SPECIAL ORDINANCE OVERSIGHT COUNCIL COMMITTEE AGENDA

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

October 18, 2022 – 5:30 PM

A. CALL TO ORDER.

B. DISCUSSION ITEMS.

- 1. Discussion and consideration, including any amendments, of approving the Special Ordinance Oversight Council Committee meeting minutes from October 12, 2021 and April 18, 2022.
- 2. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 2 Administration; Article II, City Council; Section 2-11, Time of regular meetings of council; and providing for a repealer, and severability.
- 3. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 2 Administration; Article II, City Council; Section 2-11, Time of regular meetings of council; and providing for a repealer, and severability.
- 4. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 13, Drainage and Flood Control, Article III, Stormwater Runoff Control, Section 13-71, Requirements relating to improvements; Section 13-73, Figures and providing for a repealer, and severability.
- 5. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 27 Nuisances; Article II, Weeds and Trash; Section 27-28, Accumulation of rubbish declared a nuisance; penalty; providing for a repealer, and severability.
- 6. Discussion and consideration for adoption, including any amendments, of a new ordinance located in the Midwest City Municipal Code, Chapter 42, Trees; Article III, Tree Trimming, Etc.; Section 42-55, Dead Trees on Private Property; and providing for a repealer, and severability.
- 7. Discussion of the provisions of 9-124 of the Midwest City Municipal Code, Chapter 9, Building and Building Regulations; Article IV, Electricity; Division 3 Electricians, Section 9-124, Defective workmanship or materials.
- <u>8.</u> Discussion of the Administrative Fines contained in the Midwest City Municipal Code, Chapter 27, Nuisances; Article I, In General; Section 27-2, Declared unlawful; penalties.
- 9. Discussion and consideration for adoption, including any possible amendment of an ordinance amending Midwest City code, Chapter 37, Streets and Sidewalks, Article III, Section 37-67, Construction of Sidewalk; and providing for repealer and severability.

C. ADJOURNMENT.

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

Ordinance Oversight Council Committee Minutes Special Meeting

April 18, 2021

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

Chairman Pat Byrne called the meeting to order at 5:00 PM with Mayor Matt Dukes and Councilmember Susan Eads.

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

DISCUSSION ITEMS.

1. Discussion and consideration for adoption, including any possible amendment of, an ordinance amending the Midwest City Municipal Code, Chapter 2 Administration, Article VIII, Purchasing, Section 2-118, Bids Required, Invitation; and Providing for Repealer and Severability.

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

2. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 3 Advertising, Article II, License, Sections 3-16, Required; Application; Section 3-17, Fee, 3-18, Expiration; Prorating; Transfer; Signing, Seal; Chapter 9, Buildings And Building Regulations; Article VII, Sign Regulations; Section 9-382, Definitions; and Providing For Repealer And Severability.

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

3. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 9, Buildings and Building Regulations, Article II, Builder's Advisory Board, Section 9-17, Members; and providing for a repealer and severability.

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

4. Discussion and consideration for adoption, including any possible amendment, of an ordinance amending the Midwest City Municipal Code, Chapter 13, Drainage and Flood Control, Article III, Stormwater Runoff Control, Sections 13-71, Requirements relating to improvements, and Section 13-73, Figures; and Providing for Repealer and Severability.

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

Ordinance Oversight Council Committee April 18, 2022 Minutes continued.

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5. Discussion and consideration for adoption, including any possible amendment, of an ordinance amending the Midwest City Municipal Code, Chapter 18, Garbage and Refuse, Article II, Municipal Collection and Disposal Service, Section 18-25, Container Required, Duty to Use; and providing for Repealer and Severability.

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

6. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 28 Offenses - Miscellaneous, Article V, Offenses Against Public Peace, Section 28-94 out of reserve and entitling it "Offenses Against Public Peace; and providing for Repealer and Severability.

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

7. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 38 Subdivision Regulations, Article VIII, Definitions, Section 38-65.120, Park Land Review Committee; and providing for a repealer and severability.

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

8. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code: Appendix A, Zoning Regulations; Section 6, Development Review Bodies; Part 6.3, Board of Adjustment; Subpart 6.3.2, Membership; and providing for repealer, and severability.

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

FURTHER INFORMATION.

No action was taken on these items: Discussion of appointment of Boards and Commissions; Discussion of Soft Surface Parking; Discussion of abandoned shopping carts; and Discussion of sidewalks and overlay districts.

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

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

Ordinance Oversight Council Committee Minutes Special Meeting

October 12, 2021

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

Chairman Pat Byrne called the meeting to order at 5:00 PM with Mayor Matt Dukes and Councilmember Susan Eads.

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

DISCUSSION ITEMS.

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

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

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

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

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

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

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

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

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

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

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

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

| ADJOURNMENT. | Chairman Byrne adjourned the meeting at 5:26 PM. |
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| PAT BYRNE, Chairn | nan |



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

MEMORANDUM

To: Chair and Members of the Ordinance Review Committee

From: Don Maisch City Attorney; through Sara Bana, Ward 5, City Council Member

Date: October 18, 2022

RE: Discussion and consideration for adoption, including any amendments, of an ordinance amending

the Midwest City Municipal Code, Chapter 2 Administration; Article II, City Council; Section 2-11, Time of regular meetings of council; and providing for a repealer, and severability. (D.

Maisch, City Attorney; through S. Bana, Ward 5, City Council Member).

The proposed amendment to Chapter 2 Administration; Article II, City Council; Section 2-11, Time of regular meetings of council, would change the number of meetings of the City Council to two (2) meetings a month, to give the City Council more oversight of the activities of the City Administration. The months of November and December would only have one meeting (second Tuesday of the month) due to the holidays.

Recommended approval is at the pleasure of the Ordinance Review Committee.

Respectfully submitted,

Sara Bana Ward 5, City Council Member

| 1 | ORDINANCE NO |
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| 2 3 4 5 | AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 2 ADMINISTRATION; ARTICLE II, CITY COUNCIL; SECTION 2-11, TIME OF REGULAR MEETINGS OF COUNCIL; AND PROVIDING FOR REPEALER AND SEVERABILITY. |
| 6 7 8 | BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA: |
| 9 | <u>ORDINANCE</u> |
| 10 11 12 13 | <u>Section 1.</u> That the Midwest City Municipal Code, Chapter 2 Administration; Article II, City Council; Section 2-11, Time of regular meetings of council; is hereby amended to read as follows: |
| 14 | Sec. 2-11 Time of regular meetings of council. |
| 15 16 17 18 19 | All regular meetings of the council of the city shall be held at or after 6:00 p.m., and shall be held as follows: (1) There shall be only one (1) regular meeting, in the months of November and December, which meeting shall be held on the second Tuesday; |
| 202122 | (2) There shall be only one (1) regular meeting in the months of January, February, March, April, May, July, August, September and October, which meeting shall be held on the fourth Tuesday; and |
| 23242526 | (3) There there shall be two (2) regular meetings held in June each month, which meetings shall be held on the second and fourth Tuesday, except for the months of November and December, wherein there shall be one (1) regular meeting held on the second Tuesday of the month. |
| 27 28 29 30 | If the date of a regular meeting falls on a holiday recognized by the city, that meeting shall be held on the next day that is not a holiday. |
| 31 32 | <u>Section 2.</u> REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed. |
| 33 34 35 36 37 | Section 3. SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of the ordinance. |
| 38 39 | PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City, Oklahoma, this day of, 2022. |
| 40 41 42 43 | THE CITY OF MIDWEST CITY, OKLAHOMA |
| 44 45 | MATTHEW D. DUKES, II, Mayor |

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| 2 | ATTEST: | | |
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| 6 | SARA HANCOCK, City Clerk | | |
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| 9 | Approved as to form and legality this | day of | , 2022. |
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| 13 | DONALD D. MAISCH, City Attorney | | |

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| 2 3 4 | 3 AN ORDINANCE AMENDING THE MIDWEST | , |
| 5 | 5 MEETINGS OF COUNCIL; AND PROVIDING FO | · · · · · · · · · · · · · · · · · · · |
| 6 7 | 7 BE IT ORDAINED BY THE COUNCIL OF THE C | ITY OF MIDWEST CITY, OKLAHOMA: |
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| 11 12 | 2 Council; Section 2-11, Time of regular meetings of c | |
| 13 14 | 4 Sec. 2-11 Time of regular meetings of council. | |
| 15 16 17 18 19 | All regular meetings of the council of the c shall be two (2) regular meetings held each month, and fourth Tuesday, except for the months of Nove one (1) regular meeting held on the second Tuesday | which meetings shall be held on the second mber and December, wherein there shall be |
| 20212223 | If the date of a regular meeting falls on a holiday rheld on the next day that is not a holiday. | ecognized by the city, that meeting shall be |
| 24 25 26 | Section 2. REPEALER. All ordinances or parts of repealed. | ordinances in conflict herewith are hereby |
| 27 28 29 30 | Section 3. SEVERABILITY. If any section, sentences any reason held to be invalid, such decision shall not of the ordinance. | · • |
| 31 32 | 1 PASSED AND APPROVED by the Mayor and | |
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| 34 | | ITY OF MIDWEST CITY, OKLAHOMA |
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| 38 39 | | HEW D. DUKES, II, Mayor |
| 40 41 | 0 ATTEST: | |
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| 44 | 4 SARA HANCOCK, City Clerk | |

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| 3 | Approved as to form and legality this day of, 2022. |
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| 7 | DONALD D. MAISCH, City Attorney |
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100 N. Midwest Boulevard Midwest City, OK 73110 DMaisch@midwestcityok.org Office: 405.739.1203 www.midwestcityok.org

MEMORANDUM

To: Chair and Members of the Ordinance Review Committee

From: Don Maisch, City Attorney

Date: October 18, 2022

RE: Discussion and consideration for adoption, including any amendments, of an ordinance amending

the Midwest City Municipal Code, Chapter 2 Administration; Article II, City Council; Section 2-11, Time of regular meetings of council; and providing for a repealer, and severability. (D.

Maisch, City Attorney).

The proposed amendment to Chapter 2 Administration; Article II, City Council; Section 2-11, Time of regular meetings of council, adds the month of January and May into the list of two regularly scheduled meetings for the month. Staff believes there is a need for two meetings in January due to the length of time between the December meeting and the current January meeting. Two meetings in the month of May already occur, one to discuss the draft budget with the City Council and the other as the regularly scheduled meeting.

Recommended approval is at the pleasure of the Ordinance Review Committee.

Respectfully submitted,

Donald D. Maisch City Attorney

| 1 | ORDINANCE NO |
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| 2 3 4 5 | AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 2 ADMINISTRATION; ARTICLE II, CITY COUNCIL; SECTION 2-11, TIME OF REGULAR MEETINGS OF COUNCIL; AND PROVIDING FOR REPEALER AND SEVERABILITY. |
| 6 7 | BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA: |
| 8 9 | <u>ORDINANCE</u> |
| 10 11 12 | <u>Section 1.</u> That the Midwest City Municipal Code, Chapter 2 Administration; Article II, City Council; Section 2-11, Time of regular meetings of council; is hereby amended to read as follows: |
| 13 14 | Sec. 2-11 Time of regular meetings of council. |
| 15 16 17 | All regular meetings of the council of the city shall be held at or after 6:00 p.m., and shall be held as follows: |
| 18 19 20 21 22 | (1) There shall be only one (1) regular meeting, in the months of November and December, which meeting shall be held on the second Tuesday; (2) There shall be only one (1) regular meeting in the months of January, February, March, April, May, July, August, September and October, which meeting shall be held on the fourth Tuesday; and |
| 23 24 | (3) There shall be two (2) regular meetings held in <u>January</u> , <u>May and</u> June, which meetings shall be held on the second and fourth Tuesday. |
| 252627 | If the date of a regular meeting falls on a holiday recognized by the city, that meeting shall be held on the next day that is not a holiday. |
| 28 29 30 31 | <u>Section 2.</u> REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed. |
| 32 33 34 35 | <u>Section 3.</u> SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of the ordinance. |
| 36 37 | PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City, Oklahoma, this day of, 2022. |
| 38 39 40 41 | THE CITY OF MIDWEST CITY, OKLAHOMA |
| 42 43 44 | MATTHEW D. DUKES, II, Mayor |
| 45 | ATTEST: |

| SARA HANCOCK, City Clerk |
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| Approved as to form and legality this day of, 2022 |
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| 1 | ORDINANCE NO |
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| 2 3 4 5 | AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 2 ADMINISTRATION; ARTICLE II, CITY COUNCIL; SECTION 2-11, TIME OF REGULAR MEETINGS OF COUNCIL; AND PROVIDING FOR REPEALER AND SEVERABILITY. |
| 6 7 8 | BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA: |
| 9 | <u>ORDINANCE</u> |
| 10 11 12 | <u>Section 1.</u> That the Midwest City Municipal Code, Chapter 2 Administration; Article II, City Council; Section 2-11, Time of regular meetings of council; is hereby amended to read as follows: |
| 13 14 | Sec. 2-11 Time of regular meetings of council. |
| 15 16 17 | All regular meetings of the council of the city shall be held at or after 6:00 p.m., and shall be held as follows: |
| 18 19 20 21 | (1) There shall be only one (1) regular meeting, in the months of November and December, which meeting shall be held on the second Tuesday; (2) There shall be only one (1) regular meeting in the months of February, March, April, July, August, September and October, which meeting shall be held on the fourth Tuesday; |
| 22 23 24 | (3) There shall be two (2) regular meetings held in January, May and June, which meetings shall be held on the second and fourth Tuesday. |
| 25 26 27 | If the date of a regular meeting falls on a holiday recognized by the city, that meeting shall be held on the next day that is not a holiday. |
| 28 29 30 31 | Section 2. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed. |
| 32 33 34 35 | <u>Section 3.</u> SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of the ordinance. |
| 36 37 | PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City, Oklahoma, this day of, 2022. |
| 38 39 40 41 | THE CITY OF MIDWEST CITY, OKLAHOMA |
| 42 43 44 | MATTHEW D. DUKES, II, Mayor |
| 44 45 | ATTEST: |

| SARA HANCOCK, City Clerk |
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| Approved as to form and legality this day of, 2022 |
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100 N. Midwest Boulevard Midwest City, OK 73110 DMaisch@midwestcityok.org Office: 405.739.1203 www.midwestcityok.org

MEMORANDUM

To: Mayor and City Council

From: Don Maisch City Attorney

Date: October 18, 2022

RE: Discussion and consideration for adoption, including any amendments, of an ordinance amending

the Midwest City Municipal Code, Chapter 13, Drainage and Flood Control, Article III, Stormwater Runoff Control, Section 13-71, Requirements relating to improvements; Section 13-

73, Figures and providing for a repealer, and severability.

Staff discovered a conflict between Section 13-71 and Section 13-73 of the City Ordinances for the City of Midwest City. To resolve the conflict, this proposed amendment is to amend Section 13-71, so that it and Section 13-73 no longer conflict. Amendments will allow fencing to be placed immediately adjacent to the Open Paved Storm Channel as requested by the City Council when previously considered.

Recommended approval for the Ordinance Review Committee.

Respectfully submitted,

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Donald D. Maisch City Attorney

| 1 | ORDINANCE NO |
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| 2 3 4 5 6 7 | AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 13 DRAINAGE AND FLOOD CONTROL, ARTICLE III, STORMWATER RUNOFF CONTROL, SECTIONS 13-71, REQUIREMENTS RELATING TO IMPROVEMENTS, SECTION 13-73, FIGURES; AND PROVIDING FOR REPEALER AND SEVERABILITY. |
| 8 9 | BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA: |
| 10 | ORDINANCE |
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| 12 13 14 | Section 1. That the Midwest City Municipal Code, Chapter 13 Drainage and Flood Control, Article III, Stormwater Runoff Control, Section 13-71, Requirements relating to improvements; is hereby amended to read as follows: |
| 15 16 | Sec. 13-71 Requirements relating to improvements. |
| 17 | seer 15 / 11 Requirements retaining to improvements. |
| 18 | (a) Bridges and culverts: |
| 19 20 | (1) All flow of water across continuous streets or alleys shall be through culverts or |
| 21 | bridges. |
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| 23 24 25 26 27 28 | (2) Bridges and culverts shall be sized to accommodate a one-hundred (100) year frequency rain without increasing the head water depth more than one (1) foot above the inside top of the structure based on the drainage area involved. No "half street" structures shall be permitted. Bridges and culverts located within creeks and channels which have been designated on the Federal Emergency Management Agency Flood Insurance Rate Map as Zone A shall be approved by the Federal Emergency Management Agency. |
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| 30 31 32 | (3) Bridges and culverts shall be designed and constructed in accordance with specification of the city and applicable Oklahoma Department of Transportation standards. |
| 33 34 35 36 37 38 | (b) Closed storm sewers: Closed storm sewers shall be constructed of precast, prefabricated pipe or box sections or built-in-place pipe or concrete box designed to conform to construction specifications of the city and applicable Oklahoma Department of Transportation standards to serve a fifty-year frequency rain for the drainage area involved. Sizing shall be calculated in accordance with section 13-70(2). |
| 39 40 41 42 43 | (c) Open paved storm drainage: Open paved storm drainage channels shall be constructed in accordance with city specifications. Side slopes above the paved section shall be shaped and sodded on a slope of four (4) horizontal to one vertical or flatter. Fences shall not may be erected below the shoulder of the sodded section, and in no case shall fences be closer than six (6) feet (measured horizontally) to the edge of the paved section anywhere from immediately adjacent |
| 44 45 | to the open paved storm drainage channel or any distance away from the open paved storm drainage channel. |

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| 3 | Section 2. That the Midwest City Municipal Code, Chapter 13 Drainage and Flood Control, Article |
| 4 | III, Stormwater Runoff Control, Section 13-73, Figures; is hereby amended to read as follows: |
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| 6 | Sec. 13-73 Figures. |
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| 8 | [See attached document for amendments to be inserted here]. |
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| 10 | Section 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby |
| 11 | repealed. |
| 12 | Section 4 SEVEDADILITY If any section contains aloves as nortion of this ardinance is fo |
| 13 | <u>Section 4.</u> SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is fo any reason held to be invalid, such decision shall not affect the validity of the remaining provision |
| 14 15 | of the ordinance. |
| 16 | of the ordinance. |
| 17 | PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City |
| 18 | Oklahoma, this day of, 2022. |
| 19 | oktanoma, and ady of, 2022. |
| 20 | THE CITY OF MIDWEST CITY, OKLAHOMA |
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| 24 | MATTHEW D. DUKES, II, Mayor |
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| 26 | ATTEST: |
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| 29 | SARA HANCOCK, City Clerk |
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| 2 | Approved as to form and legality this day of, 2022. |
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| 6 | DONALD D. MAISCH, City Attorney |
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| 1 | ORDINANCE NO |
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| 2 3 4 | AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 13 DRAINAGE AND FLOOD CONTROL, ARTICLE III, STORMWATER RUNOFF CONTROL, |
| 5 6 7 | SECTIONS 13-71, REQUIREMENTS RELATING TO IMPROVEMENTS, SECTION 13-73, FIGURES; AND PROVIDING FOR REPEALER AND SEVERABILITY. |
| 8 9 | BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA: |
| 10 11 | <u>ORDINANCE</u> |
| 12 13 14 15 | Section 1. That the Midwest City Municipal Code, Chapter 13 Drainage and Flood Control, Article III, Stormwater Runoff Control, Section 13-71, Requirements relating to improvements; is hereby amended to read as follows: |
| 16 17 | Sec. 13-71 Requirements relating to improvements. |
| 18 19 | (a) Bridges and culverts: |
| 20 21 22 | (1) All flow of water across continuous streets or alleys shall be through culverts or bridges. |
| 23 24 25 26 27 28 29 | (2) Bridges and culverts shall be sized to accommodate a one-hundred (100) year frequency rain without increasing the head water depth more than one (1) foot above the inside top of the structure based on the drainage area involved. No "half street" structures shall be permitted. Bridges and culverts located within creeks and channels which have been designated on the Federal Emergency Management Agency Flood Insurance Rate Map as Zone A shall be approved by the Federal Emergency Management Agency. |
| 30 31 32 | (3) Bridges and culverts shall be designed and constructed in accordance with specification of the city and applicable Oklahoma Department of Transportation standards. |
| 33 34 35 36 37 38 | (b) Closed storm sewers: Closed storm sewers shall be constructed of precast, prefabricated pipe or box sections or built-in-place pipe or concrete box designed to conform to construction specifications of the city and applicable Oklahoma Department of Transportation standards to serve a fifty-year frequency rain for the drainage area involved. Sizing shall be calculated in accordance with section 13-70(2). |
| 39 40 41 42 43 44 | (c) Open paved storm drainage: Open paved storm drainage channels shall be constructed in accordance with city specifications. Side slopes above the paved section shall be shaped and sodded on a slope of four (4) horizontal to one vertical or flatter. Fences may be erected anywhere from immediately adjacent to the open paved storm drainage channel or any distance away from the open paved storm drainage channel. |

| 1 | 1 <u>Section 2.</u> That the Midwest City Municipal Code, Chapter 13 | B Drainage and Flood Control, Article |
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| 15 | y y | ncil of the City of Midwest City, |
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| 17 | | MIDWEST CITY OF AHOMA |
| 18 19 | | MIDWEST CITY, OKLAHOMA |
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| 22 | | DUKES, II, Mayor |
| 23 | | DUKES, II, Mayor |
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| 27 28 | 27 SARA HANCOCK, City Clerk | |

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| 2 | Approved as to form and legality this day of, 2022. |
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| 6 | DONALD D. MAISCH, City Attorney |
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100 N. Midwest Boulevard Midwest City, OK 73110 DMaisch@midwestcityok.org Office: 405.739.1203 www.midwestcityok.org

MEMORANDUM

To: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: October 18, 2022

RE: Discussion and consideration for adoption, including any amendments, of an ordinance amending

the Midwest City Municipal Code, Chapter 27 Nuisances; Article II, Weeds and Trash; Section 27-28, Accumulation of rubbish declared a nuisance; penalty; providing for a repealer, and

severability. (M. Stroh – Director, Code Enforcement).

The proposed amendment to Chapter 27 Nuisances; Article II, Weeds and Trash; Section 27-28, Accumulation of rubbish declared a nuisance; penalty, will allow staff or city contractors to pick up and dispose of any and all rubbish determined to be a nuisance on private property, including any additional rubbish found, and access the cost of removal upon the land owner.

Recommended approval is at the pleasure of the Ordinance Review Committee.

Respectfully submitted,

Mike Stroh, Director, Code Enforcement

| 1 | ORDINANCE NO |
|----------|---|
| 2 | |
| 3 | AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 27 |
| 4 | NUISANCES; ARTICLE II, WEEDS AND TRASH; SECTION 27-28, ACCUMULATION OF |
| 5 | RUBBISH DECLARED A NUISANCE; PENALTY; PROVIDING FOR REPEALER AND |
| 6 | SEVERABILITY. |
| 7 | |
| 8 | BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA: |
| 9 | |
| 10 | Sec. 27-28 Accumulation of rubbish declared a nuisance; penalty. |
| 11 | |
| 12 | <u>ORDINANCE</u> |
| 13 14 | Section 1. That the Midwest City Municipal Code, Chapter 27 Nuisances; Article II, Weeds and |
| | Trash; Section 27-28, Accumulation of rubbish declared a nuisance; penalty; is hereby amended |
| 15 | to read as follows: |
| 16 | to read as follows. |
| 17 | (a) Allowing rubbish to accumulate or remain on private property shall be deemed a nuisance. It |
| 18 19 | shall thus be unlawful to allow rubbish to remain upon the premises of any private property, except |
| 20 | for the following circumstances: |
| 21 | (1) Tree limbs or other approved combustible materials piled, stacked and ready for |
| 22 | burning and located in a designated area approved for burning by the fire department, after having |
| 23 | obtained a city burn permit and awaiting approval from the city to burn said approved materials |
| 24 | for a time period not to exceed three (3) months, regardless of the duration of the burn permit, |
| 25 | unless an extension has been granted in writing and prior to the expiration of three (3) months from |
| 26 | the date the burn pile has been inspected and the permit issued; |
| 27 | (2) Rubbish which has been scheduled for pickup by the city or a third party contractor |
| 28 | operating within the city; |
| 29 | (3) Tree limbs or other vegetative debris which has been gathered and stacked by the |
| 30 | curbline of the property after a naturally occurring disaster or due to inclement weather conditions |
| 31 | which affect a significant area of the city and for which the city has established a scheduled pickup |
| 32 | for such debris. |
| 33 | |
| 34 | (b) Debris from storm damage must be cleared from improved and maintained wooded areas |
| 35 | where cultivated vegetation or lawn grasses are located within sixty (60) days from the date of the |
| 36 | storm causing the damage, unless an extension of the time is granted by the city for good cause |
| 37 38 | demonstrated by the owner or responsible party of the property. |
| 39 | (c) Private property in excess of one (1) acre, including unimproved wooded areas, shall be |
| 40 | maintained to include a twenty-foot perimeter free of fallen limbs and downed trees along property |
| 41 | lines adjacent to neighboring improved property. |
| 42 | more anglatent to not growing improved property. |
| 43 | (d) A ten-day notice shall be given to the owner or responsible party of any property deemed in |
| 44 | violation of this section, pursuant to the provisions of subsection 27-8(c) of this Code, after which |

the city may abate the rubbish discovered that caused the nuisance and any additional rubbish

found while abating the property by removing such rubbish with the cost of such removal, including the cost for the removal of any additional rubbish found, shall to be assessed to the owner or responsible party of the property. The notice shall state that any accumulations of trash or weeds rubbish on the owner's property occurring within six (6) months after the removal of trash or weeds rubbish on the property pursuant to such notice may be summarily abated by the municipal governing body, unless the property owner has been issued a burn permit from the fire department; that the costs of such abatement shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner. Any chains, locks or other similar devices used to secure any portion of the property where such violation exists shall be removed by the owner and/or responsible party or, such devices will be removed by the city or their representative without liability to the city or it's representative by the owner and/or responsible party. After abatement, the city clerk shall send a statement of the cost of such abatement, including the city's administrative expenses, to the owner of the property. Until paid, such cost shall constitute a debt to the city collectible in any manner as provided under local or state laws, including the filing of a lien, or other available debt collection remedies.

(e) In addition to abatement by removal as indicated in subsection (d) of this section, the owner or responsible party, upon conviction of creating, maintaining, permitting or allowing a nuisance upon the premises, may be fined as set out in section 1-15.

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

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

| • | layor and the Council of the City of Midwest G |
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| Oklahoma, this day of | , 2021. |
| | |
| | THE CITY OF MIDWEST CITY, OKLAHO |
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| | MATTHEW D. DUKES, II, Mayor |
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| ATTEST: | |
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| SARA HANCOCK, City Clerk | |
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| Approved as to form and legality this | day of, 2021. |
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| DONALD D. MAISCH, City Attorney | |

| 1 | ORDINANCE NO |
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| 2 | |
| 3 | AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 27 |
| 4 | NUISANCES; ARTICLE II, WEEDS AND TRASH; SECTION 27-28, ACCUMULATION OF |
| 5 | RUBBISH DECLARED A NUISANCE; PENALTY; PROVIDING FOR REPEALER AND |
| 6 | SEVERABILITY. |
| 7 | |
| 8 | BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA: |
| 9 | |
| 10 | Sec. 27-28 Accumulation of rubbish declared a nuisance; penalty. |
| 11 | |
| 12 | <u>ORDINANCE</u> |
| | |

Section 1. That the Midwest City Municipal Code, Chapter 27 Nuisances; Article II, Weeds and Trash; Section 27-28, Accumulation of rubbish declared a nuisance; penalty; is hereby amended to read as follows:

- (a) Allowing rubbish to accumulate or remain on private property shall be deemed a nuisance. It shall thus be unlawful to allow rubbish to remain upon the premises of any private property, except for the following circumstances:
- (1) Tree limbs or other approved combustible materials piled, stacked and ready for burning and located in a designated area approved for burning by the fire department, after having obtained a city burn permit and awaiting approval from the city to burn said approved materials for a time period not to exceed three (3) months, regardless of the duration of the burn permit, unless an extension has been granted in writing and prior to the expiration of three (3) months from the date the burn pile has been inspected and the permit issued;
- (2) Rubbish which has been scheduled for pickup by the city or a third party contractor operating within the city;
- (3) Tree limbs or other vegetative debris which has been gathered and stacked by the curbline of the property after a naturally occurring disaster or due to inclement weather conditions which affect a significant area of the city and for which the city has established a scheduled pickup for such debris.

 (b) Debris from storm damage must be cleared from improved and maintained wooded areas where cultivated vegetation or lawn grasses are located within sixty (60) days from the date of the storm causing the damage, unless an extension of the time is granted by the city for good cause demonstrated by the owner or responsible party of the property.

(c) Private property in excess of one (1) acre, including unimproved wooded areas, shall be maintained to include a twenty-foot perimeter free of fallen limbs and downed trees along property lines adjacent to neighboring improved property.

(d) A ten-day notice shall be given to the owner or responsible party of any property deemed in violation of this section, pursuant to the provisions of subsection 27-8(c) of this Code, after which the city may abate the rubbish discovered that caused the nuisance and any additional rubbish

found while abating the property by removing such rubbish with the cost of such removal, including the cost for the removal of any additional rubbish found, shall be assessed to the owner or responsible party of the property. The notice shall state that any accumulations of rubbish on the owner's property occurring within six (6) months after the removal of rubbish on the property pursuant to such notice may be summarily abated by the municipal governing body, unless the property owner has been issued a burn permit from the fire department; that the costs of such abatement shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner. Any chains, locks or other similar devices used to secure any portion of the property where such violation exists shall be removed by the owner and/or responsible party or, such devices will be removed by the city or their representative without liability to the city or it's representative by the owner and/or responsible party. After abatement, the city clerk shall send a statement of the cost of such abatement, including the city's administrative expenses, to the owner of the property. Until paid, such cost shall constitute a debt to the city collectible in any manner as provided under local or state laws, including the filing of a lien, or other available debt collection remedies.

(e) In addition to abatement by removal as indicated in subsection (d) of this section, the owner or responsible party, upon conviction of creating, maintaining, permitting or allowing a nuisance upon the premises, may be fined as set out in section 1-15.

<u>Section 2.</u> REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

| Oklahoma, this day of | , 2021. |
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| | THE CITY OF MIDWEST CITY, OKLAH |
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| | MATTHEW D. DUKES, II, Mayor |
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| ATTEST: | |
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| SARA HANCOCK, City Clerk | |
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| Approved as to form and legality this | day of 2021 |
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100 N. Midwest Boulevard Midwest City, OK 73110 DMaisch@midwestcityok.org Office: 405.739.1203 www.midwestcityok.org

MEMORANDUM

To: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: October 18, 2022

RE: Discussion and consideration for adoption, including any amendments, of a new ordinance

located in the Midwest City Municipal Code, Chapter 42, Trees; Article III, Tree Trimming, Etc...; Section 42-55, Dead Trees on Private Property; and providing for a repealer, and

severability. (D. Maisch – City Attorney).

The new ordinance to be located in Chapter 42, Trees; Article III, Tree Trimming, Etc...; Section 42-55, Dead Trees on Private Property; establishes that any dead tree or portion of a dead tree on private property is hereby deemed to be a public nuisance. The new ordinance sets time frames for removal of the dead tree or portions of a dead tree.

The proposed new ordinance establishes a municipal penalty schedule for violations of the provisions of this ordinance.

Recommended approval is at the pleasure of the Ordinance Review Committee.

Respectfully submitted,

Donald D. Maisch City Attorney

| 1 | ORDINANCE NO |
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| 2 | AN NEW ODDINANCE IN THE MIDWEST CITY MUNICIPAL CODE CHAPTED 42 |
| 3 4 | AN NEW ORDINANCE IN THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 42, TREES; ARTICLE III, TREE TRIMMING, ETC.; SECTION 42-55, DEAD TREES ON |
| 5 | PRIVATE PROPERTY; PROVIDING FOR REPEALER AND SEVERABILITY. |
| 6 | TRIVATE I ROLERT I, I ROVIDINO FOR RELEALER AND SEVERABILIT I. |
| 7 | BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA: |
| 8 | DE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, ORLAHOMA. |
| 9 | ORDINANCE |
| 10 | ORDIVANCE |
| 11 | Section 1. That a new City Ordinance to be contained in Midwest City Municipal Code, Chapter |
| 12 | 42, Trees; Article III, Tree Trimming, Etc., Section 42-55, Dead trees on private property; is hereby |
| 13 | to read as follows: |
| 14 | to read as ronows. |
| 15 | 42-55. Dead trees on private property. |
| 16 | 12 33. Bodd dees on private property. |
| 17 | (A) Any dead tree, or any portion of a tree that is dead, including any tree branch or limb, |
| 18 | that is located on private property is hereby declared to be a public nuisance. |
| 19 | (B) It is the duty of any private property owner where the dead tree or any portion of a |
| 20 | dead tree is located, to remove the dead tree or dead portion of the tree. |
| 21 | (C) Upon discovery by the City of a dead tree or any portion of a dead tree on private |
| 22 | property, the City shall give notice to the property owner. The property owner shall have thirty |
| 23 | (30) days to properly remove the dead tree or portion of the dead tree. The notice shall be either |
| 24 | mailed by first class mail using the United States Postal Service or hand-delivered to the property |
| 25 26 | owner. If the property owner cannot be found, then the notice shall be posted at the location of the dead tree or dead portion of a tree. |
| 26 27 | (D) If the property owner does not remove the dead tree or portion of the dead tree, within |
| 28 | the thirty (30) day timeframe, then the property owner may receive a citation, requiring the removal |
| 29 | of the dead tree, or dead portion of the tree. The citation may include a fine in an amount not to |
| 30 | exceed \$250.00 for the initial citation. If a second citation is issued, said citation may include a |
| 31 | fine not to exceed \$500.00. If a third or subsequent citation is issued, said citation may include a |
| 32 | fine not to exceed \$1,000.00. |
| 33 | |
| 34 | Section 2. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby |
| 35 | repealed. |
| 36 | |
| 37 | Section 3. SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for |
| 38 | any reason held to be invalid, such decision shall not affect the validity of the remaining provisions |
| 39 | of the ordinance. |
| 40 | |
| 41 | Ordinance Amendments PASSED AND APPROVED by the Mayor and the Council of the City |
| 42 | of Midwest City, Oklahoma, this day of, 2022. |
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| | THE CITY OF MIDWEST CITY, OKLAHOMA |
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| | MATTHEW D. DUKES, II, Mayor |
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| ATTEST: | |
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| SARA HANCOCK, City Clerk | |
| | |
| Approved as to form and legality this | day of, 2022. |
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| DONALD D. MAISCH, City Attorney | |
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| 1 2 | ORDINANCE NO | | |
|---|--|--|--|
| 3 4 5 | AN NEW ORDINANCE IN THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 42, TREES; ARTICLE III, TREE TRIMMING, ETC.; SECTION 42-55, DEAD TREES ON PRIVATE PROPERTY; PROVIDING FOR REPEALER AND SEVERABILITY. | | |
| 6 7 | BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA: | | |
| 8 9 | <u>ORDINANCE</u> | | |
| 10 | | | |
| 11 12 | <u>Section 1.</u> That a new City Ordinance to be contained in Midwest City Municipal Code, Chapter 42, Trees; Article III, Tree Trimming, Etc., Section 42-55, Dead trees on private property; is hereby | | |
| 13 | to read as follows: | | |
| 14 15 16 | 42-55. Dead trees on private property. | | |
| 17 18 19 20 | (A) Any dead tree, or any portion of a tree that is dead, including any tree branch or limb, that is located on private property is hereby declared to be a public nuisance. (B) It is the duty of any private property owner where the dead tree or any portion of a dead tree is located, to remove the dead tree or dead portion of the tree. (C) Upon discovery by the City of a dead tree or any portion of a dead tree on private | | |
| 212223242526 | property, the City shall give notice to the property owner. The property owner shall have thirty (30) days to properly remove the dead tree or portion of the dead tree. The notice shall be either mailed by first class mail using the United States Postal Service or hand-delivered to the property owner. If the property owner cannot be found, then the notice shall be posted at the location of the dead tree or dead portion of a tree. | | |
| 27 28 29 30 31 32 33 | (D) If the property owner does not remove the dead tree or portion of the dead tree, within the thirty (30) day timeframe, then the property owner may receive a citation, requiring the removal of the dead tree, or dead portion of the tree. The citation may include a fine in an amount not to exceed \$250.00 for the initial citation. If a second citation is issued, said citation may include a fine not to exceed \$500.00. If a third or subsequent citation is issued, said citation may include a fine not to exceed \$1,000.00. | | |
| 34 35 36 | Section 2. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed. | | |
| 37 38 39 40 | <u>Section 3.</u> SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of the ordinance. | | |
| 41 42 43 | Ordinance Amendments PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City, Oklahoma, this day of, 2022. | | |

| | THE CITY OF MIDWEST CITY, OKLAHOMA |
|---------------------------------------|------------------------------------|
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| | |
| | MATTHEW D. DUKES, II, Mayor |
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| ATTEST: | |
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| SARA HANCOCK, City Clerk | |
| | |
| Approved as to form and legality this | day of, 2022. |
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| DONALD D. MAISCH, City Attorney | |
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| | |



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

MEMORANDUM

To: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: October 18, 2022

RE: Discussion of the provisions of 9-124 of the Midwest City Municipal Code, Chapter 9, Building

and Building Regulations; Article IV, Electricity; Division 3 – Electricians, Section 9-124,

Defective workmanship or materials.

The proposed discussion item concerns when an electrician provides subpar workmanship on a electrical project for the City. The City Ordinances for the City of Midwest City already provides for:

Sec. 9-124. - Defective workmanship or materials.

Any person engaged in the business of electrical construction and the installation of wiring and apparatus for electric light, heat or power in the city who fails to correct promptly any defect in any work done by him contrary to this article, after having been notified thereof by the city, shall not be issued any further permits until such defect has been corrected. The registration of any person who continues to violate or persistently violates the ordinances of the city in regard to electrical work or the orders of the electrical inspector in relation to the same shall be suspended or revoked.

Discussion is at the pleasure of the Ordinance Review Committee.

Respectfully submitted,

onald). Maisch

Donald D. Maisch City Attorney



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

MEMORANDUM

To: Chair and Members of the Ordinance Review Committee

From: Donald D. Maisch, City Attorney

Date: October 18, 2022

RE: Discussion of the Administrative Fines contained in the Midwest City Municipal Code, Chapter

27, Nuisances; Article I, In General; Section 27-2, Declared unlawful; penalties.

This item is being submitted for discussion to the Ordinance Review Committee concerning the ability to assess an administrative fine in the amount of \$265.00. On July 21, 2021, the City Council for Midwest City increased the amount of the Administrative Fine from \$200.00 to \$265.00. The purpose of the Administrative Fine is to cover the administrative costs of the City when working nuisances under Chapter 27 of the City Ordinances. The question that is posed is whether to increase, decrease or continue with the Administrative Fine.

Discussion is at the pleasure of the Ordinance Review Committee.

Respectfully submitted,

Donald D. Maisch

City Attorney

<u>Section 2.</u> That the Midwest City Municipal Code, Chapter 27 Nuisances, Article I, In General, Section 27-2, Declared Unlawful; Penalties; is hereby amended to read as follows:

- (a) It shall be unlawful for the owner or responsible party to create or maintain a public nuisance within the city or to permit a public nuisance to remain on premises within the city.
- (b) The punishment for every violation of this chapter shall be as set out in <u>section 1-15</u> of this Code. Each day a violation of this chapter continues shall constitute a separate offense of this chapter, and the fines associated with the offense shall increase for each subsequent violation that occurs within the calendar year, January 1 to December 31, as set out in <u>section 1-15</u>.
- (c) Where the city must abate a nuisance, there shall be assessed to the owner of the property an administrative fine of two hundred and sixty-five dollars (\$265.00) for each abatement contract for the property. For any abatement performed pursuant to section 27-14, the administrative fine may be assessed to either the owner of the property and/or the box owner.



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

TO: Ordinance Oversight Council Committee

FROM: Brandon Bundy, City Engineer

DATE: October 18, 2022

SUBJECT: Discussion and consideration for adoption, including any possible amendment

of an ordinance amending Midwest City code, Chapter 37, Streets and

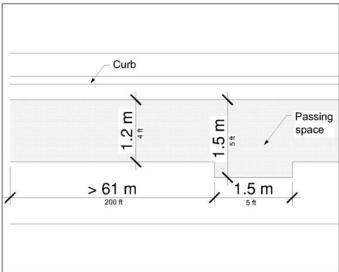
Sidewalks, Article III, Section 37-67, Construction of Sidewalk; and providing

for repealer and severability

This ordinance is being requested by Community Development staff. Currently, the code requires a minimum sidewalk width of 4 ft.

The 2010 ADA Standards for Accessible Design are the current federal standard regarding ADA requirements. Sidewalks on public right of way are under the jurisdiction of the Public Rights-of-Way Access Advisory Committee (PROWAG)

- R302.3 Continuous Width: Except as provided in R302.3.1 and R302.3.2, the continuous clear width of pedestrian access routes shall be 4.0 ft minimum, exclusive of the width of the curb.
- R302.4 Passing Spaces: Where the clear width of pedestrian access routes is less than 5.0 ft, passing spaces shall be provided at intervals of 200.0 feet maximum. Passing spaces shall be 5.0 ft minimum by 5.0 ft minimum. Passing spaces are permitted to overlap pedestrian access routes.



Therefore, our current code does not address the absolute minimum as set that there be passing spaces. To simplify code, staff recommends that the minimum be set at 5 ft wide. In practice, for the past 8 years, all sidewalks constructed under guidance of Community Development have

had a typical 5 ft wide cross section minimum. Midwest City's ADA Transition Committee has discussed this very issue multiple times. 4 ft is simply too narrow for anyone to pass a wheelchair. It is also uncomfortable to walk side by side on anything less than 5 ft.

At the regular meeting of the Sidewalk Committee, February 22nd 2022, the committee reviewed the ordinance and recommended a minimum width of 5 ft be considered before the Ordinance Review Committee.

At the special meeting of the Americans with Disabilities Act (ada) Transition Committee, May 23rd, 2022, the committee reviewed the ordinance and recommended a minimum width of 5 ft be considered before the Ordinance Review Committee.

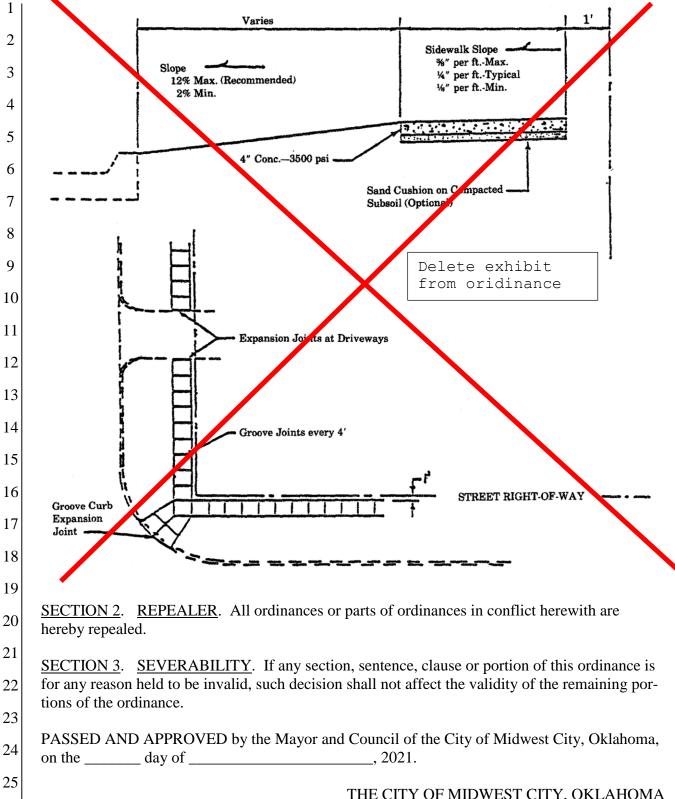
The updated code will bring the City into compliance with this standard. In addition to the revisions from ADA, we propose deleting the existing exhibit which is covered in depth by our construction standards as well as deleting the paragraphs related to grandfathering current subdivisions. When this ordinance was originally passed in 1986, sidewalks were not standard practice; since that time, all subdivisions and commercial are required to have sidewalks unless waived by Council. As such, the old paragraphs related to the original passing need to be deleted to eliminate confusion.

Brandon Bundy, P.E.,

Director of Engineering and Construction Services

Attachments

| 1 | ORDINANCE NO |
|-------|--|
| 2 | AN ORDINANCE AMENDING MIDWEST CITY CODE, SECTION 37, STREETS AND |
| 3 | SIDEWALKS, BY AMENDING SUBSECTION 37-67, CONSTRUCTION OF SIDE- WALK, AND PROVIDING FOR REPEALER AND SEVERABILITY |
| 4 | BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA: |
| 5 | <u>ORDINANCE</u> |
| 6 | <u>SECTION 1</u> . That Midwest City Code, Section 37, Streets and Sidewalks, by amending Sub- |
| 8 | section 37-67, Construction of Sidewalk, to read as follows: |
| 9 | Sec. 37-67 Construction of sidewalk. |
| 10 | (a) In subdivisions where sidewalks have been installed partially, the following require- |
| 11 | ments shall be applicable: (1) When sidewalks exist partially on both sides of a street, the sidewalks on |
| 12 | both sides of the street shall be continued to the intersecting streets. (2) When sidewalks exist partially on only one side of a street, sidewalks on |
| 13 | that side of the street shall be continued to the intersecting streets. (3) When a sidewalk exists along the full length of a street between intersect- |
| 14 | ing streets and no sidewalks exist on the other side of the subject street, no sidewalks shall be required on the side where no sidewalk exists. |
| 15 | (4) When a sidewalk exists on the circular part of a cul-de-sac, the sidewalk |
| 16 | shall be continued on both sides of the street to the intersecting street. (b) Sidewalks required in section (a) above, shall be included in the paving/driveway per- |
| 17 | mit obtained from the City of Midwest City. Sidewalks shall be constructed to a minimum width of five (5) feet and shall be placed into the street right-of-way one (1) foot |
| 18 | off the property line and constructed as per standard drawing specifications on file in the city engineer's office. |
| 19 | (c) If topographic or other physical conditions on the land will make strict application of this section result in exceptional practical difficulties, the city engineer is hereby au- |
| 20 | thorized to allow such relocation or realignment of sidewalks as is necessary for its installation. |
| 21 | (d) Sidewalks, where required, shall be part of the requirements for a building permit. No |
| 22 | final certificate of occupancy or final water service shall be approved until all sidewalks have been installed. |
| 23 | (e) All sidewalks built on City right of way or easement shall be built to meet or exceed the American with Disabilities Act (ADA) and the current standards outlined by the |
| 24 | United States Access Board. |
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DONALD MAISCH, City Attorney