

Addendum

To the Agenda for the Midwest City Council Agenda

Midwest City Council Chambers, 100 N. Midwest Boulevard

March 08, 2016 - 7:01 PM

DISCUSSION ITEMS.

- [5.](#) Discussion and consideration of approving and passing an ordinance amending the Midwest City Code, Chapter 28, Offenses – Miscellaneous, by amending Article II, Offenses Against Morals, Section 28-20, Disorderly house; and providing for repealer and severability. (This item appeared as a Discussion Item on the February 9, 2016 Council agenda.) (City Manager - G. Henson)



City Manager
100 N. Midwest Boulevard
Midwest City, OK 73110
office 405.739.1204

MEMORANDUM

TO: Honorable Mayor and Council

FROM: J. Guy Henson, City Manager

DATE: March 8, 2016

SUBJECT: Discussion and consideration of approving and passing an ordinance amending the Midwest City Code, Chapter 28, Offenses – Miscellaneous, by amending Article II, Offenses Against Morals, Section 28-20, Disorderly house; and providing for repealer and severability. (This item appeared as a Discussion Item on the February 9, 2016 Council agenda.)

Councilmember McClure has incorporated certain requested changes into the attached form of ordinance. He has asked that it now be placed back on the agenda for your consideration.

Action is at the discretion of the Council.

A handwritten signature in cursive script, reading "J. Guy Henson", is written over a horizontal line.

J. Guy Henson, AICP
City Manager

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 28, OFFENSES -- MISCELLANEOUS, BY AMENDING ARTICLE II, OFFENSES AGAINST MORALS, SECTION 28-20, DISORDERLY HOUSE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY THAT:

ORDINANCE

SECTION 1. The Midwest City Municipal Code, Chapter 28, Offenses -- Miscellaneous, Article II, Offenses Against Morals, Section 28-20, Disorderly house, is hereby amended to read as follows:

(a) It shall be unlawful for any person to keep, maintain or reside in any ~~disorderly house~~ Disorderly House or to aid or assist another in keeping, maintaining or residing in such house. It shall also be unlawful for any person to continue to lease or let any property to anyone convicted for the purpose of keeping, maintaining or residing in a disorderly house ~~house~~ Disorderly House.

(b) As used herein the term "~~disorderly house~~ Disorderly House" shall include any brothel, bawdy house, house of ill fame, gaming house, house of assignation or house or room where persons congregate to ~~unlawfully engage in drinking intoxicating liquors, non-intoxicating liquors, smoking opium or taking or using opium or other narcotic drugs, or any other house or place usually included within the meaning of the term "disorderly house."~~ unlawfully:

- (1) engage in drinking intoxicating liquors or non-intoxicating beverages;
- (2) inhale or ingest any compound, liquid or chemical, salt, isomer and salt of isomer prohibited under the Oklahoma Controlled Dangerous Substances Act, 63 O.S. § 2-204 and § 2-206, not already prohibited under sections 28-130 or 28-131 of this Code, including but not limited to, specific substances prohibited therein and/or defined as opiates, opium derivatives, any level of a hallucinogenic substance, any quantity of substances having a stimulant or depressant effect on the central nervous system, any quantity of a synthetic chemical compound that is a cannabinoid receptor agonist, which may be used or consumed by a person for the purpose of inducing a condition of intoxication, distortion or disturbance of the auditory, visual or mental processes.

"Disorderly house" shall also include any property on which three or more Nuisance Violations have occurred within a floating 90-day period which shall begin on the date of a violation. "Nuisance Violation" shall be any felony or a violation of:

- (3) Sec. 28-1. - Aiding in offense.
- (4) Sec. 28-2. - Attempt to commit offense.
- (5) Sec. 28-21. - Gambling.
- (6) Sec. 28-22. - Indecent exposure.
- (7) Sec. 28-25. - Public intoxication.
- (8) Sec. 28-26. - Soliciting for illegal purpose.
- (9) Sec. 28-27. - Procurers and pimps.
- (10) Sec. 28-28. - Urination in public.
- (11) Sec. 28-29. - Solicitation of drinks.
- (12) Sec. 28-30. - Obscene material and displaying material harmful to minors.
- (13) Sec. 28-40. - Assault.
- (14) Sec. 28-41. - Assault and battery.
- (15) Sec. 28-42. - Throwing objects at persons prohibited.

- (16) Sec. 28-43. - Obscene, threatening or harassing telephone calls; penalty.
- (17) Sec. 28-54. - Trespass.
- (18) Sec. 28-55. - Squatting on public or private property.
- (19) Sec. 28-56. - Parking on private property without consent.
- (20) Sec. 28-58. - Malicious injury or destruction of property.
- (21) Sec. 28-59. - Altering, removing or tampering with utility property prohibited.
- (22) Sec. 28-60. - Injuring or molesting automobiles prohibited.
- (23) Sec. 28-61. - Damaging buildings.
- (24) Sec. 28-62. - Damaging letter boxes and posts prohibited.
- (25) Sec. 28-64. - Molesting meter boxes; using meter box key.
- (26) Sec. 28-65. - Damaging hydrants or water pipes prohibited.
- (27) Sec. 28-66. - Damaging public lamps, poles, signs, etc., prohibited.
- (28) Sec. 28-67. - Interfering with water pipes.
- (29) Sec. 28-70. - Concealing lost property.
- (30) Sec. 28-71. - Bringing stolen property into city.
- (31) Sec. 28-74. - Throwing objects at vehicles prohibited.
- (32) Sec. 28-75. - Receiving and/or concealing stolen property.
- (33) Sec. 28-76. - Sleeping in certain places.
- (34) Sec. 28-86. - Resisting or interfering with an officer.
- (35) Sec. 28-86.1. - Eluding a police officer.
- (36) Sec. 28-87. - Impersonating officers.
- (37) Sec. 28-88. - False police calls; tampering with alarm boxes.
- (38) Sec. 28-88.1. - False 911 calls prohibited.
- (39) Sec. 28-90. - Threatening or assaulting officers.
- (40) Sec. 28-90.1. - Disorderly conduct.
- (41) Sec. 28-91. - Obstruction of streets or sidewalks.
- (42) Sec. 28-92. - Fighting.
- (43) Sec. 28-106. - Display of firearms prohibited.
- (44) Sec. 28-107. - Discharge of bows and arrows prohibited; exception.
- (45) Sec. 28-108. - Pointing or discharging firearms, etc.
- (46) Sec. 28-122. - Allowing or encouraging a minor to commit offenses; penalty.
- (47) Sec. 28-123. - Parental responsibility; failure to control; penalty.
- (48) Sec. 28-124. - Commission of a crime in the presence of minors; penalty.
- (49) Sec. 28-125. - Permitting crimes or disorderliness on premises; penalty.
- (50) Sec. 28-127. - Furnishing tobacco products to minors; minors in possession of tobacco products; penalty.
- (51) Sec. 28-128. - Permitting or allowing gatherings where minors are consuming alcohol containing beverages.
- (52) Sec. 28-130. - Possession of dangerous drugs.
- (53) Sec. 28-131. - Possession and sale of certain toxins and other drugs prohibited.
- (54) Sec. 28-132. - Possession or sale of drug related paraphernalia.
- (55) Sec. 28-132.1. - Maintaining a drug house prohibited.
- (56) Sec. 26-3. – Prohibited generally [noise].

SECTION 3.(c) PROTECTION OF VICTIMS. It shall not be considered a ~~n~~Nuisance ~~v~~Violation to report unlawful conduct.

SECTION 4.(d) INTENT FOR PROPERTY OWNERS. For the application of the nuisance ordinance on property owners not in possession of their property, an A proper-

ty owner not in possession of his/her property is only in violation of this section if s/hetthey intentionally continues to lease his/hera property ~~in their ownership~~ to anyone violating the provisions of this section ~~nuisance violator~~.

For the purpose of this ordinance intent means knowledge of ~~n~~the Nuisance ~~v~~Violations occurring on the property.

~~**SECTION 5.(e) PROPERTY IMPROVEMENT PLAN.** Any property owner charged with violating the provisions of this section may ~~violate~~ of the nuisance ordinance shall have the right to submit a property improvement plan to ~~appear before the municipal judge compliance with which may serve as a condition of a deferred sentence and submit a property improvement plan.~~ The judge shall have the discretion ~~in the enforcement of the to determine whether such property improvement plan will likely preclude the commission of further Nuisance Violations on the subject property~~ ~~nuisance violation to adequately address the intent of this ordinance.~~~~

SECTION 26. 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, this 826th day of ~~March~~January, 2016.

CITY OF MIDWEST CITY, OKLAHOMA

JAY DEE COLLINS, Mayor

ATTEST:

~~RHONDA ATKINS~~SARA HANCOCK, City Clerk

APPROVED as to form and legality this 826th day of ~~March~~January, 2016.

KATHERINE BOLLES, City Attorney

ORDINANCE NO. _____

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CITY OF MIDWEST CITY, OKLAHOMA

JAY DEE COLLINS, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this 8th day of March, 2016.

KATHERINE BOLLES, City Attorney