



SPECIAL ORDINANCE OVERSIGHT COUNCIL COMMITTEE AGENDA

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

July 14, 2021 – 6:00 PM

A. CALL TO ORDER.

B. DISCUSSION ITEMS.

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

B. DISCUSSION ITEMS continued.

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

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

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

E. ADJOURNMENT.

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

Ordinance Oversight Council Committee Minutes
Special Meeting

November 2, 2020

This meeting was held in the second floor conference room of City Hall, City of Midwest City, County of Oklahoma, State of Oklahoma. Chairman Pat Byrne called the meeting to order at 3:30 PM with Mayor Matt Dukes. Staff Present: City Manager Tim Lyon, City Attorney Heather Poole, City Clerk Sara Hancock, Absent: Susan Eads.

Discussion Items.

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

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

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

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

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

PAT BYRNE, Chairman



CITY of MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT
ENGINEERING DIVISION

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

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

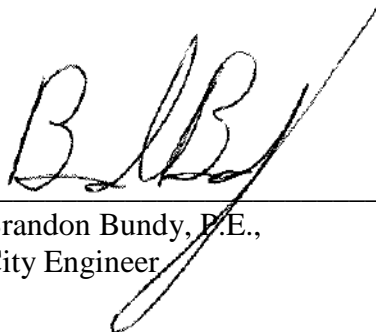
TO : Ordinance Oversight Council Committee

FROM : Brandon Bundy, City Engineer

DATE : July 14th, 2021

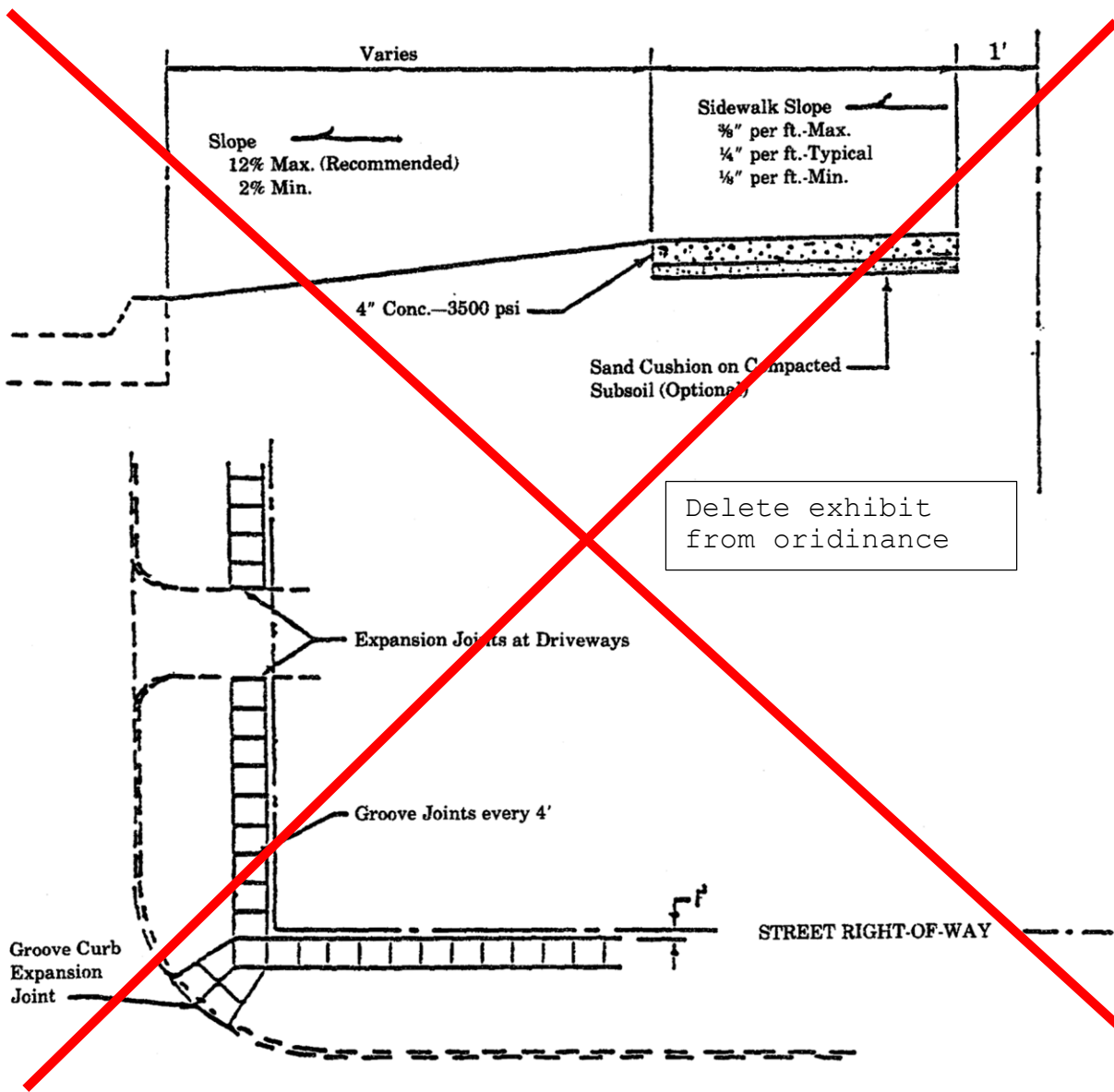
SUBJECT : Discussion and consideration for adoption, including any possible amendment of an ordinance amending Midwest City code, Chapter 37, Streets and Sidewalks, Article III, Section 37-67, Construction of Sidewalk; and providing for repealer and severability

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



Brandon Bundy, P.E.,
City Engineer

Attachments



Delete exhibit from ordinance

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

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

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

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

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

DONALD MAISCH, City Attorney



CITY of MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT
ENGINEERING DIVISION

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

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

TO : Ordinance Oversight Council Committee

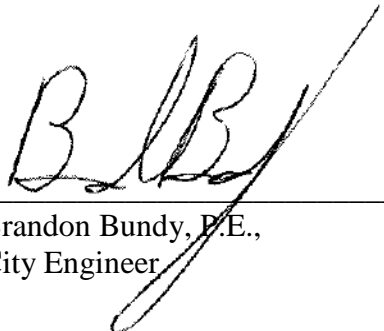
FROM : Brandon Bundy, City Engineer

DATE : July 14th, 2021

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

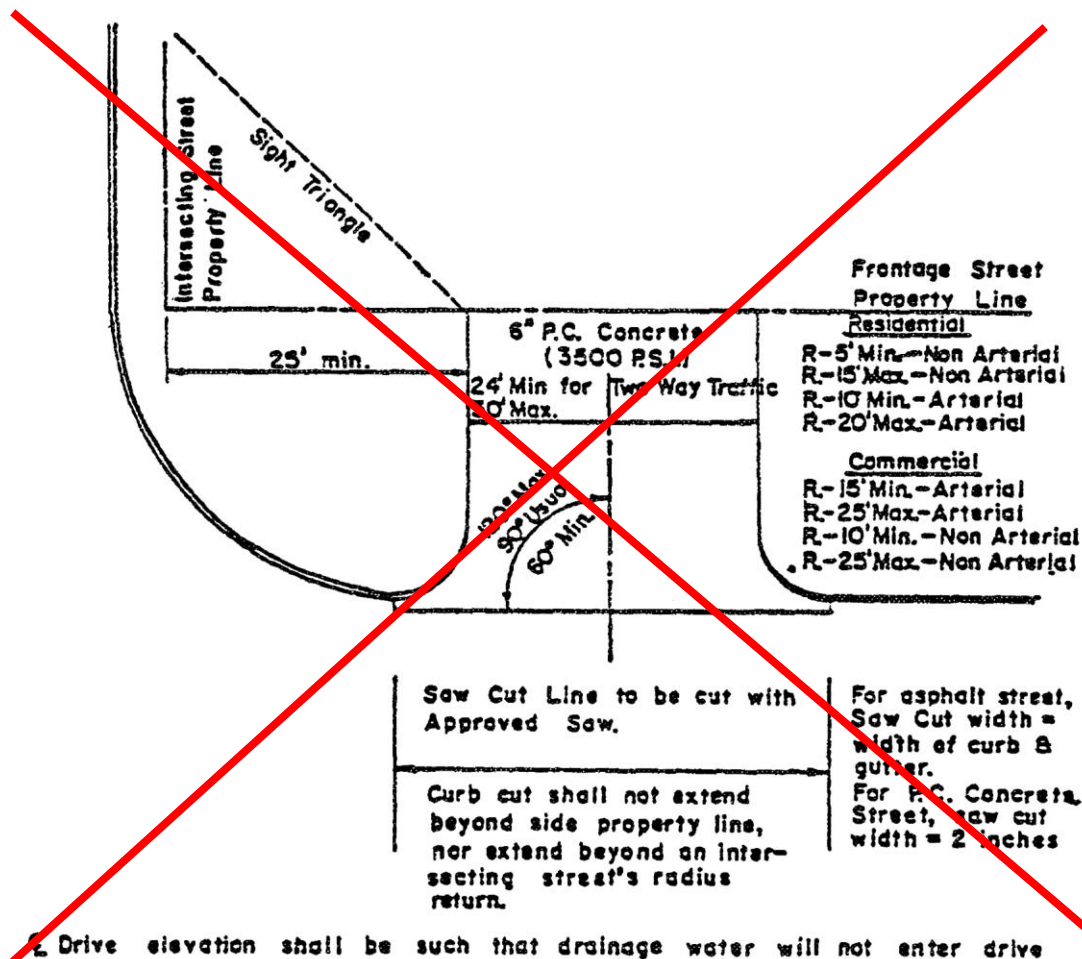
This ordinance is being requested by Community Development staff. Currently, the code references an outdated standard and table 4 shows an exhibit for the driveway permit. The exhibit in the code is difficult to adjust to field conditions by staff. Converting the exhibit to a table form will allow for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

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



Brandon Bundy, P.E.,
City Engineer

Attachments



Drive elevation shall be such that drainage water will not enter drive

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

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

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

SECTION 4. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

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

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

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

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

DONALD MAISCH, City Attorney



Public Works Administration

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

Public Works Director

pstreets@midwestcityok.org

(405) 739-1061

Public Works City Engineer

pmenefee@midwestcityok.org

(405) 739-1062

www.midwestcityok.org

Memorandum

To: Ordinance Oversight Council Committee

From: R. Paul Streets, Public Works Director

Date: 14 July 2021

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

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

Action is at the discretion of the committee.

Respectfully,

R. Paul Streets
Public Works Director

Attached: Midwest City Ordinance Chapter 43 with Recommended Changes

ORDINANCE NO. _____

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

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

ORDINANCE

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

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

(1) *Single-Family Residential:*

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

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

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

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

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

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

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

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

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

5/18 inch.....	\$8.75
1 inch.....	\$10.00
1 1/2 inch.....	\$11.90

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) *Mobile Home Parks:*

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

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

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

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

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

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

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

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

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

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

11 (4) *Commercial:*

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

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

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

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

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

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

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

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

35 ~~(E) (A) Beginning May 1, 2020, first 2,000 gallons used (minimum~~
36

charge based on meter size):

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

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

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

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

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

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

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

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

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

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

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

SECTION 4. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

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

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

CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

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

Donald Maisch, City Attorney

Bill Prior to May				
1st increases	0-2 t gallons	6 t gallons	10 t gallons	
water	\$ 8.75	\$ 8.75	\$ 8.75	
water over min	\$ -	\$ 16.64	\$ 33.28	
sanitation	\$ 17.31	\$ 17.31	\$ 17.31	
sewer	\$ 16.00	\$ 34.12	\$ 52.24	
stormwater	\$ 2.42	\$ 2.42	\$ 2.42	
light fee	\$ 1.75	\$ 1.75	\$ 1.75	
drainage	\$ 1.35	\$ 1.35	\$ 1.35	
total charges	\$ 47.58	\$ 82.34	\$ 117.10	

*May 1st rate				
increases	0-2 t gallons	6 t gallons	10 t gallons	
water	\$ 8.75	\$ 8.75	\$ 8.75	
water over min	\$ -	\$ 16.64	\$ 33.28	
sanitation	\$ 17.79	\$ 17.79	\$ 17.79	
sewer	\$ 17.00	\$ 35.12	\$ 53.24	
stormwater	\$ 2.42	\$ 2.42	\$ 2.42	
light fee	\$ 1.75	\$ 1.75	\$ 1.75	
drainage	\$ 1.35	\$ 1.35	\$ 1.35	
total charges	\$ 49.06	\$ 83.82	\$ 118.58	

**Water rate				
increase of 3.6%	0-2 t gallons	6 t gallons	10 t gallons	
water	\$ 9.07	\$ 9.07	\$ 9.07	
water over min	\$ -	\$ 17.24	\$ 34.48	
sanitation	\$ 17.79	\$ 17.79	\$ 17.79	
sewer	\$ 17.00	\$ 35.12	\$ 53.24	
stormwater	\$ 2.42	\$ 2.42	\$ 2.42	
light fee	\$ 1.75	\$ 1.75	\$ 1.75	
drainage	\$ 1.35	\$ 1.35	\$ 1.35	
total charges	\$ 49.38	\$ 84.74	\$ 120.10	

*Rate increase on sewer and sanitation

**Rate increase on water 3.6 % CPI

7/1/2021



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

Memorandum

To: Ordinance Committee

From: Chief Sid Porter (Interim)

Date: July 14, 2021

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

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

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

Sid Porter

Chief Sid Porter (Interim)

Attachment: Ordinance

1
2
3 **ORDINANCE NO.** _____

4 **AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER**
5 **28, OFFENSES – MISCELLANEOUS, ARTICLE I, IN GENERAL, AND BY TAKING**
6 **SECTION 28-11 OUT OF RESERVE AND ENTITLING IT “WARRANT PROCESSING**
7 **FEE”;** AND PROVIDING FOR REPEALER AND SEVERABILITY.

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

9
10 **ORDINANCE**

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

14
15 Sec. 28-11. – Warrant Processing fee.

16
17 There is hereby established a fee for processing outstanding warrants for any agency
18 outside of Midwest City. The fee shall be one hundred dollars (\$100.00), and shall be paid by the
19 individual wishing to process said warrant.

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

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

27
28 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
29 Oklahoma, this _____ day of _____, 2021.

30
31 THE CITY OF MIDWEST CITY, OKLAHOMA

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

36 ATTEST:

37
38 _____
39 SARA HANCOCK, City Clerk

40
41 Approved as to form and legality this ____ day of _____, 2021.

42
43 _____
44 DONALD D. MAISCH, City Attorney



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

Memorandum

To: Ordinance Committee

From: Chief Sid Porter (Interim)

Date: July 14, 2021

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

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

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

Commercial alarm owners shall be assessed:

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

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

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

Sid Porter

Chief Sid Porter (Interim)

Attachment: Ordinance

1 **ORDINANCE NO. _____**

2
3 **AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER**
4 **36, PRIVATE SECURITY; ARTICLE III, SECURITY ALARM SYSTEMS; SECTION**
5 **36-32, DEFINITIONS; AND PROVIDING FOR REPEALER AND SEVERABILITY.**
6

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

10
11 **ORDINANCE**
12

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

14 Sec. 36-32. - Definitions.

15 As used in this chapter:

- 16
17
18
19 (1) Alarm business shall mean any person, firm or other entity engaged in the business of
20 installing, servicing, maintaining, repairing, replacing, moving or removing alarm systems,
21 or assisting in any of these functions, in the city.
22 (2) Alarm system shall mean any mechanism, equipment or device that is designed to detect
23 the presence of an unauthorized entry or activity in any building or on any property, or to
24 direct attention to any emergency in progress or presence of fire, and to signal the above
25 occurrences either by a local or audible alarm or by a silent or remote alarm. The following
26 devices shall not constitute alarm systems within the meaning of this article:
27 (a) Devices that do not activate alarms that are audible, visible or perceptible outside the
28 protected premises;
29 (b) Devices that are not installed, operated or used for the purpose of reporting an
30 emergency;
31 (c) Alarm devices affixed to motor vehicles;
32 (d) Alarm devices installed on a temporary basis by the city;
33 (e) An Underwriters Laboratory approved battery operated smoke detection device
34 installed by the resident in his personal residence; and
35 (f) Alarm devices installed in or on premises owned or leased by the City of Midwest City.
36 (3) Automatic dialing device shall mean an alarm system that automatically sends to the city's
37 emergency operations center any type of communication or message indicating the
38 existence of an emergency.
39 (4) Emergency shall mean:
40 (a) A situation where a person is suffering from a serious medical illness or injury;
41 (b) The commission or attempted commission of a crime; or
42 (c) The existence of a fire.
43 (5) Employee shall mean any person who is employed by an alarm business and/or who
44 installs, services, maintains, repairs, or replaces alarm systems, or assists in any of these
45 functions, in the city.

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

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

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

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

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

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

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

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

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

7
8 THE CITY OF MIDWEST CITY, OKLAHOMA

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 _____, 2021.

20
21
22 _____
23 DONALD D. MAISCH, City Attorney
24
25

MEMORANDUM

To: OCCC

From: Donald D. Maisch
City Attorney

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

Date: July 14, 2021

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

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

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

Ordinance Review Committee recommends and requests approval.

Respectfully submitted,



Donald D. Maisch
City Attorney

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 10
- 11 (1) Interferes with mowing of weeds;
- 12 (2) Harbors, conceals or invites deposits or accumulation of trash, rodents or vermin;
- 13 (3) Constitutes a fire hazard;
- 14 (4) Exhales unpleasant or noxious odors;
- 15 (5) Is dead or diseased; or
- 16 (6) Is contagious and can or does create a health hazard.
- 17

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3
4
5
6
7
8
9

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

10 ATTEST:

11
12
13

SARA HANCOCK, City Clerk

14
15
16

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

18
19
20

DONALD D. MAISCH, City Attorney

21

MEMORANDUM

To: OCCC

From: Donald D. Maisch
City Attorney

Date: July 14, 2021

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

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

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

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

Ordinance Review Committee recommends and requests approval.

Respectfully submitted,



Donald D. Maisch City Attorney

1 **ORDINANCE NO.** _____
2

3 AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 8
4 ANIMALS AND FOWL, ARTICLE I, IN GENERAL, SECTION 8-2, DEFINITIONS;
5 CREATING A NEW ORDINANCE AT CHAPTER 8, ANIMALS AND FOWL, ARTICLE XI,
6 COMMERCIAL ANIMAL ESTABLISHMENTS, SECTIONS 8-200 THROUGH 8-205; AND
7 PROVIDING FOR REPEALER AND SEVERABILITY.
8

9 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:
10

11 **ORDINANCE**
12

13 **Section 1.** That the Midwest City Municipal Code, Chapter 8 Animals and Fowl, Article I, In
14 General, Section 8-2, Definitions; is hereby amended to read as follows:
15

16 [As used in this chapter the following words and terms shall have the meanings
17 respectively ascribed as follows:]
18

19 *Animal:* Any live, vertebrate creature, domestic or wild.
20

21 *Animal care facility:* An animal center or animal shelter, maintained by or under contract
22 with any state, county, or municipality, whose mission and practice is, in whole, or significant part,
23 the rescue of animals in permanent homes or rescue organizations.

24 *Animals or poultry:* As specifically named herein, by whatever other name they might be
25 called, includes every age and sex of each of the species of animals or poultry referred to herein.
26

27 *Animal rescue organization:* A nonprofit organization incorporated under the law of the
28 state and which has tax-exempt status under Section 501(c)(3) of the United States Internal
29 Revenue Code, whose principal purpose is the prevention of cruelty to animals and whose principal
30 activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost or
31 displaced animals and to adopt them to good homes. "Animal rescue organization" shall not
32 include any entity that breeds animals or sells, offers to sell or allows brokers for animals at their
33 facility.

34 *Animal shelter:* Any facility operated by a humane society, or municipal agency, or its
35 authorized agents for the purpose of impounding or caring for animals held under the authority
36 of this chapter or state law.
37

38 *Area of enclosure:* That area, large or small, in which animals are confined. Residences
39 shall be excluded in computing the area of the enclosure.
40

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

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

5
6 *Cat:* Any cat, male or female, and every other animal of feline species.
7

8 *Circus:* A commercial variety show featuring animal acts for public entertainment.
9

10 *Commercial animal breeder:* A person that maintains a dog or cat for the purpose of
11 breeding and selling their offspring.
12

13 *Commercial animal broker:* A person that transfers a dog or cat from a breeder for resale
14 to another person.
15

16 *Commercial animal establishment:* Any pet shop, ~~groom~~ grooming shop, ~~auction~~
17 auctions, riding school or stable, zoological park, circus, performing animal exhibition,
18 commercial animal breeder, commercial animal broker, keeper, or kennel.
19

20 *Confined on the premises:* That condition in which a dog is securely and physically
21 confined and restrained on and within the premises of the owner by means of walls or fences; of
22 such strength and size as physically to prevent the dog from leaving the premises.
23

24 *Dog:* Any dog, male or female, and every other animal of canine species.
25

26 *Grooming shop:* A commercial establishment where animals are bathed, clipped,
27 plucked, or otherwise groomed.
28

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

32 *Kennel:* Any premises wherein any person engages in the business of boarding, breeding,
33 buying, letting for hire, training for a fee, or selling dogs or cats.
34

35 *Large animals:* Horses, mules, donkeys, cattle, goats, sheep or any other animal of
36 similar size or stature.
37

38 *License.* Permission required by law and issued by a governmental entity whether
39 issuance is by the federal government or subdivision of the federal government, State of
40 Oklahoma, or subdivision of the State of Oklahoma and/or the City of Midwest City. The
41 definition of the term *license* shall include permit, certification, or any other term used for the
42 granting of permission by a governmental entity to operate or perform.
43

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43

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

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

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

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

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

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

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

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

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

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

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

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

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

9
10 ATTEST:
11
12
13 _____
14 SARA HANCOCK, City Clerk

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

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