Chapter 18 - ENVIRONMENT

ARTICLE I. - IN GENERAL

Secs. 18-1—18-17. - Reserved.

ARTICLE II. - LITTER

Footnotes:

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State Law reference— Nuisances, 11 O.S. § 22-121; littering prohibited, 21 O.S. §§ 1753.1, 1761.1; littering from vehicles, 47 O.S. § 11-1110; littering on scenic rivers, 82 O.S. § 1455.

Sec. 18-18. - Definitions.

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

**Aircraft** means any contrivance used or designated for navigation or for flight in the air. The term "aircraft" includes helicopters and lighter-than-air dirigibles and balloons.

**Authorized private receptacle** means a litter storage and collection receptacle as required and authorized in chapter 41, article VI, division 2.

**Commercial handbill** means 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:

1. Which advertises for sale any merchandise, product, commodity, or thing;
2. 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;
3. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; the terms of this clause shall not apply where 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. 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 law of this state or under any ordinance of this city; or
4. 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.

**Garbage** means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.
Litter means garbage, refuse, and rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

Newspaper means 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.

Noncommercial handbill means 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 definition of a commercial handbill or newspaper.

Park means 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.

Private premises means 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.

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

Refuse means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

Rubbish means nonputrescible 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.

Vehicle means 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.

(Code 1966, § 10-15; Code 1982, § 15-1)

Sec. 18-19. - Violations.

Any person who violates any provision of this chapter shall be guilty of a Class C offense. Each day such violation is committed or permitted to continue shall constitute a separate offense.


Sec. 18-20. - 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 authorized city landfills.

(Code 1966, § 10-16; Code 1982, § 15-2)

Sec. 18-21. - Placement 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 as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place, or upon private property.

(Code 1966, § 10-17; Code 1982, § 15-3)

Sec. 18-22. - Sweeping into gutters prohibited.

No person 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 property shall keep the sidewalk in front of their premises free of litter.

(Code 1966, § 10-18; Code 1982, § 15-4)

Sec. 18-23. - Merchants’ duty to keep sidewalks free.

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.

(Code 1966, § 10-19; Code 1982, § 15-5)

Sec. 18-24. - Thrown by persons in vehicles.

(a) 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.

(b) In any prosecution charging a violation of any law or regulation governing the littering from a vehicle, proof that the particular vehicle described in the complaint was the one from which litter was thrown or deposited, together with proof that the defendant named in the complaint was at the time of such littering the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of a vehicle was the person who caused such littering from such vehicle at the point where such violation occurred.


State Law reference—Throwing objects from vehicles, 47 O.S. § 11-1111.

Sec. 18-25. - Loads on vehicles.

(a) No vehicle shall be driven or moved on any roadway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, blowing or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway.

(b) No person shall operate on any roadway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the roadway. Any vehicle loaded with sand, cinders, or other loose material susceptible to blowing or otherwise escaping shall have such load covered so as to prevent the blowing or escaping of said load from the vehicle.
(c) This section shall not apply to trucks loaded with livestock, poultry, hay or agricultural products, provided that any such truck shall be so constructed or loaded as to prevent such livestock, poultry or hay from escaping therefrom.

(Code 1966, § 10-21; Code 1982, § 15-7)

**State Law reference**— Loads on vehicles, 47 O.S. § 14-105.

Sec. 18-26. - 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.

(Code 1966, § 10-23; Code 1982, § 15-8)

**State Law reference**— Littering on scenic waterways, 82 O.S. § 1455.

Sec. 18-27. - Throwing or distributing handbills in public places.

Except as provided herein, no person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street, or other public place within the city. No person shall hand out or distribute or sell any handbill in any public place on any sidewalk, street, or other public place to any person not willing to accept it. This prohibition shall not apply to City of Stillwater personnel distributing handbills for code enforcement or public safety purposes.

(Code 1966, § 10-24; Code 1982, § 15-9; Ord. No. 3225, § 1, 3-18-2013)

Sec. 18-28. - Placing handbills on vehicles.

Except as provided herein, no person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. It is unlawful in any public place for a person to hand out or distribute a handbill to any occupant of a vehicle who is not willing to accept it. However, it shall not be unlawful for business owners to place handbills upon employee vehicles requesting employees to refrain from parking in areas reserved for customer parking. This prohibition shall not apply to City of Stillwater personnel distributing handbills for code enforcement or public safety purposes.


Sec. 18-29. - Depositing handbills on uninhabited or vacant premises.

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

(Code 1966, § 10-26; Code 1982, § 15-11)

Sec. 18-30. - Posted premises.

No person shall throw, deposit, or distribute any 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.

(Code 1966, § 10-27; Code 1982, § 15-12)

Sec. 18-31. - Distributing handbills at inhabited private premises.

(a) No person shall throw, deposit, or distribute any 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, provided, however, that in case of inhabited private premises which are not posted, as provided in this article, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill 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, 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.

(Code 1966, § 10-28; Code 1982, § 15-13)

Sec. 18-32. - 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.

(Code 1966, § 10-29; Code 1982, § 15-14)

Sec. 18-33. - Posting notices 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 lamppost, public utility pole, or shade tree, or upon any public structure or building, except as may be authorized or required by law.


Sec. 18-34. - 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 place, or upon any private property.

(Code 1966, § 10-31; Code 1982, § 15-16)

Sec. 18-35. - 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.

(Code 1966, § 10-32; Code 1982, § 15-17)

Sec. 18-36. - 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.

(Code 1966, § 10-33; Code 1982, § 15-18)

Sec. 18-37. - Unlawful disposal.

(a) It shall be unlawful for any person to dump, deposit, throw or in any manner leave or abandon any solid waste, including but not limited to garbage, tin cans, bottles, rubbish, refuse or trash on property owned by another person without the written permission of the owner or occupant of such property or on any public highway, street or road, upon public parks or recreation areas or upon any other public property except that designated for such use.

(b) Solid waste disposed of unlawfully as provided in subsection (a) of this section which contains three or more items bearing a common address in a form which tends to identify the latest owner of the items shall be a rebuttable presumption that all competent persons residing at such address committed the unlawful act of disposal.


Secs. 18-38—18-63. - Reserved.

ARTICLE III. - MISCELLANEOUS NUISANCES

Footnotes:

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Charter reference— Power of city to abate and remove nuisances, § 1-3.

State Law reference— Authority to require cleaning and mowing of lots, 11 O.S. §§ 22-111—-22-111.1; dilapidated buildings, 11 O.S. § 22-112; boarding vacant buildings, 11 O.S. § 22-112.1; nuisances, 50 O.S. § 1 et seq.

DIVISION 1. - GENERALLY

Sec. 18-64. - Definitions.

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


**Nuisance.**

(1) A nuisance is unlawfully doing an act, or omitting to perform a duty, or is any thing or condition, which:
   
   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 renders 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) 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.

(3) Every nuisance not included in subsection (2) of this section is a private nuisance.

(Code 1966, § 13-1; Code 1982, § 19-1)

**State Law reference**— Similar provisions, 50 O.S. §§ 1—3.

Sec. 18-65. - Violations.

   A violation of any of the provisions of this article is a Class C offense.


Sec. 18-66. - Prohibited.

   It is an offense for any 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.

(Code 1966, § 13-10; Code 1982, § 19-2)

Sec. 18-67. - Person responsible.

   Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property, created by a former owner, is liable therefor in the same manner as the one who first created it.

(Code 1966, § 13-2; Code 1982, § 19-3)

**State Law reference**— Similar provisions, 50 O.S. § 5.

Sec. 18-68. - Time does not legalize public nuisance.

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

(Code 1966, § 13-3; Code 1982, § 19-4)
State Law reference— Similar provisions, 50 O.S. § 7.

Sec. 18-69. - 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.
(4) Abatement by:
   a. A person injured as provided in 50 O.S. § 12.
   b. The city in accordance with law or ordinance.

(Code 1966, § 13-4; Code 1982, § 19-5)

State Law reference— Similar provisions, 50 O.S. § 8.

Sec. 18-70. - Remedies against private nuisances.

The remedies against a private nuisance are:
(1) Civil action.
(2) Abatement:
   a. By person injured as provided in 50 O.S. §§ 14 and 15.
   b. By the city in accordance with law or ordinance.

(Code 1966, § 13-5; Code 1982, § 19-6)


Sec. 18-71. - Public nuisances designated.

In addition to other public nuisances declared by other provisions of this Code or state 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, punch boards, 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 and 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 ordinances.

(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.

(Code 1966, § 13-7; Code 1982, § 19-7)

State Law reference— Power of city to define nuisances, 50 O.S. § 16.

Sec. 18-72. - Abatement by city—Determination procedure.

(a) The city manager or any other officer subordinate to the city manager, with the consent of the city manager, or any city resident, may submit to the city council a statement as to the existence of a nuisance as defined by the ordinances of the city or state law, and a request or recommendation that it be abated.

(b) The city council shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the city council shall have power to subpoena and examine witnesses, books, papers, and other effects. Before proceeding to abate the nuisance or to have it abated, the city council shall give notice of a hearing on the proposed abatement to the owner of any property concerned and to any other person alleged or deemed responsible for or to be causing the nuisance, and an adequate opportunity to be heard, if such notice and opportunity for a hearing can be given. Such notice to the owner and other persons concerned shall be given in writing by mail or by service by a police officer if their names and addresses are known; but, if the names or addresses are not known, and the peace, health, safety, morals, or welfare of the person
or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a paper of general circulation within the city.

(c) If the city council finds that a nuisance does in fact exist, it shall direct the owner and/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 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 city council shall direct the city manager to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by state law. The director of finance shall send a statement of the cost of such summary abatement to the owner and/or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the city collectible as other debts may be collected.

(Code 1966, § 13-8; Code 1982, § 19-8)

Sec. 18-73. - Same—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 50 O.S. § 17.

(Code 1966, § 13-9; Code 1982, § 19-9)

State Law reference— Authority to abate by suit, 50 O.S. § 17.

Sec. 18-74. - Procedure cumulative.

The various procedures for abating nuisances prescribed by this chapter and by other provisions of law and ordinance shall be cumulative one to the others and the city may elect to follow any such procedure which is applicable in abating any particular nuisance.


Secs. 18-75—18-81. - Reserved.

DIVISION 2. - PROPERTY MAINTENANCE BOARD

Sec. 18-82. - Created.

There is hereby created and established a property maintenance board.

(Ord. No. 3145, § 1(19-12), 8-1-2011)

Sec. 18-83. - Members; quorum; voting.

The property maintenance board shall consist of three members. One member shall be the Stillwater Building Official; one member shall be selected by the Stillwater Building Trades Board from its current
membership; one member shall be selected by the city manager from the administration team. Three members shall constitute a quorum. Two members may render a decision.

(Ord. No. 3145, § 1(19-13), 8-1-2011)

Sec. 18-84. - Jurisdiction.

The property maintenance board shall have jurisdiction to hear property owner or resident appeals of any staff determination that cleaning and/or mowing of property by the city in accordance with 11 O.S. § 22-111 is necessary. The property maintenance board shall also have jurisdiction to review a staff determination that a building shall be boarded, secured, and/or torn down and removed in accordance with 11 O.S. § 22-112 and/or 11 O.S. § 22-112.1.

(Ord. No. 3145, § 1(19-14), 8-1-2011)

Sec. 18-85. - Procedure for perfecting an appeal from a staff determination; hearing; stay of proceedings.

An appeal from a staff determination as set forth in section 18-84 shall be commenced by filing a "Notice of Appeal" form with the city clerk within ten days of receipt of written notice of such violation. Such form shall be available from the development services department during normal business hours and online at the City of Stillwater website. The development services department shall schedule a hearing within five days of receipt of such notice. The property maintenance board shall review all records pertaining to the alleged violation, take testimony from witnesses, and consider any other relevant evidence presented by the appellant or staff. The enforcement action against the property owner or resident shall be stayed pending hearing and decision by the property maintenance board.

(Ord. No. 3145, § 1(19-15), 8-1-2011)

Sec. 18-86. - Appeal of property maintenance board decision.

Decisions of the property maintenance board rendered under authority of 11 O.S. § 22-111, 11 O.S. § 22-112 or 11 O.S. § 22-112.1 may be appealed to the city council in accordance with the procedure set forth in said statute.

(Ord. No. 3145, § 1(19-16), 8-1-2011)

Secs. 18-87—18-92. - Reserved.

ARTICLE IV. - WEEDS AND TRASH

Footnotes:

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State Law reference— Cleaning and mowing of property, 11 O.S. § 22-111.
Sec. 18-93. - Definitions.

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

Cleaning means the removal of trash from property.

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

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

Weed.

(1) The term "weed" includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any state of maturity which:

a. Exceeds 12 inches in height, except healthy trees, shrubs or produce for human consumption grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of said weeds;

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.

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

State Law reference— Similar definitions, 11 O.S. § 22-111 D.

Sec. 18-94. - Violations.

A violation of the provisions of this article shall be a Class C offense.

Sec. 18-95. - Accumulations prohibited.

(a) It is unlawful and a nuisance for any owner or occupant of any lot, tract or parcel of land situated wholly or in part within the corporate limit of the city to allow accumulations of trash or excessive growth of grass or weeds upon such premises, or along the sidewalk, street or improved alleys adjacent to such premises, so that any such condition shall appear to constitute either:

(1) A detriment to the health, safety or welfare of the public or community;

(2) A traffic hazard; or

(3) A fire hazard to the danger of property.
(b) The provisions of this article shall not apply to any property zoned and used for agricultural purposes or to railroad property under the jurisdiction of the state corporation commission. However, city council may cause the removal of weeds or trash from property zoned and used for agricultural purposes pursuant to the provisions of this article, but only if such weeds or trash pose a hazard to traffic and are located in, or within ten yards of, the public right-of-way at intersections.

(Code 1966, § 13-12; Code 1982, § 19-27; Ord. No. 1515, § 2, 7-8-1974; Ord. No. 2104, § 1, 10-17-1983; Ord. No. 2713, § 1, 6-11-2001)

**State Law reference**— Similar provisions, 11 O.S. § 22-111 E.

Sec. 18-96. - Notice of abatement.

The city council may cause property to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the following procedure:

1. At least ten 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 enforcement official takes any action.

2. 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 shall further state that unless such abatement is performed within ten 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 the 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. If such property owner cannot be found within ten days from the date of mailing by the city, a copy of the notice may be served by posting in some conspicuous place on the premises described in the notice at least ten days prior to or by publication, as defined in 11 O.S. § 1-102, one time not less than ten days prior to any abatement action by the enforcement official of the city.

4. If the city council anticipates summary abatement of a nuisance in accordance with the provisions of 11 O.S. § 22-111 B, the notice, whether by mail, posting or publication, shall state: that any accumulation of trash or excessive weed or grass growth on the owner's property occurring within six months from and after the date of this notice may be summarily abated by the city; that the costs of such abatement shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner.


**State Law reference**— Similar provisions, 11 O.S. § 22-111 A(1), (7), B.

Sec. 18-97. - Abatement procedure.

(a) The owner of the property may give written consent to the city authorizing the removal of the trash or the mowing of the weeds or grass. By giving written consent, the owner waives the owner's right to a hearing by the city.
(b) A hearing may be held by the city council 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, and welfare of the public and the community or a hazard to traffic, or creates a fire hazard to the danger of property.

(c) Upon a finding that the condition of the property constitutes a detriment or hazard, and that the property would be benefited by the removal of such conditions, the agents of the city are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, and performance of the necessary duties as a governmental function of the 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 or mowing costs.

(d) The city council shall determine the actual cost of such cleaning and mowing and any other expenses as may be necessary in connection therewith, including the cost of notice and mailing. The city clerk shall forward by mail to the property owner specified in subsection (a) of this section, a statement of such actual cost and demanding payment. If the cleaning and mowing are done by the city, the cost to the property owner for the cleaning and mowing shall not exceed the actual cost of the labor, maintenance, and equipment required. If the cleaning and mowing are done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

(e) If payment is not made within 30 days from the date of the mailing of the statement, then within the next 60 days, 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. Once certified by the county treasurer, payment may only be made to the county treasurer except as otherwise provided for in this section. Until fully paid, the cost and the interest thereon shall be the personal obligation of the property owner from and after the date the cost is certified to the county treasurer. In addition, the cost and the interest thereon shall be a lien against the property from the date the cost is certified to the county treasurer, co-equal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost shall be fully paid. At the time of collection, the county treasurer shall collect a fee of $5.00 for each parcel of property. The fee shall be deposited to the credit of the general fund of the county. If the county treasurer and the city agree that the county treasurer is unable to collect the assessment, the city may pursue a civil remedy for collection of the amount owing and interest thereon by an action in person against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, if any, the city clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien.

State Law reference— Similar provisions, 11 O.S. § 22-111(2)—(6).

Sec. 18-98. - Abatement of subsequent accumulations.

(a) If a notice is given by the city council to a property owner ordering the property within the city limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the procedures provided for in section 18-97, any subsequent accumulations of trash or excessive weed or grass growth on the property occurring within a six-month period may be declared to be a nuisance and may be summarily abated without further prior notice to the property owner.

(b) At the time of each such summary abatement, the city shall notify the property owner of the abatement and the costs thereof. The notice shall state that the property owner may request a hearing within ten days after the date of mailing the notice. The notice and hearing shall be as provided for in section 18-99. Unless otherwise determined at the hearing, the cost of such abatement shall be determined and collected as provided for in section 18-97(d) and (e).
(c) This section shall not apply if the records of the county clerk show that the property was transferred after notice was given pursuant to section 18-99.

**State Law reference**— Similar provisions, 11 O.S. § 22-111 B.

Sec. 18-99. - Designation of the city manager to act.

The city council hereby designates the city manager or his designee to carry out the duties of the city council referenced in sections 18-96 through 18-98. The property owner shall have a right of appeal to the city council from any order issued pursuant to this section. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten days after the order is rendered.


**State Law reference**— Similar provisions, 11 O.S. § 22-111(7).

Secs. 18-100—18-127. - Reserved.

ARTICLE V. - JUNK OR ABANDONED VEHICLES

Footnotes:

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**State Law reference**— Abandoned vehicles on public property, 47 O.S. § 901 et seq.

Sec. 18-128. - Definitions.

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

*Junk motor vehicle* means any motor vehicle, the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned, discarded, or which does not display current safety inspection or vehicle registration.

*Motor vehicle* means any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motor bikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers, and trailers.

*Private property* means any real property located within the city which is privately owned and which is not included within the definition of public property.

*Public property* means any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and any other publicly owned property or facility.
Sec. 18-129. - Violations.

A violation of this article by any person is a Class C offense.

Sec. 18-130. - Storing, parking, etc.

(a) No person shall park, store, leave, or permit the parking, storing, or leaving of a junk motor vehicle, whether attended or not, upon any private property within the city for a period in excess of ten days. Each and every day such vehicle is parked, stored or left shall be deemed a separate offense.

(b) This section shall not apply to any vehicle in an enclosed building, a vehicle on the premises of a business enterprise which is properly operated in the appropriate business zone pursuant to chapter 23, land development code, to a vehicle being restored or repaired when reasonable progress is being made, or when any such vehicle has been placed in an appropriate storage place or depository maintained in a lawful place and manner.

Sec. 18-131. - General responsibility for removal.

The owner of the junk motor vehicle and the owner or occupant of the private property on which it is located, either or all of them, shall be responsible for the vehicle's removal.

Sec. 18-132. - Notice to remove.

When it comes to the attention of the code official that a violation of this article exists, then a written notice of the violation and a demand for the removal of the junk motor vehicle within ten days of service of the notice shall be served on the occupant of the land where the vehicle is, or in case there is no such occupant, then upon the owner of the property or agent. The notice may be served by posting a copy in a conspicuous place upon the private property upon which the junk motor vehicle is located and by mailing duplicate copies to the owner or occupant of the private property at the last known address with proof of mailing.

Sec. 18-133. - Content of notice.

The notice shall contain the request for removal within the time specified in this article and the notice shall advise that upon failure to comply with the notice to remove, the city shall undertake prosecution in municipal court against the responsible party.
Secs. 18-134—18-151. - Reserved.

ARTICLE VI. - DILAPIDATED BUILDINGS

Footnotes:
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Sec. 18-152. - Definitions.

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

Dilapidated building is a structure:

1. 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;

2. Which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health, safety, and welfare of the general public;

3. Which is determined by the city council or administrative officer of the city to be an unsecured building, as defined by 11 O.S. § 22-112.1 more than three times within any 12-month period;

4. Which has been boarded and secured, as defined by 11 O.S. § 22-112.1 for more than 36 consecutive months; or

5. A structure declared by the city to constitute a public nuisance.

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

Sec. 18-153. - Prohibited.

No person or entity shall be allowed to create or maintain a dilapidated building within the city, or to permit a dilapidated building to remain on premises under his control within the city.

Sec. 18-154. - Condemnation.
The city may cause dilapidated buildings within the city limits to be torn down and removed in accordance with the provisions of this chapter and state statute.


Sec. 18-155. - Reserved.


Sec. 18-156. - Reserved.


Sec. 18-157. - Reserved.


Sec. 18-158. - Procedure.

After a general order to demolish has been entered by the city council, the city may cause the dilapidated building to be torn down and removed pursuant to the procedure outlined in 11 O.S. § 22-112 A.3 through A.5.

(Code 1982, § 19-77; Ord. No. 2543, § 1, 7-22-1996)

Secs. 18-159—18-184. - Reserved.

ARTICLE VII. - CARE OF PREMISES

Sec. 18-185. - Open storage; exceptions.

(a) It shall be unlawful for the owner or occupant of a residential structure or property to utilize the exterior premises of such property for the open storage of any junk motor vehicle, vehicle part, appliance, furniture, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and to remove from the premises all such items as listed above. For the purposes of this section, the term "open storage" shall be defined to include, but shall not be limited to, all storage on the premises which is not inside a building, such as storage on porches, storage under carports and similar areas and storage inside fenced yards.
(b) The rear yards of all structures or properties may be used for open storage, except for junk motor vehicles, provided the materials will not provide a harborage for vermin, will not deteriorate in the elements, do not occupy more than ten percent of the yard area, and do not pose a fire hazard.

(c) Interior side yards between properties may be used for open storage, except for junk motor vehicles, provided there is at least ten feet of yard and the materials will not provide a harborage for vermin, will not deteriorate in the elements, do not occupy more than ten percent of the yard area, and do not pose a fire hazard.

(Code 1982, § 19-80; Ord. No. 2571, § 1, 6-2-1997; Ord. No. 2693, § 4, 8-14-2000)

Sec. 18-186. - Storage requirements of materials on nonresidential property.

(a) On nonresidential properties, goods and materials must be properly stored to prohibit harborage by vermin, lessen the dangers of fire, and protect the safety of persons occupying the property. To meet the minimum requirements materials must be stored such that:

1. Grass and weeds around and under the materials can be mowed;
2. They do not create a harborage for vermin or mosquitoes;
3. It does not pose an attractive nuisance;
4. They are stored in a secure manner, both vertically and horizontally, so as to not pose a hazard or danger to the life or welfare of persons in and around the materials;
5. There is adequate access for emergency personnel to move through the site, access buildings, and fight fires; and
6. They do not create a fire hazard.

(b) Discarded materials will not be allowed to accumulate on nonresidential properties. Discarded materials are defined as materials not related to the business which are:

1. Materials that are not properly stored; and
2. Materials that have been used and are no longer serviceable.

(c) Any materials left in the street right-of-way or alley shall be considered discarded.

(Code 1982, § 19-81; Ord. No. 2571, § 1, 6-2-1997; Ord. No. 2693, § 4, 8-14-2000)

Sec. 18-187. - Notice to remove.

When it comes to the attention of the code official that a premises is in violation of this article, then a written notice of the violation and a demand for the removal of the materials within ten days of service shall be served on the occupant of the property, or in the case where there are multiple occupants, on the property owner or agent. The notice may be served by posting a copy in a conspicuous place upon the property upon which the violation is located and mailing duplicate copies to the responsible party of the property at the last known address, with proof of mailing.

(Code 1982, § 19-82; Ord. No. 2571, § 1, 6-2-1997)

Sec. 18-188. - Content of notice.

The notice shall contain the demand for removal within the time specified in this article and the notice shall advise that upon failure to comply with the notice to remove, the city shall undertake prosecution in municipal court against the responsible party.
Sec. 18-189. - Violations.

A violation of any of the provisions of this article is a Class C offense.

(Code 1982, § 19-83; Ord. No. 2571, § 1, 6-2-1997)
(Code 1982, § 19-84; Ord. No. 2571, § 1, 6-2-1997; Ord. No. 2721, § 8, 8-13-2001; Ord. No. 3149, § 6, 9-19-2011, eff. 10-1-2011)