

PART 8

HEALTH AND SANITATION

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Chapter 1

TRASH AND WEEDS

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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 shall be the duty of such owner to remove or destroy any such trash or weeds. (Prior Code, Chapter 13, as amended)

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 own 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 of 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 and 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; and

3. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer. (Prior Code, Chapter 13, as amended)

8-103 Reports of accumulation of grass, weeds or trash on property.

Repealed by Ord. No. 6-20-94C. (Prior Code, Chapter 13; Ord. No. 8-1-88, 8/1/88; Ord. No. 6-20-94C)

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

8-104 Receipt of report, hearing and notice.

Repealed by Ord. No. 6-20-94C. (Prior Code, Chapter 13; Ord. No. 8-1-88A, 8/1/88; Ord. No. 6-20-94C)

8-105 Work done by employees or contract.

Repealed by Ord. No. 6-20-94C. (Prior Code, Chapter 13, as amended; Ord. No. 8-1-88B, 8/1/88; Ord. No. 6-20-94C)

8-106 Determination and assessment of costs.

Repealed by Ord. No. 6-20-94C. (Prior Code, Chapter 13; Ord. No. 8-1-88C, 8/1/88; Ord. No. 6-20-94C)

8-107 Lien on the property, civil remedy.

Repealed by Ord. No. 6-20-94C. (Prior Code, Chapter 13, as amended; Ord. No. 6-20-94C)

8-108 Service of notice.

Repealed by Ord. No. 6-20-94C. (Prior Code, Chapter 13, as amended; Ord. No. 6-20-94C)

8-109 Abandoned ice boxes or refrigerators.

It is unlawful for any person, firm or corporation to leave in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator, or other container which has an air-tight 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. (Prior Code, Chapter 13, as amended)

8-110 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 water-course, or upon the premises of another, or upon any public ground in this city. (Prior Code, Chapter 13, as amended)

8-111 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. (Prior Code, Chapter 13, as amended)

8-112 Penalty.

Any person who violates any provision of this chapter, either by doing that which is prohibited, or by failing or refusing to do that which is commanded, shall be guilty of an offense, and upon conviction shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in Section 1-108 of this code. Each day of such violation shall constitute a separate offense and upon conviction be punished accordingly. (Ord. No. 6-20-94B, 6/20/94)

Chapter 2

LITTERING

Sections:

8-201 Definitions.

8-202 Litter in public places.

8-203 Placement of litter in receptacles so as to prevent scattering.

8-204 Sweeping litter into gutters prohibited.

8-205 Merchants' duty to keep sidewalks free of litter.

8-206 Litter thrown by persons in vehicles.

8-207 Truck loads causing litter.

8-208 Litter in parks.

8-209 Litter in lakes and fountains.

8-210 Throwing or distributing commercial handbills in public places.

8-211 Placing commercial and noncommercial handbills on vehicles.

8-212 Depositing commercial and noncommercial handbills on uninhabited or vacant premises.

8-213 Prohibiting distribution of handbills properly posted.

8-214 Distributing commercial and noncommercial handbills at inhabited private premises.

8-215 Dropping litter from aircraft.

8-216 Posting notice prohibited.

8-217 Litter on occupied private property.

8-218 Owner to maintain premises free of litter.

8-219 Litter on vacant lots.

8-220 Offensive littering.

8-221 Penalty.

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 work "shall" is always mandatory and not merely directory.

1. "Aircraft" is any contrivance not 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 Article 1 of 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 building;
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. (Ord. No. 4/20/82)

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. (Ord. No. 4/20/82)

8-203 Placement of litter in receptacles so as to prevent scattering.

Persons placing litter in public receptacles or in authorized private receptacle 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. (Ord. No. 4/20/82)

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. (Ord. No. 4/20/82)

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. (Ord. No. 4/20/82)

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. (Ord. No. 4/20/82)

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. (Ord. No. 4/20/82)

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 property disposed of elsewhere as provided herein. (Ord. No. 4/20/82)

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. (Ord. No. 4/20/82)

8-210 Throwing or distributing commercial handbills in public places.

No person shall throw or deposit any commercial, 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. (Ord. No. 4/20/82)

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. (Ord. No. 4/20/82)

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. (Ord. No. 4/20/82)

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. (Ord. No. 4/20/82)

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 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. Provided, however, that, in case of inhabited private premises which are not posted, as provided in this article, such person, unless requested by anyone upon such premises not to do so, may place or deposit such handbill on the premises provided the material is 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 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, not 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. (Ord. No. 4/20/82)

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. (Ord. No. 4/20/82)

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 shade tree, or upon any public structure or building, except as may be authorized or required by law. (Ord. No. 4/20/82)

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. (Ord. No. 4/20/82)

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. (Ord. No. 4/20/82)

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. (Ord. No. 4/20/82)

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:

1. 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. (Ord. No. 4/20/82)

8-221 Penalty.

Any person who violates any provision of this chapter is guilty of an offense and, upon conviction thereof, shall be punished as provided in Section 1-108 of this code. (Ord. No. 4/20/83)

Chapter 3

FOOD

Sections:

- 8-301 Milk ordinance adopted.
- 8-302 Grades of milk which may be sold.
- 8-303 Enforcement by whom.
- 8-304 U.S. Food Service sanitation ordinance adopted.
- 8-305 Permits.

8-301 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--1965 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 8-202 and 1-108 of this code. (Prior Code, Chapter 15, as amended)

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

8-302 Grades of milk which may be sold.

Only certified pasteurized and grade A pasteurized, and certified raw and/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; provided, that 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." (Prior Code, Chapter 15, as amended)

8-303 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.

8-304 U.S. Food Service sanitation ordinance adopted.

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. Three copies 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. (Prior Code, Article D)

8-305 Permits.

A. It is unlawful for any person to operate a restaurant as defined in the Sanitation Code without a current and unrevoked permit from the state. Only persons who comply with the requirements of this chapter shall be entitled to receive and retain such a permit.

B. Such permits shall be posted at all times in a conspicuous place and are not transferable to another person or location. (Prior Code, Article D)

Chapter 4

NUISANCES

Sections:

8-401 Nuisance defined; public nuisances; private nuisances.

8-402 Persons responsible.

8-403 Time does not legalize.

8-404 Remedies against public nuisances.

8-405 Remedies against private nuisances.

8-406 City has power to define and summarily abate nuisances.

8-407 Certain public nuisances in the city defined.

8-408 Summary abatement of nuisances.

8-409 Abatement by suit in district court.

8-410 Nuisance unlawful.

8-411 Health nuisances; abatement.

8-412 Toilet facilities required; nuisance.

8-413 Procedure cumulative.

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.

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, Chapter 18)

State Law Reference: Power to define, abate nuisances, procedures, 50 O.S. Section 1 et seq.

8-402 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, Chapter 18)

8-403 Time does not legalize.

No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right. (Prior Code, Chapter 18)

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. (Prior Code, Chapter 18)

8-405 Remedies against private nuisances.

The remedies against a private nuisance are:

1. Civil action;
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, Chapter 18)

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. (Prior Code, Chapter 18)

8-407 Certain public nuisances in the city defined.

A. 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;
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. Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition;
15. Any pit, hole, or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety;
16. Any fire or explosion hazard which endangers the public safety;
17. Any occupation or activity which endangers the public peace, health, morals, safety or welfare;
18. Any motor vehicle (whether in operating condition or not) or any trailer without a current vehicle plate as required by law for vehicles used on the public highways, when stored or kept in a residence district;
19. Any motor vehicle whose muffler does not meet state motor vehicle equipment requirements or any muffler cut-out;
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;
21. The keeping of any dog kennels within this city for the breeding and raising of dogs that shall become offensive or annoying to the public by reason of the barking and noise made by the animals therein contained, is hereby declared to be a nuisance;
22. Any vault, cesspool or sink used to receive human excrement, slops, garbage, refuse or other filthy substance, is hereby declared to be a nuisance;
23. Any pond, slop, trash, refuse, cobs, manure, decayed or decaying vegetable matter, left, kept or maintained in such condition as to endanger the public health is hereby declared to be a nuisance;
24. The keeping of any hog pen within the limits of this city is hereby declared to be a nuisance;
25. Every privy or water closet which shall be in an overflowing, leaking or filthy condition, or in a condition dangerous, injurious or annoying to the comfort, health and welfare of any resident of this city is hereby declared a nuisance;
26. Any green or unsalted hides of any animal kept in any exposed or open place within the limits of this city is hereby declared to be a nuisance;
27. Any unclean, foul, leaking or broken or defective ditch, drain, gutter, slop, garbage or manure barrel, box or other receptacle in this city is hereby declared to be a nuisance; and
28. 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. (Prior Code, Chapter 18)

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 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 mayor may submit through or with the consent of the mayor 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 mayor himself, 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 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, Chapter 18)

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. (Prior Code, Chapter 18)

8-410 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, Chapter 18)

8-411 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 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.

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, Chapter 18)

State Law Reference: Authority to abate health nuisances, 63 O.S. Section 1-1011.

8-412 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 (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 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 ty-

phoid 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. (Prior Code, Chapter 25)

8-413 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, Chapter 18)

Chapter 5

JUNKED MOTOR VEHICLES

Sections:

- 8-501 Definitions.
- 8-502 Certain vehicles prohibited.
- 8-502.1 Chief of police authority.
- 8-503 Nuisance declared.
- 8-504 Abatement.
- 8-505 Order of abatement.
- 8-506 Owner may regain.
- 8-507 Penalty.
- 8-508 Appeals from the enforcement official.
- 8-509 Appeals to the council.
- 8-510 Liability for costs.
- 8-511 Immediate removal of vehicle obstructing traffic.

8-501 Definitions.

For the purposes of this chapter, the following words, phrases shall have the meanings given herein.

“Dismantled, junked, abandoned or inoperable vehicles” shall be deemed to include the major parts thereof, including bodies, engines, transmissions, frames and rear ends.

“Person” means any person, firm, partnership, association, corporation, company or organization of any kind.

“Private property” means any real property in the city of Bristow which is not public property.

“Public property” means any property owned or controlled in the city limits by the city of Bristow, Creek County, state of Oklahoma, or United States Government, and shall include all streets and highways.

“Vehicle” means any motor vehicle, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, or self-propelled farm or construction equipment. (Ord. 2-16-98A § 1)

8-502 Certain vehicles prohibited.

No person shall deposit, store, keep or permit to be deposited, stored or kept in the open upon public or private property, a dismantled, unserviceable, inoperable, junked or abandoned vehicle or any vehicle legally or physically incapable of being operated, for a period exceeding forty-eight (48) hours, unless such vehicle or the parts thereof is completely enclosed within a building or stored in connection with a business lawfully established pursuant to the zoning ordinances of the city of Bristow, or is stored on property lawfully designated under the zoning ordinances of the city as a place where such vehicles may be stored. (Ord. 2-16-98B § 1)

8-502.1 Chief of police authority.

The chief of police or his agent shall possess all required power and authority to enforce this chapter and shall have authority to enter upon private property for the purposes of carrying out and enforcing this chapter. (Ord. 65-032105 § 1)

8-503 Nuisance declared.

The accumulation or storage of one or more vehicles or parts thereof as described in this chapter shall constitute a nuisance detrimental to the health, safety and welfare of the inhabitants of the city. It shall be the duty of

the owner of such vehicle or parts thereof or the owner of the private property or the lessee or other person in possession or control of the property upon which such vehicle is located to remove the vehicle from such property or have the vehicle housed in a building where it will not be visible from the street or from other private property. The removal or enclosure shall be made within ten (10) days after notice has been given to the owner of the vehicle or the owner, lessee or person in control of the property upon which such vehicle is located. The time may be extended by the chief of police in the case of an obvious hardship for a period not to exceed thirty (30) days. (Ord. 2-16-98C § 1)

8-504 Abatement.

A. In the event that a nuisance exists as defined in this chapter, the chief of police shall cause a written notice to abate the nuisance be delivered to the owner of the vehicle or the owner of the property where the vehicle is located or the person in possession or control of the property where the vehicle is located. In the event that the owner of the vehicle or the owner of the private property or a person in possession or control of the property where the vehicle is located cannot be located, the chief of police shall post the notice of abatement on the vehicle constituting the nuisance. The notice shall provide that the nuisance must be abated within ten (10) days.

B. The chief of police is authorized to abate the nuisance within ten (10) days of the service or posting of the notice to abate the nuisance unless an appeal has been filed as otherwise provided in this chapter. (Ord. 2-16-98D § 1)

8-505 Order of abatement.

In all cases where it shall have been determined that any nuisance shall be abated, and the nuisance is not abated within the time specified in the notice, an order of abatement shall be issued by the chief of police or his designee who shall cause the vehicle or its parts to be removed and stored in a proper place. (Ord. 2-16-98E § 1; Ord. 64-032105 § 1)

8-506 Owner may regain.

The owner of any vehicle so removed may regain possession thereof by making application to the police department within thirty (30) days after its removal and upon payment to the city of Bristow of all reasonable costs of removal and storage which shall have accrued to such vehicle. If the vehicle is not reclaimed within thirty (30) days, it may be sold without further notice and, after payment of towing and storage costs, all funds remaining shall become the property of the city of Bristow to defray the remaining costs of abatement. (Ord. 2-16-98F § 1)

8-507 Penalty.

Any person required by the provisions of this chapter to remove a dismantled, junked or abandoned vehicle who shall fail to do so in compliance with the notice as provided herein, shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine of not more than two hundred dollars (\$200.00), excluding costs, or by imprisonment in the city jail for a period of not more than thirty (30) days, or both. Each and every violation and each day of such violation shall be a separate offense. (Ord. 2-16-98G § 1)

8-508 Appeals from the enforcement official.

A. Right to Appeal. An appeal to the mayor may be taken by any person aggrieved (hereinafter "appellant") where it is alleged there is error in any order, requirement, decision or determination made by the chief of police.

B. Notice of Appeal. An appeal shall be taken within ten (10) days from the date of the issuance of the notice provided for in Section 8-504, by filing with the city clerk a notice of appeal, specifying the name and mailing address of the appellant and specifying the grounds thereof. The mayor shall set the matter for hearing not

less than seven (7) nor more than thirty (30) days from receipt of the notice of appeal. Notice of the date, time and place of such hearing shall be mailed by first class mail to appellant at the address shown in the notice of appeal. The vice-mayor shall serve in the mayor's absence.

C. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from. (Ord. 2-16-98H § 1)

8-509 Appeals to the council.

A. Right to Appeal. An appeal to the council may be taken by any person aggrieved where it is alleged there is error in any order, requirement, decision or determination made by the mayor.

B. Notice of Appeal. An appeal shall be taken within ten (10) days from the determination complained of by filing with the city clerk a notice of appeal, specifying the name and mailing address of the appellant and specifying the grounds thereof. The city clerk, upon receipt of notice, shall forthwith transmit to the members of the city council a summary of the matter and copies of all the papers constituting the record. Upon receipt of the appeal to the city council, the appeal shall be set for hearing not less than seven (7) nor more than thirty (30) days from receipt of such record. Notice of the date, time and place of such hearing shall be mailed by first class mail to appellant at the address shown in the notice of appeal.

C. Council Action. The council shall hold a hearing and may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made. The concurring vote of a majority of the council shall be necessary to reverse any order of the hearing officer.

D. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from. (Ord. 2-16-98I § 1)

8-510 Liability for costs.

Any person or entity who fails to remove or abate any nuisance after proper notice, shall be liable to the city for all expenses incurred in the removal and abatement of the nuisance. The city shall have its right of action to recover all such costs, and/or a lien on the property may be imposed to secure payment of such costs. (Ord. 2-16-98J § 1)

8-511 Immediate removal of vehicle obstructing traffic.

No provision contained within this chapter shall prevent the immediate removal of a vehicle located on public property which constitutes an obstacle to traffic. (Ord. 2-16-98K § 1)

Chapter 6

ENFORCEMENT AND PENALTY

Sections:

8-601 County health department designated to enforce health ordinances.

8-602 Obstructing health officer.

8-603 Quarantine; violations.

8-604 Penalty.

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.

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.

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.

8-604 Penalty.

Any person who violates any provision of Part 8 of the city code, either by doing that which is prohibited, or by failing or refusing to do that which is commanded, shall be guilty of an offense, and upon conviction shall be punished by a fine in any amount not exceeding the sum of One Hundred Dollars (\$100.00) plus costs. Each day of such violation shall constitute a separate offense and upon conviction be punished accordingly. (Ord. No. 2-6-87, 7/6/87)