

CITY OF MIDWEST CITY

ORDINANCE OVERSIGHT COUNCIL COMMITTEE AGENDA City Hall - Midwest City Council Chambers, 100 N. Midwest Boulevard

July 23, 2020 – 6:00 PM

A. CALL TO ORDER.

B. DISCUSSION ITEMS.

1. Discussion and consideration to approve the minutes of the May 28, 2020 special meeting, as submitted.
2. Discussion and consideration of an ordinance amending Appendix A, Zoning Regulations, of the Midwest City Code, by amending Section 5.2.3, Fencing and Screening; and providing for repealer and severability.
3. Discussion and consideration of an ordinance amending Appendix A, Zoning Regulations, of the Midwest City Code, Section 5, Supplemental Regulations, by amending Subsection 5.7.2., Trash Dumpster(s) and Enclosure; and providing for repealer and severability.
4. Discussion and consideration of an ordinance amending Chapter 43, Water, Sewer, Sewage Disposal, and Stormwater Quality, of the Midwest City Code; by amending Article II, Water; Division 1, Generally; Section 43-18; Section 43-32; Division 3, Meters; Section 43-54; Article III, Sewers and Sewage Disposal, Sections 43-106 and 43-109; Division 5, Other Provisions Relating to Taps and Connections, Sections 43-166 and 43-178; Establishing and effective date; and providing for repealer and severability.
5. Discussion and consideration of an ordinance amending the Midwest City Municipal Code, Chapter 1, General Provisions, Specific penalty for violations of Code; and providing for repealer and severability.
6. Discussion and consideration of an ordinance amending the Midwest City Municipal Code, Chapter 18 Garbage and Refuse, Article 1 In General, Section 18-6 Violations; and providing for repealer and severability.
7. Discussion and consideration 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; and providing for repealer and severability.
8. Discussion and consideration of an ordinance amending the Midwest City Municipal Code, Chapter 18, Garbage and Refuse, Article I, In General, Section 18-1 Definitions; and providing for repealer and severability.
9. Chapter 24 Motor Vehicles and Traffic, Article V, Stopping, Standing or Parking, Division 1 – Generally, Section 24-158 Prohibited in Specified Place; and providing for repealer and severability.

10. Discussion and Consideration of Charter Edits.

C. ADJOURNMENT.



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

The CDC recommendations will be followed to the extent allowed by the Oklahoma Open Meetings Act and temporary Amendment. Please stay home if you or anyone in your household is sick or think they may have had a COVID-19 exposure. If attending in person, please practice social distancing and wear a mask to protect yourself and others.

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

Ordinance Oversight Council Committee Minutes
Special Meeting

May 28, 2020

This meeting was held in the Midwest City Chambers at City Hall, 100 N. Midwest Blvd, Midwest City, County of Oklahoma, State of Oklahoma.

Chairman Pat Byrne called the meeting to order at 6:07 PM with Councilmember Susan Eads and Mayor Matt Dukes, and along with City Manager Tim Lyon, City Attorney, Heather Poole, City Prosecutor Vicki Floyd, City Clerk Sara Hancock, Police Chief Brandon Clabes, Lt. Steve Simonson, Community Development Director Billy Harless, and City Planning Manager Kellie Gilles. Absent: None.

Discussion Items.

1. **Discussion and consideration of approving the minutes of the special January 6, 2020 meeting.** Eads made a motion to approve the minutes, as submitted, seconded by Dukes. Voting aye: Eads, Byrne and Dukes. Absent: None. Nay: none. Motion carried.

2. **Discussion and consideration of an ordinance amending Appendix A, Zoning Regulations , of the Midwest City Code; by amending Section 4.5.2, Light Industrial: Restricted; Section 4.9.2, Use Chart and providing for repealer and severability and setting an effective date.** After Harless, Gilles, staff and Council discussion, Dukes made a motion to edit ordinance as discussed and submit to the full City Council, seconded by Eads. Voting aye: Eads, Byrne and Dukes. Absent: none. Nay: none. Motion carried.

3. **Discussion and consideration of an Ordinance amending the Midwest City Municipal Code, chapter 26, Noise, Adding Section 4.1 Hours of Operation.** After Floyd, Poole, staff and Council discussion, Eads made a motion to edit ordinance as discussed and submit to the full City Council, seconded by Dukes. Voting aye: Eads, Byrne and Dukes. Absent: none. Nay: none. Motion carried.

4. **Discussion and consideration of an ordinance amending the Midwest City Municipal Code, Chapter 28, Article II, Offenses against morals, by amending Section 20; Disorderly House, establishing an effective date; and providing for repealer and severability.**

*Mayor Dukes left the meeting at 6:47 PM and returned at 6:49 PM

After Floyd, Poole, Clabes, Simonson, staff and Council discussion, Eads made a motion to edit ordinance as discussed and submit to the full City Council, seconded by Dukes. Voting aye: Eads, Byrne and Dukes. Absent: none. Nay: none. Motion carried.

- 5. Discussion and consideration of an ordinance amending the Midwest City Municipal Code, Chapter 1, General Provisions, 1-15 Specific Penalty for Violations of Code; establishing an effective date; and providing for repealer and severability.**

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

- 6. Discussion of research related to amending the Midwest City Ordinances 28-54 Trespass.**
After Poole and Council discussion, no action was taken.

Adjournment. Chairman Byrne adjourned the meeting at 7:45 PM.

PAT BYRNE, Chairman



The City of
MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT

Billy Harless, Community Development Director

ENGINEERING DIVISION
Brandon Bundy, City Engineer
CURRENT PLANNING DIVISION
Kellie Gilles, Current Planning Manager
COMPREHENSIVE PLANNING
Petya Stefanoff, Comprehensive Planner
BUILDING INSPECTION DIVISION
Christine Brakefield, Building Official
GIS DIVISION
Greg Hakman, GIS Coordinator

To: Ordinance Review Committee

From: Billy Harless, Community Development Director

Date: July 23, 2020

Subject: Discussion and consideration of an ordinance amending Appendix A, Zoning Regulations, of the Midwest City Code, by amending Section 5.2.3, Fencing and Screening; and providing for repealer and severability.

This ordinance is being requested by a resident of Midwest City. Ms. LaDonna Barrientez of 300 N. Lawson has requested that the maximum allowable height for front and side yard fences be extended for larger lots – one (1) acre or more.

Currently, the code allows front and side yard fences to extend past the front and side building lines when the fence is no more than 4' in height and is 50% opaque so as not to impair vision of drivers on the street or people backing from driveways. Ms. Barrientez is requesting that for lots at least one (1) acre in size but less than two (2) acres, the maximum allowable height be 5 ½' for the fence and 6 ½' for the columns and for lots two (2) acres in size or more, the maximum allowable height be 6 ½' for the fence and 7 ½' for the columns.

Staff recommends that the ordinance remain as it currently is, with the maximum allowable height for a fence extending past the front and/or side building line being 4'. Staff has not received complaints about the current ordinance from any other citizens. Allowing different heights for different lot sizes will be difficult for code enforcement to recognize when a fence is or is not in compliance.

Billy Harless, AICP
Community Development Director

KG

AN ORDINANCE AMENDING APPENDIX A, ZONING REGULATIONS, OF THE MIDWEST CITY CODE, BY AMENDING SECTION 5.2.3, FENCING AND SCREENING; AND PROVIDING FOR REPEALER AND SEVERABILITY.

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

ORDINANCE

SECTION 1. That Appendix A, Zoning Regulations, of the Midwest City Code, is hereby amended by amending Section 5.2.3, Fencing and Screening, to read as follows:

5.2.3. Fencing and Screening.

Residential fences and walls may be erected in residential districts under the following provisions and regulations. A permit must first be obtained from the city before any residential fence is constructed.

(A) Fencing and screening requirements for medium and high density residential districts with multifamily uses. Only properties zoned 2.9 R-MD, Medium Density Residential District and 2.10 R-HD, High Density Residential District are permitted to have fences and walls beyond or in front of the front building line. The properties must be developed with 4.2.4., Multifamily Residential. A fence may then be constructed to the front property line.

(1) All fencing extending beyond or in front of a front building line or extending to a side building line abutting a dedicated public street shall be wrought iron or wrought iron-like to allow visibility into the complex by a person standing on ground level or sitting in a vehicle.

a. Wrought iron or wrought iron-like fences shall be constructed so as to eliminate the possibility of a child becoming trapped between the wrought iron rails and shall not have any sharp points on top of or on any other portion of the fences that may cause bodily harm.

b. Wrought iron or wrought iron-like fences may be installed with or without masonry pillars.

c. If security gates are installed, provisions shall be made for emergency vehicle access such as: (1) security gate guard manning the gate whenever the gate is closed or (2) an emergency system designed to allow entrance by emergency vehicles. Security gates must be approved by the city prior to installation. Provision shall be made for sanitation pick-up and water meter reading by the city if gates are to be installed that would not be manned by a twenty-four-hour security gate guard.

d. If a gate is installed, the gate shall be located a distance of no less than fifty (50) feet from the back of the curb of the public street to the front of the gate so as to allow a minimum of three (3) automobiles to be located completely off the public street.

(B) Fencing and screening requirements for two-Family and single-family residential districts.

(1) **Fencing and screening Fencing and screening**, including hedges, are prohibited from extending into the street right-of-way.

(2) Fences extending past front or side building lines including ornamental fences for lots less than one (1) acre in size. Except as authorized in 5.2.3.(A), Fencing and screening requirements for medium and high density residential districts with multifamily uses, properties are permitted to have ornamental fences up to four (4) feet in height located, placed, or erected to the front and side property lines of the residence. Such fences shall meet the following provisions and regulations:

(a) Maximum of four (4) feet in height as measured from the ground level;

(b) A minimum of fifty (50) percent of the total fence area must be open to allow visibility into the front or side yard (i.e. chain-link or picket fence);

(c) Any fence in front of the front or side building line in excess of four (4) feet must be approved, prior to its installation, by the Board of Adjustment pursuant to 7.8.2.(G), Provide for fencing in front of front and side setback building lines.

~~(3)~~ Fences extending past front or side building lines including ornamental fences for lots one (1) acre or larger. Properties are permitted to have ornamental fences located, placed or erected to the front and side property lines of the residences. Such fences shall meet the following provisions and regulations:

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~~(a)~~ Maximum height of 5 1/2' with columns not to exceed 6 1/2' for lots one (1) acre or more but not exceeding two (2) acres.

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~~(b)~~ Maximum height of 6 1/2' with columns not to exceed 7 1/2' for lots two (2) acres or more.

~~(c)~~ A minimum of fifty (50) percent of the total fence area must be open to allow visibility into the front or side yard (i.e. chain-link or picket fence)

~~(3)~~ ~~(4)~~ Fence material. Fencing material must be kept in an attractive state, in good repair, and in safe and sanitary condition at all times by the property owner.

~~(a)~~ Approved fence materials in two-family and single-family districts include wood, vinyl, wrought iron, brick/stone and chain-link.

~~(b)~~ Prohibited fence materials in two-family and single-family districts include sheet metal, plastic or plywood. Stockade (i.e. wood) posts are prohibited. Only the caps of posts or poles may extend past the top of the fence line.

~~(4)~~ ~~(5)~~ Rear yard height limitation. In rear yards the height limitation shall be eight (8) feet from ground level.

~~(5)~~ ~~(6)~~ Sight triangle. No fence, wall, or hedge or any portion thereof shall be located in the sight triangle in accordance with 5.6.3., Sight Lines at Intersections.

~~(6)~~ ~~(7)~~ Surface drainage. No fence or wall shall be constructed in such a manner as to impede the normal flow of surface drainage.

~~(7)~~ ~~(8)~~ Safety. On lots smaller than one (1) acre, no electrified fence or wall or any fence containing barbed wire or other substances reasonably capable of causing bodily harm shall be permitted.

~~(8)~~ ~~(9)~~ Permit fee. Refer to the adopted Zoning Ordinance Fee Schedule for fees.

~~(9)~~ ~~(10)~~ Construction prior to occupancy. Where a fence is constructed on a property within any zoning district prior to occupancy, no use or conversion of use shall be made of the property until the owner or occupant has met the requirements of this Code.

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

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

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the _____ day of _____, 2020.

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 _____, 2020.

HEATHER POOLE, City Attorney

AN ORDINANCE AMENDING APPENDIX A, ZONING REGULATIONS, OF THE MIDWEST CITY CODE, BY AMENDING SECTION 5.2.3, FENCING AND SCREENING; AND PROVIDING FOR REPEALER AND SEVERABILITY.

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

ORDINANCE

SECTION 1. That Appendix A, Zoning Regulations, of the Midwest City Code, is hereby amended by amending Section 5.2.3, Fencing and Screening, to read as follows:

5.2.3. Fencing and Screening.

Residential fences and walls may be erected in residential districts under the following provisions and regulations. A permit must first be obtained from the city before any residential fence is constructed.

(A) Fencing and screening requirements for medium and high density residential districts with multifamily uses. Only properties zoned 2.9 R-MD, Medium Density Residential District and 2.10 R-HD, High Density Residential District are permitted to have fences and walls beyond or in front of the front building line. The properties must be developed with 4.2.4., Multifamily Residential. A fence may then be constructed to the front property line.

- (1) All fencing extending beyond or in front of a front building line or extending to a side building line abutting a dedicated public street shall be wrought iron or wrought iron-like to allow visibility into the complex by a person standing on ground level or sitting in a vehicle.
 - a. Wrought iron or wrought iron-like fences shall be constructed so as to eliminate the possibility of a child becoming trapped between the wrought iron rails and shall not have any sharp points on top of or on any other portion of the fences that may cause bodily harm.
 - b. Wrought iron or wrought iron-like fences may be installed with or without masonry pillars.
 - c. If security gates are installed, provisions shall be made for emergency vehicle access such as: (1) security gate guard manning the gate whenever the gate is closed or (2) an emergency system designed to allow entrance by emergency vehicles. Security gates must be approved by the city prior to installation. Provision shall be made for sanitation pick-up and water meter reading by the city if gates are to be installed that would not be manned by a twenty-four-hour security gate guard.
 - d. If a gate is installed, the gate shall be located a distance of no less than fifty (50) feet from the back of the curb of the public street to the front of the gate so as to allow a minimum of three (3) automobiles to be located completely off the public street.

(B) Fencing and screening requirements for two-Family and single-family residential districts.

- (1) Fencing and screening Fencing and screening, including hedges, are prohibited from extending into the street right-of-way.
- (2) Fences extending past front or side building lines including ornamental fences for lots less than one (1) acre in size. Except as authorized in 5.2.3.(A), Fencing and screening requirements for medium and high density residential districts with multifamily uses, properties are permitted to have ornamental fences up to four (4) feet in height located, placed, or erected to the front and side property lines of the residence. Such fences shall meet the following provisions and regulations:
 - (a) Maximum of four (4) feet in height as measured from the ground level;
 - (b) A minimum of fifty (50) percent of the total fence area must be open to allow visibility into the front or side yard (i.e. chain-link or picket fence);

- (c) Any fence in front of the front or side building line in excess of four (4) feet must be approved, prior to its installation, by the Board of Adjustment pursuant to 7.8.2.(G), Provide for fencing in front of front and side setback building lines.
- (3) Fences extending past front or side building lines including ornamental fences for lots one (1) acre or larger. Properties are permitted to have ornamental fences located, placed or erected to the front and side property lines of the residences. Such fences shall meet the following provisions and regulations:
- (a) Maximum height of 5 ½' with columns not to exceed 6 ½' for lots one (1) acre or more but not exceeding two (2) acres.
 - (b) Maximum height of 6 ½' with columns not to exceed 7 ½' for lots two (2) acres or more.
 - (c) A minimum of fifty (50) percent of the total fence area must be open to allow visibility into the front or side yard (i.e. chain-link or picket fence)
- (4) Fence material. Fencing material must be kept in an attractive state, in good repair, and in safe and sanitary condition at all times by the property owner.
- (a) Approved fence materials in two-family and single-family districts include wood, vinyl, wrought iron, brick/stone and chain-link.
 - (b) Prohibited fence materials in two-family and single-family districts include sheet metal, plastic or plywood. Stockade (i.e. wood) posts are prohibited. Only the caps of posts or poles may extend past the top of the fence line.
- (5) Rear yard height limitation. In rear yards the height limitation shall be eight (8) feet from ground level.
- (6) Sight triangle. No fence, wall, or hedge or any portion thereof shall be located in the sight triangle in accordance with 5.6.3., Sight Lines at Intersections.
- (7) Surface drainage. No fence or wall shall be constructed in such a manner as to impede the normal flow of surface drainage.
- (8) Safety. On lots smaller than one (1) acre, no electrified fence or wall or any fence containing barbed wire or other substances reasonably capable of causing bodily harm shall be permitted.
- (9) Permit fee. Refer to the adopted Zoning Ordinance Fee Schedule for fees.
- (10) Construction prior to occupancy. Where a fence is constructed on a property within any zoning district prior to occupancy, no use or conversion of use shall be made of the property until the owner or occupant has met the requirements of this Code.

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

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

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the _____ day of _____, 2020.

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 _____, 2020.

HEATHER POOLE, City Attorney



The City of
MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT

Billy Harless, Community Development Director

ENGINEERING DIVISION
Brandon Bundy, City Engineer
CURRENT PLANNING DIVISION
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BUILDING INSPECTION DIVISION
Christine Brakefield, Building Official
GIS DIVISION
Greg Hakman, GIS Coordinator

To: Ordinance Review Committee

From: Billy Harless, Community Development Director

Date: July 23, 2020

Subject: Discussion and consideration of an ordinance amending Appendix A, Zoning Regulations, of the Midwest City Code, Section 5, Supplemental Regulations, by amending Subsection 5.7.2., Trash Dumpster(s) and Enclosure; and providing for repealer and severability.

This ordinance is being requested by Public Works and Community Development staff. Currently, the Zoning Ordinance requires a minimum 10' wide clear space when the enclosure gates are open for servicing the dumpsters. Due to the size of our sanitation trucks, they are unable to safely service enclosures with a 10' wide opening. Public Works staff members have asked that the Zoning Ordinance be updated to reflect a minimum 12' wide width and have submitted dimension details that they wish to be included in the ordinance. These details can be provided to developers to ensure compliance.

Engineering staff has also asked that language be added to the ordinance to ensure that dumpster enclosures are not located over dedicated utility easements.

Billy Harless, AICP
Community Development Director

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ORDINANCE NO. _____

**AN ORDINANCE AMENDING APPENDIX A, ZONING REGULATIONS, OF THE
MIDWEST CITY CODE, SECTION 5, SUPPLEMENTAL REGULATIONS, BY
AMENDING SUBSECTION 5.7.2., TRASH DUMPSTER(S) AND ENCLOSURE; AND
PROVIDING FOR REPEALER AND SEVERABILITY**

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

ORDINANCE

SECTION 1. That Appendix A, Zoning Regulations, of the Midwest City Code, Section 5, Supplemental Regulations, by amending Subsection 5.7.2., Trash Dumpster(s) Enclosure, to read as follows:

5.7.2. Trash Dumpster(s) and Enclosure

(A) *Dumpster Requirements.*

- (1) All new commercial buildings shall be served by a minimum of one (1) eight-yard capacity dumpster provided by the City, unless other arrangements are approved by the City’s Environmental Services Director in compliance with code.
- (2) All dumpsters shall be screened/enclosed on three (3) sides by a minimum of eight (8) foot tall ~~brick~~ masonry walls.
- (3) Such enclosures shall have inside dimensions of no less than ~~ten (10)~~ twelve (12)
- (4) Gates shall be incorporated into the design of the enclosure and shall provide a twelve (12) ~~ten~~-foot wide clear space when open.
- (5) A locking device shall be installed on the gates.
- (6) Keeper latches shall be installed to allow gates to remain open during the servicing of the refuse container.

(B) *Dumpster Site Location.*

- (1) At the time of preparing plans for new commercial buildings, land area on the site shall be designated as a location for the required dumpster(s) and enclosure, which shall be indicated on those plans.
 - a. Such location shall not occupy any designated parking space, dedicated right-of-way, easement and/or create any traffic sight hazard.
- (2) An unobstructed approach shall be provided to allow refuse collection trucks to maneuver on the property without the backing onto a public street.

(C) *Drains Prohibited in Dumpster Site Location.*

- (1) No drains of any type shall be permitted within the design of the dumpster enclosure.

(D) *Continuously Housed.*

- (1) The dumpster(s) shall be housed inside the enclosure at all times when not being serviced.

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

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

1 PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma,
2 on the day of _____, 2020.

3 THE CITY OF MIDWEST CITY, OKLAHOMA

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5 _____
6 MATTHEW D. DUKES II, Mayor

7 ATTEST:

8 _____
9 SARA HANCOCK, City Clerk

10 APPROVED as to form and legality this _____ day of _____, 2020.

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12 _____
13 HEATHER POOLE, City Attorney

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ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A, ZONING REGULATIONS, OF THE MIDWEST CITY CODE, SECTION 5, SUPPLEMENTAL REGULATIONS, BY AMENDING SUBSECTION 5.7.2., TRASH DUMPSTER(S) AND ENCLOSURE; AND PROVIDING FOR REPEALER AND SEVERABILITY

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

ORDINANCE

SECTION 1. That Appendix A, Zoning Regulations, of the Midwest City Code, Section 5, Supplemental Regulations, by amending Subsection 5.7.2., Trash Dumpster(s) Enclosure, to read as follows:

5.7.2. Trash Dumpster(s) and Enclosure

(A) *Dumpster Requirements.*

- (1) All new commercial buildings shall be served by a minimum of one (1) eight-yard capacity dumpster provided by the City, unless other arrangements are approved by the City's Environmental Services Director in compliance with code.
- (2) All dumpsters shall be screened/enclosed on three (3) sides by a minimum of eight (8) foot tall masonry walls.
- (3) Such enclosures shall have inside dimensions of no less than twelve (12)
- (4) Gates shall be incorporated into the design of the enclosure and shall provide a twelve (12) -foot wide clear space when open.
- (5) A locking device shall be installed on the gates.
- (6) Keeper latches shall be installed to allow gates to remain open during the servicing of the refuse container.

(B) *Dumpster Site Location.*

- (1) At the time of preparing plans for new commercial buildings, land area on the site shall be designated as a location for the required dumpster(s) and enclosure, which shall be indicated on those plans.
 - a. Such location shall not occupy any designated parking space, dedicated right-of-way, easement and/or create any traffic sight hazard.
- (2) An unobstructed approach shall be provided to allow refuse collection trucks to maneuver on the property without the backing onto a public street.

(C) *Drains Prohibited in Dumpster Site Location.*

- (1) No drains of any type shall be permitted within the design of the dumpster enclosure.

(D) *Continuously Housed.*

- (1) The dumpster(s) shall be housed inside the enclosure at all times when not being serviced.

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

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

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PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma,
on the day of _____, 2020.

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 _____, 2020.

HEATHER POOLE, City Attorney



Public Works Administration

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

Public Works Director

pstreets@midwestcityok.org

(405) 739-1061

Public Works City Engineer

pmenefee@midwestcityok.org

(405) 739-1062

www.midwestcityok.org

Memorandum

To: Honorable Mayor and Council

From: R. Paul Streets, Public Works Director

Date: 23 July 2020

Subject: Discussion and consideration of an ordinance amending Chapter 43, Water, Sewer, Sewage Disposal, and Stormwater Quality, of the Midwest City Code; by amending Article II, Water; Division 1, Generally; Section 43-18; Section 43-32; Division 3, Meters; Section 43-54; Article III, Sewers and Sewage Disposal, Sections 43-106 and 43-109; Division 5, Other Provisions Relating to Taps and Connections, Sections 43-166 and 43-178; Establishing and effective date; and providing for repealer and severability.

The proposed amendment to Chapter 43 Article II Water, Division 1 Generally, Division 3 Meters, Article III Sewers and Sewage Disposal, Division 1 Generally, and Division 5 Other Provisions Relating to Taps and Connections, adds language needed to support current policies or operations.

Action is at the discretion of the Mayor and Council.

Respectfully,

R. Paul Streets
Public Works Director

Attached: Midwest City Ordinance Chapter 43 with Recommended Changes

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 43, WATER, SEWER, SEWAGE DISPOSAL AND STORMWATER QUALITY, OF THE MIDWEST CITY CODE; BY AMENDING ARTICLE II, WATER; DIVISION 1, GENERALLY; SECTION 43-18; SECTION 43-32; DIVISION 3, METERS; SECTION 43-54; ARTICLE III, SEWERS AND SEWAGE DISPOSAL, SECTIONS 43-106 AND 43-109; DIVISION 5, OTHER PROVISIONS RELATING TO TAPS AND CONNECTIONS, SECTIONS 43-166 AND 43-178; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

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

ORDINANCE

SECTION 1. That Chapter 43, Water, Sewer, Sewage Disposal and Stormwater Quality; Article II, Water; Section 43-18, Installation fees; meter installation, etc., is hereby amended to read as follows:

Sec. 43-18. Installation fees; meter installation, etc.

- (a) The fees for installation of water service and meter shall be as determined on a schedule of fees provided by the ~~environmental services~~Public Works ~~Director~~ or designee prior to July 1st of each calendar year or, as the cost of materials and labor increase or decrease, the schedule shall be revised to reflect the increases or decreases in cost as necessary, after approval by the council. Fees for connection to the water system and installation or purchase of a water meter shall be paid at the time the building permit is issued. All meters ~~and meter boxes~~ shall be furnished and installed by the city.
- ~~(b) No meter will be set in a location other than a designated public easement on the property to be serviced; provided, however, in residential, office, commercial and industrial condominium developments, common areas may be used for utility service lines when so designated by easement with said easement being filed in the office of the county clerk. At no time shall a meter be set in a driveway, street, sidewalk or parking lot. If a service line has already been connected to the water main prior to the building construction, the city shall not be responsible if the service line is installed in an inappropriate or inconvenient location.~~
- ~~(b)~~ If a service line has been connected to the city water main to service a particular lot and there are subsequent lot splits and the installed service line does not meet the requirements of the new lot boundary or greenbelt requirement, the owner of the lot or lots shall be responsible for providing proper service line connections to the designated lot or lots.
- ~~(c)~~ In general, the required meter shall be the same size as the service lines. The meter shall not exceed the size of the service line. (i.e. 1 1/2" meter on a 1" service line)

(ed) In all cases where meters, meter boxes, transmitters, antennae, or related equipment are lost, damaged or broken by carelessness or negligence of the property owner, or anyone working for or under the general supervision of the property owner, they shall be replaced or repaired by or under the direction of the environmental services director and the cost will be levied to the property owner. During construction, the builder shall be charged with the care and protection of the meter and related equipment, water lines and meter boxes. If the meter or related equipment, water lines, or meter boxes are broken or damaged, it shall be prima facie negligence of the builder. The items shall be replaced or repaired by or under the direction of the environmental service director and the cost will be levied to the builder. The city shall be responsible only for the proper functioning and registry of the water meter.

SECTION 2. That Chapter 43, Water, Sewer, Sewage Disposal and Stormwater Quality; Article II, Water; Section 43-32, Water extension, connection prerequisite to building permit, is hereby amended to read as follows:

Sec. 43-32. - Water extension, connection prerequisite to building permit.

- (a) No building permit for construction of a new building, relocation of a building, for an addition to an existing building, with said addition expanding the size of the existing structure by fifty (50) percent or no permit for a portable or temporary building when used as the primary structure shall be issued for commercial, apartments, industrial or institutional uses until an approved public water supply is extended to and across the frontage of the property as required by this article. No change in use of an existing building if required by fire prevention codes shall be issued for commercial, apartments, industrial or institutional uses until an approved public water supply is extended to and across the frontage of the property as required by this article. The public water extension and its service connections to the property shall be constructed at no cost to the city.
- (b) All residential subdivisions (excluding short form plats) shall connect to city water when an existing water main serves any quarter section in which the subdivision is wholly or partially located or is within one-half-mile of any exterior boundary of the subdivision, whichever is the greater distance.
- (c) All water line main construction must conform to the city standards and specifications and plans approved by the city engineer. The size of all water lines shall be in accordance with water master plan on file in the city engineer's office. All water lines along the approximate half-section line shall be a minimum of eight (8) inches in size.
- (d) For all residential short form plats and single-family building permits, the water line shall be extended across all frontages if any portion of the property in the short form plat or building permit is within one hundred fifty (150) feet excluding street right-of-way of an existing water line.
- (e) No construction shall be permitted above floor level until water lines and fire hydrants have been installed and accepted by the city.

1 (f) A final inspection of all City owned water infrastructure shall be required before a Certificate
2 of Occupancy shall be issued. The Line Maintenance Supervisor or designee shall make
3 available a list of requirements at the request of the owner/builder.

4 **SECTION 3.** That Chapter 43, Water, Sewer, Sewage Disposal and Stormwater Quality; Article
5 II, Water; Division 3, Meters; Section 43-54, Cost of moving services or fire hydrants, is hereby
6 amended to read as follows:

7 **Sec. 43-54. – Location and Cost of moving services or fire hydrants.**

8 If a service line or fire hydrant has already been connected to the water main prior to the building
9 construction, the city shall not be responsible if the service line or fire hydrant is installed in an
10 inappropriate or inconvenient location

11 There shall be, where applicable, a charge for moving a fire hydrant or meter service line based
12 upon the actual cost of labor, equipment and material. The City reserves the right to require such
13 movements to be performed by an approved Utility Contractor at the sole expense of the reques-
14 tor. The contract shall be between the requestor and the contractor only. All modifications shall
15 be considered “installation” and be required to fulfill all requirements of Chapter 43 Section 5

16 (a) Fire hydrants shall be located in an area to allow a minimum of five (5) foot of clearance
17 from all immovable objects i.e: mailboxes, trees, fence, rocks, or signs. All fire hydrants shall
18 be located three (3) foot from all driveways and roadways. At the discretion of the Public
19 Works Director or designee additional protection of fire hydrants may be required, such pro-
20 tection may include but not limited to bollard pole(s), additional curbing and parking stops.

21 (b) No meter will be set in a location other than a green belt on designated public easement on
22 the property to be serviced; provided, however, in residential, office, commercial and indus-
23 trial condominium developments, common areas may be used for utility service lines when
24 so designated by easement with said easement being filed in the office of the county clerk. At
25 no time shall a meter be set in a driveway, street, sidewalk or parking lot. Beginning at the
26 outer edge of the meter box/vault there shall be required a two (2) foot horizontal green belt
27 buffer zone and a vertical clearance zone of five (5) feet. Vertical clearance obstructions in-
28 cludes but is not limited to: grass, flowers, shrubs, trees, signs, mailboxes, vehicles, trailers,
29 debris for collection or landscaping that rises above the meter box lid and may interfere with
the communication requirements of the meter. Any items that are in violation of the clear-
ance area are subject to removal by the owner. At the discretion of the Public Works Director
or designee additional protection measures of meters may be required, such protection may
include but not limited to bollard pole, additional curbing and parking stops.

1
2 **SECTION 4.** That Chapter 43, Water, Sewer, Sewage Disposal and Stormwater Quality; Article
3 III, Sewers and Sewage Disposal; Division 1, Generally; Section 43-106, Damaging, tampering
4 facilities, is hereby amended to read as follows:

5 **Sec. 43-106. - Damaging, tampering, obstructing access withof facilities.**

6 (a) No unauthorized person shall maliciously, willfully, or negligently break, damage, de-
7 stroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is
8 a part of the sewerage works.

9 ~~(a)~~(b) Access to the POTW shall be provided as needed to authorized personnel. There
10 shall be a five (5) foot horizontal clearance area around all manhole or vault access
11 points, this includes but not limited to fencing, trees, shrubs, debris, buildings, mailboxes,
12 decks, pools, pet containment areas, vehicles, trailers, etc. Any items that are in violation
13 of the clearance area are subject to removal by the owner.

14 **SECTION 5.** That Chapter 43, Water, Sewer, Sewage Disposal and Stormwater Quality; Article
15 III, Sewers and Sewage Disposal; Division 1, Generally; Section 43-109, Sewer connection
16 prerequisite to building permit, is hereby amended to read as follows:

17 **Sec. 43-109. - Sewer connection prerequisite to building permit.**

18 (a) No building permit for construction of a new building or relocation of a building shall be
19 issued for property located within three hundred (300) feet of a public sewer, unless the public
20 sewer is extended to an easement abutting the property and the sewage facilities of the prop-
21 erty are tied onto the public sewer. The public sewer extension, if necessary, and its service
22 connections to the property shall be constructed at no cost to the city. Provided however for
23 commercial and industrial development not part of the subdivision of land, the building permit
24 may be issued prior to the installation of the requirements subject to the conditions contained
25 in section 38-94(a)(2) and/or (c).

26 (b) Any property owner aggrieved by the prohibitions of subsection (a) of this section may file
27 an appeal to the city council. The appeal shall be in writing and shall state the reasons for
28 appeal. At least five (5) days prior to the hearing on the appeal, notice of the time and place
29 of the hearing shall be given to the person who filed the appeal and abutting property owners.
A fee of sixty dollars (\$60.00) must be paid at the time the appeal is filed.

(c) A final inspection of the private and POTW sewer infrastructure shall be required before
a Certificate of Occupancy shall be issued. The Line Maintenance Supervisor shall make
available a list of requirements at the request of the owner/builder.

1 **SECTION 6.** That Chapter 43, Water, Sewer, Sewage Disposal and Stormwater Quality; Article
2 III, Sewers and Sewage Disposal; Division 5, Other Provisions Relating to Taps and Connections;
3 Section 43-166, Charge for sewer main taps, is hereby amended to read as follows:

4 **Section 43-166. – Charge for sewer main taps.**

5 ~~If the plumbing contractor elects to have the city perform the tap and saddle installation, a fee of~~
6 ~~sixty dollars (\$60.00) shall be assessed for each sewer tap made.~~ Nothing in this article shall be
7 construed to allow a homeowner or any other unlicensed person to perform a sewer tap. All taps
8 shall be made by a plumbing contractor.

9 **SECTION 7.** That Chapter 43, Water, Sewer, Sewage Disposal and Stormwater Quality; Article
10 III, Sewers and Sewage Disposal; Division 5, Other Provisions Relating to Taps and Connections;
11 Section 43-178, Authority to discontinue service, is hereby amended to read as follows:

12 **Sec. 43-178. - Authority to discontinue service.**

13 (a) Nothing contained in this division shall be construed as binding the city to agree to continue
14 any of the sewerage services to be contracted for hereunder, nor shall anything contained in
15 this division prevent the city from discontinuing any sewerage services when, in the judgment
16 of the city council, the sanitary sewerage facilities of the city are no longer adequate to handle
17 such sewerage services or when in the judgment of the council the continuance of any sewerage
18 services will interfere with the proper functioning of the city's sanitary sewerage facilities.

19 (b) This section shall not be applicable where the city council enters into a contract for a definite
20 period of time for the disposal of sewage.

21 (c) The Director and/or designee reserves the right to discontinue sewer service by all neces-
22 sary means including but not limited to shutting off water supply, whenever the discharge to
23 the POTW violates Sec. 43-274 or whenever Public Health and/or Environmental concerns
24 are present.

25 **SECTION 8.** EFFECTIVE DATE. This ordinance shall be effective on and after the ___ day of
26 July, 2020.

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

29 **SECTION 10.** 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.

1 PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma,
2 on the ____ day of _____, 2020.

3
4 CITY OF MIDWEST CITY, OKLAHOMA

5 _____
6 MATTHEW D. DUKES, II, Mayor

7 ATTEST:

8 _____
9 SARA HANCOCK, City Clerk

10 APPROVED as to form and legality this ____ day of _____, 2020.

11
12 _____
13 HEATHER POOLE, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 43, WATER, SEWER, SEWAGE DISPOSAL AND STORMWATER QUALITY, OF THE MIDWEST CITY CODE; BY AMENDING ARTICLE II, WATER; DIVISION 1, GENERALLY; SECTION 43-18; SECTION 43-32; DIVISION 3, METERS; SECTION 43-54; ARTICLE III, SEWERS AND SEWAGE DISPOSAL, SECTIONS 43-106 AND 43-109; DIVISION 5, OTHER PROVISIONS RELATING TO TAPS AND CONNECTIONS, SECTIONS 43-166 AND 43-178; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

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

ORDINANCE

SECTION 1. That Chapter 43, Water, Sewer, Sewage Disposal and Stormwater Quality; Article II, Water; Section 43-18, Installation fees; meter installation, etc., is hereby amended to read as follows:

Sec. 43-18. Installation fees; meter installation, etc.

- (a) The fees for installation of water service and meter shall be as determined on a schedule of fees provided by the Public Works Director or designee prior to July 1st of each calendar year or, as the cost of materials and labor increase or decrease, the schedule shall be revised to reflect the increases or decreases in cost as necessary, after approval by the council. Fees for connection to the water system and installation or purchase of a water meter shall be paid at the time the building permit is issued. All meters shall be furnished and installed by the city.
- (b) If a service line has been connected to the city water main to service a particular lot and there are subsequent lot splits and the installed service line does not meet the requirements of the new lot boundary or greenbelt requirement, the owner of the lot or lots shall be responsible for providing proper service line connections to the designated lot or lots.
- (c) In general, the required meter shall be the same size as the service lines. The meter shall not exceed the size of the service line. (*i.e. 1 1/2" meter on a 1" service line*)
- (d) In all cases where meters, meter boxes, transmitters, antennae, or related equipment are lost, damaged or broken by carelessness or negligence of the property owner, or anyone working for or under the general supervision of the property owner, they shall be replaced or repaired by or under the direction of the environmental services director and the cost will be levied to the property owner. During construction, the builder shall be charged with the care and protection of the meter and related equipment, water lines and meter boxes. If the meter or related equipment, water lines, or meter boxes are broken or damaged, it shall be prima facie negligence of the builder. The items shall be replaced or repaired by or under the direction of the

1 environmental service director and the cost will be levied to the builder. The city shall be
2 responsible only for the proper functioning and registry of the water meter.

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4 **SECTION 2.** That Chapter 43, Water, Sewer, Sewage Disposal and Stormwater Quality; Article
5 II, Water; Section 43-32, Water extension, connection prerequisite to building permit, is hereby
6 amended to read as follows:

7 **Sec. 43-32. - Water extension, connection prerequisite to building permit.**

- 8 (a) No building permit for construction of a new building, relocation of a building, for an addi-
9 tion to an existing building, with said addition expanding the size of the existing structure by
10 fifty (50) percent or no permit for a portable or temporary building when used as the primary
11 structure shall be issued for commercial, apartments, industrial or institutional uses until an
12 approved public water supply is extended to and across the frontage of the property as required
13 by this article. No change in use of an existing building if required by fire prevention codes
14 shall be issued for commercial, apartments, industrial or institutional uses until an approved
15 public water supply is extended to and across the frontage of the property as required by this
16 article. The public water extension and its service connections to the property shall be con-
17 structed at no cost to the city.
- 18 (b) All residential subdivisions (excluding short form plats) shall connect to city water when an
19 existing water main serves any quarter section in which the subdivision is wholly or partially
20 located or is within one-half-mile of any exterior boundary of the subdivision, whichever is
21 the greater distance.
- 22 (c) All water line main construction must conform to the city standards and specifications and
23 plans approved by the city engineer. The size of all water lines shall be in accordance with
24 water master plan on file in the city engineer's office. All water lines along the approximate
25 half-section line shall be a minimum of eight (8) inches in size.
- 26 (d) For all residential short form plats and single-family building permits, the water line shall be
27 extended across all frontages if any portion of the property in the short form plat or building
28 permit is within one hundred fifty (150) feet excluding street right-of-way of an existing water
29 line.
- (e) No construction shall be permitted above floor level until water lines and fire hydrants have
been installed and accepted by the city.
- (f) A final inspection of all City owned water infrastructure shall be required before a Certificate
of Occupancy shall be issued. The Line Maintenance Supervisor or designee shall make
available a list of requirements at the request of the owner/builder.

26 **SECTION 3.** That Chapter 43, Water, Sewer, Sewage Disposal and Stormwater Quality; Article

1 II, Water; Division 3, Meters; Section 43-54, Cost of moving services or fire hydrants, is hereby
2 amended to read as follows:

3 **Sec. 43-54. – Location and cost of moving services or fire hydrants.**

4 If a service line or fire hydrant has already been connected to the water main prior to the building
5 construction, the city shall not be responsible if the service line or fire hydrant is installed in an
6 inappropriate or inconvenient location

7 There shall be, where applicable, a charge for moving a fire hydrant or meter service line based
8 upon the actual cost of labor, equipment and material. The City reserves the right to require
9 such movements to be performed by an approved Utility Contractor at the sole expense of the
10 requestor. The contract shall be between the requestor and the contractor only. All modifi-
11 cations shall be considered “installation” and be required to fulfill all requirements of Chap-
12 ter 43 Section 5 (a) Fire hydrants shall be located in an area to allow a minimum of five (5)
13 foot of clearance from all immovable objects i.e: mailboxes, trees, fence, rocks, or signs. All
14 fire hydrants shall be located three (3) foot from all driveways and roadways. At the discre-
15 tion of the Public Works Director or designee additional protection of fire hydrants may be
16 required, such protection may include but not limited to bollard pole(s), additional curbing
17 and parking stops.

18 (b) No meter will be set in a location other than a green belt on designated public easement on
19 the property to be serviced; provided, however, in residential, office, commercial and indus-
20 trial condominium developments, common areas may be used for utility service lines when
21 so designated by easement with said easement being filed in the office of the county clerk. At
22 no time shall a meter be set in a driveway, street, sidewalk or parking lot. Beginning at the
23 outer edge of the meter box/vault there shall be required a two (2) foot horizontal green belt
24 buffer zone and a vertical clearance zone of five (5) feet. Vertical clearance obstructions in-
25 cludes but is not limited to: grass, flowers, shrubs, trees, signs, mailboxes, vehicles, trailers,
26 debris for collection or landscaping that rises above the meter box lid and may interfere with
27 the communication requirements of the meter. Any items that are in violation of the clear-
28 ance area are subject to removal by the owner. At the discretion of the Public Works Director
29 or designee additional protection measures of meters may be required, such protection may
include but not limited to bollard pole, additional curbing and parking stops.

30 **SECTION 4.** That Chapter 43, Water, Sewer, Sewage Disposal and Stormwater Quality; Article
31 III, Sewers and Sewage Disposal; Division 1, Generally; Section 43-106, Damaging, tampering
32 facilities, is hereby amended to read as follows:
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1 **Sec. 43-106. - Damaging, tampering, obstructing access offacilities.**

- 2 (a) No unauthorized person shall maliciously, willfully, or negligently break, damage, de-
3 stroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is
4 a part of the sewerage works.
- 5 (b) Access to the POTW shall be provided as needed to authorized personnel. There shall be
6 a five (5) foot horizontal clearance area around all manhole or vault access points, this
7 includes but not limited to fencing, trees, shrubs, debris, buildings, mailboxes, decks,
8 pools, pet containment areas, vehicles, trailers, etc. Any items that are in violation of the
9 clearance area are subject to removal by the owner.

10 **SECTION 5.** That Chapter 43, Water, Sewer, Sewage Disposal and Stormwater Quality; Article
11 III, Sewers and Sewage Disposal; Division 1, Generally; Section 43-109, Sewer connection
12 prerequisite to building permit, is hereby amended to read as follows:

13 **Sec. 43-109. - Sewer connection prerequisite to building permit.**

- 14 (a) No building permit for construction of a new building or relocation of a building shall be
15 issued for property located within three hundred (300) feet of a public sewer, unless the public
16 sewer is extended to an easement abutting the property and the sewage facilities of the prop-
17 erty are tied onto the public sewer. The public sewer extension, if necessary, and its service
18 connections to the property shall be constructed at no cost to the city. Provided however for
19 commercial and industrial development not part of the subdivision of land, the building permit
20 may be issued prior to the installation of the requirements subject to the conditions contained
21 in section 38-94(a)(2) and/or (c).
- 22 (b) Any property owner aggrieved by the prohibitions of subsection (a) of this section may file
23 an appeal to the city council. The appeal shall be in writing and shall state the reasons for
24 appeal. At least five (5) days prior to the hearing on the appeal, notice of the time and place
25 of the hearing shall be given to the person who filed the appeal and abutting property owners.
26 A fee of sixty dollars (\$60.00) must be paid at the time the appeal is filed.
- 27 (c) A final inspection of the private and POTW sewer infrastructure shall be required before
28 a Certificate of Occupancy shall be issued. The Line Maintenance Supervisor shall make
29 available a list of requirements at the request of the owner/builder.

30 **SECTION 6.** That Chapter 43, Water, Sewer, Sewage Disposal and Stormwater Quality; Article
31 III, Sewers and Sewage Disposal; Division 5, Other Provisions Relating to Taps and Connections;
32 Section 43-166, Charge for sewer main taps, is hereby amended to read as follows:

33 **Section 43-166. – Charge for sewer main taps.**

1 Nothing in this article shall be construed to allow a homeowner or any other unlicensed person to
2 perform a sewer tap. All taps shall be made by a plumbing contractor.

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5 **SECTION 7.** That Chapter 43, Water, Sewer, Sewage Disposal and Stormwater Quality; Article
6 III, Sewers and Sewage Disposal; Division 5, Other Provisions Relating to Taps and Connections;
7 Section 43-178, Authority to discontinue service, is hereby amended to read as follows:

8 **Sec. 43-178. - Authority to discontinue service.**

- 9 (a) Nothing contained in this division shall be construed as binding the city to agree to continue
10 any of the sewerage services to be contracted for hereunder, nor shall anything contained in
11 this division prevent the city from discontinuing any sewerage services when, in the judgment
12 of the city council, the sanitary sewerage facilities of the city are no longer adequate to handle
13 such sewerage services or when in the judgment of the council the continuance of any sewer-
14 age services will interfere with the proper functioning of the city's sanitary sewerage facilities.
- 15 (b) This section shall not be applicable where the city council enters into a contract for a definite
16 period of time for the disposal of sewage.
- 17 (c) The Director and/or designee reserves the right to discontinue sewer service by all neces-
18 sary means including but not limited to shutting off water supply, whenever the discharge to
19 the POTW violates Sec. 43-274 or whenever Public Health and/or Environmental concerns
20 are present.

21 **SECTION 8.** EFFECTIVE DATE. This ordinance shall be effective on and after the ___day of
22 July, 2020.

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

25 **SECTION 10.** SEVERABILITY. If any section, sentence, clause or portion of this ordinance is
26 for any reason held to be invalid, such decision shall not affect the validity of the remaining
27 portions of the ordinance.

28 PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma,
29 on the ___day of _____, 2020.

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CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this _____ day of _____, 2020.

HEATHER POOLE, City Attorney



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

Memorandum

TO: Honorable Mayor and Council

FROM: Vicki Floyd, City Prosecutor

DATE: July 17, 2020

SUBJECT: Discussion and consideration of an ordinance amending the Midwest City Municipal Code, Chapter 1 General Provisions, Section 1-15 Specific Penalty for Violations of Code; and providing for repealer and severability.

The proposed amendment to Chapter 1 General Provisions, Section 1-15 Specific Penalty adds fines, in a graduated manner, for violations of placement and use of refuse containers. This was requested by both Code Enforcement and Utilities.

Action is at the discretion of Mayor and Council.

Vicki Floyd, City Prosecutor

1 **ORDINANCE NO. _____**

2
3 **AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER**
4 **1 GENERAL PROVISIONS, SECTION 1-15 SPECIFIC PENALTY FOR VIOLATIONS**
5 **OF CODE; AND PROVIDING FOR REPEALER AND SEVERABILITY.**

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

8
9 **ORDINANCE**

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11 **Section 1.** That the Midwest City Municipal Code, Chapter One, General Provisions, Specific
12 penalty for violations of Code is hereby amended to read as follows:

13. **Sec. 1-15. - Specific penalty for violations of Code.**

14 The following table is adopted with regard to specific violations of this Code, including the maximum fine and
15 imprisonment for each specific offense noted:

Chapter	Section	Maximum Fine	Imprisonment
5	5-42(b)	\$ 200.00	10 days
	5-51	1,000.00	60 days
	5-90	200.00	
	5-90.1(a)	1,000.00	90 days
	5-91	200.00	
18	18-25		
	First Offense	100.00	
	Second Offense	200.00	
	Third Offense	500.00	
24	24-81(a)	300.00	30 days

	24-81(b)	200.00	
	24-83	600.00	60 days
	24-84	300.00	
	24-88	800.00	60 days
	24-88.1	600.00	60 days
	24-88.2(c)(1)	800.00	60 days
	24-88.2(c)(2)	200.00	
	24-89	300.00	30 days
	24-90	600.00	60 days
	24-143	200.00	
	24-145	300.00	30 days
	24-203		
	First Violation	100.00	15 days
	Second Violation within the Calendar year, January 1 to December 31	300.00	15 days
	Third and Subsequent Violations within the Calendar year, January 1 to December 31	500.00	30 days
27	All Nuisances		
	First Violation	100.00	15 days
	Second Violation within the Calendar year, January 1 to December 31	300.00	15 days
	Third and Subsequent Violations within the Calendar year, January 1 to December 31	500.00	30 days

	27-44	500.00	30 days
28	28-8	800.00	60 days
	28-9	800.00	60 days
	28-25	100.00	30 days
	28-40	300.00	30 days
	28-41	750.00	60 days
	28-43	600.00	60 days
	28-54	300.00	30 days
	28-57		
	First Offense	500.00	60 days
	Second Offense	600.00	60 days
	Third Offense	750.00	60 days
	28-57.1	600.00	60 days
	28-58	450.00	30 days
	28-60	450.00	30 days
	28-61	450.00	30 days
	28-62	450.00	30 days
	28-75	600.00	60 days
	28-86	750.00	60 days

	28-86.1	750.00	60 days
	28-90	750.00	60 days
	28-90.1	600.00	60 days
	28-104	750.00	60 days
	28-122	500.00	30 days
	28-123	500.00	30 days
	28-124	750.00	60 days
	28-125	300.00	30 days
	28-127	500.00	60 days
	28-128	800.00	60 days
	28-133 (a)	800.00	60 days
	28-133 (b)(3)		
	First and Second Offenses	100.00	
	Third and Subsequent Offenses	400.00	
	28-133 (b)(4)		
	First and Second Offenses	100.00	10 days
	Third and Subsequent Offenses	800.00	60 days

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

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

4
5 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
6 Oklahoma, this _____ day of _____, 2020.

7
8 THE CITY OF MIDWEST CITY, OKLAHOMA

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11 _____
12 MATTHEW D. DUKES, II, Mayor

13
14 ATTEST:

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16 _____
17 SARA HANCOCK, City Clerk

18
19 Approved as to form and legality this _____ day of _____, 2020.

20
21 _____
22 HEATHER POOLE, City Attorney
23
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ORDINANCE NO. _____

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

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

ORDINANCE

Section 1. That the Midwest City Municipal Code, Chapter One, General Provisions, Specific penalty for violations of Code is hereby amended to read as follows:

Sec. 1-15. - Specific penalty for violations of Code.

The following table is adopted with regard to specific violations of this Code, including the maximum fine and imprisonment for each specific offense noted:

Chapter	Section	Maximum Fine	Imprisonment
5	5-42(b)	\$ 200.00	10 days
	5-51	1,000.00	60 days
	5-90	200.00	
	5-90.1(a)	1,000.00	90 days
	5-91	200.00	
18	18-25		
	First Offense	100.00	
	Second Offense	200.00	
	Third Offense	500.00	
24	24-81(a)	300.00	30 days

	24-81(b)	200.00	
	24-83	600.00	60 days
	24-84	300.00	
	24-88	800.00	60 days
	24-88.1	600.00	60 days
	24-88.2(c)(1)	800.00	60 days
	24-88.2(c)(2)	200.00	
	24-89	300.00	30 days
	24-90	600.00	60 days
	24-143	200.00	
	24-145	300.00	30 days
	24-203		
	First Violation	100.00	15 days
	Second Violation within the Calendar year, January 1 to December 31	300.00	15 days
	Third and Subsequent Violations within the Calendar year, January 1 to December 31	500.00	30 days
27	All Nuisances		
	First Violation	100.00	15 days
	Second Violation within the Calendar year, January 1 to December 31	300.00	15 days
	Third and Subsequent Violations within the Calendar year, January 1 to December 31	500.00	30 days

	27-44	500.00	30 days
28	28-8	800.00	60 days
	28-9	800.00	60 days
	28-25	100.00	30 days
	28-40	300.00	30 days
	28-41	750.00	60 days
	28-43	600.00	60 days
	28-54	300.00	30 days
	28-57		
	First Offense	500.00	60 days
	Second Offense	600.00	60 days
	Third Offense	750.00	60 days
	28-57.1	600.00	60 days
	28-58	450.00	30 days
	28-60	450.00	30 days
	28-61	450.00	30 days
	28-62	450.00	30 days
	28-75	600.00	60 days
	28-86	750.00	60 days

	28-86.1	750.00	60 days
	28-90	750.00	60 days
	28-90.1	600.00	60 days
	28-104	750.00	60 days
	28-122	500.00	30 days
	28-123	500.00	30 days
	28-124	750.00	60 days
	28-125	300.00	30 days
	28-127	500.00	60 days
	28-128	800.00	60 days
	28-133 (a)	800.00	60 days
	28-133 (b)(3)		
	First and Second Offenses	100.00	
	Third and Subsequent Offenses	400.00	
	28-133 (b)(4)		
	First and Second Offenses	100.00	10 days
	Third and Subsequent Offenses	800.00	60 days

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

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

4
5 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
6 Oklahoma, this _____ day of _____, 2020.

7
8 THE CITY OF MIDWEST CITY, OKLAHOMA

9
10
11 _____
12 MATTHEW D. DUKES, II, Mayor

13
14 ATTEST:

15
16 _____
17 SARA HANCOCK, City Clerk

18
19 Approved as to form and legality this _____ day of _____, 2020.

20
21 _____
22 HEATHER POOLE, City Attorney
23
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City Prosecutor
Vicki Floyd
100 N. Midwest Boulevard
Midwest City, OK 73110
VFloyd@MidwestCityOK.org
Office: 405.739.1284 / Fax: 405.869.8680
www.midwestcityok.org

Memorandum

TO: Honorable Mayor and Council

FROM: Vicki Floyd, City Prosecutor

DATE: July 17, 2020

SUBJECT: Discussion and consideration of an ordinance amending the Midwest City Municipal Code, Chapter 18 Garbage and Refuse, Article 1 In General, Section 18-6 Violations.

The proposed amendment to Chapter 18 Garbage and Refuse, Article 1 In General, Section 18-6 Violations adds the expanded definition of individuals responsible for premises. This change was requested by Code Enforcement and Public Works.

Action is at the discretion of Mayor and Council.

Vicki Floyd, City Prosecutor

1 ORDINANCE NO. _____
2

3 AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER
4 18 GARBAGE AND REFUSE, ARTICLE 1 IN GENERAL, SECTION 18-6 VIOLATIONS
5 AND PROVIDING FOR REPEALER, SEVERABILITY.
6

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

9
10 ORDINANCE
11

12
13 **Section 1.** That the Midwest City Municipal Code, Chapter 18 Garbage and Refuse, Article 1 In
14 General, Section 18-6 Violations is hereby amended to read as follows:
15

16 **Sec. 18-6. - Violations.**
17

18 The ~~owner, person having control, or occupant of any premises~~ **person, occupant, tenant, or**
19 **renter of real property or some other person designated by the owner to be responsible for** any
20 premises in the city who fails, neglects or refuses to use the containers, unless otherwise
21 exempted by **section 18-23** of this Code, described in this chapter, or to deposit therein garbage,
22 refuse and rubbish, or who fails, refuses or neglects to pay without just cause any uncontested
23 bills for service rendered under this chapter for a period of ten (10) days after official notice of
24 such failure, neglect or refusal, or who violates any of the provisions of this chapter, is guilty of
25 an offense.
26

27 **Section 2. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby
28 repealed.
29

30 **Section 3. SEVERABILITY.** If any section, sentence, clause, or portion of this ordinance is for
31 any reason held to be invalid, such decision shall not affect the validity of the remaining
32 provisions of the ordinance.
33

34 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
35 Oklahoma, this _____ day of _____, 2020.
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41 THE CITY OF MIDWEST CITY, OKLAHOMA
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45 MATTHEW D. DUKES, II, Mayor
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ATTEST:

SARA HANCOCK, City Clerk

Approved as to form and legality this _____ day of _____, 2020.

HEATHER POOLE, City Attorney

1 ORDINANCE NO. _____
2

3 **AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER**
4 **18 GARBAGE AND REFUSE, ARTICLE 1 IN GENERAL, SECTION 18-6 VIOLATIONS**
5 **AND PROVIDING FOR REPEALER, 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 18 Garbage and Refuse, Article 1 In
12 General, Section 18-6 Violations is hereby amended to read as follows:
13

14 **Sec. 18-6. - Violations.**
15

16 The person, occupant, tenant, or renter of real property or some other person designated by the
17 owner to be responsible for any premises in the city who fails, neglects or refuses to use the
18 containers, unless otherwise exempted by [section 18-23](#) of this Code, described in this chapter,
19 or to deposit therein garbage, refuse and rubbish, or who fails, refuses or neglects to pay without
20 just cause any uncontested bills for service rendered under this chapter for a period of ten (10)
21 days after official notice of such failure, neglect or refusal, or who violates any of the provisions
22 of this chapter, is guilty of an offense.
23

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25
26 **Section 2. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby
27 repealed.
28

29 **Section 3. SEVERABILITY.** If any section, sentence, clause, or portion of this ordinance is for
30 any reason held to be invalid, such decision shall not affect the validity of the remaining
31 provisions of the ordinance.
32

33 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
34 Oklahoma, this _____ day of _____, 2020.
35

36 THE CITY OF MIDWEST CITY, OKLAHOMA
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39 _____
40 MATTHEW D. DUKES, II, Mayor
41

42 ATTEST:
43

44 _____
45 SARA HANCOCK, City Clerk
46

1 Approved as to form and legality this _____ day of _____, 2020.

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HEATHER POOLE, City Attorney



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

Memorandum

TO: Honorable Mayor and Council

FROM: Vicki Floyd, City Prosecutor

DATE: July 17, 2020

SUBJECT: Discussion and consideration 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.

The proposed amendment to Chapter 18 Garbage and Refuse, Article II, Municipal Collection and Disposal Service, Section 18-25 Container required adds language that medical waste, and household hazardous waste shall not be placed into refuse carts. It further expands the areas that a resident may not park which would block access to the polycarts. This change was requested by both Code Enforcement and Public Works.

Action is at the discretion of Mayor and Council.

Vicki Floyd, City Prosecutor

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3 **ORDINANCE NO. _____**

4 **AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER**
5 **18 GARBAGE AND REFUSE, ARTICLE II, MUNICIPAL COLLECTION AND**
6 **DISPOSAL SERVICE, SECTION 18-25, CONTAINER REQUIRED AND PROVIDING**
7 **FOR REPEALER, SEVERABILITY.**

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

9
10 **ORDINANCE**

11
12 **Section 1.** That the Midwest City Municipal Code, Chapter 18 Garbage and Refuse, Article II,
13 Municipal Collection and Disposal Service, Section 18-25, Container required; duty to use is
14 hereby amended to read as follows:

15
16
17 **Sec. 18-25. - Container required; duty to use.**

- 18
19 (a) Except as otherwise provided in this article, all residential customers shall place their
20 garbage and refuse in the carts provided by the city and, beginning July 1, 2013, their
21 recyclables in a separate cart provided for that purpose by the city.
22
23
24 (b) The city shall provide one (1) cart for each residence for garbage and refuse, and one
25 (1) cart for each residence for materials that are to be recycled. Residents are allowed
26 to have additional refuse carts per residence from the city. These carts will be emptied
27 on a weekly basis when the primary cart is emptied with the monthly cost to the resident
28 of the additional carts being seven dollars (\$7.00) for each additional cart. Each
29 additional cart requested will require a one year commitment paid in monthly
30 increments unless the customer requests its removal before the end of the year at which
31 point the remaining cost of the commitment will be added to the utility bill. Residential
32 recycling carts will be emptied bi-weekly.

33
34 The resident may place normal household garbage and refuse, as defined in [section](#)
35 [18-1](#) of this Code, in the refuse cart(s) for collection. **Residents may not place**
36 **household hazardous waste, or regulated medical waste, as defined in section 18-1 of**
37 **this Code in the refuse cart(s) for collection.** Residents may place materials they wish
38 to be recycled in the recycling cart. The resident shall be responsible for the safekeeping
39 of the carts until such time as an inspection is made by the city and service is terminated.
40 Should any person change residences, the person shall promptly notify the city. If any
41 cart is lost or stolen, the resident shall promptly notify the police department of the loss
42 or theft of the cart and obtain a case number. Lost or stolen carts will not be replaced
43 without a case number from the police department. The city will empty the carts so
44 long as the carts contain no more than two hundred (200) pounds of garbage and refuse
45 in each cart during any given pickup. If a cart is damaged beyond normal wear and tear,
46 including fire damage from improper disposal of fire ashes, the cost of replacement

1 shall be charged to the resident at the current replacement cost of the cart. All carts
2 shall remain the property of the city even though the resident may have paid for a
3 replacement cart. All carts are to remain at the residence to which they are assigned. It
4 shall be unlawful and an offense for a person to be in possession of a cart without the
5 permission of the resident to which it is assigned. It is the responsibility of the resident
6 to keep the cart clean. At the request of the resident, carts can be cleaned by the city.
7 Such cleaning shall be performed for a twenty dollar (\$20.00) charge which shall be
8 paid by the resident.
9

10 (c) All carts to be emptied, including recycling carts, shall be placed at the curblin. Carts
11 are not to be obstructed from view, e.g., behind parked cars, behind hedges, etc. Carts
12 shall be placed for collection no earlier than 7:00 p.m. the day before the scheduled
13 collection and no later than 7:00 a.m. the day of scheduled collection. **Parking shall
14 not be in front of or blocking access to a poly cart, nor shall anyone park within five
15 (5) feet of either side of a public or private driveway.** The resident is required to return
16 the carts to their regular storage place within five (5) feet of the residential structure or
17 behind the front building line of the property by no later than 7:00 p.m. the day of
18 scheduled collection. Failure to return the carts by the stated time limitation above may
19 result in a fine ~~not to exceed fifty dollars (\$50.00) to the owner of the residence. Failure
20 to return the carts by the stated time limitation above may result in a fine~~ **as set forth in
21 1-15 of this code, assessed to the responsible party.** A twenty dollar (\$20.00) call back
22 collection fee shall be charged to empty a cart and/or pick up authorized items not at
23 the curblin prior to 7:00 a.m. the day of scheduled collection. Any items that are not
24 in compliance with subsection (d) below that are not picked up during collection shall
25 be removed from the curblin by no later than 7:00 p.m. on the day of scheduled
26 collection. Failure to remove such items not in compliance with subsection (d) by 7:00
27 p.m. may result in a citation for violation of ~~section 18-6~~ this Code.
28

29 (d) Residents may not place with the carts other types of containers for collection. Garbage
30 and refuse placed in refuse carts and recyclable materials placed in recycle carts will
31 be the only things that will be collected during a normal collection.
32

33 (e) Rollout service will be provided for the disabled. Any residence in which all the
34 residents are disabled may request rollout service be performed by the city. The director
35 shall determine the need for rollout service and to approve or disapprove requests. If
36 the director determines that a particular residence qualifies for rollout service, the city
37 will roll out, dump and return the carts at no extra charge.
38

39 (f) There will be a charge of twenty dollars (\$20.00) if a cart is picked up and returned for
40 nonpayment of a sanitation bill.
41

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

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

4
5 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
6 Oklahoma, this _____ day of _____, 2020.

7
8 THE CITY OF MIDWEST CITY, OKLAHOMA

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11 _____
12 MATTHEW D. DUKES, II, Mayor

13
14 ATTEST:

15
16 _____
17 SARA HANCOCK, City Clerk

18
19 Approved as to form and legality this _____ day of _____, 2020.

20
21 _____
22 HEATHER POOLE, City Attorney
23
24

1 shall remain the property of the city even though the resident may have paid for a
2 replacement cart. All carts are to remain at the residence to which they are assigned. It
3 shall be unlawful and an offense for a person to be in possession of a cart without the
4 permission of the resident to which it is assigned. It is the responsibility of the resident
5 to keep the cart clean. At the request of the resident, carts can be cleaned by the city.
6 Such cleaning shall be performed for a twenty dollar (\$20.00) charge which shall be
7 paid by the resident.
8

9 (c) All carts to be emptied, including recycling carts, shall be placed at the curblin. Carts
10 are not to be obstructed from view, e.g., behind parked cars, behind hedges, etc. Carts
11 shall be placed for collection no earlier than 7:00 p.m. the day before the scheduled
12 collection and no later than 7:00 a.m. the day of scheduled collection. Parking shall
13 not be in front of or blocking access to a poly cart, nor shall anyone park within five
14 (5) feet of either side of a public or private driveway. The resident is required to return
15 the carts to their regular storage place within five (5) feet of the residential structure or
16 behind the front building line of the property by no later than 7:00 p.m. the day of
17 scheduled collection. Failure to return the carts by the stated time limitation above may
18 result in a fine as set forth in 1-15 of this code, assessed to the responsible party. A
19 twenty dollar (\$20.00) call back collection fee shall be charged to empty a cart and/or
20 pick up authorized items not at the curblin prior to 7:00 a.m. the day of scheduled
21 collection. Any items that are not in compliance with subsection (d) below that are not
22 picked up during collection shall be removed from the curblin by no later than 7:00
23 p.m. on the day of scheduled collection. Failure to remove such items not in compliance
24 with subsection (d) by 7:00 p.m. may result in a citation for violation of this Code.
25

26 (d) Residents may not place with the carts other types of containers for collection. Garbage
27 and refuse placed in refuse carts and recyclable materials placed in recycle carts will
28 be the only things that will be collected during a normal collection.
29

30 (e) Rollout service will be provided for the disabled. Any residence in which all the
31 residents are disabled may request rollout service be performed by the city. The director
32 shall determine the need for rollout service and to approve or disapprove requests. If
33 the director determines that a particular residence qualifies for rollout service, the city
34 will roll out, dump and return the carts at no extra charge.
35

36 (f) There will be a charge of twenty dollars (\$20.00) if a cart is picked up and returned for
37 nonpayment of a sanitation bill.
38

39 **Section 2. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby
40 repealed.
41

42 **Section 3. SEVERABILITY.** If any section, sentence, clause, or portion of this ordinance is for
43 any reason held to be invalid, such decision shall not affect the validity of the remaining
44 provisions of the ordinance.
45
46

1 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
2 Oklahoma, this _____ day of _____, 2020.

3

4 THE CITY OF MIDWEST CITY, OKLAHOMA

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MATTHEW D. DUKES, II, Mayor

9

10 ATTEST:

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12

13

SARA HANCOCK, City Clerk

14

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Approved as to form and legality this _____ day of _____, 2020.

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HEATHER POOLE, City Attorney



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

Memorandum

TO: Honorable Mayor and Council

FROM: Vicki Floyd, City Prosecutor

DATE: July 17, 2020

SUBJECT: Discussion and consideration of an ordinance amending the Midwest City Municipal Code, Chapter 18, Garbage and Refuse, Article I, In General, Section 18-1, Definitions; and providing for repealer and severability.

The proposed amendment to Chapter 18, Garbage and Refuse, Article I, In General, Section 18-1 Definitions changes the definitions of garbage. It also adds the definitions of household hazardous waste and regulated medical waste. These changes were requested by Public Works due to the rise of items being disposed of in the polycarts that were hazardous to the city workers.

Action is at the discretion of Mayor and Council.

Vicki Floyd, City Prosecutor

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ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 18, GARBAGE AND REFUSE, ARTICLE I, IN GENERAL, SECTION 18-1 DEFINITIONS; AND PROVIDING FOR REPEALER AND SEVERABILITY.

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

ORDINANCE

Section 1. That the Midwest City Municipal Code, Chapter 18 Garbage and Refuse, Article I In General, Section 18-1 Definitions is hereby amended to read as follows:

Sec. 18-1. - Definitions.

For the purpose of this chapter, the following terms are defined as set out in this section:

~~*Garbage* means every accumulation of animal or vegetable matter or both; that is, the refuse matter from kitchens, pantries, dining rooms or other parts of hotels, restaurants, dwelling houses, apartments, market houses and all animal matter or refuse matter from butcher shops, poultry stores and fish stores.~~

~~*Rubbish and refuse* mean ashes, cinders, paper, broken ware, discarded shoes, tin cans and such refuse as may be termed the natural accumulation of resident families.~~

- (a) *Garbage* means decomposable food waste or yard waste that is highly putrescible (liable to decay),
- (b) *Household hazardous waste* means household waste that is corrosive, toxic, ignitable, or reactive, including, but not limited to: freon-containing appliances or tanks; non-empty propane tanks; oil, antifreeze, and other motor vehicle fluids; gasoline, kerosene, or diesel fuel; liquid paints; solvents; pesticides, herbicides, fungicides, or rodenticides; caustic cleaners; lead-acid batteries; swimming pool chemicals; unused firearm rounds; and acids and bases.
- (c) *Regulated medical waste* means a waste or reusable material that contains an etiologic agent and is generated in the diagnosis, treatment or immunization of human beings or animals; research pertaining to the diagnosis, treatment or immunization of human beings or animals; or the production or testing of biological products. Such waste includes, but is not limited to:
 - (1) cultures and stocks of etiologic agents or live vaccines, and culture dishes, devices, paper, and cloth that has come into contact with such cultures, stocks or live vaccines;
 - (2) human blood, blood products, and human body fluids, except urine or feces;
 - (3) pathological wastes consisting of human tissues, organs, and body parts removed during surgery, autopsy, biopsy and other medical procedures;

- (4) untreated sharps;
- (5) used blood collection bags, tubes, and vials;
- (6) contaminated carcasses, body parts and bedding of animals intentionally exposed to pathogens in research, in the production of biologicals or the "in vivo" testing of pharmaceuticals;
- (7) items contaminated with blood or other human bodyfluids which drip freely or would release such materials in a liquid or semi-liquid state if compressed or are caked with dried blood or body fluids and are capable of releasing these materials;
- (8) isolation wastes unless determined to be non-infectious by the infection control committee at the health care facility;
- (9) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV;
- (10) all disposable materials that have come in contact with cytotoxic or antineoplastic agents during the preparation, handling, and administration of such agents. Such wastes include, but are not limited to, masks, gloves, gowns, empty IV tubing and bags, vials, and other contaminated materials; and
- (11) any other material or equipment which, in the determination of the health care facility staff, infection control committee or other responsible party, presents a significant danger of infection because it is contaminated with, or may reasonably be expected to be contaminated with, etiologic agents.

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

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

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

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

PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City, Oklahoma, this _____ day of _____, 2020.

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 _____, 2020.

HEATHER POOLE, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 18, GARBAGE AND REFUSE, ARTICLE 1, IN GENERAL, SECTION 18-1 DEFINITIONS AND PROVIDING FOR REPEALER AND SEVERABILITY.

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

ORDINANCE

Section 1. That the Midwest City Municipal Code, Chapter 18 Garbage and Refuse, Article I In General, Section 18-1 Definitions is hereby amended to read as follows:

Sec. 18-1. - Definitions.

For the purpose of this chapter, the following terms are defined as set out in this section:

- (a) *Garbage* means decomposable food waste or yard waste that is highly putrescible (liable to decay),
- (b) *Household hazardous waste* means household waste that is corrosive, toxic, ignitable, or reactive, including, but not limited to: freon-containing appliances or tanks; non-empty propane tanks; oil, antifreeze, and other motor vehicle fluids; gasoline, kerosene, or diesel fuel; liquid paints; solvents; pesticides, herbicides, fungicides, or rodenticides; caustic cleaners; lead-acid batteries; swimming pool chemicals; unused firearm rounds; and acids and bases.
- (c) *Regulated medical waste* means a waste or reusable material that contains an etiologic agent and is generated in the diagnosis, treatment or immunization of human beings or animals; research pertaining to the diagnosis, treatment or immunization of human beings or animals; or the production or testing of biological products. Such waste includes, but is not limited to:
 - (1) cultures and stocks of etiologic agents or live vaccines, and culture dishes, devices, paper, and cloth that has come into contact with such cultures, stocks or live vaccines;
 - (2) human blood, blood products, and human body fluids, except urine or feces;
 - (3) pathological wastes consisting of human tissues, organs, and body parts removed during surgery, autopsy, biopsy and other medical procedures;
 - (4) untreated sharps;
 - (5) used blood collection bags, tubes, and vials;
 - (6) contaminated carcasses, body parts and bedding of animals intentionally exposed to pathogens in research, in the production of biologicals or the "in vivo" testing of pharmaceuticals;
 - (7) items contaminated with blood or other human body fluids which drip freely or would release such materials in a liquid or semi-liquid state if compressed or

1 are caked with dried blood or body fluids and are capable of releasing these
2 materials;

3 (8) isolation wastes unless determined to be non-infectious by the infection control
4 committee at the health care facility;

5 (9) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-
6 containing culture medium or other solutions; and blood, organs, or other
7 tissues from experimental animals infected with HIV or HBV;

8 (10) all disposable materials that have come in contact with cytotoxic or
9 antineoplastic agents during the preparation, handling, and administration of
10 such agents. Such wastes include, but are not limited to, masks, gloves, gowns,
11 empty IV tubing and bags, vials, and other contaminated materials; and

12 (11) any other material or equipment which, in the determination of the health care
13 facility staff, infection control committee or other responsible party, presents a
14 significant danger of infection because it is contaminated with, or may
15 reasonably be expected to be contaminated with, etiologic agents.

16
17 (d) *Responsible party* means the person, occupant, tenant or renter of real property or some
18 other person designated by the owner to be responsible for the subject property or vehicle
19 and responsible for the creation or abatement of any violation of this chapter.
20

21 (e) *Rubbish* means combustible or noncombustible waste materials, except for trash or
22 garbage, primarily derived from an organic nature, including but not limited to, residue
23 from the burning of wood, coal, coke and other combustible materials, wood or wood
24 products, tree branches and limbs, yard waste, grass clippings and trimmings, shrubbery or
25 plant cuttings leaves, mulch, dirt, manure or fodder or other similar items.
26

27 **Section 2. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby
28 repealed.
29

30 **Section 3. SEVERABILITY.** If any section, sentence, clause, or portion of this ordinance is for
31 any reason held to be invalid, such decision shall not affect the validity of the remaining
32 provisions of the ordinance.
33

34 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
35 Oklahoma, this _____ day of _____, 2020.
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41 THE CITY OF MIDWEST CITY, OKLAHOMA
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44 _____
45 MATTHEW D. DUKES, II, Mayor
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ATTEST:

SARA HANCOCK, City Clerk

Approved as to form and legality this _____ day of _____, 2020.

HEATHER POOLE, City Attorney



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

Memorandum

TO: Honorable Mayor and Council

FROM: Vicki Floyd, City Prosecutor

DATE: July 17, 2020

SUBJECT: Discussion and consideration of an ordinance amending the Midwest City Municipal Code, Chapter 24, Motor Vehicles and Traffic, Article V, Stopping, Standing or Parking, Division 1, Generally, Section 24-158, Prohibited in Specified Places.

The proposed amendment to Chapter 24, Motor Vehicles and Traffic, Article V, Stopping, Standing or Parking, Division 1, Generally, Section 24-158, Prohibited in Specified Places adds the parking specifications around the refuse polycarts, and mirrors the parking specifications in Chapter 18 Garbage and Refuse, Section 18-25 Containers Required. This was requested by both Code Enforcement and Public Works.

Action is at the discretion of Mayor and Council.

Vicki Floyd, City Prosecutor

ORDINANCE NO. _____

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

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

ORDINANCE

Section 1. That the Midwest City Municipal Code, Chapter 24 Motor Vehicles and Traffic, Article V, Stopping, Standing or Parking, Division 1 – Generally, Section 24-158 Prohibited in Specified Places is hereby amended to read as follows:

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

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

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

3
4 (18) In front of or blocking access to a poly cart.

5 (19) Within five (5) feet of either side of a public or private driveway.
6

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

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

12 (d) No commercial vehicle in excess of two (2) axles shall be parked on any street
13 right-of-way except for the purpose of delivering or picking up material or
14 merchandise or performing a service call. Moving vans actively being used at
15 the time for the purpose of loading or unloading of household goods are
16 excluded from this paragraph (d).
17

18
19 **Section 2. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby
20 repealed.
21

22 **Section 3. SEVERABILITY.** If any section, sentence, clause, or portion of this ordinance is for
23 any reason held to be invalid, such decision shall not affect the validity of the remaining
24 provisions of the ordinance.
25

26 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
27 Oklahoma, this _____ day of _____, 2020.
28

29 THE CITY OF MIDWEST CITY, OKLAHOMA
30

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

35 ATTEST:
36

37 _____
38 SARA HANCOCK, City Clerk
39

40 Approved as to form and legality this _____ day of _____, 2020.
41
42

43 _____
44 HEATHER POOLE, City Attorney
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46

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26 Oklahoma, this _____ day of _____, 2020.
27

28 THE CITY OF MIDWEST CITY, OKLAHOMA
29

30
31 _____
32 MATTHEW D. DUKES, II, Mayor
33

34 ATTEST:
35

36 _____
37 SARA HANCOCK, City Clerk
38

39 Approved as to form and legality this _____ day of _____, 2020.
40

41 _____
42 HEATHER POOLE, City Attorney
43
44



City Attorney

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

TO: Chair and Committee Members
FROM: Heather Poole, City Attorney
Date: July 23, 2020
Subject: Discussion and Consideration of Charter Edits.

Charter changes have been requested by Mayor Dukes and prior City Prosecutor Mary Ann Karns. Some items in consideration will bring the Charter into compliance with state statutes and or OMAG recommendations. Also, there are Charter Clauses on paving regulations and park lands that affect Community Development. The Charter edits to be discussed, will be provided at the meeting.

Charter changes must go to a vote of the people.

Respectfully,

Heather Poole

Heather Poole, City Attorney