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FOR

**CITY OF STILWELL  
ORDINANCE # 379**

Published in the Stilwell Democrat Journal  
November 15, 2017

**AFFIDAVIT OF PUBLICATION**

**THE STILWELL DEMOCRAT JOURNAL**

State of Oklahoma

-2017-002958 Book0539 Pg: 899  
11/30/2017 3:08 pm Pg 0899-0918  
Fee: \$ 51.00 Doc: \$ 0.00  
Cathy Harrison - Adair County Clerk  
State of Oklahoma

County of Adair

Keith Neale, of lawful age, being duly sworn and authorized says he is the Editor of the Stilwell Democrat Journal newspaper printed in the City of Stilwell, Adair County, Oklahoma, a newspaper qualified to publish legal notices, advertisements and publications as provided in Section 106 of Title 25, Oklahoma Statutes 1971 as amended, and complies with all other requirements of the laws of Oklahoma with references to legal publication.

That said notice, a true copy of which is attached hereto, was published in the regular edition of said newspaper and not any supplements thereof, for .....consecutive weeks:

1st insertion Nov. 15th, 2017  
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3rd insertion \_\_\_\_\_, 20  
4th insertion \_\_\_\_\_, 20  
5th insertion \_\_\_\_\_, 20

Keith W. Neale  
Editor



Subscribed and sworn to me before this 15 day of  
November 2017

[Signature]  
Notary Public

9-30-21  
My Commission expires:

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## ORDINANCE 379

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE 42 AND  
ORDINANCE 334 FOR THE PURPOSE OF DECLARING THE LEGISLATIVE  
INTENT OF THE CITY OF STILWELL, OKLAHOMA, PERTAINING TO PUBLIC  
HEALTH AND ENVIRONMENTAL QUALITY; ESTABLISHING THE PROCEDURE  
FOR ABATEMENT OF ACCUMULATED WEEDS AND TRASH, NUISANCES,  
GRAFFITI, DILAPIDATED BUILDINGS AND ABANDONED PROPERTY;  
PROVIDING ASSESSMENT AND PENALTY THEREFOR AS PROVIDED BY THE  
LAWS OF THIS STATE.**

**WHEREAS**, in order to fulfill the needs of the community, policies and regulations are necessary to provide a framework for care and safety of the citizens of the City of Stilwell; and

**WHEREAS**, the responsibility for such is the lawful responsibility of the City of Stilwell,

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
STILWELL, OKLAHOMA:**

### ARTICLE ONE

#### DEFINITIONS

**SECTION 1** – For the purposes of this ordinance:

- A. "municipality" means the City of Stilwell.
- B. "city" means the City of Stilwell.
- C. "governing body" or "municipal governing body" means the City Council of the City of Stilwell or their designed representative.
- D. "owner" means the owner of record as shown by the most current tax roll of the county treasurer or assessor.
- E. "publish" or "publication" means printing in a newspaper which:
  - 1. maintains an office in the municipality and is of general circulation in the municipality. If there is no such newspaper, then in any newspaper which is of general circulation in the municipality; and
  - 2. meets the requirements of a legal newspaper as provided in Section 106 of Title 25 of the Oklahoma Statutes.
  - 3. If there is no newspaper meeting the requirements as provided for in this paragraph, the term publish or publication shall mean posting a copy of the item to be published in ten or more public places in the municipality. When a notice is required to be published for a prescribed period of time, publishing the notice one (1) day each week during the prescribed period of publication is sufficient in accordance with Section 103 of Title 25 of the Oklahoma Statutes;

### ARTICLE TWO



## CERTIFICATION OF EMPLOYEES

(Reference to State Law – Title 11 O.S. 22-111.1)

**SECTION 1** – Certification of employees enforcing condemnation provision, cleaning and mowing provisions,

- A. Employees of the city assigned to enforce provisions of this ordinance shall complete certification training specifically applicable to such ordinance as adopted and administered by the Oklahoma Code Enforcement Association, an internationally recognized model code organization, career technical education program, or an institution of higher education. The certification training shall be completed within one (1) year of employment or assignment for such enforcement.

## ARTICLE THREE

### WEEDS AND TRASH

(Reference to State Law – Title 11 O.S. 22-111)

**SECTION 1** – For the purposes of this ordinance:

- A. "Weed" includes but is not limited to poison ivy, poison oak, or poison sumac and all vegetation at any state of maturity which:
1. exceeds twelve (12) inches in height, except healthy trees, shrubs, or produce for human consumption grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of said weeds,
  2. regardless of height, harbors, conceals, or invites deposits or accumulation of refuse or trash,
  3. harbors rodents or vermin,
  4. gives off unpleasant or noxious odors,
  5. constitutes a fire or traffic hazard, or
  6. is dead or diseased.
- B. The term "weed" shall not include tended crops on land zoned for agricultural use which are planted more than one hundred fifty (150) feet from a parcel zoned for other than agricultural use;
- C. "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;
- D. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer; and
- E. "Cleaning" means the removal of trash from property.

**SECTION 2** – Cleaning and mowing of property - Summary abatement - Application.



- A. The municipality may cause property within the municipal limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the following procedure:
1. At least ten (10) days' notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the county treasurer's office before the governing body holds a hearing or takes action. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and the notice shall further state that unless such work is performed within ten (10) days of the date of the notice the work shall be done by the municipality and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the municipality. At the time of mailing of notice to the property owner, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer. However, if the property owner cannot be located within ten (10) days from the date of mailing by the municipal governing body, notice may be given by posting a copy of the notice on the property or by publication one time not less than ten (10) days prior to any hearing or action by the municipality. If a municipal governing body anticipates summary abatement of a nuisance in accordance with the provisions of subsection B of this section, the notice, whether by mail, posting or publication, shall state: that any accumulations of trash or excessive weed or grass growth on the owner's property occurring within six (6) months from and after the date of this notice may be summarily abated by the municipal governing body; 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;
  2. The owner of the property may give written consent to the municipality 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 municipality;
  3. A hearing may be held by the municipal governing body 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;
  4. 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 municipality 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 municipality. Immediately following the cleaning or mowing of the property, the municipal clerk shall file a notice of lien with the county clerk describing the property and the work performed by the municipality, and stating that the municipality claims a lien on the property for the cleaning or mowing costs;
  5. The governing body 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 municipal clerk shall forward by mail to the property owner specified in paragraph 1 of this subsection a statement of such actual cost and demanding payment. If the cleaning and mowing are done by the municipality, 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;
6. If payment is not made within thirty (30) days from the date of the mailing of the statement, then within the next thirty (30) days, the municipal 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. 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, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost shall be fully paid. At the time of collection, the county treasurer shall collect a fee of Five Dollars (\$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 municipality agree that the county treasurer is unable to collect the assessment, the municipality 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 municipal clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien; and
  7. The municipality may designate an administrative officer or administrative body to carry out the duties of the governing body in subsection A of this section. The property owner shall have a right of appeal to the municipal governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered.
  8. If a notice is given by the municipal governing body to a property owner ordering the property within the municipal limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the procedures provided for in subsection A of this section, 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. At the time of each such summary abatement the municipality shall notify the property owner of the abatement and the costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. The notice and hearing shall be as provided for in subsection A of this section. Unless otherwise determined at the hearing the cost of such abatement shall be determined and collected as provided for in paragraphs 5 and 6 of subsection A of this section. This subsection shall not apply if the records of the county clerk show that the property was transferred after notice was given pursuant to subsection A of this section.
  9. The provisions of this section shall not apply to any property zoned and used for agricultural purposes or to railroad property under the jurisdiction of the Oklahoma Corporation Commission. However, the municipal governing body may cause the removal of weeds or trash from property zoned and used for agricultural purposes pursuant to the provisions of this section but only if such



weeds or trash pose a hazard to traffic and are located in, or within ten (10) yards of, the public right-of-way at intersections.

## ARTICLE FOUR

### NUISANCES

#### (Reference to State Law – Title 50)

#### SECTION 1 – Nuisance defined.

- A. A nuisance consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either:
1. Annoys, injures or endangers the comfort, repose, health, or safety of others; or
  2. Offends decency; or
  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 highway; or
  4. In any way renders other persons insecure in life, or in the use of property, provided, this section shall not apply to preexisting agricultural activities.

#### SECTION 2 – Agricultural activities as nuisance.

- A. As used in this section:
1. "Agricultural activities" includes, but is not limited to, the growing or raising of horticultural and viticultural crops, berries, poultry, livestock, aquaculture, grain, mint, hay, dairy products and forestry activities. "Agricultural activities" also includes improvements or expansion to the activities provided for in this paragraph including, but not limited to, new technology, pens, barns, fences, and other improvements designed for the sheltering, restriction, or feeding of animal or aquatic life, for storage of produce or feed, or for storage or maintenance of implements. If the expansion is part of the same operating facility, the expansion need not be contiguous;
  2. "Farmland" includes, but is not limited to, land devoted primarily to production of livestock or agricultural commodities; and
  3. "Forestry activity" means any activity associated with the reforestation, growing, managing, protecting and harvesting of timber, wood and forest products including, but not limited to, forestry buildings and structures.
- B. Agricultural activities conducted on farm or ranch land, if consistent with good agricultural practices and established prior to nearby nonagricultural activities, are presumed to be reasonable and do not constitute a nuisance unless the activity has a substantial adverse effect on the public health and safety.
- C. If that agricultural activity is undertaken in conformity with federal, state and local laws and regulations, it is presumed to be good agricultural practice and not adversely affecting the public health and safety.
- D. No action for nuisance shall be brought against agricultural activities on farm or ranch land which has lawfully been in operation for two (2) years or more prior to the date of bringing the action. The established date of operation is the date on which an agricultural activity on farm or ranch land commenced activity. If the physical facilities of



the agricultural activity or the farm or ranch are subsequently expanded or new technology adopted, the established date of operation for each change is not a separately and independently established date of operation and commencement of the expanded activity does not divest the farm or ranch of a previously established date of operation.

- E. This section does not relieve agricultural activities of the duty to abide by state and federal laws.

**SECTION 3 – Public nuisance.**

- A. 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.

**SECTION 4 – Private nuisance.**

- A. Every nuisance not included in the definition of the last section is private.

**SECTION 5 – Statute authority.**

- A. Nothing which is done or maintained under the express authority of a statute or ordinance can be deemed a nuisance.

**SECTION 6 – Persons liable.**

- A. 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 7 – Abatement does not preclude damages.**

- A. The abatement of a nuisance does not prejudice the right of any person to recover damages for its past existence.

**SECTION 8 – Time does not legalize.**

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

**SECTION 9 – Remedies against public nuisance.**

- A. The remedies against a public nuisance are:
  1. Indictment or information, or;
  2. A civil action, or;
  3. Abatement.

**SECTION 10 – Indictment or information.**

- A. The remedy by indictment or information is regulated by the law on crimes and punishment and criminal procedure.



**SECTION 11 – Civil action.**

- A. A private person may maintain an action for a public nuisance if it is especially injurious to himself, but not otherwise.

**SECTION 12 – Abatement by officer.**

- A. A public nuisance may be abated by any public body or officer authorized thereto by law.

**SECTION 13 – Abatement by person injured.**

- A. Any person may abate a public nuisance which is especially injurious to him, by removing or, if necessary, destroying the thing which constitutes the same, without committing a breach of the peace or doing unnecessary injury.

**SECTION 14 – Remedies against private nuisance.**

- A. The remedies against a private nuisance are:
  - B. A civil action; or,
  - C. Abatement.

**SECTION 15 – Abatement of private nuisance.**

- A. A person injured by a private nuisance may abate it by removing, or, if necessary, destroying the thing which constitutes the nuisance, without committing a breach of the peace or doing unnecessary injury.

**SECTION 16 – Notice, when required.**

- A. Where a private nuisance results from a mere omission of the wrongdoer, and cannot be abated without entering upon his land, reasonable notice must be given to him before entering to abate it.

**SECTION 17 – Real property used for felony drug offenses.**

- A. The repeated use of any real property or structure thereon to commit acts which result in a felony conviction under the Oklahoma Uniform Controlled Dangerous Substances Act may constitute a public nuisance.

**SECTION 18 – Location of slaughterhouse.**

- A. It shall be unlawful for any person to maintain a slaughterhouse within less than one-half (1/2) mile of any tract of land platted into lots and blocks as an addition to the city except in conformity with the zoning ordinances of said city.

**SECTION 19 – Authority of the city to permit burial locations.**

- A. The governing board shall be authorized to permit the burial of human remains or the relocation of human remains to a new burial place on the grounds of a public institution or private facility located within the municipal boundaries which the governing board



deems appropriate. Provided, such burial ground shall not be used for commercial cemetery purposes nor permit burial sites on any private residential property.

**SECTION 20 – Duty of officers.**

- A. It shall be the duty of any municipal Law Enforcement Officer, Code Enforcement Officer, and/or other officials as designated by the governing board to make complaint against such nuisance and hasten its abatement as herein provided.

**ARTICLE FIVE**

**GRAFFITI**

**(Reference to State Law – Title 11 O.S. 22-112.2)**

**SECTION 1 – For the purposes of this Article:**

- A. "Advertising" means any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner or tenant of the property, or an agent of such owner or tenant, for the purpose of promoting products or services or conveying information to the public;
- B. "Graffiti" means, without limitation, any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind visible to the public that is drawn, painted, chiseled, scratched or etched on a rock, tree, wall, bridge, fence, gate, building or other structure; provided, this definition shall not include advertising or any other letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner of the property, a tenant of the property, or by an authorized agent for such owner or tenant;
- C. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer;
- D. "Removal", "remove", or "removed", when used in relation to the eradication of graffiti means the act of taking graffiti off of, or masking the presence of graffiti on, a rock, tree, wall, bridge, fence, gate, building or other structure; and
- E. "Tenant" means any person shown by the records of the county clerk's office as a lessee of property, or any person lawfully in actual physical possession of property.

**SECTION 2 – Removal of graffiti.**

- A. A municipal governing body may cause graffiti to be removed from property within the municipal limits in accordance with the following procedures:
  - 1. The property owner and the tenant, if any, may give their written consent to the municipality authorizing removal of the graffiti. By giving such written consent, the owner and the tenant each waives the right to notice and a hearing by the municipality as otherwise required by this section;
  - 2. If the consent of the property owner and the tenant, if any, to remove graffiti from the property cannot be obtained, the municipality may remove the graffiti without such consent pursuant to the procedures set forth in this section;



3. To remove graffiti from property without the consent of the property owner and the tenant, if any, at least ten (10) days' notice shall be given by mail directed to the address shown by the current year's tax rolls in the county treasurer's office. Notice to the tenant, if any, shall be given by mail directed to the property address. The notice shall order the property owner and the tenant, if any, to remove graffiti from the property and shall further state that unless such work is performed within twenty (20) days of the date of the notice the work shall be done by the municipality. At the time of mailing of notice to the property owner and the tenant, if any, the municipality 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(s). In addition, notice shall be given by posting a copy of the notice on the property at least one time not less than ten (10) days prior to any hearing or action by the municipality. If a municipal governing body anticipates summary abatement of graffiti in accordance with the provisions of subsection B of this section, the notice shall state that any accumulations of graffiti on the property occurring within one (1) year from and after the date of the notice may be summarily abated by the municipality without a hearing and further prior notice to the property owner or the tenant, if any, except by posting of notice at least one time on the property once not less than two (2) business days prior to such summary abatement;
  4. A hearing may be held by the municipal governing body to determine whether the accumulation of graffiti on the property has caused the property to become detrimental or a hazard to the health, safety, or general welfare of the public and the community;
  5. Upon finding that the condition of the property constitutes a detriment or hazard, and that the property, the public, and the community would be benefited by removal of such conditions, the agents of the municipality are granted the right of entry onto the property for the removal of the graffiti thereon and for performance of the necessary duties as a governmental function of the municipality; and
  6. The municipality may designate an administrative officer or administrative body to perform the functions set forth in this section. The property owner and the tenant, if any, shall have a right of appeal to the municipal governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) business days after the administrative order is rendered.
- B. If a notice is given by a municipal governing body to a property owner and tenant, if any, ordering graffiti to be removed from property within the municipal limits in accordance with the procedures provided for in subsection A of this section, any subsequent accumulations of graffiti on the property occurring within a one (1) year period may be summarily abated without further prior notice to the property owner or the tenant, if any. However, prior to the summary abatement by the municipality, notice thereof shall be posted at least one time on the property not less than two (2) business days prior to such summary abatement. This subsection shall not apply if the records of the county clerk show that the ownership and/or tenancy of the property was transferred after notice was given pursuant to subsection A of this section.
- C. Removal of graffiti by a municipality pursuant to the provisions of this section shall be performed at the sole expense of the municipality. In removing the graffiti, the municipality shall restore the property as nearly as possible to the condition as it existed immediately prior to the graffiti being placed on the property.



- D. Nothing in the provisions of this section shall prevent the municipality from abating graffiti as a nuisance or otherwise exercising its police power to protect the health, safety, or general welfare of the public.
- E. The municipality and its officers, employees or agents shall not be liable for any damages or loss of property due to the removal of graffiti performed pursuant to the provisions of this section.

## ARTICLE SIX

### PUBLIC HEALTH

**((Reference to State Law – Title 63 § 1-209))**

#### **SECTION 1 – Health authorities**

- A. The governing body shall serve, ex officio, as the board of health for the city and shall appoint, and fix the duties and compensation of, a health officer and other personnel to enforce the ordinances of the city relating to public health.
- B. The governing board shall enforce such laws and rules as may be required by the State Commissioner of Health and may, by agreement with the medical director of the county or district department of health, delegate to such department the authority to enforce ordinances of the city or town relating to public health.

#### **SECTION 2 – Licensing and Inspection**

- A. Except as otherwise provided by law, responsibility for licensing, regulation and inspection of nursing facilities and specialized facilities, as defined in the Nursing Home Care Act and for enforcement of state health and safety standards applicable to such facilities, shall be reserved to the State Department of Health and shall be exercised pursuant to the provisions of the Nursing Home Care Act.
- B. Except as otherwise provided by law, responsibility for the licensing and inspection of any establishment where food or drink is offered for sale or sold, and for the enforcement of state health and safety standards applicable to such establishments, shall be reserved to the State Department of Health. Any such rules adopted by a governing body of the city relating to an establishment where food or drink is offered for sale or sold shall not be more stringent than the rules for such establishments adopted by the State Board of Health; provided, that rules adopted prior to May 31, 2008, which directly relate to training and permit requirements for food managers and food handlers and fees related to such establishments shall, in addition to the license fee required by the State Board of Health, be exempt from the provisions of this subsection.

#### **SECTION 3 – Environmental Quality**

- A. The governing board may, by agreement with the Department of Environmental Quality, delegate to the local representative of the Department of Environmental Quality the authority to investigate ordinances of the city relating to the environment and submit such investigative results to the clerk of the city.



## ARTICLE SEVEN

### DILAPIDATED BUILDINGS

#### (Reference to State Law – Title 11 § 22-112 and § 22-112.1)

**SECTION 1** – The City of Stilwell may cause dilapidated buildings within the municipal limits to be torn down and removed in accordance with the following procedures:

- A. At least ten (10) days' notice that a building is to be torn down or removed shall be given to the owner of the property before the governing body holds a hearing. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the municipality 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 mailee. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication as defined in Ordinance 334 Section 1-102. The notice may be published once not less than ten (10) days prior to any hearing or action by the municipality pursuant to the provisions of this section;
- B. A hearing shall be held by the governing body, or their designee, to determine if the property is dilapidated and has become detrimental to the health, safety, or welfare of the general public and the community, or if the property creates a fire hazard which is dangerous to other property;
- C. Pursuant to a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by the removal of such conditions, the governing body may cause the dilapidated building to be torn down and removed. The governing body shall fix reasonable dates for the commencement and completion of the work. The municipal clerk shall immediately file a notice of dilapidation and lien with the county clerk describing the property, the findings of the municipality at the hearing, and stating that the municipality claims a lien on the property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of the notice. The agents of the municipality are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the municipality if the work is not performed by the property owner within dates fixed by the governing body. Any action to challenge the order of the municipal governing body shall be filed within thirty (30) business days from the date of the order;
- D. The governing body shall determine the actual cost of the dismantling and removal of dilapidated buildings and any other expenses that may be necessary in conjunction with the dismantling and removal of the buildings, including the cost of notice and mailing. The municipal clerk shall forward a statement of the actual cost attributable to the dismantling and removal of the buildings and a demand for payment of such costs, by mail to the property owner. In addition, a copy of the statement shall be mailed to any mortgage holder at the address provided for in paragraph 1 of this subsection. At the time of mailing of the statement of costs to any property owner or mortgage holder, the municipality 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 mailee. If a municipality



dismantles or removes any dilapidated buildings, the cost to the property owner shall not exceed the actual cost of the labor, maintenance, and equipment required for the dismantling and removal of the dilapidated buildings. If dismantling and removal of the dilapidated buildings is done on a private contract basis, the contract shall be awarded to the lowest and best bidder; and

- E. When payment is made to the municipality for costs incurred, the municipal clerk shall file a release of lien, but if payment attributable to the actual cost of the dismantling and removal of the buildings is not made within six (6) months from the date of the mailing of the statement to the owner of such property, the municipal 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. Once certified to the county treasurer, payment may only be made to the county treasurer except as otherwise provided for in this section. The costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice of dilapidation and lien is filed with the county clerk. In addition, the cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At the time of collection, the county treasurer shall collect a fee of Five Dollars (\$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 municipality agree that the county treasurer is unable to collect the assessment, the municipality may pursue a civil remedy for collection of the amount owing and interest thereon including an action in personam 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, the municipal clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

## **SECTION 2 – Appointment of Administrative Body or Officer**

- A. The municipality may designate an administrative officer or administrative body to carry out the duties of the governing body specified in this section. The property owner shall have the right of appeal to the municipal governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered.

## **SECTION 3 – For the purposes of this ordinance:**

- A. "Dilapidated building" means:
1. a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public,
  2. a structure 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. a structure which is determined by the municipal governing body or administrative officer of the municipal governing body to be an unsecured building, as defined by State Law Title 11 § 22-112.1, more than three times within any twelve-month period,
  4. a structure which has been boarded and secured, as defined by State Law Title 11 § 22-112.1 for more than eighteen (18) consecutive months, or
  5. a structure declared by the municipal governing body to constitute a public nuisance; and
- B. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.
- C. "Governing body" means the City Council of the City of Stilwell or its lawful designee.

#### **SECTION 4 – Additional Provisions**

- A. Nothing in the provisions of this section shall prevent the municipality from abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the general public.
- B. The officers, employees or agents of the municipality shall not be liable for any damages or loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this section or as otherwise prescribed by law.
- C. The provisions of this section shall not apply to any property zoned and used for agricultural purposes.

#### **SECTION 5 - Boarding and securing dilapidated building - Definitions.**

- A. After a building has been declared dilapidated, as provided in State Law Title 11 § 22-112, and before the commencement of the tearing and removal of a dilapidated building, the governing body of any municipality may authorize that such a building be boarded and secured. However, if the dilapidated building is vacant and unfit for human occupancy, the governing body of any municipality may authorize the structure to be demolished pursuant to State Law Title 11 § 22-112.
  1. A governing body of any municipality may cause the premises on which an unsecured building is located to be cleaned of trash and weeds in accordance with the provisions of State Law Title 11 § 22-111.
  2. The governing body of any municipality may cause an unsecured building to be boarded and secured in accordance with the following procedures:
  3. Before the governing body orders such action, at least ten (10) days' notice that such unsecured building is to be boarded and secured shall be given by mail to any property owners and mortgage holders as provided in State Law Title 11 § 22-112. At the time of mailing of notice to any property owner or mortgage holder, the municipality 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. A copy of the notice shall also be posted on the property to be affected. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property or by publication as defined in State Law Title 11 § 22-102. Such notice shall be published one time, not less than ten (10) days prior to any hearing or action by the municipality pursuant to the provisions of this section. If a municipal governing body anticipates summary abatement of a nuisance in accordance with the provisions of paragraph 11 of subsection A of Section 5 of this Article, the notice shall state: that any subsequent need for boarding and securing the



building within a six-month period after the initial boarding and securing of the building pursuant to such notice may be summarily boarded and secured by the municipal governing body; that the costs of such boarding and securing 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 or mortgage holder;

4. The owner of the property may give written consent to the municipality authorizing the boarding and securing of such unsecured building and to the payment of any costs incurred thereby. By giving written consent, the owner waives any right the owner has to a hearing by the municipal governing body;
5. If the property owner does not give written consent to such actions, a hearing may be held by the municipal governing body to determine whether the boarding and securing of such unsecured building would promote and benefit the public health, safety or welfare. Such hearing may be held in conjunction with a hearing on the accumulation of trash or the growth of weeds or grass on the premises of such unsecured building held pursuant to the provisions of paragraph 3 of subsection A of State Law Title 11 § 22-111. In making such determination, the governing body shall apply the following standard: the governing body may order the boarding and securing of the unsecured building when the boarding and securing thereof would make such building less available for transient occupation, decrease a fire hazard created by such building, or decrease the hazard that such building would constitute an attractive nuisance to children.
6. Upon making the required determination, the municipal governing body may order the boarding and securing of the unsecured building;
7. After the governing body orders the boarding and securing of such unsecured building, the municipal clerk shall immediately file a notice of unsecured building and lien with the county clerk describing the property, stating the findings of the municipality at the hearing at which such building was determined to be unsecured, and stating that the municipality claims a lien on the property for the costs of boarding and securing such building and that such costs are the personal obligation of the property owner from and after the date of filing the notice;
8. Pursuant to the order of the governing body, the agents of the municipality are granted the right of entry on the property for the performance of the boarding and securing of such building and for the performance of all necessary duties as a governmental function of the municipality;
9. After an unsecured building has been boarded and secured, the governing body shall determine the actual costs of such actions and any other expenses that may be necessary in conjunction therewith including the cost of the notice and mailing. The municipal clerk shall forward a statement of the actual costs attributable to the boarding and securing of the unsecured building and a demand for payment of such costs, by mail to any property owners and mortgage holders as provided in State Law Title 11 § 22-112. At the time of mailing of the statement of costs to any property owner or mortgage holder, the municipality 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.
10. If a municipality boards and secures any unsecured building, the cost to the property owner shall not exceed the actual cost of the labor, materials and equipment required for the performance of such actions. If such actions are done on a private contract basis, the contract shall be awarded to the lowest and best bidder;



11. When payment is made to the municipality for costs incurred, the municipal clerk shall file a release of lien, but if payment attributable to the actual costs of the boarding and securing of the unsecured building is not made within thirty (30) days from the date of the mailing of the statement to the owner of such property, the municipal clerk shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property is located. Once certified to the county treasurer, payment may only be made to the county treasurer except as otherwise provided for in this section. At the time of collection, the county treasurer shall collect a fee of Five Dollars (\$5.00) for each parcel of property and such fee shall be deposited to the general fund of the county. The costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until fully paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date the notice of unsecured building and lien is filed with the county clerk. In addition, the costs and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the costs and interest are fully paid. If the county treasurer and the municipality agree that the county treasurer is unable to collect the assessment, the municipality may pursue a civil remedy for collection of the amount owing and interest thereon by an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest if severed from the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, the municipal clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien;
12. The municipality may designate an administrative officer or administrative body to carry out the duties of the governing body specified in subsection C of this section. The property owner or mortgage holder shall have a right of appeal to the municipal governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered;
13. If a municipal governing body causes a structure within the municipal limits to be boarded and secured, any subsequent need for boarding and securing within a six-month period constitutes a public nuisance and may be summarily boarded and secured without further prior notice to the property owner or mortgage holder. At the time of each such summary boarding and securing, the municipality shall notify the property owner and mortgage holder of the boarding and securing and the costs thereof. The notice shall state that the property owner may request an appeal with the municipal clerk within ten (10) days after the mailing of the notice. The notice and hearing shall be as provided for in paragraph 1 of this subsection. Unless otherwise determined at the hearing the cost of such boarding and securing shall be determined and collected as provided for in paragraphs 7 and 8 of this subsection;
14. A governing body of any municipality may determine that a building is unsecured and order that such building be boarded and secured in the manner provided for in this subsection even though such building has not been declared, by the governing body, to be dilapidated; and
15. For the purposes of this subsection:



- i. "boarding and securing" or "boarded and secured" means the closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure,
  - ii. "unsecured building" shall mean any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar hatchways, unlocked basement or cellar hatchways or other similar unsecured openings which would facilitate an unauthorized entry into the structure, and
  - iii. "unfit for human occupancy" means a structure that due to lack of necessary repairs is considered uninhabitable and is a hazard to the health, safety, and welfare of the general public.
- B. The provisions of this section shall not apply to any property zoned and used for agricultural purposes.

## ARTICLE EIGHT

### ABANDONED PROPERTY

#### (Reference to State Law – Title 11 § 22-112.4)

**SECTION 1** – An abandoned building shall constitute a public nuisance because it:

- A. Is detrimental to the public health, safety or welfare of the inhabitants of and visitors to the municipality; and
- B. Causes increased municipal regulatory costs and increased municipal police and fire protection costs; and
- C. Devalues abutting and nearby real properties.

**SECTION 2** – The governing body may abate the public nuisance caused by an abandoned building within the municipal limits in accordance with the following procedures:

- A. At least ten (10) days' notice that an abandoned building is to be abated pursuant to the procedures for abatement set forth in this section shall be given to the owner of the property before the governing body holds a hearing. A copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be sent by mail to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgage holder. At the time of mailing of notice to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, the receipt of which shall indicate the date of mailing and the name and address of the mailer. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property and by publication as defined in Section 1-102 of Title 11 of the Oklahoma Statutes. Such notice shall be published once not less than ten (10) days prior to any hearing or action by the municipality pursuant to the provisions of this section;



- B. A hearing shall be held by the governing body to determine if the property is an abandoned building as defined by this section;
- C. Pursuant to a determination that the building is an abandoned building, the governing body may order the agents of the municipality to pursue abatement of the public nuisance caused by the building and shall order the municipal clerk to place the building on an abandoned building list to be maintained by the clerk. At any time after such determination and order, the agents of the municipality may cause the public nuisance to be abated as authorized in this section, and such abatement may continue until such time as the building is removed from the abandoned building list in accordance with the procedures set forth in subsection C of this section;
- D. Abatement of an abandoned building by the municipality may include any or all of the following:
  - 1. any lawful municipal regulatory or municipal police and fire protection action in relation to the abandoned building or the owner of such building necessary or appropriate for the protection of inhabitants in and visitors to the municipality. Upon receipt of any necessary warrant to authorize such action, the agents of the municipality are granted the right of entry onto the property for the performance of any such action as a governmental function of the municipality,
  - 2. the quarterly assessment against the property on which the abandoned building is located and against the owner of the abandoned building of the actual costs of any municipal regulatory action taken in relation to the abandoned building or the owner of such building as authorized above,
  - 3. the assessment against the property on which the abandoned building is located and against the owner of the abandoned building of the actual costs of any municipal police or fire protection action taken in relation to the abandoned building or the owner of such building as authorized above, and
  - 4. an assessment for any other actual expenses incurred by the municipality in relation to the abandoned building, including, but not limited to, the costs of notices, mailings and publications;
- E. After the determination that a building is an abandoned building, and before commencement of any of the abatement actions authorized by paragraphs 3 and 4 of this subsection, the municipal clerk shall file a notice of lien with the county clerk describing the property, the findings of the governing body at the hearing, and stating that the municipality claims a lien on the property for all abatement costs and that such costs shall also constitute the personal obligation of the property owner from and after the date of filing of the notice;
- F. From and after the determination that a building is an abandoned building, and continuing until such time as the building is removed from the abandoned building list in accordance with the procedures set forth in subsection C of this section, the municipal clerk shall determine the actual quarterly abatement costs for the abatement procedures authorized by this section. After such determination, the municipal clerk shall mail a statement of the actual quarterly abatement costs for the abatement procedures authorized by this section to the property owner and demand the payment of such costs by the owner. In addition, a copy of the statement shall be mailed to any mortgage holder at the address provided for in paragraph 1 of this subsection. At the time of mailing of the statement of costs to any property owner or mortgage holder, the municipal clerk shall obtain a receipt of mailing from the postal service, the receipt of which shall indicate the date of mailing and the name and address of the mailer; and
- G. When full payment is made to the municipal clerk for actual abatement costs incurred and billed in accordance with paragraph 6 of this subsection, the municipal clerk shall send the property owner and any mortgage holder by mail a receipt for such payment;



but if payment attributable to the actual quarterly costs of such abatement is not made within six (6) months from the date of the mailing of the statement to the owner of such property, a lien in the actual amount of the abatement shall be filed against the abandoned building. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date the notice of lien was filed with the county clerk. In addition, the costs and the interest thereon shall be a lien against the property from the date the notice of lien was filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any lien created pursuant to this section. Upon receiving full payment, the municipal clerk shall forward to the county clerk a notice of discharge of the lien.

### **SECTION 3 – Right of Appeal**

- A. Any owner or mortgage holder of any building determined by the governing body of the municipality to be an abandoned building pursuant to this section may petition the governing body in writing at any time after such determination for removal of such building from the abandoned building list maintained by the municipal clerk. Any such petition shall be filed with the municipal clerk. Within thirty (30) days after such petition is filed with the municipal clerk, the governing body shall hold a hearing to determine if the building is no longer an abandoned building. Upon such a determination, the governing body shall order the building removed from the abandoned building list. The municipal clerk shall comply with such order by removing the building from the abandoned building list; provided, the real property on which the abandoned building is located and the owner of such building shall remain liable for payment of any and all abatement costs incurred by the municipality prior to the determination and order by the governing body that the building should be removed from the abandoned building list. Upon full payment of any costs certified against the property, the municipal clerk shall file a release of the notice of the lien in the county clerk's office within ten (10) days after receiving such payment.

### **SECTION 4 – Enforcement**

- A. The governing body may designate an administrative officer or administrative body of the municipality to carry out any or all of the duties of the governing body specified in this section. The property owner shall have the right of appeal to the governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing a written notice of appeal with the municipal clerk within ten (10) days after the administrative order is delivered or mailed to the owner at the address shown in the county treasurer records.

### **SECTION 5 – For purposes of this Article:**

- A. "Abandoned building" means any building located within the municipality that is not currently occupied and has been declared unsecured or dilapidated pursuant to Section 22-112 or 22-112.1 of Title 11 of the Oklahoma Statutes and remains in such condition; and
- B. "Governing body" means the City of Stilwell or its lawful designee.



**SECTION 6 – Application.**

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

**SECTION 7 – Liability.**

- A. The officers, employees or agents of the municipality shall not be liable for any damages or loss of property due to the abatement of the public nuisance caused by an abandoned building performed pursuant to the provisions of this section or as otherwise provided by law.

**ARTICLE NINE**

**REPEAL AND SEVERABILITY**

**SECTION 1 – Repeal.**

- A. Upon adoption of this Ordinance, the following shall be repealed:
1. City Ordinance 42,
  2. City Ordinance 334,
  3. Any portion of any previous Ordinance in conflict herewith.

**SECTION 2 – Severability.**

- A. The provisions of this ordinance shall be severable and, if any of the provisions shall be held in contravention of the Constitution and laws of the State of Oklahoma, the decisions of the court shall not affect the validity of the remaining portions.
- B. It is the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful provisions, if any, not been included herein.

PASSED by the City Council this 6<sup>th</sup> day of November, 2017.

APPROVED by the Mayor this 6<sup>th</sup> day of November, 2017.

ATTEST:

  
\_\_\_\_\_  
Jim Spray, Acting Mayor

  
\_\_\_\_\_  
Larry A. Nettles, City Clerk-Treasurer



(Published in the Democrat Journal November 8, 2017)



PLEASE SEE ATTACHED COPY FOR

**AFFIDAVIT OF PUBLICATION**

**CITY OF STILWELL  
ORDINANCE #380**

**THE STILWELL DEMOCRAT JOURNAL**

Published in the Stilwell Democrat Journal  
November 15, 2017

State of Oklahoma

.2017-002957 Book0539 Pg: 895  
11/30/2017 3:05 pmPg 0895-0898  
Fee: \$ 19.00 Doc: \$ 0.00  
Jathy Harrison - Adair County Clerk  
State of Oklahoma

County of Adair

Keith Neale, of lawful age, being duly sworn and authorized says he is the Editor of the Stilwell Democrat Journal newspaper printed in the City of Stilwell, Adair County, Oklahoma, a newspaper qualified to publish legal notices, advertisements and publications as provided in Section 106 of Title 25, Oklahoma Statutes 1971 as amended, and complies with all other requirements of the laws of Oklahoma with references to legal publication.

That said notice, a true copy of which is attached hereto, was published in the regular edition of said newspaper and not any supplements thereof, for .....consecutive weeks:



1st insertion Nov. 15th, 2017  
2nd insertion \_\_\_\_\_, 20  
3rd insertion \_\_\_\_\_, 20  
4th insertion \_\_\_\_\_, 20  
5th insertion \_\_\_\_\_, 20

Keith W. Neale  
Editor

**RECEIVED**

NOV 17 2017

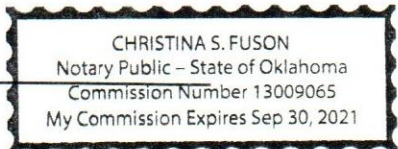
CITY CLERK'S OFFICE  
Stilwell, Ok

Subscribed and sworn to me before this 15 day of  
November 2017

Christina S. Fuson  
Notary Public

9-30-21  
My Commission expires:

\$233.38  
Publication Fee:





## CITY OF STILWELL – ORDINANCE 380

### **AN ORDINANCE ADOPTING THE OKLAHOMA TRAFFIC CODE - TITLE 47 § (1) (101) ET. SEQ.; ADOPTING THE OKLAHOMA TITLE 21 § (1) ET. SEQ.; ADOPTING TITLE 63 § (1) (101) ET. SEQ.; PENALTIES; REPEAL OF ORDINANCE 198.**

**WHEREAS**, conformity with the Oklahoma State Statutes is in the best interests of the City of Stilwell; and

**WHEREAS**, in order to fulfill the needs of the community, policies and regulations are necessary to provide a framework for care and safety of the citizens of the City of Stilwell; and

**WHEREAS**, the responsibility for such is the lawful responsibility of the City of Stilwell,

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STILWELL, OKLAHOMA:**

### **ARTICLE ONE**

#### **OKLAHOMA MOTOR VEHICLE CODE**

**SECTION 1 – Code Adopted – Title 47 Oklahoma Statutes.**

- A. Adoption; Amendments: The Motor Vehicle Code Title 47 Oklahoma Statutes, as amended, and every ten (10) year recodifications thereof, is hereby adopted and incorporated in this code as if set out at length herein, for the purposes of establishing locally appropriate rules and regulations for the care and safety of the municipality and all residents thereof.
- B. Definitions: The definitions of words used in this title shall be the same as those definitions in Title 47 Oklahoma Statutes Sections 47-1-101 et. seq. as amended.
- C. Copies on File: The office of the City Clerk/Treasurer shall maintain at least three (3) copies of the current Oklahoma Motor Vehicle Code adopted by this Ordinance on file in the office of the City Clerk/Treasurer.

### **ARTICLE TWO**

#### **OKLAHOMA PENAL CODE**

**SECTION 1 – Code Adopted – Title 21 Oklahoma Statutes.**



- A. Adoption; Amendments: The Oklahoma Penal Code, Title 21 Oklahoma Statutes, as amended, and every ten (10) year recodifications thereof, is hereby adopted and incorporated in this code as if set out at length herein, for the purposes of establishing locally appropriate rules and regulations for the care and safety of the municipality and all residents thereof.
- B. Definitions: The definitions of words used in this title shall be the same as those definitions in Title 21 Oklahoma Statutes Sections 21-1 et. seq. as amended.
- C. Copies on File: The office of the City Clerk/Treasurer shall maintain at least three (3) copies of the current Oklahoma Crimes and Punishments Code Title 21 Oklahoma Statutes adopted by this Ordinance on file in the office of the City Clerk/Treasurer.

### **ARTICLE THREE**

#### **OKLAHOMA PUBLIC HEALTH CODE**

##### **SECTION 1 – Code Adopted – Title 63 Oklahoma Statutes.**

- A. Adoption; Amendments: The Oklahoma Public Health Code Title 63 Oklahoma Statutes, as amended, and every ten (10) year recodifications thereof, is hereby adopted and incorporated in this code as if set out at length herein for the purposes of establishing locally appropriate rules and regulations for the care and safety of the municipality and all residents thereof.
- B. Definitions: The definitions of words used in this title shall be the same as those definitions in Title 63 Oklahoma Statutes Sections 63-1-101 et. seq. as amended.
- C. Copies on File: The office of the City Clerk/Treasurer shall maintain at least three (3) copies of the current Oklahoma Public Health Code adopted by this Ordinance on file in the office of the City Clerk/Treasurer.

### **ARTICLE FOUR**

#### **PENALTIES**

##### **SECTION 1 – Violation.**

- A. Every person violating any of the provisions of this ordinance and/or the adopted sections thereof, shall be guilty of an offense and, upon conviction thereof, shall



be fined or punished as provided in this Ordinance and/or the adopted sections thereof.

**SECTION 2 – Punishment.**

- A. Any person fined for violation of a city ordinance who is financially able but refuses or neglects to pay the fine or costs may be compelled to satisfy the amount owed by working on the streets, alleys, avenues, areas and public grounds of the city subject to the direction of the Street Department Head or the proper officer, at the rate of \$20 per day until the fine and all costs are satisfied.

**ARTICLE FIVE**

**REPEAL AND SEVERABILITY**

**SECTION 1 – Repeal.**

Upon adoption of this Ordinance, the following shall be repealed:

- A. (Removed at Adoption),
- B. City Ordinance 198,
- C. Any portion of any previous Ordinance in conflict herewith.

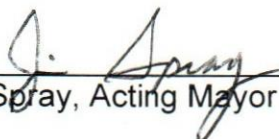
**SECTION 2 – Severability.**

The provisions of this ordinance shall be severable and, if any of the provisions shall be held in contravention of the Constitution and laws of the State of Oklahoma, the decisions of the court shall not affect the validity of the remaining portions. It is the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful provisions, if any, not been included herein.

PASSED by the City Council this 6<sup>th</sup> day of November, 2017.

APPROVED by the Mayor this 6<sup>th</sup> day of November, 2017.

ATTEST:

  
\_\_\_\_\_  
Jim Spray, Acting Mayor

  
\_\_\_\_\_  
Larry A. Nettles, City Clerk-Treasurer

