enters upon such occupation. Said licensee shall provide a copy of his current state license before payment of an occupation tax will be accepted.

(b) -(1) For all other businesses and occupations not listed in paragraph (a) above, any state licensee originally entering upon any occupation herein listed shall pay the tax therefor at the office of the city clerk on or before the date upon which he enters into such occupation. Thereafter, such licensee shall pay the tax annually on or before the 1st day of October of each year, and all occupation taxes levied hereunder shall expire on September 30 of each year.

(2) The amount of any occupation tax levied shall be computed pro rata upon the months remaining in the year ending September 30. Such taxes paid on or before the fifteenth

1 day of any month shall be on the basis of the first day of said month and such taxes paid after
2 the fifteenth day of any such month shall be on the basis of the first day of the next succeeding
3 month.

4
5 (c) Upon payment of the said occupation tax, the city clerk shall issue a receipt to said state
6 licensee, which said licensee shall post in a conspicuous place on the premises wherein he carries
7 on his occupation.

8
9 (d) Any person or business_who engages in any of the occupations or businesses taxed by
10 this chapter without paying said occupation tax imposed therefor in advance of such operation,
11 is guilty of an offense against the City of Midwest City and upon conviction thereof shall be
12 fined the sum of not more than one hundred dollars (\$100.00), excluding costs. Each day of such
13 violation shall constitute a separate offense.

14
15 (e) If the occupation tax due from any person or business under the provisions of this Chapter
16 remains due and unpaid for a period of ten (10) days, there shall be imposed upon him an
17 additional penalty of ten dollars (\$10.00) per day for each day after the ten (10) days.

18
19 (f) Any state licensee carrying on his occupation in more than one location in the corporate
20 limits of this city shall be subject to the occupation tax for each such location.

21
22 (g) Upon payment of the occupation tax, the City Clerk shall issue a receipt to the state
23 licensee. The state licensee shall post the tax receipt in a conspicuous place on the premises
24 wherein the business is operating or wherein the person carries on their occupation.

25
26 **Section 9.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV,
27 Occupation Tax, Section 5-66, Collection by Suit is hereby renumbered as follows:

28
29 **Sec. 5-66. 5-127. – Collection by Suit.**

30
31 All sums due from any person by reason of occupation taxes imposed by this division
32 and all penalties accruing from such person by reason of failure to pay such tax shall be
33 recoverable at the suit of the city brought against such person in any court of competent
34 jurisdiction. In any such suit, in addition to the tax and penalties, the plaintiff shall recover
35 interest at the rate of ten percent (10%) per annum upon all sums due by way of tax and penalty
36 from the date of accrual thereof, and all costs of collection, judicial or otherwise, including
37 reasonable attorneys' fees which shall be paid to the attorney representing the plaintiff in the suit,
38 all to be determined by the court. Prosecution for an offense against the city arising out of the
39 failure to pay a tax levied by this division, regardless of the outcome thereof or of its continued
40 pendency, shall not constitute a defense or a bar in any manner to the collection of the tax and
41 penalties, if any are due, as herein provided.

42
43 **Section 10. REPEALER.** The following specific Ordinances are hereby repealed:
44 Midwest City Ordinance, Section 5-19;
45 Midwest City Ordinance, Section 5-21;
46 Midwest City Ordinance, Section 5-28;

1 Midwest City Ordinance, Section 5-43;
2 Midwest City Ordinance, Chapter 5, Article II, Division 2, Sections 5-56 through 5-66
3 Midwest City Ordinance, Chapter 5, Article III, Division 1, Division 2, Sections 5-81 through 5-
4 109

5 Any other ordinances or parts of ordinances in conflict herewith are hereby repealed.

6
7 **Section 11.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
8 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
9 of the ordinance.

10
11 **Section 12.** EFFECTIVE DATE. The effective date for the changes made herein shall be
12 December 1, 2021.

13
14 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
15 Oklahoma, this _____ day of _____, 2021.

16
17 **THE CITY OF MIDWEST CITY, OKLAHOMA**

18
19
20
21 _____
22 MATTHEW D. DUKES, II, Mayor

23 ATTEST:

24
25
26 _____
27 SARA HANCOCK, City Clerk

28
29
30 Approved as to form and legality this _____ day of _____, 2021.

31
32
33 _____
34 DONALD D. MAISCH, City Attorney



City Attorney, Donald D. Maisch
100 N. Midwest Boulevard
Midwest City, OK 73110
DMaisch@midwestcityok.org
Office: 405.739.1203
www.midwestcityok.org

MEMORANDUM

To: Honorable Mayor and Council

From: Don Maisch
City Attorney

RE: Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 7 Amusements, Article IV, Circuses and Carnivals, Sections 7-50, License; and 7-52 Insurance; providing for repealer, severability and an effective date.

Date: October 26, 2021

The proposed amendment to Chapter 7 Amusements, Article IV, Circuses and Carnivals, Sections 7-50, License and 7-52 Insurance is needed to:

1. Increases the licensure fee from \$20.00 to \$40.00;
2. Require a circus or carnival that also meets the definition of a "special event" as defined in City Ordinance, to meet all City special event requirements (as promulgated in City Ordinance and as required in City policy).
3. Increase the liability insurance amounts to the current amounts generally requested by the City.

Action is at the discretion of the Mayor and Council.

The Ordinance Review Committee has reviewed the proposed amendments and recommends approval.

Respectfully submitted,

Donald D. Maisch
City Attorney

1 **ORDINANCE NO. _____**
2

3 AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 7
4 AMUSEMENTS, ARTICLE IV, CIRCUSES AND CARNIVALS, SECTION 7-50, LICENSE;
5 SECTION 7-52, INSURANCE; AND PROVIDING FOR REPEALER, SEVERABILITY AND
6 AN EFFECTIVE DATE.

7
8 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:
9

10 **ORDINANCE**
11

12 **Section 1.** That the Midwest City Municipal Code, Chapter 7 Amusements, Article IV, Circuses
13 and Carnivals, Section 7-50, License; is hereby amended to read as follows:
14

15 **Section 7-50. – License.**
16

17 (a) No person, either as principal or agent, shall, within the city, locate, conduct or carry on
18 either a carnival or a circus without first obtaining a license and paying in advance to the city
19 clerk the license fee hereinafter prescribed, and posting the license within a prominent place at
20 the entrance to the carnival or circus.
21

22 (b) There is hereby levied a license fee of ~~twenty~~ forty dollars ~~(\$20.00)~~ (\$40.00) per day upon
23 each carnival or circus located or showing within the corporate limits of the city, except for any
24 carnival or circus that meets the definition of a “special event” as defined in Section 32-83 of
25 the City Code, then the fee for the carnival or circus shall be the same as established in Section
26 32-90 of the City Code.
27

28 (c) For any carnival or circus permit application that meets the definition of a “special event” as
29 defined in Section 32-83 of the City Code, is required to comply with all City Ordinance
30 requirements promulgated in Chapter 32, Article V and all City policy requirements that
31 implement the requirements in Chapter 32, Article V of the City Code.
32

33 **Section 2.** That the Midwest City Municipal Code, Chapter 7 Amusements, Article IV, Circuses
34 and Carnivals, Section 7-52, Insurance; is hereby amended to read as follows:
35

36 **Section 7-52. – Insurance.**
37

38 Every person operating a circus or carnival shall maintain a public liability policy, and present
39 a certificate of insurance to the city, and including the City of Midwest City as an additional
40 insured, of not less than three hundred thousand one million ~~dollars (\$300,000.00)~~
41 ~~(\$1,000,000.00)~~ liability for injury or death of one person and five hundred thousand two million
42 ~~dollars (\$500,000.00)~~ (\$2,000,000.00) for the injury or death of more than one person, and one
43 ~~hundred thousand~~ million dollars (\$100,000.00) (\$1,000,000.00) for property damage.
44

1 **Section 3.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
2 repealed.

3
4 **Section 4.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
5 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
6 of the ordinance.

7
8 **Section 5.** EFFECTIVE DATE. The amendments to Sections 7-50 and 7-52 of the city ordinances
9 for the City of Midwest City shall become effective on **December 1, 2021**.

10
11
12 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
13 Oklahoma, this _____ day of _____, 2021.

14
15 **THE CITY OF MIDWEST CITY, OKLAHOMA**

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17
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19 _____
20 MATTHEW D. DUKES, II, Mayor

21 ATTEST:

22
23
24 _____
25 SARA HANCOCK, City Clerk

26
27
28 Approved as to form and legality this ____ day of _____, 2021.

29
30
31 _____
32 DONALD D. MAISCH, City Attorney

ORDINANCE NO._____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 7 AMUSEMENTS, ARTICLE IV, CIRCUSES AND CARNIVALS, SECTION 7-50, LICENSE; SECTION 7-52, INSURANCE; AND PROVIDING FOR REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

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

ORDINANCE

Section 1. That the Midwest City Municipal Code, Chapter 7 Amusements, Article IV, Circuses and Carnivals, Section 7-50, License; is hereby amended to read as follows:

Section 7-50. – License.

(a) No person, either as principal or agent, shall, within the city, locate, conduct or carry on either a carnival or a circus without first obtaining a license and paying in advance to the city clerk the license fee hereinafter prescribed, and posting the license within a prominent place at the entrance to the carnival or circus.

(b) There is hereby levied a license fee of forty dollars (\$40.00) per day upon each carnival or circus located or showing within the corporate limits of the city, except for any carnival or circus that meets the definition of a “special event” as defined in Section 32-83 of the City Code, then the fee for the carnival or circus shall be the same as established in Section 32-90 of the City Code.

(c) For any carnival or circus permit application that meets the definition of a “special event” as defined in Section 32-83 of the City Code, is required to comply with all City Ordinance requirements promulgated in Chapter 32, Article V and all City policy requirements that implement the requirements in Chapter 32, Article V of the City Code.

Section 2. That the Midwest City Municipal Code, Chapter 7 Amusements, Article IV, Circuses and Carnivals, Section 7-52, Insurance; is hereby amended to read as follows:

Section 7-52. – Insurance.

Every person operating a circus or carnival shall maintain a public liability policy, and present a certificate of insurance to the city, and including the City of Midwest City as an additional insured, of not less one million dollars (\$1,000,000.00) liability for injury or death of one person and two million dollars (\$2,000,000.00) for the injury or death of more than one person, and one million dollars (\$1,000,000.00) for property damage.

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

1
2 **Section 4.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
3 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
4 of the ordinance.

5
6 **Section 5.** EFFECTIVE DATE. The amendments to Sections 7-50 and 7-52 of the city ordinances
7 for the City of Midwest City shall become effective on December 1, 2021.

8
9 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
10 Oklahoma, this _____ day of _____, 2021.

11
12 **THE CITY OF MIDWEST CITY, OKLAHOMA**

13
14
15 _____
16 MATTHEW D. DUKES, II, Mayor
17

18 ATTEST:

19
20
21 _____
22 SARA HANCOCK, City Clerk
23

24
25 Approved as to form and legality this _____ day of _____, 2021.
26
27

28 _____
29 DONALD D. MAISCH, City Attorney



City Attorney, Donald D. Maisch

100 N. Midwest Boulevard

Midwest City, OK 73110

DMaisch@midwestcityok.org

Office: 405.739.1203

www.midwestcityok.org

MEMORANDUM

To: Honorable Mayor and Council

From: Donald D. Maisch
City Attorney

RE: Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental Property, Sections 20-204 through 20-210; and providing for repealer, severability and an effective date.

Date: October 26, 2021

The proposed amendments to Chapter 20, Housing Code, Article IV, Rental Property, Sections 20-204 through 20-210 establishes a city regulatory process for short-term rentals (Airbnb, VRBO, etc...) within the rental housing chapter of the city ordinances for the City of Midwest City. These amendments were drafted after review of similar ordinances from the City of Oklahoma City, the City of Tulsa, the City of Norman and the City of Stillwater. The ordinances amendments:

- Define what is a short-term rental;
- Establish that a license is required to operate a short-term rental;
- Establish the requirements to submit an application to operate a short-term rental;
- Establish what information will be in the license that is issued and designates the duration of the license at one year;
- Establish a fee schedule that contains: An application fee, A licensure fee, and renewal fee
- Establish the requirements for licensure renewal; and
- Grants the City the authority to suspend, revoke a license or deny a license application or renewal.

Action is at the discretion of the Mayor and Council.

The Ordinance Review Committee has reviewed and approved these amendments.

Respectfully submitted,

Donald D. Maisch
City Attorney

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

Section 1. That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental Property, Section 20-204, Definitions; is hereby amended to read as follows:

As used in this article, the following terms shall have the following meanings respectively ascribed to them in this section. Where terms are not defined in this Code and are defined in the International Property Maintenance Code, such terms shall have the meanings ascribed to them as stated therein.

Multi-housing unit(s) shall mean apartment complexes designed for multifamily dwelling.

Rental housing or rental property means any structure or part thereof which is let for occupancy by persons pursuant to an oral or written rental or lease agreements regardless as to any monetary or other valuable consideration required of any occupant therein.

Semi-detached housing or semi-detached family dwelling shall include those rental dwelling units to include duplexes, townhomes, condominiums which are nonowner occupied, and any other rental dwelling units that do not include those dwellings defined as single-family detached dwellings or multi-housing units.

Single-family detached dwelling shall mean a dwelling unit designed for single-family occupancy with no other family dwelling units attached.

1 **Section 2.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental
2 Property, Section 20-205, ~~Reserved~~ License required, application; is hereby amended to read as
3 follows:
4

5 **Section 20-205. - License required, application.**
6

7 (a) Any owner of a short-term rental shall obtain a license from the City Clerk before
8 commencing operations. No person shall manage or operate a short-term rental without
9 obtaining a license and pay all appropriate fees as provided herein.
10

11 (b) To obtain a license, the owner of a short-term rental must submit an application in a
12 format approved by the City Clerk. The applicant must attest to the following, comply with all
13 requirements listed below and furnish any necessary documentation upon request of the City:
14

15 (1) The name, street address, mailing address, and telephone number of the owner of
16 the short-term rental, which includes the owner's primary physical address, a mailing address,
17 cell phone number and email address;
18

19 (2) The name, street address, mailing address, and telephone number, which includes
20 the primary physical address, a mailing address, cell phone number and email address, of the
21 local contact available to be reached twenty-four (24) hours per day and seven (7) days per week;
22

23 (3) A certification by the property owner and, if applicable, property manager, that
24 the property is not subject to outstanding City Code or state law violations;
25

26 (4) Proof of current, valid property insurance;
27

28 (5) Proof of payment of transient guest room tax due as of the date of submission of
29 the application;
30

31 (6) The number of bedrooms and the proposed occupancy limits;
32

33 (7) A diagram showing the proposed layout of the property use and any on-site
34 parking available, including a floor plan indicating fire exits and escape routes;
35

36 (8) All required egress windows in bedrooms must be operational;
37

38 (9) Has operational smoke detectors and carbon monoxide detectors as required by
39 the Building Code and fire extinguishers as required by the Fire Code;
40

41 (10) That the property is in compliance with applicable provisions of the City's
42 minimum property maintenance, building, electrical, mechanical and plumbing codes;
43

44 (11) An annual fire and life safety inspection;
45

1 (12) Notification of affected property owners: All recorded property owners
2 immediately adjacent to or directly across the street or alley in any direction from the subject
3 property shall be notified of an application for a short-term rental. This notice, as provided by
4 the City Clerk's Office with the application, shall contain the name, address, phone number,
5 email of the property owner and the required local contact person, along with contact information
6 for City offices, such as Code Enforcement, the Midwest City Police Department, Parking
7 Services and any other necessary contact information;

8
9 (13) Restrict rental to anyone under the age of eighteen (18) unless the rental is to a
10 parent or guardian;

11
12 (14) The short-term rental shall not be used for any social or commercial event;

13
14 (15) The short-term rental shall outwardly appear as a residential dwelling;

15
16 (16) The short-term rental shall not adversely affect the residential character of the
17 neighborhood, nor shall the short-term rental generate noise, vibration, glare, odors or other
18 effects that unreasonably interfere with any other person's quiet enjoyment of their residence;

19
20 (17) No guest of a short-term rental shall be allowed to use sound equipment, amplified
21 music or musical instruments;

22
23 (18) No guest of a short-term rental shall violate any parking ordinances of the City of
24 Midwest City;

25
26 (19) No guest of a short-term rental shall violate any open burning ordinances of the
27 City of Midwest City, see Section 15-100 et seq. of the City Ordinances for the City of Midwest
28 City;

29
30 (20) All short-term rentals shall contain the appropriate amounts of smoke detectors,
31 carbon monoxide detectors and fire extinguishers for the size and square footage of the rental;

32
33 (21) If the owner and/or manager of the short-term rental does not reside within the
34 corporate city limits of the City of Midwest City, then there shall be identified an individual or
35 individuals to serve as local contacts to respond to emergency conditions. The local contact
36 must be able to respond to an emergency condition within thirty (30) minutes of notification by
37 a guest, a Midwest City Employee; by law enforcement, by any first responder, or by any
38 individual. Any change to the local contact must be provided to the City of Midwest City within
39 three (3) business days of the date of the change;

40
41 (22) All advertising shall include the license number issued by the City of Midwest
42 City;

43
44 (23) Post the license in a conspicuous location at the short-term rental;

45
46 (24) Any other information requested by the City; and

1
2 (25) Any fraud, material misrepresentation, or false statements contained in the
3 attestations, required documentations, or correlating application material shall be grounds for
4 immediate revocation of short-term rental license. Furthermore, all requirements herein, shall be
5 continuously maintained throughout the duration of the permit.
6

7 **Section 3.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental
8 Property, Section 20-206, ~~Reserved~~ Issuance of license requirements; is hereby amended to read
9 as follows:
10

11 **Section 20-206. - Issuance of license requirements.**
12

13 (a) Upon satisfactory submission of the required attestations, compliance with all
14 requirements, payment of all applicable fees and requested documentation, the City may issue
15 an annual short-term rental license. The license shall contain the following information:
16

17 (1) Street address of the short-term rental;
18

19 (2) License holder's name;
20

21 (3) License number and rental limitations, including bedroom limit and guest
22 occupancy limit;
23

24 (4) Contact information (name, cell phone, email) of local contact able to respond to
25 on-premises complaints;
26

27 (5) Proof of payment of all applicable fees as of the date of submission of the
28 application;
29

30 (6) Dates license is valid;
31

32 (7) The structure has a valid certificate of occupancy or compliance, as required by
33 the City Code, issued no more than ten (10) years before the date the application is submitted to
34 the City, or the structure has been determined by the City Code official not to pose a hazard to
35 life, health, or public safety, based on a minimum life-safety inspection; and
36

37 (8) The property is not subject to outstanding City Code or state law violations. A
38 violation of any provision of the City Code or other applicable law is grounds to deny, suspend,
39 or revoke a license.
40

41 **Section 4.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental
42 Property, Section 20-207, ~~Reserved~~ Fees; is hereby amended to read as follows:
43

44 **Section 20-207. – Fees.**
45

46 (a) The application fee for a short-term rental shall be fifty dollars (\$50.00).

1
2 (b) The initial license fee for a short-term rental shall be one hundred and fifty dollars
3 (\$150.00).

4
5 (c) The renewal license fee for a short-term rental shall be one hundred dollars (\$100.00),
6 which includes one annual inspection fee.

7
8 (d) The inspection fee for a short-term rental, in addition to the first annual renewal
9 inspection if required, shall be fifty dollars (\$50.00) for each inspection thereafter.

10
11 **Section 5.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental
12 Property, Section 20-208, ~~Reserved~~ License renewal; is hereby amended to read as follows:

13
14 **Section 20-208. - License renewal.**

15
16 Except as otherwise provided, a license may be renewed annually if:

17
18 (1) The licensee pays the renewal fee as established herein;

19
20 (2) The licensee provides updates of any changes to the information required;

21
22 (3) The annual inspection is completed and there no City Code or state law violations
23 are discovered;

24
25 (4) The property is not the subject of outstanding City Code or state law violations;

26
27 (5) The City may deny an application to renew a license if the applicant does not
28 provide all information necessary to determine that the dwelling unit meets all requirements for
29 the issuance or renewal of a license; and

30
31 (6) A violation of any provision of the City Code or other applicable law is grounds
32 to deny, suspend, or revoke a license.

33
34 **Section 6.** That the Midwest City Municipal Code, Chapter 20 Alcoholic Beverages, Section 20-
35 209, ~~Reserved~~ Denial, suspension or revocation of license; is hereby amended to read as follows:

36
37 **Section 20-209. - Denial, suspension or revocation of license.**

38
39 The City of Midwest City may deny a license application, suspend or revoke an existing license
40 if any of the following are found to exist:

41
42 (1) Failure to comply with any conditions of the short-term rental requirements;

43
44 (2) The property is the subject of violations of the City Code or state law during a
45 twenty-four-month period prior to submitting the application, based on the following:

- 1 (A) The frequency of any repeated violations;
2 (B) Whether a violation was committed intentionally or knowingly; or
3 (C) Any other information that demonstrates the degree to which the owner or
4 occupant has endangered public health, safety, or welfare; or

5
6 (3) During any inspection the City discovers that the property is in violation of any
7 provision of the City Code or in violation of any state law.
8

9 **Section 7.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental
10 Property, Section 20-210, ~~Reserved~~ Required information to be posted and provided to guests; is
11 hereby amended to read as follows:
12

13 **Section 20-210. - Required information to be posted and provided to guests.**
14

15 The license holder shall post the following information in a prominent location in the interior,
16 clearly visible to guests and provide a packet of the information, summarizing the restrictions
17 applicable to short-term rental use, including:
18

- 19 (1) The license registration, which includes license number;
20
21 (2) Operator's name and number and property manager, if applicable, name and
22 number;
23
24 (3) Local contact person name and number;
25
26 (4) The location of any on-site and off-site parking spaces available for guests;
27
28 (5) Occupancy limits;
29
30 (6) Noise restrictions, including prohibition on the use of sound equipment, amplified
31 music and musical instruments;
32
33 (7) Parking restrictions;
34
35 (8) Information on relevant burn bans;
36
37 (9) Information on relevant water restrictions;
38
39 (10) Trash and recycling collection rules and dates;
40
41 (11) Prohibition on the use of the short-term rental for commercial or social events;
42 and
43
44 (12) Floor plan with fire exit and escape routes, location of fire extinguishers, smoke
45 detectors and carbon monoxide detectors.
46

1 **Section 8.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
2 repealed.

3
4 **Section 9.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
5 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
6 of the ordinance.

7
8 **Section 10.** EFFECTIVE DATE. These amendments to the city ordinances of the City of Midwest
9 City shall become effective on **December 1, 2021**.

10
11
12 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
13 Oklahoma, this _____ day of _____, 2021.

14
15
16 **THE CITY OF MIDWEST CITY, OKLAHOMA**

17
18
19
20 _____
21 MATTHEW D. DUKES, II, Mayor

22 ATTEST:

23
24
25 _____
26 SARA HANCOCK, City Clerk

27
28
29 Approved as to form and legality this _____ day of _____, 2021.

30
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32 _____
33 DONALD D. MAISCH, City Attorney

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

Section 1. That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental Property, Section 20-204, Definitions; is hereby amended to read as follows:

As used in this article, the following terms shall have the following meanings respectively ascribed to them in this section. Where terms are not defined in this Code and are defined in the International Property Maintenance Code, such terms shall have the meanings ascribed to them as stated therein.

Multi-housing unit(s) shall mean apartment complexes designed for multifamily dwelling.

Rental housing or rental property means any structure or part thereof which is let for occupancy by persons pursuant to an oral or written rental or lease agreements regardless as to any monetary or other valuable consideration required of any occupant therein.

Short-term rental shall mean the rental of an existing or otherwise permitted dwelling structure or any portion thereof, for a period of not more than thirty (30) days, where the owner is engaged in a contract for the rental of that specific dwelling, or any portion thereof, that is not a hotel, a boarding house or a lodging house as those terms are defined and those businesses are regulated by the City of Midwest City. Examples of a short-term rental include, but are not limited to, those structures rented or leased through Airbnb, VRBO or other similar sites.

Page 1 of 7

1 **Section 2.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental
2 Property, Section 20-205, License required, application; is hereby amended to read as follows:
3

4 **Section 20-205. - License required, application.**
5

6 (a) Any owner of a short-term rental shall obtain a license from the City Clerk before
7 commencing operations. No person shall manage or operate a short-term rental without
8 obtaining a license and pay all appropriate fees as provided herein.
9

10 (b) To obtain a license, the owner of a short-term rental must submit an application in a
11 format approved by the City Clerk. The applicant must attest to the following, comply with all
12 requirements listed below and furnish any necessary documentation upon request of the City:
13

14 (1) The name, street address, mailing address, and telephone number of the owner of
15 the short-term rental, which includes the owner's primary physical address, a mailing address,
16 cell phone number and email address;
17

18 (2) The name, street address, mailing address, and telephone number, which includes
19 the primary physical address, a mailing address, cell phone number and email address, of the
20 local contact available to be reached twenty-four (24) hours per day and seven (7) days per week;
21

22 (3) A certification by the property owner and, if applicable, property manager, that
23 the property is not subject to outstanding City Code or state law violations;
24

25 (4) Proof of current, valid property insurance;
26

27 (5) Proof of payment of transient guest room tax due as of the date of submission of
28 the application;
29

30 (6) The number of bedrooms and the proposed occupancy limits;
31

32 (7) A diagram showing the proposed layout of the property use and any on-site
33 parking available, including a floor plan indicating fire exits and escape routes;
34

35 (8) All required egress windows in bedrooms must be operational;
36

37 (9) Has operational smoke detectors and carbon monoxide detectors as required by
38 the Building Code and fire extinguishers as required by the Fire Code;
39

40 (10) That the property is in compliance with applicable provisions of the City's
41 minimum property maintenance, building, electrical, mechanical and plumbing codes;
42

43 (11) An annual fire and life safety inspection;
44

45 (12) Notification of affected property owners: All recorded property owners
46 immediately adjacent to or directly across the street or alley in any direction from the subject

1 property shall be notified of an application for a short-term rental. This notice, as provided by
2 the City Clerk's Office with the application, shall contain the name, address, phone number,
3 email of the property owner and the required local contact person, along with contact information
4 for City offices, such as Code Enforcement, the Midwest City Police Department, Parking
5 Services and any other necessary contact information;
6

7 (13) Restrict rental to anyone under the age of eighteen (18) unless the rental is to a
8 parent or guardian;
9

10 (14) The short-term rental shall not be used for any social or commercial event;
11

12 (15) The short-term rental shall outwardly appear as a residential dwelling;
13

14 (16) The short-term rental shall not adversely affect the residential character of the
15 neighborhood, nor shall the short-term rental generate noise, vibration, glare, odors or other
16 effects that unreasonably interfere with any other person's quiet enjoyment of their residence;
17

18 (17) No guest of a short-term rental shall be allowed to use sound equipment, amplified
19 music or musical instruments;
20

21 (18) No guest of a short-term rental shall violate any parking ordinances of the City of
22 Midwest City;
23

24 (19) No guest of a short-term rental shall violate any open burning ordinances of the
25 City of Midwest City, see Section 15-100 *et seq.* of the City Ordinances for the City of Midwest
26 City;
27

28 (20) All short-term rentals shall contain the appropriate amounts of smoke detectors,
29 carbon monoxide detectors and fire extinguishers for the size and square footage of the rental;
30

31 (21) If the owner and/or manager of the short-term rental does not reside within the
32 corporate city limits of the City of Midwest City, then there shall be identified an individual or
33 individuals to serve as local contacts to respond to emergency conditions. The local contact
34 must be able to respond to an emergency condition within thirty (30) minutes of notification by
35 a guest, a Midwest City Employee; by law enforcement, by any first responder, or by any
36 individual. Any change to the local contact must be provided to the City of Midwest City within
37 three (3) business days of the date of the change;
38

39 (22) All advertising shall include the license number issued by the City of Midwest
40 City;
41

42 (23) Post the license in a conspicuous location at the short-term rental;
43

44 (24) Any other information requested by the City; and
45

1 (25) Any fraud, material misrepresentation, or false statements contained in the
2 attestations, required documentations, or correlating application material shall be grounds for
3 immediate revocation of short-term rental license. Furthermore, all requirements herein, shall be
4 continuously maintained throughout the duration of the permit.
5

6 **Section 3.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental
7 Property, Section 20-206, Issuance of license requirements; is hereby amended to read as follows:
8

9 **Section 20-206. - Issuance of license requirements.**
10

11 (a) Upon satisfactory submission of the required attestations, compliance with all
12 requirements, payment of all applicable fees and requested documentation, the City may issue
13 an annual short-term rental license. The license shall contain the following information:
14

15 (1) Street address of the short-term rental;
16

17 (2) License holder's name;
18

19 (3) License number and rental limitations, including bedroom limit and guest
20 occupancy limit;
21

22 (4) Contact information (name, cell phone, email) of local contact able to respond to
23 on-premises complaints;
24

25 (5) Proof of payment of all applicable fees as of the date of submission of the
26 application;
27

28 (6) Dates license is valid;
29

30 (7) The structure has a valid certificate of occupancy or compliance, as required by
31 the City Code, issued no more than ten (10) years before the date the application is submitted to
32 the City, or the structure has been determined by the City Code official not to pose a hazard to
33 life, health, or public safety, based on a minimum life-safety inspection; and
34

35 (8) The property is not subject to outstanding City Code or state law violations. A
36 violation of any provision of the City Code or other applicable law is grounds to deny, suspend,
37 or revoke a license.
38

39 **Section 4.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental
40 Property, Section 20-207, Fees; is hereby amended to read as follows:
41

42 **Section 20-207. – Fees.**
43

44 (a) The application fee for a short-term rental shall be fifty dollars (\$50.00).
45

1 (b) The initial license fee for a short-term rental shall be one hundred and fifty dollars
2 (\$150.00).

3
4 (c) The renewal license fee for a short-term rental shall be one hundred dollars (\$100.00),
5 which includes one annual inspection fee.

6
7 (d) The inspection fee for a short-term rental, in addition to the first annual renewal
8 inspection if required, shall be fifty dollars (\$50.00) for each inspection thereafter.

9
10 **Section 5.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental
11 Property, Section 20-208, License renewal; is hereby amended to read as follows:

12
13 **Section 20-208. - License renewal.**

14
15 Except as otherwise provided, a license may be renewed annually if:

- 16
17 (1) The licensee pays the renewal fee as established herein;
18
19 (2) The licensee provides updates of any changes to the information required;
20
21 (3) The annual inspection is completed and there no City Code or state law violations
22 are discovered;
23
24 (4) The property is not the subject of outstanding City Code or state law violations;
25
26 (5) The City may deny an application to renew a license if the applicant does not
27 provide all information necessary to determine that the dwelling unit meets all requirements for
28 the issuance or renewal of a license; and
29
30 (6) A violation of any provision of the City Code or other applicable law is grounds
31 to deny, suspend, or revoke a license.

32
33 **Section 6.** That the Midwest City Municipal Code, Chapter 20 Alcoholic Beverages, Section 20-
34 209, Denial, suspension or revocation of license; is hereby amended to read as follows:

35
36 **Section 20-209. - Denial, suspension or revocation of license.**

37
38 The City of Midwest City may deny a license application, suspend or revoke an existing license
39 if any of the following are found to exist:

- 40
41 (1) Failure to comply with any conditions of the short-term rental requirements;
42
43 (2) The property is the subject of violations of the City Code or state law during a
44 twenty-four-month period prior to submitting the application, based on the following:
45
46 (A) The frequency of any repeated violations;

- 1 (B) Whether a violation was committed intentionally or knowingly; or
2 (C) Any other information that demonstrates the degree to which the owner or
3 occupant has endangered public health, safety, or welfare; or
4

5 (3) During any inspection the City discovers that the property is in violation of any
6 provision of the City Code or in violation of any state law.
7

8 **Section 7.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental
9 Property, Section 20-210, Required information to be posted and provided to guests; is hereby
10 amended to read as follows:
11

12 **Section 20-210. - Required information to be posted and provided to guests.**
13

14 The license holder shall post the following information in a prominent location in the interior,
15 clearly visible to guests and provide a packet of the information, summarizing the restrictions
16 applicable to short-term rental use, including:
17

- 18 (1) The license registration, which includes license number;
19
20 (2) Operator's name and number and property manager, if applicable, name and
21 number;
22
23 (3) Local contact person name and number;
24
25 (4) The location of any on-site and off-site parking spaces available for guests;
26
27 (5) Occupancy limits;
28
29 (6) Noise restrictions, including prohibition on the use of sound equipment, amplified
30 music and musical instruments;
31
32 (7) Parking restrictions;
33
34 (8) Information on relevant burn bans;
35
36 (9) Information on relevant water restrictions;
37
38 (10) Trash and recycling collection rules and dates;
39
40 (11) Prohibition on the use of the short-term rental for commercial or social events;
41 and
42
43 (12) Floor plan with fire exit and escape routes, location of fire extinguishers, smoke
44 detectors and carbon monoxide detectors.
45

1 **Section 8.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
2 repealed.

3
4 **Section 9.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
5 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
6 of the ordinance.

7
8 **Section 10.** EFFECTIVE DATE. These amendments to the city ordinances of the City of Midwest
9 City shall become effective on **December 1, 2021**.

10
11
12 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
13 Oklahoma, this _____ day of _____, 2021.

14
15 **THE CITY OF MIDWEST CITY, OKLAHOMA**

16
17
18
19 _____
20 MATTHEW D. DUKES, II, Mayor

21 ATTEST:

22
23
24 _____
25 SARA HANCOCK, City Clerk

26
27
28 Approved as to form and legality this _____ day of _____, 2021.

29
30
31 _____
32 DONALD D. MAISCH, City Attorney



City Attorney, Donald D. Maisch
100 N. Midwest Boulevard
Midwest City, OK 73110
DMaisch@midwestcityok.org
Office: 405.739.1203
www.midwestcityok.org

MEMORANDUM

To: Honorable Mayor and Council

From: Donald D. Maisch
City Attorney

RE: Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 20 Appendix A, Zoning Regulations, Section 8 Definitions, Paragraph 8.3, Words and Terms Defined, Subparagraphs 8.3.13 and 8.3.68; and providing for repealer, severability and an effective date.

Date: October 26, 2021

The proposed amendments to Appendix A, Zoning Regulations makes changes to two definitions as used in the Appendix, Boarding House and Lodging House. The changes in each definition exempt out the term “short-term rental” as that term is used in City Ordinances. This changes will ensure that the city ordinances adopted to cover “short-term rentals” do not affect the requirements for either Boarding Houses or Lodging Houses

Action is at the discretion of the Mayor and Council.

The Ordinance Review Committee has reviewed and approved these amendments.

Respectfully submitted,

Donald D. Maisch
City Attorney

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

Section 5. EFFECTIVE DATE. These amendments to the city ordinances of the City of Midwest City shall become effective on December 1, 2021.

1 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
2 Oklahoma, this _____ day of _____, 2021.

3
4 **THE CITY OF MIDWEST CITY, OKLAHOMA**

5
6
7
8 _____
9 MATTHEW D. DUKES, II, Mayor

10 ATTEST:

11
12
13 _____
14 SARA HANCOCK, City Clerk

15
16
17 Approved as to form and legality this _____ day of _____, 2021.

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20 _____
21 DONALD D. MAISCH, City Attorney
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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

Section 5. EFFECTIVE DATE. These amendments to the city ordinances of the City of Midwest City shall become effective on December 1, 2021.

1 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
2 Oklahoma, this _____ day of _____, 2021.

3
4 **THE CITY OF MIDWEST CITY, OKLAHOMA**

5
6
7
8 _____
9 MATTHEW D. DUKES, II, Mayor

10 ATTEST:

11
12
13 _____
14 SARA HANCOCK, City Clerk

15
16
17 Approved as to form and legality this _____ day of _____, 2021.

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20 _____
21 DONALD D. MAISCH, City Attorney
22