

**PART 8  
HEALTH AND SANITATION**

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**CHAPTER 1  
WEEDS AND TRASH**

Section 8-101	Accumulation of Trash or Weeds Unlawful
Section 8-102	Definitions
Section 8-103	Reports of Accumulation of Grass, Weeds, or Trash on Property
Section 8-104	Receipt of Report, Hearing, and Notice
Section 8-105	Work Done by Employees or Contract
Section 8-106	Determination and Assessment of Costs
Section 8-107	Lien on Property, Civil Remedy
Section 8-108	Service of Notice
Section 8-109	Unlawful to Deposit Rubbish
Section 8-110	Burning Refuse
Section 8-111	Lifting of Fire Code Restrictions for Individual Burning
Section 8-112	Removal of Dead Animals
Section 8-113	Unlawful to Litter
Section 8-114	Unlawful to Litter from Automobiles
Section 8-115	Litter not to Accumulate on Property
Section 8-116	Dilapidated Structures
Section 8-117	Penalty

**CHAPTER 2  
FOOD REGULATIONS**

Section 8-201	U.S. Food Service Sanitation Ordinance Adopted
Section 8-202	Milk Ordinance Adopted
Section 8-203	Grade Requirements
Section 8-204	Grease and Oil Traps or Interceptors for Food Service Providers or Establishments
Section 8-205	Garbage and Rubbish Disposal for Food Service Providers or Establishments
Section 8-206	Violation; Penalty

**CHAPTER 3  
NUISANCES**

Section 8-301	Nuisance Defined; Public Nuisances; Private Nuisances
Section 8-302	Persons Responsible
Section 8-303	Time does not Legalize
Section 8-304	Remedies Against Public Nuisances
Section 8-305	Remedies Against Private Nuisances
Section 8-306	City Power to Define and Summarily Abate Nuisances
Section 8-307	Certain Public Nuisances in the City Defined
Section 8-308	Summary Abatement of Nuisances

Section 8-309	Abatement by Suit in District Court
Section 8-310	Nuisance Unlawful
Section 8-311	Health Nuisances; Abatement
Section 8-312	Toilet Facilities Required; Nuisance
Section 8-313	Procedure Cumulative

CHAPTER 4  
ENFORCEMENT AND PENALTY

Section 8-401	County Health Department Designated to Enforce Health Ordinances
Section 8-402	Obstructing Health Officer
Section 8-403	Quarantine; Violations
Section 8-404	Penalty

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 Hearing Officer Position Created and Right to Appeal Where City 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

CHAPTER 6  
REMEDICATION OF REAL PROPERTY CONTAMINATED BY METHAMPHETAMINE  
AND OTHER NOXIOUS, HAZARDOUS OR TOXIC SUBSTANCES ACTIVITY

Section 8-601	Purpose and Intent
Section 8-602	Definitions
Section 8-603	Reports of Methamphetamine or Other Noxious, Hazardous and Toxic Substance Activity
Section 8-604	Prohibition of Occupancy
Section 8-605	Notice of Contamination
Section 8-606	Assessment and Remediation

Section 8-607	Acceptable Levels of Contamination
Section 8-608	Cleanup and Safety Standards
Section 8-609	Final Report
Section 8-610	Penalty

**CHAPTER 7**  
**PROHIBITION FOR TOBACCO PRODUCTS AT CITY FACILITIES, IN CITY PARKS**  
**AND AT CITY RECREATIONAL AREAS**

Section 8-701	Definitions
Section 8-702	Prohibition of Tobacco Products and Vapor Products on City Parks and City Recreational Areas
Section 8-703	Enforcement
Section 8-704	Penalty

**CHAPTER 1  
WEEDS AND TRASH**

Section 8-101	Accumulation of Trash or Weeds Unlawful
Section 8-102	Definitions
Section 8-103	Reports of Accumulation of Grass, Weeds, or Trash on Property
Section 8-104	Receipt of Report, Hearing, and Notice
Section 8-105	Work Done by Employees or Contract
Section 8-106	Determination and Assessment of Costs
Section 8-107	Lien on Property, Civil Remedy
Section 8-108	Service of Notice
Section 8-109	Unlawful to Deposit Rubbish
Section 8-110	Burning Refuse
Section 8-111	Lifting of Fire Code Restrictions for Individual Burning
Section 8-112	Removal of Dead Animals
Section 8-113	Unlawful to Litter
Section 8-114	Unlawful to Litter from Automobiles
Section 8-115	Litter not to Accumulate on Property
Section 8-116	Dilapidated Structures
Section 8-117	Penalty

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**SECTION 8-101      ACCUMULATION OF TRASH OR WEEDS UNLAWFUL**

It is unlawful for any owner or occupant 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. It is the duty of such owner or occupant to remove or destroy any such trash or weeds.

State Law Reference: Cleaning, mowing property, municipal powers, 11 O.S. Section 22-110.

**SECTION 8-102      DEFINITIONS**

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

1. "Weeds" includes, but is not limited to, poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:
  - a. Exceeds twelve (12) inches in height, except healthy trees, shrubs or produce for human consumption or grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community 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 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.

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

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

- 1. Detrimental to the health, benefit and welfare of the public and the community;
- 2. A hazard to traffic;
- 3. A fire hazard to property; or
- 4. Any two (2) or more of these conditions.

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

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

- A. Upon receiving the report provided for in Section 8-103 of this Code, or upon receipt of equivalent information from any reliable source, the City Clerk shall place the matter upon the agenda of the City Council for hearing and consideration at an appropriate date which will permit the giving of the notices prescribed by State law. At the hearing, the Council shall consider whether the premises, by reason of the conditions specified, are detrimental to the health, benefit and welfare of the public and the community, or a hazard to traffic, or a fire hazard to property, or any two (2) or more of such conditions.

- B. At least ten (10) days prior to the hearing, the City Clerk shall give written notice of the hearing by posting upon the premises and by forwarding a copy thereof by certified mail with return receipt requested to the owner of the property at the address shown by the current year's tax rolls in the office of the Treasurer of the County in which the property is located. If the return receipt shows that the property owner cannot be located, notice shall be given by posting a copy of the notice on the property effected or by publication in a newspaper of general circulation one time not less than ten (10) days prior to the date of the hearing.
- C. At least ten (10) days from the date of receipt of the notice by the owner or the date of publication and upon the date specified in the notice, the City Council shall hear the matter and shall receive information thereon, including anything which may be presented by the owner of the premises, personally or by agent or attorney. If the Council determines that any of the conditions specified in Section 8-103 of this Code exist upon the premises, it may order the property to be cleaned of trash, or other trash or weeds to be cut, removed or destroyed unless within ten (10) days from the date of receipt of the notice or date of publication the owner either:
1. Cuts, removes or destroys the trash or weeds in accordance with the notice; or
  2. Gives written consent authorizing the City to abate the trash or weeds, thereby waiving his right to a hearing.

**SECTION 8-105**      **WORK DONE BY EMPLOYEES OR CONTRACT**

The work ordered to be performed under Section 8-104 of this Code may be done by the employees of this City under supervisions of the City utility or sanitation department, or it may be let by contract to the lowest and best bidder, after appropriate notice, in the manner for letting other contracts.

**SECTION 8-106**      **DETERMINATION AND ASSESSMENT OF COSTS**

Upon the completion of the work ordered to be performed under Section 8-105 of this Code the City Clerk shall report the cost thereof to the City Council. Such report shall be itemized as to each tract of property involved as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice, other costs and indirect costs of five percent (5%) of direct actual costs. The City Council shall examine the report and, after receiving appropriate information, shall determine the total costs of the work. The City Council shall direct the City Clerk to forward a statement and demand payment of the total cost by certified mail with return receipt requested to the owner of the property at the address shown by the current tax rolls in the office of the Treasurer of the county in which the property lies.

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

If the costs of the work performed under this Chapter are not paid within thirty (30) days from the date of mailing the notice prescribed by Section 8-106 hereof, the City Clerk shall forward a certified statement of the amount of the costs to the County Treasurer of the County in which the property, upon which the work was done, is located, in order that the amount be levied upon the

property and be collected by the County Treasurer in the manner prescribed by the law of this State. The lien is coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At any time prior to collection as provided in this Section the City may pursue any civil remedy for collection of the amount owing and interest thereon. Upon receiving payment, if any, the City Clerk shall forward to the County Treasurer, a notice of such payment and directing discharge of the lien.

**SECTION 8-108**      **SERVICE OF NOTICE**

The service of all notices prescribed by this Chapter shall be evidenced by the return of the officer making such service, certified in his official capacity, and filed in the office of the City Clerk.

**SECTION 8-109**      **UNLAWFUL TO DEPOSIT RUBBISH**

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

**SECTION 8-110**      **BURNING REFUSE**

- A. It is unlawful to willfully burn any trash or refuse or any type material within the City except as provided by the Code.
- B. It is unlawful for any person to burn trash, waste paper, rubbish or refuse except under permit issued by the State Health Department or U.S. Environmental Protection Agency.

**SECTION 8-111**      **LIFTING OF FIRE CODE RESTRICTIONS FOR INDIVIDUAL BURNING**

- A. The City Council by motion may select a date and time period in which the prohibitions against burning debris, trash and other disposable non-toxic materials within the City limits may take place. Such motion may be made at any regular or special session of the Council and be passed by a majority thereof, but only after first being placed appropriately upon the agenda.
- B. Burning of debris shall be limited to the common meaning of such term and shall not include the burning of buildings, structures, or inordinately large stacks or piles of such debris or in any manner burning anything that would endanger the health or public safety of the citizens of the City.
- C. Lifting of fire Code restrictions shall not and do not in any matter, release individuals from responsibility for safely containing and attending to a fire set by them nor release them from any liability for negligence with respect thereto. Lifting the restrictions by the Council only legally allows individuals to take reasonable action in burning debris, etc. (As amended; Ord. No. 89-3-1; Ord. No. 92-6-1, 6/2/92; Ord. No. 93-1-1, 1/5/93)

**SECTION 8-112      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 date of such animal, remove its carcass, and failure to do so shall constitute a misdemeanor.

**SECTION 8-113      UNLAWFUL TO LITTER**

- A.     Littering is defined as throwing any trash, refuse, waste paper, tin cans, bottles or any other object or substance whatever upon the public streets, alleys, roadways and sidewalks of the City or upon any real property owned or occupied by another.
- B.     It is unlawful for any person to litter.

**SECTION 8-114      UNLAWFUL TO LITTER FROM AUTOMOBILES**

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

**SECTION 8-115      LITTER NOT TO ACCUMULATE ON PROPERTY**

- A.     It is unlawful for any person, firm or corporation, occupying any real property, either as tenant or owner, to allow trash, waste paper, litter objects, bottles, tin cans or any other used or disposed of objects to accumulate upon such real property or premises being so occupied or rented to such an extent as to constitute a littering nuisance.
- B.     It is unlawful for any person, firm or corporation occupying any real property, either as tenant or owner, to allow accumulated trash, waste paper, litter objects, bottles, tin cans or any other used or disposed of objects to be carried from the occupied premises, either by the wind, elements or otherwise to any adjoining or other real estate not so owned or occupied by the offender.

**SECTION 8-116      DILAPIDATED STRUCTURES**

It is unlawful for any owner or occupant of any structure within the corporate limits of the City to allow said structure to become dilapidated. For the purposes of this Section, "dilapidated structure" means a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that said structure is a hazard to the health, safety, or welfare of the general public, as enumerated in *Title 11, "22-112 and 22-112.1, of the Oklahoma Statutes.*

**SECTION 8-117      PENALTY**

Any person, firm, or corporation found violating any provision of this Chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished as provided in Section 1-108 of this Code.

**CHAPTER 2  
FOOD REGULATIONS**

Section 8-201	U.S. Food Service Sanitation Ordinance Adopted
Section 8-202	Milk Ordinance Adopted
Section 8-203	Grade Requirements
Section 8-204	Grease and Oil Traps or Interceptors for Food Service Providers or Establishments
Section 8-205	Garbage and Rubbish Disposal for Food Service Providers or Establishments
Section 8-206	Violation; Penalty

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**SECTION 8-201      U.S. FOOD SERVICE SANITATION ORDINANCE ADOPTED**

- A. The unabridged form of the latest edition of the "United States Public Health Service Food Service Sanitation Ordinance and Code" is hereby adopted and incorporated in this Code by reference. One copy of the sanitation ordinance and code shall be on file in the office of the City Clerk. The sanitation Ordinance and Code shall govern the definitions, inspection of food service establishments, the issuance, suspension, and revocation of permits to operate food service establishments, the prohibiting of the sale of adulterated or misbranded food or drink and the enforcement of this Section. In the sanitation Ordinance and Code, however, all parenthetical phrases referring to grading and the following subsections shall be understood to be deleted: Subsection H.2.e., H.7 and H.8.
- B. "Health Authority" shall mean the director of the County Health Department of this County or his designated representative.
- C. Any person who violates any provision 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.

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

**SECTION 8-202      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 City 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 8-202 and 8-206 of this Code.

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

**SECTION 8-203**      **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 upgraded 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 8-204**      **GREASE AND OIL TRAPS OR INTERCEPTORS FOR FOOD SERVICE PROVIDERS OR ESTABLISHMENTS**

Owners of property having food services shall provide grease and oil traps or interceptors 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, water tight 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. (Ord. 06-6-2; June 6, 2006)

**SECTION 8-205**      **GARBAGE AND RUBBISH DISPOSAL FOR FOOD SERVICE PROVIDERS OR ESTABLISHMENTS**

All garbage and rubbish containing food wastes, including grease and oil, shall, prior to disposal, be kept in leak proof, nonabsorbent 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. (Ord. No. 06-6-2, 06-06-2006)

**SECTION 8-206**      **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. (Ord. No. 06-6-2, 06-06-2006)

**CHAPTER 3  
NUISANCES**

Section 8-301	Nuisance Defined; Public Nuisances; Private Nuisances
Section 8-302	Persons Responsible
Section 8-303	Time Does Not Legalize
Section 8-304	Remedies Against Public Nuisances
Section 8-305	Remedies Against Private Nuisances
Section 8-306	City has Power to Define and Summarily Abate Nuisances
Section 8-307	Certain Public Nuisances in the City Defined
Section 8-308	Summary Abatement of Nuisances
Section 8-309	Abatement by Suit in District Court
Section 8-310	Nuisance Unlawful
Section 8-311	Health Nuisances; Abatement
Section 8-312	Toilet Facilities Required; Nuisance
Section 8-313	Procedure Cumulative

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**SECTION 8-301      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.

State Law Reference: Nuisances defined, municipal powers to abate, 50 O.S. Sections 1 et seq.

**SECTION 8-302      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 therefore in the same manner as the one who first created it.

**SECTION 8-303**      **TIME DOES NOT LEGALIZE**

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

**SECTION 8-304**      **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.

**SECTION 8-305**      **REMEDIES AGAINST PRIVATE NUISANCES**

The remedies against a private nuisance are:

1. Civil action; or
2. 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.

**SECTION 8-306**      **CITY HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCES**

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

**SECTION 8-307**      **CERTAIN PUBLIC NUISANCES IN THE CITY DEFINED**

In addition to other public nuisances declare 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 offers 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 ordinance 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 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;
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 mosquitos' breed or are likely to breed, or which are so constructed, formed, conditioned or situated as to endanger the public safety;
14. Rank weeds, or grass, carcasses, accumulations of manure, refuse or other things which are, or are likely to be, breeding places for flies, mosquitoes, vermin, or disease germs; and the premises on which such exist;

15. Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition;
16. Any pit, hole or other thing which is constructed, formed, conditioned or situated as to endanger the public safety;
17. Any fire or explosion hazard which endangers the public safety;
18. Any occupation or activity which endangers the public peace, health, morals, safety or welfare;
19. Any motor vehicle (whether in operating condition or not) or any trailer without a current vehicle plate as required by law for vehicles used on the public highways, when stored or kept in a residence district; or
20. Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of the City, by reason of any noise or noises made by the animal therein, or by reason of lack of sanitation, is hereby declare 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 8-308**      **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 of law, and a request or recommendation that it be abated. The Mayor himself, the Health Officer, and Council or any resident or residents of the City may submit such a statement and request a recommendation to the 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 City 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 City Council 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 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, 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 to the City may be collected.

**SECTION 8-309**      **ABATEMENT BY SUIT IN DISTRICT COURT**

In cases where it is deemed impractical summarily to abate a nuisance, the City may bring suit in the district court of the county where the nuisance is located, as provided in Section 17 of Title 50 of the Oklahoma Statutes.

**SECTION 8-310**      **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 the premises under his control within the City.

**SECTION 8-311**      **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 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 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.

**SECTION 8-312 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 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 8-313      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 4  
ENFORCEMENT AND PENALTY**

<b>Section 8-401</b>	<b>County Health Department Designated to Enforce Health Ordinances</b>
<b>Section 8-402</b>	<b>Obstructing Health Officer</b>
<b>Section 8-403</b>	<b>Quarantine; Violations</b>
<b>Section 8-404</b>	<b>Penalty</b>

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**SECTION 8-401      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 council upon an appeal from an offender.

**SECTION 8-402      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 City.

**SECTION 8-403      QUARANTINE; VIOLATIONS**

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

**SECTION 8-404      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.

**CHAPTER 5  
JUNKED MOTOR VEHICLES**

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

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**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. "Chief of Police" is the Chief of Police or Marshal of the City;
3. "Motor Vehicle" is any vehicle which is self-propelled, and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor-bikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers;
4. "Junked Motor Vehicle" is any motor vehicle, as defined by Paragraph 2 of this Section, which does not have lawfully affixed thereto both an unexpired license plate or plates and a current motor vehicle safety inspection certificate and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded;
5. "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind;

6. "Private Property" means any real property within the City which is privately owned and which is not public property as defined in this Section; and
7. "Public Property" means any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel and shall mean any other publicly owned property or facility.

**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 City 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 City and operated in the appropriate business zone, pursuant to the zoning laws of the City, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes. The City 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 City, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this Chapter.

**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 City, 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 Chief of Police of the City 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 City shall prosecute a criminal complaint for failure to abate the nuisance, or the City or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property in compliance with Section 8-507 hereof.

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

- A. Where the City 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 City within the ten (10) day period of compliance prescribed in Section 8-505 of this Chapter. Only where the City 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 City Council.
- C. Request for hearing shall be directed to the City Clerk of the City.
- 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 City Council. All proceedings will be stayed until the matter is presented and heard before the City Council 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 City 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 City Council, if the matter is appealed, the Chief of Police or his designee has the right to take possession of the junked motor vehicle and remove it from the premises. It is unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this Chapter.

- B. The City 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 Chief of Police shall give notice to the registered owner of the vehicle, if known, and 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 City for removal.

**SECTION 8-511 DISPOSITION OF VEHICLES**

Upon removing a vehicle under the provisions of Section 8-510 hereof, the Chief of Police 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 City;
2. A description of the vehicle, including make, model, license number, and any other information which will accurately identify the vehicle;
3. The terms of the sale; and
4. The date, time and place of the sale.

**SECTION 8-513 PUBLIC SALE**

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

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

**SECTION 8-516      IMPOUNDING**

The Chief of Police 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 City, which reasonably appears to be in violation of this Chapter, or lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with the applicable Ordinances.

**CHAPTER 6**  
**REMEDIATION OF REAL PROPERTY CONTAMINATED BY**  
**METHAMPHETAMINE AND OTHER NOXIOUS, HAZARDOUS OR TOXIC**  
**SUBSTANCES ACTIVITY**

<b>Section 8-601</b>	<b>Purpose and Intent</b>
<b>Section 8-602</b>	<b>Definitions</b>
<b>Section 8-603</b>	<b>Reports of Methamphetamine or Other Noxious, Hazardous and Toxic Substance Activity</b>
<b>Section 8-604</b>	<b>Prohibition of Occupancy</b>
<b>Section 8-605</b>	<b>Notice of Contamination</b>
<b>Section 8-606</b>	<b>Assessment and Remediation</b>
<b>Section 8-607</b>	<b>Acceptable Levels of Contamination</b>
<b>Section 8-608</b>	<b>Cleanup and Safety Standards</b>
<b>Section 8-609</b>	<b>Final Report</b>
<b>Section 8-610</b>	<b>Penalty</b>

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**SECTION 8-601**      **PURPOSE AND INTENT**

The purpose of this Section 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 8-602**      **DEFINITIONS**

For purposes of this Section, 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 8-603**      **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 Shidler Police Department.

**SECTION 8-604      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 8-607, occupation of the property for human habitation is prohibited.

**SECTION 8-605      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 Shidler Police Department will have committed a trespass."
2. Upon becoming so informed, the Chief of Police shall notify City Hall of such contamination. The City 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 8-606      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 8-607, the owner shall require the contractor to prepare a Final Report as prescribed in Section 8-609. 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 City Hall that it may resume utility service to such property.
  - b. If the level of contamination exceeds the acceptable levels defined in Section 8-607, the owner shall not allow occupancy of the property for human habitation until an approved contractor has:
    - i. Cleaned up any contamination and remediated the property according to the standards of Section 8-607; and,
    - ii. Conducted another assessment which shows that contamination levels are acceptable pursuant to Section 8-607.
    - iii. Once the level of contamination meets the acceptable standards defined in Section 8-607, then the owner shall require the contractor to prepare a Final Report prescribed in Section 8-609. 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 City Hall that it may resume utility service to such property.

**SECTION 8-607      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 8-608**      **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 8-609**      **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 8-610**      **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 Shidler Code of Ordinances.
2. Each day a violation occurs shall constitute a separate offense.
3. The provisions of this Chapter shall not preclude the City of Shidler or any other aggrieved party from pursuing any civil remedies to recover any and all costs associated with administration or enforcement of this Chapter.

**CHAPTER 7**  
**PROHIBITION FOR TOBACCO PRODUCTS AT CITY FACILITIES, IN CITY PARKS  
AND AT CITY RECREATIONAL AREAS**

<b>Section 8-701</b>	<b>Definitions</b>
<b>Section 8-702</b>	<b>Prohibition of Tobacco Products and Vapor Products on City Parks and City Recreational Areas</b>
<b>Section 8-703</b>	<b>Enforcement</b>
<b>Section 8-704</b>	<b>Penalty</b>

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**SECTION 8-701      DEFINITIONS**

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

*ELECTRONIC SMOKING DEVICE:* Any electronic and/or battery-operated device, the use of which may resemble smoking that can be used to deliver an inhaled dose of nicotine or other substances. Electronic smoking device includes any such device, whether manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

*CITY PROPERTY/FACILITIES:* Any area that is owned, controlled or used by the City of Nowata, Nowata Municipal Authority, or the Nowata Community Medical Authority, including; buildings, facilities, machinery and open areas.

*CITY RECREATIONAL AREA:* Any area that is owned, controlled or used by the City of Nowata and open to the general public for recreational purposes, regardless of any fee or age requirement. The term "recreational area" includes, but is not limited to, parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, roller and ice skating rinks, beaches surrounding lakes and skateboard parks.

*SMOKING:* The carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device.

*TOBACCO PRODUCT:* Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body. "Tobacco product" does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

**SECTION 8-702      PROHIBITING OF TOBACCO PRODUCTS AND ELECTRONIC**

**SMOKING DEVICES AT CITY PARKS AND CITY RECREATIONAL AREAS**

- A. The use of lighted tobacco in any form including vapor products is a public nuisance and dangerous to public health and is hereby prohibited when such possession or use is in any City Recreational Facility owned or operated by this City.
- B. Smoking or use of a Tobacco Product or an Electronic Smoking Device at any City Recreational Areas owned or operated by this City is prohibited.
- C. Smoking or use of a Tobacco Product or an Electronic Smoking Device at any buildings, City Property/Building or portions thereof, owned or operated by this City.
- D. The City Manager is authorized to promulgate and enforce reasonable rules and regulations not inconsistent with this Section.
- E. All employees and patrons are requested to honor the smoking and nonsmoking areas designated and to respect the preference of others.

**SECTION 8-703 ENFORCEMENT**

The City Manager shall implement the following in order to prevent smoking in public places:

- 1. Post signs at entrances to places where smoking is prohibited which state that tobacco use is prohibited or that the indoor environment is free of tobacco smoke; and
- 2. City personnel shall ask tobacco users to refrain from using any form of tobacco products including electronic smoking devices upon observation of anyone violating the provisions of this Act.

**SECTION 8-704 PENALTY**

Any person who shall violate any provision of Section 8-702 or an order made by any of the officers provided for in this part, shall be guilty of an offense, and upon conviction thereof, shall be subject to a fine not to exceed Five Dollars (\$5.00).