

PART 8

HEALTH AND SANITATION

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TRASH AND WEEDS

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SECTION 8-101 **LEGISLATIVE INTENT**

The Board of Trustees declares its intent to conform these provisions to those of Section 22-11 1 of Title 11 of the Oklahoma Statutes. (Ord. No. 2009-03, 07/10/09)

SECTION 8-102 **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 Town 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.

SECTION 8-103 **DEFINITIONS**

A. "Weed" includes, but is not limited to, poison ivy, poison oak, or poison sumac and all vegetation at any state of maturity which:

1. Exceeds twelve (12) inches in height, except healthy trees, shrubs, or produce for human consumption 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

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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 said weeds;

2. Regardless of height, harbors, conceals, or invites deposits or accumulation of refuse or trash;
3. Harbors rodents or vermin;
4. Gives off unpleasant or noxious odors;
5. Constitutes a fire or traffic hazard; or
6. Is dead or diseased.

(The term "weed" shall 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.)

B. "Trash" means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, or waste, or matter of any kind or form which is uncared for, discarded, or abandoned.

C. "Owner" means the owner of record as shown by the most current tax rolls of the County Treasurer.

D. "Cleaning" means the removal of trash from property.

SECTION 8-104 REPORT TO BE MADE

Any person who observes upon propene within the municipal limits of the Town an accumulation of trash or the growth of grass and weeds that appears to be:

1. Detrimental to the health and benefit and welfare of the public and the community;
2. A hazard to traffic; or
3. A tire hazard to the danger of property;

may report such condition in writing to the Town Clerk. (Ord. No. 2009-03, 07/10/09)

SECTION 8-105 MATTER TO BE SET FOR HEARING

Upon receiving the report described in Section 8-104, or equivalent information from any reliable source, and being satisfied that the report or information is credible, the Mayor or

Vice-Mayor shall schedule the matter for hearing by the Board of Trustees at a date and time that allows for notice to the property owner to be given. (Ord. No. 2009-03, 07/10/09)

SECTION 8-106 **NOTICE TO OWNER**

A. At least ten (10) days notice shall be given to the property owner by mail at the address shown by the current year's tax rolls in the County Treasurer's Office before the Town Board holds a hearing or takes action. Additionally, notice may be given by delivering a copy of it to the owner or the property's occupants, posting copy of it on the property, or by publishing it one time not less than ten (10) days prior to the hearing or action.

B. The notice shall order the property owner to clean the property of trash, or to mow the weeds or grass on the property, as appropriate, and it shall further state that unless this work is performed within ten (10) days of the date of the notice, the work, following the Town Board's hearing of the matter and confirmation of the order, shall be done by the Town and a notice of lien shall be filed with the County Clerk against the property for the costs due the Town.

C. Should the Town Board anticipate summary abatement of a nuisance, the notice shall also state that any accumulations of trash or excessive weed or grass growth on the owner's property occurring within six (6) months from and after the date of this notice may be summarily abated by the Town Board, that the costs of abatement shall be assessed against the owner, and that a lien may be imposed on the property to secure payment of these costs, all without further prior notice to the property owner.

D. The property owner may give his written consent to the Town authorizing the removal of the trash or the mowing of the weeds or grass. By giving the written consent, the owner waives his right to a hearing by the Town.

E. If a notice of summary abatement is given as provided in this Section, any subsequent accumulations of trash or excessive weed or grass growth on the property occurring within a six (6) month period may be declared to be a nuisance and may be summarily abated without further prior notice to the property owner. At the time of each such summary abatement the Town shall notify the property owner of the abatement and the 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. The notice and hearing shall be as provided in this Section. Unless otherwise determined at the hearing the costs of abatement shall be determined and collected as provided in this Chapter. However, this Subsection shall not apply if the records of the County Clerk show that the property was transferred after notice was given as stated above.

(Ord. No. 2009-03, 07/10/09)

SECTION 8-107 HEARING

In hearing the matter, the Board of Trustees shall receive information concerning the reported condition. If it finds that the condition is detrimental to the health, benefit and welfare of the public and community, a hazard to traffic, or a fire hazard to the danger of property, it shall confirm the order that the property be cleaned and mowed as necessary to abate the condition. (Ord. No. 2009-03, 07/10/09)

SECTION 8-108 CLEANING OR MOWING THE PROPERTY

A. Upon a finding that the condition of the property constitutes such a detriment or hazard, the agents of the Town are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, and performance of the necessary duties as a governmental function of the Town.

B. If the Town Board orders the property to be cleaned or mowed following the hearing described above, it may proceed to either have the work done by Town employees or let the work out to the lowest and best bidder.

(Ord. No. 2009-03, 07/10/09)

SECTION 8-109 COSTS OF CLEANING AND MOWING

The Town Board shall determine the actual cost of such cleaning and mowing the property and any other necessary expenses, including the cost of notice. The Town Clerk shall mail the property owner a statement of this actual cost and demand payment. If the cleaning and mowing is done by Town employees, the cost to the property owner shall not exceed the actual cost of the labor, maintenance and equipment required. If the cleaning and mowing is done on a private contract basis, the cost shall not exceed the actual contract amount plus any other necessary expenses the Town incurs, such as for giving notice. (Ord. No. 2009-03, 07/10/09)

SECTION 8-110 PROOF OF NOTICE

Proof that all notices were given as required by this Chapter shall be filed in the office of the Town Clerk.

SECTION 8-111 COLLECTION OF COSTS

If payment for cleaning and mowing costs is not made within thirty (30) days from the date of the mailing of the statement described in this Chapter, then within the next sixty (60) days, the Town Clerk shall send a certified statement of the cost amount to the County Treasurer who

shall levy the cost on the property and collect it as other taxes authorized by law. Once certified by the County Treasurer, payment may only be made to the County Treasurer except as otherwise provided in this Section. Until fully paid, the cost and any related interest shall be the personal obligation of the property owner from and after the date the cost is certified to the County Treasurer. Additionally, the cost and any related interest shall be a lien against the property from the date the cost is certified to the County Treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost is fully paid. If the County Treasurer and the Town agree that the County Treasurer is unable to collect the assessment, the Town may pursue a civil remedy for collection of the amount owing and any interest by an action in person against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and now owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this Section. Upon receiving payment, if any, the Town Clerk shall send the County Treasurer a notice of the payment and directing discharge of the lien. (Ord. No. 2009-03, 07/10/09)

SECTION 8-112 **CUTTING OF WEEDS AND TALL GRASS REQUIRED**

A. That all owners, agents of owners, lessors and persons in possession of, or having under their control any lots, pieces or parcels of land in the incorporated limits of the Town of Oologah, Oklahoma, shall be and are hereby required to cause the weeds and tall grass growing wild on said lots, and pieces of ground to be cut so as to keep said lots clean throughout the entire length and fronts thereof, including the parking adjacent to the street, or avenue on which the same fronts or adjoins, said weeds and grass shall be kept at a height not to exceed twelve inches (12") all year round

B. That the allowing of weeds and wild tall grass to grow in violation of the definitions and the terms and provisions contained in this Chapter is hereby declared a nuisance and dangerous to the health of the citizens of the Town.

C. Every person who fails to cut his grass and weeds as required above, thereby creating a nuisance as defined herein, shall be guilty of a misdemeanor and shall be fined not less than Fifteen Dollars (\$15.00) and not more than One Hundred Dollars (\$100.00); provided further that the Municipal Judge, in addition to the fine, may give said person a reasonable time to cut said weeds and/or tall grass, or have same cut by the employees of the Town of Oologah and the costs of said cutting assessed as Court costs against the person.

SECTION 8-113 **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.

SECTION 8-114 **BURNING PROHIBITED; PERMIT**

A. No Person shall, at any time of the day or night, burn or allow to be burned papers, trash, garbage, leaves, weeds, or refuse of any type in the Town limits. No persons may cause smoke or smudge by the attempt to burn such items. This shall not prohibit Town personnel from burning within the Town limits for training purposes or health and sanitation reasons.

B. A permit may be obtained from the Town Clerk upon payment of \$25.00 per year allowing the burning of natural debris, i.e., tree limbs and leaves. Said permit shall be subject to any and all bans issued by the State of Oklahoma.

SECTION 8-115 **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 Town.

SECTION 8-116 **REMOVAL OF DEAD ANIMALS**

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

CHAPTER 2

LITTERING

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SECTION 8-201 DEFINITIONS

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

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

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

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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 expense 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 Town;

- 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 (4) 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 otherwise 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 Town, owned or used by the Town 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.

SECTION 8-202 LITTER IN PUBLIC PLACES

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

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

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

SECTION 8-204 SWEEPING LITTER INTO GUTTERS PROHIBITED

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

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

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

SECTION 8-206 **LITTER THROWN BY PERSONS IN VEHICLES**

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

SECTION 8-207 **TRUCK LOADS CAUSING LITTER**

No person shall drive or move any truck or other vehicle within the Town 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 Town, the wheels or tires of which carry onto or deposit in any street, alley, or other public place, mud, dirt, sticky substances, litter, or foreign matter of any kind.

SECTION 8-208 **LITTER IN PARKS**

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

SECTION 8-209 **LITTER IN LAKES AND FOUNTAINS**

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

SECTION 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 Town. 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 Town for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

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

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

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

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

**SECTION 8-213 PROHIBITING DISTRIBUTION OF HANDBILLS PROPERLY
POSTED**

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

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

A. No person shall throw, deposit, or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting the handbill directly to the owner, occupant, or other person then present in or upon such private premises. However, in case of inhabited private premises which are not posted, such person, unless required 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 prohibited by Federal postal laws or regulations.

B. The provision of this Section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein) except that newspapers shall be placed on

private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place, or upon private property.

SECTION 8-215 **DROPPING LITTER FROM AIRCRAFT**

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

SECTION 8-216 **POSTING NOTICE PROHIBITED**

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

SECTION 8-217 **LITTER ON OCCUPIED PRIVATE PROPERTY**

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

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

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

SECTION 8-219 **LITTER ON VACANT LOTS**

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

SECTION 8-220 **OFFENSIVE LITTERING**

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

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;

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

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

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

SECTION 8-221 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.

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CHAPTER 3

FOOD REGULATIONS

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SECTION 8-301 **FOOD SERVICE, REGULATIONS**

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 Town 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 a 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 8-302 **MILK ORDINANCE ADOPTED**

Part II of the Grade A Pasteurized Milk Ordinance, recommended by the U.S. Public Health Service, is hereby adopted and incorporated by reference to govern and regulate the production, transportation, processing, handling, sampling, examination, grading, labeling and sale of milk and milk products sold for ultimate consumption within the Town Limits or its police jurisdiction; the inspection of dairy farms, dairy herds and milk plants; the issuing and revocation of permits to milk producers, haulers and distributors. At least one copy of the Pasteurized Milk Ordinance shall be filed in the office of the appropriate official. Sections 9, 16 and 17 of the abridged Ordinance shall be replaced, respectively by Sections 8-303 and 8-304 of this Code.

State Law Reference: State laws regulating milk standards, *63 Okla. Stat. Sections 1-1301, et seq.*; State laws governing milk manufacture, *2 Okla. Stat. Section 7.1.*

SECTION 8-303 **GRADE REQUIREMENTS**

Only Grade A pasteurized 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, milk which is ungraded or the grade which is unknown, may be authorized by the health authority, in which case, such milk and milk products shall be labeled "ungraded".

SECTION 8-304 **FOOD HANDLER PERMITS; PENALTIES**

In this Section the term "food handler" means any person who engages in the preparation or serving of food to the public.

1. All food handlers shall be required to obtain from the Rogers County Health Department, or comparable public health agency, a food handler permit.

2. The food handler permit shall be obtained by the first food handler class available after accepting employment as a food handler or within thirty (30) days from the first day of the month the permit expires. Food handler permits shall be effective for two (2) years from the date of issuance. Applicants shall pay any fees charged for issuing the permit.

3. It shall be unlawful for any person to prepare or serve food to the public without the required permit; *PROVIDED* that a food handler permit shall not be required of an unpaid preparer or server of food at occasional fund-raising events sponsored and conducted by non-profit civic, charitable, educational or religious organizations.

(Ord. No. 2006-01, 05/11/06)

SECTION 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.

SECTION 8-306 **GREASE AND OIL TRAPS OR INTERCEPTORS FOR FOOD SERVICE ESTABLISHMENTS**

Grease and oil traps or interceptors shall be provided for the proper handling of liquid wastes containing grease or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwellings. All interceptors shall be located as to be readily

and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers, which when bolted in place shall be gas-tight and water-tight. Where installed, all grease and oil interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

SECTION 8-307 **GARBAGE AND RUBBISH DISPOSAL FOR FOOD SERVICE ESTABLISHMENTS**

All garbage and rubbish containing food wastes, including grease and oil, shall, prior to disposal, be kept in leak-proof, non-absorbent containers which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use, provided, that such containers need not be covered when stored in a special vermin-proofed room or enclosure, or in a food-waste refrigerator. All other rubbish shall be stored in containers, rooms, or areas in an approved manner. The rooms, enclosure areas, and containers used shall be adequate for the storage of all food waste and rubbish accumulating on the premises. Adequate cleaning facilities shall be provided, and each center, room, or area, shall be thoroughly cleaned after the emptying or removal of garbage and rubbish. Food-waste grinders, if used, shall be installed in compliance with State and local standards. All garbage and rubbish shall be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

SECTION 8-308 **VIOLATION; PENALTY**

Any person who violates any of the provisions of this Chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-108 of this Code.

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CHAPTER 4

NUISANCES

Section 8 401	Nuisance Defined; Public Nuisances; Private Nuisances
Section 8-402	Persons Responsible
Section 8-403	Time Does Not Legalize
Section 8-404	Remedies Against Public Nuisances
Section 8-405	Remedies Against Private Nuisances
Section 8-406	Town Has Power to Define and Summarily Abate Nuisances
Section 8-407	Certain Public Nuisances in the Town Defined
Section 8-408	Summary Abatement of Nuisances
Section 8-409	Abatement by Suit in District Court
Section 8-410	Nuisance Unlawful
Section 8-411	Health Nuisances; Abatement
Section 8-412	Toilet Facilities Required; Nuisance
Section 8-413	Procedure Cumulative

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.

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

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 Town in accordance with Law or Ordinance.

SECTION 8-405 REMEDIES AGAINST PRIVATE NUISANCES

The remedies against a private nuisance are:

1. Civil action; or
2. Abatement:
 - a. By person injured as provided in Sections 14 and 15 of Title 50 of the Oklahoma Statutes; or
 - b. By the Town in accordance with Law or Ordinance.

SECTION 8-406 TOWN HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCES

As provided in *Section 16 of Title 50 of the Oklahoma Statutes*, the Town 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 Town 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 TOWN 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 Town; 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 Town;
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 Town or the keeping of a place where such Ordinances 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 or 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;

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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; or
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 the Town, by reason of any noise or noises made by the animals therein, or by reason of lack of sanitation, is hereby declared to be a nuisance.
21. The keeping of any dog kennels within this Town 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;

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24. 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 Town is hereby declared a nuisance;

25. Any green or unsalted hides of any animal kept in any exposed or open place within the limits of this Town is hereby declared to be a nuisance;

26. Any unclean, foul, leaking or broken or defective ditch, drain, gutter, slop, garbage or manure barrel, box or other receptacle in this Town is hereby declared to be a nuisance; and

27. 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 Town 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 Mayor or other appropriate officer or agency of the Town 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 Police Department, the Town 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 Board of Trustees, a statement as to the existence of a nuisance as defined by the Ordinances of the Town of Law, and a request or recommendation that it be abated. The Mayor himself, the Health Officer and Board of Trustees or any resident or residents of the Town may submit such a statement and request or recommend that it be abated.

C. The Board of Trustees shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the Board of Trustees shall have power to subpoena and examine witnesses, books, papers and other effects. Before proceeding to abate the nuisance or have it abated, the Board of Trustees shall give notice of a hearing on the proposed abatement to the owner of any property concerned 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 Town.

D. If the Board of Trustees 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, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the Board of Trustees 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 Town 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 Town collectible as other debts to the Town may be collected.

SECTION 8-409 **ABATEMENT BY SUIT IN DISTRICT COURT**

In cases where it is deemed impractical summarily to abate a nuisance the Town 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 **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 Town or to permit a nuisance to remain on premises under his control within the Town.

SECTION 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 Town 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 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 Town.

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 Town Clerk, and the cost of removing or abating such nuisance shall be added to the water bill or other Town utility bill of the owner or occupant if he is a user of water from the Town 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 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 Town utility service, such cost, after certification to the Town Clerk, may be collected in any manner in which any other debt due the Town may be collected.

SECTION 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 Town 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.

C. All human excrement disposed of within this Town 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 Town to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement within the Town in any other manner.

D. All privies shall be kept clean and sanitary at all times, and the covers of the seats of privies shall be kept closed at all times when the privies are not being used. No wash water, kitchen slop, or anything other than human excrement and toilet paper shall be emptied into a privy. No excrement from any person suffering from typhoid fever, dysentery, or other serious bowel disease shall be deposited in any sanitary pit privy or sanitary water closet until it is disinfected in such a manner as may be prescribed by the Health Officer.

E. All facilities for the disposal of human excrement in a manner different from that required by this Section, and all privies and closets so constructed, situated, or maintained as to endanger the public health, are hereby declared to be public nuisances, and may be dealt with and

abated as such. Any person maintaining any such nuisance is guilty of an offense, and each day upon which any such nuisance continues is a separate offense.

SECTION 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.

CHAPTER 5

JUNKED MOTOR VEHICLES

Section 8-501	Abandoned Autos as Nuisance; Definitions
Section 8-502	Storing, Parking or Leaving Dismantled or Other Such Motor Vehicle Prohibited; Declared Nuisance; Exceptions
Section 8-503	Notice to Remove
Section 8-504	Responsibility for Removal
Section 8-505	Notice Procedure
Section 8-506	Content of Notice
Section 8-507	Request for Hearing, Administrative Officer Position Created and Right to Appeal where Town Undertakes Removal
Section 8-508	Procedure for Hearing
Section 8-509	Removal of Motor Vehicle from Property
Section 8-510	Notice of Removal
Section 8-511	Disposition of Vehicles
Section 8-512	Contents of Public Sale Notice
Section 8-513	Public Sale
Section 8-514	Redemption of Impounded Vehicles
Section 8-515	Abandonment of Vehicles
Section 8-516	Impounding

SECTION 8-501 ABANDONED AUTOS AS NUISANCE; DEFINITIONS

Any abandoned motor vehicle is hereby declared a nuisance, is prohibited, and is subject to abatement as provided in this Chapter. For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein:

1. "Abandoned motor vehicles" means a motor vehicle for which, after a period of seventy-two (72) hours, there is no evidence of an apparent owner who intends to remove the vehicle;
2. "Motor Vehicle" is any vehicle which is self-propelled, and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor-bikes, motorcycles, motorscooters, trucks, tractors, go-carts, golf carts, campers;
3. "Junked Motor Vehicle" is any motor vehicle, as defined by Paragraph 2 of this Section, which does not have lawfully affixed thereto both an unexpired license plate or plates and a current motor vehicle safety inspection certificate and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded;

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

5. "Private Property" means any real property within the Town which is privately owned and which is not public property as defined in this Section; and

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

SECTION 8-502 STORING, PARKING OR LEAVING DISMANTLED OR OTHER SUCH MOTOR VEHICLE PROHIBITED; DECLARED NUISANCE; EXCEPTIONS

No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition whether attended or not, upon any public or private property within the Town for a period of time in excess of seventy-two (72) hours. The presence of an abandoned, wrecked, or partially dismantled vehicle, or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this Chapter. This Section shall not apply to any vehicle enclosed within a building on private property or to any business enterprise, lawfully licensed by the Town and operated in the appropriate business zone, pursuant to the zoning laws of the Town, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes. The Town may prosecute in Municipal Court any such violation as provided for in Section 1-108.

SECTION 8-503 NOTICE TO REMOVE

Whenever it comes to the attention of the Mayor or his designee that any nuisance, as defined in Section 8-502 of this Chapter, exists in the Town, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this Chapter.

SECTION 8-504 RESPONSIBILITY FOR REMOVAL

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

SECTION 8-505 **NOTICE PROCEDURE**

The Mayor of the Town shall give notice of removal to the owner or occupant of the private property where it is located, at least ten (10) days before the time of compliance. It shall constitute sufficient notice when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by certified mail to the owner or occupant of the private property at his last known address.

SECTION 8-506 **CONTENT OF NOTICE**

The notice shall contain the request for removal within the time specified in this Chapter, and the notice shall advise that upon failure to comply with the notice to remove, the Town shall prosecute a criminal complaint for failure to abate the nuisance, or the Town or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property in compliance with Section 8-507 hereof.

SECTION 8-507 **REQUEST FOR HEARING, ADMINISTRATIVE OFFICER POSITION CREATED AND RIGHT TO APPEAL WHERE TOWN UNDERTAKES REMOVAL**

A. Where the Town undertakes removal, the persons to whom the notices are directed, or their duly authorized agents, may file a written request for hearing before the Administrative Hearing Officer of the Town within the ten (10) day period of compliance prescribed in Section 8-505 of this Chapter. Only where the Town undertakes the removal of the vehicle shall this Section, along with Sections 8-508 through 8-513, apply.

B. The Administrative Hearing Officer shall be the Mayor, unless specifically designated otherwise by the Board of Trustees.

C. Request for hearing shall be directed to the Town Clerk of the Town.

D. In the event that the person requesting the hearing is aggrieved and wishes to appeal the decision of the Administrative Hearing Officer, that person shall, within three (3) days of the decision of the Administrative Hearing Officer, file a written notice of intent to appeal and request for hearing before the Board of Trustees. All proceedings will be stayed until the matter is presented and heard before the Board of Trustees and a final decision is made regarding the appeal. If the appeal is denied, then, and in that event, the provisions of this Code shall all be applicable.

SECTION 8-508 **PROCEDURE FOR HEARING**

The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of the hearing at

least five (5) days in advance thereof. At any such hearing, the Town and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

SECTION 8-509 **REMOVAL OF MOTOR VEHICLE FROM PROPERTY**

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

B. The Town may at any time prosecute criminal charges on a daily basis for failure to abate the nuisance.

SECTION 8-510 **NOTICE OF REMOVAL**

Within forty-eight (48) hours of the removal of such vehicle, the Mayor shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that the vehicle or vehicles, has been impounded and stored for violation of this Chapter. The notice shall give the location of where the vehicle or vehicles is (are) stored, and the costs incurred by the Town for removal.

SECTION 8-511 **DISPOSITION OF VEHICLES**

Upon removing a vehicle under the provisions of Section 8-510 hereof, the Mayor shall, after a period of ten (10) days, give notice of public sale not less than ten (10) days prior to the date of the proposed sale.

SECTION 8-512 **CONTENTS OF PUBLIC SALE NOTICE**

The notice of sale shall state:

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

4. The date, time and place of the sale.

SECTION 8-513 **PUBLIC SALE**

The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the Mayor shall execute a certificate of sale, in duplicate, the original of which is to be given to the purchaser, and the copy thereof to be filed with the Town Clerk of the Town. Should the sale for any reason be invalid, the Town's liability shall be limited to the return of the purchase price.

SECTION 8-514 **REDEMPTION OF IMPOUNDED VEHICLES**

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

SECTION 8-515 **ABANDONMENT OF VEHICLES**

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

SECTION 8-516 **IMPOUNDING**

The Mayor or other appropriate official, or any member of his department designated by him is hereby authorized to remove or have removed any vehicle left at any place within the Town, which reasonably appears to be in violation of this Chapter, or lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with the applicable Ordinances.

Health and Sanitation

CHAPTER 6

ENFORCEMENT AND PENALTY

Section 8-601	County Health Department Designated to Enforce Health Ordinances
Section 8-602	Obstructing Health Officer
Section 8-603	Quarantine; Violations
Section 8-604	Penalty

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

Anywhere in this Chapter where the word or words "Health Officer" are used it shall be construed to mean the Director of the County Health Department or his duly designated representative. It is the intent and purpose of the Mayor and Board of Trustees to delegate the enforcement of the Health Ordinances of this Town as set out in this Section and any such decisions rendered under this Section shall be subject to review by the governing Board of Trustees upon an appeal from an offender.

SECTION 8-602 **OBSTRUCTING HEALTH OFFICER**

It is unlawful for any person to willfully obstruct or interfere with any Health Officer or physician charged with the enforcement of the Health Laws of this Town.

SECTION 8-603 **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 Trustees of Health or any Officer charged with enforcement of such order, direction, prohibition, rule or regulation.

SECTION 8-604 **PENALTY**

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

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CHAPTER 7

**REMEDIATION OF REAL PROPERTY CONTAMINATED BY METHAMPHETAMINE
AND OTHER NOXIOUS, HAZARDOUS OR TOXIC SUBSTANCES ACTIVITY**

Section 8-701	Purpose and Intent
Section 8-702	Definitions
Section 8-703	Reports of Methamphetamine or Other Noxious, Hazardous and Toxic Substance Activity
Section 8-704	Prohibition of Occupancy
Section 8-705	Notice of Contamination
Section 8-706	Assessment and Remediation
Section 8-707	Acceptable Levels of Contamination
Section 8-708	Cleanup and Safety Standards
Section 8-709	Final Report
Section 8-710	Penalty

SECTION 8-701 PURPOSE AND INTENT

The purpose of this Chapter is to protect occupants of real property, as well as occupants of adjoining properties and the public at large, from hazardous and contaminated living environments by requiring owners of real property to remediate contamination of property caused by methamphetamine activity, or activities involving other noxious, hazardous and toxic substances, prior to resumed occupancy.

SECTION 8-702 DEFINITIONS

For purposes of this Chapter, the following definitions shall apply:

1. “Activity” or “activities” shall include the manufacture and possession of methamphetamine and other noxious, hazardous or toxic substances; or other acts involving such substances that present public health and safety risks to current or future occupants of real property, adjacent properties or the public at large.

2. “Property” or “real property” shall include land, buildings, or other residential or commercial structures and facilities designed for human occupancy that are owned by an individual, firm, corporation or entity, and that are contaminated by activity or activities.

SECTION 8-703 REPORTS OF METHAMPHETAMINE OR OTHER NOXIOUS, HAZARDOUS AND TOXIC SUBSTANCE ACTIVITY

Upon discovery that an owner's property is, or has been, the location for any type of methamphetamine or other noxious, hazardous or toxic substance activity, an owner shall immediately report such activity to the Oologah Police Department.

SECTION 8-704 PROHIBITION OF OCCUPANCY

Until a contractor experienced in hazardous waste removal and remediation, as prescribed herein, assesses the contaminated property, cleans up any contamination and prepares a Final Report which shows that the levels of contamination upon the property meets the acceptable levels listed in Section 8-707, occupation of the property for human habitation is prohibited.

SECTION 8-705 NOTICE OF CONTAMINATION

1. Upon notice that contamination has occurred due to activity, the Chief of Police shall affix upon the property a "Notice of Contamination" containing the following information:

- a. The word "**WARNING**" in bold type.
- b. The address of the contaminated property or, if the property has multiple structures or dwelling units upon it, the address of each contaminated dwelling unit.
- c. A statement that: "Hazardous substances, toxic chemicals, or other waste products may be present on the property."
- d. A warning that: "Any person who enters the structure(s) without permission of the owner or the Oologah Police Department will have committed a trespass."

2. Upon becoming so informed, the Chief of Police shall notify Town Hall of such contamination. The Town shall not provide utilities to such property(s) until further notice from the Chief of Police.

3. It shall be unlawful for any person, including the property owner, property manager or occupant, to remove such Notice of Contamination while the property is deemed to be in a contaminated condition. Such Notice shall only be removed by the Chief of Police upon completion of remediation.

SECTION 8-706 ASSESSMENT AND REMEDIATION

1. Upon discovery that property is or has been the location for any type of activity or activities, the owner, prior to any resumed occupancy of the property and after the removal of such manufacturing or processing equipment or materials shall retain the services of a contractor who is experienced in hazardous waste removal and remediation to assess the level of contamination within the property and provide a written report documenting the level of contamination. At a minimum,

such contractor shall have completed forty (40) hours of Hazardous Waste Operation and Emergency Response training pursuant to 29 C.F.R. 1910.120, or subsequent regulations thereof, and shall have received certification pursuant to this training. The owner shall obtain a copy of the contractor's 29 C.F.R. 1910.120 certification before allowing the contractor to begin the assessment.

2. If, upon the completion of the assessment, the contractor determines:

a. The level of contamination does not exceed the acceptable contamination levels, as defined in Section 8-707, the owner shall require the contractor to prepare a Final Report as prescribed in Section 8-709. Once the Final Report is prepared and delivered to the owner, the owner shall deliver a copy of the Final Report to the Chief of Police. The Chief of Police shall remove the Notice of Contamination, authorize the owner in writing that occupancy may resume, and notify Town Hall that it may resume utility service to such property.

b. If the level of contamination exceeds the acceptable levels defined in Section 8-707, the owner shall not allow occupancy of the property for human habitation until an approved contractor has:

(1) Cleaned up any contamination and remediated the property according to the standards of Section 8-707; and,

(2) Conducted another assessment which shows that contamination levels are acceptable pursuant to Section 8-707.

(3) Once the level of contamination meets the acceptable standards defined in Section 8-707, then the owner shall require the contractor to prepare a Final Report prescribed in Section 8-709. Once the Final Report is prepared and delivered to the owner, the owner shall deliver a copy to the Chief of Police. The Chief of Police shall remove the Notice of Contamination and authorize the owner in writing that occupancy may resume. The Chief of Police shall also notify Town Hall that it may resume utility service to such property.

SECTION 8-707 ACCEPTABLE LEVELS OF CONTAMINATION

The owner shall require the certified contractor to test the levels of volatile organic compounds (VOCs), pH, Mercury, Lead, and Methamphetamine in both the initial assessment and the post-remediation assessment. Acceptable levels for each are the following:

1. VOCs: 0.9 parts per million or below.
2. pH: Surface level of 7 or below.
3. Mercury: 0.3 microgram per cubic meter of mercury in air or below.
4. Lead: 20 micrograms per square foot or below.
5. Methamphetamine: 0.1 microgram per one hundred square centimeters or below.

SECTION 8-708 CLEANUP AND SAFETY STANDARDS

Contractors hired by an owner to engage in removal and remediation shall conduct assessments and cleanup pursuant to the relevant standards and guidelines proposed or adopted by the Oklahoma Drug Enforcement Agency, the Federal Drug Enforcement Agency, the Oklahoma Department of Environmental Quality, and the Environmental Protection Agency, and shall follow safety procedures mandated by the relevant federal and state agencies governing hazardous waste.

SECTION 8-709 FINAL REPORT

1. All inspections and assessments conducted by a contractor during the removal and remediation process shall be fully documented in writing. The report shall include the dates that actions were performed and the names and signatures of the people and/or companies who performed the actions. The Final Report shall include any other types of relevant documents, including but not limited to photographs, video recordings, drawings, and charts. Such additional documentation shall likewise be signed and dated. The owner shall immediately provide a copy of the Final Report to the Chief of Police upon receipt from the contractor. The Final Report, at a minimum, shall include:

- a. A case narrative, site description, and site assessment.
- b. Physical address of property, number and type of structures or dwelling units on the property, and a description of adjacent and/or surrounding properties.
- c. Law enforcement reports, documented observations, and pre-remediation sampling results that provide information regarding the manufacturing or processing method, chemicals present, manufacturing or processing areas, chemical storage areas, and observed areas of contamination or waste disposal.
- d. Name of cleanup contractor(s) and the contractor's qualifications, experience, and copy(s) of any certification(s); and,
- e. The signature of the contractor who prepared the report.
- f. A copy of the contractor's 29 C.F.R. 1910.120 certification.

2. Where property is remediated, a Final Report shall also include:

- a. Worker safety and health information.
- b. Decontamination and Encapsulation: Procedures for each area that was decontaminated.
- c. Documentation that the structure was cleaned to acceptable levels, including, but not limited to, the location and results of post-decontamination samples, descriptions of analytical methods used, and the location(s) of laboratory(s) used.

SECTION 8-710 PENALTY

1. Any person, firm or corporation violating any of the provisions of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be punished as provided in Section 1-108 of the Oologah Code of Ordinances.
2. Each day a violation occurs shall constitute a separate offense.
3. The provisions of this Chapter shall not preclude the Town of Oologah or any other aggrieved party from pursuing any civil remedies to recover any and all costs associated with administration or enforcement of this Chapter.

Health and Sanitation