





Health and Nuisances

PART 8

HEALTH AND NUISANCES

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NUISANCES AND HEALTH GENERALLY

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SECTION 8-101 DEFINITIONS.

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

1. "Nuisance" means unlawfully doing an act, or omitting to perform a duty, or is any thing or condition which either:
 - a. Annoys, injures or endangers the comfort, repose, health or safety of others;
 - b. Offends decency;
 - c. Unlawfully interferes with, obstructs or tends to obstruct or render dangerous for passage, any lake or navigable river, stream, canal or basin, or any public park, square, street or other public property; or
 - d. In any way renders other persons insecure in life or in the use of property;
2. "Private nuisance" means every nuisance not included in paragraph 3 of this section; and
3. "Public nuisance" means a nuisance which affects at the same time an entire community or neighborhood, or any considerable number of persons, or three (3) or more properties under separate ownership in the vicinity of such nuisance, although the extent of the annoyance or damage inflicted upon the individuals may be unequal. (Prior Code, Secs. 12-121,

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13-1)

State Law References: Nuisances generally, see Title 50 O.S. Secs. 1 et seq.; power of city to summarily abate, 50 O.S. Sec. 16.

Cross Reference: Animals, Secs. 4-101 et seq.; Buildings, Secs. 5-101 et seq.; Food and milk regulations, Secs. 8-401 et seq.

SECTION 8-102 CERTAIN PUBLIC NUISANCES DEFINED.

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

1. The sale or offering for sale of unwholesome food or drink; or the keeping of a place where such sales or offerings are made;
2. The sale, offering for sale or furnishing of intoxicating liquor in violation of the state law or ordinances of the city; or the keeping of a place where intoxicating liquor is sold, offered for sale, or furnished in violation of the state law or ordinances of the city;
3. The exposure, display, sale or distribution of obscene pictures, books, pamphlets, magazines, papers, documents, or objects; or the keeping of a place where such are exposed, displayed, sold or distributed;
4. The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise;
5. The keeping of a place where prostitution, illicit sexual intercourse or other immoral acts are practiced;
6. The keeping of a place where activities in violation of state law or ordinance are practiced or carried on;
7. The public exposure of a person having a contagious disease;
8. The continued making of loud or unusual noises, music or sounds, or strong vibrations which annoy persons of ordinary sensibilities; or the keeping of an animal which makes such noises;
9. The operation or use of any electrical apparatus or machine which materially and unduly interferes with radio or television reception by others;
10. 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 ordinances;
11. 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 where mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned, or situated as to endanger the public safety;

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12. 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;
13. 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;
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. Permitting bagworms to be upon any trees or other plants within the city;
19. Permitting foul, noxious or offensive odors to escape from premises; or unusual quantities of dust or other deleterious substances to escape or emanate across the property line upon which the same originates;
20. Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of this city, by reason of any noise or noises made by the animal therein, or by reason of lack of sanitation;
21. The keeping in violation of Sections 4-101 et seq. of any dog kennels within this city for the breeding and raising of dogs that shall become offensive or annoying to the public by reason of the barking and noise made by the animals therein contained;
22. Any vault, cesspool or sink used to receive human excrement, slops, garbage, refuse or other filthy substance;
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;
24. The keeping of any hog pen within the limits of this city in violation of this code;
25. Every privy or water closet which shall be in an overflowing, leaking or filthy condition, or in a condition dangerous, injurious or annoying to the comfort, health and welfare of any resident of this city;
26. Any green or unsalted hides of any animal kept in any exposed or open place within the limits of this city;
27. Any unclean, foul, leaking or broken or defective ditch, drain, gutter, slop, garbage or manure barrel, box or other receptacle in this city;

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28. Every building or other structure that shall become unsafe and dangerous from fire, decay or other cause, or shall become hazardous from fire, by reason of age, decay or construction, location or other cause, or shall be detrimental to the health, safety or welfare of this city or its inhabitants from any cause; and

29. Any violations of the rules and regulations governing Residential Sewage Disposal as adopted by the State Department of Environmental Quality, Bulletin 600, or latest version.

B. The enumeration in Subsection A hereof of certain public nuisances shall be cumulative and not limit other provisions of law or ordinances defining public or private nuisances either in more general or more specific terms. (Prior Code, Sec. 13-7; in part)

SECTION 8-103 NUISANCE PROHIBITED.

No person shall create or maintain a nuisance within the city or permit a nuisance to remain on premises under his control within the city. (Prior Code, Sec. 13-10)

SECTION 8-104 PERSON RESPONSIBLE FOR CONTINUING NUISANCE.

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 person who first created it. (Prior Code, Sec. 13-2)

SECTION 8-105 TIME DOES NOT LEGALIZE NUISANCE.

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

SECTION 8-106 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 the person injured as provided in Section 12 of Title 50 of the Oklahoma Statutes; or
 - b. By the city in accordance with law or ordinance.

(Prior Code, Sec. 13-4)

SECTION 8-107 REMEDIES AGAINST PRIVATE NUISANCES.

The remedies against a private nuisance are:

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

(Prior Code, Sec. 13-5)

SECTION 8-108 CITY HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCE

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

SECTION 8-109 SUMMARY ABATEMENT OF NUISANCES.

A. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even to require, the city administrator 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. An officer subordinate to the city administrator may submit to the city administrator a statement as to the existence of a nuisance as defined by the ordinances of the city or law, and a request or recommendation that it be abated.

C. The city administrator or his designee shall determine if a nuisance exists as defined by the ordinances of the city or law. If he finds that a nuisance does in fact exist, he shall direct the owner or other persons responsible for or causing the nuisance by:

1. Certified mail; or
2. By publication if the owner cannot be so served or found,

to abate the nuisance within a specified time if the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the consequent delay. If such peace, health, safety, morals or welfare would be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, or if the persons responsible authorize the city to abate the nuisance, the administrator shall direct the appropriate officer to abate the nuisance or have it abated, if summary abatement is practical, as authorized by Section 16 of Title 50 of the Oklahoma Statutes. The city 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

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their names and addresses are known. Until paid, such cost shall constitute a debt to the city collectible as other debts may be collected.

D. The determination of the existence of a nuisance and order to abate it, as made by the city administrator, may be appealed by the occupant or owner or person causing the nuisance by filing a request for hearing in writing with the city clerk within the period of time specified in the notice for abatement of the nuisance. The clerk shall cause the matter to be placed on the agenda of the city council for final determination with appropriate notice of the hearing provided to the person requesting the appeal. (Prior Code, Sec. 13-8, in part)

SECTION 8-110 HEALTH NUISANCES: ABATEMENT.

A. Pursuant to authority granted by Section 1-1011 of Title 63 of the Oklahoma Statutes, the city shall have the authority to order the owner or occupant of any private premises in the city to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within twenty-four (24) hours, or within such other time as may be reasonable. Such order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the city or by a police officer, or a copy thereof may be left at the last usual place of abode of the owner, occupant or agent, if known and within the state. If the premises are unoccupied and the residence of the owner, occupant or agent is unknown or is outside 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 city may cause the order to be executed and complied with, and the cost thereof shall be certified and the cost of removing or abating such nuisance shall be charged to the owner or occupant, enforceable as a lien or any other method allowed by law or ordinance. (Prior Code, Sec. 13-21)

SECTION 8-111 CITY ACTIONS NOT TO JEOPARDIZE PRIVATE ACTION.

Nothing herein contained shall be construed to abridge the rights of citizens of the city to bring and maintain actions in the proper courts for the abatement of private nuisances or those specially injurious to them.

SECTION 8-112 UNAUTHORIZED DUMPING, DEPOSITING OR DISPOSAL OF TRASH ON PROPERTY OF ANOTHER.

A. It is unlawful to place, deposit, or leave any trash, debris, refuse or garbage on the property of another or on public property, including any public street, easement, sidewalk or other public property, except where such disposal is expressly allowed by law.

B. It is unlawful for any person to place, deposit, leave or dispose of trash, garbage, refuse or debris in any dumpster or trash receptacle that is located on the property of another without the express consent of the person on whose property the dumpster or trash receptacle is located. (Prior Code, Secs. 13-23 to 13-25).

SECTION 8-113 OPEN BURNING PROHIBITED.

It is unlawful to burn any fire outside of any enclosed building in the city for the purpose

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of burning grass, trash, leaves, woods, papers, refuse, garbage or any other substance except in an approved incinerator and except as may be allowed by the city fire code and any applicable state or city regulations.

Anyone found to be in violation of this ordinance is subject to criminal citation and shall be responsible for any and all damages resulting there from, including the hourly cost per apparatus for suppression of such illegal burning. The minimum cost per hour per apparatus is \$150.00 but may be increased as determined by the Fire Chief.

Anyone found to be in violation of this ordinance shall be liable for any and all costs related to any injury or injuries sustained by any firefighter in suppressing such illegal burning.

Cross Reference: Fire code, See Section 5-601 of this code on open burning amendments to the fire code.

SECTION 8-114 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. (Prior Code, Sec. 13-9, in part)

SECTION 8-115 PROCEDURE CUMULATIVE.

The procedures for abating nuisances prescribed by this chapter and by other provisions of law and ordinance shall be cumulative one to the other. The city may elect to follow any such procedure which is applicable in abating any particular nuisance. (Prior Code, Sec. 13-22)

SECTION 8-116 TOILET FACILITIES REQUIRED.

A. For the purposes of this section, the following terms shall have the meanings respectively 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 excrements 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 three hundred (300) 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

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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 seat 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.

F. No residence, business or commercial building, nor any other premises in the city, if located within three hundred (300) feet of any public sewer later or main shall be connected to or in any manner served by septic tank; no such person shall allow the installation, maintenance, operation or use of any septic tank in violation of this section. (Prior Code, Secs. 11-1 to 11-9)

SECTION 8-117 OBSTRUCTING HEALTH OR ENFORCEMENT OFFICER.

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

SECTION 8-118 ABANDONED ICE BOXES, REFRIGERATORS.

It is unlawful and an offense for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or other container of any kind of a capacity of one and one-half (1 1/2) cubic feet or more which has an airtight door or lock which may not be released from the inside of such ice box, refrigerator or container, or which has a snap-lock or other device for automatically fastening such door in a closed position, without first removing such fastener, lock, snap-lock or doors of such container. (Prior. Code, Sec. 11-29)

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SECTION 8-119 LITTERING PROHIBITED GENERALLY.

No person shall throw, place, leave, drop, put or otherwise abandon litter upon any public property, private property or roadway except as otherwise specifically permitted in this code. "Litter" means trash, refuse, rubbish and all like material.

SECTION 8-120 ENFORCEMENT, CITATIONS, APPEALS.

A. The city administrator is designated as the administrative officer to perform the duties of the city council with respect to public nuisance abatement. The city administrator may further delegate to the director of community development division or his staff the aforementioned duties of the city administrator, including the duty of administrative officer.

B. The city administrator or his designee are designated to issue citations for violations this part 8, including nuisances, weeds and trash, abandoned vehicles and health laws.

C. Any administrative hearing for violations of the above-referenced sections shall be before an administrative officer designated by the city administrator. A hearing shall be scheduled on completion and filing with the city clerk an application therefor, pursuant to the appropriate sections of this part, in accordance with the provisions contained therein.

D. Appeals from the decisions of the administrative officer shall be to the municipal court, in accordance with the applicable code provisions.

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CHAPTER 2

WEEDS, GRASS AND TRASH

Section 8-201	Definitions.
Section 8-202	Accumulation of trash or weeds unlawful.
Section 8-203	Duty of owner, occupant to maintain private property.
Section 8-204	Reports of accumulation of grass, weeds or trash on property.
Section 8-205	Cleaning and mowing, notice, consent, hearing, abatement, lien and payment.

SECTION 8-201 DEFINITIONS.

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

1. "Administrative officer" means the city administrator or the person so designated by the city administrator; Section 8-120 of this code;
2. "Cleaning" means the removal of trash from property;
3. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer;
4. "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
5. "Weed" includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:
 - a. Exceeds twelve (12) inches in height, except healthy trees, shrubs or produce for human consumption or grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;
 - b. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;
 - c. Harbors rodents or vermin;
 - d. Gives off unpleasant or noxious odors;
 - e. Constitutes a fire or traffic hazard; or
 - f. Is dead or diseased.

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

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(Ord. No. 266, 8/22/88)

SECTION 8-202 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL.

A. 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.

B. No owner or occupant of land or lots shall

1. Knowingly permit the throwing or dumping upon his premises of any refuse, rubbish or trash, or

2. Permit such materials to remain on his premises for more than ten (10) days after being notified to remove them by the city or the county health department whether or not the owner or occupant knew of or permitted such throwing or depositing.

In addition to a penalty for violation of this section or Section 8-203, the city may abate as a public nuisance any condition prohibited herein pursuant to this chapter, any other law or ordinance, all of which shall be cumulative. (New)

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

SECTION 8-203 DUTY OF OWNER, OCCUPANT TO MAINTAIN PRIVATE PROPERTY.

No person owning, leasing, occupying or having charge of any private property or premises shall maintain or keep any refuse, rubbish, trash or similar material except dirt thereon; nor shall such person allow the accumulation of any such material; nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of other property in the neighborhood in which the premises are located. No prosecution may be undertaken under this section until such person shall have been given ten (10) days' notice by the city of the condition and an order to fully abate the alleged deficiency. (New)

Cross Reference: See also Section 8-510 and 8-511 of this code for similar provisions on accumulations of litter on private property.

SECTION 8-204 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 administrative officer 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;

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3. A fire hazard to property; or
4. Any two (2) or more of these conditions.

(Ord. No. 266, 8/22/88)

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

SECTION 8-205 CLEANING AND MOWING, NOTICE, CONSENT, HEARING, ABATEMENT, LIEN AND PAYMENT.

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

1. The city administrator or his designee may determine whether the accumulation of trash, growth of weeds or grass, or other nuisances has caused the property to become detrimental to the health, benefit or welfare of the public and the community or a hazard to traffic, or creates a fire hazard to the danger of the property;
2. At least ten (10) days' notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the county treasurer's office before the hearing provided for herein or before action may be taken. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and the notice shall state that unless the work is performed within ten (10) days of the date of the notice, the work shall be done by the city and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the city;
3. At the time of mailing of notice to the property owner, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer. However, if the property owner can not be located within ten (10) days from the date of mailing the same, notice may be given by posting a copy of the notice on the property or by publication, as provided by Section 102.8 of Title 11 of the Oklahoma Statutes, one time not less than ten (10) days prior to any hearing or action;
4. If the city anticipates summary abatement of a nuisance in accordance with the provisions as herein provided, the notice, whether by mail or publication, shall state: that any accumulations of trash or excessive weeds or grass growth on the owner's property occurring within six (6) months after the removal of trash or cutting or mowing of weeds or grass on the property pursuant to the notice may be summarily abated by the city; that the costs of such abatement shall be assessed against the owner; and that a lien shall be imposed on the property to secure such payment, all without further notice to the property owner. At the time of each summary abatement the city clerk shall notify the property owner of the abatement and costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. Unless otherwise determined at the hearing, the cost of such abatement shall be determined and collected as provided in this section. However, these summary abatement procedures shall not apply if the records of the county clerk show that the property was transferred after the notice was given pursuant to this section;

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

6. A hearing may be held by the administrative officer to determine whether the accumulation of trash or the growth of weeds or grass has caused the property to become detrimental to the health, benefit or welfare of the public and the community or a hazard to traffic or creates a fire hazard to the danger of property. The property owner shall have a right of appeal to the city administrator, except that if the city administrator conducts the initial hearing, then the right of appeal is to the city council. The appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the administrative order is rendered.

7. If the administrative officer finds the condition of the property constitutes a detriment or hazard and that the property would be benefited by the removal or such conditions, the administrative officer shall direct the clearing or cleaning be done by one of the following methods:

- a. By the city, provided the actual cost of the labor, maintenance and equipment required does not exceed Five Hundred Dollars (\$500.00); or
- b. On a private contract basis, in which case it shall be awarded to the lowest and best bidder;

The agents of the city are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, cleaning and performance of necessary duties as a governmental function of the city. Immediately following the cleaning or mowing of the property, the city clerk shall file a notice of lien with the county clerk describing the property and the work performed by the city, and stating that the city claims a lien on the property for the cleaning and mowing costs, and that such costs are the personal obligation of the property owner from and after the date of filing of the notice;

8. After the property has been cleaned, the administrative officer shall determine the actual cost of such cleaning and any other expenses as may be necessary in connection therewith, including the cost of the notice and mailing. The city clerk shall forward by mail to the property owner specified in this section a statement of the actual cost and demanding payment;

9. If payment is not made within thirty (30) days from the date of the mailing of the statement, the city clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located, and the same shall be levied on the property and collected by the county treasurer as other taxes authorized by law. The cost and the interest thereon shall be a lien against the property from the date the cost is certified to the county treasurer and shall continue until the cost shall be fully paid;

10. At any time prior to the collection as provided herein the city may pursue any civil remedy for collection of the amount owing and the 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 or part thereof; and

11. The provisions of this section shall not apply to any property used for agricultural purposes.
(Prior Code, Sec.13-11; Ord. No. 266, 8/22/88)

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CHAPTER 3

DILAPIDATED BUILDINGS

Section 8-301	Definitions.
Section 8-302	Report to be made.
Section 8-303	Condemnation, boarding and securing of dilapidated buildings, notice, removal, lien, payment.
Section 8-304	Clearing up of premises from which buildings have been removed.
Section 8-305	Penalty.

SECTION 8-301 DEFINITIONS.

For the purposes of this chapter:

1. "Administrative officer" means the city administrator or his designee;
2. "Boarding and securing" or "boarded and secured" means the closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure;
3. "Cleaning" or "cleaned" means the removal of trash or weeds from the premises;
4. "Dilapidated building" means the neglect of necessary repairs to a building or allowing it to fall into a state of decay or allowing it to fall into partial ruin to such an extent that the building is a hazard to the health or safety or welfare of the general public; and
5. "Unsecured building" means a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety or welfare of the general public.

(Ord. No. 266, 8/22/88)

State Law Reference: Similar provisions, Section 22-112, 22-112.1 of Title 11.

SECTION 8-302 REPORT TO BE MADE

Any officer or employee of this city who discovers or receives a report of a dilapidated building which has become detrimental to the health, benefit and welfare of the public and the community or creates a fire hazard to the danger of property, shall report such conditions to the administrative officer. (Ord. No. 266, 8/22/88, in part)

SECTION 8-303 CONDEMNATION, BOARDING AND SECURING OF DILAPIDATED BUILDINGS, NOTICE, REMOVAL, LIEN, PAYMENT.

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

1. At least ten (10) days' notice shall be given to the owner of the property before the city takes action or holds a hearing as provided herein. A copy of the notice shall be posted

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on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication, as defined by Section 1-102 of Title 11 of the Oklahoma Statutes. Such notice may be published once not less than ten (10) days prior to any hearing or action to be taken pursuant to this section;

2. A hearing shall be held by the administrative officer to determine whether the property is dilapidated and has thereby become detrimental to the health, benefit and welfare of the public and the community, or creates a fire hazard to the danger of property, or needs to be boarded and secured;

3. If the administrative officer finds that the condition of the property constitutes a detriment or a hazard, and that the property would be benefited by the removal of such conditions, or by its boarding and securing, the administrative officer may cause the dilapidated building to be torn down and removed, and boarded and secured, and shall fix reasonable dates for the commencement and completion of the work. The city clerk shall immediately file a notice of lien with the county clerk describing the property, the findings of the administrative officer at the hearing, and stating that the city claims a lien on the property for the destruction and removal, boarding and securing costs and that such costs are the personal obligation of the property owner from and after the date of filing of the notice;

4. The property owner shall have a right of appeal to the city administrator from a order of the administrative officer, or if the order is rendered by the city administrator, then the right to appeal is to the city council. The appeal shall be filed in writing with the city clerk within ten (10) days after the administrative order is rendered;

5. If the work is not performed by the property owner within the dates fixed by the administrative officer, the administrative officer shall direct the tearing down and removal, or boarding and securing, be done by one of the following methods:

- a. By the city, provided that the actual cost of the labor, maintenance, and equipment does not exceed Five Hundred Dollars (\$500.00);
- b. On a private contract basis, in which case it shall be awarded to the lowest and best bidder;

6. After the building has been torn down and removed, or boarded and secured, the administrative officer shall determine the actual cost of the dismantling and removal of dilapidated buildings, or the boarding and securing, and any other expenses as may be necessary in conjunction therewith, including the cost of notice and mailing. The city clerk shall forward a statement of such actual cost attributable to the dismantling and removal or boarding and securing and a demand for payment by mail to the property owner at the address specified in this section. In addition, a copy of the statement shall be mailed to any mortgage holder at the address specified in this section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer;

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7. If payment is not made within six (6) months from the date of the mailing of the statement, the city clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located. The city shall have a lien on the property for such costs, together with interest thereon, and the lien shall continue until the cost shall be fully paid;

8. When payment is made to the city for costs incurred, the city shall file a release of lien or part thereof;

9. The provisions of this section shall not apply to any property zoned and used for agricultural purposes; and

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

(Ord. No. 266, 8/22/88)

(Prior Code, Sec. 5-28, in part)

State Law Reference: 11 O.S. Section 22-112, removal of dilapidated buildings.

Cross Reference: Removal of weeds and trash, Sections 8-201 et seq. of this code; building codes, Sec. 5-101 et seq.

SECTION 8-304 CLEARING UP OF PREMISES FROM WHICH BUILDINGS HAVE BEEN REMOVED.

In all cases in which:

1. A house or building has been removed before the taking effect of this chapter; or
2. A house or building is torn down or demolished pursuant to order of the State Fire Marshal or one of his assistants or the sheriff of the county or the chief of the fire department as provided by state law or as provided in this chapter;

and in which any of the following conditions exist,

1. The premises have not been cleaned up;
2. The premises are cleaned up, and all lumber, brick, concrete, cement, plaster, nails, wire, and other material have not been removed;
3. The materials removed but the cellar space and excavations have not been filled;
4. A cistern or well has not been filled or safely and securely closed and all openings to sanitary sewer have not been plugged to meet the requirements of the city plumbing inspector and securely closed; and

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5. The lot or lots have not been leveled and left entirely free from trash or the same be not immediately done,

then the owner or owners of the lot or lots and the person, firm, or corporation who tore down the house or building shall immediately comply with the provisions of this chapter by having all of the things done.

SECTION 8-305 . PENALTY.

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

CHAPTER 4

ABANDONED, JUNK VEHICLES

Section 8-401	Definitions.
Section 8-402	Prohibited acts; nuisances declared; exceptions.
Section 8-403	Presumption of junk vehicles.
Section 8-404	Responsibility for removal from public property.
Section 8-405	Notice to remove from private property.
Section 8-406	Hearing.
Section 8-407	Removal of motor vehicles from property.
Section 8-408	Notice of removal.
Section 8-409	Redemption of impounded vehicles or motor vehicles.
Section 8-410	Collection of City's costs of removal.
Section 8-411	Penalty; continuing violations.

SECTION 8-401 DEFINITIONS.

The following words, terms, and phrases, and their derivations, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicate a different meaning.

1. "Administrative officer" means the City Manager, or his designee;
2. "Junk vehicle" means any motor vehicle or vehicle, as defined herein, which is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded;
3. "Motor vehicle" means any vehicle which is self-propelled and designed to travel along the ground or water and the term shall include, but not be limited to, automobiles, boats, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, and golf carts;
4. "Private property" means any real property within the City which is not public property;
5. "Public property" means any real property which is dedicated to the public use which the federal, or any state or municipal government, or any political subdivision thereof owns, leases, or exercises control and dominion over for public purposes; and,
6. "Vehicle" means a machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners, or slides, and to transport persons or property, or to pull machinery, and includes, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy, and wagon.

SECTION 8-402

**PROHIBITED ACTS: NUISANCES DECLARED:
EXCEPTIONS.**

A. It is unlawful and an offense for any person to park, store, or leave, or to permit the parking, storing, or leaving of any junk vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition, whether attended or not, upon any private property within the City for a period of time in excess of thirty (30) days.

B. The presence of any junk vehicle or any abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled vehicle or boat, or parts thereof, on private property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this Chapter.

C. The provisions of Subsections A and B shall not apply to any vehicle or motor vehicle:

1. Enclosed within a building on private property;
2. Held in connection with a lawful business enterprise which is properly located as such business enterprise in the appropriate zone, pursuant to the zoning provisions of this code.
3. In operable condition which is not a junk vehicle as defined herein;
4. Located inside an area screened with sight-proof fencing or other opaque barriers;
5. Located in the agricultural zoning district at least 200 feet from any dwelling other than the dwelling of the property where the vehicle is located, and located at least 200 feet from any adjoining road or street.

SECTION 8-403

PRESUMPTION OF JUNK VEHICLES.

A rebuttal presumption shall exist that vehicles are junk vehicles when:

1. Weed or grass undergrowth would indicate to a reasonable person that the vehicle has not been moved thereby permitting such growth to occur;
2. One or more wheels are flat or missing;
3. Portions of the vehicle which are needed for its operation or control are missing;

4. The City has received reports from others as to the length of time such vehicle has been standing in one place without being moved, or that parts are being taken from or added to such vehicle, indicating a salvage or garage operation; or,

5. Evidence exists that provisions of this code pertaining to zoning or to junk and debris are being violated.

SECTION 8-404 RESPONSIBILITY FOR REMOVAL FROM PUBLIC PROPERTY.

Any junk vehicle left on public property may be summarily impounded by a police officer.

SECTION 8-405 NOTICE TO REMOVE FROM PRIVATE PROPERTY.

A. The City Manager, or his designee, shall give notice of removal to the owner or occupant of the private property where the junk vehicle or any abandoned, wrecked, dismantled, or inoperative vehicle or boat is located at least ten (10) days before the time set for compliance. It shall constitute sufficient notice when a copy of a Notice to Remove is posted in a conspicuous place upon the private property upon which the vehicle or boat is located.

B. The Notice to Remove shall contain the demand for removal within ten (10) days, and the Notice to Remove shall state that upon failure to comply with the Notice to Remove the City shall prosecute a criminal complaint for failure to abate the nuisance or undertake such removal with the cost to be levied against the owner of the junk vehicle or the occupant of the property.

SECTION 8-406 HEARING.

A. Any person to whom any Notice to Remove is directed pursuant to the provisions of this Chapter or any other interested party, or any duly authorized agent thereof, may file a written request for hearing before the City Manager within the ten (10) day compliance period, for the purpose of contesting the City's demand for removal. The City Manager, or his designee, Chief of Police, or his designee, and the City Attorney, or his designee, shall constitute a hearing board to hear the request.

B. The hearing shall be held as soon as practicable, but not earlier than five (5) days after receipt of the request, and not later than fifteen (15) days after such receipt. Notice of the time and place of hearing shall be directed to the person making the request. At any such hearing the City and the person to whom notice has been directed may introduce witnesses and evidence.

C. Persons to whom the Notice to Remove is directed pursuant to the provisions of this Chapter, or their duly authorized agent, may appear in Municipal Court pursuant to the citation and summons. Those convicted of failing to abate a public nuisance pursuant

to this Chapter shall be assessed court costs in addition to any other penalty assessed by the Municipal Court.

SECTION 8-407 REMOVAL OF MOTOR VEHICLES FROM PROPERTY.

If the violation described in the Notice to Remove has not been remedied within the ten(10) day period of compliance, or in the event that a notice requesting hearing is timely filed, a hearing had, and the existence of the violation is affirmed by the City Manager, or his designee, the City Attorney may institute and prosecute additional charges on a daily basis, for failure to abate the nuisance, and the City may, in the discretion of the City Manager, take possession of the junk vehicle and remove it from the premises. It shall be unlawful for any person to interfere with or hinder anyone whom the City or the City Manager authorizes to enter upon private property for the purpose of removing a vehicle under the provisions of this Chapter.

SECTION 8-408 NOTICE OF REMOVAL.

Within forty-eight (48) hours of the removal of such junk vehicle the City Manager, or his designee, shall give notice to the registered owner of the junk vehicle, if known, that the vehicle or motor vehicle was removed, and that the vehicle or motor vehicle has been impounded and stored for violation of this Chapter. The notice shall give the location where the vehicle is stored and the proper procedure for redeeming the vehicle.

SECTION 8-409 REDEMPTION OF IMPOUNDED VEHICLES OR MOTOR VEHICLES.

The owner of any vehicle or motor vehicle impounded under the provisions of this Chapter may redeem such vehicle or motor 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 sum as may be determined by the City Manager and fixed as the actual and reasonable expense of removal, plus storage.

SECTION 8-410 COLLECTION OF CITY'S COSTS OF REMOVAL.

A. Upon the failure of the owner or occupant of property on which junk vehicles have been removed by the City to pay the unrecovered expenses incurred by the City in such removal, the amount of the unrecovered cost may be added to the municipal utility bills directed to the occupants of the private property from which the junk vehicle was removed, and may be recovered in the same manner of such utility bills.

B. If the private property is not served by the municipal utilities, or if collection efforts are not successful, the costs may be certified by the City Clerk to the County Clerk of the County, who shall add the same to the advalorem taxes assessed against the property, until paid, and shall be collected in the same manner as advalorem taxes against the property; and when collected shall be paid to the City.

SECTION 8-411 PENALTY: CONTINUING VIOLATIONS.

In addition to the procedures for removal of vehicles, any person who shall violate any of the provisions hereof shall, upon conviction, be deemed guilty of an offense against the City. Each act in violation of any of the provisions hereof shall constitute a separate offense and may be chargeable as such. Each day's continued violation of any of the provisions hereof shall constitute a separate offense and may be punishable as such as provided in Section 1-108 of this code.

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CHAPTER 5

FOOD AND MILK REGULATIONS

ARTICLE A

FOOD SERVICE SANITATION

Section 8-501 Regulations adopted.

ARTICLE B

MILK AND MILK PRODUCTS

Section 8-520 Regulations adopted.
Section 8-521 Penalty.

ARTICLE A

FOOD SERVICE SANITATION

SECTION 8-501 REGULATIONS ADOPTED.

The latest edition of the "Oklahoma State Department of Health Rules and Regulations pertaining to Food Establishments" is hereby adopted and incorporated by reference in this code. At least one copy of the rules and regulations shall be on file in the office of the city clerk. The rules and regulations shall govern except in case of conflict with the provisions of this chapter, in which case the more restrictive terms shall prevail. (Prior Code, Sec. 11-22, as amended)

State Law Reference: Requirements of food establishments, 63 O.S. Secs. 1-1101 et seq.

ARTICLE B

MILK AND MILK PRODUCTS

SECTION 8-520 REGULATIONS ADOPTED.

The latest edition of the United States Public Health Service Recommendation "Grade A Pasteurized Milk Ordinance with Administrative Procedures" and the provisions of state law governing milk and milk products as set out in Sections 1-1301 to 1-1311 of Title 63 of the Oklahoma Statutes, as amended from time to time, are hereby adopted and incorporated by reference in this code and are enforceable by the city as fully as if they were set out at length herein. At least one copy of the milk ordinance and referenced state law shall be on file in the office of the city clerk. The milk ordinance and the referenced state law shall govern except in case of conflict with the provisions of this chapter, in which case the more restrictive terms shall prevail. (Prior Code, Sec. 11-24, as amended)

State Law Reference: Milk regulations 63 O.S. Secs. 1-1201 et seq., 2 O.S. Secs. 7-1 et seq. (milk manufacture).

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SECTION 8-521 PENALTY.

Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-108 of this code. Such person may also be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

CHAPTER 6

RULES FOR STORAGE AND PARKING OF COMMERCIAL VEHICLES, RECREATIONAL VEHICLES AND TRAILERS DECLARING A NUISANCE FOR PARKING IN VIOLATION OF THIS CHAPTER

Section 8-601	Definitions.
Section 8-602	Parking of certain vehicles restricted.
Section 8-603	Certain vehicles prohibited; nuisances declared.
Section 8-604	Commercial motor vehicles and equipment.
Section 8-605.	Recreational vehicles, cargo, utility, stock or boat trailers and boats.

SECTION 8-601. DEFINITIONS.

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

- (1) ***Vehicles***: For the purposes of this section, vehicle means every device in, upon or by which any person or property is or may be transported or drawn. "Vehicle" shall include, but is not limited to automobiles, trucks, trailers, motor homes, camper bodies and boats.
- (2) ***Private Motor Vehicle*** means any vehicle by which any person or property may be transported or drawn with a maximum rated capacity of one and one-half (1 1/2) tons used exclusively as a passenger vehicle and for hauling property of the owner and used to satisfy the daily transportation needs of the inhabitants of the residence.
- (3) ***Commercial Motor Vehicle and Equipment*** means any vehicle or trailer or both with more than two axles; or with any part or attachment to the vehicle or equipment exceeding the height of eight (8) feet, width of eight (8) feet and six (6) inches or a gross vehicle weight rating greater than 12,000 pounds, or an overall length of more than twenty-five (25) feet. This includes and is not limited to semi-trailer tractors and semi-trailers as well as earthmoving equipment. Gardening and or lawn tractors and implements used exclusively for upkeep and maintenance of the residential lot are not prohibited.
- (4) ***Recreational Vehicle*** means a vehicle that is not permanently fixed to the ground and not permanently connected to utilities, including water, electric and sewer. Such vehicle is primarily designed as a temporary living quarters for recreational, camping or travel use. It has either its own motive power or is designed to be mounted on or drawn by an automotive vehicle.

The terms "fifth-wheeler", "motor home", "truck camper", "travel trailer" are all examples of recreational vehicles.

(5) *Boat means* a vehicle for traveling in or on water.

(6) *Trailers defined:* A vehicle without motor power, designed so that it can be drawn by a motor vehicle, to be used for the carrying of persons or property.

(7) *Cargo, Utility, Stock and Boat Trailers (without boat mounted)* means a vehicle without motor power, designed so that it can be drawn by a motor vehicle to be used for the carrying of property. This includes but is not limited to cargo trailers, stock trailers, utility trailers and boat trailers not having a boat mounted

SECTION 8-602. PARKING OF CERTAIN VEHICLES RESTRICTED.

No vehicle which is in excess of eight (8) feet and six (6) inches in width or twenty-five (25) feet in length shall be parked on any street in any residential district between the hours of 8:00 p.m. and 4:00 a.m. except in case of an emergency or for the time necessary to load or unload.

SECTION 8-603. CERTAIN VEHICLES PROHIBITED; NUISANCE DECLARED.

A. The parking and/or storage of motor vehicles, trailers or other vehicles in Piedmont in a manner contrary to the provisions of this chapter shall be deemed a public nuisance and shall constitute an offense punishable as provided otherwise in this code. Nothing in this section shall prohibit the City or any other person from seeking injunctive relief for abatement of any such nuisance.

B. These provisions shall not apply to any vehicle enclosed within a building on private property.

SECTION 8-604. COMMERCIAL MOTOR VEHICLE AND EQUIPMENT.

A. Only one (1) commercial vehicle with or without a trailer and equipment shall be parked or stored outside an enclosed building on a lot occupied by a dwelling or a residentially zoned lot, except when being actively loaded or unloaded. Such commercial vehicle and/or trailer shall not exceed twenty five (25) feet in length, eight (8) feet and six (6) inches in width or fourteen (14) feet and six (6) inches in height. The commercial vehicle shall be parked only on a paved driveway and the commercial vehicle shall be parked at least twelve (12) feet from the edge of the curb or if no curb then twelve (12) feet from the edge of the street pavement or surface.

B. In no case shall any commercial vehicle which is permitted to be parked in a residential zoning district be used for hauling explosives, gasoline, or liquefied petroleum. Parking of semi tractor/trailers or semi trailers, earth moving equipment, off road commercial vehicles and equipment in a residential zoning district is prohibited.

SECTION 8-605. RECREATIONAL VEHICLES, CARGO, UTILITY, STOCK OR BOAT TRAILERS AND BOATS.

A. No recreational vehicle, cargo, utility, stock or boat trailer or boat shall be parked or stored in a manner that would constitute a traffic hazard, or be parked or stored in a public right of way, or be parked or stored in the street. No part of any recreational vehicle, cargo, utility, stock or boat trailer or boat shall extend over the public right of way, street or sidewalk. No sight triangle, at street corners shall be violated. The recreational vehicle, cargo, utility, stock or boat trailer or boat shall be at least twelve (12) feet from the edge of the curb or if no curb then twelve (12) feet from the edge of the street pavement or surface.

B. No recreational vehicle or boat shall be used for living, sleeping or housekeeping purposes; except that one (1) recreational vehicle shall be allowed for temporary living purposes to accommodate the resident and or visitors for no more than seven (7) days in any one ninety (90) day period unless approval of an extension of time is granted in writing by the City Manager of Piedmont provided:

(1) Said recreational vehicle is not to be connected to any permanent utility, other than temporary electrical/water hookups.

(2) No recreational vehicle shall discharge any litter, sewage, effluent or other matter, except into sanitary facilities designed to dispose of such material.

(3) No recreational vehicle shall be used for storage of goods, materials or equipment other than those items considered to be part of the unit or essential for its immediate use.

(4) The resident / host person shall receive no compensation for such temporary occupancy.

C. Indoor parking is permitted.

D. Outside Parking in the front yard is permitted under the following conditions:

(1) Parked only on a paved driveway and parked at least twelve (12) feet from the edge of the curb or if no curb then twelve (12) feet from the edge

of the street pavement or surface and parked perpendicular to the street unless on a circle driveway.

(2) No part of the recreational vehicle, cargo, utility, stock or boat trailer or boat will overhang the street, right of way or sidewalk.

E. Outside parking in the rear yard and side yard is permitted provided:

(1) Parked at least twelve (12) feet from the edge of the curb or if no curb then twelve (12) feet from the edge of the street pavement or surface and parked perpendicular to the street unless on a circle driveway.

(2) No part of the recreational vehicle, cargo, utility, stock or boat trailer or boat will overhang the street, right of way or sidewalk.

F. All areas surrounding and under said vehicles shall be regularly mowed and kept free of all tall vegetation. The area shall be maintained in such manner as to not be considered a violation of the health and nuisance ordinances.

G. Notwithstanding the provisions of the paragraphs above, any unit may be parked anywhere on the premises during active loading or unloading, and use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle or boat for use. A period not exceeding forty eight (48) hours shall be a reasonable period of time for such active loading and unloading

REGCLATION OF SOUND

Section 8-701	Title.
Section 8-702	Applicability.
Section 8-703	Scope.
Section 8-704	Definitions.
Section 8-705	Measurement standards.
Section 8-706	Maximum permissible sound levels by receiving use.
Section 8-707	Method of sound level measurement.
Section 8-708	Exempt noises.
Section 8-709	Special permits to exceed noise levels.
Section 8-710	Enforcement responsibility.
Section 8-711	Violations; penalty.

SECTION 8-701. TITLE.

This Ordinance may be known and cited as the "Noise Control Ordinance of Piedmont, Oklahoma".

SECTION 8-702. APPLICABILITY.

This Ordinance shall apply to and be enforced in all areas of the City of Piedmont.

SECTION 8-703. SCOPE.

This Ordinance shall apply to all sound originating within the City of Piedmont. It shall be unlawful, except as expressly permitted below, to make, cause or allow the making of any sound which exceeds the limits set forth in Section 6 hereof.

SECTION 8-704. DEFINITIONS.

The following definitions shall apply in the interpretation, enforcement and intent of this Ordinance. When not inconsistent with the context, words used in the present tense include the future, words used in the singular include the plural, and the plural the singular. The word "shall" or "must" is always mandatory and not merely directory. The word "may" is permissible and not mandatory. The masculine gender shall include the feminine or neutral gender. All terms used herein and not defined below shall be in conformance with applicable publications and standards of the American National Standards Institute ("ANSI") or its successor body.

(1) **Amplified Sound** means any noise or sound that is artificially enhanced or increased in volume by means of amplifiers, speakers, tape or disc players, radios, or similar electronic or electric devices.

(2) **City Manager** means the City Manager of City of Piedmont or his or her designee.

(3) **A-weighted sound level** means the sound pressure level in decibels as measured on a sound level meter using the A-weighting scale. The level so read is designated dB(A).

(4) **Decibel (dB)** means a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm in the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micronewtons per square meter.

(5) **Noise Control Officer (NCO)** means the City Manager of Piedmont and any other person(s) designated as such by the City Manager.

(6) **Person** means any individual, association, partnership, corporation or other entity and includes any officer, employee, department, agency or instrumentality of the United States, the state or any political subdivision thereof.

(7) **Plainly Audible** means sound emanating from a source that can be clearly heard, including the bass sounds of music, whether or not the Noise Control Officer can make out words.

(8) **Sound level** means the A-weighted sound pressure level obtained by the use of a sound level meter and frequency-weighting network, as specified in American National Standards Institute specification for sound level meters (ANSI S1.4-1971, or the latest approved version thereof).

(9) **Sound level meter** means an instrument that includes a microphone, amplifier, RMS detector, response dampening circuit, output meter, and weighing network used to measure sound pressure levels.

(10) **Sound pressure level** means twenty (20) times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference of twenty (20) micronewtons per square meter.

(11) **Sunrise** means thirty (30) minutes before the official sunrise as indicated in the Farmer's Almanac.

(12) Sunset means thirty (30) minutes after the official sunset as indicated in the Farmer's Almanac.

SECTION 8-705. MEASUREMENT STANDARDS.

Standards, instrumentation, personnel, measurement procedures, and reporting procedures to be used in the measurement of sound shall be consistent with accepted principles of noise measurement in accord with the standards of the American National Standards Institute or its successor body.

SECTION 8-706. MAXIMUM PERMISSIBLE SOUND LEVELS BY RECEIVING USE.

A. Except as provided for in Subsection B & C, and Section 8, no person shall operate or cause to be operated any source of sound in such a manner as to create a sound level that exceeds the sound level limits set forth for the appropriate use category in Table 1 below. The measurement shall be taken at the nearest property line of the generating source of the noise.

Zoning Category of Receiving Use	Time	Sound level (d.b.a.)
Residential zoned property	Sun-down to Sun-up	65
Residential zoned property	Sun-up to Sun-down	70
Commercial or business zoned property *	Sun-down to Sun-up	70
Commercial or business zoned property *	Sun-up to Sun-down	80
Manufacturing and industrial zoned prop.**	Sun-down to Sun-up	70
Manufacturing and industrial zoned prop.**	Sun-up to Sun-down	80
Agricultural zoned property***	Sun-down to Sun-up	65
Agricultural zoned property***	Sun-up to Sun-down	75
Public Space	All times	70

* See section 8, subparagraph (9)

** See section 8, subparagraph (10)

*** See section 8, subparagraph (11)

B. No person shall operate or cause to be operated any source of Amplified Sound from a motor vehicle so that the sound is plainly audible at a distance of 100 feet or more from the source of the sound.

C. No person shall operate or cause to be operated any source of Amplified sound from a residentially zoned property or agriculturally zoned property that is plainly audible at a distance of one hundred (100) feet or more from the source of the sound.

D. No person shall create or cause any sound within any noise-sensitive zone so as to exceed the decibel levels set forth for such zone when measured at a distance of at least 25 feet from the sound source, provided that conspicuous signs are displayed indicating the noise sensitive use. A noise sensitive use means hospitals, nursing homes, schools, courts of law or other areas designated by resolution of the City Council, provided that conspicuous signs are displayed indicating the presence of the noise-sensitive use.

E. When Exceeded: The sound level limits set forth in Table 1 shall be exceeded when any of the following occur:

- (1) The sound at any one point in time exceeds any of the established zone limits in Table 1 by a measured sound level of fifteen (15) dB(A); or
- (2) The sound exceeds any of the established zone limits in Table 1 by a measured sound level of ten (10) dB(A) for a cumulative total of one minute of more out of any ten (10) minute period; or
- (3) The sound exceeds, except in the Industrial District, any of the established zone limits in Table 1 by a measured sound level of five (5) dB (A) continually for a period of five (5) minutes, or a total of five (5) minutes out of any ten (10) minute period.

SECTION 7-707. METHOD OF SOUND LEVEL MEASUREMENT.

For purposes of Section 6.A above, sound level measurement shall be made with a sound level meter using the A-weighting scale, in accordance with standards promulgated by American National Standards Institute or other reasonable standards adopted by the City .

SECTION 8-708. EXEMPT NOISES.

The following are exempt from the provisions of this Ordinance:

- (1) Sounds of safety signals, warning devices, emergency pressure relief valves, and bells
and chimes of churches.
- (2) Sounds resulting from any authorized vehicle when responding to an emergency call
or acting in time of emergency.
- (3) Any sound resulting from activities of a temporary duration authorized by a license or permit issued pursuant to Section 9 hereof.

(4) Amplified sound regulated by the federal government, but only to the extent of federal preemption.

(5) Sounds of lawnmowers and other lawn, tree and garden maintenance equipment being used for ordinary lawn, tree and garden maintenance between sunrise and sunset

(6) Tools and equipment being used to construct lawful structures, including land moving equipment, between sunrise and sunset.

(7) Sounds generated by school-sponsored activities, including, but not limited to sporting events, band activities, plays, and graduation and other ceremonies and government sponsored activities, including parades, fireworks displays.

(8) Sounds generated by normal commercial operations for commercial uses located in a C-1, C-2, C-3 zoning district, including Commercial PUDs. A use allowed in the district by special exception or special use permits or uses that may be a part of a Commercial PUD may be subject to conditions that reduce noise levels of the proposed use in accord with this ordinance.

(9) Sounds generated by normal industrial operations for industrial uses located in an industrial zoning district, including Industrial PUDs. A use allowed in the district by special exception or special use permits or uses that may be a part of an Industrial PUD may be subject to conditions that reduce noise levels of the proposed use in accord with this ordinance.

(10) Sounds generated by normal agricultural operations in agricultural zoning districts, including Agricultural PUDs. An agriculture use allowed in the district by special exception or special use permits, or uses that may be a part of an Agricultural PUD may be subject to conditions that reduce noise levels of the proposed use in accord with this ordinance.

(11) Discharge of weapons for lawful hunting or target practice in an area where such hunting or target practice is allowed by this code or state law between sunrise and sunset.

SECTION 8-709. SPECIAL PERMITS TO EXCEED NOISE LEVELS.

Application for a permit for relief from the maximum sound level limits may be made in writing to the City Manager. Any permit granted hereunder must be in writing and shall contain all conditions (including time limits) upon which the permit is granted.

A fee for such permit shall be established by the City Manager to cover the cost of mailing and review. The City Manager may grant the special permit as follows:

- (1) The City Manager may impose any reasonable conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood, including use of mufflers, screens or other sound-attenuating devices.
- (2) If the special purpose is a recurring one, it must not recur more than four times in any calendar year.
- (3) Special permits may be issued for no longer than fifteen (15) consecutive days, renewable by further application.
- (4) City Manager shall send written notices to property owners within 300 feet of the parcel where the activity will take place prior to the issuance of a special permit and allow said owners a reasonable time to object to the issuance of the permit. Such permits may be reviewed and issued as part of a temporary use permit. The applicant shall furnish with his application a list of all property owners within the 300 feet radius as shown on the current years County tax rolls along with a fee as determined by the City Council.

SECTION 8-710. ENFORCEMENT RESPONSIBILITY.

The NCO shall have the enforcement responsibility for this Ordinance. The NCO shall investigate any potential violations of this Ordinance either on complaint of a person alleging a violation or by observation. Such complainant may be anonymous. This Ordinance shall not be read to preempt or abrogate the authority of the Piedmont Police Department to issue citations for violation of City Ordinances.

SECTION 8-711. VIOLATIONS; PENALTY.

It shall be unlawful for any person to hinder or prevent the performance of any act or duty authorized or required by this Ordinance. Violation of any provision of this Ordinance is an offense with a maximum penalty of \$500 plus court costs. The NCO, finding probable cause that a person has committed an act in violation of this Ordinance, may issue that person a citation.

