

PART 8
HEALTH AND SANITATION

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CHAPTER I

WEEDS AND TRASH

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SECTION 8-101 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL.

It is unlawful for any owner of any lot, tract or parcel of land situated wholly or in part within the corporate limits of the city to allow trash or weeds to grow, stand or accumulate upon such premises and it is the duty of such owner to remove or destroy any such trash or weeds.

State Law Reference: Authority to order removal of accumulations of weeds, trash, and charge costs, 11 O.S. Section 22-111.

Cross Reference: Nuisances defined, Section 8-501 of this code.

SECTION 8-102 DEFINITIONS.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

- I. "Weeds" includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:
 - a. Exceeds twelve (12) inches in height, except healthy trees, shrubs or produce for human consumption or grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;
 - b. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;
 - c. Harbors rodents or vermin;
 - d. Gives off unpleasant or noxious odors;
 - e. Constitutes a fire or traffic hazard; or
 - f. Is dead or diseased.

The term "weed" does not include tended crops on land zoned for agricultural use which are planted more than one hundred fifty (150) feet from a parcel zoned for other than agricultural use;

2. "Trash" means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which is uncared for, discarded or abandoned, whether solid or liquid in form; and

3. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

(Prior Code, Sec. 13-20, in part)

SECTION 8-103 REPORTS OF ACCUMULATION OF GRASS, WEEDS OR TRASH ON PROPERTY.

A. Any officer or employee of the city who discovers an accumulation of trash or the growth of grass and weeds, or both these conditions, upon any premises within the limits of the city, shall report the condition to the city manager if, as a result of the accumulation or growth, the premises appear to be:

1. Detrimental to the health, benefit and welfare of the public and the community;

2. A hazard to traffic; or

3. A fire hazard to property.

B. The chief or assistant chief of police, chief or assistant chief of the fire department, or the county sanitarian or other representative of the department of public health, and any other person authorized by the city manager shall, on citizen complaint or upon their own notice, inspect subject property. If their inspection reveals a violation of one or more of the above named conditions, and their decision must be unanimous, they shall report their findings to the city manager. (Prior Code, Sec. 13-12, in part)

State Law Reference: Cleaning and mowing of property, procedures and powers 11 O.S. Section 22-111.

SECTION 8-104 RECEIPT OF REPORT, HEARING AND NOTICE.

A. Upon receiving the report provided for in Section 8-103 of this code, or upon receipt of equivalent information from any reliable source, the city manager shall give written notice of the provisions of this section and that premises are in violation of Section 8-101 of this code by forwarding a copy thereof by certified mail with return receipt requested to the owner of the property at the address shown by the current year's tax rolls in the office of the treasurer of the county in which the property is located. If the return receipt shows that the property owner cannot be located, notice shall be given by publication in a newspaper of general circulation one time not less than ten (10) days prior to the date of a hearing by the city manager or before he takes action.

B. At least ten (10) days from the date of receipt of the notice by the owner or the date of publication and upon the date specified in the notice, the city manager may hear the matter and receive information thereon, including anything which may be presented by the owner of the premises, personally or by agent or attorney. If the city manager determines that any of the conditions specified in Section 8-103 of this code exist upon the premises, he may order the property to be cleaned of trash, or other

trash or weeds to be cut, removed or destroyed unless within ten (10) days from the date of receipt of the notice or date of publication the owner either:

1. Cuts, removes or destroys the trash or weeds in accordance with the notice; or
2. Gives written consent authorizing the city to abate the trash or weeds, thereby waiving his right to a hearing.

C. A property owner shall have a right of appeal to the city council from any order of the city manager. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days of the administrations order is rendered. (Prior Code, Secs. 13-13, 13-14, 13-15, in part)

SECTION 8-105 RIGHT OF ENTRY, WORK DONE BY EMPLOYEES OR CONTRACT.

A. Upon finding that the condition of the property constitutes a detriment or hazard as specified in Section 8-103, and that the property would be benefited by the removal of such conditions, the agents of the city are granted the right of entry on the property to remove trash, mow weeds or grass, and perform necessary duties as a governmental function.

B. The work ordered to be performed under Section 8-104 of this code may be done by the employees of this city under supervision of the city, or it may be let by contract in the manner for letting other contracts. (Prior Code, Sec. 13-16)

SECTION 8-106 DETERMINATION AND ASSESSMENTS OF COSTS.

Upon the completion of the work ordered to be performed under Section 8-105 of this code, the city manager shall prepare a report on the cost thereof. Such report may be itemized as to each tract of property involved as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice, other costs and indirect costs. The city clerk shall forward a statement and demand payment of the total cost by certified mail with return receipt requested to the owner of the property at the address shown by the current tax rolls in the office of the treasurer of the county in which the property lies. (Prior Code, Sec. 13-17)

SECTION 8-107 LIEN ON THE PROPERTY, CIVIL REMEDY.

If the costs of the work performed under this chapter are not paid within thirty (30) days from the date of mailing the notice prescribed by Section 8-104 hereof, the city clerk shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property upon which the work was done is located, in order that the amount be levied upon the property and be collected by the county treasurer in the manner prescribed by the law of this state. The lien is coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At any time prior to collection as provided herein, the city may pursue any civil remedy for collection of the amount owing and interest thereon. Upon receiving payment, if any, the city clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien. (Prior Code, Sec. 13-19)

SECTION 8-108 COUNCIL MAY DESIGNATE OFFICER TO PERFORM DUTIES,
APPEALS.

The city council may designate an administrative officer to carry out the duties of the city council in Sections 8-102 to 8-107 of this code. The property owner shall have a right of appeal to the city council from any order of the administrative officer. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the administrative hearing.

Ed. Note: Ord. No. 539 authorizes city manager to appoint code enforcement officer and specifies powers.

SECTION 8-109 UNLAWFUL TO DEPOSIT RUBBISH.

It is unlawful for any person to throw, place or deposit any rubbish, trash, slop, garbage, filthy substance, grass, weeds, trees, brush or any other refuse or waste matter in any street, avenue, alley or in any ditch or watercourse, or upon the premises of another, or upon any public ground in this city.

SECTION 8-110 REMOVAL OF DEAD ANIMALS.

The owner or any person having charge of any animal dying in this city, shall within twenty-four (24) hours after the death of such animal, remove its carcass, and failure so to do shall constitute a misdemeanor.

Cross Reference: Animals generally, Section 4-101 of this code.

SECTION 8-111 PREMISES TO BE FREE FROM RUBBISH.

No person having in his possession, supervision or control, whether as owner, occupant or tenant, any premises situated in the city, shall allow or permit any such premises to have thereon, any empty boxes, barrels, rubbish, trash, waste paper, excess tin cans, weeds, junk, old auto parts, ice boxes, refrigerators, refuse or trash of any description not properly cared for. No person shall place or dump any of the items above mentioned in any public street, thoroughfare, avenue or alley, or upon any vacant lot or premises within the city.

SECTION 8-112 ICEBOXES HAVING LATCHES PROHIBITED.

It is unlawful for any person, firm or corporation to leave, store or discard in any place accessible to children any icebox, refrigerator, freezer or other container having latches, snaplocks or other hardware which prevents the door or lid thereof from being readily opened from the inside without first having removed all such doors or lids. (Prior Code, Sec. 11-11)

SECTION 8-113 PENALTY.

Any person, firm or corporation violating any of the provisions of this chapter, whether the same has been declared a nuisance or not, shall be guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1-108 of this code.

CHAPTER 2

LITTERING

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Section 8-219	Litter on vacant lots.
Section 8-220	Offensive littering.
Section 8-221	Political advertising on rights of way.
Section 8-222	Penalty.

SECTION 8-201 DEFINITIONS.

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. "Aircraft" is any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" includes helicopters and lighter-than-air dirigibles and balloons;

2. "Authorized private receptacle" is a litter storage and collection receptacle as required and authorized in this chapter;

3. "Commercial handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature;

- a. Which advertises for sale any merchandise, produce, commodity or thing;
- b. Which directs attention to any business or mercantile or commercial establishment or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

- c. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held or given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order;

provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without license where such license is or may be required by laws of this state or under any ordinance of this city;

- d. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor;

4. "Garbage" is putrefied animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food;

5. "Litter" is garbage, refuse, and rubbish as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare;

6. "Newspaper" is any newspaper of general circulation as defined by general law, any newspaper duly entered with the post office department of the United States, in accordance with Federal Statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto, means any periodical or current magazine regularly published with not less than four issues per year, and sold to the public;

7. "Noncommercial handbill" is any printed or written matter, any sample, device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or other reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper;

8. "Park" is a park, reservation, playground, beach, recreation center, or any other public area in the city, owned or used by the city and devoted to active or passive recreation;

9. "Private premises" is any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling house, building, or other structure;

10. "Public place" is any and all streets, sidewalks, boulevards, alleys, or other public ways, and any and all public parks, squares, spaces, grounds, and buildings;

11. "Refuse" is all putrefied and nonputrefied solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes;

12. "Rubbish" is nonputrefied solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials; and

13. "Vehicle" is every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

SECTION 8-202 LITTER IN PUBLIC PLACES.

No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the city except in public receptacles, in authorized private receptacles for collection, or in official city dumps.

SECTION 8-203 PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner so as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place, or upon private property.

SECTION 8-204 SWEEPING LITTER INTO GUTTERS PROHIBITED.

No person shall sweep into or deposit in any gutter, street, or other public place within city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

SECTION 8-205 MERCHANTS' DUTY TO KEEP SIDEWALKS FREE OF LITTER.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter.

SECTION 8-206 LITTER THROWN BY PERSONS IN VEHICLES.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property.

SECTION 8-207 TRUCK LOADS CAUSING LITTER.

No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any contents, or litter from being blown or deposited upon any street, alley, or other public place. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley, or other public place, mud, dirt, sticky substances, litter, or foreign matter of any kind.

SECTION 8-208 LITTER IN PARKS.

No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

SECTION 8-209 LITTER IN LAKES AND FOUNTAINS.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or other body of water in a park or elsewhere within the city.

SECTION 8-210 THROWING OR DISTRIBUTING COMMERCIAL HANDBILLS IN PUBLIC PLACES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street, or other public place within the city. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any sidewalk, street, or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

SECTION 8-211 PLACING COMMERCIAL AND NONCOMMERCIAL HANDBILLS ON VEHICLES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. Provided, however, that it is not unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

SECTION 8-212 DEPOSITING COMMERCIAL AND NONCOMMERCIAL HANDBILLS ON UNINHABITED OR VACANT PREMISES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

SECTION 8-213 PROHIBITING DISTRIBUTION OF HANDBILLS PROPERLY POSTED.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon such premises.

SECTION 8-214 DISTRIBUTING COMMERCIAL AND NONCOMMERCIAL HANDBILLS AT INHABITED PRIVATE PREMISES.

A. No person shall throw, deposit, or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by

handing or transmitting the handbill directly to the owner, occupant, or other person then present in or upon such private premises. In the case of inhabited private premises which are not posted, as provided in this chapter, a person, unless requested by anyone upon such premises not to do so, may place or deposit such handbill on the premises so long as the material is safeguarded or adequately secured from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when so prohibited by Federal postal law or regulations.

B. The provision of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place, or upon private property.

SECTION 8-215 DROPPING LITTER FROM AIRCRAFT.

No person in an aircraft shall throw out, drop, or deposit within the city any litter, handbill, or any other object.

SECTION 8-216 POSTING NOTICE PROHIBITED.

No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole, or upon any public structure or building, except as may be authorized or required by law.

SECTION 8-217 LITTER ON OCCUPIED PRIVATE PROPERTY.

No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public places, or upon any private property.

SECTION 8-218 OWNER TO MAINTAIN PREMISES FREE OF LITTER.

The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

SECTION 8-219 LITTER ON VACANT LOTS.

No person shall throw or deposit litter on any open or vacant private property within the city, whether owned by such person or not.

SECTION 8-220 OFFENSIVE LITTERING.

A. A person commits the crime of offensive littering if he creates an objectionable stench or degrades from the natural cleanliness or safety of property by intentionally:

I. Discarding or depositing any rubbish, trash, garbage, debris or other refuse upon the land of another without permission of the owner, or upon any public way;

2. Draining, or causing or permitting to be drained, sewage or the drainage from a cesspool, septic tank, recreational or camping vehicle without holding tank or other contaminated source, upon the land of another without permission of the owner, or upon public way; or

3. Permitting any rubbish, trash, garbage, debris or other refuse to be thrown from a vehicle which he is operating.

B. As used in this section, "public way" includes but is not limited to roads, streets, alleys, lanes, trails, beaches, parks and all recreational facilities operated by the state, county, or a local municipality for use by the general public.

SECTION 8-221 POLITICAL ADVERTISING ON RIGHTS OF WAY.

A. A political advertising sign is defined as any sign, poster or placard printed, painted, made, or designed for the purpose of furthering or advertising the candidacy of any person who is or intends to become or may be a candidate for the election to any public office, whether such public office be in the local, state or federal government, or any subdivision thereof.

B. It is unlawful for any person, firm or corporation to erect or display any advertising sign or advertising of any other character upon any public utility easement within the city.

C. No person, firm or corporation shall place, tack, nail, staple or glue any advertising sign on any telephone, telegraph, electric, cable or street-lighting pole within this city.

D. Any advertising sign erected, placed or displayed in violation of the provisions hereof shall be a public nuisance. No property right shall exist in such sign erected, placed or displayed in violation of the provisions hereof, and such sign may be removed and destroyed by any person.

SECTION 8-222 PENALTY.

Any person who violates any provision of this article is guilty of an offense and, upon conviction thereof, shall be fined as provided in Section 1-108 of this code.

CHAPTER 3

ABANDONED, WRECKED MOTOR VEHICLES

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Section 8-317	Penalty.

SECTION 8-301 DEFINITIONS.

A. For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein:

1. "Abandoned motor vehicles" means a motor vehicle for which, after a period of seventy-two (72) hours, there is no evidence of an apparent owner who intends to remove the vehicle;

2. "Chief of police" is the chief of police of the city;

2A. "Code enforcement officer" is the duly appointed, acting or qualified code officer of the city;

3. "Motor vehicle" is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor-bikes, motorcycles, motorscooters, trucks, tractors, go-carts, golf carts, campers;

4. "Junked motor vehicle" is any motor vehicle, as defined by Paragraph 2 of this section, which does not have lawfully affixed thereto both an unexpired license plate or plates and a current motor vehicle safety inspection certificate, and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded;

5. "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind;

6. "Private property" means any real property within the city which is privately owned and which is not public property as defined in this section; and

7. "Public property" means any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall mean any other publicly owned property or facility.

B. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. (Prior Code, Sec. 20-138 et seq., in part; Ord. No. 540)

SECTION 8-302 STORING, PARKING OR LEAVING DISMANTLED OR OTHER SUCH MOTOR VEHICLE PROHIBITED; DECLARED NUISANCE; EXCEPTIONS.

No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition whether attended or not, upon any public or private property within the city for a period of time in excess of seventy-two (72) hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this ordinance. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the city and properly operated in the appropriate business zone, pursuant to the zoning laws of the city, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes.

SECTION 8-303 NOTICE TO REMOVE.

Whenever it comes to the attention of the city manager or his designee that any nuisance as defined in Section 8-302 of this code exists, in the city, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter.

State Law Reference: Removal of abandoned vehicles on private property, 47 O.S. Section 954A; grounds for removal on state highways by state, 47 O.S. Sections 951 et seq.

SECTION 8-304 RESPONSIBILITY FOR REMOVAL.

Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property upon which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the city, the owner, or occupant of the private property where the vehicle is located, shall be liable for the expenses incurred.

SECTION 8-305 NOTICE PROCEDURE.

The chief of police of the city or his designee, or the code enforcement officer, shall give notice of removal to the owner or occupant of the private property where it is located, at least ten (10) days before the time of compliance. It shall constitute sufficient notice, when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by certified mail to the owner or occupant of the private property to his last known address. (Ord. No. 540)

SECTION 8-306 CONTENT OF NOTICE.

The notice shall contain the request for removal within the time specified in this ordinance, and the notice shall advise that upon failure to comply with the notice to remove, city shall prosecute a criminal complaint for failure to abate the nuisance or the city or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

SECTION 8-307 REQUEST FOR HEARING, COMMISSION CREATED.

A. The persons to whom the notices are directed, or their duly authorized agents, may file a written request for hearing before the abandoned vehicle commission of the city within the ten-day period of compliance prescribed in Section 8-305 of this code.

B. The abandoned vehicle commission shall be comprised of the city manager or his designee, the chief of police or his designee, and the director of the city-county health department or his designee.

C. Request for hearing shall be directed to the city manager of the city.

SECTION 8-308 PROCEDURE FOR HEARING.

The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of the hearing at least five (5) days in advance thereof. At any such hearing the city and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

SECTION 8-309 REMOVAL OF MOTOR VEHICLE FROM PROPERTY.

A. If the violation described in the notice has not been remedied within the ten (10) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the abandoned vehicle commission of the city, the chief of police or his designee has the right to take possession of the junked motor vehicle and remove it from the premises. It is unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter.

B. The city shall continue to prosecute criminal charges on a daily basis for failure to abate the nuisance or shall have the right to take possession of the junked motor vehicle and remove it from the premises.

SECTION 8-310 NOTICE OF REMOVAL.

Within forty-eight (48) hours of the removal of such vehicle, the chief of police or his designee, or the code enforcement officer, shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that the vehicle, or vehicles, has been impounded and stored for violation of this chapter. The notice shall give the location of where the vehicle or vehicles is stored, and the costs incurred by the city for removal.

SECTION 8-311 DISPOSITION OF VEHICLES.

Upon removing a vehicle under the provisions of Section 8-310 hereof, the chief of police or his designee, or the code enforcement officer, shall, after a period of ten (10) days, give notice of public sale not less than ten (10) days prior to the date of the proposed sale. (Ord. No. 540)

SECTION 8-312 CONTENTS OF PUBLIC SALE NOTICE.

The notice of sale shall state:

1. The sale is of abandoned property in the possession of the city;
2. A description of the vehicle, including make, model, license number and any other information which will accurately identify the vehicle;
3. The terms of the sale; and
4. The date, time and place of the sale.

SECTION 8-313 PUBLIC SALE.

The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the chief of police or his designee, or the code enforcement officer, shall execute a certificate of sale, in duplicate, the original of which is to be given to the purchaser, and the copy thereof to be filed with the city clerk of the city. Should the sale for any reason be invalid, the city's liability shall be limited to the return of the purchase price. (Ord. No. 540)

SECTION 8-314 REDEMPTION OF IMPOUNDED VEHICLES.

The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the city clerk of such sums as he may determine and the actual and reasonable expense of removal, and any preliminary sale expenses, plus storage, for each vehicle redeemed.

SECTION 8-315 ABANDONMENT OF VEHICLES.

No person, firm or corporation shall abandon any vehicle within the city on any public or private property, and no person shall leave any vehicle at any place within the city for such time and under such circumstances as to cause the vehicle reasonably to appear to have been abandoned.

SECTION 8-316 IMPOUNDING.

The chief of police or other appropriate official, or any member of his department designated by him, or the code enforcement officer, is hereby authorized to remove or have removed any vehicle left at any place within the city, which reasonably appears to be in violation of this chapter, or lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with the applicable ordinances. (Ord. No. 540)

SECTION 8-317 PENALTY.

Any person violating the provisions of this chapter shall be guilty of an offense and, upon conviction shall be fined as provided in Section 1-108 of this code.

CHAPTER 4

FOOD AND MILK

Section 8-401	U.S. food service sanitation ordinance adopted.
Section 8-402	No fee required for permit.
Section 8-403	Milk ordinance adopted.
Section 8-404	Grades of milk which may be sold.
Section 8-405	Enforcement by whom.
Section 8-406	Penalty.

SECTION 8-401 U.S. FOOD SERVICE SANITATION ORDINANCE ADOPTED.

A. The unabridged form of the latest edition of the "United States Public Health Service Food Service Sanitation Ordinance and Code" is hereby adopted and incorporated in this code by reference. At least one copy of the sanitation ordinance and code shall be on file in the office of the municipal clerk. The sanitation ordinance and code shall govern the definitions; inspection of food service establishments; the issuance, suspension, and revocation of permits to operate food service establishments; the prohibiting of the sale of adulterated or misbranded food or drink and the enforcement of this section. In the sanitation ordinance and code, however, all parenthetical phrases referring to grading and the following subsections shall be understood to be deleted: Subsection H.2.e., H.7. and H.8.

B. "Health authority" means the director of the county health department of this county or his designated representative.

C. Any person who violates any of the provisions of this section shall be guilty of misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-108 of this code. In addition thereto, any person convicted of violation may be enjoined from continuing the violation. (Prior Code, Sec. 9-17)

State Law Reference: State food regulations, 63 O.S. Sections 1-1101 et seq.

SECTION 8-402 NO FEE REQUIRED FOR PERMIT.

No fee shall be required for a permit to operate a food service establishment. (Prior Code, Sec. 9-18)

SECTION 8-403 MILK ORDINANCE ADOPTED.

The production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all milk and milk products sold for the ultimate consumption within the city, or its police jurisdiction; the inspection of dairy herds, dairy farms, and milk plants; the issuing and revocation of permits to milk producers, haulers, and distributors shall be regulated in accordance with the provisions of the "Milk Ordinance Recommendations of the Public Health Service Revised to Comply with Oklahoma State Statutes," a certified copy of which shall be filed in the office of the city clerk. Sections 9 and 16 of the unabridged ordinance shall be replaced, respectively by Sections 8-402 and 8-403 of this code. (Prior code, Secs. 9-1 to 9-16, in part)

State Law Reference: State laws regulating milk standards, 63 O.S. Sections 1-1301 et seq.; state laws governing manufacture of milk, 2 O.S. Sections 7-1 et seq.

SECTION 8-404 GRADES OF MILK WHICH MAY BE SOLD.

Only certified pasteurized and grade A pasteurized, and certified raw or grade A raw milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments. However, in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the health authority, in which case, such milk and milk products shall be labeled "ungraded."

SECTION 8-405 ENFORCEMENT BY WHOM.

All sampling, examining, grading, and regrading of milk and milk products and all inspections, and issuing and suspension or revocation of permits shall be done by the director of the county health department or his authorized representative, who shall be a registered professional sanitarian.

SECTION 8-406 PENALTY.

Any person who violates any provision of this chapter or any code adopted herein, is guilty of any offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. (Prior Code, Sec. 9-19)

CHAPTER 5

NUISANCES

SECTION:

8-501:	Nuisance defined; public nuisances; private nuisances
8-502:	Persons responsible
8-503:	Time does not legalize
8-504:	Remedies against public nuisances
8-506:	City has power to define and summarily abate nuisances
8-507:	Certain public nuisances in the city defined
8-508:	Summary abatement of nuisances
8-509:	Abatement by suit in district court
8-510:	Nuisance unlawful
8-511:	Health nuisances; abatement
8-512:	Toilet facilities required; nuisance
8-513:	Procedure cumulative

8-501: **NUISANCE DEFINED; PUBLIC NUISANCES; PRIVATE NUISANCES¹:**

- A. A nuisance is unlawfully doing an act, or omitting to perform a duty, or is any thing or condition which either:
1. Annoys, injures or endangers the comfort, repose, health or safety of others;
 2. Offense decency;
 3. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake or navigable river, stream, canal or basin, or any public park, square, street or other public property; or
 4. In any way renders other persons insecure in life or in the use of property.
- B. A public nuisance is one which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.
- C. Every nuisance not included in Subsection B above is a private nuisance. (Prior Code, Sec. 13-1)

1. 50 OS Sections et seq.

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8-502: PERSONS RESPONSIBLE:

Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property, created by a former owner, is liable therefor in the same manner as the one who first created it. (Prior Code, Sec. 13-2)

8-503: TIME DOES NOT LEGALIZE:

No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right. (Prior Code, Sec. 13-3)

8-504: REMEDIES AGAINST PUBLIC NUISANCES:

The remedies against a public nuisance are:

1. Prosecution on complaint before the municipal court;
2. Prosecution on information or indictment before another appropriate court;
3. Civil action; or
4. Abatement:
 - a. By person injured as provided in Section 12 of Title 50 of the Oklahoma Statutes; or
 - b. By the city in accordance with law or ordinance. (Prior Code, Sec. 13-4)

8-505: REMEDIES AGAINST PRIVATE NUISANCES:

The remedies against a private nuisance are:

1. Civil action; and
2. Abatement:
 - a. By person injured as provided in Sections 14 and 15 of Title 50 of the Oklahoma Statutes; or
 - b. By the city in accordance with law or ordinance. (Prior Code, Sec. 13-5)

8-506: CITY HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCES:

As provided in Section 16 of Title 50 of the Oklahoma Statutes, the city has power to determine what is and what shall constitute a nuisance within its corporate limits and, for the protection of the public health, the public parks, and the public water supply, outside of its corporate limits. Whenever it is practical to do so, the city has the power summarily to abate any such nuisance after notice to the owner and an opportunity for him to be heard, if this can be done. (Prior Code, Sec. 13-6)

8-507: CERTAIN PUBLIC NUISANCES IN THE CITY DEFINED:

In addition to other public nuisances declared by other sections of this code or law, the following are hereby declared to be public nuisances:

1. The sale, or offering for sale, of unwholesome food or drink; or the keeping of a place where such sales or offerings are made;
2. The sale, offering for sale, or furnishing of intoxicating liquor in violation of the state law or ordinances of the city, or keeping of a place where intoxicating liquor is sold, offered for sale, or furnished in violation of the state law or ordinances of the city;
3. The exposure, display, sale, or distribution of obscene pictures, books, pamphlets, magazines, papers, documents or objects; or the keeping of a place where such are exposed, displayed, sold or distributed for the purpose of this section, obscene materials shall be as defined in Section 10-409 if this code;
4. The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise;
5. The keeping of a place where prostitution, illicit sexual intercourse, or other immoral acts are practiced;
6. The keeping of a place where activities in violation of state law or ordinance are practiced or carried on;
7. The conduct or holding of public dances in violation of the ordinances of the city; or the keeping of a place where such dances are held;
8. The public exposure of a person having a contagious disease;
9. The continued making of loud or unusual noises which annoy persons of ordinary sensibilities; or the keeping of an animal which makes such noises;

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10. The operation or use of any electrical apparatus or machine which materially or unduly interferes with radio or television reception by others;
11. Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinance;
12. Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or sidewalk;
13. All wells, pools, cisterns, bodies or containers of water in which mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned, or situated as to endanger the public safety;
14. Rank weeds or grass, carcasses, accumulations of manure, refuse, or other things, which are, or are likely to be, breeding place for flies, mosquitoes, vermin, or disease germs; and the premises on which such exist;
15. Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition;
16. Any pit, hole, or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety;
17. Any fire or explosion hazard which endangers the public safety;
18. Any occupation or activity which endangers the public peace, health, morals, safety or welfare;
19. Any motor vehicle (whether in operating condition or not) or any trailer without a current vehicle plate and current safety inspection sticker as required by law for vehicles used on the public highways, when stored or kept in a residence district;
20. Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of this city, by reason of any noise or noises made by the animal therein, or by reason of lack of sanitation, is hereby declared to be a nuisance; and
21. Every building or other structure that shall become unsafe and dangerous from fire, decay or other cause, or shall become hazardous from fire, by reason of age, decay or construction, location or other cause, or shall be detrimental to the health, safety or welfare of this city or its inhabitants from any cause, is hereby declared to be a nuisance.

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22. Any building without water, sanitary sewer, electric and/or gas heat and solid waste disposal service at all times when occupied by human beings.

The above enumeration of certain public nuisances shall be cumulative and not limit other provisions of law or ordinances defining public or private nuisances either in more general or more specific terms. (Prior Code, Sec. 13-7, in part; amd. Ord. 683, 3-26-2019)

8-508: SUMMARY ABATEMENT OF NUISANCES:

- A. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even to require the mayor or other appropriate officer or agency of the city government to take immediate and proper action summarily to abate such nuisances, or to reduce or suspend the danger until more deliberate action can be taken toward such abatement.
- B. The chief of the fire department, the chief of police, the city attorney, the building inspector, the electrical inspector, the plumbing inspector, or any other officer subordinate to the city manager may submit through or with the consent of the city manager to the city council, a statement as to the existence of a nuisance as defined by the ordinances of the city or law, and a request or recommendation that it be abated. The city manager, the health officer, any councilman, or any resident or residents of the city may submit such a statement and request a recommendation to the city council.
- C. The council shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the council shall have power to subpoena and examine witnesses, books, papers and other effects. Before proceeding to abate the nuisance or have it abated, the council shall give notice of a hearing on the proposed abatement to the owner of any property concerned and to any other person alleged or deemed responsible for or to be causing the nuisance, and an adequate opportunity to be heard, if such notice and opportunity for a hearing can be given. Such notice to the owner and other persons concerned shall be given in writing by mail or by service by a police officer if their names and addresses are known; but, if the names or addresses are not known, and the peace, health, safety, morals, or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a paper of general circulation within the city.
- D. If the council finds that a nuisance does in fact exist, it shall direct the owner or other persons responsible for or causing the nuisance to abate it within a specified time if the peace, health, safety, morals or welfare of the person

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or persons or public adversely affected would not be unduly jeopardized by the consequent delay. If such peace, health, safety, morals, or welfare would be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the council shall direct the mayor to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by Section 16 of Title 50 of the Oklahoma Statutes. The city clerk shall send a statement of the cost of such summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the city collectible as other debts of the city may be collected. (Prior Code, Sec. 13-8)

8-509: ABATEMENT BY SUIT IN DISTRICT COURT:

In cases where it is deemed impractical summarily to abate a nuisance, the city may bring suit in the district court of the county where the nuisance is located, as provided in Section 17 of Title 50 of the Oklahoma Statutes. (Prior Code, Sec. 13-9)

8-510: NUISANCE UNLAWFUL:

It is unlawful for any person, including but not limited to any owner, lessee, or other person to create or maintain a nuisance within the city or to permit a nuisance to remain on premises under his control within the city. (Prior code, Sec. 13-10)

8-511: HEALTH NUISANCES; ABATEMENT¹:

- A. Pursuant to authority granted by Section 1-1011 of Title 63 of the Oklahoma Statutes, the health officer has authority to order the owner or occupant of any private premises in the city to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within twenty-four (24) hours, or within such other time as may be reasonable, and a failure to do so shall constitute an offense. Such order shall be in writing and may be served personally only the owner or occupant of the premises, or authorized agent thereof, by the health officer or by a policeman, or a copy thereof may be left at the last usual place of abode of the owner, occupant, or agent, if known and within the state. If the premises are unoccupied and the residence of the owner, occupant, or agent is unknown, or is without the state, the order may be served by posting a copy thereof on the premises, or by publication in at least one issue of a newspaper having a general circulation in the city. If the premises are occupied in violation of Section 8-507(22), the property owner shall immediately abate the nuisance and/or pursue eviction of the tenant.

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- B. If the order is not complied with, the health officer may cause the order to be executed and complied with, and the cost thereof shall be certified to the city clerk, and the cost of removing or abating such nuisance shall be added to the water bill or other city utility bill of the owner or occupant if he is a user of water from the city water system or such other utility service. The cost shall be treated as a part of such utility bill to which it is added, and shall become due and payable, and be subject to the same regulations relating to delinquency in payment, as the utility bill itself. If such owner or occupant is not a user of any city utility service, such cost, after certification to the city clerk, may be collected in any manner in which any other debt due the city may be collected. (Prior Code, Sec. 13-21; amd. Ord. 683, 3-26-2019)

8-512: TOILET FACILITIES REQUIRED; NUISANCE:

- A. For the purpose of this section, the following terms shall have the respective meanings ascribed to them herein:
1. "Human excrement" means the bowel and kidney discharge of human beings;
 2. "Sanitary water closet" means the flush type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times; and
 3. "Sanitary pit privy" means a privy which is built, rebuilt, or constructed so as to conform with the specifications approved by the State Health Department.
- B. Every owner of a residence or other building in which humans reside, are employed, or congregate within this city shall install, equip, and maintain adequate sanitary facilities for the disposal of human excrement by use of a sanitary water closet or a sanitary pit privy. The closets and toilets hereby required shall be of the sanitary water closet type when located within two hundred (220) feet of a sanitary sewer and accessible thereto, and of the sanitary water closet type (notwithstanding a greater distance from a sanitary sewer) or the water closet type emptying into a septic tank system or the pit privy type. A septic tank system or a pit privy may be used in such cases only if it meets the standards of and is approved by the State Health Department.
- C. All human excrement disposed of within this city shall be disposed of by depositing it in closets and privies of the type provided for in this section. It is unlawful for any owner of property within the city to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement within the city in any other manner.

- D. All privies shall be kept clean and sanitary at all times, and the covers of the seats of privies shall be kept closed at all times when the privies are not being used. No wash water, kitchen slop, or anything other than human excrement and toilet paper shall be emptied into a privy. No excrement from any person suffering from typhoid fever, dysentery, or other serious bowel disease shall be deposited in any sanitary pit privy or sanitary water closet until it is disinfected in such a manner as may be prescribed by the health officer.
- E. All facilities for the disposal of human excrement in a manner different from that required by this section, and all privies and closets so constructed, situated, or maintained as to endanger the public health, are hereby declared to be public nuisances, and may be dealt with and abated as such. Any person maintaining any such nuisance is guilty of an offense, and each day upon which any such nuisance continues is a separate offense.

8-513: PROCEDURE CUMULATIVE:

The various procedures for abating nuisances prescribed by this chapter and by other provisions of law and ordinance shall be cumulative on to any other penalties or procedures authorized. (Prior Code, Sec. 13-22)

CHAPTER 6

ENFORCEMENT AND PENALTY

Section 8-601	County health department designated to enforce health ordinances.
Section 8-602	Obstructing health officer.
Section 8-603	Quarantine; violations.
Section 8-604	Penalty.

SECTION 8-601 COUNTY HEALTH DEPARTMENT DESIGNATED TO ENFORCE HEALTH ORDINANCES.

Anywhere in this chapter where the word or words "health officer" are used it shall be construed to mean the director of the county health department or his duly designated representative. It is the intent and purpose of the mayor and city council to delegate the enforcement of the health ordinances of this city as set out in this section and any such decisions rendered under this section shall be subject to review by the governing board upon an appeal from an offender.

SECTION 8-602 OBSTRUCTING HEALTH OFFICER.

It is unlawful for any person to wilfully obstruct or interfere with any health officer or physician charged with the enforcement of the health laws of this city.

SECTION 8-603 QUARANTINE; VIOLATIONS.

It is unlawful for any person to wilfully violate or refuse or omit to comply with any lawful order, direction, prohibition, rule or regulation of the board of health, or any officer charged with enforcement of such order, direction, prohibition, rule or regulation.

SECTION 8-604 PENALTY.

Any person who violates any provision of this chapter or any law or code adopted by reference in this chapter is guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. In addition thereto, such person may be enjoined from continuing such violations.

