

ORDINANCE NO. 2005-15

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF CHICKASHA, GRADY COUNTY, STATE OF OKLAHOMA, AMENDING CHAPTER 5, BUSINESS AND OCCUPATIONS, ARTICLE 18, PENALTY; BY RE-NUMBERING EXISTING ARTICLE 18 TO ARTICLE 19 AND ADDING A NEW ARTICLE 18, OUTDOOR AMUSEMENT EVENTS LICENSE; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CHICKASHA, OKLAHOMA:

(ORDINANCE PUBLISHED BY TITLE ONLY PURSUANT TO 11 O. S. SECTION 14-107. FOR FULL TEXT OF ORDINANCE SEE THE ORIGINAL AT CHICKASHA CITY HALL, CHICKASHA, OKLAHOMA.)

(ORDINANCE NUMBER 2005-15 PASSED AND APPROVED ON THE

1st DAY OF August, 2005.)

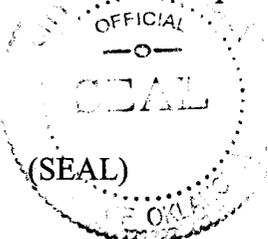


J.E. Parker, Mayor

ATTEST:



Sharon Chapman, CMC



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BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CHICKASHA, STATE OF OKLAHOMA:

WHEREAS, the City of Chickasha has rules and regulations governing the operation of businesses and business activities within the city limits of the City of Chickasha; and

WHEREAS, it has been determined that there is a need to provide licensing and regulations for outdoor amusement events and activities;

NOW THEREFORE, be it ordained by the City Council of the City of Chickasha that the Ordinances of the City of Chickasha are hereby amended as follows:

SECTION I. Chapter 5, Business and Occupations, Article 18, Penalty, is hereby amended and shall henceforth read as follows:

Article 18. Outdoor Amusement Events License

Sec. 5-18-1. Definition. For the purpose of this Article, the term “amusement events” shall include:

- (a) Concerts
- (b) Swap Meets
- (c) Fairs
- (d) Festivals
- (e) Carnivals
- (f) Motor vehicle events
- (g) Other similar outdoor events or enterprises that are anticipated to draw 100 or more participants and spectators combined

An enterprise or event shall be deemed to be an “outdoor” enterprise or event if all or a majority of the event or enterprise will be held outdoors.

Sec. 5-18-2. License Required. No person shall conduct or hold an outdoor amusement event within the corporate limits of the City without first obtaining a license from the City. The license shall expire at the conclusion of the event. A condition of the license shall be that the licensee shall conduct the outdoor amusement event in strict compliance with all of ordinances and regulations of the City. In determining whether a license should be granted, the City will consider traffic congestion, parking, environmental concerns, impact of the event upon the neighboring area, and the health, safety and welfare of the residents of the City.

Sec. 5-18-3. Exceptions.

The following activities and events shall be exempt from the permit requirements:

- (a) Events that have been approved by the City to be held on property owned by the City; or by any municipal public trust authority;
- (b) Events to be held on the Grady County Fairgrounds property;
- (c) Events to be held on public school property for the benefit of the public schools;
- (d) Events held by employers for employees and their families only to be held on the employer’s property;
- (e) Golf tournaments held at a public or private golf course; and
- (f) Events to be held on property owned by religious organizations for the benefit of the religious organization and its congregation.

Sec. 5-18-4. Special Waiver of License Requirements.

An individual or organization that is not exempt from the license requirements may apply for a special waiver through the Community Development Office. The City Manager or his designee shall have the authority to waive the license requirements for athletic sporting events and for other special events. In determining whether a special waiver should be granted, the City Manager or his designee, may consider traffic congestion, parking, environmental concerns, impact of the event upon the neighboring area, and the health, safety and welfare of the residents of the City. If the special waiver is granted the waiver shall designate the date, time and duration of the event. The fact that a special waiver was previously granted for a similar event shall not be a factor to be considered in determining whether a special waiver should be granted on a subsequent occasion to the same or a different applicant.

Sec. 5-18-5. Limitation on Number and Duration of Events

The City shall have the right to restrict the number of outdoor amusement events that may be held on any property to two (2) events per year with each event having a maximum duration of three (3) days.

Sec. 5-18-6. License Fee.

The license fee for outdoor amusement events shall be set by a resolution of the City Council.

Sec. 5-18-7. Enforcement of Ordinances, Rules and Regulations.

The issuance of a license for an outdoor amusement event shall not constitute a waiver of the enforcement of any ordinances, rules, and regulations of the City. Every event must be conducted in compliance with all municipal ordinances and regulations including but not limited to the zoning, advertising, noise, nuisance, health, and safety laws of the City.

Sec. 5-18-8. Appeal.

The license applicant shall have the right to appeal a denial of a license by the City Manager to the City Council by filing a written notice of appeal with the City Clerk within ten (10) days of the denial of the license application.

SECTION II: Chapter 5, Business and Occupations, Article 18, Penalty, is hereby renumbered to Article 19, and shall henceforth read as follows:

Article 19. Penalty

Sec. 5-19-1. Penalty

Any person, firm or corporation who shall violate any provision of this chapter, by doing any act prohibited or declared to be unlawful thereby, or declared to be an offense or misdemeanor thereby, or who shall fail to do any act required by any such provision, or who shall fail to do any act when such provision declares such failure to be unlawful or to be an offense or misdemeanor, shall be guilty of a misdemeanor; and upon conviction thereof, shall be punished by a fine not exceeding the maximum fine allowable by law for non-jury trials. Each day upon which any such violation continues shall constitute a separate offense.

SECTION III. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION IV. Emergency. It being immediately necessary for the preservation of the public, health, peace and safety of the City of Chickasha and the inhabitants thereof, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect immediately from and after its passage, approval as provided by law.

Adopted and approved this 10~~th~~ day of August, 2005.



J.E. Parker, Mayor

ATTEST:



Sharon Chapman, Certified Municipal Clerk

