

PART 8
HEALTH AND SANITATION
CHAPTER 1
WEED 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 property.
- Section 8-104 Receipt of report, hearing and notice.
- Section 8-105 Work done by employees or contract.
- Section 8-106 Determination and assessments of costs.
- Section 8-107 Lien on the property, civil remedy.
- Section 8-108 Service of notice.
- Section 8-109 Unlawful to deposit rubbish.
- Section 8-110 Removal of dead animals.
- Section 8-111 Burning refuse.
- Section 8-112 Unauthorized person not to remove garbage or rubbish.
- Section 8-113 Abandoned ice boxes, refrigerators.
- Section 8-114 Penalty
- Section 8-115 Responsibility of property owners.

CHAPTER 2
FOOD AND RESTAURANTS

- Section 8-201 Food service, regulations.
- Section 8-202 Permits.
- Section 8-203 Revocation of permits, inspections.
- Section 8-204 Milk ordinance adopted.
- Section 8-205 Grades of milk which may be sold.
- Section 8-206 Enforcement by whim.
- Section 8-207 Permit, fees.

CHAPTER 3
JUNKED AND ABANDONED VEHICLES

- Section 8-301 Definitions relating to abandoned or junked vehicles.
- Section 8-302 Keeping Vehicles.
- Section 8-303 Accumulation a nuisance.
- Section 8-304 Notice.
- Section 8-305 Removal.
- Section 8-306 Regaining Possession.
- Section 8-307 Penalties.
- Section 8-308 Appeals.

CHAPTER 4

NUISANCES

Section 8-401	Nuisance defined; public nuisances; private nuisances.
Section 8-402	Persons responsible.
Section 8-403	Time does not legalize.
Section 8-404	Remedies against public nuisances.
Section 8-405	Remedies against private nuisances.
Section 8-406	City has power to define and summarily abate nuisances.
Section 8-407	Certain public nuisances in the city defined.
Section 8-408	Code enforcement officer.
Section 8-409	Summary abatement of nuisances.
Section 8-410	Abatement by suit in district court.
Section 8-411	Cost of abatement.
Section 8-412	Cost to be determined, statement of cost to be sent.
Section 8-413	Failure to pay costs, costs to be certified to county treasurer.
Section 8-414	Nuisance unlawful.
Section 8-415	Health nuisances; abatement.
Section 8-416	Toilet facilities required; nuisance.
Section 8-417	Procedure cumulative.
Section 8-418	Penalty.

CHAPTER 5

LITTERING

Section 8-501	Definitions.
Section 8-502	Litter in public places.
Section 8-503	Placement of litter in receptacles so as to prevent scattering.
Section 8-504	Sweeping litter into gutters prohibited.
Section 8-505	Merchants' duty to keep sidewalks free of litter.
Section 8-506	Litter thrown by persons in vehicles.
Section 8-507	Truck loads causing litter.
Section 8-508	Litter in parks.
Section 8-509	Litter in lakes and fountains.
Section 8-510	Throwing or distributing commercial handbills in public places.
Section 8-511	Placing commercial and noncommercial handbills on vehicles.
Section 8-512	Depositing commercial and noncommercial handbills on uninhabited or vacant premises.
Section 8-513	Prohibiting distribution of handbills on premises properly posted.
Section 8-514	Distributing commercial and noncommercial handbills at inhabited private premises.
Section 8-515	Dropping litter from aircraft.
Section 8-516	Posting notice prohibited.
Section 8-517	Litter on occupied private property.
Section 8-518	Owner to maintain premises free of litter.

Health and Sanitation

Section 8-519	Litter on vacant lots.
Section 8-520	Offensive littering.
Section 8-521	Political advertising on rights of way.
Section 8-522	Penalty.

CHAPTER 6

TOBACCO USE IN CITY BUILDINGS, VEHICLES

Section 8-601:	Tobacco and electronic smoking device defined.
Section 8-602:	Use Prohibited.
Section 8-603:	Employees and contractors.
Section 8-604:	Violation; penalty

CHAPTER I

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 assessments of costs.
Section 8-107	Lien on the property, civil remedy.
Section 8-108	Service of notice.
Section 8-109	Unlawful to deposit rubbish.
Section 8-110	Removal of dead animals.
Section 8-111	Burning refuse.
Section 8-112	Unauthorized person not to remove garbage or rubbish.
Section 8-113	Abandoned ice boxes, refrigerators.
Section 8-114	Penalty.

SECTION 8-101 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL.

It is unlawful for any owner of any lot, tract or parcel of land situated wholly or in part within the corporate limits of the city to allow trash or weeds to grow, stand or accumulate upon such premises and it is the duty of such owner to remove or destroy any such trash or weeds. (Prior Code, Sec. M7, in part)

State Law Reference: Authority to order removal of accumulations of weeds, trash, and charge costs, 11 O.S. Section 22-111.

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

SECTION 8-102 DEFINITIONS.

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

1. "Weeds" includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:
 - a. Exceeds twelve (12) inches in height, except healthy trees, shrubs or produce for human consumption or grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;
 - b. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;

- c. Harbors rodents or vermin;
- d. Gives off unpleasant or noxious odors;
- e. Constitutes a fire or traffic hazard; or
- f. Is dead or diseased.

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

2. "Trash" means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which is uncared for, discarded or abandoned, whether solid or liquid in form; and

3. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

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

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

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

B. The chief or assistant chief of police, chief or assistant chief of the fire department, or the county sanitarian or other representative of the department of public health, and any other person authorized by the city manager shall, on citizen complaint or upon their own notice, inspect subject property. If their inspection reveals a violation of one or more of the above named conditions, they shall report their findings to the city manager.

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 manager shall cause the notices prescribed herein to be given. If any of the conditions specified in Section 8-103 of this code exist upon the property, the notice shall order the property to be cleaned of trash or order trash or weeds to be cut, removed or destroyed within ten (10) days from the date of mailing the notice.

B. The notice shall state or refer to the applicable provisions of this code regarding the procedure and the determination of whether the premises, by reason of the conditions specified, are detrimental to the health, benefit and welfare of the

Sec. 8-104

public and the community, or a hazard to traffic, or a fire hazard. The owner or occupant shall be ordered, in the notice, to either:

1. Cut, remove or destroy the trash or weeds in accordance with the notice;
- or
2. Give consent authorizing the city to abate the trash or weeds.

C. The owner or occupant, no later than ten (10) days after the date of mailing the notice, may request in writing, addressed to the city clerk, a hearing before a committee composed of the city manager, the fire chief, and the police chief, or their respective designees, to appeal the order to clean or remove trash or cut, remove or destroy weeds. An appeal from the decision of committee regarding the existence of hazard as listed in Section 8-103 of this code may be appealed to the city council by filing written notice of appeal with the city clerk within five (5) days after the decision of the committee is rendered.

D. The written notice required herein shall be forwarded 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, or if the return receipt is not properly signed, notice shall be given by publication in a newspaper of general circulation one time not less than ten (10) days prior to the date that the city takes further action on the property.

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 supervision of the city manager, or it may be let by contract in the manner for letting other contracts by public bid.

SECTION 8-106 DETERMINATION AND ASSESSMENTS OF COSTS.

Upon the completion of the work ordered to be performed under Section 8-105 of this code, the city manager may report the cost thereof to the city council. Such report may 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 clerk shall 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 herein, 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, alley or in any ditch or watercourse, or upon the premises of another, or upon any public ground in this city.

SECTION 8-110 REMOVAL OF DEAD ANIMALS.

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

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

SECTION 8-111 BURNING REFUSE.

A. It is unlawful for any person, firm or corporation to burn trash, wood, leaves or other combustible material:

1. Within the fire limits of the city; or
2. Outside the fire limits of the city unless the operations are carried out in an approved type receptacle or incinerator, and except as determined otherwise by the fire chief.

B. This section shall not apply to the burning of any trash or any such combustible material as a fuel in a properly constructed firebox, either within or outside the fire limits. (Prior Code, Sec. F13)

SECTION 8-112 UNAUTHORIZED PERSON NOT TO REMOVE GARBAGE OR RUBBISH.

It is unlawful for any person, unless authorized so to do by the city, to remove from any premise or premises situated in the city or to transport through the streets, alleys, or public places of the city any garbage or rubbish.

SECTION 8-113 ABANDONED ICE BOXES, REFRIGERATORS.

It is unlawful for any person to leave in a place accessible to children any abandoned, unattended, or discarded ice box, refrigerator, or other container which has an air-tight door with a lock or other fastening device which cannot be easily released for opening from the inside of the ice box, refrigerator, or container, without first removing the door, lock, or fastener. (Prior Code, Sec. M8)

Sec. 8-114

SECTION 8-114 PENALTY.

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

SECTION 8-115 RESPONSIBILITY OF PROPERTY OWNER

It shall be the duty and responsibility of all property owners/tenants to maintain the portion of land abutting to the paved or unpaved portion adjacent to the owner's/tenants property, including that portion in a designated alley or easement, regardless of whether such property is developed.

CHAPTER 2

FOOD AND RESTAURANTS

Section 8-201	Food service, regulations.
Section 8-202	Permits.
Section 8-203	Revocation of permits, inspections.
Section 8-204	Milk ordinance adopted.
Section 8-205	Grades of milk which may be sold.
Section 8-206	Enforcement by whom.
Section 8-207	Permits, fees.

SECTION 8-201 FOOD SERVICE, REGULATIONS.

A. The latest edition of the "Oklahoma State Department of Health Rules and Regulations Pertaining to Food Establishments" is hereby adopted and incorporated in this code by reference. At least one copy of the rules and regulations shall be on file in the office of the city clerk. The rules and regulations shall govern the definitions; inspection of food service establishments; the issuance, suspension, and revocation of permits to operate food service establishments; the prohibiting of the sale of adulterated or misbranded food or drink and the enforcement of this section.

B. Any person who violates any of the provisions of this section shall be guilty of misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-108 of this code. In addition thereto, any person convicted of violation may be enjoined from continuing the violation. (Prior Code, Sec. 01 to 011, in part)

State Law Reference: State food regulations, see 63 O.S. Sections 1-1101 et seq. and Section 1-1118.

SECTION 8-202 PERMITS.

A. It is unlawful for any person who does not possess a current and unrevoked permit from the health officer to operate a restaurant in this city. Such permit shall be posted in a conspicuous place. Only persons who comply with the requirements of this chapter shall be entitled to receive and retain such a permit. Such permits are not transferable to another person or location. Every person desiring a permit to operate a restaurant in this city shall make application for such permit to the health officer. Upon approval of the application by the health officer, such a permit may be issued by the city clerk. There shall be a fee as set by the council per year and each permit shall expire annually. A person conducting an itinerant restaurant shall be required to secure a permit.

B. "Restaurant" means restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain, and all other eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale elsewhere. "Itinerant restaurant" means one operating for a temporary period in connection with a fair, carnival, circus, public exhibition, or other similar gathering. (Prior Code, Sec. 02, in part)

SECTION 8-203 REVOCAION OF PERMITS, INSPECTIONS.

A. A permit for the operation of a restaurant may be temporarily suspended by the health officer upon violation by the holder of any of the terms of this chapter, or

revoked after an opportunity for a hearing by the health officer upon serious or repeated violation.

B. At least once every six (6) months the health officer shall inspect every restaurant located within the city. In case the health officer discovers the violation of any item of sanitation, he shall make a second inspection after the lapse of such time as he deems necessary for the defect to be remedied, and the second inspection shall be used in determining compliance with the requirements of this chapter. Any violation of the same items of this chapter on such second inspection shall call for immediate suspension of permit. (Prior Code, Sec. 02, in part)

SECTION 8-204 MILK ORDINANCE ADOPTED.

The production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all milk and milk products sold for the ultimate consumption within the city, or its police jurisdiction; the inspection of dairy herds, dairy farms, and milk plants; the issuing and revocation of permits to milk producers, haulers, and distributors shall be regulated in accordance with the provisions of the "Milk Ordinance - Recommendations of the Public Health Service Revised to Comply with Oklahoma State Statutes," a copy of which shall be filed in the office of the city clerk. Sections 9 and 16 of the unabridged ordinance shall be replaced, respectively by Sections 8-205 and 8-206 of this code. (Prior Code, Secs. H1 to H16, as amended)

State Law Reference: State regulations on milk and milk products, 2 O.S. Sections 7-1 et seq. and Sections 7-201 et seq.; 63 O.S. Sections 1-1301 et seq.

SECTION 8-205 GRADES OF MILK WHICH MAY BE SOLD.

Only certified pasteurized and grade A pasteurized, and certified raw or grade A raw milk and milk products, shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments. However, in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the health authority; in which case, such milk and milk products shall be labeled "ungraded". (Prior Code, Sec. H2, in part)

SECTION 8-206 ENFORCEMENT BY WHOM.

All sampling, examining, grading, and regrading of milk and milk products and all inspections, and issuing and suspension or revocation of permits shall be done by the director of the county health department or his authorized representative, who shall be a registered professional sanitarian.

SECTION 8-207 PERMITS, FEES.

A. It is unlawful for any person to bring into, send into, or receive into this city or its police jurisdiction for sale, or to sell, or offer for sale therein, or to have in storage where milk or milk products are sold or served, any milk or milk products defined in this chapter, who does not possess a permit from the health officer.

B. Every milk producer, milk distributor, and operator of a milk plant shall secure a permit. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons or locations.

C. There shall be a fee for a permit as set by the city council. Permits may be secured from the city clerk's office upon presentation to the clerk of an application signed by the director of the county health department.

D. Such a permit may be temporarily suspended by the health officer upon such violation by the holder of any of the terms of this chapter, or for interference with the health officer in the performance of his duties, or revoked after an opportunity for a hearing by the health officer upon serious or repeated violations. (Prior Code, Sec. H3, in part)

JUNKED AND ABANDONED VEHICLES

Section 8-301	Definitions relating to abandoned or junked vehicles.
Section 8-302	Keeping Vehicles.
Section 8-303	Accumulation a nuisance.
Section 8-304	Notice.
Section 8-305	Removal.
Section 8-306	Regaining Possession.
Section 8-307	Penalties.
Section 8-308	Appeals.

SECTION 8-301 DEFINITIONS

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

1. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
2. "Private property" means any real property within the corporate limits of the city which is not public property as described herein.
3. "Public property" means any property owned or controlled by the city, the county, the state, or any public entity thereof, or the United States Government within the city limits, and shall include all streets and highways.
4. "Vehicle" means any machine propelled by other than human muscle and shall include without limitation any airplane, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, or self-propelled farm or construction equipment.
5. "Dismantled, junked, abandoned, unserviceable, or inoperable vehicle" shall be deemed to include the major parts thereof including bodies, engine transmissions, frames and rear ends, or any vehicle which does not have current and valid license tags.

SECTION 8-302 KEEPING VEHICLES

It is unlawful and an offense for any person to deposit, store, keep or permit to be deposited, stored or kept upon public or private property, in the open, a dismantled, unserviceable, inoperable, junked or abandoned vehicle or any vehicle legally or physically incapable of being operated, for a period exceeding one hundred sixty-eight (168) hours, unless such vehicle is completely enclosed within a building, or stored in connection with a business lawfully established pursuant to the zoning ordinances of the city, or stored on property lawfully designated under the zoning ordinances of the city as a place where such vehicles may be stored.

SECTION 8-303 ACCUMULATION A NUISANCE

The accumulation or storage of one or more vehicles as described in Section 8-302 of this chapter shall constitute a nuisance detrimental to the health, safety and welfare of the inhabitants of

the city. It is the duty of the owner or person in control of such vehicle, or the owner of the private property, lessee or person in possession or control of the property upon which such vehicle is located to cause to be removed or remove the vehicle from such property, or have the vehicle housed in a building where it will not be visible from the street or other private property. Such removal or enclosure shall be made within one hundred sixty-eight (168) hours after notice, as set out in Section 8-304 of this chapter, has been given to the owner or person in control of the vehicle or the owner, lessee or person in control of the property upon which such vehicle is located. The one hundred sixty-eight (168) hour time limit may be extended by the code enforcement official in the case of obvious hardship.

SECTION 8-304 NOTICE

The code enforcement official upon complaint of any citizen or on his or her own determination, shall cause notice to be posted on such abandoned, junked, unserviceable, inoperable, or dismantled vehicle, that the vehicle is a nuisance and shall be removed within one hundred sixty-eight (168) hours. When such abandoned, junked, unserviceable, inoperable, or dismantled vehicle is located upon private property. Notice shall also be provided in writing to the property owner as shown by the most current tax roll of the county treasurer, as well as any lessee or occupant(s) as shown by the current utility records of the city.

SECTION 8-305 REMOVAL

Upon any failure of the owner or person in control of the vehicle or the owner, lessee, or person in control of the property upon which the vehicle may be located, to remove the vehicle or place it in an enclosed building within one hundred sixty-eight (168) hours after notice has been placed on the vehicle, code enforcement official shall notify, in writing, the police department of the city which shall promptly cause the vehicle to be removed and impounded in accordance with the police department's impound procedures. The wrecker service where the vehicle is impounded shall cause notification of the vehicle owner and lien holder of its impoundment as provided by state law.

SECTION 8-306 REGAINING POSSESSION

The owner or person in control of any vehicle or vehicles so removed may regain possession thereof by obtaining an impound release from the police department in accordance with the police department's impound procedures. All costs owing for impound towing and storage fees shall be paid to the wrecker service where the vehicle is impounded. Should the vehicle go unclaimed, the wrecker service shall dispose of such in accordance with state law.

SECTION 8-307 PENALTIES

Any individual, firm or corporation found to be in violation of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this Code. Each day that any violation is committed shall constitute a separate offense.

SECTION 8-308 APPEALS

An appeal of any dismantled, unserviceable, inoperable, junked or abandoned vehicle public nuisance determination may be made to the City Manager of the City of Dewey, Oklahoma, or his designee, by filing a written notice with the City Clerk, City of Dewey, 411 E. Don Tyler Avenue, Dewey, Oklahoma, 74029, within 168 hours (seven days) from the date notice was affixed to the vehicle. Said written appeal shall stay enforcement of any action. As soon as thereafter possible, and upon not less than ten (10) days' notice to the appealing party, the City Manager, or his designee, shall consider this matter in its entirety.

CHAPTER 4

NUISANCES

Section 8-401	Nuisance defined; public nuisances; private nuisances.
Section 8-402	Persons responsible.
Section 8-403	Time does not legalize.
Section 8-404	Remedies against public nuisances.
Section 8-405	Remedies against private nuisances.
Section 8-406	City has power to define and summarily abate nuisances.
Section 8-407	Certain public nuisances in the city defined.
Section 8-408	Code enforcement officer.
Section 8-409	Summary abatement of nuisances.
Section 8-410	Abatement by suit in district court.
Section 8-411	Cost of abatement.
Section 8-412	Cost to be determined, statement of cost to be sent.
Section 8-413	Failure to pay costs, costs to be certified to county treasurer.
Section 8-414	Nuisance unlawful.
Section 8-415	Health nuisances; abatement.
Section 8-416	Toilet facilities required; nuisance.
Section 8-417	Procedure cumulative.
Section 8-418	Penalty.

SECTION 8-401NUISANCE 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: Power to define and abate nuisances, 50 O.S., Sections 1 et seq.

SECTION 8-402PERSONS RESPONSIBLE.

No person in charge or control of any property in the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow a nuisance to exist on the property. Every successive owner of property who neglects to abate a continuing nuisance upon or

in the use of such property, created by a former owner, is liable therefor in the same manner as the one who first created it.

SECTION 8-403 TIME DOES NOT LEGALIZE.

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

SECTION 8-404 REMEDIES AGAINST PUBLIC NUISANCES.

The remedies against a public nuisance are:

1. Prosecution on complaint before the municipal court;
2. Prosecution on information or indictment before another appropriate court;
3. Civil action; or
4. Abatement:
 - a. By person injured as provided in Section 12 of Title 50 of the Oklahoma Statutes; or
 - b. By the city in accordance with law or ordinance.

SECTION 8-405 REMEDIES AGAINST PRIVATE NUISANCES.

The remedies against a private nuisance are:

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

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

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

SECTION 8-407 CERTAIN PUBLIC NUISANCES IN THE CITY DEFINED.

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

1. The sale, or offering for sale, of unwholesome food or drink; or the keeping of a place where such sales or offerings are made;
2. The sale, offering for sale, or furnishing of intoxicating liquor in violation of the state law or ordinances of the city; or keeping of a place where intoxicating liquor is sold, offered for sale, or furnished in violation of the state law or ordinances of the city;
3. The exposure, display, sale, or distribution of obscene pictures, books, pamphlets, magazines, papers, documents or objects; or the keeping of a place where such are exposed, displayed, sold or distributed;
4. The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise;
5. The keeping of a place where prostitution, illicit sexual intercourse, or other immoral acts are practiced;
6. The keeping of a place where activities in violation of state law or ordinance are practiced or carried on;
7. The conduct or holding of public dances in violation of the ordinances of the city; or the keeping of a place where such dances are held;
8. The public exposure of a person having a contagious disease;
9. The continued making of loud or unusual noises which annoy persons of ordinary sensibilities; or the keeping of an animal which makes such noises;
10. The operation or use of any electrical apparatus or machine which materially or unduly interferes with radio or television reception by others;
11. Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinance;
12. Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or sidewalk;
13. All wells, pools, cisterns, bodies or containers of water in which mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned, or situated as to endanger the public safety;
14. Rank weeds or grass, carcasses, accumulations of manure, refuse, or other things, which are, or are likely to be, breeding places for flies, mosquitoes, vermin, or disease germs; and the premises on which such exist;
15. Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition;
16. Any pit, hole, or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety;
17. Any fire or explosion hazard which endangers the public safety;

18. Any occupation or activity which endangers the public peace, health, morals, safety or welfare;
19. Any motor vehicle (whether in operating condition or not) or any trailer without a current vehicle plate and current safety inspection sticker as required by law for vehicles used on the public highways, when stored or kept in a residence district;
20. Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of this city, by reason or any noise or noises made by the animal therein, or by reason of lack of sanitation, is hereby declared to be a nuisance; and
21. Every building or other structure that shall become unsafe and dangerous from fire, decay or other cause, or shall become hazardous from fire, by reason of age, decay or construction, location or other cause, or shall be detrimental to the health, safety or welfare of this city or its inhabitants from any cause, is hereby declared to be a nuisance.
22. Trees damaged or dead to the extent that a limb, tree, or part could fall.

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 specific terms.

SECTION 8-408

CODE ENFORCEMENT OFFICER

There is hereby established the position of code enforcement officer, who shall have a duty and responsibility of making such inspection and investigation and to take such enforcement action as the city manager is empowered to take in connection with any of the ordinances of the city. The action taken by such code enforcement officer shall be in accordance with the express instructions of the city manager. The code enforcement officer shall be appointed by the city manager. The manager may appoint one or more such code enforcement officers as he determines to be necessary so long as such code enforcement officer is an employee of the city and shall perform such duties and responsibilities in addition to his other duties.

SECTION 8-409

SUMMARY ABATEMENT OF NUISANCES

A. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even to require the city manager or other appropriate officer or agency of the city government to take immediate and proper action summarily to abate such nuisances or to reduce or suspend the danger until more deliberate action can be taken toward such abatement.

B. The chief of the fire department, the chief of police, the city attorney, the health officer, the building inspector, the electrical inspector, the plumbing inspector, or any other officer subordinate to the city manager or any councilmember or resident, may submit through or with the consent of the city manager to the code enforcement officer, a statement as to the existence of a nuisance as defined by the ordinances of the city or law, and a request or recommendation that it be abated.

C. Upon receiving the complaint or observing the nuisance himself, the code enforcement officers will investigate the alleged nuisance. If he determines that a public nuisance exists, he will notify the person responsible for the nuisance. Such

notice to the owner and other persons concerned shall be given in writing, by mail or by service by a police officer if their names and addresses are known; but, if the names and addresses are not known, and the public peace, health, safety, morals, or welfare would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a paper of general circulation within the city. Such notice shall provide not less than ten (10) days nor more than sixty (60) days, at the discretion of the code enforcement officer, in which to abate such nuisance or to request a hearing as hereinafter set forth.

D. If the person receiving the abatement notice wishes a hearing, he must request it in writing within ten (10) days and mail or file it with the city clerk. The hearing on his request will be before the city manager and will be held as soon as possible after the request is filed. The city manager shall render his decision by written memorandum and file the same with the city clerk, who shall thereupon mail a copy to the person or persons requesting the hearing at the last known mailing address.

E. The city manager shall have the nuisance abated unless the owner or occupant either:

1. Abates the nuisance in accordance with the notice; or
2. Requests a hearing before the city council. Such request must be in writing and submitted to the city clerk within five (5) days after notice of the decision of the city manager is mailed to him.

F. For the purpose of gathering evidence on the subject of the existence of a nuisance, the council or manager shall have power to subpoena and examine witnesses, books, papers and other effects.

G. If the council or manager finds that a nuisance does in fact exist, it shall direct the owner or other persons responsible for or causing the nuisance to abate it within a specified time if the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the consequent delay. If such peace, health, safety, morals, or welfare would be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the council or manager shall direct the city manager to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by Section 16 of Title 50 of the Oklahoma Statutes. The city clerk shall send a statement of the cost of such summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if the names and addresses are known. Until paid, such cost shall constitute a debt to the city, collectible as other debts of the city may be collected. (Prior Code, Sec. J2, in part)

SECTION 8-410 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 8-411 COST OF ABATEMENT.

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

SECTION 8-412 COST TO BE DETERMINED, STATEMENT OF COST TO BE SENT.

Upon the completion of the work ordered to be performed under Section 8-408 of this code, the city manager may report the cost thereof to the city council. Such report shall be itemized as to each tract, as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice, and other costs. The city council shall examine the report, and after receiving appropriate information, shall determine the total actual costs of the work, and shall direct the city clerk to forward a statement and demand payment thereof by certified mail with return receipt requested to the owner of the property at the address shown by the current tax rolls in the office of the treasurer of the county in which the property lies. If the statement is not paid within twenty (20) days after such statement is mailed, the council may direct the city attorney to institute action to establish its lien against the property on which such work was done and to request the court to cause such property to be sold and the lien paid.

SECTION 8-413 FAILURE TO PAY COSTS, COSTS TO BE CERTIFIED TO COUNTY TREASURER.

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

SECTION 8-414 NUISANCE UNLAWFUL.

It is unlawful for any person, including but not limited to any owner, lessee, or other person to create or maintain a nuisance within the city, or to permit a nuisance to remain on premises under his control within the city.

SECTION 8-415 HEALTH NUISANCES; ABATEMENT.

A. Pursuant to authority granted by Section 1-1011 of Title 63 of the Oklahoma Statutes, the health officer shall have authority to order the owner or occupant of any private premises in the city to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within twenty-four (24) hours, or within such other time as may be reasonable, and a failure to do so shall constitute an offense. Such order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the health officer or by a policeman, or a copy thereof may be left at the last usual place of abode of the owner, occupant, or agent, if known and within the state. If the premises are unoccupied and the residence of the owner, occupant, or agent is unknown, or is without the state, the order may be served by posting a copy thereof on the premises, or by publication in at least one issue of a newspaper having a general circulation in the city.

B. If the order is not complied with, the health officer may cause the order to be executed and complied with, and the cost thereof shall be certified to the city clerk, and the cost of removing or abating such nuisance shall be added to the water bill or other city utility bill of the owner or occupant if he is a user of water from the city water system or such other utility service. The cost shall be treated as a part of such

utility bill to which it is added, and shall become due and payable, and be subject to the same regulations relating to delinquency in payment, as the utility bill itself. If such owner or occupant is not a user of any city utility service, such cost, after certification to the city clerk, may be collected in any manner in which any other debt due the city may be collected.

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

SECTION 8-416 TOILET FACILITIES REQUIRED; NUISANCE.

A. For the purpose of this section, the following terms shall have the respective meanings ascribed to them herein:

1. "Human excrement" means the bowel and kidney discharge of human beings;

2. "Sanitary water closet" means the flush type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times; and

3. "Sanitary pit privy" means a privy which is built, rebuilt, or constructed so as to conform 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

E. All facilities for the disposal of human excrement in a manner different from that required by this section, and all privies and closets so constructed, situated, or maintained as to endanger the public health, are hereby declared to be public nuisances, and may be dealt with and abated as such. Any person maintaining any such nuisance is guilty of an offense, and each day upon which any such nuisance continues is a separate offense. (Prior Code, Sec. M1 to M5)

SECTION 8-417 PROCEDURE CUMULATIVE.

The various procedures for abating nuisances prescribed by this chapter and by other provisions of law and ordinance shall be cumulative on to any other penalties or procedures authorized.

SECTION 8-418 PENALTY.

Any person, firm or corporation who violates any of the provisions of this chapter or shall allow the premises occupied to become unsanitary, or who shall in any manner violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as provided in Section 1-108 of this code. (Prior Code, Sec. M9)

CHAPTER 5

LITTERING

Section 8-501	Definitions.
Section 8-502	Litter in public places.
Section 8-503	Placement of litter in receptacles so as to prevent scattering.
Section 8-504	Sweeping litter into gutters prohibited.
Section 8-505	Merchants' duty to keep sidewalks free of litter.
Section 8-506	Litter thrown by persons in vehicles.
Section 8-507	Truck loads causing litter.
Section 8-508	Litter in parks.
Section 8-509	Litter in lakes and fountains.
Section 8-510	Throwing or distributing commercial handbills in public places.
Section 8-511	Placing commercial and noncommercial handbills on vehicles.
Section 8-512	Depositing commercial and noncommercial handbills on uninhabited or vacant premises.
Section 8-513	Prohibiting distribution of handbills on premises properly posted.
Section 8-514	Distributing commercial and noncommercial handbills at inhabited private premises.
Section 8-515	Dropping litter from aircraft.
Section 8-516	Posting notice prohibited.
Section 8-517	Litter on occupied private property.
Section 8-518	Owner to maintain premises free of litter.
Section 8-519	Litter on vacant lots.
Section 8-520	Offensive littering.
Section 8-521	Political advertising on rights of way.
Section 8-522	Penalty.

SECTION 8-501DEFINITIONS.

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

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

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

3. "Commercial handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature;

a. Which advertises for sale any merchandise, produce, commodity or thing;

b. Which directs attention to any business or mercantile or commercial establishment or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

- c. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held or given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order;

provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without license where such license is or may be required by laws of this state or under any ordinance of this city;

- d. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor;

4. "Garbage" is putrefied animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food;

5. "Litter" is garbage, refuse, and rubbish as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare;

6. "Newspaper" is any newspaper of general circulation as defined by general law, any newspaper duly entered with the post office department of the United States, in accordance with Federal Statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto, means any periodical or current magazine regularly published with not less than four issues per year, and sold to the public;

7. "Noncommercial handbill" is any printed or written matter, any sample, device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or other reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper;

8. "Park" is a park, reservation, playground, beach, recreation center, or any other public area in the city, owned or used by the city and devoted to active or passive recreation;

9. "Private premises" is any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling house, building, or other structure;

10. "Public place" is any and all streets, sidewalks, boulevards, alleys, or other public ways, and any and all public parks, squares, spaces, grounds, and buildings;

11. "Refuse" is all putrefied and nonputrefied solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes;

12. "Rubbish" is nonputrefied solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials; and

13. "Vehicle" is every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

SECTION 8-502 LITTER IN PUBLIC PLACES.

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

SECTION 8-503 PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING.

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

SECTION 8-504 SWEEPING LITTER INTO GUTTERS PROHIBITED.

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

SECTION 8-505 MERCHANTS' DUTY TO KEEP SIDEWALKS FREE OF LITTER.

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

SECTION 8-506 LITTER THROWN BY PERSONS IN VEHICLES.

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

SECTION 8-507 TRUCK LOADS CAUSING LITTER.

No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any contents, or litter from being blown or deposited upon any street, alley, or other public place. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley, or other public place, mud, dirt, sticky substances, litter, or foreign matter of any kind.

SECTION 8-508 LITTER IN PARKS.

No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or

deposited by the elements upon any part of the park or any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

SECTION 8-509 LITTER IN LAKES AND FOUNTAINS.

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

SECTION 8-510 THROWING OR DISTRIBUTING COMMERCIAL HANDBILLS IN PUBLIC PLACES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street, or other public place within the city. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any sidewalk, street, or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

SECTION 8-511 PLACING COMMERCIAL AND NONCOMMERCIAL HANDBILLS ON VEHICLES.

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

SECTION 8-512 DEPOSITING COMMERCIAL AND NONCOMMERCIAL HANDBILLS ON UNINHABITED OR VACANT PREMISES.

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

SECTION 8-513 PROHIBITING DISTRIBUTION OF HANDBILLS ON PREMISES PROPERLY POSTED.

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

SECTION 8-514 DISTRIBUTING COMMERCIAL AND NONCOMMERCIAL HANDBILLS AT INHABITED PRIVATE PREMISES.

A. No person shall throw, deposit, or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting the handbill directly to the owner, occupant, or other person then present in or upon such private premises. In the case of inhabited private premises

which are not posted, as provided in this chapter, a person, unless requested by anyone upon such premises not to do so, may place or deposit such handbill on the premises so long as the material is safeguarded or adequately secured from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when so prohibited by Federal postal law or regulations.

B. The provision of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place, or upon private property.

SECTION 8-515 DROPPING LITTER FROM AIRCRAFT.

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

SECTION 8-516 POSTING NOTICE PROHIBITED.

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

SECTION 8-517 LITTER ON OCCUPIED PRIVATE PROPERTY.

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

SECTION 8-518 OWNER TO MAINTAIN PREMISES FREE OF LITTER.

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

SECTION 8-519 LITTER ON VACANT LOTS.

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

SECTION 8-520 OFFENSIVE LITTERING.

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

1. Discarding or depositing any rubbish, trash, garbage, debris or other refuse upon the land of another without permission of the owner, or upon any public way;
2. Draining, or causing or permitting to be drained, sewage or the drainage from a cesspool, septic tank, recreational or camping vehicle without holding tank or other contaminated source, upon the land of another without permission of the owner, or upon public way; or

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

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

SECTION 8-521 POLITICAL ADVERTISING ON RIGHTS OF WAY.

A. A political advertising sign is defined as any sign, poster or placard printed, painted, made, or designed for the purpose of furthering or advertising the candidacy of any person who is or intends to become or may be a candidate for the election to any public office, whether such public office be in the local, state or federal government, or any subdivision thereof.

B. It is unlawful for any person, firm or corporation to erect or display any advertising sign or advertising of any other character upon any public utility easement or upon or within any public street, alley, right of way, sidewalk, public place, public building or park.

C. No person, firm or corporation shall place, tack, nail, staple or glue any advertising sign on any telephone, telegraph, electric, cable or street-lighting pole within this city.

D. Any advertising sign erected, placed or displayed in violation of the provisions hereof shall be a public nuisance. No property right shall exist in such sign erected, placed or displayed in violation of the provisions hereof, and such sign may be removed and destroyed by any person.

SECTION 8-522 PENALTY.

Any person who violates any provision of this article is guilty of an offense and, upon conviction thereof, shall be punished as provided in Section 1-108 of this code.

CHAPTER 6

TOBACCO USE IN CITY BUILDINGS, VEHICLES

- Section 8-601: Tobacco and electronic smoking device defined.
- Section 8-602: Use Prohibited.
- Section 8-603: Employees and contractors.
- Section 8-604: Violation; penalty

CHAPTER 6

TOBACCO USE IN CITY BUILDINGS, VEHICLES

- Section 8-601: Tobacco and electronic smoking device defined.
Section 8-602: Use Prohibited.
Section 8-603: Employees and contractors.
Section 8-604: Violation; penalty

Section 8-601 DEFINITIONS

“Tobacco”, as used in this chapter, includes, but is not limited to, smoking tobacco such as used in pipes, cigarettes and cigars, and chewing or dipping tobacco, such as snuff and chewing tobacco. It also includes tobacco substitutes and replacements consumed by the inhalation of smoke in the manner of smoking cigarettes. “Electronic Smoking Device”, as used in this chapter, means an 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. An Electronic Smoking Device includes any such device, whether manufactured, distributed, marketed or sold as an electronic cigarette, also known as an e-cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or description which can be classified as an Electronic Smoking Device, including Electronic Nicotine Delivery Systems (ENDS), and vapor products.

Section 8-602 USE PROHIBITED

The use of tobacco or an electronic smoking device in any form is hereby prohibited on all real property, including all buildings and structures owned by the City of Dewey or the Dewey Public Works Authority. The use of tobacco or an electronic smoking device in any form is hereby prohibited in all vehicles and equipment owned, operated or utilized by the City of Dewey or the Dewey Public Works Authority.

Section 8-603: EMPLOYEES AND CONTRACTORS

Compliance Required: Compliance with the provisions of this chapter by employees and independent contractors of the city shall be a condition of continued employment or contractual relations. All contracts between the city and contractors shall be deemed to include a provision requiring compliance with this chapter.

Section 8-604: VIOLATION; PENALTY

Violation of this chapter is hereby declared to be a misdemeanor and subject to penalty as provided in section 1-108 of this code. Each occurrence of a violation of this chapter shall be deemed a separate offense.