

# AGENDA FOR THE MIDWEST CITY

### SPECIAL ORDINANCE OVERSIGHT COUNCIL COMMITTEE MEETING

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

January 25, 2022 – 5:00 PM

#### A. <u>CALL TO ORDER.</u>

### B. <u>DISCUSSION ITEMS.</u>

- 1. Discussion and consideration to approve the minutes of the October 12, 2021 special meeting, as submitted. (City Clerk S. Hancock)
- 2. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 28 Offenses Miscellaneous, Article V, Offenses Against Public Peace, Section 28-94, out of reserve and entitling it "Offenses Against Disturbing, Disrupting or Interfering with City Business"; and providing for repealer and severability. (City Attorney D. Maisch)
- 3. Discussion and consideration for adoption, including any possible amendment of, an ordinance amending Chapter 18 Garbage and Refuse, Article II, Municipal Collection and Disposal Service, Section 18-25, Container Required; Duty to Use; and providing for repealer and severability. (Public Works Director - R. Streets)
- 4. Discussion of Chapter 24-201 and 24-203 Residential Parking Restrictions, Soft Surface Parking.
- 5. Discussion of Chapter 37-67 Construction of Sidewalks and overlay districts.

### C. <u>ADJOURNMENT.</u>



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

# Ordinance Oversight Council Committee Minutes Special Meeting

## October 12, 2021

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

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

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

### **DISCUSSION ITEMS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

PAT BYRNE, Chairman



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

# <u>MEMORANDUM</u>

To: Ordinance Review Committee

From: Don Maisch City Attorney

RE: Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 28 Offenses - Miscellaneous, Article V, Offenses Against Public Peace, Section 28-94 out of reserve and entitling it "Offenses Against Disturbing, Disrupting or Interfering with City Business"; and providing for a repealer and severability.

Date: January 25, 2022

The proposed amendment to Chapter 28 Offenses, Section 28-94 takes the provision out of reserve and adopts new language to implement within the City of Midwest City the changes adopted by the Oklahoma Legislature in 2021 to make it a crime to willfully disturb, interfere, or disrupt city business, including publically posted meetings. This ordinance change tracks with the changes in state statute. The punishment for this crime is equal to the punishment for disturbing the peace that is already adopted in city ordinance.

Approval is at the pleasure of the Ordinance Review Committee.

Respectfully submitted,

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Donald D. Maisch City Attorney

ORDINANCE NO
AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 28 OFFENSES - MISCELLANEOUS, ARTICLE V, OFFENSES AGAINST PUBLIC PEACE, SECTION 28-94 OUT OF RESERVE AND ENTITLING IT "OFFENSES AGAINST DISTURBING, DISRUPTING OR INTERFERING WITH CITY BUSINESS"; AND PROVIDING FOR REPEALER AND SEVERABILITY.
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:
ORDINANCE
<u>Section 1.</u> That the Midwest City Municipal Code, Chapter 28 Offenses - Miscellaneous, Article V, Offenses Against Public Peace, Section 28-94, Reserved; is hereby created to read as follows:
Reserved.Sec. 28-94 – Offenses Against Disturbing, Disrupting or Interfering with City
Business.
(a) It shall be unlawful for any person, alone or in concert with others and without authorization, to willfully disturb, interfere or disrupt city business, which includes publicly posted meetings, or any city operations or any employee, agent, official or representative of the city.
(b) It shall be unlawful for any person who is without authority or who is causing any disturbance, interference or disruption to willfully refuse to disperse or leave any property, building or structure owned, leased or occupied by the city or its employees, agents or representatives or used in any manner to conduct city business after proper notice by a law enforcement officer, peace officer, sergeant-at-arms, code enforcement, or other security
personnel.
(c) For purposes of this section, "disturb, interfere or disrupt" means any conduct that is violent, threatening, abusive, obscene, jeopardizes the safety of self or others or causes the stoppage of city business.
(d) Any person violating this section shall be punished by a fine not to exceed six hundred dollars (\$600.00) or imprisonment not to exceed sixty (60) days, plus costs, or by both such fine and imprisonment.
(e) This ordinance is adopted in conformance with Title 21 of the Oklahoma Statutes, Section
280.
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 provisions		
3	of the ordinance.		
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5	PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,		
6	Oklahoma, this day of, 2022.		
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9	THE CITY OF MIDWEST CITY, OKLAHOMA		
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11	ATTEST:		
12	MATTHEW D. DUKES, II, Mayor		
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15	SARA HANCOCK, City Clerk		
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17	Approved as to form and legality this day of, 2022.		
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20	DONALD D. MAISCH, City Attorney		
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Public Works Administration 8730 S.E. 15<sup>th</sup> 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: 25 January 2022
- Subject: Discussion and consideration for adoption, including any possible amendment of, an ordinance amending Chapter 18 Garbage and Refuse, Article II, Municipal Collection and Disposal Service, Section 18-25, Container Required; Duty to Use; and providing for repealer and severability.

The proposed amendment to Chapter 18 Garbage and Refuse, Article II, Municipal Collection and Disposal Service, Section 18-25, adds language allowing the city to help enforce the rules associated with curbside single-stream recycling. Previously, we did not have the ability to charge customers when they chose to use the recycling carts for trash disposal. The cost to dump the recycling cart as trash was not being recovered. Additionally, if someone continued to dump trash in their recycling cart we could not remove it.

Action is at the discretion of the committee.

Respectfully,

R. Paul Streets

R. Paul Streets Public Works Director

ORDINANCE NO.
AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 18 GARBAGE AND REFUSE, ARTICLE II, MUNICIPAL COLLECTION AND DISPOSAL SERVICE, SECTION 18-25, CONTAINER REQUIRED; DUTY TO USE; AND PROVIDING FOR REPEALER AND SEVERABILITY.
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:
<u>ORDINANCE</u>
Section 1. That the Midwest City Municipal Code, Chapter 18 Garbage and Refuse, Article II, Municipal Collection and Disposal Service, Section 18-25, Container required; duty to use is hereby amended to read as follows:
Sec. 18-25 Container required; duty to use.
(a) Except as otherwise provided in this article, all residential customers shall place their garbage and refuse in the carts provided by the city and, beginning July 1, 2013, their recyclables in a separate cart provided for that purpose by the city.
(b) The city shall provide one (1) cart for each residence for garbage and refuse, and one (1) cart for each residence for materials that are to be recycled. Residents are allowed to have additional refuse carts per residence from the city. These carts will be emptied on a weekly basis when the primary cart is emptied with the monthly cost to the resident of the additional carts being seven dollars (\$7.00) for each additional cart. Each additional cart requested will require a one year commitment paid in monthly increments unless the customer requests its removal before the end of the year at which point the remaining cost of the commitment will be added to the utility bill. Residential recycling carts will be emptied bi-weekly.
The resident may place normal household garbage and refuse, as defined in section 18-1 of this Code, in the refuse cart(s) for collection. Residents may not place household hazardous waste, or regulated medical waste, as defined in section 18-1 of this Code in the refuse cart(s) for collection. Residents may place materials they wish to be recycled in the recycling cart. The resident shall be responsible for the safekeeping of the carts until such time as an inspection is made by the city and service is terminated. Should any person change residences, the person shall promptly notify the city. If any cart is lost or stolen, the resident shall promptly notify the police department of the loss or theft of the cart and obtain a case number. Lost or stolen carts will not be replaced without a case number from the police department. The city will empty the carts so long as the carts contain no more than two hundred (200) pounds of garbage and refuse in each cart during any given pickup. If a cart is damaged beyond normal wear and tear, including fire damage from improper disposal of fire ashes, the cost of replacement shall be charged to the resident at the current replacement cost of the cart. All carts shall remain the property of the city even though the resident

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

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- 7 (c) All carts to be emptied, including recycling carts, shall be placed at the curbline. Carts 8 are not to be obstructed from view, e.g., behind parked cars, behind hedges, etc. Carts 9 shall be placed for collection no earlier than 7:00 p.m. the day before the scheduled 10 collection and no later than 7:00 a.m. the day of scheduled collection. Parking shall not be in front of or blocking access to a poly cart. The resident is required to return 12 the carts to their regular storage place within five (5) feet of the residential structure or 13 behind the front building line of the property by no later than 7:00 p.m. the day of 14 scheduled collection. Failure to return the carts by the stated time limitation above may result in a fine as set forth in 1-15 of this code, assessed to the responsible party. A 15 16 twenty dollar (\$20.00) call back collection fee shall be charged to empty a cart and/or pick up authorized items not at the curbline prior to 7:00 a.m. the day of scheduled 17 collection. Any items that are not in compliance with subsection (d) below that are not 18 19 picked up during collection shall be removed from the curbline by no later than 7:00 20 p.m. on the day of scheduled collection. Failure to remove such items not in compliance with subsection (d) by 7:00 p.m. may result in a citation for violation of this Code. 21 22
  - (d) Residents may not place with the carts other types of containers for collection. Garbage and refuse placed in refuse carts and recyclable materials placed in recycle carts will be the only things that will be collected during a normal collection.
  - (e) Rollout service will be provided for the disabled. Any residence in which all the residents are disabled may request rollout service be performed by the city. The director shall determine the need for rollout service and to approve or disapprove requests. If the director determines that a particular residence qualifies for rollout service, the city will roll out, dump and return the carts at no extra charge.
  - (f) There will be a charge of twenty dollars (\$20.00) if a cart is picked up and returned for nonpayment of a sanitation bill.
  - (g) Penalties for non-recyclable items being found in the recycling cart are as follows:
    - 1. For the first offense the occupant of the residence, shall receive a courtesy call or visit in order to provide educational resources.
    - 2. For the second offense a charge of twenty dollars (\$20.00) to dump the recycling cart's contents as trash will be added to the utility bill.
  - 3. For the third offense there shall be a charge of twenty dollars (\$20.00) to dump the recycling cart's contents as trash will be added to the utility bill and the recycling cart shall be permanently removed.

Every offense will be documented by Public Works Department of The City of Midwest City. Any				
appeal of the decision described herein must be submitted in writing to the Public Works Director.				
The appeal must state with specificity why the resident believes the action taken by the Public				
Works Department should be modified.				
Section 2. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby				
repealed.	-			
Section 3. SEVERABILITY. If any section	n, 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.				
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PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,				
Oklahoma, this day of				
	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, 2022.			
	DONALD D. MAISCH, City Attorney			
	appeal of the decision described herein must The appeal must state with specificity wh Works Department should be modified.    Section 2. REPEALER. All ordinances or repealed.   Section 3. SEVERABILITY. If any section any reason held to be invalid, such decision provisions of the ordinance.   PASSED AND APPROVED by the Mayor Oklahoma, this day of   ATTEST:   SARA HANCOCK, City Clerk			