

**Ordinance Oversight Council Committee Minutes
Special Meeting**

February 22, 2023

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 5:06 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 Neighborhood Services Mike Stroh, Director of Engineering and Construction Services Brandon Bundy, Prosecuting Attorney Vicki Floyd, and Animal Welfare Manager Teresa Coplen.

DISCUSSION ITEMS.

1. **Discussion, consideration and possible action to approve the minutes of the October 18, 2022 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, consideration and possible action of approving the December 19, 2022 meeting minutes.**

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

3. **Discussion, consideration and possible action approving, an ordinance amending the Midwest City Municipal Code, Chapter 28, Offenses - Miscellaneous; Article IV, Offenses Against Property; Section 28-77, Reserved; and providing for repealer and severability.**

Floyd addressed committee. After Staff and Committee discussion, Eads made a request for Floyd to research EBT payments and update if needed and made a motion to approve, seconded by Dukes. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

4. **Discussion, consideration, and possible action of approving an ordinance amending the Midwest City Municipal Code, Chapter 8, Animals and Fowl; Article II, Impoundment of Livestock; Section 8-22, Disposition of Impounded Animals; and Providing for Repealer and Severability.**

Coplen addressed committee. After Staff and Committee discussion, Dukes made a motion to approve, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

5. **Discussion, consideration, and possible action of approving an ordinance amending the Midwest City Municipal Code, Chapter 8, Animals and Fowl; Article VIII, Animal Welfare Shelter Operation; Section 8-162, Fees; and Providing for Repealer and Severability.**

Coplen addressed committee. After Staff and Committee discussion, Eads made a motion to approve, seconded by Dukes. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

*Recess was taken at 5:18 PM/ Returned at 5:21 PM.

6. **Discussion, consideration, and possible action of an ordinance amending Midwest City code, Chapter 9, Buildings and Building Regulations; Article V, Mechanical Systems; Section 9-190, Plumbing, gas and mechanical board created; composition; terms; meetings; and providing for repealer and severability.**

Bundy addressed committee. After Staff and Committee discussion, Dukes made a motion to approve, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

7. **Discussion, consideration, and possible action of an ordinance amending Midwest City code, Chapter 9, Buildings and Building Regulations, Article IV, Section 9-90, National Electric Code Adopted; Section 9-103 Unsafe equipment and usage; Section 9-161 Code Amended; and providing for repealer and severability.**

Bundy addressed committee. After Staff and Committee discussion, Dukes made a motion to approve, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

8. **An Ordinance Amending Midwest City Code, Chapter 9, Buildings And Building Regulations, Article I, Section 9-4, Incorporated By Reference; Article III, Section 9-31, Code Adopted; Section 9-35, International Residential Code Adopted; Section 9-37, Manufactured Homes; Section 9-39, Existing Structures Code; Section 9-41, Roofing Registration Code; Article V, Section 9-196 Reserved; Section 197 Reserved; Section 198 Reserved; Section 199 Reserved; Section 9-201 Code Adopted; Section 9-205, Separate Permits; Section 9-236 Code Amended; Article VI Section 9-301, Code Adopted; 9-371 Code Amended; and Providing for Repealer and Severability.**

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

9. **Discussion and consideration for adoption, including any possible amendment of an ordinance amending Midwest City code, Chapter 37, Streets and Sidewalks, Article III, Transportation; Division 2, Standards and Requirements; Section 37-65, Street Improvements required by Developers; and providing for repealer and severability.**

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

10. Discussion of Chapter 9, Article VII Sign Regulations.

Byrne requests staff come up with sign recommendations and give to Lyon. Changes to promote businesses, as well as workable, enforceable and fair.


11. Discussion of Chapter 24-201 and 24-203 – Residential Parking Restrictions, Soft Surface Parking.

Committee requests staff to come up with recommendations and give to Lyon. Workable, enforceable and fair.

12. Discussion of Chapter 27-80 – Abandoned Shopping Carts.

After much discussion between Staff and Committee, Byrne recommended reaching out to Chamber to get a solution and/or cooperation with businesses.

ADJOURNMENT. Chairman Byrne adjourned the meeting at 6:00 PM.


PAT BYRNE, Chairman



ORDINANCE OVERSIGHT COUNCIL COMMITTEE AGENDA

Midwest City Second Floor of City Hall – City Management Conference Room
100 N. Midwest Boulevard

February 22, 2023 – 5:00 PM

A. **CALL TO ORDER.**

B. **DISCUSSION ITEMS.**

1. Discussion, consideration and possible action to approve the minutes of the October 18, 2022 meeting.
2. Discussion, consideration and possible action of approving the December 19, 2022 meeting minutes.
3. Discussion, consideration and possible action approving, an ordinance amending the Midwest City Municipal Code, Chapter 28, Offenses - Miscellaneous; Article IV, Offenses Against Property; Section 28-77, Reserved; and providing for repealer and severability.
4. Discussion, consideration, and possible action of approving an ordinance amending the Midwest City Municipal Code, Chapter 8, Animals and Fowl; Article II, Impoundment of Livestock; Section 8-22, Disposition of Impounded Animals; and Providing for Repealer and Severability.
5. Discussion, consideration, and possible action of approving an ordinance amending the Midwest City Municipal Code, Chapter 8, Animals and Fowl; Article VIII, Animal Welfare Shelter Operation; Section 8-162, Fees; and Providing for Repealer and Severability.
6. Discussion, consideration, and possible action of an ordinance amending Midwest City code, Chapter 9, Buildings and Building Regulations; Article V, Mechanical Systems; Section 9-190, Plumbing, gas and mechanical board created; composition; terms; meetings; and providing for repealer and severability.
7. Discussion, consideration, and possible action of an ordinance amending Midwest City code, Chapter 9, Buildings and Building Regulations, Article IV, Section 9-90, National Electric Code Adopted; Section 9-103 Unsafe equipment and usage; Section 9-161 Code Amended; and providing for repealer and severability.

8. An Ordinance Amending Midwest City Code, Chapter 9, Buildings And Building Regulations, Article I, Section 9-4, Incorporated By Reference; Article III, Section 9-31, Code Adopted; Section 9-35, International Residential Code Adopted; Section 9-37, Manufactured Homes; Section 9-39, Existing Structures Code; Section 9-41 Roofing Registration Code; Article V, Section 9-196 Reserved; Section 197 Reserved; Section 198 Reserved; Section 199 Reserved; Section 9-201 Code Adopted; Section 9-205, Separate Permits; Section 9-236 Code Amended; Article VI Section 9-301, Code Adopted; 9-371 Code Amended; And Providing For Repealer And Severability.
9. Discussion and consideration of adoption, including any possible amendment of an ordinance amending Midwest City Code, Chapter 37, Streets and Sidewalks; Article III, Transportation; Division 2, Standards and Requirements; Section 37-65, Street Improvements required by Developers; and providing for repealer and severability.
10. Discussion of Chapter 9, Article VII Sign Regulations.
11. Discussion of Chapter 24-201 and 24-203 - Residential Parking Restrictions, Soft Surface Parking.
12. Discussion of Chapter 27-80 - Abandoned Shopping Carts.

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**

October 18, 2022

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 5:30 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 Engineering and Construction Services Brandon Bundy, Director of Neighborhood Services Mike Stroh and Assistant Public Works Director Carrie Evenson.

DISCUSSION ITEMS.

1. **Discussion and consideration, including any amendments, of approving the Special Ordinance Oversight Council Committee meeting minutes from October 12, 2021 and April 18, 2022.**

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 II, City Council; Section 2-11, Time of regular meetings of council; and providing for a repealer, and severability.**

After Staff and Committee discussion, Dukes made a motion to deny, 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 2 Administration; Article II, City Council; Section 2-11, Time of regular meetings of council; and providing for a repealer, and severability.**

After Staff and Committee discussion, Eads made a motion to approve, 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 13, Drainage and Flood Control, Article III, Stormwater Runoff Control, Section 13-71, Requirements relating to improvements; Section 13-73, Figures and providing for a repealer, and severability.**

After Staff and Committee discussion, Eads made a motion to approve, 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 27 Nuisances; Article II, Weeds and Trash; Section 27-28, Accumulation of rubbish declared a nuisance; penalty; providing for a repealer, and severability.**

After Staff and Committee discussion, Eads made a motion to approve with addition of language to the notices and bolded, “Anywhere on property within the next 6 months”, seconded by Dukes. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

6. **Discussion and consideration for adoption, including any amendments, of a new ordinance located in the Midwest City Municipal Code, Chapter 42, Trees; Article III, Tree Trimming, Etc.; Section 42-55, Dead Trees on Private Property; and providing for a repealer, and severability.**

After Staff and Committee discussion, Eads made a motion to Take No Action. Attorney is to look at the City of Moore’s amendments of code and bring back next year.

7. **Discussion of the provisions of 9-124 of the Midwest City Municipal Code, Chapter 9, Building and Building Regulations; Article IV, Electricity; Division 3 – Electricians, Section 9-124, Defective workmanship or materials.**

After Staff and Committee discussion, Byrne requested to Table. Dukes made a motion for Staff to work on further and bring back, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

8. **Discussion of the Administrative Fines contained in the Midwest City Municipal Code, Chapter 27, Nuisances; Article I, In General; Section 27-2, Declared unlawful; penalties.**

After Staff and Committee discussion, requested ORD 3449 scrivener’s error to be fixed from \$265 to \$260 and submit City Council by January.

9. **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.**

*Byrne left meeting at 7:05 PM / returned at 7:07 PM.

After Staff and Committee discussion, Dukes made a motion to approve stating 4' sidewalk grandfathered in and new sidewalks will meet 5' requirement, seconded by Byrne. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

ADJOURNMENT. Chairman Byrne adjourned the meeting at 7:10 PM.

PAT BYRNE, Chairman

Ordinance Oversight Council Committee Minutes

December 19, 2022

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 9:07 AM with Mayor Matt Dukes and Councilmember Susan Eads.

Staff Present:

City Manager Tim Lyon, City Attorney Donald Maisch, Acting City Clerk Susan Mullendore, and Assistant City Manager Vaughn Sullivan.

DISCUSSION ITEMS.

1. **Discussion and consideration, including any amendments, of an Ordinance to amend Chapter 2-17 Elected Official Accountability Act and Ethics Policy.**

Eads made a motion to request an ordinance to clarify the release of information from Council to the Public and or Media/Social Media per Section 2-17, seconded by Dukes. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

ADJOURNMENT. Chairman Byrne adjourned the meeting at 9:08 AM.

PAT BYRNE, Chairman



City Prosecutor
Vicki Floyd
100 N. Midwest Boulevard
Midwest City, OK 73110
VFloyd@MidwestCityOK.org
Office: 405.739.1284 / Fax: 405.869.8680
www.midwestcityok.org

Memorandum

TO: Honorable Mayor and Council

FROM: Vicki Floyd, City Prosecutor

DATE: February 22, 2023

SUBJECT: Discussion and consideration, and possible action approving an ordinance amending the Midwest City Municipal Code, Chapter 28, Offenses – Miscellaneous; Article IV, Offenses Against Property; Section 28-77, Reserved; and providing for repealer and severability.

The proposed amendment to Chapter 28, Offenses – Miscellaneous; Article IV, Offenses Against Property is to take 28-77 out of reserve to add the crime of Taking a Credit Card or Debit Card. The Midwest City Ordinances currently do not cover instances where a credit card or debit card is wrongfully taken or used. This proposed Ordinance would cover those specific instances.

Action is at the discretion of Mayor and Council.

Vicki Floyd, City Prosecutor

ORDINANCE NO.

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 28, OFFENSES – MISCELLANEOUS; ARTICLE IV, OFFENSES AGAINST PROPERTY; SECTION 28-77, RESERVED; AND PROVIDING FOR REPEALER, SEVERABILITY.

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

ORDINANCE

Section 1. That the Midwest City Municipal Code, Chapter 28, Offenses – Miscellaneous; Article IV, Offenses Against Property; Section 28-77, is hereby brought out of reserve and to read as follows:

Sec. 28-77. – Taking Credit or Debit Card – Receiving Taken Credit or Debit Card

- (a) A person who takes a credit card or debit card from the person, possession, custody or control of another without the cardholder's consent, or who, with knowledge that it has been so taken, receives the credit card or debit card with intent to use it or to sell it, or to transfer it to a person other than the issuer or the cardholder, is guilty of card theft.
- (b) Taking a credit card or a debit card without consent includes obtaining it by the crime of larceny, larceny by trick, larceny by the bailee, embezzlement or obtaining property by false pretense, false promise, extortion or in any manner taking without the consent of the cardholder or issuer.
- (c) A person who has in his possession or under his control any credit card or debit card obtained under subsection (b) of this section is presumed to have violated this section.

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

Section 3. SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for any reason held to be invalid, 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 , 2023.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

1
2 ATTEST:
3

4 _____
5 SARA HANCOCK, City Clerk
6

7 Approved as to form and legality this _____ day of _____, 2023.
8
9

10 _____
11 DON MAISCH, City Attorney
12



Animal Welfare
8485 E Reno Ave
Midwest City, OK 73110
animalwelfare@midwestcityok.org
Office: 405-739-1400
www.midwestcityok.org

MEMORANDUM

To: Honorable Mayor and Council

From: Vaughn Sullivan, Assistant City Manager

Date: February 22, 2023

Subject: Discussion, consideration, and possible action of approving an ordinance amending the Midwest City Municipal Code, Chapter 8, Animals and Fowl; Article II, Impoundment of Livestock; Section 8-22, Disposition of Impounded Animals; and Providing for Repealer and Severability.

Due to the rising impoundment of animals and the costs associated with them, we are asking the Council to consider amending Chapter 8-22 (a) to "Any animal taken into custody and impounded shall not be disposed of until after the expiration of three (3) days (instead of five (5) days) from the time of impounding."

Vaughn K. Sullivan

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6

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

Section 1. That the Midwest City Municipal Code, Chapter 8 Animals and Fowl, Article II, Impoundment, Section 8-22; is hereby amended to read as follows:

- (a) Any animal taken into custody and impounded shall not be disposed of until after the expiration of ~~five (5)~~ three (3) days from the time of impounding.
- (b) Animals abandoned to the Midwest City Animal Welfare Shelter or for whom the municipal court has divested ownership due to neglect or abuse may be:
 - (1) Sold or adopted to the public;
 - (2) Transferred to a nonprofit animal shelter, pound, rescue, or society for the protection of animals, from which the animals so transferred may be sold or adopted; or
 - (3) Humanely destroyed,
 - 1. If the court determines it is in the best interests or the animal, public health, or public safety; or
 - 2. The designee of the city manager determines it is in the best interests or the animal, public health, or public safety.

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.

37 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
38 Oklahoma, this _____ day of _____, 2023.

39
40 **THE CITY OF MIDWEST CITY, OKLAHOMA**

41
42
43 _____
44 MATTHEW D. DUKES, II, Mayor

45
46 ATTEST:

47
48
49 _____
50 SARA HANCOCK, City Clerk

51
52
53 Approved as to form and legality this _____ day of _____, 2023.

54
55
56 _____
57 DONALD D. MAISCH, City Attorney
58



Animal Welfare
8485 E Reno Ave
Midwest City, OK 73110
animalwelfare@midwestcityok.org
Office: 405-739-1400
www.midwestcityok.org

MEMORANDUM

To: Honorable Mayor and Council

From: Vaughn Sullivan, Assistant City Manager

Date: February 22, 2023

Subject: Discussion, consideration, and possible action of approving an ordinance amending the Midwest City Municipal Code, Chapter 8, Animals and Fowl; Article VIII, Animal Welfare Shelter Operation; Section 8-162 Fees; and Providing for Repealer and Severability.

Due to the rising costs in supplies and Veterinary care for the animals, we are asking the Council to consider amending Chapter 8-162 to "A schedule of fees to be established by the City Manager or his designee for the operation and maintenance of the Animal Shelter and services provided to the animals in our care."

Vaughn K. Sullivan

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5

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

Section 1. That the Midwest City Municipal Code, Chapter 8 Animals and Fowl, Article VIII, Animal Welfare Shelter Operation, Section 8-162, Fees; is hereby amended to read as follows:

(a) ~~The fees required relating to reclaiming of dogs and cats shall be:~~

(2) ~~A tranquilization fee of eight dollars (\$8.00) shall be paid by the owner of any animal that is tranquilized by the city.~~ A schedule of fees shall be established for the operation and maintenance of the Animal Welfare Shelter. The fee schedule shall be adopted by the City Manager for the City of Midwest City, or designee and shall be posted in a prominent location at the Animal Welfare Shelter and published on the City of Midwest City's web site.

~~(1) Rabies vaccination fee: Fifteen dollars (\$15.00).~~

(2) — Sterilization fee: Thirty (\$30.00) (not applicable if animal is already sterilized at the time the animal comes into the custody of the city). The fee schedule shall be established to cover the cost of the service provided, all administrative costs associated with the service provided, and the associated costs of the maintenance and operation of the Animal Welfare Shelter for the service provided.

~~(c) — The owner of any animal surrendered to the city shall pay a fee of twenty dollars (\$20.00) at the time of surrender of the animal.~~

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.

1 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
2 Oklahoma, this _____ day of _____, 2023.

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

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

10 ATTEST:

11
12
13 _____
14 SARA HANCOCK, City Clerk
15

16
17 Approved as to form and legality this _____ day of _____, 2023.
18

19
20 _____
21 DONALD D. MAISCH, City Attorney



**Engineering and
Construction Services**
100 N Midwest Boulevard
Midwest City, OK 73110
Office 405.739.1220

TO : Ordinance Oversight Council Committee

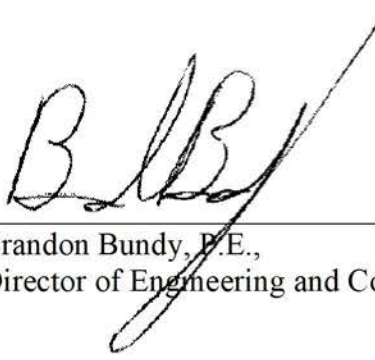
FROM : Brandon Bundy, P.E., Director

DATE : February 22, 2023

SUBJECT : Discussion, consideration, and possible action of an ordinance amending Midwest City code, Chapter 9, Buildings and Building Regulations; Article V, Mechanical Systems; Section 9-190, Plumbing, gas and mechanical board created; composition; terms; meetings; and providing for repealer and severability

The proposed amendment to Section 9-190 of the City of Midwest City municipal code realigns the Plumbing, Gas and Mechanical Board with the Builder's Advisory Board and the Electrical Board which are similar in nature. The proposed ordinance modeled by the ordinance adopted by City Council on May 24, 2022 in regards to the Builder's Advisory Board.

Beyond the nomenclature, the principle change is the removal of a residency requirement of members of the board. Residency is valued but with the specialized nature and requirements of this board; not always possible. This change will allow for a broader cast of candidates.



Brandon Bundy, P.E.,
Director of Engineering and Construction Services

Attachments

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

ORDINANCE

Sec. 9-190. - Plumbing, gas and mechanical board created; composition; terms; meetings.

- (1) Residents of the city at large with reference to their fitness for such office: or-

- (b) The members of the plumbing, gas and mechanical board shall hold office until their successors are appointed; for terms of three (3) years. The mayor shall be an ex officio member of the board.

- (c) Members may be removed for cause by the mayor with approval of the city council. Absences from meetings by board members shall be governed by [section 2-28](#) of the Municipal Code. Vacancies shall be filled for and unexpired term in the same manner as appointment.

- (d) The member of the plumbing, gas and mechanical board shall serve without pay.

- (e) ~~(b)~~ The board shall meet at such times as may be called.

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

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 _____, 2023.

DONALD MAISCH, City Attorney



**Engineering and
Construction Services**
100 N Midwest Boulevard
Midwest City, OK 73110
Office 405.739.1220

To: Honorable Mayor and Council

From: Patrick Menefee, P.E., City Engineer

Date: February 22, 2023

Subject: Discussion and consideration of adoption, including any possible amendment of an ordinance amending Midwest City Code, Chapter 37, Streets and Sidewalks; Article III, Transportation; Division 2, Standards and Requirements; Section 37-65, Street Improvements required by Developers; and providing for repealer and severability.

This ordinance is being requested by Engineering staff. Currently, the code references an incorrect Chapter in Section 38 of the Code and Ordinances.

The update will correct the reference error.

Acceptance is at the discretion of the council.



Patrick Menefee, P.E.,

City Engineer

1 | **ORDINANCE NO.** _____

3 **AN ORDINANCE AMENDING MIDWEST CITY CODE, CHAPTER 37, STREETS AND**
4 **SIDEWALKS; ARTICLE III, TRANSPORTATION; DIVISION 2, STANDARDS AND RE-**
5 **QUIREMENTS; SECTION 37-65, STREET IMPROVEMENTS REQUIRED BY DEVEL-**
6 **OPERS; AND PROVIDING FOR REPEALER AND SEVERABILITY**

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

ORDINANCE

9 SECTION 1. That Midwest City Code, Chapter 37, Streets and Sidewalks, by amending Section
10 37-65, Street Improvements required by Developers, is hereby to read as follows:

11 | **Sec. 37-65. - Street improvements required by Developers.**

12 Any person who hereafter constructs or develops any residential, multi-family dwellings, commercial,
13 industrial or institutional property shall be required to do the following:

(a) All major and minor streets shall be provided and improved whether a part of a subdivision of land or as required for individual tracts in accordance with the policies herein established and as provided in ~~Section 38-94, subsection (a)(1) and (2) and/or (c)~~ **Section 38-45**, provided, however, that one single-family dwelling may be excepted from the paving requirements of the regulations.

(b) Where new residential subdivisions, excluding short form plats, have lots with exclusive frontage onto a major arterial street; there shall be provided a paved parallel frontage road with its necessary driveway connection to the major arterial street. Frontage roads shall be paved in accordance with the Midwest City Standard paving section for local streets. The driveway connections with the major arterial shall be constructed to provide a twenty-five-foot traffic lane measured between the center line and the right-of-way line of said major street, plus a transitional section of pavement on each side of said intersecting driveway connections for a distance of two (2) times the width of the widening as shown on the attached drawing as Case 1.

Where a subdivision of one-family and/or two-family residential lots has lots for which the lots back up to the major street, improve the existing major street in order that such major street will provide twenty-five-foot traffic lane across each intersecting street measured between the center line and right-of-way line of said major street plus the transitional section of pavement on each end of said intersecting street for a distance two (2) times the width of the widening as shown on the drawing following this section as Case 2, and furthermore provided that a limit of no access easement is dedicated adjacent to the major street in the subdivision across the frontage of that portion of the subdivision along which lots are backing up to the arterial street.

Where the lots that front onto a major arterial street in a subdivision of one-family and/or two-family residential lots also has frontage onto a minor street and the subdivision either has only one minor street intersecting the major arterial street, or has two (2) or more minor streets intersecting the major arterial streets at more than four hundred (400) feet apart, improve such major street in order that the major arterial street will provide a twenty-five-foot traffic lane across each intersecting street in order that such major street will provide a twenty-five-foot traffic lane measured between the center line and the right-of-way line of said major street, plus a transitional section of pavement on each side of the intersecting street or streets for a distance of two (2) times the width of the widening as shown on the drawing following this section as Case 3.

1 Where property on which multi-family dwellings, commercial, industrial and/or institutional buildings
2 are being developed, and where driveways or streets from said property to the major arterial street
3 are being constructed at more than one hundred (100) feet apart, improve the existing major street in
4 order that such major street will provide a twenty-five-foot traffic lane across each intersecting street
5 or driveway from such property as measured between the center line and the right-of-way line of the
6 major street, plus a transitional section of pavement on each side of the intersecting streets or drive-
7 ways for a distance of two (2) times the width of the widening as shown on the drawing following this
8 section as Case 5.

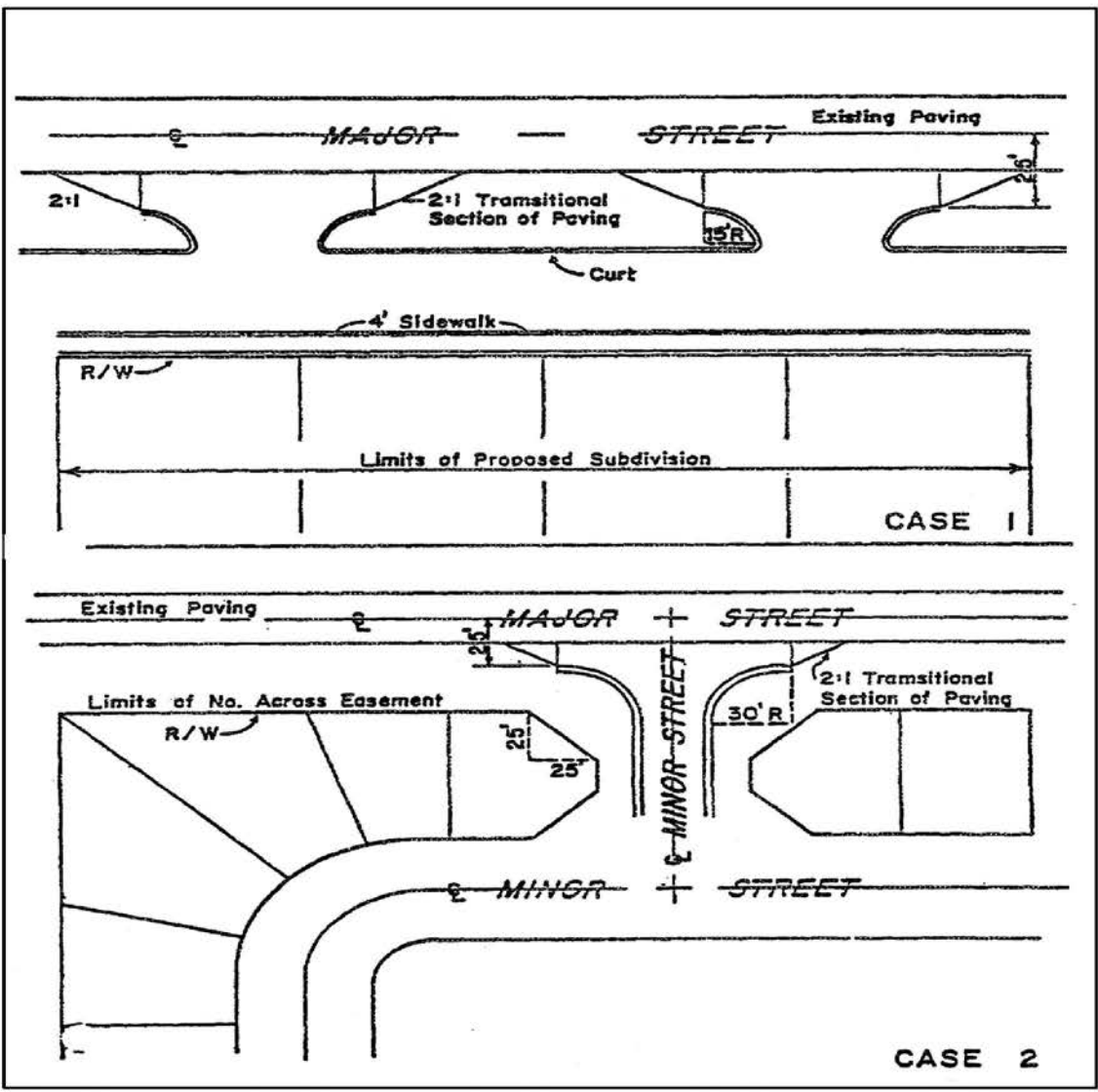
9 Where property on which multi-family dwellings, commercial, industrial and/or institutional buildings
10 are being developed, and where driveways or streets from said property to the major arterial street
11 are being constructed within one hundred (100) feet of each other, improve the existing major street
12 in order that such major street will provide a twenty-five-foot traffic lane between the driveways and
13 across each intersecting street or driveway from such property as measured between the center line
14 and right-of-way line of the major street, plus a transitional section of pavement on each end of the
15 paving widening of the major street for a distance of two (2) times the width of the widening as shown
16 on the drawing following this section as Case 6.

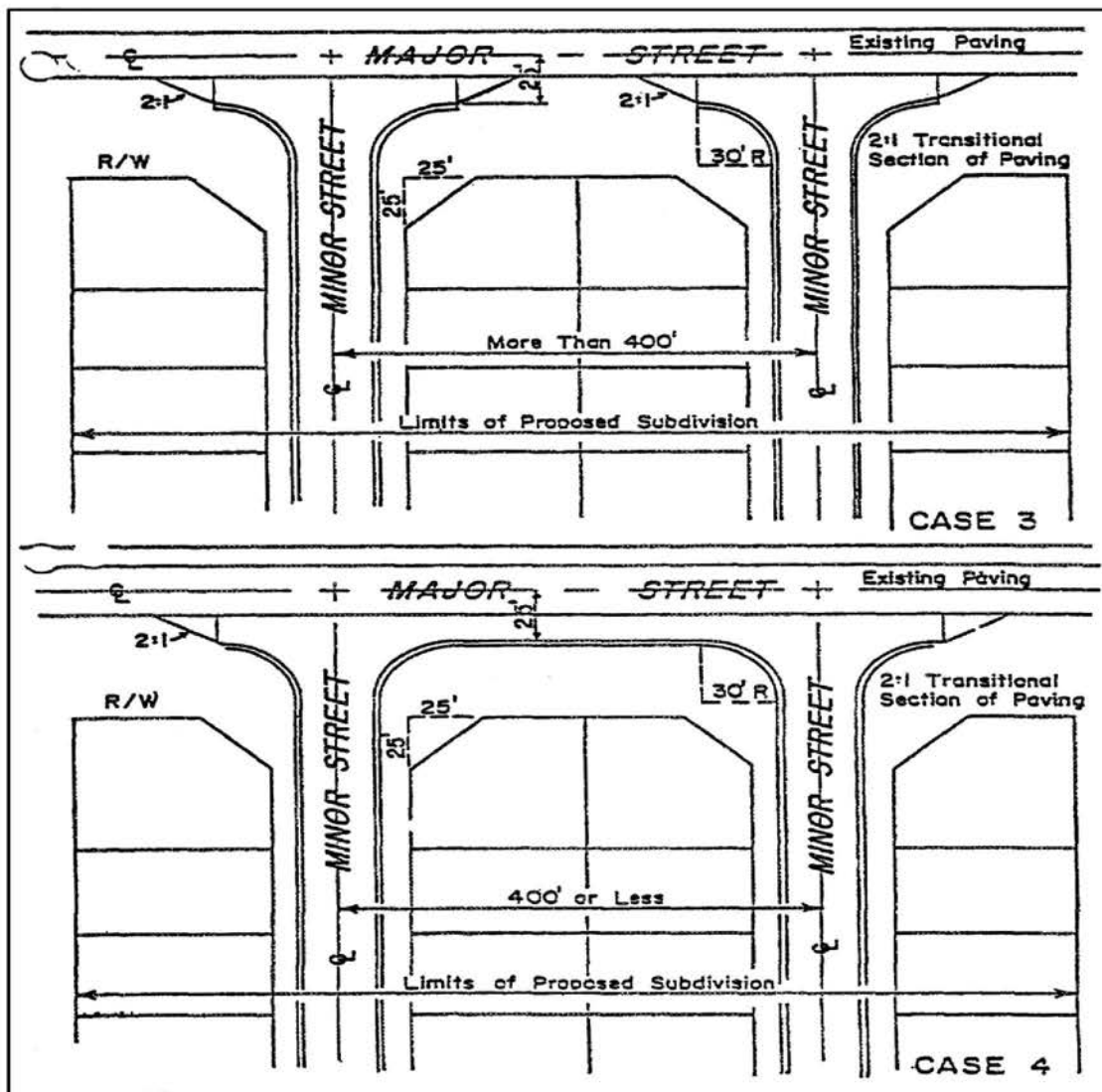
17 (c) In lieu of the provisions of subsection (b), street improvement requirements for the purpose of
18 egress and ingress to such property in accordance with the specifications hereinafter set forth and to
19 furnish an estimated cost to be approved by the city engineer and a performance bond signed by
20 good and sufficient sureties, a cashier's check or other securities acceptable to the city in the amount
21 of one hundred thirty (130) percent of the estimated cost of such widening, guaranteeing to the city
22 that such widening will be completed and installed within a period to be determined by the city coun-
23 cil. In no event will such period be in excess of three (3) years. Such paving will be installed within
24 sixty (60) days after a resolution is adopted by the city council declaring the necessity of the widen-
25 ing.

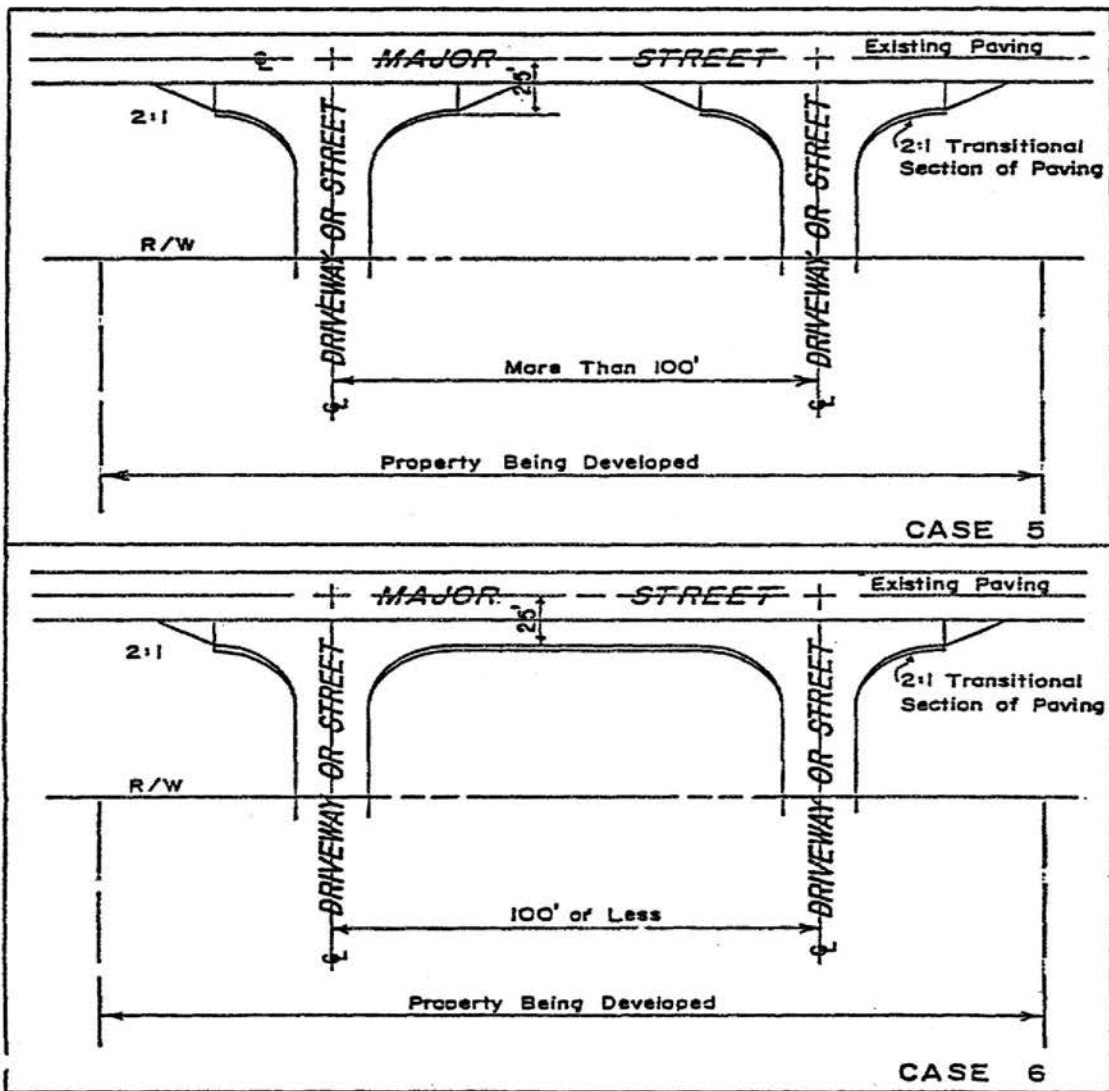
26 (d) In the event a major street has been widened to a four-lane street and it is found by the city coun-
27 cil as a result of a determination by traffic engineering studies that an additional lane should be
28 added to the existing four-lane street, then the city council may require the construction of additional
29 widening in front of the premises at the expense of the owner, lessee or tenant.

30 (e) Improve the existing minor street in order that such minor street will provide the required lane or
lanes between the center line and right-of-way line in accordance with the specifications and typical
section for paving herein prescribed and the design standards applicable in Table 1, set out in [section
37-68](#).

(f) In the event that the construction or development of any multi-family dwelling, commercial, indus-
trial or institutional property prescribed in this section is located at the intersection of two (2) major
streets, or a major and minor street, and the person or applicant for development desires access to
the property only on one of the streets abutting the property, the developer shall be required to widen
and improve (in accordance with the provisions of this section) only the street to which access to the
property is being utilized and requested. Should the developer thereafter seek to utilize the other
abutting street for access to his property, the developer must comply with the widening provisions
and the other street standards of this Code as a condition to the issuance of a permit for access to
the abutting street.







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 _____, 2023.

THE CITY OF MIDWEST CITY, OKLAHOMA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

DONALD MAISCH, City Attorney

TO : Ordinance Oversight Council Committee

FROM : Brandon Bundy, P.E., Director

DATE : February 22, 2023

SUBJECT : Discussion, consideration, and possible action of an ordinance amending Midwest City code, Chapter 9, Buildings and Building Regulations, Article IV, Section 9-90, National Electric Code Adopted; Section 9-103 Unsafe equipment and usage; Section 9-161 Code Amended; and providing for repealer and severability.

Summary

The proposed amendments are related to the City of Midwest City municipal code changing from the 2005 to the 2020 National Electrical Code (NEC) published September 16, 2016.


Building Code governs all our building codes and the NEC updates the code generally every 3 years. The 2005 code was adopted in October 10, 2006 and needs updated to follow current construction practices and align with the State and other metro cities. Area entities that have now adopted the 2020 NEC:

Entity	Adopted	Reference	Switching
State of Oklahoma	2020	748:20-10-2	
City of Oklahoma City	2017	18-2	2020
City of Edmond	2014	16.16.010	2020
City of Moore	2014	5-401	2020
City of Norman	2014	5-207	2020
City of Choctaw	2014	A-5	2020

At the regular meeting Thursday January 19, 2023 of the City of Midwest City Electrical Board, this ordinance was reviewed and recommending adoption by the City Council by a unanimous vote. Referring to ordinance 9-73, the Electrical Board “shall act in an advisory capacity to the mayor and city council as regarding electrical construction and related matters of interest to the city.”

Summary of the changes:

- 9-90 - National Electric Code adopted: The governing ordinance throughout the Chapter 9, Article IV - Electricity. The changes here are changing from the year from 2005 to 2020. Last update 10/10/2006 as Ordinance No. 2994.
- 9-161 -Unsafe equipment and usage: Found an older reference to the 2000 International Building Code. Rather than update the year, made reference to the adopted year in the overall building code, Sec. 9-4.
- 9-161 -Code amended: Refers to the portions of the NEC as the Oklahoma Uniform Building Code Commission (State Jurisdiction) had adopted it on September 14, 2022. Ordinance last update 4/12/2011 as Ordinance No. 3143.



Brandon Bundy, P.E.,
Director of Engineering and Construction Services

Attachments

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

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

ORDINANCE

SECTION 1. That Midwest City Code, Chapter 9, Buildings and Building Regulations, Article IV, Section 9-90, is hereby amended and to read as follows:

Sec. 9-90. – National Electric Code adopted.

~~There is hereby adopted by the city for the purpose of establishing rules and regulations for the installation and maintenance of electrical systems that certain electrical code copyrighted by the National Fire Protection Association known as the National Electrical Code, 2005-2022 Edition, along with the Uniform Administrative Code Provisions for the National Electrical Code, 2005-2022 Edition (the "Electrical Code"). At least one (1) copy of the Electrical Code shall be kept in the office of the city clerk of the city and be available at city hall for public review. The Electrical Code, including Annex A thru F excluding Annex G, is hereby adopted and incorporated as fully as if set forth at length herein, and the provisions of the Electrical Code shall be controlling in the installation and maintenance of all electrical systems and on other subjects therein contained within the corporate limits of the city.~~

Pursuant to 59 O.S. § 1000.23, the NFPA® 70, National Electrical Code, 2020 edition, as published by the National Fire Protection Association®, including modifications by the Oklahoma Uniform Building Code Commission as set forth in Title 748, Chapter 20, Subchapter 9 of the Oklahoma Administrative Code; hereinafter referred to as "NEC," is hereby adopted as the Electrical Code of the City of Midwest City for regulating electrical installations made, maintained and operated with the same force and effect as if fully set out in this section with amendments thereto as prescribed in this section.

SECTION 2. That Midwest City Code, Chapter 9, Buildings and Building Regulations, Article IV, Section 9-103, is hereby amended and to read as follows:

Sec. 9-103. - Unsafe equipment and usage.

- (a) Electrical systems or equipment regulated by this Code that constitute a fire hazard or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Use of electrical systems or equipment regulated by this Code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use.
- (b) Unsafe electrical systems or equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the ~~2000 International Building Code~~ International Building Code referenced in Sec. 9-4, Incorporated by Reference for the abatement of dangerous structures or otherwise

Small appliance circuits shall consist of receptacles in kitchens, dining rooms and breakfast rooms. Over-sink lights may be connected to circuits. A maximum of four (4) outlets are permitted on circuits and each dwelling must contain at least two (2) small appliance circuits.

Subsection 210.52(C)(2) shall pertain only to "fastened into place" or "fixed" islands.

Subsection 210.8(A)(1) is amended to read as follows:

All wall switches required for the lighting outlets in bathrooms shall be installed at least five feet (5'), measured horizontally, from a tub, a shower or the branch circuit supplying the bathroom lighting outlet(s) shall have ground fault interruption protection (GFI) for personnel.

Subsection 210.52(G)(1) is amended to read as follows:

There shall be provided one (1) ceiling receptacle outlet for each overhead garage door.

Subsection 210.71 is amended to read as follows:

In beauty parlors at least one dedicated circuit with not more than one (1) duplex receptacle shall be allowed on a single twenty (20) amp circuit per station.

Subsection 220—3(B)(1) is amended to read as follows:

In residences or apartments not more than ten (10) outlets shall be installed on one (1) general purpose circuit. Only grounding type convenience outlets shall be installed. Appliances in excess of 1000 watts must be on a special circuit.

Subsection 225.6(A)(1), Overhead feeders, is hereby added and shall read as follows:

Overhead feeders between structures shall be dead ended at both ends on insulators and intermediate supports as required. The conductors must be supported on approved insulators and such conductors shall be weatherproof and not smaller than No. 8 AWG.

Subsection 230.11 is deleted.

Subsection 230.20, Service connection from overhead supply system, is amended to read as follows:

(a) The contractor shall provide adequate structure support for the attachment of the service-terminating device. The minimum size conduit for mast-type services shall be one and one-half inch rigid galvanized steel conduit and shall be installed in accordance with the electric service company's recommendations.

(b) No overhead wiring to or between school structures shall be permitted.

(c) The electrical service mast shall not be used as a termination point for any device. The only exceptions will be one (1) telephone company interface and one (1) capable television junction box may be allowed on the service raceway of one- and two-family dwellings, provided the one- or two-family dwelling's service raceway is three (3) inches in diameter or larger and of the underground type. The junction box or interface must be at least fifteen (15) inches below the bottom of the meter base and not closer than fifteen (15) inches to any service equipment. Overhead service raceways or any other electrical raceway shall not be used for the attachment of any nonelectrical equipment except grounding of communication equipment. All existing installations shall be allowed to continue; however, in the event of electrical, telephone or cable television equipment repairs, replacement or retrofits, the telephone or cable television equipment shall be brought into compliance with this section.

Subsection 230.35, Service connections from underground network distribution systems, is amended to read as follows:

(a) Commercial structures exceeding one thousand (1,000) square feet in area shall be provided with service and distribution equipment arranged for three- or four-wire, two hundred (200) ampere capacity as a minimum.

Subsection 230.42(d) is amended to read as follows:

All residences shall be provided with a minimum service capacity of a one hundred (100) AMP service with three (3) #4 THHN or equivalent in a minimum of one and one-fourth (1 ¼) inch conduit, with a #6 grounding conductor or larger.

Subsection 230.205(i), Service disconnecting means, is amended to read as follows:

(a) When a structure or portion of a structure containing electric wiring is moved from its foundation, the owner shall have the electric wiring and equipment in the structure inspected and repaired by an electrical contractor where necessary to provide proper grounding wires, etc. The electrical contractor shall obtain a wiring permit and request inspection.

(b) The service entrance wiring shall be that part of the wiring system extending from the service company's wires up to and including the main switch, circuit breaker or branch circuit distribution cabinet. When any part of the service entrance wiring is changed, moved or rearranged, the service in its entirety shall be changed so as to comply with the National Electrical Code in effect and the requirements of this article.

Subsection 300-100(F), Meters and associated equipment, is deleted.

Subsection 300-26 is deleted.

Table 310-5 is deleted.

Subsection 310-14, aluminum conductors, is amended to read as follows:

All electric conductors installed within the city shall be copper conductors except that in the following two circumstances: 1) aluminum and aluminum-clad aluminum conductors may be used for direct burial or exposed-free air installation not located inside structures. Such aluminum and aluminum-clad aluminum conductors shall be terminated outside of the outside walls of a structure. 2) Type AA-8000 Series aluminum conductors may be installed with all following conditions being met: commercial (nonresidential) applications only with services two hundred (200) amp and larger; and strictly installed to the manufacturer's specifications.

Subsection 334.12(A) 11, Nonmetallic sheathed cable, is amended to read as follows:

Nonmetallic sheathed cable may not be used in commercial structures, schools, churches or any other public structure.

Subsection 334.12(B), Attics, is amended to read as follows:

Nonmetallic sheathed cable in attic or roof spaces shall be run as follows: If run across the top of ceiling joists, the cable shall be protected by guard strips at least as high as the cable, unless the cable is run within twenty-four (24) inches of the outside wall or where there is less than thirty-six (36) inches of space between the ceiling joists and the rafters, or if the cable is run along the sides of the rafters or joists or through holes bored through the rafters or joists.

Subsection 334.12(D), Grounds, is deleted.

Subsection 350-11, Flexible metal conduit, is deleted.

Subsection 680-51 (a), Swimming pools, fountains, spas and hot tubs, is amended to read as follows:

All lighting for pools and similar installations shall be installed with an isolation transformer not to exceed twenty-four (24) volts.

Subsection 760.2 is added and shall read as follows:

All single or multiple smoke station(s) (detectors) shall not be considered a fire alarm system.

(a) None of the informative annexes of the NEC® 2020 have been adopted by the City of Midwest City.

Chapter 1 of the adopted NEC® 2020 is adopted with the following modifications:

(1) Article 100 Definitions. This section has been modified to include a definition of a nationally recognized testing laboratory and a definition of a plaque. This section has been modified to read:

(A) Nationally Recognized Testing Laboratory. A testing facility given this designation from the United States Occupational Safety and Health Administration (OSHA) that provides product safety testing and certification services to manufacturers.

1 (2) 110.5 Conductors [Amended]. Conductors normally used to carry current shall be of copper
2 unless otherwise provided in this Code. Where the conductor material is not specified, the mate-
3 rial and the sizes given in this Code shall apply to copper conductors. Where other materials are
4 used, the size shall be changed accordingly. The use of aluminum conductors shall be prohibited
5 except for exterior uses and for underground service feeders for manufactured homes

6 (3) Section 110.12 (B) Integrity of Electrical Equipment and Connections. This section has been
7 modified to allow for the reuse of existing electrical equipment, rather than requiring new re-
8 placements when certain conditions are met. This section has been modified to read: 110.12 (B)
9 Integrity of Electrical Equipment and Connections. Internal parts of electrical equipment, includ-
10 ing busbars, wiring terminals, insulators, and other surfaces, shall not be damaged or contami-
11 nated by foreign materials such as paint, plaster, cleaners, abrasives, or corrosive residues. There
12 shall be no damaged parts that may adversely affect safe operation or mechanical strength of the
13 equipment such as parts that are broken; bent; cut; or deteriorated by corrosion, chemical action
14 or overheating. Damaged materials, equipment, appliances, and devices shall not be reused un-
15 less such elements have been reconditioned, tested, and placed in good and proper working con-
16 dition and approved by a nationally recognized testing laboratory, or by the manufacturer of the
17 equipment. Electrical equipment damaged by natural or man-made events shall be reused only as
18 recommended by the manufacturer of such equipment.

19 Chapter 2 of the adopted NEC® 2020 is adopted with the following modification:

20 Section 210.08 (F) Outdoor Outlets. This section has been modified to include mini-split-type
21 heating/ventilating/air-conditioning equipment and other HVAC units employing power conver-
22 sion equipment as a means to control compressor speed. This section has been modified to read:
23 210.08 (F) Outdoor Outlets. All outdoor outlets for dwellings, other than those covered in 210.8
24 (A) (3), Exception to (3), and for mini-split-type heating/ventilating/air-conditioning (HVAC)
25 equipment and other HVAC units employing power conversion equipment as a means to control
26 compressor speed, that are supplied by single-phase branch circuits rated 150 volts to ground or
27 less, 50 amperes or less, shall have ground-fault circuit-interrupter protection for personnel. In-
28 formational Note: Power conversion equipment is the term used to describe the components used
29 in HVAC equipment that is commonly referred to as a variable speed drive. The use of power
30 conversion equipment to control compressor speed differs from multistage compressor speed
control. Exception: Ground-fault circuit-interrupter protection shall not be required on lighting
outlets other than those covered in 210.8 (C).

210.23(A)(3) Dwelling Occupancies [Added]. Dwelling unit receptacle outlets installed in ac-
cordance with 210.52 and lighting outlets installed in accordance with 210.70 shall be limited to
a minimum of 20-ampere and a maximum of 8 for 15-ampere branch circuits. Kitchen receptacle
outlets installed in accordance with 210.52(B)(3) and 210.52(C) shall not exceed 5.

Subsection 230-42(d) is amended to read as follows:

All residences shall be provided with a minimum service capacity of a one hundred (100) AMP
service with three (3) #4 THHN or equivalent in a minimum of one and one-fourth (1 ¼) inch
conduit, with a #6 grounding conductor or larger.

(8)230.70(A)(1) Readily Accessible Location [Amended]. The service disconnecting means shall
be installed at a readily accessible location on the outside of a building or structure nearest the
point of entrance of the service conductors. The distance from the point of entrance of a building
or structure to the service disconnecting equipment enclosure shall not exceed 24 inches meas-
ured horizontally or 60 inches measured vertically.

1 Section 422.16(B)(5) Gas-fired central furnaces. This section has been added to allow flexible
2 cord-and-plug connections in dwelling units as an alternative means of temporarily supplying the
3 gas-fired furnace by a portable generator for heating purposes. This section has been added to
4 read: 422.16(B)(5) Gas-fired central furnaces. Gas-fired furnaces supplying dwelling units shall
5 be permitted to be connected by a flexible cord-and-plug. The cord and attachment plug shall
6 have sufficient ampacity for the load, and shall be routed or otherwise protected to prevent physi-
7 cal damage to the cord or attachment plug.

8 Chapter 5 of the adopted NEC® 2020 is adopted with the following modifications:

9 (1) Section 505.7 (A) Implementation of zone classification system. This section has been modi-
10 fied to require a registered professional engineer to engineer and design, and select the equip-
11 ment and wiring methods for classification areas. It allows for the installation of the equipment,
12 wiring methods and inspections to be performed by qualified persons. This section has been
13 modified to read: 505.7 (A) Implementation of zone classification system. Classification of ar-
14 reas, engineering and design, selection of equipment and wiring methods shall be performed by a
15 Registered Professional Engineer with expertise in Hazardous (Classified) Locations and Zone
16 Systems. The installation of equipment and wiring methods, and inspections shall be performed
17 by qualified persons.

18 (2) Section 506.7 (A) Implementation of zone classification system. This section has been modi-
19 fied to require a registered professional engineer to engineer and design, and select the equip-
20 ment and wiring methods for classification areas. It allows for the installation of the equipment,
21 wiring methods and inspections to be performed by qualified persons. This section has been
22 modified to read: 506.7 (A) Implementation of zone classification system. Classification of ar-
23 reas, engineering and design, selection of equipment and wiring methods, shall be performed by a
24 Registered Professional Engineer with expertise in Hazardous (Classified) Locations and Zone
25 Systems. The installation of equipment and wiring methods and inspection shall be performed by
26 qualified persons.

27 (3) Section 555.30 (D) Luminaires and other electrical equipment. This section has been added to
28 require the location of luminaires and other electrical equipment to be located not less than 5 feet
29 horizontally from the nearest normal edge of the water. However, if the luminaire or other elec-
30 trical equipment is within the 5 feet horizontal zone it must be 12 feet vertically from the nearest
normal edge of the water. This section has been added to read: 555.30 (D) Luminaires and other electrical equipment. Luminaires and electrical connections to luminaires or other electrical equipment shall be located not less than 5 feet horizontally from the nearest normal edge of the water. If a luminaire is within the 5 foot horizontal zone it must be 12 feet vertically.

Chapter 6 of the adopted NEC® 2020 is adopted with the following modifications:

(1)Section 680.23 (A)(4) Voltage Limitations. This section has been modified to prohibit the use
of underwater luminaries if they operate above the low voltage contact limit as defined in Sec-
tion 680.2 and limit the use of luminaires or other electrical connections while standing in either
a natural or man-made body of water. This section has been modified to read: 680.23 (A)(4)
Voltage Limitations. No luminaries shall operate above the low voltage contact limit as defined
in Section 680.2. This requirement shall apply to new installations, repair, replacement and mod-
ification of underwater luminaires. This section shall not apply to relamping if the line-voltage
luminaire is protected by a Class A ground-fault circuit-interrupter.

(2) Section 682.10 Electrical Equipment and Transformers. This section has been modified to re-

1 Section 700.16 (B) System Reliability. This section has been modified to address errata to
2 change the reference for listed equipment to be in accordance with 700.12(F) to 700.12(I). This
3 section has been modified to read: 700.16 (B) System Reliability. Emergency lighting systems
4 shall be designed and installed so that the failure of any illumination source cannot leave in total
5 darkness any space that requires emergency illumination. Control devices in the emergency
6 lighting system shall be listed for use in emergency systems. Listed unit equipment in accord-
7 ance with 700.12(I) shall be considered as meeting the provisions of this section.

8 SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are
9 hereby repealed.

10 SECTION 5. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is
11 for any reason held to be invalid, such decision shall not affect the validity of the remaining por-
12 tions of the ordinance.

13 PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma,
14 on the _____ day of _____, 2023.

15 THE CITY OF MIDWEST CITY, OKLAHOMA

16 _____
17 MATTHEW D. DUKES II, Mayor

18 ATTEST:

19 _____
20 SARA HANCOCK, City Clerk

21 APPROVED as to form and legality this _____ day of _____, 2023.

22 _____
23 DONALD MAISCH, City Attorney

TO : Ordinance Oversight Council Committee

FROM : Brandon Bundy, P.E., Director

DATE : February 22, 2023

SUBJECT : An Ordinance Amending Midwest City Code, Chapter 9, Buildings And Building Regulations, Article I, Section 9-4, Incorporated By Reference; Article III, Section 9-31, Code Adopted; Section 9-35, International Residential Code Adopted; Section 9-37, Manufactured Homes; Section 9-39, Existing Structures Code; Section 9-41 Roofing Registration Code; Article V, Section 9-196 Reserved; Section 9-197 Reserved; Section 9-198 Reserved; Section 9-199 Reserved; Section 9-201 Code Adopted; Section 9-205, Separate Permits; Section 9-236 Code Amended; Article VI Section 9-301, Code Adopted; 9-371 Code Amended; And Providing For Repealer And Severability

Summary

The proposed amendments are related to the City of Midwest City municipal code changing from the 2015 to the 2018 International Building Code (IBC) and the International Residential Code (IRC) both published August 31, 2017.

Building Code governs all our building codes and the IBC updates the code generally every 3 years. The 2015 code was adopted in July 11, 2017 and needs updated to follow current construction practices and align with the State and other metro cities. Area entities that have now adopted the 2018 IBC:

Entity	Adopted	Reference	Switching
State of Oklahoma	2018	748:20-2-1	
City of Oklahoma City	2015	12-16	2018
City of Edmond	2015	16.04.010	2018
City of Moore	2015	5-201	2018
City of Norman	2015	5-201	2018
City of Choctaw	2015	A-2	2018


At the regular meeting January 18, 2023 of the City of Midwest City Builder's Advisory Board, this ordinance was reviewed and recommended adoption by the City with a unanimous vote. Referring to ordinance 9-21, the Builder's Advisory Board "shall act in an advisory capacity to the mayor and city council as regards building codes, construction, development requirements - and related matters of interest to the city."

At the regular meeting January 20, 2023 of the City of Midwest City Plumbing, Gas, and Mechanical Board, the plumbing and mechanical portion of this ordinance was reviewed and recommended adoption by the City with a unanimous vote. Referring to ordinance 9-195, the Plumbing, Gas, and Mechanical Board "shall have the duty to advise the city council as to any changes, regulations, and rules relating to, or governing the provisions and requirements of this article".

Summary of the changes:

- 9-4 – Incorporated by Reference: Previously a reserved ordinance, will provide for the published year which subsequent ordinance will reference.
- 9-31 - Code adopted: The governing ordinance throughout the Chapter 9, Building and Building Regulations. The changes here are changing to reference Sec 9-4. Last update 7/11/2017 as Ordinance No. 3310.
- 9-35 - International Residential Code adopted: The governing ordinance for all residential construction. The changes here are changing to reference Sec 9-4. Last update 7/11/2017 as Ordinance No. 3309.
- 9-37 - Manufactured Homes: will now be regulated by the International Residential Code appendix E and the City of Midwest City code Chapter 23, Manufactured Homes, Trailers, Manufactured Home Parks, ETC.
- 9-39 - Existing Structures Code: Ordinance references the structural components of a building. Changed language to reference the adopted year of the IBC in Section 9-4. This is in hopes to clean up future building code updates and to eliminate confusion. Last update 7/11/2017 as Ordinance No. 3314.
- 9-41 - Roofing Registration Code: Found reference to outdated 2009 IRC code for owners doing roofing work on their own dwelling in which they reside. Language changed to reference the adopted year of the IRC in Section 9-4. This is in hopes to clean up future building code updates and to eliminate confusion. Last update 7/11/2017 as Ordinance No. 3313.
- 9-196 – Fuel Code adopted: Ordinance references the Fuel Gas components of a building. Separated the Fuel Gas Code from the Mechanical code.
- 9-197 - Separate Permits: Previous reserved, moved the same language up from Sec 9-205 to align with the fuel code
- 9-198 - Fees: Previous reserved, added for fuel code but referenced 9-206 for consistency.
- 9-199 - Fuel Code amended: Previous reserved, to match the Oklahoma Uniformed Building Code for fuel code.
- 9-201 - Mechanical Code adopted: Ordinance references the mechanical components of a building. Changed language to reference the adopted year of the IBC in Section 9-4. This is in hopes to clean up future building code updates and to eliminate confusion. Last update 7/11/2017 as Ordinance No. 3311.
- 9-205- Separate permits: Reference moved to Sec 9-197

- 9-236- Mechanical Code amended: To match the Oklahoma Uniformed Building Code.
- 9-301 - Plumbing Code adopted: Ordinance references the plumbing components of a building. Changed language to reference the adopted year of the IBC in Section 9-4. This is in hopes to clean up future building code updates and to eliminate confusion. Last update 7/11/2017 as Ordinance No. 3312.
- 9-371 - Code amended: Item (g) had reference to a specific sewer saddle which no longer aligns with requirements of Chapter 43, Water, Sewer.... Deleted specific language and pointed to relevant chapter to better align with current City Code. Item (k) had reference to outdated 2006 plumbing code for backwater valves on sewer services and deleted. This is in hopes to clean up future building code updates and to eliminate confusion. Last update 3/24/2009 as Ordinance No. 3080.



Brandon Bundy, P.E.,
Director of Engineering and Construction Services

Attachments

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29

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

SECTION 1. That Midwest City Code, Chapter 9, Buildings and Building Regulations, Article I, Section 9-4, is hereby brought out of reserve and to read as follows:

The following Codes are adopted by reference by the City of Midwest City and the requirements contained therein are, unless otherwise specified, adopted and incorporated by reference in their entirety:

- SECTION 2. That Midwest City Code, Chapter 9, Buildings and Building Regulations, Article III, Section 9-31, is hereby amended and to read as follows:

There is hereby adopted by the city for the purpose of establishing rules and regulations for the construction of buildings and structures, including permits and penalties, that certain building code known as the International Building Code, recommended by the International Code Council, Inc., ~~being described particularly as the 2015 edition of the International Building Code,~~ being adopted and incorporating by reference referenced in Sec. 9-4, Incorporated by Reference save and except such portions as are now or may be hereinafter deleted, modified or amended. Not less than one (1) copy is declared the office file copy by the city clerk of this city and said copy is available at city hall for public review. The same is hereby adopted and incorporated as

1 There is hereby adopted by the city for the purpose of establishing rules and regulations for the
2 construction of buildings and structures, including permits and penalties, that certain building
3 code known as the International Residential Code, recommended by the International Code
4 Council, Inc., ~~being described particularly as the 2015 edition of the International Residential~~
5 ~~Code, deleting Section R 322.1.9 Manufactured Homes, being adopted and incorporating by ref-~~
6 ~~erence referenced in Sec. 9-4, Incorporated by Reference,~~ save and except such portions as are
7 now or may be hereinafter deleted, modified or amended. Not less than one (1) copy is declared
the office file copy by the city clerk of this city and said copy is available at city hall for public
review. The same is hereby adopted and incorporated as fully as if set forth at length herein, and
the provisions thereof shall be controlling in the construction of all building and other subjects
therein contained within the corporate limits of the city.

8 SECTION 4. That Midwest City Code, Chapter 9, Buildings And Building Regulations, Article
9 III, Section 9-37, is hereby amended and placed in reserve:

10 **Sec. 9-37. – Manufactured homes Reserved.**

11 ~~(a)General. Manufactured homes as defined in Section 201.0 of the CABO One and Two family~~
12 ~~Dwelling Code shall be designed, constructed and maintained to be transported from one loca-~~
13 ~~tion to another and not mounted on a permanent foundation. A manufactured home placed on a~~
14 ~~permanent foundation or on foundation piers shall be designed and constructed to comply with~~
15 ~~all of the requirements of the CABO One and Two family Dwelling Code for on-site and pre-~~
16 ~~fabricated construction.~~

17 ~~(b)Construction. Residential manufactured homes shall be of an approved design and constructed~~
18 ~~in accordance with this chapter. All other manufactured homes on a permanent foundation shall~~
19 ~~be evaluated, inspected and labeled in plant in accordance with Section 115.2.3 of the CABO~~
20 ~~One and Two family Dwelling Code.~~

21 ~~(c)Location. Manufactured homes shall be located in spaces approved for such use. The provi-~~
22 ~~sions of the CABO One and Two family Dwelling Code shall not be construed to repeal, mod-~~
23 ~~ify or constitute an alternative to any lawful zoning regulations.~~

24 ~~(d)Anchorage and tie-downs. Every parking space for manufactured homes shall be provided~~
25 ~~with devices for anchoring the unit to prevent overturning or uplift. The owner of the parking~~
26 ~~space shall anchor or cause to be anchored manufactured homes located on the parking space.~~
27 ~~Where concrete platforms are provided for the parking of the units, anchorage may be by eyelets~~
28 ~~embedded in the concrete with adequate anchor plates or hooks or other suitable means. Based~~
29 ~~upon the size and weight of the homes, the anchorage shall be adequate to withstand wind forces~~
30 ~~and uplift and meet the anchorage requirements, described in article III for buildings and struc-~~
31 ~~tures.~~

32 SECTION 5. That Midwest City Code, Chapter 9, Buildings and Building Regulations, Article
33 III, Section 9-39, is hereby amended and to read as follows:

34 **Sec. 9-39. - Existing Structures Code.**

35 There is hereby ~~adopted by the city for the purpose of establishing rules and regulations for the~~
36 ~~construction of buildings and structures, including permits and penalties, that certain building~~
37 ~~code known as the International Building Code, recommended by the International Code Coun-~~
38 ~~cil, Inc., being described particularly as the 2015 edition of the International Existing Structures~~
39 ~~Code, deleting Section 105.1.1 Existing Structures, being adopted and incorporating by ref-~~
40 ~~erence referenced in Sec. 9-4, Incorporated by Reference,~~ save and except such portions as are
now or may be hereinafter deleted, modified or amended. Not less than one (1) copy is declared
the office file copy by the city clerk of this city and said copy is available at city hall for public
review. The same is hereby adopted and incorporated as fully as if set forth at length herein, and
the provisions thereof shall be controlling in the construction of all building and other subjects
therein contained within the corporate limits of the city.

1 SECTION 6. That Midwest City Code, Chapter 9, Buildings and Building Regulations, Article
2 III, Section 9-41, is hereby amended and to read as follows:

3 **Sec. 9-41. - Roofing Registration Code.**

4 (a) Roofing contractors.

- 5 (1) Registration. Any person or company wishing to engage in the practice of roofing resi-
6 dential and commercial building in the city of Midwest City must first register with the
7 city and comply with all regulations set forth in Title 158, Construction Industries
8 Board, Chapter 85, Roofing Contractor Registration Regulation.
9 (2) Insurance. Provide the city of Midwest City with verification of business general liabil-
10 ity in the amount of five hundred thousand dollars (\$500,000.00) for residential con-
11 struction and one million dollars (\$1,000,000.00) commercial general liability for all
12 commercial construction. Proof of workman's comp insurance must also be provided.
13 (3) Permits. Permits are required for all existing buildings in Midwest City. The permit
14 card must be displayed so that it is visible from a public street.
15 (4) Failure to provide. Any person or firm who violates any part of 9-41 of the Midwest
16 City Code or Title 158, Chapter 85 Roofing Contractor Registration Act of the state
17 statutes will be fined an amount not exceeding five hundred dollars (\$500.00) as per
18 this section.

13 Exception: The actual owner of residential or farm property who physically performs roofing
14 services including construction, installation, renovation, repair, maintenance, alteration, water-
15 proofing, or removal of materials on his or her own dwelling in which they reside, without the
16 assistance of any registered roofing contractor, will be exempt from the roofing registration
17 act. The owner is still required to obtain a roofing permit from the community development de-
18 partment.

17 (b) Construction requirements.

- 18 (1) ~~The city of Midwest City adopted the 2009 International Residential Code on June 10,~~
19 ~~2008, Ordinance No. 3058. The owner will be required to follow current adopted code~~
20 ~~during construction, installation, renovation, repair, maintenance, alteration, water-~~
21 ~~proofing, or removal of a roof.~~
22 (2) ~~Roof coverings shall be installed as per Section R 905 as written in this section (includ-~~
23 ~~ing manufacturer's installation instructions).~~
24 (3) ~~Roof sheathing shall comply with Section R 803 for lumber sheathing and wood struc-~~
25 ~~tural panel sheathing.~~
26 (4) ~~Reroof shall comply with Section 907.~~
27 (5) ~~Section 907.2 Structural and construction loads, states the structural roof components~~
28 ~~shall be capable of supporting the roof covering system and the material and equipment~~
29 ~~loads that will be encountered during installation of the roof covering system. Roof~~
30 ~~decking that sags from the weight of the present roof covering is not capable of meeting~~
~~the requirements of Section 907.2 and must be replaced with material that will comply~~
~~with Section 907.2 of the 2009 IRC as adopted by the city of Midwest City.~~
(6) ~~A solid sheathed roof, whether lumber sheathing or structural panel sheathing, is one~~
~~(1) that is structurally sound, free of damage and meets the gap requirements of manu-~~
~~facturers installation instructions.~~

28 (c) Fees.

- 29 (1) Registration fees.
a. New registration—One hundred fifty dollars (\$150.00).
b. Renewal fee—Seventy-five dollars (\$75.00).

1
2 There is hereby adopting and incorporating by reference the following International Codes:
3 International Fuel Gas Code of the year edition published by the International Code Council,
4 Inc. referenced in Sec. 9-4, Incorporated by Reference save and except such portions as are now
5 or may be hereinafter deleted, modified or amended. Not less than one (1) copy is declared the
6 office file copy by the city clerk of this city and said copy is available at city hall for public re-
7 view. The same is hereby adopted and incorporated as fully as if set forth at length herein, and
8 the pro-visions thereof shall be controlling in the construction of all building and other subjects
9 therein contained within the corporate limits of the city.

10 **Sec. 9-197 – ~~Reserved~~ Separate permits.**

11 There shall be a separate permit for each building, except in the case of the gas piping of an out-
12 building or garage which is a part of the gas system of a dwelling, apartment house or motel.

13 **Sec. 9-198 – ~~Reserved~~ Fees.**

14 See section 9-206

15 **Sec. 9-199 – ~~Reserved~~ Fuel code amended.**

16 (A) None of the appendices of the IFGC, have been adopted.

17 Chapter 2 of the adopted IFGC is adopted with the following modifications:

18 (1) The definition of a DISPENSING AREA has been added to clarify multiple references in the
19 code with regard to fuel dispensing. This definition has been added to read: DISPENSING AR-
20 EA. The appropriate hazardous (classified) locations for the fuel being dispensed in accordance
21 with the National Electrical Code® – NFPA® 70.

22 (2) The definition of a MAIN RAILROAD TRACK has been added to provide clarity to building
23 code officials. This definition has been added to read: MAIN RAILROAD TRACK. That part of
24 the railway, exclusive of switch tracks, branches, yards, and terminals upon which trains are oper-
25 ated by timetable or train order or both.

26 Chapter 3 of the adopted IFGC is adopted with the following modifications:

27 (1) Section 306.5 Equipment and appliances on roofs or elevated structures. This section has been
28 modified to correlate and add language related to parapet walls that exists in the International
29 Mechanical Code® and add a second exception for when the section would not apply. This section
30 has been modified to read: 306.5 Equipment and appliances on roofs or elevated structures. Where
equipment requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access such equipment or appliances, an interior or exterior means of access shall be provided. Such access shall not require climbing over obstructions greater than 30 inches (762 mm) in height or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). Such access shall not require the use of portable ladders. Where access involves climbing over parapet walls, the height shall be measured to the top of the parapet wall.

(A) Permanent ladders installed to provide the required access shall comply with the following
minimum design criteria:

1 (v) Rungs shall have a diameter not less than 0.75-inch (19 mm) and be capable of withstanding a
2 300-pound (136.1 kg) load.

3 (vi) Ladders over 30 feet (9144 mm) in height shall be provided with offset sections and landings
4 capable of withstanding 100 pounds per square foot (488.2 kg divided by meters squared).
5 Landing dimensions shall be not less than 18 inches (457 mm) and not less than the width of the
6 ladder served. A guard rail shall be provided on all open sides of the landing.

7 (vii) Climbing clearance. The distance from the centerline of rungs to the nearest permanent object
8 on the climbing side of the ladder shall be not less than 30 inches (762 mm) measured perpendic-
9 ular to the rungs. This distance shall be maintained from the point of ladder access to the bottom
10 of the roof hatch. A minimum clear width of 15 inches (381 mm) shall be provided on both sides
11 of the ladder measured from the midpoint of and parallel with the rungs, except where cages or
12 wells are installed.

13 (viii) Landing required. The ladder shall be provided with a clear and unobstructed bottom landing
14 area having a minimum dimension of 30 inches (762 mm) by 30 inches (762 mm) centered in front
15 of the ladder.

16 (ix) Ladders shall be protected against corrosion by approved means.

17 (x) Access to ladders shall be provided at all times.

18 (B) Catwalks installed to provide the required access shall be not less than 24 inches (610 mm)
19 wide and shall have railings as required for service platforms.

20 Exceptions:

21 (i) This section shall not apply to Group R-3 occupancies.

22 (ii) This section shall not apply to appliance replacement.

23 (2) Section 306.6 Guards. This section has been modified to clarify the circumstances under which
24 guards shall be provided and to modify the exception to require the authority having juris-diction
25 approve the use of a fall-restraint system instead of guards. This section has been modified to read:
26 306.6 Guards. Guards shall be provided where various components that require service are located
27 on a roof or elevated structure and have a condition as set forth in Sections 306.6.1 through 306.6.3.
28 The top of the guard shall be located not less than 42 inches (1067 mm) above the elevated surface
29 adjacent to the guard. The guard shall be constructed so as to prevent the passage of a 21-inch
30 diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in
31 the International Building Code®. Guards shall be provide at new components when added or
32 replaced on existing roof or elevated structure and have a condition as set forth in Sections 306.6.1
33 through 306.6.3. Exception: When approved by the authority having jurisdiction, guards are not
34 required where permanent fall arrest-restraint anchorage connector devices that comply with
35 ANSI/ASSE Z 359.1 are affixed for use during the entire roof covering lifetime. The devices shall
36 be reevaluated for possible replacement when the entire roof covering is replaced. The devices
37 shall be placed not more than 10 feet (3048 mm) on center along hip and ridge lines and placed
38 not less than 10 feet (3048 mm) from roof edges and the open sides of walking surfaces.

39 (3) Section 306.6.1 Roof edge. This section has been added to clarify the circumstances required
40 to exist for the installation of guards at the roof edge when the components needing service are
41 within a specific distance of the roof edge. This section has been added to read: 306.6.1 Roof edge.
42 Guards complying with 306.1 shall be provided when components are located within 10 feet (3048

Exceptions:

(A) Guards are not required when the skylight is located at least 42 inches (1067 mm) above the highest point of the walking surface adjacent to the skylight or component.

(B) Guards are not required if some other provision for skylight fall-thru protection is provided and approved by the authority having jurisdiction.

(5) Section 306.6.3 Roof hatch. This section has been added to clarify the circumstances for the installation of guards around components installed within a specific distance from the roof hatch. This section has been added to read: 306.6.3 Roof hatch. Guards complying with Section 306.6 shall be provided when a roof hatch is within 10 feet (3048 mm) of the component that requires service. The guard shall extend 30 inches (762 mm) beyond the edge of the roof hatch. If the component is within 10 feet (3048 mm) of the ladder access side of the roof hatch, the guard shall incorporate a self-closing, self-latching gate. The gate shall have a top edge of not less than 42 inches (1067 mm) above the elevated surface adjacent to the gate and shall not allow the passage of a 21 inch (533 mm) sphere. If a roof hatch exists within 10 feet of a roof edge that is located more than 30 inches (762 mm) above the floor, roof or grade below and a new component that requires service on that existing roof or elevated structure, then a guard complying with Section 306.6 shall be added between the existing roof hatch and the roof edge.

(6) Section 307.2.1 Condensate drains. This section has been added to require condensate drains to be protected from freezing. This section shall read: 307.2.1 Condensate drains. Where condensing appliances are in locations subject to freezing conditions, the condensate drain line shall be protected from freezing in an approved manner and in accordance with manufacturer's installation instructions.

Chapter 4 of the adopted IFGC is adopted with the following modifications:

(1) Section 404.12 Minimum burial depth. This section has been modified to change the minimum burial depth from 12 inches (305 mm) to 18 inches (457 mm) and to allow for an exception when there is no ability to meet that minimum depth. This section has been modified to read: 404.12 Minimum burial depth. Underground piping systems shall be installed a minimum depth of 18 inches (457 mm) below grade, except as provided for in Section 404.12.1. Exception: Where a minimum depth of cover cannot be provided, the pipe shall be installed in conduit or bridged (shielded).

(2) Section 412.5 Attendants. This section has been modified to provide an exception to the requirement of an attendant when the dispensing equipment meets the guidelines of NFPA® 58 for a "Low emission transfer." This section has been modified to read: 412.5 Attendants. Motor fuel-dispensing operations shall be conducted by qualified attendants or in accordance with Section 412.9 by persons trained in the proper handling of LP-gas. Exception: When the dispensing equipment meets the guidelines of NFPA® 58 for "Low emission transfer" an attendant is not required.

(3) Section 412.6.1 Low emission transfer. This section has been added to clarify when the dispensing equipment meets the guidelines of NFPA® 58, Section 6.30.5 for "Low emission transfer" then the transfer distance shall be reduced by one-half. This section has been modified to read: 412.6.1 Low emission transfer. When the dispensing equipment is installed in accordance with Section 6.30.5 of NFPA® 58 for "Low emission transfer," the transfer distance requirements in Table 6.7.2.1 and Section 6.27.4.3 of NFPA® 58 shall be reduced by one-half.

(4) Section 412.9 Public fueling of motor vehicles. This section has been modified to provide an

1
2 (i) The arrangement and operation of the transfer of product into a vehicle shall be in accordance
3 with this section and Chapter 61 of the International Fire Code®.

4 (ii) The system shall be provided with an emergency shut-off switch located within 100 feet (30
5 480 mm) of, but not less than 20 feet (6096 mm) from dispensers.

6 (iii) The owner of the LP-gas motor fuel-dispensing facility or the owner's designee shall provide
7 for the safe operation of the system and the training of users. Exception: If the LP-gas motor fuel-
8 dispensing facility meets the requirements of a low emission transfer station per NFPA® 58, then
9 training of the users is not the responsibility of the facility.

10 (iv) The dispenser and hose-end valve shall release not more than 4 cubic centimeters of liquid to
11 the atmosphere upon breaking the connection with the fill valve on the vehicle.

12 (v) Fire extinguishers shall be provided in accordance with Section 2305.5 of the International Fire
13 Code®.

14 (vi) Warning signs shall be provided in accordance with Section 2305.6 of the International Fire
15 Code®.

16 (vii) The area around the dispenser shall be maintained in accordance with Section 2305.7 of the
17 International Fire Code®.

18 (5) Section 413.3.2 Warning signs. This section has been added to require warning signs be posted
19 on Compressed Natural Gas (CNG) dispensing devices. This section has been added to read:
20 413.3.2 Warning signs. Warning signs complying with Section 310 of the International Fire Code®
21 shall be posted as follows:

22 (A) Warning sign(s) shall be conspicuously posted within sight of each dispenser in the fuel
23 dispensing area and shall state the following:

24 (i) No smoking

25 (ii) Shut off motor

26 (iii) Flammable Gas

27 (iv) Natural gas vehicle fuel cylinders shall be inspected at intervals not exceeding 3 years or
28 36,000 miles to ensure safe operation of the vehicle

29 (v) Natural gas fuel cylinders past their end-of-life date shall not be refueled and shall be re-moved
30 from service.

(B) A warning sign with the words "NO SMOKING, FLAMMABLE GAS" shall be posted in all
compressor and storage areas.

(C) The lettering on the sign shall be legible and large enough to be visible from each point of
transfer.

(D) The service pressure of each dispenser shall be posted in view of the operator.

1 (B) In addition to the requirements in the International Fire Code, the owner of a self-service CNG-
2 dispensing facility shall ensure the safe operation of the system.

3 (7) Section 413.8 Emergency shutdown devices. This section has been modified to change the
4 word "control" to "devices" in the section heading, clarify the requirements of the emergency shut-
5 down device and provide an exception to those requirements for time-fill applications. This section
6 has been modified to read: 413.8 Emergency shutdown devices. A remote and local emergency
7 manual shutdown device shall be provided. Upon activation, the emergency shut-down system
8 shall automatically close valves between the main gas supply and the compressor and between the
9 storage containers and dispensers, and automatically shut off the power supply to the compressor
10 and the following associated devices: dispensing enclosures; remote pumps; power, control, and
11 signal circuits; and electrical equipment in the hazardous (classified) locations surrounding the
12 fuel dispensing enclosures. All labeled emergency shutdown devices shall be interconnected,
13 whether required or not. Resetting from an emergency shutoff condition shall re-quire manual
14 intervention and the manner of resetting shall be approved by the Authority Having Jurisdiction.
15 Exception: In time-fill applications, in lieu of a defined remote and local emergency manual shut-
16 down device, an emergency manual shutdown device shall be provided within 50 feet (15 240
17 mm) of each fixed point of dispensing hose attachment and located inside and out-side the com-
18 pressor area within 10 feet (3048 mm) of the main access to the compressor area.

19 (8) Section 413.8.1 Remote emergency shutdown device. This section has been added to clarify
20 the distance requirements for remote emergency shutdown device placement and provide an ex-
21 ception to the maximum distance required when located within line of sight of the dispensing
22 enclosures and approved by the Authority Having Jurisdiction. This section has been added to
23 read: 413.8.1 Remote emergency shutdown device. A remote emergency manual shutdown de-
24 vice shall be located within 100 feet (30 480 mm) of, but not less than 20 feet (6096 mm) from all
25 dispensing enclosures and shall be provided inside and outside the compressor area within 10 feet
26 (3048 mm) of the main access to the compressor area. Exception: A remote emergency manual
27 shutdown device may be located greater than 100 feet (30 480 mm) from one or more dispensing
28 enclosures when within line of sight of the dispensing enclosures and approved by the City of
29 Midwest City.

30 (9) Section 413.8.2 Local emergency shutdown device. This section has been added to require a
1 local emergency shutdown device be provided within 15 feet (4572 mm) of each dispensing en-
2 closure. This section has been added to read: 413.8.2 Local emergency shutdown device. A local
3 emergency manual shutdown device shall be located within 15 feet (4572 mm) of each dispensing
4 enclosure.

5 Chapter 8 of the adopted IFGC® 2018 is adopted with the following modifications:

6 (1) The reference to the International Building Code® has been modified to include after the title
7 the words "as adopted and modified by the City of Midwest City. This section has been modified
8 to read: IBC®-International Building Code® as adopted and modified by the City of Mid-west
9 City.

10 (2) The reference to the International Fire Code® has been modified to include after the title the
11 words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has
12 been modified to read: IFC®- International Fire Code® as adopted and modified by the City of
13 Midwest City.

14 (3) The reference to the International Mechanical Code® has been modified to include after the

1 include after the title the words "as adopted and modified by the City of Midwest City This section
2 has been modified to read: 70-17 National Electrical Code® as adopted and modified by the City
3 of Midwest City.

4 SECTION 8. That Midwest City Code, Chapter 9, Buildings and Building Regulations, Article
5 V, Section 9-201, is hereby amended and to read as follows:

6 **Sec. 9-201. – Mechanical Code adopted.**

7 There is hereby ~~adopted by the city for the purpose of establishing rules and regulations for the~~
8 ~~construction of buildings and structures, including permits and penalties, that certain building~~
9 ~~code known as the International Mechanical Code and International Fuel Gas Code, recom-~~
10 ~~mended by the International Code Council, Inc., being described particularly as the 2015 edition~~
11 ~~of the International Mechanical Code and International Fuel Gas Code, adopting and incorporat-~~
12 ~~ing by reference the following International Codes: International Mechanical Code published by~~
13 ~~the International Code Council, Inc. referenced in Sec. 9-4, Incorporated by Reference~~
14 save and except such portions as are now or may be hereinafter deleted, modified or amended.
15 Not less than one (1) copy is declared the office file copy by the city clerk of this city and said
16 copy is available at city hall for public review. The same is hereby adopted and incorporated as
17 fully as if set forth at length herein, and the provisions thereof shall be controlling in the con-
18 struction of all building and other subjects therein contained within the corporate limits of the
19 city.

20 SECTION 9. That Midwest City Code, Chapter 9, Buildings and Building Regulations, Article
21 V, Section 9-205, is hereby amended and to read as follows:

22 **Sec. 9-205. – Separate permits.**

23 ~~There shall be a separate permit for each building, except in the case of the gas piping of an out-~~
24 ~~building or garage which is a part of the gas system of a dwelling, apartment house or motel.~~
25 See section 9-197.

26 SECTION 10. That Midwest City Code, Chapter 9, Buildings and Building Regulations, Article
27 V, Section 9-236, is hereby amended and to read as follows:

28 **Sec. 9-236 Mechanical Code amended**

29 The mechanical code adopted in section 9-201 is amended and modified in the following
30 respects:

M-114.3 Fee Schedule is hereby deleted.
M-122.1 Application for appeal is hereby deleted.
M-122.2 through M-122.8 are hereby deleted.

(a) None of the appendices of the IMC® have been adopted

Chapter 3 of the adopted IMC® is adopted with the following modifications:

(1) Section 301.15 Wind resistance. This section has been modified to allow design and installa-
tion of equipment and appliances that are exposed to wind to be built in accordance with
SMACNA HVAC Duct Construction Standards – Metal and Flexible and other approved meth-

1 set forth in Sections 304.11.1 through 304.11.3. The top of the guard shall be located not less
2 than 42 inches (1067 mm) above the elevated surface adjacent to the guard. The guard shall be
3 constructed so as to prevent the passage of a 21-inch diameter (533 mm) sphere and shall comply
4 with the loading requirements for guards as specified in the International Building Code®.
5 Guards shall be provided at new components when added or replaced on an existing roof or ele-
6 vated structure and have a condition as set forth in Sections 304.11.1 through 304.11.3. Excep-
7 tion: When approved by the authority having jurisdiction, guards are not required where perma-
8 nent fall arrest/restraint anchorage connector devices that comply with ANSI/ASSE Z 359.1 are
9 affixed for use during the entire roof covering lifetime. The devices shall be reevaluated for pos-
10 sible replacement when the entire roof covering is replaced. The devices shall be placed not more
11 than 10 feet (3048 mm) on center along hip and ridge lines and placed not less than 10 feet (3048
12 mm) from roof edges and the open sides of walking surfaces.

13 (3) Section 304.11.1 Roof edge. This section has been added to clarify the circumstances re-
14 quired to exist for the installation of guards at the roof edge when the components needed service
15 are within a specific distance of the roof edge. This section has been added to read: 304.11.1
16 Roof edge. Guards complying with 304.11 shall be provided when components are located
17 within 10 feet (3048 mm) of a roof edge or open side of a walking surface or elevated structure
18 and such edge or open side is located more than 30 inches (762 mm) above the floor, roof, or
19 grade below. The guard shall extend not less than 30 inches (762 mm) beyond each end of the
20 component that requires service.

21 (4) Section 304.11.2 Skylights. This section has been added to clarify the circumstances for the
22 installation of guards around components near skylights and to provide exceptions to the require-
23 ment. This section has been added to read: 304.11.2 Skylights. Guards complying with Section
24 304.11 shall be provided when a skylight is within 10 feet (3048 mm) of the component that re-
25 quires service. The guard shall extend 30 inches (762 mm) beyond the edge of the skylight. Ex-
26 ceptions:

27 (A) Guards are not required when the skylight is located at least 42 inches (1067 mm) above the
28 highest point of the walking surface adjacent to the skylight or component.

29 (B) Guards are not required if some other provision for skylight fall-through protection is pro-
30 vided and approved by the authority having jurisdiction.

1 (5) Section 304.11.3 Roof hatch. This section has been added to clarify the circumstances for the
2 installation of guards around components installed within a specific distance from the roof hatch.
3 This section has been added to read: 304.11.3 Roof hatch. Guards complying with Section
4 304.11 shall be provided when a roof hatch is within 10 feet (3048 mm) of the component that
5 requires service. The guard shall extend 30 inches (762 mm) beyond the edge of the roof hatch.
6 If the component is within 10 feet (3048 mm) of the ladder access side of the roof hatch, the
7 guard shall incorporate a self-closing, self-latching gate. The gate shall have a top edge of not
8 less than 42 inches (1067 mm) above the elevated surface adjacent to the gate and shall not allow
9 the passage of a 21 inch (533 mm) sphere. If a roof hatch exists within 10 feet of a roof edge that
10 is located more than 30 inches (762 mm) above the floor, roof or grade below and a new compo-
11 nent that requires service on that existing roof or elevated structure, then a guard complying with
12 Section 304.11 shall be added between the existing roof hatch and the roof edge.

13 (6) Section 305.5.1 Location and protection of refrigerant piping. This section has been added to
14 provide protection for refrigerant piping installed within 1 1/2 inches (38 mm) of the underside
15 of roof decks. This section shall read: 305.5.1 Location and protection of refrigerant piping. Re-
16 frigerant piping installed within 1 1/2 inches (38 mm) of the underside of roof decks shall be pro-
17 vided with fall-through protection.

percent slope). Such access shall not require the use of portable ladders. Where access involves climbing over parapet walls, the height shall be measured to the top of the parapet wall.

(A) Permanent ladders installed to provide the required access shall comply with the following minimum design criteria:

(i) The side railing shall extend above the parapet or roof edge not less than 30 inches (762 mm).

(ii) Ladders shall have rung spacing not to exceed 14 inches (356 mm) on center. The uppermost rung shall be not more than 24 inches (610 mm) below the upper edge of the roof hatch, roof or parapet, as applicable.

(iii) Ladders shall have a toe spacing not less than 6 inches (152 mm) deep.

(iv) There shall be not less than 18 inches (457 mm) between rails.

(v) Rungs shall have a diameter not less than 0.75-inch (19 mm) and be capable of withstanding a 300-pound (136.1 kg) load.

(vi) Ladders over 30 feet (9144 mm) in height shall be provided with offset sections and landings capable of withstanding 100 pounds per square foot (488.2 kg divided by meters squared). Landing dimensions shall be not less than 18 inches (457 mm) and not less than the width of the ladder served. A guard rail shall be provided on all open sides of the landing.

(vii) Climbing clearance. The distance from the centerline of rungs to the nearest permanent object on the climbing side of the ladder shall be not less than 30 inches (762 mm) measured perpendicular to the rungs. This distance shall be maintained from the point of ladder access to the bottom of the roof hatch. A minimum clear width of 15 inches (381 mm) shall be provided on both sides of the ladder measured from the midpoint of and parallel with the rungs except where cages or wells are installed.

(viii) Landing required. The ladder shall be provided with a clear and unobstructed bottom landing area having a minimum dimension of 30 inches (762 mm) by 30 inches (762 mm) centered in front of the ladder.

(ix) Ladders shall be protected against corrosion by approved means.

(x) Access to ladders shall be provided at all times.

(B) Catwalks installed to provide the required access shall be not less than 24 inches (610 mm) wide and shall have railings as required for service platforms. Exceptions:

(i) This section shall not apply to Group R-3 occupancies.

(ii) This section shall not apply to appliance replacement.

(8) Section 307.2.1 Condensate disposal. This section has been modified to allow condensate drains to terminate to a pit or French drain when approved by the code official. This section has been modified to read: 307.2.1 Condensate disposal. Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to an approved place of disposal. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than one-

1 Water-level monitoring devices. On down-flow units and all other coils that do not have a sec-
2 ondary drain or provisions to install a secondary or auxiliary drain pan, a water-level monitoring
3 device shall be installed inside the primary drain pan. This device shall shut off the equipment
4 served in the event that the primary drain becomes restricted. Devices installed in the drain line
5 shall not be permitted. Exception: This section shall not apply to appliances installed in areas
6 outside on the ground or elevated structure where condensate overflow will not damage building
7 components or contents.

8 Chapter 5 of the adopted IMC has been adopted with the following modifications:

9 (1) Section 502.15 Repair garages. This section has been modified to require compliance with
10 Section 2311.4.3 of the International Fire Code® when designing basement or pit ventilation.
11 This section has been modified to read: 502.15 Repair garages. Where Class I liquids or LP-gas
12 are stored or used within a building having a basement or pit wherein flammable vapors could
13 accumulate, the basement or pit shall be provided with ventilation designed in accordance with
14 Section 2311.4.3 of the International Fire Code® to prevent the accumulation of flammable va-
15 pers therein.

16 (2) Section 506.3.1.1 Grease duct materials. This section has been added to clarify the language
17 between the code and NFPA® 96 regarding the type of steel to be utilized. This section has been
18 modified to read: 506.3.1.1 Grease duct materials. Grease ducts serving Type I hoods shall be
19 constructed of non-galvanized carbon steel having a minimum thickness of 0.0575 inch (1.463
20 mm) (No. 16 gage) or stainless steel not less than 0.0450 inch (1.14 mm) (No. 18 gage) in thick-
21 ness. Exception: Factory-built commercial kitchen grease ducts listed and labeled in accordance
22 with UL 1978 and installed in accordance with Section 304.1.

23 (3) Section 507.2. Type I hoods. This section has been modified to add an additional exception
24 for installation of Type II hoods when specific conditions are met. This section has been modi-
25 fied to read: 507.2 Type I hoods. Type I hoods shall be installed where cooking appliances pro-
26 duce grease or smoke as a result of the cooking process. Type I hoods shall be installed over me-
27 dium-duty, heavy-duty, and extra-heavy-duty cooking appliances.

28 Exceptions:

29 (A) A Type I hood shall not be required for an electric cooking appliance where an approved
30 testing agency provides documentation that the appliance effluent contains 5 mg per cubic meter
when tested at an exhaust flow rate of 500 cfm (0.236 cubic meters per second) in accordance with UL 710B.

(B) Where approved, a Type II hood equipped with a suppression system listed in accordance with UL 300A, or meeting the requirements of ICC-ES LC 1031, shall be permitted in new construction and renovation of adult day care facilities or child day care facilities having an occupant load of 16 or less, with a single domestic Medium Duty Cooking Appliance, utilized for warming food only.

Chapter 6 of the adopted IMC has been adopted with the following modification:

Section 604.1 General. This section has been modified to add a requirement to duct insulation to conform to SMACNA HVAC Duct Construction Standards – Metal and Flexible. This section has been modified to read: 604.1 General. Duct insulation shall conform to the requirements of Sections 604.2 through 604.13, the International Energy Conservation Code® and SMACNA

1 (2) Section 805.4 Factory-built chimney offsets. The originally published Section 805.4 entitled
2 "Support" has been moved to Section 805.5 and the previously published Section 805.3 entitled
3 "Factory-built chimney offsets" has been moved to Section 805.4. No other modifications have
4 been made to the section. This section has been modified to read: 805.4 Factory-built chimney
5 offsets. Where a factory-built chimney assembly incorporates offsets, no part of the chimney
6 shall be at an angle of more than 30 degrees (.52 rad) from vertical at any point in the assembly
7 and the chimney assembly shall not include more than four elbows.

8 (3) Section 805.5 Support. The originally published Section 805.5 entitled "Medium-heat appli-
9 ances" has been moved to Section 805.6 and the previously published Section 805.4 entitled
10 "Support" has been moved to Section 805.5. No other modifications have been made. This sec-
11 tion has been modified to read: 805.5 Support. Where factory-built chimneys are supported by
12 structural members, such as joists and rafters, such members shall be designed to support the ad-
13 ditional load.

14 (4) Section 805.6 Medium-heat appliances. The originally published Section 805.6 entitled "Dec-
15 orative shrouds" has been moved to Section 805.7 and the previously published Section 805.5
16 entitled "Medium-heat appliances" has been moved to Section 805.6. No other modifications
17 have been made. This section has been modified to read: 805.6 Medium-heat appliances. Fac-
18 tory-built chimneys for medium-heat appliances producing flue gases having a temperature
19 above 1,000 degrees Fahrenheit (538 degrees Celsius) measured at the entrance to the chimney
20 shall comply with UL 959.

21 (5) Section 805.7 Decorative shrouds. The originally published Section 805.7 entitled "Insulation
22 shield" has been moved to Section 805.8 and the previously published section "805.6 entitled
23 "Decorative shrouds" has been moved to Section 805.7. No other modifications have been made.
24 This section has been modified to read: 805.7 Decorative shrouds. Decorative shrouds shall not
25 be installed at the termination of factory-built chimneys except where such shrouds are listed and
26 labeled for use with the specific factory-built chimney system and are installed in accordance
27 with Section 304.1.

28 (6) Section 805.8 Insulation shield. The originally published Section 805.7 entitled "Insulation
29 shield" has been moved to Section 805.8. No other modifications have been made. This section
30 has been modified to read: 805.8 Insulation shield. Where factory-built chimneys pass through
31 insulated assemblies, an insulation shield constructed of steel having a thickness of not less than
32 0.0187 inch (0.4712 millimeter) (No.26 gage) shall be installed to provide clearance between the
33 chimney and the insulation material. The clearance shall be not less than the clearance to com-
34 bustibles specified by the chimney manufacturer's installation instructions. Where chimneys pass
35 through attic space, the shield shall terminate not less than 2 inches (51 millimeter) above the in-
36 insulation materials and shall be secured in place to prevent displacement. Insulation shields pro-
37 vided as part of a listed chimney system shall be installed in accordance with the manufacturer's
38 instructions.

39 Chapter 14 of the adopted IMC has been adopted with the following modification:

40 Section 1402.8.3 Piping has been modified to correct errata published by the ICC®. The modifi-
41 cation changes a specified chapter from "10" to "12." This section has been modified to read:

42 1402.8.3 Piping.

43 Potable piping shall be installed in accordance with the International Plumbing Code®. Hy-
44 draulic piping shall be installed in accordance with Chapter 12 of this code. Mechanical system

code known as the International Plumbing Code, recommended by the International Code Council, Inc., being described particularly as the 2015 edition of the International Plumbing Code, adopting and incorporating by reference the following International Codes: International Plumbing Code published by the International Code Council, Inc. referenced in Sec. 9-4, Incorporated by Reference save and except such portions as are now or may be hereinafter deleted, modified or amended. Not less than one (1) copy is declared the office file copy by the city clerk of this city and said copy is available at city hall for public review. The same is hereby adopted and incorporated as fully as if set forth at length herein, and the provisions thereof shall be controlling in the construction of all building and other subjects therein contained within the corporate limits of the city.

SECTION 12. That Midwest City Code, Chapter 9, Buildings and Building Regulations, Article VI, Section 9-371, is hereby amended and to read as follows:

Sec. 9-371. - Plumbing Code amended.

The plumbing code adopted in section 9-301 is amended and modified in the following respects:

- (a) Title. These regulations shall be known as the Plumbing Code of Midwest City hereinafter referred to as "this code".
- (b) Fee schedule. The permit fees for all plumbing work shall be as indicated in the Code of Midwest City, section 9-308.
- (c) Service discontinued. Any gas service which has been inactive for a period of one (1) year or has been disconnected for cause shall be inspected by the development services department before service is reestablished.
- (d) Application for appeal. An appeal of the plumbing official's decision shall be made upon application in writing for the city council's consideration.
- (e) Penalties. Any person who violates a provision of this code or shall fail to comply with any requirements thereof or who shall install plumbing work in violation of an approved plan or directive of the plumbing official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable as set out in section 1-8 of the Midwest City Code. Each day that a violation continues shall be deemed a separate offense.
- (f) Unlawful continuance. Any person who shall continue any plumbing work in or about the structures after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine of not more than one hundred dollars (\$100.00) including court costs. Each day that this violation continues shall be deemed a separate offense.
- (g) Sewer saddles and risers. All sewer saddles to be installed on the mains. ~~be "sealtite" manufactured by General Engineering Company of Frederick, MD, or an equivalent approved by the administrative authority. It shall be a four inch minimum size. The riser shall also be four inch minimum size.~~ are considered private infrastructure and shall comply with the requirements outlined in chapter 43 of the City Code of Midwest City.
- (h) Public systems available. A public water main or public sewer system shall be considered available to a building as outlined in chapter 43 of the City Code of Midwest City.
- (i) Freezing. Water service piping and sewers shall be installed below recorded frost penetration but not less than one (1) foot, six (6) inches below grade of water piping and one (1) foot zero inches below grade for sewers. In climates with freezing temperatures, plumbing piping in exterior building walls or areas subjected to freezing temperatures shall be adequately protected against freezing by insulation or heat or both.
- (j) Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of twelve (12) inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of twelve (12) inches below grade.

1 the building. The backwater valve shall be installed so that access is provided to the work-
2 ing parts for service and repair. Two (2) cleanouts shall be required, one (1) of which shall
3 be directed toward the mainline and the other cleanout shall be directed toward the struc-
4 ture. The owner of the structure is responsible for maintaining the backwater valve and
cleanouts.

5 SECTION 13. REPEALER. All ordinances or parts of ordinances in conflict herewith are
6 hereby repealed.

7 SECTION 14. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is
8 for any reason held to be invalid, such decision shall not affect the validity of the remaining por-
9 tions of the ordinance.

10 PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma,
11 on the _____ day of _____, 2023.

12 THE CITY OF MIDWEST CITY, OKLAHOMA

13
14 _____
MATTHEW D. DUKES II, Mayor

15 ATTEST:

16
17 _____
SARA HANCOCK, City Clerk

18
19 APPROVED as to form and legality this _____ day of _____, 2023.

20
21 _____
DONALD MAISCH, City Attorney

**Ordinance Oversight Council Committee Minutes
Special Meeting**

July 6, 2023

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 5:36 PM with Mayor Matt Dukes and Councilmember Susan Eads.

Staff Present: City Manager Tim Lyon, City Attorney Donald Maisch, and City Clerk Sara Hancock.

DISCUSSION ITEMS.

1. **Discussion, consideration and possible action to approve the minutes of the February 22, 2023 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, consideration, and possible action of an ordinance amending the Midwest City Municipal Code, Chapter 2, Administration, Article II, City Council, Section 2-17 Elected Official Accountability Act and Ethics Policy; and Providing for Repealer and Severability.**

Byrne made a motion to approve with amendments, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

3. **Discussion, consideration, and possible action of approving an ordinance repealing Midwest City Municipal Code, Chapter 4, Air Pollution, Article I, In General, Sections 4-1 through 4-21, Article II, Variances, Sections 4-31 through 4-34 and 4-41 through 4-46; and providing for repealer and severability.**

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

4. **Discussion, consideration, and possible action of approving an ordinance amending the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV, Occupation Tax, Sections 5-124, Application for certificate of compliance; Investigation, 5-125 Issuance of certificate of zoning and certificate of compliance; and providing for repealer and severability.**

Dukes made a motion to approve with amendments, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

*Recess was taken at 5:40 PM/ Returned at 5:50 PM.

5. **Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code Chapter 7 Amusements, Article IV, Circuses and Carnivals, Section 7-51, Health regulations; and providing for repealer and severability.**

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

6. **Discussion, consideration, and possible action of approving and ordinance amending Midwest City Municipal Code Chapter 9, Building and Building Regulations, Article III, Building Code, Section 9-34, Code Amended, Paragraph 118.0, Certificate of Occupancy; and providing for repealer and severability.**

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

7. **Discussion, consideration, and possible action of amending Midwest City Municipal Code, Chapter 15 Fire Protection and Prevention, Article IV, Opening Burning, Section 15-109, Commercial open burning; providing for repealer and severability.**

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

8. **Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 16 Food and Food Handlers, Article I, In General, Sections 16-2, Food service sanitation manual; 16-5 Sanitary regulations for factories; and Section 16-6, Sterilizing equipment required; providing for repealer and severability.**

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

9. **Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 18, Garbage and Refuse, Article I, In General Section 18-2, Permit, authority for commercial haulers; Section 18-3, Compliance with landfill regulations; creating hazards; Article II, Municipal Collection and Disposal Service, Section 18-26, Sanitation containers at commercial establishments; and providing for repealer and severability.**

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

10. **Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 19, Health and Sanitation; repealing and placing into reserve Section 19-1, Health Department; amending Section 19-3 Condemnation of insanitary property; and providing for repealer and severability.**

Eads made a motion to approve Section 19-1 and table Section 19-3, seconded by Dukes. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

11. **Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers, Manufactured Home Parks, Etc., Article I, In General, Section 23-1, Definitions; Section 23-3, Notice of violations; contents; Section 23-5, Reinspection of conditions; Section 23-6, Inspection of parks authorized; Section 23-9, Written order to be given after hearing; Section 23-11, Hearing authorized when permit denied, suspended, etc.; Section 23-12, Health or inspection officer may take immediate action when emergency exists; Article II, Licenses and Permits, Section 23-25, Application; contents; Section 23-31 Renewal applications; contents; and providing for repealer and severability.**

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

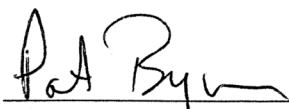
12. **Discussion consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 31 Health Care Facilities, Article III, Massage, Division 1, In General, Section 31-105, Approval or denial; Division 2, Massage Establishment License, Section 31-113, Facilities and equipment; Division 3, Massage Therapist License, Section 31-131, Application; Division 4, Operating Requirements, Section 31-152, Requirements for cubicles, booth, etc.; and providing for repealer and severability.**

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

13. **Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article I, In General, Section 32-3, Exceptions for veterans and nonprofit organizations; Section 32-4, Duty of police to enforce; Section 32-5, Loud noises and speaking devices; Article II Permit, Section 32-25, Fees; health certificates; Article III Foodstuffs Section 32-51, Inspections by health department; Section 32-52, Condemning unwholesome food; Article V, Special Events, Section 32-83, Special events defined; Section 32-88, Exemptions; Section 32-95, Health regulations; and providing for repealer and severability.**

Byrne made a motion to approve with amendments, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

ADJOURNMENT. Chairman Byrne adjourned the meeting at 7:02 PM.



PAT BYRNE, Chairman



MIDWEST CITY ORDINANCE OVERSIGHT COUNCIL COMMITTEE AGENDA

City Hall – Second Floor – City Manager’s Conference Room, 100 N. Midwest Boulevard

July 06, 2023 – 5:30 PM

A. CALL TO ORDER.

B. DISCUSSION ITEMS.

1. Discussion, consideration and possible action to approve the minutes of the February 22, 2023 meeting.
2. Discussion, consideration, and possible action of an ordinance amending the Midwest City Municipal Code, Chapter 2, Administration, Article II, City Council, Section 2-17, Elected Official Accountability Act and Ethics Policy; and Providing for Repealer and Severability.
3. Discussion, consideration, and possible action of approving an ordinance repealing Midwest City Municipal Code, Chapter 4, Air Pollution, Article I, In General, Sections 4-1 through 4-21, Article II, Variances, Sections 4-31 through 4-34 and 4-41 through 4-46; and providing for repealer and severability.
4. Discussion, consideration, and possible action of approving an ordinance amending the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV, Occupation Tax, Sections 5-124, Application for certificate of compliance; Investigation, 5-125, Issuance of certificate of zoning and certificate of compliance; and providing for repealer and severability.
5. Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 7 Amusements, Article IV, Circuses and Carnivals, Section 7-51, Health regulations; and providing for repealer and severability.
6. Discussion, consideration, and possible action of approving and ordinance amending Midwest City Municipal Code, Chapter 9, Building and Building Regulations, Article III, Building Code, Section 9-34, Code Amended, Paragraph 118.0, Certificate of Occupancy; and providing for repealer and severability.
7. Discussion, consideration, and possible action of amending Midwest City Municipal Code, Chapter 15 Fire Protection and Prevention, Article IV, Opening Burning, Section 15-109, Commercial open burning; providing for repealer and severability.
8. Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 16 Food and Food Handlers, Article I, In General, Sections 16-2, Food service sanitation manual; 16-5, Sanitary regulations for factories; and Section 16-6, Sterilizing equipment required; providing for repealer and severability.

9. Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 18, Garbage and Refuse, Article I, In General, Section 18-2, Permit, authority for commercial haulers; Section 18-3, Compliance with landfill regulations; creating hazards; Article II, Municipal Collection and Disposal Service, Section 18-26, Sanitation containers at commercial establishments; and providing for repealer and severability.
10. Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 19, Health and Sanitation; repealing and placing into reserve Section 19-1, Health Department; amending Section 19-3, Condemnation of insanitary property; and providing for repealer and severability.
11. Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers, Manufactured Home Parks, Etc., Article I, In General, Section 23-1, Definitions; Section 23-3, Notice of violations; contents; Section 23-5, Reinspection of conditions; Section 23-6, Inspection of parks authorized; Section 23-9, Written order to be given after hearing; Section 23-11, Hearing authorized when permit denied, suspended, etc.; Section 23-12, Health or inspection officer may take immediate action when emergency exists; Article II, Licenses and Permits, Section 23-25, Application; contents; Section 23-31, Renewal applications; contents; and providing for repealer and severability.
12. Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 31 Health Care Facilities, Article III, Massage, Division 1, In General, Section 31-105, Approval or denial; Division 2, Massage Establishment License, Section 31-113, Facilities and equipment; Division 3, Massage Therapist License, Section 31-131, Application; Division 4, Operating Requirements, Section 31-152, Requirements for cubicles, booth, etc.; and providing for repealer and severability.
13. Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article I, In General, Section 32-3, Exceptions for veterans and nonprofit organizations; Section 32-4, Duty of police to enforce; Section 32-5, Loud noises and speaking devices; Article II, Permit, Section 32-25, Fees; health certificates; Article III, Foodstuffs, Section 32-51, Inspections by health department; Section 32-52, Condemning unwholesome food; Article V, Special Events, Section 32-83, Special events defined; Section 32-88, Exemptions; Section 32-95, Health regulations; and providing for repealer and severability.

C. ADJOURNMENT.

**Ordinance Oversight Council Committee Minutes
Special Meeting**

February 22, 2023

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 5:06 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 Neighborhood Services Mike Stroh, Director of Engineering and Construction Services Brandon Bundy, Prosecuting Attorney Vicki Floyd, and Animal Welfare Manager Teresa Coplen.

DISCUSSION ITEMS.

1. **Discussion, consideration and possible action to approve the minutes of the October 18, 2022 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, consideration and possible action of approving the December 19, 2022 meeting minutes.**

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

3. **Discussion, consideration and possible action approving, an ordinance amending the Midwest City Municipal Code, Chapter 28, Offenses - Miscellaneous; Article IV, Offenses Against Property; Section 28-77, Reserved; and providing for repealer and severability.**

Floyd addressed committee. After Staff and Committee discussion, Eads made a request for Floyd to research EBT payments and update if needed and made a motion to approve, seconded by Dukes. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

4. **Discussion, consideration, and possible action of approving an ordinance amending the Midwest City Municipal Code, Chapter 8, Animals and Fowl; Article II, Impoundment of Livestock; Section 8-22, Disposition of Impounded Animals; and Providing for Repealer and Severability.**

Coplen addressed committee. After Staff and Committee discussion, Dukes made a motion to approve, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

5. **Discussion, consideration, and possible action of approving an ordinance amending the Midwest City Municipal Code, Chapter 8, Animals and Fowl; Article VIII, Animal Welfare Shelter Operation; Section 8-162, Fees; and Providing for Repealer and Severability.**

Coplen addressed committee. After Staff and Committee discussion, Eads made a motion to approve, seconded by Dukes. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

*Recess was taken at 5:18 PM/ Returned at 5:21 PM.

6. **Discussion, consideration, and possible action of an ordinance amending Midwest City code, Chapter 9, Buildings and Building Regulations; Article V, Mechanical Systems; Section 9-190, Plumbing, gas and mechanical board created; composition; terms; meetings; and providing for repealer and severability.**

Bundy addressed committee. After Staff and Committee discussion, Dukes made a motion to approve, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

7. **Discussion, consideration, and possible action of an ordinance amending Midwest City code, Chapter 9, Buildings and Building Regulations, Article IV, Section 9-90, National Electric Code Adopted; Section 9-103 Unsafe equipment and usage; Section 9-161 Code Amended; and providing for repealer and severability.**

Bundy addressed committee. After Staff and Committee discussion, Dukes made a motion to approve, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

8. **An Ordinance Amending Midwest City Code, Chapter 9, Buildings And Building Regulations, Article I, Section 9-4, Incorporated By Reference; Article III, Section 9-31, Code Adopted; Section 9-35, International Residential Code Adopted; Section 9-37, Manufactured Homes; Section 9-39, Existing Structures Code; Section 9-41, Roofing Registration Code; Article V, Section 9-196 Reserved; Section 197 Reserved; Section 198 Reserved; Section 199 Reserved; Section 9-201 Code Adopted; Section 9-205, Separate Permits; Section 9-236 Code Amended; Article VI Section 9-301, Code Adopted; 9-371 Code Amended; and Providing for Repealer and Severability.**

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

9. **Discussion and consideration for adoption, including any possible amendment of an ordinance amending Midwest City code, Chapter 37, Streets and Sidewalks, Article III, Transportation; Division 2, Standards and Requirements; Section 37-65, Street Improvements required by Developers; and providing for repealer and severability.**

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

10. Discussion of Chapter 9, Article VII Sign Regulations.

Byrne requests staff come up with sign recommendations and give to Lyon. Changes to promote businesses, as well as workable, enforceable and fair.

11. Discussion of Chapter 24-201 and 24-203 – Residential Parking Restrictions, Soft Surface Parking.

Committee requests staff to come up with recommendations and give to Lyon. Workable, enforceable and fair.

12. Discussion of Chapter 27-80 – Abandoned Shopping Carts.

After much discussion between Staff and Committee, Byrne recommended reaching out to Chamber to get a solution and/or cooperation with businesses.

ADJOURNMENT. Chairman Byrne adjourned the meeting at 6:00 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: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: July 6, 2023

RE: Discussion, consideration, and possible action of amending the Midwest City Municipal Code, Chapter 2, Administration, Article II, City Council, Section 2-17, Elected Official Accountability Act and Ethics Policy; and Providing for Repealer and Severability. (D. Maisch – City Attorney).

The proposed changes to Section 2-17 of the City Ordinances are a culmination from an opinion from outside counsel to remove vagueness and make clearer the provisions in Section 2-17. The proposed amendments were drafted by outside counsel and the City Attorney, looking at provisions from other jurisdictions and Oklahoma Appellate Court Opinions.

Recommendation is at the discretion of the Ordinance Review Committee.

Respectfully submitted,

Donald D. Maisch
City Attorney

1 Policy, the following words and/or terms shall have the following meanings unless the context
2 clearly indicates otherwise:

3
4 1. “Abusive conduct” means undertaking physical acts upon another City Council
5 Member, City Authority Member, City Board Member, City Committee Member, City
6 Commission Member with either the intent to or actually injuring said Member, or verbal
7 communication direct towards said Member or Members that includes, but is not limited to
8 cursing, name calling, intimidation, coercion, making false statements, making statements
9 unsupported by fact and/or evidence.

10
11 2. “Adjudicative decision” means a decision where the member is called upon to
12 determine and apply facts peculiar to an individual case.

13
14 3. “Advocacy” means the act of pleading, supporting or recommending on a
15 specific topic or action.

16
17 4. “Bias” means a particular tendency, trend, inclination, feeling or opinion,
18 especially one that is preconceived or unreasoned.

19
20 5. “Business entity” means individuals, partnerships, business trusts,
21 cooperatives, associates, corporations, limited liability companies or any other firm, group or
22 concern which functions as a separate entity for business purposes.

23
24 6. “Common good” means betterment of the general public.

25
26 7. “Conduct” means mode of action.

27
28 8. “Conflict-of-Interest” means a clash between the public interest and the private
29 interest of the individual concerned.

30
31 9. “Direct Interest” means an interest that is certain and not contingent or doubtful.

32
33 10. “Family” means, Mother, Father, Spouse, Child (whether natural, adopted or
34 foster), Grandparent, Aunt, Uncle, First Cousin, Brother or Sister.

35
36 11. “Impartiality” means the treating of all issues or persons alike, equitably, fairly
37 and justly.

38
39 12. “Impropriety” means unfitness or unsuitable to character, time, place or
40 circumstances.

41
42 13. “Independence” means freedom from influence or controls other than those
43 established by law.

44
45 14. “Indirect interest” means an interest by an intermediary, other than him/herself.
46

1 15. “Material financial interest” means direct or indirect financial or beneficial
2 financial interest of any kind or an interest that results in or is reasonably expected to return
3 or produce some monetary gain or other material thing of value.

4
5 16. “Member” means a person who has been elected or appointed to the City
6 Council, City Authorities, City Boards, City Committees and City Commissions established
7 by State Statute and/or City ordinance.

8
9 17. “Personal bias” means a bias that is based on a person’s life, relationships, or
10 emotions.

11
12 18. “Personal Conduct” means an individual’s behavior, actions, management of
13 oneself, or deportment.

14
15 19. “Personal Gain” means a benefit received by an individual or member of the
16 individual’s family.

17
18 20. “Policies of the City Council” means those items adopted by a majority of the
19 members of the City Council through resolution or other action that regulates the City Council
20 meetings or actions of City Council members.

21
22 21. “Professional Conduct” means the accepted manner in which an individual in
23 a professional or meeting setting is reasonably expected to act.

24
25 22. “Public Discussion” means that time set aside on the City Council, Board, or
26 Authority agenda where by members of the public may direct comments to the Members of
27 the City Council within the parameters set by the Policies of the City Council.

28
29 23. “Public interest” means the collective well-being of the community, its
30 institutions, its people, its businesses and its professional services.

31
32 24. “Public issues” means issues that impact the citizens of the City of Midwest
33 City directly that are community-based, civically based, or societal based.

34
35 25. “Public meeting” has the same definition as contained in the Oklahoma Open
36 Records Act, Title 51 of the Oklahoma Statutes, Section 24A.1 *et seq.*

37
38 26. “Receiving information” means obtaining information, whether solicited or
39 not, on a topic or issue either during a City Council meeting or outside a City Council meeting.

40
41 27. “Reproach” means to address another person in such a way as to express
42 disapproval or disappointment.

43
44 28. “Stewardship” means the duties of supervising or taking care of something,
45 such as an organization or property.

1 29. “Substantiated” means a complaint that alleges a violation of either Part (C) and/or
2 Part (D) of this Ordinance has been verified by competent facts and that substantial evidence exists
3 to support.

4
5 30. “Unsubstantiated” means a complaint that alleges a violation of this Ordinance that
6 is not supported by competent facts or substantial evidence or existent of facts and/or an allegation
7 that is not a per se violation of this Ordinance.

8
9 **C. Ethical Standards.** ~~Therefore, members~~ Members of the City Council and of all
10 ~~Authorities, Boards, Committees and Commissions~~ shall conduct themselves in accordance
11 with the following ethical standards:

- 12 1. **Act in the Public Interest.** Recognizing that stewardship of the public interest
13 ~~must~~ shall be their primary concern, members ~~will~~ shall work for the common
14 good of the people of the City of Midwest City and not for any private or
15 personal interest unless said interest is also a public interest, and they ~~will~~ shall
16 assure fair and equal treatment of all persons, claims and transactions coming
17 before them.
- 18
19 2. **Comply with both the spirit and the letter of the Law and City Policy.** Members
20 shall comply with the laws of the ~~nation~~ United States, the State of Oklahoma
21 and the ordinances of the City of Midwest City in the performance of their
22 ~~public~~ duties as established by state law, city charter or city ordinance.
- 23
24 3. **Conduct of Members.** The professional and personal conduct of members while
25 exercising their office ~~must~~ shall be above reproach and avoid even the
26 appearance of impropriety. Members shall refrain from abusive conduct towards
27 other members, ~~and~~ the staff or public.
- 28
29 4. **Respect for Process.** Members shall perform their duties in accordance with the
30 ~~processes and rules of order~~ policies established by the City Council.
- 31
32 5. **Conduct at Public Meetings.** Members shall prepare themselves for public
33 issues; listen courteously and attentively to all public discussions before the
34 body; and focus on the business at hand.
- 35
36 6. **Decisions Based on Merit.** Members shall base their decisions on the merits
37 and substance of the matter at hand, rather than on unrelated considerations.
38 When making adjudicative decisions ~~(those decisions where the member is~~
39 ~~called upon to determine and apply facts peculiar to an individual case),~~
40 members shall maintain an open mind until the conclusion of the hearing on
41 the matter and shall base their decisions on the facts presented at the hearing and
42 the law.
- 43
44 7. **Communication.** For adjudicative matters pending before the body, members
45 shall refrain from receiving information outside of an open public meeting or
46 the agenda materials, except on advice of the City Attorney. Members shall

1 publicly disclose substantive information that is relevant to a matter under
2 consideration by the body which they may have received from sources outside
3 of the public decision-making process.

- 4
5 8. **Conflict of Interest.** In order to assure their independence and impartiality on
6 behalf of the common good and compliance with ~~conflict of interest~~ conflict-of-
7 interest laws, members shall use their best efforts to refrain from ~~creating~~
8 appearance of impropriety in their actions and decisions. Members shall not use
9 their official positions to influence government decisions in which they or a
10 member of his/her ~~immediate~~ family (~~defined as any person related within the~~
11 ~~third degree by blood or marriage to the council member~~) have;

12
13 (a) a material financial interest ~~or on~~ in:

- 14
15 1) any business entity in which the ~~councilmember~~ member has a direct
16 or indirect interest;
17 2) any real property in which the ~~councilmember~~ member has a direct or
18 indirect interest; or
19 3) any business entity in which the ~~councilmember~~ member is a director,
20 officer, partner, trustee or employee, or holds any position of
21 management.,

22
23 (b) an organizational responsibility or personal relationship which may give
24 the appearance of a conflict of interest, or

25
26 (c) a ~~strong~~ personal bias.

27
28 A member who has a potential conflict of interest regarding a particular
29 decision shall disclose the matter to the City Attorney and/or City Manager and
30 reasonably cooperate with the City Attorney to analyze the potential conflict.
31 ~~If advised by the City Attorney to seek advice from appropriate state agency,~~
32 ~~a member shall not participate in a decision unless and until he or she has~~
33 ~~requested and received advice allowing the member to participate. A~~
34 ~~member shall diligently pursue obtaining such advice. The member shall~~
35 ~~provide the City Manager and the City Attorney a copy of any written request~~
36 ~~or advice, and conform his or her participation to the advice given. In~~
37 ~~providing assistance to members, the City Attorney represents the City and~~
38 ~~not individual members.~~

39
40 In accordance with the law, members shall disclose investments, interests in
41 real property, sources of income, and gifts to the City Attorney and City
42 Manager; and if they have a conflict of interest regarding a particular
43 decision, shall not, once the conflict is ascertained, participate in the decision
44 and shall not discuss or comment on the matter in any way to any person
45 including other members unless otherwise permitted by law, failure to comply
46 may lead to conduct being reported to the District Attorney.

1
2 9. **Gifts and Favors.** Members shall not take any special advantage of services or
3 opportunities for personal gain, by virtue of their public office that is not
4 available to the public in general. ~~They~~ Members shall refrain from accepting
5 any gifts, favors or promises of future benefits which ~~might compromise~~
6 compromises their independence of judgment or action or give the appearance
7 of being compromised.

8
9 No member ~~of the council~~ shall receive any payments or gifts, other than those
10 provided in the Charter or in the Code of Ordinances, for action or inaction in
11 his/her ~~elected~~ official capacity.
12

13 10. **Confidential Information.** Members ~~must~~ shall maintain the confidentiality of
14 all written materials and verbal information provided to members which is
15 confidential or privileged. No member ~~of the council~~ shall disclose confidential
16 discussions occurring in executive session with anyone other than other
17 ~~councilmember~~ member or invited staff/guests. Members shall neither disclose
18 confidential information without proper legal authorization, nor use such
19 information to advance their personal, financial or other private interests, nor shall
20 any member ~~of the council~~ make, participate in making, or in any way attempt to
21 use his/her official position to influence the making of any decision that ~~s/he~~ the
22 member knows or should know will have a reasonably foreseeable material financial
23 effect, on the member ~~of the council~~ or a member of his/her immediate family
24 (~~defined as any person related within the third degree by blood or marriage to the~~
25 ~~councilmember~~) or on:
26

27 1) Any business entity in which the ~~council~~ member has a direct or indirect
28 interest;

29 2) Any real property in which the ~~council~~ member has a direct or indirect
30 interest; or

31 3) Any business entity in which the ~~council~~ member is a director, officer,
32 partner, trustee or employee, or holds any position of management.

33 11. **Use of Public Resources.** Members shall not use public resources which are
34 not available to the public in general (e.g., City staff time, equipment, supplies
35 or facilities) for private gain or for personal purposes not otherwise authorized
36 by law.
37

38 12. **Representation of Private Interests.** In keeping with their role as stewards of
39 the public interest, members ~~of Council~~ shall not appear on behalf of the
40 private interests of third parties before the Council or any Authority, Board,
41 Committee, Commission or proceeding of the City; ~~nor shall members of~~
42 ~~Boards, Committees and Commissions appear before their own bodies or before~~
43 ~~the Council on behalf of the private interests of third parties on matters related~~
44 ~~to the areas of service of their bodies.~~
45

1 13. **Advocacy.** Members shall represent the official policies or positions of the City
2 Council, Authority, Board, Committee or Commission to the best of their ability
3 when designated as delegates for this purpose. When presenting their individual
4 opinions and positions, members shall explicitly state they do not represent their
5 body or the City of Midwest City, nor will they allow the inference that they do.
6 Councilmembers and Authority, Board, Committee and Commission members
7 have the right to endorse candidates for all Council seats or other elected offices.
8 It is inappropriate to mention or display endorsements during Council meetings,
9 or Authority, Board, Committee and Commission meetings, or other official City
10 meetings.
11

12 14. **Policy Role of Members.** Members shall respect and adhere to the council-
13 manager structure of City of Midwest City government as outlined in the
14 Midwest City Code. In this structure, the City Council determines the policies
15 of the City with the advice, information and analysis provided by City staff,
16 Authorities, Boards, Committees and Commissions, and the public. Except as
17 provided by the City Code, members shall not interfere with the administrative
18 functions of the City or the professional duties of City staff; nor shall they impair
19 the ability of staff to implement Council policy decisions.
20

21 15. **Independence of Boards, Committees and Commissions.** Because of the
22 value of the independent advice of Authorities, Boards, Committees and
23 Commissions to the public decision-making process, members of City Council
24 shall refrain from using their position to unduly influence the deliberations or
25 outcomes of Authorities, Board, Committee and Commission proceedings.
26

27 16. **Positive Work Place Environment.** Members shall support the maintenance of
28 a positive and constructive work place environment for City employees and for
29 citizens and businesses dealing with the City. Members shall recognize their
30 special role in dealings with City employees to in no way create the perception
31 of inappropriate direction to staff.
32

33 (a) Unless the request is otherwise authorized by law, if a member requests research
34 or other work by City staff, such requests shall be directed to the City Manager, unless
35 the request is for legal research, then the request shall be directed to the City Attorney.
36

37 (b) If the request, pursuant to paragraph (C)(16)(a) above, will take more than one
38 (1) hour of staff time to complete, then the request shall be placed on the next
39 available City Council Agenda. The City Council shall consider and determine
40 whether staff time shall be devoted to the request.
41

42 (c) Any response from City staff to a request pursuant to paragraph (C)(16)(a) above,
43 shall be distributed to all members of the City Council.
44

45 (d) Members shall not attempt to pressure or influence discussions,
46 recommendations, workloads, schedules or priorities of City staff. A violation of

1 this provision is also hereby deemed to be a violation of Article II, Section 6 of the
2 Charter for the City of Midwest City.

3
4 **17. Elections.** No member of the council or candidate for council shall receive more
5 than an amount established by state law in monetary or in-kind donations for
6 each council election for which the member of council or candidate seeks office.

7
8 **B. CONDUCT GUIDELINES**

9
10 **D. Guidelines for Conduct**

11
12 The ~~Conduct Guidelines~~ following guidelines are designed to describe the manner in which
13 elected and appointed officials should treat one another, City staff, constituents, and others
14 they come into contact with while representing the City of Midwest City.

15
16 **1. Elected and Appointed Officials' Conduct with Each Other in Public Meetings**

17
18 Elected and appointed officials are individuals with a wide variety of backgrounds,
19 personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve
20 in public office in order to preserve and protect the present and the future of the
21 community. In all cases, this common goal should be acknowledged even though
22 individuals may not agree on every issue.

23
24 *(a) Honor the role of the chair in maintaining order*

25 It is the responsibility of the chair to keep the comments of members on track
26 during public meetings. Members should honor efforts by the chair to focus
27 discussion on current agenda items. If there is disagreement about the agenda
28 or the chair's actions, those objections should be voiced politely and with
29 reason, following procedures outlined in parliamentary procedure.

30
31 *(b) Practice civility and decorum in discussions and debate*

32 Difficult questions, tough challenges to a particular point of view, and criticism
33 of ideas and information are legitimate elements of debate by a free democracy
34 in action. Free debate does not require nor justify the making of, however,
35 ~~public officials to make~~ belligerent, personal, impertinent, slanderous,
36 threatening, abusive, or disparaging comments.

37
38 *(c) Avoid personal comments that could offend other members*

39 If a member is personally offended by the remarks of another member, the offended
40 member should make notes of the actual words used and call for a "point of
41 personal privilege" that challenges the other member to justify or apologize for
42 the language used. The chair will maintain control of this discussion.

43
44 *(d) Demonstrate effective problem-solving approaches*

45 Members have a public stage and have the responsibility to show how individuals
46 with disparate points of view can find common ground and seek a compromise

1 that benefits the community as a whole.

2 3 **2. Elected and Appointed Officials' Conduct with the Public in Public Meetings**

4
5 Making the public feel welcome is an important part of the democratic process. No
6 signs of partiality, prejudice or disrespect should be evident on the part of individual
7 members toward an individual participating in a public forum. Every effort should be
8 made to be fair and impartial in listening to public testimony or comment.

9
10 (a) *Be welcoming to speakers and treat them with care and gentleness.*

11 While questions of clarification may be asked, the official's primary
12 role ~~during public testimony~~ is to listen.

13
14 (b) *Be fair and equitable in allocating public hearing time to individual*
15 *speakers.*

16 The chair will ~~determine and~~ announce time limits on for speakers at the
17 start of the public hearing process testimony or comment in accordance
18 with the policies established by the City Council.

19
20 (c) *Practice active listening*

21 It is disconcerting to speakers to have members not look at them when
22 they are speaking.

23
24 (d) *Maintain an open mind*

25 Members of the public deserve an opportunity to influence the thinking
26 of elected and appointed officials.

27
28 (e) *Ask for clarification, but avoid debate and argument with the public*

29 Only the chair - not individual members - can interrupt a speaker during
30 a presentation. However, a member can ask the chair for a point of order
31 if the speaker is off the topic or exhibiting behavior or language the
32 member finds disturbing.

33 34 **3. Elected and Appointed Officials' Conduct with City Staff**

35
36 Governance of a City relies on the cooperative efforts of elected officials, who set
37 policy, appointed officials who advise the elected, and City staff who implement and
38 administer the Council's policies. Therefore, every effort should be made to be
39 cooperative and show mutual respect for the contributions made by each individual for
40 the good of the community.

41
42 (a) *Treat all staff as professionals*

43 Clear, honest communication that respects the abilities, experience, and
44 dignity of each individual is expected. Poor behavior towards staff is not
45 acceptable.

46
47 (b) *Do not disrupt City staff from their jobs*

1 Elected and appointed officials should not disrupt City staff while they
2 are in meetings, on the phone, or engrossed in performing their job functions
3 in order to have their individual needs met. Do not attend City staff meetings
4 unless requested by staff- even if the elected or appointed official does not
5 say anything, his or her presence implies support, shows partiality, may
6 intimidate staff, and hampers staffs ability to do their job objectively.
7

8 *(c) Never publicly criticize an individual employee*

9 Elected and appointed officials should never express concerns about the
10 performance of a City employee in public, to the employee directly, or to
11 the employee's manager. Comments about staff performance should only be
12 made to the City Manager through private correspondence or conversation.
13 Appointed officials should make their comments regarding staff to the City
14 Manager.
15

16 *(d) Do not get involved in administrative functions*

17 Elected and appointed officials acting in their individual capacity must not
18 attempt to influence City staff on the making of appointments, awarding
19 of contracts, selecting of consultants, processing of development
20 applications, or granting of City licenses and permits.
21

22 *(e) Do not solicit political support from staff*

23 Elected and appointed officials should not solicit any type of political
24 support (financial contributions, display of posters or lawn signs, name on
25 support list, etc.) from City staff. City staff may, as private citizens with
26 constitutional rights, support political candidates but all such activities
27 must be done away from the workplace.
28

29 *(f) No Attorney-Client Relationship*

30 Members shall not seek to establish an attorney-client relationship with the
31 City Attorney, including his or her staff and attorneys contracted to work on
32 behalf of the City. The City Attorney represents the City and not
33 individual members. Members who consult with the City Attorney cannot
34 enjoy or establish an attorney-client relationship with the attorney.
35

36 *(g) Council Member Must Resign*

37 If a sitting council member intends to apply for a full time or part time
38 position with the City of Midwest City, he/she must resign from the council
39 before applying for that position.
40

41 **4. Council Conduct with Boards, Committees and Commissions**
42

43 The City has established several Boards, Committees and Commissions as a means of
44 gathering more community input. Citizens who serve on Boards, Committees and
45 Commissions become more involved in government and serve as advisors to the City
46 Council. They are a valuable resource to the City's leadership and should be treated

1 with appreciation and respect.

- 2
3 (a) *If attending a Board, Committee or Commission meeting, be careful to only*
4 *express personal opinions.*

5 Councilmembers may attend any Board, Committee or Commission
6 meeting, which are always open to any member of the public. However, they
7 should be sensitive to the way their participation - especially if it is on
8 behalf of an individual, business or developer - could be viewed as unfairly
9 affecting the process. Any public comments by a Councilmember at a Board,
10 Committee or Commission meeting should be clearly made as individual
11 opinion and not a representation of the feelings of the entire City Council.
12

- 13 (b) *Limit contact with Board, Committee and Commission members to*
14 *questions of clarification*

15 It is inappropriate for a Councilmember to contact a Board, Committee or
16 Commission member to lobby on behalf of an individual, business, or
17 developer, and vice versa. [t is acceptable for Councilmembers to contact
18 Board, Committee or Commission members in order to clarify a position
19 taken by the Board, Committee or Commission.
20

- 21 (c) *Respect that Boards, Committees and Commissions serve the community,*
22 *not individual Councilmembers*

23 The City Council appoints individuals to serve on Boards, Committees and
24 Commissions, and it is the responsibility of Boards, Committees and
25 Commissions to follow policy established by the Council. But Board,
26 Committee and Commission members do not report to individual
27 Councilmembers, nor should Councilmembers feel they have the power or
28 right to threaten Board, Committee and Commission members with removal
29 if they disagree about an issue. Appointment and re-appointment to a Board,
30 Committee or Commission should be based on such criteria as expertise,
31 ability to work with staff and the public, and commitment to fulfilling official
32 duties. A Board, Committee or Commission appointment should not be
33 used as a political "reward."
34

- 35 (d) *Be respectful of diverse opinions*

36 A primary role of Boards, Committees and Commissions is to represent
37 many points of view in the community and to provide the Council with
38 advice based on a full spectrum of concerns and perspectives.
39 Councilmembers may have a closer working relationship with some
40 individuals serving on Boards, Committees and Commissions, but must
41 be fair and respectful of all citizens serving on Boards, Committees and
42 Commissions.
43

- 44 (e) *Keep political support away from public forums*

45 Board, Committee and Commission members may offer political support
46 to a Councilmember, but not in a public forum while conducting official

1 duties. Conversely, Councilmembers may support Board, Committee and
2 Commission members who are running for office, but not in an official
3 forum in their capacity as a Councilmember.
4

5 ~~C. VIOLATION~~

6
7 E. Enforcement Procedures.
8

9 1. If a member believes another member has violated any of the requirements of Part
10 (C) or the recommendations of Part (D) above, that member may choose to discuss the matter with
11 the other member in an informal setting to resolve any issue.
12

13 2. Any person may file a formal complaint concerning the actions of a member that
14 appears to be a violation of Parts (C) or (D) above. Said complaint shall be in writing and initially
15 submitted to the City Attorney. Upon receipt of a formal written complaint, the City Attorney
16 shall forward the complaint to the City Manager. The City Manager and City Attorney shall advise
17 the City Council of the receipt of a formal complaint in Executive Session.
18

19 3. There is hereby established an Ethics Review Officer to review any formal written
20 complaints. The Ethics Review officer shall be appointed by the Mayor and be a former mayor
21 for the City of Midwest City. If a former mayor is not available or is unwilling to serve, then a
22 former vice-mayor of the City of Midwest City shall be appointed, if a former vice-mayor is not
23 available or is unwilling to serve, then a former City Council Member of the City of Midwest City
24 shall be appointed to serve.
25

26 4. The City Manager is hereby authorized to enter into contracts with the appointed
27 Ethics Review Officer for their services. The contract will set an hourly rate for said services.
28

29 5. Upon review of a formal written complaint by the City Manager and the City
30 Attorney, the City Manager shall contact the Ethics Review Officer concerning the complaint and
31 the City Attorney shall forward a copy of the complaint to the Ethics Review Officer.
32

33 6. The Ethics Review Officer shall investigate the complaint to determine if the
34 complaint is substantiated or unsubstantiated. The Ethics Review Officer shall have all the
35 resources that the City of Midwest City has available to undertake the investigation. The Ethics
36 Review Officer, City Manager and City Attorney shall establish timelines for the completion of
37 the investigation and issuance of a written report based on the types and complexity of issues raised
38 in the complaint. The City Manager shall notify the members of the City Council concerning the
39 timeline established.
40

41 7. Upon completion of the investigation, the Ethics Review Officer shall issue a
42 written report of its findings and recommendations on each issue raised in the complaint, whether
43 that issue is substantiated or unsubstantiated, the reasoning for the finding and any
44 recommendations as to a resolution based on the options listed in Paragraphs (E)(9), (E)(10), or
45 (E)(11) of this City Ordinance.
46

1 8. If the Ethics Review Officer finds that the complaint is unsubstantiated, the report
2 shall be submitted to the City Manager and City Attorney. The City Attorney shall forward the
3 findings of the Ethics Review Officer to the complainant and the member who the complaint was
4 filed against. If the Ethics Review Officer finds two consecutive complaints from the same
5 complainant against the same member as unsubstantiated, then the City Attorney shall not forward
6 any future complaints from the complainant concerning the member to either the City Manager or
7 the Ethics Review Officer. The City Council shall be notified by the City Manager of the findings
8 in the report from the Ethics Review Officer;

9
10 9. If the complaint concerns issues with recommendations contained in Part (D) above
11 only, and the investigation by the Ethics Review Officer finds the complaint is substantiated, the
12 Ethics Review Officer Report shall be submitted to the City Manager and City Attorney. The City
13 Manager shall place the Report on the City Council Agenda for Executive Session. The City
14 Attorney shall forward the Report to the complainant, member who the complaint is filed against
15 and the members of the City Council. During the Executive Session of the City Council meeting
16 the complainant and the member who the complaint was filed against shall be invited to appear.
17 The Report shall be discussed and either no action and/or oral counselling shall be provided or
18 occur during the Executive Session.

19
20 10. If the complaint concerns issues with recommendations contained in Part (D) above
21 and requirements contained in Part (C) above, and only the issues identified in Part (D) above are
22 substantiated, then the processes contained in Paragraph (E)(9) of this City Ordinance shall be
23 followed.

24
25 11. If the complaint concerns issues with the requirements contained in Part (C) above
26 only, or recommendations contained in Part (D) above and requirements contained in Part (C)
27 above combined and the issues contained in Part (C) are substantiated, the Ethics Review Officer
28 Report shall be submitted to the City Manager and City Attorney. The City Manager shall place
29 the Report on the City Council Agenda for Executive Session. The City Attorney shall forward
30 the Report to the complainant, member who the complaint is filed against and the members of the
31 City Council. During the Executive Session of the City Council meeting the complainant, the
32 Ethics Review Officer and the member who the complaint was filed against shall be invited to
33 appear. The Report shall be discussed during the Executive Session. The City Council may vote
34 to resolve the complaint based on the recommendations of the Ethics Review Officer or different
35 than the recommendations of the Ethics Review Officer, which may include but not be limited to:

36
37 a. take no action;
38 b. oral counselling;
39 c. written counselling;
40 d. written reprimand;
41 e. censure; or
42 f. referral to the Oklahoma County District Attorney and/or Oklahoma
43 Attorney General for appropriate action pursuant to state law.

44
45 The vote by the members of the City Council shall occur in open meeting and may include one or
46 more of the possible resolutions to the complaint.

1
2 12. If there is a subsequent complaint received on a member based on the same or
3 similar issues that has been previously substantiated and the investigation into the subsequent
4 complaint results in a substantiated finding, the resolution to the complaint can be no less than what
5 the City Council voted and approved on the previous complaint.
6

7 ~~Councilmembers: Councilmembers who intentionally and repeatedly do not follow proper~~
8 ~~conduct may be reprimanded or formally censured by the Council, lose seniority or committee~~
9 ~~assignments (both within the City of Midwest City and with intergovernmental agencies) or~~
10 ~~other privileges afforded by the Council. Serious infractions of the Code of Ethics or Code of~~
11 ~~Conduct could lead to other sanctions as deemed appropriate by the Council.~~
12

13 ~~Individual Councilmembers should point out to the offending Councilmember perceived~~
14 ~~infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should~~
15 ~~be referred to the Mayor in private. If the Mayor is the individual whose actions are being~~
16 ~~questioned, then the matter should be referred to the Vice Mayor. It is the responsibility of~~
17 ~~the Mayor (or Vice Mayor) to initiate action if a Councilmember's behavior may warrant~~
18 ~~sanction. If no action is taken by the Mayor (or Vice Mayor), then the alleged violation(s) can~~
19 ~~be brought up with the full Council.~~
20

21 ~~Board, Committee and Commission Members: Counseling, verbal reprimands and written~~
22 ~~warnings may be administered by the Mayor to Board, Committee and Commission members~~
23 ~~failing to comply with City policy. These lower levels of sanctions shall be kept private to the~~
24 ~~degree allowed by law. Copies of all written reprimands administered by the Mayor shall be~~
25 ~~distributed in memo format to the chair of the respective Board, Committee or Commission,~~
26 ~~the City Clerk, the City Attorney, the City Manager, and the City Council.~~
27

28 ~~The City Council may impose sanctions on Board, Committee and Commission~~
29 ~~members whose conduct does not comply with the policies and/or rules for said Boards,~~
30 ~~Committees or Commissions, up to and including removal from office. Any form of~~
31 ~~discipline imposed by Council shall be determined by a majority vote of at least a quorum~~
32 ~~of the Council at a noticed public meeting and such action shall be preceded by a Report~~
33 ~~to Council with supporting documentation.~~
34

35 ~~When deemed warranted, the Mayor or majority of Council may call for an investigation~~
36 ~~of Board, Committee or Commission member conduct. Also, should the City Manager or~~
37 ~~City Attorney believe an investigation is warranted, they shall confer with the Mayor or~~
38 ~~Council. The Mayor or Council shall ask the City Manager or the City Attorney to~~
39 ~~investigate the allegation and report the findings.~~
40

41 ~~These sanctions are alternatives to any other remedy that might otherwise be available to~~
42 ~~remedy conduct that violates this code or state or federal law. In order to protect and~~
43 ~~preserve good government, any individual including the City Manager and the City Attorney~~
44 ~~after complying with Rule 1.13 of the State Bar Rules of Professional Conduct, who knows~~
45 ~~or reasonably believes a member acts or intends or refuses to act in a manner that is or may~~
46 ~~be a violation of law reasonably imputable to the organization, or in a manner which is~~

1 likely to result in substantial injury to the organization, may report the violation to the
2 appropriate governmental authorities.

3
4 ~~A violation of any item listed in the Ethics Code, section A, shall be a misdemeanor punishable~~
5 ~~upon conviction by a fine, the amount of which shall be five hundred dollars (\$500.00).~~
6 ~~Any person convicted of a violation of this section shall immediately be removed from~~
7 ~~office and shall forever be disqualified from filing for or holding a city elective office.~~

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

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

15
16 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
17 Oklahoma, this _____ day of _____, 2023.

18
19 **THE CITY OF MIDWEST CITY, OKLAHOMA**

20
21
22
23 _____
24 MATTHEW D. DUKES, II, Mayor

25 ATTEST:

26
27
28 _____
29 SARA HANCOCK, City Clerk

30
31
32 Approved as to form and legality this _____ day of _____, 2023.

33
34
35 _____
36 DONALD D. MAISCH, City Attorney

1 **Section 8.** EMERGENCY. The City Council declares these ordinance amendments to be an
2 emergency, it being immediately necessary for the preservation of the peace, health and safety of
3 the City of Midwest City and the inhabitants thereof that the provisions of this ordinance be put
4 into full force and effect, an emergency is hereby declared to exist by reason whereof this
5 ordinance shall take effect and be in full force from and after its passage as provided by law.

6
7 EMERGENCY CLAUSE PASSED AND APPROVED by the Mayor and the Council of the City
8 of Midwest City, Oklahoma, this _____ day of _____, 2023.

9
10 **THE CITY OF MIDWEST CITY, OKLAHOMA**
11
12

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

16 ATTEST:
17
18

19 _____
20 SARA HANCOCK, City Clerk
21
22

23 Approved as to form and legality this _____ day of _____, 2023.
24
25

26 _____
27 DONALD D. MAISCH, City Attorney
28



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: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: July 6, 2023

RE: Discussion, consideration, and possible action of approving an ordinance repealing Midwest City Municipal Code, Chapter 4, Air Pollution, Article I, In General, Sections 4-1 through 4-21, Article II, Variances, Sections 4-31 through 4-34 and 4-41 through 4-46; and providing for repealer and severability. (D. Maisch – City Attorney).

The proposed repeal to Sections listed above are recommended by the Oklahoma City-County Health Department as jurisdiction of the issues covered by these amendments are now under the jurisdiction of the Oklahoma Department of Environmental Quality.

Recommendation is at the discretion of the Ordinance Review Committee.

Respectfully submitted,

Donald D. Maisch
City Attorney

ORDINANCE NO._____

AN ORDINANCE REPEALING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 4
AIR POLLUTION; ARTICLE I, IN GENERAL; SECTIONS 4-1 THROUGH 4-21, ARTICLE II,
VARIANCES; SECTIONS 4-31 THROUGH 4-34 AND 4-41 THROUGH 4-46; 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, Chapter 4 Air Pollution , the following specific sections are hereby repealed and the section number placed in reserve:

Midwest City Ordinance, Chapter 4, Article I, Sections 4-1 through 4-21;
Midwest City Ordinance, Chapter 4, Article II, Division 1, Sections 4-31 through 4-34;
Midwest City Ordinance, Chapter 4, Article II, Division 2, Sections 4-41 through 4-46.

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 _____, 2023.

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 _____, 2023.

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: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: July 6, 2023

RE: Discussion, consideration, and possible action of approving an ordinance amending the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV, Occupation Tax, Sections 5-124, Application for certificate of compliance and Section 5-125, Issuance of certificate of zoning and certificate of compliance. (D. Maisch – City Attorney).

The proposed changes to Sections 5-124 and 5-125 specifies that applications are submitted to the City Manager or designee and any issuance of a certificate are signed by the City Manager or designee.

Recommendation is at the discretion of the Ordinance Review Committee.

Respectfully submitted,

Donald D. Maisch
City Attorney

ORDINANCE NO._____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 5 ALCOHOLIC BEVERAGES, ARTICLE IV, OCCUPATION TAX, SECTIONS 5-124, APPLICATION FOR CERTIFICATE OF COMPLIANCE; INVESTIGATIONS, 5-125, ISSUANCE OF CERTIFICATE OF ZONING AND CERTIFICATE OF COMPLIANCE; 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, Chapter 5 Alcoholic Beverages, Article IV, Occupational Tax, Section 5-124, Application for certificate of compliance; investigations; is hereby amended to read as follows:

5-124, Application for certificate of compliance and/or certificate of zoning; investigations.

(a) Every applicant for a certificate of compliance and/or certificate of zoning to determine compliance with the zoning, fire, health and safety codes of the City of Midwest City, as required by Title ~~37~~ 37A of the Oklahoma Statutes shall apply ~~at the office of the city clerk~~ by filing a written application on forms ~~prescribed by that office~~ provided by the Community Development Department.

(b) Upon receipt of an application for a certificate of compliance and/or certificate of zoning, ~~the city clerk~~ notification of the application shall be sent to the City Manager or designee, who shall cause an investigation to be made to determine whether the premises proposed for licensed operations comply with the provisions of the zoning ordinance and any health, fire, building and other safety codes applicable to it.

(c) The ~~city clerk~~ City Manager, or designee, shall act on all such applications within ~~twenty~~ (20) thirty (30) days of receipt thereof.

Section 2. That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV, Occupational Tax, Section 5-125, Issuance of certificate of zoning and certificate of compliance; is hereby amended to read as follows:

5-125, Issuance of certificate of zoning and certificate of compliance.

(a) Upon finding that the premises of an applicant for a certificate is in compliance with all applicable zoning ordinances, a certificate of zoning shall be issued to the ABLE Commission.

1 (b) Upon finding that the premises of an applicant for a certificate is in compliance with all
2 applicable fire, safety, and health codes, a certificate of compliance shall be issued to the ABLE
3 Commission.

4
5 (c) The above certificates of compliance shall be signed by the mayor or ~~city clerk~~ the City
6 Manager or the designee of the City Manager.

7
8 **Section 3.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
9 repealed.

10
11 **Section 4.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
12 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
13 of the ordinance.

14
15 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
16 Oklahoma, this _____ day of _____, 2023.

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

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

24 ATTEST:

25
26
27 _____
28 SARA HANCOCK, City Clerk

29
30
31 Approved as to form and legality this _____ day of _____, 2023.

32
33
34 _____
35 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: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: July 6, 2023

RE: Discussion, consideration, and possible action of amending Midwest City Municipal Code, Chapter 7 Amusements, Article IV, Circuses and Carnivals, Section 7-51, Health regulations; and providing for repealer and severability. (D. Maisch – City Attorney).

The proposed amendment to Section 7-51 will require Mobile Food Trucks to be licensed by the Oklahoma City-County Health Department and the City of Midwest City before operating at a Circus and/or Carnival.

Recommendation is at the discretion of the Ordinance Review Committee.

Respectfully submitted,

Donald D. Maisch
City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 7
AMUSEMENTS, ARTICLE IV, CIRCUSES AND CARNIVALS, SECTION 7-51, HEALTH
REGULATIONS; 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, Chapter 7 Amusements, Article IV, Circuses and Carnivals, Section 7-51, Health regulations; is hereby amended to read as follows:

All circuses and carnivals shall comply with all city-county health regulations and other recognized health practices. Mobile food trucks shall be licensed by the Oklahoma City-County Health Department and the City of Midwest City before commencing any hook ups or operations at a circus or carnival. Food handlers shall have a health card showing them to be free from communicable diseases, which card shall not be more than six (6) months old, issued by ~~some~~ a recognized official of the city, state or county agency. The city reserves the right to revoke this license for noncompliance with such health regulations immediately and without notice.

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 , 2023.

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 _____, 2023.

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: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: July 6, 2023

RE: Discussion, consideration, and possible action of amending Midwest City Municipal Code, Chapter 9, Building and Building Regulations, Article III, Building Code, Section 9-34, Code Amended, Paragraph 118.0, Certificate of Occupancy; and providing for repealer and severability. (D. Maisch – City Attorney).

The proposed amendment to Section 9-34 will require submission to the City of Midwest City of all required federal and/or state permits or licenses before the issuance of a Certificate of Occupancy.

Recommendation is at the discretion of the Ordinance Review Committee.

Respectfully submitted,

Donald D. Maisch
City Attorney

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5

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

Section 1. That the Midwest City Municipal Code, Chapter 9, Building and Building Regulations, Article III, Building Code, Section 9-34, Code Amended, Paragraph 118.0, Certificate of Occupancy; is hereby amended to read as follows:

(a) *Certificate of occupancy; fee.* No change shall be made in the use of any land or building until a certificate of occupancy is obtained from the building inspector certifying:

(2) that all required federal and/or state permits or licenses have been issued and copies have been received by the City, unless otherwise required under federal or state law and all federal and/or state statutory and/or regulatory requirements have been met.

(b) Whenever a building permit is issued for the erection of a new building or structure, an occupancy permit shall be required prior to occupancy. Temporary certificates of occupancy for a change in use of any land or tenancy or existing building or structure or for a new building or structure may be approved at the discretion of the building official, but at no time shall a temporary certificate of occupancy be approved if any life, safety or health requirements do not meet the ordinances of the city as determined by the building official.

(1) The fee for all new apartment complex certificates of occupancy is fifty dollars (\$50.00).

(2) The fee for all commercial or industrial certificates of occupancy for a new building or for a change in occupancy or tenancy is fifty dollars (\$50.00).

(3) Should a final commercial or industrial certificate of occupancy for a change in use of any land or tenancy or existing building or structure or for new building or structure not be approved by the building official, a temporary commercial or industrial certificate of occupancy may be approved for sixty (60) days at the discretion of the building official. At the end of the first sixty (60) days, the building official shall have the authority to extend the temporary commercial or industrial certificate of occupancy in thirty (30) day increments.

(4) It shall be the responsibility of the applicant to apply for a temporary certificate of occupancy at the end of the date of expiration of the original certificate of occupancy. No extension of the temporary certificate of occupancy shall be issued until a new application is completed and an additional fifty dollar (\$50.00) fee is paid.

1 (c) The building official shall have the authority to deny applications for renewal of temporary
2 certificates of occupancy. Upon denial of the application for renewal of a temporary certificate
3 of occupancy, the building official shall give written notice to the applicant that the utility
4 services to the premises shall be disconnected if operations have not ceased within ten (10) days
5 after receipt of the notice of denial of the temporary certificate of occupancy. Notice shall be
6 delivered in person or by certified mail, return receipt, within ten (10) days of the denial.

7
8 (d) One- and two-family residences are exempt from the requirements of this section.
9

10 **Section 2.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
11 repealed.
12

13 **Section 3.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
14 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
15 of the ordinance.
16

17 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
18 Oklahoma, this _____ day of _____, 2023.
19

20 **THE CITY OF MIDWEST CITY, OKLAHOMA**
21

22
23
24 _____
25 MATTHEW D. DUKES, II, Mayor
26

27 ATTEST:
28

29 _____
30 SARA HANCOCK, City Clerk
31

32
33 Approved as to form and legality this _____ day of _____, 2023.
34
35

36 _____
37 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: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: July 6, 2023

RE: Discussion, consideration, and possible action of amending Midwest City Municipal Code, Chapter 15 Fire Protection and Prevention, Article IV, Opening Burning, Section 15-109, Commercial open burning; providing for repealer and severability. (D. Maisch – City Attorney).

The proposed amendment to Section 15-109 allows the issuance of commercial burning permits may allow overnight burning when approved by the Midwest City Fire Department (this provision was moved from Chapter 4, which was repealed).

Recommendation is at the discretion of the Ordinance Review Committee.

Respectfully submitted,

Donald D. Maisch
City Attorney

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 _____, 2023.

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: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: July 6, 2023

RE: Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 16 Food and Food Handlers, Article I, In General, Sections 16-2, Food service sanitation manual; 16-5, Sanitary regulations for factories; and Section 16-6, Sterilizing equipment required; providing repealer and severability. (D. Maisch – City Attorney).

The proposed amendments to Sections 16-2, 16-5 and 16-6 are recommended by the Oklahoma City-County Health Department and are designating the proper citations in state law.

Recommendation is at the discretion of the Ordinance Review Committee.

Respectfully submitted,

Donald D. Maisch
City Attorney

2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4

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

Section 16-2, Food service ~~sanitation manual~~ state regulatory requirements.

~~(e) In such Code any parenthetical phrases referring to grading shall be deleted in any single collection event.~~

Section 16-5, Sanitary regulations for factories.

(1) The floor shall be constructed of cement, asphalt or material impervious to water, approved by the health officer, and shall be drained with ventilated or trapped drains. The walls

1 and ceilings of such rooms shall be of material easily cleaned, free from roughness and ledges,
2 and shall be kept well painted or limewashed.

3
4 (2) All outer openings shall be screened with not less than No. 16 mesh screen, all doors
5 shall be equipped with self-closing devices, and adequate ventilation and lighting shall be
6 provided by windows or artificial means.

7
8 (3) Toilets, lavatories and necessary appurtenances thereto shall be provided for
9 employees. All toilets, dressing rooms and clothes lockers shall be entirely separate from rooms
10 in which food products are prepared or stored, and shall be ventilated to the outer air by means
11 of windows, air ducts or mechanical apparatus; all doors leading thereto shall be self-closing.
12 Each toilet or dressing room shall be equipped with a lavatory having running water and clean
13 towels and soap shall be provided therein.

14
15 (4) All tubs, vats, mixers, kettles, machines, slabs or other fixtures or utensils used
16 directly in the manufacture of food products shall be thoroughly cleansed after each use and
17 sterilized before any further use. All floors, woodwork, walls, ceiling and windows shall be kept
18 in a clean and sanitary condition at all times. All raw or finished products shall be protected from
19 dust, flies or other contaminating influences by covers or other adequate protection. All
20 containers of milk and cream shall be rinsed and drained immediately upon removal of the
21 contents. Garbage or any other unnecessary article shall not be kept in manufacturing rooms. All
22 garbage and refuse shall be kept in impervious containers and removed daily. No rusted, dented
23 or defective container shall be used.

24
25 **Section 3.** That the Midwest City Municipal Code, Chapter 16, Food and Food Handlers, Article
26 I, In General, Section 16-6, Sterilizing equipment required, is hereby amended to read as follows:

27
28 Each establishment used for the manufacture and sale of food products shall be in
29 compliance with the requirements contained at Title 63 of the Oklahoma Statutes, Section 1-
30 1101 et seq., and at Title 310 of the Oklahoma Administrative Code, Chapters 257 and 260,
31 including but not limited to: equipped with sanitary washing and sterilizing equipment for all
32 containers, utensils, machines, tubs, vats, piping or other fixtures coming in contact with raw or
33 finished products.

34
35 **Section 4.** REPEALER. All other ordinances or parts of ordinances in conflict herewith are
36 hereby repealed.

37
38 **Section 5.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
39 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
40 of the ordinance.

41
42 Ordinance Amendments PASSED AND APPROVED by the Mayor and the Council of the City
43 of Midwest City, Oklahoma, this _____ day of _____, 2023.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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 _____, 2023.

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: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: July 6, 2023

RE: Discussion, consideration, and possible action of approving and ordinance amending the Midwest City Municipal Code, Chapter 18, Garbage and Refuse, Article I, In General, Section 18-2, Permit, authority for commercial haulers; Section 18-3, Compliance with landfill regulations; creating hazards; Article II, Municipal Collection and Disposal Service, Section 18-26, Sanitation containers at commercial establishments; and providing for repealer and severability. (D. Maisch – City Attorney).

The proposed amendments to Sections 18-2, 18-3 and 18-6 are recommended by the Oklahoma City-County Health Department and are transferring the enforcement from the City-County Health Department and utilities superintendent to either the DEQ or the Public Works Director for the City of Midwest City or designee.

Recommendation is at the discretion of the Ordinance Review Committee.

Respectfully submitted,

Donald D. Maisch
City Attorney

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45

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

Section 18-2, Permit, authority for commercial haulers; vehicles.

(b) It is unlawful and an offense for any person to commercially collect, haul or transport any garbage or refuse along, over or upon any of the streets, alleys or public places in the city without prior approval from the utilities superintendent. All such vehicles shall at all times, except when loading or unloading, be kept completely and securely covered so that no part of the contents of the vehicles shall at any time be exposed to view; and such vehicles shall not be loaded above a point that will not permit their being driven over any of the streets, alleys or public places in the city without any portion of the contents being spilled or falling from them. All such vehicles and receptacles used shall be kept in a clean and sanitary condition, and shall have upon them, and each of them, the name of the person, company or corporation owning or operating them. A number by which to identify each vehicle and receptacle shall be painted on both sides of the vehicles and receptacles in letters and figures at least three (3) inches in height and of proportionate width. All such vehicles and receptacles shall at all times be subject to inspection by ~~the city-county health department and the city's utilities superintendent~~ designees for the Oklahoma State Department of Health and/or the Public Works Director for the City of Midwest City. If, in either of their judgment, at any time any such vehicles or receptacles are defective or unfit for use, ~~the city-county health department and/or the utilities superintendent~~ the designee for either the Oklahoma Department of Environmental Quality or the Public Works Director for the City of Midwest City are hereby authorized to prevent their use until put in proper condition to comply with the terms of this section.

1
2 (c) It shall be unlawful and an offense for any private contractor to furnish trash and refuse
3 service to any person within the city whose premises are connected to the water or sewer system
4 of the city except for areas when in the determination of the city it would be more feasible and
5 advantageous to contract for service with a private collector.
6

7 **Section 2.** That the Midwest City Municipal Code, Chapter 18, Garbage and Refuse, Article I, In
8 General, Section 18-3, Compliance with landfill regulations; creating hazards; is hereby amended
9 to read as follows:
10

11 **Section 18-3, Compliance with landfill regulations; creating hazards.**
12

13 (a) Any person disposing of any refuse, garbage, rubbish or other matter shall comply with all
14 state laws and ~~city-county health~~ state regulations pertaining to sanitary landfills, and shall not
15 in any manner dispose of such matter or other products referred to herein so as to create a health
16 hazard or public nuisance.
17

18 (b) It shall be unlawful and an offense for any person to place into a cart emptied by city
19 personnel household hazardous waste such as pesticides, herbicides, flammable substances,
20 explosive substances and strong oxidants (such as swimming pool chemicals) that can react with
21 other compounds in a collection vehicle. The maximum fine upon conviction for a violation of
22 this section shall be a fine of two hundred fifty dollars (\$250.00).
23

24 **Section 3.** That the Midwest City Municipal Code, Chapter 18, Garbage and Refuse, Article II,
25 Municipal Collection and Disposal Service, Section 18-26, Sanitation containers at commercial
26 establishments; is hereby amended to read as follows:
27

28 **Section 18-26, Sanitation containers at commercial establishments.**
29

30 (a) The owner or operator of each commercial establishment in the city shall have an approved
31 sanitation container furnished by the city. Such sanitation containers shall be located and
32 maintained by the commercial establishment's owner or operator so as not to create a fire
33 hazard or provide harborage for rodents or the breeding of insects. The fire chief of the city
34 shall require the installation of fire-proof sanitation containers where the containers would
35 constitute a fire hazard to any property.
36

37 (b) The owner or operator of each commercial establishment shall have sanitation containers
38 for garbage, refuse and rubbish of adequate size and scheduled an adequate number of
39 collections to properly provide for the disposal of the accumulated garbage, refuse and rubbish.
40 ~~The city-county health department or the utilities superintendent of the city~~ A designee for the
41 Oklahoma Department of Environmental Quality or the Public Works Director or designee
42 shall prescribe the adequate size container and adequate number of scheduled collections in the
43 event the owner or operator of a commercial establishment fails to do so. The failure of the
44 owner or operator of a commercial establishment to have sanitation containers of adequate size
45 and an adequate number of scheduled collections shall constitute an offense.
46

(c) All containers at business establishments shall be placed in a location approved by the environmental services director and easily accessible for collection under regulations issued by the city. Should the collector be unable to empty a commercial container because it contains inappropriate items or because access is blocked or prohibited, no unscheduled return trip will be made unless the special pickup fee is paid by the owner, manager or agent of the commercial business. Commercial account drivers are not allowed to exit the vehicle to open enclosure gates. Gates must be opened by 5:00 a.m. on the day of collection. If the driver must return to a business because a gate is not opened, the return trip fee of fifty dollars (\$50.00) will be applied to the account.

(d) Each commercial establishment must have sanitation containers as required by this Code except that office buildings are authorized to use and provide one (1) container for the entire building.

Section 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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 _____, 2023.

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 _____, 2023.

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: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: July 6, 2023

RE: Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 19, Health and Sanitation; repealing and placing into reserve Section 19-1 Health Department; amending 19-3, Condemnation of insanitary property; and providing for repealer and severability. (D. Maisch – City Attorney).

The proposed revocation and reservation of Section 19-1 removes the health department's official responsibilities and designation from City Ordinances. This change is recommended by the Oklahoma City-County Health Department. The amendments to Section 19-3 change the specifications on which City Officers have the authority to deem a building unsafe and give the City Manager emergency powers if the issues are a threat to human health and/or safety. These changes also specify the procedures the City will follow when finding a building or buildings as unsafe.

Recommendation is at the discretion of the Ordinance Review Committee.

Respectfully submitted,

Donald D. Maisch
City Attorney

2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5

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

Section 1. That the Midwest City Municipal Code, Chapter 19, Health and Sanitation, Section 19-1, Health Department; is hereby repealed and placed into reserve:

~~The city-county health department and its director shall have the powers of a city health department and city health officer respectively for the city. References to health department and health officer or director of the health department in this Code and in other ordinances of the city shall be deemed to mean the city-county health department and its director, unless the context clearly indicates another meaning. Reserved.~~

Section 19-3, Condemnation Determination of defective, unsafe and/or insanitary property.

(b) Based on the findings and determination of the City Fire Marshall and the City's Chief Official that the building, dwelling and/or premises are in such a condition that the defective,

1 unsafe and/or insanitary conditions constitute an imminent threat to the public health and/or
2 public safety, the City Manager, pursuant to the emergency authority established in Article III,
3 Section 3 of the City Charter may deem an emergency exists and the City Manager may make
4 all reasonable and necessary Orders to eliminate the emergency.

5
6 (c) If the City fails to receive a response or receives an inadequate response within the time
7 specified in this ordinance, the City may proceed under the dilapidated building process as
8 specified in City Ordinance for the removal of the building, dwelling or premises.

9
10 (d) When a building has been ~~condemned as~~ determined to be defective, unsafe and/or
11 insanitary, the occupants, if any, shall vacate immediately the building, dwelling or premises;
12 and the building, dwelling or premises shall remain vacant until such time as all repairs and
13 alterations specified in the notice above provided have been made. A warning sign shall be
14 placed upon the premises to read as follows:

15
16 "This building, dwelling and/or premises has been ~~condemned as being~~ determined to be
17 defective, unsafe or insanitary and unfit for human habitation, and it is unlawful for any person
18 to reside in or occupy the same.

19
20
21 Health Officer—Inspector" City Fire Marshall

Chief Building Official

22
23 **Section 3.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
24 repealed.

25
26 **Section 4.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
27 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
28 of the ordinance.

29
30 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
31 Oklahoma, this _____ day of _____, 2023.

32
33 **THE CITY OF MIDWEST CITY, OKLAHOMA**

34
35
36
37 _____
38 MATTHEW D. DUKES, II, Mayor

39 ATTEST:

40
41
42 _____
43 SARA HANCOCK, City Clerk

1 Approved as to form and legality this ____ day of _____, 2023.

2

3

4

5 _____
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: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: July 6, 2023

RE: Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers, Manufactured Home Parks, Etc., Article I, In General, Section 23-1, Definitions; Section 23-3, Notice of violations; Section 23-5, Reinspection of conditions; Section 23-6, Inspection of parks authorized; Section 23-9, Written order to be given after hearing; Section 23-11, Hearing authorized when permit denied, suspended, etc.; Section 23-12, Health or inspection officer may take immediate action when emergency exists; Article II, Licenses and Permits, Section 23-25, Application; Section 23-31, Renewal applications; and providing for repealer and severability. (D. Maisch – City Attorney).

The proposed amendments are to change the definition of Inspection Officer to:

1. Remove the health official from the ordinances; and
2. Designate the Inspection Officer as either:
 - a. City Building Official;
 - b. City Fire Marshall; or
 - c. City Code Enforcement Officer.

These amendments are recommended by the Oklahoma City-County Health Department.

Recommendation is at the discretion of the Ordinance Review Committee.

Respectfully submitted,

Donald D. Maisch
City Attorney

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45

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

Section 1. That the Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers, Manufactured Home Parks, Etc., Article I, In General, Section 23-1, Definitions; is hereby amended to read as follows:

For the purposes of this chapter, the following definitions shall apply:

Dependent travel trailer shall mean a travel trailer which does not have a flush toilet and a bath or shower.

~~Health officer shall mean the legally designated health authority of the city or his authorized representative.~~

Page 1 of 6

1
2 *Independent travel trailer* shall mean a travel trailer which has a flush toilet and a bath
3 or shower.
4

5 *Inspection ~~officer~~ Officer* shall mean the building official of the city or his authorized
6 agent, the Fire Marshall for the City or authorized agent, a code enforcement officer for the City
7 and/or an inspector for the Public Works Department for the City.
8

9 *Licensee* shall mean any person licensed to operate and maintain a manufactured home
10 park under this provisions of this chapter.
11

12 *Manufactured home* shall mean a structure, transportable in one or more sections, which
13 is eight (8) body feet or more in width and thirty-two (32) body feet or more in length, but
14 contains no less than three hundred twenty (320) square feet, and which is built on a permanent
15 chassis, and designed to be used as a year-round residential dwelling with or without permanent
16 foundation, when connected to the required utilities, and includes the plumbing, heating, air
17 conditioning, and electrical systems contained therein.
18

19 *Manufactured home park* shall mean any plot of ground upon which two (2) or more
20 manufactured homes, occupied for dwelling or sleeping purposes, are located regardless of
21 whether or not a charge is made for such accommodations.
22

23 *Manufactured home space* shall mean a plot of ground within a manufactured home park
24 designed for the accommodation of one manufactured home and not located on a manufactured
25 home sales lot.
26

27 *Manufactured home subdivision* shall mean a subdivision designed and intended for
28 residential use where residence is in a manufactured home exclusively and manufactured home
29 lots are sold for occupancy.
30

31 *Nonresidential manufactured trailer* shall mean any vehicle having the basic
32 characteristics of either a manufactured home or travel trailer but which is used for purposes
33 other than residential and is not being offered for sale, as indicated by a clearly displayed "For
34 Sale" sign on or near the trailer.
35

36 *Park* shall mean a manufactured home or travel trailer park.
37

38 *Permittee* shall mean any person to whom a temporary permit is issued to maintain or
39 operate a manufactured home park under the provisions of this chapter.
40

41 *Public water system or public sewer system* shall mean any such system built and owned
42 by, or dedicated to and accepted by, the city. All other such systems are private.
43

44 *Rural* shall mean any area shown on the Midwest City Area General Plan for suburban
45 or rural development and which is zoned agriculturally.
46

1 *Service building* shall mean a building housing toilet and bathing facilities for men or
2 women, and may also include buildings containing laundry facilities and other facilities as
3 required by this chapter or desired by the park operator.

4
5 *Subdivision* shall mean a manufactured home subdivision unless otherwise indicated.

6
7 *Travel trailer park* shall mean any plot of ground upon which two (2) or more dependent
8 travel trailers or independent travel trailers, occupied for dwelling or sleeping purposes, are
9 located regardless of whether or not a charge is made for such accommodations.

10
11 *Travel trailer space* shall mean a plot of ground within a park designed for
12 accommodation of one travel trailer.

13
14 *Urban* shall mean any area shown on the Midwest City Area General Plan for urban
15 intensity development.

16
17 **Section 2.** That the Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers,
18 Manufactured Home Parks, Etc., Article I, In General, Section 23-3, Notice of violations; contents;
19 is hereby amended to read as follows:

20
21 **Section 23-3, Notice of violation; contents.**

22
23 Whenever the ~~health or inspection officer~~ Inspection Officer determines violations of public
24 health, welfare or safety regulations exist, he shall notify the licensee or permittee of such alleged
25 violation. Such notice shall:

- 26
27 (a) Be in writing;
28 (b) Include a statement of the reasons for its issuance;
29 (c) Contain an outline of remedial action which, if taken, will effect compliance with
30 provisions of this chapter and other pertinent regulations;
31 (d) Allow a reasonable time not to exceed ninety (90) days for the performance of
32 any act it requires; and
33 (e) Be served upon the owner or his agent as the case may require, provided, that
34 such notice or order shall be deemed as properly served upon the owner or agent when a copy
35 thereof has been sent by certified mail to his last known address.

36
37 **Section 3.** That the Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers,
38 Manufactured Home Parks, Etc., Article I, In General, Section 23-5, Reinspection of conditions;
39 is hereby amended to read as follows:

40
41 **Section 23-5, Reinspection of conditions.**

42
43 At the end of ninety (90) days, the ~~health or inspection officer~~ Inspection Officer shall reinspect
44 the park and if the conditions or practices noted in the written notice have not been corrected, he
45 shall suspend the license and give notice in writing of such suspension to the person to whom

1 the license was issued. Upon receipt of notice of suspension the person shall cease operation of
2 such park, except as provided in section 23-8.

3
4 **Section 4.** That the Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers,
5 Manufactured Home Parks, Etc., Article I, In General, Section 23-6, Inspection of parks
6 authorized; is hereby amended to read as follows:
7

8 **Section 23-6, Inspection of parks authorized.**
9

10 The ~~health or inspection officer are~~ Inspection Officer is hereby authorized and directed to make
11 inspections to determine the condition of parks located within the city in order to perform their
12 duty of safeguarding the health and safety of occupants of the parks and of the general public.
13

14 **Section 5.** That the Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers,
15 Manufactured Home Parks, Etc., Article I, In General, Section 23-9, Written order to be given
16 after hearing; is hereby amended to read as follows:
17

18 **Section 23-9, Written order to be given after hearing.**
19

20 After the hearing provided for by this article, the ~~health or inspection officer~~ Inspection Officer
21 shall compile the findings of the city council as to compliance with this chapter and pursuant
22 regulations and shall issue an order in writing sustaining, modifying or withdrawing the prior
23 notice which shall be served as provided in section 23-3, provided, what happens then shall allow
24 the permittee to file an appeal to the district court.
25

26 **Section 6.** That the Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers,
27 Manufactured Home Parks, Etc., Article I, In General, Section 23-11, Hearing authorized when
28 permit denied, suspended, etc.; is hereby amended to read as follows:
29

30 **Section 23-11, Hearing authorized when permit denied, suspended, etc.**
31

32 Any person whose permit has been denied or suspended or who has received notice from the
33 ~~health or inspection officer~~ Inspection Officer that his permit will be suspended unless certain
34 conditions or practices at the park are corrected, may request and shall be granted a hearing on
35 the matter before the city council; provided, that when no petition for such hearing shall have
36 been filed within ten (10) days following the day on which notice of suspension was served, such
37 license shall be deemed to have been automatically revoked at the expiration of such ten-day
38 period.
39

40 **Section 7.** That the Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers,
41 Manufactured Home Parks, Etc., Article I, In General, Section 23-12, Health or inspection officer
42 may take immediate action when emergency exists; is hereby amended to read as follows:
43

44 **Section 23-12, Health or inspection officer may take immediate action when**
45 **emergency exists.**
46

1 Whenever ~~the health or inspection officer finds that~~ an emergency exists, which requires
2 immediate action to protect the public health, ~~he~~ based on an inspection and report from the
3 Inspection Officer, said Officer shall report said findings to the City Manager, or designee. The
4 City Manager, pursuant to the authority contained in Article III, Section 3 of the City Charter
5 for the City of Midwest City, may without notice or hearing issue an order reciting the existence
6 of such an emergency and requiring that such action be taken as he may deem necessary to meet
7 the emergency, including the suspension of the permit. Notwithstanding any other provisions of
8 this article, such order shall be effective immediately. Any person to whom such an order is
9 directed shall comply therewith immediately, but upon petition to the city council, shall be
10 afforded a hearing at the next regular meeting even if the agenda has been completed.

11
12 **Section 8.** That the Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers,
13 Manufactured Home Parks, Etc., Article II, Licenses and Permits, Section 23-25, Application;
14 contents; is hereby amended to read as follows:

15
16 **Section 23-25, Application; contents.**

17
18 Applications for an original license shall be made to the ~~inspection officer~~ Community
19 Development Department of the city and shall be in writing, signed by the applicant,
20 accompanied by an affidavit of the applicant as to the truth of the application and shall contain
21 the following:

- 22
23 (a) Name and address of the applicant;
24 (b) The interest of the applicant in, and the legal description of the park;
25 (c) A complete plan of the park showing compliance with all applicable provisions of
26 this chapter and regulations promulgated thereunder; and
27 (d) Such further information as may be requested by the ~~health and inspection officers~~
28 Inspection Officer.

29
30 **Section 9.** That the Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers,
31 Manufactured Home Parks, Etc., Article II, Licenses and Permits, Section 23-31, Renewal
32 applications; contents; is hereby amended to read as follows:

33
34 **Section 23-31, Renewal Applications; contents.**

35
36 Application for renewal of a license shall be made in writing by the holder of the license and
37 shall contain the following:

- 38
39 (a) Any change in the information submitted since the time the original license was
40 issued or the latest renewal granted; and
41
42 (b) Other information requested by the ~~health or inspection officer~~ Inspection Officer.

43
44
45 **Section 10.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
46 repealed.

1
2 **Section 11.** 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 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
7 Oklahoma, this _____ day of _____, 2023.

8
9 **THE CITY OF MIDWEST CITY, OKLAHOMA**

10
11
12 _____
13 MATTHEW D. DUKES, II, Mayor

14
15 ATTEST:

16
17
18 _____
19 SARA HANCOCK, City Clerk

20
21
22 Approved as to form and legality this _____ day of _____, 2023.

23
24
25 _____
26 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: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: July 6, 2023

RE: Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 31 Health Care Facilities, Article III, Massage, Division 1, In General, Section 31-105, Approval or denial; Division 2, Massage Establishment License, Section 31-113, Facilities and equipment; Division 3, Massage Therapist License, Section 31-131, Application; Division 4, Operating Requirements, Section 31-152, Requirements for cubicles, booth, etc.; and providing for repealer and severability. (D. Maisch – City Attorney).

The proposed amendments are to change who regulates the massage industry at the state level from the Oklahoma State Department of Health to the Oklahoma State Board of Cosmetology and Barbering.

These amendments are recommended by the Oklahoma City-County Health Department.

Recommendation is at the discretion of the Ordinance Review Committee.

Respectfully submitted,

Donald D. Maisch
City Attorney

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44

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

Section 1. That the Midwest City Municipal Code, Chapter 31 Health Care Facilities, Article III, Massage, Division 1, In General, Section 31-105, Approval or denial; is hereby amended to read as follows:

The city shall approve or deny an application for a license under this article within a reasonable period of time and in no event shall the city approve or deny the application for a license later than ninety (90) days from the date that the application was accepted and approved by the ~~health department~~ Oklahoma State Board of Cosmetology and Barbering.

Section 2. That the Midwest City Municipal Code, Chapter 31 Health Care Facilities, Article III, Massage, Division 2, Massage Establishment License, Section 31-113, Facilities and equipment; is hereby amended to read as follows:

(a) No license to conduct a massage establishment shall be issued if an inspection by the city reveals that the facilities do not comply with each of the following requirements:

(1) If the establishment provides tubs, steam baths and showers, said facilities shall be made waterproof with approved waterproofed materials and shall be installed in accordance with the building and plumbing codes of the city.

(2) If the establishment provides steam rooms and shower compartments, said facilities shall have waterproof floors, walls and ceilings approved by the city or its designee.

(3) If the establishment provides wet and dry heat rooms, the floors shall be adequately pitched to one (1) or more floor drains properly connected to the sewer; provided, that dry heat rooms with wooden floors need not be provided with pitched floors and floor drains.

1 (4) A source of hot water must be available within the immediate vicinity of dry and wet
2 heat rooms to facilitate cleaning.

3
4 (5) The premises shall have adequate equipment for disinfecting and sterilizing
5 nondisposable instruments and materials used in administering massages. Such nondisposable
6 instruments and materials shall be disinfected after use on each patron.

7
8 (6) Protected cabinets shall be provided and used for the storage of clean linen, towels and
9 other materials used in connection with administering massages. All soiled linens, towels and
10 other materials shall be kept in properly covered containers or cabinets, which containers or
11 cabinets shall be kept separate from the clean storage areas.

12
13 (7) Toilet facilities shall be provided in convenient locations, and shall comply with all
14 building and plumbing codes of the city.

15
16 (8) Lavatories or washbasins provided with both hot and cold running water shall be installed
17 in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with soap and
18 a dispenser and with sanitary towels.

19
20 (9) All electrical equipment shall be installed in accordance with the requirements of the
21 city's electrical ordinances.

22
23 (10) The establishment shall have adequate equipment such as massage tables and/or chairs
24 for administering massage. Said equipment shall be of a washable material and kept clean and
25 in good repair.

26
27 (b) Nothing contained herein shall be construed to eliminate other requirements of statutes or
28 ordinances concerning the maintenance of premises, nor to preclude authorized inspection
29 thereof, whenever such inspection is deemed necessary by the police or ~~health department~~
30 Oklahoma State Board of Cosmetology and Barbering.

31
32 **Section 3.** That the Midwest City Municipal Code, Chapter 31 Health Care Facilities, Article III,
33 Massage, Division 3, Massage Therapist License, Section 31-131, Application; is hereby amended
34 to read as follows:

35
36 **Section 31-131, Application.**

37
38 (a) Any person desiring the license required by the provisions of this division shall file a written
39 application with the ~~Oklahoma City County Health Department~~ Oklahoma State Board of
40 Cosmetology and Barbering. The applicant shall furnish the following information:

41
42 (1) The business address and all telephone numbers where the massage is to be practiced.

43
44 (2) The following personal information concerning the applicant:

45
46 a. Name, complete residence address and residence telephone numbers.

1 b. The two (2) previous addresses immediately prior to the present address of the
2 applicant, if less than two (2) years at the current address.

3 c. Written proof that the applicant is at least eighteen (18) years of age.

4 d. Height, weight, color of hair and eyes and sex.

5 e. Two (2) front-face portrait photographs taken within thirty (30) days of the date of the
6 application and at least two (2) inches by two (2) inches in size.

7 f. The massage or similar business history and experience five (5) years prior to the date
8 of application, including but not limited to whether or not such person has been operating in this
9 or another city or state under a license or permit, and whether such license or permit has been
10 denied, revoked or suspended and the reason therefor, and the business activities or occupations
11 subsequent to such action of denial, suspension or revocation.

12 g. All criminal convictions except misdemeanor traffic violations.

13 h. Proof of educational requirements as follows:

14
15 1. Successful completion of not less than five hundred (500) hours of massage studies
16 from a state-licensed or accredited massage school; or

17 2. Certification by the National Certification Board for Therapeutic Massage and
18 Bodywork.

19 The above educational requirements shall not apply to those individuals who
20 currently hold a valid license issued by the city to engage in the practice of massage upon the
21 passage of the ordinance codified in this article, so long as said license is renewed within thirty
22 (30) days of expiration.

23
24 (3) Such other information and identification of the person deemed necessary to discover
25 the truth of the matters required above.

26
27 (4) Authorization for the city to seek information and conduct an investigation into the truth
28 of the statements set forth in the application and the qualifications of the applicant for the license.

29 (5) A written declaration by the applicant, under penalty of perjury, that the information
30 contained in the application is true and correct, said declaration being duly dated and signed in
31 the city.

32 (6) A statement showing the name and address of the person by whom the massage therapist
33 is employed, if applicable, and such massage therapist shall file successive statements if a change
34 or changes are made in the employment of the massage therapist during the existence of the
35 license.

36
37 (b) Along with the written application, the applicant shall obtain from the Oklahoma State
38 Bureau of Investigation and provide to the city a current Oklahoma Criminal History Information
39 Report. The criminal record is considered current if it is dated no more than thirty (30) days prior
40 to the date on which the applicant submits a completed application to the city.

41
42 **Section 4.** That the Midwest City Municipal Code, Chapter 31 Health Care Facilities, Article III,
43 Massage, Division 4, Operating Requirements, Section 31-152, Requirements for cubicles, booth,
44 etc. is amended to read as follows:

45
46 **Section 31-152, Requirements for cubicles, booth, etc..**

1
2 It shall be unlawful for any massage to be carried on within any cubicle, room, booth, or any
3 area which is fitted with a door capable of being locked. Nothing contained herein shall be
4 construed to eliminate other requirements of statutes or ordinances concerning the maintenance
5 of premises, not to preclude authorized inspection thereof, whenever inspection is deemed
6 necessary by the city or ~~Oklahoma City County Health Department~~ Oklahoma State Board of
7 Cosmetology and Barbering.

8
9 **Section 5.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
10 repealed.

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

15
16 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
17 Oklahoma, this _____ day of _____, 2023.

18
19 **THE CITY OF MIDWEST CITY, OKLAHOMA**

20
21
22
23 _____
24 MATTHEW D. DUKES, II, Mayor

25 ATTEST:

26
27
28 _____
29 SARA HANCOCK, City Clerk

30
31
32 Approved as to form and legality this _____ day of _____, 2023.

33
34
35 _____
36 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: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: July 6, 2023

RE: Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article I, In General, Section 32-3, Exceptions for veterans and nonprofit organizations; Section 32-4, Duty of police to enforce; Section 32-5, Loud noises and speaking devices; Article II, Permit, Section 32-25, Fees; health certificates; Article III, Foodstuffs, Section 32-51, Inspections by health department; Section 32-52, Condemning unwholesome food; Article V, Special Events, Section 32-83, Special events defined; Section 32-88, Exemptions; Section 32-95, Health regulations; and providing for repealer or severability. (D. Maisch – City Attorney).

The proposed amendments are properly identify what the Oklahoma City-County Health Department has jurisdiction and properly identify what actions the City-County Health Department will take concerning Peddlers and Solicitors, including certain mobile food trucks. Further the changes better define special events and better define a charitable organization to receive waiver of requirements.

These amendments are recommended by the Oklahoma City-County Health Department.

Recommendation is at the discretion of the Ordinance Review Committee.

Respectfully submitted,

Donald D. Maisch
City Attorney

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44

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

Section 32-3, Exceptions for veterans and nonprofit organizations.

(b) Nonprofit organizations which have been incorporated for one (1) year will be permitted to locate within any zoning district for special sales or activities for a period not to exceed fifteen (15) days out of the calendar year, and nonprofit organizations will be permitted to locate within any zoning district for the sale of Christmas trees, for a period not to exceed sixty (60) days out of the calendar year. However, said nonprofit organizations shall be required to obtain property owners written permission if on lands other than owned by the nonprofit organizations, obtain all permits and meet all safety code inspections, under applicable local and state laws.

(c) Organization or vendors participating in a city-sponsored special event will be exempt from the permit or license fee required for the event; provided that the organization or vendor obtains all permits and meets any applicable local, state or federal laws.

Section 2. That the Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article I, In General, Section 32-4, Duty of police to enforce; is hereby amended to read as follows:

Section 32-4, Duty of police to enforce.

It is the duty of any police officer of the city to require any person seen peddling, soliciting or canvassing and who is not known by such officer to be duly licensed, to produce his peddler's permit or license and to enforce the provisions of this chapter against any person found to be violating the same.

Section 3. That the Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article I, In General, Section 32-5, Loud noises and speaking devices; is hereby amended to read as follows:

Section 32-5, Loud noises and speaking devices.

No peddler, solicitor or canvasser, or any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound device, including any loud-speaking, radio or sound-amplifying system, upon any of the streets, alleys, parks or other public places of the city, or upon any private premises in the city where sound of sufficient volume emitted or produced can be heard from a distance of fifty (50) feet or more inside a building with all of its doors and windows closed or a motor vehicle with all of its doors and windows closed if the source of such sound is located upon any public right-of-way, for the purpose of attracting attention to any goods, wares or merchandise which the peddler proposes to sell, or solicitor or canvasser intends to promote.

Section 4. That the Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article II, Permit, Section 32-25, Fees; health certificates; is hereby amended to read as follows:

Section 32-25, Fees; health certificates.

(a) For the purposes of conducting the investigations, making the inspections, performing the services and enforcing the regulations herein commanded, there is hereby levied a schedule of fees and charges for the permits herein required for peddlers, hucksters, hawkers, solicitors, canvassers and nonprofit organizations. The fees shall be as follows:

- (1) *Hucksters, hawkers and peddlers generally:* There is hereby levied upon all hucksters, hawkers and peddlers, and all persons engaged in buying and selling as herein defined, except for hand pushcarts, ice cream wagons and solicitors, and canvassers, a fee of two hundred fifty dollars (\$250.00) for ninety (90) days, or one hundred twenty-five dollars (\$125.00) for forty-five (45) days or less period of time, for each vehicle, trailer, building or other devices used by such person in such

business; provided that each permittee shall be entitled to two (2) helpers, but that each additional helper other than the two (2) allowed shall pay a fee of fifty dollars (\$50.00) for ninety (90) days, or twenty-five dollars (\$25.00) for forty-five (45) days or less period of time. There is hereby levied upon all hucksters, hawkers and peddlers buying and selling as herein defined from pushcarts propelled by human power, a fee of one hundred dollars (\$100.00) for ninety (90) days, or fifty dollars (\$50.00) for forty-five (45) days or less period of time; provided that each such huckster, hawker or peddler shall be entitled to one (1) helper, but each additional helper other than the one (1) allowed shall pay a fee of fifty dollars (\$50.00) for ninety (90) days, or twenty-five dollars (\$25.00) for forty-five (45) days or less period of time. No permit shall be issued hereunder until the applicant has paid the required fees as specified. All hucksters, hawkers, peddlers and helpers are hereby likewise required to procure a health certificate obtain all necessary permits or licenses from the Oklahoma City-County Health Department as required by either state law or state regulation and present to the City Clerk said permit or license from the Oklahoma City-County Health Department at the time of application.

(2) *Ice cream wagons:* Ice cream wagons selling ices or other ice cream products from vehicles other than pushcarts shall pay a fee of one hundred dollars (\$100.00) per year, payable semiannually. Pushcarts selling ices or other ice cream products shall pay a fee of ten dollars (\$10.00) per year, payable semiannually. All persons operating ice cream wagons shall obtain all necessary permits or licenses from the Oklahoma City-County Health Department as required by either state law or state regulation and present to the City Clerk said permit or license from the Oklahoma City-County Health Department at the time of application.

(3) *Solicitors and canvassers:* All persons who go from house to house or place to place in the city and solicit or canvass for orders for goods, wares, merchandise or subscriptions for publications to be delivered in the future shall pay a fee of five dollars (\$5.00) per week, fifteen dollars (\$15.00) per month or fifty dollars (\$50.00) per year. All solicitors and canvassers shall obtain all necessary permits or licenses from the Oklahoma City-County Health Department as required by either state law or state regulation and present to the City Clerk said permit or license from the Oklahoma City-County Health Department at the time of application.

(4) *Nonprofit organizations:* No permit fee shall be charged. All nonprofit organizations shall obtain all necessary permits or licenses from the Oklahoma City-County Health Department as required by either state law or state regulation and present to the City Clerk said permit or license from the Oklahoma City-County Health Department at the time of application.

(b) No free permits shall be granted, nor rebates allowed for any cause, nor any sum accepted less than the amount herein specified, except as prescribed in section 32-3, for a shorter period than therein required.

(c) No permit shall be issued until the amount prescribed therefore, shall have been paid to the city clerk.

Section 5. That the Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article III, Foodstuffs, Section 32-51, Inspections by health department; is hereby amended to read as follows:

Section 32-51, ~~Inspections by health department~~ Health Department licenses.

~~The director of the city-county health department shall inspect and examine the foodstuffs being sold or offered for sale by Any hucksters, hawkers, solicitors, canvassers and or peddlers; and the wagons, carts or other receptacles so used for the transportation of such foodstuffs, and the screens and curtains protecting the same not less than once each month. He shall inspect the same more often when such inspection is deemed necessary shall obtain all necessary and required permits or licenses from the Oklahoma City-County Health Department before selling or offering to sell foodstuffs and prior to obtaining a permit or license from the City of Midwest City.~~

Section 6. That the Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article III, Foodstuffs, Section 32-52, Condemning unwholesome food; is hereby amended to read as follows:

Section 32-52, Condemning unwholesome food.

~~The director of the city-county health department~~ Oklahoma City-County Health Department shall have the right to condemn any such foodstuffs which are unwholesome, injurious to health or unfit for human consumption.

Section 7. That the Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article V, Special Events, Section 32-83, Special events defined; is hereby amended to read as follows:

Section 32-83, Special events defined.

~~Special events are a temporary assembly of individuals, that activities that are short-term in nature, are open to the public, are being held outdoors, are operating with property owner permissions on either public or private property, reasonably likely to attract three hundred (300) or more people at any one time during the event, and include activities such as, special sales conducted by a recognized vendor, sporting events, and related accessory uses thereto, i.e., parking facilities. Flea markets, events held in sport stadiums, and activities that are required to obtain a permit under a different chapter of these City Ordinances are not considered special events.~~

Section 8. That the Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article V, Special Events, Section 32-88, Exemptions; is hereby amended to read as follows:

Section 32-88, Exemptions.

1 The provisions of this article shall not apply to ~~a person, firm or an organization when the net~~
2 ~~proceeds from the special event are used directly for charitable purposes~~ that has received
3 designation as a charitable organization pursuant to Section 501(c)(3) of the United States
4 Internal Revenue Services regulations and are also co-sponsored by the City of Midwest City.
5

6 **Section 9.** That the Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article V,
7 Special Events, Section 32-95, Health regulations; is hereby amended to read as follows:
8

9 **Section 32-95, Health regulations.**

10
11 When applicable, all special events shall comply with all city-county health regulations and other
12 recognized health practices. Mobile food trucks shall be licensed by the Oklahoma City-County
13 Health Department and the City of Midwest City before commencing any hook ups or operations
14 at a special event. Food handlers shall have a health card showing them to be free from
15 communicable diseases, which card shall not be more than six (6) months old, issued by a
16 recognized official of the city, state or county agency. The city reserves the right to revoke the
17 City permit for noncompliance with such health regulations immediately and without notice.
18

19 **Section 10.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
20 repealed.
21

22 **Section 11.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
23 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
24 of the ordinance.
25

26 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
27 Oklahoma, this _____ day of _____, 2023.
28

29 **THE CITY OF MIDWEST CITY, OKLAHOMA**
30

31
32
33 _____
34 MATTHEW D. DUKES, II, Mayor
35

36 ATTEST:
37
38

39 _____
40 SARA HANCOCK, City Clerk
41

42 Approved as to form and legality this _____ day of _____, 2023.
43
44

1

2 DONALD D. MAISCH, City Attorney

**Ordinance Oversight Council Committee Minutes
Special Meeting**

October 30, 2023

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 5:34 PM with Mayor Matt Dukes and Councilmember Susan Eads.

Staff Present: City Manager Tim Lyon, City Attorney Donald Maisch, City Clerk Sara Hancock, Vaughn Sullivan, Ryan Rushing, Paul Streets, Mike Stroh, Matt Summers, and Patrick Menefee

DISCUSSION ITEMS.

1. **Discussion, consideration and possible action to approve the minutes of the July 6, 2023 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, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City Municipal Code, Chapter 9, Building and Building Regulations; Article I, In General, Section 9-3 Building and dwelling addresses; Article VII Sign Regulations, Section 9-382, Definitions; Section 9-391, Temporary signs; Section 9-394 Illegal, nonconforming, deteriorated and vacant signs; and providing for repealer and severability.**

Eads made a motion to approve with amendments, seconded by Dukes. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

3. **Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City Municipal Code, Chapter 20 Housing Code, Article IV, Rental Property, Sections 20-204, Definitions; taking out of reserve and adopting Sections 20-205, 20-206, 20-207, 20-208, 20-209, and 20-210, Reserved; amending 20-211, CrimeFree Rental Housing Program; repealing and placing into Reserve 20-221, Crime-Free Multi-Housing Program; and providing for repealer and severability.**

Eads made a motion to approve with amendments, seconded by Dukes. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

4. **Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers, Manufactured Home Parks, Etc., Article IV, Manufactured Home and Travel Trailer Park Regulations, Division 3, Sanitary Facilities, Section 23-111, Wastes to be discharged into public or private sewer or septic tank; Section 23-114, Private sewage system requirements; Section 23-115, Use of sewage system required; Division 4, Water Supply, Section 23-124 Private water sources must be**

approved; Section 23-131, Drinking fountains to be approved by health officer; Division 5, Refuse Disposal, Section 23-146, Collection and disposal requirements; Division 6, Insect and Rodent Control, Section 23-154, Control measures to be used; Section 23-155, Use of larvicidal solutions; Section 23-156, Measures to control additional insects or weeds may be required; Section 23-158 Rodent extermination required; and providing for repealer and severability.

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

5. **Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City Code, Chapter 24, Motor Vehicles and Traffic Article III, Traffic-Control Devices, Signals, Etc., Section 24-60, Manual and Specifications for Traffic-Control Devices; and providing for repealer and severability.**

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

6. **Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City Municipal Code, Chapter 37, Streets and Sidewalks; Article I, In General; Section 37-6, Building and dwelling addresses.**

Eads made a motion to approve with amendments, seconded by Dukes. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

7. **Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City code, Chapter 37, Streets and Sidewalks, Article III Transportation Plan, Division 2, Standards and Requirements, Section 37-63, Design Standards for Ingress and Egress Facilities; Division 4, Tables, Section 37-71, Table 4; Article IV, Work Affecting Streets, Section 37-86, Permits Required; Fee Display; and providing for repealer and severability.**

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

8. **Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City code, Chapter 38, Subdivision Regulations, Article VI, Subdivision Standards, Section 38-47, Sidewalks; and providing for repealer and severability.**

Eads made a motion to approve along with report requested at Council, seconded by Dukes. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

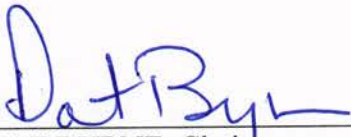
9. **Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City Municipal Code, Chapter 43, Water, Sewer, Sewage Disposal and Stormwater Quality, Article III, Sewers and Sewage Disposal, Division 10 Sewer Mainline Backup Service Program, Sections 43-251, Provisions, and 43-254, Fees; and providing for repealer and severability.**

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

10. **Discussion, consideration and possible action of recommending to the City Council approval of an ordinance amending the Midwest City Municipal Code, Appendix A, Zoning Regulations; Section 7, Development Review Procedures; Part 7.6, Special Use Permit; Subpart 7.6.3 Criteria for Special Permit Approval; and providing for a repealer, and severability.**

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

ADJOURNMENT. Chairman Byrne adjourned the meeting at 6:26 PM.



PAT BYRNE, Chairman



ORDINANCE OVERSIGHT COUNCIL COMMITTEE AGENDA

City Hall – Second Floor City Manager’s Conference Room, 100 N. Midwest Boulevard

October 30, 2023 – 5:30 PM

A. CALL TO ORDER.

B. DISCUSSION ITEMS.

1. Discussion, consideration and possible action of approving the minutes of the July 6, 2023 special meeting. (City Clerk – S. Hancock)
2. Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City Municipal Code, Chapter 9, Building and Building Regulations; Article I, In General, Section 9-3 Building and dwelling addresses; Article VII, Sign Regulations, Section 9-382, Definitions; Section 9-391, Temporary signs; Section 9-394, Illegal, nonconforming, deteriorated and vacant signs; and providing for repealer and severability. (City Attorney - D. Maisch)
3. Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City Municipal Code, Chapter 20 Housing Code, Article IV, Rental Property, Sections 20-204, Definitions; taking out of reserve and adopting Sections 20-205, 20-206, 20-207, 20-208, 20-209, and 20-210, Reserved; amending 20-211, Crime-Free Rental Housing Program; repealing and placing into Reserve 20-221, Crime-Free Multi-Housing Program; and providing for repealer and severability. (City Attorney - D. Maisch)
4. Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers, Manufactured Home Parks, Etc., Article IV, Manufactured Home and Travel Trailer Park Regulations, Division 3, Sanitary Facilities, Section 23-111, Wastes to be discharged into public or private sewer or septic tank; Section 23-114, Private sewage system requirements; Section 23-115, Use of sewage system required; Division 4, Water Supply, Section 23-124, Private water sources must be approved; Section 23-131, Drinking fountains to be approved by health officer; Division 5, Refuse Disposal, Section 23-146, Collection and disposal requirements; Division 6, Insect and Rodent Control, Section 23-154, Control measures to be used; Section 23-155, Use of larvicidal solutions; Section 23-156, Measures to control additional insects or weeds may be required; Section 23-158, Rodent extermination required; and providing for repealer and severability. (City Attorney - D. Maisch)
5. Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City Code, Chapter 24, Motor Vehicles and Traffic, Article III, Traffic-Control Devices, Signals, Etc., Section 24-60, Manual and Specifications for Traffic-Control Devices; and providing for repealer and severability. (Engineering & Construction Services - P. Menefee)

- [6.](#) Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City Municipal Code, Chapter 37, Streets and Sidewalks; Article I, In General; Section 37-6, Building and dwelling addresses. (City Attorney - D. Maisch)
- [7.](#) Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City code, Chapter 37, Streets and Sidewalks, Article III, Transportation Plan, Division 2, Standards and Requirements, Section 37-63, Design Standards for Ingress and Egress Facilities; Division 4, Tables, Section 37-71, Table 4; Article IV, Work Affecting Streets, Section 37-86, Permits Required; Fee Display; and providing for repealer and severability. (Engineering & Construction Services - B. Bundy)
- [8.](#) Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City code, Chapter 38, Subdivision Regulations, Article VI, Subdivision Standards, Section 38-47, Sidewalks; and providing for repealer and severability. (Engineering & Construction Services - B. Bundy)
- [9.](#) Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City Municipal Code, Chapter 43, Water, Sewer, Sewage Disposal and Stormwater Quality, Article III, Sewers and Sewage Disposal, Division 10, Sewer Mainline Backup Service Program, Sections 43-251, Provisions, and 43-254, Fees; and providing for repealer and severability. (City Attorney - D. Maisch)
- [10.](#) Discussion, consideration and possible action of recommending to the City Council approval of an ordinance amending the Midwest City Municipal Code, Appendix A, Zoning Regulations; Section 7, Development Review Procedures; Part 7.6, Special Use Permit; Subpart 7.6.3, Criteria for Special Permit Approval; and providing for a repealer, and severability. (City Attorney - D. Maisch).

C. ADJOURNMENT.

**Ordinance Oversight Council Committee Minutes
Special Meeting**

July 6, 2023

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 5:36 PM with Mayor Matt Dukes and Councilmember Susan Eads.

Staff Present: City Manager Tim Lyon, City Attorney Donald Maisch, and City Clerk Sara Hancock.

DISCUSSION ITEMS.

1. **Discussion, consideration and possible action to approve the minutes of the February 22, 2023 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, consideration, and possible action of an ordinance amending the Midwest City Municipal Code, Chapter 2, Administration, Article II, City Council, Section 2-17 Elected Official Accountability Act and Ethics Policy; and Providing for Repealer and Severability.**

Byrne made a motion to approve with amendments, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

3. **Discussion, consideration, and possible action of approving an ordinance repealing Midwest City Municipal Code, Chapter 4, Air Pollution, Article I, In General, Sections 4-1 through 4-21, Article II, Variances, Sections 4-31 through 4-34 and 4-41 through 4-46; and providing for repealer and severability.**

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

4. **Discussion, consideration, and possible action of approving an ordinance amending the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV, Occupation Tax, Sections 5-124, Application for certificate of compliance; Investigation, 5-125 Issuance of certificate of zoning and certificate of compliance; and providing for repealer and severability.**

Dukes made a motion to approve with amendments, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

*Recess was taken at 5:40 PM/ Returned at 5:50 PM.

5. **Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code Chapter 7 Amusements, Article IV, Circuses and Carnivals, Section 7-51, Health regulations; and providing for repealer and severability.**

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

6. **Discussion, consideration, and possible action of approving and ordinance amending Midwest City Municipal Code Chapter 9, Building and Building Regulations, Article III, Building Code, Section 9-34, Code Amended, Paragraph 118.0, Certificate of Occupancy; and providing for repealer and severability.**

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

7. **Discussion, consideration, and possible action of amending Midwest City Municipal Code, Chapter 15 Fire Protection and Prevention, Article IV, Opening Burning, Section 15-109, Commercial open burning; providing for repealer and severability.**

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

8. **Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 16 Food and Food Handlers, Article I, In General, Sections 16-2, Food service sanitation manual; 16-5 Sanitary regulations for factories; and Section 16-6, Sterilizing equipment required; providing for repealer and severability.**

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

9. **Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 18, Garbage and Refuse, Article I, In General Section 18-2, Permit, authority for commercial haulers; Section 18-3, Compliance with landfill regulations; creating hazards; Article II, Municipal Collection and Disposal Service, Section 18-26, Sanitation containers at commercial establishments; and providing for repealer and severability.**

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

10. **Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 19, Health and Sanitation; repealing and placing into reserve Section 19-1, Health Department; amending Section 19-3 Condemnation of insanitary property; and providing for repealer and severability.**

Eads made a motion to approve Section 19-1 and table Section 19-3, seconded by Dukes. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

- 11. Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers, Manufactured Home Parks, Etc., Article I, In General, Section 23-1, Definitions; Section 23-3, Notice of violations; contents; Section 23-5, Reinspection of conditions; Section 23-6, Inspection of parks authorized; Section 23-9, Written order to be given after hearing; Section 23-11, Hearing authorized when permit denied, suspended, etc.; Section 23-12, Health or inspection officer may take immediate action when emergency exists; Article II, Licenses and Permits, Section 23-25, Application; contents; Section 23-31 Renewal applications; contents; and providing for repealer and severability.**

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

- 12. Discussion consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 31 Health Care Facilities, Article III, Massage, Division 1, In General, Section 31-105, Approval or denial; Division 2, Massage Establishment License, Section 31-113, Facilities and equipment; Division 3, Massage Therapist License, Section 31-131, Application; Division 4, Operating Requirements, Section 31-152, Requirements for cubicles, booth, etc.; and providing for repealer and severability.**

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

- 13. Discussion, consideration, and possible action of approving an ordinance amending Midwest City Municipal Code, Chapter 32 Peddlers and Solicitors, Article I, In General, Section 32-3, Exceptions for veterans and nonprofit organizations; Section 32-4, Duty of police to enforce; Section 32-5, Loud noises and speaking devices; Article II Permit, Section 32-25, Fees; health certificates; Article III Foodstuffs Section 32-51, Inspections by health department; Section 32-52, Condemning unwholesome food; Article V, Special Events, Section 32-83, Special events defined; Section 32-88, Exemptions; Section 32-95, Health regulations; and providing for repealer and severability.**

Byrne made a motion to approve with amendments, seconded by Eads. Voting aye: Dukes, Eads, and Byrne. Nay: none. Motion carried.

ADJOURNMENT. Chairman Byrne adjourned the meeting at 7:02 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: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: October 30, 2023

RE: Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City Municipal Code, Chapter 9, Building and Building Regulations; Article I, In General, Section 9-3 Building and dwelling addresses; Article VII, Sign Regulations, Section 9-382, Definitions; Section 9-391, Temporary signs; Section 9-394, Illegal, nonconforming, deteriorated and vacant signs; and providing for repealer and severability.

The proposed amendments to Sections 9-382, 9-391, and 9-394 codifies digital signs into the sign ordinance, defines the term and makes exceptions, and allows for exceptions for temporary signs.

The change to Section 9-3, in conjunction with the change in 37-6, will allow for numbering of residences on either the residence, the mailbox or the curb.

Recommendation is at the discretion of the Ordinance Review Committee.

Respectfully submitted,

Donald D. Maisch
City Attorney

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5

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

Sec. 9-3. - Building and dwelling addresses.

Section 9-382, Definitions.

1 *Billboard:* A sign upon which advertising or other message may be posted, painted,
2 pasted or affixed, and which directs attention to a business, organization, event, person, place,
3 commodity, service or entertainment conducted, sold, located, manufactured, used or offered at
4 a location other than the premises on which the sign is located.

5
6 *Bulletin board sign:* A sign that indicates the name of a governmental, religious,
7 educational or other noncommercial institution on whose premises it is located, and which may
8 contain the names of individuals connected with it and general announcements of events or
9 activities occurring at the institution, or similar messages not advertising a specific product or
10 business service.

11
12 *Canopy:* A fixed shelter of any material and of any length projecting from a building and
13 supported by columns or posts from the ground, or a freestanding shelter supported by columns
14 or posts from the ground.

15
16 *Changeable copy sign:* A permanent ground or pole sign consisting of nonstructural
17 panels or individual message elements such as letters, numbers or symbols that are designed and
18 intended for manual replacement or alteration after the sign is erected.

19
20 *Civic center:* An area described as a part of the west one-half (W¹/₂) of the southwest
21 quarter (SW¹/₄) of Section 35, Township 12 North, Range 2 West of the Indian Meridian,
22 Oklahoma County, Oklahoma, beginning at a point fifty (50) feet north and fifty (50) feet east
23 of the southwest corner of said section, north 758.33 feet, thence east 1,267.98 feet, thence south
24 758.33 feet, thence west to the point of beginning.

25
26 *Commercial temporary sign:* A temporary sign that is not a noncommercial temporary
27 sign and that identifies, advertises or directs attention to a business or is intended to induce
28 purchase of a good, property or service including, without limitation, any sign naming a brand
29 of good or service.

30
31 *Construction sign:* A sign identifying a construction project erected on the premises
32 where construction is taking place, during the period of such construction, and containing
33 information pertinent to the construction project such as the names of the architects, engineers,
34 landscape architects, contractors or similar artisans, and the owners, lending institutions and
35 other parties having a role or interest in the structure or project.

36
37 *Decoration:* Illustration, symbol, flag, streamer, bunting, wreath, figure, insignia or other
38 devices employed to express and/or illustrate a message or patriotic holiday or seasonal
39 character.

40
41 *Deteriorated sign:* A permanent sign that is partially dilapidated or in need of repair.

42
43 *Digital sign:* are a form of electronic display that show television programming, menus,
44 information, advertising and other messages, utilizing technologies such as LCD, LED, plasma
45 displays, or projected images to display content.

1 *Directional sign:* A sign that directs the movement or placement of pedestrian or
2 vehicular traffic on the premises where the sign is located.

3
4 *Display surface:* The surface of a sign upon, against or through which the message is
5 displayed or illustrated.

6
7 *Display surface area:* The net geometric area enclosed by the display surface of the sign
8 including the outer extremities of all letters, figures, characters and delineations; provided,
9 however, display surface area shall not include the structural supports for freestanding signs if
10 the structural supports are so arranged so as not to become a part of the attention-attracting aspect
11 of the sign; provided, further, that only one (1) face of a double-faced sign as defined herein
12 shall be considered in determining the display surface area.

13
14 *Double-faced sign:* Any sign that has more than one (1) display surface.

15
16 *Erect:* To build, attach, hang, place, suspend, affix, construct or allow to be constructed,
17 including the painting of wall signs.

18
19 *Flashing sign:* An illuminated sign, other than an automatic, changing sign, on which
20 artificial or reflected light is not maintained stationary and constant in light intensity and color
21 at all times when in use.

22
23 *Freestanding sign:* Any sign that is attached to or a part of a completely self-supporting
24 structure that is not attached to any building or any other structure and is anchored firmly to or
25 below the ground surface (see ground sign and pole sign).

26
27 *Frontage:* The area between the boundary lines of a lot or parcel of land along the street
28 right-of-way.

29
30 *Ground sign:* A freestanding sign that is secured to a fixed base, usually at ground level
31 or a slight elevation above ground, rather than being pole-mounted.

32
33 *Identification nameplate:* A wall sign giving any combination of the name, address, and
34 recognized symbol or logo of a building, business or establishment that is attached to and flat
35 against the wall of a building.

36
37 *Illegal sign:* Any sign that in any manner does not conform to all of the requirements of
38 this Code.

39
40 *Illuminated sign:* Any sign that has characters, letters, figures, designs or outlines
41 illuminated by electric lights or luminous tubes whether such sources of illumination are a part
42 of the sign or not.

43
44 *Illumination:* Lighting from a source concealed or contained within a sign which
45 becomes visible through a translucent surface or lighting performed by spotlights or other
46 lighting devices that are not a part of the sign display surface including those lighting devices

1 that are extended from the sign by means of a rod or rods from which the illumination is directed
2 toward the display surface area of the sign.

3
4 *Marquee:* A permanent roof-like structure projecting beyond a building wall at an
5 entrance to a building or extending along and projecting beyond the building's wall and generally
6 designed and constructed to provide protection against the weather.

7
8 *Memorial sign:* A sign, tablet or plaque commemorating a person, event, structure or site.

9
10 *Noncombustible:* Any material that does not ignite below twelve hundred (1,200) degrees
11 Fahrenheit or disintegrate, melt or give off toxic odor or fumes.

12
13 *Noncommercial temporary sign:* A temporary sign that in no way identifies, advertises
14 or directs attention to a business, good, property or service, or is intended to induce purchase of
15 a good, property or service, or portrays or symbolizes a good, property or service especially but,
16 without limitation, a brand or trade name, an identifiable container shape or a trademark.

17
18 *Nonconforming sign:* A sign that was lawfully erected, altered, moved or maintained
19 under previous ordinances of the city but does not conform to the provisions of this article.

20
21 *Owner:* The fee owner of a sign, the lessee of the sign, the fee holder of the property
22 upon which the sign is located, the leaseholder of such property or the individual, person or
23 business who has purchased the copy on a sign, or the agent of any of the listed entities.

24
25 *Parcel:* A contiguous area of land described in a single description in a deed or as one of
26 a number of lots on a plat; separately owned, either publicly or privately; and capable of being
27 separately conveyed.

28
29 *Permanent sign:* A sign that, by its construction and made of such materials, is intended
30 to remain erected and in use for an extended period of time.

31
32 *Pole cover:* A decorative covering constructed of materials that are attractive,
33 aesthetically pleasing and architecturally consistent with the sign and/or the main building on
34 the premises, built the full length of and entirely surrounding the freestanding poles on which
35 the sign is mounted.

36
37 *Pole sign:* A freestanding sign that is mounted on one (1) or more freestanding poles or
38 other supports.

39
40 *Political sign:* A sign announcing or supporting one (1) or more political candidates or
41 issues in connection with any national, state, county or local election.

42
43 *Portable sign:* A sign, whether mounted on a chassis with tires or wheels for transport
44 from one place to another, designed to be movable from one location to another and not
45 permanently attached to the ground or to any immobile structure, the primary function of which

1 is to provide advertisement of products or services in connection with a business or activity
2 located on the same site as the portable sign or elsewhere.

3
4 *Projecting sign:* A sign, other than a banner, that is attached to, and is wholly or partially
5 dependent upon a building for support and that extends beyond the line of the building or beyond
6 the surface of that portion of the building to which it is attached.

7
8 *Public use or public service sign:* A sign of a governmental or noncommercial nature
9 including public transit and public utility information signs, traffic control signs and any other
10 sign erected by a public officer in the performance of a public duty.

11
12 *Real estate sign:* A temporary sign pertaining to the sale or lease of a parcel or tract of
13 land or to the sale or lease of one (1) or more structures.

14
15 *Roof sign:* A sign that is erected, constructed and maintained wholly upon or over the
16 roof of any building with the principal support of the sign on the roof structure.

17
18 *Setback:* A distance measured horizontally from, and perpendicular to, the right-of-way
19 line of a street or a property line to the nearest edge of the sign.

20
21 *Sight triangle:* As defined by subsections 4.8.3(a) and (b) of appendix A of this Code.

22
23 *Sign:* Any object, announcement, declaration, demonstration, display, illustration,
24 insignia, device, display or structure or part thereof, including a digital sign, situated outdoors
25 in view of the general public that is used to advertise, identify, promote, display, direct or attract
26 attention to or promote the interest of an object, person, institution, corporation, organization,
27 business, product, service, event or location by any means including words, letters, figures,
28 designs, symbols, fixtures, colors, motion, illumination or projected images, whether illuminated
29 or not, including, but not limited to, every billboard, wall sign, roof sign, projecting sign, ground
30 sign, pole sign, window sign, changeable copy sign, temporary sign, portable sign, commercial
31 bills, commercial posters, commercial pictures, commercial lithographs, commercial maps,
32 commercial plats, commercial samples or other commercial devices or advertisements of any
33 kind or any other attention-getting device or other display whether affixed to a building or
34 separate from a building.

35
36 *Sign contractor:* Any person, firm, partnership, association or corporation involved in
37 the installation, repair, alteration or service of any electric sign, all permanent or temporary signs
38 involving structural requirements of the building code and/or electrical requirements of the
39 electric code and/or billposting.

40
41 *Structure:* Anything built or constructed whether or not permanently attached to the
42 ground.

43
44 *Subdivision construction sign:* An on-premises sign with a display surface area of fifty
45 (50) square feet or less containing information about a particular subdivision as a whole, which

1 information may include, but may not be limited to, the location, price range and/or amenities
2 of the subdivision.

3
4 *Swinging sign:* A sign, all or part of which is animated, revolves, swings or is otherwise
5 designed to move by mechanical means or by the force of the wind.

6
7 *Temporary sign:* Any sign, either commercial or noncommercial, that is not a permanent
8 sign which may include, but shall not be limited to, a balloon or other inflatable, banner, thirty
9 (30) feet or shorter section of pennant and/or valance, or any other advertising display.

10
11 *Temporary sign setback:* A twelve-foot distance measured horizontally from, and
12 perpendicular to, the curb or, where there is no curb, other discernible edge of the street or road.

13
14 *Vacant sign:* A sign that pertains to a building or is on a parcel of land that:

- 15
16 (1) Has been unoccupied for a period of six (6) consecutive months; or
17 (2) Refers to a business, product, service, event or purpose that has been
18 inapplicable for three (3) consecutive months or is no longer provided on the premises
19 where the sign is located; or
20 (3) Identifies a time, event or purpose that has passed or no longer applies; or
21 (4) In the case of a billboard, is vacant of copy or that advertises an
22 establishment, good or service that no longer exists.

23
24 *Wall sign:* Any sign painted on or attached to and erected parallel to the face of, or erected
25 and confined within the limits of, the outside wall of any building and supported by such wall or
26 building; and which displays only one (1) advertising surface including awning and canopy,
27 identification, marquee, module and projecting signs.

28
29 *Window display:* Any sign placed inside a structure on a window.

30
31 **Section 3.** That the Midwest City Municipal Code, Chapter 9, Building and Building Regulations,
32 Article VII, Sign Regulations, Section 9-391, Temporary signs; is hereby amended to read as
33 follows:

34
35 **Section 9-391, Temporary signs.**

36
37 (a) No commercial temporary sign located on nonresidential property shall exceed sixteen
38 (16) square feet in display surface area and shall not be taller than three (3) feet measured from
39 ground level. The maximum size of the display surface area of the sign shall not exceed two (2)
40 feet in any one (1) of its dimensions. No temporary sign located on residential property shall
41 exceed eight (8) square feet in display surface area.

42
43 (b) Balloons shall not be used as commercial temporary signs.

44
45 (c) Every temporary sign weighing more than fifty (50) pounds must be approved by the city
46 as conforming to the safety requirements of the building code of the city.

1
2 (d) No temporary sign shall extend over or into any street, alley, sidewalk or other public
3 thoroughfare. Temporary signs shall not extend a distance greater than four (4) inches from the
4 wall upon which it is erected, and such signs shall not be placed or projected over any wall
5 opening.

6
7 (e) Every temporary sign shall be in full compliance with this article.

8
9 (f) No temporary sign shall be placed, installed, erected or maintained within the temporary
10 sign setback on arterial streets and on nonresidential property.

11
12 (g) No commercial temporary sign may be erected or maintained without a permit except as
13 noted in subsection 9-391(h) of this Code. Each city utility account or separate parcel identified
14 by a legal address in the city is entitled to eight (8) commercial temporary sign permits each
15 year. The fee for each commercial temporary sign permit shall be fifty dollars (\$50.00); however,
16 nonprofit organizations that produce their letter from the Internal Revenue Service proving their
17 nonprofit status shall be exempt from the fee. Permits for commercial temporary signs shall
18 authorize the erection of the signs and their maintenance for a period not exceeding seven (7)
19 consecutive days. Any commercial temporary sign maintained in excess of seven (7) consecutive
20 days shall be deemed an illegal sign and must be removed by the owner. If the owner fails to
21 remove the sign, the city may do so and charge the cost of such removal and any storage of the
22 sign, the minimum of which shall be one hundred dollars (\$100.00) to the owner, which amount
23 shall be assessed to the owner's utility account.

24
25 (h) One (1) commercial freestanding, temporary sign may be erected or maintained on
26 residential property without a permit only under the following conditions:

27
28 (1) The display surface area of the sign shall be no more than one (1) square foot in
29 area;

30 (2) The height of the sign shall be no more than three (3) feet above ground level;
31 and

32 (3) The sign must be located within an area not to exceed five (5) feet in distance
33 from the front of the front elevation of the residential structure.

34
35 (i) A permit for the erection for a maximum of thirty (30) days of one (1) grand opening
36 sign for a new business may be issued upon the submission to the city of an application for a
37 certificate of occupancy for a new business. A change of ownership or an existing business does
38 not qualify for a grand opening sign. There shall be no fee for a temporary grand opening sign.
39 A temporary sign permit must be obtained in accordance with subparagraph (g) of this section.

40
41 (j) One temporary directional sign per business of eight (8) square feet may be erected no
42 closer than twelve (12) feet to the curb line at the entrance to the business when access to the
43 business has been partially or completely blocked due to a public construction project when the
44 access will be impeded in excess of seven (7) days. The sign shall contain only the "name of the
45 business" and the word "entrance," or a direction arrow. It shall be removed within forty-eight
46 (48) hours after the project has been substantially completed as determined by the city. A permit

1 shall be required, but the fee shall be waived. All other regulations of this section shall be
2 followed.

3
4 (k) Banners used as temporary signage attached to the facade of a building announcing the
5 opening of a business will be allowed for up to 30 days after the opening day of business until
6 permanent signage that conforms to existing requirements can be erected.

7
8 (l) Temporary signage associated with a sales event, anniversary or holiday can be attached
9 to shopping cart collection and/or gas station pump topper areas without penalty or permit
10 requirements.

11
12 **Section 3.** That the Midwest City Municipal Code, Chapter 9, Building and Building Regulations,
13 Article VII, Sign Regulations, Section 9-394, Illegal, nonconforming, deteriorated and vacant
14 signs; is hereby amended to read as follows:

15
16 **Sec. 9-394. - Illegal, nonconforming, deteriorated and vacant signs.**

17
18 In order to achieve the general purpose and objectives of this article, it is necessary to provide
19 for the removal or conformance of signs that are designated as illegal, nonconforming,
20 deteriorated or vacant. The following subsections identify circumstances under which such
21 designations occur and the method of correction and/or disposition required:

22
23 (1) Any permanent sign erected or altered that does not comply with the provisions of this
24 article shall be removed from the premises upon which it is located within thirty (30) days from
25 the notice of violation and shall not be erected anywhere in the city until a sign permit is issued.
26 Any temporary sign erected that does not comply with the provisions of this article is subject to
27 immediate seizure and removal by the city.

28
29 (2) It is the declared intent of the city to have nonconforming signs brought into conformity.
30 The right to operate and maintain nonconforming signs shall terminate in accordance with the
31 following schedule:

32
33 a. All signs that are nonconforming for the following reasons shall immediately be
34 removed or brought into conformance with the provisions of this section upon notification to the
35 owner by the city:

36
37 1. They constitute a traffic hazard, or block or restrict the visibility of
38 motorists; or

39
40 2. They constitute a possible hazard to the general health, safety and welfare
41 of the public of the city.

42
43 b. Signs located within the public right-of-way, as set out in subsection [9-385\(c\)](#) of
44 this Code, are not in compliance with the provisions of this article. Those signs that are not
45 covered by subsection (2)a. of this section shall be removed or brought into conformance on or
46 before the effective date as noted in this section.

1
2 c. Billboards that are not in compliance with the provisions of this article shall be
3 brought into compliance upon notification to the owner by the city.
4

5 d. Freestanding signs that are not in compliance with:
6

- 7 1. The height limitation contained in subsection 9-386(b) of this Code;
- 8 2. The display surface area limitation contained in subsection 9-386(h) of
9 this Code;
- 10 3. The number and/or spacing limitations contained in subsection 9-386(c)
11 of this Code; or
- 12 4. The pole cover requirements contained in subsection 9-386(j) of this
13 Code.
14

15 e. Freestanding signs shall be brought into compliance with the provisions above, at
16 the time any modifications or repairs are made to the sign:
17

- 18 1. That would cause an increase or decrease to the height of the sign; and/or
- 19 2. That would cause an increase or decrease in the display surface area of the
20 sign; and/or
- 21 3. That would cause a change to the shape of the sign; and/or
- 22 4. That would cause any modifications to, additions to or removal of any
23 structural components of the sign; and/or
- 24 5. That would cause the overall sign area to be increased or decreased due
25 the number of reader boards on the sign or the area of signs.
26

27 f. Routine maintenance and repair will not require a sign to be brought into
28 compliance with the provisions above. Such repairs would include, but are not limited to:
29

- 30 1. The painting of the structural elements of the sign; and/or
- 31 2. Simple refacing of an existing sign where no structural changes are made;
32 and/or
- 33 3. Electrical repairs to an existing sign made while the sign remains in place.
- 34 4. The addition of a digital sign component is allowed as long as the overall
35 structural design of the sign is not altered.
36

37 g. All other nonconforming signs except as outlined by subsections (2)a—d. of this
38 section that are not in compliance with the provisions of this article shall be allowed to remain
39 for such period as subsection (5)b. of this section is complied with.
40

41 (3) Vacant signs may remain until they become deteriorated signs and shall be removed by
42 the owner of the sign and/or by the owner of the property on which the sign is located.
43

44 (4) Deteriorated signs shall be removed by the owner of the sign and/or by the owner of the
45 property on which the sign is located.
46

1 (5) If the building official shall find that any sign is in violation of the provisions of this
2 section, he shall give written notice to the owner.

3
4 a. The notice shall be personally served on or mailed to the owner by certified mail
5 at the address shown on the current years tax rolls in the county treasurer's office. If the owner
6 is unable to be personally served or notified by mail, then notice of the violation shall be posted
7 on the sign.

8
9 b. Any illegal, nonconforming or deteriorated sign, except for nonconforming signs
10 described in subsection (2)a. of this section, that is not removed from the premises or brought
11 into compliance with this article within thirty (30) days after the service of notice shall be
12 considered in violation of the provisions of this article and shall be subject to the penalties as set
13 forth in this article. Each day that the sign remains in violation of this article after the expiration
14 of the thirty (30) days' time shall constitute a separate offense. Signs described in subsection
15 (2)a. of this section shall be brought into compliance or removed immediately upon notification.

16
17 c. Signs placed within the public right-of-way or on utility poles ~~are subject to~~
18 immediate removal shall be removed by the city upon discovery.

19
20 (6) Removal by the city.

21
22 a. The city may remove any deteriorated sign that the owner fails to remove after
23 notification. Storage and renewal charges shall be borne by the owner and, if unpaid upon
24 demand, the city clerk shall cause the charges to be placed on the tax rolls for any property
25 owned by the owner of the sign within the city.

26
27 b. Any sign located within the city that constitutes an immediate danger shall be
28 removed without notice and the costs shall be borne as provided by subsection (6)a. of this
29 section.

30
31 c. Any sign placed within the public right-of-way or on a utility pole shall be
32 removed immediately by the city and shall be disposed of as provided by ordinance for the
33 disposition of unclaimed property.

34
35 d. Any nonconforming sign that must be removed or brought into conformance with
36 the requirements of this article shall be removed by the city upon the owner's failure to bring the
37 sign into conformance with this article. Costs shall be borne by the owner as provided in
38 subsection (6)a. of this section.

39
40 e. Any sign that is removed by the city under subsections (6)a., b. or d., of this
41 section shall be stored for a period of two (2) months at which time the sign shall be deemed
42 abandoned and disposed of as provided by ordinance for the disposition of unclaimed property.

43
44 f. The addition of a digital sign to an existing sign without changing the overall
45 structure of design of the existing sign will not be subject to this section.

1 **Section 4.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
2 repealed.

3
4 **Section 5.** 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 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
9 Oklahoma, this _____ day of _____, 2023.

10
11 **THE CITY OF MIDWEST CITY, OKLAHOMA**

12
13
14
15 _____
16 MATTHEW D. DUKES, II, Mayor

17 ATTEST:

18
19
20 _____
21 SARA HANCOCK, City Clerk

22
23
24 Approved as to form and legality this _____ day of _____, 2023.

25
26
27 _____
28 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: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: October 30, 2023

RE: Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City Municipal Code, Chapter 20 Housing Code, Article IV, Rental Property, Sections 20-204, Definitions; taking out of reserve and adopting Sections 20-205, 20-206, 20-207, 20-208, 20-209, and 20-210, Reserved; amending 20-211, Crime-Free Rental Housing Program; repealing and placing into Reserve 20-221, Crime-Free Multi-Housing Program; and providing for repealer and severability.

The proposed changes to City Ordinance would establish requirements for short term rental properties that are located within Midwest City. Generally, such properties are advertised for rental on Airbnb, VRBO and similar on-line web sites. The proposed changes would define what is a short-term rental, the purpose of these program, licensure requirements, issuance of a license, fees, license renewal, denial, revocation or suspension of a license, and what information is required to be posted at a short term rental property.

These proposed ordinances were taken from ordinances from other Oklahoma Cities, including, Oklahoma City, Tulsa, Stillwater and Norman.

Recommendation for approval is at the discretion of the Committee.

Respectfully submitted,

Donald D. Maisch
City Attorney

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

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 8

1 **Section 2.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental
2 Property, Sections 20-205, 20-206, 20-207, 20-208. 20-209, and 20-210 - Reserved, are hereby
3 taken out of reserve and adopted to read as follows:
4

5 **Section 20-205. – Reserved. Short-term rental program, purpose.**
6

7 (a) This program shall be known as Short-Term Rental Program.
8

9 (b) The purpose of the Short-Term Rental Program is to promote the public health and safety
10 of the citizens of the City of Midwest City and patrons that use and/or reside in short-term rentals
11 by establishing a licensing and inspection program for short-term rentals.
12
13

14 **Section 20-206. – Reserved. Licensed required, application.**
15

16 (a) Any owner of a short-term rental shall obtain a license from the City Clerk before
17 commencing operations. No person shall manage or operate a short-term rental without
18 obtaining a license and pay all appropriate fees as provided herein.
19

20 (b) To obtain a license, the owner of a short-term rental must submit an application in a
21 format approved by the City Clerk. The applicant must attest to the following, comply with all
22 requirements listed below and furnish any necessary documentation upon request of the City:
23

24 (1) The name, street address, mailing address, and telephone number of the owner of
25 the short-term rental, which includes the owner's primary physical address, a mailing address,
26 cell phone number and email address;
27

28 (2) The name, street address, mailing address, and telephone number, which includes
29 the primary physical address, a mailing address, cell phone number and email address, of the
30 local agent available to be reached twenty-four (24) hours per day and seven (7) days per week;
31

32 (3) A certification by the property owner and, if applicable, property manager, that
33 the property is not subject to outstanding City Code or state law violations;
34

35 (4) Proof of current, valid property insurance;
36

37 (5) Proof of payment of transient guest room tax due as of the date of submission of
38 the application;
39

40 (6) The number of bedrooms and the proposed occupancy limits;
41

42 (7) A diagram showing the proposed layout of the property use and any on-site
43 parking available, including a floor plan indicating fire exits and escape routes;
44

45 (8) All required egress windows in bedrooms must be operational;
46

47 (9) Has sufficient number of operational smoke detectors and carbon monoxide
48 detectors based on the square footage of the short-term rental as required by the Building Code

1 and appropriate number and location of fire extinguishers based on the square footage of the
2 short-term rental as required by the Fire Code;

3
4 (10) That the property is in compliance with applicable provisions of the City's
5 minimum property maintenance, building, electrical, mechanical and plumbing codes;

6
7 (11) An annual fire and life safety inspection;

8
9 (12) Notification of affected property owners: All recorded property owners
10 immediately adjacent to or directly across the street or alley in any direction from the subject
11 property shall be notified of an application for a short-term rental. This notice, as provided by
12 the City Clerk's Office with the application, shall contain the name, address, phone number,
13 email of the property owner and the required local agent, along with contact information for City
14 offices, such as Code Enforcement, the Midwest City Police Department, Parking Services and
15 any other necessary contact information;

16
17 (13) Restrict rental to anyone under the age of eighteen (18) unless the rental is to a
18 parent or guardian;

19
20 (14) The short-term rental shall not be used for any social event that exceeds the
21 occupancy limit for the short-term rental or any commercial event;

22
23 (15) The short-term rental shall outwardly appear as a residential dwelling;

24
25 (16) The short-term rental shall not adversely affect the residential character of the
26 neighborhood, nor shall the short-term rental generate noise that exceeds the requirements
27 contained in Chapter 26 of the Midwest City Municipal Code, vibration, glare, odors or other
28 effects that unreasonably interfere with any other person's quiet enjoyment of their residence;

29
30 (17) No guest of a short-term rental shall be allowed to use sound equipment, amplified
31 music or amplified musical instruments;

32
33 (18) No guest of a short-term rental shall violate any parking ordinances of the City of
34 Midwest City;

35
36 (19) All parking of vehicles at a short-term rental shall be off of the street;

37
38 (20) No guest of a short-term rental shall violate any open burning ordinances of the
39 City of Midwest City, see Section 15-100 *et seq.* of the City Ordinances for the City of Midwest
40 City;

41
42 (21) If the owner and/or manager of the short-term rental does not reside within the
43 corporate city limits of the City of Midwest City, then there shall be identified an individual or
44 individuals to serve as local contacts to respond to emergency conditions. The local contact
45 must be able to respond to an emergency condition upon notification by a guest, a Midwest City
46 Employee; by law enforcement, by any first responder, or by any individual. Any change to the
47 local contact must be provided to the City of Midwest City within three (3) business days of the
48 date of the change;

1
2 (22) Only residential property may be used as a short-term rental, no commercial or
3 industrial property may be used as a short-term rental;

4
5 (23) Post the license in a conspicuous location at the short-term rental;

6
7 (24) Any other information requested by the City; and

8
9 (25) Any fraud, material misrepresentation, or false statements contained in the
10 attestations, required documentations, or correlating application material shall be grounds for
11 immediate revocation of short-term rental license. Furthermore, all requirements herein, shall be
12 continuously maintained throughout the duration of the permit.

13
14
15 **Section 20-207. – Reserved. Issuance of license requirements.**

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

20
21 (1) Street address of the short-term rental;

22
23 (2) License holder's name;

24
25 (3) License number and rental limitations, including bedroom limit and guest
26 occupancy limit;

27
28 (4) Contact information (name, cell phone, email) of local contact able to respond to
29 on-premises complaints;

30
31 (5) Proof of payment of all applicable fees as of the date of submission of the
32 application;

33
34 (6) Dates license is valid;

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

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

44
45 **Section 20-208. – Reserved. Fees and taxes.**

46
47 (a) The application fee for a short-term rental shall be fifty dollars (\$50.00).
48

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 (e) In addition to the fees listed above, all short-term rentals shall be subject to all applicable
11 taxes contained in the City Ordinances for the City of Midwest City, including, but not limited
12 to sales tax, as set forth in Chapter 40, Article II and hotel tax, as set forth in Chapter 40, Article
13 III.

14
15 **Section 20-209. – Reserved. License renewal.**

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

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

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

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

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

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

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

34
35
36 **Section 20-210. – Reserved. Denial, suspension or revocation of license.**

37
38 (A) The City of Midwest City may deny a license application, suspend or revoke an existing
39 license 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 (24) month period prior to submitting the application, based on the following:

45
46 (A) The frequency of any repeated violations;

47 (B) Whether a violation was committed intentionally or knowingly; or

1 (C) Any other information that demonstrates the degree to which the owner or
2 occupant has endangered public health, safety, or welfare; or

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

6
7 (B) The City of Midwest City may consider whether a new owner of the short-term rental
8 has remedied all the issues listed in Paragraph (A) above when making a determination to deny
9 a license application, suspend or revoke an existing license.

10
11
12 **Section 20-211. – Crime-free rental housing program. Required information to be posted**
13 **and provided to guests.**

14
15 ~~(a) — Any owner or agent of a residential rental property who desires to participate in the crime-~~
16 ~~free rental housing program (hereinafter program) must attend a crime-free rental housing~~
17 ~~program seminar instructed by the city.~~

18 ~~(b) — Each residential rental property to be registered under this program must meet the~~
19 ~~following minimum standards of the crime prevention through environmental design (CPTED)~~
20 ~~requirements:~~

21 ~~(1) — Eye viewer on the front door;~~
22 ~~(2) — All exterior doors must be solid core wood or metal doors;~~
23 ~~(3) — Exterior door hinges must have a minimum of one (1), three-inch screw in each~~
24 ~~door hinge;~~

25 ~~(4) — Deadbolts on all exterior doors must have at least a one-inch throw and positive~~
26 ~~locking means;~~

27 ~~(5) — Strike plates for all deadbolts must have a minimum of two (2), three-inch screws;~~

28 ~~(6) — Positive locking system must be installed for windows and sliding doors;~~

29 ~~(7) — Lighting around the perimeter of the dwelling with operable light on at least the~~
30 ~~front and rear of the dwelling with the light illuminating sufficient to view an object within fifty~~
31 ~~(50) feet from the dwelling;~~

32 ~~(8) — Trees must be trimmed up at least six (6) feet and shrubbery trimmed no higher~~
33 ~~than three (3) feet.~~

34 ~~(c) — Tenants must be provided information on program crime-free tips in writing.~~

35 ~~(d) — Owner or agent must sign a crime-free agreement.~~

36 ~~(e) — All requirements of the program must be met prior to admission into the program.~~

37 ~~(f) — A current copy of the CPTED shall be kept by the city clerk for public review or~~
38 ~~inspection.~~

39
40 The license holder shall post the following information in a prominent location in the interior,
41 clearly visible to guests and provide a packet of the information, summarizing the restrictions
42 applicable to short-term rental use, including:

43
44 (1) The license registration, which includes license number;

45
46 (2) Operator's name and number and property manager, if applicable, name and
47 number;

- (3) Local contact person name and number;
- (4) The location of ~~any~~ all on-site and off-site parking spaces available for guests;
- (5) Occupancy limits;
- (6) Noise restrictions, including prohibition on the use of sound equipment, amplified music and amplified musical instruments;
- (7) Parking restrictions;
- (8) Information on relevant burn bans;
- (9) Information on relevant water restrictions;
- (10) Trash and recycling collection rules and dates;
- (11) Prohibition on the use of the short-term rental for commercial events or any social event that exceeds the occupancy requirements; and
- (12) Floor plan with fire exit and escape routes, location of fire extinguishers, smoke detectors and carbon monoxide detectors.

Section 3. That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental Property, Section 20-221, Crime-free multi-housing program is hereby repealed and placed into reserve:

Section 20-221. – ~~Crime-free multi-housing program.~~ Reserved.

- (a) ~~All office management staff of a multi-housing unit who desire to participate in the crime free rental housing program (hereinafter program) must have attended a crime free rental housing program seminar instructed by the city.~~
- (b) ~~Each multi-housing unit to be registered under this program must meet the following minimum standards of the crime prevention through environmental design (CPTED) requirements:~~
 - (1) ~~Eye viewer on every front door;~~
 - (2) ~~All exterior doors must be solid core wood or metal doors;~~
 - (3) ~~Exterior door hinges must have a minimum of one (1), three-inch screw in each door hinge;~~
 - (4) ~~Deadbolts on all exterior doors must have at least a one-inch throw and positive locking means;~~
 - (5) ~~Strike plates for all deadbolts must have a minimum of two (2), three-inch screws;~~
 - (6) ~~Positive locking system must be installed for windows and sliding doors;~~
 - (7) ~~Lighting around the perimeter of the dwelling with operable light on at least the front and rear of the dwelling with the light illuminating sufficient to view an object within fifty (50) feet from the dwelling;~~
 - (8) ~~Trees must be trimmed up at least six (6) feet and shrubbery trimmed no higher than three (3) feet.~~

1 ~~(c) — Owner must hold an annual crime prevention awareness event to inform tenants of crime-~~
2 ~~free prevention tips.~~
3 ~~(d) — All requirements of the program must be met prior to admission into the program.~~
4 ~~(e) — A current copy of the CPTED shall be kept by the city clerk for public review or~~
5 ~~inspection.~~

6
7 **Section 4.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
8 repealed.

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

13
14
15 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
16 Oklahoma, this _____ day of _____, 2023.

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

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

24 ATTEST:

25
26
27 _____
28 SARA HANCOCK, City Clerk

29
30
31 Approved as to form and legality this _____ day of _____, 2023.

32
33
34 _____
35 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: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: October 30, 2023

RE: Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers, Manufactured Home Parks, Etc., Article IV, Manufactured Home and Travel Trailer Park Regulations, Division 3, Sanitary Facilities, Section 23-111, Wastes to be discharged into public or private sewer or septic tank; Section 23-114, Private sewage system requirements; Section 23-115, Use of sewage system required; Division 4, Water Supply, Section 23-124, Private water sources must be approved; Section 23-131, Drinking fountains to be approved by health officer; Division 5, Refuse Disposal, Section 23-146, Collection and disposal requirements; Division 6, Insect and Rodent Control, Section 23-154, Control measures to be used; Section 23-155, Use of larvicidal solutions; Section 23-156, Measures to control additional insects or weeds may be required; Section 23-158, Rodent extermination required; and providing for repealer and severability.

Previous proposed amendments to this chapter removed the term “health officer” and “state health department” from the chapter and changed the definition of Inspection Officer to designate the Inspection Officer as either:

- a. City Building Official;
- b. City Fire Marshall;
- c. City Code Enforcement Officer;
- d. Inspector from Public Works Department.

These amendments continue the process of removing the terms term “health officer” and/or “state health department” and replacing the terms with “Inspection Officer.”

Respectfully submitted,

Donald D. Maisch
City Attorney

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44

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

19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

27
28
29
30
31
32
33
34
35
36
37
38
39

29
30
31
32
33
34
35
36
37
38
39

35
36
37
38
39

14

1 hazard to the manufactured home park or to the owner or occupants of any adjacent property.
2 The ~~state health department~~ Inspection Officer must approve the type of treatment proposed and
3 the design of any disposal facilities and sewer systems prior to construction.
4

5 **Section 3.** That the Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers,
6 Manufactured Home Parks, Etc., Article IV, Manufactured Homes and Travel Trailer Park
7 Regulations, Division 3, Sanitary Facilities, Section 23-115, Use of sewage system required; is
8 hereby amended to read as follows:
9

10 **Section 23-115, Use of sewage system required.**
11

12 Every manufactured home occupying a manufactured home park space shall tie into the
13 park sewerage system and dependent travel trailers shall dump any accumulated waste into a
14 receptacle provided in the travel trailer park upon entering and upon leaving the park. Such
15 receptacles must be approved by the ~~state health department~~ Inspection Officer. Any other dump
16 of accumulated waste within the city is prohibited.
17

18 **Section 4.** That the Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers,
19 Manufactured Home Parks, Etc., Article IV, Manufactured Homes and Travel Trailer Park
20 Regulations, Division 4, Water Supply, Section 23-124, Private water sources must be approved;
21 is hereby amended to read as follows:
22

23 **Section 23-124, Private water sources must be approved.**
24

25 Where private water supplies must be developed, the ~~health officer~~ Inspection Officer
26 must approve the location, construction and development of both the water well and pipe system
27 and connections. No private source other than a water well shall be used.
28

29 **Section 5.** That the Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers,
30 Manufactured Home Parks, Etc., Article IV, Manufactured Homes and Travel Trailer Park
31 Regulations, Division 4, Water Supply, Section 23-131, Drinking fountains to be approved by
32 health officer; is hereby amended to read as follows:
33
34

35 **Section 23-131, Drinking fountains to be approved by ~~health officer~~ Inspection**
36 **Officer.**
37

38 Where drinking fountains are provided for public use they shall be of a type and in
39 locations approved by the ~~health officer~~ Inspection Officer.
40

41 **Section 6.** That the Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers,
42 Manufactured Home Parks, Etc., Article IV, Manufactured Homes and Travel Trailer Park
43 Regulations, Division 5, Refuse Disposal, Section 23-146, Collection and disposal requirements;
44 is hereby amended to read as follows:
45
46

1 **Section 23-146, Collection and disposal requirements**

2
3 (a) All refuse shall be collected at least once weekly or as otherwise required by the
4 ~~health officer~~ Inspection Officer. Where municipal garbage collection is not available the
5 manufactured home park operator shall either employ a private agency or provide this service.
6 All refuse shall be collected and transported in covered vehicles or covered containers.

7
8 (b) Where municipal or other private disposal service is not available the
9 manufactured home park operator shall dispose of the refuse by burial or transporting to an
10 approved disposal site as directed by the health officer. Refuse shall be buried only at locations
11 and by methods approved by the health officer and in accordance with the ordinances of the city.

12
13 **Section 7.** That the Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers,
14 Manufactured Home Parks, Etc., Article IV, Manufactured Homes and Travel Trailer Park
15 Regulations, Division 6, Insect and Rodent Control, Section 23-154, Control measures to be used;
16 is hereby amended to read as follows:

17
18 **Section 23-154, Control measures to be used.**

19
20 Insect and rodent control measures to safeguard public health as required by the ~~health~~
21 ~~officer~~ Inspection Officer shall be applied in each park.

22
23 **Section 8.** That the Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers,
24 Manufactured Home Parks, Etc., Article IV, Manufactured Homes and Travel Trailer Park
25 Regulations, Division 6, Insect and Rodent Control, Section 23-155, Use of larvicidal solutions; is
26 hereby amended to read as follows:

27
28 **Section 23-155, Use of larvicidal solutions.**

29
30 Effective larvicidal solutions may be required by the ~~health officer~~ Inspection Officer for
31 fly or mosquito-breeding areas which cannot be controlled by other more permanent measures.

32
33 **Section 9.** That the Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers,
34 Manufactured Home Parks, Etc., Article IV, Manufactured Homes and Travel Trailer Park
35 Regulations, Division 6, Insect and Rodent Control, Section 23-156, Measures to control
36 additional insects or weeds may be required; is hereby amended to read as follows:

37
38 **Section 23-156, Measures to control additional insects or weeds may be required.**

39
40 The ~~health officer~~ Inspection Officer may require the park operator to take suitable
41 measures to control other insects and obnoxious weeds.

42
43 **Section 10.** That the Midwest City Municipal Code, Chapter 23, Manufactured Homes, Trailers,
44 Manufactured Home Parks, Etc., Article IV, Manufactured Homes and Travel Trailer Park
45 Regulations, Division 6, Insect and Rodent Control, Section 23-158, Rodent extermination
46 required; is hereby amended to read as follows:

1
2 **Section 23-158, Rodent extermination required.**
3

4 When rats or other objectionable rodents are known to be in the park, the park operator
5 shall take definite action as directed by the ~~health officer~~ Inspection Officer to exterminate them.
6

7 **Section 11.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
8 repealed.
9

10 **Section 12.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
11 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
12 of the ordinance.
13

14 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
15 Oklahoma, this _____ day of _____, 2023.
16

17 **THE CITY OF MIDWEST CITY, OKLAHOMA**
18
19

20
21 _____
22 MATTHEW D. DUKES, II, Mayor
23

24 ATTEST:
25
26

27 _____
28 SARA HANCOCK, City Clerk
29

30 Approved as to form and legality this _____ day of _____, 2023.
31
32

33 _____
34 DONALD D. MAISCH, City Attorney



**Engineering and
Construction Services**
100 N Midwest Boulevard
Midwest City, OK 73110
Office 405.739.1220

TO : Ordinance Committee

FROM : Patrick Menefee, P.E., City Engineer

DATE : October 24th, 2023

SUBJECT : Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City Code, Chapter 24, Motor Vehicles and Traffic, Article III, Traffic-Control Devices, Signals, Etc., Section 24-60, Manual and Specifications for Traffic-Control Devices; and providing for repealer and severability.

The proposed amendment is related to the City of Midwest City municipal code, changing a reference to the standards used for traffic control signs. The existing language references the state highway commission and needs to be updated to the Oklahoma Department of Transportation. ODOT does use the standards set forth in the Manual on Uniform Traffic Control Devices (MUTCD) for signs.



Patrick Menefee, P.E.,
City Engineer
Attachment

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

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

SECTION 1. That Midwest City Code, Chapter 24, Motor Vehicles and Traffic, Article III, Section 24-60, is hereby amended to read as follows:

All traffic-control signs, signals and devices shall conform to the manual and specifications approved by the ~~state highway commission~~ Oklahoma Department of Transportation. All signs and signals required hereunder for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic-control devices except that part time stop signs may be alternated with children crossing signs for use at school zone intersections provided that the other leg of a three-way intersection or the other two (2) legs of a four-way intersection are fully controlled by stop signs.

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.

THE CITY OF MIDWEST CITY, OKLAHOMA

ATTEST:

APPROVED as to form and legality this day of 2023



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: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: October 30, 2023

RE: Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City Municipal Code, Chapter 37, Streets and Sidewalks; Article I, In General; Section 37-6, Building and dwelling addresses.

These proposed changes would give residential residents the option of placing address numbers on their house, on their mailbox, at the curb, or any combination thereto.

Recommendation for approval is at the discretion of the Ordinance Review Committee.

Respectfully submitted,

Donald D. Maisch
City Attorney

ORDINANCE NO._____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 37, STREETS AND SIDEWALKS; ARTICLE I, IN GENERAL; SECTION 37-6, BUILDING AND DWELLING ADDRESSES; 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, Chapter 37, Streets and Sidewalks; Article I, In General; Section 37-6, Building and dwelling addresses; is hereby amended to read as follows:

(a) It shall be the duty of the record owner of every now-existing dwelling, building or structure in the city to place and maintain thereon, in a place visible from the street, figures at least three (3) inches high on residential structures and four (4) inches high on non-residential structures, in accordance with the International Fire Code, as adopted by reference, showing the number of the dwelling, building or structure. Any person failing to so number any now-existing dwelling, building or structure owned by him ~~within ninety (90) days from the effective date of this section, [September 1, 1985], or~~ after receiving notice to do so from the fire prevention bureau shall fail to so number such dwelling, building or structure within forty-eight (48) hours after such notice, shall be in violation of this section.

In lieu of house numbers on the dwelling of a residential home itself, the house numbers for such a dwelling may be displayed, in accordance with the above requirements, either on the mail box for the dwelling or at the curb in front of the dwelling.

(b) The record owner of any dwelling, building or structure constructed ~~after the effective date of this section~~ shall place such figures thereon before or at the time the occupancy permit is issued.

(c) It shall be unlawful for any person to violate any provision of this section, and such violation shall be punished by a fine of one dollar (\$1.00) for each day on which a failure to so number continues.

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.

Ordinance Amendments PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City, Oklahoma, this day of , 2023.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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 _____, 2023.

DONALD D. MAISCH, City Attorney

TO : Ordinance Oversight Council Committee

FROM : Brandon Bundy, P.E., Director

DATE : October 30, 2023

SUBJECT : Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City code, Chapter 37, Streets and Sidewalks, Article III, Transportation Plan, Division 2, Standards and Requirements, Section 37-63, Design Standards for Ingress and Egress Facilities; Division 4, Tables, Section 37-71, Table 4; Article IV, Work Affecting Streets, Section 37-86, Permits Required; Fee Display; and providing for repealer and severability.

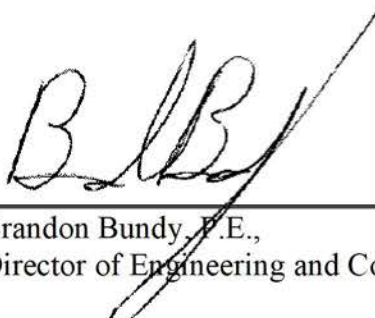
On July 27, 2021 City Council revised the ordinance governing driveways. Staff has since found a few issues related to driveways for larger homes that were unintentionally penalized by those widths.

The proposed ordinance changes a few of those issues to reflect a larger driveway related to larger lots.

Staff is also taking the opportunity to add further guidance in how many drives a residence can have as well as clarify distances to property lines for residential uses.

In addition, it was found that Section 37-86 was out of date with current policy and fees.

- The proposed fee of \$50 is more in line with current prices of labor to account for at least 1 inspection from staff plus review time.
- City Clerk was removed from the ordinance; currently the permit desk handles this fee.
- Removed language that would indicated the City would do the work for a fee; which is not applicable.
- Remove the requirement for a permit to be on site. This is in line with current practice of inspectors and code enforcement having ability to look up permit holders electronically.



Brandon Bundy, P.E.,
Director of Engineering and Construction Services

Attachment

ORDINANCE NO. _____

AN ORDINANCE AMENDING MIDWEST CITY CODE, CHAPTER 37, STREETS AND SIDEWALKS, ARTICLE III, TRANSPORTATION PLAN, DIVISION 2, STANDARDS AND REQUIREMENTS, SECTION 37-63, DESIGN STANDARDS FOR INGRESS AND EGRESS FACILITIES; DIVISION 4, TABLES, SECTION 37-71, TABLE 4; ARTICLE IV, WORK AFFECTING STREETS, SECTION 37-86, PERMITS REQUIRED; FEE DISPLAY; 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, Article III, Transportation Plan, Division 2, Standards and Requirements, Section 37-63, Design standards for ingress and egress facilities is hereby amended 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 Oklahoma Department of Transportation 2019 Standard Specifications Book, and any subsequent amendments as prepared by the 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.
- (d) Residential uses cannot have more than 2 driveways abutting a public roadway. The City Engineer may waive this requirement if extenuating issues are present including but not limited to safety, sight distance, and / or stormwater.

Section 2. That Midwest City Code, Section 37, Streets and Sidewalks, Division 4, Tables, Section 37-71, Table 4, is hereby amended to read as follows:

Table 4

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

Use	Commercial		Industrial		Residential	
Roadway	Arterial	Non-Arterial	Arterial	Non-Arterial	Arterial	Non-Arterial
Distance from Intersecting Non-Arterial Street or Property Line [^]	35 feet*	25 feet*	35 feet*	25 feet*	35 feet	<u>150</u> feet
<u>Distance from Intersecting Property Line or adjacent exist-</u>	<u>30 feet</u>	<u>20 feet</u>	<u>30 feet</u>	<u>30 feet</u>	<u>20 feet</u>	<u>0 feet</u>

Subgrade	4 inches	4 inches	6 inches	6 inches	4 inches	4 inches
Provisions for Sidewalk Crossing if none exist	Yes	Yes	Yes	Yes	Yes	No
Max Grade	10.0%					
Minimum Grade	0.5%					
For asphalt street, saw cut width of curb and gutter						
For concrete street, saw cut width of 2 inches						
Drive elevation shall be such that drainage water will not enter drive						
*A drive can be adjacent to property line if a shared use driveway with the adjoining property						
^ Drives adjacent to Arterials will be subject to variables such as signal, traffic flow, and property frontage.						
<u>◇ Where a residential drive is on non-arterial roadways, the formulas below will govern based on the lot frontages. This includes all driveways on the lot as an aggregate width.</u>						
<u>For frontages ≥60 feet: 50% of the length of property along the public roadway or 36 feet, whichever is smaller.</u>			<u>For frontages <60 feet: 30 feet maximum</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. That Midwest City Code, Section 37, Streets and Sidewalks, Article IV, Work Affecting Streets, Section 37-86, Permits Required, Fee Display, is hereby amended to read as follows:

Sec. 37-86. - Permits required; fee; display.

Within any public way no person shall cut or remove any pavement, walk, drive, curb or gutter, or construct or alter any walk or driveway pavement or curb, or make any excavation without first securing from the city engineer a permit therefor and paying to the ~~city clerk~~ City a fee of ~~ten-fifty~~ dollars (\$10.00) (\$50.00). ~~If the city is to perform the work a minimum charge of twenty-five dollars (\$25.00) shall be levied for the first six (6) feet of cut or any part thereof; any cut of over six (6) feet shall have an additional four dollars (\$4.00) levied for each additional foot or fraction thereof, together with any other fees hereinafter required for the particular work involved.~~ No permit shall be issued except to a person authorized under this article to perform the work involved. ~~The permit shall be in evidence on the job at all times until the work is completed.~~

Section 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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 _____, 2023.

THE CITY OF MIDWEST CITY, OKLAHOMA

ATTEST:



**Engineering and
Construction Services**
100 N Midwest Boulevard
Midwest City, OK 73110
Office 405.739.1220

TO : Ordinance Oversight Council Committee

FROM : Brandon Bundy, P.E., Director

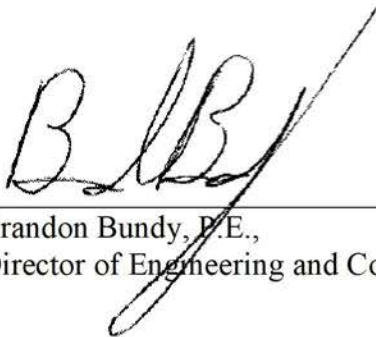
DATE : October 30, 2023

SUBJECT : Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City code, Chapter 38, Subdivision Regulations, Article VI, Subdivision Standards, Section 38-47, Sidewalks; and providing for repealer and severability.

Summary:

On November 8, 2022 City Council adopted changes to the sidewalk ordinance found in Chapter 37, Streets and Sidewalks. The change was largely to reflect updated standards of the federal Americans with Disabilities Act (ADA). At the time, it was missed that there was reference to sidewalk width in Chapter 38, Subdivision Regulations. This caused for the city's municipal code to have two different minimum width sidewalk.

Staff is requesting that the reference in Chapter 38 be brought into line with the previously updated ordinance requiring a minimum sidewalk width of 5 feet.



Brandon Bundy, P.E.,
Director of Engineering and Construction Services

Attachments

CC: Matthew Summers, Director of Planning & Zoning

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29

AN ORDINANCE AMENDING MIDWEST CITY CODE, CHAPTER 38, SUBDIVISION REGULATIONS, ARTICLE VI, SUBDIVISION STANDARDS, ARTICLE VI, SUBDIVISION STANDARDS, SECTION 38-47, SIDEWALKS; 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 38, Subdivision Standards, Article VI, Subdivision Standards, Section 38-47, Sidewalks, is hereby amended to read as follows:

Sec. 38-47.1. Purpose statement.

As a critical component to the city's transportation system, sidewalks serve to provide for the health, safety, and welfare of the city. Sidewalks provide safe pathways for people to move about the city and reduce the potential for pedestrian-automobile collisions. Furthermore, sidewalks can serve both residential and nonresidential uses by increasing connectivity (i.e., points and types of access to an area) and providing an additional means of travel.

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

(a). Requirement.

- (1). Sidewalks shall be constructed on both sides of all streets except as approved by a major subdivision waiver by the planning commission.
- (2). Within all residential developments, sidewalks shall be at least ~~four (4)~~ five (5) feet in width.
- (3). All subdivisions, site developments, or sections thereof shall have installed in them sidewalks and trails to serve each lot or parcel therein.
- (4). Land for the trails system shall be dedicated in accordance with areas shown on the trails master plan.
- (5). All sidewalks and trails 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.

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

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

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

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

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

(g). Sidewalk fee in lieu of construction.

- (1). It is the desire of the city to have required sidewalks built at the time of and congru-

1 project is scheduled to start construction within twelve (12) months from the ap-
2 proval of a plat application, a fee in lieu may be accepted subject to the approval of
3 the city engineer or community development director.

4 Sec. 38-47.3. Chapter 37 of the Code of Ordinances.

5 For standards not listed within this section 38-47, Sidewalks, sidewalks (and any necessary
6 sidewalk easements on private property) shall be provided according to the standards in chap-
7 ter 37 of the Code of Ordinances.

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

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

13 PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma,
14 on the _____ day of _____, 2023.

15 THE CITY OF MIDWEST CITY, OKLAHOMA

16 _____
17 MATTHEW D. DUKES II, Mayor

18 ATTEST:

19 _____
20 SARA HANCOCK, City Clerk

21 APPROVED as to form and legality this _____ day of _____, 2023.

22 _____
23 DONALD 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: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: October 30, 2023

RE: Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City Municipal Code, Chapter 43, Water, Sewer, Sewage Disposal and Stormwater Quality, Article III, Sewers and Sewage Disposal, Division 10, Sewer Mainline Backup Service Program, Sections 43-251, Provisions, and 43-254, Fees; and providing for repealer and severability.

The proposed amendments to Chapter 43 would modify Section 43-251 to remove the formula (amount the homeowner must pay) and increase the limits the City can pay for sewer backup clean ups that occur in either residences or commercial establishments.

Additionally the changes in Section 43-254 would increase the fund balance allowed in the ordinance.

This program was established to assist residents of Midwest City that have suffered a sewage back up in their home due to an issue in the portion of the system owned by the City.

Respectfully submitted,

Donald D. Maisch
City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 43 WATER, SEWER, SEWAGE DISPOSAL AND STORMWATER QUALITY; ARTICLE III, SEWERS AND SEWAGE DISPOSAL; DIVISION 10, SEWER MAINLINE BACKUP SERVICE PROGRAM; SECTIONS 43-251, PROVISIONS, 43-254, FEES; 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, Chapter 43, Water, Sewer, Sewage Disposal and Stormwater Quality, Article III, Sewers and Sewage Disposal, Division 10, Sewer Mainline Backup Service Program, Section 43-251, Provisions, is hereby amended to read as follows:

Section 43-251, Provisions.

In cases of mainline sanitary sewer blockage and backups into homes or commercial buildings due to main sewer line stoppage by routine occurrence the mandatory service agreement will pay, ~~after the first fifty dollars (\$50.00), ninety (90) percent of~~ for certain damages, including, but not limited to: for dewatering, cleanup, disinfecting, sanitizing, removal of pad and carpet, drying, reinstallation and/or replacement of pad and carpeting, floor covering, and structural material of like kind and quality pursuant to the following Program Limitations:-

Program Limitations: (Maximum Payment)		
Residential/mobile homes	\$2,500.00 <u>\$10,000.00</u>	per occurrence, per dwelling unit.
Commercial/office/industrial/institutional/apartment nonresidential	\$5,000.00 <u>\$10,000.00</u>	per occurrence, per billed account.

Section 2. That the Midwest City Municipal Code, Chapter 43, Water, Sewer, Sewage Disposal and Stormwater Quality, Article III, Sewers and Sewage Disposal, Division 10, Sewer Mainline Backup Service Program, Section 43-254, Fees is hereby amended to read as follows:

Section 43-254, Fees.

Fees from surcharge on sewer accounts shall be:

Residential, per month, per dwelling unit\$ 0.25

1
2 Mobile homes, per month, per dwelling unit0.25
3 Apartments/commercial/office/industrial/nonresidential, per month, per billed
4 account0.75
5

6 All monies shall be deposited in a special "sewer mainline backup account" and all
7 balances will be carried forward from year to year.
8

9 When the balance of the sewer mainline backup account reaches a balance of ~~seventy-~~
10 ~~five one hundred~~ thousand dollars (~~\$75,000.00~~ \$100,000.00) the fees from the surcharge shall
11 be suspended on the last day of the month. If the balance of the sewer mainline backup account
12 should fall below the balance of ~~fifty~~ seventy-five thousand dollars (~~\$50,000.00~~ \$75,000.00) the
13 surcharge fee shall be resumed on the first day of the month.
14

15 **Section 3.** REPEALER. All other ordinances or parts of ordinances in conflict herewith are
16 hereby repealed.
17

18 **Section 4.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
19 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
20 of the ordinance.
21

22 Ordinance Amendments PASSED AND APPROVED by the Mayor and the Council of the City
23 of Midwest City, Oklahoma, this _____ day of _____, 2023.
24

25 **THE CITY OF MIDWEST CITY, OKLAHOMA**
26
27

28 _____
29 MATTHEW D. DUKES, II, Mayor
30

31 ATTEST:
32
33

34 _____
35 SARA HANCOCK, City Clerk
36

37 Approved as to form and legality this _____ day of _____, 2023.
38
39

40 _____
41 DONALD D. MAISCH, City Attorney
42



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: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: October 30, 2023

RE: Discussion, consideration and possible action of recommending to the City Council approval of an ordinance amending the Midwest City Municipal Code, Appendix A, Zoning Regulations; Section 7, Development Review Procedures; Part 7.6, Special Use Permit; Subpart 7.6.3, Criteria for Special Permit Approval; and providing for a repealer, and severability.

The proposed amendment to Chapter Appendix A, Zoning Regulations; Section 7, Development Review Procedures; Part 7.6, Special Use Permit; Subpart 7.6.3, Criteria for Special Permit Approval is to add a potential specific use condition to a special use permit. Currently the City Council can place a specific condition to any special use permit concerning:

the location, design, operation, and screening to assure safety,
to prevent a nuisance, and
to control the noxious effects of excessive sound, light, odor, dust or similar conditions.

This amendment would allow the City Council to add a duration limit to any special use permit.

Recommended approval is at the pleasure of the Ordinance Review Committee.

Respectfully submitted,

Donald D. Maisch
City Attorney

1 (4) Whether the proposed use shall not generate pedestrian and vehicular traffic that is
2 hazardous or in conflict with the existing and anticipated traffic in the neighborhood.

3 (5) Whether utility, drainage, parking, loading, signs, lighting access and other necessary
4 public facilities to serve the proposed use shall meet the adopted codes of the city.

5
6 (B) *Specific conditions.* The City Council may impose specific conditions on any special use
7 permit regarding: location, design, operation, and screening to assure safety, to prevent a
8 nuisance, and to control the noxious effects of excessive sound, light, odor, dust or similar
9 conditions.

10 (1) the duration of the permit.

11 (2) the location, design, operation, and screening to assure safety.

12 (3) to prevent a nuisance, and

13 (4) to control the noxious effects of excessive sound, light, odor, dust or similar
14 conditions.

15
16 7.6.4. *Status of Special Use Permits.* Once a special use permit has been granted for a lot,
17 said special use permit may not be expanded to another lot without application for a new special
18 use permit.

19 Provided, however, churches may expand if the property on which said church will be
20 located is owned, as reflected by official records kept by the Registrar of Deeds for Oklahoma
21 County, Oklahoma, on or prior to June 22, 1982.

22 7.6.5. *Expiration of Special Use Permits.* All special use permits shall expire by default:

23 (A) *Non-establishment.*

24 (1) If the use is not established within twelve (12) months and no extension is approved.

25 (2) When a building permit has not been issued for construction within twelve (12)

26 months of City Council approval the applicant or owner may request a hearing for an
27 extension of the initial special use permit approval.

28 (3) Good cause for an extension shall mean that the owner shows evidence that he has
29 contractors or applications for continual development within the next year following
30 the original approval.

31 (B) *Discontinuance.* If the use once established has been discontinued for a period of
32 twelve (12) months or abandoned.

33 (C) *Lack of substantial compliance.* Whenever the Community Development Director
34 finds that any proposed construction or occupancy will not, in his opinion,
35 substantially comply with the special use permit, he shall refer the question to the City
36 Council for its review.

37 (D) *Amendment.* When the holder of a special use permit determines that an extension of
38 time or modification of the use is necessary, he may apply for amendment in the same
39 manner as the original application. The amendment shall be processed in the same
40 manner as an original application.

41

42

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

4 **Section 3.** 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 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
9 Oklahoma, this _____ day of _____, 2023.
10

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

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

18 ATTEST:
19
20

21 _____
22 SARA HANCOCK, City Clerk
23

24 Approved as to form and legality this _____ day of _____, 2023.
25
26

27 _____
28 DONALD D. MAISCH, City Attorney
29

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

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45

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

Sec. 9-3. - Building and dwelling addresses.

Section 9-382, Definitions.

1 *Billboard:* A sign upon which advertising or other message may be posted, painted,
2 pasted or affixed, and which directs attention to a business, organization, event, person, place,
3 commodity, service or entertainment conducted, sold, located, manufactured, used or offered at
4 a location other than the premises on which the sign is located.

5
6 *Bulletin board sign:* A sign that indicates the name of a governmental, religious,
7 educational or other noncommercial institution on whose premises it is located, and which may
8 contain the names of individuals connected with it and general announcements of events or
9 activities occurring at the institution, or similar messages not advertising a specific product or
10 business service.

11
12 *Canopy:* A fixed shelter of any material and of any length projecting from a building and
13 supported by columns or posts from the ground, or a freestanding shelter supported by columns
14 or posts from the ground.

15
16 *Changeable copy sign:* A permanent ground or pole sign consisting of nonstructural
17 panels or individual message elements such as letters, numbers or symbols that are designed and
18 intended for manual replacement or alteration after the sign is erected.

19
20 *Civic center:* An area described as a part of the west one-half (W¹/₂) of the southwest
21 quarter (SW¹/₄) of Section 35, Township 12 North, Range 2 West of the Indian Meridian,
22 Oklahoma County, Oklahoma, beginning at a point fifty (50) feet north and fifty (50) feet east
23 of the southwest corner of said section, north 758.33 feet, thence east 1,267.98 feet, thence south
24 758.33 feet, thence west to the point of beginning.

25
26 *Commercial temporary sign:* A temporary sign that is not a noncommercial temporary
27 sign and that identifies, advertises or directs attention to a business or is intended to induce
28 purchase of a good, property or service including, without limitation, any sign naming a brand
29 of good or service.

30
31 *Construction sign:* A sign identifying a construction project erected on the premises
32 where construction is taking place, during the period of such construction, and containing
33 information pertinent to the construction project such as the names of the architects, engineers,
34 landscape architects, contractors or similar artisans, and the owners, lending institutions and
35 other parties having a role or interest in the structure or project.

36
37 *Decoration:* Illustration, symbol, flag, streamer, bunting, wreath, figure, insignia or other
38 devices employed to express and/or illustrate a message or patriotic holiday or seasonal
39 character.

40
41 *Deteriorated sign:* A permanent sign that is partially dilapidated or in need of repair.

42
43 *Digital sign:* are a form of electronic display that show television programming, menus,
44 information, advertising and other messages, utilizing technologies such as LCD, LED, plasma
45 displays, or projected images to display content.

1 *Directional sign:* A sign that directs the movement or placement of pedestrian or
2 vehicular traffic on the premises where the sign is located.

3
4 *Display surface:* The surface of a sign upon, against or through which the message is
5 displayed or illustrated.

6
7 *Display surface area:* The net geometric area enclosed by the display surface of the sign
8 including the outer extremities of all letters, figures, characters and delineations; provided,
9 however, display surface area shall not include the structural supports for freestanding signs if
10 the structural supports are so arranged so as not to become a part of the attention-attracting aspect
11 of the sign; provided, further, that only one (1) face of a double-faced sign as defined herein
12 shall be considered in determining the display surface area.

13
14 *Double-faced sign:* Any sign that has more than one (1) display surface.

15
16 *Erect:* To build, attach, hang, place, suspend, affix, construct or allow to be constructed,
17 including the painting of wall signs.

18
19 *Flashing sign:* An illuminated sign, other than an automatic, changing sign, on which
20 artificial or reflected light is not maintained stationary and constant in light intensity and color
21 at all times when in use.

22
23 *Freestanding sign:* Any sign that is attached to or a part of a completely self-supporting
24 structure that is not attached to any building or any other structure and is anchored firmly to or
25 below the ground surface (see ground sign and pole sign).

26
27 *Frontage:* The area between the boundary lines of a lot or parcel of land along the street
28 right-of-way.

29
30 *Ground sign:* A freestanding sign that is secured to a fixed base, usually at ground level
31 or a slight elevation above ground, rather than being pole-mounted.

32
33 *Identification nameplate:* A wall sign giving any combination of the name, address, and
34 recognized symbol or logo of a building, business or establishment that is attached to and flat
35 against the wall of a building.

36
37 *Illegal sign:* Any sign that in any manner does not conform to all of the requirements of
38 this Code.

39
40 *Illuminated sign:* Any sign that has characters, letters, figures, designs or outlines
41 illuminated by electric lights or luminous tubes whether such sources of illumination are a part
42 of the sign or not.

43
44 *Illumination:* Lighting from a source concealed or contained within a sign which
45 becomes visible through a translucent surface or lighting performed by spotlights or other
46 lighting devices that are not a part of the sign display surface including those lighting devices

1 that are extended from the sign by means of a rod or rods from which the illumination is directed
2 toward the display surface area of the sign.

3
4 *Marquee:* A permanent roof-like structure projecting beyond a building wall at an
5 entrance to a building or extending along and projecting beyond the building's wall and generally
6 designed and constructed to provide protection against the weather.

7
8 *Memorial sign:* A sign, tablet or plaque commemorating a person, event, structure or site.

9
10 *Noncombustible:* Any material that does not ignite below twelve hundred (1,200) degrees
11 Fahrenheit or disintegrate, melt or give off toxic odor or fumes.

12
13 *Noncommercial temporary sign:* A temporary sign that in no way identifies, advertises
14 or directs attention to a business, good, property or service, or is intended to induce purchase of
15 a good, property or service, or portrays or symbolizes a good, property or service especially but,
16 without limitation, a brand or trade name, an identifiable container shape or a trademark.

17
18 *Nonconforming sign:* A sign that was lawfully erected, altered, moved or maintained
19 under previous ordinances of the city but does not conform to the provisions of this article.

20
21 *Owner:* The fee owner of a sign, the lessee of the sign, the fee holder of the property
22 upon which the sign is located, the leaseholder of such property or the individual, person or
23 business who has purchased the copy on a sign, or the agent of any of the listed entities.

24
25 *Parcel:* A contiguous area of land described in a single description in a deed or as one of
26 a number of lots on a plat; separately owned, either publicly or privately; and capable of being
27 separately conveyed.

28
29 *Permanent sign:* A sign that, by its construction and made of such materials, is intended
30 to remain erected and in use for an extended period of time.

31
32 *Pole cover:* A decorative covering constructed of materials that are attractive,
33 aesthetically pleasing and architecturally consistent with the sign and/or the main building on
34 the premises, built the full length of and entirely surrounding the freestanding poles on which
35 the sign is mounted.

36
37 *Pole sign:* A freestanding sign that is mounted on one (1) or more freestanding poles or
38 other supports.

39
40 *Political sign:* A sign announcing or supporting one (1) or more political candidates or
41 issues in connection with any national, state, county or local election.

42
43 *Portable sign:* A sign, whether mounted on a chassis with tires or wheels for transport
44 from one place to another, designed to be movable from one location to another and not
45 permanently attached to the ground or to any immobile structure, the primary function of which

1 is to provide advertisement of products or services in connection with a business or activity
2 located on the same site as the portable sign or elsewhere.

3
4 *Projecting sign:* A sign, other than a banner, that is attached to, and is wholly or partially
5 dependent upon a building for support and that extends beyond the line of the building or beyond
6 the surface of that portion of the building to which it is attached.

7
8 *Public use or public service sign:* A sign of a governmental or noncommercial nature
9 including public transit and public utility information signs, traffic control signs and any other
10 sign erected by a public officer in the performance of a public duty.

11
12 *Real estate sign:* A temporary sign pertaining to the sale or lease of a parcel or tract of
13 land or to the sale or lease of one (1) or more structures.

14
15 *Roof sign:* A sign that is erected, constructed and maintained wholly upon or over the
16 roof of any building with the principal support of the sign on the roof structure.

17
18 *Setback:* A distance measured horizontally from, and perpendicular to, the right-of-way
19 line of a street or a property line to the nearest edge of the sign.

20
21 *Sight triangle:* As defined by subsections 4.8.3(a) and (b) of appendix A of this Code.

22
23 *Sign:* Any object, announcement, declaration, demonstration, display, illustration,
24 insignia, device, display or structure or part thereof, including a digital sign, situated outdoors
25 in view of the general public that is used to advertise, identify, promote, display, direct or attract
26 attention to or promote the interest of an object, person, institution, corporation, organization,
27 business, product, service, event or location by any means including words, letters, figures,
28 designs, symbols, fixtures, colors, motion, illumination or projected images, whether illuminated
29 or not, including, but not limited to, every billboard, wall sign, roof sign, projecting sign, ground
30 sign, pole sign, window sign, changeable copy sign, temporary sign, portable sign, commercial
31 bills, commercial posters, commercial pictures, commercial lithographs, commercial maps,
32 commercial plats, commercial samples or other commercial devices or advertisements of any
33 kind or any other attention-getting device or other display whether affixed to a building or
34 separate from a building.

35
36 *Sign contractor:* Any person, firm, partnership, association or corporation involved in
37 the installation, repair, alteration or service of any electric sign, all permanent or temporary signs
38 involving structural requirements of the building code and/or electrical requirements of the
39 electric code and/or billposting.

40
41 *Structure:* Anything built or constructed whether or not permanently attached to the
42 ground.

43
44 *Subdivision construction sign:* An on-premises sign with a display surface area of fifty
45 (50) square feet or less containing information about a particular subdivision as a whole, which

1 information may include, but may not be limited to, the location, price range and/or amenities
2 of the subdivision.

3
4 *Swinging sign:* A sign, all or part of which is animated, revolves, swings or is otherwise
5 designed to move by mechanical means or by the force of the wind.

6
7 *Temporary sign:* Any sign, either commercial or noncommercial, that is not a permanent
8 sign which may include, but shall not be limited to, a balloon or other inflatable, banner, thirty
9 (30) feet or shorter section of pennant and/or valance, or any other advertising display.

10
11 *Temporary sign setback:* A twelve-foot distance measured horizontally from, and
12 perpendicular to, the curb or, where there is no curb, other discernible edge of the street or road.

13
14 *Vacant sign:* A sign that pertains to a building or is on a parcel of land that:

- 15
16 (1) Has been unoccupied for a period of six (6) consecutive months; or
17 (2) Refers to a business, product, service, event or purpose that has been
18 inapplicable for three (3) consecutive months or is no longer provided on the premises
19 where the sign is located; or
20 (3) Identifies a time, event or purpose that has passed or no longer applies; or
21 (4) In the case of a billboard, is vacant of copy or that advertises an
22 establishment, good or service that no longer exists.

23
24 *Wall sign:* Any sign painted on or attached to and erected parallel to the face of, or erected
25 and confined within the limits of, the outside wall of any building and supported by such wall or
26 building; and which displays only one (1) advertising surface including awning and canopy,
27 identification, marquee, module and projecting signs.

28
29 *Window display:* Any sign placed inside a structure on a window.

30
31 **Section 3.** That the Midwest City Municipal Code, Chapter 9, Building and Building Regulations,
32 Article VII, Sign Regulations, Section 9-391, Temporary signs; is hereby amended to read as
33 follows:

34
35 **Section 9-391, Temporary signs.**

36
37 (a) No commercial temporary sign located on nonresidential property shall exceed sixteen
38 (16) square feet in display surface area and shall not be taller than three (3) feet measured from
39 ground level. The maximum size of the display surface area of the sign shall not exceed two (2)
40 feet in any one (1) of its dimensions. No temporary sign located on residential property shall
41 exceed eight (8) square feet in display surface area.

42
43 (b) Balloons shall not be used as commercial temporary signs.

44
45 (c) Every temporary sign weighing more than fifty (50) pounds must be approved by the city
46 as conforming to the safety requirements of the building code of the city.

1
2 (d) No temporary sign shall extend over or into any street, alley, sidewalk or other public
3 thoroughfare. Temporary signs shall not extend a distance greater than four (4) inches from the
4 wall upon which it is erected, and such signs shall not be placed or projected over any wall
5 opening.

6
7 (e) Every temporary sign shall be in full compliance with this article.

8
9 (f) No temporary sign shall be placed, installed, erected or maintained within the temporary
10 sign setback on arterial streets and on nonresidential property.

11
12 (g) No commercial temporary sign may be erected or maintained without a permit except as
13 noted in subsection 9-391(h) of this Code. Each city utility account or separate parcel identified
14 by a legal address in the city is entitled to eight (8) commercial temporary sign permits each
15 year. The fee for each commercial temporary sign permit shall be fifty dollars (\$50.00); however,
16 nonprofit organizations that produce their letter from the Internal Revenue Service proving their
17 nonprofit status shall be exempt from the fee. Permits for commercial temporary signs shall
18 authorize the erection of the signs and their maintenance for a period not exceeding seven (7)
19 consecutive days. Any commercial temporary sign maintained in excess of seven (7) consecutive
20 days shall be deemed an illegal sign and must be removed by the owner. If the owner fails to
21 remove the sign, the city may do so and charge the cost of such removal and any storage of the
22 sign, the minimum of which shall be one hundred dollars (\$100.00) to the owner, which amount
23 shall be assessed to the owner's utility account.

24
25 (h) One (1) commercial freestanding, temporary sign may be erected or maintained on
26 residential property without a permit only under the following conditions:

27
28 (1) The display surface area of the sign shall be no more than one (1) square foot in
29 area;

30 (2) The height of the sign shall be no more than three (3) feet above ground level;
31 and

32 (3) The sign must be located within an area not to exceed five (5) feet in distance
33 from the front of the front elevation of the residential structure.

34
35 (i) A permit for the erection for a maximum of thirty (30) days of one (1) grand opening
36 sign for a new business may be issued upon the submission to the city of an application for a
37 certificate of occupancy for a new business. A change of ownership or an existing business does
38 not qualify for a grand opening sign. There shall be no fee for a temporary grand opening sign.
39 A temporary sign permit must be obtained in accordance with subparagraph (g) of this section.

40
41 (j) One temporary directional sign per business of eight (8) square feet may be erected no
42 closer than twelve (12) feet to the curb line at the entrance to the business when access to the
43 business has been partially or completely blocked due to a public construction project when the
44 access will be impeded in excess of seven (7) days. The sign shall contain only the "name of the
45 business" and the word "entrance," or a direction arrow. It shall be removed within forty-eight
46 (48) hours after the project has been substantially completed as determined by the city. A permit

1 shall be required, but the fee shall be waived. All other regulations of this section shall be
2 followed.

3
4 ~~(k) Banners used as temporary signage attached to the facade of a building announcing the~~
5 ~~opening of a business will be allowed for up to 30 days after the opening day of business until~~
6 ~~permanent signage that conforms to existing requirements can be erected. (Already contained in~~
7 ~~Paragraph (i))~~

8
9 ~~(l) Temporary signage associated with a sales event, anniversary or holiday can be attached~~
10 ~~to shopping cart collection and/or gas station pump topper areas without penalty or permit~~
11 ~~requirements.~~

12
13 **Section 3.** That the Midwest City Municipal Code, Chapter 9, Building and Building Regulations,
14 Article VII, Sign Regulations, Section 9-394, Illegal, nonconforming, deteriorated and vacant
15 signs; is hereby amended to read as follows:

16
17 **Sec. 9-394. - Illegal, nonconforming, deteriorated and vacant signs.**

18
19 In order to achieve the general purpose and objectives of this article, it is necessary to provide
20 for the removal or conformance of signs that are designated as illegal, nonconforming,
21 deteriorated or vacant. The following subsections identify circumstances under which such
22 designations occur and the method of correction and/or disposition required:

23
24 (1) Any permanent sign erected or altered that does not comply with the provisions of this
25 article shall be removed from the premises upon which it is located within thirty (30) days from
26 the notice of violation and shall not be erected anywhere in the city until a sign permit is issued.
27 Any temporary sign erected that does not comply with the provisions of this article is subject to
28 immediate seizure and removal by the city.

29
30 (2) It is the declared intent of the city to have nonconforming signs brought into conformity.
31 The right to operate and maintain nonconforming signs shall terminate in accordance with the
32 following schedule:

33
34 a. All signs that are nonconforming for the following reasons shall immediately be
35 removed or brought into conformance with the provisions of this section upon notification to the
36 owner by the city:

37
38 1. They constitute a traffic hazard, or block or restrict the visibility of
39 motorists; or

40
41 2. They constitute a possible hazard to the general health, safety and welfare
42 of the public of the city.

43
44 b. Signs located within the public right-of-way, as set out in subsection [9-385\(c\)](#) of
45 this Code, are not in compliance with the provisions of this article. Those signs that are not

1 covered by subsection (2)a. of this section shall be removed or brought into conformance on or
2 before the effective date as noted in this section.

3
4 c. Billboards that are not in compliance with the provisions of this article shall be
5 brought into compliance upon notification to the owner by the city.

6
7 d. Freestanding signs that are not in compliance with:

- 8
9 1. The height limitation contained in subsection 9-386(b) of this Code;
10 2. The display surface area limitation contained in subsection 9-386(h) of
11 this Code;
12 3. The number and/or spacing limitations contained in subsection 9-386(c)
13 of this Code; or
14 4. The pole cover requirements contained in subsection 9-386(j) of this
15 Code.

16
17 e. Freestanding signs shall be brought into compliance with the provisions above, at
18 the time any modifications or repairs are made to the sign:

- 19
20 1. That would cause an increase or decrease to the height of the sign; and/or
21 2. That would cause an increase or decrease in the display surface area of the
22 sign; and/or
23 3. That would cause a change to the shape of the sign; and/or
24 4. That would cause any modifications to, additions to or removal of any
25 structural components of the sign; and/or
26 5. That would cause the overall sign area to be increased or decreased due
27 the number of reader boards on the sign or the area of signs.

28
29 f. Routine maintenance and repair will not require a sign to be brought into
30 compliance with the provisions above. Such repairs would include, but are not limited to:

- 31
32 1. The painting of the structural elements of the sign; and/or
33 2. Simple refacing of an existing sign where no structural changes are made;
34 and/or
35 3. Electrical repairs to an existing sign made while the sign remains in place.
36 4. The addition of a digital sign component is allowed as long as the overall
37 structural design of the sign is not altered.

38
39 g. All other nonconforming signs except as outlined by subsections (2)a—d. of this
40 section that are not in compliance with the provisions of this article shall be allowed to remain
41 for such period as subsection (5)b. of this section is complied with.

42
43 (3) Vacant signs may remain until they become deteriorated signs and shall be removed by
44 the owner of the sign and/or by the owner of the property on which the sign is located.
45

1 (4) Deteriorated signs shall be removed by the owner of the sign and/or by the owner of the
2 property on which the sign is located.

3
4 (5) If the building official shall find that any sign is in violation of the provisions of this
5 section, he shall give written notice to the owner.

6
7 a. The notice shall be personally served on or mailed to the owner by certified mail
8 at the address shown on the current years tax rolls in the county treasurer's office. If the owner
9 is unable to be personally served or notified by mail, then notice of the violation shall be posted
10 on the sign.

11
12 b. Any illegal, nonconforming or deteriorated sign, except for nonconforming signs
13 described in subsection (2)a. of this section, that is not removed from the premises or brought
14 into compliance with this article within thirty (30) days after the service of notice shall be
15 considered in violation of the provisions of this article and shall be subject to the penalties as set
16 forth in this article. Each day that the sign remains in violation of this article after the expiration
17 of the thirty (30) days' time shall constitute a separate offense. Signs described in subsection
18 (2)a. of this section shall be brought into compliance or removed immediately upon notification.

19
20 c. Signs placed within the public right-of-way or on utility poles ~~are subject to~~
21 ~~immediate removal~~ shall be removed by the city upon discovery.

22
23 (6) Removal by the city.

24
25 a. The city may remove any deteriorated sign that the owner fails to remove after
26 notification. Storage and renewal charges shall be borne by the owner and, if unpaid upon
27 demand, the city clerk shall cause the charges to be placed on the tax rolls for any property
28 owned by the owner of the sign within the city.

29
30 b. Any sign located within the city that constitutes an immediate danger shall be
31 removed without notice and the costs shall be borne as provided by subsection (6)a. of this
32 section.

33
34 c. Any sign placed within the public right-of-way or on a utility pole shall be
35 removed immediately by the city and shall be disposed of as provided by ordinance for the
36 disposition of unclaimed property.

37
38 d. Any nonconforming sign that must be removed or brought into conformance with
39 the requirements of this article shall be removed by the city upon the owner's failure to bring the
40 sign into conformance with this article. Costs shall be borne by the owner as provided in
41 subsection (6)a. of this section.

42
43 e. Any sign that is removed by the city under subsections (6)a., b. or d., of this
44 section shall be stored for a period of two (2) months at which time the sign shall be deemed
45 abandoned and disposed of as provided by ordinance for the disposition of unclaimed property.

1 f. The addition of a digital sign to an existing sign without changing the overall
2 structure of design of the existing sign will not be subject to this section.
3

4 **Section 4.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
5 repealed.
6

7 **Section 5.** 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 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
12 Oklahoma, this _____ day of _____, 2023.
13

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

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

20 ATTEST:
21
22

23 _____
24 SARA HANCOCK, City Clerk
25
26

27 Approved as to form and legality this _____ day of _____, 2023.
28
29

30 _____
31 DONALD D. MAISCH, City Attorney

2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

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 8

1 **Section 2.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental
2 Property, Sections 20-205, 20-206, 20-207, 20-208. 20-209, and 20-210 - Reserved, are hereby
3 taken out of reserve and adopted to read as follows:
4

5 **Section 20-205. – Reserved. Short-term rental program, purpose.**
6

7 (a) This program shall be known as Short-Term Rental Program.
8

9 (b) The purpose of the Short-Term Rental Program is to promote the public health and safety
10 of the citizens of the City of Midwest City and patrons that use and/or reside in short-term rentals
11 by establishing a licensing and inspection program for short-term rentals.
12
13

14 **Section 20-206. – Reserved. Licensed required, application.**
15

16 (a) Any owner of a short-term rental shall obtain a license from the ~~City Clerk~~ City's
17 Engineering and Construction Services Department before commencing operations. No person
18 shall manage or operate a short-term rental without obtaining a license and pay all appropriate
19 fees as provided herein.
20

21 (b) To obtain a license, the owner of a short-term rental must submit an application in a
22 format approved by the ~~City Clerk~~ City's Engineering and Construction Services Department.
23 The applicant must attest to the following, comply with all requirements listed below and furnish
24 any necessary documentation upon request of the City:
25

26 (1) The name, street address, mailing address, and telephone number of the owner of
27 the short-term rental, which includes the owner's primary physical address, a mailing address,
28 cell phone number and email address;
29

30 (2) The name, street address, mailing address, and telephone number, which includes
31 the primary physical address, a mailing address, cell phone number and email address, of the
32 local agent available to be reached twenty-four (24) hours per day and seven (7) days per week;
33

34 (3) A certification by the property owner and, if applicable, property manager, that
35 the property is not subject to outstanding City Code or state law violations;
36

37 (4) Proof of current, valid property insurance;
38

39 (5) Proof of payment of transient guest room tax due as of the date of submission of
40 the application;
41

42 (6) The number of bedrooms and the proposed occupancy limits;
43

44 (7) A diagram showing the proposed layout of the property use and any on-site
45 parking available, including a floor plan indicating fire exits and escape routes;
46

47 (8) All required egress windows in bedrooms must be operational;
48

1 (9) Has sufficient number of operational smoke detectors and carbon monoxide
2 detectors based on the square footage of the short-term rental as required by the Building Code
3 and appropriate number and location of fire extinguishers based on the square footage of the
4 short-term rental as required by the Fire Code;

5
6 (10) That the property is in compliance with applicable provisions of the City's
7 minimum property maintenance, building, electrical, mechanical and plumbing codes;

8
9 (11) An annual fire and life safety inspection;

10
11 (12) Notification of affected property owners: All recorded property owners
12 immediately adjacent to or directly across the street or alley in any direction from the subject
13 property shall be notified of an application for a short-term rental. This notice, as provided by
14 the City Clerk City's Engineering and Construction Services Department with the application,
15 shall contain the name, address, phone number, email of the property owner and the required
16 local agent, along with contact information for City offices, such as Code Enforcement, the
17 Midwest City Police Department, Parking Services and any other necessary contact information;

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

21
22 (14) The short-term rental shall not be used for any social event that exceeds the
23 occupancy limit for the short-term rental or any commercial event;

24
25 (15) The short-term rental shall outwardly appear as a residential dwelling;

26
27 (16) The short-term rental shall not adversely affect the residential character of the
28 neighborhood, nor shall the short-term rental generate noise that exceeds the requirements
29 contained in Chapter 26 of the Midwest City Municipal Code, vibration, glare, odors or other
30 effects that unreasonably interfere with any other person's quiet enjoyment of their residence;

31
32 (17) No guest of a short-term rental shall be allowed to use sound equipment, amplified
33 music or amplified musical instruments;

34
35 (18) No guest of a short-term rental shall violate any parking ordinances of the City of
36 Midwest City;

37
38 (19) All parking of vehicles at a short-term rental shall be off of the street;

39
40 (20) No guest of a short-term rental shall violate any open burning ordinances of the
41 City of Midwest City, see Section 15-100 *et seq.* of the City Ordinances for the City of Midwest
42 City;

43
44 (21) If the owner and/or manager of the short-term rental does not reside within the
45 corporate city limits of the City of Midwest City, then there shall be identified an individual or
46 individuals to serve as local contracts to respond to emergency conditions. The local contact
47 must be able to respond to an emergency condition upon notification by a guest, a Midwest City
48 Employee; by law enforcement, by any first responder, or by any individual. Any change to the

1 local contact must be provided to the City of Midwest City within three (3) business days of the
2 date of the change;

3
4 (22) Only residential property may be used as a short-term rental, no commercial or
5 industrial property may be used as a short-term rental;

6
7 (23) Post the license in a conspicuous location at the short-term rental;

8
9 (24) Any other information requested by the City; and

10
11 (25) Any fraud, material misrepresentation, or false statements contained in the
12 attestations, required documentations, or correlating application material shall be grounds for
13 immediate revocation of short-term rental license. Furthermore, all requirements herein, shall be
14 continuously maintained throughout the duration of the permit.

15
16 **Section 20-207. – Reserved. Issuance of license requirements.**

17
18 (a) Upon satisfactory submission of the required attestations, compliance with all
19 requirements, payment of all applicable fees and requested documentation, the City may issue
20 an annual short-term rental license. The license shall contain the following information:

21
22 (1) Street address of the short-term rental;

23
24 (2) License holder's name;

25
26 (3) License number and rental limitations, including bedroom limit and guest
27 occupancy limit;

28
29 (4) Contact information (name, cell phone, email) of local contact able to respond to
30 on-premises complaints;

31
32 (5) Proof of payment of all applicable fees as of the date of submission of the
33 application;

34
35 (6) Dates license is valid;

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

41
42 (8) The property is not subject to outstanding City Code or state law violations. A
43 violation of any provision of the City Code or other applicable law is grounds to deny, suspend,
44 or revoke a license.

45
46 **Section 20-208. – Reserved. Fees and taxes.**

47
48 (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 (e) In addition to the fees listed above, all short-term rentals shall be subject to all applicable
12 taxes contained in the City Ordinances for the City of Midwest City, including, but not limited
13 to sales tax, as set forth in Chapter 40, Article II and hotel tax, as set forth in Chapter 40, Article
14 III.

15
16 **Section 20-209. – Reserved. License renewal.**

17
18 Except as otherwise provided, a license may be renewed annually if:

19
20 (1) The licensee pays the renewal fee as established herein;

21
22 (2) The licensee provides updates of any changes to the information required;

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

26
27 (4) The property is not the subject of outstanding City Code or state law violations;

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

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

35
36
37 **Section 20-210. – Reserved. Denial, suspension or revocation of license.**

38
39 (A) The City of Midwest City may deny a license application, suspend or revoke an existing
40 license 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 (24) month period prior to submitting the application, based on the following:

46
47 (A) The frequency of any repeated violations;

48 (B) Whether a violation was committed intentionally or knowingly; or

(C) Any other information that demonstrates the degree to which the owner or occupant has endangered public health, safety, or welfare; or

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

(B) The City of Midwest City may consider whether a new owner of the short-term rental has remedied all the issues listed in Paragraph (A) above when making a determination to deny a license application, suspend or revoke an existing license.

Section 20-211. – Crime-free rental housing program. Required information to be posted and provided to guests.

(a) ~~Any owner or agent of a residential rental property who desires to participate in the crime-free rental housing program (hereinafter program) must attend a crime-free rental housing program seminar instructed by the city.~~

(b) ~~Each residential rental property to be registered under this program must meet the following minimum standards of the crime prevention through environmental design (CPTED) requirements:~~

~~(1) Eye viewer on the front door;~~

~~(2) All exterior doors must be solid core wood or metal doors;~~

~~(3) Exterior door hinges must have a minimum of one (1), three-inch screw in each door hinge;~~

~~(4) Deadbolts on all exterior doors must have at least a one-inch throw and positive locking means;~~

~~(5) Strike plates for all deadbolts must have a minimum of two (2), three-inch screws;~~

~~(6) Positive locking system must be installed for windows and sliding doors;~~

~~(7) Lighting around the perimeter of the dwelling with operable light on at least the front and rear of the dwelling with the light illuminating sufficient to view an object within fifty (50) feet from the dwelling;~~

~~(8) Trees must be trimmed up at least six (6) feet and shrubbery trimmed no higher than three (3) feet.~~

~~(c) Tenants must be provided information on program crime-free tips in writing.~~

~~(d) Owner or agent must sign a crime-free agreement.~~

~~(e) All requirements of the program must be met prior to admission into the program.~~

~~(f) A current copy of the CPTED shall be kept by the city clerk for public review or inspection.~~

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

(1) The license registration, which includes license number;

(2) Operator's name and number and property manager, if applicable, name and number;

- (3) Local contact person name and number;
- (4) The location of any all on-site and off-site parking spaces available for guests;
- (5) Occupancy limits;
- (6) Noise restrictions, including prohibition on the use of sound equipment, amplified music and amplified musical instruments;
- (7) Parking restrictions;
- (8) Information on relevant burn bans;
- (9) Information on relevant water restrictions;
- (10) Trash and recycling collection rules and dates;
- (11) Prohibition on the use of the short-term rental for commercial events or any social event that exceeds the occupancy requirements; and
- (12) Floor plan with fire exit and escape routes, location of fire extinguishers, smoke detectors and carbon monoxide detectors.

Section 3. That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental Property, Section 20-221, Crime-free multi-housing program is hereby repealed and placed into reserve:

Section 20-221. – Crime-free multi-housing program. Reserved.

- (a) ~~All office management staff of a multi-housing unit who desire to participate in the crime-free rental housing program (hereinafter program) must have attended a crime-free rental housing program seminar instructed by the city.~~
- (b) ~~Each multi-housing unit to be registered under this program must meet the following minimum standards of the crime prevention through environmental design (CPTED) requirements:~~
 - (1) ~~Eye viewer on every front door;~~
 - (2) ~~All exterior doors must be solid core wood or metal doors;~~
 - (3) ~~Exterior door hinges must have a minimum of one (1), three-inch screw in each door hinge;~~
 - (4) ~~Deadbolts on all exterior doors must have at least a one-inch throw and positive locking means;~~
 - (5) ~~Strike plates for all deadbolts must have a minimum of two (2), three-inch screws;~~
 - (6) ~~Positive locking system must be installed for windows and sliding doors;~~
 - (7) ~~Lighting around the perimeter of the dwelling with operable light on at least the front and rear of the dwelling with the light illuminating sufficient to view an object within fifty (50) feet from the dwelling;~~
 - (8) ~~Trees must be trimmed up at least six (6) feet and shrubbery trimmed no higher than three (3) feet.~~

1 ~~(c) — Owner must hold an annual crime prevention awareness event to inform tenants of crime-~~
2 ~~free prevention tips.~~
3 ~~(d) — All requirements of the program must be met prior to admission into the program.~~
4 ~~(e) — A current copy of the CPTED shall be kept by the city clerk for public review or~~
5 ~~inspection.~~

6
7 **Section 4.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
8 repealed.

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

13
14
15 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
16 Oklahoma, this _____ day of _____, 2023.

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

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

24 ATTEST:

25
26
27 _____
28 SARA HANCOCK, City Clerk

29
30
31 Approved as to form and legality this _____ day of _____, 2023.

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