



## **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.



**City Attorney, Donald D. Maisch**

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**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.

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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           *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 (W<sup>1</sup>/<sub>2</sub>) of the southwest  
21 quarter (SW<sup>1</sup>/<sub>4</sub>) 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.



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 MATTHEW D. DUKES, II, Mayor

16  
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**

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**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 **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).



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;  
48

1           (3) Local contact person name and number;

2  
3           (4) The location of any all on-site and off-site parking spaces available for guests;

4  
5           (5) Occupancy limits;

6  
7           (6) Noise restrictions, including prohibition on the use of sound equipment, amplified  
8 music and amplified musical instruments;

9  
10          (7) Parking restrictions;

11  
12          (8) Information on relevant burn bans;

13  
14          (9) Information on relevant water restrictions;

15  
16          (10) Trash and recycling collection rules and dates;

17  
18          (11) Prohibition on the use of the short-term rental for commercial events or any social  
19 event that exceeds the occupancy requirements; and

20  
21          (12) Floor plan with fire exit and escape routes, location of fire extinguishers, smoke  
22 detectors and carbon monoxide detectors.

23  
24 **Section 3.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental  
25 Property, Section 20-221, Crime-free multi-housing program is hereby repealed and placed into  
26 reserve:

27  
28 **Section 20-221. – ~~Crime-free multi-housing program.~~ Reserved.**

29  
30 ~~(a) — All office management staff of a multi-housing unit who desire to participate in the~~  
31 ~~crime-free rental housing program (hereinafter program) must have attended a crime-free rental~~  
32 ~~housing program seminar instructed by the city.~~

33 ~~(b) — Each multi-housing unit to be registered under this program must meet the following~~  
34 ~~minimum standards of the crime prevention through environmental design (CPTED)~~  
35 ~~requirements:~~

36           ~~(1) — Eye viewer on every front door;~~

37           ~~(2) — All exterior doors must be solid-core wood or metal doors;~~

38           ~~(3) — Exterior door hinges must have a minimum of one (1), three-inch screw in each~~  
39 ~~door hinge;~~

40           ~~(4) — Deadbolts on all exterior doors must have at least a one-inch throw and positive~~  
41 ~~locking means;~~

42           ~~(5) — Strike plates for all deadbolts must have a minimum of two (2), three-inch screws;~~

43           ~~(6) — Positive locking system must be installed for windows and sliding doors;~~

44           ~~(7) — Lighting around the perimeter of the dwelling with operable light on at least the~~  
45 ~~front and rear of the dwelling with the light illuminating sufficient to view an object within fifty~~  
46 ~~(50) feet from the dwelling;~~

47           ~~(8) — Trees must be trimmed up at least six (6) feet and shrubbery trimmed no higher~~  
48 ~~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 MATTHEW D. DUKES, II, Mayor

23  
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**

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**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 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 ATTEST:  
24

25  
26 \_\_\_\_\_  
27 SARA HANCOCK, City Clerk  
28

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





**City Attorney, Donald D. Maisch**

100 N. Midwest Boulevard  
Midwest City, OK 73110  
DMaisch@midwestcityok.org  
Office: 405.739.1203  
[www.midwestcityok.org](http://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

1                                    **ORDINANCE NO. \_\_\_\_\_**  
2

3 AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 37,  
4 STREETS AND SIDEWALKS; ARTICLE I, IN GENERAL; SECTION 37-6, BUILDING AND  
5 DWELLING ADDRESSES; PROVIDING FOR REPEALER AND SEVERABILITY.

6  
7 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:  
8

9                                    **ORDINANCE**  
10

11 **Section 1.** That the Midwest City Municipal Code, Chapter 37, Streets and Sidewalks; Article I,  
12 In General; Section 37-6, Building and dwelling addresses; is hereby amended to read as follows:  
13

14 (a) It shall be the duty of the record owner of every now-existing dwelling, building or  
15 structure in the city to place and maintain thereon, in a place visible from the street, figures at  
16 least three (3) inches high on residential structures and four (4) inches high on non-residential  
17 structures, in accordance with the International Fire Code, as adopted by reference, showing the  
18 number of the dwelling, building or structure. Any person failing to so number any now-existing  
19 dwelling, building or structure owned by him ~~within ninety (90) days from the effective date of~~  
20 ~~this section, [September 1, 1985], or~~ after receiving notice to do so from the fire prevention  
21 bureau shall fail to so number such dwelling, building or structure within forty-eight (48) hours  
22 after such notice, shall be in violation of this section.

23  
24 In lieu of house numbers on the dwelling of a residential home itself, the house numbers for such  
25 a dwelling may be displayed, in accordance with the above requirements, either on the mail box  
26 for the dwelling or at the curb in front of the dwelling.  
27

28 (b) The record owner of any dwelling, building or structure constructed ~~after the effective~~  
29 ~~date of this section~~ shall place such figures thereon before or at the time the occupancy permit  
30 is issued.

31  
32 (c) It shall be unlawful for any person to violate any provision of this section, and such  
33 violation shall be punished by a fine of one dollar (\$1.00) for each day on which a failure to so  
34 number continues.

35  
36 **Section 2.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby  
37 repealed.  
38

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

42  
43  
44 Ordinance Amendments PASSED AND APPROVED by the Mayor and the Council of the City  
45 of Midwest City, Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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**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.

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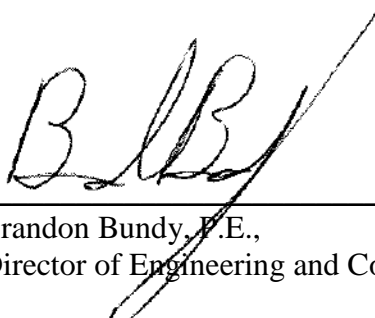
On July 27, 2021 City Council revised the ordinance governing driveways. Staff has since found a few issues related to driveways for larger homes that were unintentionally penalized by those widths.

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	
	Arterial	Non-Arterial	Arterial	Non-Arterial	Arterial	Non-Arterial
Distance from Intersecting Non-Arterial Street <del>or Property Line</del> <sup>^</sup>	35 feet*	25 feet*	35 feet*	25 feet*	35 feet	<del>15</del> 0 feet
<u>Distance from Intersecting Property Line or adjacent existing non-residential drive*</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>
Minimum Width	24 feet	24 feet	24 feet	24 feet	18 feet	12 feet
Maximum Width	30 feet	24 feet	36 feet	30 feet	24 feet	<del>24</del> feet
Max Radius	25 feet	25 feet	25 feet	25 feet	<del>20-15</del> feet	<del>15-10</del> feet
Min Radius	15 feet	10 feet	15 feet	15 feet	<del>10-5</del> feet	0 feet
Thickness of 3,500 PSI Concrete	6 inches	6 inches	8 inches	8 inches	6 inches	6 inches

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 &lt;60 feet: 30 feet maximum</u>			

Variations 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:

\_\_\_\_\_  
MATTHEW D. DUKES II, Mayor

\_\_\_\_\_  
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

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TO : Ordinance Oversight Council Committee

FROM : Brandon Bundy, P.E., Director

DATE : October 30, 2023

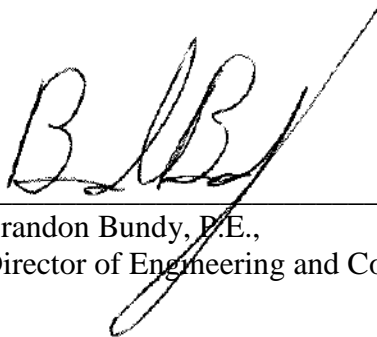
SUBJECT : Discussion, consideration, and possible action of recommending to the City Council approval of an ordinance amending Midwest City code, Chapter 38, Subdivision Regulations, Article VI, Subdivision Standards, Section 38-47, Sidewalks; and providing for repealer and severability.

---

### 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 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  
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**City Attorney, Donald D. Maisch**

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Midwest City, OK 73110  
DMaisch@midwestcityok.org  
Office: 405.739.1203  
[www.midwestcityok.org](http://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	<del>\$2,500.00</del> <u>\$10,000.00</u>	per occurrence, per dwelling unit.
Commercial/office/industrial/institutional/apartment nonresidential	<del>\$5,000.00</del> <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 unit .....0.25  
3 Apartments/commercial/office/industrial/nonresidential, per month, per billed  
4 account .....0.75  
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](http://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 **ORDINANCE NO. \_\_\_\_\_**

2  
3 AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, APPENDIX A,  
4 ZONING REGULATIONS; SECTION 7, DEVELOPMENT REVIEW PROCEDURES; PART  
5 7.6, SPECIAL USE PERMIT; SUBPART 7.6.3, CRITERIA FOR SPECIAL PERMIT  
6 APPROVAL; AND PROVIDING FOR REPEALER AND SEVERABILITY.

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

9  
10 **ORDINANCE**

11  
12 **Section 1.** That the Midwest City Municipal Code, Appendix A, Zoning Regulations; Section 7,  
13 Development Review Procedures; Part 7.6, Special Use Permit; Subpart 7.6.3, Criteria for Special  
14 Permit Approval; is hereby amended to read as follows:

15  
16 *7.6.1. General Description and Authorization.* The uses listed under the various districts as  
17 special use permits are so classified because they more intensely dominate the area in which they  
18 are located than do other uses permitted in the district.

- 19 (A) *Consideration for compatibility.* With consideration given to setting, physical features,  
20 compatibility with surrounding land uses, traffic, and aesthetics, certain uses may  
21 locate in an area where they will be compatible with existing or planned land uses.
- 22 (B) *Review and approval.* The Planning Commission shall review each case on its own  
23 merit, apply the criteria established herein, and recommend either approval or denial of  
24 the special use permit to the City Council.

25 Following the Planning Commission's recommendation, the City Council shall review  
26 each case on its own merit, apply the criteria established herein, and, if appropriate,  
27 authorize said use by granting a special use permit.

- 28 (C) *Use identified by individual zoning district.* If a special use permit is granted it shall be  
29 for all the uses permitted in the specified district plus the special use permit requested.

30 *7.6.2. Application.* Application and public hearing procedures for a special permit shall be  
31 completed in the same manner as an application for rezoning. A site plan shall be included with  
32 the application as outlined in 7.5 Site Plan (Page 183).

33  
34 *7.6.3. Criteria for Special Permit Approval.*

35  
36 (A) *Special use permit criteria.* The City Council shall use the following criteria to evaluate a  
37 special use permit:

- 38 (1) Whether the proposed use shall be in harmony with the policies of the comprehensive  
39 plan.
- 40 (2) Whether the proposed use shall be in harmony with the general purpose and intent  
41 of the applicable zoning district regulations.
- 42 (3) Whether the proposed use shall not adversely affect the use of neighboring properties.

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 MATTHEW D. DUKES, II, Mayor

16  
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  
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 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 \_\_\_\_\_, 2021.

18  
19  
20 \_\_\_\_\_  
21 DONALD D. MAISCH, City Attorney