

Health and Sanitation

PART 8

HEALTH AND SANITATION

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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.

Cross Reference: Nuisances defined, Section 8-401 of this code.

Cross Reference: See also open burning prohibited, Section 13-107.

SECTION 8-102 DEFINITIONS

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

1. "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;

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- 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.

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.

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- 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.

SECTION 8-104 RECEIPT OF REPORT, HEARING AND NOTICE, ABATEMENT, COSTS, LIEN AND COLLECTION

The administrative officer is authorized to cause property within the city to be cleaned of trash and weeds, or grass to be cut or mowed, and the nuisance to be abated in accordance with the following procedure:

1. The administrative officer or his designee may determine whether the accumulation of Health and Sanitation trash, growth of weeds or grass, or other nuisances has caused the property to become detrimental to the health, benefit or welfare of the public and the community or a hazard to traffic, or creates a fire hazard to the danger of the property;
2. At least ten (10) days notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the county treasurer's office before the hearing provided for herein or before action may be taken. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and the notice shall state that unless the work is performed within ten (10) days of the date of the notice, the work shall be done by the city and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the city;
3. At the time of mailing of notice to the property owner, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the person doing the mailing. However, if the property owner cannot be located within ten (10) days from the date of mailing the same, notice may be given by posting a copy of the notice on the property or by publication, as provided by Section 102.8 of Title 11 of the Oklahoma Statutes, one time not less than ten (10) days prior to any hearing or action;

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4. If the city anticipates summary abatement of a nuisance in accordance with the provisions as herein provided, the notice, whether by mail or publication, shall state: that any accumulations of trash or excessive weeds or grass growth on the owner's property occurring within six (6) months after the removal of trash or cutting or mowing of weeds or grass on the property pursuant to the notice may be summarily abated by the city; that the costs of such abatement shall be assessed against the owner; and that a lien shall be imposed on the property to secure such payment, all without further notice to the property owner. At the time of each summary abatement, the city clerk shall notify the property owner of the abatement and costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. Unless otherwise determined at the hearing, the cost of such abatement shall be determined and collected as provided in this section. However, these summary abatement procedures shall not apply if the records of the county clerk show that the property was transferred after the notice was given pursuant to this section;
5. The owner of the property may give his written consent to the city authorizing the removal of the trash or the mowing of the weeds or grass. By giving his written consent, the owner waives his right to a hearing by the city;
6. A hearing may be held by the administrative officer to determine whether the accumulation of trash or the growth of weeds or grass has caused the property to become detrimental to the health, benefit or welfare of the public and the community or a hazard to traffic or creates a fire hazard to the danger of property. The property owner shall have a right of appeal to the city manager, except that if the city manager conducts the initial hearing, then the right of appeal is to the city council. The appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the administrative order is rendered;
7. If the administrative officer finds the condition of the property constitutes a detriment or hazard and that the property would be benefited by the removal or such conditions, the administrative officer shall direct the clearing or cleaning be done by one of the following methods:
 - a. By the city;
 - b. On a private contract basis, in which case it shall be awarded to the lowest and best bidder;

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SECTION 8-105 COUNCIL MAY DESIGNATE OFFICER TO PERFORM DUTIES, APPEALS

- A. The city council may designate an administrative officer to carry out the duties of the city council in 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.

SECTION 8-106 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 8-107 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 to do so shall constitute a misdemeanor.

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

SECTION 8-108 UNLAWFUL TO LITTER

For the purpose of this chapter, "littering" is defined as any trash, refuse, garbage, rubbish, ashes, street cleanings, abandoned appliances, paper wrappings, cigarette butts, cardboard, yard clippings, leaves, wood, grass, bedding, waste paper, tin cans, bottles, or any other object or substance.

It is unlawful for any person to litter upon the public streets, alleys, roadways, curbs, gutters, and sidewalks of the city, except in public receptacles, or upon any real property owned or occupied by another.

SECTION 8-109 UNLAWFUL TO LITTER FROM AUTOMOBILES

It is unlawful for any person to throw from any automobile or motor vehicle being operated and driven upon and over the streets, alleys and roadways of the city any litter, trash, waste paper, tin cans or any other substance or refuse whatsoever.

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SECTION 8-110 LITTER NOT TO ACCUMULATE ON PROPERTY

- A. It is hereby declared to be unlawful for any person, firm or corporation, occupying any real property, either as tenant or owner, to allow trash, waste paper, litter, bottles, tin cans or any other used or disposed of objects to accumulate upon such real property or premises or on the sidewalk in front of such property or premises.
- B. It is unlawful for any person, firm or corporation occupying any real property, either as tenant or owner, to allow accumulated trash, waste paper, litter, bottles, tin cans or any other used or disposed of objects to be carried from the occupied premises, either by the wind, elements or otherwise to any adjoining or other real estate not so owned or occupied by the offender.

SECTION 8-110-1 DILAPIDATED PERSONAL PROPERTY IN PUBLIC VIEW PROHIBITED

No person shall allow any dilapidated personal property to remain outside any building, enclosed porch, archway or other portion of a building or dwelling which he owns or occupies.

Definitions: Dilapidated Personal Property means wrecked or derelict personal property, including, but not limited to inoperative or partially dismantled motor vehicles, inoperative or partially dismantled trailers, inoperative or partially dismantled boats, machinery, refrigerators, washing machines, stoves, hot water heaters and other household appliances, or any part thereof, plumbing fixtures, household or office furniture, or any personal property which is no longer used for the purpose for which it was manufactured or is no longer safely usable for the purpose for which it was manufactured.

SECTION 8-111 POLITICAL ADVERTISING ON RIGHTS-OF-WAY PROHIBITED

- 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.

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- B. No person, firm or corporation shall erect or display any political advertising sign on any street or alley right-of-way, or upon any public utility easement within this city.
- C. No person, firm or corporation shall place, tack, nail, staple or glue any political advertising sign on any telephone, telegraph, electric or street lighting pole within this city.

Any political 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 of this section.

Cross Reference: See also Section 10-310 prohibiting signs on rights of ways.

SECTION 8-112 ABANDONED ICE BOXES. REFRIGERATORS

It is unlawful for any person to leave in a place accessible to children any abandoned, unattended, or discarded ice box, refrigerator, or other container which has an airtight door with a lock or other fastening device which cannot be easily released for opening from the inside of the ice box, refrigerator, or container, without first removing the door, lock, or fastener.

SECTION 8-113 PENALTY

Any person, firm or corporation, who violates any of the provisions of this chapter or shall allow the premises occupied to become unsanitary, or who shall in any manner violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 1-108 of this code.

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FOOD AND RESTAURANTS

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SECTION 8-201 FOOD SERVICE REGULATIONS ADOPTED

- A. The latest edition of the "Oklahoma State Department of Health Rules and Regulations Pertaining to Food Establishments" is hereby adopted and incorporated in this code by reference. At least one copy of the rules and regulations shall be on file in the office of the city clerk. The rules and regulations 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.
- B. 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.

SECTION 8-202 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 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 8-205 and 8-206 of this code.

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SECTION 8-203 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 8-204 ENFORCEMENT BY WHOM

All sampling, examining, grading, and re-grading 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 8-205 PENALTY

Any person who violates any provision of this chapter or the standards or codes adopted herein shall be punished and, upon conviction, as provided in Section 1-108 of this code.

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JUNKED, WRECKED MOTOR VEHICLES

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SECTION 8-301 NUISANCE

Motor vehicles which are abandoned, dismantled, partially dismantled, wrecked, junked, inoperative, or discarded, or left about the city in places other than authorized junk yards or other areas authorized by the city council and which tend to do any one or more of the following:

1. Impede traffic in the streets;
2. Reduce the value of private property;
3. Create fire hazards;
4. Extend and aggravate urban blight; or
5. Result in a serious hazard to the public health, safety, comfort, convenience and welfare of the residents of the city, are hereby declared to be a nuisance.

SECTION 8-302 DEFINITIONS

For the purpose of this chapter, the following terms, phrases, words, and their derivatives shall have the meaning given herein.

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1. "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, motor scooters, trucks, tractors, go-carts, golf carts, campers and trailers;
2. "Junk motor vehicle" is any motor vehicle, 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, unserviceable, abandoned, or discarded;
3. "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind;
4. "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
5. "Public property" means any street, alley, or highway, which shall include the entire width between the boundary lines of every way publicly owned or maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

SECTION 8-303 JUNK MOTOR VEHICLES PROHIBITED. EXCEPTIONS

No person shall deposit, store, keep or permit to be deposited, stored or kept upon public or private property, in the open, a junk motor vehicle or any vehicle legally or physically incapable of being operated for a period exceeding one hundred sixty-eight (168) hours unless such vehicle or parts thereof are:

1. Completely enclosed within a building;
2. Stored in connection with a business lawfully established pursuant to the zoning ordinances of the city; or
3. Stored on property lawfully designated under the zoning ordinances of the city as a place where such vehicles may be stored.

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SECTION 8-304 JUNK VEHICLES NUISANCE. REMOVAL

The accumulation or storage of one or more junk motor vehicles or parts thereof shall constitute a nuisance detrimental to the health, safety and welfare of the inhabitants of the city. It is the duty of the owner or person in control of such vehicle, or the parts thereof, or the owner of the private property, lessee or person in possession or control of the property upon which such vehicle is located, to cause to be removed or remove the vehicle from such property, or have the vehicle housed in a building, where it will not be visible from the street or other private property. Such removal or enclosure shall be made within one hundred sixty-eight (168) hours after notice as set out in Section 8-303 has been given to the owner or person in control of the vehicle or the owner, lessee or person in control of the property upon which such vehicle is located. The one hundred sixty-eight (168) hour time limit may be extended by the health officer in the case of obvious hardship.

SECTION 8-305 NOTICE

The director of the city-county health department, or any officer of that department he may assign, upon complaint of any citizen or on the officer's own volition, shall cause notice to be posted on such junk motor vehicle, that the vehicle is a nuisance and shall be removed within one hundred sixty-eight (168) hours as required in Section 8-304 of this code.

SECTION 8-306 REMOVAL BY HEALTH OFFICER

Upon any failure of the owner or person in control of the junk motor vehicle or vehicles or the owner, lessee, or person in control of the property upon which the junk motor vehicle or vehicles may be located, to remove the vehicle or place it in an enclosed building within one hundred sixty-eight (168) hours after notice has been placed on the vehicle, the director of the city-county health department, or any officer of that department he may assign, shall notify, in writing, the police department of the city which shall promptly cause the vehicle and its parts to be removed and stored in a proper place.

SECTION 8-307 RECOVERY BY OWNER

The owner or person in control of any vehicle or vehicles so removed may regain possession thereof by making application to the chief of police for the city within thirty (30) days after its removal, and upon payment to the city of all reasonable costs of removal and storage which shall have accrued to such vehicle or vehicles.

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SECTION 8-308 SALE

If no claim for the junk motor vehicle or vehicles is made within sixty (60) days after removal by the city, the vehicle or vehicles may be sold for the best price obtainable as junk or otherwise and the proceeds shall be used first to pay all reasonable removal or storage fees against the vehicle or vehicles.

SECTION 8-309 PENALTY

Any person who violates 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, is guilty of an offense and, upon conviction thereof, shall be punished as provided in Section 1-108 of this code. Each day upon which any such violation continues shall constitute a separate offense.

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SECTION 8-401 NUISANCE DEFINED; PUBLIC NUISANCES; PRIVATE NUISANCES

- 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. Offends 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.

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- 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.

SECTION 8-402 PERSONS RESPONSIBLE

No person in charge or control of any property in the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow a nuisance to exist on the property. 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.

SECTION 8-403 TIME DOES NOT LEGALIZE

No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right.

SECTION 8-404 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.

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SECTION 8-405 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.

SECTION 8-406 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.

SECTION 8-407 CERTAIN PUBLIC NUISANCES IN THE IN 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;
4. The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise;

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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;
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 places 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;

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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.

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.

SECTION 8-408 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 city manager 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 health officer, the building inspector, the electrical inspector, the plumbing inspector, or any other officer subordinate to the city manager or any council member or resident, may submit through or with the consent of the city manager to the code enforcement officer, 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.
- C. Upon receiving the complaint or observing the nuisance himself, the city manager or his designee will investigate the alleged nuisance. If he determines that a public nuisance exists, he will notify the person responsible for the nuisance. Such notice to the owner and other persons concerned shall be given in writing, by mail or by service by a police

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officer if their names and addresses are known; but, if the names and addresses are not known, and the public peace, health, safety, morals, or welfare 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. Such notice shall provide not less than ten (10) days nor more than sixty (60) days, at the discretion of the city manager or his designee, in which to abate such nuisance or to request a hearing as hereinafter set forth.

- D. If the person receiving the abatement notice wishes a hearing, he must request it in writing within ten (10) days and mail or file it with the city clerk. The hearing on his request will be before the city manager and will be held as soon as possible after the request is filed. The city manager shall render his decision by written memorandum and file the same with the city clerk, who shall thereupon mail a copy to the person or persons requesting the hearing at the last known mailing address.
- E. If the person responsible for a nuisance wishes to appeal the city manager's decision, he may request a hearing before the city council. Such request must be in writing and submitted to the city clerk within five (5) days after notice of the decision of the city manager is mailed to him.
- F. 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.
- G. 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 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 city manager 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 the 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.

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SECTION 8-409 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.

SECTION 8-410 COST OF ABATEMENT

If the person responsible for the nuisance is unable to pay for its removal, the work may be done by the employees of this city under supervision of the city manager, or it may be let by contract to the lowest and best bidder, after appropriate notice, in the manner for letting other contracts.

SECTION 8-411 COST TO BE DETERMINED. STATEMENT OF COST TO BE SENT

Upon the completion of the work ordered to be performed under Section 8-408 of this code, the city manager shall prepare a report on the cost thereof. Such report shall be itemized as to each tract, as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice, and other costs. The city manager shall determine the total actual costs of the work, and shall direct the city clerk to forward a statement and demand payment thereof 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. If the statement is not paid within twenty (20) days after such statement is mailed, the council may direct the city attorney to institute action to establish its lien against the property on which such work was done and to request the court to cause such property to be sold and the lien paid.

SECTION 8-412 FAILURE TO PAY COSTS, COSTS TO BE CERTIFIED TO COUNTY TREASURER

In the event the city does not elect to proceed by legal action as set forth herein, then six (6) months from the date of mailing the notice prescribed by Section 8-410 hereof, the city clerk shall forward a certified statement of the amount of such costs to the county treasurer of the county in which the property upon which the work was done is located, to be levied upon the property and to be collected by the county treasurer in the manner prescribed by the laws of this state.

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.

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SECTION 8-414 DAMAGES AND PROSECUTION FOR PUBLIC OFFENSE

The fact that the city has abated and removed a nuisance shall in no way excuse the party responsible therefor from any damages which may have resulted prior thereto. Neither shall the order of abatement prevent the chief of police or other person from filing a complaint where the nuisance constitutes a public offense. The chief of police may file complaint in each and every instance where the nuisance amounts to a public offense, and the person responsible therefor shall be prosecuted on such complaint; on determination of guilt, he shall be punished as provided for punishment of public offenses.

SECTION 8-415 HEALTH NUISANCES; ABATEMENT

- A. Pursuant to authority granted by Section 1-1011 of Title 63 of the Oklahoma Statutes, the health officer shall have 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 on the owner or occupant of the premises, or authorized agent thereof, by the health officer or by a police officer, 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.
- 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 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.

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SECTION 8-416 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 to 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. The closets and toilets hereby required shall be of the sanitary water closet type when located within two hundred (200) 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. 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 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. Any privy 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 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.

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SECTION 8-417 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.

SECTION 8-418 PENALTY

Any person, firm or corporation, who violates any of the provisions of this chapter or shall allow the premises occupied to become unsanitary, or who shall in any manner violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 1-108 of this code.

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CHAPTER 5

AMBULANCE SERVICES

Section 8-501	Purpose
Section 8-502	Definitions.
Section 8-503	Creation of position of EMS supervisor
Section 8-504	Rates
Section 8-505	Segregation of funds for ambulance service
Section 8-506	Gratuitous ambulance service to hospital
Section 8-507	Area of service
Section 8-508	Service beyond area of service
Section 8-509	Persons eligible for service
Section 8-510	Nursing homes and other institutions
Section 8-511	Termination of water service
Section 8-512	Ambulance service for other municipalities
Section 8-513	Persons not covered
Section 8-514	Subrogation and assignment
Section 8-515	Other ordinances
Section 8-516	Limitation of obligation of city

SECTION 8-501 PURPOSE

The mayor and city council find that the current cost for ambulance service furnished by the city is, due to expenses related to maintaining such ambulance service, insufficient and that the best interest of the residents of the city would be served by providing for supplemental ambulance service at a rate equal to existing medical insurance coverage to certain classes of residents and by funding such services by rates per meter per month or the equivalent thereto, as set by the council by motion or resolution. Therefore, the ambulance service provided by this ordinance shall be deemed a no-cost service supplemental to insurance coverage afforded persons entitled to ambulance service by this ordinance.

SECTION 8-502 DEFINITIONS

The following words and phrases as used in this chapter shall, for the purposes of this chapter have the following meaning:

1. "City" means the incorporated city, including all property annexed thereto, except any property heretofore or hereafter annexed by means of "fencing";

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2. "Emergency" means a sudden and unexpected illness or injury requiring immediate transportation to a hospital or other place where emergency medical attention is rendered and means circumstances in which life or limb is in eminent danger of loss and does not include any illness or injury which was gradual in its onset and for which a reasonable person would have had ample opportunities to secure adequate medical attention by a means other than urgent ambulance transportation;
3. "Medically Necessary" means a non-life threatening situation requiring that a patient be transported to or from a medical facility by ambulance;
4. "Transfer" means a non-life threatening situation whereby a patient is transported to a medical facility for medical tests or examination, or when a patient is transported from a medical facility to the patient's place of residence.
5. "Medical Facility" means an Oklahoma-licensed physician's office or accredited hospital;
6. "No-Cost" means all emergency and medically necessary ambulance services shall be billed to the patients insurance and the city will accept what they receive from that insurance and waive any remaining balance;
7. "Geographic center" means the intersection of the center lines of Broadway and Chestnut Streets in the city;
8. "Illness or injury" means a physical impairment or disability which arose suddenly and unexpectedly and which requires immediate medical attention. It does not include any mental illnesses but it does include attempted suicide. Further, it does not include emergency transportation when the person transported was biologically dead when the ambulance transportation commenced;
9. "Physician" means any medical doctor or osteopathic physician licensed to practice within the state and it does not include any other practitioners of the healing arts, including but not limited to psychologists, psychiatrists, and chiropractors;
10. "Place of business" or "business" means any commercial establishment having a location separate and apart from any other such establishment;
11. "Residence" means one single family dwelling unit or the equivalent thereto; and

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12. "Residents" means those persons permanently residing in the city and who have resided in the city for a continuous period of not less than sixty (60) days and who reside in the city with the intention of permanently making the city their place of residence for an indefinite period of time.
13. "Insurance" means medical, hospitalization, or other insurance indemnity agreement which provides benefits or pays claims for medical services, automobile insurance providing for payments of medical benefits to the insured or his family, third party liability coverage resulting in payment of medical expenses of residents, worker's compensation benefits, Medicare and other welfare programs providing for payment of medical care or services;
14. "Other" words and phrases used in this ordinance are defined parenthetically in this ordinance following the use of such words or phrases.

SECTION 8-503 CREATION OF POSITION OF EMS SUPERVISOR

The position of EMS supervisor is hereby created and established, such supervisor to be administrative head of the ambulance service. The duties of the EMS supervisor shall include:

1. Aid to the city clerk's office in all matters relating to billing and collections;
2. Other such duties as may be given or required for the safe professional operation of the ambulance service
3. Recommendations to the city manager on all purchases, operational procedures, maintenance and needs of the service; and
4. Supervision of ambulance personnel, including EMT's and First Responders.

SECTION 8-504 RATES

The monthly charge or rate for ambulance service furnished by the city to all persons residing within or having a business located within the corporate city limits shall be added to the water utility charges and shall be as set by the city council by motion or resolution.

SECTION 8-505 SEGREGATION OF FUNDS FOR AMBULANCE SERVICE

All monies derived by means of the rate increase set forth in Section 8-504 of this code are hereby earmarked and segregated for the operation and maintenance of an ambulance service by the city. Also, all other monies derived from and resulting from ambulance services rendered are hereby earmarked and segregated from the operation and maintenance of an ambulance service by the city.

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SECTION 8-506 SUPPLEMENTAL AMBULANCE SERVICE TO HOSPITAL

After March 1, 1982, ambulance service supplemental to insurance benefits will be furnished at no cost to all persons eligible for service to the closest adequate hospital when:

1. Ambulance transportation to a hospital or other place where medical attention is available and is reasonable and necessary;
2. For illness or injury when there exists an obvious emergency or when ordered by a physician due to an emergency; and
3. Is for emergency treatment of a person eligible for service.

SECTION 8-507 AREA OF SERVICE

The supplemental ambulance service afforded by this chapter to persons eligible for the same, shall when transporting eligible persons to a hospital, be limited to an area within thirty (30) miles from the geographic center of the city. Nothing contained in this chapter shall be construed to obligate city to provide ambulance service to a hospital when the eligible person is to be picked up by city's ambulance at a point more than five (5) miles from the geographic center of the city.

SECTION 8-508 SERVICE BEYOND AREA OF SERVICE

When due to any reasons a person eligible for service is transported by city's ambulance beyond the area of service set forth in this chapter, that portion of such trip lying within the area of service shall be deemed service supplemental to insurance benefits but for all portions of such trip lying beyond the area of service normal and reasonable charges for such portion will be payable by person transported or any other responsible party to the extent the same is not fully paid by insurance coverage. Ambulance services are not afforded for any eligible person when such person is to be picked up by city's ambulance more than five (5) miles from the geographic center of city.

SECTION 8-509 PERSONS ELIGIBLE FOR SERVICE

The following persons are eligible to receive the supplemental ambulance service provided for in this chapter:

1. Residents of city whose residences do not receive water service from the city and members of their family and relatives permanently residing with such resident and who are themselves residents of the city;

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2. Residents of city whose residences receive water service from the city, and members of their family and relatives permanently residing with such resident and who are themselves residents of the city; and
3. Non-residents of city who are employed by a place of business located in the city subscribing to city's water service or the equivalent thereto, when such emergency ambulance service is the result of illness or injury occurring when such employee is located within the corporate limits of the city;

SECTION 8-510 NURSING HOMES AND OTHER INSTITUTIONS

Residents of nursing homes, hospitals and other institutions or organizations in which more than three (3) persons are kept for treatment or care, when such hospital or other institution is located within the city, and when such hospital, nursing home or other institution or resident thereof:

1. Elects to subscribe for such supplemental service; and
2. Rates shall be calculated based on the sum set by the council by motion or resolution per month for each resident. Subscriptions shall be renewable each January for a one year term. Rates shall be prorated as set by the council per month or portion thereof.

Cross Reference: See Fee Schedule for current rates.

SECTION 8-511 TERMINATION OF WATER SERVICE

If water service shall for any reason be terminated to any resident of the city or any other person eligible for supplemental ambulance service, such person shall no longer be entitled to supplemental ambulance service.

SECTION 8-512 AMBULANCE SERVICE FOR OTHER MUNICIPALITIES

- A. The supplemental ambulance service provided for in this chapter may be extended to residents of other towns or cities by a resolution of the city council of the city when, in opinion of such council, the city is able to provide supplemental ambulance services for such town or city, provided that the city council shall not by resolution authorize supplemental ambulance service for any other town or city until all of the following have occurred:

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1. Such town or city has, by resolution of its governing body, requested such services;
 2. Has lawfully enacted an ordinance providing funds in an amount proportionately equal to the funds to be generated by this chapter in relation to the population of such town or city, as it bears to the population of this city, that such sum may, by resolution of this city council be increased, such increase to bear a reasonable relation to the additional distance which the ambulance will travel; and
 3. Has provided by law for the payment of such funds to this city on a monthly basis.
- B. Any service furnished to any other town or city shall be subject to termination by the city council of the city upon a finding that continued provision of supplemental ambulance service to such town or city jeopardizes the rendition of such service to residents of this city or when it becomes apparent that the sums paid by such town or city for such supplemental ambulance service are insufficient to cover the expense of furnishing such service. However, this city may not terminate such ambulance service except upon sixty (60) days written notice to any other town or city receiving such service.

SECTION 8-513 PERSONS NOT COVERED

All persons to whom supplemental ambulance service is not afforded by this chapter shall pay reasonable charges for such ambulance service as may be determined by the city council.

SECTION 8-514 SUBROGATION AND ASSIGNMENT

All persons subscribing to the city's supplemental ambulance shall be deemed to have agreed to an assignment to the city of all their right and entitlement to the benefits of any insurance attributable to ambulance service provided by the city pursuant to this ordinance. Similarly, all residents of the city subject to the provisions of this ordinance shall be obligated to pay for ambulance service a sum equivalent to their insurance coverage. Any person receiving insurance benefits and fail to pay them to the city shall be liable for the same.

SECTION 8-515 OTHER ORDINANCES

Nothing herein shall be construed to repeal or alter existing ordinances relating to charges made for water service by the city which schedule or rates are set from time to time by the city and public works authority.

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SECTION 8-516 LIMITATION OF OBLIGATION OF CITY

Under no conditions shall the city be obligated to pay any sums of money to any person eligible for the benefits conferred by this chapter. When any person elects to use any ambulance service other than that provided by city, the city shall have no liability or obligation to pay such person any benefits therefor. When the city is for any reason unable to provide ambulance service as contemplated by this chapter, no person being refused ambulance service at such time shall be entitled to make any claim or demand against the city, or receive any benefits from the city and the operation of the ambulance service by the city is hereby declared to be a governmental function of city for the health and welfare of all persons for whom benefits are provided by this chapter.

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CHAPTER 6

DILAPIDATED BUILDINGS

Section 8-601	Definitions
Section 8-602	Report to be made
Section 8-603	Condemnation, boarding and securing of dilapidated buildings, notice, removal, lien, payment
Section 8-604	Clearing up of premises from which buildings have been removed
Section 8-605	Penalty

SECTION 8-601 DEFINITIONS

For the purposes of this chapter:

1. "Boarding and securing" or "boarded and secured" means the closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure;
2. "Cleaning" or "cleaned" means the removal of trash or weeds from the premises;
3. "Dilapidated building" means a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public or a vacant structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable and is a hazard to the health, safety, and welfare of the general public.
4. "Unsecured building" means a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety or welfare of the general public.

SECTION 8-602 REPORT TO BE MADE

Any officer or employee of this city who discovers or receives a report of a dilapidated building which has become detrimental to the health, benefit and welfare of the public and the community or creates a fire hazard to the danger of property, shall report such conditions to the administrative officer.

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SECTION 8-603 CONDEMNATION, BOARDING AND SECURING OF DILAPIDATED BUILDINGS. NOTICE. REMOVAL. LIEN. PAYMENT

The administrative officer may cause dilapidated buildings within the city limits to be torn down and removed, or boarded or secured, in accordance with the following procedure:

1. At least ten (10) days notice shall be given to the owner of the property before the city takes action or holds a hearing as provided herein. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication, as defined by Section 1-102 of Title .11 of the Oklahoma Statutes. Such notice may be published once not less than ten (10) days prior to any hearing or action to be taken pursuant to this section;
2. A hearing shall be held by the administrative officer to determine whether the property is dilapidated and has thereby become detrimental to the health, benefit and welfare of the public and the community, or creates a fire hazard to the danger of property, or needs to be boarded and secured;
3. If the administrative officer finds that the condition of the property constitutes a detriment or a hazard, and that the property would be benefited by the removal of such conditions, or by its boarding and securing, the administrative officer may cause the dilapidated building to be torn down and removed, and boarded and secured, and shall fix reasonable dates for the commencement and completion of the work. The city clerk shall immediately file a notice of lien with the county clerk describing the property, the findings of the administrative officer at the hearing, and stating that the city claims a lien on the property for the destruction and removal, boarding and securing costs and that such costs are the personal obligation of the property owner from and after the date of filing of the notice;

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4. The property owner shall have a right of appeal to the mayor from an order of the administrative officer, or if the order is rendered by the mayor, then the right to appeal is to the city council. The appeal shall be filed in writing with the city clerk within ten (10) days after the administrative order is rendered;
5. If the work is not performed by the property owner within the dates fixed by the administrative officer, the administrative officer shall direct the tearing down and removal, or boarding and securing, be done by one of the following methods:
 - a. By the city,
 - b. On a private contract basis, in which case it shall be awarded to the lowest and best bidder;
6. After the building has been torn down and removed, or boarded and secured, the administrative officer shall determine the actual cost of the dismantling and removal of dilapidated buildings, or the boarding and securing, and any other expenses as may be necessary in conjunction therewith, including the cost of notice and mailing. The city clerk shall forward a statement of such actual cost attributable to the dismantling and removal or boarding and securing and a demand for payment by mail to the property owner at the address specified in this section. In addition, a copy of the statement shall be mailed to any mortgage holder at the address specified in this section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee;
7. If payment is not made within six (6) months from the date of the mailing of the statement, the city clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located. The city shall have a lien on the property for such costs, together with interest thereon, and the lien shall continue until the cost shall be fully paid;
8. When payment is made to the city for costs incurred, the city shall file a release of lien or part thereof;
9. The provisions of this section shall not apply to any property zoned and used for agricultural purposes; and

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10. Nothing in this section shall prevent the city from otherwise abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the public health, safety or welfare.

SECTION 8-604 CLEARING UP OF PREMISES FROM WHICH BUILDINGS HAVE BEEN REMOVED

In all cases in which:

1. A house or building has been removed before the taking effect of this chapter; or
2. A house or building is torn down or demolished pursuant to order of the State Fire Marshal or one of his assistants or the sheriff of the county or the chief of the fire department as provided by state law or as provided in this chapter; and in which any of the following conditions exist,
 - a. The premises have not been cleaned up;
 - b. The premises are cleaned up, and all lumber, brick, concrete, cement, plaster, nails, wire, and other material have not been removed;
 - c. The materials removed but the cellar space and excavations have not been filled;
 - d. A cistern or well has not been filled or safely and securely closed and all openings to sanitary sewer have not been plugged to meet the requirements of the city plumbing inspector and securely closed; and
 - e. The lot or lots have not been leveled and left entirely free from trash or the same be not immediately done, then the owner or owners of the lot or lots and the person, firm, or corporation who tore down the house or building shall immediately comply with the provisions of this chapter by having all of the things done.

SECTION 8-605 PENALTY

Any person who shall tear down or begin the tearing down of any house or building within the city limits of the city without having first procured permit therefor as herein provided shall be guilty of an offense against the city and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

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CHAPTER 7

ENFORCEMENT AND PENALTY

- Section 8-701 County health department designated to enforce health ordinances
- Section 8-702 Obstructing health officer
- Section 8-703 Quarantine; violations
- Section 8-704 Penalty

SECTION 8-701 COUNTY HEALTH DEPARTMENT DESIGNATED TO ENFORCE HEALTH ORDINANCES

Anywhere in this chapter where the word or words "health officer" are used it may be construed to mean the director of the county health department or his duly designated representative unless another person is designated by the mayor. 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 council upon an appeal from an offender.

SECTION 8-702 OBSTRUCTING HEALTH OFFICER

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

SECTION 8-703 QUARANTINE; VIOLATIONS

It is unlawful for any person to willfully 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 8-704 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.

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CHAPTER 8

SWIMMING POOLS

Section 8-801	Intent
Section 8-802	Definitions
Section 8-803	Required Safety Features
Section 8-804	Exemptions

Section 8-801 INTENT

The intent of the swimming pool barrier requirement is to prevent the uncontrolled access to a pool or spa by children from adjacent properties and from the home.

Section 8-802 DEFINITIONS

Swimming pool or pool means any structure intended for swimming or recreational bathing that contains water over 18" deep. Swimming pool includes in-ground and aboveground structures and includes, but is not limited to, hot tubs, spas, portable spas, and non-portable wading pools. Enclosure means a fence, wall, or other barrier that isolates a swimming pool from access to from adjacent properties.

Section 8-803 REQUIRED SAFETY FEATURES

The swimming pool must be surrounded by a fence or wall at least four feet high. Chain link fencing or vertical slat fencing with a maximum slat spacing of four inches or masonry meets this requirement. Other enclosures that will prevent access to the pool can be approved provided that no opening other than openings for doors or gates or allow a sphere four inches in diameter to pass through it may be approved. In the case of an above-ground pool, the pool structure itself can serve as a part of the required barrier, provided that the pool structure is sufficiently rigid to obstruct access to the pool. However, where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then: the ladder or steps shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier

Health and Sanitation

Section 8-804 EXEMPTIONS.--THIS CHAPTER DOES NOT APPLY TO

1. Any system of sumps, irrigation canals, or irrigation flood control or drainage works constructed or operated for the purpose of storing, delivering, distributing, or conveying water.
2. Stock ponds, storage tanks, livestock operations, livestock watering troughs, or other structures used in normal agricultural practices.
3. Any portable spa with a safety cover that complies with ASTM F1346-91 (Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs).
4. Small, temporary pools without motors, which are commonly referred to or known as "kiddy pools."